



Royal Commission into Aged Care Quality and Safety

Application form for the payment of legal financial assistance

This application form is for assistance with legal representation costs and/or disbursements arising from entities engagement with the Royal Commission into Aged Care Quality and Safety (the Royal Commission).

You should complete this application form if you:

- receive a summons or leave to appear as a witness at a hearing of the Royal Commission, or
- are requested to attend an interview of the Royal Commission, or
- are requested to provide a written statement by the Royal Commission, or
- complying with a notice to produce by the Royal Commission.

Guidelines for assistance

Before completing this application form, you should read the following documents to ensure you are eligible to apply for financial assistance:

- [Commonwealth Guidelines for Legal Financial Assistance 2012](#) (the Guidelines)
- [Commonwealth Legal Financial Assistance Assessment of Costs 2012](#)
- [Commonwealth Guidelines for Legal Financial Assistance 2012 - Addendum for the Royal Commission into Aged Care Quality and Safety \(the Royal Commission\)](#) (the Addendum)

Eligibility

The [Addendum](#) for the Royal Commission into Aged Care Quality and Safety outlines who is eligible for legal financial assistance. Legal financial assistance may be provided to an entity, as defined below, for their reasonable legal representation and disbursement costs resulting from:

- being called, or granted leave to appear, as a witness at a hearing of the Royal Commission, or
- being requested to attend or attending an interview of the Royal Commission, or
- being requested to provide a written statement that will be used as evidence of the Royal Commission, and/or
- complying with a notice to produce issued by the Royal Commission, and
- where the entity, excluding an individual, would not able to meet these costs without incurring serious financial hardship.

For the purposes of this addendum, 'entity' is as defined in Section 2.1 of the Guidelines.

An application for assistance from an individual is exempt from the consideration of financial circumstances as set out in Section 5.8(2) of the Guidelines.

Entities other than an individual (e.g. organisations) will be able to apply for legal financial assistance, however, will be subject to an assessment of whether they can meet the cost of their legal representation without incurring serious financial difficulty. The decision-maker will consider the financial circumstances set out in Section 5.8(2) and the additional considerations set out in Section 5.10 of the Guidelines.

For certainty, 'entity' includes a person who is an employee or former employee of any 'aged care service' defined in the [Letters Patent](#) issued on 8 October 2018 who is not representing that entity.

The Attorney-General's Department (the department) may seek the advice of the Office of the Royal Commission into Aged Care Quality and Safety to determine whether an entity is eligible.

How to complete and submit this application form

This form must be completed in full. Please type or print clearly and answer ALL questions.

Only complete applications that are accompanied by all required supporting documents will be determined within 21 days.

It is our preference that completed applications are submitted by email to finass@ag.gov.au.

Alternatively, they may be sent to:

Financial Assistance Section
Legal Assistance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2606

If you need further assistance in completing your application, please refer to our website at www.ag.gov.au or contact the Financial Assistance Section on the details on 02 6141 4770 or 1800 117 995.

When to submit your application

You should submit an application *before* you attend a hearing or interview. Costs incurred before the department receives an application for legal financial assistance will usually not be paid. If you have only been given a short amount of notice before the hearing or interview, the department will make every reasonable effort to process the application prior to your attendance.

Intention to lodge

If legal representation is required urgently, you may notify the department in writing of your intention to lodge an application. You can do this by sending an email to finass@ag.gov.au. You must then lodge a complete application as soon as reasonably practicable but no later than 14 days after you notify the department. In these circumstances, consideration will be given to costs incurred from the date the department receives your notice.

For costs associated with complying with a notice to produce or responding to a request for a written statement from the Royal Commission, please submit the application form as soon as practicable after you receive the notice or request.

Confidentiality

All applications (including incomplete applications) will be treated in confidence. The department will not disclose any information regarding an application, including the fact that a person has applied for financial assistance, 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.

Rates of payment under grants

The department is unable to pay full commercial legal rates. Capped rates are found in the [Commonwealth Legal Financial Assistance Assessment of Costs 2012](#)

Top-up payments for legal representatives:

If you receive a grant for legal financial assistance you are not permitted to pay, or agree to pay, a lawyer more than the rates or total payment received under the grant for work covered by the grant, except with the approval of the Attorney-General or delegate. If you breach this condition, the department may terminate the grant and recover any amounts previously paid.

1. Are you applying on behalf of

<input type="checkbox"/> Yourself? <i>proceed to 2</i>	<input type="checkbox"/> A client? <i>proceed to 2</i>	<input type="checkbox"/> Another person? <i>complete 1.1</i>
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2. Contact details

Relationship to applicant:	
Phone:	
Email:	

3. Correspondence from the Royal Commission

<p>To confirm your eligibility for assistance, have you attached to your application one of the following documents:</p>	<ul style="list-style-type: none">• Notice to produce from the Royal Commission Yes <input type="checkbox"/> No <input type="checkbox"/> • Letter requesting that you attend an interview from the Royal Commission Yes <input type="checkbox"/> No <input type="checkbox"/> • A summons, or letter of leave to appear before the Royal Commission. Yes <input type="checkbox"/> No <input type="checkbox"/> • Letter requesting a written statement that will be used as evidence of the Royal Commission. Yes <input type="checkbox"/> No <input type="checkbox"/>
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4. Your personal details

Note: if applying on behalf of a client or another person, please enter their details.

Surname:		Given name/s:	
Organisation name (if applicable):			
Your position in organisation (if applicable):			
Postal address:			
	Suburb:		City:
	Postcode:		State:
Telephone:		Fax:	
E-mail:			

5. Solicitor's details (if applicable)

Solicitor's name:		Solicitor's firm:	
Address:			
	Suburb:		City:
	Postcode:		State:
Telephone:		Fax:	
E-mail:			

6. Budget details

Please provide a breakdown of costs associated with the case. These costs should be GST exclusive. Retrospective costs should only be included in **exceptional circumstances**, as these will not generally be covered by a grant of financial assistance. Refer to the [Commonwealth Legal Financial Assistance Assessment of Costs 2012](#), for rates payable by the department.

Red italics are examples only – remove before submitting application

Estimated preparation time for court and court attendance				
Legal representative	Description of item	Approx. Duration	Hourly rate \$ GST exclusive	Estimated Total \$ GST exclusive
<i>e.g. John Doe Solicitors</i>	<i>Preparation</i>	<i>8 hours</i>	<i>\$263.36</i>	<i>\$2109.09</i>
<i>e.g. John Doe Solicitors</i>	<i>Attendance on 18/11/2017</i>	<i>4 hours</i>	<i>\$263.36</i>	<i>\$1054.54</i>
			TOTAL	\$

Estimated disbursements			
Description of item	Approx. Duration	Hourly rate \$ GST exclusive	Estimated Total \$ GST exclusive
<i>e.g. administrative work being photocopying</i>	<i>4 hours</i>	<i>\$25.00</i>	<i>\$100.00</i>
<i>e.g Return air fare from Queensland to Melbourne (provide receipt and boarding pass as evidence)</i>	<i>N/A</i>	<i>N/A</i>	<i>\$750.00</i>
<i>e.g travel time from Queensland to Melbourne return</i>	<i>4 hours</i>	<i>Travel rate of \$150.00</i>	<i>\$600.00</i>
		TOTAL	

Estimated total - preparation time for court and court attendance	
Estimated total - disbursements	
TOTAL estimated costs (GST exclusive):	

7. Bank details

If the department makes payment, please provide the bank details of the payment recipient e.g. solicitor's trust account. If you wish to provide bank details at a later date, please leave this blank.

Account name:	
BSB number:	
Account number:	
Bank/financial institution name:	

8. Financial details of entity other than an individual

If you are applying as an individual or on behalf of an individual as defined in Section 2.1 of the Guidelines, proceed to Section 9.

Entities other than an individual (e.g. organisation) will be subject to an assessment of whether they can meet the cost of the legal representation without incurring serious financial difficulty.

You must provide full details of the applicant's financial circumstances, including annual income from all sources, total value of assets and total balance of all savings/shares.

Please attach supporting documentation, such as recent bank statements, latest tax assessment notice or annual financial statements.

9. Report by the solicitor about the application (if this form is completed with the help of a solicitor)

1.	I am the solicitor for the applicant, OR
2.	Although I do not represent the applicant, I have helped the applicant to complete this form
I estimate the applicant's legal costs and expenses of the proceedings, commensurate with the legal financial assistance guidelines and assessment of costs, to be \$.....	
DATED THIS DAY OF 20.....	
..... (Signature of solicitor)	
..... (Name of solicitor)	
..... (Name of firm)	

10. Declaration

The information given in this application is true and correct to the best of my knowledge and belief.
I understand it is an offence to knowingly give false or misleading information.

.....
(Signature of applicant/ person applying on behalf of the applicant)

11. Application for legal financial assistance—document checklist

Make sure you have:

- Completed all parts of the application form, including the breakdown of legal costs table above.
- Attached copy of:
 - a notice or summons to appear, as a witness at a hearing of the Royal Commission, or
 - a notice to attend or attending an interview of the Royal Commission, or
 - a notice to provide a written statement that will be used as evidence of the Royal Commission, and/or
 - a notice to produce issued by the Royal Commission.
- If applying on behalf of an entity other than an individual (e.g. organisation), attached supporting financial documentation.

Completed applications should be sent to finass@ag.gov.au. Alternatively, the application may be sent to:

Financial Assistance Section
Legal Assistance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2606