

# Who pays for a grant of legal assistance?

This information sheet will help you understand how grants of legal assistance work and how you might be asked to pay back some or all of your legal costs.



## What is a grant of legal assistance?

A grant of legal assistance is money used to pay a lawyer to help you with your legal problem. A lawyer can:

- give you legal advice
- help you reach agreement
- prepare legal documents
- speak for you in court.

For more information on applying for a grant see the 'Grants of legal assistance – guide and application form'. You can get this from any VLA office, community legal centre and many private lawyers. These services have people who can help you fill out the form free of charge. You can also download it from the VLA website at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

## How do we work out who gets a grant?

Grants are generally for criminal or family matters, but can be for some civil cases, such as discrimination, immigration, social security or mental health matters.

We have clear rules about who can get a grant. We look at:

- what you want legal assistance for
- if you are likely to win your case
- if helping you can benefit the public
- your financial situation using a **means test**.

The means test looks at:

- what money you get from work, welfare benefits or other sources
- if you own a car, home or anything else of value
- your weekly living expenses.

The test also looks at if you support anyone else, or whether they support you. These people are called financially associated persons. Their income and assets are also included when we work out if you get a grant.

## Is there a limit to the amount I can get?

Yes, for some legal problems there are limits on the amount of funding we can give you. This is called a **cost ceiling**. If you get a grant of legal assistance we will let you know what this limit is.

It is important that you understand these limits. If your grant runs out and the case is not finished, you may have to finish your case without our assistance. You can ask us how much money you have left at any stage.

## If my lawyer is not from VLA, how do they get paid?

We pay your lawyer direct. It is an offence for your lawyer to ask you to pay any costs for legal aid work. If you get a bill from your lawyer contact us immediately.

## If I get a grant of legal assistance, is it free?

Not always. The amount you may have to pay depends on your financial situation and is worked out from your financial details. You may be asked to:

- pay a **contribution**
- agree to a **charge**.

## What is a contribution?

A contribution is when you have to pay all or part of your grant back to VLA. We work this out by looking at your financial situation to see how much you can afford to pay.

## How can I pay my contribution?

You can pay your contribution by direct debit, cheque, money order or at any VLA office. You will be asked to pay monthly instalments or a lump sum upfront depending on your financial situation.

**You will get back anything you have overpaid at the end of your case.**

## What happens if my financial situation changes?

You must tell VLA if there are any changes to your financial situation. If your situation improves, for example you get a job, your monthly instalment may increase. If your situation gets worse, for example your car may need major work, we can talk about reducing your monthly instalment for a few months.

We can also review your financial situation. If it has improved, we may ask you to pay back all of your contribution immediately.



## What is a charge?

A charge is a legal document that we ask you to sign so that VLA is paid back the grant money if you sell, transfer, refinance or borrow on your house or property. You can sign a charge even if you have a mortgage. We can also ask you to sign a charge if you obtain property while you are getting legal assistance or at the end of your case.

### **You still own your property. We will not force you to sell, refinance or move out of your home.**

If you agree to sign a charge, VLA will register a legal notice on your property at the Land Titles Office. This notice is called a **caveat**.

If you do not agree to sign a charge, we may stop your grant of assistance.

### **Will it cost me anything when VLA registers a caveat?**

Yes. It usually costs less than \$100. This cost is added to the amount of the charge.

### **What happens if I am going to sell, transfer or borrow against my house?**

You must tell us immediately. You have to pay the amount you owe VLA. Even if you buy another house, you will still have to pay VLA, so it is best to contact us first to find out how much money you owe.

### **The Land Titles Office will tell us if you sell, transfer or borrow against your property.**

### **How can I remove the caveat?**

When you pay the money you owe us we will give you the forms you need to remove the caveat. You can choose to pay us back at any stage, not just when you sell the house.

### **Will I be asked to pay VLA back if I do not sell the house?**

Each year you will be asked to fill in a financial statement. If your financial situation changes and we think you can afford it, we may ask you to make payments in the same way as a contribution.

### **Get independent legal advice to help you decide whether you agree to the conditions of your grant.**

## Call us

Contact us to find out how we can help you. You can speak to someone in English or ask for an interpreter.

## VLA Legal Information Service

Open Monday to Friday, 8.45 am to 5.15 pm

Telephone 9269 0120 or 1800 677 402 [Country callers](#)

Contact us for free information about the law and how we can help you. You can speak to someone in English or ask for an interpreter.

## VLA regional offices

Open Monday to Friday, 8.45 am to 5.15 pm

Bairnsdale	5153 1975
Ballarat	5329 6222
Bendigo	5448 2333
	Toll free 1800 254 500
Broadmeadows	9302 8777
Dandenong	9767 7111
Frankston	9784 5222
Geelong	5226 5666
	Toll free 1800 196 200
Horsham	5381 6000
	Toll free 1800 177 638
Morwell	5134 8055
Preston	9416 6444
Ringwood	9259 5444
Shepparton	5823 6200
Sunshine	9300 5333

All VLA offices are accessible to people with a disability.