# Special arrangements for the signing of the applicant declaration on VLA application forms during the COVID-19 pandemic

The COVID-19 pandemic is changing the way our organisation and private legal practitioners provide legal services to Victorians in need. To comply with social distancing measures practitioners will increasingly provide services by telephone and email. This creates difficulties for legal practitioners obtaining a person’s signature on an application form.

Our organisation has determined that the requirement to adhere to social distancing in light of the COVID-19 pandemic amounts to a special circumstance under s. 23(4) of the *Legal Aid Act 1978*. As such, we have determined that applicants who apply for legal assistance with the help of a legal practitioner can make the required declarations by phone or email instead of signing application forms in person. The legal practitioner completing the application will maintain a record of the declaration in lieu of a signature.

We have created pro forma documents for practitioners to use that will satisfy us that the applicant has understood and agreed to the required declarations.

Practitioners acting for children should use the telephone declaration process set out in this document. The legal practitioner must retain a copy of the telephone declaration record on file along with the completed application form.

## Application for legal assistance – telephone declaration record for child client

**This document is to be used by practitioners when a client who is a child makes a declaration about their application by phone.**

Client name: Enter client name.

File reference: Enter file reference.

Date and time of client meeting: Enter date and time of client meeting.

Inbound Call

Outbound Call

Following the completion of an application for legal assistance by telephone:

* read the [applicant declaration](#_Applicant_declaration_(to) to the client
* give the client the opportunity to ask questions
* ask the client to make the declaration in lieu of a signature.

## Applicant declaration (to be read to client)

My name is … and my address is …..

I understand that my lawyer will ask Victoria Legal Aid to pay their fees so they can represent me in my court case.

* + 1. If my lawyer or VLA asks for information to help VLA decide if they should pay for my court case, I will only give true information
    2. I give my lawyer permission to send the information to VLA electronically
    3. I know that I can ask for Victoria Legal Aid’s privacy statement to be sent to me.

## Legal practitioner declaration

| **Declaration** | **Response** |
| --- | --- |
| Did the client demonstrate an understanding that it is important to give correct information in the aid application? | Yes  No |
| Is the client aware that they can ask for a copy of VLA’s privacy statement to be sent to them? | Yes  No |
| Does the client consent to electronic submission of the legal aid application form? | Yes  No |

I declare:

* I have given the client the opportunity to ask questions about the declaration
* I have taken reasonable steps to ensure that the client understood the declaration
* I am satisfied that the client’s response indicated acceptance of the declaration

Signed by lawyer: Lawyer signature.

Name: Name of lawyer.

Date: Date lawyer signed.