



Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2022-2023 **ANSWER TO QUESTION ON NOTICE**

Asked by: Mrs Elizabeth Kikkert MLA

Reference: Hearing on 22 November 2023, Annual Report of Legal Aid ACT

In relation to:

Grant applications (p.33) – question lodged on 29 November 2023

(1) The Commission provided 1,020 grants of legal assistance to clients indicating family violence throughout the past financial year. How many grant applications for clients indicating family violence were not approved?

(a) What were the reasons for the rejection of each of these grant applications?

(2) How many grants of legal assistance to male clients indicating family violence were provided?

(3) Have there been any instances where a grant application has been rejected or not progressed due to a conflict of interest and failure to find a private lawyer who can take on the case?

(a) If so, how many of such instances have occurred?

(4) Have there been instances where grant applications have been rejected due to having exhausted the limited legal aid funds?

(a) If so, how many grant applications have been rejected due to lack of funding and when did funding run out?

Legal Aid: The answer to the Member's question is as follows:–

(1) 103 grant applications for clients indicating family violence were not approved during 2022-23. This is comprised of 69 applications that were refused and 34 applications that were withdrawn. Applications can be withdrawn at the request of the client or because the client did not provide information requested by the Commission that was necessary to deciding their application.

(1)(a) For an application to be approved, it is required to meet both the means (financial) and merit tests set out in Legal Aid ACT's *Legal Assistance Guidelines* ([la_act_guidelines_aug_2017.pdf](#) (legalaidact.org.au)). These tests continue to be applied as a client's matter progresses through the legal process.

(2) The Commission provided 369 grants of legal assistance to male clients indicating family violence during 2022-23.

Assistance is provided to both alleged victims and perpetrators of family violence across law types

- Civil law Family Violence and Protection Order matters
- Family law matters
- Criminal law family violence related offences
- Care and Protection matters.


(3) It is estimated that conflict matters that need to be assigned to a private lawyer experience an average waiting time of around two weeks before a lawyer is assigned. If the applicant has a Court date, they are advised to contact the Court to communicate the status of their application and are also referred to appropriate duty lawyer services.

Further, it is estimated that during 2022-23, less than 2% of all approved matters resulted in a client having to self-represent for a short period of time until they were assigned a lawyer.

(4) There have been nil instances during 2022-23 where grant applications have been rejected due to having exhausted the limited legal aid funds.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date: 11/12/23

By the Chief Executive Officer, John Boersig