

## **DISBURSEMENT FUND GUIDELINES**

### **Establishment of the Fund**

- The fund has been established with a \$5000 donation from Allen & Overy and will be maintained and grown from time to time through further philanthropic donations to the Law Access Gift Fund.
- These guidelines set out the circumstances in which the Disbursements Fund line item can be accessed to pay for disbursements and other expenses and the procedure to be followed for so doing.
- The purpose of these guidelines is to manage the responsible operation of the Law Access Disbursement Fund (***the fund***), established to pay for certain costs and outlays to support civil law services for disadvantaged West Australians.
- These guidelines set out the circumstances in which the fund can be accessed to pay for disbursements and other expenses and the procedure to be followed for so doing.
- The monies for the fund are initially deposited in Law Access's Gift Fund account before transfer to the Law Access Operating Account to be expended as the Disbursement Fund line item in the Law Access budget.

### **Use of the fund**

1. Subject to the availability of funds, an application can be made for:
  - a matter that has been referred through Law Access to a pro bono lawyer through the referral process;
  - other expenditure as described below.
2. The fund may cover fees for such things as:
  - (a) Interpreter or translator fees where these are not otherwise able to be covered by Government grants
  - (b) Expert reports;
  - (c) Application fees;
  - (d) Transcript fees;
  - (e) Solicitors' travelling and accommodation expenses; or
  - (f) Any other expense of this nature which needs to be covered by the client.
3. The fund will not pay for the following:
  - (a) solicitor fees;

- (b) barrister fees; and
  - (c) office expenses (such as photocopying, telephone and fax charges).
4. Because the cost of expert reports can be beyond the capacity of the fund, when a request relates to 2(b) above, the application will be subject to the additional criterion: that the success of the case would be jeopardised if the contribution is not made and the report not obtained.
  5. The fund will not provide assistance for any matters that could be funded from other sources (such as Legal Aid).
  6. Payment from the fund is one-off. An amount requested from the fund must be specific, and related to a precise activity. The fund will not cover predicted disbursements.
  7. Payment from the fund is dependent on there being sufficient funds available.

#### **Application to the fund**

- An application to the fund must be made in writing to the CEO of Law Access by any of the following methods:
  - (a) post to PO Box Z5345, Perth WA 6831 or
  - (b) email to [lawaccess@lawaccess.org.au](mailto:lawaccess@lawaccess.org.au)
- The application must be made by the client's lawyer in writing, and include the following details:
  - (a) the client, and the client's lawyer's name;
  - (b) a brief summary of the nature of the matter;
  - (c) what the money is required for;
  - (d) the amount required;
  - (e) who the payment needs to be paid to;
  - (f) when it needs to be provided by;
  - (g) the implications of not funding the request; and
  - (h) documentation relating to the amount required (if appropriate).
- The lawyer must provide details as to their reasons for being unable to fund the disbursement, and that the client is unable to fund the disbursement.
- There is no application fee associated with an application to the fund.
- The request must be signed by the client or their lawyer
- The applicant must agree in writing to repay the amount if the case involves litigation and a successful costs order is obtained.
- Applications to the fund may be approved in advance of expenses being incurred.

### **Procedure for determining applications**

- If the funds requested are for \$2500 or less, the CEO can make a decision to approve the application. The funds that the Manager has approved will then be confirmed by the Board at the next Law Access Board meeting.
- If the application is more than \$2500 or is a request for funds under paragraphs 5 and 6 of the funding criteria, the decision must be referred to the Board for approval.
- If the decision is needed before the next Board meeting, the Director will email the request with details to the Board, and if majority of the Board approve the application, it will then be approved.
- The CEO may refuse an application that is more than \$1000 or is a request for funds under paragraphs 5 or 6 of the funding criteria, where that application or request does not comply with the guidelines. An applicant may seek to have such rejection to be reviewed by the board.
- As the fund is limited, the CEO/Board must give priority to applications involving genuine hardship.
- The applicant will be notified whether their application has been successful or unsuccessful.
- If an application to the fund has not been approved or the full amount is not funded, the decision is final. There is no appeal of the decision.
- The CEO will keep a record of applications, including successful applications and unsuccessful applications. A brief explanation of reasons for the decision should also be kept for each application for internal audit and quality standard purposes.
- The CEO will provide a statement of the Disbursement Fund Line Item's use and balance to the Board at each Board meeting.

### **The provision of disbursements**

- If an application has been successful, then the applicant must provide Law Access with a tax invoice for the money required.
- Once the funds have been provided, the applicant must provide Law Access with a receipt.

### **Maintenance and development of the fund**

- It is the responsibility of the Board to oversee use of the Disbursement Fund Line item and as far as possible to ensure that it is used wisely and that more funds are secured to sustain its use.

**LAW ACCESS DISBURSEMENT FUND APPLICATION FORM**

Applications to the disbursement fund must:

- Provide an invoice addressed to Law Access;
- Fill out the questions in section two of this document; and
- Provide a signed copy of the *Conditions For Use Of Disbursement Fund*.

More information about the Fund is set out in the [Law Access Disbursement Fund Guidelines](#) on our website.

All applications should be addressed to the CEO and emailed to [lawaccess@lawaccess.org.au](mailto:lawaccess@lawaccess.org.au)

(a) the Law Access referred client, and the client's lawyer's name	
(b) a brief summary of the nature of the matter	
(c) what the money is required for	
(d) the amount required	
(e) who the payment needs to be paid to	
(f) when it needs to be provided by	
(g) the implications of not funding the request	
(h) documentation relating to the amount required (if appropriate)	
The lawyer must provide details as to their reasons for being unable to fund the disbursement, and that the client is unable to fund the disbursement.	

**CONDITIONS FOR USE OF DISBURSEMENT FUND  
INFORMATION AND AGREEMENT**

**Establishment of the fund**

Law Access has established a Disbursement Fund Line Item (*the fund*) to pay for certain costs and outlays (disbursements) to support matters arising from its services which fit the criteria for use of the fund.

Once approved by the CEO or Board of Law Access, the following conditions apply:

**The provision of disbursements**

Once the funds have been provided, the applicant must provide Law Access with a receipt.

**Terms of grant**

- The funds must be used in accordance with the reasons for their use provided in the application.
- If they are to be used for any other purpose, the recipient must inform Law Access and it will be in Law Access's discretion to confirm the grant or to require its return.
- Within three months of completion of the matter, the recipient must provide to Law Access invoices which show how the money was actually expended to the full value of the money advanced.
- The recipient must also provide a brief report of the outcome of the matter for which the grant was made.
- If the case involves litigation and a successful costs order is made or if alternative funding is obtained for the purpose(s) outlined in the application from another source, the recipient must refund the amount advanced to the extent that the amount is received from the other party under the costs award or other grant.

I, ..... on behalf of

.....

agree to the terms of the grant as specified above.

.....  
Signed

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Date