



Request for Review

Frequently asked questions

February 2017

I am not happy with the department's decision, can I seek a review?

Yes. If you disagree with a decision (or a part of a decision) in relation to your application for legal financial assistance, you can ask for a review.

You may also seek a review in relation to an invoice that you have submitted under your existing grant.

How can I request a review?

If you want a review you will need to complete a "Request for Review" form. Your review request must explain why you believe the decision was wrong and may include any supporting information. Your review request must be received by the department within 28 days of you receiving the department's decision letter.

You must send the Request for Review form to the Assistant Secretary, Legal Assistance Branch, at one of the address below.

By email: finass@ag.gov.au

By post:

Assistant Secretary
Legal Assistance Branch
Robert Garran Offices
3-5 National Circuit
BARTON ACT 2600

Can I submit additional information in support of my review request?

Yes. You may submit any necessary supporting information when you lodge your review request.

Who will conduct the review?

A review is conducted by an officer of the department who did not make the original decision.

How will we conduct the review?

An officer who did not make the original decision, will review your request and will have regard to the following:

- your original application for assistance
- the original decision made by the department
- the decision letter sent to you by the department
- your reasons for review—including any additional information
- the Commonwealth Guidelines for Legal Financial Assistance

and if applicable:

- Native Title (Assistance from Attorney-General) Guidelines 2012
- Commonwealth Guidelines for Legal Financial Assistance for People Appearing before the Royal Commission into Institutional Responses to Child Sexual Abuse
- Addendum for the Royal Commission into the Home Insulation Program 2013
- Addendum for the Royal Commission into Trade Union Governance and Corruption.

After considering the above, the whole application will be considered afresh and the officer will either change or confirm the original decision. We will advise you of our new decision within 28 days of receiving your request.

Do I have to pay for a review?

No. A review conducted by the department is free.

I am still not happy with the reviewed decision—can I have my matter reviewed again?

If you are unhappy with the review decision, you can seek an external review (a review that is not conducted by the department).

External Review options

The external review options available differ depending on whether you applied under a statutory (a scheme established under a law) or a non-statutory scheme (a scheme that is not established under a law, but instead by an executive power).

A list of which schemes for legal financial assistance are statutory and non-statutory can be found in Part 3 of the Commonwealth Guidelines for Legal Financial Assistance 2012, which can be found at <http://www.ag.gov.au/LegalSystem/Legalaidprogrammes/Commonwealthlegalfinancialassistance/Documents/CommonwealthGuidelinesForLegalFinancialAssistance2012.pdf>.

If you applied under a statutory scheme

If your application for legal financial assistance was made under a statutory scheme, and you wish to seek an external review, you may be entitled to seek judicial review of the decision under the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act).

For further information, please visit the Federal Circuit Court of Australia website at www.federalcircuitcourt.gov.au for a copy of the Application for an order of Review under ADJR Form.

If you applied under a non-statutory scheme (executive scheme)

If your application for legal financial assistance was made under a non-statutory (executive) scheme, and you wish to seek an external review, you may be entitled to seek judicial review of a decision under s 39B of the *Judiciary Act 1903*.

For further information please visit the Federal Court of Australia website at <http://www.fedcourt.gov.au/> for a copy of the external review form.

Complaints to the Ombudsman

If you are dissatisfied with any aspect of the administration of your application or grant, you may submit a complaint to the Commonwealth Ombudsman. For further information, please visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au/>.

Can I access the decision making information or any other information relating directly to my application?

Yes. The *Freedom of Information Act 1982* (FOI Act) gives any person the right to:

- access copies of documents (except exempt documents) we hold
- ask for information we hold about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading
- seek a review of our decision not to allow you access to a document or not to amend your personal record.

How to lodge an FOI Act Request

Your request must:

- be in writing (email is sufficient)
- state that the request is an application for the purposes of the FOI Act
- describe the documents you seek in enough detail to allow the decision-maker to identify and find them
- provide an address for reply.

Email your request to foi@ag.gov.au or send your request to:

Director

FOI and Privacy Section

Office of Corporate Counsel

Attorney-General's Department

3–5 National Circuit

BARTON ACT 2600

Where can I find more information?

You may contact the Financial Assistance Section on 02 6141 4770 (between 8:30am and 5:00pm EST, Monday to Friday), email us at finass@ag.gov.au or you may visit the [Attorney-General's Department](http://www.ag.gov.au) website at www.ag.gov.au for more information.

Important information

You must request a review within 28 days of receiving the department's decision letter. For assistance in completing this form, you may contact the Financial Assistance Section between 8:30am and 5:00pm EST, Monday to Friday.

Phone: 02 6141 4770

Email: finass@ag.gov.au

If you wish to request a review, please provide the following information:

Title:

Given Names(S):

Surname:

Phone Number:

Email:

Particulars of matter

Application number:

Scheme under which you applied:

Date of review request:

Reasons for Reviews

If you want to provide evidence in support of your review request please send it with your application.

I, _____ [Print your full name here], declare that the information provided in this application is true and correct to the best of my knowledge and belief. I understand it is an offence to knowingly give false or misleading information.

Confidentiality

The fact that a person has applied for financial assistance, and all information provided in this application will be treated in confidence and will not be disclosed except:

- a) where this is necessary for the purposes relevant to the administration of financial assistance
- b) in accordance with the express authority of an applicant
- c) to correct the public record, or
- d) where required by law.

By submitting this request for review I understand that:

- a) The Department may obtain information about the subject matter of this application (including a legal opinion) from other government departments, government agencies, overseas authorities or from my legal representatives.
- b) The Department may disclose information in this application or other information obtained from myself or from my legal representatives to other government departments or agencies or persons for the purpose of deciding whether to authorise financial assistance.
- c) If I, or an individual who has the authority on my behalf, make an incorrect public statement about my application for financial assistance, the Department may disclose any information relating to this application for the purpose of correcting the public record.
- d) That the Department may obtain an independent legal opinion from a lawyer for the purpose of assessing this review request.

Signature

Date