

Introduction

Welcome to the first edition of the Simplified Grants Process (SGP) newsletter.

In keeping with VLA's plan to continually look at ways to provide better information to our stakeholders, this newsletter is designed to assist our s29A panel practitioners to keep up to date with any changes regarding VLA's policies, procedures and guidelines. This newsletter is intended to provide succinct, concise information and act as a reference guide for you and your staff.

This newsletter will be a quarterly publication and we welcome your feedback and comments, and also suggestions for the newsletter name.

Our Compliance Unit will be coordinating publication of this newsletter. You are welcome to contact the Compliance Team via email or telephone if you have any queries or questions in relation to the content, or wish to provide feedback.

Happy reading and wishing you a wonderful year for 2008.

Finance Assignments & Business Division

The Finance, Assignments & Business (FAB) Division was created following the amalgamation of the Grants Division and Finance and Administration Division. FAB is made up of a number of business units:

- Assessments – Simplified Grants Process (SGP)
- Compliance & Investigations
- Legal & Policy
- Client Contributions
- Finance & Facilities
- Roundtable Dispute Management (RDM)

For **contact details** see last page.

Important changes for practitioners

E-lodgement (Summary Crime only)

From 1 January 2008, e-lodgement will be the **only way** to apply for a grant of assistance for summary crime matters. You must register for this new system as soon as possible.

A dedicated e-lodge Help desk is available Monday to Friday between 8.45 am and 5.15 pm and can be contacted by calling 9606 5352.

You can **register for e-lodgement**, or visit VLA's website at www.legalaid.vic.gov.au

Registration is a two step process. Once a firm has submitted the registration form, through the VLA website, you will be sent a welcome pack, which will include a

CD. Contained on the CD is a **System Administrator's form**. This form must be printed on the applicant firm's letterhead and returned to VLA either via post, fax or email to the Grants Help Desk. Once received, the Help Desk will contact the practitioner to complete the registration process.

Clarification of VLA guidelines, procedures and policies

Compliance checks often identify frequent pitfalls for compliance areas and common issues such as practitioners incorrectly applying VLA guidelines. This section will provide information to assist you with common queries.

Crime

State Not Guilty / Guilty vs Traffic Prosecution Guidelines

The guideline for traffic prosecution matters applies to contests and pleas.

The minimum threshold in Traffic Prosecution matters is a suspended sentence. This threshold is significantly greater than a fine or CBO greater than 200 hours, criteria that exist in relation to the State Contest & State Plea guidelines.

For contest, you must also consider prospects of acquittal.

Family

You are reminded that the Commonwealth priorities and VLA's guidelines require real issues to be in dispute.

Before you consider your client's position in the matter consider whether there is a substantive issue in dispute.

Budget constraints

You are reminded that when making recommendations, grants of legal assistance are provided from limited public funds. Current budgetary constraints mean that a course of action, while considered desirable, may not justify expenditure of those limited funds based on cost / benefit issues and the appropriateness of spending limited public funds. Where a matter is assessed as borderline, a recommendation for assistance is not justified.

VLA is asking you to help us reduce spending by:

- applying the guidelines strictly in accordance with the *Notes on VLA Guidelines*
- assessing merits carefully, having regard to the limited public funds available
- limiting requests for the appointment of an Independent Children's Lawyer to only the neediest cases that meet the test in *Re K*
- carefully considering whether a private family report is really necessary for the resolution of the case.

RDM should always be considered as a first funding option with a view to avoiding litigation.

Equitable Charges

VLA may request an equitable charge as a condition of legal assistance if your client owns or has an interest in a property. This request can be made in addition to, or instead of, a request that the assisted person pay money as an initial or final contribution. VLA may ask that an equitable charge be signed in three situations:

- before VLA grants assistance. This will secure payment of all or some of the cost of granting assistance
- when VLA makes a further grant of assistance. This will secure payment of all or some of the current and future costs of assistance
- at the end of a grant of assistance. This will secure payment of the amount assessed as a final contribution.

You are asked to make sure clients are aware of VLA's debt policy concerning equitable charges. In particular, the policy that payment will be sought from clients when the property is re-financed.

Please refer to chapter 4 *Conditions of Assistance* of the VLA Handbook for further information regarding client contribution matters.

VLA fees

Acting for co-accused and the rates that apply

When acting for co-accused, you are reminded that specific rates apply in relation to the grant of legal assistance

- Summary proceedings
 - 2 legally aided defendants represented = 1½ x table fees applicable.
 - 3 or more legally aided defendants represented = 2 x table fees applicable.
 - Fees are set out in Table A of Fee Schedule 1 of the Legal Aid Handbook. See [Chapter 6 of the Grants Handbook](#).
- Indictable proceedings
 - Fees are outlined in the [Notes on the Guidelines](#) (section 5.5 fees for multiple accused / consolidated pleas).

Fees applicable to Court Integrated Services Program (CISP)

The applicable fee in relation to this appearance is \$116 and is claimable once only. This fee is the same as the existing CREDIT Program appearance fee contained in [Table A1 of Chapter 6 of the VLA Handbook](#).

Fees applicable to Intervention Order matters

There is some confusion in relation to invoicing for these matters. A common mistake is claiming fees that relate to summary crime instead of intervention orders (IVO).

Please note the following line items on the (Table A1) Invoice are applicable when invoicing in relation to IVO matters only:

- Preparation
- Appearance fee
- Contest fee (Crimes Family Violence)
- Appearance at Sentence or Adjournment

If you act for multiple complainants or defendants, **only one lump sum fee** per table A1 is payable.

Where a matter is listed for contest but does not proceed, only the **standard appearance fee** is payable. The contest fee is only payable where evidence is led and/or witnesses are examined. The plea at **contest fee** only applies in summary criminal matters, not in intervention order cases.

Withdrawal of charges at contest mention

VLA now considers it appropriate that where a grant ends in withdrawal of charges at the contest mention, the fees payable are the **preparation component** and the **contest mention fee**.

Child protection

- rollover appearances do not attract the full IAO appearance fee
- where an IAO is continued by consent and without any substantial negotiation the directions hearing fee only is payable (see preamble to Table A2).

Online resources

You are encouraged to bookmark / include in your Internet Explorer favorites, the following references that relate to online resources. These are available from the VLA website at www.legalaid.vic.gov.au

Simplified Grants Process (SGP) – Notes on Guidelines

The *Notes on Guidelines* contains examples and scenarios regarding the application of VLA's guidelines and fees. This information enables you to assess eligibility and merit requirements before recommending assistance for a matter.

The Notes have recently been updated. You should ensure that you and your staff are familiar with the contents.

(SGP) Worksheets

VLA has designed a range of worksheets for you that cover topics such as *Proof of Means (POM)* and requirements regarding disbursements, such as medical or psychological reports. A full range of these worksheets are available by accessing the link to the VLA website.

Legal and Policy Unit (LPU)

What we do:

- assess applications for extensions of assistance from practitioners who are on the s29A Indictable Crime panel who request additional preparation
- assess applications for assistance in civil proceedings including coronial inquests and public interest matters
- assess applications for assistance for all other matters which are not on the Simplified Grants Process
- requests for Senior Counsel and requests for two Counsel;
- policy development
- matters arising under section 360A *Crimes Act* 1958 and section 143 *Confiscation Act* 1997 applications.

Help us to help you

We are relying on you to assist us in processing applications quickly by providing us with complete

application forms and sufficient information to enable us to make a decision.

We are committed to ensuring that applications for assistance are processed in a timely manner.

Please remember to:

- provide the application or request for extension in a timely manner
- ensure all questions on the application form are completed and documentary proof of means is provided
- refer to the VLA Guidelines in the VLA Handbook
- identify what kind of matter you are seeking assistance for
- provide an outline of the facts of the matter
- provide your assessment as to the merit of the cause of action/defence.

New VLA website

On 18 December 2007 VLA will be launching its exciting new website. The site will be easier to navigate, has an improved search engine and a dedicated section 'For lawyers'. The website will be a vital source of information for anyone who deals with VLA. You are encouraged to visit the site and experience the difference. We would value your **feedback** on what you found useful and what you found difficult to locate.

Key Contacts

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Legal & Policy – Full Assessment

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Client Contributions

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