Application for Appointment to Private Practitioner Panel

Returning your Application

Email your completed application and any attachments to grants@legalaid.nt.gov.au

Key Eligibility Criteria

Before filling in this form, check you meet these eligibility criteria:
☐ You hold a current Northern Territory Practising Certificate (please attach a copy)
☐ You hold a current Working with Children (Ochre) Card (please attach a copy)
☐ You have completed a *practitioner supervision agreement* (see **appendix C**) if one of the following apply:
- You hold a restricted Northern Territory Practising Certificate; or
- You have less than 2 years post-admission experience in the relevant area of law

Practitioner Details

1. Name

2. Email

3. Phone

4. Type of Appointment
☐ Solicitor and Barrister
☐ Barrister (Counsel and direct briefs)
☐ Barrister (Counsel briefs only)

5. Are you willing to accept matters outside of your usual location (i.e., Circuit Court matters)?
☐ Yes
☐ No

6. Would you like to be included on the public list of practitioners?
☐ Yes
☐ No

Firm/Chambers Details

7. Name

8. Address

9. Email

10. Phone

11. Australian Business Number (ABN)

12. Location
☐ Darwin
☐ Katherine
☐ Alice Springs
Other:

13. Is anyone else in your firm currently appointed to the Private Practitioner Panel?
☐ Yes
☐ No
☐ Decision pending

14. If you answered yes to question 12, please provide the name/s of the practitioner/s

General Entry Requirements

15. Do you hold a current Northern Territory Practising Certificate?

☐ Yes – unrestricted
☐ Yes – restricted (see **appendix C**)
☐ No

16. Do you hold a current Working with Children (Ochre) Card?

☐ Yes
☐ No

17. Have you been subject to any findings of professional misconduct or unsatisfactory professional conduct made by the NT Law Society, NTCAT or any similar findings in other jurisdictions?

☐ Yes

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

☐ No

18. Are you subject to any current or ongoing complaints or investigations into professional misconduct or unsatisfactory professional conduct being handled by the NT Law Society, NTCAT, or a similar body in any other jurisdiction?

☐ Yes

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

☐ No

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

☐ Yes

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

☐ No

20. Do you have the information technology capacity necessary to conduct business with Legal Aid NT electronically?

☐ Yes
☐ No

21. Do you have adequate case management processes in place to ensure the protection of clients' privacy; easily record open files, and identify, locate, update, and report on legally aided matters; and invoice in a timely manner?

☐ Yes
☐ No

22. Do you have a process in place to manage and avoid conflicts of interest?

☐ Yes
☐ No

23. Do you have experience in and an understanding of the current legal and policy issues within the Northern Territory justice system, and the challenges affecting disadvantaged people in the NT generally?

☐ Yes
☐ No

24. Do you understand the complex and challenging nature of legally aided matters, and the issues and challenges affecting recipients of grants of legal assistance?

☐ Yes
☐ No

What Area of Law are you Seeking Appointment to? (*Please tick all that apply*)

☐ Summary Crime
☐ Indictable Crime
☐ Youth Crime
☐ Appellate Law
☐ Family Law
☐ FDR Conferences only
☐ Commonwealth Cross Examination Scheme (see Appendix A)
☐ Independent Children's Lawyer (See Appendix B)
☐ Care and Protection
☐ Domestic Violence/Personal Violence Restraining Orders
☐ Civil Law

Please complete the relevant practice experience questions on page 3. Please note that if you do not meet the relevant criteria NT Legal Aid may place limitations on or refuse your appointment to the panel.

Practice Experience

Please attach an outline detailing your experience for each relevant area of law you seek to be appointed to.

Summary Crime

25. How many years post-admission experience do you have practising in Summary Crime, including contested matters?

☐ More than 2 years
☐ Less than 2 years (see **appendix C**)

Indictable Crime

26. How many years post-admission experience do you have practising in Indictable Crime?

☐ More than 5 years
☐ 2 – 5 years
☐ Less than 2 years (see **appendix C**)

27. How many trial matters have you had carriage of in the past two years?

☐ More than 5
☐ Less than 5
☐ None

Youth Crime

28. How many years post admission experience do you have practising in Youth Crime?

☐ More than 2
☐ Less than 2

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

☐ More than 15
☐ 15 – 5
☐ Less than 5

Appellate Law

30. How many Local Court Appeal (or equivalent) matters have you had carriage of in the past two years?

☐ More than 10
☐ Less than 10
☐ None

31. How many Court of Criminal Appeal (or equivalent) matters have you had carriage of in the past two years?

☐ More than 5
☐ Less than 5
☐ None

Family Law

32. Are you on in the High Court of Australia Register of Practitioners?

☐ Yes
☐ No

33. How many years post-admission experience do you have practising in Family Law?

☐ More than 5 years
☐ Between 2 to 5 years
☐ Less than 2 years (see **appendix C**)

Care and Protection

34. How many years post-admission experience do you have practising in Care and Protection matters?

☐ More than 2 years
☐ Less than 2 years (see **appendix C**)

Domestic Violence

35. How many years post-admission experience do you have practising in Domestic Violence matters?

☐ More than 2 years
☐ Less than 2 years (see **appendix C**)

36. In representing respondents to applications, are you familiar with the importance of, and committed to:
    - Supporting respondents without collusion; and
    - Encouraging accountability for the use of violence?

☐ Yes
☐ No

Commonwealth Cross Examination Scheme

37. How many years post-admission experience do you have practising in Family Law?

☐ More than 2 years

☐ Less than 2 years (see **appendix B**)

38. Have you attended and satisfactorily participated in relevant family, domestic and sexual violence training (see **Appendix A**)?

☐ Yes

☐ No

Civil Law

39. What areas of Civil Law do you practice in?

40. How many years post-admission experience do you have practising in those areas of Civil Law?

☐ More than 2 years

☐ Less than 2 years (see **appendix C**)

Please provide details for two professional references

Name:	Name:
Contact:	Contact:
Relationship:	Relationship:

Declaration

In submitting this application to Legal Aid NT

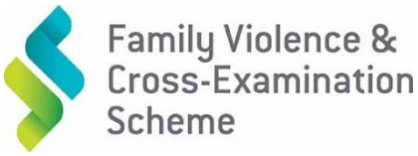
I acknowledge that:

- All information disclosed is true.
- I have read and understand my rights and obligations arising from the entry requirements.
- I understand that Legal Aid NT will check internal and publicly available records to verify information provided or requested as part of the application process.
- If I am appointed to the private practitioner panel, I am required to sign an agreement under section 30 of the *Legal Aid Act 1990* (NT) and attend an induction before I can undertake any legally aided matters.

I authorise Legal Aid NT to:

- Place all materials submitted as part of this application process before a designated Panel assessor.
- Seek and obtain information from any other Legal Aid Commissions in Australia in relation to any matter pertaining to decisions to appoint, retain, or remove myself from the legal aid panel in that jurisdiction.
- Contact two professional references to seek and obtain information in relation to my application for appointment to the private practitioner panel.

Appendix A – Additional criteria for Commonwealth Family Violence and Cross Examination of Parties Scheme



Background

On 11 March 2019, the *Family Law Act 1975* was amended to include s102NA which has seen direct cross examination banned in certain circumstances. The ban aims to protect victims of family violence by requiring cross examination be conducted by a legal representative, either privately retained, or one funded through the Scheme.

The Scheme is funded by the Commonwealth Government and is administered by Legal Aid NT. Funding for legal representation under the scheme is available at the current legal aid fee scale for the preparation and appearance at the hearing (generally the final hearing) and not for general carriage of the matter.

Funding is also available for representation at late-stage legally assisted dispute resolution processes if appropriate.

General Criteria

It is expected that legal practitioners seeking inclusion to undertake work under the Scheme will have:

- Suitable experience in the area of family law
- The capacity to interact with persons affected by family violence and understand the issues impacting on these persons and their lives
- Sound judgment
- Excellent communication skills

Family, Domestic, and Sexual Violence Training

In addition to the above, legal practitioners will be required to have attended and satisfactorily participated in relevant training prior to being accepted onto the list, such as:

- the following AVERT* training modules:
    - Basic Course (Free);
    - Screening and Safety Planning (Free); and
    - Responding to Perpetrators ($55.00).

* https://www.avertfamilyviolence.com.au/training

Appendix B – Additional criteria for Independent Children's Lawyers

independent children's lawyers

A practitioner who applies for inclusion on the Legal Aid NT Panel for Independent Children Lawyers (the ICL Panel) must agree to and continue to abide by these terms for the duration of panel membership:

1. The term of appointment will be three (3) years unless otherwise agreed.

2. Practitioners seeking to continue as a member of the ICL Panel at the expiration of the term will be required to re-apply.

3. To be included on the ICL Panel each practitioner who will undertake Independent Children Lawyer work must:
    a. Have completed an approved Independent Children's Lawyer Training course;
    b. Demonstrated expertise required of an Independent Children's lawyer in cases arising under the Family Law Act.
    c. Have practiced for at least 5 years in Family Law and held a Practising Certificate during that period.
    d. Have an extensive knowledge of Family Law, practice and procedures in children's matters including relevant case law.
    e. Have a sound knowledge and understanding of the role of the Independent Children's Lawyer.
    f. Have well-developed communications skills.
    g. Have demonstrated experience in advocacy skills and mediation skills.
    h. Execute and abide by a Statement and Undertaking pursuant to Section 30 of the Legal Aid Act (noting non-compliance may constitute grounds for removal from the Panel).
    i. Hold a valid Working with Children Ochre Card or jurisdictional equivalent
    j. Provide further references if sought by Legal Aid NT.

4. To remain on the ICL Panel a practitioner must:
    a. Continue to hold a practising certificate;
    b. Have regard to and adhere to National Legal Aid's Best Practice Guidelines for Independent Children's Lawyers.
    c. Maintain a place of business contactable by telephone during office hours;
    d. If requested, make legally aided ICL files available to Legal Aid NT.
    e. Respond to all requests for information from Legal Aid NT in relation to complaints in a timely fashion;
    f. Participate in training and provide information as reasonably requested by the Legal Aid NT;
    g. Continue to hold a valid Working with Children (Ochre) Card or jurisdictional equivalent.
    h. Know and comply with Legal Aid NT's complaints policy and procedures; and
    i. Immediately advise Legal Aid NT if the practitioner is the subject of any investigation or complaint in relation to their conduct as an ICL/ legal practitioner or which may affect their ability to hold a practising certificate (e.g. a professional conduct or criminal investigation).

5. In any consideration of a practitioner's application to be re-appointed to panel, the practitioner's conduct during the duration of panel membership will be a relevant matter taken into account by Legal Aid NT.

6. Previous membership on the existing panel will not entitle an applicant practitioner to automatic inclusion on the new panel.

7. The Commission may remove a practitioner from the ICL Panel in accordance with the provisions of section 30 of the *Legal Aid Act 1990* (NT)

Appendix C –Supervision Agreement

This agreement must be completed by any practitioner who has a supervision condition on their practising certificate or has less than two years' experience in the relevant area of law.

The approved supervisor must:

- Have at least 5 years' experience in the relevant area of law; and
- Be a member of panel; and
- Be employed by the same law firm as the practitioner they will supervise; or be a Barrister at the same Chambers as the practitioner they will supervise.

Practitioner under supervision to Complete:

1. I, , agree as a condition of my membership of the s 30 Legal Aid Panel (the Panel), to be supervised by a legal practitioner approved by the Legal Aid NT, from the date of my membership of the Panel commences until Legal Aid NT confirms I have an unrestricted practising certificate or I have gained two years' experience in the relevant area of law, and there have been no concerns identified.
2. I agree to allow Legal Aid NT to receive information from my approved supervisor relevant to my membership of the Panel.
3. If my approved supervisor is unable to supervise me during the supervised period for a period exceeding four weeks, I will advise Legal Aid NT in writing and arrange for another supervisor to take over the supervision.
4. I agree to meet regularly with my approved supervisor during the supervised period and to seek feedback and guidance from them when I have conduct of matters relevant to my membership of the Panel.
5. I agree to hand over conduct of a matter to my Supervising Practitioner if the matter becomes too complex, including if the matter proceeds to a jury trial, Family Court trial or Late Intervention Dispute Resolution Conference.
6. I agree to bear any costs associated with my supervision.
7. I will advise Legal Aid NT in writing when I have obtained an unrestricted practising certificate, or I believe I have gained two years' experience in the relevant area of law.
8. I agree that this supervision Agreement will remain in place until Legal Aid NT is satisfied that I have gained the relevant experience and there are no other concerns. Legal Aid NT will provide written confirmation when the supervision condition is removed.

Practitioner under supervision signature: Date:

Witness Name: Witness signature: Date:

Approved Supervisor to Complete:

1. I, agree to supervise in relation to their membership of the Panel from the date of their membership of the Panel commences until Legal Aid NT confirms they no longer have a supervision condition.
2. I confirm I am a member of the Panel and that I have at least 5 years post admission experience in the relevant area of law.
3. I agree to advise the Legal Aid NT in writing as soon as possible if I am, or I will become, unavailable to supervise the Applicant for a period exceeding four weeks, during the supervised period.
4. I agree to meet regularly with the Applicant during the supervised period and to mentor, guide and support them in their conduct of matters relevant to their membership of the Panel.
5. I agree to take over conduct of any matter which has become too complex for the Applicant, including if the matter proceeds to jury trial, Family Court trial or Late Intervention Dispute Resolution Conference.
6. When requested, I agree to provide information to Legal Aid NT about the Applicant's ability to conduct matters relevant to their membership of the Panel, during the supervised period.
7. I agree to advise Legal Aid NT of any concerns about the Applicant's ability to conduct matters relevant to their membership of the Panel, during the supervised period.

Approved supervisor signature: Date:

Witness Name: Witness signature: Date: