



**LAW  
INSTITUTE  
VICTORIA**



# 2024 Accredited Specialisation Assessment Guidelines

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## Children's Law

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# Table of Contents

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|  |           |
|--|-----------|
| Assessment Guidelines Overview .....   | 2         |
| <b>Performance Outcomes</b> .....  | <b>2</b>  |
| <b>Methods of Assessment</b> .....   | <b>3</b>  |
| <b>Results</b> .....   | <b>3</b>  |
| <b>Supplementary assessment</b> .....  | <b>3</b>  |
| Key Milestones & Program Timetable .....   | 5         |
| SCHEDULE 1: ASSESSMENT COMPONENT PART 1 .....  | 6         |
| <b>Assessment overview</b> .....   | <b>6</b>  |
| The examination is divided in two parts: .....   | 6         |
| <b>Assessment Criteria</b> .....   | <b>7</b>  |
| <b>Examination Conditions</b> .....  | <b>7</b>  |
| <b>Access to Support Materials</b> .....   | <b>7</b>  |
| SCHEDULE 2: ASSESSMENT COMPONENT PART 2 .....  | 8         |
| <b>Assessment overview</b> .....   | <b>8</b>  |
| <b>Assessment criteria</b> .....   | <b>8</b>  |
| <b>Assessment Conditions</b> .....   | <b>9</b>  |
| SCHEDULE 3: ASSESSMENT COMPONENT PART 3 .....  | 10        |
| <b>Assessment overview</b> .....   | <b>10</b> |
| <b>Assessment criteria</b> .....   | <b>10</b> |
| <b>Assessment Conditions</b> .....   | <b>11</b> |
| SCHEDULE 4: WRITTEN EXAM PART A TOPICS FOR ASSESSMENT, RELATED LEGISLATION &<br>OTHER MATERIALS..... | 12        |
| <b>Core Topics and Recommended Readings</b> .....  | <b>12</b> |
| Written Examination Part A – General/Core Knowledge expected of all candidates.....                  | 13        |
| SCHEDULE 5: WRITTEN EXAM PART B TOPICS FOR ASSESSMENT, RELATED LEGISLATION &<br>OTHER MATERIALS..... | 20        |
| Written Examination Part B – Child Protection or Youth Crime streams for candidates... ..            | 20        |
| SCHEDULE 6: RECOMMENDED COMPUTER REQUIREMENTS FOR .....  | 24        |
| <b>Written Examination Devices Specification</b> .....   | <b>24</b> |
| <b>Oral Assessments</b> .....  | <b>24</b> |

# Assessment Guidelines Overview

Lawyers who are accredited as specialists are recognised as having enhanced skill levels, as well as substantial involvement in established legal specialty areas. The Law Institute of Victoria requires such specialists to demonstrate superior knowledge, experience and proficiency in a particular area of law to ensure that recognition as an accredited specialist is meaningful, credible and reliable.

These Assessment Guidelines should also be viewed in conjunction with the **Application Guidelines** and the **Accredited Specialisation Scheme Rules**.

## Performance Outcomes

Specialist Accreditation is a structured assessment process which requires the candidate to draw on their existing knowledge and skills to demonstrate their competency and expertise in their chosen area of law. The assessments are broken into three parts and assess a key set of skills and capabilities. Practitioners wishing to be accredited are required to demonstrate the below to be successful in gaining accredited specialisation:

1. perform at a superior standard which is expected of practitioners wishing to hold themselves out as specialists in the area
2. display a superior standard of expertise in the below skills and behaviours as they relate to knowledge of the law and procedure which underpins the performance of tasks in this area of practice.

| Skill/behaviour                                  | Description  |
|--|--|
| <b>Advocacy</b>                                  | utilises appropriate communication and presentation skills to negotiate and assert a legal position; displays judgement and decision-making skills, applies drafting skills where appropriate.                                     |
| <b>Client Relationships</b>                      | develops client and stakeholder relationships by utilising effective and appropriate communication skills and displaying cultural capabilities whilst managing expectations.   |
| <b>Communication</b>                             | utilises appropriate communication to achieve clear, practical, and persuasive outcomes and transfer of complex knowledge.   |
| <b>Interpretation &amp; Research</b>             | determines and analyses relevant information, facts and issues from a given scenario.  |
| <b>Knowledge</b>                                 | applies advanced historic and contemporaneous legal knowledge to a given scenario.   |
| <b>Ethical and Practical Advice and Planning</b> | informs client decision-making by constructing practical recommendations and advice in relation to complex legal problems that utilise and demonstrate integration of legal, commercial/business, ethical and professional skills. |
| <b>Procedural</b>                                | applies advanced knowledge of procedural rules and processes within relevant jurisdictions.  |

Specific assessment criteria and performance outcomes are listed under the details of individual assessments that follow.

## Methods of Assessment

The LIV Accredited Specialisation assessments are all delivered in a digital environment. This provides equitable access for all candidates irrespective of location and is also aligned with the nature of legal practice in today's digital world. There is a base level of computer literacy required indicative of the skills required of a specialist lawyer. It is incumbent upon candidates to have access to suitable technology and infrastructure to perform in the most optimal way. Details of these requirements are outlined in [Schedule 6](#).

Three assessments make up the Accredited Specialisation program in **Children's Law**.

1. [Written Exam](#)
2. [Simulated Interview](#)
3. [Mock Submissions Contest](#)

The three assessments are weighted equally, and candidates must achieve a satisfactory grade of at least 50% in all three assessments. Candidates who complete all three assessments to the performance standard are eligible for accreditation as a specialist in Children's Law.

The below schedules include further details in relation to each of the three assessments along with details of topics for assessment and relevant legislation that you will need to know to undertake the program.

Candidates may, in any or all of the assessment program, be assessed on any or all of the Assessment Topics and Legislation listed in Schedules [4](#) and [5](#). Further details of the assessment program and procedures are contained in the schedules within.

**Candidates will be examined on the law as it stands at the date of assessment.**

## Results

Results are only released after the completion of all three assessments and with all candidates results, regardless of area of law being issued on the same day.

As outlined in Rule [4.11.6 of the scheme rules](#), all assessments undergo a rigorous marking process. Any assessment that is deemed to have not achieved a satisfactory result will go through an independent second round of marking before a recommendation is made to grant or deny Accredited Specialisation.

**It is important to note the following information about results:**

- You will not be provided with individual assessment marks.
- Outcomes are delivered as either satisfactory or unsatisfactory for each assessment component with an overall satisfactory in all three resulting in being granted specialisation.
- Candidate Assessment Reports (CARs) will be provided to candidates on any assessment where an unsatisfactory grade is attained. The CAR will provide constructive feedback for improvement to the candidate. No further feedback or grades will be disclosed.

## Supplementary assessment

Under the [scheme rules section 4.11.7](#) in exceptional circumstances candidates may be required to undertake additional assessment at the discretion of the Specialisation Board. The Specialisation Board will only consider a recommendation from an advisory committee for a proposal of a supplementary assessment being offered to a candidate due to exceptional circumstances identified under rule 4.11.4 in a submission of

special assessment consideration. Candidates will be notified the decision of the Specialisation Board in their official notification of results.

# Key Milestones & Program Timetable

Candidates are advised that Accredited Specialisation program requires a significant commitment in order to achieve a satisfactory outcome. Based on feedback from previous candidates the number of hours of study is in excess of 100.

We encourage you to dedicate and manage time in the lead up to and during the assessment period. Candidates need to plan their workload well in advance of the key assessment dates and are encouraged to seek support in the form of study leave from employers where possible to optimise performance across all assessment tasks.

| ITEM   | DATE  |
|--|---|
| <b>Applications Open</b>   | December 2023   |
| <b>Early Bird Applications Close</b>   | 09 February 2024  |
| <b>Applications Close</b>  | 02 April 2024   |
| <b>2024 Accredited Specialisation Program begins</b> <ul style="list-style-type: none"> <li>– <b>Welcome Orientation Session</b></li> <li>– <b>Access to the LIV Student Portal and resources</b></li> </ul>   | 02 May 2024   |
| <b>Candidate support sessions:</b> <ul style="list-style-type: none"> <li>– Study techniques series</li> <li>– Online exam platform familiarisation</li> </ul>   | May-August  |
| <b>Candidate self-guided study:</b> <ul style="list-style-type: none"> <li>– Review assessment guidelines &amp; make study notes</li> <li>– Form study groups</li> <li>– Work with mentors</li> </ul>  | May-August  |
| <b>Practice Written Exam &amp; Familiarisation Exam access available</b>   | June  |
| <b>Assessment Period</b> <ul style="list-style-type: none"> <li><b>Part 1:</b> <a href="#">Written Examination (Schedule 1)</a></li> <li><b>Part 2:</b> Simulated Interview <a href="#">(Schedule 2)</a></li> <li><b>Part 3:</b> Mock Submission Contest <a href="#">(Schedule 3)</a></li> </ul> | Saturday 3 August 2024<br>Wednesday 14 August 2024<br>Thursday 15 August 2024 |
| <b>Results Released</b>  | Early November  |
| <b>Conferral Ceremony</b>  | Early December  |

**Note:** The above dates are correct at the time of publishing. Should any changes need to occur, they will be communicated directly to candidates throughout their assessment program as early as possible.

# SCHEDULE 1: ASSESSMENT COMPONENT PART 1

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## Written Examination

|            |   |
|------------|---|
| Exam Date: | Saturday 3 August 2024  |
| Time:      | Three hours and 30 minutes inclusive of reading, writing, and planning time |
| Venue:     | LIV online exam platform (refer to application guidelines for full details) |

## Assessment overview

This exam will assess the candidate's knowledge of substantive law and the ability to apply that knowledge in practice.

In planning and time management, it is recommended to use the mark allocation per question as a guide.

## The examination is divided in two parts:

### Section A

- This section is compulsory and will be comprised of a series of short answer questions.
- These questions require brief answers and are worth a total of 50% of the total exam mark.
- The questions will cover a wide range of general knowledge topics listed in Schedule 4: Topics for Assessment.

### Section B

- This section will contain a choice between two questions worth a total of 50% of the mark.
- Candidates will be required to answer ONE question on one of the following topics:
  - Child Protection or
  - Youth Crime.
- This section will present candidates with more complex factual situations in which expert legal advice might be sought.

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**IMPORTANT:** In order to achieve a satisfactory mark candidates must achieve at least 50% in this assessment. Please note for all assessments automatic fails may apply where a candidate provides legal or ethical advice which is fundamentally and significantly inaccurate.

## Assessment Criteria

Candidates will be assessed on their:

- Ability to identify relevant issues from a given fact situation
- Knowledge of relevant law (including significant recent decisions) and skill in applying that knowledge in practice
- Knowledge of the procedural rules
- Knowledge of relevant child development and social science issues and skill in applying that knowledge in practice
- Ability and knowledge of non-legal services that a person may be referred to
- Ability to provide practical, clear and comprehensive advice
- Awareness of practical considerations in dispute resolution
- Ability to identify and address any ethical issues

## Examination Conditions

- The written examination **must be typed** using the digital exam platform except in circumstances where a candidate has medical grounds for a reasonable adjustment as outlined in the application guidelines under Arrangements for People with disability.
- Access to a computer with webcam and microphone.
- Access to the exam is via the safe exam browser, once installed on your computer, this will be located on your desktop and called Exam Launch File, LIV Online Assessment Candidate App (the app).
- All questions must be answered within this digital environment.
- All questions can be reviewed and updated prior to submitting the exam.
- Once the exam is submitted, there is no opportunity to revisit or change your responses.
- Access to any external sites including email is disabled for the duration of the exam.
- Once you submit the exam you will be automatically redirected to the confirmation of submission screen.
- You will need to logout of the safe exam browser once you have completed to your exam, candidates will not have access to their computers applications and programs until logging out of the site.
- Refer to [Schedule 6: Recommended Computer Requirements for Assessments for more information](#)

## Access to Support Materials

- This examination is an open book exam.
- Prior to the exam, you will be asked to save your digital notes on the device on which you will be completing your examination. These can be saved in a drive that does not require access via the internet or document management system. You are also encouraged to have these available on a USB stick as a backup.
- The format of accessible files include word, excel and PDF.
- You may access your digital notes via the exam delivery system. There will be two windows within the browser – one for your notes, the other for your examination. These can be located on dual screens.



# SCHEDULE 2: ASSESSMENT COMPONENT PART 2

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## Simulated Interview

|                           |  |
|---------------------------|--|
| <b>Presentation Date:</b> | Wednesday 14 August 2024   |
| <b>Interview Time:</b>    | 45 min scheduled by appointment closer to the date                 |
| <b>Interview Venue:</b>   | Via Zoom (TBC), candidates must use a device with a working camera |

## Assessment overview

The simulated interview is designed to enable candidates to demonstrate skill in conducting a first interview with the client. A sound knowledge of the relevant law, rules, procedures and any developmental or social science issues will also be required.

Using the information from the materials available following the written examination, via the online portal, candidates will conduct a simulated interview/meeting with a child or young person in legal proceedings in one particular practice area (either Youth Crime or Child Protection).

Candidates will be required to meet with the child or young person to gather relevant information and facts and be tested on their ability to appropriately communicate with the child or young person.

- The interview will take up to 45 minutes and will be recorded for assessment by examiners.
- At the conclusion of the interview, candidates will be given 15 minutes to record their observations, make file notes and submit. File notes will be used as part of the overall assessment in this examination component and may assist you in gaining accreditation.
- Candidates will be expected to provide preliminary advice during the interview.

## Assessment criteria

Candidates will be assessed on their ability to:

- appropriately and sensitively communicate, specifically with a child or young person;
- elicit relevant information and facts from the child or young person;
- identify relevant legal issues
- communicate preliminary advice in a clear and simple manner where relevant;
- explain the actions to be taken following the interview including procedural steps and timelines;
- discuss options and develop a short term plan; and
- identify and address any ethical issues.

## Assessment Conditions

- The simulated interview will take place via Zoom (TBC).
- Candidates will require access to a computer with webcam and microphone.
- Candidates permitted to utilise records of instructions, checklists and pro forma diagrams (eg, capacity checklist, bail worksheet, doli checklist, court room layout diagrams).
- Files notes must be typed and electronically submitted on the template provided via the online portal.
- The time allocated for the interview and completion of the file notes will be strictly enforced.
- Access to any external sites and study notes during the assessment is prohibited, including email.
- Assessments will be recorded for marking purposes.
- Refer to [Schedule 6: Recommended Computer Requirements for Assessments for more information](#)

**In order to achieve a satisfactory mark candidates must achieve at least 50% in this assessment.**

**Please note for all assessments automatic fails may apply where a candidate provides legal or ethical advice which is fundamentally and significantly inaccurate.**

# SCHEDULE 3: ASSESSMENT COMPONENT PART 3

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## Mock Submissions Contest

|               |   |
|---------------|---|
| <b>Date:</b>  | Thursday 15 August 2024   |
| <b>Time:</b>  | 20 min scheduled by appointment closer to the date                  |
| <b>Venue:</b> | Children's Court of Victoria, 477 Little Lonsdale Street, Melbourne |

## Assessment overview

Using the information from the materials available for download following the simulated interview assessment, via the student portal, along with the information gathered and elicited in the simulated interview, candidates will be required to appear in a mock submissions contest representing the child. Candidates will have up to 20 minutes for their submissions, and this time may include questions from Magistrates' and advisory committee assessors will play the role of Clerk.

The nature of the submissions contest will vary for each practice area, and may include (but is not limited to) one of the following:

- Child Protection – Interim accommodation order submissions contest or other application
- Youth Crime – Plea, bail application or other application

**Note: Date may be subject to change due to 2024 court availability. Candidates will be notified immediately of any change.**

## Assessment criteria

Candidates will be assessed on their ability to demonstrate proficiency in the following aspects of advocacy:

- Child Protection & Youth Crime:
  - Preparation in demonstrating knowledge of the facts
  - Knowledge of law and practice
  - Presentation, use of sound judgment, decision making skills, organisation, reasoning and cogency of argument and capacity to respond to intervention from the bench
  - Appreciation of Children's Court etiquette
- Ability to identify and address any ethical issues

## Assessment Conditions

- The Mock Submissions Contest will occur in person.
- Candidates will receive final materials following their simulated interview to prepare their contest.
- Candidates may use the resources of their offices in completing this exercise.
- Consultation with any other person in completing the exercise is **not permitted** and the material submitted must be entirely the candidate's own work.
- Candidates are not permitted to use any generative artificial intelligence tools like ChatGPT to produce any part of the assessment.
- Assessments will be recorded for marking purposes.

**In order to achieve a satisfactory mark candidates must achieve no less than 50% in this assessment. Please note for all assessments automatic fails may apply where a candidate gets the fundamental legal facts incorrect result in inaccurate legal or ethical advice.**

# SCHEDULE 4: WRITTEN EXAM PART A

## TOPICS FOR ASSESSMENT, RELATED LEGISLATION & OTHER MATERIALS

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Candidates will be expected to display a working knowledge of the practice areas as well as to recognise typical problems, construct advice and case strategy, and outline the steps that would be taken to prepare the matter for hearing.

### Levels of Understanding

Any matter relevant to practice in **children's law** may be examined, including the areas listed below. The following list gives an indication of other matters which candidates might be asked to address. Candidates may be asked questions arising under any legislation, related regulations and other materials listed in these guidelines. More importantly, it is expected that a specialist would be able to provide detailed advice on certain topics; these are the topics in respect of which '**Core Topics**' are prescribed in the following table. This is not intended to be an exhaustive list and is provided as a guide for your assessment preparation.

**Candidates will be assessed on the law as it stands on the day of the examination.**

## Core Topics and Recommended Readings

The suggested knowledge areas and recommended readings outlined below have all been identified as 'core' topics. Candidates are expected to demonstrate:

- A comprehensive knowledge of the content, operation and application of legislation relevant to the topic.
- A comprehensive knowledge of cases relevant to the operation of the legislation and its application to key issues.
- An ability to apply the legislation and authorities to a broad range of facts.

All Candidates are expected to know relevant and current case law and keep abreast of any developments in the law in their chosen practice area. However, the most significant cases in a practice area have been included for ease of reference. Candidates are expected to make their own enquiries as to whether any new cases add to, modify or overturn any listed cases.

## Written Examination Part A – General/Core Knowledge expected of all candidates

| <b>ABORIGINAL CHILDREN AND FAMILIES</b>  |
|--|
| <b>Knowledge areas</b>   |
| <ul style="list-style-type: none"> <li>• Protection afforded to Aboriginal children and families by legislation, cases and international instruments</li> <li>• Failings and barriers that need to be addressed to overcome the systematic over-representation of Aboriginal children in custody and in out of home care</li> <li>• Application of the Aboriginal placement principles</li> <li>• Cultural Planning and Case planning, Aboriginal family-led decision making (AFLDM)</li> <li>• Identification</li> <li>• The role of s18 authorised agencies, ACCO (Aboriginal Community Control Organisations)</li> </ul>  |
| <b>Recommended reading</b>   |
| <b>Cases:</b>  |
| <ul style="list-style-type: none"> <li>• DoHS and K Siblings 2013</li> </ul>   |
| <b>Legislation:</b>  |
| <ul style="list-style-type: none"> <li>• <a href="#">Children Youth &amp; Families Act 2005 (Vic)</a></li> </ul>   |
| <b>Other:</b>  |
| <ul style="list-style-type: none"> <li>• United Nations Declaration of the Rights of Indigenous Peoples: <a href="https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf">https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf</a></li> <li>• <a href="#">Bringing them Home Report</a> Recommendations &amp; Community Guide: <a href="https://humanrights.gov.au/sites/default/files/content/pdf/social_justice/bth_Community%20guide_final.pdf">https://humanrights.gov.au/sites/default/files/content/pdf/social_justice/bth_Community%20guide_final.pdf</a></li> <li>• CFCA Paper No 34 August 2015 – <a href="#">Enhancing the implementation of the Aboriginal and Torres Strait Islander Child Placement Principle L</a></li> <li>• CFCA Resource Sheet - January 2020 <a href="#">Child protection and Aboriginal and Torres Strait Islander children</a>: <a href="https://aifs.gov.au/sites/default/files/publication-documents/2001_child_protection_and_atsi_children_0.pdf">https://aifs.gov.au/sites/default/files/publication-documents/2001_child_protection_and_atsi_children_0.pdf</a></li> <li>• SNAICC 'The Family Matters Report' (2018): <a href="https://www.familymatters.org.au/wp-content/uploads/2018/11/Family-Matters-Report-2018.pdf">https://www.familymatters.org.au/wp-content/uploads/2018/11/Family-Matters-Report-2018.pdf</a></li> <li>• <a href="#">Yoorrook for Justice Report 2023-second interim report</a></li> </ul> |
| <b>CHILD PROTECTION</b>  |
| <b>Knowledge areas</b>   |
| <ul style="list-style-type: none"> <li>• Decision-making principles (ss 8-14) and s 276</li> <li>• Grounds for applications</li> <li>• Interim Accommodation Orders</li> <li>• Protection orders and other final orders</li> <li>• Temporary Assessment Orders</li> <li>• Case planning</li> </ul>   |
| <b>Recommended reading</b>   |

|   |
|---|
| <b>Cases:</b>   |
| <ul style="list-style-type: none"> <li>• Secretary to the DHS v Sanding [2011] VSC 42 (22 February 2011)</li> <li>• Secretary to DHS v Children’s Court [2012] VSC 422 (14 September 2012)</li> <li>• Dr John Patterson v KS &amp; A Magistrate of the Children's Court [Supreme Court of <b>Victoria</b>] 1992.</li> <li>• Fiddler v Cantor - Unreported 24 January 1994 Supreme Court of Victoria</li> <li>• Secretary of the Department of Human Services v Yalniz [2001] VSC 231</li> <li>• ZD v Secretary to DHHS [2017] VSC 806 (22 December 2016)</li> <li>• Secretary to DHHS v Children’s Court of Victoria (Darcy &amp; Ronny) [2018] VSC 183 (20 April 2018)</li> <li>• AA v Secretary to the Department of Health &amp; Human Services [2020] VSC 400 (2 July 2020)</li> <li>• Warfe (a pseudonym) v Secretary to DFFH [2021] VSC 482 (13 August 2021)</li> </ul> |
| <b>Legislation:</b>   |
| <ul style="list-style-type: none"> <li>• <a href="#">Children Youth &amp; Families Act 2005 (Vic)</a></li> </ul>  |
| <b>Other:</b>   |
| <ul style="list-style-type: none"> <li>• Children's Court of Victoria - Research Materials - Family Division - General: <a href="https://www.childrenscourt.vic.gov.au/research-materials/chapter-4-family-general">https://www.childrenscourt.vic.gov.au/research-materials/chapter-4-family-general</a></li> <li>• Children's Court of Victoria - Research Materials - Family Division - Child Protection - Law applying after 1 March 2016: <a href="https://www.childrenscourt.vic.gov.au/research-materials/chapter-51-child-protection-after-1-march-2016">https://www.childrenscourt.vic.gov.au/research-materials/chapter-51-child-protection-after-1-march-2016</a></li> </ul>   |
| <b>CHILD SAFETY</b>   |
| <b>Knowledge areas</b>  |
| <ul style="list-style-type: none"> <li>• The requirement for Working With Children Checks when engaged in child-related work</li> <li>• Kinship care as child-related work</li> <li>• Child Information Sharing Scheme</li> <li>• Reportable conduct, the reportable conduct scheme and the review process</li> <li>• The Child Safety Standards</li> <li>• Mandatory reporting</li> </ul>  |
| <b>Recommended reading</b>  |
| <b>Cases:</b>   |
| <ul style="list-style-type: none"> <li>• Secretary to the Department of Justice and Regulation v LLF [2018] VSCA 155</li> </ul>   |
| <b>Legislation:</b>   |
| <ul style="list-style-type: none"> <li>• Child Wellbeing and Safety Act (2018) Part 5A, Part 6, Part 6A<br/><a href="#">Child Wellbeing and Safety Act 2005</a></li> <li>• <a href="#">Child Wellbeing and Safety (Information Sharing) Regulations 2018</a></li> <li>• <a href="#">Worker Screening Act (2020)</a> Part 1.1, Part 3.1, Part 4.3, Part 6.2</li> </ul>   |
| <b>Other:</b>   |
| <ul style="list-style-type: none"> <li>• <a href="#">CCYP Reportable conduct scheme information sheets</a></li> <li>• DFFH ‘Working with Children’s Check for kinship carers’ Child Protection manual policy advice number 2137, version 3, June 2019</li> <li>• DFFH ‘Overview of the Reportable Conduct Scheme’ Child Protection manual policy advice number 3209, version 1, July 2017</li> </ul>  |

|   |
|---|
| <ul style="list-style-type: none"> <li>Statement Government of Victoria: Child Information Sharing: <a href="https://www.vic.gov.au/child-information-sharing-parents-and-families">https://www.vic.gov.au/child-information-sharing-parents-and-families</a></li> </ul>  |
| <b>CIVIL LAW</b>  |
| <b><i>Knowledge areas</i></b>   |
| <ul style="list-style-type: none"> <li>Becoming Independent</li> <li>Health</li> <li>Crimes Compensation / VOCAT</li> <li>Social Media: Bullying, Cyber-Bullying, Sexting</li> <li>Migration</li> <li>NDIS</li> </ul>   |
| <b><i>Recommended reading</i></b>   |
| <b>Cases:</b>   |
| <ul style="list-style-type: none"> <li>DPP v Za Lian and Hlawnceu 2019 VSCA 75R</li> <li><i>Kelvin (2017) FamCAFC 258</i> (Stage 2 medical treatment for gender dysphoria)</li> </ul>   |
| <b>Legislation:</b>   |
| <ul style="list-style-type: none"> <li><a href="#">Migration Act 1958</a> (Cth) – s116, s499, s501</li> <li><a href="#">Ministers Direction No.99 Migration Act 1958</a></li> <li><a href="#">Victims of Crime Assistance Act 1996 (Vic)</a></li> </ul>   |
| <b>Other:</b>   |
| <ul style="list-style-type: none"> <li>Young People &amp; the Law: <a href="https://www.legalaid.vic.gov.au/young-people-and-law">https://www.legalaid.vic.gov.au/young-people-and-law</a></li> <li>Law Handbook: Fitzroy Legal Service (relevant chapters)</li> <li>National Disability Insurance Scheme (NDIS) – child and family system interface - Section 4</li> <li>Planning Operational Guideline of the National Disability Insurance Agency (NDIA) - Section 10, <i>Deciding to include supports in a participant's plan</i> &amp; Appendix 1- Table of guidance on whether a support is most appropriately funded by the NDIS</li> <li>VOCAT – Lodge an application: <a href="https://vocat.vic.gov.au/how-apply/lodging-application">https://vocat.vic.gov.au/how-apply/lodging-application</a></li> </ul> |
| <b>CONSTRUCTION OF CHILD RIGHTS</b>   |
| <b><i>Knowledge areas</i></b>   |
| <ul style="list-style-type: none"> <li>Relevant international and domestic instruments which provide rights for children in Victoria</li> </ul>   |
| <b><i>Recommended reading</i></b>   |
| <b>Cases:</b>   |
| <ul style="list-style-type: none"> <li>Certain children (by their Litigation Guardian Sister Marie Brigid Arthur) v Minister for Families and Children and Others (2016) 51 VR 473</li> <li>Certain Children (by their Litigation Guardian Sister Marie Brigid Arthur) v Minister for Families and Children and Others [No 2] (2017) 52 VR 441</li> <li>Minister for Families and Children v Certain Children (by their Litigation Guardian Sister Marie Brigid Arthur) (2016) 51 VR 597</li> </ul>   |
| <b>Legislation:</b>   |
| <ul style="list-style-type: none"> <li><a href="#">United Nations Conventions on the Rights of the Child</a></li> <li><a href="#">United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)</a></li> </ul>  |



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| <ul style="list-style-type: none"> <li>• <a href="#">United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)</a></li> <li>• <a href="#">United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)</a></li> <li>• Victorian Charter of Human Rights and Responsibility Act 2006</li> <li>• <a href="#">Charter of Human Rights and Responsibilities Act 2006</a></li> </ul>   |
| <b>Other:</b>  |
| <ul style="list-style-type: none"> <li>• Committee on the Rights of the Child, General Comment No 24</li> <li>• Michael Stanton and Katharine Brown 'The Convention on the Rights of the Child and Domestic Human Rights Legislation: Opportunities and Future Directions, Victorian Paper, Seminar Paper 20 October 2021</li> <li>• John Tobin, 'Courts and the Construction of Childhood: A New Way of Thinking' in Michael Freeman (ed) Childhood and the Law (OUP) (2012)</li> </ul>   |
| <b>ETHICS AND PROFESSIONAL RESPONSIBILITY</b>  |
| <b>Knowledge areas</b>   |
| <ul style="list-style-type: none"> <li>• Fundamental ethics and duties of lawyers but particularly those representing a child on a direct instructions basis</li> <li>• Best practice in meeting and taking instructions from children</li> </ul>  |
| <b>Recommended reading</b>   |
| <b>Cases:</b>  |
| <ul style="list-style-type: none"> <li>• A &amp; B v Children's Court of Victoria &amp; Ors [2012] VSC 589 (5 December 2012)</li> </ul>  |
| <b>Legislation:</b>  |
| <ul style="list-style-type: none"> <li>• <a href="#">Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</a></li> </ul>   |
| <b>Other:</b>  |
| <ul style="list-style-type: none"> <li>• VLA - Representing children in child protection proceedings: a guide for direct instructions and best interests lawyers: <a href="https://www.legalaid.vic.gov.au/child-protection-family-division-childrens-court">https://www.legalaid.vic.gov.au/child-protection-family-division-childrens-court</a></li> <li>• VLA - Guide to assessing capacity and taking instructions from children: <a href="https://www.legalaid.vic.gov.au/child-protection-family-division-childrens-court">https://www.legalaid.vic.gov.au/child-protection-family-division-childrens-court</a></li> <li>• VLA - Good practice guide for meeting with children via technology: <a href="https://www.legalaid.vic.gov.au/changes-our-services-due-covid-19#good-practice-guide-for-meeting-with-children-via-technology">https://www.legalaid.vic.gov.au/changes-our-services-due-covid-19#good-practice-guide-for-meeting-with-children-via-technology</a></li> </ul> <p>VLA Youth Crime checklists, practical tips etc: <a href="https://www.legalaid.vic.gov.au/youth-crime">https://www.legalaid.vic.gov.au/youth-crime</a></p> |
| <b>FAMILY LAW AND CHILD PROTECTION</b>   |
| <b>Knowledge areas</b>   |
| <ul style="list-style-type: none"> <li>• General principles and operation of the Family Law Act re parenting orders and children as it relates to representation of children.</li> <li>• Circumstances if DFFH issue a protection application whilst Family Law Act orders are in operation</li> <li>• How DFFH may intervene in Family Law proceedings</li> <li>• Power of Children's Court to make Family Law Act orders</li> </ul>  |
| <b>Recommended reading</b>   |
| <b>Cases:</b>  |
| <ul style="list-style-type: none"> <li>• Re: K (1994) FamCA 1994</li> </ul>  |

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| <ul style="list-style-type: none"> <li>• <i>Isles v Nelissen</i> [2022] FedCFamC1A 97</li> <li>• <b>Goode &amp; Goode [2006] FamCA 1346</b></li> </ul>  |
| <b>Legislation:</b>   |
| <ul style="list-style-type: none"> <li>• <a href="#">Family Law Act 1975</a> (Part VII &amp; Part IX) (as amended)</li> <li>• <a href="#">FCFCOA Family Law Rules 2021</a> (F2021L01197) – Part 2.2 Division 2.2.1 - Child abuse, family violence or other risks of harm to children</li> </ul>   |
| <b>Other:</b>   |
| <ul style="list-style-type: none"> <li>• Role of a Family Law Independent Children’s Lawyer, Victoria Legal Aid (2016)</li> <li>• Protocol between the DHS, FCoA and FMC, May 2011</li> <li>• FCFCOA Guide for Parties in the Evatt List</li> </ul>   |
| <b>FAMILY VIOLENCE</b>  |
| <b>Knowledge areas</b>  |
| <ul style="list-style-type: none"> <li>• The general operation of Family Violence Protection Intervention Orders</li> <li>• The general operation of Personal Safety Intervention Orders</li> </ul>   |
| <b>Recommended reading</b>  |
| <b>Cases:</b>   |
| <ul style="list-style-type: none"> <li>• <i>Isles v Nelissen</i> [2022] FedCFamC1A 97</li> </ul>  |
| <b>Legislation:</b>   |
| <ul style="list-style-type: none"> <li>• <a href="#">Family Violence Protection Act 2008</a></li> <li>• <a href="#">Personal Safety Intervention Orders Act 2010</a> -</li> </ul>   |
| <b>Other:</b>   |
| <ul style="list-style-type: none"> <li>• Judicial College of Victoria, Family Violence Resources</li> <li>• Judicial College of Victoria, Personal Safety Resources</li> <li>• Royal Commission into Family Violence (Victoria) Final Report, Chapters 10 and 11. Vol 2 pg 101 – 212</li> <li>• <a href="#">The PIPA project: Positive Interventions for Perpetrators of Adolescent violence in the home   RMIT Centre for Innovative Justice (cij.org.au)</a> Executive Summary pg. 11 – 18</li> <li>• <a href="#">Family Safety Violence MARAM Practice Guides: Foundation Knowledge</a> pg 18 – 28</li> <li>• Fitz-Gibbon, Kate; Meyer, Silke; Boxall, Hayley; Maher, JaneMaree; Roberts, Steven (2022). Adolescent family violence in Australia: A national study of prevalence, history of childhood victimisation and impacts. Monash University. Report. <a href="https://doi.org/10.26180/20996761.v1">https://doi.org/10.26180/20996761.v1</a> Executive Summary pg 10 -14</li> <li>• Elicia Savvas and Anoushka Jeronimus ‘<a href="#">Troubled teens</a>’</li> <li>• MARAM Framework and Practice Guides &amp; Resources: <a href="https://www.vic.gov.au/maram-practice-guides-and-resources">https://www.vic.gov.au/maram-practice-guides-and-resources</a></li> </ul> |
| <b>MODEL LITIGANT</b>   |
| <b>Knowledge areas</b>  |
| <ul style="list-style-type: none"> <li>• How model litigants must conduct themselves</li> <li>• Consequences of failing to act as model litigant</li> </ul>   |
| <b>Recommended reading</b>  |
| <b>Cases:</b>   |

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| <ul style="list-style-type: none"> <li>• Melbourne Steamship Co. Ltd v Moorehead (1912) 15 CLR 333</li> <li>• Yong Jun Qin v The Minister for Immigration and Ethnic Affairs (1997) 75 FCR 155</li> </ul>  |
| <b>Other:</b>  |
| <ul style="list-style-type: none"> <li>• Model Litigant Guidelines <a href="#">Victorian Model Litigant Guidelines   Department of Justice and Community Safety Victoria</a></li> </ul>  |
| <b>SOCIAL SCIENCES</b>   |
| <b>Knowledge areas</b>   |
| <ul style="list-style-type: none"> <li>• Child development</li> <li>• Attachment</li> <li>• Child Abuse</li> <li>• CALD</li> <li>• Out of Home Care</li> <li>• Parenting</li> </ul>  |
| <b>Recommended reading</b>   |
| <p><b>Attachment:</b></p> <ul style="list-style-type: none"> <li>• Forslund et al, <a href="#">Attachment goes to court: child protection and custody issues</a> (2021):</li> </ul> <p><b>Child development:</b></p> <ul style="list-style-type: none"> <li>• Search Institute - <a href="#">40 developmental assets</a> lists - Adolescents (ages 12-18) - Middle Childhood (ages 8-12) - Grades K-3 (ages 5-9) - Early childhood (ages 3-5):</li> <li>• AIC '<a href="#">Antisocial behaviour during the teenage years: Understanding developmental risks</a>' (2018):</li> </ul> <p><b>Abuse and neglect:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">What is child abuse and neglect?   Australian Institute of Family Studies (aifs.gov.au)</a>, September 2018.</li> <li>• <a href="#">CFCA Paper No 6 July 2012 'Fathers with a history of child sexual abuse: New findings for policy and practice'</a></li> <li>• <a href="#">CFCA Paper No 11 January 2013 "The long term effects of child sex abuse"</a></li> </ul> <p><b>At Risk CALD Young People:</b></p> <ul style="list-style-type: none"> <li>• Shepherd, S. M., &amp; Masuka, G. (2020) Working with at-risk Culturally and Linguistically Diverse young people in Australia – risk factors, programming and service delivery, Criminal Justice Policy Review.</li> </ul> <p><b>Out of home care:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">A Framework to reduce criminalisation of young people in residential care - DFFH Service Providers;</a></li> <li>• <a href="#">Youth Justice Strategic Plan 2020-2030;</a></li> </ul> <p><b>Parenting:</b></p> <ul style="list-style-type: none"> <li>• Swain, P &amp; Cameron, N 'Good Enough Parenting: Parental disability and child protection' Disability and Society (2003) pp 165 - 177</li> <li>• CFCA Paper No 14 – May 2013 “Meeting children’s needs when the family environment isn’t always “good enough”: A systems approach”</li> </ul> |
| <b>YOUTH CRIME</b>   |
| <b>Knowledge areas</b>   |
| <ul style="list-style-type: none"> <li>• Jurisdiction for criminal proceedings in the Children’s Court (age and uplift provisions)</li> <li>• Arrest and Investigation</li> </ul>  |

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| <ul style="list-style-type: none"> <li>• Doli incapax</li> <li>• Referral for DFFH investigation (both protective and therapeutic)</li> <li>• Bail law applying to children</li> <li>• Sentences available and the sentencing principles in the Children's Court</li> <li>• Children who crossover: Children in both the Family and Criminal Divisions - s 362(2) and s 522(2)</li> </ul>  |
| <p><b>Recommended reading</b></p>  |
| <p><b>Cases:</b></p> <ul style="list-style-type: none"> <li>• Bugmy v The Queen (2013) 249 CLR 571; [2013] HCA 37</li> <li>• CNK v The Queen (2011) 32 VR 641; [2011] VSCA 228</li> <li>• DHHS and J [2015] VChC 1</li> <li>• DPP v PM [2023] VSC 560</li> <li>• HA (A Pseudonym) v The Queen [2021] VSCA 64</li> <li>• PT v DPP [2020] VCC 836</li> <li>• RP v The Queen [2016] HCA 53 (21 December 2016)</li> <li>• Webster (a Pseudonym) v The Queen [2016] VSCA 66</li> </ul>  |
| <p><b>Other:</b></p> <ul style="list-style-type: none"> <li>• Children's Court of Victoria - Research Materials – Criminal - General: <a href="#">Chapter 7: Criminal - General   Childrens Court of Victoria</a></li> <li>• Children's Court of Victoria - Research Materials – Criminal - Investigation : <a href="#">Chapter 8: Criminal - Investigation   Childrens Court of Victoria</a></li> <li>• Children's Court of Victoria – Research Materials – Criminal – Custody and Bail: <a href="#">Chapter 9: Custody and Bail   Childrens Court of Victoria</a></li> <li>• Children's Court of Victoria – Research Materials – Criminal – Procedure: <a href="#">Chapter 10: Criminal - Procedure   Childrens Court of Victoria</a></li> <li>• Children's Court of Victoria – Research Materials – Criminal – Sentencing: <a href="#">Chapter 11: Sentencing   Childrens Court of Victoria</a></li> <li>• Children's Court of Victoria – Research Materials – Criminal – Children's Court Clinic: <a href="#">Chapter 12: Children's Court Clinic   Childrens Court of Victoria</a></li> </ul> |

# SCHEDULE 5: WRITTEN EXAM PART B

## TOPICS FOR ASSESSMENT, RELATED LEGISLATION & OTHER MATERIALS

The above introduction under schedule 4 including levels of understanding, core topics and recommended readings applies to the below as well.

### Written Examination Part B – Child Protection or Youth Crime streams for candidates

| CHILD PROTECTION  |
|---|
| <b>Knowledge areas</b>  |
| <ul style="list-style-type: none"> <li>• Decision-making principles</li> <li>• Family Division procedure</li> <li>• Types of applications</li> <li>• Grounds for applications</li> <li>• Interim Accommodation Orders</li> <li>• Protection Orders</li> <li>• Permanent Care Orders</li> <li>• Therapeutic Treatment Orders</li> <li>• Appeals (both judicial and administrative)</li> <li>• Case planning</li> <li>• Aboriginal Child Placement Principles</li> <li>• Secure Welfare</li> <li>• Mandatory reporting/notifier details</li> <li>• Interstate transfer of proceedings</li> <li>• Offences relating to the protection of children</li> <li>• Costs</li> <li>• Restriction on publication of proceedings</li> <li>• Rules of Children's Court</li> <li>• Service &amp; Subpoenas</li> </ul> |
| <b>Recommended reading</b>  |
| <p><b>Legislation:</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Children Youth &amp; Families Act 2005</a> (Vic)</li> <li>• <a href="#">Children Youth &amp; Families Regulations 2017</a> (Vic)</li> <li>• <a href="#">Children, Youth &amp; Families (Children's Court Family Division) Rules 2017</a></li> <li>• Victorian Charter of Human Rights &amp; Responsibilities<br/><a href="#">Charter of Human Rights and Responsibilities Act 2006</a></li> </ul>   |
| <p><b>Cases:</b></p>  |

- A v Secretary to the Department of Health and Human Services and others [2020] VSC 400
- Buckley v Buckley, unreported SCV decision of O'Bryan J, 11 December 1992
- Dr John Patterson v KS & A Magistrate of the Children's Court [Supreme Court of Victoria] 1992
- DHHS and C1, C2 and C3 [2020] VChC 7
- DHS v HW Peter Power, unreported SCV decision of McDonald J, 28 June 1996
- DHS v Ross [2003] VSC 172 (\*R)
- DHS v Yalniz, unreported SCV decision of Nathan J, 13 July 2001 (\*R)
- Fiddler v Cantor, unreported SCV decision of Beach J, 24 January 1994
- GG v DHHS [2020] VSC 749
- Grandell v Hartrick (no 1), unreported SCV decision of Beach J, 1 February 1994
- Grandell v Hartrick (no 2), unreported SCV decision of Beach J, 10 August 1994
- JA and others v. Millar and others, unreported SCV decision, 21 May 1992
- Perry v DHS, unreported SCV decision of Cummins J, 27 February 1997
- Perry v DHS and Others, unreported SCV decision of Cummins J, 4 March 1997
- Purcell v RM [2004] VSC 14
- QQQ v the Department of Families, Fairness and Housing (Review and Regulation) [2021] VCAT 372 (17 May 2021)
- Re JH [2021] VChC 2
- Sani (a Pseudonym) v Secretary of the Department of Families, Fairness and Housing [2021] VSC 366
- Secretary to DHS v Children's Court [2012] VSC 422 (14 September 2012)
- Secretary to DHHS v Children's Court of Victoria (AZ and BG) [2020] VSC 527
- Secretary to the DHS v Sanding [2011] VSC 42 (22 February 2011)
- Secretary of the Department of Human Services v Yalniz [2001] VSC 231
- SL v DFFH [2021] VSC 523
- Warfe (a pseudonym) v Secretary to DFFH [2021] VSC 482

***Practice and Procedure:***

- Children's Court of Victoria – Research Materials
- Children's Court Bench Book
- DFFH Child Protection Manual
- Siobhan Mansfield 'Parents lacking capacity'

*Please note: the LIV has arranged the permission of the President of the Children's Court to access the unreported cases listed above. To obtain copies, please email [specialisation@liv.asn.au](mailto:specialisation@liv.asn.au)*

## YOUTH CRIME

### **Knowledge areas**

- Arrest and Investigation
- Commencement of process
- Criminal procedure applying to children in the Children's Court and higher jurisdictions
- Children who crossover: Children in both the Family Division and the Criminal Division (s.362(2) and s 522(2))
- Jurisdiction for criminal proceedings in the Children's Court (age and uplift provisions)
- Committal procedure including summary jurisdiction applications
- Referral for DFFH investigation (both protective and therapeutic)
- Rules of evidence applying to children in the Children's Court and higher jurisdictions
- Bail law applying to children
- Criminal offences (types and elements)
- Doli incapax
- Fitness to plead in the Children's Court
- Defences including mental impairment
- Sentences available and the sentencing principles in the Children's Court
- Possible alternatives to proceeding in court, including cautions, informal diversion (e.g. Ropes) and Children's Court Youth Diversion
- Forensic procedures involving children
- Breaches of sentencing orders
- Orders in addition to sentence
- Appeals from the Children's Court
- Effect of Children's Court criminal history
- CAYPINS

### **Recommended reading**

#### **Legislation:**

- [Bail Act 1977](#) (Vic)
- [Charter of Human Rights and Responsibilities 2006](#) (Vic)
- [Children, Youth and Families Act 2005](#) (Vic)
- [Control of Weapons Act 1990](#) (Vic)
- [Crimes Act 1958](#) (Vic)
- [Criminal Procedure Act 2009](#) (Vic)
- [Crimes \(Mental Impairment and Unfitness to be Tried\) Act 1997](#) (Vic)
- [Drug Poisons and Controlled Substances Act 1981](#) (Vic)
- [Evidence \(Miscellaneous Provisions\) Act 1958](#) (Vic)
- [Evidence Act 2008](#) (Vic)
- [Firearms Act 1996](#) (Vic)
- [Road Safety Act 1986](#) (Vic)

- [Sentencing Act 1991](#) (Vic)
- [Sex Offenders Registration Act 2004](#) (Vic)
- [Summary Offences Act 1966](#) (Vic)

**Cases:**

- Bugmy v The Queen (2013) 249 CLR 571; [2013] HCA 37
- CNK v The Queen (2011) 32 VR 641; [2011] VSCA 228
- DHHS and J [2015] VChC 1
- DPP v PM [2023] VSC 560
- HA (A Pseudonym) v The Queen [2021] VSCA 64
- PT v DPP [2020] VCC 836
- RP v The Queen [2016] HCA 53 (21 December 2016)
- Webster (a Pseudonym) v The Queen [2016] VSCA 66

**Practice and Procedure:**

- Children's Court Bench Book
- Judicial College of Victoria: Criminal Charge Book
- Judicial College of Victoria: Sexual Assault Manual
- Judicial College of Victoria: Uniform Evidence Manual
- Victorian Sentencing Manual
- Children's Court of Victoria – Research Materials chapters 7 –12



# SCHEDULE 6: RECOMMENDED COMPUTER REQUIREMENTS FOR

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All assessments are delivered in a digital format including via the student portal for release and submission of assessments, the online exam platform Assess App or Zoom/Teams for oral assessments. To ensure an applicant is set up to succeed here are some things to consider in advance (at the time of application) to ensure access to appropriate IT and computer infrastructure that meets the following recommended requirements for optimal performance of the platforms.

A computer with a working a webcam and microphone is required to complete the assessment program.

## Written Examination Devices Specification

| Windows          |   |
|------------------|---|
| Processor        | i5 2.2GHz /AMD A6 1.8Ghz                      |
| Operating system | Windows 10 64-bit                             |
| Memory           | 8GB   |
| Hard drive       | 250GB SSD (solid state drive)                 |
| Display          | 14" screen with 1920 x 1080 screen resolution |
| Battery life     | 8 hours under normal use                      |

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There are certain devices that cannot be used as the Safe Exam Browser **cannot** be installed. These include the on the following devices:

- Mac
- iPads
- Chromebooks.
- Smartphones: this includes iPhones, Android devices, and any other mobile OS devices

**Please note our exam partner can source a hired PC for the two-week period prior to the exam date for an additional fee.** The laptop will come with the SEB software already installed and ready to use.

Successful applicants will have access to one-on-one support from our exam provider to set up the applications and work through the above.

## Oral Assessments

Oral assessments will be conducted wither via Zoom or Teams. In addition to a working web camera and microphone Zoom support recommends minimum internet speeds for clear and high-quality video and audio throughout. For more information on minimum internet speeds for video conferencing visit the below two useful websites.

- [Reviews.org - breaks down requirements in a simplistic way](#)
- [Zoom Support - System Requirements](#)