# Commonwealth Family Violence and Cross-examination of Parties Scheme

If there is an allegation of family violence in a family law case the court may tell you that there is a ban on personal cross-examination. This means that cross-examination of the other party must be conducted by a lawyer who is representing you.

If you have been told that there is a ban on personal cross-examination you can:

* engage your own lawyer, or
* use this form to apply to the *Commonwealth Family Violence and Cross Examination of Parties Scheme* (the scheme) for a lawyer.

**If you do not have a lawyer, you cannot cross-examine the other party. You must consider getting a lawyer now**.

Access to this scheme is not limited by means and merits tests but you may be asked to contribute to the cost of the legal representation. This will depend on your ability to pay and your circumstances. Conditions apply to legal representation under the scheme and ongoing representation is not automatic.

Legal representation under the scheme will be available for the hearing (generally the final hearing) where cross-examination occurs. It includes preparing for that hearing and, where appropriate, for late-stage legally assisted family dispute resolution.

For you to receive legal representation under the scheme you must agree to the following conditions:

* follow your lawyer’s advice
* tell your lawyer everything he or she needs to know about your case
* provide any documents requested by us or your lawyer as soon as possible, and
* let us know if your address or phone number changes while you are receiving legal representation under the scheme.

If you wish to apply to the scheme, please complete the attached application form and email it to:

[crossxnscheme@vla.vic.gov.au](mailto:crossxnscheme@vla.vic.gov.au)

Or deliver it to:

Victoria Legal Aid

Level 9, 570 Bourke St

Melbourne VIC 3000

Or post it to:

Assignments Family, Victoria Legal Aid,

GPO Box 4380, Melbourne VIC 3001

If you need assistance with this application, please contact **the FASS or duty lawyer service in the family law courts, or your local legal aid office.**

## Applicant details

Title:  Mr  Mrs  Ms  Miss  Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Family name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Given names: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you use, or have you used, other names?  Yes  No

If Yes, please give other names: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Family name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Given names: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date of birth: \_\_\_\_\_\_\_/\_\_\_\_\_\_\_/\_\_\_\_\_\_\_

Gender:  Female  Male  Transgender  Intersex  Indeterminate/Other

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Phone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Email: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Postal address (if different from above):

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Preferred contact method:  Mail  Email

Do you identify as an Aboriginal or Torres Strait Islander?  Yes  No

What is the main language spoken at home? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you need an interpreter?  No  Yes (specify language/dialect) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you have a disability or mental illness?  Yes  No

Intellectual  Physical  Psychological  Psychiatric

Head injury, stroke  Sensory – hearing, visual, speech

Who are you in dispute with?

Full name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Full name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Financial information

Employment income $\_\_\_\_\_\_\_\_\_\_ per week

Centrelink income $\_\_\_\_\_\_\_\_\_\_ per week

What type of payment do you receive? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other income $\_\_\_\_\_\_\_\_\_\_ per week

Who do you want your lawyer to be? Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Firm name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

In some cases you may not get the lawyer you name. If you do not name a lawyer, or the lawyer you name is not one who can be appointed under this scheme, Victoria Legal Aid will appoint a lawyer for you.

## Confidentiality

We use the information provided on this form to assess your eligibility for legal assistance. Section 25 (5) of the *Legal Aid Act 1978* provides that applicants shall provide us with the information we require to make this assessment. If you do not provide it, we may not be able to assess your eligibility.

We also use the information you provide to update your contact details and to evaluate our services.

We also provide statistical information, after removing names of legal assistance applicants, to government to report on how we are fulfilling our obligations to the community.

In accordance with our privacy and confidentiality obligations, we generally do not disclose your information. However, we will sometimes disclose it to assist in the listing of cases at court, to recover costs, to respond to a court order to provide legal assistance or if we are required by law to disclose it.

You can find out more about how we handle personal information in our privacy policy, available on our website at [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au/) or by calling or visiting a VLA office.

## Declaration

**I agree to the conditions for legal representation under the Scheme, and I have read the confidentiality statement and consent to the use of my information for the stated purposes.**

**All the information I have given is true and correct.**

**Signature:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_