

Application guidelines for new applicant

Independent Children's Lawyer
& Separate Representative Panel

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Enclosure:	Independent Children’s Lawyer & Separate Representative Agreement Annexure A: Undertaking

Part A – Application form requirements

1. Part A is mandatory for all applications.
2. To be eligible to submit an application, an applicant must be a natural person, over the age of 18.
3. The completed application must be accompanied by:
 - (a) a completed application form cover sheet
 - (b) a written response to each of the applicable selection criteria
 - (c) one copy of the agreement duly signed by the applicant
 - (d) a signed 'Agreement regarding recipient created tax invoices'
 - (e) a signed undertaking.
4. The completed application, must be received by LAQ at the following address:

**The Coordinator, Preferred Supplier Strategy, Legal Aid Queensland,
44 Herschel Street, Brisbane 4000**
or GPO Box 2449, Brisbane 4001
or DX 150 Brisbane
or psupp.coordinator@legalaid.qld.gov.au.

Part B – Selection criteria

Selection criteria applicable to all sub lists

1. The applicant must hold an unrestricted practising certificate.
(A copy of the practising certificate should be attached to the application.)
2. The applicant must be a suitable person to undertake Independent Children's Lawyer and/or Separate Representative work for LAQ.
(A copy of the practising certificate should support meeting this criteria. The applicant must also disclose any substantiated complaints made to the Legal Services Commission, any previous criminal convictions and any investigations against them.)
3. If applying for inclusion on the Independent Children's Lawyer sub panel the applicant must have practised as a legal practitioner in family law for at least 5 years.
4. If applying for inclusion on the Separate Representative sub panel, the applicant must have practised as a legal practitioner in child protection in the capacity of a legal representative for respondents for at least 5 years.
5. The applicant must demonstrate an advanced level of experience and competence in:
 - a. the area of family law and other related matters, including extensive knowledge of legislation, practice and procedures and experience in providing advice, preparation, representation and advocacy in family law and related proceedings, if applying for inclusion on the Independent Children's Lawyer sub panel and
 - b. the area of child protection law, including extensive knowledge of Queensland child protection legislation and procedures and experience in providing advice, preparation, representation and advocacy to respondents in child protection proceedings, if applying for inclusion on the Separate Representative sub panel.

(The applicant should provide a description of the length and type of legal experience they have.)

6. The applicant must demonstrate a sound understanding of the principles and skills required and a capacity to undertake:
 - a. Independent Children's Lawyer work, if applying for inclusion on the Independent Children's Lawyer sub panel and
 - b. Separate Representative work, if applying for inclusion on the Separate Representative sub panel.

(The applicant should set out the basis of their understanding and capacity.)

7. If required, the applicant must attend an interview with and receive a satisfactory suitability assessment from the Independent Children's Lawyer & Separate Representative Suitability Assessment Committee.
8. The applicant must provide the names of 2 referees and the referees should be from 2 of the following categories:
 - a. Barristers whom they have briefed in family law or child protection matters within the last 3 years
 - b. Legal practitioners whom they have dealt with on behalf of another party in a family law matter or child protection matter within the last 3 years
 - c. Social workers, psychologists or psychiatrists whom they have engaged in a family law matter or child protection matter within the last 3 years

and agree to provide further references as may be considered necessary and requested by LAQ.

9. The applicant must demonstrate:
 - a. if applying for inclusion on the Independent Children's Lawyer sub panel -
 - i. that they have undertaken the National Independent Children's Lawyer Training Course within the last 3 years or, if such training was undertaken more than 3 years prior to the date of their application, that they have otherwise maintained an acceptable level of on-going training in the area of family law and
 - ii. that they have undertaken LAQ's Independent Children's Lawyer Nuts and Bolts training if provided in the last 3 years or any other training as approved by LAQ in the last 3 years
 - b. if applying for inclusion on the Separate Representative sub panel –
 - i. that they have undertaken LAQ's Separate Representative Training and, if provided, Child Protection Masterclass training or any other separate representative training approved by LAQ, within the last 3 years.
10. The applicant must agree to undertake:
 - a. any advanced Independent Children's Lawyer training or Separate Representative and/or Child Protection Masterclass training that may be nominated by LAQ from time to time
 - b. such hours of compulsory professional development in the area of family law or child protection law as may be nominated by LAQ from time to time.
11. The applicant must have:
 - a. functioning telephone and computer facilities
 - b. existing business premises that are secure and allow for secure storage of all Independent Children's Lawyer and Separate Representative records and
 - c. access to appropriate premises during business hours when personal contact is required by the Independent Children's Lawyer or Separate Representative with other parties, children, or experts and
 - d. adequate administrative processes to manage inquiries during business hours and
 - e. computer facilities that will enable the electronic lodgement of extension requests for legal aid and accounts and electronic communication with LAQ.

(A description of the premises, facilities and staffing arrangements should be provided in the application.)

12. The applicant must have in place:

- a. systems and procedures that will ensure compliance with professional and ethical rules and
- b. have access to a suitable complaints mechanism.

(A description of relevant programs, systems and procedures should be provided in the application.)

13. An applicant must demonstrate that they are familiar with, and have in place systems and procedures that will ensure compliance with:

- a. LAQ's Practice Management Standards and the Case Management Standards relevant to the sub-list(s) that they are applying for and
- b. LAQ's policies regarding lodgement of applications (extensions) for grants of legal aid and lodgement of invoices and accounts for payment.

Note - LAQ's Practice Management Standards, Case Management Standards and Grants policies are publicly accessible on LAQ's website at www.legalaid.qld.gov.au

(A description of relevant systems and procedures should be provided in the application.)

14. The applicant must agree to give an undertaking, in the form of the undertaking attached at Annexure A, which provides that when performing Independent Children's Lawyer and/or Separate Representative work they will not normally delegate the work except as provided in the undertaking. The applicant must agree to sign the Independent Children's Lawyer & Separate Representative Agreement and abide by its conditions.

Part C – Information about the Independent Children's Lawyers and Separate Representative Sub Panels

The Independent Children's Lawyers & Separate Representative Panel consists of:

- a. Independent Children's Lawyer Sub Panel
- b. Separate Representative Sub Panel

Applicants may apply for one or both sub panel/s and must indicate which sub panel/s they wish to apply for.

Part D – Independent Children's Lawyer & Separate Representative Suitability Assessment Committee

1. The Independent Children's Lawyer & Separate Representative Suitability Assessment Committee is constituted by:
 - a. Senior Director, Legal Practice of LAQ and
 - b. Two representatives nominated by LAQ from its in-house Family Law Practice and
 - c. One representative nominated by the Family Law Committee of the Queensland Law Society and
 - d. One current member of the Independent Children's Lawyer & Separate Representative Panel nominated by LAQ and
 - e. An expert nominated by Legal Aid Queensland.
2. A quorum of the committee is 3 members but a quorum must include at least 1 member who is not an employee of LAQ.
3. The role of the committee is to interview applicants for inclusion on the Independent Children's Lawyers & Separate Representative Panel and to make an assessment of an applicant's suitability to undertake Independent Children's Lawyers work and/or Separate Representative work.

Part E – Application assessment process

1. An application that does not meet the application form requirements may not be assessed by LAQ.
2. An application that does meet the application form requirements, received by the closing date, will be assessed by LAQ against the selection criteria for the panel and sub panels being applied for. LAQ may also have regard to the need for coverage in geographic locations.
3. In assessing whether an applicant meets the selection criteria:
 - a. LAQ reserves the right to request from the applicant further particulars to substantiate a claim or support a submission for selection on the Independent Children’s Lawyer & Separate Representative Panel and sub panels
 - b. LAQ will also consider any report received from the Independent Children’s Lawyers & Separate Representative Suitability Assessment Committee
 - c. LAQ will also consider information in LAQ’s possession regarding prior performance of an applicant.
4. LAQ reserves the right to consider or refuse to consider any application received after the closing date that complies with the application form requirements.
5. LAQ may appoint an applicant to all, some or none of the sub panels that the applicant has applied for selection on.
6. LAQ reserves the right, at any time and without notification, to:
 - a. reject any application, irrespective of whether:
 - i. it meets the application form requirements or
 - ii. it meets the selection criteria
 - b. close any sub panels or all sub panels, whether generally or in relation to specified geographical locations
 - c. set a maximum number of Independent Children’s Lawyers and Separate Representatives to be appointed in relation to any sub panel, whether generally or in relation to a specified geographical location
 - d. issue a further invitation for applications for appointment as Independent Children’s Lawyer or Separate Representative in relation to any sub panel, or specified geographical location
 - e. appoint any eligible person as an Independent Children’s Lawyer or Separate Representative, whether as part of any process referred to in sub-clause d above or otherwise.
7. LAQ will notify each applicant of the outcome of their application.
8. Previous appointment as an Independent Children’s Lawyer or Separate Representative will not entitle an applicant to automatic re-appointment as an Independent Children’s Lawyer or Separate Representative under the application process. Appointment on the Independent Children’s Lawyer & Separate Representative Panel in relation to any sub panel under the application process will not entitle an applicant to automatic appointment in relation to any other sub panel.
9. The conduct of the application process does not give rise to any legal or equitable relationship between LAQ and an applicant, or any other person.
10. LAQ may cancel or vary the application process at any time, whether before, on or after the closing date.
11. An applicant will not be entitled to claim compensation or loss from LAQ for any matter arising out of the application process, including (but not limited to) any failure by LAQ to comply with these application requirements.

12. An applicant will not be considered to be a member of the Independent Children's Lawyer & Separate Representative Panel or relevant sub panel, or be eligible to undertake work for or on behalf of LAQ, unless and until LAQ has signed an agreement with the applicant and returned one copy of the signed agreement to the applicant.
13. The appointment of an applicant on the Independent Children's Lawyer & Separate Representative Panel and relevant sub panel or the signing of an agreement between the applicant and LAQ does not constitute an assurance that LAQ will provide a minimum level, or any, legal aid work to the applicant.
14. Agreements entered into under this application process will be for a term from the commencement of the agreement until the completion date specified in the agreement, subject to any right of renewal or extension or termination contained in the agreement.

Part F – Privacy and Right to Information

1. The *Information Privacy Act 2009* (Qld) will apply to the collection, use and disclosure by LAQ of any personal information collected during the application process.
2. By making an application, an applicant consents to LAQ using personal information provided by the applicant for any of the following purposes:
 - a. assessing the application
 - b. verifying any information provided during the application process and
 - c. entering into, administering and exercising its rights under an agreement.
3. In relation to any personal information provided to LAQ, an applicant agrees that LAQ may disclose that information to Queensland or Commonwealth Government departments, agencies or bodies, the LSC or the QLS, for any of the following purposes:
 - a. assessment of the application or verification of information provided during the application process
 - b. exercising LAQ's rights under an agreement with the applicant, including obtaining information about the making or outcome of any complaint to the LSC or QLS about the applicant or an employee of the applicant
 - c. for research, policy and planning functions for legal service provision.
4. LAQ will not otherwise use or disclose personal information without an applicant's consent, unless authorised by law.
5. Where personal information or consents given to LAQ by the applicant relate to an individual who is not the applicant (such as an employee of the applicant), the applicant warrants that the applicant has that individual's consent and authority in writing that authorises the:
 - a. collection by the applicant
 - b. disclosure by the applicant to LAQ and
 - c. use and disclosure by LAQ ofthat personal information, in the manner contemplated by these application requirements.
6. The *Right to Information Act 2009* (Qld) will apply to information collected during the application process.