

SOP 4 - NATIONAL SPECIALIST LISTS

AIM

1. The aim of this SOP is to set out arrangements for the establishment of lists (“Specialist Lists”) of RLOs who are prepared to accept duties in certain areas of legal specialisation (“Specialist Areas”).

SPECIALIST LISTS

2. DGTDLs in consultation with LEG managers and the LRM may from time to time determine the Specialist Areas for which Specialist Lists are to be created.

3. Until determined to the contrary Specialist Lists are created for each of the following Specialist Areas:

- a. Administrative
- b. Advocacy
- c. Alternative Dispute Resolution
- d. Commercial and Contracts
- e. Constitutional
- f. Environmental
- g. Freedom of Information
- h. Intellectual Property
- i. International Agreements
- j. Military Discipline
- k. Operations and International Law
- l. Privacy

4. An RLO wishing to be placed on a Specialist List as a specialist or provisional member (see paragraph 11) must complete an application to do so in the form prescribed from time to time by the LRM.

5. The application must include a statement (“Statement of Experience”) by the RLO (not exceeding 100 words in length) about the RLO’s qualifications and/or experience in the Specialist Area, and must include a certification by the RLO that the information contained in it is correct and accurate.

6. Subject to para 7, there is no independent assessment of RLO applications and all RLOs applying to be placed on a Specialist List will be placed on that list with the approval of the relevant LEG manager and in the case of the ADR Specialist List, the approval of the Directorate of ADRCM.

7. Despite para 6, the LRM may remove an RLO's name from a Specialist List if the LRM is satisfied:

- a. that the RLO's Statement of Experience is not correct and accurate; or
- b. that the Statement of Experience is manifestly inadequate to justify the RLO's inclusion on the Specialist List.

8. Before the LRM removes an RLO's name from a Specialist List, the LRM must give the RLO:

- a. notice of the proposed removal; and
- b. an opportunity to be heard and make submissions, either orally or in writing, on the proposed removal.

9. Access to the names that appear on each Specialist List, and to the Statements of Experience of each member of a Specialist List, are available to all PLOs, RLOs and LEG managers.

10. A member of a Specialist List may update information about that member on a Specialist List from time to time.

11. An RLO may at the RLO's request be placed on a Specialist List as a Provisional Member. Provisional Members:

- a. only have an entitlement to remuneration at the training day rate (see SOP 10);
- b. do not hold themselves out as having special expertise in the Specialist Area; and
- c. are placed on Specialist Lists to identify their interest in the Specialist Area and their desire to gain further experience by understudying other (non-provisional) members of that Specialist List.

12. PLOs and others within LEGs are encouraged to:

- a. utilise the services of RLOs on Specialist Lists for the provision of services in Specialist Areas; and
- b. where appropriate utilise those services by including the services of a Provisional Member in conjunction with those of an other (non-provisional) member of the Specialist List.

13. It is important that PLOs and others within LEGs recognise the need to fairly allocate duties in Specialist Areas between RLOs who may appropriately perform those duties. This serves many purposes including:

- a. enhancing equity between RLOs;

- b. broadening the resource base available to the Defence Force by allowing a greater number of RLOs to gain relevant experience; and
- c. minimising the risk of allegations of cronyism.

14. This SOP does not prescribe the manner in which PLOs and others may choose RLOs from Specialist Lists. Other SOPs restrict the circumstances under which a PLO may allocate Sessional Fee Duties to an RLO after that RLO has performed Sessional Fee Duties for a period in excess of thirty (30) days in each financial year – see SOP No 10.

15. Every three years all names are removed from Specialist Lists and RLOs are invited to re-apply as set out in this SOP. An RLO who has been a Provisional Member of a Specialist List may reapply to be placed on that List as a non-provisional member.