



Application for **waiver (or refund) of Environment Court fees** for an organisation

When to use this form

Use this form if:

- the organisation has not been previously given a waiver in this proceeding
- the organisation has previously been given a waiver, but their financial circumstances have changed or they're changing the reason why they are applying for a waiver.

Step 1 Give us the court case details

In the Environment Court at (location) _____

Case number (if known) _____

The action I intend to take (or have already taken) is a new proceeding

Step 2 Give us your details

Who are you filling in this form for?

I am authorised to fill in this form for _____
Organisation name

Give us your details

Full name _____

Occupation _____

Phone day _____ other _____

Email _____

Address _____

Court use only

_____ / _____

Refer to proceedings file no. _____

Step 3 Tell us about the fee

The fee is \$ _____

Is the organisation applying for the fee to be waived or refunded?

I am applying to the court to:

Waive this fee **or** Refund the fee paid on _____
Date

Confirm the application status

The organisation has not previously applied for this fee to be waived or refunded.

or

The organisation applied for this fee to be waived or refunded on _____
Date

That application was refused, but circumstances changed and the organisation wants to apply again.

Tell us why the organisation wants the fee waived or refunded

The organisation can't pay this fee. *Go to step 4.*

and/or

This fee relates to a proceeding that concerns a matter of genuine public interest, and it will not move forward unless this fee is paid.

- If applying only for this reason, go to step 5.
- If applying under both reasons, fill in both steps 4 and 5.

Step 4 Tell us about the organisation's financial circumstances

Fill in this step if the organisation can't pay the fee

Would the organisation suffer undue financial hardship if it paid the fee or (in the case of a refund) has the organisation suffered undue financial hardship because it paid the fee?

No. The organisation wouldn't suffer undue financial hardship if it paid the fee *or* the organisation hasn't suffered undue financial hardship because it paid the fee.

- *The organisation is not eligible for a waiver or refund under the 'inability to pay' criteria. Don't proceed with this form.*
- *However, if the fee relates to a proceeding that concerns a matter of genuine public interest – go to step 5.*

Yes. The organisation would suffer undue financial hardship if it paid the fee *or* the organisation suffered undue financial hardship because it paid the fee.

Tell us about the organisation’s financial circumstances

I've attached:

- The organisation’s previous two financial statements.
- An affidavit from the organisation’s accountant, disclosing the organisation’s income, expenditure, available assets, liabilities, capacity to borrow, means of shareholders etc.
- Other information. (Please provide details.)

Step 5 Tell us why the case is a matter of genuine public interest

Fill in this step if the proceeding involves a matter of genuine public interest

Why do you think this proceeding concerns a matter of public interest?

Note. Only organisations required to promote matters in the public interest are eligible for a fee waiver for a proceeding that raises issues of significant interest to the public. For other organisations, the proceeding must relate to an issue of law.

Give details of each issue or question of law. Explain why this is of significant interest to the public (or to a substantial section of the public). If required, attach an affidavit in support.

Is your organisation (by its governing enactment, constitution or rules) required to promote matters in the public interest?

No

Yes

There is a governing enactment of the organisation, namely: _____

or

I have attached a copy of the relevant documents (constitution, rules etc).

Tell us what will happen if this application is declined

If this application for the fee to be waived is refused, would the organisation move forward with the proceeding?

Yes. The organisation would start or continue with the proceeding anyway.

No. If this application is refused, the organisation would stop or discontinue with this proceeding.

List the reasons why not having the fee waived would stop the organisation moving forward.

If required, attach an affidavit in support.

Step 6 **Ask for processes to continue while this form is being processed**

Fill in this step if the organisation needs to file documents or start/continue a proceeding immediately (or within a prescribed time)

Tell us what the organisation wants

The organisation asks that the fee be put on hold until this form is processed. The organisation also asks that:

the proceeding that this application relates to is allowed to start or continue

or

the document(s) that this application relates to is accepted for filing.

Tell us why the proceeding needs to move forward before this form is processed?

It would be unreasonable if the proceeding did not move forward (or the document was not filed), before this form is processed for the following reasons. (If required, attach an affidavit in support.)

Confirm that the organisation understands what will happen if this application is declined

If this application is declined then the organisation understands that it must pay the fee immediately.

If the organisation doesn't pay the fee immediately, the proceeding will stop and the court may recover the fee as a 'debt'. The organisation can't take any further action in the proceeding that this application relates to unless the fee is paid. However, the organisation can apply to have the 'declined' decision reviewed. (See the notes on the back page.)

Step 7 Sign and date this form

You must complete this step in front of a registrar of the court, a lawyer, a justice of the peace or a person who is authorised to take a statutory declaration. It is a criminal offence to knowingly make a false statement or declaration.

'I _____ of _____
Name Place of abode and occupation

solemnly and sincerely declare that all information I have provided in this application is correct. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.'

Your signature

Authorised witness to fill in the following

Declared at _____
Location Date

Before me _____
Signature of Registrar/Deputy Registrar or Solicitor, Justice of the Peace or other person authorised to take statutory declarations.


Step 8 Do a quick check


Before sending in this application, do a quick check:


Have you filled in **steps 1, 2, 3** and **7**?

Have you filled in **step 4** (if the organisation is unable to pay the fee) and/or **step 5** (if the proceeding involves a matter of genuine public interest)?

If the proceeding needs to move forward while this application is processed, have you filled in **step 6**?

 For **step 4**, have you attached the organisation's financial information?

 If required (for **steps 5** or **6**), have you attached an affidavit?

 If required (for **step 5**), have you attached the organisation's constitution or rules?

If you have any questions, please call your local court.

See justice.govt.nz/services/finding-your-local-court or the blue pages of your phonebook for contact details.

Step 9 Send in your application

Send this application to your local court.

See justice.govt.nz/services/finding-your-local-court or the blue pages of your phonebook for contact details.

What happens next?

A registrar will look at your application and we will let you know their decision.
It may take several weeks for your application to be processed.

If your application is declined, you can apply to have the decision reviewed

Your 'application for review' needs to be made within 10 working days of receiving the declined decision.

Where can I go for more information?

Check our website at justice.govt.nz/services/court-fees

Call your local court. Details can be found in:

- justice.govt.nz/services/finding-your-local-court
- blue pages of your phonebook.

Talk to a lawyer or your local community law centre.

Note

The court may refer to your information on this form in any future applications for waiver (or refund) of fees for the same proceeding. The information on this form is collected in line with:

- Resource Management Act 1991
- Resource Management (Forms, Fees, and Procedure) Regulations 2017.