

Duty lawyer completes this section

Is this application urgent? Yes No If yes, is it because of: Opposed bail or Other

If this application is urgent, which Duty Lawyer Supervisor has approved it?

Next hearing date and time (all applicants)



MINISTRY OF
JUSTICE
Tāhū o te Ture

Legal Aid

Application for criminal legal aid

If you have any questions call 0800 2 LEGAL AID (253 425) or go to: www.justice.govt.nz/legal-aid

Personal details

1 Title Mr Ms Mrs Miss

2 Full name

3 Have you ever used another name?

Yes No

If yes, your other names used:

4 Date of birth

dd / mm / yyyy

5 Your current address

6 Your postal address (if different from current address, or in custody)

7 Home phone

8 Work phone

9 Mobile phone

10 Other contact phone

Whose number is this?

11 Email

Living arrangements and other personal details

12 Do you have a partner who lives with you?

Yes

No

If yes, your partner's full name:

13 How many children do you have under 18 years old? (including step children, foster children etc)

How many of those are living with you?

14 Is your partner the alleged victim in the proceedings?

Yes

No

15 Is anyone else charged with you?

Yes

No

If yes, their name(s):

16 Are you currently subject to the Mental Health Act or the Intellectual Disability Compulsory Care & Rehabilitation Act orders?

Yes

No

Income

17 The income you and your partner currently receive:

Note that the following payments are excluded when we are assessing your income: Accommodation supplement, Emergency benefit, Disability allowance, Special benefit, Temporary additional support, Child disability allowance, Unsupported child benefit and, if either you or your partner are in prison (excluding on remand for 3 months or less), your partner's income and assets.

Please indicate if this income is:

Before tax

After tax

	You \$	Frequency (eg weekly)	Your partner \$	Frequency (eg weekly)
Wages or salary				
Employer name, phone, address:				
Business/self employed				
Working for families tax credits				
Income from rent(s)				
Interest or dividends				
Income from a trust – also complete questions 23-24				
Student allowance				
Other				

What is your WINZ number?

Please tick if you or your partner receive a benefit or pension:

You

Your partner

Jobseeker support

Sole parent support

Supported living payment

NZ superannuation

18 If you don't receive an income, how are you financially supported?

Assets and debts

19 Do you and/or your partner own or have an interest in a home or land and/or property?

Yes

No

Property address

Postcode

Legal owner of property

Estimated value \$

Mortgage balance \$

What is your share of ownership of it? (eg 50%)

%

Is it in a trust?

Yes

No

Is it on/or Māori land?

Yes

No

If you and/or your partner have more than one property please provide this information on another page.

20 Do you and/or your partner have any money or investments? (excluding KiwiSaver)

Yes

No

You \$

Your partner \$

Cash, savings and term deposits

Shares and bonds

Retirement funds

Other (eg money owed to you)

21 Do you and/or your partner have any items that have a resale value of \$3,500 or more? (eg motor vehicles, boats, other)

Yes

No

Description

Value \$

Amount owing \$

22 Do you and/or your partner have any debts?

Yes

No

If yes, what is the balance owing?

You \$

Your partner \$

Bank overdraft, personal debt, credit cards

Fines, tax, student loans

Hire purchase

WINZ

Other (eg Baycorp etc)

Only complete this section if you have an interest in a trust

23 Does the trust owe money to you and/or your partner?

Yes

No

If yes, how much?

\$

24 When will you receive this money?

dd / mm / yyyy

I don't know

Please **attach** the original trust deed and the latest trust accounts.

Other financial information

25 Is there is any other financial information relevant to your application? If yes, please list here and provide details (e.g. weekly, monthly payments and amounts).

Criminal charges

26 What are your charges, or the charges you are appealing?

Offence type	Section and Act	Max. penalty	Criminal Record Number

If you have other charges, include them on another page.

27 If you are facing a maximum penalty of less than 6 months in prison or are applying for parole, tick what applies to you.

<input type="checkbox"/> I have previous convictions.	<input type="checkbox"/> The proceedings involve a substantial question of law.
<input type="checkbox"/> There is a likelihood I will go to prison if convicted.	<input type="checkbox"/> There are complex factual, legal, or evidential matters.
<input type="checkbox"/> I do not understand the charges or cannot state my own case.	<input type="checkbox"/> Other reason aid should be granted.

If you have ticked a statement above, provide comment on why aid should be granted.

Parole only

28 What are the parole proceedings about?

- | | |
|---|--|
| <input type="checkbox"/> Postponement order | <input type="checkbox"/> Extended supervision order |
| <input type="checkbox"/> Recall | <input type="checkbox"/> Release (<i>section 21</i>) |
| <input type="checkbox"/> Non-release order | <input type="checkbox"/> Other – section of the Act <input type="text"/> |

Appeals only

29 What are you appealing?

- | | |
|--|---|
| <input type="checkbox"/> Conviction | <input type="checkbox"/> Pre-trial ruling |
| <input type="checkbox"/> Sentence | <input type="checkbox"/> Parole Board matter |
| <input type="checkbox"/> Conviction and sentence | <input type="checkbox"/> Other <input type="text"/> |

30 What are the grounds for the appeal, and why should legal aid be granted?

Court details

31 Where will your case be heard?

Location (*town, city*) Court type (*eg District Court*) Type of hearing (*eg case review*)

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32 Who do you want as your lawyer?

Complete this question and check the boxes that apply if you:

- ☐ had a grant of criminal legal aid within the last 2 years and want the same lawyer
- ☐ are applying for **appeal** proceedings
- ☐ are facing charges that have a maximum sentence of more than **10 years in prison**
- ☐ are facing charges that have a maximum sentence of 2 – 10 years in prison, a duty lawyer helped you apply for bail that was opposed and you want them to be your lawyer
- ☐ were advised by a PDLA lawyer.

Lawyers name

☐ I don't know

Applicant confirmations

By signing this application form, you agree and acknowledge that:

- » personal information about you will be collected and/or disclosed to meet 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
- » you have the right to have access to all information held about you, and to request correction of that information under the Privacy Act 2020
- » we will assess your financial means and you may be required to repay some or all of your legal aid. Any assets or property that you own may be subject to a charge to cover some or the entire repayment amount
- » interest will be charged on all outstanding legal aid debt when the case has finished
- » if you receive or keep any assets, property or money from your case, they are also subject to a charge to cover some or all of your legal aid costs
- » if you don't meet your repayment obligations we may issue a deduction notice to automatically deduct payments from your benefit, employment income or bank account and/or send your debt to a third party debt collection agency with collection costs added to the amount owed
- » you must let us know immediately of changes in your address, income or assets and provide updated information about your financial means during your case
- » we may contact Work and Income or another third party to obtain verification of your financial means, income, bank account, employer, address and phone number. This could include information about your benefit and asking other third parties (including your employer, bank or other income source) to provide the information when asked
- » if you don't provide all the information requested, your application may be declined
- » your information will be saved/stored in an electronic and/or physical form
- » the information you have given in this application is true, not misleading, and completed to the best of your knowledge
- » it is an offence to produce false documents, not answer required questions or provide false/misleading information to obtain legal aid or avoid repayment
- » you have no insurance or indemnification available to cover some or all of your legal costs
- » we will provide the contact details of your lawyer to the Police Prosecution Service and/or the Department of Corrections so that your lawyer can receive disclosure and for their offices to be the address for service of any documents on your behalf to progress your case
- » you consent to having your details provided to the court, and receiving text messages from the court about the date and time of your appearances. If you wish to stop receiving these text messages you can reply 'STP'. If your number changes call 0800 268 787 or talk to a staff member at your local court.

If a duty lawyer or other representative has completed this application, complete the undertaking at 33.

33 I _____ on _____ confirm that:

Name of duty lawyer or representative *Relationship to applicant (e.g. duty lawyer)* *Date*

- The applicant has consented to me completing and submitting this form on their behalf; though I am not doing so as agent for the applicant, nor do I provide any undertakings.
- I have read the 'Applicant Confirmations' above to the applicant.
- This form is a correct record of the information provided to me by the applicant today.

Please check boxes that apply

If the applicant has completed this application, complete the undertaking at 34.

34 I _____ on _____ confirm that:

Name of applicant *Date*

- I have read and agree and acknowledge the 'Applicant Confirmations' above.
- The information I have given in this form is true, not misleading and completed to the best of my knowledge.

Please check boxes that apply

More information

If you have any questions call 0800 2 LEGAL AID (253 425) or go to: <http://www.justice.govt.nz/legal-aid>

You can email the completed form to:

- » wgncriminallegalaid@justice.govt.nz
- » aklcriminallegalaid@justice.govt.nz

Or post it to:

- » Legal Aid Services SX10146, Wellington
- » Legal Aid Services BX10660, Auckland