24 November 2020

Victorian Legal Services Board & Commissioner

Level 5, 555 Bourke Street  
MELBOURNE VIC 3000

**By email: cpdreview@lsbc.vic.gov.au**

**Women’s Legal Service Victoria’s submission on the inclusion of mandatory family violence training for continuing professional development for all lawyers**

Thank you for the opportunity to contribute to your review of continuing professional development (CPD) for lawyers.

Women’s Legal Service Victoria (WLSV), established in 1981, is a state-wide not for profit organisation providing free and confidential legal advice, referral and representation to financially disadvantaged women across Victoria.

We advocate for change to promote women’s rights, including their right to live free from violence.

With more than 20 years of experience in the design and delivery of evidence-based family violence training, WLSV is the state-wide specialist provider of family violence legal education, training and professional development

**Mandatory family violence training for all lawyers**

We support the inclusion of family violence as a mandatory/core competency in CPD requirements for lawyers. We urge regular completion of more than just one CPD unit, particularly for those working in our areas of practice: family law, child protection and family violence intervention orders.

Family violence training needs to be developed through a competency framework that articulates the knowledge, skills and attitudes required for lawyers to effectively respond to victim survivors and perpetrators of family violence.

**Why should family violence training be mandatory for all lawyers?**

While lawyers are required to undertake continued professional development, family violence is not a mandatory or core competency unit set by any state or territory legal professional body. Further, there are no requirements for any family violence training or the demonstration of family violence competency to work with clients affected by family violence or in the legal sector more generally.

The Law Council of Australia has recommended that mandatory family violence training be provided to all legal practitioners as part of their continuing professional development requirements and suggested this would be a benefit to the community generally.

We support this position as it recognises that family violence intersects with a wide range of areas beyond family law, child protection and family violence intervention orders. Some examples of areas where this intersection may occur are civil law issues around debt, tenancy, victim compensation, immigration, conveyancing, business, taxation, wills and probate and criminal law.

Mandatory family violence training will build the foundation to address a necessary sector-wide culture change in how lawyers respond to family violence in their practice and in their own workplaces.

The Victorian Royal Commission into Family Violence recommended that all occupations that were engaged in the family violence sector, including lawyers, should receive training to ensure they were able to assist victims of family violence. The Victorian government accepted all of the Royal Commission’s recommendations and the Victorian Legal Services Board and Commissioner is also committed to developing improved family violence learning opportunities for the profession.

We submit that it important that all lawyers, regardless of the area(s) in which they practice, receive some training on family violence.

**Capability CPD model preferred for compulsory family violence training**

We support the implementation of a Capability CPD model and see this as best practice in establishing a framework for family violence training for lawyers. We have successfully developed and delivered competency based training to community legal centres on family violence – known as the Safer Families.

We recommend that the framework set out in the Victorian Government’s *Responding to Family Violence Capability Framework* be adopted as best practice together with the findings from the Australian Government Attorney-General’s Department consultation into improving the family violence competency of legal practitioners in Australia. Building on these, a tailored family violence competency framework can be delivered more widely to lawyers in Victoria.

As identified in the “Issues Paper”, an effective approach to CPD enables lawyers to tailor their learning to their level of experience, knowledge, and expertise and encourages lawyers to view CPD as an opportunity rather than a “tick box” requirement.

Within the Capability model there is scope for some categories to remain mandatory, and as highlighted above, it is imperative for all lawyers to undertake family violence training.

**Delivery of family violence competency based training**

We recommend that the training be developed, managed and delivered by experienced facilitators who have expertise in training design and delivery, family violence and legal practice experience and who can also challenge the prevailing cultures that can act as barriers to learning and change in practice.

WLSV has developed and delivered such training across the continuum of the public health approach from the primary prevention of violence against women, to building the capacity of the tertiary response sector to respond to the legal needs of women impacted by family violence.

We are concerned that where the aim is to develop a consistent base level of family violence understanding by practitioners, leaving the responsibility for regulating family violence training entirely to employers is unlikely to achieve this.

We are currently in the process of using the Safer Families model as a foundation to develop and roll out family violence competency based training broadly to lawyers in Victoria.  An outline of the Safer Families training program is can be made available as a point of reference. We are in the process of establishing a coalition to include the Law Institute of Victoria, the Victorian Bar and the Legal Services Board and Commissioner to roll out the training across Victoria.

**Incorporation of mandatory family violence training in current CPD model**

We are of the view that a CPD Capability Model would be a preferable system overall. However, should the current model continue, we strongly support the introduction of a stand-alone family violence category for all lawyers. As described above, lawyers undertaking this mandatory requirement would be at liberty to participate in family violence training relevant to their skills, knowledge and practice areas.

Yours faithfully,

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| A picture containing drawing  Description automatically generated Helen Matthews **Principal Lawyer Accredited Family Law Specialist Director - Legal & Policy** |