

October 2015

Legal Aid News is your official regular communication from Legal Aid Services on all matters related to legal aid. *Legal Aid News* is generally published in the last week of every month.

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External Customer Survey November 2015

In March 2015, we conducted a telephone survey of legally aided customers of the criminal private bar. The aim of the survey was to gauge their satisfaction with the service provided by us and their lawyer. Overall, the results were very positive and the majority of legal aid customers were satisfied with the service provided by their lawyer.

In November, we plan to conduct an email survey of customers who have had a legally aided family case in the last 12 months. All respondents will remain anonymous. Following collation of the results, we will publish the findings.

Customer surveys allow us to regularly engage with our clients so we can measure levels of satisfaction of our services. Customer feedback is important to us as it helps us assess how we are performing and identify ways to improve our service delivery.

Text Messaging

As was noted in last month's *Legal Aid News*, grants officers will be sending texts to criminal providers for urgent assignments from Monday, 2 November 2015. The use of text messaging may be expanded in the future.

Texts seeking confirmation of availability will include the court and PAL information. The assignment will be made if confirmation is received within 10 minutes of the message being sent.

The sender will appear as 4052. This number can be saved in your phone contacts under a name of your choice so that you recognise these as they arrive.

Legal Services (Quality Assurance) Amendment Regulations 2015

On 1 October 2015, changes were made to the Legal Services (Quality Assurance) Regulations 2011 which make the application process and criteria for approving legal aid providers more flexible while maintaining the quality of legal services.

In certain circumstances, the Secretary for Justice may now use discretion to grant an approval as a legal aid provider to a lawyer who may not meet all the prescribed requirements, but only if satisfied that the lawyer is suitable to do the work and it would be more efficient for that lawyer to provide those services. These changes will ensure that appropriately experienced and skilled lawyers are able to offer legal services in a limited set of proceedings or for a limited duration. We anticipate that this limited approval may be sought:

- to enable a lawyer to attend a related case in which they have previously acted for the client (common scenarios are for coronial proceedings, judicial review, and proceedings under the Criminal Proceeds (Recovery) Act);
- for instances where there is a regional shortage of legal aid lawyers with the specialist skills required for a case; or
- for instances where a lawyer is acting for a client on a private basis and the client subsequently becomes eligible for legal aid.

An approval granted by the Secretary will be limited to specific cases within a lawyer's capability and knowledge. The approval will not allow the lawyer to be assigned other legal aid work. For example, a criminal legal aid lawyer granted an approval to represent a client in a civil matter linked to the criminal proceedings cannot provide civil legal aid services on an ongoing basis.

We are currently developing a policy for these types of approvals so lawyers can be approved to provide legal aid services on a limited basis, where there is a need. We will consult with representative legal bodies about this policy. Further information, including links to an application form and the policy, will be provided closer to its implementation.

The changes to the regulations come into effect from 1 November 2015. Applications for limited approval from this date will be managed on a case-by-case basis in accordance with the regulations.

Historic Abuse Cases (HAC) – User Charge Exemption for pre-1 July 1993 Matters

The [Legal Services Amendment Regulations 2015](#) inserts regulation 9B, which exempts historical abuse proceedings from the user charge where the incident occurred before 1 July 1993. This comes into force on 1 November 2015 for new applications received from this date.

Application to Cancel a Sentence of Imprisonment and Substitute Home Detention

This is to confirm that when an application for cancellation of a sentence of imprisonment and substitution of sentence of home detention under section 80K of the Sentencing Act 2002 is filed in court, it becomes an eligible proceeding for legal aid.

A new legal aid application is required. This is because the proceeding in which the offender was sentenced has previously come to an end by the completion of the sentencing and is considered 'finally disposed of' for the purposes of the Legal Services Act 2011.

The grant of aid will be the fees for sentencing activities and hearing time, where applicable.

Legal Aid fees available for Restorative Justice

Based on invoices and amendments received by legal aid offices, it appears there is sometimes confusion about what legal aid fees can be claimed for work relating to the restorative justice process. The following aims to clarify the fees available.

1. Restorative justice reports

As per the description in the [Criminal fixed fee schedules](#), the \$150 Restorative Justice Report fee is available for arranging and reviewing a restorative justice report in preparation for sentencing and includes any agent fees and reporting to the client.

Note: this fee cannot be claimed where an initial restorative justice referral does not proceed to a restorative justice conference/report.

2. Restorative justice adjournments

As per the advice provided in the [January 2015](#) edition of the Legal Aid News, the following amendment to grant can be requested in relation to restorative justice adjournments:

- **a flat fee of \$120** - for the extra preparation required for a second and/or subsequent appearance (note: if the extra preparation work has taken more than an hour, a provider may instead claim an appropriate number of hours)
- **actual time** at the second or subsequent appearance at the rate of \$48 per half hour.

FAQs have been developed to assist providers in understanding when these amendments can be claimed. Please click on the Restorative Justice FAQ attachment.

Criminal Case Assignment Christmas and New Year availability

The end of the year is fast approaching! Remember, if you have leave planned over the festive season for a period of more than 10 working days, please complete the [Criminal Case Assignment availability](#) form and email it to legalaidprovider@justice.govt.nz. This will allow us to identify any areas where provider coverage may be limited and will ensure that you do not get disturbed unnecessarily during your break.

Queries?

If you have queries about any article in this newsletter, please contact legalaidnews@justice.govt.nz.