

Applying for a Grant of Assistance

Why do I need a grant of assistance?

A grant of assistance is needed for ongoing legal assistance. Our free outreach services, duty lawyer services and general advice sessions offer one-off advice only. If you require more than one-off legal advice, you will need to apply for a grant of assistance.

To receive a grant of assistance you must meet the eligibility requirements and your legal problem must be one that Legal Aid ACT can provide assistance with.

Visit the [Legal Aid ACT website](#) for information on the types of legal problems we can assist with.

How do you decide who gets a grant of assistance?

Legal Aid ACT uses a means and merits tests to make the decision of who gets a grant of assistance. Meaning that we will look at:

- Your ability to pay for legal fees;
- The likelihood of your case succeeding;
- The benefit you might gain in the case compared to the cost to us of providing assistance;
- What your case is about.

The application form is to help us figure out your ability to pay legal fees using an income and assets test, the strength of your case and any other factors or circumstances that may be important. We consider all of the information provided.

If you are unsure about whether you are eligible, it is still strongly recommended that you apply.

How can I apply?

To apply you must complete the application form. You can find a copy of the *Application for Legal Assistance* form at:

- Legal Aid ACT: **2 Allsop Street, Canberra City**; or
- By email, post or fax. Please call **1300 654 314**
- Legal Aid ACT website: www.legalaidACT.org.au

It is strongly recommended that you read *Filling out the Form – Applying for a Grant of Assistance Guide* while filling out the form. This *Guide* will help you to complete the application form. It is available at reception or on the [Legal Aid ACT website](#).

How long does it take to make a decision on my application?

We aim to make a decision on each application within 10 working days of receiving an application with all of the required documents. This 10 working day timeframe only applies to applications that have all the essential documents attached and have no information missing.

This means that if your application is missing information, does not contain the necessary supporting documents or has other errors we will be unable to make a decision within 10 working days. If there is a problem with your application we will send you a letter by email or post. It is very important that the email and

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postal address written on the application form is correct and regularly checked. If your situation changes, let us know so that we can update your contact details.

What If I need help filling out the form?

If you are having trouble completing the form, see the *Filling out the Form – Applying for a Grant of Assistance Guide*. This *Guide* is to help you understanding and complete the application form. It is available on the [Legal Aid ACT website](#) or from reception.

If you are still having trouble, please visit reception at **2 Allsop Street, Canberra City** or call us on **1300 654 314**.

Will applying cost anything?

Applying for a grant is free. However, if you receive a grant, depending on your situation you may be asked to pay part of the legal costs. This is called a 'contribution'.

The usual contribution amount is \$120. The contribution can be made either in a single payment or through installments from your Centrelink benefits (if you receive any).

If you have problems paying the amount, you should talk to your lawyer or let Legal Aid ACT know. It is possible, depending on your situation, for the contribution amount to be waived. This means that you will not need to pay any amount.

Some legal matters are exempt from a requirement

that you pay a contribution, including Family Violence matters.

What costs aren't covered by a grant of assistance?

The grant of assistance does not cover costs for work done by your lawyer before the grant begins, if you have first used a private lawyer. The starting date for the grant can be found in the letter from Legal Aid ACT stating that your application has been successful.

If the court makes any orders for you to pay legal costs including for the other party, called costs orders, it will usually be your responsibility to pay this amount. Legal Aid ACT will only consider a request to pay costs orders in very limited situations.

What if my situation changes after receiving a grant?

If your financial position changes for any reason, or the original information you gave to Legal Aid ACT was wrong, you **must** contact Legal Aid ACT. We will ask you to complete an updated financial form. It does not automatically mean that your grant of legal aid will be affected, but we will need to look at your situation again.

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What if my application is refused?

You will receive the result of your application in a letter from Legal Aid ACT by email or post. It is very important that the email and postal address written on the application is correct and regularly checked.

If your application is refused, you can ask for it to be considered again. Requests must be made **in writing within 28 days** of receiving the letter with the decision.

You may also request an independent review if you are still not happy with the result. The request must be made **in writing within 28 days** of receiving the letter with the result of the reconsideration.

It is better that you make a request for review as early as possible **within the 28 day** period so that we can make a decision quickly.

Legal Aid ACT can provide one-off legal advice without a grant of legal assistance. This is not ongoing legal assistance. Please see the Legal Aid ACT website for more information: www.legalaidact.org.au/legaladvice

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