# Proof of means worksheet

## Proof of income

The following documents are required when applying for a grant of legal assistance to verify a person’s income.

In receipt of a Centrelink pension, benefit or allowance → current pension or health care card (family tax benefits are excluded from the means test)

If employed → copy of latest payslip or letter from employer setting out amount of weekly pay (or, if their pay varies, the amount of the last four weeks’ pay) and copies of 3 months current bank statements for all accounts

If recently left employment → Centrelink separation certificate or letter from previous employer setting out date employment ceased and any payout amounts and copies of 3 months current bank statements for all accounts

In receipt of a Centrelink pension, benefit or allowance and other income → current pension or health care card, copy of latest payslip or letter from employer setting out amount of weekly pay (or, if their pay varies, the amount of the last four weeks’ pay) and copies of 3 months current bank statements for all accounts

If self-employed → copies of latest tax return, profit and loss statement, balance sheet, business activity statements (if business has been operating for less than 12 months), 3 months current bank statements for personal and business accounts

If in receipt of other type of income (e.g. rent, royalties, insurance payments, annuity, interest, etc) → proof of income and copies of 3 months current bank statements for all accounts

## Proof of savings and investments

Applicant has savings and investments $1095 or less if single, $2190 or less if they have a partner and/or dependents and only income is Centrelink pension, benefit or allowance → no proof of savings and investments

All other applicants (except people for whom VLA does not apply the means test[[1]](#footnote-1)) → copies of 3 months bank statements for all accounts

If has other assets (shares, trusts, etc) → proof of value of asset

## Variable income

To calculate average weekly salary, add the net weekly salary for the last 13 weeks and divide the total by 13 (or if employed for less than 13 weeks, divide the net total by the number of weeks employed).

## Where an applicant has a partner

For the purposes of our means test, we will only ask for the financial information of an applicant’s partner where an applicant is:

* married to the person; or
* in a de facto partnership with that person (defined as being in a relationship and living with that person for six months or more).

The same supporting documentation required from an applicant is also required from their partner if they meet the above definition.

## Waiver of proof of means

An applicant won’t have to provide proof of means if they meet one of the following:

experiencing [homelessness](#Homelessness)

fleeing from, or, experiencing [family violence](#FamilyViolence)

seeking assistance for a bail application

reside in a [remote area](#RemoteArea)[[2]](#footnote-2)

are an Aboriginal or Torres Strait Islander

are in custody and have savings of $1,095 or less

* + if they are released from custody while they have a grant of aid, they will have to provide supporting documents, unless one of the other factors above apply; or

are in custody *and* the matter is a summary case that will be heard within seven days

* + if they are released from custody while they have a grant of aid, they will have to provide supporting documents, unless one of the other factors above apply.

Waivers of supporting documentation only apply to the applicant’s partner if they meet one of the conditions as well.

VLA may request additional proof of income and assets where a person has complex financial arrangements.

1. War veterans and dependants of war veterans for assistance under War Veterans guideline; children in Children’s Court proceedings (where the person is 18 years or younger) and in family law proceedings where there is an ICL; people involved in proceedings under the *Crimes (Mental Impairment and Unfitness to be Tried) Act*  [↑](#footnote-ref-1)
2. As defined by the Australian Tax Office as [“at least 40kms from an urban center with a population of 14,000 or more and at least 100kms from an urban center with a population of 130,000 or more”.](https://www.ato.gov.au/General/Fringe-benefits-tax-(FBT)/In-detail/Exemptions-and-concessions/FBT---remote-areas/) [↑](#footnote-ref-2)