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Adelaide SA 5005

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## **Pro Bono Legal Assistance Referral Scheme**

### **APPLICATION FORM**

## APPLICATION INFORMATION

### **What does JusticeNet do?**

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JusticeNet SA Inc. co-ordinates the provision of pro bono (free) legal assistance to eligible members of the community who are unable to obtain legal assistance through other means.

### **Am I eligible for legal assistance?**

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JusticeNet will attempt to locate a pro bono legal services provider for applicants who meet the following criteria:

- you have insufficient means to afford requisite legal services without undue hardship; and
- you are an individual or a not-for-profit organisation whose purpose(s) is primarily charitable; and
- You have a problem requiring a legal remedy for which:
  - There are reasonable prospects of a successful outcome; and
  - The applicant would suffer significant injustice if not legally represented; or
  - The matter concerns an issue of public interest; and
- You are unable to obtain the requisite services from an alternative legal services provider, particularly the Legal Services Commission, a community legal centre or the Litigation Assistance Fund / Disbursements Only Fund; and
- The matter is of such a nature that you could not reasonably be expected to self-represent;
- The assessing committee considers in all the circumstances that the matter would be an appropriate use of available pro bono legal resources.

JusticeNet, in its absolute discretion, may also provide assistance in exceptional circumstances to applicants who do not meet the above criteria.

### **Do I have a right to obtain assistance?**

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JusticeNet provides pro bono assistance on a discretionary basis and there is no automatic right to assistance. Although we would like to assist every eligible applicant we are not in a position to do so as the demand for pro bono legal assistance far exceeds its availability.

### **How do I apply?**

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Step 1: Complete the application form.

Step 2: Enclose with the application form copies of all relevant information and supporting documentation.

Step 3: Return the form to JusticeNet at:

*JusticeNet SA Inc.  
Ligertwood Building  
North Terrace  
University of Adelaide  
Adelaide SA 5005*

If you require assistance completing the Application Form, please contact JusticeNet.

### **Is my application confidential?**

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All information provided by you to JusticeNet will be kept confidential, subject to such disclosure as may be necessary for the purposes of assessing and referring your matter to a lawyer.

### **What happens when I apply?**

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JusticeNet will acknowledge receipt of your application and assess your matter against our eligibility criteria (see above: “**Am I eligible for legal assistance?**”).

If eligible, we will endeavour to refer your matter to a lawyer for pro bono assistance, and notify you in writing of the outcome.

If unsuccessful, or if we are unable to refer your matter, we will notify you and suggest other services which may be able to assist you.

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**What sort of legal assistance is provided?**

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JusticeNet arranges for member lawyers to provide legal assistance in most areas, and subject to the availability of lawyers with expertise in the relevant area of law.

The legal assistance ranges from providing advice to representation in court.

In some cases, the assistance JusticeNet is able to arrange may be limited in scope from the assistance requested in your application.

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**Do JusticeNet staff provide legal advice?**

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No. JusticeNet itself does not provide legal advice or perform any type of legal work on your behalf. JusticeNet staff do not act as your lawyer.

JusticeNet does not take responsibility for time constraints in connection with your matter.

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**Do any fees apply?**

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The assessment of your application by JusticeNet is free. If successful, JusticeNet will refer your matter to a lawyer on a pro bono basis that is that is, you will not be required to pay any fees for legal services provided.

In some cases your lawyer may reserve the right to charge you fees in certain circumstances. This can only occur by agreement between you and your lawyer. The agreement should be in writing and signed by both you and the lawyer.

The most common types of fee agreements are:

- no fee, regardless of the outcome of the case;
- reduced fee basis; or
- conditional basis, where you pay the lawyer an agreed fee if you are successful and the other party is ordered by a court or tribunal to pay legal costs.

Usually you are responsible for any out-of-pocket expenses (disbursements) that arise during your matter. These expenses include filing fees for documents, court or tribunal daily sitting fees, interpreters' fees, experts' fees, cost of transcripts and travel expenses.

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**Will there be any costs if I lose my case?**

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If your matter is in a Court or Tribunal and you lose your case, the Court or Tribunal may order that you pay the other party's legal costs. These costs are your responsibility and are not covered by JusticeNet or your lawyer.

For more information, please visit JusticeNet's website at [www.justicenet.org.au](http://www.justicenet.org.au) or call JusticeNet on (08) 8303 5005 or email [info@justice.net.org.au](mailto:info@justice.net.org.au).

# APPLICATION FORM

## 1. Contact details

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Name \_\_\_\_\_ Date of Birth \_\_\_\_\_  
Address \_\_\_\_\_  
Town/suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Postal Address (if different from above) \_\_\_\_\_

### Contact Numbers and Email (please provide at least one)

Work \_\_\_\_\_ Home \_\_\_\_\_  
Mobile \_\_\_\_\_ Email address \_\_\_\_\_

## 2. How did you hear about JusticeNet?

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(please mark one box)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Friend, relative or colleague | <input type="checkbox"/> Community Legal Centre         | <input type="checkbox"/> Court/tribunal staff |
| <input type="checkbox"/> Member of Parliament          | <input type="checkbox"/> Law Society of South Australia | <input type="checkbox"/> Law Firm             |
| <input type="checkbox"/> JusticeNet website/newsletter | <input type="checkbox"/> Legal Services Commission      | <input type="checkbox"/> SA Bar Association   |
| <input type="checkbox"/> Other (please specify) _____  |   |   |

## 3. Has a lawyer acted for you in this matter?

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Yes       No

If yes, please provide details about your lawyer:

Lawyer's name \_\_\_\_\_ Phone \_\_\_\_\_  
Firm/Organisation \_\_\_\_\_  
Address \_\_\_\_\_  
Town/Suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Did the lawyer assist you:

For free       For reduced fee       For full fee

Why is the lawyer no longer assisting you?

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If you have received previous legal advice about your matter, please attach copies of any relevant advice.

**4. Have you sought assistance from a Community Legal Centre in relation to this matter?**

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Yes  No

If yes, who did you contact and what assistance did you receive?

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**5. Have you applied for legal aid from the Legal Services Commission?**

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Yes  No

If no, why not?

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(a) Was legal aid granted or refused?

Granted  Refused

(b) If legal aid was refused, what were the grounds for refusal?

Merit  Financial  Guidelines  
 Other (please specify) \_\_\_\_\_

(c) Have you appealed the decision?

Yes  No

(d) If your appeal was unsuccessful, have you sought an independent review of the decision?

Yes  No

**Please provide a copy of the refusal letter (if any) from Legal Aid**



(c) Are there any current legal proceedings regarding your matter?

Yes       No

If yes, when is the next court or tribunal date? \_\_\_\_\_

Which court or tribunal? \_\_\_\_\_

What is the location of the court or tribunal? \_\_\_\_\_

What is the type of hearing? \_\_\_\_\_

(For example, mention, directions, conference, mediation, contested hearing, trial, appeal)

(d) Please list the other parties involved and, if they are represented, provide the names and contact details of their lawyer(s).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**(e) Time Limits**

Is there anything that needs to be done immediately? (For example, has a court or tribunal ordered you to take a particular action by a certain date? Are there any limitation dates, filing deadlines and so on that you are aware of?)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Financial Circumstances - Individuals**

**This section is only to be completed by individual applicants.**

(a) Are you currently employed?

Yes       No

If no, when did you last work in paid employment? \_\_\_\_\_

If yes, are you working:

Full time       Part Time       Casual       Other

What is your role? \_\_\_\_\_

What is the name of your employer/business? \_\_\_\_\_

(b) Are you receiving any government benefits?

Yes                       No

If yes, please select the benefit you are receiving:

<input type="checkbox"/> Aged Pension	<input type="checkbox"/> Austudy/Abstudy	<input type="checkbox"/> Newstart Allowance
<input type="checkbox"/> Parenting Payment Single	<input type="checkbox"/> Parenting Payment Partnered	<input type="checkbox"/> Sickness Benefit
<input type="checkbox"/> Youth Allowance	<input type="checkbox"/> Other (please specify) _____	

(c) Please provide details of YOUR income

Total taxable income last financial year	\$ _____
Source of that income (eg paid work, government benefit, etc)	_____
Current weekly income (after tax)	\$ _____

(d) Do you have any dependants?

Yes                       No

If yes, please provide details:

\_\_\_\_\_

(e) Do you receive financial support from any other person?

Yes                       No

If yes, who do you receive financial support from? (for example, spouse, partner, child, other relatives)

\_\_\_\_\_

Please provide details of the SUPPORTING PERSON'S income:

Total taxable income last financial year	\$ _____
Source of that income (eg paid work, government benefit, etc)	_____
Current weekly income (after tax)	\$ _____

(f) Assets

Do you own any assets, either by yourself or jointly, or have any interest in any assets? (For example: a home, other real estate, motor vehicle, cash in bank accounts or trusts, shares or other assets of significant value).

Yes                       No

If yes, please provide details of these assets:

Asset	\$ Value	\$ Owing	Owned by
	\$	\$	
	\$	\$	
	\$	\$	
	\$	\$	

(g) Do you have any debts?

Yes                       No

If yes, please provide details of these debts:

(For example, mortgage, credit card debts, bank loan, car loan)

Debt	\$ Owing	Owed to
	\$	
	\$	
	\$	
	\$	

Please note that we may require further information about your financial circumstances or your supporting person's finances to properly assess whether pro bono assistance is appropriate in your matter.

## 7. Financial Circumstances - Organisations

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**This section is only to be completed by organisation applicants.**

(a) What is the source of your funding? \_\_\_\_\_

(b) Is there a written funding agreement?

Yes                       No

If yes, please provide a copy. If no, what is the amount of your annual funding? \_\_\_\_\_

Please provide a copy of:

- Your organisation's last annual report;
- Your rules, constitution or articles of association; and
- The names of the members of your management committee.

## **Applicant's declaration and authority to obtain and disclose information**

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I (name)

of (home address)

authorise JusticeNet SA Inc. to

- i. request, transfer and receive personal and financial information and documentation in relation to me for the purpose of assessing my eligibility for assistance and providing assistance, without waiving legal professional privilege;
- ii. discuss my case with, and disclose any personal or financial information or documentation provided by me to JusticeNet to, any lawyer, barrister or organisation for the purpose of assessing my eligibility for assistance and providing assistance; and
- iii. use my personal information anonymously to compile statistical data for the purpose of evaluating JusticeNet services.

I understand that this authority continues until I withdraw it in writing.

I undertake to:

- i. notify JusticeNet of any change in my financial circumstances;
- ii. notify JusticeNet of any change in my address;
- iii. notify JusticeNet of any new matter which might affect my case; and
- iv. provide all additional information requested by JusticeNet.

I understand and accept:

- i. the conditions of receiving assistance from JusticeNet as outlined in the information accompanying this application;
- ii. JusticeNet reserves the right to suspend or cease providing assistance if it becomes aware that the information provided by me is false or misleading or incomplete.

I declare that all information provided by me to JusticeNet is true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Return this form and any relevant documents to: **JusticeNet SA Inc., Ligertwood Building, North Terrace, University of Adelaide, Adelaide SA 5005.**

If you need any help completing this form, please ring JusticeNet on (08) 8303 5005.

## AUTHORITY TO OBTAIN AND DISCLOSE INFORMATION

I (name)

of (home address)

authorise JusticeNet SA Inc. :

- a) to request, transfer and receive personal and financial information and documentation in relation to me, and for the purpose of assessing my eligibility for assistance and providing assistance, without waiving legal professional privilege;
- b) in the discretion of JusticeNet SA Inc. and its authorised officers to disclose relevant personal and financial information and documentation about me to third parties for the purposes of assessing my eligibility and assisting me.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_