**Family Violence 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 Family Violence Panel.

This form should be read in conjunction with the Guidance Notes on pages 4 and 5.

## Returning your form

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

 Email your completed form and any attachments to <mailto:panels@vla.vic.gov.au>

|  |  |
| --- | --- |
| **Key eligibility criteria** | |
| Before filling out this form, check that you meet  these key eligibility criteria.  **If you are an Accredited Specialist in family law or children’s law; or if you are already an Individual Certifier on the Family Law Panel, Child Protection Panel or Independent Children’s Lawyer Panel:**   * 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 family law or children’s law, and you are not already an Individual Certifier on the Family Law Panel, Child Protection Panel or Independent Children’s Lawyer Panel:**   * 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 at least two years’ post-admission experience practising in family violence, family law, child protection or criminal law, * You have had carriage of at least 10 family violence intervention order matters in the Magistrates’ Court each year, for the past two years, and * You have completed VLA’s eLearning modules ‘Family Violence Law and Practice’ and ‘Intersections: the links between crime, child protection, family law and family violence’.   *\* 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?**

Family Violence Panel

## Practitioner details

1. Name

Click or tap here to enter text.

1. Email

Click or tap here to enter text.

1. Phone

Click or tap here to enter text.

1. Firm

Click or tap here to enter text.

1. 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

1. 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.

1. Does your practising certificate contain any other conditions?

Yes

 Please attach a copy of your practising certificate showing the conditions

No

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

Yes

No 

*You do not meet the eligibility criteria.*

SEE GUIDANCE NOTES.

1. 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

1. 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

1. Have you been found guilty of any criminal offence (other than infringements, spent convictions and offences dealt with by way of Diversion)?

*You are not required to disclose the existence of a spent convictions or information in relation to a spent conviction.*

Yes

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

No

## Practice experience

1. Are you an Accredited Specialist in family law or children's law?

Yes **>** ***Skip to Declaration***

No

1. Are you an individual certifier on VLA’s Family Law Panel, Child Protection Panel, or Independent Children’s Lawyer Panel?

Yes **>** ***Skip to Declaration***

No

1. How many years’ post-admission experience do you have practising in family violence, family law, child protection or criminal law?

2 or more

Less than 2 

*You do not meet the eligibility criteria.*

SEE GUIDANCE NOTES.

1. How many family violence intervention order matters in the Magistrates’ Court have you had carriage of in each of the past two years?

10 or more per year

Less than 10 per year 

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

SEE GUIDANCE NOTES.

1. Have you completed VLA’s eLearning modules ‘Family Violence Law and Practice’ and ‘Intersections: the links between crime, child protection, family law and family violence’?

Yes

No 

*You do not meet the eligibility criteria.*

SEE GUIDANCE NOTES.

## Exemptions

1. 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.

No

## 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:

1. For a family violence intervention order matter which had intersecting legal issues, such as criminal, family or child protection law, please outline:

* how the intersecting legal issues impacted on the family violence matter,
* how you managed the impact of the family violence matter on the intersecting legal issues, and
* what advice you gave your client, based on their instructions and the relevant legal tests, including under the Family Violence Protection Act 2008 (Vic)

*(Maximum 750 words)*

1. Drawing on an example of when you have become aware of family violence safety risk indicators when taking instructions from your client, please outline:

* the nature of the family violence safety risk indicators,
* how you responded when you identified the risk indicators, including the types of referrals that you provided to your client and why,
* what changes you made to your legal practice, if any, when you identified family violence safety risk factors, and
* at what stage you considered family violence risk factors when dealing with the client.

*(750 words)*

|  |  |
| --- | --- |
| **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

 *Refer to* ***questions 6 and 7***

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

### Working with Children Check

 *Refer to* ***question 8***

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

### Misconduct

 *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

### Accredited Specialist in family law or children's law

 *Refer to* ***question 12***

Practitioners who have been accredited by the Law Institute of Victoria as an Accredited Specialist in family law of children’s law are eligible for a streamlined application process. They are not required to address the Practice Experience Requirements or Skills and Capacity questions (***questions 13–17***) in their applications.

### Members of other panels

 *Refer to* ***question 13***

Applicants who are members of VLA’s Independent Children’s Lawyer (ICL) Panel, Family Law Panel or Child Protection Panel are eligible for a streamlined application process. They are not required to address the Practice Experience Requirements or Skills and Capacity questions (***questions 13 to 17***) in their applications.

### Post-admission experience

 *Refer to* ***question 14***

You must have two of more years of post-admission experience in family violence, family law, child protection or criminal law to be eligible for inclusion on the Panel.

When determining years of post-admission experience, you should count time during which practice in one

or more of these areas has constituted a significant proportion of your workload.

### Carriage of family violence intervention order matters

 *Refer to* ***question 15***

To be eligible for inclusion on the Panel, you must have had carriage of at least 10 family violence intervention order 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.

### eLearning modules

 *Refer to* ***question 16***

You must have completed VLA’s eLearning modules, ‘Family Violence Law and Practice’ and ‘Intersections: the links between crime, child protection, family law and family violence’ to be eligible for the Panel.

You can access these modules free of charge on VLA’s website.

## Exemptions

 *Refer to* ***question 17***

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 relevant matters of which you have had carriage in the last two years, including family violence intervention order matters,
* your experience acting in relevant 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.

## Skills and capacity

 *Refer to* ***questions 18 and 19***

When assessing your responses, VLA will consider your:

* awareness and understanding of family violence safety risk factors,
* capacity to provide appropriate advice and make appropriate referrals,
* ability to tailor your legal practice in response to family violence risk, and
* understanding and response to intersecting legal issues.