Submission to the Law Admission Consultative Committee

Review of academic requirements for admission to the legal profession

Comprehensive review recommended: This submission supports the submissions of the Council of Law Deans calling for a comprehensive review of the Academic Requirements for legal practitioners.

Specific questions asked: The remainder of this submission only addresses question 6.4: Is any other area of knowledge, not presently included in the Academic Requirements, now of such basic potential importance to the great majority of practitioners today that no law graduate should be permitted to practise without it?

Academic teaching and learning about diverse client groups: The current Academic Requirements focus on particular bodies of doctrinal law and procedural law. These are necessary bodies of knowledge for legal practitioners. In addition to understanding the laws and processes of the law, a key area of knowledge is understanding clients. The nature of the corporate client is currently included in the academic requirements of company law. A critical understanding of other clients is absent. Any review of academic requirements should include consideration of some of the particular historical and social backgrounds of client groups. The importance of understanding the diversity of client groups and particular issues which may arise for those groups has been recognized in the *Equality before the Law Bench Book*¹ commissioned and published by the Judicial Commission of New South Wales. This Bench Book provides NSW judicial officers with: ‘statistics and information about the different values, cultures, lifestyles, socioeconomic disadvantage and/or potential barriers in relation to full and equitable participation in court proceedings for nine different groups of people’ and ‘guidance about how judicial officers might need to take account of this information in court — from the start to the conclusion of court proceedings.’² The nine different groups of people are: Aboriginal people, people from culturally and linguistically diverse backgrounds, people with particular religious affiliations, people with disabilities (including physical and mental), children and young people, women, lesbians, gay men and bisexuals, sex and gender diverse people and self-represented parties.’ Just as an understanding of these groups is essential for the bench, it also ought to be an integral academic requirement for all legal practitioners.

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² Ibid
Academic teaching and learning about the nature and dynamics of family violence: In 2009, the National Council to Reduce Violence against Women and their Children in its report *Time for Action: The National Council’s Plan for Australia to Reduce Violence against Women and their Children*, identified the strategy of strengthening ‘service and workforce capacity’, to achieve the outcome that ‘services meet the needs of women and their children’. A specific action to achieve this was:

‘3.3.1 Ensure that all undergraduate students enrolled in law, medicine, social work and other allied professions undertake compulsory course work covering the nature and dynamics of sexual assault and domestic and family violence, and relevant law.’\(^3\)

This recommendation was identified as an action for early implementation between 2009 and 2012\(^4\).

Eighteen months later, the Australian Law Reform Commission and New South Wales Law Reform Commission in their joint report *Family Violence – A National Legal Response (Family Violence Report)*, the Commissions expressed their view that

‘family violence should be addressed in university law courses ... To ensure that all students are introduced to the nature and dynamics of family violence, these issues should be covered in relevant elective and compulsory subjects, including family law and criminal law.’\(^5\)

The Commissions recommended:

‘Recommendation 31–3 Australian tertiary institutions offering legal qualifications should review their curriculums to ensure that legal issues concerning family violence are appropriately addressed.’\(^6\)

In April 2013, the Standing Council on Law and Justice endorsed a national response to the *Family Violence Report*.\(^7\) In relation to Recommendation 31-3, the national response states:

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\(^4\) Ibid at 167.


\(^6\) Ibid at 1471

‘The Commonwealth, State and Territory Attorneys-General note this recommendation.

The Commonwealth Attorney-General undertakes to write to the Committee of Australian Law Deans, the Law Council of Australia and the Law Admissions Consultative Committee in support of these recommendations. State and Territory Attorneys-General undertake to write to their respective legal admissions authority. However, jurisdictions note that the content of curriculum and availability of professional development training is a matter for the relevant bodies.’

In light of the importance these recommendations and the ubiquity of family violence in Australia, any review of the Academic Requirements should consider making the nature and dynamics of family violence and legal and other responses to it an academic requirement for all legal practitioners.

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8 Standing Council on Law and Justice (2013) National response to recommendations from the ALRC/NSWLRC Report into family violence that jointly affect the Commonwealth, States and Territories at 6-7
