

Pro Bono Referral Service

APPLICATION FORM – INDIVIDUALS

What is the Pro Bono Referral Service?

Supported by the Law Society of Tasmania, the Referral Service is aimed at matching people and organisations that are in genuine need of legal help from a lawyer who is able to assist.

Who can apply?

Individuals and some organisations can apply for assistance from the scheme. Eligible organisations include 'not for profit' or community groups whose purpose is primarily charitable and that can demonstrate an appropriate financial need.

Assessment Process

All applications will be assessed initially against the **Eligibility Criteria** set out below. Some Applicants may be interviewed to clarify any issues that arose from the **Initial Assessment** and to review any documentation provided with the application. Please note, no legal assistance or advice will be provided at such interviews. An application may be refused at this stage of the process if it fails to satisfy the **Eligibility Criteria**.

If the application satisfies the **Initial Assessment**, it is then referred for **Final Assessment** to the **Assessment Panel** which will comprise a rotating panel of three members. Once your application has been assessed, the Referral Service will notify you of the result by post. Please tell your interviewer if you require an urgent response.

If the **Assessment Panel** accepts the application, it will be referred to a solicitor or barrister as appropriate. It is then up to the applicant and the lawyer to determine the administrative and financial arrangements. Please be aware that some pro bono lawyers may charge a client for expenses. The Referral Service encourages lawyers accepting referrals to limit strictly any charges passed onto the client.

If a lawyer accepts your matter, he or she will contact you directly and make arrangements to act for you.

The Referral Service cannot guarantee it can find a lawyer who is prepared to act in every matter.

Confidentiality

The Law Society and the Referral Service will treat all information provided by applicants as confidential. The Law Society and the Referral Service may discuss the application with one or more lawyers, for example, when determining to whom the matter should be referred.

The application and related documents will be kept by the Referral Service during the assessment process. Once the application has been accepted or declined, the application (and supporting documentation) will either be forwarded to the lawyer the application has been referred to, or returned to the applicant.

Eligibility Criteria

Types of Matters

The Referral Service will attempt to assist applicants in two types of matters:

- 'public interest' law matters that affect a significant number of people or that raise a matter of broad public concern, which should be addressed for the common good; and
- 'private interest' law matters that have reasonable prospects of success.

Eligibility Threshold

For individuals the eligibility threshold may be satisfied in the case of person:

- for whom a lack of legal representation would result in a serious injustice or an otherwise significant detrimental outcome; and
- who has been refused a grant of legal aid or whose matter is not one for which legal aid is available; and
- whose gross income and assets are not greater than the threshold set by the Legal Aid Commission of Tasmania to be eligible for a grant of legal aid, or
- who, despite not satisfying the gross income and asset test above, is a person the Referral Service nevertheless considers should be assisted because the applicant's financial or other circumstances prevent him or her being able to obtain the requisite legal assistance, or the provision of pro bono assistance would be in the public interest.

Matters to Consider

The Referral Service will need to exercise its discretion in applying the eligibility threshold. Among other matters, the Referral Service may take account of an applicant's necessary and significant expenditure in determining an applicant's eligibility for assistance. Examples of such expenditure may include large child support payments, rental payments or child care fees.

When exercising its discretion to accept or reject an application for assistance, the Referral Service will apply the criteria set out above and consider the following factors:

- Where the matter involves litigation:
 - whether the proposed litigation has reasonable prospects of success; and
 - whether an ordinarily prudent self-funding litigant would risk his/her own resources, including money, in these circumstances;
- Where the matter does not involve litigation:
 - the matter must have reasonable prospects of being achieved or completed (ie the possible benefit to the applicant of obtaining pro bono assistance should be weighed against the likely costs of taking on the matter); and
 - the matter warrants the allocation of scarce pro bono resources?

Final Decision

The decision to refuse or accept an application is at the sole discretion of the Referral Service. In particular, the Referral Service maintains the right to refuse an application in circumstances where an applicant:

- has already had an application about the same matter considered by the Referral Service;
- has already obtained legal advice, particularly where the applicant refuses to provide that advice to the Referral Service in his or her application.

Please cross out any sections that do not apply or enter "N/A".

| 1. Personal Details: | |
|--|--|
| Surname: | |
| Given names: | |
| Address: | Post Code: |
| Date of birth: | |
| Telephone Numbers: | Home: Work: |
| | Mobile: Fax: |
| Email address: | |
| Occupation: | |
| Employer: | |
| Marital status: | <input type="checkbox"/> Married <input type="checkbox"/> Not Married <input type="checkbox"/> De facto <input type="checkbox"/> Separated |
| Name of spouse or partner: | Surname: |
| | Given names: |
| Number and age of dependents: | 1. |
| | 2. |
| | 3. |
| | 4. |
| Name and Address of any Financially Associated Person* | Surname: |
| | Given names: |
| | Address: |
| | Relationship to You: |
| | <p>*A Financially Associated Person includes someone from whom you usually receive financial support; someone with whom you reside; someone to whom you usually provide financial support; or someone who could reasonably be expected to financially assist you in obtaining legal services.</p> <p>Examples include a relative, parent, partner, spouse, trust, corporation or group.</p> |
| Do you require an interpreter? | <input type="checkbox"/> Yes (please specify what language) <input type="checkbox"/> No |

A copy of the income threshold set by the Legal Aid Commission of Tasmania can be found at www.legalaid.tas.gov.au or telephone (03) 6236 3800.

Examples of liabilities and weekly expenditure include child support payments made by you, child care fees, the weekly rent or mortgage payments you pay in respect of the home in which you live, credit card payments, personal loans and any other significant weekly expenditure you incur.

| Item | Weekly amount |
|-----------------------------------|---------------|
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| | \$ |
| Total average weekly expenditure: | \$ |

3. Asset Details

Housing

If you or a Financially Associated Person own or are paying off the home that you live in:

What is the value of your home?

What is the mortgage (amount owing) on the home?

If you or a Financially Associated Person own or are paying off any other real estate apart from the home you currently live in:

What is the value of this other real estate?

What is the mortgage (amount owing) on this other real estate?

Motor Vehicle

If you or a Financially Associated Person own or are paying off any motor vehicle/s what is the estimated value of the motor vehicle/s less any monies owing?

Other Assets

Please complete the following table stating what assets (e.g.: rental properties, boats, caravans, stocks and shares, cash in bank accounts) you own and how much they are worth. If you own an asset jointly with another person, or own part of an asset, only state the value of your share of the asset unless that person is a Financially Associated Person. If owned by a Financially Associated Person please state full value of the asset.

Do not include household furniture, effects and tools of trade

| Asset | Details | Value |
|-------|---------|-------|
| | | \$ |

| | | |
|--|--|----|
| | | \$ |
| | | \$ |
| | | \$ |

4. Details of Financial Resources

Are you a beneficiary of any trust? Yes No

If yes, please provide details:

.....

Please list details of any other financial resources you have or have access to:

.....

5. Details of any current proceedings (if applicable)

Have you commenced a Court action against any person or organisation? Yes No

Have any person or organisation commenced a court action against you? Yes No

(If yes, please answer the following questions)

Number of the Court action (e.g. No 101 of 2009): _____

Year of the action: _____

The Court the matter is being heard in:

- Federal Court of Australia Family Court of Australia
Federal Circuit Court of Australia Supreme Court of Tasmania
Magistrates Court of Tasmania Other:

Please provide details of all other person(s) or organisation(s) affected by, or involved with, the matter: (Attach additional page(s) if insufficient space provided.)

| Name | Role (*Plaintiff, Applicant, Defendant, Respondent, other) | Name of their solicitor (if known) | Relationship to you (if applicable) |
|------|--|------------------------------------|-------------------------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |

Name of any lawyers currently acting for you:

Please provide a brief explanation of why the lawyers named above are not able to represent you in the matter that is the subject of this application. (add more pages if required)

.....

.....
.....
.....
.....
.....
.....

***Plaintiff/Applicant** – the person initiating the Court Action ***Defendant/Respondent** – the person defending or responding to the Court Action

Next Court date: _____ / _____ / _____

Is there any other urgency in the matter such as filing deadlines or compliance with a Court order by a certain date?

Are you likely to receive any money from the Court action? Yes No

If so, how much do you estimate you will receive: \$ _____

List any time limits for this matter of which you are aware:.....

6. Details of the Help You Want

Please provide a brief description of what legal representation or assistance you need:
.....
.....
.....
.....
.....
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.....
.....
.....
.....

You may attach any documentary evidence available to you that you believe supports your case.

Notes: Providing the following information and attaching explanatory or supporting documentation will assist the Referral Service to assess your application.

However, while the Referral Service will treat the information you provide as confidential, it is not able to claim legal professional privilege in relation to that information. This means that while the Referral Service holds your information it could be compelled to present some or all of your information to a court for use in legal proceedings against you or another person. The Referral Service will hold your information until it has assessed your application and either referred your matter to a lawyer or returned the information to you.

7. Help You Have Already Tried to Obtain

Have you seen a lawyer about this matter before? Yes No

If you have answered "Yes", you will also need to complete and sign an Authority to Release Information form for **each** lawyer/law firm who you have consulted about this matter and attach to your application (see page 11)

Please list the name of the lawyer and the name of the law firm

.....

When did you see the lawyer?

.....

Is there a lawyer still currently acting for you in relation to this matter?

.....

What was the advice you received? If written advice, please provide a copy of the advice or any other documents provide by the lawyer.

What was the result of any action you took following the advice from the lawyer?

Did you apply for a grant of Legal Aid in respect of this matter or any other current matter?

Yes No

Have you been granted Legal Aid in relation to this matter? Yes No

(If yes, please provide details of the amounts of any grant received)

.....

.....

If no, please state the date of refusal: _____ / _____ / _____

If no, was Legal Aid refused because of :

- Lack of merit your financial situation lack of funds
 Matter type not within Legal Aid's guidelines Other (please specify)

If you have been granted Legal Aid for this matter, please state why you are also applying to the Referral Service for assistance:

.....

.....

If Legal Aid was refused due to a lack of funds, what was the waiting period and have you reapplied?

| | |
|---|--|
| | |
| | |
| Are you an Aboriginal or Torres Strait Islander? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Did you apply for assistance from the Aboriginal Legal Service in respect of this matter or any other current matter? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| What assistance did they provide? | |
| Why are they unable to assist you further: | |
| <input type="checkbox"/> Lack of merit | <input type="checkbox"/> your financial situation |
| <input type="checkbox"/> Lack of resources | <input type="checkbox"/> Other (please specify) |
| Have you sought assistance from any other community legal services? | |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If so which one? | |
| What assistance did they provide? | |
| Why are they unable to assist you further: | |
| <input type="checkbox"/> Lack of merit | <input type="checkbox"/> your financial situation |
| <input type="checkbox"/> Lack of resources | <input type="checkbox"/> Other (please specify) |
| 8. Checklist | |
| I have completed the application form. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have completed the acknowledgement and declarations in section 10 and the Statutory Declaration in section 11. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| If employed I have attached photocopies of my 3 most recent pay slips and those of any Financially Associated Person OR my 3 most recent statements of benefits if not employed | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have attached copies of any Legal Aid documentation and correspondence. This includes letters advising Legal Aid will or will not be granted. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have attached copies of any Court documents filed to date in respect of the matter. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have signed authorities for each lawyer or past firm to release information about me and my matter | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have attached any other documents or correspondence relating to the subject matter of the application. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have read, understood and signed the acknowledgments and authority sections 10 and 11. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have answered the "Feedback " section (section 9). | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| I have initialled each page of the application | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Notes: | |
| The Law Society may be able to photocopy the documents relevant to Referral Service applications. You should | |

number each page of any attached documentation.

9. Feedback

How did you hear about the Referral Service?

The Society would like to monitor the progress of and obtain feedback on the Referral Service. Please indicate by ticking the box that you would be willing for the Society to contact you to participate in a one-off survey.

Yes No

10: Acknowledgments and Declarations by You

I acknowledge, understand and agree that:

- 1 the information contained in this form is correct and I have been given and I have read the Law Society of Tasmania's Privacy Policy and agree to the Referral Service managing my personal information in accordance with its policies as issued from time to time;
- 2 the Law Society of Tasmania Referral Service does not grant assistance to applicants but merely acts as an intermediary between the public and the legal profession;
- 3 while it is the intention of the Referral Service that the lawyer to whom I am referred conducts my matter on a pro bono basis, it is my responsibility to negotiate the precise terms (including any terms requiring payment by me for disbursements or other costs) upon which I engage any lawyer introduced to me by the Pro Bono Referral Service;
- 4 I shall have no right of action against the Referral Service or the Law Society of Tasmania in any event arising from this application, its assessment and/or its referral by the Referral Service;
- 5 I am aware of any time limits that apply to the matter for which I have applied to the Referral Service and I will take the steps necessary to protect my interests and will not harm or prejudice those interests by awaiting a decision of the Pro Bono Referral Service;
- 6 while the Referral Service possesses the information in, or provided with my application, the Referral Service could be compelled to present some or all of that information to a court for use in legal proceedings against me or another person;
- 7 I understand that if I have provided false or incomplete information or failed to provide documents requested, my application may be refused;
- 8 the Referral Service has no legal responsibility or liability to me where my application is declined by the Referral Service or my application is referred to a member law firm or barrister. In this case I authorise the member firm or barrister to report to the Pro Bono Referral Service on the status, progress and outcome of the matter on a confidential basis and without waiving any legal professional or other privilege, but to enable Referral Service to monitor its referral programme.

I hereby authorise the Referral Service to:

1. provide any information set out in, or provided with this application to:
 - any person assisting the Referral Service to assess my application for assistance;
 - any lawyer that the Referral Service considers may agree to act for me, to enable that lawyer to decide whether he or she will act for me, and
2. retain my application, copies of any documents supplied in connection with my application and my name and contact details for its records.
3. Collect and collate all documents necessary to assess whether or not this matter complies with the Pro Bono Referral Service guidelines;
4. receive, request and transfer personal information and documentation in relation to me for the purpose of providing assistance without waiving any legal professional privilege;
5. use my personal information to compile statistical data for the purpose of analysing and evaluating Pro Bono Referral Service services;
6. give this information to member law firms and barristers and other organisations for the purpose of assessing my eligibility for assistance, providing assistance and reporting; and
7. destroy my file and all documents contained within it **12 months** after it has been closed

11. Statutory Declaration by You

Ido solemnly and sincerely declare that all the information and statements made in this application and any supporting documentation is true, complete and correct in all respects.

I make this solemn declaration pursuant to the *Oaths Act 2001*.

Declared at.....this day of

Before Me:

Commissioner for Declarations/Justice of the Peace

You must complete this section if you have or have had a lawyer acting for you regarding the matter for which you are seeking Pro Bono Assistance

12. Authority to Release Information

To:

(Name of lawyer/law firm)

I.....of.....
have made an application for legal assistance to the Law Society of Tasmania Referral Service and I hereby request and authorise you to release to the Referral Service, or any person assisting the Referral Service, any information you may hold about any legal matters relevant to my application about which I have consulted or taken advice from you including by discussing my legal matters and my application and by providing copies of any documents you hold on my behalf or in relation to my matter.

Signed:

Date:

Law Society of Tasmania Pro Bono Referral Service Privacy Policy

The Law Society of Tasmania Pro Bono Referral Service recognises the importance of your privacy and understands your concerns about the security of your personal information. This privacy policy describes generally how we manage your personal information and safeguard your privacy.

We aim to ensure that your privacy is protected when using our service; any personal information we collect is up to date; and you are able to gain access to your information if you wish. You consent to our privacy policy by signing this Application Form.

The National Privacy Principles

From 21 December 2001, most private sector organisations in Australia must by law comply with the Australian Privacy Principles ("NPPs") pursuant to the *Privacy Act 1988* (Cth). We are bound by the NPPs.

Collecting personal information about you

We only collect personal information that is necessary for us to perform our functions. If you do not provide us with this information it is unlikely your matter will be accepted by a member law firm. The kinds of personal information we collect and hold will depend upon the services you request from us. However it may include information you give us when you request a service from us - this information will include your name, address and contact details; information about individuals we collect in the course of assessing your application and compiling a brief for referral; communications between us and you and information that may be sensitive, for example, any other legal matters you are or have been involved in.

.....
Your Signature (Applicant for Pro Bono Assistance)

_____ / _____ / _____

.....
Name (please print)

**Please return completed application with supporting documents to:
The Law Society of Tasmania, GPO BOX 1133, Hobart 7001**