

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.



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. (Victoria Legal Aid lawyers, Victoria Legal Aid 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 Victoria Legal Aid about your application for a grant of legal assistance, to have the decision considered again by Victoria Legal Aid 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 Victoria Legal Aid.
- 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.)

Our vision

Victoria Legal Aid is a leading and responsible force for community access to the legal system and for social justice.

Our values

Victoria Legal Aid is committed to: serving our clients and community professionally and ethically; acting with integrity, fairness and transparency at all times; respecting and valuing diversity; and 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

www.legalaid.vic.gov.au

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. Victoria Legal Aid 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 Victoria Legal Aid
- standard conditions of legal assistance.

Standard conditions of legal assistance are:

1. You must tell Victoria Legal Aid immediately
 - (a) if you change your address while you are either receiving legal assistance or while you owe money to Victoria Legal Aid
 - (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 Victoria Legal Aid 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 Victoria Legal Aid.
5. (a) Victoria Legal Aid 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 Victoria Legal Aid stops legal assistance you may have to pay all legal costs up to that time.
 - (c) Victoria Legal Aid 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 Victoria Legal Aid will pay on your case. You should check with your lawyer.

Can I appeal against a decision of Victoria Legal Aid?

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 Victoria Legal Aid 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 Victoria Legal Aid'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 Victoria Legal Aid a charge to secure the total cost of your case over any house or land you own or are buying
- by giving Victoria Legal Aid 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 Victoria Legal Aid 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?

Victoria Legal Aid 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 Victoria Legal Aid office. If you object to a decision made by Victoria Legal Aid, use your rights of appeal. If you are not happy with the way your case is being handled, tell Victoria Legal Aid.

How do I withdraw the authorisation I have given to Victoria Legal Aid to contact Centrelink?

Victoria Legal Aid 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 Victoria Legal Aid.

Victoria Legal Aid's privacy statement

Victoria Legal Aid 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

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. Victoria Legal Aid may use information that you provide on this form to contact you in the future if necessary. Victoria Legal Aid may also use this information to assist your lawyer with your legal representation. Victoria Legal Aid also provides statistical information, after removing names of legal assistance applicants, to the department of the Commonwealth Attorney-General.

Victoria Legal Aid will use your Centrelink customer reference number to verify your Commonwealth benefit entitlements. If you are required to make a contribution to Victoria Legal Aid and you are more than 60 days overdue with any payment, Victoria Legal Aid 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, Victoria Legal Aid may disclose information when it is necessary for the efficient listing of criminal cases; when it will assist Victoria Legal Aid to recover costs; when it is necessary to reply to an application under s197 of the *Criminal Procedure Act 2009* 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 Victoria Legal Aid's privacy management policy, by contacting the Privacy Officer at Victoria Legal Aid'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

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 Victoria Legal Aid, 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 Victoria Legal Aid 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 Victoria Legal Aid lawyer or a Victoria Legal Aid 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 Victoria Legal Aid lawyer or a Victoria Legal Aid 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 Victoria Legal Aid 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
www.legalaid.vic.gov.au

Application for grant of legal assistance 29A

Please complete all questions on this form

1. Personal details

Title: ☐ Mr ☐ Mrs ☐ Ms ☐ Miss
☐ Master ☐ Dr ☐ Mr/Mrs ☐ Estate of

First name: Middle name:

Surname:

Gender: ☐ Male ☐ Female ☐ Not applicable

Date of birth:/...../..... (Is date of birth an estimate only?) ☐ Yes ☐ No

Your home address (even if you are in custody):

.....

Your postal address (leave blank if same as home address):

.....

Are you currently homeless? ☐ Yes ☐ No

Would you prefer to be contacted by email? ☐ Yes ☐ No

Email address:

Send all my correspondence to my lawyer only: ☐ Yes ☐ No

Home phone: Mobile phone:

Work phone: Other contact phone:

2. Additional details

Have you used any other names with Legal Aid? ☐ Yes ☐ No

If YES, please give any other names used:

.....

3. Origin details

Country of birth: If you were not born in Australia, which year did you arrive here?

Are you of Aboriginal or Torres Strait Islander origin?

☐ No ☐ Yes, Aboriginal ☐ Yes, Torres Strait Islander ☐ Yes, ATSI

4. Language

Do you speak a language other than English at home? (If NO, go straight to Question 5) ☐ Yes ☐ No

Which language?

How well do you speak English? ☐ Very well ☐ Well ☐ Not well ☐ Not at all

Do you need an interpreter? ☐ Yes ☐ No

Which language?

5. Disability

Do you have a disability? (If NO, go straight to Question 6)

☐ Yes ☐ No ☐ Not stated

What kind of disability?

☐ Acquired brain injury ☐ Hearing ☐ Intellectual
☐ Mental health ☐ Not disclosed ☐ Other
☐ Physical ☐ Speech ☐ Visual

6. Employment status

What is your employment status?

☐ Full time ☐ Part time ☐ Casual ☐ Not employed

7. Benefit details

Are you on a benefit? (If NO, go straight to Question 8) ☐ Yes ☐ No

What is your Centrelink reference number?

What type of benefit do you receive?

☐ ABSTUDY* ☐ Age pension* ☐ Austudy* ☐ Carer payment*
☐ Disability support pension* ☐ Newstart allowance* ☐ Other ☐ Parenting payment*
☐ Partner allowance* ☐ Sickness allowance* ☐ Special benefits* ☐ Veterans/war service
☐ Widow allowance* ☐ Widow B pension* ☐ Wife pension* ☐ Youth allowance*

If you receive one of the benefits marked with an asterisk*, please answer the following questions:

Do you receive the maximum rate of benefit? ☐ Yes ☐ No

Do you authorise Victoria Legal Aid to verify your details with Centrelink? ☐ Yes ☐ No

8. Custody details

Are you in custody or detention? (If NO, go straight to Question 9) ☐ Yes ☐ No

Custody/detention location

Date remanded into custody or detention

Corrective services ID (not compulsory)

9. Living arrangements

What are your usual living arrangements?

☐ Single ☐ Living with partner ☐ Married
☐ Separated from partner ☐ Married but separated ☐ Divorced
☐ Widowed ☐ Not applicable

10. Financially Associated Person details

In this form, Financially Associated Persons means:

someone who usually provides you with financial support or could reasonably be expected to financially assist you.

Such persons would include your:

- spouse or partner
- children
- relatives
- a trust/corporation/group

Do you have someone who is a Financially Associated Person?

☐ Yes

☐ No

What is their relationship to you?

☐ Spouse/partner

☐ Child

☐ Ex-spouse

☐ Sibling

☐ Grandparent

☐ Grandchild

☐ Parent

☐ Co-accused

☐ Other

Is this person on a benefit?

☐ Yes

☐ No

If YES, what type of benefit do they receive?

☐ ABSTUDY*

☐ Age pension*

☐ Austudy*

☐ Carer payment*

☐ Disability support pension*

☐ Newstart allowance*

☐ Other

☐ Parenting payment*

☐ Partner allowance*

☐ Sickness allowance*

☐ Special benefits*

☐ Veterans/war service

☐ Widow allowance*

☐ Widow B pension*

☐ Wife pension*

☐ Youth allowance*

If they receive one of the benefits marked with an asterisk*, do they receive the maximum rate of benefit?

☐ Yes

☐ No

11. Dependant details

In this form, 'dependant' means:

A person who relies on you for financial support, including a spouse, partner or children

Do any dependants live with you?

☐ Yes

☐ No

When answering this question, you need to:

- list those people that are not listed as Financially Associated Persons in Question 10; and
- include only those people who live with you.

Names of dependants:

First name	Surname	Relationship to you	Date of birth

Do you or your Financially Associated Person pay child support/maintenance?

☐ Yes

☐ No

How many children/maintenance dependants is the payment for?

12. Your income (before tax)

	You	Your Financially Associated Person	Frequency
Pensions/benefits/allowances (excluding Family Tax Benefit)			
Income – employment			
Business/self-employed			
Child support			
Other			
Total			

13. Expenses

	You	Your Financially Associated Person	Frequency
Income tax			
Rent			
Mortgage			
Board			
Rates			
Child care			
Child support			
Total			

14. Assets

	You	Your Financially Associated Person
Home		
Home mortgage		
Other real estate		
Other mortgage		
Farm/business		
Farm/business mortgage		
Motor vehicle		
Motor vehicle loan		
Cash/savings		
Other assets		
Total assets		

Have any of your assets been seized, frozen or restrained by the police or the court? ☐ Yes ☐ No

If YES, please provide copies of all relevant court orders. Please provide full details of the assets in the above table

Business

Are you or your Financially Associated Person:

Self employed ☐ Yes ☐ No A partner or director in a business or company ☐ Yes ☐ No
A shareholder in a private company ☐ Yes ☐ No Receiving money from a trust ☐ Yes ☐ No
Receiving any other benefit from a business or company ☐ Yes ☐ No

If YES to any of the above, please provide details:

.....

.....

If you have any interest in a business or farm, you will need to provide profit and loss accounts for the past 12 months; tax returns for the last financial year; and bank statements for the past three months.

15. Lump sums received or expected

Have you or your Financially Associated Person received any lump sum over \$2000 in the last 12 months?

☐ Yes ☐ No

Are you or your Financially Associated Person likely to receive any lump sum over \$2000 in the next 12 months?

☐ Yes ☐ No

If YES to either of the above: How much? When?

Details of lump sum:

Are you currently precluded from receiving a Centrelink benefit due to receipt of a lump sum?

☐ Yes ☐ No

If YES: How much did you receive? How many weeks are you precluded?

16. Other parties

For some disputes between people (for example a family law matter) VLA may use the information provided in this section to contact the other party to attempt appropriate dispute resolution.

Are there other parties to this matter? ☐ Yes ☐ No

If NO please proceed to Question 17.

If YES, specify whether the other party is: ☐ A person ☐ An institution

If the other party is an institution, please provide details:

Name of institution:

If the other party is a person, please provide details:

Title: First name: Middle names:

Surname:

Gender: ☐ Male ☐ Female Date of birth: / /

Phone: Mobile: Email address:

Address:

.....

Please describe the other party's relationship to you:

☐ Spouse/partner ☐ Child ☐ Ex-spouse ☐ Sibling ☐ Grandparent

☐ Grandchild ☐ Parent ☐ Co-accused ☐ Other

Please describe the other party's role in these proceedings:

☐ Applicant/Plaintiff/Appellant ☐ Accused/Defendant/Respondent ☐ Interested party

☐ No court proceedings ☐ Other

Details of other party's lawyer

Name of firm:

Phone: Fax:

Email:

Postal address:

17. Court hearings

Are there any proceedings? ☐ No ☐ Yes, current ☐ Yes, intended

Provide details:

When is the next hearing date?

Which court/tribunal do you have to go to?

What is your role in these proceedings?

☐ Applicant/Plaintiff/Appellant ☐ Accused/Defendant/Respondent ☐ Interested party

☐ No court proceedings ☐ Other

What type of hearing is it?

☐ Appeal ☐ Summary hearing ☐ Indictable hearing

☐ Family Law hearing ☐ Civil application ☐ Mediation/ADR

☐ No hearing ☐ Other (please specify)

Court proceedings number (not mandatory)

18. Payment of fees

Have you or any other person paid any of your legal fees for this case? ☐ Yes ☐ No

If YES: Name of the person who paid the legal fees:

Amount paid:

If another person has paid previous fees in this matter, please fully outline the reason why this person cannot continue to pay your legal costs:

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19. Who do you want as a lawyer?

Firm's name and details:

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20. Applicant declaration

I,

of

(i) acknowledge that it is an offence to:

- fail to disclose information required of me and which I know to be relevant to this application for legal assistance
- provide false information to Victoria Legal Aid directly or via my legal practitioner in connection with this application for legal assistance
- make a false statement either orally or in writing in relation to this application for legal assistance

(ii) have received a copy of Victoria Legal Aid's privacy statement

(iii) consent to the submission of the application for legal assistance by electronic means to Victoria Legal Aid via the ATLAS grants management system.

Centrelink consent and authority

Where I have indicated in Question 7 that I authorise Victoria Legal Aid to verify my details with Centrelink:

A. 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, dependants, Centrelink deductions, income, assets and confirmation of my current address.

B. I understand that Victoria Legal Aid 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 Victoria Legal Aid or Centrelink. I also understand that this consent is ongoing and that I can revoke it at any time by giving written notice to Victoria Legal Aid.

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

Your signature: Date: / /

Victoria Legal Aid office locations

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

If you require more information about Victoria Legal Aid, visit our website, www.legalaid.vic.gov.au

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
Toll free: 1800 081 719
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
Toll free: 1800 119 918
DX 218753 Shepparton VIC

WARRNAMBOOL

South Coast region
185 Fairy St
Warrnambool VIC 3280
Tel: 5559 7222
Toll free: 1800 651 022
DX 219599 Warrnambool VIC