

Summary Crime Court Template Changes

What you need to know

A number of changes have been made to the Local Court Summary Crime Application and Extension forms in order to improve processing times for Grant applications. This tip sheet is for private practitioners.

SECTION 32 START UP

Where a matter is listed for a Section 32 or 20BQ application, practitioners will now have the option to request a Section 32 Start Up Grant. This will include the standard funding for a Start Up Grant, plus funding for a psychiatrist or psychologist report and one additional client conference.

Where a request for a psychologist or psychiatrist report is made on an Extension request in a Section 32 or 20BQ matter, Grants Online will check whether a report has already been approved on this file. If a report has already been approved on the file, then there will be an extra question asking practitioners to provide justification to support the request.

Type of grant: Section 32 or 20BQ

You have indicated that this matter is listed for an application under s 32 *Mental Health (Forensic Provisions) Act 1990* (NSW) or s 20BQ *Crimes Act 1914* (Cth).

At this step you can select the type of grant of legal aid you want. The options are:

1. **START UP GRANT ONLY** - for a s 32 or s 20BQ application in the Local Court; or
2. **START UP GRANT PLUS EXTRA** - for a Start Up Grant with additional work items.

If you choose the **START UP GRANT PLUS EXTRA** option, the application may require a more detailed assessment by Legal Aid NSW than if you select **START UP GRANT ONLY**.

The **Start Up Grant** includes the following items:

- Preparation (including initial conference) — 1.5 hours
- Mentions (please note: only one hour is allowed for mentions for the duration of a grant of aid in a summary matter in the Local Court) — up to 1 hour
- Interpreter fees (if you have requested an interpreter at the 'Applicant details' step) — up to \$200
- Appearance fee — up to 3 hours
- Further client conference
- Report by psychiatrist or psychologist
- Disbursements pre-approved to \$150 — filing fees for subpoenas, conduct money, agents' fees, legal notices, medical reports, expert reports, witness expenses, photocopying and telephone calls (pre-approved to \$30)

CCST2 - What type of grant do you want?

START UP GRANT ONLY

CCST4 - The Start Up Grant includes a report by a psychologist or psychiatrist. Please select below the type of report you want.
Where appropriate, you should seek a report from the applicant's treating psychologist or psychiatrist, or make use of an existing report

PSYCHOLOGIST REPORT INCLUDING AUDIO VISUAL LINK
PSYCHIATRIST REPORT INCLUDING AUDIO VISUAL LINK
NO REPORT

Previous Next

Benefit:

This will increase the speed in which applications for Section 32 or 20BQ matters can be processed by the Grants Division.

NEW QUESTION FOR ADDITIONAL HEARING TIME

There is an extra question that is asked where a practitioner has requested additional court time.

The practitioner is asked to certify that the additional court time will only be used for hearings – unless the practitioner certifies that this court time will be used only for hearings, they will not receive the additional funding.

Additional hearing time

You have requested additional hearing time. The questions at this step relate to that request. At question H1 below you can request additional hearing time of up to two days (10 hours). The requested time will be additional to the hearing time already included in your Start Up Grant.

In order to obtain the additional hearing time, you must certify that the requested time will only be used to appear in a hearing of your client's matter, and will not be used for mentions of the matter, waiting time or any other purpose. Please give this certification by selecting YES in answer to question H2. If you select NO in answer to question H2 or leave it blank, you will not receive the additional hearing time in your client's grant.

H1 - Are you requesting additional hearing time of up to two days?
If you answer 'YES', you must also answer question H2

YES

H2 - If you have answered 'YES' to question H1, do you certify that you will use the additional hearing time solely to appear in a hearing of the applicant's matter, and not for mentions of the matter, waiting time or any other purpose?
If you have not answered 'YES' to question H1, leave this answer blank

[Previous](#) [Next](#)

Benefit:

This will reduce the need for Grants staff to contact practitioners seeking clarification about additional hearing time and allow for quicker processing of these types of requests.

NEW QUESTION FOR ADDITIONAL CLIENT CONFERENCES

There is an extra question that is asked where a practitioner has requested additional client conferences.

The question asks for justification to support this additional funding.

Additional client conferences

You have requested additional client conferences. The questions at this step relate to that request. Conferences requested here will be additional to any client conference included in your client's Start Up Grant.

To request one or more additional client conferences, please give a reason as to why you need an additional conference by selecting an option from the drop-down list at question AC1 below. The selection of any option besides 'OTHER' in answer to question AC1 will be treated as a request for one additional conference.

If you want more than one additional conference, or you need an extra conference for a reason other than those in the list at question AC1, select 'OTHER' in answer to question AC1 and then use the free-text box at question AC2 to explain the details of your request. Include the reasons why you need more conferences and how many conferences you are seeking.

AC1 - Select the reason why an additional client conference is needed
If you select 'OTHER' in answer to this question, you must also answer question AC2 below

MENTAL OR COGNITIVE HEALTH ISSUE
 MORE THAN 3 H-NUMBERS / CASE NUMBERS ON THIS APPLICATION
 OTHER

AC2 - Explain the reasons for your request for additional conferences and how many conferences you are seeking
If you have not selected 'OTHER' in answer to question AC1, leave this box blank

[Previous](#) [Next](#)

Benefit:

This will reduce the need for Grants staff to contact practitioners and ask for more information where a request has been made for additional client conferences and allow for quicker processing of these requests.

NEW QUESTION FOR ADDITIONAL PREPARATION

There is an extra question that is asked where a practitioner has requested additional preparation.

The question provides three standard options to choose from. If practitioners choose 'Other' they will need to provide justification to support this request.

Where a request for additional preparation is made by a practitioner on an Extension request, Grants Online will check whether additional preparation has already been approved on this file. If additional preparation has already been approved on the file, then there will be an extra question asking practitioners to provide justification to support the request.

Additional preparation

You have requested additional preparation. The questions at this step relate to that request. Preparation requested here will be additional to any preparation included in your client's Start Up Grant.

Additional preparation is allowed as follows:

More than 1 H-number (in State matters) or case number (in Commonwealth matters) on this application; OR more than one co-accused; OR a brief containing 50 pages or more	One hour preparation
More than 1 hearing day	One hour preparation
Other	As assessed

To request additional preparation, please give reasons as to why you need additional preparation by ticking as many of the checkboxes AP1 to AP3 below as are applicable.

If you need additional preparation for a reason other than those listed in checkboxes AP1 and AP2, select 'Other' at checkbox AP3, then use the free-text box at question AP4 to explain the details of your request, including how many hours of additional preparation you are seeking and the reasons why you need it.

AP1 - More than one H-number (in State matters) or case number (in Commonwealth matters) on this application; OR more than one co-accused; OR a brief containing 50 pages or more
One hour additional preparation

AP2 - More than one hearing day
One hour additional preparation

AP3 - Other
Additional preparation as assessed. If you select this checkbox, you must answer question AP4 below.

AP4 - If you have selected checkbox AP3, please explain the reasons for your request for additional preparation and how many hours you are seeking
If you have not selected checkbox A3, leave this box blank

[Previous](#) [Next](#)

Benefit:

This will reduce the need for Grants staff to contact practitioners and ask for more information where a request has been made for additional preparation.

NEW QUESTION FOR LATE APPLICATIONS

There is an extra question where a practitioner is submitting an application within 14 days of the Hearing date.

The question requires the practitioner to provide submissions explaining why the application is being submitted late. If there are exceptional circumstances and a late application is granted, it may be assigned to the Legal Aid in-house practice.

Late applications

This matter is listed for hearing within 14 days. In such cases legal aid is only available in exceptional circumstances. At question LA1 below, please provide submissions in support of the late application, including the reasons for the late submission and why legal aid should be granted. Please ensure you address the Legal Aid NSW [guidelines on late applications in Local Court defended matters](#).

Please note that if aid is granted, this matter may be assigned to our in-house practice.

LA1 - Please provide submissions in support of the late application having regard to Legal Aid NSW guidelines on late applications in Local Court defended matters

Benefit:

This will reduce the need for Grants staff to contact practitioners and ask for more information where a late application has been submitted.

REVISED QUESTION FOR DETAILS OF ADDITIONAL WORK

There is an extra question and expanded help text requesting the practitioner to provide justification for any specified additional work items.

The question requires the practitioner to provide submissions explaining why they have requested work items in addition to the Start Up Grant.

Details of additional work

You have selected START UP GRANT PLUS EXTRA as your type of grant, together with additional work items from the 'Professional fees' and/or 'Disbursements' step. Please provide information as to why work items additional to the Start Up Grant are required.

Please note in particular:

If you have requested:

- a *medical report*, please provide brief submissions as to why such a report is necessary, including any relevant medical history, together with the name of the expert preparing the report if known;
- a *view*, please state the location of the view and the relevance of a view to the matter;
- *one or more witness conferences*, please provide the name(s) of the witness(es) and explain their relevance to the matter;
- funding for a matter under the *Crimes (Forensic Procedure) Act 2000 NSW*, please explain how this request meets the Legal Aid NSW [policy on forensic procedure matters](#).

Exceptions:

You need not provide an explanation at this step for:

- any item included in a Start Up Grant; or
- additional hearing time requested at the 'Additional hearing time' step; or
- additional client conferences requested at the 'Additional client conferences' step; or
- additional preparation requested at the 'Additional preparation' step; or
- a psychologist's or psychiatrist's report requested at the 'Psychologist's or psychiatrist's report' step.

CCST3 - Please provide information as to why work items additional to the Start Up Grant are required

Benefit:

This will reduce the need for Grants staff to contact practitioners and ask for more information to justify the additional work items.

REVISED QUESTION FOR PSYCHOLOGIST/PSYCHIATRIST REPORT

There is an extra question when a practitioner requests a psychological or psychiatrist report that is not related to a Section 32 application.

The question requires the practitioner to choose the type of report they need and provide submissions explaining why they believe the report is necessary.

Psychologist's/psychiatrist's report

Select the psychologist's or psychiatrist's report you want from the drop-down box at question PSY02 below. Then provide brief submissions at question PSY03 as to why this report is necessary. Please include any relevant history of mental illness or psychological problems, as the case may be, together with the name of the expert preparing the report if known.

For details of fees paid to psychologists and psychiatrists, see [Fees payable to Psychiatrists and Psychologists - Criminal Law matters](#).

PSY02 - What psychologist's or psychiatrist's report do you want?

PSYCHIATRIST REPORT INCLUDING AUDIO VISUAL LINK

PSY03 - Please explain why this report is necessary

Please include any relevant history of mental illness or psychological problems, as the case may be, together with the name of the expert preparing the report if known

Benefit:

This will reduce the need for Grants staff to contact practitioners and ask for more information to justify granting a report that is not related to a Section 32 application.

Support

For further technical support, contact the **Legal Aid NSW Service Desk**:

Phone: (02) 9219 5999 | Email: servicedesk@legalaid.nsw.gov.au
