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What can I do if I don’t agree with a Legal Aid NSW decision?

If you don’t agree with a decision we’ve made you may be able to ask for it to be looked at again. This is called an appeal.

The Legal Aid Review Committee will decide your appeal. That Committee is separate from Legal Aid NSW and their decision is final. If you are thinking about appealing, it may help to talk to your lawyer.

Can I appeal every Legal Aid decision?

No, you can’t appeal every decision we make. You can appeal our decision to refuse, change or cancel your grant of legal aid, or our decision that you must pay a contribution to the cost of your case.

But you cannot appeal the decisions listed below.

* The amount of your contribution to your Local Court criminal matter.
* Our decision to refuse you legal aid for your Local Court criminal matter because of what you earn and what you own.
* The lawyer we give you.
* What we will pay your lawyer to do for you.

How do I appeal?

Your appeal must be in writing. You can:

* ask your lawyer to appeal online for you, or
* use the Appeal Form on the back of this page, or
* send us a separate letter or email.

You must set out the reasons why you want our decision to be changed.

How long do I have to appeal?

You have 28 days from the date you get our decision to appeal. The Committee may still look at your appeal if you send it in after 28 days have passed—but you must give us a reason for the delay. You should explain your reasons for the delay in the Appeal Form.

How long will my appeal take?

It could take about 6 to 10 weeks to decide your appeal. Make sure you send in all the information and documents you want the Committee to look at so it can decide your appeal as soon as possible.

What happens to my case while my appeal is being decided?

If you have to go to court in this time, you or your lawyer can ask the court or tribunal to adjourn your case while you appeal. This means asking for your case to be put on hold until the Legal Aid Review Committee has made a decision about your appeal. You will need to let us know when your next court date is.

You or your lawyer should ask the court or tribunal to adjourn the case under section 57 of the *Legal Aid Commission Act 1979*.

Any questions?

If you have any questions about appealing talk to your lawyer. If you don’t have a lawyer call the Grants Division on (02) 9219 5880.

You can also visit our website at:

[**www.legalaid.nsw.gov.au**](http://www.legalaid.nsw.gov.au/)

Appeal Form

File ID: **Extension:**

Your name:

Your details

|  |  |  |  |
| --- | --- | --- | --- |
| Your address: |  | | |
|  |  | | |
|  |  | Postcode |  |

Do you want us to send your letters to a different address? No Yes, please send my letters to:

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| --- | --- |
| Your telephone number: Home |  |
|  |  |
| Mobile |  |
|  |  |
| Work |  |

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| --- | --- |
| Your email address: |  |

|  |  |
| --- | --- |
| When is your next court date? |  |

What decision do you want to appeal?

Please tick one of the boxes below:

We refused to give you a grant of legal aid

We have cancelled your grant of legal aid

Another decision we have made (please tell us the reason below):

**Remember**—you cannot appeal every decision we make. See *What can I do if I don’t agree with a Legal Aid NSW decision*? on the information sheet for what decisions you can’t appeal.

Why are you appealing our decision?

Tell us why you think we should make a different decision. If you need more space, you can attach extra pages and any documents you want us to look at.

Please send this form and any attachments to:

Legal Aid NSW, Grants Division, PO Box K847, HAYMARKET NSW 1240