

APPLYING FOR A GRANT OF LEGAL ASSISTANCE

Legal Aid ACT

Legal Assistance in the ACT

Legal Aid ACT exists to help disadvantaged members of the ACT community understand, assert and defend their legal rights. One of the ways we help is to provide financial assistance to enable people who cannot afford legal fees to obtain the services of a lawyer.

Applying for Legal Assistance

Applying for legal assistance is easy. First obtain an application form from an office of Legal Aid ACT or download one from our website.

Then follow the following steps:

1. Complete all sections of the application form
2. Sign and date the application form
3. Send:
 - the completed application form;
 - proof of your income and/or that of any financially associated person;
 - copies of records or statements showing amounts in any bank, building society or credit union accounts owned solely or jointly by you, or by any financially associated person, for the last 3 months; and
 - your last tax return if you are self employed

In person to: Ground Floor, 4 Mort Street, Canberra 2601 (we are open between 8.30am and 5 pm)

By post to: Legal Aid ACT
GPO Box 512 Canberra City 2601
Phone: (02) 6243 3411
Fax: (02) 6247 5446

Granting legal assistance

When deciding whether to grant legal assistance for a case Legal Aid ACT looks at several eligibility criteria including:

- ▶ your ability to afford legal fees;
- ▶ the prospects of your case succeeding;
- ▶ the benefit you might gain in the case compared with the cost of providing assistance, and
- ▶ the nature of your case.

Full details of the eligibility criteria are set out in the Legal Aid Guidelines, a copy of which is available on our website www.legalaidACT.org.au or on request.

We will process your application once we have all the information we need. You will be sent a letter telling you whether your application has been successful.

Conditions of a grant of assistance

Every grant of assistance has general conditions. These are set out on the back of the letter you will get if your application is approved. Your grant may also have some special conditions which will be set out in the same letter.

Contribution towards costs

Legal assistance is generally not free. It is a condition of most grants of assistance that you pay a contribution towards the cost of providing legal assistance. The amount will be set out in the letter granting assistance.

Paying your contribution

Contributions are payable in a lump sum at or before your first appointment with your lawyer. You can pay in cash, by cheque, EFTPOS or credit card. If you have trouble paying your contribution, you should talk to your lawyer or advise Legal Aid ACT in writing, as other arrangements may be made.

Reassessing contributions

Contributions can be increased if your grant of assistance is extended while your matter is progressing.

Contributions may also be reassessed and changed if:

- ▶ your financial position changes for any reason; or
- ▶ the original information we had about your financial circumstances was wrong or incomplete.

How much can a reassessed contribution be?

Reassessed contributions can be as much as 100% of the full cost of providing assistance. Your overall financial circumstances will be considered when the contribution is reassessed.

Legal costs

You are usually responsible for paying any legal costs you are ordered to pay to another party, or any other court orders made against you. Legal Aid ACT can only consider a request to pay costs orders in limited circumstances.

It is your responsibility to pay any legal costs owing for done by your lawyer before your grant of assistance starts.

If your lawyer receives any money on your behalf during the period of your grant of legal assistance, they must keep enough funds to cover the cost of providing you with legal assistance. Once your contribution is reassessed the money will be paid out.

Can I choose my own lawyer?

Legal Aid ACT employs qualified lawyers who are experienced in handling a wide range of legal cases. Many private lawyers in the

FACT SHEET – APPLYING FOR A GRANT OF LEGAL ASSISTANCE

ACT handle legal aid cases too. Find out if your lawyer is able to act for you if you are granted legal assistance, and tell us when you apply for assistance.

If you are granted legal assistance we may appoint the lawyer you have chosen to act for you. In other cases we may appoint a Legal Aid ACT lawyer to act for you. It depends on the type of case, and what we think will be the most efficient use of legal aid funds.

Appealing against a decision

- ▶ You can ask Legal Aid ACT to reconsider a decision:
- ▶ refusing to grant you legal assistance;
- ▶ about the amount of your contribution or reassessed contribution;
- ▶ to stop or change your legal assistance;
- ▶ to limit the type or extent of legal assistance you are receiving.

To obtain a reconsideration, write a letter to the Chief Executive Officer of Legal Aid ACT at our postal address. State your reasons and include all the information you think is relevant. Send your letter to Legal Aid ACT within 28 days of finding out about the decision.

If you are unhappy with the outcome of the reconsideration, you can request an independent review of the decision. To request a review please write to the Chief Executive Officer, again with your reasons, within 28 days of finding out about the outcome of the reconsideration.

Confidentiality

There are provisions in the Legal Aid Act 1977 that protect the privacy of information you give us. Information about your application or your case will not be provided to other people without your consent, or as permitted by law.

Bear in mind that we may ask your lawyer for information relevant to your eligibility, or continued eligibility, for legal assistance.

Where do I go for further information?

Talk to your lawyer, contact Legal Aid ACT on (02) 6243 3411, or go to our website www.legalaidACT.org.au

Your obligations

If you are granted legal assistance you will have certain obligations. These include:

- ▶ You must tell us immediately of any change to your financial circumstances or your address.
- ▶ You must make arrangements to pay your contribution promptly.
- ▶ You must follow your lawyer's reasonable advice.
- ▶ You must make reasonable efforts to resolve issues in dispute where possible through negotiation or mediation.

- ▶ You cannot change your lawyer without asking Legal Aid ACT to approve a transfer.

If you don't comply with your obligations legal assistance may be stopped.

Other services provided by Legal Aid ACT

Legal Aid ACT also provides the following free services:

- ▶ legal advice and minor assistance for criminal, family and other legal problems;
- ▶ Legal Aid Helpline (1300 654 314) for information and limited legal advice on weekdays from 9am to 4pm;
- ▶ After Hours Legal Aid Helpline (0429 440 084) for people in police custody or with an urgent matter;
- ▶ duty lawyer services for people appearing unrepresented:
 - in criminal matters in the Magistrates Court and Children's Court;
 - for interim personal protection orders and domestic violence orders in the Magistrates Court
 - in family law matters at the Canberra Registry of the Family Court and the Federal Magistrates Court;
 - in hospital detention cases under the Mental Health (Treatment and Care) Act 1994.

For further details see the pamphlet 'How can we help you?'

Contact Details

Locations

4 Mort Street CANBERRA CITY
18 Corinna Street WODEN

Postal Address

GPO Box 512 Canberra ACT 2601

Phone Numbers

General Enquiries 6243 3411
Appointments 6243 3471
Legal Aid Helpline 1300 654 314
After Hours Helpline 0429 440 084

Website

www.legalaidACT.org.au

Email

legalaid@legalaidACT.org.au

Publication Orders

publications@legalaidACT.org.au

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