

# Guidelines and Criteria

## Grants from the Statutory Interest Account

### About the Statutory Interest Account

Law practices in the ACT are at times required to pay amounts out of a general trust account of the practice into an ADI account (the statutory deposit account) kept by the Law Society of the ACT (Society). The interest earned on the statutory deposit account is maintained in a separate ADI account, also kept by the Society, and known as the Statutory Interest Account (SIA).

Section 253(4) of the *Legal Profession Act 2006* (ACT) sets out how the funds in the SIA can be used. In particular, sub-section 253(4)(b) permits the Society, with the consent of the Attorney-General, to use money in the SIA *to assist in the conduct of a scheme for the provision of legal aid and to provide funds to the legal aid commission.*

### Applying for SIA grants

Each year, the ACT Legal Aid Commission and community legal centres in the ACT are invited to apply for grants from the SIA.

Applications for grants are assessed by the Council of the Society on the basis of the eligibility and assessment criteria set out below.

Applicants should note that the eligibility of an applicant to apply for an SIA grant does not guarantee that a grant will be approved by the Council. In addition, the allocation of an SIA grant in any year does not bind Council to the allocation of a similar (or any) grant in subsequent years.

Applicants will be informed of the outcome of their application following receipt of the Attorney-General's written approval of Council's recommendation.

### Allocation by Council of SIA funds

Following the determination of available funds, the Society will invite applications from eligible organisations for SIA grants. Applicants must lodge their applications with the Society by the due date.

Council will assess each SIA grant application on the basis of the eligibility and assessment criteria, and determine whether to grant all or some of the amount requested in the application. In weighing up the competing merits of the applications, the Council may have regard to any other circumstances it considers relevant. The Society retains the discretion to recommend that the Attorney-General authorise payments in amounts other than those sought by SIA grant applicants.

Once determined by Council, the Society will request the consent of the Attorney-General to the payment of the recommended amount(s).

Each SIA grant applicant will be notified of the Council's decision in respect of their application. The notice to each applicant will note that the Society's recommendation is subject to the consent of the Attorney-General.



## Eligibility criteria

To be eligible to apply for an SIA grant, an organisation must:

- be engaged in the conduct of a scheme for the provision of legal aid;
- ensure that legal advice to a client is provided only by or under the supervision of a legal practitioner who holds a current unrestricted practising certificate or is otherwise entitled to practise in the ACT;
- unless otherwise exempt, be insured under a policy of professional indemnity insurance that provides an equivalent level of indemnity as those policies approved by the Council under section 312 of the Legal Profession Act 2006 in respect of Community Legal Centres; and
- cause an income and expenditure statement and balance sheet to be prepared and audited on an annual basis by a registered company auditor within the meaning of the Corporations Act (unless subject to other statutory requirements in relation to the keeping of proper accounts and records of the transactions and affairs of the applicant).

## Assessment criteria

SIA grant applications will be assessed by the Council on the basis of the following criteria. Applicants should:

1. describe the specific purposes / legal services to which the proposed SIA grant will be applied, including:
  - the extent to which a means test is applied to potential clients,
  - whether the applicant represents its clients in courts, tribunals, mediations and arbitrations;
2. indicate whether the services will be accessible by all members of the general public, or if not, the reasons why specific groups are targeted or excluded;
3. demonstrate the need for the proposed services in the ACT and outline the anticipated benefits of the proposed services to the ACT community;
4. indicate the extent to which the proposed services are available through similar programs provided by other entities in the ACT;
5. demonstrate their ability to deliver the proposed services, including details in regard to staffing;
6. provide a budget indicating how the SIA grant will be expended;
7. demonstrate their ability to manage the SIA grant, including the acquittal of moneys received at the end of the financial year;
8. demonstrate that the organisation has previously been successful in meeting its objectives. The Society may base its consideration on information contained in:
  - an Annual Report
  - a report or a statement issued by a government or department which has responsibility for the applicant
  - an auditor's report
  - any other report or document which Council considers to be relevant.

## Timetable

The following table sets out the target dates in the allocation of SIA grants each year.

Date	Action
July	The Council of the Society determines the total amount of SIA grant funds available for allocation.
September	Society's AGM conducted, financial statements confirmed.
October	Applications for SIA grants are invited.
December	Applications for SIA grants are lodged with the Society. Applications to include acquittal of previous years' grant. Council considers the SIA grant applications.
January / February	The Society seeks the consent of the Attorney-General to the payment of the SIA grants recommended by Council. The Attorney-General either approves or rejects the recommendations of the Council.
February / March	Applicants are notified of the result of their application and the grant is paid on receipt of a tax invoice.

## Enquiries

Enquiries about SIA grants should be addressed to:

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