

Indictable Crime 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 Indictable Crime Panel and its optional Sexual Offences and Major Cases subset and/or Youth Crime subset.

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.

 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 criminal law:

- 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, and
- You hold a current Victorian practising certificate, which is not subject to a supervision condition.

If you are not an Accredited Specialist in criminal law:

- 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,
- Your firm employs an Accredited Specialist in criminal law, who is already an Individual Certifier on VLA's Indictable Crime Panel,
- You hold a current Victorian practising certificate, which is not subject to a supervision condition,
- You have had carriage of at least 10 Indictable Crime matters in each of the last two years*,
- You have completed at least five Continuing Professional Development units in criminal law 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 are also applying for the Sexual Offences and Major Cases subset:

- You have at least five years' post-admission experience practicing in Indictable Crime, and
- You have had carriage of at least two Indictable Crime matters involving sexual offences in each of the last two years.

If you are also applying for the Youth Crime subset:

- You have a current Working with Children Check, and
- You are an Accredited Specialist in children's law, or
- You have completed VLA's Youth Crime Foundations training, and you have had carriage of at least 15 youth crime matters in each of the last two years.

* *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? Please tick each box that applies.

- Indictable Crime Panel
- Sexual Offences and Major Crimes subset*
- Youth Crime subset

** Accredited specialists in criminal law are automatically eligible for the Sexual Offences and Major Crimes subset*

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. 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

9. 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

10. 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

11. Are you an Accredited Specialist in criminal law?

- Yes ► **Skip to question 18**
 No

12. Does your firm have an Accredited Specialist in criminal law, who is an Individual Certifier on VLA's Indictable Crime Panel?

- Yes
 No **⊘**

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

13. How many years of post-admission experience do you have in Indictable Crime?

- 2 or more
 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 Indictable Crime matters have you had carriage of in each of the past two years?
For a definition of 'Indictable Crime matters', see the Guidance Notes at 'Carriage of Indictable Crime Matters'.

- More than 15 per year
 10–15 per year
 Please send one file sample which meets the requirements of the Guidance Notes.
 Less than 10 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 criminal law 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.

Sexual Offences and Major Cases subset

Complete this section if you are also applying for the Sexual Offences and Major Cases subset

Accredited Specialists in criminal law are automatically eligible for inclusion on the subset and are not required to complete questions 16–17.

16. How many years of post-admission experience do you have in Indictable Crime?

- 5 or more
 Less than 5 **⊘**

You do not meet the eligibility criteria for inclusion on the Sexual Offences and Major Cases subset.
SEE GUIDANCE NOTES.

17. How many Indictable Crime matters involving sexual offences have you had carriage of in each of the past two years?

- 2 or more
 Less than 2 **⊘**

You do not meet the eligibility criteria for inclusion on the Sexual Offences and Major Cases subset.
SEE GUIDANCE NOTES.

Youth Crime subset

Complete this section if you are also applying for the Youth Crime subset

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

- Yes
 No **⊘**

You do not meet the eligibility criteria for inclusion on the Youth Crime subset.
SEE GUIDANCE NOTES.

19. Are you an Accredited Specialist in children's law?

- Yes ► **Skip to question 22**
 No

20. Have you completed VLA's Youth Crime Foundations training?

- Yes
 No 

You do not meet the eligibility criteria for inclusion on the Youth Crime Subset.
SEE GUIDANCE NOTES.

21. How many Youth Crime matters have you had carriage of in each of the past two years?

- More than 24
 15–24
 Please send one file sample which meets the requirements of the Guidance Notes.
 Less than 15 

You do not meet the eligibility criteria for inclusion on the Youth Crime Subset.
SEE GUIDANCE NOTES.

Exemptions

22. Are you seeking an exemption from any of the Practice Experience or subset 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

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 Indictable Crime Panel. We recommend that you apply to the Panel after the condition has been removed.

Misconduct

i Refer to [questions 8, 9 and 10](#)

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

Accredited Specialist in criminal law

i Refer to [question 11](#)

Practitioners who have been accredited by the Law Institute of Victoria as an Accredited Specialist in criminal law are eligible for a streamlined application process. They are also automatically eligible for inclusion on the Sexual Offences and Major Cases subset.

Accredited specialists in criminal law are not required to address the Practice Experience requirements ([questions 12–15](#)), or Sexual Offences and Major Cases subset requirements ([questions 16–17](#)) in their applications.

Accredited specialists in criminal law are not automatically included on the Youth Crime subset and must address the Youth Crime subset requirements ([questions 18–21](#)) if they wish to be included on this subset.

Accredited Specialist at firm

i Refer to [question 12](#)

In order to do work covered by VLA’s Indictable Crime Panel, firms are required to have at least one Individual Certifier who has been accredited by the Law Institute of Victoria as an Accredited Specialist in criminal law.

Post-admission experience

i Refer to [question 13](#)

You must have two years or more 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 Indictable Crime has constituted a significant proportion of your workload.

If you are unable to meet his 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 Indictable Crime matters

i Refer to [question 14](#)

To be eligible for inclusion on the Panel, you must have had carriage of at least 10 Indictable Crime matters each year, for the past two years.

An Indictable Crime matter is one that proceeded in the committal stream, or to trial.

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 criminal law 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 practice in a regional or rural area, consider whether you are eligible for an exemption.

Sexual Offences and Major Cases subset

i Refer to [question 16 and 17](#)

You must be a member of this subset in order to certify and have carriage of:

- indictable crime matters involving a sexual offence (as defined in Section 3 of the *Criminal Procedure Act 2009*)
- indictable offences under the *Sex Offenders Registration Act 2004*
- *Serious Sex Offenders (Detention and Supervision) Act 2009* matters
- major criminal cases (this includes criminal trials that are likely to last more than 15 days, severed trials less than 15 days that collectively equate to more than 15 days and contested committals beyond four days)

In order to be eligible for the Sexual Offences and Major Cases subset, you must either be an Accredited Specialist in criminal law or you must:

- have at least five years' experience practising in criminal law with a minimum of 25–30 per cent of criminal matters finalised in the indictable stream, and
- in each of the last two years, have had carriage of at least 10 indictable matters in each of the last two years, of which at least two involved sexual offences.

Youth Crime subset

Youth Crime subset

The Youth Crime subset is additional to the main Indictable Crime Panel. You must be a member of the subset to certify youth crime matters. To do so you must meet the requirements for, and apply for approval as, a Panel Certifier on both the main panel and the subset.

If you do not wish to undertake youth crime matters, you only need to apply for the main Indictable Crime Panel.

Working with Children Check

i Refer to [question 18](#)

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

Accredited Specialist in children's law

i Refer to [question 19](#)

Practitioners who have been accredited by the Law Institute of Victoria as Accredited Specialists in children's law are eligible for a streamlined application process. They are not required to have completed VLA's Youth Crime Foundations training ([question 20](#)).

Carriage of Youth Crime matters and training

i Refer to [questions 20 and 21](#)

If you are not an Accredited Specialist in children's law, you must have had carriage of at least 15 youth crime matters in each of the last two years, and have completed VLA's Youth Crime Foundations training in order to be eligible for inclusion on the subset.

The training is free of charge and runs at least twice a year. Details can be found on VLA's website.

Exemptions

 Refer to *question 22*

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 Indictable Crime matters of which you have had carriage in the last two years,
- your experience acting in Indictable Crime 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, 21 and 22*

General

All file samples should:

- be an indictable crime matter which has been prepared for trial in either the County or Supreme Court, and
- have been legally finalised within the last 12 months.

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

If you are required to provide file samples under *questions 14, 21 and 22*, you are only required to provide two file samples in total.

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

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.

 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**

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

Sexual Offences and Major Cases subset

If you are required to provide a file sample under *question 14 and/or 22*, and you are applying to the Sexual Offences and Major Crimes subset, your file sample should be for a matter that has been prepared for trial where the majority of charges are sexual offences.

Youth Crime subset

If you are applying for the Youth Crime subset, your file sample should be for a youth matter where the child is involved in child protection proceedings, or on a current child protection order.