

## Child Protection Panel

# Private Legal Practitioner: Individual Certifier Application

Pursuant to s 29A of the *Legal Aid Act 1978*

### When to use this form

Use this form to apply to be an Individual Certifier on the Child Protection Panel.

This form should be read in conjunction with the Guidance Notes on pages 3 and 4.

### Returning your form

Check that all required questions are answered and that you have included any attachments.

 Email your completed form and any attachments, including any small file samples, to [panels@vla.vic.gov.au](mailto:panels@vla.vic.gov.au).

 Send any physical file samples, or large electronic file samples on a USB to:

**Panels Coordinator  
Victoria Legal Aid  
Level 9, 570 Bourke Street  
Melbourne 3000**

Or **DX 210646 Melbourne**

### Key eligibility criteria

Before filling out this form, check that you meet these key eligibility criteria.

#### **If you are an Accredited Specialist in children's law (child protection):**

- Your firm is registered as a member of VLA's Panels, or has already applied to join VLA's Panels and is awaiting a decision,
- You hold a current Victorian practising certificate, which is not subject to a supervision condition, and
- You have a current Working with Children Check.

#### **If you are not an Accredited Specialist in children's law (child protection):**

- Your firm is registered as a member of VLA's Panels, or has already applied to join VLA's Panels and is awaiting a decision,

- You hold a current Victorian practising certificate, which is not subject to a supervision condition,
- You have a current Working with Children Check,
- You have had carriage of at least 20 child protection matters in each of the last two years\*,
- You have completed at least five Continuing Professional Development units in child protection within the last two years\*, and
- If required, you are willing and able to provide to VLA a file sample demonstrating your skills and capacity.

\* *If you do not meet these criteria because of special circumstances, you may be able to apply for an exemption. See the Guidance Notes for information about exemptions.*

## What are you applying for?

Child Protection Panel

### Practitioner details

1. Name

2. Email

3. Phone

4. Firm

5. Is your firm currently registered as a member of VLA's Panels?

- Yes  
 No  
 Decision on firm registration is pending  
 A Firm Registration Form accompanies this form

### General entry requirements

6. Do you hold a current Victorian practising certificate which is not subject to a supervision condition?

- Yes  
 No

*You do not meet the eligibility criteria.*  
SEE GUIDANCE NOTES.

7. Does your practising certificate contain any other conditions?

- Yes  
 Please attach a copy of your practising certificate showing the conditions

No

8. Do you have a current Working with Children Check?

- Yes  
 No

*You do not meet the eligibility criteria.*  
SEE GUIDANCE NOTES.

9. Have you been subject to any findings of professional misconduct or unsatisfactory professional conduct made by the Legal Services Board, Legal Services Commission or Victorian Civil and Administrative Tribunal, or any similar findings in any other jurisdiction?

Yes



Please provide details and/or attach a copy of any relevant outcome or decision

No

10. Are you subject to 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?

Yes



Please provide details and/or attach a copy of any relevant outcome or decision

No

11. Have you been found guilty of any criminal offence other than infringements?

Yes



Please provide details and/or attach a copy of any relevant judgment or decision

No

### Practice experience

12. Are you an Accredited Specialist in children's law (child protection)?

Yes ► **Skip to question 18**

No

13. How many years' post-admission experience do you have practising in child protection?

More than 5

2–5

Less than 2

*You do not meet the eligibility criteria, but you may meet the criteria for an exemption.*  
SEE GUIDANCE NOTES.

14. How many child protection matters have you had carriage of in each of the past two years?

More than 40 per year

20–40 per year

Please send two file samples which meet the requirements of the Guidance Notes.

Less than 20 per year 

*You do not meet the eligibility criteria, but you may meet the criteria for an exemption. SEE GUIDANCE NOTES.*

15. Have you completed at least five Continuing Professional Development units in child protection within the last two years?

Yes

No 

*You do not meet the eligibility criteria, but you may meet the criteria for an exemption. SEE GUIDANCE NOTES.*

## Skills and capacity

**You are required to demonstrate your skills and capacity.**

 Please attach a separate document that outlines how you have acted in previous matters, addressing the following:

16. For two complex matters – one where you acted for a child and one for a parent – in which there was a dispute about placement, please outline:

- the specific issues involved;
- your case strategy to progress the matter; and
- how you managed any issues of capacity, vulnerabilities or complex needs of your client.

Where you have not acted for a parent or a child, please outline how you would have handled those issues if you had acted for the parent or the child. *(2000 words total; 1000 per matter)*

17. For a conciliation conference where you had carriage of the matter, please outline:

- how you supported your client to participate in the conference with reference to the steps taken before, during and after the conference. *(250–750 words)*

## Exemptions

18. Are you seeking an exemption from any of the Practice Experience requirements?

Yes

 Please attach an outline of the exemption you seek which meets the requirements of the Guidance Notes.

Please send two file samples which meet the requirements of the Guidance Notes.

No

## Declaration

In submitting this application to VLA

**I acknowledge that:**

- all information disclosed is true,
- I have read and understand my rights and obligations arising from the entry requirements, and
- I understand that VLA will check internal and publicly available records to verify information provided or requested as part of the application process.

**I authorise:**

- VLA to place all materials submitted as part of the application process before a designated Panel assessor.

# Guidance Notes

## General entry requirements

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### Practising certificate

**i** Refer to questions 6 and 7

If your practising certificate is subject to a supervision condition, you are not eligible for inclusion on the Child Protection Panel. We recommend that you apply to the Panel after the condition has been removed.

### Working with Children Check

**i** Refer to question 8

You must have a current Working with Children Check to be eligible for inclusion on the Child Protection Panel. You must maintain a Working with Children Check for the duration of your membership of the Panel.

### Misconduct

**i** Refer to questions 9, 10 and 11

When assessing any finding of professional misconduct or unsatisfactory professional conduct VLA will consider whether the conduct:

- indicates 'a material risk of harm to [legal aid] consumers of legal services', and
- 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' (Legal Services Board's RRP 017 Fit and Proper Person Policy – V2, Dec 2011).

## Practice experience

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### Accredited Specialist in children's law (child protection)

**i** Refer to question 12

Practitioners who have been accredited by the Law Institute of Victoria as an Accredited Specialist in children's law (child protection) are eligible for a streamlined application process. They are not required to address the Practice Experience Requirements (questions 13–15) in their applications.

### Post-admission experience

**i** Refer to question 13

You must have at least two years of post-admission experience to be eligible for inclusion on the Panel.

When determining years of post-admission experience, you should count time during which child protection matters have constituted a significant proportion of your workload.

If you are unable to meet this requirement because of parental or other leave, flexible work arrangements, or because you practise in a regional or rural area, consider whether you are eligible for an exemption.

### Carriage of Child Protection matters

**i** Refer to question 14

To be eligible for inclusion on the Panel, you must have had carriage of at least 20 child protection matters each year, for the past two years.

You have carriage of a matter if you have 'continuing control and responsibility for overseeing the handling of a legal matter for a client.' (Australian Law Dictionary, 2010)

If you are unable to meet this requirement because of parental or other leave, flexible work arrangements, or because you practise in a regional or rural area, consider whether you are eligible for an exemption.

### Continuing Professional Development (CPD)

**i** Refer to question 15

You must have completed at least five CPD units in child protection within the last two years to be eligible for the Panel.

CPD units must fall within the 'substantive law' field, meaning they must deal primarily with matters related to your practice of law or must extend your knowledge and skills in areas that are relevant to your practice needs or professional development (see *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*, rules 7.1.1 and 7.1.3).

You may be asked to provide your CPD record.

If you are unable to meet this requirement because of parental or other leave, flexible work arrangements, or because you practise in a regional or rural area, consider whether you are eligible for an exemption.

## Exemptions

 Refer to *question 18*

VLA will consider exempting practitioners from one or more Practice Experience requirements where:

- the practitioner has special circumstances warranting an exemption; and
- VLA is satisfied that the practitioner will meet the quality standards required of panel members.

Special circumstances warranting an exemption may include, but are not limited to:

- recently taking extended leave,
- part-time or other flexible work arrangements, or
- practising in a geographic area where there is a particular need for legal aid practitioners, and/or where the nature of available work impacts a practitioner's ability to meet the Practice Experience requirements.

If you are seeking an exemption, you must attach a written outline of no more than 750 words. In your outline, please address:

- the exemption you seek,
- the special circumstances warranting the exemption, and
- your capacity to meet VLA's Practice Standards.

Information which may be relevant includes:

- the dates, duration and nature of any relevant leave,
- the nature and duration of any relevant part-time or other flexible work arrangements,
- the geographical area of your practice (and its impact on your work volume and mix), and need for legal aid practitioners,
- the number of child protection matters of which you have had carriage in the last two years,
- your experience acting in child protection matters in the last five years, and
- indicators of the quality of your work.

If an exemption is granted, VLA will stipulate any conditions of the exemption. These will be decided on a case-by-case basis in consultation with the applicant.

## File samples

 Refer to *questions 14 and 16*

File samples should:

- be for matters in which your client did not consent to a DHHS application; and
- have been legally finalised within the last 12 months.

You should provide one file sample in which you acted on behalf of a parent with a mental illness or intellectual disability, and one in which you acted on behalf of a child or young person.

If possible, one file sample should involve a submissions contest.

File samples should be received by VLA within seven days of lodging your application.

Your file samples should demonstrate your skills and capacity. They will be assessed against VLA's Practice Standards.

If you are required to provide file samples under *question 14* and *question 16*, you are only required to provide two file samples in total.

VLA accepts clearly organised electronic or physical file samples.

 Email your completed form and any attachments, including any small file samples, to [panels@vla.vic.gov.au](mailto:panels@vla.vic.gov.au)

 Send any physical file samples, or large electronic file samples on a USB drive, to:

**Panels Coordinator  
Victoria Legal Aid  
Level 9, 570 Bourke Street  
Melbourne 3000**

**Or DX 210646 Melbourne**

Physical files will be returned to you once your application has been assessed.