

# South East Community Legal Service Inc.

9 Penola Road

Mount Gambier SA 5290



## Information about Legal Aid

### LEGAL AID - Provided by the LSC

If you need more than legal advice, the Legal Services Commission may provide a lawyer to help with your case. To apply for legal aid, you must fill in an application form and show them proof of your income and assets. You will receive a letter within 14 days of your application being received to inform you if you have been granted legal aid. The Commission can rush applications in emergencies. If your application for legal aid is refused you may appeal.

### WHO CAN GET LEGAL AID?

Legal aid is not available for every legal problem. In granting legal aid, the Commission considers:

- Your financial situation – your income and assets. Any other person with whom you have a financial relationship (a spouse or parent, called a “financially associated person”) may also be assessed
- Legal aid guidelines – eg for a criminal matter, there must be a reasonable likelihood of imprisonment. Family matters must usually involve a genuine dispute over children that you have not been able to resolve
- Your chance of success

### CAN I GET LEGAL AID FOR ANY LEGAL PROBLEM?

The Legal Services Commission **does not** normally represent people in the following matters:

- Divorce applications (unless there are special circumstances)
- Family Law property disputes (except in limited circumstances)
- Traffic offences (unless there is a real risk of imprisonment)
- Minor criminal matters where there is no risk of imprisonment
- Simple will disputes
- Complaints about lawyers (referred to the Legal Practitioners Conduct Board)
- Defamation cases
- Conveyancing
- Bankruptcy matters
- Neighbour or fencing disputes
- Restraining orders (may be provided for the charge of breaching a RO)
- Matters where adequate assistance can be obtained elsewhere
- Matters where private solicitors are prepared to act and be paid from money received at the end of the case (family law property settlements or personal injury matters)
- Unfair dismissal applications
- Business or corporate matters

Under the guidelines, there are certain matters for which representation is not normally available. These guidelines may be waived in special circumstances.

Call the **Legal Helpline** on **1300 366 424**.

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**Phone: (08) 87 236 236 (Local) or 1300 369 236 (Region)**

**Fax: (08) 87 236 232**

**E-Mail: [southeast\\_sa@clc.net.au](mailto:southeast_sa@clc.net.au)**



## WHAT WILL IT COST? – LEGAL AID IS NOT FREE

There is a minimum contribution, which all clients obtaining legal aid must pay. If legal aid is granted, the Commission will inform you of the minimum contribution you must pay. You may be asked to contribute more than the minimum amount towards your legal costs, depending on your income and assets.

### Charge over your real estate

If you and/ or your financially associated person own or are buying real estate, the Commission will take a charge, unless your case costs less than \$1,800. The charge makes sure that you pay back the whole cost of your case eventually. The Commission will not sell your house but will wait until you decide to sell, transfer or refinance it. If you die before repaying your legal costs, the Commission will collect the money from your estate. Most cases cost more than \$1,800, except for simple guilty pleas or very short criminal cases. Ask your lawyer if you are concerned or have difficulty understanding the process.

### Repaying your legal aid

If you get money from your case, such as compensation, damages or a property settlement, you will have to pay back your legal aid in full. It is **your** responsibility to ask your lawyer the cost of your case.

## CHECKLIST

To ensure your application for legal aid runs smoothly, tick all that applies on this list once completed.

- Complete application form
- Ensure you have signed the form
- Obtain supporting/ evidence documents (see the inside cover of the application form) and send with the application form
- See a solicitor to complete the Solicitor's Certificate (if you are making the application through your own solicitor). Refer to the attached Private Solicitor Referral list for local legal aid solicitors.

The South East Community Legal Service can assist with the completion of your form if you are experiencing difficulties. We can assist you to appeal if legal aid is refused. The Service does **not** provide financial legal aid, only legal advice.

### Post your application to:

Legal Services Commission

82-98 Wakefield Street

ADELAIDE SA 5000

**Phone:** 1300 366 424

**Web:** [www.lsc.sa.gov.au](http://www.lsc.sa.gov.au)