



**Australian Government**  
**Attorney-General's Department**

## **APPLICATION FOR LEGAL OR FINANCIAL ASSISTANCE BY THE ATTORNEY-GENERAL IN NATIVE TITLE CASES**

This form is to be completed by applicants seeking legal or financial assistance from the Attorney-General in native title cases. With respect to respondents, where the respondent to a native title claim and the owner of the property affected are not the same entity, the form should be completed by the respondent that is officially recognised by the National Native Title Tribunal or the Federal Court.

The form is to be fully completed and all supporting documentation attached. Please type or print neatly and answer all questions. Assistance may not be approved 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.

In accordance with sections 71 and 72 of the Guidelines, by making an application, the applicant:  
(a) acknowledges that the Department may obtain information about the application or the provision of assistance (including a legal opinion obtained about the matter for which the application is made) from other government or industry bodies or from the applicant's solicitor; and  
(b) consents to the Department obtaining the information (s 71).

By making an application, the applicant consents to the Department disclosing information in the application or information obtained from the applicant (other than a legal opinion) to another applicant or a group representative only for the purpose of deciding whether to authorise the provision of assistance to the applicant as a member of a group (s 72).

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 should be sent to:

Assistant Secretary  
Legal Assistance Branch  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600  
Phone: (02) 6141 4770  
Fax: (02) 6141 4926

1 January 2007

**Name of applicant**

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**Name of organisation**

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**ABN**

**Number of members**

**Address**

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**Email**

**Telephone – Facsimile**

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**Solicitor name**

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**ABN**

**Address**

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**Telephone / Fax**

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**Email**

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Please circle as appropriate

**TYPE OF APPLICATION**

- Application for financial assistance in relation to an inquiry, mediation or proceeding s 183(1).
- Application for financial assistance in relation to negotiation of an ILUA or other agreement s 183(2).

## **ELIGIBILITY:**

### **For s183(1) applications**

Are you a party or do you intend to become a party to native title proceedings  
**Yes → Name of proceedings,  
Federal Court file and NNTT  
register numbers?**  
**No**

### **For s 183(2) applications**

Do you have an indication from the native title representative body or other parties to the proposed agreement of an intention to enter into an ILUA or other agreement?  
**Yes / No**

Is there a dispute about access to lands for the purpose of traditional activities?  
**Yes / No**



⇒ Attach documents

- Court documents confirming joinder as a party (s183(1) applicants)
- Correspondence with other parties to proposed ILUA indicating willingness to negotiate (s183(2) applicants)
- Details of parties between whom dispute over access(s183(2) applicants)

## **GROUP REPRESENTATION**

Have you sought representation through a group representative or a peak body?  
**Yes → Name of peak body?**  
**No**  
**Not applicable**

## **OTHER FINANCIAL ASSISTANCE GRANTS**

Are you currently in receipt of other grants of financial assistance under the Native Title Respondent Funding Scheme?  
**Yes → How many?**  
**No**

## Section 183(1) Application

What are the native title rights and interests sought to be recognised by the native title claimants?



⇒ Attach documents

- Attach claimant summary extract from NNTT register

What is the interest that you are seeking to protect through participation in the inquiry, mediation or proceeding?



⇒ Attach documents

- For a proprietary interest, please provide copies of tenure docs eg. Lease, license, permit to occupy. If not available please provide sufficient details of the interest ie. names of interest holder, date of interest grant, date of expiry, legislation under which interest granted.

Who are the parties to the inquiry, mediation or proceeding?

At what stage is the inquiry, mediation or proceeding?

### Please answer only if you seeking assistance for trial or interlocutory or preliminary proceedings

i) What are the new and significant questions of law directly relevant to the applicant's interests?

Note: You are required to provide specific details of the issues raised as distinct from the general questions to be resolved in native title determinations.

ii) Has the court ordered your participation in the proceedings?

**Yes / No**



⇒ Attach documents

iii) Explain how the proceedings will affect the applicant's interest in a real and significant way.

iv) What, if any factors prevented agreement from being reached at mediation?

## Section 183(2) Application

What are the native title rights and interests sought to be recognised by the native title claimants?



⇒ Attach documents

- Attach claimant summary extract from NNTT register

What is the interest that you are seeking to protect through participation in the proposed agreement negotiations?



⇒ Attach documents

- For a proprietary interest, please provide copies of tenure docs eg. Lease, license, permit to occupy. If not available please provide sufficient details of the interest ie. names of interest holder, date of interest grant, date of expiry, legislation under which interest granted.

What kind of agreement do you propose to negotiate?

Does the agreement relate to a future act?

Who are the potential parties to the proposed agreement?

Have the potential parties to the proposed agreement indicated a willingness to enter into an agreement?



⇒ Attach documents

- Attach correspondence from potential parties confirming agreement.

What is the area of the agreement?

How long will the agreement operate?

## F. FINANCIAL CIRCUMSTANCES

Please complete for applicant and financial associated person (eg. spouse)

This part is not applicable where

- the application is made on behalf of a group
- the application is made on behalf of an organisation

If applying on behalf of an organisation, do not complete the following section but please provide a copy of the organisation's latest financial statements.

### Occupation

Applicant	Financially associated person (eg. spouse)
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### Income (per year)

Applicant	Financially associated person
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### Income per week after tax

Please specify all sources

- Personal income
- Non taxed benefits
- Other (eg rent)

Applicant	Financially associated person
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⇒ Attach documents

•if employed/self-employed, attach a copy of latest financial statements or tax return.

•for incorporated business please attach the company's latest financial statements, and copies of financial statements for all related companies

•if you are a respondent to a claim over land managed by you on behalf of a company or other business entity, record only your personal income from the business, after tax. Alternatively provide a copy of your latest tax return.

## DEPENDANTS

Do you have any dependants?		<b>Yes (please provide details below/No</b>
Name	Date of Birth	

**WEEKLY COMMITMENTS** (only provide details of annual or weekly non business expenses)

	Applicant	Financially associated person
Maintenance payments to spouse and/or children of applicant		
Payments under hire-purchase and credit sales agreements, loan agreements		
Superannuation and life insurance: Other insurance (give details):		
Children education		
Garnishee or other court orders (give details)		

Other commitments of a non business nature		
Rent/Mortgage payments		
Other		
Other		

### 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		
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)		

### LIABILITIES

	Applicant	Financially associated person
Any liabilities you consider should be taken into account		

**ESTIMATE OF COSTS (this part to be completed in consultation with solicitor/representative)**

In accordance with sections 36-38 of the Guidelines, assistance will be authorised for services which are likely to be required in a 6 month to 12 month period. Assistance may be authorised for a shorter period if appropriate. Please provide a detailed budget of the work expected to be carried out over the next stage, including supporting documentation. Below is a guide for preparing estimate of costs.



⇒ Attach documents

Where the budget includes amount for mediation meetings, directions hearings or other proceedings, please attach documents such as court mediation schedules, directions hearings schedules or other orders of the court or NNTT.

DESCRIPTION –	SCALE - ITEM	RATE	ESTIMATED TIME (HR)	ESTIMATED AMOUNT
<b>Joining party to Native Title Claim:</b>				
Attendance to take instructions	1			
Attendance to prepare a notice of motion	8			
<b>Attendance at Mediations and Other Meetings:</b>				
Estimate # meetings/hours	31			
<b>Attendance at Court, including directions hearings, case management conferences, etc</b>				
Estimate # court appearances/hours	36			
<b>Preparation of negotiation/mediation documentation (including operation plan, mediation proposal, letters to claimant’s representatives and drafting ILUA):</b>				
Estimate # meetings/hours				
<b>Preparation and perusal of correspondence to and from client, other respondent parties, court etc</b>				
Estimate preparation	21, 22, 23			
Estimated perusal	17			
<b>Travel time</b>				
NOTE: Please refer to the Assessment of Costs document for requirements of travel requests.				
Attendance at directions hearing				
<b>TOTAL ESTIMATED PROFESSIONAL FEES:</b>				\$
<b>ESTIMATED DISBURSEMENTS</b>				
Itemise correspondence (short, ordinary and special letters), photocopying, telephone, facsimile and other charges				\$

Commonwealth of Australia  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

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

I,<sup>1</sup>

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*

<sup>3</sup>

4 *Place*  
5 *Day*  
6 *Month and year*

Declared at <sup>4</sup> \_\_\_\_\_ on <sup>5</sup> \_\_\_\_\_ of <sup>6</sup> \_\_\_\_\_  
Before me,

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

<sup>7</sup>

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

<sup>8</sup>

*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

## CHECK LIST

### **Have you:**

- completed all parts of the form?
- attached copies of all relevant tribunal/court documents and/or correspondence?
- attached copies of relevant and any correspondence from your solicitor/representative?
- 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 company's financial statements (including related companies), if any?