

# Application guidelines for preferred supplier list 2024-2027

## Contents

- Part A Application form requirements
- Part B Selection criteria
- Part C Information about the preferred supplier lists
- Part D Application assessment process
- Part E Privacy and Right to Information

## Part A – Application form requirements

1. To be eligible to submit an application, an applicant must be:
  - a. a natural person, over the age of 18, conducting business as
    - i. a sole practitioner or
    - ii. a partnership or
    - iii. an incorporated legal practice (ILP).
2. The application must be accompanied by:
  - a. a completed application form cover sheet
  - b. a detailed written response to Part B of the selection criteria
  - c. one copy of the agreement for each office location, signed by the applicant or representative
  - d. a signed '*Agreement regarding recipient created tax invoices*'
  - e. a copy of the unrestricted principal practising certificate for the principal, partner or director of the applicant law practice.

## Part B – Selection criteria

### Selection criteria applicable to all sublists

1. The applicant, or if the applicant is a partnership or ILP, then at least one partner, principal or director of the applicant law practice, must hold an unrestricted **principal** practising certificate and must have been practising as an Australian legal practitioner for a minimum period of three years. The names of all partners and directors for the applicant law practice must be provided.
2. The applicant and all staff employed by the applicant law practice must be a suitable person to undertake work as a preferred supplier. The applicant must disclose:
  - a. any substantiated complaints made to the Legal Services Commission
  - b. any disciplinary proceedings
  - c. any previous criminal convictions
  - d. any other investigations

against them, other partners or directors of the law practice and any employed solicitors of the law practice that may be expected to perform legal aid work.

3. The applicant, or if the applicant is a partnership or ILP, then at least one partner, principal or director of the applicant law practice, or an employee of the applicant must demonstrate a satisfactory level of experience and competence in the area of law for **all** of the sub list/s applied for. In order to meet this criteria:
  - a. unless otherwise specified, the applicant, or the employee, will usually need to demonstrate **three years' experience** as a private lawyer in practice providing client representation for the sub lists requested. For inclusion on the Criminal Law Life and Family Law list, the applicant or the employee must have at least **five years' experience** as a private lawyer in practice providing client representation for these sub lists
  - b. the applicant should provide a description of the length and type of legal experience they have and include a description of some recent and relevant matters they have conducted including how the matter proceeded, issues in dispute, how they navigated the case and what the role of lawyer entailed in each matter.
4. If an applicant has been the subject of a previous Legal Aid Queensland (LAQ) audit report or complaint investigation that indicates a serious deficiency, the applicant should address the deficiencies previously raised and show cause as to why a new agreement should be entered into.
5. The applicant is to provide a detailed description of the premises, facilities and staffing arrangements for each office location applied for. In particular, the applicant must have:
  - a. functioning telephone and computer facilities, including videoconferencing facilities
  - b. easily identifiable existing physical business premises that:
    - i. are secure and allow for secure storage of all client records
    - ii. are accessible by the public during business hours
    - iii. have suitable arrangements in place for clients to attend in person for conferences.
  - c. adequate administrative or support staffing levels to manage inquiries during business hours
  - d. computer facilities that will enable the electronic lodgement of applications for legal aid and accounts, and electronic communication with LAQ.

*If you are operating out of a serviced office, in addition to 5 a to d above, please provide details of:*

- *the arrangements in place to ensure client confidentiality when telephoning and/or attending the office*
- *the confidentiality clauses included in the serviced office agreement.*

6. The applicant must demonstrate they have in place:
- a. an adequate supervisory program for employed solicitors and clerks who may perform legal aid work on behalf of the applicant
  - b. systems and procedures that will ensure compliance with professional and ethical rules
  - c. a system for recording and responding to complaints by legally aided clients and LAQ in an effective and timely manner.

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

7. An applicant must demonstrate 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 list(s) they are applying for
  - b. LAQ's policies about lodging applications for grants of legal aid and lodging 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](http://www.legalaid.qld.gov.au).*

*A description of relevant systems and procedures should be provided in the application. For existing preferred suppliers, LAQ will also consider information in LAQ's possession about prior performance of an applicant or, if the applicant relies on the experience of an employee in meeting selection criteria 3, prior performance of the employee.*

8. The applicant agrees to sign the Legal Aid Queensland Preferred Supplier Service Agreement and abide by its conditions.

# Part C – Information about the Preferred Supplier List and sub lists

The Preferred Supplier List consists of sub lists in the areas of family, criminal and civil law.

## 1. Family law

The Family Law Sub List includes all family law matters including representation of parties at family dispute resolution conferences and representation before the Federal Circuit and Family Court of Australia and state Magistrates Courts. The list also includes related child protection and domestic violence matters.

### Additional selection criteria applicable to family law

For the Family Law General Sub List, an applicant, or, if an applicant relies on the experience of an employee in meeting selection **criteria B3**, the employee, must also show recent involvement in representation for these types of matters.

A description of relevant matters conducted in the last two years should be provided in the application. Your description should include details of how the matter proceeded, any issues in dispute, how you navigated the case and what the role of lawyer entailed in each matter. Your response needs to demonstrate a satisfactory level of experience and competence in the area and also demonstrate that your work was performed to a high professional and ethical standard. Relevant legislation should also be referred to where appropriate.

## 2. Commonwealth Family Violence and Cross Examination of Parties Scheme

The [Commonwealth family violence and cross examination of parties scheme](#) provides funding to prepare for and represent clients at a hearing where personal cross-examination has been banned.

### Additional selection criteria applicable to Commonwealth Family Violence and Cross Examination of Parties Scheme

Applicants must:

- be included on the LAQ Family Law General Sub List or
- demonstrate a satisfactory level of experience and competence in family law matters.

Applicants must include:

- a description of the length and type of experience they have together with a description of recent family law matters undertaken and
- the capacity to interact with persons affected by family violence and to understand the issues impacting on these persons and their lives.

## 3. Criminal law youth

The Criminal Law Youth Sub List includes all matters before jurisdictions where the legally aided client is a child. Criminal law youth matters may be undertaken by a solicitor instructing counsel or solicitor alone.

### Additional selection criteria applicable to Criminal Law Youth Sub List

For the Criminal Law Youth Sub List:

- an applicant, or, if the applicant relies on the experience of an employee in meeting selection criteria B3, the employee, must also show recent involvement in representation for these types of matters. A description of relevant matters conducted in the last two years should be provided in the application. Your description should include details of the charges, how the

matter proceeded, any issues in dispute, how you navigated the case and what the role of lawyer entailed in each matter. Your response needs to demonstrate a satisfactory level of experience and competence in the area and also demonstrate your work was performed to a high professional and ethical standard. Relevant legislation should also be referred to where appropriate.

- Any practitioner undertaking work on criminal law youth matters must have satisfactorily completed the LAQ Youth Justice Certification training. The names of all practitioners that may be expected to perform work on criminal law youth matters must be provided along with confirmation they have completed the LAQ Youth Justice Certification training.

## 4. Criminal law life

The Criminal Law Life Sub List includes all Magistrates/Childrens Court and District Court matters carrying life imprisonment, all Supreme Court matters including dangerous prisoner matters (DPSOA) and all appeals to the Court of Appeal and High Court of Australia.

*(The Criminal Law Lists also include proceeds of crime matters where the preferred supplier has a current related criminal law matter.)*

### Additional selection criteria applicable to the Criminal Law Life Sub List

For the Criminal Law Life Sub List, an applicant, or, if an applicant relies on the experience of an employee in meeting selection criteria B3, the employee, must also show recent involvement in representation for these types of matters. A description of relevant matters conducted in the last two years should be provided in the application. Your description should include details of the charges, how the matter proceeded, any issues in dispute, how you navigated the case and what the role of lawyer entailed in each matter. Your response needs to demonstrate a satisfactory level of experience and competence in the area and also demonstrate your work was performed to a high professional and ethical standard. Relevant legislation should also be referred to where appropriate.

## 5. Criminal law general

The Criminal Law General Sub List includes:

- all Magistrates Court matters, exclusive of matters that will be committed to the Supreme Court and matters that carry a maximum penalty of life imprisonment
- all District Court matters, exclusive of matters that carry a maximum penalty of life imprisonment

Criminal law general matters may be undertaken by a solicitor instructing counsel or solicitor alone.

## 6. Civil law

The applicant must indicate which civil law sub list/s they want to apply for and provide details of their experience and competence for each area of law. More information on the grants of legal assistance available can be viewed in the guidelines set out in the Policy Manual via the links provided:

- [Child protection](#) (State – Guideline 1)  
The Child Protection Sub List includes representation for parties, non-parties and direct representation in accordance with the [child protection funding model](#)
- [Domestic violence](#) (State -Guideline 3)  
The Domestic Violence Sub List includes representation for applicants and respondents. It also includes applications for peace and good behaviour orders (Guideline 8)
- [Anti-Discrimination](#) (State and Commonwealth Guideline 4)

- [Commonwealth administrative law](#) (Commonwealth – Guidelines 2,3,6,8,9,10,11 and 12)
- [Inquests](#) (State - Guideline 5)
- [Proceeds of crime](#) (Commonwealth - Guideline 7)
- [War veterans](#) (Commonwealth Guideline 5)
- [Workers' compensation](#)

## Part D – 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 sub list/s 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 Preferred Supplier List. If the further particulars are not received within three months of the request, LAQ reserves the right to treat the application as withdrawn.
  - b. LAQ will also consider information in LAQ's possession about prior performance of an applicant, or where the applicant relies on the experience or expertise of an employee, the employee.
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 as a preferred supplier to all, some or none of the sub lists the applicant has applied for.
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 list or all sub lists, whether generally or regarding specified geographical locations
  - c. set a maximum number of preferred suppliers to be appointed regarding any sub list, whether generally or in relation to a specified geographical location
  - d. issue a further invitation for applications for appointment as a preferred supplier regarding any sub list or specified geographical location
  - e. appoint any eligible person or entity as a preferred supplier, 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 a preferred supplier will not entitle an applicant to automatic re-appointment as a preferred supplier under the application process. Appointment as a preferred supplier to any sub list under the application process will not entitle an applicant to automatic appointment in relation to any other sub list.
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 preferred supplier 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 as a preferred supplier or the signing of an agreement between the preferred supplier 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 contained in the agreement or earlier termination in accordance with the agreement.

## 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
  - 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 Legal Service Commission (LSC) or the Queensland Law Society (QLS) for any of the following purposes:
  - a. assessing the application or verifying 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. notifying the public about the availability of legal assistance to legally assisted persons and the identities of preferred suppliers
  - d. for research, policy and planning functions for legal service provision.
4. Where an applicant is appointed as a preferred supplier, LAQ may identify the applicant as a preferred supplier and publish the applicant's name and contact details in lists contained on its website or in other material.
5. LAQ will not otherwise use or disclose personal information without an applicant's consent, unless authorised by law.
6. 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
  - c. use and disclosure by LAQ ofthat personal information, in the manner contemplated by these application requirements.
7. The *Right to Information Act 2009* (Qld) will apply to information collected during the application process.