# 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 – telephone declaration record

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

Client name: Enter client name.

File reference: Enter file reference.

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

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

* read the applicant declaration 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)

In relation to my application for legal assistance:

I,

1. acknowledge that it is an offence to:

* fail to disclose all information relevant to this application for legal assistance
* provide false information to Victoria Legal Aid
* make a false statement about this application for legal assistance

1. understand that I can ask for a copy of Victoria Legal Aid’s privacy statement to be sent to me
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 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 client 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 provide proof of my circumstances/details, I may not be eligible for the grant of aid provided by Victoria Legal Aid.

**Legal practitioner declaration**

| **Declaration** | **Response** |
| --- | --- |
| Did the client demonstrate an understanding that it is an offence to lie or fail to disclose relevant 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 |
| Does the client consent to VLA checking the information provided with Centrelink? | Yes  No |
| Client consent obtained via: | Outbound phone call  Inbound phone call |

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.