



VICTORIA  
LEGAL AID

# Application and guide to Legal Aid

## Victoria Legal Aid offices

Melbourne Office  
350 Queen Street  
**MELBOURNE 3000**  
(GPO Box 4380, Melbourne 3001)  
Tel. 9269 0234  
DX 210646 MELBOURNE VIC

Bairnsdale Branch  
101a Main Street  
(PO Box 436)  
**BAIRNSDALE 3875**  
Tel. 5153 1975  
DX 214208 BAIRNSDALE VIC

Loddon-Campaspe Regional Office  
424 Hargreaves Street  
**BENDIGO 3550**  
(PO Box 1006, Bendigo 3552)  
Tel. 5441 1155  
DX 214545 BENDIGO VIC

North Western Suburbs Regional Office  
Level 1, 1100 Pascoe Vale Road  
Broadmeadows Station Centre  
(PO Box 3211)  
**BROADMEADOWS 3047**  
Tel. 9302 2388  
DX 211279 GLENROY VIC

Westernport Regional Office  
1st floor, 9-11 Pultney Street  
(PO Box 620)  
**DANDENONG 3175**  
Tel. 9791 5522  
DX 211588 DANDENONG VIC

Peninsula Regional Office  
Cnr O'Grady Ave & Dandenong Road  
(PO Box 843)  
**FRANKSTON 3199**  
Tel. 9784 5222  
DX 211804 FRANKSTON VIC

Barwon Regional Office  
1st floor, 48 Brougham Street  
**GEELONG 3220**  
Tel. 5229 2211  
DX 216075 GEELONG VIC

Gippsland Regional Office  
Cnr George & Chapel Streets  
(PO Box 1194)  
**MORWELL 3840**  
Tel. 5134 8055  
DX 217741 MORWELL VIC

North Eastern Suburbs Regional Office  
42 Mary Street  
(PO Box 163)  
**PRESTON 3072**  
Tel. 9478 8844  
DX 212421 PRESTON VIC

Outer Eastern Suburbs Regional Office  
23 Ringwood Street  
(PO Box 4322)  
**RINGWOOD 3134**  
Tel. 9879 5500  
DX 212467 RINGWOOD VIC

Goulburn Regional Office  
36-42 High Street  
**SHEPPARTON 3630**  
(PO Box 858, Shepparton 3632)  
Tel. 5823 6200  
DX 218753 SHEPPARTON VIC

Western Suburbs Regional Office  
1/474 Ballarat Road  
(PO Box 196)  
**SUNSHINE 3020**  
Tel. 9311 8611  
DX 212688 SUNSHINE VIC

Visit the Victoria Legal Aid web site at: [www.legalaid.vic.gov.au](http://www.legalaid.vic.gov.au)

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

## Privacy statement

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

VLA will use your Centrelink customer reference number in order 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 s43 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 section 360A of the *Crimes Act* or when it is necessary 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 on 9269 0234 at VLA's Melbourne office.

## 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.

## Will I get legal aid?

This will depend on:

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

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

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 aid and whether you have to pay a contribution.

## If I get legal aid 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 aid.

Standard conditions of legal aid are:

1. You must tell Victoria Legal Aid immediately
  - (a) if you change your address while you are either receiving legal aid or while you owe money to Victoria Legal Aid, or
  - (b) there is any change in any information in your application, or
  - (c) there are any other changes which 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 aid, they must hold from it enough to cover the cost, if any, of giving you legal aid.
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 aid if you do not observe any of the conditions of legal aid or follow the advice of your lawyer.
  - (b) If Victoria Legal Aid stops legal aid 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 aid 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 aid
- the conditions on which legal aid is granted
- a decision to stop or change aid
- 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 aid 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; and or
- by giving VLA a charge to secure the total cost of your case over any house or land you own or are buying; and or
- 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 aid?

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 aid.

## How do I get more information?

If you want more information about legal aid 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 VLA to contact Centrelink?

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



# Means Test – Income & Assets

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

## 16 Are you in custody or detention?

No

Yes

Jail/centre

Date you were remanded into custody or detention

## 17 Are you a bankrupt?

No

Yes  Please provide your bankruptcy number below:

## 18 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 card or health care card

Centrelink Customer Reference Number (CRN)

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Please tick if benefits administered by a third party

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

No

Yes

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

Your weekly amount

FAP's weekly amount

\$	\$
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## 21 Do you or your FAP receive Family Tax Benefit?

No

Yes  Please give amount per week:

## 22 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 for whom you pay maintenance or child support payments		

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

Yes  Go to question 24

No and I/we own real estate  Go to question 27

No and I/we do not own real estate  Go to question 29

## 24 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 3 months bank statements for you and/or your FAP.

## 25 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

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

## 26 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
	\$	\$
	\$	\$

**27 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:

Postcode

What is the estimated market value of your home?

\$

Mortgage or amount still owing on your home?

\$

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

No

Yes  Please provide the address of the property:

Postcode

What is the estimated market value

\$

Mortgage or amount still owing

\$

**29 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.

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

No

Yes  Please provide details:

Year	Model	Market Value	Money Owing

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

No

Yes  Please provide details:

Financial institution	Amount
	\$
	\$
	\$

**32 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.

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

No

Yes  Please provide details:

When	How much?

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

No

Yes  Please provide details:

Who?	Amount paid

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

No

Yes  Please provide details:

Who?

**36 Are there any current 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)

### 37 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

### 38 If your legal problem is:

- Family law: go to question 39
- Criminal law: go to question 45
- Children's Court (Family Division): go to question 49
- Other civil or general law matters: go to question 51

## Family law matters only

### 39 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:

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

No   
Yes  Please attach copies

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

No   
Yes  Please provide details:

Name of agency

Date

### 42 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)

### 43 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	\$

### 44 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

### 45 What are you charged with?


You must attach copies of the charge sheets

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

No

Yes  Please give their full names


### 47 Do you have any prior convictions?

No

Yes

Please provide details or provide history sheets if available:


### 48 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

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

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

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

## Other civil or general law matters

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

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


## Proof of means

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

No

Yes  On what basis?

The application for 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 \$840, and
  - the matter for which legal assistance is sought relates to a summary criminal proceeding.

