# Special arrangements for the signing of the applicant declaration on 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 can choose which method is appropriate in the circumstances of their client/applicant. The legal practitioner must retain a copy of the telephone or email declaration record on file along with the completed application form.

## Application for legal assistance – email declaration record

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

Dear [legal practitioner to insert **client name**],

**Important – please respond – Your [insert matter type] matter**

We spoke on the phone **[today]** and you asked **[my name/colleague’s name]** to make an application for legal assistance for you based on the information you gave me. A copy of the completed form is attached. You should check the form and tell us about any mistakes as soon as possible.

If the form is correct, please:

* read the applicant declaration
* phone [number] if you have any questions about the declaration
* reply to this email if you are ready to complete your application.

## Applicant declaration

In relation to my application for legal assistance:

I, [legal practitioner to insert **client name**]

of [legal practitioner to insert **client address**]:

* + 1. acknowledge that it is an offence to:
* fail to disclose information required of me and which I know to be relevant to this application for legal assistance
* provide false information to Victoria Legal Aid directly or via my legal practitioner in connection with this application for legal assistance
* make a false statement either orally or in writing in relation to this application for legal assistance
	+ 1. am aware that [VLA’s privacy statement](https://www.legalaid.vic.gov.au/get-legal-services-and-advice/your-rights-client/how-we-handle-personal-information) is available online
		2. consent to the submission of the application for legal assistance by electronic means to Victoria Legal Aid via the ATLAS grants management system.

### Centrelink consent and authority

I [legal practitioner to insert **client name**]

Authorise:

* Victoria Legal Aid to check with Centrelink about my customer details and concession card status
* Services Australia (previously the Australian Government Department of Human Services) to provide the results of that enquiry to Victoria Legal Aid.

I understand that:

* Services Australia will disclose my personal information to Victoria Legal Aid including my name, address, payment status, payment type and amount to confirm my eligibility for legal assistance
* this consent remains valid while I am a customer of Victoria Legal Aid unless I withdraw it by contacting Victoria Legal Aid or Services Australia
* I can obtain proof of my circumstances/details from Services Australia and provide it to Victoria Legal Aid so that my eligibility for legal assistance can be determined
* if I withdraw consent or do not alternatively provide proof of my circumstances/details, I may not be eligible for the grant of aid provided by Victoria Legal Aid.

By replying to this email I confirm my understanding and acceptance of this declaration, and ask Victoria Legal Aid to accept this email as my signature, and proceed with my application for legal assistance.

**Your application will not be complete until you reply to this email, which will be treated as your signature**.

Yours sincerely

[Insert **legal practitioner** signature panel]