

IMPORTANT CONDITIONS OF YOUR GRANT OF LEGAL AID

If you accept legal aid, you accept the conditions in this document. If you do not want legal aid on these conditions, tell us now. Please make sure you understand them before accepting legal aid.

LEGAL AID IS NOT FREE – there are several ways you will be asked to pay for your legal aid.

Your contribution

We will work out how much you can afford to pay towards your case. The minimum contribution is \$30.00 but it can be much more. You must pay the contribution to your lawyer before he or she can do any work for you. Large contributions may be payable in instalments. If you do not pay, your lawyer does not have to do any work for you. If you have a legal aid lawyer and you do not pay the instalments of contribution, we can collect the whole amount from you.

We can charge more than one contribution on your case. We will write and tell you each time a contribution is due.

A charge over real estate

If you and/or a financially associated person own or are buying real estate we will take a charge unless your case costs less than \$2200.00. The charge makes sure that you pay back the whole cost of your case eventually. We do **not** sell this land but wait to collect the money when you decide to sell, transfer or re-finance it, or if you die. Most cases, apart from simple guilty pleas or very short criminal trials, cost more than \$2200.00.

Read our charge brochure and ask your lawyer about this.

Paying back the cost of your case

- a) If you get money from your legal case, such as costs, compensation, damages or property settlement you will have to pay back your legal aid in full. If you are successful in a Magistrates Court criminal law trial, we would normally expect you to instruct your assigned solicitor to pursue an order for costs on your behalf from the prosecution, unless there are good reasons not to do so, or your solicitor advises against such an application.
- b) If we take a charge, the charge makes sure that you pay back your legal aid in full.

If you need to know the cost of your case from time to time, ask your lawyer. This is your responsibility not ours. If you do not agree with your lawyer's bill, you can have it checked by the court, although you may have to pay for this.

Other costs you may have to pay

- a) If you receive more money e.g. if you get a job, an inheritance or other payment, or if you become financially supported by someone else, this will affect your legal aid. You must tell us if this happens. We will then work out if you can still have legal aid and whether you have to pay another contribution.
- b) If you lose your case, you may have to pay the other side's costs. We cannot help you with these costs. You will have to pay them yourself.
- c) If you get legal aid when you were not entitled to, we may require you to pay back the full amount. If you give us false, incomplete or misleading information, you could also be prosecuted.
- d) We can change the conditions of legal aid at any time and this could mean that you have to pay more.
- e) We cannot pay for any work your lawyer has already done without a grant of legal aid. This is your responsibility.

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WHAT YOU MUST DO

- a) You must tell us and your lawyer if you change address. If you are released from custody, you must tell us and your lawyer where you will be living. If we cannot contact you, legal aid can be stopped and your lawyer can stop work on your case.
- b) You must tell us and your lawyer if your financial circumstances change. This includes if you get a job, marry, start living in a defacto relationship, separate, receive money etc.
- c) You must follow your lawyer's advice. Legal aid can be stopped if you do not do this.
- d) You must tell your lawyer everything he or she needs to know about your case.
- e) You must tell us and your lawyer if you do not want legal aid. By accepting legal aid you accept the conditions. Ask your lawyer if you are unsure.

WHAT YOUR LAWYER MUST DO

- a) Your lawyer must keep your case confidential, apart from some things which he or she must tell the other side, and / or the court.
- b) Your lawyer must tell us what is happening in your case. If your lawyer thinks that you are unlikely to win the case, he or she must tell us and legal aid can be stopped.
- c) Your lawyer must tell us of any changes in your circumstances which could affect your legal aid.

YOUR RIGHT TO APPEAL

If you do not agree with our decision in your case, or with a condition of legal aid, you can appeal. To appeal you or your lawyer should write to us within fourteen (14) days of receiving your letter, telling us why you think the decision is wrong. When the Commissioners have decided your appeal, we will then write and let you know the result.

CONFIDENTIALITY

We will keep your legal aid matters confidential except in the following circumstances:

- a) If you ask us to provide information to someone else
- b) If you authorise someone else to get information from us
- c) If there is information your lawyer needs from us, or
- d) If we are required by law, including a court order, to release the information.

IF YOU NEED MORE INFORMATION

If you do not understand the conditions of aid or need more information about legal aid, you can ask your lawyer, write to us, or come to one of our offices and speak to us about it.

ADG10

ADELAIDE OFFICE

159 Gawler Place
Adelaide 5000
Phone: 8111 5555
Fax: 8111 5599

ELIZABETH OFFICE

Ground Floor, Windsor Building
Elizabeth City Centre
Elizabeth 5112
Phone: 8111 5400
Fax: 8207 9333

MOUNT BARKER OFFICE

18 Walker Street
Mount Barker 5251
Phone: 8111 5320
Fax: 8391 4747

NOARLUNGA OFFICE

Ground Floor, Noarlunga House
Colonnades Shopping Centre
Noarlunga Centre 5168
Phone: 8111 5340
Fax: 8207 3880

PORT ADELAIDE CHAMBERS

ANL Building
306 St Vincent Street
Port Adelaide 5015
Phone: 8111 5460
Fax: 8207 6277

PORT AUGUSTA OFFICE

13 Flinders Terrace
Port Augusta 5700
Phone: 8686 2200
Fax: 8648 5370

WHYALLA OFFICE

Tenancy 7
169 Nicolson Avenue
Whyalla Norrie 5608
Phone: 8620 8500
Fax: 8648 8950