Australian Government
Attorney-General's Department

APPLICATION FOR ASSISTANCE BY THE COMMONWEALTH FOR LEGAL AND RELATED EXPENSES FOR SCHEMES ADMINISTERED BY THE ATTORNEY-GENERAL

This form is to be completed by applicants seeking assistance for legal and related expenses from the Commonwealth under statutory and non-statutory schemes administered by the Attorney-General.

The form is to be fully completed. Please type or print neatly and answer ALL questions. Assistance may be refused if all information (including attachments) is not provided. If space provided is insufficient, include additional material on a separate page and attach to the form.

The fact that a person has applied for financial assistance and all information provided by an applicant, or on an applicant's behalf, will be treated in confidence and will not be disclosed except:

(a) where this is necessary for purposes relevant to administering the financial assistance scheme
(b) in accordance with the express authority of an applicant
(c) to correct the public record, or
(d) where required by law.

This form must be signed in the presence of a Justice of the Peace, Commissioner for Declarations or other authorised person in your State or Territory before whom a declaration may be made.

This form and all attachments may be lodged by email to finass@ag.gov.au. If you are unable to submit an application by email, you may post to the following address:

Assistant Secretary
Legal Assistance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Phone: (02) 6141 4770

Important Information for Applicants

Read before Proceeding

Grants of assistance are akin to legal aid. Given the competing demands on each scheme, there is no guarantee your application will be approved, even if your matter appears to satisfy the relevant scheme guidelines, and even if you have received funding for the same matter in the past.

The Department does not approve funding for retrospective costs. Only costs incurred from the date the Department receives your application will be considered for approval under a grant.

If funding is urgently required, you may notify the Department in writing of your intention to lodge an application and, as soon as reasonably practicably afterwards (but no later than 14 days), lodge a completed application. In these circumstances, consideration will be given to costs incurred from the date the Department receives your notice.

The Department is unable to pay full commercial legal rates. Costs are generally paid as a portion of the hourly rate set in the relevant court scale of costs. Grants of assistance should be viewed as a contribution towards your legal costs, not an undertaking to meet your full legal costs. You should discuss with your lawyer the limits to the funding available under any grant provided by this Department.

All grants of assistance are conditional. It is unlikely that 100% of your legal costs will be covered. Each grant is made with specific terms and conditions (such as a start and end date, and an upper limit of funding). There are also specific invoicing and reporting requirements. These terms and conditions will be explained to you if your application for assistance is successful. It is important to be familiar with these terms and conditions, and to comply with them, otherwise the Department may not pay your legal costs.

For further information on Commonwealth Financial Assistance Schemes, see the Department's Website: <www.ag.gov.au/financialassistance>.

A. PARTICULARS OF APPLICANT

SURNAME	GIVEN NAME

NAME OF ORGANISATION

Applicant's position in organisation:

Number on members (approximate)

ADDRESS

Postcode

TELEPHONE NO Home Work

DATE OF BIRTH (if applicable)	PLACE OF BIRTH
/ /19	Australia [ ] Overseas [ ]

IF BORN OVERSEAS:

What country were you born in?

What year did you arrive in Australia?

ARE YOU AN ABORIGINAL OR TORRES STRAIT ISLANDER?

YES [ ] NO [ ]

EMPLOYMENT STATUS

Employed [ ] Self Employed [ ]

Unemployed [ ] Not Applicable [ ]

ARE YOU IN RECEIPT OF SOCIAL SECURITY BENEFITS (other than the family allowance)

YES [ ] NO [ ]

B. YOUR SOLICITOR (if applicable)

SOLICITOR'S NAME

NAME OF SOLICITOR'S FIRM

ADDRESS			
TELEPHONE	FACSIMILE	DX	POSTCODE

C. OTHER FUNDING

Please attach a copy of any letter of refusal you have received.

Have you applied for legal aid or assistance from another body. (3 box)

YES [ ] NO [ ]

If yes, to whom did you apply?

D. CASE DETAILS

Please attach copies of any court documents and any letters from your solicitor about the case.

1. Describe the legal action you intend to take.

2. What are the facts of the case?

3. What are the legal questions to be decided?

4. Does the case involve an issue of Commonwealth law? (Give details of the Commonwealth law involved)

5. Explain how the case is of general importance.

6. What are the legal arguments in support of your case?

7. What evidence or witnesses do you have to support your case?

8. What do you stand to gain/lose by the case? (eg interest in land, loss of job, custody of children, compensation for injury etc)

9. At what stage is the case? (State the court and court reference, if any)

10. What is the next stage?

11. How much do you think it will cost you to resolve the case?

12. Give details of how you have calculated your costs for each stage of the case.

E. **DEPENDANTS** (not applicable if applicant is an organisation)
List husband/wife/partner and dependant children

Name	Date of Birth	Relationship to you	Living with?

F. OCCUPATION

Applicant	Financially associated person

G. INCOME AND COMMITMENTS DETAILS: APPLICANT AND FINANCIALLY ASSOCIATED PERSON

- If **employed**, attach a copy of latest **tax return** and a copy of latest **pay slip**.
- If **self-employed**, attach a copy of latest **financial statements** or **tax return**.
- If your business is **incorporated**, attach a copy of the company's latest **financial statements**, and copies of **financial statements for all related companies**.
- If **unemployed**, attach a copy of latest **tax return** and a copy of latest **benefit statement**.
- If applying on behalf of an **organisation**, do not complete the following section but provide a copy of the organisation's latest **financial statements**.

WEEKLY INCOME

Applicant $	Financially associated person $
Gross weekly wage, Salary or earnings Other source of income	

Include pensions, compensation, unemployment or sickness benefits, rents, interest, dividends and any other income.

WEEKLY COMMITMENTS

	Applicant $	Financially associated person $
Tax (incl Medicare)		
Rent		
Mortgage payments on dwelling in which applicant lives		
Board or lodging		
Maintenance payments to spouse and/or children of applicant		
Payments under hire-purchase and credit sales agreements, loan agreements for motor vehicle(s), household goods and furniture (identify each item)		
Superannuation and life insurance: Other insurance (give details):		
Child minding fees paid to enable income to be earned		
Garnishee or other court orders (give details)		
Other commitments (eg business expenses)		

H. ASSETS

	Applicant $	Financially associated person $
RESIDENCE Address: Market value: If mortgaged, amount still owing on mortgage(s): OTHER REAL ESTATE House and/or land other than residence - give details as above		
HOUSEHOLD GOODS, FURNITURE, AND PERSONAL EFFECTS Approximate value: Amount owing (if any):		
MOTOR VEHICLE Year, model and type: Market value: Amount owing, if any:		
Savings held either solely or jointly with any other person		
Shares, debentures etc (give details)		
All money owing to you, and who owes it to you (give details)		
All other assets (eg surrender value of life insurance policies)		

I. LIABILITIES

	Applicant $	Financially associated person $
Any liabilities you consider should be taken into account showing hardship eg accumulated debts (specify)		

J. CONTRIBUTION

Are you able to contribute towards the expected cost of the proceedings

YES [ ] NO [ ]

If yes, how much? $

CHECK LIST

HAVE YOU

- completed all parts of the form?
- attached copies of letters of refusal from other bodies you have applied to for assistance, if any?
- attached copies of relevant court documents and any correspondence from your solicitor?
- if applying on behalf of an organisation, attached a copy of its latest financial statements?
- attached a copy of your latest tax return (and of any financially associated person)?
- attached a copy of your latest pay clip (and of any financially associated person), or if you are unemployed, a copy of your latest benefit statement (and of any financially associated person)?
- attached a copy of your company's financial statements (including related companies), if any?

Commonwealth of Australia

STATUTORY DECLARATION

Statutory Declarations Act 1959

1 Insert the name, address and occupation of person making the declaration

I,[1]

make the following declaration under the *Statutory Declarations Act 1959:*
[*cross out whichever does not apply*]

2 Set out matter declared to in numbered paragraphs

1. I have not disposed of any assets for the purpose of qualifying for assistance.
2. The information given in this application is true and correct to the best of my knowledge and belief.
3. I am personally liable / the organisation is liable for the legal costs and expenses of the proceedings described in this application.
4. I am / the organisation is not indemnified by any person or organisation for those legal costs and expenses.
5. I give officers of the Legal Assistance Branch, Attorney-General's Department, permission to seek information regarding this application from other government departments or agencies.
6. I undertake to notify the Attorney-General's Department, of any change in my / the organisation's circumstances which could affect my / the organisation's eligibility for continuing financial assistance.
7. I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

3 Signature of person making the declaration

[3]

4 Place
5 Day
6 Month and year

Declared at [4] on [5] of [6]

Before me,

7 Signature of person before whom the declaration is made (see over)

[7]

8 Full name, qualification and address of person before whom the declaration is made (in printed letters)

[8]

Note 1 A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

Note 2 Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

A statutory declaration under the *Statutory Declarations Act 1959* may be made before–

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public

Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailiff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Employee of the Commonwealth who is:

(a) in a country or place outside Australia; and

(b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and

(c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

(a) an officer; or

(b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or

(c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

(a) the Parliament of the Commonwealth; or

(b) the Parliament of a State; or

(c) a Territory legislature; or

(d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority; or

(c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

(a) the Commonwealth or a Commonwealth authority; or

(b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

REPORT BY SOLICITOR ABOUT THE APPLICATION (if this form is completed with the help of a solicitor)

[Cross out whichever does not apply]:

1. I am the solicitor for the applicant.

   Although I do not represent the applicant, I have helped the applicant to complete this Form.

2. It is my opinion, for the reasons set out below:

   - that the applicant has reasonable prospects of success
   - that the applicant has good grounds for being represented
   - that there is a point of general importance under Commonwealth law involved in the proceedings described in this application
   - that there is a point under State or common law involved which has importance beyond the State or Territory where the case arises.

3. My reasons for these opinions are:

4. I estimate the applicant's legal costs and expenses of the proceedings, at local legal aid rates, at $.....

DATED THIS ..... DAY OF ..... 20.....

- .....
  (Signature of solicitor)

  .....
  (Name of solicitor)

  .....
  (Name of firm)

APPLICATION FOR FINANCIAL ASSISTANCE – DOCUMENT CHECKLIST

Have you (the applicant):

- completed all parts of the application form?
- completed the statutory declaration on page 11 of the application form?
- attached copies of letters of refusal from other legal aid bodies you have applied to for assistance, if any?
- attached copies of relevant court/tribunal documents and any relevant correspondence from your solicitor/representative?
- attached the required financial documents, in relation to both yourself *and any financially associated person*? This includes copies of:
    - latest tax return
    - latest payslip or earnings statement
    - if unemployed, latest benefit statement
    - bank statements or passbooks for the last 2 months for all accounts
    - if an owner or director of a company, the company's latest financial statements (including related companies)
    - if an owner or partner of an unincorporated business, the business' latest financial statements
    - if self-employed, a copy of the latest financial statements (as applicable)
    - if applying for assistance on behalf on an organisation, a copy of its latest financial statements