

# Disbursement Support Scheme

## *Frequently Asked Questions*

### ***What is the purpose of the disbursement support scheme?***

The disbursement support scheme will provide assistance to people in need who are not able to receive legal aid assistance or assistance under one of the other legal financial assistance schemes. The cost of disbursements can present a barrier to access to justice. The scheme will provide funding for the costs of disbursements in Commonwealth, non-criminal law matters.

This scheme enhances access to justice through the provision of financial assistance to a broader range of applicants. It also provides greater support for pro bono work by removing the disincentive created by disbursement costs.

### ***Who will be eligible for disbursement assistance?***

The disbursement support scheme is available to people involved in Commonwealth, non-criminal law matters. Decision makers will consider the merits of a case and the applicant's ability to pay their own costs. The scheme is available to people who are not able to receive legal aid assistance or assistance from one of the other legal financial assistance schemes.

### ***When will the scheme commence?***

The disbursement support scheme begins on 1 July 2012.

### ***What are the features of the new scheme?***

In deciding an application for disbursement support, the decision maker will consider the merits of the case and the applicant's ability to pay their own costs. An applicant is not eligible if they qualify for legal aid assistance, or if they meet the criteria of another Commonwealth legal financial assistance scheme.

The disbursement support scheme is one component of a new, consolidated approach to the provision of Commonwealth legal financial assistance. From 1 July 2012, the administration of legal financial assistance will be aligned with access to justice principles. Numerous schemes are covered by one financial appropriation, and most schemes are administered under a single set of guidelines. The guidelines are available on the website of the Attorney-General's Department.

A list of these schemes is available on the website of the Attorney-General's Department. Some of these schemes include access to legal representation costs in certain circumstances, although legal representation costs are not available under the disbursement support scheme.

### ***How much assistance is provided?***

Assessments are made in line with the guidelines, and with reference to the Commonwealth Legal Financial Assistance Assessment of Costs document, available on the website of the Attorney-General's Department.

To apply for assistance under the disbursement support scheme, your total disbursement costs must be \$500 or more (GST included).

Funding is not available for counsel fees or Court filing fees under this scheme.

There are maximum allowable amounts for certain disbursement items, such as expert medical reports, interpreter costs, document searches etc.

***What kind of disbursements will be funded?***

Disbursements include expert reports (including counsel opinion, but not counsel fees), travel costs, photocopying and witness fees. Court filing fees are not considered disbursements under this scheme.

For information on maximum amounts available for certain disbursement types, please refer to the Assessment of Costs document on the website of the Attorney-General's Department.

***What are the funding levels for this scheme?***

The overall funding across all legal financial assistance schemes is \$4.8m in the 2012/13 financial year.

***Where are the guidelines for the scheme?***

The disbursement support scheme is one of many that are administered under new guidelines from 1 July 2012: the *Commonwealth Guidelines for Legal Financial Assistance 2012*. The guidelines are available on the website of the Attorney-General's Department.

***Are legal representation costs payable as well as disbursements?***

No. Legal representation costs are not available under the disbursement support scheme.