

GUIDELINES

Establishment of the fund

- The purpose of these guidelines is to manage the responsible operation of the LawRight Disbursement Fund (*the fund*), established to pay for certain costs and outlays to support civil law services for disadvantaged Queenslanders.
- The fund will be maintained and grown from specific fundraisers such as the *Queensland Legal Walk*.
- These guidelines set out the circumstances in which the fund can be accessed to pay for disbursements and other expenses and gifts and the procedure to be followed.
- The monies for the fund are initially deposited in LawRight's Gift Fund account before transfer to the separate Disbursement Fund account.

Use of the fund

1. Subject to the availability of funds, an application can be made for:
 - a matter that has been referred through LawRight to its members through the referral process;
 - a LawRight clinic expense such as relating to the Homeless Persons' Legal Clinic, Administrative Law Clinic, Refugee Civil Law Clinic, Mental Health Law Practice or Self Representation Service;
 - a pro bono client of another community legal centre or law firm; or
 - other expenditure as described below.
2. The fund may cover fees for such things as:
 - (a) Court filing fees, but only if the applicant was unsuccessful in obtaining a reduction;
 - (b) Expert reports;
 - (c) Application fees;
 - (d) Transcript fees;
 - (e) Solicitors'/barristers' 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) unless an approved expense.
4. As 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 additional criteria that the success of the case would be jeopardised if the contribution is not made and the report not obtained.

Disbursement Fund

5. Where funds are available, the fund may also be used for emergency funding for LawRight or other community legal services in the event that the service's continuity of operations is jeopardised.
6. The fund can also be approved for use for other necessary expenses such as special travel to support services or gifts for voluntary contributions and similar expenses that cannot be funded from existing reserves or other sources.
7. The fund will not provide assistance for any matters that could be funded from other sources (such as Legal Aid).
8. Payment from the fund is one-off. An amount requested from the fund must be specific, and relate to a precise activity. The fund will not cover predicted disbursements.

Application to the fund

- An application to the fund must be made in writing to Joint Director, Linda Macpherson, LawRight by any of the following methods:
 - (a) post to PO Box 3631, South Brisbane QLD 4101;
 - (b) email to linda.macpherson@lawright.org.au; or
 - (c) fax to (07) 3846 6311.
- The application must be made by the client's solicitor or barrister or clinic coordinator or the organisation's CEO if it is a CLC expense, in writing, and include the following details:
 - (a) the client, solicitor, barrister or organisation's name;
 - (b) a brief summary of the nature of the matter;
 - (c) what the money is required for;
 - (d) the amount required;
 - (e) to whom the payment needs to be made;
 - (f) by when it needs to be provided;
 - (g) the implications of not funding the request; and
 - (h) documentation relating to the amount required (if appropriate).
- A firm must provide details as to their reasons for being unable to fund the disbursement, and that the client/organisation 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 solicitor or the organisation's CEO.
- The applicant must agree in writing to repay the amount if the case involves litigation and a successful costs order is obtained.

Procedure for determining applications

- If the funds requested are for \$500 or less, the Joint Directors can make a decision to approve the application to the fund. The funds that the Joint Directors have approved will then be confirmed by the Management Committee at the next LawRight Management Committee meeting.

Disbursement Fund

- If the application is more than \$500 or is a request for funds under paragraphs 5 and 6 of the funding criteria, the decision must be referred to the Management Committee for approval.
- If the decision is needed before the next Committee meeting, the Joint Directors will email the request with details to the Management Committee, and if 7 members of the Management Committee approve the application, then it will be approved.
- As the fund is limited, the Joint Directors/Management Committee must give priority to applications involving genuine hardship and to clients referred to LawRight members.
- Disbursements in any year should not exceed 5% of the accumulated capital unless specifically addressed by the Management Committee.
- 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 Joint Directors 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 purposes.
- The Joint Directors will provide a statement of the fund's use and balance to the Management Committee at each committee meeting.

The provision of disbursements

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

Maintenance and development of the fund

- It is the responsibility of the Management Committee to oversee use of the fund and as far as possible to ensure that it is used wisely and more funds are secured to sustain its use.

CONDITIONS FOR USE

INFORMATION AND AGREEMENT

Establishment of the fund

LawRight has established a Disbursement Fund (*the fund*) to pay for certain costs and outlays (disbursements) to support civil matters arising from its services, or the services of other free and lost cost legal service providers, which fit the criteria for use of the fund.

Once approved by the Director or Management Committee of LawRight, the following conditions apply:

The provision of disbursements

Once the funds have been provided, the applicant must provide LawRight 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 LawRight and it will be in LawRight’s discretion to confirm the grant or to require its return.
- Within three months of completion of the matter, the recipient must provide to LawRight 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 that 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

.....
Date

DISBURSEMENT FUND APPLICATION FORM

Client or organisation's name:	
Brief summary of the nature of the matter:	
What is the funding required for?	
What are the implications of not funding the request?	
Amount required?	
When is payment required?	
Who is the payee?	
Reasons applicant or client is unable to fund the disbursement themselves or from another source:	

[Please attach documentation relating to the amount required and supporting the application.]

Applicant's name <i>(i.e. solicitor or CEO of organisation):</i>	
Name of firm or organisation:	
Applicant's address: <i>(street, suburb, state, post code)</i>	
Applicant's telephone:	

Applicant's email:	
<p>I undertake to refund the amount granted if the case involves litigation and a successful costs order is made or if alternative funding is obtained for this purpose from another source.</p>	
Applicant's signature:	
Date:	

OFFICE USE

Approved:	
Date:	
Approved at Management Committee meeting of:	
Signed (1):	
Signed (2):	