



V I C T O R I A
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STATE REPORT:

VICTORIA

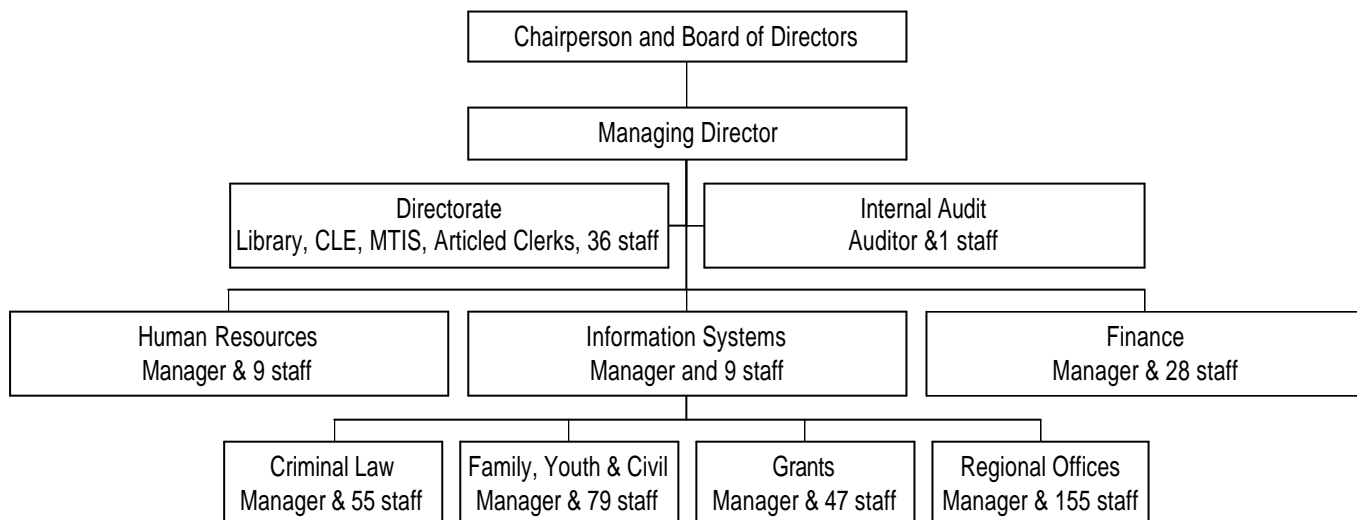
INTERNATIONAL LEGAL AID GROUP CONFERENCE

2005

1. ABOUT VICTORIA LEGAL AID

1.1 The organisation

Victoria Legal Aid (VLA) is an independent statutory authority established by the *Legal Aid Act 1978 (Vic)*. A five-member board of directors governs the organisation. The Victorian Attorney-General is the responsible Minister. The Managing Director is responsible for the day-to-day management of VLA. VLA's main office is located in Melbourne. VLA also has 12 regional offices located across Victoria. The following chart shows VLA's organisational structure:



1.2 Funding

The Commonwealth Government of Australia and the State Government of Victoria provide funds for legal aid services. The Commonwealth stipulates that its funding can only be used for cases arising under Commonwealth law. The State provides untied funding for legal services, as determined by the VLA board. VLA also receives significant income from client contributions, interest on investments and the public purpose fund.

VLA services the State of Victoria which is 250,000 square kilometres in area with a population of 5 million.

The following table shows VLA's revenue for 2003-04:

Revenue from ordinary activities 2003-04

Government	\$AUD'000	\$USD'000¹
Commonwealth grant	27,800	22,018
State grant	34,315	27,177
Public purpose fund	11,980	9,488
Subtotal	74,095	58,683
Operating		
Client contributions	4,014	3,179
Costs recovered and appeal cost fund	1,660	1,315
Interest on investments	2,988	2,366
Other revenue	512	406
Subtotal	9,174	7,266
TOTAL revenue from ordinary activities	83,269	65,949

2. LEGAL AID SERVICES

VLA provides grants of legal assistance to enable financially disadvantaged and marginalised members of the community to obtain legal representation.

VLA also provides other legal aid services, including:

- Duty lawyer service
- Legal advice service
- Multilingual telephone information service
- Community legal education
- Community Legal Centre funding program.

These services are discussed in more detail below.

3. GRANTS OF LEGAL ASSISTANCE

3.1 Financial eligibility

Financial eligibility (except in war veterans and *Crimes (Mental Impairment) Act* matters) is assessed according to a national means test. The test considers the income and assets of the applicant and any financially associated persons. Applicants who have the ability to contribute to the cost of their case are required to make payments based on a sliding scale and/or to provide VLA with security over real estate. The following charts show eligibility thresholds for income and assets:

¹ Based on exchange rate \$1AUD = \$0.792USD

Eligibility threshold for income

Estimated cost of legal services	Maximum income
Up to \$1320 AUD (\$1,045 USD)	Assistance not usually granted if net disposable income exceeds \$359 AUD (\$284 USD) per week
Between \$1320 AUD (\$1,045 USD) and \$5570 AUD (\$4,411 USD)	Assistance not usually granted if net disposable income exceeds \$429 AUD (\$340 USD) per week
Above \$5570 (\$4,411 USD)	Assistance granted unless contribution exceeds estimate of legal costs.

Eligibility threshold for assets

Asset	Maximum value of assets \$AUD	\$USD
Reasonably necessary household furniture, clothing and tools of trade	Not applicable	N/A
Principal home	\$306,000	\$242,352
Motor vehicles	\$12,620	\$9,995
Additional assets:		
• Applicants without a financially associated person, or	\$850	\$673
• Applicants with a financially associated person.	\$1,700	\$1,346

3.2 Other eligibility criteria

The other criteria for provision of legal assistance are:

- the merit (likelihood of success) of the case.
- whether the benefit derived from representation is proportionate to the cost of the case.
- the relevant guidelines for assistance for each area of law or special circumstances (such as disability, language problems, youth or public interest).

3.3 Areas of law

VLA's guidelines allow grants of assistance in the following key areas of law:

Criminal Law

- summary crime (where a significant penalty is likely)
- traffic offences (where a term of imprisonment is likely)
- limited committals
- bail
- indictable criminal trials
- appeals.

Family Law

- separate representation of children
- residence and contact orders
- child support
- limited divorce
- limited property disputes

Civil Law

- Mental Health Review Board
- guardianship and administration cases
- family violence cases
- child protection cases
- coroner's inquests (in limited circumstances)
- equal opportunity/discrimination cases (in limited circumstances)
- social security appeals (in limited circumstances)
- war veteran's pension matters

VLA's guidelines are available at:

<http://www.legalaid.vic.gov.au/main1.cfm?CategoryID=7&TopicID=30>

3.4 Total number of grants of assistance

In 2003-04, VLA received 42,688 new applications for legal assistance and approved 37,677 grants of assistance. The following table shows the number of applications approved and refused for each law type:

Type of applications 2003-04

	Family	Civil	Criminal	Total
Applications Entered	12,963	5,283	24,442	42,688
Applications Assessed	12,735	5,181	24,160	42,076
% of Applications Assessed	30.27	12.31	57.42	100
Approvals	10,851	4,471	22,355	37,677
% share of Approvals	28.80	11.87	59.33	100
Refusals	1,734	635	1,781	4,150

3.5 Total cost of grants of legal assistance

In 2003-04, the total cost of grants of legal assistance made to private practitioners was \$45.32 million AUD² (**\$35.89 million USD**). The following table shows amount spent on each law type:

² case related professional payments

Payments to private practitioners 2003-04

Payment type	\$AUD'000	\$USD'000
Family law grants	19,953	15,803
Civil law grants	4,696	3,719
Criminal law grants	19,849	15,720
Sub total grants	44,498	35,242
Duty lawyer services	776	615
Interpreters	160	127
Other	20	16
Bad debts	134	106
TOTAL	45,320	35,893

3.6 Demographics

In 2003, Victoria had an estimated population of 4.92 million people.³ VLA made grants to less than 1% of the population.⁴ VLA spent approximately \$9 AUD (**\$7 USD**) per head of population.⁵

3.7 Type of legal representation

VLA provides legal representation through its in-house lawyers and through private lawyers funded by VLA. Legal representation includes preparation of legal documents, negotiations and representation at Court.

In 2003-04, private lawyers represented 71% of legally assisted litigants. VLA's in-house practice represented the remaining 29%. The following table shows grants by practitioner type:

Grants by law & practitioner type 2003-04

Law Category	In-House	Private Practitioner	Total
Criminal	7,518	14,837	22,355
Family	2,544	8,307	10,851
Civil*	1,013	3,458	4,471
	11,075	26,602	37,677

*By far the majority of these "civil" matters are child welfare protection cases in the Children's Court jurisdiction.

³ Australian Bureau of Statistics data, December 2003.

⁴ Based on 37,677 grants of assistance

⁵ Based on \$45.32 million spent on private practitioners.

4. OTHER LEGAL AID SERVICES

4.1 Duty lawyer service

VLA provides duty lawyer services to various Courts throughout Victoria. Duty lawyers provide assistance to people who attend Court without legal representation and who would otherwise be unrepresented. Duty lawyer services are not means tested and are free of charge.

In 2003-04, duty lawyers provided 54,481 services. The following table shows the duty lawyer services provided by VLA and private practitioners:

Duty lawyer services provided 2003-04

VLA Staff Duty Lawyer Services	Sessions
ADMINISTRATIVE APPEALS TRIBUNAL	67
CHILDREN'S COURT	4,013
COUNTY COURT	14
FAMILY COURT	1,342
FEDERAL COURT	26
FEDERAL MAGISTRATES SERVICE	136
MAGISTRATES' COURT	37,629
MENTAL HEALTH REVIEW BOARD	427
REFUGEE REVIEW TRIBUNAL	6
VICTIMS OF CRIMES COMPENSATION TRIBUNAL	2
VICTORIAN CIVIL & ADMINISTRATIVE TRIBUNAL	1,677
OTHER/UNKNOWN	1,794
	47,133
Non-VLA Staff Duty Lawyer Services	Sessions
Private Practitioner Scheme	7,348
TOTAL	54,481

4.2 Legal advice service

VLA provides face-to-face legal advice to clients at VLA offices and selected prisons, youth detention centres and mental health institutions. Advice services are not means tested and are free of charge. In 2003-04, VLA provided 43,190 advice services. The following table shows the advice services provided by VLA:

Legal advice statistics by division 2003-04

Division	Number of sessions including minor work
Criminal Law Division	3,648
Family, Youth and Civil Law Division	10,724
Regional Offices Division	28,818
Total	43,190

4.3 Multi-lingual telephone information service (MTIS)

VLA provides a free telephone legal information and referral service. The service is available in 14 community languages through bilingual officers. A free call telephone number ensures access to people in rural and remote regions. In 2003-04, VLA provided telephone information to 77,489 people. The following table shows the number of calls provided in each language:

MTIS calls by language 2003-04

Language	Total Sessions
UNSPECIFIED	262
ALBANIAN	3
AMHARIC	4
ARABIC	897
ARMENIAN	3
BENGALI	2
CAMBODIAN	1
CANTONESE	161
CHINESE	11
CROATIAN	109
DARI (AFGHANISTAN)	3
DEAF SIGN LANGUAGE	4
ENGLISH	71,406
FIJIAN	1
FRENCH	1
GERMAN	3
GREEK	240
HUNGARIAN	1
INDONESIAN	3
IRANIAN	2
ITALIAN	73
JAPANESE	11
KOREAN	5
KURDISH	1
LEBANESE	1
MACEDONIAN	185
MALAYASIAN	1
MALTESE	3
MANDARIN	669
OTHER THAN ENGLISH	11
PHILIPINO	8
POLISH	583
PUNJABI	2
ROMANIAN	1
RUSSIAN	403
SAMOAN	2
SERBIAN	862
SINGALESE	2
SPANISH	67

SWAHILI	3
TAGALOG	2
TAMIL	1
THAI	4
TURKISH	996
UKRAINIAN	122
VIETNAMESE	353
YUGOSLAV	1
TOTAL	77,489

4.4 Community legal education (CLE) and library

VLA is the main provider of community legal education materials in Victoria. CLE produces more than 70 publications in 26 languages, runs external seminars and workshops, and manages the VLA web site. In 2003-04, VLA distributed 567,520 hardcopy publications. A further 48,470 publications were downloaded from the VLA website.

VLA provides Victoria's only public Law library. The library offers an extensive legal reference collection and research facility for VLA staff and the public. In 2003-04, the library answered 2,068 reference requests from VLA staff and 1,147 requests from the public.

4.5 Community Legal Centre (CLC) Funding Program

VLA administers funding to 36 Victorian CLCs. CLC's offer a range of services including legal advice, casework, community legal education and law reform activities. It is the responsibility of the program to ensure that CLCs fulfil service delivery targets and operate within appropriate governance frameworks. In 2003-04, the total allocation of funds to CLC's was \$7.98 million AUD (**\$6.32 million USD**).

5. NEW DEVELOPMENTS

5.1 Roundtable Dispute Management (RDM)

In 2003-04, VLA established RDM to provide legally assisted parties and their families with a non-adversarial forum to manage family law disputes. RDM engages with both parties and their lawyers to facilitate dispute resolution. The RDM model includes components of legal advice, education, conciliation and negotiation. RDM is a multi-disciplinary team that includes social workers, psychologists and lawyers.

5.2 Simplified Grants Process (SGP)

In 2003-04, VLA implemented the SGP in the areas of summary crime and family law to streamline the administration of the grants process and to reduce administrative costs of providing grants. The SGP permits practitioners to make a recommendation to VLA for a grant of legal aid. VLA approves aid in terms of the recommendation. The SGP is underpinned by a strong compliance system that includes:

- screening practitioners for inclusion on practitioners panels in particular areas of law
- training practitioners to comply with VLA's policies and procedures
- random audits by a team of VLA compliance officers.

In 2003-04, almost 50% of applications were processed using the SGP. The ratio of administrative costs to total grants of assistance was 9.9%.

5.3 Australian Total Legal Aid Solution (ATLAS)

VLA, with seven other Australian and New Zealand legal aid commissions is developing an integrated IT solution for legal aid case management, electronic document management and grants management. In 2003-04, a contractor was engaged to pilot and develop the final requirements for the design, development and implementation phases.

6. MORE INFORMATION

More information about VLA is available on our website:

www.legalaid.vic.gov.au

or please contact **Tonye Lee** (Policy Officer) at:

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