



Australian Government

Guide to Norfolk Island Legal Aid

Legal Aid Act 1995 (NI)

HOW TO APPLY FOR LEGAL AID

1. Find a lawyer

- Find a lawyer who is willing to help you and ask them to give you an itemised estimate of how much their services will cost.

2. Complete the application form

- Copies of the form are available from the Office of the Administrator and online at <http://www.norfolkisland.gov.nf/services/legal-aid>
- Fill out all sections of the application form.
- Sign and date the application form.
- Ask your lawyer to sign and date the application form

3. Provide supporting documents

You must provide the following documents with your application form

- Copies of your bank account and credit card statements for the last 3 months.
- Your lawyer's itemised estimate of how much their services will cost.

4. Submit the application form and supporting documents

You or your lawyer can submit the application.

By email: NI_Legalaid@infrastructure.gov.au

In person: Office of the Administrator, New Military Barracks, Kingston

YOUR APPLICATION WILL NOT BE PROCESSED UNTIL

ALL OF THE FOLLOWING DOCUMENTS HAVE BEEN RECEIVED

**** THE APPLICATION FORM SIGNED BY YOU AND YOUR LAWYER ****

**** YOUR BANK AND CREDIT CARD STATEMENTS ****

**** AN ITEMISED ESTIMATE OF LEGAL COSTS ****

FREQUENTLY ASKED QUESTIONS ABOUT LEGAL AID

1. How do I find a lawyer?

Lawyers on Norfolk Island or in another state or territory can help you apply for legal aid. Lawyers usually list their contact information in the phone book, newspapers or online.

Community services such as NI-Connect, Anglicare and the Salvation Army may also be able to suggest someone who can help.

2. How is my application processed?

Your application cannot be processed until the application form and all of the required documents have been received.

The Department of Infrastructure, Transport, Regional Development and Communications (the Department) will process your application in accordance with the requirements of the *Legal Aid Act 1995* (NI) (Legal Aid Act). This will usually take between 5 to 10 business days.

You or your lawyer will receive updates about the progress of your application via email.

3. How does the Department decide who gets legal aid?

The Commonwealth Minister with responsibility for Norfolk Island or their delegate decides who gets legal aid. Delegates of the Minister include the Administrator of Norfolk Island and senior staff in the Department.

The Legal Aid Act sets out what the Minister or their delegate needs to consider before legal aid is approved. The relevant parts of the Act appear below.

In the making of a decision whether a person is in need of legal assistance by reason that he or she is unable to afford the cost of obtaining from private legal practitioners the legal services in respect of which the legal assistance is sought, regard shall be had to all relevant matters, including the following matters

- the income of the person; and
- the cash that is readily available to the person or can be made available; and
- the debts, liabilities and other financial obligations of the person; and
- the cost of living; and
- the cost of obtaining the legal services from private legal practitioners; and
- any other matter affecting the ability of the person to meet the cost of obtaining the legal services from private legal practitioners.

In the making of a decision whether it is reasonable in all the circumstances to provide legal assistance to a person, regard shall be had to all relevant matters, including —

- the nature and extent of any benefit that may accrue to the person, to the public or to any section of the public from the provision of the assistance or of any detriment that may be suffered by the person, by the public or by any section of the public if the assistance is not provided; and
- in the case of assistance in relation to a proceeding in a court or before a tribunal — whether the proceeding is likely to terminate in a manner favourable to the person; and
- the amount of moneys for the time being standing to the credit of the Fund and any moneys likely to be received into the Fund.

4. How is legal aid paid?

Legal aid will be paid directly to your lawyer.

5. Will there be conditions on how the legal aid is used?

Yes, these will be set out in the letter you or your lawyer receives if your application for legal aid is approved.

6. Will I have to pay anything?

If your application for legal aid is not approved you will need to pay for all of the legal services you receive.

If your application is approved, you may still have to pay for any legal services you received before the application was submitted.

The legal aid you receive may not cover the full cost of the legal services you need. If this happens you may be asked to make a contribution towards your legal costs. This will be set out in the letter you receive if your application is approved.

7. Do I have to pay for anything else?

You must pay for any legal costs and court orders made against you.

8. What if I am not happy with a decision about my application?

You can ask for a decision about legal aid to be reconsidered. You must do this in writing within 28 days of receiving a letter about the decision.

9. How do you protect my privacy?

The Department collects personal information in accordance with the *Privacy Act 1988*.

Your personal information will be used for the purposes of processing and assessing your application for legal aid and will be stored securely by the Department. This information may be disclosed to your lawyer for the purposes of your application.

The Department's Privacy Policy contains information regarding complaint handling processes, and how to access and/or seek correction of personal information. The Privacy Officer can be contacted at privacy@infrastructure.gov.au.

10. What other help is available?

Family Relationship Advice Line

The Family Relationship Advice Line is a national telephone service that helps families affected by relationship or separation issues, including information on parenting arrangements after separation. It can also refer callers to other services that provide assistance.

Free phone call 1800 050 321

More information is available at www.familyrelationships.gov.au/talk-someone/advice-line

Administrative Appeals Tribunal (AAT)

The Administrative Appeals Tribunal offers reduced application fees in some circumstances.

More information is available at www.aat.gov.au/apply-for-a-review/other-decisions/fees.