

Guidelines for the provision of legal and financial assistance

Section 22T ACT Civil and Administrative Tribunal Act 2008

The Guidelines are concerned with the provision of legal or financial assistance by the Australian Capital Territory for applications to review administrative decisions.

Statutory provision

1. Under section 22T of the *ACT Civil and Administrative Tribunal Act 2008* legal or financial assistance may be granted for applications to review administrative decisions, unconditionally or subject to conditions, where the Attorney-General is satisfied that:
 - a. it would involve hardship to the applicant to refuse the application, and
 - b. it is reasonable in all the circumstances to grant the application.

Guidelines

2. The Attorney-General can only exercise the discretion to grant assistance if satisfied about hardship and reasonableness. The exercise of the discretion is unfettered. Each case must be determined on its merits, taking all relevant circumstances into account.
3. 'Hardship' means financial hardship. Consideration is given to matters such as the income, expenses, assets and liabilities of the applicant and the estimated cost of the proceedings. The broad test of 'hardship' is whether the applicant can meet the cost of the proceedings without incurring serious financial difficulty.

4. If the applicant is not a natural person consideration will be given to what other financial resources may be available. For example, guarantees from directors, funds from shareholders, or levies or contributions from members.

5. In determining whether it is reasonable to provide assistance, regard may be had, amongst other things to:
 - a. whether there is an issue of broader importance to be determined (for example, a test case);
 - b. the applicant's prospects of success;
 - c. the nature and extent of any detriment that the applicant may suffer if assistance is not provided;
 - d. the availability of legal aid generally;
 - e. whether the proceedings benefit the public or any section of the public;
 - f. whether the case is embarrassing, frivolous or vexatious.

6. The Attorney-General may refuse to grant assistance if it is available from another source or there is insufficient public benefit in the proceedings.

7. The Attorney-General may impose conditions on a grant of legal or financial assistance.

Applications for legal or financial assistance

8. Applications and inquiries should be addressed to the:

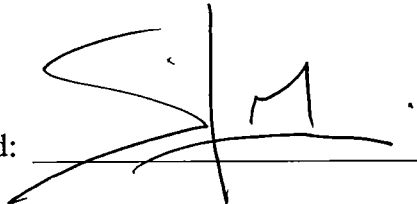
Attorney-General

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

Signed: _____

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a vertical line and a smaller 'M'.

Dated: _____

20.11.12