



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 are an individual or other entity that is requested or required by the Royal Commission to assist with its considerations (see 'Eligibility' below for more information).

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.

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.

Individuals

If you have been called in your personal capacity you will need to complete an application for assistance. However, individuals are exempt from the consideration of financial circumstances as set out in section 5.8(2) of the Guidelines.

Organisations

If you have been called on behalf of your organisation, you and your organisation may be eligible for legal financial assistance.

An organisation will be able to apply for legal financial assistance, however, it will be subject to an assessment of whether it can meet the cost of its 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.

What financial information does the organisation need to provide?

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.

The Attorney-General's 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.

Confidentiality and privacy policy

The Attorney-General's Department is bound by the *Privacy Act 1988*, including the Australian Privacy Principles about how we collect, store, use, disclose, quality assure and store your personal information. This also includes an individual's right to access or correct their own information. More information about the department's privacy policy, including how to make a request is available on our [website](#).

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.

Consent for the collection, use and disclosure of information

For the purposes of performing functions relating to the provision of financial assistance under the *Commonwealth Guidelines for Legal Financial Assistance 2012*, the applicant, by applying for a grant of financial assistance, consents to the department disclosing information in the application to, or collecting further information about the applicant from:

- (a) other areas of the department, including information relating to international obligations, Commonwealth laws and any other interactions with the department
- (b) other Commonwealth or State government agencies, including the Australian Federal Police, the Australian Tax Office, the Department of Foreign Affairs and Trade and the Department of Human Services including information relating to the applicant's criminal history, financial details, laws and the status of legal proceedings in the overseas country
- (c) an Australian organisation that provides legal aid or legal assistance, including information relating to the applicant's eligibility to receive legal assistance

- (d) a financial institution, including information relating to the applicant's financial details, and
- (e) the applicant's current and past legal representatives, including information relating to the conduct of the legal matter, and

the applicant also consents to:

- (a) the collection of further information about the applicant from an overseas organisation that provides legal aid, or legal assistance or specialist in-country advice, including information relating to the applicant's eligibility to receive legal assistance in the overseas country, and
- (b) the disclosure of personal information about the applicant to an overseas recipient, including information relating to the applicant to receiving advice or assistance in the overseas country

understanding that if the overseas recipient handles the applicant's personal information in breach of the Australian Privacy Principles, the department will not be accountable under the *Privacy Act 1988* for that breach and the applicant will not be able to seek redress under that Act.

The department will seek further consent from the applicant in the event that it is necessary to disclose or collect information in addition to the kind of information referred to above.

Failure to provide this consent, or withdrawing this consent in the future, may result in the application being considered incomplete.

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.

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.

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service and give 02 614 4770 as the number you would like to call.

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.

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?
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2. Contact details

Relationship to applicant:	
Address:	
Phone:	
Email:	

3. Correspondence from the Royal Commission

To confirm your eligibility for assistance, have you attached to your application one of the following documents:	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"/>

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. Special considerations

In considering an application, the decision-maker must have regard to a number of special considerations. Please address the following.

6.1 Are you a citizen or resident of Australia?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, please provide evidence of your citizenship or residency details (such as passport, citizenship certificate)	Answer:	
If no, please provide details of your connection with Australia	Answer:	

6.2 Are you currently overseas?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If so, please provide the circumstances under which you departed Australia	Answer:	

7. Estimate of Costs (to be completed by your solicitor)

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.

Estimated preparation time for court and court attendance				
Legal representative	Description of item	Approx. Duration	Hourly rate \$ GST exclusive	Estimated Total \$ GST exclusive
			TOTAL	\$

Estimated disbursements			
Description of item	Approx. Duration	Hourly rate \$ GST exclusive	Estimated Total \$ GST exclusive
		TOTAL	

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

Completed by: _____

Law firm: _____

Date: _____

8. 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:	
Is the law firm registered for GST?	(please tick) <input type="checkbox"/> Yes <input type="checkbox"/> No

9. 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 10.

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 the last six months of all bank statements, latest tax assessment notice or annual financial statements.

10. 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)	

11. Declaration

1. The information and supporting documentation given in this application is true and correct to the best of my knowledge and belief.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. I understand if I give false or misleading information, this application may be refused.	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. I consent to the collection, use and disclosure of my information.	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. I understand that that Attorney-General's Department cannot make a decision whether to offer a grant of financial assistance if my application is incomplete.	<input type="checkbox"/> Yes <input type="checkbox"/> No
..... (Signature of applicant/person applying on behalf of the applicant) Date

12. Application for legal financial assistance—document checklist

Please make sure you have:

- completed all required parts of the application form, including the breakdown of estimate of costs table above
- attached a copy of documentation from the Royal Commission (see Part 3 of this form)
 - 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 (eg an organisation), attached supporting financial documentation.