

## **DISBURSEMENT FUND GUIDELINES**

### **Establishment of the Fund**

- The fund was first 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.
- 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

### **Use of the fund**

1. The fund may cover fees for such things as:
  - (a) Interpreter or translator fees;
  - (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.
2. 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).
3. 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.
4. The fund will not provide assistance for any matters that could be funded from other sources (such as Legal Aid).
5. An amount requested from the fund must be specific and related to a precise activity. The fund will not cover predicted disbursements.
6. Payment from the fund is dependent on there being sufficient funds available or the disbursement being refundable by the Department of Justice.

### **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 details requested in the Application Form.
- The applicant must agree in writing to repay the amount if the applicant receives reimbursement for the disbursement via any other means, including but not limited to a grant of aid, funding, settlement or cost order.
- Applications to the fund may be approved in advance of expenses being incurred.

### **Procedure for determining applications**

- For all applications:
  - If the funds requested are for \$2500 or less, the CEO can make a decision to approve the application.
  - If the application is more than \$2500, the decision must be referred to the Board for approval.
- If the funds requested are for \$2500 or more and are for disbursements incurred by an applicant referred to Law Access by a Community Legal Centre, the Board may direct the CEO to refer the application to the Department of Justice for confirmation that the amount will be reimbursed prior to approving the application.
- The CEO may refuse an application where that application or request does not comply with the guidelines. An applicant may seek to have such rejection reviewed by the board. The Board's may refuse an application for any reason. The Board's decision is final and not subject to appeal.
- 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.

### **The provision of disbursements**

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

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

- The applicant, having agreed in writing to repay the amount if the applicant receives reimbursement for the disbursement via any other means, must notify Law Access of any reimbursement and the applicant/lawyer must provide Law Access with a credit note or request a tax invoice from Law Access for re-payment of the disbursement.

**LAW ACCESS DISBURSEMENT FUND APPLICATION FORM**

Applications to the disbursement fund must:

- Provide an invoice or quote from the supplier substantiating the amount of the application;
- Fill out the questions in this Application Form; 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) when it needs to be provided by	
(f) the implications of not funding the request	
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 it 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**

- Before funds can be provided, the applicant must provide Law Access with a tax invoice from the lawyer or lawyer’s firm for the money required.
- 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 applicant 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 applicant must provide to Law Access invoices which show how the money was actually expended to the full value of the money advanced.
- The applicant must also provide a brief report of the outcome of the matter for which the grant was made.
- The applicant must notify Law Access and repay the grant, or any part of the grant, if the applicant receives reimbursement via any other means, including but not limited to a grant of aid, funding, settlement or cost order. The applicant must provide Law Access with a credit note from the applicant’s lawyer or law firm or request a tax invoice from Law Access for re-payment of the disbursement.

I, ..... (applicant/lawyer) [on behalf of

..... (applicant)]

agree to the terms of the grant as specified above.

.....  
Signed

.....  
Date