



# 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. Please ensure that all information is provided and place as much information in the application form that you can. Attach additional sheets as required.

**Need more help?** If you have any questions about this form, call our Christchurch Office and ask for the ELA Fund Team (03) 365 9267 or (03) 365 9556 or email them at [elafund@mfe.govt.nz](mailto: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:		
Fax number:		
Email address:		

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

### 2. Group details

**(2a) What type of group are you?** (please tick)

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

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

Please supply the following depending on your type of group: (tick relevant boxes and attach 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). <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.
TRUST	
<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.	

**Objectives of the group:**

(please state the group's key environmental interests, philosophy and issues and any aims/objectives that are specific to your case)

**(2b) Financial details**

Please supply the following: (Tick relevant boxes. All information in section 2a is required. Provide statement if certain sections are being provided)

- 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.
- A statement on how the group would fund any costs of the case that exceed any funding received.
- A statement on the type of 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).

**(2c) Is your group part of a larger national body?**  No  Yes – if Yes, please 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:** (please 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)
- Other – please specify:

**Environment Court number:** (eg, A 62/02)

**OR other court number:** (eg, CA 88/02)

**Name of Case or Board of Enquiry:** (eg, Stoneleigh District Council v Springfield River Preservation Society Inc)

**Date of Court or Board of Enquiry hearing:** (if known)

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

**(3c) Please outline the legal case and your group's argument:**

**(3d) Please 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) Please list the other parties involved in the case (not required for Boards of Enquiry:** (eg, Minerals Mining Association, Flintstones Rock Protection Society)

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

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

## 4. Mediation

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

Please state why or why not and include details:

**(4b) Have any issues been settled by mediation?**  No  Yes – if Yes, please answer the following:

What are they? (please list)

Will there be ongoing mediation? (please give details)

## 5. Supporting information

**Please supply a copy of the following:** (tick boxes to show that you have included these with your application)

(For Boards of Enquiry the key documents are B, I, J & K)

A	<input type="checkbox"/> The original resource consent application.	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"/> Relevant zoning map (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

**Please attach, from each legal representative and expert witness:**

(tick boxes to show that you have included these with your application. Note that a final decision cannot be made without this information)

- A brief summary of their experience and expertise.
- Whether or not they have a current practising certificate (for your legal representative only).
- An original copy of their quote in relation to your case, including the following details:

NAME, POSITION AND FIRM/COMPANY	TIME	COST PER HOUR	TOTAL
	A) Preparation time B) Prehearing/Mediation time C) Hearing time		

**The total costs for your case:** (state whether including or excluding GST)

**\$**

## 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?** (please tick)

- |   |  |
|---|--|
| <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 – please specify:              |  |

## 8. Checklist

**Before sending us your application please check that you have:** (please tick)

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

**Please send your application to:**

Environmental Legal Assistance Fund, Ministry for the Environment, Level 5 NZI House, 96 Hereford Street, PO Box 1345, Christchurch.

## Environmental Legal Assistance Fund

### Criteria

Applications are assessed by the Advisory Panel against sets of Primary and Secondary Criteria in order to decide whether funding should be recommended. Not all applications are recommended for funding. In some cases only part funding is recommended.

### Primary Criteria

- The focus of the case is the protection or enhancement of environmental qualities.  
*(Relevant considerations include: Resource Management Act Part II considerations, and the potential for useful case law.)*
- The case affects the wider community or general public.  
*(Relevant considerations include: May improve the administration of the Resource Management Act, The status of the activity in the statutory plans, maintaining the integrity of a statutory plan, Impacts on the wider community or general public, Public/private interest balance, and the significance of the environmental issues.)*
- The group has shown why financial assistance is required, including whether there is likely to be an imbalance between the level or quality of evidence and case management due to a lack of financial resources.

### Secondary Criteria

- The commitment of the group. *(Relevant considerations include: Resources the group can contribute)*
- The group's ability to manage the case including any previous experience in legal cases.
- The prospects of success for the case.
- Whether the case is unreasonable (frivolous) or undesirable (vexatious.)
- Whether the group and/or its members has a financial interest in the outcome.
- Any overlap with other parties' cases.
- Whether the group is open to mediation.
- Any other matters arising out of the application.

Note: These criteria are applied to the outcomes that the applicant group is seeking to achieve in its case: not to the whole legal proceeding.