

Application for Criminal Legal Aid

47373

IMPORTANT INFORMATION FOR YOU TO KEEP

What you need to know about Criminal legal aid

Criminal legal aid is the government programme which pays a lawyer to represent you if you are charged with an offence and cannot afford a lawyer. If you get legal aid, you may have to pay back some or all of it. This is a debt to the Legal Services Agency.

Your application

Will you get legal aid?

The Legal Services Agency decides who gets legal aid, based on the law and the information provided in your application. Grants of Criminal legal aid are generally to people who could face a prison sentence.

Who can help you apply for legal aid?

Duty solicitors (also called duty lawyers) at court can help you apply for criminal legal aid.

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 the Agency 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 the Legal Services Agency is only used to process your application. This means the Agency 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 the Agency's 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.

The Agency usually makes a decision within 24 hours of receiving an application for criminal legal aid. For more complicated cases it can take up to 15 working days.

Your obligations

The information you provide must be accurate and honest.

You may have to repay some or all of your legal aid. Signing the application form means you agree to this.

Repayments

How much you have to repay is worked out by the Agency and depends on your income and assets, and the cost of your case.

You may have to start repaying right away. A repayment plan will be worked out based on the information you have provided the Agency.

If you do not keep up with the repayment plan, the Agency may charge interest on what you owe and can take further action to recover your debt.

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

In some circumstances, the Agency can write-off your legal aid debt 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 \$750, the Agency will 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 the Agency if your contact details, financial details, employment status, or family circumstances change.

Your rights

Reconsideration

If you are not satisfied with a decision made by the Legal Services Agency about your legal aid, you can ask the Agency to reconsider the decision, saying why you would like it reconsidered. The person who helped you apply for legal aid can help you with this.

The reconsideration can take up to 15 working days to complete.

Review

If you are not satisfied with the reconsideration or any other decision of the Agency, you can ask the Legal Aid Review Panel (LARP) to review the decisions. LARP is independent of the Agency. The person who helped you apply for legal aid can help you with this. You can get a form to apply for a review from the Listed Provider section of www.lsa.govt.nz, or by e-mailing LARP: administrator@larp.govt.nz, or by writing and asking for the form to Legal Aid Review Panel, PO Box 33-837 Takapuna, North Shore 0740. LARP's telephone number is (09) 489-1300.

The review can take about nine weeks to complete.

Money paid to your lawyer

The Agency will use the legal aid to pay your lawyer. You can ask the Agency 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 Agency office looking after your legal aid. If you have good reasons, and the Agency agrees, you can change your legal aid lawyer. It doesn't happen very often.

If you have a complaint about your lawyer, write to the Agency at the address on the bottom of a letter to you, or see the New Zealand Law Society complaints information at www.lawyers.org.nz/hmcomplaints.asp.

Complaints about the Agency

If you are not satisfied with the service from the Agency, try and talk to the person concerned. If that does not help, ask for their supervisor.

Where can you get more information?

You can get more information on legal aid at www.lsa.govt.nz, or from an office of the Agency in the blue Government section of the White Pages, or from your lawyer.

If you need to know more about the law in your case, ask your lawyer, a duty solicitor, or a community law centre.

20. What do you want legal aid for?

- Criminal charges** → Go to Questions 21 to 25 below
- Parole proceedings** → Go to Question 26 below
- Appeal** → Go to Questions 27 & 28 on next page

Criminal charges

21. What are you charged with?

Offence type	Number of charges	Section and Act	Maximum penalty	Criminal Record Number (CRN)

continue on back of page if necessary...

Your police charge sheet should have this information

22. Are any charges laid indictably?

- No Yes

23. How are you intending to plead?

- Not guilty Guilty Not sure

24. If any offence has a maximum penalty of less than 6 months imprisonment, please tick any of the statements that apply to you:

- I have no previous convictions OR I have previous convictions
- There is a real likelihood I might go to prison if convicted
- I have a problem understanding the charges or presenting my own case

Ask your lawyer or a duty solicitor to comment if any of the following apply:

- The proceedings involve a substantial question of law
- There are complex factual, legal, or evidential matters that require the determination of a court

Please provide comment on why aid should be granted

continue on back of page if necessary...

25. Has anyone else been charged with you for these offences?

- No** → Go to Question 29 on next page

- Yes** → Full name(s)

→ Now go to Question 29 on next page

Parole proceedings

26. What are the parole proceedings about?

- Postponement order Recall Non-release order Extended supervision order
- Other

↓ Provide details and section of the Act

Now go to Question 29 on next page


Appeal proceedings

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27. What are you appealing?

- Conviction Sentence Conviction and sentence Pre-trial ruling
- Parole Board matter
- Other → Please state

28. What are the grounds for the appeal?

 **Please attach a copy of the Notice of Appeal**

Now go to Question 29

continue on back of page if necessary . . .

Court details

All applicants to complete these questions

29. Which court will your case be heard in?

Court location (town, city)

Court type (eg District Court, High Court)

30. Has your case already ended?

No → When is your next court or hearing date?

Yes → Date case ended

→ Why is this application being made after the case has ended?

31. Who do you want as your lawyer?

- A lawyer assigned by the Legal Services Agency
- The lawyer who assisted you at the Police station
- The duty solicitor who assisted you at court
- Another lawyer of your choice

Write name of lawyer below

Additional information

32. Describe any other factors about your case that you want the Agency to consider on why aid should be granted (Optional)

continue on back of page if necessary . . .

Work and Income

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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

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

No → Go to Question 35

Yes → Tick one or more below

	For how many months in the last year?	Tick if you are still getting this payment
<input type="checkbox"/> Unemployment Benefit		<input type="checkbox"/>
<input type="checkbox"/> Domestic Purposes Benefit		<input type="checkbox"/>
<input type="checkbox"/> Sickness Benefit		<input type="checkbox"/>
<input type="checkbox"/> Invalids Benefit		<input type="checkbox"/>
<input type="checkbox"/> New Zealand Superannuation		<input type="checkbox"/>
<input type="checkbox"/> Independent Youth Benefit		<input type="checkbox"/>
<input type="checkbox"/> Widows Benefit		<input type="checkbox"/>
<input type="checkbox"/> War or Veterans Pension		<input type="checkbox"/>

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

No Yes → Write your number here

Wages & salary

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

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

No → Go to Question 36 Yes → Give details below

Current main employer (also complete main job details in 35a below)	Hourly rate before tax	Hours normally worked in a week	or	Gross annual income (before tax and other deductions)	Months worked in the last year	Tick if still employed	or	Employment ended month year
	2	\$		or	\$		<input type="checkbox"/>	or
3	\$		or	\$		<input type="checkbox"/>	or	
4	\$		or	\$		<input type="checkbox"/>	or	

continue on back of page if necessary...

35a. For your current main job, complete details below:

When requested you will need to supply proof of income

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?

day month year

Business & trusts

36. In the last 12 months did you get any income from being self-employed, a partner in a business or a director in a company?

No Yes → When requested you will need to supply a copy of your latest set of annual accounts

37. Do you get, or are you entitled to, or able to receive any money or benefits from a trust?

No Yes → When requested, you will need to complete and attach the Agency 'trust' form

Other Income

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38. In the last 12 months did you get any other 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:		How many months in the last year did you get this payment?	Tick if you still get this payment
			before tax?	after tax?		
Working for Families Tax Credit (see note above)	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Paid parental leave	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Child Support or maintenance	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
ACC weekly compensation	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Student allowance	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Other - please state	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>

No income

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

Change of income

40. 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 tax after tax

For example, you will be:

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

Home ownership

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

No Yes → Give details below

Relationship to you
eg:

- current partner
- former partner
- trust
- company

Who is named as the legal owner(s)?

Relationship to you
(if other persons)

Address of home

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

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%)

%

When requested you will need to supply a copy of the rates notice

Other property or land

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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.

When requested you will need to supply a copy of the rates notice

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

- No Yes → Give details below

Relationship to you
(if other persons)

Who is named as the legal owner(s)?

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? (eg 50%)

%

Vehicles

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

43. 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.

44. 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	\$
Other investments (eg artworks, antiques)	\$

Household items

Household and personal possessions could include

- clothing
- furniture
- appliances

45. Do you own any personal and household items which could be sold for more than \$1000?

- No Yes → Give details

List items of value	Estimated resale value
	\$
	\$
	\$

Tools of trade

46. 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

47. Do you have any other 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 and Income, Student Loan)	\$
Money owed to other people	\$
Other debts (eg medical, school fees, phone, power)	\$

Other financial information

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48. 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

49. Are there other financial circumstances you want the Agency to consider when we assess your application?

No Yes → Give details

Privacy statement

- The Legal Services Agency (“the Agency”) will collect or disclose personal information about you to meet its responsibilities under the Legal Services Act 2000, 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 request access to all information held about yourself, and to request corrections to that information.
- It is not compulsory to provide the Agency 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 Agency 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 Agency to cover some or all of my required repayment amount.
- I must notify the Agency immediately of any change to my address, or if my income or assets (disposable capital) increase while I am an aided person or have a debt to the Agency.
- I understand that I must provide up-to-date information in any enquiry into my financial means while I am an aided person or have a debt to the Agency.
- It is an offence, for which I am liable on summary conviction to a fine, to:
 - fail without reasonable excuse to provide information or documents, or answer questions, when I am required to do so under the provisions of the Legal Services Act 2000 or associated regulations
 - knowingly provide false and misleading information, or answer any question in a false and misleading way.

I consent to:

- The Agency contacting Work and Income or any other third party to obtain verification of my financial means. That is, I give my permission for:
 - the Agency to verify my benefit income statement with Work and Income, and for Work and Income to provide information about my benefit income to the Agency; and
 - other third parties to provide the information they are asked for to the Agency.
- The Agency contacting me by post, telephone, text messaging, facsimile, email or any other verbal, written or electronic form unless I advise the Agency otherwise.

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 is complete to the best of my knowledge.
- I have read and understood the Privacy statement, and my acknowledgment, consent and confirmation statements set out above.

Applicant's signature

Signature of Applicant

--

Date

day	month	year	

Has this application been completed by someone else on behalf of the applicant?

No Yes → Name of person

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Relationship to applicant

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Checklist

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To avoid delays in considering this application, check you have:

- Answered all questions to the best of your ability
- Signed and dated this form
- Attached a copy of the Notice of Appeal (in the case of an appeal proceeding)
- Applicant has tear-off information sheet

When requested, you will need to supply evidence of your financial means. If you have documents to hand, please also attach:

- Proof of income (for wages or salary)
- Latest set of annual accounts (if self-employed or have an interest in a business)
- Trust form (if an interest in a trust)
- Copy of rates notice (if own a home or other property)

Provider's confirmation

- I acknowledge and confirm my obligation to take all reasonable steps to protect the interests of the Legal Services Agency in relation to charges.
- The applicant has been advised about:
- The matters referred to in the applicant's "Acknowledgment, consent and confirmation" section of this application.
 - My obligation to notify the Agency of any change to their address, or any increase in their income or assets (disposable capital).
 - The fact they are deemed to have waived any legal professional privilege in the above circumstances.
 - The condition that a repayment may be required.

Signature

Date

day	month	year

LSA office use only

Provider assigned/advised

Assignment Type

- R DSP PDLA Pr

Case Category

Approved

Maximum grant

PRA

IR

AP

Lump sum

Security

Name

Signature

Date

day	month	year

Comments

Refused

Name

Signature

Date

day	month	year

Reasons & comments

Further information required

Name

Signature

Date

day	month	year

Comments

