

information to support your claim, a budget for outlays and confirmation a CLLAS approved legal practice has agreed to represent you on a speculative basis. We will assess your application in line with the CLLAS guidelines.

#### Step 8 — Sign a *Client Agreement and Acknowledgement*

If your application is approved, you must agree to repay the scheme any outlays it pays on your behalf. You will need to sign a *Client Agreement and Acknowledgement*. By signing the form you agree to refund these outlays to the CLLAS if your claim is successful and you receive a payment or financial gain (money and/or property).

#### Step 9 — Your lawyer will prepare your claim

Your lawyer will prepare your claim and attempt to negotiate a settlement. Hopefully you can sort out your claim through negotiation and it will settle without needing to go to court.

#### Step 10 — Your case may go to court

If your lawyer cannot negotiate a settlement, your claim may have to go before a court or tribunal. You should keep in mind the court could award costs against you if your claim is not successful. This means you could have to pay the other party's legal costs. These costs cannot be claimed from the CLLAS, Legal Aid Queensland or The Public Trustee of Queensland. You should talk to your lawyer about the possibility of having to pay legal costs.

#### Step 11 — Refund the CLLAS

If your claim is successful or partially successful and you receive a payment or financial gain (money and/or property), you must refund the CLLAS for all outlays paid on your behalf. You will also have to pay your lawyer's fees.

If your claim is not successful you do not have to pay your lawyer's fees or refund the CLLAS for any outlays paid on your behalf.

## Can my funding be cancelled?

Your funding may be varied or cancelled if:

- the information provided by you or your lawyer was materially inaccurate
- you refuse to accept appropriate legal advice from your lawyer
- you no longer meet the means test due to a change in your financial circumstances
- your application no longer meets the eligibility criteria under the CLLAS guidelines
- there is a justifiable reason to cancel or vary your funding.

## What if my application to the CLLAS is not successful?

There is no right of appeal for a decision to refuse aid under the scheme. However, we can reassess your application if you provide new relevant information to the scheme.

### For more information contact

The CLLAS coordinator  
Legal Aid Queensland  
GPO Box 2449 Brisbane Qld 4001  
[cllas@legalaid.qld.gov.au](mailto:cllas@legalaid.qld.gov.au)

Phone 1300 65 11 88  
[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)



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Do you need financial help with a civil law claim?  
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# Civil Law Legal Aid Scheme

*a client's guide*

February 2018



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. Outlays are expenses like expert reports, court filing fees and fees to copy documents. The scheme does not cover legal professional fees and lawyers must agree to act on a speculative or 'no win, no fee' basis.

## Who runs the CLLAS?

The CLLAS is funded by The Public Trustee of Queensland and administered by Legal Aid Queensland. The scheme operates under its own guidelines and is separate to Legal Aid Queensland grants of aid.

## What cases do you 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 you will lose your home or livelihood if you don't take legal action. The scheme can also help with public interest and 'test' cases, where other people would benefit in the future from your case going before a court.

## What cases won't you 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.

## Who can access the CLLAS?

You will need to meet the following criteria to be eligible for funding under the scheme:

- A grant of legal aid for your civil law claim is not available from Legal Aid Queensland.
- Your civil law claim must be dealt with under Queensland law and within a Queensland court or tribunal.
- You must be represented by a legal practice approved to do CLLAS work.
- The legal practice must agree to represent you on a 'no win, no fee' (speculative) basis.
- There are reasonable prospects of the CLLAS recovering outlays.

You must meet the CLLAS means and merits tests or the public interest/test case criteria. For more information about the means test, merits test and other criteria, you can view the scheme's guidelines at [www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) or contact us and we can send you a copy.

## How does it work?

### Step 1 — Call Legal Aid Queensland on 1300 65 11 88

Our client information officers can give you information about the scheme and explain the means test. If they believe the scheme may be able to help you with your civil law claim they will refer you to the CLLAS coordinator.

### Step 2 — We will contact you

We will contact you to discuss the scheme and assess whether your claim meets our funding guidelines. We cannot give you legal advice about your claim.

If the scheme can help you, we will write to you and explain how the scheme works and what you need to do to apply. We will also include a list of CLLAS approved legal practices in your region.

### Step 3 — Contact an approved legal practice

Contact an approved legal practice and make an appointment to have an initial consultation with a lawyer. Some legal practices provide free initial consultations, but you should check this when you make your appointment. It is important you get legal advice as soon as possible as strict time limits apply. If the lawyer advises that your claim has reasonable prospects of success, you should ask the legal practice to represent you on a speculative ('no win, no fee') basis. The legal practice does not have to act on a speculative basis—they will only do so if your claim meets their requirements.

### Step 4 — Talk to your lawyer about their fees

Find out how much you would have to pay the lawyer if your claim is successful and you receive a payment or financial gain (money and/or property). You should get these fees in writing and sign a costs agreement. You do not have to pay your lawyer until your claim has been successfully finalised.

### Step 5 — Complete a CLLAS Application form

The legal practice can help you complete a CLLAS Application form. The legal practice will submit your application to the CLLAS together with all relevant information to support your claim.

### Step 6 — Your lawyer will give us a budget for outlays

The budget will outline the initial outlays needed to prepare your case for settlement negotiations. Outlays are things like expert reports, court filing fees and fees to copy documents etc. Outlays do not include professional fees for legal practice staff or barristers. We will consider funding the outlays identified in the budget provided by your lawyer.

### Step 7 — Your application is assessed

We will assess your application when we receive your completed and signed application, all relevant