



Legal Services Commission

O F S O U T H A U S T R A L I A



Legal Services Commission
OF SOUTH AUSTRALIA

More than just 'Legal Aid'



World Elder Abuse Awareness Day Conference
15 June 2007

Presenter: Gabrielle Canny LLB

Manager, Access Services

Legal Services Commission of SA



Legal Services Commission

O F S O U T H A U S T R A L I A

Adelaide

82-98 Wakefield St
Adelaide
Ph: 8463 3555

Elizabeth

Windsor Building
Elizabeth City Centre
Ph: 8207 9292

Noarlunga

Noarlunga House
Colonnades Shopping Centre
Ph: 8207 3877

Holden Hill

Tenancy 7,
560 North East Rd
Holden Hill
Ph: 8369 1044

Whyalla

RAA House
25 Forsyth Street
Whyalla
Ph: 8648 8060

Port Adelaide

306 St Vincent St
Port Adelaide
Ph: 8207 6276

Mount Barker

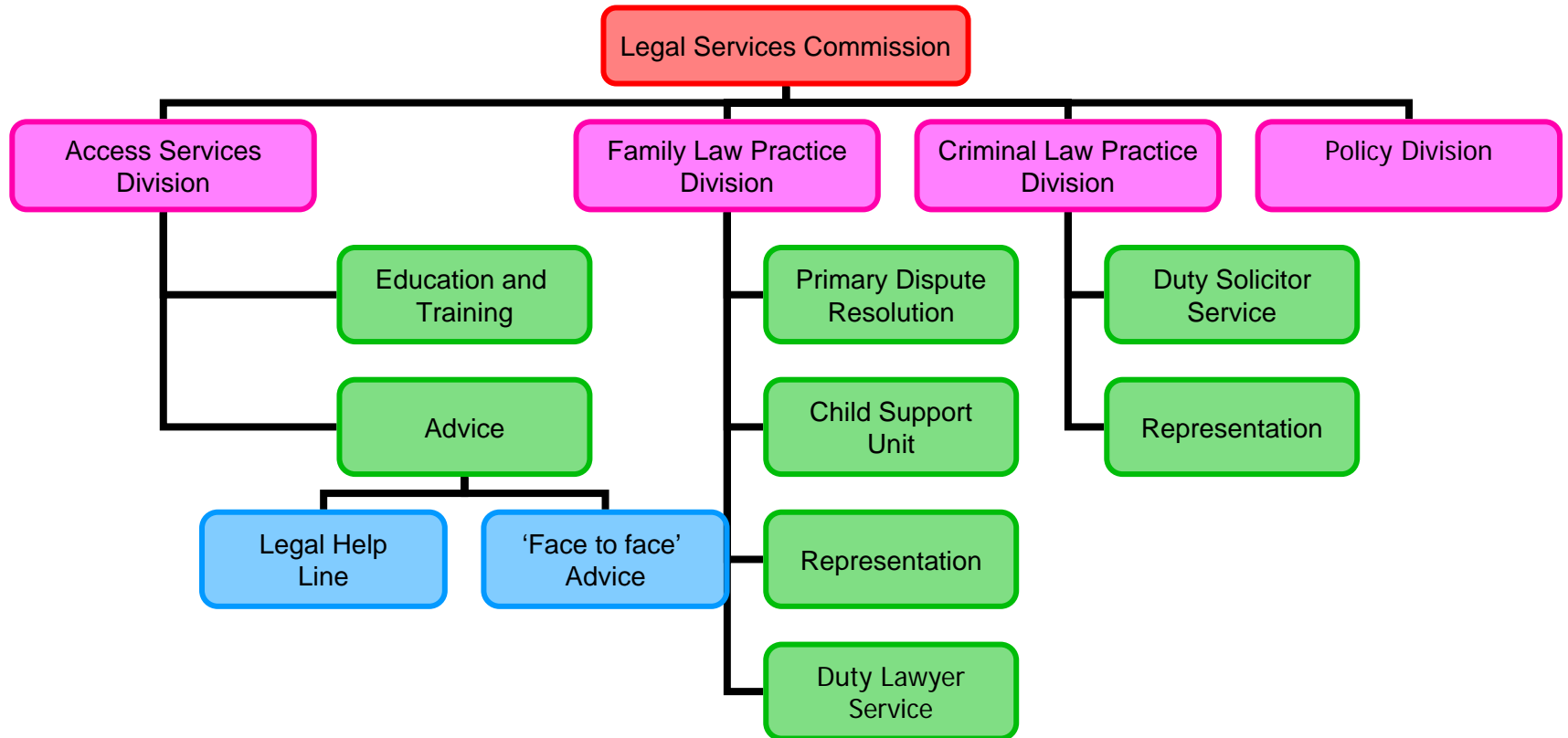
18 Walker Street
Mount Barker
Ph: 8226 8722

Port Augusta

New office opening
in July 2007

Legal Help Line: 1300 366 424

Client Services





What We Do

- Provide Legal Advice/Minor Assistance
 - Legal Help Line
 - 'Face to face' advice
 - Minor assistance in some circumstances
 - Special programs for domestic violence, prisoners, Centrelink and migration matters
- Education and Training
- Policy
- Primary Dispute Resolution
- Child Support Unit
- Duty solicitor/duty lawyer services
- Representation



Legal Aid

Eligibility for representation:

- Guidelines
- Income & Asset Test
- Merits Test

It is free to apply for Legal Aid.

If you are eligible for Legal Aid, a contribution towards your legal costs will be sought based on your income & assets.



Legal Aid: Guidelines

Legal Aid is not usually available for:

- Divorce applications
- Family property disputes
- Minor traffic offences
- Conveyancing
- Probate matters
- Complaints against lawyers
- Minor criminal offences
- Defamation
- Neighbourhood/fencing disputes
- Bankruptcy and debts
- Restraining orders
- Minor Civil Actions
- Commercial Disputes
- Criminal Injuries/Victims of Crime Applications



Legal Aid: Means Test

Considerations

- Income and Assets
- Debts and expenses
- Includes the income, assets and liabilities of financially associated persons
- Special circumstances are taken into account
- Statutory charge will be taken if client owns real estate and legal aid costs exceed \$1600



Legal Aid: Merits Test

Considerations

- Reasonable chance of success
- Gain for the client must be proportional to the legal cost
- AIM of LEGAL AID: to put the client in the same position as a 'reasonable person' who has to pay their own legal costs



Appeals

If Legal Aid is refused, the client receives a Letter explaining the reasons.

The client has 14 days to appeal in writing.

If the Assignments Section endorses its original decision, the appeal is sent to a sub committee of the Commission.

At least 3 members of the Commission must sit together to hear appeals.



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Legal Advice/Minor Assistance Services

- Accessing Advice:
 - Telephone Service
 - **1300 366 424**
(9:00am - 4:30pm; Mon - Fri)
 - Cost of a local call
 - Available to all
 - 'Face to face' advice
 - Free service
 - Available to all
 - No means test



Accessing Legal Advice/Minor Assistance Services

- Minor assistance includes:
 - Assisting with letters and/or simple court documents
 - Assisting with applications of various types
- Only available where there is disadvantage, eg:
 - Financial
 - Language/education
 - Disability including age and infirmity



Legal Advice/Minor Assistance Services

What we can advise on:

- Family Law
- Neighbours/Fences
- Motor Vehicle Accidents
- Consumer Contracts
- Debts
- Restraining Orders
- Domestic Violence
- Centrelink Matters
- Most migration matters
- Wills/Powers of Attorney & Guardianship
- Employment Issues
- Minor Criminal Matters



Legal Advice/Minor Assistance Services

- We cannot advise on:
 - Commercial Law
 - Tax Law
 - What your lawyer said
 - When you already have a lawyer acting for you

We cannot draw up wills



Legal Advice/Minor Assistance Services

Other Services:

- Advice Outreach Services
 - Murray Bridge
- Arrange (and pay for) interpreters
- Domestic Violence Workers
- TTY for hearing impaired



Education and Training

- Internet Sites
 - www.lsc.sa.gov.au
 - www.lawhandbook.sa.gov.au
- Pamphlets
- Community Talks
- CALD Communities Project
- Family Law Information Sessions



Criminal Law Duty Solicitor Service

- Criminal matters in the Magistrates Court and Youth Court
- Advice and assistance for unrepresented people appearing in court on that day
- Bail applications and guilty pleas in some circumstances
- Prison/Remand Centre advice
- Assistance in applying for Legal Aid
- No ongoing assistance



Family Law Duty Lawyer Service

- Family law matters in the Family Court and Federal Magistrates Court
- Advice and assistance for unrepresented people in relation to an imminent court event
- Completion of simple documentation
- Assistance with negotiations
- Representation for simple or urgent matters
- Assistance in applying for Legal Aid
- No ongoing assistance



Primary Dispute Resolution

- Family law matters where there is a dispute over children/grandchildren
- One of the parties must have been granted Legal Aid
- Aims to bring about a resolution to the legal dispute by agreement
- Solicitors usually attend



HELPING YOUR CLIENT

Is it a legal problem?

- some look like legal problems but can be resolved otherwise
- some don't, but they are
- refer for advice if in doubt

Legal Help Line: 1300 366 424



Enduring Powers of Attorney and Guardianship

- Average age of person making EPG's (71) higher than average age of person making EPA's (68.87).
- Overwhelming majority appoint at least one child to act (EPG 76%, EPA 85%)- seems a child the preferred donee.
- The next most preferred donee is a partner (EPGs 34%, EPAs 30%).



Enduring Powers of Attorney and Guardianship

- Almost all donees are family members, with friends being only a small percentage of donees (10.3% for EPGs, 5.4% for EPAs). People seem more inclined to trust family members (elder abuse is also more common amongst family members, as this trust is sometimes misplaced)
- The average number of donees is around 2. It is slightly higher for EPGs (2.04) than EPAs (1.89), indicating people want more people involved in medical decisions and decisions about general welfare than their financial affairs.



Enduring Powers of Attorney and Guardianship

- **More people are likely to draw these documents when they have easier access to services and education. Need to increase access to services, education and documentation, both in metro, and particularly in regional areas.**