

How an application for legal aid is decided

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

To get free legal information call 1300 366 611, drop into our Hobart or Launceston 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.

If you have a matter that needs ongoing legal support, we have 3 steps to go through to work out if a grant of legal aid will be made.

How does Tasmania Legal Aid decide who gets a grant of aid?

Demand for our services is high, so we have rules that we follow. This way we can make sure those who are least able to afford a lawyer can get the support they need. Remember that anyone can speak to a lawyer for free – call Tasmania Legal Aid in 1300 366 611 or drop into one of our offices.

If you have a matter that needs ongoing legal support, we have 3 steps to go through to work out if a grant of legal aid will be made. These steps look at:

1. Your financial situation
2. What your case is about
3. Whether your case is strong.

How do you assess my financial situation?

We look at your income and assets.

- How much do you earn?
- How much do you own?
- Do you support someone else (children or partner)?
- Does your partner work?

What income should I tell you about?

You need to tell us about any money you regularly receive including:

- your salary or wage (if you are working)
- money you receive from investments, like share dividends, rent from investment properties or payments from trusts
- income you receive from an insurance policy claim e.g. accident, sickness or disability benefits
- any Centrelink payments.

If you rely only on Centrelink payments, you will usually pass the first step. You should include Family Tax Benefit (Part A & B) payments as

income.

What are assets?

Assets are things you own like your house, land, cash, shares or other investments, and the assets of any person who helps you financially, unless you need legal aid because you are in dispute with that person. We do not include:

- the house you live in – if what you own (that is, the value of the house minus the mortgage) is:
 - \$370,000 or less (South)
 - \$270,000 or less (North)
 - \$259,250 or less (North-West)
- household furniture (unless it is exceptionally valuable)
- tools you need for your job (unless they are exceptionally valuable)
- your car or cars (unless the value, minus the car loan amount, is over \$11,500)

A grant of aid will be made if you are seeking a family law property mediation and the total value of the assets in dispute are up to \$500,000.

Does it matter what my case is about?

Our guidelines tell us the types of cases we can fund, based on the priorities set for us by the Tasmanian and Australian governments. You can find them here.

Some of our priorities are:

- a. Aboriginal and Torres Strait Islander people
- b. children and young people (up to 24 years)
- c. older people (aged over 65 years or aboriginal and Torres Strait Islander people aged over 50 years)
- d. people experiencing, or at risk of, family violence
- e. people experiencing, or at risk of, homelessness
- f. people in custody and/or prisoners
- g. people residing in rural or remote areas
- h. people who are culturally and linguistically diverse
- i. people with a disability or mental illness
- j. people with low education levels, and
- k. single parents.

What if I have a strong case?

We assess the merit of each person's case by looking at:

- the legal and factual merits of the case and if it is more likely to succeed or fail if it goes to court
- if a sensible person would risk their money to take the case to court
- if the benefit the applicant will receive from having a lawyer justifies spending limited public funds on their particular case.

What if I don't agree with a grants decision?

You can appeal decisions made about your application by writing to us and explaining why you believe the decision was wrong. You should also include any extra relevant information you want us to consider with your request. You have 28 days from the date you received your decision letter to write to us and let us know you want to appeal.

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.