

Covid-19 Delta Procedure for allocating work to panel law practices

For the safety of our staff, clients and private practitioner colleagues, Legal Aid NSW is implementing a procedure preferencing panel law practices that require the principal and all nominated associates and law practice staff who have face-to-face contact with legally aided clients (relevant staff), to be Covid-19 double vaccinated by **17 January 2022** (the Procedure).

The Procedure commences on 10 November 2021. It will be reviewed at 6 and 12 months from the commencement date.

The Procedure is as follows:

1. Legal Aid NSW will open a Covid-19 Vaccine Register (the Register) that will require the principal of the law practice to record his/her status as Covid-19 double vaccinated by 17 January 2022, in order for the law practice to continue to be allocated legally aided work.
2. The principal of the law practice will also be required to attest that all nominated associates and relevant staff are Covid-19 double vaccinated by 17 January 2022, in order for the law practice to continue to be allocated legally aided work.
3. If one or more nominated associates of the law practice are not Covid-19 double vaccinated by 17 January 2022 the principal of a law practice may apply to exclude nominated associates from undertaking legally aided work in order for the law practice to comply with the Procedure. The principal can remove nominated associates through the Vaccine Register or by email to panelscovidregister@legalaid.nsw.gov.au.
4. The principal will attest that the information is true and correct.
5. The information provided as part of the Register will be stored in accordance with the *Health Records and Privacy Information Act*. Access to the Register information will be limited to relevant Legal Aid NSW staff only. The principal can correct or update the Vaccination Register information by sending an email to panelscovidregister@legalaid.nsw.gov.au.
6. The Register must be completed by **17 January 2022**.

7. As of 17 January 2022, Legal Aid NSW will cease to allocate work to law practices who are unable to comply with the Procedure. Existing legal aid matters will remain with the law practice unless individual arrangements are made with the Grants Division.
8. Legal Aid NSW does not require legally aided clients to be Covid-19 double vaccinated so that we can continue to meet Legal Aid NSW statutory obligations . As of 17 January 2022, Legal Aid NSW will cease to allocate work to law practices who refuse to represent legally aided clients because they are not double vaccinated. These law practices will not be allocated legal aid work unless there has been reasonable prior notice and approval through panelscovidregister@legalaid.nsw.gov.au.
9. If a law practice does not complete the Register by 17 January 2022 it will be treated as unable to comply with the requirements of the Procedure, and as of 17 January 2022 will not be allocated legally aided work. An inability to comply with the requirements of the Procedure does not constitute a ground for removal from the Legal Aid NSW Panels. Legal Aid NSW will resume allocating work to the law practice at any time once Legal Aid NSW is notified that the law practice is compliant with the Procedure.
10. Legal Aid NSW may, in exceptional circumstances, provide an exemption to this Procedure. An exceptional circumstance may include:
 - a. a medical contraindication certificate in the form approved by the Chief Health Officer, or
 - b. the absence of another eligible law practice in the relevant service location and the client has consented in writing.

Back-up Duty Lawyer Allocation Scheme (BUDSAS)

11. As of **24 November 2021**, practitioners who are not Covid-19 double vaccinated will not be allocated BUDSAS work.
12. This does not constitute removal from BUDSAS. A practitioner may be re-activated on BUDSAS once they notify the BUDS co-ordinator that they are Covid-19 double vaccinated.
13. Exemptions may apply in accordance with clause 10 of this Procedure or as approved by the Deputy Director Crime, Legal Aid NSW.

Duty Solicitor Scheme (DSS)

14. As of **4 January 2022**, practitioners who are not Covid-19 double vaccinated will not be considered for appointment under any existing or new Expression of Interest for any DSS roster.
15. This will apply even if, after 4 January 2022, the practitioner becomes Covid-19 double vaccinated. The practitioner will only be considered under any new Expression of Interest for any future DSS roster.
16. Exemptions may apply in accordance with clause 10 of this Procedure or as approved by the Director, Grants Legal Aid NSW.

All questions and communication about this Procedure should be sent to panelscovidregister@legalaid.nsw.gov.au.