



Application for Review

Form 1

(Legal Services Act 2011)

1 What is this form for?

Use this form if you want to apply to the Legal Aid Tribunal (the Tribunal) for a review of the Legal Services Commissioner's decision.

2 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.

3 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.

4 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.

5 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 review.

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.

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| Reconsideration by the Legal Services Commissioner | Before applying to the Legal Aid Tribunal for a review of the Commissioner's decision <i>relating to your application for legal aid or your legal aid grant</i> , 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" (<i>Legal Services Agency v Fainu [2002] 17 PRNZ 433</i>). |
| 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 (<i>Legal Services Agency v Fainu [2002] 17 PRNZ 433</i>). |

Types of decisions that may be reviewed:

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|---|---|
| Decisions relating to an application for legal aid | This includes a decision of the Legal Services Commissioner: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. |



Application for Review

Form 1

(Legal Services Act 2011)

OFFICE USE ONLY LAT Case Number _____

Part 1: Applicant's information

1A. What is your full name?

Last name(s)

First name(s)

1B. What is your home address? (This cannot be a PO Box)

If you have a representative, notices, documents and other communication will be sent to them on your behalf, if they agree.

Street number / Street name

Suburb

Town / City

Post code

Do you also agree to receive notices, documents, and other communication by email? (Please tick)

Yes

Email address

No

1C. Other contact details

Daytime contact phone number ()

Mobile number ()

Part 2: Representative's information

2A. What is your full name?

Last name(s)

First name(s)

Organisation/Firm

2B. What is your postal address? (PO Box or street address)

Street number / Street name

Suburb

Town / City

Post code

PO Box

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 communication by email? (Please tick)

Yes Email address

No

2D. Important information for Representatives:

If you act for the Applicant without written authority, the Legal Aid Tribunal will inform the Secretary for Justice, which may affect your provider status. It may also make a complaint to the New Zealand Law Society.

You must inform the Legal Aid Tribunal immediately if you cease to represent the Applicant in matters related to this application.

(Please tick the boxes that apply)

I declare that I have written authority to act on behalf of the Applicant. I understand that I or the Applicant may be requested to provide proof of such authority.

I agree to accept all notices and other communication relating 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 20 working days after notice of the Legal Services Commissioner's decision was given to me.

I am asking the Legal Aid Tribunal to consider a late application from me because of the following exceptional circumstances: Please give your reason(s) below and attach any supporting documents (eg, medical certificate)

Continue on a separate sheet of paper if necessary and attach it to this form.

Part 4: Application details

4A. Which area of law relates to your application (Please tick one)

- | | | | |
|---|-------------------------------------|--|--|
| <input type="checkbox"/> Criminal | <input type="checkbox"/> Civil | <input type="checkbox"/> Family | <input type="checkbox"/> ACC |
| <input type="checkbox"/> Mental Health | <input type="checkbox"/> Employment | <input type="checkbox"/> Waitangi Tribunal | <input type="checkbox"/> Immigration / Refugee |
| <input type="checkbox"/> Maori Land Court/Appellate Court | <input type="checkbox"/> Unknown | | |

4B. Which of the following applies to you? (Please tick)

- 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. Complete all of Part 7.

