





29 May 2026

The Secretariat
Legal Services Council and Law Admissions Consultative Committee
Review of Practical Legal Training

By Email: lsc-lacc@lawcouncil.au

Re: QIFVLS Submission – Review of Practical Legal Training

Executive Summary

Queensland Indigenous Family Violence Legal Service (QIFVLS) Aboriginal Corporation ('QIFVLS') welcomes the opportunity to make this submission to the Legal Services Council and Law Admissions Consultative Committee in connection with the Review of Practical Legal Training.

Our submission is made from the standpoint of an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) and Family Violence Prevention Legal Service (FVPLS), dedicated to ensuring that Aboriginal and Torres Strait Islander families and households are safe from violence, in line with Target 13 of the [National Agreement on Closing The Gap](#) (the National Agreement). That dual standpoint shapes every observation in this submission. QIFVLS is also a supported organisation of the First Nations and Aboriginal and Torres Strait Islander Family Violence Peak (FNAAFV). Our submission is grounded, not in policy theory but in what we witness, every day, in the lives of our clients, our communities and our own staff.

The overarching tenor of our submission is this: the current Practical Legal Training (PLT) framework, and the reforms now proposed, do not equip entry-level lawyers to work safely and effectively with Aboriginal and Torres Strait Islander peoples. The consequences of that failure are concrete and preventable. They fall directly on the safety, autonomy and lives of Aboriginal and Torres Strait Islander women and children, in particular. QIFVLS sees those consequences daily, in the lives of Aboriginal and Torres Strait Islander victim-survivors of domestic and family violence and sexual assault, who present at the intersection of multiple legal frameworks, often having received prior legal representation that did not account nor were designed to meet the cultural dimensions of their situation.

QIFVLS supports the submissions of First Nations Advocates Against Family Violence (FNAAFV) and the First Nations Legal Professional Standards Working Party (FNLPSWP) and urges the Committee to mandate Indigenous Cultural Competency (ICC) as a core competency across the full spectrum of legal education, PLT, post-admission legal training (PALT) and continuing professional development. Generic references to 'cultural, racial, religious or educational background' in a skills schedule does not, with respect, address what is required to practise safely and effectively with Aboriginal and Torres Strait Islander clients.

Summary of Recommendations

QIFVLS urges the Committee to make the following recommendations:

Recommendation 1: Mandate Indigenous Cultural Competency in legal admission standards

The Law Admissions Consultative Committee should amend the Model Admission Rules to mandate Indigenous Cultural Competency (ICC) as a core competency for admission to the legal profession, specifically referencing Aboriginal and Torres Strait Islander peoples and not subsumed within an all-encompassing and generic diversity or cross-cultural communication frameworks.

Recommendation 2: Include a discrete ICC standard in the PLT Skills Schedule

The proposed PLT Skills Schedule should include a discrete ICC standard, developed through genuine consultation/ partnership with Family Violence Prevention Legal Services (FVPLSs), Aboriginal and Torres



Strait Islander Legal Services (ATSILS) and Indigenous-led peak bodies including FNAAFV and the National Aboriginal and Torres Strait Islander Legal Services (NATSILS).

Recommendation 3: Include FNAAFV on the National ICC Implementation Working Group

FNAAFV should be included in the proposed National ICC Implementation Working Group as the relevant family violence peak body, in addition to the organisations already proposed by the FNLPSWP. The Working Group should be Indigenous-led and adequately resourced to carry out its functions.

Recommendation 4: Recognise FVPLSs and ATSILS as PLT and PALT supervisors

The post-admission legal training (PALT) framework should specifically recognise FVPLSs as PLT and PALT supervisors, and ICC should be embedded in the structured learning requirements of PALT for lawyers practising in those sectors. PALT, comprising structured training and supervision in the first two years of admitted practice, is the stage at which sector-specific ICC development is most practically achievable and most urgently needed.

Recommendation 5: Require sector-disaggregated consultation in future LSC/LACC processes

Future consultation processes conducted by LSC/LACC should include specific, documented and sector-disaggregated outreach to FVPLSs, ATSILS and Indigenous-led peak bodies. Distribution through law societies alone is, with respect, insufficient. The evidence base for any national reform of PLT standards must reflect the full spectrum of legal practice in Australia which include the Aboriginal and Torres Strait Islander legal service providers, who are the ATSILS and the FVPLS'.

Recommendation 6: Reform Queensland's admission framework

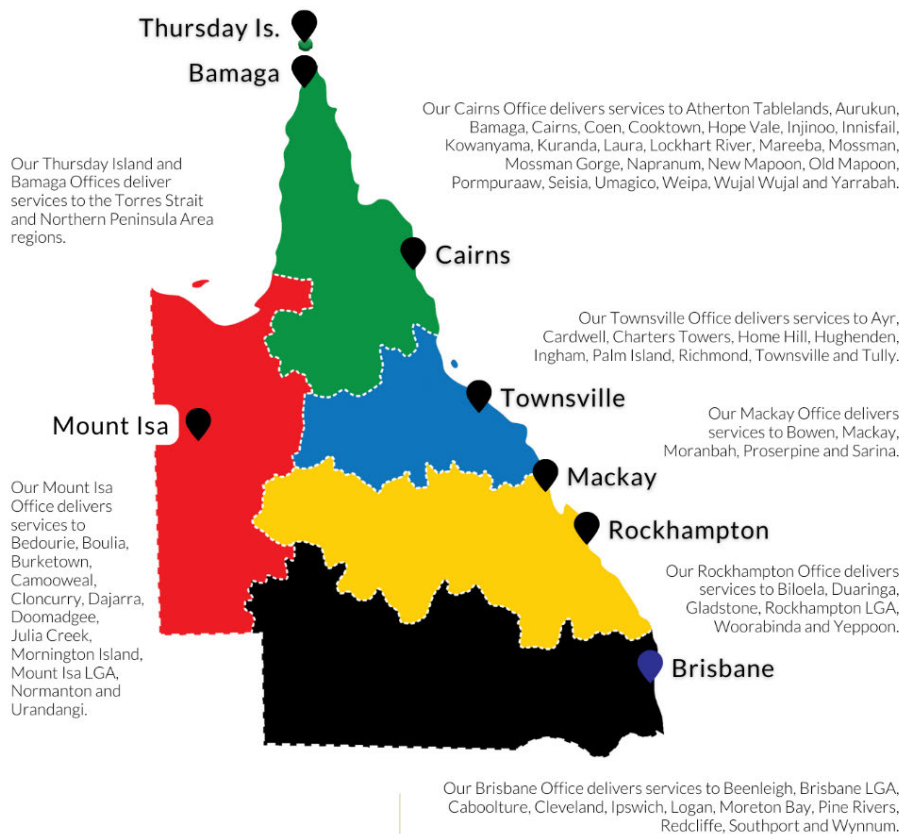
The Queensland admissions authorities should amend the *Supreme Court (Admission) Rules 2004* (Qld) to include an explicit ICC requirement at the primary rules level, and revise the applicable guidelines to mandate ICC as a core competency using language that is specific to Aboriginal and Torres Strait Islander peoples, strengths-based in its framing, and enforceable in its terms.

About QIFVLS

QIFVLS is a not-for-profit legal service formed under the Family Violence Prevention Legal Services Program ('FVPLSP') through the Department of Prime Minister and Cabinet's Indigenous Advancement Strategy ('IAS'). FVPLSP fills a recognised gap in access to culturally appropriate legal services for Aboriginal and Torres Strait Islander victims of family and domestic violence and sexual assault.

QIFVLS is one of fourteen (14) Family Violence Prevention Legal Services ('FVPLSs') across Australia that are part of First Nations Advocates Against Family Violence ('FNAAFV') Forum. We are one of two Aboriginal and Torres Strait Islander community-controlled family violence prevention legal service providers in Queensland.

QIFVLS is exclusively dedicated to providing legal and non-legal support services to assist Aboriginal and Torres Strait Islander victim-survivors of family violence and sexual assault with a breadth and scope of services which stretch to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Together with its legal services, QIFVLS can be distinguished from other legal assistance providers through its advantage in providing unique, specialised, culturally safe and holistic assistance from the front-end via a wrap-around model that embraces early intervention and prevention. We advocate this model in supporting access to justice and keeping victim-survivors of family violence safe.



QIFVLS services over 90 communities across Queensland including the Outer Islands of the Torres Strait, neighbouring Papua New Guinea and provides services in the areas of domestic and family violence; family law; child protection; sexual assault, Victims Assist Queensland (VAQ) applications and minor Blue Card matters. QIFVLS supports its clients through all stages of the legal process - from legal advice to legal representation throughout court proceedings. In addition, QIFVLS responds and addresses our clients' non-legal needs through our team of Case Management Officers and Family Advocate Support Workers. QIFVLS as a practice provides a holistic service response to our clients' needs: addressing legal need and addressing non-legal needs, which have in most cases brought our clients into contact with the justice system in the first place.

Family Violence as the Cornerstone

As a Family Violence Prevention Legal Service (FVPLS), child protection litigation files consistently represent our leading file work area of the law. This speaks to the intersectional nature of the many complex issues pressing upon our clients. On this point, we note that the Australian Institute of Health and Welfare has consistently identified family violence as the primary driver of Aboriginal and Torres Strait Islander children entering the child protection system. The SNAICC *Family Matters Report 2024* records that First Nations children are now 10.8 times more likely than non-Indigenous children to be in out-of-home care, the highest rate of overrepresentation ever recorded, with DFV, child protection contact and systemic racism identified as the principal structural drivers.¹

This informs QIFVLS's experience that family violence is the cornerstone or intersection that links an Aboriginal and Torres Strait Islander person's connection to the child protection system, the youth justice system, the adult criminal justice system, housing and/or homelessness, health and the family law system. A lawyer who lacks Indigenous Cultural Competency cannot hold that intersection safely, cannot take adequate instructions from a client whose experience spans all of it, and cannot advocate effectively in a system that the client has every rational reason to distrust.

¹SNAICC – National Voice for our Children, *Family Matters Report 2024* (SNAICC, November 2024).



We find that these intersections are further compounded or exacerbated for those living in regional, rural, and remote parts of Australia, where restrictions on the availability of on-the-ground services limit a victim-survivor's options for escaping a violent relationship. In Queensland, a state nearly five times the size of Japan, that geographic reality is acute. In servicing over 90 communities across Queensland, the experiences we describe in this submission are drawn directly from the frontline.

In contrast to siloed government responses which have long been the standard practice, QIFVLS consistently advocates for uniform, holistic, culturally safe and consistent strategies that will improve responses across family violence, policing and criminal justice, child protection, housing and corrective services. The PLT framework must produce lawyers capable of contributing to that integrated response, not lawyers who are equipped only to address a single legal issue in isolation from the circumstances that surround it.

1. The Consultation Gap

The Urbis National Practical Legal Training Research Survey Report, which forms the primary evidence base for this review, contains no reference to the FVPLSs, ATSILS, FNAAFV or NATSILS. Across 79 pages of findings, the only acknowledgment of Aboriginal and Torres Strait Islander peoples is an Acknowledgement of Country.

The survey was distributed exclusively through state and territory law societies and professional bodies, a methodology that structurally excluded the FVPLS sector : together with ATSILS, we are organisations whose clients are most directly affected by the professional standards under review, and whose lawyers must exercise ICC as a daily practice obligation. The fact that FVPLSs and ATSILS were not consulted directly only serves to heighten the necessity for Indigenous Cultural Competency.²

The exclusion extends beyond non-participation. The survey instrument offered respondents four sector options: private practice; corporate/in-house; government; and Community Legal Centre. No category existed for FVPLSs, ATSILS or any specialist First Nations legal service. Respondents from those organisations would in all probability have selected 'Community Legal Centre', or alternatively the residual 'Other (please specify)' category, which accounts for only five to six per cent of responses across both surveys, the content of which the report does not disclose. The resulting data aggregates FVPLSs and ATSILS indistinguishably with mainstream community legal centres. Their distinct client populations, practice environments and ICC obligations are invisible in the evidence base, and the reform process cannot account for what it cannot see. This is despite the fact that there are four (4) legal assistance service providers within Australia: the Legal Aid Commissions, the CLCs, the ATSILS and the FVPLS'.

The methodological gap bears directly on the report's most significant finding. Community legal centre respondents rated 'working with vulnerable people' at 84% importance and 'working with a diverse range of clients' at 83%, far exceeding every other practice sector. The report notes the disparity without analysis and proposes no action. QIFVLS submits that the organisations whose lawyers rated those skills as critical, because their clients demand them, were not identifiable within the data.

Future consultation processes must include specific, documented and sector-disaggregated outreach to FVPLSs, ATSILS and Indigenous-led peak bodies. Distribution through law societies alone is insufficient.

2. ICC in DFV Practice: The Case for a Specific Standard

Intersectionality

In the FVPLS environment, ICC is a multi-layered, trauma-informed and culturally embedded practice capability, one that operates differently across each area of law and becomes more complex when those

²Urbis, *National Practical Legal Training Research Survey Report* (LSC/LACC, March 2026) ('Urbis Report').



areas intersect in a single client's matter. Cross-cultural communication awareness, as currently contemplated in the PLT framework, falls short, in our view, of what practice in this environment requires.

A First Nations woman presenting to QIFVLS may simultaneously be a complainant in criminal law proceedings, a respondent in child protection proceedings, an applicant for a domestic violence order (DVO) and a tenant facing eviction from housing. Each matter engaging a different legal framework, each carrying its own risks and each capable of producing unintended consequences in the others. A lawyer without the cultural grounding to understand how a client experiences and prioritises those competing pressures, and who cannot communicate in a way that accounts for the barriers to disclosure specific to that client's experience, cannot give safe and effective legal advice. Generic reference to 'cultural, racial, religious or educational background' in a skills schedule does not address this. What is required is ICC that is specific, scaffolded across the stages of legal training, and formally assessed.

Barriers to Disclosure

Effective representation of Aboriginal and Torres Strait Islander victim-survivors requires an understanding of specific barriers to disclosure, including: the impact of intergenerational trauma on trust in state institutions; extended family and community obligations; shame and silence as culturally embedded responses to interpersonal violence; the well-founded fear that engaging with the legal system will trigger child protection intervention; significant linguistic and cultural diversity across more than 250 language and nation groups; and non-linear, community-oriented communication patterns that differ materially from standard legal interviewing frameworks. A lawyer who misreads silence or gratuitous concurrence as a lack of instructions, or non-linear disclosure as unreliability, directly affects the legal outcome for the client.

Robyn Kina

The case of *R v Kina* [1993] QCA 480 is the foundational Queensland authority on this failure. In 1988, Robyn Kina, a Queensland Aboriginal woman and victim-survivor of sustained domestic violence, was convicted of murder after her lawyers failed to raise self-defence or provocation at trial. Professor Diana Eades gave evidence on appeal that Ms Kina had been communicating in an Aboriginal way, that her lawyers were unaware their communication difficulties involved serious cultural differences, and that standard legal interviewing was not conducive to Aboriginal ways of communicating. Her conviction was quashed in 1993 after five years in prison. Ms Kina's wrongful imprisonment was the direct consequence of a failure of ICC. That failure occurred in Queensland, and the conditions that produced it have not been fully remedied by the profession since then.

The Child Protection Intersection

For many Aboriginal and Torres Strait Islander victim-survivors, the decision to seek a DVO is complicated by the rational fear that engaging with the legal system will bring their family to the attention of child protection authorities. Aboriginal and Torres Strait Islander children are profoundly overrepresented in the out-of-home care system.³

A lawyer without ICC is unable to explain the risks and protections in a culturally safe way, to account for the client's decision-making within the context of family and community obligations, or to advocate effectively for a client whose choices are governed by factors the lawyer has not been trained to recognise.

3. Queensland's Admission Framework

The *Supreme Court (Admission) Rules 2004* (Qld) make no reference to cultural competency, cross-cultural communication or Aboriginal and Torres Strait Islander peoples in their operative provisions. Queensland has adopted the LACC PLT Competency Standards through Admission Guidelines Number 2 (2019), issued by the

³Australian Institute of Health and Welfare, *Child Protection Australia 2023-24* (web report, AIHW, 2025).



Chief Justice under rule 9AA(1)(b), which incorporate at clause 5.10 the requirement for ‘*demonstrated awareness of difficulties of communication attributable to cultural differences*’. Queensland has adopted the national minimum and gone no further.

That standard is deficit-framed and aspirational. In our view, it positions the problem as residing with the client rather than with the lawyer’s competence. QIFVLS endorses the First Nations Legal Professional Standards Working Party’s critique of this framing without reservation.

QIFVLS calls on the Queensland admissions authorities to amend the *Supreme Court (Admission) Rules 2004* (Qld) to include an explicit ICC requirement at the primary rules level, and to revise the applicable guidelines to mandate ICC as a core competency using language that is specific to Aboriginal and Torres Strait Islander peoples, strengths-based in its framing, and enforceable in its terms. That Queensland’s admission framework remains at the national minimum, in the jurisdiction where *R v Kina* was decided, is not a defensible position.

4. Response to the Proposed Skills Schedule

The proposed Skills Schedule addresses communication skills by reference to ‘*cultural, racial, religious and educational background*’. This formulation subsumes Aboriginal and Torres Strait Islander peoples within a generic diversity framework, failing to recognise their unique legal status as First Peoples and traditional custodians, the documented consequences of cultural incompetence across more than three decades of inquiry, and the structural dimensions of ICC: the history of colonisation, intergenerational trauma, and the specific legal contexts, including criminal law, child protection, family violence and native title, in which ICC is most consequential.⁴

The NSW Legal Profession Admission Board Interim Report on PLT Reform (March 2026) expressly rejects incorporating First Nations focused and led content in PLT, relying instead on generic communication skills. QIFVLS submits that this position cannot be sustained against thirty years of inquiry recommendations and the documented consequences of ICC failure in practice.⁵

The Skills Schedule must include a discrete ICC competency specifically referencing Aboriginal and Torres Strait Islander peoples, requiring demonstrated understanding of the historical, legal and social context in which Aboriginal and Torres Strait Islander peoples engage with the Australian legal system, rather than generic awareness of cultural difference.

Conclusion

We take this opportunity to thank you for considering our submission. Reform is long overdue. For QIFVLS and the clients we serve, the absence of mandatory ICC in legal professional training is felt and observed daily. The LSC/LACC Review of Practical Legal Training provides a concrete mechanism to address this much needed reform.

QIFVLS urges the Committee to mandate, with specificity and enforceability, that Australian lawyers are equipped to work safely and effectively with Aboriginal and Torres Strait Islander peoples. Generic diversity frameworks have not produced change. Mandatory standards may.

QIFVLS respectfully urges the Committee to make findings and recommendations accordingly.

⁴Legal Services Council and Law Admissions Consultative Committee, *Review of Practical Legal Training: Consultation Paper* (April 2026) ('LSC/LACC Consultation Paper'), Schedule F, 84; First Nations Legal Professional Standards Working Party, *Australian Legal Professional Standards and Indigenous Cultural Competency: Submission to the LSC/LACC Review of Practical Legal Training* (May 2026) ('FNLPSWP Submission').

⁵Legal Profession Admission Board of NSW, *Interim Report on PLT Reform* (NSW LPAB, 13 March 2026), 27.



QIFVLS

Queensland Indigenous Family Violence Legal Service

Yours faithfully,

Queensland Indigenous Family Violence Legal Service



Thelma Schwartz

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