

# REVIEWING LEGAL AID DECISIONS

The Legal Aid Tribunal can review decisions made about your legal aid

You can ask the Legal Aid Tribunal to review decisions made by the Legal Services Commissioner about your legal aid.

**Contact the Tribunal if you think a decision about your legal aid is:**

- clearly unfair ('manifestly unreasonable')  
*and/or*
- 'wrong in law'.

**You can't ask for a review just because you disagree with the decision.**

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## What decisions can the Tribunal review?

The Tribunal can review decisions about:

- applications and claims for legal aid, including declining your application
- how much legal aid you can get
- how much legal aid you may have to repay
- the conditions of a legal aid grant
- stopping or changing a grant
- a charge, or security, put on your property
- costs given to an opponent in a civil case. You can apply straight to the Tribunal - you don't need to seek a reconsideration first.

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## Who can apply for a review?

You can apply to the Tribunal for a review if:

- the Legal Services Commissioner has made a decision about your legal aid, and
- you think the decision is clearly unfair or wrong in law.

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## Is there a cost?

The Tribunal doesn't charge a fee but if a lawyer helps you with your application, you may have to pay the lawyer. You can ask for legal aid to pay for this.

## Before you apply

If you have asked for or are getting legal aid, you must ask the Legal Aid Commissioner to reconsider their decision before applying to the Tribunal.

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## When to apply

You need to apply to the Tribunal within 20 working days of getting the Legal Services Commissioner's consideration decision.

If a very good reason stops you from applying within 20 working days, you can explain in the application why the Tribunal should still consider your late application. You must file a late application no later than 3 months after getting the Legal Services Commissioner's decision.

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## How to apply

You can post us your application: just download the *Application for review* form from our website ([justice.govt.nz/forms](https://justice.govt.nz/forms)). You'll find the postal address on the form.

In your application, you must explain why the decision was 'manifestly unreasonable' or 'wrong in law' or both. Attach documents to support your application, but don't send the Tribunal any information that the Legal Services Commissioner didn't have when the original decision was made.

If you need a decision urgently, tell the Tribunal why when you make your application.

## IF YOU CHANGE YOUR MIND ABOUT THE APPLICATION YOU MADE TO THE TRIBUNAL

You can cancel your application to the Tribunal at any time. Just fill out the *Withdrawal of application* form available at [justice.govt.nz/forms](https://justice.govt.nz/forms)

## What happens after you send in your application

When we get your application we'll check it to make sure it includes all the information we require. If it isn't complete we'll return it. If it's complete we'll send a copy to the Legal Services Commissioner so they'll have a chance to give the Tribunal their side of the story. The Tribunal might ask for more information from you, the Commissioner or anyone else it needs to hear from. You'll get a copy of anything that they send to us. You'll get a chance to respond.

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## Will there be a hearing?

The Tribunal doesn't have hearings like a court. It makes decisions based on the written information you, the Legal Services Commissioner and any other people supply – this is a 'hearing on the papers'. The papers can include:

- your application
- the documents you include with your application
- the information the Legal Services Commissioner sends to the Tribunal
- any extra information the Tribunal asks for.

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## The Tribunal's decision

After it has considered all the information, the Tribunal will send you (or your lawyer) and the Legal Services Commissioner its decision.

The Tribunal can decide to *confirm*, *change* or *reverse* the Legal Services Commissioner's decision. Or it can tell the Legal Services Commissioner to *reconsider* their decision.

If you think the Tribunal's decision is 'wrong in law', you have 20 working days to appeal to the High Court. You should talk to a lawyer before going to the High Court.

## Where to get more information

To learn more, talk to:

- your lawyer
- your local Community Law Centre – [communitylaw.org.nz](http://communitylaw.org.nz)
- your local Citizens Advice Bureau – [cab.org.nz](http://cab.org.nz)

Or check out the Ministry of Justice's website at [justice.govt.nz/lat](http://justice.govt.nz/lat)

You can find a copy of the Legal Services Act 2011 at [legislation.govt.nz](http://legislation.govt.nz)

## HOW TO CONTACT THE TRIBUNAL

- +64 4 462 6660
- [Tribunals@justice.govt.nz](mailto:Tribunals@justice.govt.nz)
- Legal Aid Tribunal  
Tribunals Unit  
Private Bag 32001  
Featherston Street  
Wellington 6146