

# Application guidelines for new appointment

Complex Criminal Case Barrister Panel

# Contents

<b>Part A</b>	Application form requirements
<b>Part B</b>	Selection criteria- applying for appointment
<b>Part C</b>	Application assessment process
<b>Part D</b>	Membership of the Panel
<b>Part E</b>	Privacy and Right to Information
<b>Enclosure A:</b>	Complex Criminal Case Barrister Panel Policy
<b>Enclosure B:</b>	Application coversheet
<b>Enclosure C:</b>	Agreement regarding Recipient Created Tax Invoices

## 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) a copy of a current Queensland practising certificate as a barrister;
  - d) at least one written reference from an experienced criminal lawyer addressing selection criteria 3; and
  - e) a signed '*Agreement regarding Recipient Created Tax Invoices*'.
4. The completed application, must be received by Legal Aid Queensland at the following address:

**The Coordinator, Barrister Panel,  
Legal Aid Queensland,  
44 Herschel Street, Brisbane, 4000  
or GPO Box 2449, Brisbane, 4001  
or DX 150 Brisbane  
or email [BarristerPanel@legalaid.qld.gov.au](mailto:BarristerPanel@legalaid.qld.gov.au)**

## Part B – Selection criteria –applying for appointment

1. Hold a current unconditional Queensland practising certificate as a barrister;  
*(A copy of the practising certificate should be attached to the application.)*
2. Have at least five years' experience as counsel and/or solicitor advocate in criminal law matters, unless there are exceptional circumstances determined by the selection committee;
3. Demonstrate an established professional reputation as a competent advocate with specialist knowledge of criminal law, evidence, procedure, and ethics and high-level written and verbal communications skills;  
*(At least one written reference from an experienced criminal lawyer)*
4. Not be or have been the subject of:

- a) adverse findings arising from professional disciplinary action taken against the applicant;
- b) significant adverse findings or comments regarding the conduct of the applicant by any court or tribunal;
- c) findings of guilt for any criminal offences other than minor traffic infringement offences against the applicant; and
- d) investigations of suspected or alleged criminal conduct on the part of the applicant; or

for any other reason, in the view of the selection committee, be unfit to practice as a barrister in complex criminal cases.

The selection criteria should be addressed in writing of up to one A4 page but additional length may be provided where the applicant is addressing a claim of exceptional circumstances or addressing selection criteria 4.

Applicants are required to maintain a current practising certificate without any condition or restriction that would limit their ability to provide services to instructing solicitors and legally aided clients and to have held an appropriate practising certificate for the full period of the recent practicing experience disclosed in the application form.

If an applicant does not have a least five years' experience as counsel and/or solicitor advocate in criminal law matters the applicant is required to set out the basis of their claim of exceptional circumstances in the application.

The applicant should include at least one written reference from an experienced criminal lawyer addressing selection criteria 3.

Applicants must make full disclosure of any relevant information relating to selection criteria 4.

## Part C – Application assessment process

1. Assessment of the selection criteria will be based upon the information provided by the applicant in the application, information held by Legal Aid Queensland (LAQ), including information from stakeholders, information relating to previous conduct of legally aided matters by the applicant and complaints received by LAQ concerning the applicant, information held by members of the selection committee and information from publicly available records including court transcripts and judgements and any other matters deemed relevant.
2. An application that does not meet the application form requirements may not be assessed by LAQ.
3. An application that does meet the application form requirements, received by the closing date, will be assessed by LAQ against the selection criteria.

4. 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 Barrister panel;
  - b) LAQ will also consider any report received from the selection committee;
  - c) LAQ will also consider information in LAQ's possession regarding prior performance of an applicant.
5. LAQ reserves the right to consider or refuse to consider any application received after the closing date that complies with the application form requirements.
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) set a maximum number of barristers appointed to the Complex Criminal Case Barrister Panel, whether generally or in relation to a specified geographical location;
  - c) issue a further invitation for applications for appointment
7. LAQ will notify each applicant of the outcome of their application.
8. Previous appointment as a preferred supplier will not entitle an applicant to automatic appointment to the Complex Criminal Case Barrister Panel under the application process.
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. Decisions about appointment to the panel will be made by the Senior Director, Legal Practice on the recommendation of the selection committee following consideration by the committee of the applications, referees comments where sought and the committee's own knowledge of the applicants.
13. Applicants who are unsuccessful in appointment to the panel will, on request, be provided with feedback by a member of the selection committee. Unsuccessful applicants may seek internal review of the decision. The Chief Executive Officer will assess applications for internal review. Unsuccessful applicants may re-apply after 12 months of the date of refusal.

## Part D – Membership of the Panel

Whilst a member of the Panel, a barrister may be briefed in complex criminal cases by preferred supplier law firms and Legal Aid Queensland in-house lawyers. Membership of the Panel provides eligibility but not entitlement to be briefed in complex criminal cases. Membership of the Panel does not confer any entitlement on the barrister to be briefed generally or in any particular matter and does not place any obligation upon Legal Aid Queensland or preferred supplier law firms to brief the barrister generally or in any particular matter.

Members of the Panel undertake to notify Legal Aid Queensland immediately upon any changes to their circumstances relevant to the selection criteria for membership of the panel, including but not limited to:

- a. that they no longer hold an unconditional Queensland practising certificate as a barrister;
- b. adverse findings arising from professional disciplinary action taken against the applicant;
- c. significant adverse findings or comments regarding the conduct of the applicant by any court or tribunal;
- d. findings of guilt for any criminal offences other than minor traffic infringement offences against the applicant;
- e. current investigations of suspected or alleged criminal conduct on the part of the applicant; and
- f. any other matter relevant to the applicant's fitness to practice as a barrister.

A member of the Panel who no longer satisfies the selection criteria for membership of the Panel may be removed from the Panel by the Senior Director, Legal Practice. A barrister who has been removed from the Panel may seek internal review of the decision. The Chief Executive Officer will assess applications for internal review.

## Part E – 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 it 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 of that 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.