

Legal Aid Tribunal

Application for Review

Form 1

(Legal Services Act 2011)



Who can apply for a review?

You can apply for a review of the Legal Services Commissioner's decision if you are:

A person who has applied for legal aid or been granted legal aid.



You must seek a reconsideration of the Legal Services Commissioner's original decision before applying to the Legal Aid Tribunal for a review.

An opponent seeking costs from an aided person (you do not need to seek a reconsideration).

A representative may complete this application provided the representative has written authority from you to act on your behalf in this matter.

How to complete this form

- Please use CAPITAL LETTERS if filling out by hand.
- Answer every question on the form unless the instructions tell you otherwise.
- You should provide a copy of the Legal Services Commissioner's decision and reconsideration (if applicable).
- You should attach a copy of all relevant documents in support of your application (eg, correspondence, evidence or any reports).



Documents which you did not submit to the Legal Services Commissioner at the time of the decision will not be considered in a review of that decision.

· All documents must be in English.

What can the Tribunal review?

The Tribunal can review decisions on reconsideration in respect of the following:

- Application for legal aid
- Conditions on a grant of legal aid
- Amount payable by an aided person
- Maximum grant of legal aid
- Withdrawal of / amendment to a grant of legal aid
- Enforcement of any condition on a grant of legal aid
- Changes to, or dealings with, a charge on property

The Tribunal can also review decisions in respect of:

Applications for payment of costs against an aided person.

What are the grounds for a review?

The grounds for lodging a review are that the Legal Services Commissioner's decision was:

- Manifestly unreasonable; and/or
- Wrong in law.

6 What is the timeframe for lodging an application for review to the Tribunal? The Tribunal must receive your application for review within 20 working days of the date on which you were notified of the Legal Services Commissioner's decision.

> If exceptional circumstances prevented you from lodging your application within 20 working days, the Tribunal may accept a late application no later than three months after the date on which notice of the decision was given to you.

7 Are there any fees for lodging an application to the Tribunal? There are no fees for lodging an application for review to the Tribunal.

8 How to apply for a review

To lodge an application for review you can either:

- Complete the application form online; or
- Complete this form and forward together with your supporting documents to the Tribunal by email, fax, or post. Contact details are at the end of this form.
- 9 What happens next?

If your application can be accepted, the Tribunal will send a copy of your application to the Legal Services Commissioner. The Tribunal may seek additional information in order to carry out the

For more information on the review process, go to www.justice.govt.nz/tribunals/lat.

Terms used in this form

The following contains a list of terms that are used in this application form. The definitions are provided as a guide only and should not be taken as legal advice. You should consult a lawyer if you are not sure if the Legal Services Commissioner's decision can be reviewed by the Legal Aid Tribunal.

Reconsideration by the Legal	Before applying to the Legal Aid Tribunal for a review of the Commissioner's decision relating to your
Services Commissioner	application for legal aid or your legal aid grant, you must first ask the Commissioner to reconsider his/
	her decision.

Grounds for review:

Manifestly unreasonable	A decision is manifestly unreasonable if it is shown "clearly and unmistakably" that the Agency's decision "went beyond what was reasonable or was irrational or logically flawed" (Legal Services Agency v Fainu [2002] 17 PRNZ 433).
Wrong in law	A decision is wrong in law if it derives from an inaccurate application or interpretation of a statute, or is wrong in principle, or if a decision-maker has failed to take into account some relevant matter or takes into account some irrelevant matter, or if the decision depends on findings that are unsupported by the evidence (Legal Services Agency v Fainu [2002] 17 PRNZ 433).

Types of decisions that may be reviewed:

Decisions relating to an application for legal aid	 This includes a decision of the Legal Services Commissioner: granting legal aid, granting legal aid on an interim basis, requesting further information from you and/or your representative, or declining your application for legal aid.
Decisions relating to conditions on a grant of legal aid	 A condition may be: that the aided person pay a repayment or an interim repayment of a specified amount, or that the aided person authorise a charge to be registered in favour of the Commissioner over specified property as security for the repayment and/or interim repayment, or conditions in respect of proceedings before the Waitangi Tribunal.
Decisions relating to any amount payable by an aided person	This includes the total amount payable and/or interim repayments payable by an aided person on the legal aid grant.
Decisions relating to the maximum grant of legal aid	This is the amount of legal aid that is authorised under a grant. This may refer to a total dollar amount, a maximum number of hours, a period within which the aid must be provided, or any combination of these or any other specifications.
Decisions relating to the withdrawal of, or amendment to, a grant of legal aid	This includes a decision of the Commissioner to: withdraw or amend a grant of legal aid, or amend the conditions on a grant of legal aid.
Decisions relating to the enforcement of any condition on a grant of legal aid	This refers to a decision of the Commissioner relating to the recovery from the aided person of the amount of interim payments outstanding and/or, the amount of repayments payable, including interest. It also includes a decision as to whether to recover a debt or one relating to write-off.
Decisions relating to changes to, or dealings with, a charge on property	This includes decisions by the Commissioner relating to an application to exempt any property that is part of the proceeds of proceedings from being subject to a charge, an application to release all or part of the charge attached to any property, or a transfer of the charge to any other property of the aided person.
Decisions relating to applications for payment of costs against an aided person	This refers to a decision of the Commissioner relating to an application filed by an opponent of an aided person seeking payment of costs as a result of an order made in civil proceedings against the aided person.



Legal Aid Tribunal

For more information visit www.justice.govt.nz/tribunals/lat

Application for Review

Form 1

(Legal Services Act 2011)

OFFICE USE ONLY	LAT Case Number

Part 1: Applicant's		
A. What is your full na	ame?	
Last name(s)		
First name(s)		
•	e address? (This cannot be a PO Box) ces, documents and other communication will be sent to them on yo	our behalf, if they agree.
Street number / Street nam	me	
Suburb	Town / City	Post code
Do you also agree to rece Yes Email ac	ive notices, documents, and other communication by em	ail? (Please tick 🗹)
□ Na		
C. Other contact det Daytime contact phone nu		· ()
	umber () Mobile number	· ()
C. Other contact det Daytime contact phone nu	umber () Mobile number	· ()
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C. Other contact det Daytime contact phone nu Part 2: Representat A. What is your full nu Last name(s) First name(s) Organisation/Firm	with the street address information ame?	~ ()
C. Other contact det Daytime contact phone nu Part 2: Representat A. What is your full nu Last name(s) First name(s) Organisation/Firm B. What is your posta	with the street address information ame?	Post code

Part 2: Representative's information (continued)	
2C. Other contact details	
Daytime contact phone number ()	Mobile number ()
Do you also agree to receive notices, documents, and other co Yes Email address	mmunication by email? (Please tick 🗹)
☐ No	
2D. Important information for Representatives: If you act for the Applicant without written authority, the Legal Aid Trib provider status. It may also make a complaint to the New Zealand L. You must inform the Legal Aid Tribunal immediately if you cease	aw Society.
(Please tick the boxes that apply)	
I declare that I have written authority to act on behalf of the requested to provide proof of such authority.	e Applicant. I understand that I or the Applicant may be
I agree to accept all notices and other communication relat	ing to this application, on behalf of the Applicant.
Part 3: Application to extend time for review	
3A. Please tick the box which applies to you	
I am lodging my application with the Legal Aid Tribunal within sioner's decision was given to me.	in 20 working days after notice of the Legal Services Commis-
I am asking the Legal Aid Tribunal to consider a late applicate Please give your reason(s) below and attach any supporting documents.	ion from me because of the following exceptional circumstances: uments (eg, medical certificate)
Continue on a separate sheet of paper if necessary and attach it to the	his form.
Part 4: Application details	
4A. Which area of law relates to your application (Plea	ase tick one)
Criminal Civil	Family ACC
Mental Health Employment	Waitangi Tribunal Immigration / Refugee
Maori Land Court/Appellate Court	Unknown
4B. Which of the following applies to you? (Please tick	Z)
I am applying for legal aid. Complete all of Part 5.	
I have been granted legal aid. Complete all of Part 6.	
I am an opponent seeking costs from an aided person. Compl	lete all of Part 7.

Part 5: Application from an	applicant for legal a	id
You must seek a reconsideration of	the Legal Services Commiss	sioner's decision before applying for a review to the Tribunal.
/hat is your LSC Grant Number?		
Date of the decision you want reviewed	(day/month/year)	1 1
Date you received the reconsidered dec		
Date you received the reconsidered dec		
am asking the Tribunal to review	the Legal Services Com	missioner's decision relating to my application for
on the ground that the decision is (Pleas	se tick 🔽):	
Manifestly unreasonable	Wrong in law	Manifestly unreasonable and wrong in law
pecause (please give your explanation)		

Part 6: Application from	a person granted legal	aid
You must seek a reconsideration	n of the Legal Services Commiss	sioner's decision before applying for a review to the Tribunal.
/hat is your LSC Grant Number?		
Date of the decision you want revie	ewed (day/month/year)	1 1
Date you received the reconsidere		
	(.,, , ,	
Which part or parts of the de	cision are you asking the T	ribunal to review? (You may choose more than one)
am asking the Tribunal to rev	iew the Legal Services Com	missioner's decision relating to:
the condition imposed or	n my legal aid grant	
on the ground that the decision is (Please tick 🗹):	
Manifestly unreasonable	Wrong in law	Manifestly unreasonable and wrong in law
pecause (please give your explanation)	
ontinue on a separate sheet of pape		

the amount payable by me	e	
on the ground that the decision is (P	lease tick 🗹):	
Manifestly unreasonable	Wrong in law	Manifestly unreasonable and wrong in law
pecause (please give your explanation)		
		form.
the maximum amount of	my legal aid grant	form.
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art 6: Application from a	person granted legal a	ald (continued)
the enforcement of the cor	nditions on my legal aid gra	nt
n the ground that the decision is (Ple	ease tick 🗹):	
Manifestly unreasonable	Wrong in law	Manifestly unreasonable and wrong in law
ecause (please give your explanation)		
<u> </u>		
ntinue on a separate sheet of paper in the withdrawal of/amendm		form.
the withdrawal of/amendm	nent to my legal aid grant	form.
the withdrawal of/amendment the ground that the decision is (Ple	ease tick ():	form. Manifestly unreasonable and wrong in law
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Part 6: Application from a person granted le	egal aid (continued)
f. changes to, or dealings with, a charge on propert	у
on the ground that the decision is (Please tick \checkmark):	
Manifestly unreasonable Wrong in law	Manifestly unreasonable and wrong in law
because (please give your explanation)	
Continue on a separate sheet of paper if necessary and attach it	to this form.
Part 7: Application by an opponent seeking	payment of costs
Date of decision (day/month/year)	
Date you received the decision (day/month/year)	1 1
I am asking the Tribunal to review the Legal Services C awarded against an aided person	Commissioner's decision relating to the payment of costs
on the ground that the decision is (Please tick):	
Manifestly unreasonable Wrong in law	Manifestly unreasonable and wrong in law
because (please give your explanation)	

Part 7: Application by an opponent seeking payment of costs (continued)
Continue on a separate sheet of paper if necessary and attach it to this form.
Part 8: Checklist
Please tick to confirm the following 🗸
You have answered every question relevant to your application.
You have attached a copy of the Legal Services Commissioner's original decision and reconsideration (if applicable).
You have attached a copy of all relevant documents in support of your application (eg, evidence, correspondence, or any reports). Documents which you did not submit to the Legal Services Commissioner at the time of the decision
will not be considered in a review of that decision.
Contact details



Legal Aid Tribunal Tribunals Unit Private Bag 32-001, Panama Street Wellington 6146

Level 1,86 Customhouse Quay, Wellington 6011

DX No: SX11159

Office Hours: Monday to Friday 8.30am - 5:00pm

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