

Information package: Indictable Crime Panel and Youth Crime Subset

This information package contains essential information supporting applications for the section 29A Indictable Crime Panel and its Youth Crime Subset.

The information package includes the following documents:

- *Indictable Crime Panel and Youth Crime Subset key information*
- *Section 29A panels firm entry requirements*
- *Indictable Crime Panel and Youth Crime Subset individual entry requirements*
- *Indictable Crime Panel and Youth Crime Subset frequently asked questions*
- *Section 29A Panel Deed*
- *Panel Certifier Acknowledgement*

The *Indictable Crime Panel individual application form*, *Youth Crime Subset individual application form* and *Section 29A panels firm application form* are available from the [forms page of VLA's website](http://www.legalaid.vic.gov.au/forms-page-of-vla-s-website) (www.legalaid.vic.gov.au/indictable-crime-panel).

Indictable Crime Panel and Youth Crime Subset key information

Victoria Legal Aid's (VLA) section 29A Indictable Crime Panel and its optional subset for youth crime are continually open.

Private law practices (firms) that wish to be included on the Indictable Crime Panel must submit expressions of interest by way of firm applications. Private legal practitioners (individuals) employed by a firm who are seeking approval as Panel Certifiers must also apply by submitting an individual application form.

This document provides interested firms and practitioners with practical information about:

- How to apply, including Entry requirements and Application forms
- When to apply
- Panel membership model
- Youth crime as a separate subset of the panel
- Assessment of applications
- Conditions of panel membership
- Exemptions to entry requirements
- Definitions

How to apply

There are two parts to the application process; one part relates to firm inclusion on the panel, and the other part relates to individual practitioners employed by applicant firms who are seeking approval to certify grants of legal assistance (Panel Certifier status).

To apply for panel membership a firm must be able to meet **the firm entry requirements** and must **submit a firm application** form.

While membership of the Indictable Crime Panel is by firm, the individual practitioners employed by the firm must apply for approval as Panel Certifiers on the panel. The firm's membership only becomes effective once the firm application and at least one individual application for level one Panel Certifier status have been approved. (See Panel membership model on page 3 for more information.)

To apply for approval as a Panel Certifier, a practitioner must be able to **meet the individual entry requirements** and must **submit an individual application** form. The practitioner can choose to apply for Panel Certifier status on the main panel only or on the main panel and its subset (the Youth Crime Subset).

It is important to be familiar with the entry requirements, including the assessment guidelines supporting the requirements, and the contents of the information package *before* applying for the panel.

If applying both for the main panel and its Youth Crime Subset, applicants should read the entry requirements and assessment guidelines for both the main panel and the subset in conjunction with each other.

Application forms can be found on the [Indictable Crime Panel](http://www.legalaid.vic.gov.au/indictable-crime-panel) page of VLA's website (<http://www.legalaid.vic.gov.au/indictable-crime-panel>).

Entry requirements

The *Section 29A panels firm entry requirements* outline the requirements for firms seeking inclusion on any of VLA's section 29A panels. The firm entry requirements are similar for each panel. Firms that can meet the entry requirements for the Indictable Crime Panel meet the requirements for all section 29A panels.

The *Indictable Crime Panel and Youth Crime Subset individual entry requirements* outline the requirements for individual practitioners seeking approval as Panel Certifiers on the Indictable Crime Panel and on the optional Youth Crime Subset. These entry requirements detail the general individual requirements for all panel practitioners (regardless of which panel they are applying for) and also the specific skill and capacity requirements for individual practitioners undertaking legally aided indictable crime work and youth crime work.

The assessment guidelines provided in each of these documents provide essential information about how VLA will assess applicants against the entry requirements.

Firm and individual entry requirements can be found on the [Indictable Crime Panel](http://www.legalaid.vic.gov.au/indictable-crime-panel) page of VLA's website (www.legalaid.vic.gov.au/indictable-crime-panel).

Practitioners who are not able to meet the Indictable Crime Panel or Youth Crime Subset entry requirements may be eligible for an exemption. See Exemptions to entry requirements on page 7 for more information.

Practitioners who are approved as Panel Certifiers on the Indictable Crime Panel are automatically eligible for Panel Certifier status at the same level on the Summary Crime Panel.

Application forms

Private law practices employing one or more private practitioner applicants must submit a completed *Section 29A panels firm application form*. Only one firm application is required per firm regardless of how many private practitioner applicants it employs.

Private legal practitioners employed by the firm who are seeking approval as Panel Certifiers must each submit a completed *Indictable Crime Panel individual application form*.

Private legal practitioners seeking approval as Panel Certifiers for the Youth Crime Subset must **also** submit a completed *Youth Crime Subset individual application form*.

Application forms are available from the [Indictable Crime Panel](http://www.legalaid.vic.gov.au/indictable-crime-panel) page of VLA's website (www.legalaid.vic.gov.au/indictable-crime-panel).

Completed forms must be submitted electronically to panels@vla.vic.gov.au. Paper applications will not be accepted.

For further information about the application form and process, please refer to the *Indictable Crime Panel and Youth Crime Subset frequently asked questions*.

When to apply

Firms and private practitioners can apply at any time, as the Indictable Crime Panel and its Youth Crime Subset are continuously open.

Applications are assessed in bulk as part of the ongoing four-monthly assessment cycle. Information on timelines for each assessment round is available on the [Indictable Crime Panel](#) page of VLA's website(www.legalaid.vic.gov.au/indictable-crime-panel).

Panel membership model

VLA's panel membership model reflects that quality legal representation is influenced by both the skills and capacity of the individual practitioners having carriage of matters and by the infrastructure, processes and tools a firm has in place to support its practitioners to do their work well.

While panel membership is by firm, the model includes a role for individual practitioners within the firm who are offered Panel Certifier status. While all partners, directors and employees of a member firm are also considered to be included on the panel, and can work on legally aided matters, only Panel Certifiers within the firm can apply for grants of legal assistance.

As such, a firm's membership is only active when practitioners employed by the firm have been approved by VLA as Panel Certifiers.

There are three categories of practitioners within a member firm:

- level one Panel Certifiers – practitioners who demonstrate strength in the experience, skill and capacity required
- level two Panel Certifiers – practitioners who demonstrate the experience, skill and capacity required
- non-certifiers – practitioners who are not yet able to meet the entry requirements to be Panel Certifiers and who are only eligible to work on legally aided indictable and/or youth crime matters under the supervision of a Panel Certifier.

Firms on the Indictable Crime Panel must have at least one level one Panel Certifier who is also a LIV Accredited Specialist in criminal law on its staff. See the 'firm entry requirements' section of the *Indictable Crime Panel and Youth Crime Subset frequently asked questions* for more information.

Practitioners who are approved as Panel Certifiers will receive a personal Panel Certifier Acknowledgement. Panel Certifier status and the Panel Certifier Acknowledgement are portable between employing firms. However, the employing firm must be a member of the panel for the individual's certification status to be active.

Accountability

While the firm has overall accountability for the quality of all work delivered by the firm to legally aided clients, each certifier will be accountable for the quality of work on matters they have certified, whether it is done by themselves or by other members of the firm.

Youth crime as a separate subset of the panel

Due to the specific skills and knowledge required to handle youth crime matters well and the unique needs of young people as a client group, the Indictable Crime Panel includes an optional Youth Crime Subset.

The Youth Crime Subset is *additional* to the main panel. Practitioners who wish to be able to undertake youth crime matters must meet the requirements for, and apply for approval as, Panel Certifiers on *both* the main panel *and* the subset. Practitioners who do not wish to undertake youth crime matters only need to apply for the main panel.

As part of the entry requirements for the Youth Crime Subset, applicants who are not LIV Accredited Specialists in children's law must complete VLA-approved professional development that has been developed specifically for youth crime practitioners. See the [panels training page](#) of VLA's website for details of training offered (www.legalaid.vic.gov.au/panels-training).

(See the *Indictable Crime Panel and Youth Crime Subset individual entry requirements* and *Indictable Crime Panel and Youth Crime Subset frequently asked questions* for more information.)

The *Youth Crime Subset individual application form* can be found on the [Indictable Crime Panel](#) page of VLA's website (www.legalaid.vic.gov.au/indictable-crime-panel).

Assessment of applications

Applications are assessed by the Indictable Crime Panel Selection Committee.

Indictable Crime Panel Selection Committee

The Indictable Crime Panel Selection Committee is alternately chaired by VLA's Director Criminal Law Services and Director Legal Practice or their delegate, and includes a senior VLA Criminal Law manager or delegate.

The Panel Selection Committee will take into account feedback from key stakeholders and its members' own personal knowledge of the applicant when assessing the applications.

Assessment process

Applications are assessed on the basis of all materials provided, committee members' personal knowledge of the applicant, stakeholder advice and information from internal and publicly available records.

Assessment is performed in two stages. First, each Panel Selection Committee member makes an initial, individual assessment. Then the application is put before the whole Panel Selection Committee for formal assessment.

The selection committee may defer discussion of an application to seek further information from the applicant, or any other relevant party, that is required to make the assessment.

If the selection committee intends not to include an applicant firm, or not to offer Panel Certifier status to an applicant practitioner, it will notify the applicant of its intention and outline its reasons, and allow the applicant to provide written submissions addressing the reasons, within a set timeframe, before a decision is made.

An independent stakeholder may sit with the selection committee for assessment of some applications.

Decisions

The Director of Legal Practice (DLP) makes the final decision taking into account the Panel Selection Committee's recommendation.

Where the DLP decides to *not include* an applicant firm, or to *not offer* Panel Certifier status to an applicant practitioner, the DLP will provide reasons for the decision in writing.

Review

VLA does not offer a review of its decision.

However, if refused, an applicant may reapply six months after receiving an unfavourable decision. This is intended to allow the applicant sufficient time to address the reasons, concerns and issues underpinning the unfavourable decision before reapplying.

Conditions of panel membership

Successful firm applicants will be offered a panel contract in the form of a Panel Deed, which sets out the conditions of panel membership.

Successful individual applicants will be offered a certifier contract in the form of a Panel Certifier Acknowledgement which sets out the conditions of approval as a Panel Certifier.

The firm Panel Deed must be signed by an appropriately authorised representative of the firm. The Panel Certifier Acknowledgement must be signed by the individual applicant.

The conditions of panel membership in the Panel Deed will, for the most part, reflect those outlined on the [Section 29A panels conditions page](#) of VLA's website (www.legalaid.vic.gov.au/panels-conditions).

An overview of the specific conditions is included in the following table:

Requirement of Section 29A of <i>the Legal Aid Act 1978</i>	Specification
(b)(i) Qualifications and experience that a private law practice or private legal practitioner included on the panel must have or the part of the State within which their principal place of practice must be located	Private law practice: <i>Section 29A panels firm entry requirements</i> Private legal practitioner: <i>Indictable Crime Panel and Youth Crime Subset individual entry requirements</i>
(b)(ii) the period (not exceeding 5 years) during which a	Private law practice: 5 years

Requirement of Section 29A of <i>the Legal Aid Act 1978</i>	Specification
private law practice or private legal practitioners may be included on the panel	Private legal practitioner Panel Certifier status: Level one Panel Certifier – 5 years Level two Panel Certifier – 3 years
(b)(iii) the basis on which payment will be made to any private law practice or private legal practitioner included on the panel for services performed as a panel member on behalf of an assisted person	As outlined on the Section 29A panels conditions page www.legalaid.vic.gov.au/panels-conditions and <i>VLA Handbook for Lawyers</i>
(b)(iv) performance standards in relation to the provision of services by panel members	As outlined on the Section 29A panels conditions page www.legalaid.vic.gov.au/panels-conditions
(b)(v) requirements with respect to the making of reports to VLA and the keeping of records that must be complied with by panel members in respect of the performance of services on behalf of assisted persons	As outlined on the Section 29A panels conditions page www.legalaid.vic.gov.au/panels-conditions
(b)(vi) the grounds on which, and process by which, a private law practice or private legal practitioner may be removed from the panel	As outlined on the Section 29A panels conditions page www.legalaid.vic.gov.au/panels-conditions

For further information on the Panel Deed, please refer to the *Indictable Crime Panel and Youth Crime Subset frequently asked questions*.

Panel Deed authority and timelines

Each successful firm applicant will receive an electronic offer of inclusion along with the Panel Deed. The offer of inclusion is valid for 28 days.

Applicants must print two copies of the Panel Deed, sign both originals and return them to VLA within 28 days of receiving the offer of inclusion. Failure to meet this deadline will mean that the applicant will need to reapply for inclusion, which may result in an interruption in the allocation of new work.

VLA will countersign both documents and return one to the applicant.

Applicants should expect a lead time of up to 10 working days after VLA receives the appropriately signed Panel Deed for their panel membership to be activated.

Panel Certifier Acknowledgement authority and timelines

Each successful individual applicant will receive an electronic offer of Panel Certifier status along with the Panel Certifier Acknowledgement. The offer of Panel Certifier status is valid for 28 days.

The Panel Certifier Acknowledgement is executed as a deed poll and must be signed by the individual certifier and returned to VLA in hardcopy within 28 days of receiving the offer. Failure to meet this deadline will mean that the applicant will need to reapply for approval as a Panel Certifier, which may result in an interruption in the allocation of new work.

Applicants should expect a lead time of up to 10 working days after VLA receives the appropriately signed Panel Certifier Acknowledgement for their certification rights to be activated.

Exemptions to entry requirements

The entry requirements have been designed to cover the infrastructure, processes and tools (for firms) and the experience, skills and capacity (for individuals) that VLA believes are essential for a firm and its practitioners to be providing high quality services to legally aided clients. However, VLA recognises that some aspects of the entry requirements may be difficult for firms or individual practitioners to meet under some circumstances and in some rural areas. As such, VLA offers some exemptions to the entry requirements for firms and practitioners.

Exemptions have been designed to allow some flexibility to the entry requirements in order to ensure adequate regional coverage and ensure that good firms and practitioners are not excluded unnecessarily, where granting the exemption will not compromise the overall quality of representation for legal aid clients.

VLA offers two types of exemptions:

- **Common exemptions**, which are available to all applicants who meet the eligibility criteria for that exemption (though an application with a request for multiple common exemptions may be considered unfavourably by VLA).
- **Special circumstances exemptions**, which are assessed on a case-by-case basis taking into account relevant factors, including the need for geographical coverage. Special circumstances exemptions are unique to individual applications and, as such, do not create a precedent for other practitioners or future applications.

Common exemptions – firms

Common exemptions apply to the following firm entry requirement:

Requirement 5

Aspect of requirement: A level one Panel Certifier on the firm's staff also being a LIV Accredited Specialist in criminal law

Exemption eligibility:

- Rural firm whose primary area of practice is not indictable crime – rural firms must request special circumstances exemptions every time they apply for reinclusion the panel (every 5 years). Consideration will be given to the size of the firm and the areas of practice the firm undertakes work in
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Exemption condition(s):

- Rural firm whose primary area of practice is not indictable crime – to be developed on a case-by-case basis

Indictable Crime Panel common exemptions – individual Panel Certifiers

Common exemptions are available for the Indictable Crime Panel individual entry requirements listed below. Individual practitioners in rural firms may be eligible for most of the common exemptions.

Requirements A2 and C2

Aspect of requirement: 12-month timeframe for files

Exemption eligibility: rural applicants and applicants who have been on parental or other extended leave

This exemption can only be requested if the applicant has not had access to **any** indictable files meeting the specified criteria within the 12-month period.

If the practitioner has had carriage of files meeting the specified criteria during the 12-month period they **must** submit those as their files.

Exemption condition(s): submit files meeting the specified criteria from within the last 24 months with the application

Alternative options: apply for approval as level two Panel Certifier (for A2) or work as a non-certifier until the applicant has gained the required experience

Requirement A2 and B2

Aspect of requirement: submit file/s

Exemption eligibility: the only practitioner with criminal law expertise in a new firm who has extensive summary crime experience but no indictable crime experience or who has recently joined the firm and does not have access to indictable files to submit with the application

Exemption condition(s): submit file/s meeting requirements described at A2 or B2 within 12 months of accepting an offer of Panel Certifier status

Alternative options: delay applying until the firm has had privately-funded indictable crime files meeting the requirements or seek consent to access files undertaken at a previous workplace

Requirement A1

Aspect of requirement: 5 years recent experience

Exemption eligibility: applicants who have had 5 years experience in criminal law but not all of the experience was gained recently due to parental or other extended leave (if the firm would otherwise have no level one Panel Certifier)

Exemption condition(s): applicant must have had 5 years experience, including the equivalent of at least 25% of a fulltime workload in criminal law matters, within the previous 7 years.

Alternative options: if the firm already has a level one Panel Certifier, the applicant can be offered level two Panel Certifier Status if they meet the entry requirements for that level

Requirement C1

Aspect of requirement: 2 years recent experience

Exemption eligibility: applicants who have had 2 years experience but not all of the experience was gained recently due to parental or other extended leave

Exemption condition(s): applicant must have had 2 years experience, including the equivalent of at least 25% of a fulltime workload in criminal law matters, within the previous 3 years

Youth Crime Subset common exemptions – individual Panel Certifiers

Common exemptions are available for the following Youth Crime Subset individual entry requirements:

Requirement A2 or B2

Aspect of requirement: submit file/s

Exemption eligibility: applicants in firms with extensive criminal law experience, but no current experience in youth crime

Exemption condition(s): submit file/s meeting requirements outlined at A2 or B2 within 12 months of accepting an offer of Panel Certifier status

Alternative options: ineligible applicants can work under the supervision of a Panel Certifier on the Youth Crime Subset until they have had practical carriage of enough matters meeting the requirement

Special circumstances exemptions

Exemptions not listed as common exemptions will only be considered where special circumstances exist.

Applicants who do not meet all the entry requirements but who are practising in a geographical area with limited coverage by legal aid service providers are encouraged to apply for a special circumstances exemption.

If a special circumstances exemption is granted, VLA will stipulate the condition/s of the exemption. Conditions for a special circumstance exemption will be decided on a case-by-case basis in consultation with the applicant.

Requesting exemptions

Individual practitioners can request exemptions at part 4 of the *Indictable Crime Panel individual application form* or part 3 of the *Youth Crime Subset individual application form*.

Before requesting an exemption applicants are expected to self-assess whether they may be eligible.

To guide the self-assessment process applicants are expected to consider the following:

1. Is there a common exemption available for that requirement?
 2. Am I eligible for that exemption?
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3. If I am eligible, am I willing and able to accept and meet the conditions of the exemption?
Or, if I am not eligible, do special circumstances apply in my case?

If your self-assessment indicates that you are not eligible for an exemption, you should consider whether you wish to apply for approval as a Panel Certifier on the panel at a later stage when you will no longer require the exemption or, if special circumstances apply in your case, whether you wish to apply for a special circumstances exemption.

Firm exemptions must be requested in writing when submitting the firm application.

For further information on exemptions please refer to the *Indictable Crime Panel and Youth Crime Subset frequently asked questions*.

Definitions

In this document:

Applicant refers to a private law practice or private legal practitioner submitting an expression of interest to be included (private law firm), or to be granted Panel Certifier status (private legal practitioner), on the Indictable Crime Panel.

Non-certifier refers to an individual practitioner within a member firm who has not been approved to certify grants of legal assistance.

Panel Certifier refers to an individual practitioner within a member firm who has been approved to certify grants of legal assistance.

Panel member refers to a member firm and its staff.

Section 29A panels firm entry requirements

This document outlines the requirements for a private law practice to be included on any of Victoria Legal Aid's section 29A practitioner panels.

A firm must be able to demonstrate, or provide further information about, its capacity to meet any of the requirements listed below, if requested by Victoria Legal Aid.

Firm entry requirements

These entry requirements must be read in conjunction with assessment guidelines (firm entry requirements) on page 2, as the assessment guidelines expand on how Victoria Legal Aid will assess the firm's ability to meet the requirements.

Firm entry requirements

To be included on the panel a firm must meet the following requirements:

Case management

- 1 The firm must have:
 - A An adequate system to record details of each practitioner's open files
 - B An adequate diary system to record the key dates for each practitioner's open files
 - C An adequate system in place to generate reports on legal aid files
 - D An adequate system in place to identify the location of a file
 - E A secure place to store files
 - F Financial management structures in place to enable practitioners to invoice legally aided matters in a timely manner

Supervision

Please note: supervision requirements do not apply to firms that are *solely* members of the Independent Children's Lawyer Panel because ICLs are not able to delegate work.

- 2 The firm must have an adequate system in place to:
 - A Ensure that practitioners and staff have the appropriate education, training, skills and experience to do legal aid work competently
 - B Regularly review and consider practitioners' caseload to ensure that it is manageable
 - C Enable certifiers to adequately supervise work done on their files by anyone other than themselves

Conflict

- 3 The firm must demonstrate active compliance with the *Professional Conduct And Practice Rules* and have:
- A An adequate system in place to enable practitioners to check for conflict of interest
 - B Adequate arrangements in place to enable practitioners to avoid conflict of interest where the practitioner's own interest is involved

Client care

- 4 The firm must have:
- A An adequate infrastructure to provide a private environment for clients
 - B An internal complaints management process in place

LIV Accredited Specialist

Note: this requirement only applies to firms seeking inclusion on the Indictable Crime Panel

- 5 The firm must have at least one level one Panel Certifier who is also a LIV Accredited Specialist in criminal law on its staff

Professional business conduct

- 6 The firm must conduct business in an appropriate and professional manner

Assessment guidelines (firm entry requirements)

These assessment guidelines are a guide to how the firm entry requirements will be assessed by Victoria Legal Aid.

Assessment guidelines (firm entry requirements)

Requirements are assessed as follows:

Case management

- 1 **The firm must have:**
- A **An adequate system to record details of each practitioner's open files**
- Firm declaration. The firm must be able to demonstrate that it monitors that system information is up-to-date and securely backed up, and that all backups are stored at a secure external location.
- To be considered *adequate*, the system must:
- enable relevant other members of the firm to access key information about open files without referring to the physical file
 - be able to record all key information for each file, including the:
 - name of the client

- ATLAS reference number
- matter type by panel or subset panel
- next key date.

B An adequate diary system to record the key dates for each practitioner's open files

Firm declaration. The firm must be able to demonstrate that it monitors that diary system information is up-to-date and securely backed up.

To be considered *adequate*, the system must:

- enable relevant other members of the firm to access key dates for open files without referring to the physical file
- be able to record all key dates for each file, including
 - all court dates
 - other hearing dates
 - conference appointments
 - filing dates.

C An adequate system in place to generate reports on legal aid files

Firm declaration. To be considered *adequate*, the system must be able to generate:

- lists of legally aided files opened and/or closed from a specified date
- lists of the number and types of legally aided matters carried by each practitioner
- reports of final outcomes
- reports of barrister information.

D An adequate system in place to identify the location of a file

Firm declaration. To be considered *adequate*, the system must enable the firm to identify the location of the file *or* produce the physical file within one hour. It is acceptable to take longer to produce the file provided that the location is *identified* within one hour.

E A secure place to store files

Firm declaration. To be considered *secure*, the storage location must prevent unauthorised access to files and protect the files from accelerated degradation.

F Financial management structures in place to enable practitioners to invoice legally aided matters in a timely manner

Firm declaration. The support structures must allow practitioners to submit invoices to VLA in accordance with VLA's requirements.

Supervision

Note: supervision requirements do not apply to firms that are solely members of the Independent Children's Lawyer Panel because ICLs are not able to delegate work.

2 The firm must have an adequate system in place to:

A Ensure that practitioners and staff have the appropriate education, training, skills and experience to do legal aid work competently

Firm declaration. The firm must be able to demonstrate that relevant supporting tools or

documentation exist. For example:

- minutes or log of diary meetings
- records of regular case review meetings
- training plans
- records of individual training.

B Regularly review and consider practitioners' caseload to ensure that it is manageable

Firm declaration. The firm must be able to demonstrate that relevant supporting tools or documentation exist. For example:

- minutes or log of diary meetings
- records of caseload review.

C Enable certifiers to adequately supervise work done on their files by anyone other than themselves

Firm declaration. The firm must be able to demonstrate that relevant supporting tools, documentation or structures exist. For example:

- records of engagement with supervised staff
- corporate culture to support supervision work.

Conflict

3 The firm must demonstrate active compliance with the Professional Conduct And Practice Rules and have:

A An adequate system in place to enable practitioners to check for conflict of interest

Firm declaration. To be considered *adequate*, the system must be searchable by name and contain appropriate secondary information that allows practitioners to verify entries (for example address, date of birth, parents' names or other interested/related parties' names).

B Adequate arrangements in place to enable practitioners to avoid conflict of interest where the practitioner's own interest is involved

Firm declaration. The firm must be able to demonstrate that either a process, policy or system exists, **or** that records or file notes establishing a conflict, stating that the practitioner has decided not to act and providing reasons for the conflict are kept.

Client care

4 The firm must have:

A An adequate infrastructure to provide a private environment for clients

Firm declaration. The firm premises must allow for communicating and engaging with the client in private.

Note: outreach services must have access to a professional private space unless exceptional circumstances exist.

B An internal complaints management process in place

Firm declaration. The firm must be able to demonstrate that the complaints handling

process allows the firm to:

- listen to the complainant
- record the complaint in some form of register
- investigate the complaint
- decide on action to be taken
- notify the complainant.

LIV Accredited Specialist

Note: this requirement only applies to firms seeking inclusion on the Indictable Crime Panel

- 5** *The firm must have at least one level one Panel Certifier who is also a LIV Accredited Specialist in criminal law on its staff*

Firm declaration.

Professional business conduct

- 6** *The firm must conduct business in an appropriate and professional manner*

This requirement will be assessed on the basis of VLA Panel Selection Committee members' personal knowledge of the applicant, stakeholder feedback and information from internal and publicly available records.

Consideration will be given to the firm's:

- dealings with other firms, service providers, legal professionals and the judiciary
- dealings with clients, including the firm's complaints record
- Compliance records, where relevant
- previous dealings and relationship with VLA, where relevant

Indictable Crime Panel and Youth Crime Subset individual entry requirements

This document outlines the requirements for private legal practitioners to be approved as Panel Certifiers on the section 29A Indictable Crime Panel and its Youth Crime Subset.

Practitioners must meet both the general individual entry requirements and the specific individual entry requirements to be approved as Panel Certifiers on the Indictable Crime Panel.

Practitioners wishing to be able to certify legally aided youth crime matters must also meet the requirements for the Youth Crime Subset.

Firms employing the practitioner must meet the firm entry requirements. The *Section 29A panels firm entry requirements* can be found on the [forms page of VLA's website](http://www.legalaid.vic.gov.au/forms-page-of-VLA-s-website) (www.legalaid.vic.gov.au/indictable-crime-panel).

General individual entry requirements

These entry requirements must be read in conjunction with assessment guidelines (general individual requirements) on page 2, as the assessment guidelines expand on how Victoria Legal Aid will assess the practitioner's ability to meet the requirements.

General individual entry requirements

To be approved as a Panel Certifier the practitioner must meet the following requirements:

Practising certificate

G1 The practitioner must:

- a Maintain a current practising certificate without any condition or restriction that would limit the practitioner's ability to provide legal aid services
- b Have held an appropriate practising certificate for the full period of the recent practising experience disclosed on the application form

Misconduct

G2 The practitioner must disclose:

- a Any findings of professional misconduct or unsatisfactory professional conduct made by the Legal Services Board, Legal Services Commission or Victorian Civil and Administrative Tribunal
- b Any current or ongoing complaints or investigations into professional misconduct or unsatisfactory professional conduct being handled by the Legal Services Board, Legal Services Commission or Victorian Civil and Administrative Tribunal
- c Any findings of guilt for any criminal offences other than infringements

Engagement and interaction

G3 The practitioner must conduct practice professionally and appropriately

Assessment guidelines (general individual entry requirements)

The assessment guidelines are a guide to how the general individual entry requirements will be assessed by Victoria Legal Aid.

Assessment guidelines (general individual entry requirements)

Requirements are assessed as follows:

Practising certificate

G1 The practitioner must:

- a Maintain a current practising certificate without any condition or restriction that would limit the practitioner's ability to provide legal aid services**

Practitioner declaration.

- b Have held an appropriate practising certificate for the full period of the recent practising experience disclosed on the application form**

Practitioner declaration.

Misconduct

G2 The practitioner must disclose:

- a Any findings of professional misconduct or unsatisfactory professional conduct made by the Legal Services Board, Legal Services Commission or Victorian Civil and Administrative Tribunal**

Practitioner declaration. When assessing any finding VLA will consider whether the conduct:

- indicates 'a material risk of harm to [legal aid] consumers of legal services'
- undermines VLA's obligation in section 7(1)(a) of the *Legal Aid Act 1978* to ensure that legal aid is provided in a manner which dispels fear and distrust.

VLA 'may give consideration to the honesty, open candour and frankness demonstrated by [the] person in their disclosure'.

- b Any current or ongoing complaints or investigations into professional misconduct or unsatisfactory professional conduct being handled by the Legal Services Board, Legal Services Commission or Victorian Civil and Administrative Tribunal**

Practitioner declaration. When assessing any complaint or investigation VLA will consider whether the conduct:

- indicates 'a material risk of harm to [legal aid] consumers of legal services'
- undermines VLA's obligation in section 7(1)(a) of the *Legal Aid Act 1978* to ensure that legal aid is provided in a manner which dispels fear and distrust.

VLA 'may give consideration to the honesty, open candour and frankness demonstrated by [the] person in their disclosure'.

The application may not be processed until the matter has been determined.

c Any findings of guilt for any criminal offences other than infringements

Practitioner declaration. When assessing any finding VLA will consider whether the conduct:

- indicates ‘a material risk of harm to [legal aid] consumers of legal services’
- undermines VLA’s obligation in section 7(1)(a) of the *Legal Aid Act 1978* to ensure that legal aid is provided in a manner which dispels fear and distrust.

VLA ‘may give consideration to the honesty, open candour and frankness demonstrated by [the] person in their disclosure’.

(Quoted material from the Legal Services Board’s *RRP 017 Fit and Proper Person Policy* – V2, Dec 2011.)

*Engagement and interaction***G3** *The practitioner must conduct practice professionally and appropriately*

This requirement will be assessed on the basis of VLA Panel Selection Committee members’ personal knowledge of the applicant, stakeholder feedback, information from internal and/or publicly available records and any other matters deemed relevant.

Consideration will be given to the practitioner’s:

- dealings with clients, other legal professionals, service providers, the judiciary and other relevant parties
- complaints records
- Compliance records, where relevant
- previous dealings and relationship with VLA, where relevant.

Specific individual entry requirements for the Indictable Crime Panel

These entry requirements are divided into three pathways. The practitioner must choose **one** entry pathway and be able to meet **all** requirements for that pathway.

Only level one Panel Certifiers can be allocated grants of legal assistance for sexual offence matters.

These entry requirements *must* be read in conjunction with assessment guidelines (Indictable Crime Panel) on page 5, as the assessment guidelines expand on how Victoria Legal Aid will assess the practitioner’s ability to meet the entry requirements and provide essential information to guide responses.

Indictable Crime Panel individual entry requirements**To be approved as a level one Panel Certifier, a practitioner must:**

Entry pathway A

- A1 Have at least 5 years recent experience in criminal law
- A2 Submit 2 indictable files that have been legally finalised within the last 12 months. Files must:
- a include at least *one* matter that involves a client in custody

- b include at least *one* matter that has been prepared for trial where the majority of charges are sexual offences
- c each be a different type of offence.

VLA reserves the right to request additional files for assessment

A3 Submit 1 written outline describing the pre-trial preparation that the practitioner undertook as part of the file prepared for trial submitted for requirement A2b, **and** include:

- the memorandum/brief to counsel for a significant appearance

OR

- if the practitioner personally appeared as counsel, the preparation and notes used for a significant appearance

A4 Submit 1 sample of written or oral advocacy work completed by the practitioner as part of *either* of the files submitted for requirement A2, by means of:

- 1 sample of the practitioner's written advocacy (e.g. written submissions, an application for a notice of discontinuance or defence response)

OR

- 1 sample of the practitioner's oral advocacy for a plea or bail application conducted in the County Court or Supreme Court (e.g. preparation and notes used for the appearance)

Entry pathway B

B1 Be a LIV Accredited Specialist in criminal law

B2 Submit 1 indictable file that has been legally finalised within the last 12 months

To be approved as a level two Panel Certifier, a practitioner must:

Entry pathway C

C1 Have at least 2 years recent experience in criminal law

C2 Submit 2 indictable files that have been legally finalised within the last 12 months. Files must:

- a include at least *one* matter that involves a client in custody
- b include at least *one* matter that has been prepared for trial
- c each be a different type of offence.

VLA reserves the right to request additional files for assessment

C3 Submit 1 written outline describing the pre-trial preparation that the practitioner undertook as part of the file prepared for trial submitted for requirement C2b, **and** include:

- the memorandum/brief to counsel for a significant appearance

OR

- if the practitioner personally appeared as counsel, the preparation and notes used for a significant appearance

Assessment guidelines (Indictable Crime Panel individual entry requirements)

The assessment guidelines are a guide to how the Indictable Crime Panel individual entry requirements will be assessed by Victoria Legal Aid.

Assessment guidelines (Indictable Crime Panel individual entry requirements)

Requirements for level one are assessed as follows:

Entry pathway A

A1 *Have at least 5 years recent experience in criminal law*

Practitioner declaration.

A2 *Submit 2 indictable files that have been legally finalised within the last 12 months. Files must:*

a *include at least one matter that involves a client in custody*

b *include at least one matter that has been prepared for trial where the majority of charges are sexual offences*

c *each be a different type of offence.*

VLA reserves the right to request additional files for assessment

The practitioner must have had personal carriage of the matter.

Each file must be for *different type of offence*, and not include more than one from any of the following offence categories:

- homicide
- other offences of violence
- drug offences
- Commonwealth offences
- theft or fraud offences
- sexual offences
- youth matters in the County Court or Supreme Court.

The matters must not have been heard summarily.

When assessing files VLA will look for:

- evidence of client care, including assessment of other legal and non-legal problems, where appropriate, and any referrals made (e.g. a file note of conference with client or a letter confirming advice to client)
- presence of all key documents
- quality of work done
- good file management.

A3 *Submit 1 written outline describing the pre-trial preparation that the practitioner undertook as part of the file prepared for trial submitted for requirement A2b, **and** include:*

- *the memorandum/brief to counsel for a significant appearance*

OR

- *if the practitioner personally appeared as counsel, the preparation and notes used for a significant appearance*

Written outlines of preparation should be approximately 250–750 words and show:

- when and how the practitioner briefed

- how the practitioner engaged with counsel throughout the matter
- details of the conduct of client conferences, including when these happened
- how the practitioner assessed the need for, and obtained, supporting material.

It should be possible to verify the information provided in the written outline on the file.

A copy of the memorandum/brief to counsel or preparation and notes must be marked and placed on top of the file when submitted to VLA or can be submitted electronically with the application form.

The matter may have been resolved before the trial.

Memorandums/briefs to counsel should show:

- purpose of the brief
- background of the matter
- history of proceedings
- client's instructions
- analysis of the issues involved (including evidentiary issues)
- articulation of the defence and arguments used
- summary of the client's circumstances.

The practitioner's **preparation and notes** for the appearance should show:

- analysis of the issues involved (including evidentiary issues)
- articulation of the defence/mitigating issues and the arguments used
- any evidence led or cross-examination of witnesses
- analysis of the client's personal circumstances and their relevance to, or use in, the proceedings

Preparation and notes may include notes expanding on any written submissions or applications for notices of discontinuance.

Significant appearances include:

- pleas in the County Court or Supreme Court
- bail applications in the County Court or Supreme Court
- contested summary jurisdiction applications
- contested applications for leave to cross-examine witnesses
- committal case conferences
- committal hearings
- trials
- sentence indication hearings
- appeals in the County Court or Supreme Court.

A4 *Submit 1 sample of written or oral advocacy work completed by the practitioner as part of either of the files submitted for requirement A2, by means of:*

- *1 sample of the practitioner's written advocacy (e.g. written submissions, an application for a notice of discontinuance or defence response)*

OR

- *1 sample of the practitioner's oral advocacy for a plea or bail application conducted in the County Court or Supreme Court (e.g. preparation and notes used for the appearance)*

Written advocacy should show:

- analysis of the issues involved (including evidentiary issues)
- summary of the client's instructions
- articulation of the defence/mitigating issues and the arguments used.

Oral advocacy should show:

- analysis of the issues involved (including evidentiary issues)
- any evidence led or cross examination of witnesses
- articulation of the defence/mitigating issues and the arguments used

Entry pathway B

B1 Be a LIV Accredited Specialist in criminal law

Practitioner declaration. VLA can seek confirmation from the Law Institute of Victoria, where necessary.

B2 Submit 1 indictable file that has been legally finalised within the last 12 months

The practitioner must have had personal carriage of the matter.

When assessing files VLA will look for:

- evidence of client care, including assessment of other legal and non-legal problems, where relevant, and any referrals made (e.g. a file note of conference with client or a letter confirming advice to client)
- presence of all key documents
- quality of work done
- good file management.

Requirements for level two are assessed as follows:

Entry pathway C

C1 Have at least 2 years recent experience in criminal law

Practitioner declaration.

C2 Submit 2 indictable files that have been legally finalised within the last 12 months. Files must:

- include at least one matter that involves a client in custody*
- include at least one matter that has been prepared for trial*
- each be a different type of offence.*

VLA reserves the right to request additional files for assessment

The practitioner must have had personal carriage of the matter.

Each file must be for *different type of offence*, and not include more than one from any of the following categories:

- homicide
- other offences of violence
- drug offences
- Commonwealth offences
- theft or fraud offences
- sexual offences

- youth matters in the County Court or Supreme Court.

The matters must not have been heard summarily.

When assessing files VLA will look for:

- evidence of client care, including assessment of other legal and non-legal problems, where relevant, and any referrals made (e.g. a file note of conference with client or a letter confirming advice to client)
- presence of all key documents
- quality of work done
- good file management.

C3 *Submit 1 written outline describing the pre-trial preparation that the practitioner undertook as part of the file prepared for trial submitted for requirement C2b, **and** include:*

- *the memorandum/brief to counsel for a significant appearance*
OR
- *if the practitioner personally appeared as counsel, the preparation and notes used for a significant appearance*

Written outlines of preparation should be approximately 250–750 words and show:

- when and how the practitioner briefed
- how the practitioner engaged with counsel throughout the matter
- details of the conduct of client conferences, including when these happened
- how the practitioner assessed the need for, and obtained, supporting material

It should be possible to verify the information provided in the written outline on the file.

A copy of the memorandum/brief to counsel or preparation and notes must be marked and placed on top of the file when submitted to VLA or can be submitted electronically with the application form.

The matter may have been resolved before the trial.

Memorandums/briefs to counsel should show:

- purpose of the brief
- background of the matter
- history of proceedings
- client's instructions
- analysis of the issues involved (including evidentiary issues)
- articulation of the defence/mitigating issues and arguments used
- summary of the client's circumstances.

The practitioner's **preparation and notes** for the appearance should show:

- analysis of the issues involved (including evidentiary issues)
- articulation of the defence/mitigating issues and the arguments used
- any evidence led or cross-examination of witnesses
- analysis of the client's personal circumstances and their relevance to, or use in, the proceedings

Preparation and notes may include notes expanding on any written submissions or applications for notices of discontinuance.

Significant appearances include:

- pleas in the County Court or Supreme Court
- bail applications in the County Court or Supreme Court
- contested summary jurisdiction applications
- contested applications for leave to cross-examine witnesses
- committal case conferences
- committal hearings
- trials
- sentence indication hearings
- appeals in the County Court or Supreme Court.

Youth Crime Subset individual entry requirements

To be approved as a Panel Certifier on the Youth Crime Subset, the practitioner must meet the entry requirements for the main panel **and** for the subset.

Victoria Legal Aid reserves the right to request additional sample files for assessment.

Youth Crime Subset individual entry requirements	
To be approved as a Panel Certifier on the Youth Crime Subset a practitioner must:	
Entry pathway A	
A1	<p>Have attended VLA-approved professional development covering:</p> <ul style="list-style-type: none"> • interviewing children • ethical issues specific to children • criminal procedure specific to children • sentencing and other legal principles specific to children
A2	<p>Submit 2 youth crime files that have been legally finalised within the last 12 months, at least one of which must be a matter where the client is also involved in child protection proceedings or is on a current child protection order.</p> <p>The practitioner does not need to have had carriage of the child protection proceedings.</p> <p>One of the files may be one of the files submitted for the main panel</p>
Entry pathway B	
B1	Be a LIV Accredited Specialist in children's law
B2	<p>Submit 1 youth crime file that has been legally finalised within the last 12 months, where the client is also involved in child protection proceedings or is on a current child protection order.</p> <p>The practitioner does not need to have had carriage of the child protection proceedings.</p> <p>The file may be one of the files submitted for the main panel</p>

Assessment guidelines (Youth Crime Subset individual entry requirements)

The assessment guidelines are a guide to how the Youth Crime Subset individual entry requirements will be assessed by Victoria Legal Aid.

Assessment guidelines (Youth Crime Subset individual entry requirements)

Requirements for the Youth Crime Subset are assessed as follows:

Entry pathway A

A1 *Have attended VLA-approved professional development covering*

- *interviewing children*
- *ethical issues specific to children*
- *criminal procedure specific to children*
- *sentencing and other legal principles specific to children*

VLA will check records of attendance.

A2 *Submit 2 youth crime files that have been legally finalised within the last 12 months, at least one of which must be a matter where the client is also involved in child protection proceedings or is on a current child protection order.*

The practitioner does not need to have had carriage of the child protection proceedings.

One of the files may be one of the files submitted for the main panel

The practitioner must have had carriage of the youth crime matter. When assessing the casework sample VLA will look for:

- evidence of client care, including assessment of other legal and non-legal problems, where appropriate, and any referrals made (e.g. a file note of conference with client or a letter confirming advice to client)
- evidence of assessing and addressing issues arising from the child protection proceedings that may impact on the criminal proceedings
- presence of all key documents
- quality of work done
- good file management.

Entry pathway B

B1 *Be a LIV Accredited Specialist in children's law*

Practitioner declaration. VLA may seek confirmation from the Law Institute of Victoria.

B2 *Submit 1 sample youth crime file that has been legally finalised within the last 12 months, where the client is also involved in child protection proceedings or is on a current child protection order.*

The practitioner does not need to have had carriage of the child protection proceedings.

The file may be one of the files submitted for the main panel

The practitioner must have had carriage of the youth crime matter.

When assessing the casework sample VLA will look for:

- evidence of client care, including assessment of other legal and non-legal problems, where appropriate, and any referrals made (e.g. a file note of conference with client or a letter confirming advice to client)
- evidence of assessing and addressing issues arising from the child protection proceedings that may impact on the criminal proceedings

- presence of all key documents
- quality of work done
- good file management.

Indictable Crime Panel and Youth Crime Subset frequently asked questions

These frequently asked questions support the *Indictable Crime Panel and Youth Crime Subset key information*, *Indictable Crime Panel and Youth Crime Subset individual entry requirements*, the *Indictable Crime Panel individual application form* and the *Youth Crime Subset Panel individual application form*.

Topics covered

The following is a quick guide to the information covered in these FAQs:

Using these FAQs

- Q1. [Who should use these FAQs?](#)
- Q2. [Am I a firm or an individual?](#)

How to apply

- Q3. [How do I apply?](#)
- Q4. [What should a firm think about before applying for panel membership?](#)
- Q5. [What does an individual need to do before applying to be a Panel Certifier?](#)
- Q6. [How long does it take to complete an individual application?](#)
- Q7. [I am a sole practitioner – what applications do I need to submit?](#)
- Q8. [What can I do if I need help applying?](#)
- Q9. [Do I need to sign the application form?](#)

Panel membership model

- Q10. [What is the panel membership model?](#)
- Q11. [What is the accountability structure in the membership model?](#)
- Q12. [Is an Indictable Crime Panel Certifier automatically eligible as Panel Certifier on other panels?](#)
- Q13. [When does a firm's membership become effective?](#)
- Q14. [How many practitioners in the firm must apply for Panel Certifier status?](#)

Individual entry requirements

- Q15. [What are the individual entry requirements?](#)
- Q16. [What is my ATLAS user ID as required on the individual application form?](#)
- Q17. [What types of work do the Indictable Crime Panel and Youth Crime Subset cover?](#)
- Q18. [What should I think about before choosing an entry pathway?](#)
- Q19. [I can nearly meet the requirements to be a level one Panel Certifier. Should I wait to apply or apply now to be a level two Panel Certifier?](#)
- Q20. [What happens if I apply using entry pathway A and the selection committee does not approve my application?](#)

Indictable Crime Panel and Youth Crime Subset frequently asked questions

[Q21. What do I need to submit when a requirement calls for files? \(Indictable Crime Panel A2, B2 or C2 and Youth Crime Subset A2 or B2\)](#)

[Q22. How do I submit the files and when do I get them back?](#)

[Q23. How will my files be managed and stored while in VLA's care?](#)

[Q24. Can I submit non-legally aided files?](#)

[Q25. What does 'prepared for trial' mean?](#)

[Q26. Why is there a Youth Crime Subset?](#)

[Q27. When should I apply for the Youth Crime Subset?](#)

[Q28. Must I also have had carriage of the child protection matter to meet requirements A2 and B2?](#)

[Q29. What youth crime files can I submit? \(requirements A2 and B2\)](#)

[Q30. Can I submit the same files for the Youth Crime Subset as for the Indictable Crime Panel?](#)

[Q31. What is the VLA-approved professional development for the Youth Crime Subset?](#)

Firm entry requirements

[Q32. Does the firm need a LIV Accredited Specialist in criminal law for each of its offices?](#)

[Q33. Must the LIV Accredited Specialist also apply to be a Panel Certifier?](#)

[Q34. My firm does not currently have a LIV Accredited Specialist. How can my firm meet requirement 5?](#)

[Q35. What happens if the only LIV Accredited Specialist employed by a firm leaves the firm?](#)

When to apply

[Q36. Is there a deadline for applications?](#)

[Q37. What does it mean that the panel is continuously open?](#)

Exemptions

[Q38. How do I request an exemption?](#)

[Q39. How are exemption requests assessed?](#)

[Q40. What if my exemption request is refused?](#)

[Q41. What issues are considered for special circumstances exemptions?](#)

[Q42. Can I apply for more than one exemption?](#)

[Q43. Is a lower quality standard allowed of firms and certifiers who are subject to an exemption?](#)

Assessment of applications

[Q44. Why does the Panel Selection Committee have alternate chairs?](#)

[Q45. Who is the senior VLA member on the Panel Selection Committee?](#)

[Q46. How long will it take for my application to be assessed?](#)

[Q47. What can I do if my application is refused?](#)

[Q48. How are situations of conflict managed for the Panel Selection Committee members?](#)

Conditions for inclusion on the panel (firms)

[Q49. Why does a firm need to sign a Panel Deed?](#)

[Q50. What happens if I don't return the signed Panel Deed within 28 days?](#)

Conditions for status as Panel Certifier (individuals)

Indictable Crime Panel and Youth Crime Subset frequently asked questions

[Q51. Why do practitioners need to sign a Panel Certifier Acknowledgement?](#)

[Q52. What happens if I don't return the signed Panel Certifier Acknowledgement within 28 days?](#)

Using these FAQs

Q1. Who should use these FAQs?

These FAQs contain information relevant to both firms applying for inclusion on the Indictable Crime Panel and to individual practitioners applying for approval as Panel Certifiers on the Indictable Crime Panel and its Youth Crime Subset.

Q2. Am I a firm or an individual?

The terms “firm” and “individual” should be attributed to their commonly understood, plain English meaning.

The firm is the private legal practice that employs one or more private legal practitioners (individuals). A nominated contact person who has been given authority to act as VLA’s point of contact for the application process represents the firm when engaging with VLA about the application.

An individual is any private legal practitioner who is employed by an applicant firm or is a partner of that firm.

Firms apply for membership of the panel, individuals apply for approval as Panel Certifiers. See also Q10.

A sole practitioner is *both* the firm and an individual practitioner and, as such, must submit both a firm and individual application. See also Q7.

How to apply

Q3. How do I apply?

The firm must be a member of the panel and have approved individual Panel Certifiers on its staff to be able to receive grants of legal assistance. The firm may be a member of the panel at any time, but its membership will only be active when it has at least one Panel Certifier on staff to certify grant applications.

Firms apply for membership by submitting a firm application form.

Each individual practitioner employed by an applicant firm can apply for approval as a Panel Certifier by submitting an *Indictable Crime Panel individual application form* and, if relevant, a *Youth Crime Subset individual application form*. See the *Indictable Crime Panel and Youth Crime Subset key information* for full details of how to apply.

Application forms can be found on the [Indictable Crime panel](#) page of VLA’s website (www.legalaid.vic.gov.au/indictable-crime-panel).

Indictable Crime Panel and Youth Crime Subset frequently asked questions

Q4. What should a firm think about before applying for panel membership?

Firms only need to submit one application to be considered for inclusion on the range of section 29A panels. When a firm first applies it should consider in advance the section 29A panels on which it wishes to be included now and in the future.

If a firm later wishes to be included on additional panels it must apply separately for these panels.

Before applying it is highly recommended that the firm takes time to read the *Information package: Indictable Crime Panel and Youth Crime Subset*, especially the *Section 29A panels firm entry requirements* (including assessment guidelines) and the *Section 29A panels firm application form*.

Q5. What does an individual need to do before applying to be a Panel Certifier?

Before applying for Panel Certifier status it is highly recommended that individual practitioners take time to familiarise themselves with *Information package: Indictable Crime Panel and Youth Crime Subset*, especially the *Indictable Crime Panel and Youth Crime Subset individual entry requirements* (including assessment guidelines), the *Indictable Crime Panel individual application form* and, if relevant, the *Youth Crime Subset individual application form*. These documents contain essential information to help with the application. Understanding this information will make the application process quicker and more efficient.

As part of the application practitioners are required to submit files for assessment. Practitioners may like to allow themselves time to thoroughly consider which files are best suited to demonstrate their skills and capacity as outlined in the entry requirements and assessment guidelines before completing the application form.

Practitioners who are also intending to apply for the Youth Crime Subset may like to consider how that impacts on the choice of files submitted for the main panel.

Q6. How long does it take to complete an individual application?

The application process for individual applicants seeking Panel Certifier status on the Indictable Crime Panel is estimated to take around four hours. Practitioners who are also applying for the Youth Crime Subset should allow extra time.

The estimated timeframe for individual applicants includes time to read the information package and entry requirements, time to identify and prepare suitable files for submission and time to complete the application form/s.

Every effort has been made to make the application form itself as short and easy to complete as possible. However, practitioners should note it may take some time to identify and prepare suitable files to submit as part of the application.

It may take less or more time for each individual applicant.

Q7. I am a sole practitioner – what applications do I need to submit?

Sole practitioners must meet both the firm and individual entry requirements and must submit both a firm application and an individual application. See also Q2.

Q8. What can I do if I need help applying?

Practitioners and firms are also welcome to contact VLA's Panels Coordinator for assistance with the application process or with any questions arising out of the information package.

Panels Coordinator can be contacted via email at panels@vla.vic.gov.au or by phone on (03) 9269 0644.

Q9. Do I need to sign the application form?

You are not required to sign the application form.

VLA uses an electronic application process. As part of this process, electronically submitting the application form is your acknowledgement of the matters contained within the declaration and acts as substitute for a signature.

Panel membership model

Q10. What is the panel membership model?

Detailed information about the panel membership model can be found in the *Indictable Crime Panel and Youth Crime Subset key information*.

Q11. What is the accountability structure in the membership model?

VLA's membership model includes a combination of firm accountability and individual accountability.

The individual accountability means that Panel Certifiers are accountable for all matters that they certify, even where another practitioner (certifier or non-certifier) has done the work.

Combined firm and individual accountability gives VLA a broader range of less disruptive options to address quality issues, if they arise. While the firm is responsible overall for ensuring the quality of work done, the introduction of individual accountability allows VLA to address quality issues with individual certifiers where the issue can clearly be isolated to that particular practitioner within the firm. For example, VLA may alter or revoke the practitioner's Panel Certifier status, rather than having to seek to remove the whole firm from the panel (as under the old accountability structure).

However, the firm is solely accountable for some quality issues. This includes quality issues that can be linked to a failure of the firm to continuously meet the firm entry requirements, and may also include issues arising from the firm not sufficiently enabling or supporting its certifiers to meet their obligations as certifiers. For example, if the firm does not manage caseloads to ensure that the certifier is able to adequately manage that caseload to the standards expected by VLA, including supervising any other practitioners working on matters they have certified.

The firm should consider ensuring that all practitioners who meet the entry requirements do apply for approval as Panel Certifiers. This will allow the firm to achieve the best possible proportion of Panel Certifiers to Non-certifiers and thereby a better distribution of risk if quality issues arise.

Indictable Crime Panel and Youth Crime Subset frequently asked questions

Q12. Is an Indictable Crime Panel Certifier automatically eligible as Panel Certifier on other panels?

Generally, practitioners must submit a panel-specific application for each panel they wish to be able to certify grants for.

However, practitioners approved as Panel Certifiers on the Indictable Crime Panel are automatically eligible for Panel Certifier status on VLA's Summary Crime Panel without need to submit a further application. New applicants who would like to be on both of these panels may just submit an application for the Indictable Crime Panel.

Q13. When does a firm's membership become effective?

If the firm's application is approved, the firm is found suited for inclusion on each of the section 29A Panels for which it applied.

However, for a panel membership to become effective, at least one employee of the firm must be approved as a Panel Certifier for that panel.

For the Indictable Crime Panel, at least one employee of the firm must be approved as a level one Panel Certifier for membership of that panel to become effective. See also the *Section 29A panels firm entry requirements*.

Q14. How many practitioners in the firm must apply for Panel Certifier status?

At least one employee of the firm must be approved as a Panel Certifier for the firm's membership to be active.

However, firms should consider ensuring that all practitioners who can meet the entry requirements apply for approval as Panel Certifiers, as this will benefit the firm under the accountability structure for the new membership model. See also Q11.

Individual entry requirements

Q15. What are the individual entry requirements?

Individual entry requirements describe the specific skills and capacity required for an individual practitioner to be approved as a Panel Certifier on the Indictable Crime Panel.

Individual entry requirements can be found on the [Indictable Crime panel](#) page of VLA's website (www.legalaid.vic.gov.au/indictable-crime-panel).

Q16. What is my ATLAS user ID as required on the individual application form?

Your ATLAS user ID is your current ATLAS login name.

If your firm is currently on a Section 29A or the Section 30 panel but you are not registered as a user on ATLAS, you must ask your firm's ATLAS administrator to create your user ID before you apply for the Indictable Crime Panel.

If your firm is on the Section 30 panel, but has never registered to use ATLAS, your firm must register to use ATLAS before you will be able to apply for the Indictable Crime Panel.

If your firm is not currently on a Section 29A or the Section 30 panel, you will not yet have a user ID in ATLAS. Your firm must apply for inclusion on the Section 30 panel and register to use ATLAS before you will be able to apply for the Indictable Crime Panel.

Firms can apply for inclusion on the Section 30 panel by completing the *Section 30 application form* on the panels page of VLA's website (www.legalaid.vic.gov.au/panels).

Indictable Crime Panel

Q17. What types of work do the Indictable Crime Panel and Youth Crime Subset cover?

The Indictable Crime Panel covers the following work:

- Committal proceedings in the Magistrates' Court
- Trials and pleas in the County and Supreme Courts
- Appeals of criminal matters to the Court of Appeal, Supreme Court and the High Court

The Youth Crime Subset covers youth crime matters in any Court.

Adult indictable crime matters which are being heard and determined summarily in the Magistrate's Court may also be undertaken by members of the Summary Crime Panel.

Q18. What should I think about before choosing an entry pathway?

You must be able to meet all requirements for the entry pathway you choose.

The entry pathways are tied to certification level, so you may also like to consider which certification level best suits you.

Successful applicants using entry pathway A or B will be approved as level one Panel Certifiers. Level one certifiers are able to certify and have carriage of sex offence matters and major criminal trials, and are subject to reduced quality auditing requirements.

Successful applicants using entry pathway C or D will be approved as level two Panel Certifiers.

Entry pathway D has been designed to simplify the application process for individual practitioners employed by current panel member firms who do not wish to be able to certify sex offence matters.

Q19. I can nearly meet the requirements to be a level one Panel Certifier. Should I wait to apply or apply now to be a level two Panel Certifier?

If you are very close to meeting the requirements for entry pathway A or B, it may be beneficial to wait to apply. See also Q18.

When making your decision you should be mindful that approval as a level two Panel Certifier is for three years and that you can only reapply for a higher certification level at the expiry of that three-year approval period or if LIV Accredited Specialisation is obtained.

This means, for example, that if you will be able to meet the requirements for level one in four or six months, you may find it beneficial to wait until then to apply.

Firms may also have an interest in deciding when each of its practitioners apply to be Panel Certifiers, depending on the distribution of Panel Certifiers to non-certifiers the firm wishes to achieve. See also Q11.

Q20. What happens if I apply using entry pathway A and the selection committee does not approve my application?

If the Panel Selection Committee finds that your application does not fully satisfy the entry requirements and assessment guidelines for pathway A, the Panel Selection Committee may offer you approval as a level 2 certifier if it finds that your application satisfies the entry requirements and assessment guidelines for pathway C.

You may decide whether you want to accept approval as a level two certifier, or whether you prefer to reapply when you have addressed the reasons provided to you by the Panel Selection Committee. See also Q15 and Q19.

If you decide to reapply, you must wait 6 months before reapplying.

Q21. What do I need to submit when a requirement calls for files? (Indictable Crime Panel A2, B2 or C2 and Youth Crime Subset A2 or B2)

When a requirement calls for one or more files you must choose file/s that you have had carriage of that meet the requirements, and send the whole file/s to VLA as part of your application.

The files must be legally finalised, and any deadline for appeal must have passed.

Files must be complete and securely fastened so that there are no loose documents.

If you are also applying for the Youth Crime Subset, you should consider whether the same sample file/s can meet the requirements for both the main panel and the subset panel requirements, as this may make the application process quicker.

Q22. How do I submit the files and when do I get them back?

Files can be submitted in three ways:

- via post or courier to Panels Coordinator, Victoria Legal Aid, 350 Queen Street, Melbourne, 3000
- via document exchange to Panels Coordinator, DX 210646, Melbourne
- personal delivery to reception at VLA's head office at 350 Queen Street, Melbourne. You will be issued with a receipt on delivery.

You may choose whichever of these methods of delivery you prefer.

The sample files will be returned to you using DX or registered post. The sample files will be returned to you as soon as the assessment process has been finalised.

The files must be legally finalised, and any deadline for appeal must have passed. This reduces the chance that you may need the file back during the assessment period.

If, for any reason, you need a file back, or need access to it during the assessment period, you must contact the Panels Coordinator to arrange a temporary return or one-off access.

Q23. How will my files be managed and stored while in VLA's care?

Details of all files received are immediately recorded in our application system. The files will then be stored in secure, locked storage in the Panel Selection Committee's assessment office.

Panel Selection Committee members can only access the files in the assessment office where they are stored. Panel Selection Committee meetings will also be conducted in this office.

Only Panel Selection Committee members and key staff supporting the selection process will have access to files.

All information and material put before the Panel Selection Committee is treated as confidential. Information and material stored electronically can only be accessed by the Panel Selection Committee and administrative staff supporting the selection process.

Once the assessment process has been completed, files will be packed and dispatched by the administrative staff supporting the selection process.

Q24. Can I submit non-legally aided files?

Yes. You may submit files related to privately-funded matters if you wish. However, you are responsible for ensuring that any files related to privately-funded matters are appropriately released to VLA following considerations of professional and client obligations, and in such a way that VLA can view and assess the information on those files.

Q25. What does 'prepared for trial' mean?

'Prepared for trial' means that the matter must have been listed for trial and all necessary preparatory work completed to be able to run the trial, including preparation of a Defence Response, but the matter may be resolved *before* the trial occurs.

In submitting files that have been prepared for trial, practitioners demonstrate their ability to run a matter from start to finish and to handle the issues that created complexity over the lifespan of the matter, even if the matter is resolved before the trial.

Youth Crime Subset

Q26. Why is there a Youth Crime Subset?

The establishment of the Youth Crime Subset recognises that the distinct nature of youth crime matters (such as specific sentencing guidelines, a less adversarial approach and considerations relevant to youth as a client group) requires practitioners having carriage of those matters to be able to demonstrate skills and capacity additional to those required for adult indictable crime.

Attaching these additional, specific skill and capacity requirements to a subset of the Indictable Crime Panel, rather than the panel itself, ensures that practitioners who have no interest in, or capacity for, conducting youth matters can still undertake adult indictable crime work.

Q27. When should I apply for the Youth Crime Subset?

If you know you want to be able to do indictable youth crime work and can meet the entry requirements for the Youth Crime subset you should apply at the same time as applying for the main panel. The same timelines apply to the Youth Crime Subset as the Indictable Crime panel.

However, practitioners who later want to be approved on the Youth Crime Subset or have waited until they are able to meet the entry requirements may apply at any time. These applications will be assessed as part of the ongoing four-monthly assessment process.

Q28. Must I also have had carriage of the child protection matter to meet requirements A2 and B2?

No. You do not need to have had the parallel carriage of the child protection matter.

Q29. What youth crime files can I submit? (requirements A2 and B2)

You must submit two files with your Youth Crime Subset application form for entry pathway A and one file for entry pathway B.

These files may be indictable youth matters, indictable youth matters heard summarily or summary youth matters. Files must sufficiently demonstrate your skills and capacity as required under the assessment guidelines.

Q30. Can I submit the same files for the Youth Crime Subset as for the Indictable Crime Panel?

Yes. One of your files may be submitted as part of the application for both the Youth Crime Subset and the Indictable Crime Panel if you are submitting both applications at the same time, provided that the file meets the entry requirement for *both* the main panel and the subset.

If you are applying for the Youth Crime Subset using entry pathway A, the second file must be *in addition* to the two files submitted for the main panel.

Q31. What is the VLA-approved professional development for the Youth Crime Subset?

The VLA-approved professional development is currently training offered by VLA that has been developed specifically for youth crime practitioners.

Information about the training, including dates, is available on the [panels training page](http://www.legalaid.vic.gov.au/panels-training) of VLA's website (www.legalaid.vic.gov.au/panels-training).

Applicants for the Youth Crime Subset must arrange to complete the training for the assessment of their applications to be finalised.

Practitioners are encouraged to register for a training session as soon as possible to maximise the chance of securing a place in their preferred training session before the session fills up.

Q32. What does the youth crime professional development involve?

The youth crime professional development consists of:

- preliminary reading
- an assessment exercise
- a full day seminar.

Participants must attend the full day of the seminar to meet the requirement. It is the practitioner's responsibility to ensure that they are able to attend the whole session they have registered for.

Assessment exercises will be considered as part of the panel application.

Q33. What is the cost of the training?

Training is free. However, a cancellation fee of \$200 applies in the event of a 'no show' or to any registrations cancelled with less than fourteen days notice. This fee covers costs incurred due to last-minute cancellations, including presenters' time.

Due to the nature of the training, preparatory reading and a preliminary assessment exercise must be completed before the session for attendees to be able to participate effectively on the day. Cancellations with less than fourteen days notice do not allow sufficient time for a potential new attendee to make arrangements to attend and do this preparation.

Any outstanding invoices must be paid before assessment of a Youth Crime Subset application can be finalised.

Firm entry requirements

Q34. Does the firm need a LIV Accredited Specialist in criminal law for each of its offices?

No. The firm must employ at least one level one Panel Certifier who is also a LIV Accredited Specialist.

Q35. Must the LIV Accredited Specialist also apply to be a Panel Certifier?

Yes. At least one LIV Accredited Specialist employed by the firm must apply, and be approved, as a level one Panel Certifier.

Q36. My firm does not currently have a LIV Accredited Specialist. How can my firm meet requirement 5?

VLA is offering some exemptions aimed at allowing firms sufficient time to make any necessary arrangements to be able to meet this requirement.

Special circumstances exemptions may be available after this time, and will be assessed on a case-by-case basis. See also Q40.

Indictable Crime Panel and Youth Crime Subset frequently asked questions

However, in the long run it is the firm's responsibility to ensure that it is able to meet this requirement.

Q37. What happens if the only LIV Accredited Specialist employed by a firm leaves the firm?

If the only LIV Accredited Specialist employed by a firm leaves, the firm may not be able to be allocated new matters until a new LIV Accredited Specialist has been recruited or a temporary special circumstances exemption has been requested and granted.

If the LIV Accredited Specialist was the only or primary staff member with indictable law expertise in the firm, the firm must liaise with VLA to determine appropriate action for any ongoing matters.

When to apply

Q38. Is there a deadline for applications?

Firms and individuals can apply at any time as the panel is continuously open.

Applications are assessed every four months. Details of upcoming assessment rounds, including relevant deadlines can be found on the [Indictable Crime Panel](http://www.legalaid.vic.gov.au/indictable-crime-panel) page of VLA's website (www.legalaid.vic.gov.au/indictable-crime-panel).

Q39. What does it mean that the panel is continuously open?

It means that firms and practitioners who meets the panel entry requirements and wish to be able to do legally aided indictable crime work can apply at any time.

New applications will be considered in bulk every four months. The cut-off dates for every four-monthly cycle are available on the [Indictable Crime Panel](http://www.legalaid.vic.gov.au/indictable-crime-panel) page of VLA's website (www.legalaid.vic.gov.au/indictable-crime-panel).

Exemptions

Q40. How do I request an exemption?

Firms can request exemptions in writing with their application, either by including the request in the body of the submission email or by attaching a letter to the email.

Individual applicants can request any exemptions they may require at part 4 of the individual application form.

Before applying for an exemption, you should read the section about exemptions in the *Indictable Crime Panel and Youth Crime Subset key information* and self-assess to see whether you may be eligible and what type of exemption you should request.

When requesting an exemption you must specify which requirement and/or which aspects of the requirement you require exemption from, and provide your reason for needing the exemption. This reason must either address how you meet the eligibility criteria (for common exemptions) or explain any special circumstances that apply in your case.

Q41. How are exemption requests assessed?

Exemption requests are assessed by the Panel Selection Committee when the application is assessed.

Common exemptions are granted to all applicants who meet the eligibility criteria, unless multiple common exemptions are requested. Where multiple exemptions are requested the request will be assessed on a case-by-case basis.

Special circumstances exemption requests are assessed on a case-by-case basis. As part of the assessment process, the Panel Selection Committee will also set any conditions applicable to the exemption when deciding the outcome of the request.

Q42. What if my exemption request is refused?

If a common exemption request is refused you may either use one of the alternative options provided in the common exemptions table, or you can consider whether special circumstances may apply to your case.

If a special circumstances request is refused, you will be provided with reasons for the refusal. You may then reapply for the panel after 6 months of refusal, at a point when you are able to meet the requirements.

VLA does not offer review of decisions on exemption requests.

Q43. What issues are considered for special circumstances exemptions?

Special circumstances exemptions are designed to be responsive to specific issues and circumstances that mean an applicant is legitimately unable to meet the full entry requirements at the time of application.

Because special circumstances exemptions need to be flexible enough to respond to a range of unique issues and circumstances, it is not possible to provide a definitive list of what will be considered.

When assessing individual applicants' requests, consideration may be given to any significant and/or unavoidable circumstance that has disrupted the applicant's ability to practice for a period of time or their ability to get access to the types of matters or experience covered by the entry requirements.

Applicants who do not meet all the entry requirements but who are practising in a geographical area with limited coverage by legal aid service providers are encouraged to apply for a special circumstances exemption.

Special circumstances exemptions addressing the need for coverage in a rural area will be assessed against how we can best achieve high-quality coverage in that area.

Where multiple applicants in the same geographical area request special circumstances exemptions, we will assess these applications in competition with each other and approve exemptions for enough of the highest quality applicants to achieve adequate coverage in that area. For example, if six applicants request exemptions and adequate coverage can be provided by four, the selection committee will assess all six applications together and grant exemptions to the four best applicants only.

Indictable Crime Panel and Youth Crime Subset frequently asked questions

Applicants who are not granted exemptions may apply for the panel again after 6 months and when they have addressed the reasons for requiring the exemption or if there is a significant change to coverage in the area.

When assessing firm applicants' requests, only the special circumstances exemptions listed in the firm exemptions information in the *Indictable Crime Panel and Youth Crime Subset key information* will be considered. See also Q36.

Q44. Can I apply for more than one exemption?

While in some cases multiple exemptions may be granted, this will only be done on a case-by-case basis. Emphasis will be placed on ensuring adequate representation in rural areas.

Q45. Is a lower quality standard allowed of firms and certifiers who are subject to an exemption?

No. All panel firms and Panel Certifiers must perform to the same quality standard.

Exemptions to the entry requirements are granted to ensure coverage in regional areas and to ensure that the entry requirements are feasible for experienced practitioners under a range of circumstances.

Practitioners who are included on the panel subject to an exemption are generally expected to eventually meet the full requirements. The conditions attached to exemptions are aimed at achieving this.

Assessment of applications

Q46. Why does the Panel Selection Committee have alternate chairs?

To allow applications to be assessed as efficiently as possible, two VLA directors have been nominated as chairs.

Having two chairs allows two Panel Selection Committees to sit in parallel.

One of the chairs is also responsible for ensuring consistency in process and decision making between the two committees.

Q47. Who is the senior VLA member on the Panel Selection Committee?

The role of senior VLA member on the Panel Selection Committee will alternate between senior VLA managers to ensure local or technical input into the assessment process.

VLA's regional managing lawyers (or their delegate) will be involved in the assessment process for applications from their region.

VLA's program managers in the areas of indictable crime, youth crime and sex offences (or their delegate) will be involved in the selection process for applications requiring their specific technical expertise.

Q48. How long will it take for my application to be assessed?

Assessment for most applications will be finalised in the allocated assessment meeting.

Indictable Crime Panel and Youth Crime Subset frequently asked questions

If your application is complex it may take longer to assess. Examples of things that may make an application complex include requests for special circumstances exemptions, disclosure of misconduct, poor compliance history, outstanding complaints, or VLA requesting further information from you as part of the assessment process.

Q49. What can I do if my application is refused?

If the Panel Selection Committee intends to refuse your application, you will be given the opportunity to respond to specific issues and concerns before a final decision is made.

All material submitted in response to the request will be forwarded to the Selection Committee for consideration.

If the final decision is unfavourable, you will be given the reasons that led to that decision.

VLA does not offer a review of these decisions.

However, if your application is refused you will have the opportunity to reapply for inclusion on the panel after six months of receiving the unfavourable decision. This is intended to allow sufficient time to address the reasons underpinning the unfavourable decision before reapplying.

Q50. How are situations of conflict managed for the Panel Selection Committee members?

Members of the Panel Selection Committee are bound by, and must comply with, VLA's conflict policy and procedures when undertaking their duties as selection committee members.

Panel Selection Committee must declare if there is a real and sensible risk of a conflict emerging from this role.

Conditions for inclusion on the panel (firms)

Q51. Why does a firm need to sign a Panel Deed?

The Panel Deed has been introduced to improve transparency around the rights and obligations of panel firms and VLA under the *Legal Aid Act 1978*.

Q52. What happens if I don't return the signed Panel Deed within 28 days?

If you don't return the signed Panel Deed within 28 days VLA's offer of inclusion on the Indictable Crime Panel lapses.

Conditions for status as Panel Certifier (individuals)

Q53. Why do practitioners need to sign a Panel Certifier Acknowledgement?

The Panel Certifier Acknowledgement serves two key purposes. Firstly, it is the portable documentation for practitioners, along with a certification notice from VLA, showing that they are approved as a Panel Certifier on the panel.

Secondly, the Panel Certifier Acknowledgement serves to provide transparency around the rights and obligations of certifiers.

Q54. What happens if I don't return the signed Panel Certifier Acknowledgement within 28 days?

If you don't return the signed Panel Certifier Acknowledgement within 28 days VLA's offer of status as Panel Certifier lapses.

If you decide that you do not wish to take up the offer of Panel Certifier status you are free to let the offer lapse.

Section 29A Legal Aid Act 1978 Panel Deed

Victoria Legal Aid

and

[##Insert name of panel member]

Date: ##Date

SAMPLE

Victoria Legal Aid

SAMPLE

Contents

1.	Definitions	2
2.	Term.....	5
3.	Inclusion on Panel.....	6
4.	Panel conditions.....	7
5.	Payment claims.....	9
6.	Privacy	10
7.	Confidentiality.....	10
8.	Intellectual Property	10
9.	Warranties and representations	11
10.	Indemnity.....	11
11.	Termination	12
12.	General	12
13.	Notices	14
14.	Interpretation	15

SAMPLE

SAMPLE

Section 29A Panel Deed

Dated **##Date**

Parties

Name **Victoria Legal Aid ABN 42 335 622 126**
Street Address 350 Queen Street, Melbourne, Victoria 3000
Postal Address GPO Box 4380, Melbourne, Victoria 3001
Facsimile (03) 9269 0470
Email panels@vla.vic.gov.au
Contact Andrew Morse, Panels Coordinator
Short name **VLA**

Name **##Insert name and ABN of panel member**
Address **##**
Facsimile **##**
Email **##**
Contact **##**
Short name **Provider**

Panel **##**

SAMPLE

Background

- A. VLA may establish Panels under section 29A of the *Legal Aid Act 1978 (Vic)* for:
- i. different classes of matters in relation to which Legal Assistance may be provided under that Act; or
 - ii. different parts of the State,
- and may determine the conditions subject to which a private law practice or private legal practitioner may be included on any such Panel.
- B. VLA has invited expressions of interest from private law practices and private legal practitioners for inclusion on Panels established under section 29A of the *Legal Aid Act 1978 (Vic)*, and the Provider has expressed an interest in being included on one or more Panels.
- C. VLA has determined that the Provider's name will be included on the Panel subject to the condition that the Provider enters into this Panel Deed.

The parties agree

1. Definitions

In this document unless expressed to the contrary:

Applicable Law means the *Legal Aid Act 1978 (Vic)* and the *Legal Profession Act 2004 (Vic)* and other laws, Acts, regulations, binding codes and binding ethical, industry or professional requirements applicable to this Panel Deed or the Provider, as updated or replaced from time to time.

Assisted Person has the meaning given to the term 'Assisted Person' in the *Legal Aid Act 1978 (Vic)*.

ATLAS means VLA's web-based system for lodging and tracking applications for, extensions and invoices.

ATLAS Terms and Conditions means the terms and conditions for the use of ATLAS, as set out in Schedule 1 of this Panel Deed and as amended by VLA from time to time and published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

Australian Legal Practitioner has the meaning given in the *Legal Profession Act 2004 (Vic)*.

Authorised Representative means a representative of each party (as determined by the party he or she represents) who is authorised to make decisions on behalf of the party he or she represents in relation matters arising under this Panel Deed.

Business Day means Monday to Friday excluding public holidays in Victoria.

Commencement Date means:

- (a) where an Interim Deed exists, the date the Interim Deed was signed on behalf of VLA; or
- (b) where no Interim Deed exists, the date this Panel Deed is signed on behalf of VLA.

Confidential Information means all information and materials, in any form, not lawfully in the public domain, in the possession of or under the control of the Provider or to which the Provider gains access at any time including the period preceding the signing of this Panel Deed:

- (a) concerning VLA; or
- (b) concerning the terms and subject matter of this Panel Deed.

Compliance Terms and Conditions means the terms and conditions as set out in Schedule 4 of this Panel Deed and as amended by VLA from time to time and published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

Intellectual Property Rights means all and any patents, patent applications, trade marks, service marks, trade names, domain names, registered designs, unregistered design rights, copyrights, know how, trade secrets and rights in confidential information, URLs and all and any other intellectual property rights, whether registered or unregistered, and including all applications and rights to apply for any of the same.

Interim Panel Deed means a written agreement between the Provider and VLA with the heading "Section 29A Interim Panel Deed".

Legal Aid Act means the *Legal Aid Act 1978 (Vic)*.

Legal Assistance has the meaning given to the term 'Legal Assistance' in the *Legal Aid Act 1978 (Vic)*.

Legal Profession Act means the *Legal Profession Act 2004 (Vic)*.

Grant means VLA's grant of Legal Assistance to an Assisted Person, on the terms and conditions notified by VLA to the Provider in writing.

Offer of Inclusion means a written notice given by VLA to the Provider prior to the date of this Panel Deed containing an offer or conditional offer to include the Provider's name on a Panel.

Panel means the Panel specified on Page 1 of this Panel Deed on which the Provider is included as at the Commencement Date.

Panel Certifier means a member of Provider Personnel who is approved in writing by VLA to certify grants of legal assistance.

Panel Deed means this document and includes documents incorporated by reference.

Panel Entry Requirements means the requirements for the Provider's inclusion on the Panel and the individual entry requirements for Panel Certifiers as applicable at the time the Provider was appointed to the Panel.

Performance Outcomes means the outcomes that VLA may initiate following performance monitoring of legally aided matters, as set out in Schedule 6 of this Panel Deed and as amended from time to time and as published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

Personal Information has the meaning given to the term 'personal information' in the *Privacy and Data Protection Act 2014 (Vic)*.

Practising Certificate has the meaning given to the term 'Australian practising certificate' in the *Legal Profession Act 2004 (Vic)*.

Private Law Practice has the meaning given to the term 'private law practice' in the Legal Aid Act and includes a Community Legal Centre.

Private Legal Practitioner has the meaning given to the term 'private legal practitioner' in the *Legal Aid Act 1978 (Vic)*.

Professional Misconduct has the meaning given to the term 'professional misconduct' in the *Legal Profession Act 2004 (Vic)*.

Practice Standards means the Practice Standards as set out in Schedule 2 of this Panel Deed and as amended by VLA from time to time and published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

Provider means a private law practice or an Australian legal practitioner who is an Independent Children's Lawyer, that is a member of the Panel.

Provider Personnel means:

- (a) where the Provider is a Private Law Practice, the Australian legal practitioners who are partners, directors or employed Australian legal practitioners of the Private Law Practice; and
- (b) where the Provider is an Australian legal practitioner who is an Independent Children's Lawyer, that Australian legal practitioner.

Quality Monitoring Terms and Conditions means the terms and conditions set out in Schedule 3 of this Panel Deed and as amended by VLA from time to time and published on

VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

Removal Procedures means the procedures that VLA will adopt when removing a Provider from the Panel, as set out in Schedule 5 of this Panel Deed and as amended from time to time and as published on VLA's website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

Term means the duration of this Panel Deed as applying under clause 2.

Terms and Conditions of Panel Membership means the terms and conditions contained in this Panel Deed, the Offer of Inclusion, and the following documents which are set out in the following Schedules of this Panel Deed and as amended from time to time and as published on the VLA website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>

- (a) the ATLAS Terms and Conditions (Schedule 1);
- (b) the VLA Practice Standards (Schedule 2);
- (c) Quality Monitoring Term and Conditions (Schedule 3);
- (d) Compliance Terms and Conditions (Schedule 4);
- (e) Panel Removal and Certifier Status Revocation (Schedule 5);
- (f) Performance Outcomes (Schedule 6)

Unsatisfactory Professional Conduct has the meaning given to the term 'unsatisfactory professional conduct' in the *Legal Profession Act 2004* (Vic).

VLA Handbook means the handbook with that name published by VLA from time to time or any successor to it.

2. Term

2.1 Initial Term

This Panel Deed begins on the Commencement Date and ends on the fifth anniversary of the Commencement Date, unless:

2.1.1 terminated earlier under clause 11;

2.1.2 extended by VLA under clause 2.2.

2.2 Extension of Term

2.2.1 VLA may elect, by notice in writing to the Provider, to extend this Panel Deed for a further period determined by VLA but not exceeding five years.

2.2.2 Subject to this Panel Deed, the same Terms and Conditions of Panel Membership of this Panel Deed applying immediately prior to an extension will continue to apply during the extended Term.

3. Inclusion on Panel

3.1 Inclusion

3.1.1 Subject to this Panel Deed and compliance with any conditions in the Offer of Inclusion the Provider is included on the Panel during the Term.

3.1.2 It is a condition subsequent to any conditional inclusion of the Provider on a Panel that the Provider demonstrate to VLA that any conditions specified in the Offer of Inclusion for the Panel have been satisfied, by the date for compliance specified in that document. If VLA considers that any conditions have not been satisfied, it will give the Provider written notice of the date the Provider will cease to be included on the Panel in accordance with clauses 11.1 and 11.2.

3.1.3 Any notice given by VLA under clause 3.1.2 will indicate whether the Provider is authorised to provide ongoing Legal Assistance, after its ceases to be included on the Panel, to Assisted Persons who were the recipients of Legal Assistance from the Provider prior to the Provider ceasing to be included on the Panel.

3.1.4 The Provider's inclusion on the Panel during the Term and VLA's entering into this Panel Deed do not entitle the Provider:

- (a) to inclusion on any other VLA Panels during or after the Term; or
- (b) to expect that future agreements between VLA and the Provider (if any) will be on terms similar to this Panel Deed.

3.1.5 During the Term, the Provider may publish details of his, her or its inclusion on the Panel, except that the Provider must immediately cease doing so if he, she or it is removed from, or otherwise ceases to be a member of, the Panel.

3.1.6 If the Provider ceases to be included on the Panel the Provider must:

- (a) remove any reference to their inclusion on the Panel from their website or other published material
- (b) make all reasonable efforts to ensure that any reference by other bodies to their inclusion on the Panel is removed.

3.1.7 VLA may publish:

- (a) details of the Provider's inclusion on the Panel; and
- (b) the Provider's contact details,

on VLA's website and any other VLA publications and provide such details on any other basis VLA considers necessary for purposes associated with the operation or administration of the Legal Aid Act or the provision of Legal Assistance.

3.1.8 VLA may:

- (a) publish on the VLA website and any other VLA publications information regarding the Provider ceasing to be included on the Panel or the Provider's removal from the Panel;
- (b) publish on the VLA website and any other VLA publications information relevant to a Provider's membership of the Panel;
- (c) provide details of the Provider's Panel status to third parties, including courts.

3.2 Provider acknowledgments

The Provider acknowledges and agrees that:

- 3.2.1 neither the inclusion of the Provider on the Panel or this Panel Deed are a guarantee by VLA that the Provider will be authorised to provide Legal Assistance;
- 3.2.2 the Provider must not offer to provide Legal Assistance unless a member of the Provider Personnel is eligible to certify grants of Legal Assistance;
- 3.2.3 VLA can vary the Terms and Conditions of Panel Membership at any time by providing written notice to the Provider at least 14 days before the changes take effect and without the need to obtain the Provider's consent;
- 3.2.4 the Provider will automatically cease to be a member of the Panel the Provider was conditionally appointed to (from the date specified in a notice given by VLA under clause 3.1.2) if the Provider fails to demonstrate to VLA that any conditions specified in the Offer of Inclusion for the Panel have been satisfied, by the date for compliance specified in that document.

4. Panel conditions

4.1 Panel performance obligations

- 4.1.1 During the Term, the Provider and Provider Personnel must continue to meet the Panel Entry Requirements and must comply with:
 - (a) the ATLAS Terms and Conditions (Schedule 1);
 - (b) the VLA Practice Standards (Schedule 2);
 - (c) VLA's Quality Monitoring Terms and Conditions (Schedule 3);
 - (d) VLA's Compliance Terms and Conditions (Schedule 4);

- (e) any requirements contained in a notice detailing Performance Outcomes (Schedule 6)
- (f) Applicable Law.

4.1.2 The Provider's obligations set out in this Panel Deed are not intended to limit the obligations of the Provider at law or in equity, including under the Applicable Law.

4.2 General Panel conditions

During the Term, the Provider must comply with the following conditions:

- 4.2.1 nominate an Authorised Representative;
- 4.2.2 provide VLA with the contact details of the Authorised Representative including a telephone number and email address;

4.3 Notification of relevant matters

The Provider must immediately notify VLA in writing if:

- 4.3.1 where the Provider is an Australian Legal Practitioner, the Provider:
 - (a) ceases to maintain a current practising certificate; or
 - (b) has a condition or restriction imposed on his or her practising certificate;
- 4.3.2 where the Provider is a Private Law Practice, any Panel Certifier:
 - (a) ceases to maintain a current practising certificate; or
 - (b) has a condition or restriction imposed on their practising certificate
- 4.3.3 the Provider ceases to have as a member of its Provider Personnel any person who is authorised to certify grants of Legal Assistance;
- 4.3.4 any findings of Professional Misconduct or Unsatisfactory Professional Conduct are made by the Legal Services Board, Legal Services Commissioner or any equivalent body in any jurisdiction, Victorian Civil and Administrative Tribunal or any other Court or Tribunal which includes any privately constituted body to discipline its members, in respect of a member of the Provider Personnel;
- 4.3.5 any current complaints or investigations into Professional Misconduct or Unsatisfactory Professional Conduct in respect of Provider Personnel are being handled by the Legal Services Board, Legal Services Commissioner or any equivalent body in any jurisdiction, including any privately constituted body to discipline its members;
- 4.3.6 any member of Provider Personnel is charged with any criminal offence other than an infringement;

- 4.3.7 any member of Provider Personnel is found guilty of any criminal offence other than an infringement;
- 4.3.8 the Provider ceases to satisfy the Panel Entry Requirements; and
- 4.3.9 the Provider ceases or fails to satisfy any conditions specified in an Offer of Inclusion given to the Provider.

4.4 Removal from Panel

- 4.4.1 VLA may remove the Provider from the Panel in the circumstances specified in Schedule 5 of this Panel Deed and in accordance with the Removal Procedures and as amended from time to time and published on the VLA website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.
- 4.4.2 VLA may (but is not obliged to) authorise the Provider to provide ongoing Legal Assistance after its removal from the Panel to Assisted Persons who were the recipients of Legal Assistance from the Provider prior to the Provider's removal from the Panel. Any such authorisation will be set out in the notice of removal given by VLA to the Provider under the Removal Procedures.

4.5 No lien

The Provider acknowledges and agrees that it will not be entitled to any lien or charge over any file, document or other item created in connection with the provision of Legal Assistance.

4.6 Performance outcomes

- 4.6.1 The Provider acknowledges that VLA is entitled to issue a Performance Outcome in accordance with Schedule 6 of this Panel Deed and as amended from time to time and published on the VLA website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions>.

5. Payment claims

- 5.1 The Provider may submit payment claims to VLA, in accordance with the relevant grant of Legal Assistance.
- 5.2 If VLA disputes the amount claimed (whether in whole or in part) for any reason, VLA will pay the undisputed amount and the Authorised Representatives will endeavour to resolve the payment dispute in good faith.
- 5.3 VLA's payment of a payment claim is not to be taken as:
 - 5.3.1 evidence or an admission that:
 - (a) any services have been provided; or

- (b) the Provider has complied with this Panel Deed;
 - 5.3.2 evidence of the value of the Legal Assistance provided to Assisted Persons; or
 - 5.3.3 an admission of liability on the part of VLA,
- but must be taken only as payment on account.

6. Privacy

The Provider must:

- 6.1** comply with the *Privacy and Data Protection Act 2014 (Vic)*; and
- 6.2** ensure that all other Provider Personnel comply with the *Privacy and Data Protection Act 2014 (Vic)* when providing Legal Assistance or otherwise acting in relation to this Panel Deed.

7. Confidentiality

7.1 Confidentiality, security and reproduction

The Provider must:

- 7.1.1 keep confidential;
 - 7.1.2 maintain proper and secure custody of, and
 - 7.1.3 not use or reproduce in any form,
- the Confidential Information without the written consent of VLA or as required by law.

7.2 Delivery or removal of Confidential Information

The Provider must immediately on VLA's request:

- 7.2.1 deliver to VLA all originals and copies of materials containing the Confidential Information; and
- 7.2.2 if the Confidential Information is stored electronically, erase it from the magnetic media on which it is stored so that the Confidential Information is incapable of being revived, and provide a written confirmation to VLA that all Confidential Information has been delivered or erased in accordance with this clause.

8. Intellectual Property

- 8.1** All Intellectual Property Rights which are owned by a party shall remain the property of that party.
- 8.2** Without limiting any other right that the parties have outside of this Panel Deed, if a party wishes to exercise any Intellectual Property Rights of the other party in a manner that would require a licence under the *Copyright Act 1968 (Cth)*, it must obtain the prior written consent of the other party.

9. Warranties and representations

9.1 The Provider warrants and represents to VLA that:

9.1.1 the Provider has the power to enter into this Panel Deed and perform its obligations under this Panel Deed;

9.1.2 the Provider has the necessary authorisations under the *Legal Profession Act 2004* (Vic) to provide Legal Assistance and perform its obligations under this Panel Deed;

9.1.3 the Provider will ensure that Provider Personnel have the necessary authorisations under the *Legal Profession Act 2004* (Vic) to provide Legal Assistance and will use best endeavours to ensure that such authorisations are maintained during the Term;

9.1.4 the provision of Legal Assistance to legally Assisted Persons will be carried out with all due care and skill and in accordance with all applicable laws;

9.1.5 other than the Provider's professional obligations, the Provider does not hold any office or possess any property, is not engaged in any business, trade or calling and does not have any obligations by virtue of any contract or binding obligation whereby, directly or indirectly, duties or interests are or might be created in conflict with or might appear to be created in conflict with the Provider's duties and interests under the Panel Deed;

9.1.6 all information submitted by the Provider to VLA when applying for inclusion on the Panel was and remains accurate.

9.2 As soon as reasonably practicable (but not later than 3 Business Days) after becoming aware of any matter which is likely to impact upon its ability to comply with a warranty or representation in clause 9.1, the Provider must give written notice to VLA detailing that matter and its likely impact on the Provider's ability to comply with clause 9.1.

10. Indemnity

The Provider must indemnify and hold harmless VLA against any loss, damage, claim, action or expense (including legal expense on a full indemnity basis) which VLA suffers as a direct or indirect result of any of the following:

10.1 a breach of this Panel Deed by the Provider;

10.2 a claim against VLA by any person in respect of Legal Assistance provided by the Provider;

10.3 any warranty given by the Provider under this Panel Deed being incorrect or misleading in any way; or

10.4 any negligent act or failure to act by the Provider or any of the Provider's employees, agents, officers or subcontractors,

except to the extent that any such loss, damage, claim, action or expense is caused by the negligence or other wrongful act or omission of VLA or its employees.

11. Termination

11.1 VLA may terminate this Panel Deed by notice to the Provider if:

11.1.1 the Provider is removed from the Panel;

11.1.2 VLA terminates or replaces the Panel; or

11.1.3 the Provider ceases to be a member of the Panel after the Provider fails to satisfy any conditions specified in the Offer of Inclusion for the Panel.

11.2 Any notice given by VLA under clause 11.1 must be in writing.

11.3 Any notice given by VLA under clause 11.1 will specify when the Panel Deed is to end (which VLA may determine at its discretion) and may include conditions that must be satisfied by the Provider before the Panel Deed will end.

11.4 The Provider may terminate this Panel Deed by giving not less than 60 days written notice to VLA. Any such notice from the Provider must contain a written acknowledgment from the Provider that they will be removed from the Panel on and from the date this Panel Deed terminates.

11.5 This Panel Deed will terminate on the commencement of any replacement document that applies to the Panel and purports to replace this Panel Deed.

11.6 Where the parties enter into a replacement document that applies to the Panel and purports to replace this Panel Deed, Legal Assistance that was being provided under this Panel Deed prior to the commencement of that new document will, from the commencement of that new document, be provided in accordance with that new document.

11.7 Clauses 3.1.8, 4, 6, 7, 8 and 10 survive the expiry or termination of this Panel Deed.

12. General

12.1 Amendment

This document may only be varied or replaced by a document duly executed by the parties.

12.1.1 Clause 12.1 does not apply to the schedules to this Panel Deed.

12.2 Entire understanding

This document, together with the Offer of Inclusion, and any other terms, conditions or materials incorporated by reference from time to time in accordance with this document contain the entire understanding between the parties as to the subject matter contained in it. All previous agreements, representations, warranties, explanations and commitments,

expressed or implied, affecting this subject matter are superseded by this document and have no effect.

12.3 Further assurance

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this document.

12.4 Legal costs and expenses

Each party must pay its own legal costs and expenses in relation to the negotiation, preparation and execution of this document and other documents referred to in it, unless expressly stated otherwise.

12.5 Waiver and exercise of rights

12.5.1 A single or partial exercise or waiver of a right relating to this document does not prevent any other exercise of that right or the exercise of any other right.

12.5.2 No party will be liable for any loss or expenses incurred by another party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

12.6 No assignment without consent

The Provider must not:

12.6.1 sell, transfer, novate, delegate, assign, licence; or

12.6.2 mortgage, charge or otherwise encumber,

any right or obligation under this document to any person without the prior written consent of VLA.

12.7 No relationship

Subject to this document, no party to this document has the power to obligate, bind or act as agent of the other party.

12.8 Enforcement of indemnities

It is not necessary for a party to incur expense or make payment before enforcing a right of indemnity conferred by this document.

12.9 No merger

The warranties, undertakings, agreements and continuing obligations in this document do not merge on completion.

12.10 Rule of construction

In the interpretation of this document, no rule of construction applies to the disadvantage of the party preparing the document on the basis that it prepared or put forward this document or any part of it.

13. Notices

13.1 Service of notice

A notice or other communication required or permitted, under this document, to be served on a party must be in writing and may be served:

13.1.1 personally on the party;

13.1.2 by leaving it at the party's current address for service;

13.1.3 by posting it by prepaid post addressed to that party at the party's current address for service;

13.1.4 by facsimile to the party's current number for service; or

13.1.5 by email to the party's current email address for service.

13.2 Particulars for service

13.2.1 The particulars for service of each party are set out on page one of this document under the heading Parties.

13.2.2 Any party may change the address or facsimile number for service by giving notice to the other parties.

13.2.3 If the party to be served is a company, the notice or other communication may be served on it at the company's registered office.

13.3 Time of service

A notice or other communication is deemed served:

13.3.1 if served personally or left at the party's address, upon service;

13.3.2 if posted within Australia to an Australian address, 2 Business Days after posting and in any other case, 7 Business Days after posting;

13.3.3 if served by facsimile, subject to clause 13.3.5, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile;

13.3.4 if served by email, subject to clause 13.3.5, at the time the email containing the notice left the sender's email system, unless the sender receives notification that the email containing the notice was not received by the recipient;

13.3.5 if received after 6.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

14. Interpretation

14.1 Governing law and jurisdiction

This document is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Victoria and waives any right to object to proceedings being brought in those courts.

14.2 Precedence of documents

14.2.1 The documents comprising or incorporated by reference into this Panel Deed must be read in the following order of precedence:

- (a) Applicable Law
- (b) Offer of Inclusion;
- (c) Terms and Conditions of Panel Membership contained in this Panel Deed;
- (d) Changes to the Terms and Conditions of Panel Membership made under Clause 3.2.3 of this Panel Deed
- (e) VLA Practice Standards (Schedule 2) ;
- (f) Compliance Terms and Conditions (Schedule 4);
- (g) Quality Monitoring Terms and Conditions (Schedule 3);
- (h) ATLAS Terms and Conditions (Schedule 1); and
- (i) Section 29A Panel Removal and Certifier Status Revocation (Schedule 5).

14.2.2 Where any conflict occurs between the provisions of any two or more documents described in clause 14.2.1, to resolve the conflict the document higher in the order of precedence given in clause 14.2.1 will override the documents lower in the order of precedence.

14.3 Persons

In this document, a reference to:

- 14.3.1 a person, includes a firm, partnership, joint venture, association, corporation or other corporate body;
- 14.3.2 a person, includes the legal personal representatives, successors and permitted assigns of that person; and
- 14.3.3 any body which no longer exists or has been reconstituted, renamed, replaced or whose powers or functions have been removed or transferred to another body or

agency, is a reference to the body which most closely serves the purposes or objects of the first-mentioned body.

14.4 Joint and several

If a party consists of more than one person, this document binds them jointly and each of them severally.

14.5 Legislation

In this document, a reference to a statute includes regulations under it and consolidations, amendments, re-enactments or replacements of any of them.

14.6 This document, clauses and headings

In this document:

14.6.1 a reference to this or other document includes the document as varied or replaced regardless of any change in the identity of the parties;

14.6.2 a reference to a clause is a reference to a clause of this document;

14.6.3 a reference to writing includes all modes of representing or reproducing words in a legible, permanent and visible form;

14.6.4 headings and sub-headings are inserted for ease of reference only and do not affect the interpretation of this document;

14.6.5 where an expression is defined, another part of speech or grammatical form of that expression has a corresponding meaning; and

14.6.6 where the expression 'including' or 'includes' is used, it means 'including but not limited to' or 'including without limitation'.

14.7 Severance

14.7.1 If a provision in this document is held to be illegal, invalid, void, voidable or unenforceable, that provision must be read down to the extent necessary to ensure that it is not illegal, invalid, void, voidable or unenforceable.

14.7.2 If it is not possible to read down a provision as required in this clause, that provision is severable without affecting the validity or enforceability of the remaining part of that provision or the other provisions in this document.

14.8 Counterparts

This document may be executed in any number of counterparts all of which taken together constitute one instrument.

14.9 Currency

In this document, a reference to '\$' or 'dollars' is a reference to Australian dollars.

14.10 Business Day

If a payment or other act is required by this document to be made or done on a day which is not a Business Day, the payment or act must be made or done on the next following Business Day.

14.11 Number and gender

In this document, a reference to:

14.11.1 the singular includes the plural and vice versa; and

14.11.2 a gender includes the other genders.

14.12 Personal knowledge

A reference to a matter being to the knowledge of a person means the matter is to the best of the knowledge and belief of the person after making proper enquiry including enquiry which a reasonable person would be prompted to make by reason of knowledge of a fact.

SAMPLE

Signing Page

Executed by the parties as a Panel Deed

Signed, sealed and delivered for and on behalf)
of Victoria Legal Aid by)
in the presence of:)

Date:

Signature of Witness

Name of Witness

Select applicable option below and delete non applicable option

Signed, sealed and delivered for and on behalf)
of [##insert name of firm/ICL firm] by a duly)
authorised person in the presence of:

Date:

Signed, sealed and delivered by [##insert name])
of individual ICL] in the presence of)

Date:

Signature of Witness

Name of Witness

Panel Certifier Acknowledgement

I, _____, of _____,
<print your full name> <print your address>

acknowledge and agree:

1. Victoria Legal Aid's (VLA's) endorsement of me as a Panel Certifier only applies for the panels and certifier levels as set out in the Certification Notice given to me by VLA;
2. if I do not comply with the terms and conditions for panel certifiers which are published on the VLA website at <http://www.legalaid.vic.gov.au/information-for-lawyers/doing-legal-aid-work/panels/panels-conditions> and as amended from time to time, VLA may revoke or alter my panel certifier status;
3. that my endorsement as a Panel Certifier is conditional upon me satisfying any outstanding requirements as set out in the Certification Notice and within the timeframe set out in the Certification Notice;
4. if I do not satisfy the outstanding requirements as set out in the Certification Notice within the timeframe set out in the Certification Notice, I will automatically cease to be a Panel Certifier unless VLA has granted me an extension of time to comply with the outstanding requirements;
5. VLA may decide to grant or not to grant an extension of time for me to comply with any outstanding requirements outlined in the Certification Notice at its discretion;
6. That I must:
 - 6.1 maintain a current practising certificate without any condition or restriction that would limit my ability to provide legal aid services;
 - 6.2 immediately notify VLA of any findings of Professional Misconduct or Unsatisfactory Professional Conduct made against me by the Legal Services Board, Legal Services Commissioner or any equivalent body in any jurisdiction, Victorian Civil and Administrative Tribunal or any other Court or Tribunal which includes any privately constituted body to discipline its members;
 - 6.3 immediately notify VLA of any current complaints or investigations into Professional Misconduct or Unsatisfactory Professional Conduct being handled by the Legal Services Board, Legal Services Commissioner or any equivalent body in any jurisdiction, including any privately constituted body to discipline its members;

- 6.4 immediately notify VLA if I am charged with any criminal offence other than an infringement;
- 6.5 immediately notify VLA if I am found guilty of any criminal offence other than an infringement;
- 6.6 immediately notify VLA if I am no longer able to meet the any of the Panel Entry Requirements.

Executed as a deed poll

Signed, sealed and delivered by the certifier in
the presence of:

)
)

Signature of Certifier

.....

Signature of Witness

Date:2015

.....

Name of Witness

