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7 March 2023

Nicole D'Rozario
Coroner's Registrar
Coroners Support Service

By email: cpuresponses@coronerscourt.vic.gov.au.

Dear Nicole

RESPONSE: INVESTIGATION INTO THE DEATH OF VERONICA NELSON

Thank you for your letter dated 30 January 2023, which was received on the same day.

I confirm this correspondence represents the Victorian Legal Admission Board's (the Board's) response to recommendation 16 of Coroner McGregor's findings. Recommendation 16 states:

I recommend that the Victorian Legal Admissions Board consider requiring that Practical Legal Training course providers deliver compulsory Aboriginal and Torres Strait Islander cultural awareness training as part of the curriculum.

The Board considered recommendation 16 at its meeting on 20 February 2023 and has agreed that the recommendation will be implemented.

In detailing how the Board intends to give effect to recommendation 16, I will follow Coroner McGregor's practice and refer to Aboriginal and/or Torres Strait Islander people or First Nations people as appropriate.

The Board has responsibility for accrediting (including reaccrediting) Practical Legal Training (PLT) providers for the purpose of providing the practical legal training prerequisite specified in rule 6 (1) of the *Legal Profession Uniform Admission Rules 2015*. There are currently three accredited PLT providers operating in Victoria. Accreditation is conducted against three sets of guidelines developed by the Law Admissions Consultative Committee (LACC). These include the LACC PLT Competency Standards for Entry-Level Lawyers (Competency Standards).

Standard 5.10 concerns 'Lawyers Skills', which is one of the skills law graduates must acquire and demonstrate understanding of and competence in before being eligible for admission as a legal practitioner. 'Lawyers Skills' comprises eight elements. Element 2 is cross-cultural awareness. The performance criteria for element 2 are having competently:

- identified and appropriately dealt with verbal and non-verbal aspects of cross-cultural communication.

- taken any follow-up action in accordance with good practice.
- demonstrated awareness of difficulties of communication attributable to cultural differences; their possible effect on a client's dealings with lawyers, the police, courts, government and legal agencies; and the desirability of cross-cultural communications training for all lawyers.

The explanatory notes for the 'Performance criteria' for Element 2 that concerns 'difficulties of communication attributable to cultural differences' states that this includes 'difficulties of communication encountered by Indigenous people.'

PLT providers, at the point of accreditation and during a reaccreditation process, are required to demonstrate to the Board how they give effect to Element 2 of Standard 5.10 of the PLT Competency Standards, having regard to the explanatory notes contained therein. Two of the established PLT providers (The College of Law (Victoria) and the Leo Cussen Centre for Law) are scheduled for reaccreditation in 2023.

The reaccreditation process is managed by the PLT Committee, a sub-committee of the Board charged with responsibility for accrediting, and monitoring and reviewing, PLT providers in Victoria. I am a member of that Committee on an ex-officio basis. The PLT Committee appoints skilled and experienced assessors to undertake reaccreditation reviews against the relevant LACC Standards and to prepare a report for the Committee and the Board as to (inter alia) the provider's compliance with each of the PLT Competency Standards. The assessors also make recommendations about provider reaccreditation, including whether any conditions should be imposed.

I will liaise with the Chair of the PLT Committee to ensure the terms of reference guiding the College of Law and Leo Cussen reaccreditation reviews direct the relevant provider to submit information about how the needs of Aboriginal and/or Torres Strait Islander people are being met in their curriculum, both in respect of Element 2 of Standard 5.10 and more generally. The third provider (Australian College of Applied Professions with the Law Institute of Victoria) was recently accredited and only commenced operation in February 2023. I will arrange to have their submission to the accreditation review and the assessors' report scrutinised to identify how the curriculum engages with cross-cultural sensitivities pertaining to Aboriginal and/or Torres Strait Islander people.

I also wish to alert you to more systemic work being undertaken around educating and training legal professionals.

In 2021, the Council of Australian Law Deans (CALD) engaged a consultant to examine the current structure of the regulation of legal education and training in Australia. The consultant was asked to provide advice about how the system compares with regulatory structures elsewhere, the extent to which it meets the needs of law students, law schools and the legal profession, and the alternative structures available.

The background paper prepared as part of the review found:

The law, the legal profession and legal education have a special responsibility to Australian's First Nations peoples to work appropriately in partnership with them to

redress the role the legal system has played in enabling a dire history of exclusion and ongoing injustice.

The background paper observed that research has highlighted the critical need to advance the embedding of Indigenous cultural competency in sector curricula in general, and in legal education for entry-level lawyer competence specifically.

An update on the project was provided at the last LACC meeting held on 2 February 2023. I am the Victorian representative on LACC. The meeting was informed that CALD recognises that any review of legal education will require cooperation and collaboration by a variety of key stakeholders. Accordingly, CALD is now seeking to engage organisations including LACC and the Australasian Professional Legal Education Council (APLEC) to discuss a collaborative approach. I understand that correspondence has been sent to the Chair of LACC, the Hon. Arthur Emmett AO KC, inviting him or another representative of LACC to participate in a meeting of all key stakeholders later in the year. APLEC is also represented on LACC.

I will ensure I bring Coroner McGregor's recommendation to LACC's attention, for general discussion and to raise in the context of the proposed review of legal education and training.

The Board welcomes the opportunity to contribute to building cultural capacity within the legal education and training system and to improve inclusiveness and responsiveness to the needs of Aboriginal and/or Torres Strait Islander People. Coroner McGregor's findings make it abundantly clear that short-term or ad hoc measures may stifle genuine reform and militate against the achievement of a system that works with and for First Nations people.

Please do not hesitate to contact me if there is any further information I can provide.

Yours sincerely



The Hon. David Habersberger KC
Chair
Victorian Legal Admissions Board