

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. This is a debt to the Legal Services Agency.

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 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 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 Legal aid can be withdrawn if incorrect information is given to the Legal Services Agency. 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 You must keep up your repayments or legal aid may be withdrawn.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 is worked out by the Agency and 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 the Agency. If you do not keep up with the repayment plan, legal aid may be withdrawn and you may be charged interest on what you owe. Further action can be taken 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 cannot 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.

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, the Legal Services Agency can meet the costs but you may have to pay back the Agency. A repayment plan will be set up for you.

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 or a community law centre.

Application for Civil Legal Aid

Legal aid file No.

01/09 form **5**

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 Yes → Write other names here

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)

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

Current main employer (also complete main job details in 18a below)
2
3
4

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
\$		or	\$		<input type="checkbox"/>	or	
\$		or	\$		<input type="checkbox"/>	or	
\$		or	\$		<input type="checkbox"/>	or	
\$		or	\$		<input type="checkbox"/>	or	

continue on separate sheet if necessary . . .

You will need to attach proof of income eg pay slip

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

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

No Yes →

You will need to complete and attach the Agency 'trust' form (go to www.lsa.govt.nz to download the form or contact the Agency)

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:		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 checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Child Support or maintenance	\$		<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Paid parental leave	\$		<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"/>
Redundancy or termination payment	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Insurance or super scheme payment	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Rental income from other property	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Income from 3 or more boarders	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Interest and Dividends	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Value of goods/services received regularly instead of income. eg free accommodation	\$		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Other - please state	\$		<input type="checkbox"/>	<input type="checkbox"/>		<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

For example, you will be:

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

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 tax after tax

Home ownership

Relationship to you eg:

- current partner
- former partner
- trust
- company

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)

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

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

Relationship to you eg:

- current partner
- former partner
- trust
- company

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)

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

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

26. Do you own or part own any vehicles?

No Yes → Give details below

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

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

Money & investments

27. Do you have any money or investments?

No Yes → Give details

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.

	Current value
Cash, savings, term deposits	\$
Shares, bonds, debentures	\$
Money owed to you	\$
Retirement or superannuation scheme	\$
Other investments (eg artworks, antiques)	\$

Household items

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

No Yes → Give details

Household and personal possessions could include

- clothing
- furniture
- appliances

List items which 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

30. Do you have any other loans or debts?

No Yes → Give details

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

	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

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 the Agency to consider when we assess your application?

No Yes → Give details

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.

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 payment 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 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.
- 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 Agency to cover all or some of my legal aid.
- 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.

I consent to:

- 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
 - intentionally avoid payment to the Agency of any proceeds of proceedings.
- 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/Representative

Date

day month year

For example:

- parent
- guardian
- trustee

Is someone other than the applicant making this application?

No Yes →

Name of person

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

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 12 of the Legal Services Act 2000)

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 Agency steps)?

Other party

39. Who is the other party in this dispute?

Full name of other party

Relationship to applicant

Address of other party (if known)

Name of other party's lawyer (if known)

Eligible applicant

48. 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 10(3) of the Legal Services Act 2000

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

No

Yes

→ Please comment

Please refer to section 10(4) of the Legal Services Act 2000

Cost of services

50. Complete the table for funding sought

Proceedings type(s) eg summary judgment, harassment	Step(s)	Hours sought	Total (incl. GST)
			\$
			\$
			\$
			\$
Other (list) eg hearing time, interlocutory application			\$
			\$
			\$
			\$
Disbursements			\$
			\$
			\$
			\$
Total disbursements (incl. GST)			\$
Total amount sought (incl. GST)			\$

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

Additional information

52. 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 the Agency 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.

The Agency 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 the Agency 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 Agency 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 the Agency.

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 Agency:
 - 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 Agency from proceeds of proceedings.
- The fact they are deemed to have waived any legal professional privilege in the above circumstances.
- The potential cost of services for the proceedings for which aid is sought.
- The condition that a repayment may be required.

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 proceedings and all relevant correspondence

Forward this application to the appropriate Legal Aid Office (refer to www.lsa.govt.nz for address details)

Approved **Maximum Grant**

PRA IR
\$ \$

AP Lump sum Security Victim's claim 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

