

2009-10 General Grants
Information
**Legal Practitioner Interest
On Trust Accounts Fund
(LPITAF)**



INTRODUCTION

The Department of Justice and Attorney-General is responsible for the administration of the *Legal Profession Act 2007* (LPA). The Attorney-General and Minister for Justice can approve general grant funding from the Legal Practitioner Interest on Trust Accounts Fund (LPITAF), for initiatives that meet the purposes provided under Section 289(1)(h) of the LPA.

Accordingly, the Attorney-General allocates a pool of funding as a Grants Fund on an annual basis. The allocation for 2009-10 is \$1.5M. An annual process has been established to publicly advertise the seeking of applications from parties who are interested in accessing this grant funding.

A Committee will be convened to assess all applications into relative rankings and prioritisation within the scope of the criteria outlined below. On the basis of this assessment, recommendations will be provided by the Director-General to the Attorney-General for consideration and approval. The department provides analytical and administrative resources to support the Committee.

BACKGROUND

Section 289(1) (h) of the LPA provides that the Attorney-General can approve payments from the LPITAF as follows:

“(h) grants approved by the Minister for any of the following purposes:

- (i) the advancement of law reform;
- (ii) the collection, assessment and dissemination of information concerning legal education, the law, the legal system, law reform, the legal profession and legal services; and
- (iii) facilitating access to the legal system, legal information and education and legal services for members of the community particularly economically or socially disadvantaged members of the community”.

Parties wishing to be considered for grant funding under Section 289(1) (h) are required to prepare and submit an application, by the due date in the manner detailed below.

APPLICATIONS CLOSE

A signed hard copy of all applications must be received by Friday 27 March 2009 at the following address:

Mr Ian Warren
Director, Financial Services
Department of Justice and Attorney-General
GPO Box 149
BRISBANE QLD 4001

Any enquiries should be directed to Ms Karen Smith, Principal Management Accountant, on (07) 3239 0452.

FUNDING OBJECTIVES

The objective of the Grants Fund is to provide general grant funding to individuals or organisations as seed or short-term funding for initiatives that will provide benefit to the people of Queensland, for the purposes provided under Section 289(1) (h) of the LPA.

Initiatives that are of particular benefit to the economically or socially disadvantaged or geographically isolated members of the Queensland community will be considered favourably.

It is not an objective of the Grants Fund to provide funding for continuing or currently funded services, or initiatives already being undertaken within government, tertiary institutions and other organisations.

It is not the responsibility of the LPITAF to provide ongoing funding for services established or assets purchased as part of Grants Fund initiatives.

Section 289(1) (h) of the LPA provides for four basic funding categories described as follows:

| # | Funding Category | Description |
|---|---------------------------------------|---|
| 1 | Community Legal Services | Providers or facilitators of access to the legal system for members of the community, particularly economically or socially (including geographically) disadvantaged members of the community |
| 2 | Law Reform | Research and policy analysis or development for the purpose of advancing law reform |
| 3 | Legal Research | The collection, assessment and dissemination of information about aspects of the legal system (namely, legal education, the law, the legal system, law reform, the legal profession and legal services) |
| 4 | Community Legal Education/Information | Providers or facilitators of community access to legal information and education, particularly for economically or socially (including geographically) disadvantaged members of the community |

Some initiatives will contain elements across multiple categories; however the category that best describes the initiative will be used for assessment purposes.

The department directly contributes to the Queensland Government priority of creating safer and more secure communities as a recognised authority on whole-of-government justice policy and matters of governance.

FUNDING PRIORITIES FOR LEGAL POLICY AND RESEARCH DEVELOPMENT

In order to align the advancement of law reform undertaken by the Grants Fund with Queensland Government priorities, the following areas, in no particular priority order, are of particular interest for legal policy and research development:

- Enduring Power of Attorney (EPA)
 - EPA and Advance Health Directives (AHD) forms – development, distribution and collation of results of a survey on the content and useability of the EPA and AHD forms
 - EPA and AHD checklist for witnesses – development of legal education materials for Justices of the Peace and legal practitioners on requirements for witnessing these documents

- EPA educational materials for banks – compilation of legal educational materials for management and bank staff on the legal effect of EPAs, how to use them and where to report suspected abuse
- Pre-plea and post-plea court diversion options
 - The advantages and disadvantages of court diversion options being given at the pre-plea versus post-plea stage
- Foetal alcohol spectrum disorder (FASD) and criminal defences
 - The interaction between "foetal alcohol spectrum disorder" and criminal defences and sentencing as per recommendation 8 of the Improving Cape York Justice Services report: *“examine the interaction between FASD and current defences, including the ability for a Judge to ask for a full medical-legal report prior to sentencing offenders where there are concerns around behaviour, a history of family alcoholism and suspected intellectual impairment.”*
- Mainstream problem solving interventions in Queensland courts
 - Investigating the benefits of incorporating the principles and practices of specialist courts into the lower court system
- Young Adult conferencing
 - Investigating the viability and benefits of young adult conferencing, specifically for young adults with no prior adult court appearances and non-violent offenders
- Neighbourly relations
 - The development of materials for dissemination to the community regarding the resolution of common disputes between neighbours, including noise, tree disputes, vegetation management issues and dividing fences
- Indigenous justice
 - Initiatives to address the legal needs of indigenous people particularly in remote communities, for example, in the areas of child protection, family violence and consumer credit
- Regional and remote access to legal services
 - Initiatives to address the decline in the provision of professional legal services in regional and remote areas of Queensland
 - Initiatives to enhance the responses for legal services through innovative service delivery to meet the legal needs of people living in regional and remote areas of Queensland

It is a condition of grant funding that all research is to be undertaken in conjunction with the Department and any other relevant organisations such as Legal Aid Queensland. A report must be submitted to the Department upon finalisation. Once the initiative is complete, the intellectual property rights will transfer to the grant recipient, subject to any material being available for use by the Department.

EVALUATION CRITERIA

Applications are evaluated on the basis of, but not limited to, the following criteria:

- Compliance with the purposes provided under Section 289(1) (h) of the LPA.
- Alignment with government service priorities and no duplication of existing government services or initiatives.
- No duplication of tertiary institutions or another organisation’s existing services or initiatives.
- The long-term benefit of the initiative for the people of Queensland, particularly economically or socially (including geographically) disadvantaged members of the community.
- The reputation of the applicant and proof of capacity to deliver the initiative according to the timeframe documented in the application, preferably based on the prior successful completion of a grant funded initiative.

- Performance of prior Grants Fund initiatives.
- Timeframes for outcomes being produced within the 2009-10 financial year.
- Financial consideration, including the total and cost effectiveness of the amount requested, and the amount of contributions from other sources, particularly in the area of administrative and equipment support.
- The number of applications per funding category.

Applications will not be accepted in the following circumstances:

- The total funding request of the initiative is in excess of \$150,000 (10% of the funding pool).
- The applicant is a Queensland government department.
- The applicant is an identified beneficiary of the LPITAF under the LPA.
- Funding has been provided for this initiative for two previous years from the Grants Fund.
- All conditions outlined in this document have not been followed.

GENERAL CONDITIONS

Submitting Applications

- Applications must be submitted in triplicate.
- Application pages must be single sided, A4 in size and stapled, not bound.
- Late applications will not be considered, unless authorised at the discretion of the Committee, due to strict timeframes to complete the assessment and approval process in order to make funding available to successful applicants prior to the end of June 2009.
- More than one application may be submitted in relation to multiple initiatives.
- A separate application, adhering to the proforma application form, is required for each initiative.
- The proforma application form incorporates 'tips' captions provided as a guide regarding the information to be included. Each relevant point is to be addressed succinctly (if applicable), with the tips being removed before completion.
- Each application must not exceed six pages in length.
- A maximum of three attachments up to a total additional maximum six pages in length can be provided (if appropriate/desired) at the time of submitting the application. These can include additional financial information (a full annual report is not required), testimonials (addressed to the applicant, not the Department or Attorney-General) and/or other relevant information (including prior research).
- Where applications deviate from the proforma format or conditions, applicants may be given three working days from the date of advisement to revise and re-submit an acceptable version.
- Any individuals submitting applications as representatives of an organisation require the approval of that organisation to be detailed in each application. The organisation is responsible for the completion of the initiative should the individual default. Universities are to coordinate their applications through a central contact.
- If there is more than one organisation involved in an initiative, one organisation must take the lead responsibility as a single applicant, with the other organisation(s) receiving funding via the applicant.
- Grant payments will be made to the organisation, not the individual.
- Applications are only valid for one annual Grants Fund process and funding is only allocated for a maximum of 12 months. Funding beyond the first 12 months for longer life initiatives is subject to resubmission and reassessment of the initiative on an annual basis.
- If funding is sought to continue initiatives approved in the current financial year, a progress Outcome Report is also required as an attachment, in order to assess the achievements to date. Where funding provided in the current financial year will not have lapsed by 30 June 2009, the request for 2009-10 is to be based on the remaining unfunded portion of the financial year only.
- To the extent that grant funding may remain unallocated after the above process, subsequent processes may be undertaken to solicit grant applications.

- Applicants are encouraged to follow the established annual process. Applications received outside of this process will only be considered at the discretion of the Attorney-General, for particularly emergent issues to the extent that grant funding may remain unallocated.
- All applicant enquires and issues are to be directed to the department, not the Attorney-General.

Successful Applications

- Successful applicants will be notified prior to the end of June 2009.
- Applications will be supported for the 2009-10 financial year only. Consideration of further funding for future years, if applicable, will be dependant on future applications, assessment processes and available funding on an annual basis.
- All successful applicants shall accept and support an acquittal and reporting process prior to the payment of each grant.
- The department reserves the right to seek an independent audit to confirm that the funding has been expended in accordance with the grant approval.
- Grant payments are made on the basis of an agreed payment plan and no invoice is to be provided by the successful applicant.
- Grant payments are made by EFT to a single bank account per organisation. The LPITAF has one payment run negotiated with a service provider towards the end of each month, with additional payment runs only available for urgent requests.
- LPITAF grants are outside the scope of the GST regime. Therefore, the grant payments do not contain any GST and no GST is required to be remitted by the successful applicants.
- Acknowledgement of the grant funding received is encouraged to be included in any associated publicity and on any materials produced, in accordance with the department's guidelines.
- An extension for the completion of outcomes is only required from the Director, Financial Services if the initiative timeframes are expected to be exceeded by six months. Any longer delays may impact on the reputation of the applicant and the success of future applications.

PRIVACY STATEMENT

The personal information on the accompanying application form is collected by the department for the purpose of assessing your application for a grant under Section 289(1) (h) of the LPA. The personal information is accessed by authorised persons only.

Personal information provided in the application may be provided to other government departments and organisations for the purpose of assessing the application. The personal information will not be otherwise disclosed unless in accordance with Information Standard 42, for example, where disclosure may be required by law.

Details of successful applications, including the name of the applicant organisation, a description of the initiative and the approved grant funding amount, will be made publicly available.