

## Summary 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 Summary Crime Panel and its optional 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](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 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,
- You hold a current Victorian practising certificate, which is not subject to a supervision condition,
- You have had carriage of at least 20 Summary 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 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?

- Summary Crime Panel
- Summary Crime Panel and its Youth Crime 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 15**

- No

12. How many years' post-admission experience do you have practising in Summary Crime?

- 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.

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

More than 40 per year

20–40 per year


Please send one file sample which meets 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.*

14. 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.*

## Youth Crime subset

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

15. 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.*


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

Yes ▶ **Skip to question 19**

No

17. 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.*

18. How many youth crime matters have you had carriage of in each of the past two years?

More than 24

15 to 24

Please send one file sample which meets the requirements of the Guidance Notes.


Less than 15 

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

## Exemptions

19. 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 Summary 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

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### 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 not required to address the Practice Experience Requirements (*questions 12–14*) in their applications.

### Post-admission experience

**i** Refer to question 12

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 Summary Crime has 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 Summary Crime matters

**i** Refer to question 13

To be eligible for inclusion on the Panel, you must have had carriage of at least 20 Summary Crime 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 14

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 practise 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.

## Youth Crime subset

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### Youth Crime subset

The Youth Crime subset is additional to the main Summary 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 Summary Crime Panel.

## Working with Children Check

 Refer to [question 15](#)

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.

## Eligibility for Youth Crime subset

 Refer to [questions 16–18](#)

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.

If you are not an Accredited Specialist in children's law, you must meet Practice Experience and training requirements ([questions 17 and 18](#)).

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

## Exemptions

 Refer to [question 19](#)

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 Summary Crime matters of which you have had carriage in the last two years,
- your experience acting in Summary 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 13, 18 and 19](#)

A file sample should:

- be a summary crime matter taken to contest mention;
- contain an example of written advocacy (e.g. a plea); and
- have been legally finalised within the last 12 months.

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


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

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

If you are required to provide a file sample under more than one question (e.g. [question 13](#), [question 18](#) and/or [question 19](#)), 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 to:

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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.