

LEGAL AID — MEANS TEST

1100. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

What is the current means test applied by Legal Aid WA to determine a person's eligibility for legal aid?

**Hon Matthew Swinbourn replied:**

The current means test used by Legal Aid WA is based on a national model developed by Legal Aid Commissions. There are two components to the means test: the income test and the assets test. An applicant must satisfy both the income test and the assets test to financially qualify for a grant of legal aid.

Income test

The income test is designed to assess whether a person can afford the cost of hiring a private lawyer, taking into account what legal services they need, how long the matter will take, and how much income the person could put aside over that period.

Applicants in receipt of Centrelink benefits will automatically pass the income test. Employed applicants are subject to a test to calculate how much income is available to them after subtracting allowable deductions for housing costs, number of dependants and childcare/child support costs. Applicants with a calculated net income (after deductions) of under \$400 per week are likely to meet the threshold for a grant of aid. If an applicant has some capacity to pay from their spare income, a contribution will normally be imposed unless special circumstances exist.

Assets test

The assets test measures the amount of equity in assets the applicant has (for example, real property or savings). Different allowances are made for the value of the real property depending on the locality. Applicants with home equity of less than \$362,000 are likely to be eligible for a grant of aid. This may be subject to a memorial that secures a contribution towards the cost of the grant of aid unless special circumstances exist.

Legal Aid WA is currently undertaking a comprehensive review of the means test to ensure it reflects current cost of living pressures.

Not all Legal Aid WA's services are means tested. In the 2021/2022 financial year, in addition to 11,000 new grants of aid, we provided a wide range of services that are not means tested, including:

- 48,500 duty lawyer services;
- 62,000 telephone services through our Infoline; and
- 11,600 services through online chat.