

Step 2 - Complete the *CLLAS Checklist*

Your legal practice should complete the *CLLAS Checklist* and send it with supporting documentation.

The application and checklist can be lodged when the lawyer has completed a preliminary investigation of the claim and has all the relevant information and documents to provide to the CLLAS.

Step 3 - Submit the application

Send the application, checklist and all supporting documentation to the CLLAS coordinator, Legal Aid Queensland.

Mail: GPO Box 2449, Brisbane Qld 4001

Email: cllas@legalaid.qld.gov.au (*signed and scanned*)

If your client's application is approved, the client and your legal practice will need to sign a *Client Agreement and Acknowledgement* agreeing to the conditions of the grant of aid.

Is aid approved in stages?

Aid will be granted as the claim progresses in the following stages:

- outlays limited to establishing liability and causation
- outlays required to prepare a claim for, and enter into, settlement negotiations
- outlays required up to close of pleadings and preparing the matter for trial
- outlays to enter a claim for trial and proceed to hearing.

Please ensure your client's grant of aid has been approved before incurring expenses. Grants of aid are not provided retrospectively unless there are exceptional circumstances.

How do we become a CLLAS approved legal practice?

To access funding for a client, your legal practice can apply to become an approved legal practice. To obtain a copy of the selection criteria to become an approved legal practice, you can view the scheme's guidelines at www.legalaid.qld.gov.au or contact the CLLAS coordinator.

For more information contact

The CLLAS coordinator
Legal Aid Queensland
GPO Box 2449 Brisbane Qld 4001
cllas@legalaid.qld.gov.au

Phone 1300 65 11 88
www.legalaid.qld.gov.au

Does your client
need financial help with
a civil law claim?
Check out the

Civil Law Legal Aid Scheme

a lawyer's guide



Civil Law
Legal Aid Scheme



What is the Civil Law Legal Aid Scheme?

The Civil Law Legal Aid Scheme (CLLAS) is an outlays only scheme that helps financially disadvantaged people who have a civil law claim. The scheme does not cover legal professional fees and lawyers must agree to speculate their fees.

Who runs the CLLAS?

The Public Trustee of Queensland funds the CLLAS and Legal Aid Queensland administers it. The CLLAS operates under its own guidelines and is separate to Legal Aid Queensland grants of aid.

What cases will the CLLAS fund?

The CLLAS will consider funding civil law claims, including personal injuries claims that meet its funding guidelines. Priority is given to matters involving children or matters where your client will lose their home or livelihood if they don't take legal action. The scheme can also help with public interest and test cases.

What cases won't the CLLAS fund?

The CLLAS will not provide funding for:

- environment impact/development claims
- total and permanent disability compensation claims
- motor vehicle property damage claims
- class actions
- family/defacto relationship property claims
- claims dealt with solely under Commonwealth law.

What does the CLLAS consider when assessing an application?

The following criteria must be satisfied for your client to be eligible for funding under the scheme:

- A grant of legal aid for your client's civil law claim is not available from Legal Aid Queensland.

- The civil law claim must be dealt with under Queensland law and within a Queensland court or tribunal.
- The client must be represented by a legal practice approved to do CLLAS work.
- The legal practice must agree to provide services on a 'no win, no fee' basis, speculating their professional fees.
- There are reasonable prospects of the CLLAS recovering outlays.

Do means and merits tests also apply?

Yes. Your client must meet the CLLAS means and merits tests or the public interest/test case criteria. The CLLAS can refuse an application if it does not receive enough information to independently assess your client's means and the claim's merit.

When assessing an application's merit, the scheme considers:

- whether the claim has reasonable prospects of success
- the likely costs to be incurred by the CLLAS
- whether a prudent self-funding litigant would risk their own financial resources in funding the claim
- the appropriateness of spending public funds given the limited resources available to fund applications
- the nature and extent of any benefit your client may receive if aid is approved
- any detriment that may be suffered by your client if aid is refused
- whether the expected quantum for the claim is more than \$20,000.

Your client must also meet financial eligibility criteria. The CLLAS applies Legal Aid Queensland's means test, except for the criteria relating to equity in your client's principal place of residence. Under the CLLAS guidelines, your client may have equity in their home up to \$320,000.

For more information about the means and merits tests and other criteria, you can view the CLLAS guidelines at www.legalaid.qld.gov.au or contact us and we can send you a copy.

Who considers applications to the CLLAS?

Legal Aid Queensland and the Public Trustee of Queensland are jointly responsible for assessing and determining applications.

What if my client's application to the CLLAS is not successful?

There is no right of appeal for a decision to refuse aid under the scheme. However, the CLLAS can reassess your client's application if new relevant information is provided.

Will my client have to refund any money to the CLLAS?

If your client's claim is successful or partially successful and they receive a payment or financial gain (money and/or property), they must refund all outlays paid by the CLLAS. No refund is required if your client's claim is unsuccessful.

How does my client make a CLLAS application?

Step 1 - Complete a *CLLAS Application form*

Your client should complete and sign a *CLLAS Application form*. You must also sign the lawyer's certification in the application. Your client must also provide:

- copies of payslips for the last four weeks or
- Commonwealth Benefits Statement/Health Care Cards/Pension Cards and
- copies of bank account statements for the past three months from all financial institutions.