

Procedure for signing **the Applicant Declaration** on Legal Aid Commission of Tasmania application forms during the COVID-19 pandemic

Read to the client the Application Conditions and Applicant's Declaration (example below) from the application form and confirm the clients understanding and acknowledgment of the declaration:

Application Conditions

Proof of Means

If either you or your partner work you must provide to your solicitor, a copy of a recent pay slips, letter from your boss or other proof of your weekly income such as the latest group certificate. If you have bank accounts or investments, you must provide copies of records or statements showing the last three months transactions.

If you are on a pension or benefit, you must provide a copy of the pension or benefit card or a health care card.

Legal Aid is not free. A contribution towards your legal costs will have to be paid by you. It is a condition of the granting of legal aid.

Change in Circumstances

You must advise the Legal Aid Office immediately of any change in your financial circumstances or any change of circumstances that may affect your case including a change of address and/or phone number.

Information

Any information obtained for the processing of this application may be used for any future application which relates in any way to you.

In order to assess your application for Legal Aid the Crimes database may be accessed to obtain details of any complaints or charges relevant to this application.

Non Acceptance of Advice

If you do not accept the advice of the legal representative appointed to act for you, your grant of Legal Aid may be cancelled.

Legal Costs

You are responsible for any costs incurred before Legal Aid was granted. If you receive money from your case by settlement or court order, the Legal Aid Office may take some of this money to pay for all or part of your legal expenses.

You may have to pay a greater contribution if your financial circumstances improve. If you lose your case, you will probably have to pay the other side's costs. Talk to

your solicitor about this.

Charges on Property

If you are the registered owner of a property, the Legal Aid Office may require a charge to be placed on that property on account of your legal costs. At the end of the matter you will be advised of the amount of costs to be charged on your land. You will not be forced to sell your property, but if you have not paid the costs already, we may recover them when you sell your house depending upon your circumstances, or after you die.

Change of Solicitor

You must obtain the permission of the Legal Aid Commission to change your solicitor. If permission is granted, you may be responsible for any costs incurred as a result of changing your solicitor.

Failure to Comply

Legal aid may be withdrawn if you do not comply with the conditions of the grant of legal assistance.

Right of Review

If legal aid is not granted to you or you do not agree with the conditions of the grant such as the amount you have to pay, you have the right to ask for a review of the decision by an independent Review Committee. To ask for a review, you must write to the Legal Aid Commission explaining why you think the decision is wrong within 14 days of being notified of the decision by the Legal Aid Commission.

All applicants must provide verbal acknowledgment of and authorisation for the following declaration, after it being read aloud and a record of the responses made on the client file

Applicant's Declaration

Do you (full name of client), of (Street) (Suburb)

acknowledge that it is an offence to:

- Fail to provide information required of me and which is relevant to this application for legal aid.
- Provide a document to the Commission in connection with this application for legal aid that is false or misleading.
- Make a false or misleading statement either orally or in writing in relation to this application for legal aid.

(Client response)

Do you, (name of client) authorise:

- the Legal Aid Commission of Tasmania (LACT) to use Centrelink

Confirmation eServices to perform a Centrelink enquiry of your Centrelink Customer details and concession card status in order to enable LACT to determine if you qualify for legal aid;

- the Australian Government Department of Human Services (the Department) to provide the results of that enquiry to LACT.

(Client response)

Do you understand that:

- the Department will use information you have provided to LACT to confirm your eligibility for legal aid and will disclose to LACT your personal information including your name, address, concession card status, payment type, payment status, income, assets, one-off payment, deduction and shared care arrangements;
- this consent, once signed, remains valid while you are a customer of LACT unless you withdraw it by contacting LACT or the Department;
- You can obtain proof of your circumstances/details from the Department and provide it to LACT so that your eligibility for Legal Aid can be determined;
- if you withdraw your consent or do not alternatively provide proof of your circumstances/details, you may not be eligible for the legal aid provided by LACT.

(Client response)

Do you therefore acknowledge and accept the conditions above and declare that all the information you have given is true and correct.

Applicant's response (date and time)