

## 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.

### Your application

#### Will you get legal aid?

Decisions on who gets legal aid are based on the law and the information provided in your application. Grants of criminal legal aid are generally available 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 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 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 depends on your income and assets, and the cost of your case. You should start repayments 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, we can take further action to recover your debt including sending the debt to a debt collection agency. Interest will be charged on all legal aid debt still outstanding 6 months after the debt is finally determined.

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

### 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](http://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.

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. 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](http://www.justice.govt.nz/tribunals/legal-aid-tribunal).

#### Repayments

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

#### 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](http://www.lawsociety.org.nz).

#### Where can you get more information?

You can get more information on legal aid at [www.justice.govt.nz](http://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, a duty solicitor, or a community law centre.





# 08/17 form 1 Application for Criminal Legal Aid Crown Prosecution

Legal aid file No.

Court

## 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 below  
 Yes →

5. Are you:  Male  Female

6. What is your date of birth?

## Addresses

Please include:

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

7. Are you being held in custody?

No Write name of place  
 Yes →

8. What is your usual home address?

postcode:

9. What is your mailing address? (if different from above)

postcode:

10. Where are you currently living?

Address shown in question 8  Address shown in question 9  
 Other → Write temporary address below  
  
 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.

11. 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 12 provides statistics for research and development.

You do not have to answer if you do not want to.

12. 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

13. Do you have any financially dependent children?

No  
 Yes → How many children?   
                         → How many of these children live with you?

### 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)

Estimate if accurate information is not available.

Do not include any joint income.

14. Do you have a partner?

No → Go to question 20 on next page  
 Yes → Give details below

15. Name of partner

16. Partner's date of birth

17. 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

		Gross annual income for the last 12 months	Gross annual income for next 12 months (if income likely to change)
<input type="checkbox"/>	Wages or salary	\$ <input style="width: 80px;" type="text"/> (before tax)	\$ <input style="width: 80px;" type="text"/> (before tax)
<input type="checkbox"/>	Other income	\$ <input style="width: 80px;" type="text"/> (before tax)	\$ <input style="width: 80px;" type="text"/> (before tax)

Do not include any joint assets or liabilities in question 18 and question 19. You will need to show any joint assets or liabilities in your financial details on pages 7 and 8.

**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 your partner is charged with the same offence. Your partner may be required to provide further information and evidence to assess your application.

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

No       Yes → Give details below

Item	Estimated value	Amount owing
	\$	\$
	\$	\$
	\$	\$

19. Does your partner have any other loans or debts separate from you?

No       Yes → Give details below

Item	Amount owing
	\$
	\$
	\$

*continue on a separate sheet if necessary ...*

20. What do you want legal aid for?

- Criminal charges → Go to questions 21 to 25 below
- Parole proceedings → Go to question 25 below
- Appeal → Go to questions 27 and 28 on next page

Criminal charges

21. What are you charged with?

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

continue on a separate sheet if necessary ...

Are any offences Stage 3 offences as defined in section 86A of the Sentencing Act 2002

22. How are you intending to plead?

- Not guilty
- Guilty
- Not sure

23. Are any of the charges subject to the third strike final warning?

- No
- Yes

24. If you are charged with domestic violence matters is the alleged victim your partner?

- No
- Yes

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

- No
- Yes

Has anyone else been charged with you for these offences?

- No Go to question 29 on next page

Name(s)

Yes


25. If your charge(s) has a maximum penalty of less than 6 months' imprisonment or is a parole proceeding, 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 provided

--

continue on a separate sheet if necessary ...

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

Appeal proceedings

27. What are you appealing?

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

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

28. What are the grounds for the appeal?

Now go to question 29

*continue on a separate sheet if necessary ...*

Court details

*All applicants to complete these questions.*

29. Which court/parole hearing will your case be heard in?

Location (town, city)	Court type (if applicable, eg District 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. If you know who you want as your lawyer, write their name below:

If you are facing charges that have a maximum sentence of **10 years' imprisonment or less**, or you don't have a lawyer, one will be assigned.

**Additional information**

32. Describe any other factors about your case that you would like considered on why aid should be granted. (Optional)

continue on a separate sheet if necessary ...

**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*

33. In the last 12 months did you get paid 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	Benefit stopped month year
<input type="checkbox"/> Jobseeker Support Please tick if one of the following applies to you: <input type="checkbox"/> Sole parent <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="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/> Sole Parent Support	<input type="text"/>	<input type="checkbox"/>	<input type="text"/>
<input type="checkbox"/> Supported Living Payment <input type="checkbox"/> Please tick if sole parent	<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="checkbox"/> Please tick if 16-17, supported by parents earning less than the Family Tax Credit threshold	<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"/>

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

No  Yes → Write your number here

**Wages & salary**

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

No → Go to question 36  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	or	Gross annual income (before tax and other deductions)	Months worked in the last year	Tick if still employed	or	Employment ended
Current main employer (also complete main job details in 35a below)	\$	<input type="text"/>	or	\$	<input type="text"/>	<input type="checkbox"/>	or	<input type="text"/>
<b>2</b>	\$	<input type="text"/>	or	\$	<input type="text"/>	<input type="checkbox"/>	or	<input type="text"/>
<b>3</b>	\$	<input type="text"/>	or	\$	<input type="text"/>	<input type="checkbox"/>	or	<input type="text"/>
<b>4</b>	\$	<input type="text"/>	or	\$	<input type="text"/>	<input type="checkbox"/>	or	<input type="text"/>

continue on a separate sheet 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?

**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 Legal Aid 'trust' form**

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

No  Yes

**Other income**

**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.

39. Do you receive any other income?

No  Yes → Give details below

	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 type="text"/>	<input type="text"/>	<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?	<input type="text"/>	<input type="checkbox"/>
Paid parental leave	\$ <input type="text"/>	<input type="text"/>	<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?	<input type="text"/>	<input type="checkbox"/>
Child Support or maintenance	\$ <input type="text"/>	<input type="text"/>	<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?	<input type="text"/>	<input type="checkbox"/>
ACC weekly compensation	\$ <input type="text"/>	<input type="text"/>	<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?	<input type="text"/>	<input type="checkbox"/>
Student allowance	\$ <input type="text"/>	<input type="text"/>	<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?	<input type="text"/>	<input type="checkbox"/>
Other - please state below	\$ <input type="text"/>	<input type="text"/>	<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?	<input type="text"/>	<input type="checkbox"/>
<input type="text"/>	\$ <input type="text"/>	<input type="text"/>	<input type="checkbox"/> before tax? <input type="checkbox"/> after tax?	<input type="text"/>	<input type="checkbox"/>

**No income**

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



## Changes of income

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

No

Yes → Why would it change?

For example, you will be:

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

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

\$   before tax  after tax

## Home ownership

### 42. 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

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

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 property or land

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.

What is the estimated market value?

\$

What is the amount of any remaining mortgage(s)?

\$

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

%

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

## Vehicles

### 44. 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				\$ <input type="text"/>	\$ <input type="text"/>
Other vehicle				\$ <input type="text"/>	\$ <input type="text"/>
Other vehicle				\$ <input type="text"/>	\$ <input type="text"/>

## 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.

### 45. Do you have any money or investments?

No  Yes → Give details below

	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

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

No  Yes → Give details below

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

## Tools of trade

### 47. 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**

### 48. Do you have any loans or debts?

No  Yes → Give details below

	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

### 49. 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 below

### 50. Are there other financial circumstances you would like considered when we assess your application?

No  Yes → Give details below

## 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.
- 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.
- 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; and
  - knowingly provide false and misleading information, or answer any question in a false and misleading way.

I consent to:

- The Commissioner contacting Work and Income or any other third party to obtain verification of my financial means, bank account, employer or contact information. 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.
- The Commissioner saving and storing my information in an electronic form (in addition to or in place of storing it in a physical 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/or the Department of Corrections 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

Date

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

 No Yes

Name of person

Relationship to applicant

Did the applicant appear via audio visual link (AVL)?

I confirm at the time this application was completed, the applicant appeared via audio visual link consenting to me signing this form on behalf of the applicant.

Signature of Lawyer/Representative (signed on behalf of applicant)

Date

## Checklist

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)

**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 and 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)

## Lead provider 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 (if applicable) 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 "Acknowledgement, consent and confirmation" section of this application.
- My obligation to notify the Legal Services Commissioner of any change in their address, or any increase in their income or assets (disposable capital).
- My obligation to notify the Legal Services Commissioner where I am aware that they avoided/are avoiding/are attempting to avoid making payments to Legal Aid from proceeds of proceedings.
- The fact 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 repayments from the applicant's income or bank account.

Signature of lead provider

Date