

## 5.2 Legal Aid – Part 2 (Further legal costs)

**This program provides up to \$10,000 per member per year towards legal fees incurred in support of the objects of the IBN Charitable Foundation, and consistent with the IBN Constitution and in the interest of IBN Members, the community and the law.**

Note: This form should be completed after reviewing the IBN Policy: Funding for Legal Fees and Disbursements. This policy explains what may be funded, and the conditions that apply. The policy also includes a sample funding agreement that you may be required to sign together with your legal representative if your application is successful. Both you and your legal representative must complete parts of this form.

Before lodging an application members are required to access other support such as the Aboriginal Legal Services (ALS) or Legal Aid. IBN may seek cost sharing with other agencies or subsidies legal expenses to the extent that other funds are not available.

**Need help with this form?** Freecall 1800 014 401

### Returning this form

Email: [applications@ibngroup.com.au](mailto:applications@ibngroup.com.au)  
Post: PO Box 2390, South Hedland, WA, 6722  
Fax: (08) 9140 0998  
In person: 3 Brand Street, South Hedland  
973 Central Road, Tom Price  
Unit 3, 4 Welcome Road Karratha

### Benefits, exclusions and conditions

Refer to the Community Programs Handbook or visit [ibngroup.com.au](http://ibngroup.com.au)

### Required documentation

See 'Attachments' check box. Applications cannot be processed until all required documentation is provided.

### Processing time

3-5 working days once all required documentation is received.

### IBN Community Member applying for assistance

1 Mr Mrs Miss Ms Other

Snr Jnr  
First given name

Second given name

Last name

2 Have you been known by any other name?

No  
Yes ► Provide name

3 Your date of birth

4 Your gender

Male Female

5 Language group

Yinhawangka Banyjima Niyiyaparli

6 Mobile phone number

(to be used to advise you of the progress of your application)

7 Email address

8 Current home address

  
  
  
Postcode

9 Is your current address the same address you registered with IBN?

No ► You will need to complete an 'Update personal details form' and attach it to this application.

Yes

10 Name of legal representative


Phone number

Address of legal firm

  
  
  
Postcode

Email

### Attachments

11  To enable IBN to assess your application quickly and accurately you must provide the following documents when submitting your application.

Supplier quotes/invoices including supplier payment details

*\*In some cases, members also may be required to submit an expenditure acquittal*

### Obligations and undertakings

12 Do you agree to abide by the conditions of the IBN Policy: Funding for Legal Fees and Disbursements, including but not limited to those provisions relating to Costs, Orders and Settlement, and to execute a funding agreement in accordance with the terms of the Policy?

No

Yes

**13** Do you undertake that this funding will not be used to fund legal action against another IBN Community Member or Traditional Owners, an IBN Representative Corporation, IBN Corporation or the Trusts administered by IBN Corporation?

No  
Yes

**14** Do you agree to provide, at the conclusion of this matter, a copy of a closing report from your legal representative summarising the outcome of the legal matter and the use of funds in accordance with the funding agreement?

No  
Yes

### Applicant's declaration

**15** I confirm that the information provided above is true and correct. I understand that assistance under the IBN Policy: Funding for Legal Fees and Disbursements is wholly at the discretion of the Board of IBN Corporation. I agree to allow my legal representative to share information about my legal case with IBN for the purpose of assessing this application. I confirm that I agree to comply with those matters marked 'Yes' above, and all matters outlined in the IBN Policy: Funding for Legal Fees and Disbursements. I have obtained independent legal advice from the law firm about the effect of this policy.

Signature

Date

### Assistance for you

**16** Assistance required

Expense 1	
Name of supplier to be paid	Amount required <input type="text" value="\$"/>
Expense 2	
Name of supplier to be paid	Amount required <input type="text" value="\$"/>
Expense 3	
Name of supplier to be paid	Amount required <input type="text" value="\$"/>
Expense 4	
Name of supplier to be paid	Amount required <input type="text" value="\$"/>
Expense 5	
Name of supplier to be paid	Amount required <input type="text" value="\$"/>

### To be completed by your legal representative

**17** Expenses requested (estimated costs)

Estimated cost of legal representation
<input type="text" value="\$"/>
Estimated cost of disbursement
<input type="text" value="\$"/>
Estimated court costs
<input type="text" value="\$"/>
All other estimated costs
<input type="text" value="\$"/>
Total
<input type="text" value="\$"/>

**18** Please explain what the legal matter is about and why legal representation is required?



Please attach additional information if the space below is not sufficient to explain the matter

Under the *IBN Policy: Funding for Legal Fees and Disbursements*, legal fees are only available under certain conditions. These are listed below. Please tick the box(s) that apply to this funding request.

These are listed below. Please indicate which of the following conditions applies to this funding request (you may tick more than one box).

**Greatest value for the greatest number of Traditional Owners**

This funding (for legal fees) will ensure that a resolution of the issues would affect or be of greatest value to the greatest number of Traditional Owners and their descendants or would address a point of law of public importance.

**Prevent a miscarriage of justices**

This funding (for legal fees) will ensure a reasonable likelihood that a miscarriage of justice will be prevented or will enable an applicant access to justice where they would otherwise be significantly disadvantaged — including for reasons of illiteracy, language differences, cultural differences or mental or physical impairment or condition.

**Liberty or safety is at serious risk**

This funding (for legal fees) is required because the applicant's liberty or safety is at serious risk — including as a result of being charged with a serious criminal offence.

**Child at risk**

This funding (for legal fees) is required because a child is at risk of abuse or a child's welfare is at serious risk.

**Legal merit**

This funding (for legal fees) is for an issue that has legal merit and is not vexatious or frivolous.

**Applicant lacks financial resources**

This funding (for legal fees) is for an applicant who lacks the financial resources to access legal services without assistance from IBN Corporation.

**Imminent risk to life/property**

This funding is for a legal matter that is urgent or involves an imminent risk to life or property.


**Achieve a timely, efficient resolution**

This funding is likely to achieve a timely, efficient and fair resolution of a legal issue, minimise costs and maximise the use of non-litigious resolution methods in appropriate circumstances.

**Other issues consistent with objects of Charitable Trust / Financial Assistance Foundation**

This funding (for legal fees) is for some other issue that is consistent with the objects of the Charitable Trust or the Financial Assistance Foundation.

## Attachments

**19**  Please attach a statement ('Lawyer's Statement') addressing the following

- i) why this case has legal merit and is not vexatious or frivolous
- ii) duration of the matter
- iii) a copy of your firm's standard terms and conditions.

**20 Legal representative's declaration**

I confirm that I am willing to execute a funding agreement in accordance with terms of the *IBN Policy: Funding for Legal Fees and Disbursements*. I confirm that the Lawyer's Statement including the estimated costs I have provided with this application is true and correct and consistent with the requirements of the *IBN Policy: Funding for Legal Fees and Disbursements*. I confirm that the costs referred to in the application have not yet been incurred by the applicant.

## Legal representative's

**21** Signature

Date

**Office use only**

Date received  CP#

Received by

IBN Corporation Pty Ltd | ACN 093 140 240