

Applying for legal aid

Anyone can talk to a lawyer for free at Tasmania Legal Aid.

To get free legal information call 1300 366 611, drop into an office (no appointment necessary) or use the Legal Talk chat function on our website. We are open Monday to Friday, 9am to 5pm.

A lawyer can listen to your story and help identify the next steps you can take.

A person may apply for a grant of legal aid which is used to pay a lawyer to help them with a legal problem.

I know that I will need a lawyer to help me more, what can I do?

If you need help more than once from a lawyer, we may be able to help you pay for this. We do this by giving grants of legal aid.

A grant of legal aid is used to pay either a Tasmania Legal Aid lawyer (called an in-house lawyer) or a private lawyer to help you with your legal problem. Sometimes we may need to get a private lawyer rather than one of our own "in-house" lawyers to work on a legal problem for you. We will tell you if this needs to happen.

What will a grant of legal aid cover?

A grant of legal aid can be used to:

- give you legal advice
- help you reach agreement or resolve a dispute with someone
- prepare legal documents
- speak for you in court.

Is my type of legal problem covered by a grant of legal aid?

Tasmania Legal Aid funds different legal problems in criminal law, family law and civil law. Some of these may include:

- if you are at risk of going to prison
- if your legal problem is about a child
- if there is family violence involved in your legal problem
- if you have an NDIS appeal
- if you have a hearing about mental health treatment

A grant of legal aid does not cover all legal problems though. We have guidelines about which legal problems are funded and which are not. These guidelines are complex. To find out whether your legal problem might be covered by a grant of legal aid, call us on 1300 366 611.

How do I qualify for a grant of legal aid?

Tasmania Legal Aid has a team who makes the decision about who gets a grant of legal aid by looking at:

- your ability to pay for a lawyer
- the likelihood of whether you have a strong case
- the benefit to you compared to cost

- what the case is about.

Is a grant of legal aid free for me?

Most people who receive a grant of legal aid will need to pay a small amount towards the cost. We call this a 'contribution'. This is usually between \$60-\$200. Some grants of legal aid are free – if you are a child, for family violence or mental health matters.

When and how do I pay a contribution?

You need to pay the contribution amount if your application for legal aid is approved. If you apply for a Tasmania Legal Aid lawyer you can pay it at Tasmania Legal aid in cash or cheque. If you have a Tasmania Legal Aid lawyer, you may also choose to pay through Centrelink if you receive these payments. Please talk to us about this option. If you have a private lawyer you will need to pay at their office.

How do I apply?

All applications for a grant of legal aid are done online for you by a lawyer. When you meet with a lawyer to apply for legal aid you will need to provide:

- Your Centrelink number (if you have one)
- The most recent 3 months bank statements (if you are working)
- The most recent 6 weeks' pay slips (if you are working)

We may ask you for more information. It is important to give us all information asked for, otherwise your application may be refused. If you want a lawyer from Tasmania Legal Aid, we can help you apply. If you want a private lawyer, you will need to contact them to help you apply. If Tasmania Legal Aid cannot provide a lawyer for you, we can assist you to find a private lawyer.

I've applied for a grant of aid, what do I do now?

All applications for a grant of legal aid are assessed by our Grants team. It can take up to 2 weeks for an answer about your application. If we need more information we may ask you or your lawyer for this. The Grants team cannot provide legal advice about your matter.

How do I find out the status of my application?

If you have not received an answer about your application after 2 weeks or your court date is soon approaching, ask your lawyer first or then contact us on 1300 366 611.

What work will my lawyer do?

The type of work and amount of time your lawyer can spend on your matter will be limited to the work approved by Tasmania Legal Aid. This means your lawyer will have a set amount of funds to have appointments with you, prepare necessary court documents and attend court with you. Your lawyer may not be available to answer every phone call. It is important that you get all your documents and other relevant information and prepare any questions before each appointment or phone call.

If something changes, what do I need to do?

You must tell us immediately if:

- you change your contact details
- your financial (i.e., income or assets), living situation or other details change
- you become aware of information that may affect your eligibility for a grant of legal aid.

What if I have a problem with my lawyer?

If you have a problem with your lawyer, you should try to resolve that directly with them first. This gives them a chance to understand and to work it out with you. If the issues cannot be resolved, you should contact us on 1300 366 611.

What if I am not happy with the outcome of my application for a

grant of legal aid?

If you are not happy with the decision about your grant of legal aid you can ask that the decision is reviewed. A request that a decision is reviewed must be in writing and sent either:

By email:

grants.support@legalaid.tas.gov.au (use "Request to review" in the subject line)

By post:

Addressed to: Grants team – request a review

GPO Box 1422 Hobart 7001 TAS

Please explain the reasons why you think your application should be reviewed. Not all decisions can be reviewed. For example, if your grant of legal aid has a condition that you be represented by a lawyer from Tasmania Legal Aid, or a private lawyer, you cannot appeal against this condition. Also, you cannot request a review that you have too much income or assets. If you can provide more information about your income and assets that shows a clearer financial situation your lawyer can apply again with this extra information.

How soon do I need to make a request to review a decision?

You should send us your request to review a decision within 14 days of receiving the decision. In special circumstances someone may have more than 14 days, but they need to explain why they were not able to appeal earlier. This only happens in exceptional circumstances.

How long will it take to get back to me on my review?

We will consider all request for review as soon as we can and get back to you with the outcome. We aim to do this in 20 working days. Please make sure you tell us all the information about why you think a new decision needs to be made about your application and include any documents.

This is written for people who live in or who are affected by the laws of Tasmania, Australia. The law changes all the time – this information is not legal advice. If you have a legal problem, you should talk to a lawyer before making a decision about what to do.