FAMILY VIOLENCE AND CROSS EXAMINATION OF PARTIES SCHEME

LAWYER INFORMATION

Entry to Scheme:

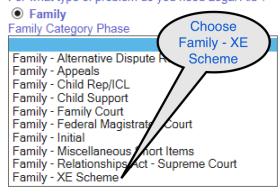
- 1. LACT receives order banning Cross Examination from Court.
- 2. LACT writes to any unrepresented parties enclosing Application Form and Fact Sheet: (see: https://www.legalaid.tas.gov.au/need-help/family-violence-cross-examination-scheme/)
- LACT receives an Application Form completed by an applicant or a lawyer on Register of Practitioners for the applicant.
- Application is assessed using criteria contained in Guideline 3 (see
 https://www.legalaid.tas.gov.au/wp-content/uploads/2019/09/FVXE-Scheme-Guidelines.pdf).
 LACT may ask for further information from applicant/lawyer.
- 5. If Applicant does not meet the criteria, the Application will not be accepted and applicant and/or lawyer will notified in writing.

Appointment of Lawyer:

- 6. If Applicant accepted into the Scheme LACT will:
 - a. if the applicant has nominated a preferred lawyer on the Register, LACT will give preference to that nomination
 - b. If applicant has not nominated a lawyer, one will be appointed from the Register (similar to the process for appointment of ICLs)
- 7. Once lawyer accepts appointment LACT notifies applicant and lawyer of the appointment in writing.
- 8. Lawyer makes application to Scheme via E-lodge.
- 9. Lawyer files Notice of Address for Service.

E-Lodge:

- Lawyer applies via E-lodge system for funding in accordance with Work Items and Fee Schedule (see https://www.legalaid.tas.gov.au/wp-content/uploads/2019/09/Cross-Examination-Scheme-Work-Items-and-Fee-Schedule-Updated-28-August-2019.pdf)
- 11. No means or merits test is applied.
- 12. In E-lodge, the lawyer must make the following Cross Examination Scheme selections:
- 21. For what type of problem do you need Legal Aid?



30. What is the Family Category?

XE Scheme - Children and Property XE Scheme - Children Only XE Scheme - Property Only

31. What work item do you want aid for ?(If more than 1 add to legal problem area below)

```
Stage 2(a)(i) Trial: Children OR Property Matters - Documents for Trial
Stage 2(a)(ii) Trial: Children AND Property Matters - Documents for Trial
Stage 2(a)(iii) Trial: Documents - Matters listed in excess of 3 days
Stage 2(b)(i) Trial: Children OR Property Matters - Trial Prep
Stage 2(b)(ii) Trial: Children AND Property Matters - Trial Prep
Stage 2(b)(iii) Trial: Trial Prep - Matters listed in excess of 3 days (per additional day)
Stage 2(c) Trial: Trial Costs as Solicitor or Counsel (per day)
Stage 2(d) Trial: Prep for Closing Complex Matters
XE Additional item (a) - Negotiations any stage pre-trial
XE Additional item (b) - Attendance at FDR, ICL or Court Ordered Mediation
XE Additional item (c) - Instructions on Report
XE Additional item (d) - FCA Bundle Book
XE Additional item (e) - Extra mention or listing
XE Additional item (f) - Contravention or Interim Proceedings with Cross Examination
XE Additional item (g) - Other - Exceptional circumstances
```

32. What Disbursements are required ? (If more than 3 add to legal problem area below)

Barrister Trial Costs (per day)
Barrister Trial Prep: Children AND Property Matters
Barrister Trial Prep: Children OR Property Matters
Interpreter
Mediation Chairperson Fee
Photocopying of filed documents/reports and subpoenaed documents
Regional accommodation if approved per night of trial
Regional travel if approved (solicitor's time in hours)
Subpoena Expenses
Travel Distance (kilometres)
XE Other disbursement - Exceptional circumstances

- 13. When completing merit information in E-lodge lawyer must provide
 - a. Details of stage of the proceedings
 - b. Work to be done within that work item or disbursement
 - c. Details of any additional eligibility criteria for that work item/disbursement such as "exceptional circumstances"
- 14. Applicant and lawyer will be notified in writing of approval or refusal of any application for assistance.
- 15. At the completion of each stage of matter the lawyer should submit an invoice prior to making further application.
- 16. As per with Guideline 9 (see https://www.legalaid.tas.gov.au/wp-content/uploads/2019/09/FVXE-Scheme-Guidelines.pdf).
 - a. Within 14 days of the completion of a matter the Lawyer will provide a report to the Commission which must include:
 - i. the result of the matter, including details of orders made and particulars of any orders for costs
 - ii. full details of all monies recovered or to be recovered
 - iii. a certified pro forma invoice.
- 17. Once the matter is finalised the lawyer certifies in E-lodge that it is the last claim on the file.
- 18. As per Guideline 9 (7) (see https://www.legalaid.tas.gov.au/wp-content/uploads/2019/09/FVXE-Scheme-Guidelines.pdf) if the Commission imposes a contribution, the Lawyer must collect and retain the contribution and comply with any notice given by the Commission for that contribution.

Report to Commission:

As per Guideline 5 (see https://www.legalaid.tas.gov.au/wp-content/uploads/2019/09/FVXE-Scheme-Guidelines.pdf)

A lawyer must immediately notify the Commission if:

- (a) Administrative reasons
 - (i) they become aware that any information provided in the Assisted person's application is incorrect or incomplete; or
 - (ii) there is any change in the Assisted person's means relevant to any contribution imposed; or
- (b) Conduct reasons
 - (i) an Assisted person refuses to accept or follow reasonable legal advice; or
 - (ii) the Assisted person has acted in such a manner as to cause the lawyer to fear for the safety or wellbeing of themselves or of their staff, colleagues or others in the proceedings.

Register of Practitioners:

Lawyers on the Register should tell the Commission if there is any change to their availability or capacity to provide representation by email to grants.officer@legalaid.tas.gov.au