

## **EXPLAINER FOR ELIGIBILITY FOR SERVICES**

The LGBTIQ Legal Service is currently funded to assist:

- 1) trans and gender diverse clients<sup>1</sup> and/or
- 2) LGBTIQ clients currently accessing services at Thorne Harbour Health<sup>2</sup>

We are therefore currently only able to provide ongoing assistance to these clients. Additionally, we can only provide ongoing assistance to people who are on a Centrelink benefit or who are on a low income (currently assessed as under \$30,000 before tax for a single person with no dependents).

For other LGBTIQ people currently residing in Victoria, we can offer one-off telephone advice (or face to face advice if required for accessibility reasons) and a referral to an appropriate service.

If you are an LGBTIQ person living in Victoria with a legal issue that directly relates to your LGBTIQ status, then we will consider providing ongoing assistance on a case by case basis depending on the availability of other services and our service capacity.

## **AREAS OF LAW**

For all clients, we are able to offer legal advice in the following areas:

- Centrelink appeals (e.g. alleged overpayments, Disability Support Pension rejections, prosecutions for fraud)
- Change of name/change of gender marker
- Complaints (e.g. Police, health, privacy, aged care)
- Crime (Summary crime only)
- Discrimination
- Employment law (e.g. Unfair Dismissal, general protections involving dismissal, unpaid wages and bullying )
- Expungement of historic homosexual convictions
- Family Violence Intervention Orders (IVOs)
- Guardianship and Administration applications (for the person affected by the proposed orders only)
- Infringements and civil debts
- National Disability Insurance Scheme (NDIS) applications for review
- Personal Safety Intervention Orders
- Tenancy (residential tenancy only)
- Victims of Crime (VOCAT) applications

Matters we can provide referrals only for

<sup>1</sup> <https://www.melbourne.vic.gov.au/SiteCollectionDocuments/social-innovation-partnership-projects-2019.pdf>

<sup>2</sup> <https://www.fpmagazine.com.au/record-grant-for-new-lgbtqi-legal-service-357767/>

We recognise that the LGBTIQ community has a significant need for LGBTIQ inclusive family lawyers, immigration lawyers and wills and estates lawyers. Please contact us if you need a referral.

### Family law

The LGBTIQ Legal Service does not currently have a family lawyer and can only provide referrals.

Fitzroy Legal Service run an LGBTIQ family law legal advice clinic on the first Wednesday of each month. An appointment is required. Four half hour appointments are available each month, commencing from 6.30 p.m. This clinic can assist individuals from the LGBTIQ community with family law matters only. Call 9419 3744.

### Immigration

The LGBTIQ Legal Service does not currently have an immigration lawyer and can only provide referrals. Refugee Legal can provide free immigration law advice to asylum seekers and other LGBTIQ people seeking immigration law advice.

Call [Refugee Legal](#) on 9413 0100 on Wednesdays from 10.00am to 2.00pm or Fridays from 10.00am to 2.00pm

Alternatively the [Asylum Seeker Resource Centre](#) can assist asylum seekers with protection visa applications. Call 9326 6066.

### Other Legal Issues

For all other legal issues, please contact [Victoria Legal Aid](#) or the [Law Institute of Victoria](#) for a referral.

## **Frequently Asked Questions:**

### **What do we mean by ongoing assistance?**

We mean anything that requires us to provide more than one-off legal advice including letter writing, court representation, completing application forms and negotiating with other parties on a client's behalf.

### **Why can't you provide me with more assistance?**

Our limited funding means that we can only assist clients where we have received funding to provide services. If your organisation would like to partner with the LGBTIQ Legal Service so that we can provide your clients with ongoing legal assistance, please get in touch.

## **What do you mean by a legal issue that directly relates to my LGBTIQ status?**

Examples include:

- Discrimination based on sexual orientation, gender identity, gender expression, variation of intersex trait status or HIV status.
- Family violence matters where a person feels they were misidentified as the perpetrator of family violence due to their LGBTIQ status.
- Police or judiciary complaints where a person feels they were mistreated due to their LGBTIQ status
- Expungement of homosexual conviction matters<sup>3</sup>
- Neighbourhood disputes that relates to a person's LGBTIQ status

## **What do you mean by 'currently resides in Victoria'?**

We mean someone who is currently living in Victoria. You do not need to be an Australian citizen or a permanent resident to receive a service.

## **Where will my appointment be?**

If you are a current [Thorne Harbour Health](#) client we will arrange an appointment for you at Thorne Harbour Health. If you are a trans or gender diverse client, we are currently holding appointments at the [Kathleen Syme Library](#) in Carlton. If you have accessibility needs which means that you cannot travel, we will assist you by telephone or make alternative arrangements as required.

If you have any questions about the LGBTIQ Legal Service guidelines please contact the Coordinator of the LGBTIQ Legal Service at [lgbtiqlegalservice@skls.org.au](mailto:lgbtiqlegalservice@skls.org.au).

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<sup>3</sup> <https://www.justice.vic.gov.au/justice-system/laws-and-regulation/criminal-law/expungement-scheme>