

# Legal Aid ACT

## HOW TO APPLY FOR LEGAL AID

Legal Aid ACT helps disadvantaged members of the ACT community understand, assert and defend their legal rights. We help by providing financial assistance to individuals who cannot afford a private lawyer.

### Applying for Legal Assistance

To apply for a **grant of assistance** you will need to make an appointment with a member of our Helpdesk staff by telephoning **1300 654 314** or by attending our office.

At your appointment Helpdesk staff will help you complete an application for assistance. You must bring with you to the appointment:

- **Proof of income** e.g. two recent payslips or Centrelink Reference Number (CRN);
- **Copies of bank records or statements** showing balances in all bank accounts owned solely or jointly by you and transactions on those accounts for the past three months;
- Copy of **charge sheets and statement of facts** from the DPP (if you have a criminal law matter); and
- Any **current court order or other documents** relating to your legal matter.

### What if I am not able to attend an appointment at the office?

If you are unable to attend the office for an appointment please call **1300 654 314** or email [client.services@legalaidact.org.au](mailto:client.services@legalaidact.org.au) so we can make alternative arrangements.

### Granting Legal Assistance

When deciding whether to grant legal assistance for a case Legal Aid ACT looks at 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;
- The nature of your case.

Full details of the eligibility criteria are set out in the Legal Aid Guidelines available on our website [www.legalaidACT.org.au](http://www.legalaidACT.org.au) or on request. 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 receive 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**

Most grants of legal assistance are given on the basis that you pay a contribution towards the costs of your legal matter. The amount payable 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 by cash, cheque, EFTPOS or credit card. If you have difficulty paying your contribution, you should talk to your lawyer or advise Legal Aid ACT in writing, so that as other arrangements may be made. In certain circumstances Legal Aid may agree to waive your contribution.

### **Reassessing contributions**

Whilst your matter is progressing, your grant of assistance may be extended and so may your contributions. 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. Reassessed contributions can be as much as 100% of the full cost of providing assistance.

### **Legal costs**

It is your responsibility to pay for any costs associated with work done by your lawyer before your grant of assistance commences. 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 assistance.

If the court makes any costs orders against you, it is usually your responsibility to pay and settle these amounts. Legal Aid ACT will only consider a request to pay costs orders in limited circumstances.

### **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 ACT handle legal aid cases too. Find out if your lawyer will act for you with a grant of legal assistance and inform us when you apply.

### **What if your application is refused?**

You can ask Legal Aid ACT to reconsider a:

- refusal to grant you legal assistance;
- decision about a contribution;
- decision to stop or change your grant;
- decision to limit the type or extent of legal assistance you are receiving.

You should write a letter to the Chief Executive Officer (CEO) of Legal Aid ACT at our postal address stating your reasons and including all relevant information **within 28 days** of finding out about the decision. If you are still unhappy with the outcome of your appeal to the CEO, you may request an independent review of the decision. To do this, you must again write to the CEO with your reasons, **within 28 days** of finding out about the outcome of the appeal.



## **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. However, 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 1300 654 314, or go to our website [www.legalaidACT.org.au](http://www.legalaidACT.org.au)

## **What are your obligations?**

If you are granted legal assistance you must:

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

If you do not comply with your obligations, your legal assistance **may** be stopped.

