

21st June 2017

Sharika Jeyakumar
Means Test Review Project Manager
Victoria Legal Aid
Melbourne Office
GPO Box 4380
Melbourne, Victoria, 3001

Dear Sharika,

Community Consultation on Financial Eligibility for Grants of Legal Assistance

I refer to the Victorian Legal Aid letter addressed to Paul McDonald on the 1st May 2017 regarding Community Consultation on Financial Eligibility for Grants of Legal Assistance.

Anglicare Victoria was formed in 1997 by an act of the Victorian Parliament by joining together three of the State's most experienced child and family welfare agencies - the Mission to St James and St John, St John's Homes for Boys and Girls and the Mission to the Streets and Lanes. Anglicare Victoria exists to resource and empower children, young people and families to achieve their full potential through: the provision of quality innovative services for children and young people; supporting vulnerable families; and the promotion of social justice. The Gippsland Community Legal Service is an Anglicare Victoria program that provides legal information, advice, referral and representation to disadvantaged and vulnerable individuals, families and groups within the community.

The Gippsland Community Legal Services (GCLS) welcomes the consultation process VLA are embarking on in relation to their Means Test Review. The feedback below is based on the experience of GCLS lawyers providing generalist, family violence, mental health legal assistance and education. Their focus is on prevention and early intervention work, they collaborate with mediation services and generally seek to avoid disputes escalating to court.

GCLS does not currently apply for grants of legal aid for clients, these clients are referred to private lawyers. This is due to limited resources, the demands on service, and the need to maintain a holistic approach (the threefold CLC approach of legal assistance, legal education and law reform). This is also a reflection of life in a RRR area, where no one service can cover all regions and so the work of private lawyers, undertaking VLA funded work, is crucial.

Following VLA's means test review a few years ago, GCLS has consistently received client referrals for legal assistance from VLA and VLA's Legal Help Line. These referrals are for matters which are ordinarily within the ambit of VLA's work. This is particularly the case where people are seeking advice and assistance before court for a criminal law matter. Under the current guidelines, people are not guaranteed access to a VLA duty lawyer on their court day. This has significantly impacted on their workload as the only generalist community legal service in Gippsland. Failing to provide assistance to disadvantaged consumers in this way leads to consumer dissatisfaction, stress, and an overload on the justice system as a whole.

As to the specific questions posed in the options paper regarding CLCs:

1. Will CLCs see a decrease in demand on their services as [a] result of expanding the eligibility criteria of our means test?

GCLS hope they do! Receiving referrals from VLA for work that they traditionally do and that GCLS traditionally do not do (e.g., criminal law) increases the burden on them to refer these clients appropriately or advise them on their legal issue. This is not an efficient use of their limited resources and it also creates a cycle of frustration for people seeking legal assistance. It creates 'wrong doors', places them at risk of non-representation, and arguably, leads to a lack of natural justice being afforded them. GCLS would happily see a reduction in these referrals so they can focus on other work in the community.

2. Will means test changes help CLCs access grants of assistance easier on behalf of their clients?

The way forward for CLCs seems to be that they will become panel members for VLA funded work. Into the future, so that GCLS can provide a wraparound service (assisting clients from their first contact with them all the way through to the finalisation of their legal issues, and assisting in multiple areas of law), it would be good if they could obtain grants to assist clients with their VLA fundable work in Child Protection, family law, family violence and crime. Any system that makes it easier for GCLS to navigate the VLA grants would be helpful. Transparency is therefore essential for their work and clients.

As to the specific options numbered 1 to 47, many of them seem to benefit disadvantaged people needing legal representation and advice, these are options which are supported by GCLS. It is clear from this extensive options paper that VLA have heard the feedback provided to them about the means test and the ways in which it could be amended to represent a fairer system.

Yours sincerely,



Jane Anderson
Regional Director



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