

Are you experiencing

# domestic violence?

How Legal Aid NSW can help you.



**If you are experiencing domestic or family violence, you can get help from Legal Aid. We can help you obtain protection from the violence and also help you with other legal problems.**

# How can Legal Aid NSW help me?

You can obtain free legal advice and assistance for a range of legal problems at Legal Aid NSW, and if you are eligible for a grant of legal aid, a lawyer may represent you in court.

The types of problems Legal Aid NSW can assist with include:

- Applications for Apprehended Domestic Violence Orders (ADVOs);
- Disputes about children, divorce and dividing property;
- Child support;
- Children's Court matters about the care and protection of children;
- Family dispute resolution (mediation to help resolve disputes about children);
- Financial problems such as paying the mortgage, credit and debt, and housing;
- Immigration issues such as residency applications where the marriage or relationship has broken down due to domestic and family violence;
- Information and referral on victims' support;
- Representation for defendants in ADVO matters (including cross applications) where Legal Aid NSW is satisfied that the defendant has been experiencing domestic or family violence themselves;

- Representation for defendants in ADVO matters (in exceptional cases);
- Representation for defendants in domestic violence criminal charge matters.

Phone your nearest Legal Aid NSW office or check the Legal Aid NSW website at [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au) for information about the times and locations of our free advice sessions and court duty services.

## Can I get a lawyer to represent me?

Yes. If you satisfy a number of tests, we will provide legal representation. The tests include:

### 1. Means test

This test looks at your income and assets. Legal Aid NSW also takes into account the income and assets of any other person who would be likely to give you financial assistance.

Your income includes your Centrelink payments, salary or wages. Costs such as rent, child support and income tax will be taken into account. Your assets include your home or other substantial property. There is a **means test indicator** on the website at [www.legalaid.nsw.gov.au/get-legal-help/means-test-indicator](http://www.legalaid.nsw.gov.au/get-legal-help/means-test-indicator) to help you work out whether you may be financially eligible for legal aid.

### 2. Merit test

This looks at whether your case has a reasonable chance of success in court. The merit test does not apply to most domestic violence cases.

## Can I get legal aid for any type of case?

Legal Aid NSW does not represent people in every type of case. Talk to a Legal Aid NSW lawyer or LawAccess NSW about whether legal aid is available for your type of problem.

## Can I get a lawyer to represent me in my domestic violence case?

Most applications for Apprehended Domestic Violence Orders (ADVOs) are now made by the police. In these cases the police prosecutor will appear in Court and make the application for your protection.

If you want to make a private application for an ADVO, Legal Aid NSW may be able to assist you. The Women's Domestic Violence Court Advocacy Service (WDVCAS) can refer you to a lawyer or help you apply for legal aid. Call **1800 WDVCAS** or **1800 938 227**.

## Can an ADVO defendant get legal aid?

The person an ADVO application is made against is called the defendant. A defendant in an ADVO application can only obtain a grant of legal aid in exceptional circumstances. More information is available from a local Legal Aid NSW office or from LawAccess NSW on **1300 888 529**.

## **What happens if I make a complaint about domestic violence to the police, but then the police also bring a complaint against me?**

This is called a cross application. If the defendant has made a complaint against you, an ADVO application may be taken out for them and against you. In these circumstances, you are also a defendant. Cross applications can be complicated and it is important that you obtain legal advice or contact your local WDVCAS if you are a woman.

You may be able to obtain a grant of legal aid to defend the cross-application, especially where Legal Aid NSW is satisfied that you have been experiencing domestic or family violence yourself. For more information contact LawAccess NSW on **1300 888 529**, Legal Aid NSW or the WDVCAS on **1800 WDVCAS (1800 938 227)**.

## **What if I am refused a grant of legal aid?**

If your application for a grant of aid has been refused, you will be sent a letter and an appeal form, telling you why your application was refused and your right to appeal to the Legal Aid Review Committee.

More information about appeals is available on the website at [www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid](http://www.legalaid.nsw.gov.au/get-legal-help/applying-for-legal-aid). In the Quick links on the right hand side, click on the link Appealing a Legal Aid Decision for more information about appeals.

## **Will I get a lawyer who works at Legal Aid NSW?**

If you qualify for a grant of legal aid, Legal Aid NSW will pay for your lawyer. That lawyer can be employed directly by Legal Aid NSW or can be a private lawyer paid by Legal Aid NSW. If Legal Aid NSW has a conflict of interest, you will be represented by a private lawyer.

## **What is a conflict of interest?**

Sometimes a lawyer employed by Legal Aid NSW may not be able to give you legal advice or represent you because the other party has been or is currently assisted by a Legal Aid NSW lawyer. This creates a potential conflict of interest.

A conflict of interest does not mean that you are not eligible for legal aid. If a Legal Aid NSW lawyer is unable to help you because of a conflict of interest, you will be referred to another lawyer who can assist you.

# Where to get help

**In an emergency, call the police on 000 or 112 from mobiles.**

**LawAccess NSW: 1300 888 529** Legal assistance and referral over the phone to applicants and defendants including assistance with applying for legal aid. Victims of domestic violence are priority customers for advice.

**Women's Domestic Violence Court Advocacy Services (WDVCAS) 1800 WDVCAS or 1800 938 227** Information, court advocacy and referrals for women in domestic violence situations and assistance with getting an ADVO.

**Department of Community Services Domestic Violence Line: 1800 656 463** Assistance with emergency accommodation and referrals for counselling, health and legal services. 24 hours, 7 days.

**Australia-wide 1800 RESPECT or 1800 737 732** 24 hours, 7 days a week. Provides counselling, information and referral.

**Victims Access Line** Support and assistance for victims of crime **1800 633 063**; Aboriginal Contact Line: **1800 019 123** (8am to 6pm, Monday to Friday, except public holidays).

**Domestic Violence Practitioner Scheme (DVPS)** These are lawyers paid by Legal Aid NSW who have expertise in domestic and family violence. They can help you with an ADVO matter, and provide advice and referrals for other legal problems such as family law, victims compensation or debt. The DVPS only operates in some Local Courts. Call LawAccess on **1300 888 529** for more information.



**Domestic Violence Unit, Legal Aid NSW – 9219 6300** Legal advice, assistance, referral and representation as well as social work support to victims of domestic and family violence.

**Mensline: 1300 789 978** (24 hours, 7 days)  
Phone support and referral for male victims and perpetrators of domestic violence. Visit [www.mensline.org.au](http://www.mensline.org.au). Men requiring legal advice and information can also call Law Access on **1300 888 529**.

## **Other Legal Aid NSW publications about domestic violence**

- *So you want the violence to stop (WDVCAS)*
- *Break your silence stop the violence (ATSI resource with WDVCAS information)*
- *Are you applying for an AVO? Information for applicants and persons in need of protection*
- *Domestic violence—help at court (Easy English brochure)*
- *Advice about your visa if you have been hurt or harmed by your partner*
- *Are you experiencing violence or abuse? (elder abuse)*
- *Domestic violence offences (information for defendants)*
- *Is someone asking the court to make an AVO against you? (information for defendants)*

All our publications can be viewed on the Legal Aid NSW website or ordered online.

# Legal Aid NSW Offices

## Metropolitan

### Central Sydney

323 Castlereagh Street  
Haymarket 2000  
Ph: 02 9219 5000  
TTY: 02 9219 5126

### Bankstown

Level 7, Civic Tower,  
66-72 Rickard Road  
Bankstown 2200  
Ph: 02 9707 4555

### Blacktown

Suite 36-37, 15 Kildare Road  
Blacktown 2148  
Ph: 02 9621 4800

### Burwood

Level 4, 74-76 Burwood Road  
Burwood 2134  
Ph: 02 9747 6155

### Campbelltown

Suite 1, Level 4,  
171-179 Queen Street  
Campbelltown 2560  
Ph: 02 4628 2922

### Fairfield

Suite 1, Level 2,  
25 Smart Street  
Fairfield 2165  
Ph: 02 9727 3777

### Liverpool

Level 4, Interdell Centre,  
45-47 Scott Street  
Liverpool 2170  
Ph: 02 9601 1200

### Parramatta – Family and Civil Law

Level 5, 91 Phillip Street  
Parramatta 2150  
Ph: 02 9891 1600

### Sutherland

Ground Floor, Endeavour  
House, 3-5 Stapleton Avenue,  
Sutherland 2232  
Ph: 02 9521 3733

### Penrith

95 Henry Street  
Penrith 2750  
Ph: 02 4732 3077

## Regional

### Coffs Harbour

41 Little Street  
Coffs Harbour 2450  
Ph: 02 6651 7899

### Dubbo

64 Talbragar Street  
Dubbo 2830  
Ph: 02 6885 4233

### Gosford

92-100 Donnison Street  
Gosford 2250  
Ph: 02 4324 5611

### Lismore

Suite 6, Level 4,  
Westlawn Building,  
29 Molesworth Street,  
Lismore 2480  
Ph: 02 6621 2082

### Newcastle

Level 2, 51-55 Bolton Street  
Newcastle 2300  
Ph: 02 4929 5482

### Newcastle (Crime)

Level 3, 400 Hunter Street  
Newcastle 2300  
Ph: 02 4929 5482

### Nowra

Level 2, 59 Berry Street  
Nowra 2541  
Ph: 02 4422 4351

### Orange

Suite 4, 95 Byng Street  
Orange 2800  
Ph: 02 6362 8022

### Port Macquarie

107 William Street  
Port Macquarie 2444  
Ph: 02 5525 1600

### Tamworth

Level 1, 424-426 Peel Street  
Tamworth 2340  
Ph: 02 6766 6322

### Riverina Murray (Albury)

Suite 1A, Level 1,  
520 Swift Street  
Albury 2640  
Ph: 02 6020 7200

### Riverina Murray (Wagga)

Ground Floor,  
74-76 Fitzmaurice Street  
Wagga Wagga 2650  
Ph: 02 6921 6588

### Wollongong

Graovac House,  
73 Church Street  
Wollongong 2500  
Ph: 02 4228 8299

This publication is a general guide to the law. You should not rely on it as legal advice and we recommend that you talk to a lawyer about your situation. The information is correct at time of printing, however it may change. If you need more help, contact LawAccess on 1300 888 529.

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**Email** [publications@legalaid.nsw.gov.au](mailto:publications@legalaid.nsw.gov.au)

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**Watch us on** [www.youtube.com/legalaidnsw](http://www.youtube.com/legalaidnsw)

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**Do you need an interpreter?**

If you need help to talk to us in your language, call the Translating and Interpreting Service (TIS) on **131 450** (9am–5pm)



**Do you find it hard to hear or speak?**

If you find it hard to hear or speak: call us through the National Relay Service on **133 677** or [www.relayservice.gov.au](http://www.relayservice.gov.au) or call LawAccess NSW on **1300 889 529**

This publication is available in Arabic, Dari/Farsi and Simplified Chinese.