

Children's Court Special Intake

For information relating to the Back Up Duty Scheme (BUDS) please visit our [webpage](#).

The following selection criteria must be addressed in support of your expression of interest for appointment to the Legal Aid NSW Back Up Duty Scheme (BUDS). Completed forms must be emailed to: backupduty@legalaid.nsw.gov.au

Practitioner Name:	
Law Practice Name:	
Suburb of physical office location/ordinary place of work:	
Email:	

To be eligible to be appointed to the BUDS during this specialised intake for our **Children's Court BUDS** lists, practitioners must be a nominated associate of their law practice on our **Child Crime Panel**.

Before proceeding any further, we recommend that you contact our panels team to confirm your panel membership status. They can be contacted via panels@legalaid.nsw.gov.au.

I have contacted the Legal Aid NSW Panels team and have confirmed my panel membership status

☐ Yes

☐ No

I am a nominated associate of the abovenamed law practice on the Legal Aid NSW Children's Crime Panel

☐ Yes

☐ No

Please note, EOIs will not be accepted where a practitioner has a pending panel application or pending update to their panel memberships being processed by our Panels team.

1. When submitting this EOI form, please provide a copy of your up-to-date Curriculum Vitae (CV) which includes positions you have held, position responsibilities, employer name and tenure of employment
2. I have at least five years of post-admission experience, and I have had a devotion of not less than 50% of normal full-time practice to the area of criminal law in each year of the past three-year period

☐ Yes

☐ No

3. Provide examples of your experience in representing clients with complex needs, including children, in courts (max. 1500 characters)

4. How do you understand and propose to address the legal challenges experienced by young people in the criminal justice system who:

- a. Have mental health conditions and/or cognitive impairments
- b. Are impacted by social and economic disadvantaged
- c. Come from culturally and linguistically diverse backgrounds (max. 2000 characters)

5. Explain the interpersonal skills you possess and how you use them to understand and effectively communicate with young people, including young people from a wide range of backgrounds, and other professionals (both legal and non-legal) (max. 1500 characters)

6. In the following scenario, identify the issues that arise and explain how you would respond to them (dot points will suffice, max. 3000 characters)

You have been allocated the matter of a 13 year old Aboriginal young person who is in custody at Bourke Police Station. He has been charged with offences of Break, Enter and Steal in company under section 112(2) of the Crimes Act 1900 (NSW) and Carried in Conveyance without consent under section 154A(1)(b) of the same Act. He was already on bail for similar matters at the time and is also subject to a detention application on those matters as well.

It is not clear from the facts and bail report what the prosecution is alleging is the reason for the detention application, nor is it alleged that any of his bail conditions have been breached.

You are told the young person is in the care of the Minister and that Youth Justice NSW have not been able to confirm with his caseworkers that he is able to return to his current bail address. You call the service provider responsible for the young person and are told that they are awaiting confirmation that he can return but that "it would be better for the provider if he remained in custody for a few days as a reminder of what happens when you act up". You call the police station and are told that they will organise for the young person to be brought to the phone for you to get instructions.

7. In the following scenario, identify the issues that arise and explain how you would respond to them (dot points will suffice, max. 3000 characters);

You are rostered on the Children's Court crime list for duty with one other private duty back up and an in-house Legal Aid NSW solicitor. That in-house solicitor, who has a large number of files in their possession and keeps all of those files for themselves, allocates the two fresh custodies in the cells to the other private duty back up. You are allocated one fresh custody appearing from a police station as well as two fresh AVO applications where the young people are in the community.

You are made aware by the court staff that one of those young people in the community has attended with both parents and that there has already been a need for court staff and the Sheriffs to speak with both the young person and the parents about their conduct in the waiting area. The court staff also let you know both the parents want to speak with you before you speak with the young person. You are also told by the court staff that the court will want someone in court in no less than 20 minutes.

8. Describe how you work in a fast-paced environment and your ability to provide advice and representation in high-pressure situations (max. 1000 characters)

9. Provide examples of your experience working collaboratively with other practitioners to achieve beneficial outcomes for clients (max. 1000 characters)

10. Describe your file management skills, including your practice of making file notes, recording client instructions and recording court outcomes (max. 1000 characters)

11. Please nominate the Children's Court/s in which you would be willing to perform duty back-up and urgent case work on behalf of Legal Aid NSW.

- ☐ Surry Hills Children's Court
- ☐ Parramatta Children's Court
- ☐ Campbelltown Children's Court
- ☐ Sutherland Children's Court
- ☐ Port Kembla Children's Court
- ☐ Cessnock Children's Court (Hunter Children's Court BUDS)
- ☐ East Maitland Children's Court (Hunter Children's Court BUDS)

To provide a responsive service to the needs of Legal Aid NSW and its clients, we expect BUDS practitioners to have their principal place of practice within a *close proximity* to the courts within the BUDS region they are appointed to. As a guide, it is generally expected that the principal place of practice of the practitioner would be located within approximately 60 minutes travel time of the courts nominated.

12. I confirm I can provide a responsive service to the needs of Legal Aid NSW and its clients within the area(s) to which appointment is sought.

☐ Yes

☐ No

13. I have reviewed the following documents before submitting this application:

☐ The [Back Up Duty Scheme Guidelines](#)

☐ The [Legal Aid NSW Quality Standards](#)

☐ The [Service Agreement](#)

☐ [Legal Aid NSW Criminal Law Policy for Children's Court matters](#)

☐ [Eligibility tests for grants of Legal Aid](#)

☐ Children's [Criminal Law Resources webpage](#)

14. I confirm that I have a working knowledge of Legal Aid NSW policies and procedures, to determine applications of legal aid and particularly how those policies apply to children

☐ Yes

☐ No

15. I am willing to and have the ability to comply with Legal Aid NSW policies, guidelines, reporting and administrative requirements

☐ Yes

☐ No

16. I agree to undertake training as provided by Legal Aid NSW.

☐ Yes

☐ No

17. Practitioners should also provide the name and email address of two referees who can attest to the practitioner's demonstrated ability to meet the above selection criteria.

Please note:

- A referee from Legal Aid NSW – Criminal Law Division is preferred, but not essential
- Nominated referees should be independent. They should not be employed by or have a commercial interest in the firm where the practitioner is currently employed.
- Judicial officers should not be given as referees.
- Referees may be asked to provide information about their direct knowledge of a practitioner's skills and experience and their opinion on whether the practitioner is a suitable person for appointment to the Back Up Duty Scheme and the reasons for their opinion. They may also be asked to give their opinion about the extent to which the practitioner meets the selection criteria.

- In considering the appointment of a practitioner, the Selection Committee may request, and take into account, any information or opinion provided by a Solicitor in Charge/Senior Criminal Solicitor at a Legal Aid NSW office at which the practitioner has been allocated work under the Back Up Duty Scheme, relating to the practitioner's ability to continue to meet the selection criteria for appointment or any alleged non-compliance with or breach of the Legal Aid NSW Quality Standards and Back Up Duty Scheme Guidelines by the practitioner.

Referee One	
Name:	
Employer/Job Title:	
Email:	

Referee Two	
Name:	
Employer/Job Title:	
Email:	

By signing this application, I acknowledge and authorise that Legal Aid NSW may, to the extent it is reasonably necessary:

- collect and use my personal information contained in this application, or contained in any audit or investigation, for the following purposes:
 - to assess my eligibility for appointment or ongoing inclusion on BUDS or any other panel, list or duty scheme, and
- disclose for any of the above purposes my personal information collected from this application, or collected from any audit or investigation of the practitioner, to any selection committee, which may include representatives of the Law Society of New South Wales and the New South Wales Bar Association.

I also acknowledge that although any personal information provided in this application is voluntary, my application is unlikely to be successful if any information requested is not provided.

I may contact Legal Aid NSW if I seek to access or amend my personal information.

Signature

Date