

Legal Aid

07/12 form 5

Application for **Civil Legal Aid**

IMPORTANT INFORMATION FOR YOU TO KEEP

What you need to know about Civil legal aid

Legal aid is the government programme which pays for a lawyer to represent you if you cannot afford to. If you get legal aid, you may have to pay back some or all of it.

Civil legal aid is available for private disputes and non-criminal problems.

Your Application

What happens when you apply?

When you answer the questions and sign the form, you are confirming that the information you have given is accurate and complete. It is illegal to sign the form when you know something is not true or you have left out something important on purpose.

If you are not sure of the information needed to answer a question, give your best estimate, note on the form that it is an estimate, and provide the detail later.

You have to provide this information so we can make a fair decision about whether you can get legal aid, how much you may need to repay, and how you will make the repayments.

Your application is confidential. The personal information you provide to us is only used to process your application. This means we may check the information with others like Work and Income or your employer.

How will you know if you get legal aid?

You will be sent a letter telling you about our decision. If you do get legal aid, the letter will outline conditions you must meet, including repayments and a charge over property, which are explained below.

A decision is usually made within 15 working days of receiving a Civil legal aid application.

Your obligations

The information you provide must be accurate and honest. Legal aid can be withdrawn if incorrect information is provided. You may have to repay some or all of your legal aid. Signing the application form means you agree to this. You must keep up your repayments or legal aid may be withdrawn.

Repayments

How much you have to repay depends on your income and assets, the cost of your case, and whether you receive any settlement from your case.

You may have to start repaying right away. A repayment plan will be worked out based on the information you have provided us. If you do not keep up with the repayment plan, interest may be charged on what you owe and we can take further action to recover your debt.

If you have a problem paying your legal aid debt, tell the Debt Management Group on 0800 600 090. They can rearrange your repayment plan before any action is taken.

In some circumstances, your legal aid debt can be written off if you can't repay it.

You can ask for your legal aid to be stopped, but you may still have to repay some or all of the aid spent so far.

If you need financial advice about making your repayments, contact a Budgeting Service person — see the Yellow Pages.

Charge over property

If you have to repay some or all of your legal aid and the cost is more than \$300, the Legal Services Commissioner may take a charge over property you own, which may include a house, land, or a vehicle. This can include property owned by your partner. A charge over property means that when the property is sold, your legal aid will be repaid before you receive money from the sale.

Change of situation

You must tell us if your contact details, financial details, employment status, or family circumstances change.

Costs and settlements

If you win your case and you are awarded ownership of property or payment towards the cost of your case, those awards may be used to repay your legal aid. If costs are awarded against you, we can meet the costs but you may have to pay us back. A repayment plan will be set up for you.

Your rights

Reconsideration

If you disagree with the decision made you may apply for a reconsideration using the reconsideration form on our website. For information about the grounds for reconsideration, the process and who to contact, go to www.justice.govt.nz.

Your application for reconsideration must be made within 20 working days from the date of notice of the decision. If you do not ask for a reconsideration, the decision is final.

Review

If you believe that the reconsideration decision is manifestly unreasonable, wrong in law or both, you can apply to the Legal Aid Tribunal (Tribunal) for a review. For information about the grounds for review, the review process, and how to obtain the Tribunal's Application for Review form, go to www.justice.govt.nz/tribunals/legal-aid-tribunal.

You must lodge your Application for Review with the Tribunal within 20 working days from the date of notice of the reconsideration decision. If you do not seek a review, the reconsideration decision is final. The reconsideration decision stands pending the outcome of any Tribunal review.

Money paid to your lawyer

Legal aid is paid directly to your lawyer for your case. You can ask us to examine the cost of your case if you think your lawyer has claimed for more time than they actually spent on the case, or claimed more expenses (disbursements) than they actually used. For a reconsideration or query about how much your lawyer is paid, write to the person who sent you the letter. The address is on the bottom of the letter.

Can you change your lawyer?

If you are not satisfied with your legal aid lawyer, try to talk to them about why you are not satisfied.

If that does not help, contact the legal aid office looking after your legal aid. If you have good reasons, and we agree, you can change your legal aid lawyer. It doesn't happen very often.

If you have a complaint about your lawyer, write to the Complaints Officer at the address on the bottom of a letter to you, or see the New Zealand Law Society complaints information at www.lawsociety.org.nz.

Where can you get more information?

You can get more information on legal aid at www.justice.govt.nz, or from a legal aid office, or from your lawyer. If you need to know more about the law in your case, ask your lawyer or a community law centre.



Legal Aid

07/12 form **5**

Legal aid file No.

Lead provider's matter/file No.

Application for **Civil Legal Aid**

List all proceedings and matters to be covered by	What is legal aid for (eg summary judgment, judicial review, contract)?
legal aid	
Personal details	
of applicant	1. What title do you wish to be known by?
Please PRINT clearly	Mr Mrs Miss Dr
	2. What are your first names?
	3. What is your surname or family name?
List other names you use now or	4. Do you use or have you used other names?
in the past, eg maiden name	No
	Yes Write other names below
	5. Are you: Male Female
	6. What is your date of birth?
Addresses	7. What is your usual home address?
Please include:	
suburbtown, city	Postcode:
 postcode (if known) 	8. What is your mailing address? (if different from above)
	Postcode:
	9. Where are you currently living?
	Address shown in question 7 Address shown in question 8
	Other Write temporary address below
	Postcode:
Phone & email	10. What are your contact telephone and email details?
	Home phone Work phone
	Mobile phone
If you do not have a phone, give the number of a friend we can	Other contact phone Whose phone number is this? (write name)
call if we need to contact you	
	Email address(es)

Ethnic group Question 11 provides statistics for research and development. You do not have to answer if you do not want to.	11. Which ethnic group d NZ European or Pakeha Samoan Indian	Other European Tongan	NZ Niue		ook Island Maor
Children Also include children not living with you but who you support financially	12. Do you have any finan No Yes How many Give deta Name of 1 2 3 4 5 6	y children?	Age (e	Relationship to you ag child, foster child, grandch	
Partner A partner is: • a wife or husband • a civil union partner • a de facto partner (someone with whom you have a relationship in the nature of marriage)	 13. Do you have a partne No → Go to que Yes → Give detail 14. Name of partner? 15. Partner's date of birth day month year 	stion 16 ils below		inue on a separate she	
Work and Income IMPORTANT INFORMATION "Extra help' payments from Work and Income are not counted as income for working out legal aid eligibility, eg:	Dome Sickr Invali New Indep Wido	stion 18 For nployment Benefit estic Purposes Benefit d's Benefit Zealand Superannuatio bendent Youth Benefit w's Benefit or Veteran's Pension	how many m in the last year n	onths Tick if you are still ar getting this payment	Benefit stopper month year
	17. Do you have a current No	t Work and Income clie			

Wages & salary			month Go to qu		you get any v n 19	wag	jes or salar	y?			_
This includes income from full-time, temporary, casual,			Give deta								
seasonal or part-time work over the last year	Hourly		Hours normally worked in	/	Gross annual income before tax and		Months worked in the	Tick if still		Employment ended	
Current main employer	before		a week		other deductions	1	last year	employed		month year	
Current main employer - (also complete main job details in 18a below)	\$			or	\$				or		
2	\$			or	\$				or		
3	\$			or	\$				or		
4	\$			or	\$				or		
You will need to attach proof of income, eg pay slip	Name of Employe	emplo r Addre	yer ess	-	ob, complete	det				arate sheet if necess	
	Your wor						7				
	How ofte	-					Fortnightly	4 \	veekly	Calendar mor	nthly
	When is	your ne	ext pay (date?	day mon	nth	year				
Business & trusts	Self-emp A partne A directo	oloyed r in a b	ousiness		you get any i No No No No	inco	Yes ·		сору	vill need to include a of your latest set of annual accounts	~
	No		months	Yes s did	~	You (gc	will need to to www.just o er income c	complete tice.govt. r contact	and at nz to de Legal /	,	st?
WORKING FOR FAMILIES TAX CREDIT If you have received or could receive a lump sum payment instead of instalments, state the amount that relates to the last 12 months.			ount of	103	How often do get payment (eg weekly, fortr monthly, yea	you ts? night!	Is the a		ayment: after tax?	year did you get st	ick if you till get th payment
Working for Families Tax Credit (see note above)		\$					1				
Child Support or maintenance		\$					1				
Paid parental leave		\$									
ACC weekly compensation		\$									
Student allowance		\$]							
Redundancy or termination payment		\$]							$\overline{\square}$
Insurance or super scheme payment		\$]							$\overline{\square}$
Rental income from other property		\$									
Income from 3 or more boarders		\$									\square
Interest and Dividends		\$]							
Value of goods/services received reg		\$]							Ħ.
Instead of income. eg free accommodation Other please state below	1	L		1							
		\$									



22. If you have not received any income, how have you been financially supported over the last 12 months?

Change of income

For example, you will be:

23. Is your income likely to change in the next 12 months?

•	retiring from work	
•	going on parental leave going on study leave	Yes
•	changing or starting a job	
		How much do you think your income will be over the next 12 months?
		\$ before tax after tax

H	lome ownership					
• ci • fc	onship to you eg: urrent partner ormer partner	24. Do you own, pa	rt own or have an interest in a home? Yes		ship to you r persons)	
	ust ompany					
-	own this home with one else, please show					
the tot	tal property value. t value is what this		Address of home			
	could sell for today.					
5	Marca III and the strends of					
\mathcal{I}	You will need to attach a copy of the rates notice		What is the estimated market value?	\$		
			What is the amount of any remaining mortgage(s)?	\$		
			What is your share of ownership in this home? (eg 50%)		%	6
			Is the home registered under the Joint Family Homes Act?	No	Yes	
			Is the home situated on Maori land?	No	Yes	

	property land	25. Do you own, pa	rt own or have an interest in other property or land?		
Relationship t current p former pa	artner	No	Yes> Give details below Who is named as the legal owner(s)?		nship to you er persons)
 trust company 					
, ,	s property or land		Address of property or land		
show the tota	l property value. s what this home				
could sell for a	today.		What is the estimated market value?	\$	
0	I need to attach a find the rates notice		What is the amount of any remaining mortgage(s)?	\$	
			What is your share of ownership in this home? (eg 50%)		%
			Is the home registered under the Joint Family Homes Act?	No	Yes
			Is the home situated on Maori land?	No	Yes

Vehicles	26. Do you own or part own any vehicles?	
Vehicles could include car,	No Yes \rightarrow Give details below	
truck, motorcycle, boat,	Registration	
caravan, motor home	Make and Model Year Number Market value	
Main vehicle for personal use	\$	\$
Other vehicle	\$	\$
Other vehicle	\$	\$
Money & investments		
money & investments	27. Do you have any money or investments?	
DO NOT include equity in a	No Yes —> Give details below	Current value
business or trust – we will work out this amount for you based on	Cash, savings, term deposits	\$
the set of accounts you give us.	Shares, bonds, debentures	\$
	Money owed to you	\$
	Retirement or superannuation scheme	\$
	Other investments (eg artworks, antiques)	\$
		•
Household items		
	28. Do you own any personal and household items which could be	sold for more than \$1000?
Household and personal possessions could include:	No Yes> Give details below	
clothing	List items which could be sold for more than \$1000 each	Estimated resale value
 furniture appliances		\$
appliances		\$
		\$
Tools of trade	29. Do you own any equipment and tools you use for work? No Yes> What is the estimated total resale value	e? \$
Loans & debts	30. Do you have any other loans or debts?	
DO NOT include amounts that you have declared as owing	No Yes> Give details below	Amount currently owing
under property and vehicle	Bank overdraft and/or personal loan	\$
questions	Credit cards/store cards	\$
	Hire purchase	\$
<u>_</u>	Money owed to government agencies (eg fines, IRD, Work and Income, Student	
When requested you will need to supply	Money owed to other people	\$
proof of these debts	Other debts (eg medical, school fees, phone, power)	\$
Other financial information	31. During the last 12 months, have you sold, transferred ownership money or property worth more than \$3500?	o or given away any
	No Yes> Give details below	
	32. Are there other financial circumstances you want Legal Aid to c your application?	onsider when we assess
	No Yes> Give details below	
		1
		eparate sheet if necessary

If you have a partner, please complete questions 33, 34	4 & 35	5
---	--------	---

Partner income details	33. What income did your partner get over the last 12 months? Tick one or more
IMPORTANT INFORMATION	No Income
The income and assets of your	
partner (or your parents/guardian,	Benefit income Please state type of benefit
if you are a minor) are treated as your resources in order to determine	
financial eligibility and repayment of legal aid. However their resources may not	Tick if still getting this payment OR ended Agy month year
be counted if the proceedings are	Wages, salary, other income source separate to you
against your partner. Your partner may be required to	
provide further information and	34. Does your partner own any assets and/or have any money or investments separate from you? Your partner will need to
evidence to assess your application.	complete a 'Statement
	No Yes
	35. Does your partner have any other loans or debts separate from you?
	No Yes
Privacy statement	The Legal Services Commissioner ("the Commissioner") will collect or disclose personal information
	about you to meet its responsibilities under the Legal Services Act 2011, associated regulations and/or any other relevant statute or court order.
	 This information may be used for statistical and/or research purposes and in this context will not
	individually identify you.
	Under the Privacy Act 1993 you have the right to have access to all information held about yourself, and to request correction of that information.
	It is not compulsory for you to provide the Commissioner with information, but if you do not provide
	all the information requested, your application may not be able to be assessed, or may be declined.
I acknowledge that:	 I may be required to provide evidence to support the information I have supplied in this application. The Commissioner will assess my financial means for a repayment and as a result I may be required to
	repay some or all of my legal aid.
	Any assets and property that I own may be the subject of a charge in favour of the Commissioner to cover some or all of my required repayment amount.
	 Any assets and property including money or property that I receive or retain as a result of the proceedings
	are the subject of a charge in favour of the Commissioner to cover all or some of my legal aid.
	I must notify the Commissioner immediately of any change to my address, or if my income or assets (disposable capital) increase while I am receiving legal aid or have a debt to the Commissioner.
	I understand that I must provide up-to-date information in any enquiry into my financial means while I
	am receiving legal aid or have a debt to the Commissioner. It is an offence, for which I am liable on summary conviction to a fine, to:
	☐ fail without reasonable excuse to furnish information, or answer questions, or produce any
	document or thing, when I am required to do so under the provisions of the Legal Services Act 2011 or associated regulations; and
	 knowingly provide false and misleading information, or answer any question in a false and misleading
	Way.
I consent to:	 intentionally avoid payment to Legal Aid of any proceeds of proceedings. The Commissioner contacting Work and Income or any other third party to obtain varification of my
T consent to.	The Commissioner contacting Work and Income or any other third party to obtain verification of my financial means. That is, I give my permission for:
	the Commissioner to verify my benefit income statement with Work and Income, and for Work and
	Income to provide information about my benefit income to the Commissioner; and other third parties to provide the information they are asked for to the Commissioner.
	The Commissioner contacting me by post, telephone, text message, facsimile, email or any other
	 verbal, written or electronic form unless I advise the Commissioner otherwise. My lawyer providing any file, record, document or statement, or giving any information for the purposes
	of an audit or an investigation by the performance review committee or any other investigation of my
	lawyer under the Legal Services Act 2011, and I waive legal professional privilege for this purpose.
I confirm that:	 I have no insurance or indemnification available to cover some or all of my legal costs. The information I have given in this application is true and not misleading, and this application is
	completed to the best of my knowledge.
	I have read and understood the Privacy statement, and my acknowledgement, consent and confirmation statements act out above
	statements set out above.
Applicant's signature	Signature Date
	day month year
Has this application been comple	eted by someone else on behalf of the applicant? No Yes
For example:	
• parent	Name of person
• guardian	Relationship to applicant

Legal matters section	This legal matters section to be completed by your lawyer (IMPORTANT: If completing by hand please ensure handwriting is legible)
Lead provider	Name of lead provider Name of law firm Level of experience 1 2 3 A B Forum Category 1 2 3 4
Dates	36. What date were instructions received? day month day month year 37. Have any of the matters been disposed of by a court, tribunal or any other means? No Yes Date of final disposition day month year Give reasons for the delay in submitting this application (refer to section 14 of the Legal Services Act 2011) continue on a separate sheet if necessary
Payments made	38. Has any lawyer received payment (other than through legal aid) or entered into a private fee arrangement for work completed on these matters? No Yes Name of lawyer paid/with whom a private fee arrangement has been entered Total amount paid to date \$ What work did this cover (refer to proceedings steps or ACC fixed fee schedules as applicable)? applicable)?
Other party	39. Who is the other party in this dispute? Full name of other party
	Name of other party's lawyer (if known)

Proceedings

40. In which forum will this case be heard? (eg Tribunal, District Court, High Court, etc)

If the proceedings are in one of the forums listed in section 7(1)(e) please provide a summary of why the case is one that requires legal representation (having regard to the nature of the proceedings and the applicant's personal interest) and why the applicant would suffer substantial hardship if aid were not granted.

Please refer to section 7 of the Legal Services Act 2011

Justification for legal aid

41. Please provide a brief summary of the facts and list the causes of action.

Please refer to section 10 of the Legal Services Act 2011

PLEASE NOTE

The detail required in questions 42-46 will depend on the complexity and likely cost of the proceedings.

If any monetary remedy is sought, please provide a value

42. What remedies are sought by or against the applicant?

43. Please provide a summary of the applicant's prospects of success.

Your summary must include:

- an outline of the legal issues including statutory or relevant case law
- a summary of any defences this action may need to overcome (including limitation matters)
- the likelihood of the applicant's case succeeding • •
- likelihood of successfully obtaining remedy sought

Please refer to section 10(4)(d)(i) of the Legal Services Act 2011

continue on a separate sheet if necessary ...

44. Have there been any negotiations or settlement offers?



If you would prefer to provide a breakdown of these costs, please do so on a separate page

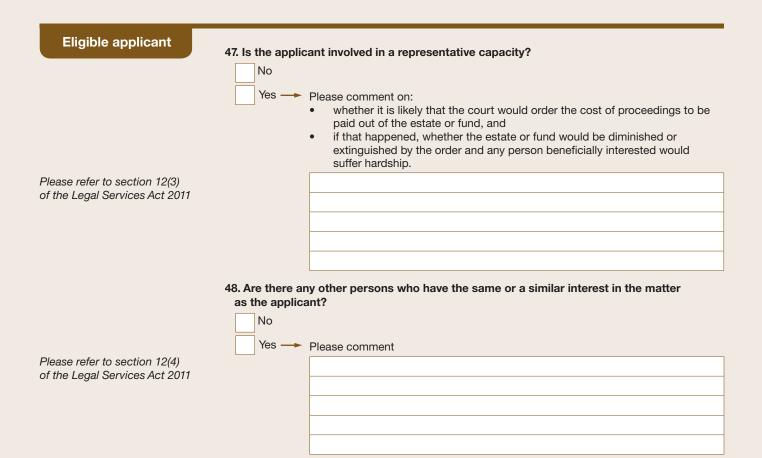
Legal aid for appeals

Please refer to section 10(4)(e) of the Legal Services Act 2011 46. Please provide an outline of the grounds of appeal and an assessment of whether legal aid is justified.

A copy of judgment being appealed is attached.



\$



Cost of services

For ACC cases, only complete the table if a fixed fee is to be replaced

49. Complete the table for funding sought

Proceedings type(s) eg summary judgment, harassment	Step(s)/Stage	Hours sought	Total (excl. GST)
			\$
			\$
			\$
			\$

Other (list) eg hearing time, interlocutory application

	\$
	\$
	\$
	\$

Disbursements

			\$
			\$
			\$
Total d	isbursemen	ts (excl. GST)	\$
		*Total GST	\$
Total a	mount soug	ght (incl. GST)	\$

*If you are not registered for GST, you will be paid the GST exclusive amount

50. Give reasons if funding sought is in excess of standard rates

For ACC cases, include details of the applicable amendment criteria and reasons why the fixed fee is inadequate Additional information

51. Write any additional information to support the application for legal aid

continue on a separate sheet if necessary ...

Notes for providers	If aid is granted Legal Aid will review prospects of success at each stage of the proceedings, including at the close of pleadings, the completion of interlocutories and before a grant is made for trial preparation and trial. Legal Aid must be informed of all settlement negotiations or offers and of any development that affects prospects of success. Copies of pleadings, affidavits and other documents filed and of Judges' minutes, directions and decisions must be forwarded to Legal Aid as they become available. Wherever possible, amendments to the grant should be sought before work is carried out. It should not be assumed that retrospective amendments will be granted.
Lead provider's confirmation	 I acknowledge and confirm my obligation to take all reasonable steps to protect the interests of the Legal Services Commissioner in relation to charges and proceeds of proceedings. I confirm that the instructing lawyer is in agreement that I will be the lead provider and receive payments from Legal Aid. The applicant has been advised about: The matters referred to in the applicant's "Acknowledgement, consent and confirmation" section of this application. My obligations to notify Legal Aid: of any change to their address, or any increase in their income or assets (disposable capital) where I am aware that they avoided/are avoiding/are attempting to avoid making payments to Legal Aid from proceeds of proceedings The fact that they have waived legal professional privilege for the purpose of an audit or an investigation by the performance review committee or any other investigation of me under the Legal Services Act 2011 and the effects and implications of that waiver. The potential cost of services for the proceedings for which aid is sought.
Supporting documents	day month year To avoid delays in considering this application, check you have attached the following documents: Proof of income (for wages and salary) Latest set of annual accounts (if self-employed or an interest in a business) Trust form (if an interest in a trust) Copy of rates notice (if own a home or other property) Copy of rates notice (if own a home or other property)
	Copy of proceedings and all relevant correspondence Forward this application to the appropriate Legal Aid Office (refer to www.justice.govt.nz for address details)

LA office use only		
Approved		Comments
Maximum grant		
PRA IF	3	
\$	\$	
AP Lump sum Security	Victim's claim PoF	
Name		
Signature	Date	
	day month year	
Refused		Comments
Refused		Comments
		Comments
Name		Comments
	Date	Comments
Name		Comments
Name Signature	Date	
Name Signature Further information required	Date	Comments Comments Comments
Name Signature	Date	
Name Signature Further information required Name	Date	
Name Signature Further information required	Date	



