



Environmental Legal Assistance Fund (ELA Fund)

APPLICATION FORM

Before completing this form please read the *Information Guide for Applicants* to help you decide whether you are eligible for funding. Ensure that all information is provided and attach supporting information as required.

Need more help? If you have any questions, call our Wellington office on 0800 499 700 and ask for the ELA Fund Team, or email them at elafund@mfe.govt.nz.

1. Contact details

Name of group:

| Contact details | PRIMARY CONTACT | SECOND CONTACT |
|------------------------|-----------------|----------------|
| Name: | | |
| Position in the group: | | |
| Mailing address: | | |
| Telephone number: | | |
| Mobile number: | | |
| Email address: | | |

Amount applied for: (maximum \$40,000, excluding GST) \$

2. Group details

(2a) What type of group are you? (tick relevant box)

- Residents and ratepayers/Community group
 National non-government organisation
 Iwi/Hapu
 Business group
 Other – specify:

When did your group begin operating? (month/year)

Supply the following depending on the legal status of your group: (tick relevant boxes and attach supporting information)

| INCORPORATED GROUP | NON-INCORPORATED GROUP |
|--|---|
| <input type="checkbox"/> Certificate of Incorporation. <input type="checkbox"/> Copy of group's mandate/rules. <input type="checkbox"/> Current membership list of group, including addresses. | <input type="checkbox"/> Details of the group's history, including any relevant documentation (eg, evidence of regular meetings). <input type="checkbox"/> Authorisation from the group that at least two named persons can act on behalf of the group in this matter (should include primary and secondary contacts unless not members of group). |
| <p style="text-align: center;">TRUST</p> <input type="checkbox"/> Copy of trust documents. <input type="checkbox"/> Authorisation that the named trustees can act on behalf of the trust in this matter. <input type="checkbox"/> Current Membership list of group, including addresses. | |
| | <input type="checkbox"/> Proof that your group is recognised by the court as a party to the proceedings. <input type="checkbox"/> Current Membership list of group, including addresses. |

Objectives of the group:

State the group's key environmental interests, philosophy and issues and any aims/objectives that are specific to your case.

(2b) Financial details: All information in section 2b is required. If certain information cannot be provided, state why.

Provide an explanation of how the group would fund any costs of the case that exceed any funding received

Outline the resources the group can offer to support the case (eg, fundraising activities, membership fees, experience in previous court cases, case management experience, gratis support by group members such as expert witnesses).

Attach the following as supporting material (tick the boxes to show you have included them in your application)

- A copy of the group's most recent audited accounts and latest two bank account statements.
- Itemised income and expenditure for recent accounts, with appropriate explanations. If any income is allocated for other uses, please specify what amount is available to support the case.
- An itemised list of costs incurred by the group for the case so far.

(2c) Is your group part of a larger national body? No Yes – if Yes, answer the following:

What is the name of the national body?

What is your group's financial relationship with them?

3. Application details

(3a) Type of case: (Tick the relevant box. The sections refer to the Resource Management Act 1991).

- Appeal on a resource consent application (section 120) Reference on a plan/plan change (clause 14)
- Designation (section 179) Enforcement (section 316) Declaration (section 311)
- Board of Inquiry Other – *specify*

Environment Court number: (e.g. ENV-2011..)

OR other court number: (e.g. CA 88/02)

Name of Case or Board of Inquiry: (e.g. Stoneleigh District Council v Springfield River Preservation Society Inc)

Date of Court or Board of Inquiry hearing: (if known)

(3b) Provide a history of your group's involvement with the case so far:

(3c) Outline the legal case and your group's argument:

(3d) Provide a statement about the public interest of the case. You should identify:

- The environmental issue which is the focus of the case and why it is important.
- How the advancement of your group's views will protect or enhance the quality of the environment.
- How the case affects the wider community or general public.

(3e) List the other parties involved in the case: (e.g. Minerals Mining Association, Flintstones Rock Protection Society)

(3f) Do any of the other parties have the same interests as you? No Yes

If Yes, name the parties and provide an explanation of any joint arguments, and give details of proposed sharing of witnesses, legal counsel and any shared costs.

4. Mediation

(4a) Have you been involved in mediation for this case? No Yes

State why or why not and include details:

(4b) Have any issues been settled by mediation? No Yes Not applicable (haven't participated in mediation)

If yes, what are they?

Will there be ongoing mediation? (provide details)

5. Supporting information

Supply a copy of the following: Tick the boxes below to show that you have included the information that is applicable to your case. For Boards of Inquiry the key documents are B, D, I, J & K. Attaching a location map (D) is required for all applications.

| | | | |
|---|--|---|---|
| A | <input type="checkbox"/> The original resource consent application (if applicable) | G | <input type="checkbox"/> Notice of appeal. |
| B | <input type="checkbox"/> Your group's original submission (including any evidence presented at the council hearing). | H | <input type="checkbox"/> Section 271A / 274 notice (if applicable). |
| C | <input type="checkbox"/> Relevant plan rules (if not specifically included in planner's report or council decision) | I | <input type="checkbox"/> Any expert evidence prepared (if available). |
| D | <input type="checkbox"/> Map(s) showing the location of the area relating to your application, including any sites relevant to your case. Include zoning maps if applicable. | J | <input type="checkbox"/> All minutes, directions and procedural decisions issued by the Court in respect of the case. |
| E | <input type="checkbox"/> Council planner's report. | K | <input type="checkbox"/> Any other relevant information that supports your case (e.g. media articles, relevant photos or maps). |
| F | <input type="checkbox"/> Council decision. | | |

6. Funding details

| | | |
|---|----|-------------------------|
| A Total cost of your case | \$ | (incl GST / excl GST) |
| B Amount requested from ELA Fund | \$ | (max \$40,000 excl GST) |
| C Your group's cash contribution to the case | \$ | (incl GST / excl GST) |
| D Value of pro bono contribution(s) | \$ | (incl GST / excl GST) |
| E Total value of discounted rates from legal counsel and/or expert witnesses | \$ | (incl GST / excl GST) |

F Tick the boxes below to confirm that you have included the following information with your application:

For all legal representatives and expert witnesses, provide a brief summary of their experience and expertise, including any Resource Management experience of legal representatives. This can be in the form of a CV.

For those legal representatives and expert witnesses for whom you are applying for funding, complete the table below. Attach an original copy of their quote as supporting information. Quotes must also set out the details contained in the table.

| NAME, POSITION AND FIRM/COMPANY | TIME | COST PER HOUR | TOTAL (excl GST) |
|---------------------------------|--|---------------|------------------|
| | A) Preparation time B) Prehearing/Mediation time C) Hearing time | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| TOTAL | | | \$ |

7. Group's declaration

This declaration must be signed by the primary and secondary contacts identified in 1, as long as they are members of the group. If either or both contacts are not members of the group, the declaration must be signed instead by duly authorised members of the group.

Each person must have their declaration witnessed by a person authorised to take a statutory declaration.

We,

| | | |
|--------|------------------|--------------|
| of | | |
| (name) | (place of abode) | (occupation) |

and

| | | |
|--------|------------------|--------------|
| of | | |
| (name) | (place of abode) | (occupation) |

both solemnly and sincerely declare that:

- The details we have given in all sections of this application are true and correct to the best of our knowledge.
- We have the authority to commit our group to this application, and we understand and will meet the financial and reporting requirements as specified in the Deed of Funding contract should our application be successful.
- We are not seeking funding, in this application, for any person who is a member of our group.
- All information contained in this application is subject to the Official Information Act, and therefore this information may be released upon request.
- The Ministry may collect from third parties any information it deems necessary about the applicant or the case.
- The Ministry reserves the right to seek more information from the applicant before sending the application to the Advisory Panel, and will defer if necessary until the Ministry has received all information requested.

And we both make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

| | | | | | | | |
|--|--------|--------|--------|--|--------|--------|--------|
| (signature of declarer) | | | | (signature of declarer) | | | |
| Declared this | | day of | | Declared this | | day of | |
| | (date) | | (year) | | (date) | | (year) |
| (signature of person authorised to take statutory declaration) | | | | (signature of person authorised to take statutory declaration) | | | |

How did you find out about the ELA Fund? (tick relevant box)

- | | |
|---|--|
| <input type="checkbox"/> Ministry for the Environment website | <input type="checkbox"/> Local council |
| <input type="checkbox"/> Lawyer/Planner | <input type="checkbox"/> Environment centre/Community law centre |
| <input type="checkbox"/> Other – <i>please specify:</i> | |

8. Checklist

Before sending us your application, check that you have: (tick boxes to confirm)

- Answered all relevant questions Included all the required signatures Attached all the required supporting information

Send your application to:

Environmental Legal Assistance Fund, Ministry for the Environment, Environment House, 23 Kate Sheppard Place, Thorndon, Wellington 6011, or PO Box 10362, Wellington 6143.