



**APPLICATION FOR ASSISTANCE BY THE COMMONWEALTH FOR LEGAL AND  
RELATED EXPENSES UNDER SECTION 34ZX OF THE *AUSTRALIAN SECURITY  
INTELLIGENCE ORGANISATION ACT 1979***

This form is to be completed by applicants seeking assistance for legal and related expenses from the Commonwealth under section 34ZX of *Australian Security Intelligence Organisation Act 1979* (the ASIO Act) in relation to the person's appearance before a prescribed authority for questioning under a warrant issued pursuant to Division 3 of Part III of the ASIO Act (the ASIO scheme).

**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 the space provided is not sufficient, please include additional material on a separate page and attach to the form.**

The fact that a person has applied for legal 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 (subject to the Director-General of ASIO's authority permitting disclosure)
- (b) in accordance with the express authority of an applicant (subject to the Director-General of ASIO's authority permitting disclosure)
- (c) to correct the public record (subject to the Director-General of ASIO's authority permitting disclosure), or
- (d) where required by law.

This form and all attachments may be lodged by 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 that 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 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 the ASIO Scheme, see the department's website:  
<[www.ag.gov.au/financialassistance](http://www.ag.gov.au/financialassistance)>.

Your application should not include any operational information which you may have as a result of the issue or execution of a warrant pursuant to Division 3 of Part III of *Australian Security Intelligence Organisation Act 1979*.

Information (as referenced in the following two paragraphs) can only be provided if it is a permitted disclosure under subsection 34ZS(5), including when provided (a) in accordance with the authority of the Director-General of ASIO, or (b) to a lawyer for purposes outlined in subparagraph 34ZS(5)(c).

Section 34ZS(1) of the ASIO Act provides that a person commits an offence if a warrant has been issued and he/she discloses information which (a) indicates the fact that the warrant has been issued, or a fact relating to the content of the warrant or to the questioning or detention of a person in connection with the warrant; and/or (b) the information is operational information; and the disclosure is not a permitted disclosure.

Section 34ZS(2) of the ASIO Act provides that a person commits an offence if a warrant has been issued and he/she discloses operational information and he/she has the information as a direct or indirect result of the issue of the warrant or the doing of anything authorised by the warrant, and the disclosure occurs within 2 years of the end of the period during which the warrant is in force; and the disclosure is not a permitted disclosure.

The maximum penalty for either offence is imprisonment for 5 years.

**Operational information** is defined as information indicating one or more of the following:  
(a) information that the Organisation has or had;  
(b) a source of information (other than the person specified in the warrant mentioned in

subsection (1) or (2)) that the Organisation has or had;  
(c) an operational capability, method or plan of the Organisation.

**A. PARTICULARS OF APPLICANT**

SURNAME	GIVEN NAME
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ADDRESS		
		Postcode
TELEPHONE NO	Home	Work

DATE OF BIRTH (if applicable)	PLACE OF BIRTH
/ /	Australia <input type="checkbox"/> Overseas <input type="checkbox"/>

IF BORN OVERSEAS:
In what country were you born?
What year did you arrive in Australia?

ARE YOU AN ABORIGINAL OR TORRES STRAIT ISLANDER?
YES <input type="checkbox"/> NO <input type="checkbox"/>

EMPLOYMENT STATUS
Employed <input type="checkbox"/> Self Employed <input type="checkbox"/>
Unemployed <input type="checkbox"/> Not Applicable <input type="checkbox"/>

ARE YOU IN RECEIPT OF SOCIAL SECURITY BENEFITS (other than the family allowance)
YES <input type="checkbox"/> NO <input type="checkbox"/>

**B. YOUR SOLICITOR (if applicable)**

SOLICITOR'S NAME

NAME OF SOLICITOR'S FIRM

ADDRESS

TELEPHONE

FACSIMILE

DX

POSTCODE

**C. CASE DETAILS**

Please attach copies of the Authorisation that permits disclosure of information for the purpose of making this application for financial assistance.

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

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

3. Give details of any detriment you could suffer as a result of your appearance for questioning under the warrant.

(Note: It is not permitted to include any operational information in this form.)

**D. OCCUPATION**

Applicant	Financially associated person*

\* A 'financially associated person' is any person who could reasonably be expected to assist with the cost of this matter.

This may include a spouse, partner, relative or co-applicant.

**E. 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**.

**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)		

## F. ASSETS

	Applicant \$	Financially associated person \$
<p>RESIDENCE Address:</p> <p>Market value:</p> <p>If mortgaged, amount still owing on mortgage(s):</p> <p>OTHER REAL ESTATE House and/or land other than residence - give details as above</p>		
<p>HOUSEHOLD GOODS, FURNITURE, AND PERSONAL EFFECTS Approximate value:</p> <p>Amount owing (if any):</p>		
<p>MOTOR VEHICLE Year, model and type:</p> <p>Market value:</p> <p>Amount owing, if any:</p>		
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)		



## G. LIABILITIES

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

## H. CONTRIBUTION

Are you able to contribute towards the expected cost of the proceedings
YES <input type="checkbox"/> NO <input type="checkbox"/>
If yes, how much? \$

## Declaration by Applicant

I declare the following statements are true:

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 for the legal costs and expenses of the proceedings described in this application.
4. I am 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 circumstances which could affect my eligibility for continuing financial assistance.

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Applicant

Date:    /    /

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, OR

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 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 the rates outlined in the Attorney-General's Department Assessment of Costs document, 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?
- attached a copy of an authorisation that permits disclosure of information for the purpose of making an application for financial assistance?
- 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