



SUBMISSION

Legal Services Board CPD REVIEW 2020

**Written by: The Legal Activism Subcommittee – Victorian Activism and Leadership Committee,
Amnesty International Australia**

Amnesty International

In 1961, London lawyer Peter Benenson had an inspired idea: to mobilise public opinion worldwide and free prisoners of conscience.

Since then Amnesty International has become a global movement of more than 8 million people defending freedom, justice, equality and human dignity.

As part of this global movement, Amnesty International Australia works to create a world in which human rights are enjoyed by all.

Our logo of a candle wrapped in barbed wire was inspired by the ancient Chinese proverb "It is better to light a candle than to curse the darkness" in recognition of the power of action, rather than silence. In 1977, Amnesty International was awarded the Nobel Peace Prize, for "having contributed to securing the ground for freedom, for justice, and thereby also for peace in the world".

We are an independent, global movement of people who campaign courageously for human rights. In more than 150 countries worldwide, people all around the world stand together for justice, freedom, human dignity and equality. We do so based on internationally recognised principles and research. In Australia, there are 700+ local community, school and university groups.

The Victorian Activism Leadership Committee motivates, coordinates and develops local human rights action. We mentor and support individual activists and action groups, and participate in consultations on our vision, campaign priorities and policies. Our Legal Activism Sub-Committee is made up of deeply passionate and committed legal practitioners who are engaged members of our legal profession and the broader community, and believe in the role of the rule of law in protecting and defending human rights for all.

New mandatory CPD topic – Human Rights

The CPD scheme recognises that competence as a lawyer is driven by a number of factors including a strong understanding of the following areas: ethics, professional skills, substantive law, practice management and business skills.

We support a requirement for minimum continuing professional development credits to ensure lawyers reflect on their learning needs and their changed operating environment from time to time. Given the significant role lawyers play in the rule of law and its application – as officers of the court and trusted advisors to clients spanning the private and public sphere – it is essential that not only their learning keep up with changing societal norms and expectations of our fast-paced world, but that they are also equipped to positively influence and shape our justice system.

This includes an awareness and acknowledgment of the relevance and application of human rights in legal practice including (but not limited to) cultural awareness, diversity and inclusion, recruitment processes

the Victoria's *Charter of Human Rights 2006*, anti-discrimination laws, and appropriate workplace behaviour training and bystander training.

Accordingly, the mandatory units should include an acknowledgement for need for compulsory knowledge of human rights.

Some may argue that topics highlighted above already falls under the umbrella of the existing categories of CPD. However, human rights issues do not take the form of acute, applicable practice or precedent for most of the profession but rather underpin their entire practice and the rule of law. Moreover, the shameful spotlight that been placed on sexual harassment in our profession and the damning statistics diversity and inclusion in our profession indicate that to support the progress being made by many individual practitioners and firms a more structural underpinning is required if we are to continue to deserve the community's faith and respect.

Human rights and responsibilities are at the core of legal practice and not an area where you can learn simply by doing. Practitioner learnings must be practical as well as invite introspection, thought and inspiration. The standards for Australian Legal Practitioners is set intentionally high. If our practitioners do not understand the human rights issues we are facing and/or how to meaningfully contribute then we are not meeting this standard.

The study of human rights helps to finetune a lawyer's ethics and the moral compass with which they practice. It will also engage and improve their critical thinking, analysis, research and debate skills.

Human rights law is a popular elective subject at many law schools around Australia and should become part of the ongoing evolving knowledge of the profession.

Learning Style and Activity

Membership of a legal committee, taskforce or practice section is recognised as a CPD activity, if the work is of substantial significance to the practice of law and assists in the lawyer's professional development.¹

We submit that volunteering at an areligious, apolitical human rights organisation be recognised as a CPD activity. Two hours of volunteering would calculate one CPD point with any maximum that the LSB sees fit to apply but no less then what is currently allocated to membership of a legal committee, taskforce or practice section.

This would be a valuable and cost-effective way for sole practitioners or organisations such as community legal services to accumulate points for staff and volunteers. Volunteering arrangements are flexible and need not conflict with office/court opening hours

Furthermore, it is acknowledged that CPD can and often is a social and networking opportunity for the profession. Volunteering would bring likeminded people within the profession together, allowing for greater community connection, an expansion of social circles and improvement of mental health.

A change in traditional activities, to expand in the currently recognised style may contribute to the effectiveness of learning for many.

Goal setting

Human rights issues almost always require a lengthy commitment, including flexible effective goal setting for activists. The commitment from lawyers to engage in learning and/or becoming involved in such causes will help to integrate human right's movement goals into their own every day legal practice and (non-)professional needs.

If you require any further information, we can be contacted via e-mail at vic.alc@amnesty.org.au

¹ *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*; Rules 8.1.4, 9.1.3 & 9.2.3