

# Legal Aid Review Panels (LARP) Appointment Policy

<i>Item</i>	<i>Description</i>
Policy description	<i>Procedures for the approval of persons as members of the pool for the Legal Aid Review Panels (LARP)</i>
Division	<i>Legal Services Division</i>
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## Revision History

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## **Policy overview**

### **Scope and purpose of this policy**

The Legal Aid Review Panels Appointment Policy (the policy) sets out the process by which persons are appointed and approved as members of the pool for the Legal Aid Review Panels (LARP).

### **Legislative environment**

This policy is drafted in accordance with s 55 of the *Legal Aid Commission Act 1979*.

## **Monitoring, evaluation and review**

This document is to be reviewed every 12 months. See cover page of this policy for more information about changes to the policy since its release.

## Background

Legal Aid Review Panels are established under Part 3, Division 3 of the *Legal Aid Commission Act 1979 (NSW)* (the Act) to hear and determine appeals in relation to the provision of legal aid.

Section 53(1) of the Act states that the Board “*must approve a pool of persons to act as members of the Legal Aid Review Panels.*” Members of the LARP must be Australian legal practitioners.

Section 54(1) of the Act states that the Board may “*...establish the following to hear and determine appeals in relation to the provision of legal aid (a) for an appeal raising a complex question of law or policy – a Legal Aid Review Panel comprising at least 2 members from the pool, (b) otherwise – a Legal Aid Review Panel comprising 1 member from the pool.*”

The LARP will commence on 1 December 2024. An appeal will be decided by one panel member or two members if the matter is complex. Legal Aid NSW may determine an appeal as complex when it raises complex or novel issues or law or policy, and/or where the consequences of a person not having a grant of legal aid could have a wider impact on the justice system. The LARP policies are published on the [Legal Aid NSW website](#).

Most appeals must be determined within 14 days, however urgent matters may require a quicker resolution. Appeals are dealt with on the papers, with no in-person hearings, and must comply with approved Legal Aid NSW policies and guidelines.

## LARP appointment process

LARP members are selected and appointed in accordance with the following process:

### 1. Eligibility

Suitably qualified legal practitioners may be sought to act as members of Legal Aid Review Panels.

Legal Aid NSW encourages applications from all eligible legal practitioners across NSW including people with disability, Aboriginal and Torres Strait Islander peoples, and people from culturally and linguistically diverse backgrounds.

To be eligible for selection, a candidate must be an Australian legal practitioner with at least seven years' post admission experience and must not be a current Legal Aid NSW employee.

### 2. Expression of interest

Qualified legal practitioners across New South Wales are invited to submit an Expression of Interest (EOI), as will be notified on the [Legal Aid NSW website](#) from time to time. The Expression of Interest will also be advertised in Bar Briefs by the NSW Bar Association and in Monday Briefs by the Law Society of NSW.

Expressions of Interest must be no more than five pages and must include a curriculum vitae and the names and contact details of two referees. Candidates must address each of the selection criteria. Expressions of interest will be assessed against these criteria. Expressions of interest should be emailed to Cherie Pittman, Director Legal Services at [cherie.pittman@legalaid.nsw.gov.au](mailto:cherie.pittman@legalaid.nsw.gov.au) by the date specified in the EOI.

## Selection criteria

Candidates for LARP must meet the following criteria:

- be an Australian legal practitioner with at least seven years' post-admission experience
- have civil law, family law, or criminal law experience
- have a sound understanding of administrative law principles
- be able to competently apply Legal Aid NSW eligibility policies and guidelines
- be able to determine appeals within timeframes established by Legal Aid NSW
- have an understanding of the needs of socially and economically disadvantaged persons.

## 3. Assessment

All Expressions of Interest will be considered and reviewed by a selection panel comprised of nominees of Legal Aid NSW, the Law Society of NSW and the NSW Bar Association. The selection panel may seek further information from a candidate and will contact referees. The selection panel will complete an assessment report recommending persons to act as members of LARP, to be forwarded to the Board.

## 4. Recommendation to the Board

Section 53(1) of the Legal Aid Commission Act 1979 states that the Board *“must approve a pool of persons to act as members of the Legal Aid Review Panel.”*

The selection panel will therefore make recommendations to the Legal Aid NSW Board. The decision approving appointment to the pool of persons to act as members of Legal Aid Review Panels will be made by the Board.

Candidates will be advised in writing of the outcome of their Expression of Interest.

Successful candidates will be appointed to the pool of persons to act as members of Legal Aid Review Panels for a term of up to three years.

## Further information

Any enquiries should be directed to Cherie Pittman, Director Legal Services and In-house Counsel by email to [Cherie.pittman@legalaid.nsw.gov.au](mailto:Cherie.pittman@legalaid.nsw.gov.au) or (02) 9134 9383.