

APPEALING A LEGAL AID DECISION

What to do if you're not satisfied with the decision made by Legal Aid NSW

If you are not satisfied with the decision made by Legal Aid NSW you may be able to appeal the decision. This right of appeal is given under section 56 of the *Legal Aid Commission Act 1979*.

Not all decisions can be appealed, however. For example, you cannot appeal against a condition that you are to be represented by a Legal Aid NSW officer, a Public Defender, or a private practitioner.

How do you appeal?

Your appeal must be in writing, should set out the reasons for the appeal and should include your legal aid reference number (e.g. 07C012345). You can appeal by filling in this form, or by writing a letter, or by sending a fax or email to Legal Aid NSW. You will find the address and other contact details on your refusal/termination letter.

If you are considering lodging an appeal it may be in your best interests to discuss this with your solicitor.

Is there a time limit?

You should lodge your appeal within twenty-eight (28) days of receipt of the decision, although the Legal Aid Review Committee may allow a longer period of time if there are special circumstances. If you are lodging your appeal outside of the 28 day period, please give your reasons for the delay.

How long will it take?

First a Legal Aid NSW officer will consider your appeal. This process is called redetermination. If that officer disagrees with the original decision, we will let you know within 14 days that the redetermination is complete and your appeal has been successful. If on the other hand the officer agrees with the original decision, your appeal will be referred to the Legal Aid Review Committee. An appeal to the Legal Aid Review Committee generally takes four to six weeks but can take longer in certain circumstances, for example if we require further information. Please ensure that you provide all relevant information with your appeal.

What if you're going to court soon?

If you have appealed or intend to appeal, you can apply to the court or tribunal to adjourn the proceedings under section 57 of the *Legal Aid Commission Act 1979*.

Under section 60 of the *Legal Aid Commission Act 1979*, the decision of the Legal Aid Review Committee is final.

Where to send your appeal:

Your appeal should be sent to the address on your refusal/termination letter. Please DO NOT send your appeal directly to the Legal Aid Review Committees' Secretariat.

For more information please contact:

The Committee Clerk
Legal Aid Review Committees
Tel: (02) 9219 5936
Fax: (02) 9219 5038
Website: www.legalaid.nsw.gov.au
Email: larc@legalaid.nsw.gov.au

Please quote the Legal Aid NSW File Reference Number (e.g. 07F012345)

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Family Name: First Name:

Contact Address:

Suburb: Postcode: Date of Birth: / /
day month year

Home ph: Work ph: Mobile:

Your email address:

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