

Application for Civil Legal Aid

Legal aid file No.

Lead provider's matter/file No.

List all proceedings and
matters to be covered by
legal aid

What is legal aid for (eg summary judgment, judicial review, contract)?

Personal details of applicant

Please PRINT clearly

List other names you use now or in
the past, eg maiden name

1. What title do you wish to be known by?

☐ Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Dr

2. What are your first names?

3. What is your surname or family name?

4. Do you use or have you used other names?

☐ No Write other names here

☐ Yes →

5. Are you: ☐ Male ☐ Female

6. What is your date of birth?

Addresses

Please include:

- suburb
- town, city
- postcode (if known)

7. What is your usual home address?

postcode:

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 here

postcode:

Phone & email

If you do not have a phone, give the
number of a friend or relative we can
call if we need to contact you

10. What are your contact telephone and email details?

Home phone

()

Work phone

()

Mobile phone

Other contact phone

()

Whose phone number is this? (write name)

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 do you belong to? Tick one

- ☐ NZ European or Pakeha
 ☐ Other European
 ☐ NZ Maori
 ☐ Cook Island Maori
☐ Samoan
 ☐ Tongan
 ☐ Niuean
 ☐ Chinese
☐ Indian
 ☐ Other → Please specify: (such as Fijian, Korean)

Children

Also include children not living with you but who you support financially

12. Do you have any financially dependent children?

- ☐ No
☐ Yes → How many children?
 → Give details of each child below

Name of child	Age	Relationship to you (eg child, foster child, grandchild)	Is child living with you?	
			No	Yes
1			<input type="checkbox"/>	<input type="checkbox"/>
2			<input type="checkbox"/>	<input type="checkbox"/>
3			<input type="checkbox"/>	<input type="checkbox"/>
4			<input type="checkbox"/>	<input type="checkbox"/>
5			<input type="checkbox"/>	<input type="checkbox"/>
6			<input type="checkbox"/>	<input type="checkbox"/>

continue on a separate sheet if necessary . . .

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 partner?

- ☐ No → Go to Question 16
☐ Yes → Give details below

14. Name of partner

15. Partner's date of birth

Work and Income

IMPORTANT INFORMATION

'Extra help' payments from Work and Income are not counted as income for working out legal aid eligibility, eg:

- Accommodation Supplement
- Emergency Benefit
- Disability Allowance
- Special Benefit
- Child Disability Allowance

and other special assistance payments

You will need to attach proof of your benefit, eg statement from WINZ

16. In the last 12 months did you get paid any of the following benefits?

<input type="checkbox"/> No → Go to question 18			
<input type="checkbox"/> Yes → Tick one or more below			
<input type="checkbox"/> Jobseeker Support	For how many months in the last year? <input type="text"/>	Tick if you are still getting this payment <input type="checkbox"/>	Benefit stopped month <input type="text"/> year <input type="text"/>
Please tick if one of the following applies to you			
<input type="checkbox"/> Single, 18-19, at home			
<input type="checkbox"/> Single, and received the Domestic Purposes Benefit woman alone or Widows Benefit woman alone, before 15 July 2013			
<input type="checkbox"/> Sole Parent Support	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/> Supported Living Payment	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/> Youth Payment	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/> Young Parent Payment	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/> NZ Superannuation	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/> Veterans Pension	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>

17. Do you have a current Work and Income client number?

- ☐ No
 ☐ Yes → Write your number here

Wages & salary

18. In the last 12 months did you get any wages or salary?

☐ No → Go to Question 19 ☐ Yes → Give details below

This includes income from full-time, temporary, casual, seasonal or part-time work over the last year

	Hourly rate before tax	Hours normally worked in a week	Gross annual income (before tax and other deductions)	Months worked in the last year	Tick if still employed	Employment ended month year
Current main employer (also complete main job details in 18a below)	\$		or \$			
2	\$		\$		<input type="checkbox"/>	
3	\$		\$		<input type="checkbox"/>	
4	\$		\$		<input type="checkbox"/>	

continue on a separate sheet if necessary...

18a. For your current main job, complete details below:

You will need to attach proof of income eg pay slip

Name of employer

Employer address

Your work email address

How often do you get paid? ☐ Weekly ☐ Fortnightly ☐ 4 weekly ☐ Calendar monthly

When is your next pay date?

Business & trusts

19. In the last 12 months did you get any income from being:

Self-employed?

☐ No ☐ Yes →

A partner in a business?

☐ No ☐ Yes →

A director of a company?

☐ No ☐ Yes →

You will need to include a copy of your latest set of annual accounts.

20. Do you have any interest in a Trust (this includes if you are a Settlor, Trustee or Beneficiary)?

☐ No ☐ Yes →

You will need to complete and attach the Trust form (go to www.justice.govt.nz to download the form or contact Legal Aid)

Other income

21. In the last 12 months did you get any income or one off payments?

☐ No ☐ Yes → Give details below

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.

	Amount of each payment	How often do you get payments? (eg weekly, fortnightly, monthly, yearly)	Is the amount of payment: before tax? after tax?	How many months in the last year did you get this payment?	Tick if you still get this payment
Working for Families Tax Credit (see note above)	\$		<input checked="" type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Child Support or maintenance	\$		<input checked="" type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Paid parental leave	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
ACC weekly compensation	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Student allowance	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Redundancy or termination payment	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Insurance or super scheme payment	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Rental income from other property	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Income from 3 or more boarders	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Interest and Dividends	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Value of goods/services received regularly instead of income, eg free accommodation	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>
Other - please state	\$		<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?		<input type="checkbox"/>

No income

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

Change of income

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

☐ No

☐ Yes

Why would it change?

How much do you think your income will be over the next 12 months?

\$

☐ before

☐ after tax

For example, you will be:

- retiring from work
- going on parental leave
- going on study leave

Home ownership

24. Do you own, part own or have an interest in a home?

☐ No

☐ Yes → Give details below

Who is named as the legal owner(s)?

Relationship to you
(if other persons)

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Address of home

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%)

%

Is the home registered under the Joint Family Homes Act?

☐ No

☐ Yes

Is the home situated on Maori land?

☐ No

☐ Yes

Relationship to you eg:

- current partner
- former partner
- trust
- company

If you own this home with someone else, please show the total property value. Market value is what this home could sell for today.

You will need to attach a copy of the rates notice

Other property or land

25. Do you own, part own or have an interest in other property or land?

☐ No

☐ Yes → Give details below

Who is named as the legal owner(s)?

Relationship to you
(if other persons)

<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Address of property or land

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%)

%

Is the home registered under the Joint Family Homes Act?

☐ No

☐ Yes

Is the home situated on Maori land?

☐ No

☐ Yes

Relationship to you eg:

- current partner
- former partner
- trust
- company

If you own this property or land with someone else, please show the total property value. Market value is what this property or land could sell for today.

You will need to attach a copy of the rates notice

Vehicles

Vehicles could include car, truck, motorcycle, boat, caravan, motor home.

26. Do you own, or part own any vehicles?

☐ No

☐ Yes → Give details below

	Make and Model	Year	Registration Number	Market value	Money owing
Main vehicle for personal use				\$	\$
Other vehicle				\$	\$
Other vehicle				\$	\$

Money & investments

DO NOT include equity in a business or trust - we will work out this amount for you based on the set of accounts you give us.

27. Do you have any money or investments?

☐ No

☐ Yes → Give details

	Current value
Cash, savings, term deposits	\$
Shares, bonds, debentures	\$
Money owed to you	\$
Retirement or superannuation scheme (please do not enter your KiwiSaver information)	\$
Other investments (eg artworks, antiques)	\$

Household items

Household and personal possessions could include

- clothing
- furniture
- appliances

28. Do you own any personal and household items which could be sold for more than \$1,000 each?

☐ No

☐ Yes → Give details

List each individual item that could be sold for more than \$1000 each	Estimated resale value
	\$
	\$
	\$

Tools of trade

29. Do you own any equipment and tools you use for work?

☐ No

☐ Yes → What is the total estimated resale value?

 \$

Loans & debts

DO NOT include amounts that you have declared as owing under property and vehicle questions.

When requested you will need to supply proof of these debts

30. Do you have any loans or debts?

☐ No

☐ Yes → Give details

	Amount currently owing
Bank overdraft and/or personal loan	\$
Credit cards/store cards	\$
Hire purchase	\$
Money owed to government agencies (eg fines, IRD, Work & Income, Student loan)	\$
Money owed to other people	\$
Other debts (eg medical, school fees, phone, power)	\$

31. During the last 12 months, have you sold, transferred ownership or given away any money or property worth more than \$3,500?

☐

No

☐

Yes

→ Give details

32. Are there other financial circumstances you want Legal Aid to consider when we assess your application?

☐

No

☐

Yes

→ Give details

continue on separate sheet if necessary . . .

Partner income details

IMPORTANT INFORMATION

The income and assets of your partner (or your parents/ guardian, 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 be counted if the proceedings are against your partner.

Your partner may be required to provide further information and evidence to assess your application.

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

33. What income did your partner get over the last 12 months? Tick one or more

☐ No income

☐ Benefit income → Please state type of benefit

→ Tick if still getting this

☐ OR ended

☐ Wages, salary, other income source separate to you →

34. Does your partner own any assets and/or have any money or investments separate from you?

☐ No

☐ Yes

35. Does your partner have loans or debts separate from you?

☐ No

☐ Yes

Your partner will need to complete a 'Statement of Financial Position' (form 17 - part B)

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.
- Interest will be charged on all outstanding legal aid debt incurred by me when my case has finished.
- If I fail to meet my repayment obligations the Commissioner may :
 - ☐ send my debt to a third party debt collection agency and add the collection costs to the amount I have to repay; and
 - ☐ a deduction notice may be used to automatically deduct payments from my benefit, employment income or bank account.
- Legal aid may be refused if I have any debt from a previous legal aid grant that is in arrears.
- 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. This includes any interest charged on my debt.
- 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 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,
 - ☐ knowingly provide false and misleading information, or answer any question in a false and misleading way; and
 - ☐ intentionally avoid payment to the Commissioner of any proceeds of proceedings.

I consent to:

- Paying my lawyer the legal aid user charge.
- The Commissioner contacting Work and Income or any other third party to obtain verification of my financial means, bank account, employer or address and phone number. 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 (including my employer, bank or other income source) 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.
- Legal Aid Services will provide the contact details of my assigned counsel to the Police Prosecution Service and for my assigned counsel to receive disclosure and for their offices to be the address for service of any documents on my behalf to progress my case.

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 set out above.

Applicant's signature

Signature of Applicant/Representative

Date

day month year

Is someone other than the applicant making this application?

☐

No

☐

Yes

Name of person

Relationship to applicant

For example:

- parent
- guardian
- trustee

Legal matters section

This legal matters section to be completed by your lawyer

Lead provider

Name of lead provider

Name of law firm

Level of experience

☐ 1 ☐ 2 ☐ 3 ☐ A ☐ B

Forum Category

☐ 1 ☐ 2 ☐ 3 ☐ 4

Name of instructing
solicitor (if applicable)

Dates

36. What date were instructions received?

37. Have any of the matters been disposed of by a court, tribunal or any other means?

☐

No

☐

Yes



Date of final disposition

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)?

Other party

39. Who is the other party in this dispute?

Full name of the other party

Relationship to applicant

Address of other party (if known)

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 cause 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?

☐

No

☐

Yes → Please provide details

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

45. What is your estimate of the cost to take the case to trial (inclusive of hearing time)?

\$

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.

☐ Yes ☐ No

Eligible applicant

47. Is the applicant involved in a representative capacity?

☐ No

☐ Yes → Please comment on:

- whether it is likely that the court would order the cost of proceedings to be paid out of the estate or fund, and
- if that happened, whether the estate or fund would be diminished or extinguished by the order and any person beneficially interested would suffer hardship.

--

Please refer to section 12(3)
of the Legal Services Act
2011

48. Are there any other persons who have the same or similar interest in the matter as the applicant?

☐ No

☐ Yes → Please comment

--

Please refer to section 12(4)
of the Legal Services Act
2011

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 disbursements (excl. GST)*

Total GST*

Total amount (incl. GST)*

\$

*If you are not registered for GST, you will be paid the GST excl. 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.
- I confirm that I will advise the Legal Services Commissioner if circumstances arise that would affect the prospects of success of the proceedings.

The applicant has been advised about:

- The matters referred to in the applicant's "Acknowledgment, consent and confirmation" section of this application.
- My obligations to notify the Legal Services Commissioner:
 - 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 the 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.
- The condition that a repayment may be required.
- Interest will be charged on all outstanding debt incurred by the applicant and if they fail to meet repayment obligations, a deduction notice may be used to deduct debt repayments from the applicant's income or bank account.
- If an applicant is in arrears from a previous grant of legal aid, then aid may be refused.

Signature of lead provider

Date

day month year

Supporting documents

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 the judgment being appealed (in the case of an appeal or review)
- ☐ 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)

☐ **Approved**

Maximum grant

\$

PRA

\$

IR

\$

☐ AP

☐ Lump sum

☐ Security

☐ Victim's

☐ PoP

Name

Signature

Date

day month year

Comments

☐ **Refused**

Name

Signature

Date

day month year

Comments

☐ **Further information required**

Name

Signature

Date

day month year

Comments
