

Civil Law Legal Aid Scheme *Guidelines*

The Attorney-General and Minister for Justice has authorised the Public Trustee of Queensland to give aid in civil proceedings pursuant to Regulation 13 of the Public Trustee Regulation 2012.

Pursuant to the Memorandum of Understanding dated 1 February 2013, Legal Aid Queensland is authorised to administer the Civil Law Legal Aid Scheme (CLLAS) on behalf of the Public Trustee of Queensland. In order to give effect to the Civil Law Legal Aid Scheme, the guidelines set out below have been agreed on by the Public Trustee of Queensland and Legal Aid Queensland.



Funded by The Public Trustee of Queensland
Administered by Legal Aid Queensland



Civil Law
Legal Aid Scheme

1. The Civil Law Legal Aid Scheme's purpose

1.1.1 The CLLAS provides grants of aid to financially disadvantaged people who have civil law claims or actions where Legal Aid Queensland does not provide aid.

1.1.2 Grants of aid are made:

- to meet the reasonable costs of outlays
- where the outlays are necessarily incurred in respect of civil claims or actions.

For a grant of aid to be made, the civil claim or action must be dealt with by the Queensland Courts or Tribunals in accordance with the laws of Queensland.

1.1.3 The grants of aid under the CLLAS are not made in relation to lawyer's professional fees or counsel's fees except as provided in these guidelines.

2. Definitions

Applicant — A person who makes an application to the CLLAS for a grant of aid and/or a person to whom a grant of aid has been made by the CLLAS.

Approved Legal Practice — A legal practice approved under the CLLAS guidelines and whose name has been included on the CLLAS Panel of Approved Legal Practices.

Claim or Action — Civil claim or action that is dealt with by the Queensland Courts or Tribunals in accordance with the laws of Queensland and which meets the eligibility criteria assessed by the CLLAS in accordance with these guidelines.

Grant of Aid — A grant of aid made pursuant to the CLLAS guidelines and which can only be used to fund in whole or part outlays involved in a claim or action.

Initial Contribution — A fixed contribution assessed in accordance with the means test and imposed as a condition of the grant of aid. The applicant is to pay the initial contribution to the trust account of the approved legal practice representing the applicant. The initial contribution can only be used to fund in whole or part outlays for which aid is approved by the CLLAS.

Special circumstances — The special circumstances guidelines have been developed by Legal Aid Queensland to help identify applicants who would not usually meet the assets component of the means test, but deserve special consideration because they experience multiple disadvantages.

Retrospective Aid — A grant of aid approved by the CLLAS in exceptional circumstances and where the outlay was commissioned and/or paid for by the approved legal practice prior to a grant of aid being approved for the subject expenditure.

Successful outcome — A successful outcome includes, but is not limited to, the following:

- the applicant receives any money and/or property
- the applicant recovers any money and/or property
- the applicant receives money on account of costs and outlays

through a settlement of the claim or action or order/judgment/recommendation of a tribunal/court or other entity with the power to consider or determine the claim or action.

3. Applications for aid

- 3.1.1 Only applicants represented by an approved legal practice are eligible for a grant of aid under the CLLAS.
- 3.1.2 The CLLAS does not use the Legal Aid Queensland e-lodge system for applications. Applications must be in paper format on either the *CLLAS application form* or a *Legal Aid Queensland application form*.
- 3.1.3 Applicants who are not represented by an approved legal practice can submit applications direct to the CLLAS, however the application will be held in abeyance until the applicant locates an approved legal practice that is willing to represent them on a speculative basis. The CLLAS will provide a letter to the applicant explaining how the CLLAS operates and providing a list of approved legal practices for the applicant to contact. The application will be held in abeyance for 90 days to allow the applicant time to locate an approved legal practice and for the legal practice to contact the CLLAS. If contact is not made within 90 days, or such further time approved by the CLLAS, the application is taken to be refused.
- 3.1.4 Applicants who are represented by an approved legal practice should submit an application through their lawyer. The application must be accompanied by a letter from the applicant's lawyer providing sufficient supporting information to allow the CLLAS to assess the merit of the proposed claim. The minimum information required is:
- a summary of the basis of the claim or action for which aid is being sought, including where possible, some form of independent evidence that supports the claim
 - an itemised list of outlays, with an estimate of cost, for which aid is requested
 - an estimate, based on the information currently available, of the expected range of quantum for the claim
 - an estimate, based on the information currently available, of the prospects of success for the claim
 - confirmation the legal practice is representing the applicant on a speculative basis.

4. Approved private legal practices

- 4.1.1 The CLLAS will maintain a panel of approved legal practices.
- 4.1.2 The panel of approved legal practices is managed by the CLLAS coordinator.
- 4.1.3 The CLLAS will only:
- approve a grant of aid to applicants who are represented by an approved legal practice
 - disburse a grant of aid to an approved legal practice.
- 4.1.4 Legal practices may only be included on the CLLAS panel if they meet and agree to the CLLAS Approved Legal Practice Panel selection criteria.

- 4.1.5 Legal practices may apply for approval status with the CLLAS:
- at any time
 - by addressing the Approved Legal Practice Panel selection criteria attached as Annexure A
 - by a principal of the legal practice signing the application on behalf of the legal practice (eg for a sole practitioner practice, the sole practitioner; for a partnership, a partner of the practice; for an incorporated legal practice, one of the directors).
- 4.1.6 In assessing whether an applicant legal practice meets the Approved Legal Practice Panel selection criteria, the CLLAS:
- may request the applicant legal practice provide further particulars in support of their application
 - will also consider information in the possession of the CLLAS, Legal Aid Queensland and/or the Public Trustee of Queensland regarding the prior performance of the applicant legal practice.
- 4.1.7 The CLLAS may at any time, and without notification, reject any application irrespective of whether:
- it meets the application form requirements or
 - it meets the selection criteria.
- 4.1.8 The CLLAS will notify each applicant legal practice of their application's outcome.
- 4.1.9 Previous appointment as a Legal Aid Queensland preferred supplier will not automatically entitle a legal practice for appointment as a CLLAS approved legal practice.
- 4.1.10 The conduct of the application process does not give rise to any legal or equitable relationship between the CLLAS and an applicant legal practice, or any other person.
- 4.1.11 The CLLAS may cancel or vary the application process at any time.
- 4.1.12 An approved legal practice acknowledges it is an independent provider of legal services to the CLLAS applicant that they represent. The CLLAS, Legal Aid Queensland and Public Trustee of Queensland do not provide legal services to the applicant or the approved legal practice.
- 4.1.13 The CLLAS does not in any way warrant the competency or expertise of the approved legal practice to undertake legal representation on behalf of a CLLAS applicant.
- 4.1.14 The CLLAS may review the Panel of Approved Legal Practices at any time and remove an approved legal practice from the panel where the CLLAS, in its discretion, considers it reasonable to do so.
- 4.1.15 An applicant legal practice will not be entitled to claim compensation or loss from the CLLAS, Legal Aid Queensland and/or the Public Trustee of Queensland for any matter arising out of the application process, including (but not limited to) any failure by the CLLAS to comply with these application requirements.

4.1.16 An applicant legal practice will not be considered to be an approved legal practice until the legal practice has correctly completed and returned a *Confirmation of appointment form* to the CLLAS and the legal practice has been included on the CLLAS Panel of Approved Legal Practices. Attached at Annexure B is a copy of the *Confirmation of appointment form*.

5. Assessing applications

- 5.1.1 All applications for aid under the CLLAS are considered by Legal Aid Queensland and the Public Trustee of Queensland. Aid will be approved if both parties agree to the grant.
- 5.1.2 The Legal Aid Queensland chief executive officer or their delegate/nominee and the Public Trustee of Queensland or their delegate/nominee are jointly responsible for assessing and determining applications.
- 5.1.3 In the event there is a conflict of interest and/or duty by any party referred to in Clause 5.1.2, the party with no conflict will assess and determine the application in isolation.

6. Eligibility criteria for a grant of aid

6.1 Eligibility criteria

- 6.1.1 All applications must meet the following criteria:
- There is no grant of legal aid available to the applicant under Legal Aid Queensland eligible criteria.
 - The civil claim or action must be dealt within the Queensland Courts or Tribunals in accordance with the laws of Queensland.
 - The applicant must be represented by an approved legal practice.
 - The approved legal practice has agreed to speculate their professional fees.
 - The applicant meets the CLLAS means test.
 - The application meets the CLLAS merits test or comes within the scope of the public interest/test case criteria.
 - There are reasonable prospects of the CLLAS recovering outlays.

Priority is given to matters involving children or matters where, if not litigated, the applicant will lose their home or livelihood.

- 6.1.2 The CLLAS will not provide aid for the following types of litigation:
- environment impact/development claims
 - total and permanent disability compensation claims
 - motor vehicle property damage claims
 - class actions
 - family/defacto relationship property claims
 - claims solely under Commonwealth law.

- 6.1.3 Lawyers and counsel fees are not considered to be outlays and are not funded by the CLLAS except as provided for in this clause. At any time the CLLAS may require an opinion from counsel on quantum and liability. If the CLLAS requires an opinion to be obtained, the cost of the opinion may be considered to be an outlay and may be funded by the CLLAS at its discretion.
- 6.1.5 The CLLAS delegates/nominees may use their discretion to refuse any matter where budget constraints demand that different priorities are accorded and considered in the discharge of their responsibilities under the CLLAS.

6.2 Means Test

- 6.2.1 To qualify for a grant of aid under the CLLAS, an applicant must be financially eligible under Legal Aid Queensland's means test guidelines (which includes the special circumstances guidelines), except for the criteria relating to equity in their home.
- 6.2.2 Under the CLLAS, an applicant may have equity in their home of up to \$320,000.00 or such other amount as determined by Legal Aid Queensland and the Public Trustee of Queensland from time to time.
- 6.2.3 In some circumstances the means test may require an initial contribution to be paid by the applicant. The contribution is calculated in accordance with the initial contribution tables developed by Legal Aid Queensland. The initial contribution must be paid by the applicant and held in the trust account of the approved legal practice representing the applicant.
- 6.2.4 The initial contribution must be used by the approved legal practice representing the applicant to pay the whole or part of the outlays for which aid is approved by the CLLAS. Where an initial contribution is imposed, outlays up to the amount of the contribution must first be paid from the initial contribution held in trust by the approved legal practice. The approved legal practice must submit invoices for outlays funded from the initial contribution to allow the CLLAS to then commence payment once the initial contribution amount has been expended.
- 6.2.5 The applicant and the approved legal practice must notify the CLLAS of any change to the applicant's financial circumstances during the time that the grant of aid is active.

6.3 Merits Test

- 6.3.1 All applications are subject to a merits test.
- 6.3.2 Under the merits test consideration is given to:
- whether the claim or action 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 proposed claim or action or application for which a grant of aid is sought
 - the appropriateness of spending public funds having regard to the demand on the CLLAS and the limited resources available to fund applications
 - the nature and extent of any benefit that may accrue to the applicant, if aid is approved
 - any detriment that may be suffered by the applicant, if aid is refused
 - whether the expected quantum for the claim is more than \$20,000.00.

6.3.3 Aid may be granted where the CLLAS considers the applicant's claim or action has sufficient merit to justify aid being granted. Aid may be approved initially to investigate the claim after which time further aid may be considered.

6.4 Public interest/test cases

6.4.1 The CLLAS may consider funding for matters of public interest or test cases in certain circumstances. Consideration will be given to the appropriateness of spending public funds having regard to the demand on the CLLAS and the limited resources available to fund applications.

6.4.2 A public interest or test case is one where:

- the action involves an issue of broad public importance the determination of which will benefit the public in general or a section of the public or
- the matter deals with a legal issue previously untested but its determination could be applied for the benefit of other potential litigants.

7. Grants of aid

7.1.1 Where a grant of aid is approved by the CLLAS, Legal Aid Queensland will advise the applicant and approved legal practice by letter that a grant of aid has been made pursuant to Regulation 13 of the Public Trustee Regulation 2012. The letter will provide notice of the grant of aid and set out the conditions under which the grant of aid has been issued.

7.1.2 Aid is effective from the date the grant of aid is approved. The approval letter will confirm the effective date and the amount of the grant of aid up to a maximum fixed sum.

7.1.3 A report or other document that was funded under a grant of aid approved by the CLLAS may only be used by the applicant or approved legal practice:

- for the claim or action which is the subject of the CLLAS application or
- for any other claim or action with the prior written approval of the CLLAS.

7.1.4 Where a grant of aid for an outlay has been approved and paid by the CLLAS, the approved legal practice must provide to the CLLAS a copy of any document, report etc which is the subject of the payment.

7.1.5 The initial grant of aid for a matter is conditional on the applicant and approved legal practice signing a CLLAS Client Agreement and Acknowledgement agreeing to the conditions of the grant of aid. The grant of aid will not be paid and cannot be used until a signed *CLLAS Client Agreement and Acknowledgement* is returned to the CLLAS. Attached at Annexure C is a copy of the *CLLAS Client Agreement and Acknowledgement*.

7.1.6 Applicants and approved legal practices are responsible for any costs incurred prior to, or for, any amount exceeding the grant of aid. The CLLAS will not pay outlays:

- for any work or an account/invoice issued for work undertaken before the grant of aid was approved and/or
- for an amount over and above the approved grant

unless an application for retrospective aid is approved by the CLLAS.

- 7.1.7 Grants of aid are not provided retrospectively unless there are exceptional circumstances which led to the failure to apply for aid.
- 7.1.8 The scheme will consider requests for retrospective aid for outlays where an approved legal practice has had to incur an expenditure on an outlay as a matter of urgency to protect their client's interests or where there are exceptional circumstances which led to the failure to apply for aid prior to incurring expenditure.
- 7.1.9 An application for a retrospective grant of aid may be approved by the CLLAS where the approved legal practice has provided submissions setting out the exceptional circumstances.
- 7.1.10 Retrospective aid is not automatic. It will only be provided if the CLLAS considers it was reasonable the legal practice had to incur the outlay prior to obtaining a grant of aid.
- 7.1.11 Where aid is refused by the CLLAS, a letter will be issued from Legal Aid Queensland advising the applicant and the approved legal practice of the refusal and the grounds on which aid was refused.
- 7.1.12 There is no right of appeal to Legal Aid Queensland or the Public Trustee of Queensland on a refusal decision issued by the CLLAS. However, the CLLAS will reconsider any decision to refuse aid on receipt of new relevant information. If the CLLAS refuses an extension of aid the file remains open and CLLAS funds are to be reimbursed in accordance with Clause 9 — Recovery of Outlays.
- 7.1.13 A grant of aid under the CLLAS is granted in stages:
1. Outlays limited to establishing liability and causation.
 2. Outlays required to prepare a claim for, and enter into, settlement negotiations.
 3. Up to close of pleadings and preparing the matter for trial.
 4. Enter for trial and proceed to hearing.
- 7.1.14 If a matter progresses to mediation, the applicant's share of the mediator's fee is considered to be an outlay and may be funded by the CLLAS.
- 7.1.15 To determine an initial grant of aid or an extension of a grant of aid, copies of all relevant evidence including but not limited to medico legal reports, transcripts, and/or opinions of counsel or such other evidence requested by the CLLAS must be provided to the CLLAS by the applicant or the approved legal practice.
- 7.1.16 The applicant and the approved legal practice can apply for extensions of aid as a claim or action progresses within each stage. Ongoing merit will be reviewed as a claim or action progresses. Extensions of aid will only be approved if it is considered the claim or action continues to meet the eligibility criteria set out in Clause 6 of these guidelines.
- 7.1.17 An applicant and the approved legal practice will not be entitled to claim compensation or loss from the CLLAS, Legal Aid Queensland and/or the Public Trustee of Queensland for any matter arising out of the grants process, including (but not limited to) to a decision by the CLLAS to refuse an initial grant of aid or an extension of a grant of aid.

8. Variation or termination of aid

- 8.1.1 A decision to provide aid may be varied at any time by the CLLAS. The CLLAS may:
- terminate the provision of aid
 - alter the nature or extent of aid
 - make the provision of aid subject to a condition
 - alter a condition to which the provision of aid is subject.
- 8.1.2 A grant of aid may be varied, or terminated, on the following grounds:
- The information provided by the applicant and/or approved legal practice was materially inaccurate.
 - The applicant has refused to accept appropriate legal advice from the approved legal practice.
 - Due to a change in financial circumstances, the applicant no longer meets the means test under Clause 6.2 of these guidelines.
 - The application no longer meets the eligibility criteria under Clause 6 of these guidelines.
 - Any other matter, which at the CLLAS's discretion, is considered reasonable.
- 8.1.3 The CLLAS may take recovery action:
- against the applicant if aid is terminated as a result of the applicant:
 - providing materially inaccurate information or
 - refusing to accept appropriate legal advice from their approved legal practice
 - against the approved legal practice for providing materially inaccurate information.
- 8.1.4 An applicant and/or the approved legal practice will not be entitled to claim compensation or loss from the CLLAS, Legal Aid Queensland and/or the Public Trustee of Queensland for any matter arising out of a decision to vary or terminate the grant of aid.

9. Recovery of outlays

- 9.1.1 The applicant and the approved legal practice must refund to Legal Aid Queensland all grants of aid paid by the CLLAS on the successful outcome of the claim or action.
- 9.1.2 The applicant and the approved legal practice acknowledge that costs for outlays (including but not limited to court filing fees, medico legal reports etc) expended by the CLLAS must be refunded to CLLAS where such outlays were used to obtain a successful outcome of any claim or action, regardless of whether:
- that claim or action was the subject of the initial application for aid or any extensions of aid approved by CLLAS and/or
 - the claim or action was discontinued against an original respondent and/or
 - parties were added to or removed from a claim or action and/or
 - alternate/new claims/actions were commenced.

- 9.1.3 In accordance with the *CLLAS Client Agreement and Acknowledgement*, a refund of outlays funded by CLLAS must be made before any other distribution of monies received by the legal practice as a result of the claim or action. Where there is a successful outcome which includes payment of money, the applicant and the approved legal practice agree:
- the monies (including damages) are to be paid into the approved legal practice's trust account
 - an amount equal to all grants of aid disbursed by the CLLAS are refunded to the CLLAS
 - monies will not be disbursed to the applicant until after a refund of outlays has been made to the CLLAS
 - the approved legal practice will not exercise a lien in respect of the monies in priority to the obligation to refund the CLLAS.
- 9.1.4 If an applicant through the approved legal practice is unable to recover and enforce the settlement or order/judgment/recommendation of the claim or action, and is able to prove all reasonable recovery and enforcement action has been taken and has been unsuccessful, they shall advise the CLLAS of the full details of all action taken.
- 9.1.5 If a claim or action is unsuccessful or unenforceable, as provided in Clause 9.1.4 of these guidelines, the applicant and the approved legal practice are not required to refund the CLLAS.
- 9.1.6 In the event an order or award of costs is made against the applicant and/or the approved legal practice, no grant of aid for payment of such costs can be requested by the applicant or the approved legal practice or will be granted by the CLLAS.

10. Reporting

- 10.1.1 The approved legal practice must provide an update on the progress of the applicant's claim as requested by the CLLAS or, in the absence of a request, on a minimum six monthly basis.
- 10.1.2 A progress report is to provide:
- a brief update on the claim or action
 - confirmation the claim or action is ongoing
 - confirmation the claim or action continues to have reasonable prospects of success
 - confirmation of the likely costs to be further incurred by the CLLAS
 - confirmation the applicant's financial circumstances have not changed or provide details of any changes to the applicant's financial circumstances
 - details and copies of any significant new evidence since the previous progress report
 - acknowledgement of the CLLAS interest in the matter and the obligations on the applicant and the approved legal practice to refund CLLAS on the successful outcome of the claim or action.

10.1.3 The approved legal practice must immediately notify the CLLAS of:

- settlement of the claim or action
- determination by a court/tribunal or other entity
- the discontinuance of the claim or action
- the claim or action being discontinued against an original respondent
- additional and/or removal of any parties of the different respondent's claim or action
- the commencement of alternate/new claims/actions
- any other relevant change to the status of the claim or action.

The approved legal practice must provide full and frank details of the above.

10.1.4 The approved legal practice must immediately notify the CLLAS on becoming aware the claim or action no longer has prospects of success or the applicant's financial circumstances have changed.

10.1.5 Where a claim or action has been settled on a confidential basis, Legal Aid Queensland and the Public Trustee of Queensland agree to keep the information relating to the settlement confidential except for the purpose of administering the scheme and undertaking enforcement action to recover outlays.

11. Transfer

11.1.1 In the event the CLLAS applicant transfers to a new legal practice:

- the original legal practice must notify the CLLAS before the transfer takes place and provide details of the name, address and telephone number of the new legal practice
- the original legal practice will provide to the new legal practice a copy of the existing signed *CLLAS Client Agreement and Acknowledgement*
- the original legal practice will also provide to the new legal practice a new *CLLAS Client Agreement and Acknowledgement* and request the new form be completed by the legal practice and the CLLAS applicant and returned to the CLLAS
- the original legal practice must not release any documents funded by the CLLAS to the CLLAS applicant and/or the new legal practice without the prior written approval of the CLLAS.

11.1.2 The legal practices and the CLLAS applicant must acknowledge the CLLAS's interest and agree to refund the CLLAS should the claim or action be successful, by return of a new *CLLAS Client Agreement and Acknowledgement* signed by the CLLAS applicant and the new legal practice.

11.1.3 The CLLAS will not authorise the release of any documents funded by the CLLAS to the new legal practice until such time as the new legal practice and the CLLAS applicant return a newly completed and signed *CLLAS Client Agreement and Acknowledgement*.

11.1.4 The legal practices agree they will not hold or attempt to exercise a lien over any documents, reports or other materials funded by the CLLAS.

11.1.5 No further aid will be provided by the CLLAS while the applicant is represented by a non-approved legal practice.

- 11.1.6 When there is a change of legal practice, the legal practices involved will be required to settle between themselves the apportionment of costs for their respective legal fees upon conclusion of the claim or action.
- 11.1.7 It is agreed by the applicant and the approved legal practice that any grants of aid made and expended by the CLLAS, where there is a successful outcome, constitutes a debt payable by the applicant and the approved legal practice to the CLLAS.
- 11.1.8 Any costs involved with the transfer of the claim or action are not outlays that will be funded by the CLLAS.

12. Responsibility

- 12.1.1 It is the responsibility of the CLLAS applicant's approved legal practice to ensure:
- the CLLAS applicant is aware of and understands the contents of the CLLAS Guidelines as amended from time to time
 - the CLLAS applicant has read, or had read to them, the *CLLAS Client Agreement and Acknowledgement* referred to in Clause 7.1.5 of the CLLAS Guidelines
 - the CLLAS applicant has signed the *CLLAS Client Agreement and Acknowledgement*
 - the completed *CLLAS Client Agreement and Acknowledgement* is returned to the CLLAS.
- 12.1.2 A principal of the approved legal practice is to sign and return to the CLLAS, the Legal Practice Principal's Acknowledgement section of the *CLLAS Client Agreement and Acknowledgement*.
- 12.1.3 No outlays will be paid under a grant of aid until the *CLLAS Client Agreement and Acknowledgement* signed by both the applicant and a principal of the approved legal practice has been returned to the CLLAS.

Annexures

- A. *CLLAS Approved Legal Practice Panel selection criteria*
- B. *CLLAS Confirmation of appointment of approved legal practice*
- C. *CLLAS Client Agreement and Acknowledgement*

Approved Legal Practice Panel selection criteria

Set out below is the selection criteria which should be addressed in your application for appointment to the Civil Law Legal Aid Scheme's (CLLAS) Panel of Approved Legal Practices.

1. The legal practice has a nominated principal who has a minimum of three (3) years current experience and practice in the area of civil litigation (a copy of the current practicing certificate of the principal to be provided).
2. The legal practice has established an adequate supervisory program if the conduct of any matter or any part of a matter is to be performed by anyone other than the nominated principal (provide details).
3. The legal practice must have in place systems and procedures that will ensure compliance with professional and ethical rules.
4. The legal practice must be registered for GST with the Australian Taxation Office (provide confirmation of registration).
5. The legal practice must have functioning telephone and computer facilities that will enable electronic communication with the CLLAS.
6. The legal practice must undertake matters on a speculative basis.
7. The legal practice agrees it will not hold or attempt to exercise a lien over any documents, reports or other materials funded by the CLLAS.
8. The legal practice must have a commitment to seeking an early resolution of the matter by negotiation and alternate dispute resolution processes.
9. The legal practice must undertake that all grants of aid approved and paid by the CLLAS will be reimbursed by the legal practice on the successful outcome of the claim or action in accordance with the CLLAS Guidelines.
10. The legal practice will consider referrals of unrepresented CLLAS applicants in acknowledged areas of practice (the paragraph below that asks for your legal practice to indicate the areas of civil litigation that your legal practice specialises in).
11. The legal practice must demonstrate they are familiar with and have in place systems and procedures that will ensure compliance with the CLLAS Guidelines as amended from time to time.

Practitioners are requested to indicate their acceptance to the above conditions and provide details as requested in paragraphs 1 to 11.

Please provide details of specific areas of civil litigation your legal practice specialises in and is willing to consider referrals for (ie motor vehicle personal injury, person injury (non health care), person injury (health care), professional negligence, property damage, wills/estate/survivorship, wrongful dismissal, public interest/test case and other).

Please indicate if your legal practice is willing to provide free initial consultation for clients who are referred to your legal practice by the CLLAS.

Further information about the CLLAS is available from the Legal Aid Queensland website at www.legalaid.qld.gov.au.

Please contact the Civil Law Legal Aid Scheme coordinator on 3238 3486 if you have any concerns or questions regarding the selection criteria.

Confirmation of appointment of approved legal practice

I, _____ of the legal practice of _____
(Principal - please print) (Name of legal practice - please print)

Hereby confirm the intention of _____
(Name of legal practice - please print)
to be on the Civil Law Legal Aid Scheme's (CLLAS) Panel of Approved Legal Practices.

I acknowledge and agree:

1. The legal practice has a nominated principal who has a minimum of three (3) years current experience and practice in the area of civil litigation.
2. The legal practice has established an adequate supervisory program if the conduct of any matter or any part of a matter is to be performed by anyone other than the nominated principal.
3. The legal practice has in place systems and procedures that will ensure compliance with professional and ethical rules.
4. The legal practice is registered for GST with the Australian Taxation Office.
5. The legal practice has a functioning telephone and computer facilities that will enable electronic communication with the CLLAS.
6. The legal practice will undertake matters on a speculative basis.
7. The legal practice agrees it will not hold or attempt to exercise a lien over any documents, reports or other materials funded by the CLLAS.
8. The legal practice has a commitment to seeking an early resolution of the matter by negotiation and alternate dispute resolution processes.
9. The legal practice undertakes that all grants of aid approved and paid by the CLLAS will be reimbursed by the legal practice on the successful outcome of the claim or action in accordance with the CLLAS Guidelines.
10. The legal practice will consider referrals of unrepresented CLLAS applicants in acknowledged areas of practice.
11. The legal practice is familiar with and has in place systems and procedures that will ensure compliance with the CLLAS Guidelines as amended from time to time.





I was admitted to practice as a solicitor or lawyer of the Supreme Court of Queensland on _____
and have the required three years current experience and practice in the following areas of civil law:

- Motor vehicle personal injury Personal injury (non health care) Personal injury (health care)
 Professional negligence Property damage (non motor vehicle) Wills/estate/survivorship
 Wrongful dismissal Public interest/test cases/other Other – please specify

As the principal of this legal practice responsible for the conduct of any matter funded by the CLLAS, I agree to supervise the carriage of any matter which may be entrusted to another principal and/or employee of the legal practice.

Principal's signature

Date



Client Agreement and Acknowledgement

1. I acknowledge I have been granted aid for my claim or action by the Civil Law Legal Aid Scheme (CLLAS) and all outlays funded by the CLLAS are paid by the Public Trustee of Queensland.
2. I acknowledge the grant of aid is being administered by Legal Aid Queensland as delegate and agent of the Public Trustee of Queensland and that all future correspondence in relation to my action will be between Legal Aid Queensland, my legal practice and/or myself.
3. I acknowledge the grant of aid is subject to the CLLAS Guidelines which have been made known to me by my legal practice and I undertake to abide by those guidelines.
4. I will immediately notify Legal Aid Queensland:
 - a. if there is any change in my financial or other circumstances set out in the CLLAS application for legal assistance
 - b. if I become aware of any other information which is likely to affect my entitlement to this grant of aid
 - c. of the results of any settlement negotiations or orders/judgments/recommendations of a tribunal/court or other entity in relation to my claim or action.
5. I agree to pay to my legal practice's trust account any initial contribution imposed as a condition of the grant of aid. The amount paid as an initial contribution is to pay the whole or part of the outlays for which aid is approved by the CLLAS. I agree my legal practice is to use that initial contribution towards outlays for which a grant of aid is approved by the CLLAS.
6. I agree if I succeed in this claim or action or if my right to property or any other assets is preserved, I am to refund to Legal Aid Queensland all grants of aid paid by the CLLAS, and to pay all other costs and outlays incurred on my behalf in this claim or action by my legal practice according to the appropriate scale of fees including proper counsel's fees, as if I had not been assisted under the CLLAS.
7. If a court/tribunal or other entity orders I should pay the costs of any other party to the proceedings, I agree I cannot make a claim for those costs either from Legal Aid Queensland or the Public Trustee of Queensland and that I am responsible for meeting those costs.
8. If the CLLAS grant of aid is terminated because:
 - of misinformation on my part
 - I refuse to accept the legal advice provided by my legal practice
 - of misbehaviour on my part

I agree my legal practice, Legal Aid Queensland and/or the Public Trustee of Queensland is entitled to recover from me all costs and outlays incurred by them.

9. I acknowledge it is my responsibility to pay all outlays and legal costs which I have incurred prior to the grant of aid or which are not funded by a grant of aid by the CLLAS.
10. This document constitutes an irrevocable authority authorising my legal practice, or any subsequent legal practice acting for me, to refund to Legal Aid Queensland all grants of aid paid by the CLLAS from monies received by my legal practice as a result of my claim or action and that this refund is to be made prior to any other distribution of monies.



11. I agree that should my claim or action be unsuccessful, I will not be liable to pay to my legal practice any costs or professional fees nor refund to Legal Aid Queensland all grants of aid paid by the CLLAS.
12. I agree that should the action be wholly or partly successful and I recover or preserve funds or property, then I am liable to refund to Legal Aid Queensland all grants of aid paid by the CLLAS on my behalf in accordance with the CLLAS Guidelines.
13. I irrevocably authorise my legal practice to provide information, settlement details, reports and opinions that may be or have been obtained on my behalf in relation to my claim or action to Legal Aid Queensland in accordance with the CLLAS Guidelines.
14. I agree that any monies paid under a grant of aid or refunded to Queensland at the successful conclusion of my claim may include GST.
15. I have read and understood the contents of this document and where necessary, the issues have been explained to me by my legal practice.

Dated the ____ day of _____ 20 ____

Applicant's signature

Print name

Acknowledgement by Legal Practice Principal

1. I undertake I will abide by the CLLAS Guidelines as amended from time to time.
2. I undertake I will notify the CLLAS coordinator of any change to the status of this claim or action in accordance with the CLLAS Guidelines (ie the claim or action settles, is determined by a court/tribunal or other entity, discontinues or transfers to another legal practice).
3. On the successful outcome of the claim or action, I undertake to discharge my client's obligation to refund any money owed under the CLLAS to Legal Aid Queensland prior to any other disbursement being made.
4. I acknowledge my legal practice's undertaking to guarantee the refund of any outlays paid by the CLLAS in accordance with Clause 9 of the CLLAS Guidelines.

Principal's signature

Print name (Principal)

Date _____

