

# Can I get legal aid?

## *Everything you need to know about our criteria for granting aid*

You have to apply for a grant of legal aid if you want a lawyer to represent you in court. But if you want to get legal information or advice about your problem, you can talk to us without going through the application process.

### **How do you decide who gets legal aid?**

Demand for our services is high, so we use strict criteria when granting aid for legal representation. This way we can make sure we are using our funding to help those who are least able to afford a lawyer.

### **What criteria do you use?**

We use three sets of criteria to determine if legal aid will be granted. These are:

- a means test
- funding guidelines
- and in most cases, a merits test.

### **How does the means test work?**

The means test looks at your income and assets to see if you are financially eligible for legal aid.

If you support or provide financial help to other people (like a partner or child/ren), the means test will take this into account. If another person supports you, provides financial help to you or can be reasonably expected to provide you with financial help (like a partner), then the means test will take this person's income and assets into account. Please ensure you include their income and asset details with supporting documentation in your legal aid application.

### **What income should I include in my application?**

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 eg accident, sickness or disability benefits.

If you rely solely on Centrelink payments for your income, you will usually pass the income section of our means test. You will however, still need to be assessed under the assets section of the means test. You should include Family Tax Benefit (Part A & B) payments, along with child maintenance and child support payments, as income.

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*“You must include all relevant information about your financial circumstances on your application form.”*

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### **What is ‘financial help’?**

Financial help is where another person regularly gives you money, helps pay your bills or shares your living expenses. This could be a relative, friend, or your current or former partner or spouse. If you are in dispute with a person you usually receive financial help from, we will not take their income and assets into account.



## What assets are included in the means test limits?

Assets taken into account include real estate (houses, land), cash, shares, debentures 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 the equity is \$146,000 or less)
- cash you have saved to buy a home or land you own (if the equity is \$146,000 or less); you must have signed a contract to buy or build a home before you knew about your legal problem for this cash or land to be exempt under the means test
- household furniture (unless it is exceptionally valuable)
- tools you need for your job (unless they are exceptionally valuable)
- your car or cars (unless you have over \$16,000 in equity)
- the first \$2000 of an applicant's savings.

### What is equity?

Equity is the asset's value less any money owing on the asset (eg Mary's house is worth \$400,000 and her mortgage is \$290,000. Mary's equity in the property is \$110,000).

If you are seeking legal aid for a family law property settlement or domestic violence matter, you may have an interest of up to \$200,000 in allowable assets that are in dispute with the other party.

If you are 60 years or over, you can have equity in your home up to \$292,000 if you:

- receive an income-tested allowance or benefit and
- have lived in your home for five years or more, or moved out of your home or bought an alternative home because of disability or illness.

If you are a farmer or a small business owner, you can have equity in the farm or business up to the following limits:

- If you are a homeowner and you get financial help from another person — up to \$236,500. If you do not get financial help from another person — up to \$166,750.
- If you do not own your home and you get financial help from another person — up to \$357,500. If you do not get financial help from another person — up to \$287,750.

A 'homeowner' is a person who owns or is paying off the house they live in.

If your assessable assets are more than \$930 (or \$1880 if you receive financial help from another person or are single with dependent children), you may not be eligible for aid or may have to pay some money towards your legal costs.

## How much can I earn and still get legal aid?

Table 1 sets out how much gross weekly income you can earn and still be eligible for aid. You can use this table to check if you meet the requirements and to see if you might have to make a contribution towards your legal costs. Table 2 shows how much you could have to pay towards your legal costs based on the value of your assets. We will not approve your application if the amount you would have to pay towards your legal costs would be more than the grant of aid value.

## What if I have special circumstances?

We have developed guidelines to help identify applicants who would not usually meet our means test, but deserve special consideration because they experience multiple disadvantages. If you are experiencing domestic violence, live in a remote area, have an intellectual, psychiatric or physical disability or other disadvantage, you may be eligible for a grant of aid via our special circumstances guidelines.

The special circumstances guidelines relate to assets only. A condition may be attached to any grant of aid approved under the special circumstances guidelines. For example, you may be required to pay a contribution towards your legal costs, and/or you may be required to provide your property as security for payment of these legal costs to Legal Aid Queensland. For a copy of the special circumstances guidelines, call us on 1300 65 11 88 or visit [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)

## What are the funding guidelines?

The funding guidelines tell us the types of cases we can fund, based on the priorities set for us by the state and federal governments. You can get a complete list of the priorities and guidelines on our website at [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au). The priorities are included in the Grants Policy Manual. Some of the priorities are:

### Civil law

- Child protection proceedings
- Domestic and family violence matters
- Discrimination matters.

### Criminal law

- District and Supreme Court criminal proceedings
- Indictable offences in the Childrens Court (these are serious offences)
- Appeals to the Court of Appeal or High Court
- Magistrates Court committal hearings where the maximum penalty is more than 14 years in jail
- Bail applications.

### Family law

- Urgent matters where a child's safety or welfare is at risk or the applicant's safety is at risk

**Table 1: Legal Aid Queensland initial contributions table**

Household type & Work status	Number of children	Contribution free threshold gross income (\$ per week)	Maximum income threshold gross income* (\$ per week)	Client contribution. Contribution payable on gross income (\$ per week) above –														
				695	750	855	950	955	1030	1150	1220	1355	1410	1550	1690	1845	2010	2200
<b>Couple</b> Both in workforce	0	855	1180	–	–	555	650	760	1020	1090	–	–	–	–	–	–	–	–
	1	1030	1355	–	–	–	–	–	610	670	905	1010	–	–	–	–	–	–
	2	1220	1515	–	–	–	–	–	–	–	660	740	990	–	–	–	–	–
	3	1550	1690	–	–	–	–	–	–	–	–	–	–	630	720	–	–	–
	4	1690	1880	–	–	–	–	–	–	–	–	–	–	–	565	980	–	–
	5+	2010	2070	–	–	–	–	–	–	–	–	–	–	–	–	–	–	1320
<b>Couple</b> One in workforce	0	855	1200	–	–	400	555	670	760	980	–	–	–	–	–	–	–	–
	1	1030	1410	–	–	–	–	–	515	575	670	885	1010	–	–	–	–	–
	2	1220	1550	–	–	–	–	–	–	–	410	565	650	740	–	–	–	–
	3	1550	1810	–	–	–	–	–	–	–	–	–	–	535	630	–	–	–
	4	1690	2015	–	–	–	–	–	–	–	–	–	–	–	410	885	1400	–
	5+	2010	2200	–	–	–	–	–	–	–	–	–	–	–	–	–	–	970
<b>Single person/sole parent</b> In workforce	0	695	1040	545	750	760	855	1165	1275	–	–	–	–	–	–	–	–	–
	1	855	1210	–	–	465	555	650	760	1020	–	–	–	–	–	–	–	–
	2	1030	1410	–	–	–	–	–	515	610	670	905	1010	–	–	–	–	–
	3	1220	1610	–	–	–	–	–	–	–	565	660	740	990	–	–	–	–
	4	1410	1810	–	–	–	–	–	–	–	–	–	390	535	630	–	–	–
	5+	1690	2010	–	–	–	–	–	–	–	–	–	–	–	410	565	980	–

\*Aid is not normally granted where a client’s income exceeds the maximum income threshold.

- Urgent matters where there is an immediate risk of a child being removed from Australia or to a remote location in Australia
- Separate representation of children
- Parenting plans and orders
- Location and recovery orders
- Injunctions relating to family violence.

### How does the merits test work?

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.

### How do I apply?

You need to complete an application form, which you can get from our offices throughout Queensland, from our website or from one of our preferred supplier law firms in your area.

You should speak to a solicitor about your problem before you apply. If you meet our financial eligibility test, you can arrange to get free legal advice about most personal legal issues by calling us on 1300 65 11 88 and making an appointment to speak to a lawyer.

*“Don’t forget to include copies of your pay slips, bank account statements, tax returns and any documents about your problem with your application.”*

### What documents do I need?

When you complete your application form you will also need to include:

- ✓ a copy of your most recent Centrelink statement
- ✓ copies of any pay slips for the past four weeks (for you or anyone that gives you financial help)
- ✓ copies of tax returns and assessments (including your spouse/partner’s), profit and loss statement and balance sheets for the past two financial years (if you are self-employed or a partner in a business)
- ✓ copies of bank statements for the past three months from all financial institutions where you have accounts, regardless of the account balance (use an official bank statement or print one from your online bank account—you can’t use ATM receipts)
- ✓ copies of any court or legal documents you have about your problem.

## Where do I lodge the form?

You can lodge your form by mail to GPO Box 2449, Brisbane Qld 4001, by email to [submit.application@legalaid.qld.gov.au](mailto:submit.application@legalaid.qld.gov.au) or in person at any of our offices around the state. If a lawyer from one of our preferred supplier law firms completes the application for you, they can lodge it for you online.

## How long will it take?

We aim to assess about 80 percent of applications within five days. However many applications are complex and can take two weeks or more to properly assess. If you haven't received a response 14 days after lodging your application, please contact us.

## What if I don't agree?

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.

## Can you organise an interpreter?

Yes, we can organise for an accredited interpreter to help you. We are committed to making our services accessible to all people who need our services.

To have information about our application process explained in your language, please call the Translating and Interpreting Service on 13 14 50 to speak to an interpreter. Ask to be connected to Legal Aid Queensland. If you have a hearing impairment, please call the TTY service on (07) 3238 3023. These are free services.

## How do I provide feedback or make a complaint?

Your feedback — complaints, compliments and suggestions — is welcome and we take it seriously.

To make a comment about the service you received from Legal Aid Queensland, you can complete our client feedback form. The form is available from your local Legal Aid office and our website.

You can also give us feedback by: writing to us at GPO Box 2449, Brisbane, Qld, 4001, call 1300 65 11 88 or email [complaints@legalaid.qld.gov.au](mailto:complaints@legalaid.qld.gov.au)

Table 2: Asset contribution table

Net asset	Contribution
\$100	\$20
\$200	\$45
\$300	\$65
\$400	\$85
\$500	\$105
\$600	\$140
\$700	\$170
\$800	\$205
\$900	\$235
\$1000	\$265
\$1100	\$310
\$1200	\$355
\$1300	\$395
\$1400	\$440
\$1500	\$480
\$1600	\$535
\$1700	\$590
\$1800	\$640
\$1900	\$695
\$2000	\$750
\$2100	\$810
\$2200	\$875
\$2300	\$940
\$2400	\$1005
\$2500	\$1070
\$2600	\$1135
\$2700	\$1195
\$2800	\$1260
\$2900	\$1325
\$3000	\$1390
\$3100	\$1485
\$3200	\$1580
>\$3200	\$ for \$*

\*Aid will not be approved if the amount you would have to pay is more than the value of your grant of aid.

## Your Local Legal Aid Queensland office:

### BRISBANE

44 Herschel St, 4000

### BUNDABERG

3rd Floor, WIN Tower,  
Cnr Quay & Barolin Sts, 4670

### CABOOLTURE

Ground Floor, Kingsgate  
42 King St, 4510

### CAIRNS

Level 2, Cairns Square Complex,  
42-52 Abbott St, 4870

### INALA

Level 1, Inala Commonwealth  
Offices, 20 Wirraway Pde, 4077

### IPSWICH

Level 7, 117 Brisbane St, 4305

### MACKAY

Ground Floor,  
17 Brisbane St, 4740

### MAROOCHYDORE

Ground Floor, M1 Building  
1 Duporth Ave, 4558

### MOUNT ISA

6 Miles St, 4825

### ROCKHAMPTON

Ground Floor, 35 Fitzroy St, 4700

### SOUTHPORT

Level 2, 7 Bay St, 4215

### TOOWOOMBA

1st Floor, 154 Hume St, 4350

### TOWNSVILLE

3rd Floor, Northtown  
280 Flinders St, 4810

### WOODRIDGE

1st Floor, Woodridge Place,  
Cnr Ewing Rd & Carmody St, 4114

For more information  
about our services visit  
[legalaid.qld.gov.au](http://legalaid.qld.gov.au)

or phone 1300 65 11 88  
or 1300 650 143 (Indigenous Hotline)

