

# Claim legal expenses for making an application

Our applications are designed to be completed by the applicant, but some people like to ask a lawyer for help. You can claim certain legal expenses you have incurred for assisting you with your application.

## Approved application types

Primary, related parent secondary victims and people who witnesses a homicide may claim specific legal expenses outlined below.

## Approved providers

It's up to you which lawyer you go to. They need to be an Australian legal practitioner or government legal officer, within the meaning of the *Legal Profession Act 2007* or hold an equivalent overseas qualification. If you choose to use a private law firm, they may charge a fee.

Community Legal Centres Queensland may be able to help you for no or low cost. Many of their lawyers have undergone specific training about helping victims of violence. They have member centres across Queensland. They can be contacted by email, [admin@communitylegalqld.org.au](mailto:admin@communitylegalqld.org.au) or phone, 07 3392 0092.

## Claimable legal expenses

It is important to know that **you can only claim** fees incurred for:

- getting advice from a legal practitioner about applying for financial assistance
- completing an application form (which includes providing supporting evidence)
- legal representation for your application (asking a lawyer to make a submission on your behalf).

We cannot pay fees for any other legal services. This includes other services that may be related to the act of violence.

You should **always ask the legal firm** to clearly explain to you:

- what work they will do
- what fees they will charge, and
- if they plan to keep all or part of any financial assistance you are awarded.

## Approved costs

We can pay **up to** \$500 for legal fees. The amount paid will depend on the level of help given.

See Guideline 9 – Granting financial assistance for legal expenses for more information about:

- what costs can be considered
- what information must be included on the invoice.

## How to claim

To claim financial assistance, you need to:

- report the violence
- complete the approved application form – including the legal expenses section
- provide information about your injuries (primary victim, parent and witness claims only)
- attach receipts, invoices or treatment plan for each expense you are claiming (including the itemised invoice from the lawyer)
- provide identity document(s)
- Send your application and other documents to:
  - VictimAssist@justice.qld.gov.au
  - Victim Assist Queensland, GPO Box 149, Brisbane, Qld 4001.

## Legal representation

If you are asking the lawyer to act on your behalf, please provide:

- the contact details for the lawyer
- a copy of your consent to have the lawyer act on your behalf.

Please note: You can withdraw your consent at any time. Just email [VictimAssist@justice.qld.gov.au](mailto:VictimAssist@justice.qld.gov.au) and tell us you don't want the lawyer to act on your behalf anymore.

## Payment process

If your claim is approved, we will send you a 'Notice of Decision'. This notice will list what we have agreed to pay for, who we will be paying and the conditions on the payment. Please don't tell someone that we will pay for something before you get the 'Notice of Decision'. The 'Notice of Decision' will say if we will pay the cost or not.

## Common payment conditions

**Paid expenses** – We must reimburse the person that paid the cost. This may have been you or it may have been a family member, friend, or agency. If someone else paid the cost for you, we need to pay them back. Please provide their name, phone number or email and banking information.

**Unpaid expenses** – In some cases, the cost hasn't been paid yet. Please provide an invoice so we can pay the service provider directly. If it is a medical or counselling expense, we must deduct any Medicare and private health rebates first. It is important that the invoice is made out to your name. This is because you received the service or goods. The invoice should not be made out to Victim Assist.

Other conditions (if any) will be noted in your 'Notice of Decision'.

### Limitations

We cannot cover every expense you may incur because of violence. We cannot pay:

- expenses exceeding \$500
- invoices and receipts that have not been itemised
- legal fees for services that are not related to making a financial assistance claim (e.g. domestic violence protection orders, lawsuits, family court matters, immigration matters, tenancy or other financial matters, other criminal matters).

### Timeframe

Due to the high number of claims already queued, it may be many months before we're able to assess your application and pay approved expenses.

If you have an urgent expense, and meet the conditions for claiming urgent expenses, we may prioritise the assessment of these expenses. If we decide the expenses don't meet these conditions, we'll let you know. Non urgent expenses will be queued for general assessment within normal timeframes.

### Other factsheets you may need

You should also read the following instructions:

- Reporting requirements for all applicants
- Providing information about your injuries
- Prove your identity when you apply
- Claiming urgent expenses.

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*All instructions, forms and reports talked about in this factsheet are available at [www.qld.gov.au/victimssapply](http://www.qld.gov.au/victimssapply).*

*If you do not have internet access, please call 1300 546 587 during business hours and request the information via post.*

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