

Introduction

Welcome to the second edition of E News. The purpose of the newsletter is to provide you with up-to-date information about changes to grants of legal assistance and other matters that may be of interest.

Equitable Charges

Where a grant of legal assistance has been provided, on the condition that the client agrees to sign an equitable charge, VLA will cancel / terminate the grant if the signed original equitable charge has not been received by VLA within 21 days. You must ensure that a copy of the current mortgage statement and a current title search are submitted with the executed charge.

Proof of Means (POM) – Financially Associated Persons (FAPs)

Where an applicant discloses a financially associated person (FAP), proof of means must be provided for the applicant and the FAP. For applicants in receipt of Centrelink benefits with a FAP also on benefits, then copies of **both** persons' health care card (or other proof of benefits) must be obtained and provided to VLA.

VLA will **no longer accept** only one card with either the FAP listed on the applicant's card or the applicant listed on the FAP's card; two cards must be provided.

\$100,000 Equity Property Means Test

VLA is implementing various strategies to address financial pressures on funding. One of the strategies, which applies to **all matters**, relates to changes in the assets test.

The allowable threshold for equity in an applicant's principle place of residence has been reduced to \$100,000.

In the event that an applicant has equity in excess of \$100,000 legal assistance will not be granted.

An equitable charge to secure the cost of providing legal assistance will be sought from applicants who have less than \$100,000 equity in their principle place of residence.

For more information on other strategies implemented by the VLA Board please refer to the VLA website at www.legalaid.vic.gov.au

Victorian Agent's engaged by interstate practitioners

Where an interstate practitioner engages you to act as agent on behalf of a legally assisted person located interstate, the application is subject to **full assessment** by VLA's Legal and Policy Unit. Although your firm may be on the s29A panel, you cannot make a recommendation in relation to merits / guidelines, as you are acting on instructions from the interstate firm.

Any queries regarding the application (in particular means issues) will be made to you with a copy sent to the interstate firm.

Any queries in relation to this issue may be directed to the Legal and Policy Unit (LPU) on (03) 9606 5351.

Change of practitioner requests

VLA asks, in order to assess and approve a transfer of aid in a timely manner, that you provide the following information:

- A signed authority by the applicant requesting a transfer of the grant of legal assistance.
- Written submission outlining compelling reasons as to why a change of practitioner should be considered pursuant to VLA's Change of Practitioner Guideline at [Chapter 5 of the Victoria Legal Aid Handbook](#).
- A fully completed checklist.

Notes on VLA guidelines

An updated version of VLA's Notes on Guidelines, February 2008 is now available from the VLA website by selecting the 'For Lawyers' tab and navigating to 'Forms' and then selecting the 'Simplified Grants Process' link.

This document incorporates the recent funding changes that relate to guidelines and means test criteria, discussed earlier in this newsletter.

The **Notes on Guidelines** is an excellent resource that we recommend you read. This will ensure you are up to date with VLA guidelines and procedural requirements.

VLA publications

VLA's publications section has recently produced a new two-page information sheet designed to help clients understand how grants of legal assistance operate. The title of the publication is **'Who pays for a grant of legal assistance?'**. This is just one of a suite of publications available from VLA that will assist you to explain to clients various aspects of legal proceedings and services funded by VLA.



To order copies of VLA's publications you can place an online order by completing the form at <http://www.legalaid.vic.gov.au/orderform.htm>

VLA fees

The fees payable for matters under *Crimes (Sexual Offences) Act 2006* are outlined in VLA's **Notes on Guidelines** at page 33.

“Where a person is charged (after 1 December 2006) with a sexual offence and the complainant is either (a) a child or (b) suffers a cognitive impairment, the only examination of the complainant will take place in the County Court at a Special Hearing. For the examination of the complainant a practitioner will need a County Court preparation grant (table D2). No additional preparation fee is available for special hearings.

The appearance fees will be per Table G:

- a) the brief fee for the first day
- b) the subsequent day fee thereafter
- c) conference fees up to a maximum of three hours
- d) instructing fee.”

Note: In relation to the actual trial, Counsel will be entitled to the brief fee and conferences.

Indictable Crime Worksheets

Important note for indictable crime practitioners.

Some of you may have saved old worksheets on your computers and you therefore may not be operating on the latest applicable fees.

Please ensure that you periodically check the VLA website to ensure that you have downloaded the latest excel worksheets for additional reading and or preparation fees.

If you require assistance navigating or finding resources on the VLA website please do not hesitate to contact the Assessment or Compliance Unit.

Assessment Unit (03) 9606 5353

Compliance Unit (03) 9606 5355

Key Contacts

Assessments – Simplified Grants Process (SGP)

Tel: 9606 5353 Fax: 9269 0348

Email: fab-assess-mailbox@vla.vic.gov.au

Compliance & Investigations

Tel: 9606 5355 Fax: 9269 0115

Email: compliance@vla.vic.gov.au

Legal & Policy – Full Assessment

Tel: 9606 5351 Fax: 9269 0250

Email: fablpu@vla.vic.gov.au

Client Contributions

Tel: 9606 5356 Fax: 9269 0266