

# Grants of legal assistance

## Guide and application form

### **Important information:**

- 1 Read and keep the Victoria Legal Aid client service information and guide to a grant of legal assistance materials contained in the first section.
- 2 Complete the form contained in the second section.
- 3 Send the form and relevant documents to a Victoria Legal Aid office.

**If you need help with this application form please contact your local Victoria Legal Aid office.**

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## Our vision

A leading and responsible force for community access to the legal system and for social justice.

## Our values

We are committed to:

- serving our clients and community professionally and ethically
- acting with integrity, fairness and transparency at all times
- respecting and valuing diversity
- pursuing continuous improvement across the organisation.

### Victoria Legal Aid contacts:

**Victoria Legal Aid Melbourne office**

350 Queen St

Melbourne VIC 3000

Hours: 8:45 - 5:15 Monday - Friday

Tel: 9269 0234 or 1800 677 402 (country callers)

Fax: 9269 0250

Web: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

## Victoria Legal Aid service information

### We will:

- 1 Provide a safe environment for you and our staff.
- 2 Provide you with information on the services we offer.
- 3 Respect your privacy and give you access to your personal information. Ask your lawyer or our Privacy Officer about how you can access your personal information.
- 4 Provide a respectful, courteous service and listen to your concerns.
- 5 Provide you with accurate information, within a reasonable time frame.
- 6 Be available between 8.45am and 5.15pm Monday to Friday (except public holidays).
- 7 Respond to your requests for information and return your phone calls within two working days.
- 8 Arrange a qualified interpreter to assist non-English speaking people if requested.
- 9 Provide access to our services via the National Relay Service, if you have a hearing or speech problem.

### You can expect:

- 10 Our staff to observe the highest standards of ethical and professional behaviour. (VLA lawyers, VLA funded private lawyers and barristers are required to comply with their professional and legal obligations as legal practitioners.)
- 11 Us to be impartial and open with you in assessing your inquiry or case, and to provide a realistic assessment of it.
- 12 Us to treat any information you give us as confidential, unless the law says otherwise.
- 13 If we owe a duty of confidentiality to anyone else who might be involved in your matter, we may only be able to provide you with general information and referral. A duty of confidentiality may apply if we have ever provided the other person with assistance about a current or past matter.
- 14 To be kept advised on the progress of your case or inquiry.
- 15 To be informed in writing about costs, even when you do not have to pay.
- 16 When your legal matter is completed, we will inform you in writing about anything you need to do and what is likely to happen.
- 17 That if you are unhappy about a decision made by VLA about your application for a grant of legal assistance, to have the decision considered again by VLA and by an Independent Reviewer.

### To help us assist you:

- 18 While you are receiving our services, let us know if your details change – such as your address or job.
- 19 Be courteous to our staff. We acknowledge that you may be frustrated and experiencing difficulties, however our staff are here to help you.
- 20 Meet the terms and conditions of your grant of legal assistance. These terms and conditions are explained in the letter you will receive from VLA.
- 21 Provide our staff with all the facts and circumstances of your case. Tell us if you do not understand something and feel free to ask questions. It will help if you put things in writing.
- 22 Give our staff relevant documents as soon as possible. We will provide you with any copies you need while your case is running and return the original documents to you at the end of the process.
- 23 Let us know if you are not satisfied with any part of our service or if you have any suggestions for improvement. (See the following page for Feedback and complaints.)

## A guide to a grant of legal assistance

Grants of legal assistance are mainly for family and criminal law matters. Your application is means tested and assessed against a set of guidelines. VLA will consider the merits of your case and your ability to pay for or contribute to your own legal costs. In assessing your application, we will rely on the information you or your lawyer provide.

### Will I get legal assistance?

This will depend on:

- your financial position
- what you want legal assistance for
- the benefit you are likely to get from your legal case.

### How does my financial position affect me receiving legal assistance?

From the information you give in the form and other papers you provide, a national means test is used to work out if you are eligible for legal assistance and whether you have to pay a contribution.

### If I get legal assistance what will the conditions be?

The conditions will be:

- special conditions outlined in the letter you receive from VLA
- standard conditions of legal assistance.

Standard conditions of legal assistance are:

1. You must tell VLA immediately
  - (a) if you change your address while you are either receiving legal assistance or while you owe money to VLA
  - (b) there is any change in any information in your application
  - (c) there are any other changes that may affect your eligibility.
2. You authorise any lawyer who is acting for you, or who has acted for you, to give VLA information necessary for it to perform its functions under the *Legal Aid Act*.
3. If your lawyer receives any money on your behalf during the period of assistance, they must hold from it enough to cover the cost, if any, of giving you legal assistance.
4. If a court awards you costs, or another party agrees to pay costs to you, those costs are to be paid to VLA.
5. (a) VLA may stop or change your legal assistance if you do not observe any of the conditions of legal assistance or follow the advice of your lawyer.
  - (b) If VLA stops legal assistance you may have to pay all legal costs up to that time.
  - (c) VLA may take a charge over your property and may make you pay interest.

### How much legal assistance will I get?

There is a limit on how much VLA will pay on your case. You should check with your lawyer.

### Can I appeal against a decision of VLA?

Yes, you can appeal against most decisions including:

- a refusal to grant you legal assistance
- the conditions on which legal assistance is granted
- a decision to stop or change the legal assistance
- the amount and method of paying a contribution.

### How do I appeal?

You or your lawyer must ask VLA to reconsider its decision within 14 days of the decision.

If you are still unhappy with the decision after reconsideration you can write requesting a review by an independent reviewer. You must request a review within 21 days of the decision. An independent reviewer's decision is final. Independent reviewers make their decision based on your application, your letter, other material in your file and VLA's determinations and guidelines.

### Is legal assistance free?

Not always. This will depend on your financial situation.

### How much will I have to pay?

You may have to pay part or all of the costs. If you have to pay money towards the costs it will be in a combination of three ways:

- by paying an immediate contribution towards the costs. This contribution would be either in one lump sum or by instalment depending on your financial circumstances
- by giving VLA a charge to secure the total cost of your case over any house or land you own or are buying
- by giving VLA an interest to secure the total cost of your case in any lump sum you are going to receive from a court case or property settlement.

### Who pays if my lawyer has worked on my case before I get legal assistance?

You do. You should fill in your form and send it to VLA as quickly as possible.

### If I win my case do I have to pay any costs?

You may have to pay the costs of your case as a contribution, depending on your financial position.

### What happens about costs if I lose my case?

If you lose your case, the court may order you to pay costs. Therefore, you may have to pay the other party's costs as well as pay a contribution toward your own case costs.

### How does my lawyer get paid?

VLA pays your lawyer direct. Your lawyer cannot ask you to pay any costs for work done under a grant of legal assistance.

### How do I get more information?

If you want more information about legal assistance ask your lawyer or contact any VLA office. If you object to a decision made by VLA, use your rights of appeal. If you are not happy with the way your case is being handled, tell VLA.

### How do I withdraw the authorisation I have given to VLA to contact Centrelink?

VLA may request information from Centrelink at regular intervals during the life of your legal assistance file. You can revoke this authorisation at any time by giving notice, in writing, to VLA.

## Victoria Legal Aid's privacy statement

Victoria Legal Aid (VLA) complies with the Information Privacy Act 2000 and handles personal information in accordance with the Information Privacy Principles. A copy of the privacy policy is available at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

The information you provide in this grant of legal assistance form is required under the *Legal Aid Act 1978* to assess your eligibility for legal assistance. VLA may also use this information to assist your lawyer with your legal representation. VLA also provides statistical information, after removing names of legal assistance applicants, to the department of the Commonwealth Attorney-General.

VLA will use your Centrelink customer reference number to verify your Commonwealth benefit entitlements. If you are required to make a contribution to VLA and you are more than 60 days overdue with any payment, VLA may list your personal details with a credit-reporting agency.

Pursuant to s.43 of the *Legal Aid Act 1978* information provided in this application form will remain confidential in most cases. However, VLA may disclose information when it is necessary for the efficient listing of criminal cases; when it will assist VLA to recover costs; when it is necessary to reply to an application under s.360A of the *Crimes Act* or when it is in the public interest to do so.

All applicants for legal assistance may gain access or seek amendment to any personal information held about them, or obtain information about VLA's privacy management policy, by contacting the Privacy Officer at VLA's Melbourne office.

### Privacy Officer:

#### Victoria Legal Aid

GPO Box 4380

Melbourne VIC 3001

Tel: 9269 0234 or 1800 677 402 (country callers)  
and ask for the Privacy officer

Web: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

## Feedback and complaints

Our aim is to resolve complaints quickly, fairly and without prejudice.

If you have a complaint about our service, a staff member, or a private lawyer funded by VLA, you should contact our Client Relations Officer. The officer will record your complaint and advise you on how it can be resolved.

The officer will do one of the following:

- investigate and help resolve the issue immediately, if possible
- refer the complaint to the relevant grants officer if it is connected to a grant of legal assistance for action in a manner consistent with the *Legal Aid Act 1978*
- refer the complaint to the relevant VLA manager or other staff to resolve
- refer you to another organisation, for example, the Legal Services Commissioner or the Law Institute of Victoria.

If your complaint concerns the professional conduct of a VLA lawyer or a VLA funded private lawyer or barrister, we may refer you to the professional standards body at the Law Institute of Victoria or the Legal Services Commissioner.

We take all complaints seriously and where possible we will let you know in writing the results of your complaint, subject to the confidentiality provisions of the *Legal Aid Act 1978*.

If you are not satisfied with how we resolve your complaint, regarding the conduct of a VLA lawyer or a VLA funded private lawyer or barrister, write to our Client Relations Officer within 21 days from receipt of our letter, requesting a review. Your request will be referred to an appropriate VLA manager for review and you will be notified in writing of the outcome.

### Client Relations Officer:

#### Victoria Legal Aid

GPO Box 4380

Melbourne VIC 3001

We encourage you to provide feedback on the complaints process.

Tel: 9269 0234 or 1800 677 402 (country callers)  
and ask for the Client Relations Officer

Fax: 9269 0115

Web: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

## Victoria Legal Aid office locations

If you need help with the application form please contact your local Victoria Legal Aid office.

### MELBOURNE

350 Queen St  
Melbourne VIC 3000  
GPO Box 4380  
Melbourne VIC 3001  
Tel: 9269 0120  
Country callers: 1800 677 402  
DX 210646 Melbourne VIC

#### Suburban offices

### BROADMEADOWS

North western suburbs  
Level 1, Building 1  
Broadmeadows Station Centre  
1100 Pascoe Vale Rd  
Broadmeadows VIC 3047  
PO Box 3211  
Broadmeadows VIC 3047  
Tel: 9302 8777  
DX 211279 Broadmeadows VIC

### DANDENONG

Westernport region  
Level 1, 9-15 Pultney St  
Dandenong VIC 3175  
PO Box 620  
Dandenong VIC 3175  
Tel: 9767 7111  
DX 211588 Dandenong VIC

### FRANKSTON

Peninsula region  
Cnr O'Grady Ave & Dandenong Rd  
Frankston VIC 3199  
PO Box 843  
Frankston VIC 3199  
Tel: 9784 5222  
DX 211804 Frankston VIC

### PRESTON

North eastern suburbs  
42 Mary St  
Preston VIC 3072  
PO Box 163  
Preston VIC 3072  
Tel: 9416 6444  
DX 212421 Preston VIC

### RINGWOOD

Outer eastern suburbs  
23 Ringwood St  
Ringwood VIC 3134  
PO Box 4322  
Ringwood VIC 3134  
Tel: 9259 5444  
DX 212467 Ringwood VIC

### SUNSHINE

Western suburbs  
1/474 Ballarat Rd  
Sunshine VIC 3020  
PO Box 196  
Sunshine VIC 3020  
Tel: 9300 5333  
DX 212688 Sunshine VIC

#### Regional offices

### BALLARAT

Central Highlands region  
Area A, Level 1  
75 Victoria St  
Ballarat VIC 3350  
PO Box 1615  
Bakery Hill VIC 3354  
Tel: 5329 6222  
DX 214299 Ballarat VIC

### BENDIGO

Loddon-Campaspe region  
424 Hargreaves St  
Bendigo VIC 3550  
PO Box 1006  
Bendigo VIC 3552  
Tel: 5448 2333  
Toll free: 1800 254 500  
DX 214545 Bendigo VIC

### GEELONG

Barwon region  
Level 2, 199 Moorabool St  
Geelong VIC 3220  
Tel: 5226 5666  
Toll free: 1800 196 200  
DX 216075 Geelong VIC

### HORSHAM

Wimmera region  
29 Darlot St  
Horsham VIC 3400  
PO Box 230  
Horsham VIC 3400  
Tel: 5381 6000  
Toll free: 1800 177 638  
DX 216534 Horsham VIC

### MORWELL

Gippsland region  
Cnr Chapel & George St  
Morwell VIC 3840  
PO Box 1194  
Morwell VIC 3840  
Tel: 5134 8055  
DX 217741 Morwell VIC

### BAIRNSDALE

Gippsland region (branch office)  
101A Main St  
Bairnsdale VIC 3875  
PO Box 436  
Bairnsdale VIC 3875  
Tel: 5153 1975

### SHEPPARTON

Goulburn region  
36-42 High St  
Shepparton VIC 3630  
PO Box 858  
Shepparton VIC 3632  
Tel: 5823 6200  
DX 218753 Shepparton VIC

### WARRNAMBOOL

South Coast region  
185 Fairy St  
Warrnambool VIC 3280  
Tel: 5559 7222  
DX 219599 Warrnambool VIC

If you require more information about Victoria Legal Aid, visit our website, [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)



# Means test – Income & assets

## 16 Are you in custody or detention?

No

Yes

Jail/centre

Date you were remanded into custody or detention

## 17 Are you a child (aged 18 years or younger)?

No

Yes  If the application relates to Children's Court proceedings, complete questions 19, 21 and 38 onwards

## 18 Are you a bankrupt?

No

Yes  Please provide your bankruptcy number below:

## 19 Do you currently get a pension, benefit other than Family Tax Benefit (FTB) or allowance?

No

Yes  Which one?

Age  Sole parent

Disability  Parenting p'ment

Widow  Newstart

Sickness  Veterans

Youth allowance  Special

Other  Give details below:

You must attach a copy of your pension or health care card

Centrelink Customer Reference Number (CRN)

Please tick if benefits administered by a third party

## 20 Does your FAP\* currently get a pension, benefit other than FTB or allowance?

\* See back cover for the definition of Financially Associated Person (FAP)

No

Yes

You must attach a copy of your FAP's pension or health care card

## 21 Excluding FTB, how much do you or your FAP get from any pension, benefit or allowance

Your weekly amount

FAP's weekly amount

## 22 Do you and your FAP (if applicable) receive part or full payment from Centrelink?

Part payment

Full payment

## 23 Do you or your FAP receive Family Tax Benefit?

No

Yes  Please give amount per week:

## 24 What are your weekly expenses for the following?

Type	You	Financially Associated Person
Rental	\$ per wk	\$ per wk
Mortgage	\$ per wk	\$ per wk
Board	\$ per wk	\$ per wk
Council rates	\$ per wk	\$ per wk
Water rates	\$ per wk	\$ per wk
Childcare fees	\$ per wk	\$ per wk
Maintenance	\$ per wk	\$ per wk
Child support	\$ per wk	\$ per wk
Number of children you pay maintenance / child support payments for		

## 25 Do you or your FAP receive any income from a source other than a pension, benefit or allowance?

Yes  Go to question 26

No and I/we own real estate  Go to question 29

No and I/we do not own real estate  Go to question 31

## 26 Do you or your FAP currently receive a wage or salary?

No

Yes  Please give amount of income per week:

	Your income	FAP's income
Gross wage	\$	\$
Income after tax	\$	\$

You must provide a copy of a recent payslip and three months of bank statements for you and/or your FAP.

## 27 Do you or your FAP fall into any of the following categories?

No

Yes  Which:

Self-employed

A primary producer (farmer, grazier)

A partner in a business

A director/shareholder in a business or company

Receiving money from a trust

Receiving any benefit from a business or company?

Your gross yearly income FAP's gross yearly income

You must provide a copy of your latest tax return, profit/loss statement and balance sheet.

**28 Do you or your FAP receive any other income? (including non-preserved superannuation)**

No

Yes  Please give type of other weekly income received, eg. child support, workcover.

Type	Your income	FAP's income
	\$	\$
	\$	\$

You must provide all relevant statements including three months of bank statements for you and/or your FAP.

**29 Do you or your FAP own your own home or are you or your FAP making home loan repayments?**

No

Yes  Please provide the address of the property:


What is the estimated market value of your home?

\$
----

Mortgage or amount still owing on your home?

\$
----

**30 Do you or your FAP own any other real estate?**

No

Yes  Please provide the address of the property:


What is the estimated market value

--

Mortgage or amount still owing

--

**31 Have any of your assets been seized, frozen or restrained by the police or the court?**

No

Yes  Please provide copies of all relevant court orders. You must still provide full details of those assets at the relevant questions.

**32 Do you or your FAP own any motor vehicles?**

No

Yes  Please provide details:

Year	Model	Market Value	Money Owing
		\$	
		\$	

**33 Do you or your FAP have an account with a bank or other financial institution?**

No

Yes  Please provide details:

Financial institution	Amount
	\$
	\$
	\$

**34 Do you or your FAP own anything else of value?**

No

Yes  Please provide details:

Item	Value

For example, cash, shares, bonds, boats, caravan, jewellery, insurance policy, superannuation policy.

**35 Are you or your FAP likely to receive a lump sum payment in the next two years?**

No

Yes  When? Please provide details:

How much?

	\$
--	----

**36 Have you or any other person paid any of your legal fees for this case?**

No

Yes  Who? Please provide details and attach copies of accounts:

Amount paid

--	--

**37 Can anybody pay for your legal fees?**

No

Yes  Who? Please provide details:

--

**38 Are there any current legal proceedings?**

No

Yes  Please provide details:

When is the next court date? 

/ /
-----

Type of hearing

--

Which court or tribunal (eg. Family, County, Magistrates, Administrative Appeals Tribunal)?

--

Where is the court/tribunal (town and state)

--

### 39 Who do you want as a lawyer?

No preference

A Victoria Legal Aid lawyer  Name (if known)

A private lawyer  Please provide details:

Name

Firm

Address

Postcode

Telephone

### 40 If your legal problem is:

- Family law: go to question 41
- Criminal law: go to question 48
- Children's Court (Family Division): go to question 52
- Other civil or general law matters: go to question 54

## Family law matters only

All questions must be answered. Failure to complete all the questions may result in your application being returned. VLA will not accept responsibility for any delays caused as a result.

### 41 Who are you in dispute with?

Full name

Address

Postcode

Date of birth

What is your relationship with that person?

Date of separation

Do you fear that your safety is at risk from that person?

No

Yes  Please provide details:

Do you fear that the welfare or safety of your children is at risk from that person?

No

Yes  Please provide details:

### 42 Are there existing family law orders and/or intervention orders?

No

Yes  Please attach copies

### 43 Have you been to counselling or mediation with the other party about the present dispute?

No

Yes  Please provide details:

Name of agency

Date

### 44 What type of orders are you seeking?

(You can tick more than one box)

- Residence
- Contact
- Child maintenance
- Spouse maintenance
- Property – spouse
- Property – defacto
- Paternity testing
- Other (please specify)

### 45 What is your relationship to the child/children involved in these family law proceedings?

- Parent
- Grandparent
- Other extended family member
- Other (please specify)

### 46 Is there any property in dispute?

No

Yes  Please provide details:

Item	Joint equity
Matrimonial home	\$
Other real estate	\$
Vehicles	\$
Savings/investments	\$
Superannuation	\$
Other assets	\$

#### 47 If you are seeking:

- Child support       Paternity testing  
 Spouse maintenance       Property settlement

Please provide these details about the other party:

Occupation

Income

Assets

Debts

### Criminal law & Children's Court Crime matters only

#### 48 What are you charged with?


You must attach copies of the charge sheets

#### 49 Was anyone else charged with you for these offences?

No

Yes  Please give their full names


#### 50 Do you have any prior convictions?

No

Yes

Please provide details or provide history sheets if available:

Year	Offence	Penalty

#### 51 Do you wish to appeal a conviction or sentence

No

Yes  Please provide details:

Which court made the decision?

Where is that court? (town and state)

What was the date of the original decision?

### Children's Court (Family Division) matters only

#### 52 In the current proceedings are you the:

- Mother       Child  
 Father       Grandparent  
 Aunt/Uncle       Other (please specify)

#### 53 What orders are you seeking or opposing?

### Other civil or general law matters

#### 54 Which court is the matter being heard in?

#### 55 Please outline the details of your legal problem:


### Proof of means

#### 56 Are you seeking a waiver of the obligation to provide proof of means?

No

Yes  On what basis?

The application for legal assistance relates to a summary criminal proceeding, bail application or Children's Court proceeding and I fall within one of the following categories:

- I am a child and do not have a FAP.
- I am a child and the FAP should be disregarded for the purposes of the means test.
- I have been remanded into custody and the matter for which legal assistance is sought relates to a bail application.
- I have been remanded into custody and the matter for which legal assistance is sought relates to a summary case that will be heard and determined within seven days of the date of the application for legal assistance.
- I am in custody and:
- I have no income but was, prior to being taken into custody, in receipt of a Centrelink benefit as my sole source of income, and
  - I have savings and investments of less than \$860, and
  - the matter for which legal assistance is sought relates to a summary criminal proceeding.

## Applicant's authority to release information and declaration

### All applicants must sign

I (name)

of (home address)

  
  

- (i) consent to and authorise Centrelink providing Victoria Legal Aid with:
- confirmation of the current status of my Commonwealth benefit and other details as they relate to my entitlement to legal aid; and
  - an electronic statement of information, including current or historical details of payments received, dependents, Centrelink deductions, income, assets and confirmation of my current address.

I understand that VLA may request information from Centrelink at regular intervals during the life of my legal aid file and that I will be able to obtain a written copy of statements at any time from either VLA or Centrelink. I also understand that this consent is ongoing and that I can revoke it at any time by giving written notice to VLA; and

- (ii) acknowledge that it is an offence to:
- fail to provide information required of me and which is relevant to this application for legal assistance.
  - provide a document to VLA in connection with this application for legal assistance that is false or misleading.
  - make a false or misleading statement either orally or in writing in relation to this application for legal assistance.
- (iii) have received a copy of VLA's privacy statement.

I therefore declare that all the information I have given is true and correct.

Applicant's (your) Signature

Date

### Definition of Financially Associated Person (FAP)

The term FAP as used in this form is used to describe:

- persons who rely on you for financial support even if they are earning their own income
- persons on whom you rely for financial support even if you are earning your own income
- persons who could reasonably be expected to financially assist you in obtaining legal services.

Such persons would include your spouse / partner / children / other relatives / trust / corporation / group.

## Lawyer's certificate

**Note:** If this application is made through a solicitor, this certificate **MUST** be completed. If not, it may be interpreted as an expression of opinion that the application has no merit.

I (name):

of the firm

of (address)

  
  

certify that the applicant has consulted me and I am of the opinion that this application has legal merit and/or is otherwise deserving of legal assistance.

Solicitor's Signature

Date



## Your checklist

Before you send in the application, check you have:

- Answered all relevant questions**
- Attached all financial statements for the last three months**
- Attached proof of income**
  - letter from employer or payslip
  - copy of pension card, health care card or a letter from Centrelink or the Department of Veteran's Affairs
  - copy of your most recent tax return and balance sheet if applicable
- Attached all documents relevant to your case**
- Signed the "Authority to release information and declaration"**
- If you have a lawyer, they have signed the "Lawyer certificate" on this page**