

Terms of Reference for Fundamental Review of Legal Aid System

1. The purpose of this review is to take a first principles approach to reviewing New Zealand's legal aid system to ensure it:
 - delivers legal services to those who need them most
 - manages costs effectively and is sustainable
 - complements efforts to maintain and improve the effective operation of the justice system, especially the court system
 - is consistent with principles of natural justice and New Zealand's international obligations
 - is based on objectives of fairness, efficiency, effectiveness, and quality
 - provides value for money
 - is simple and low cost to administer.
2. The review must align with Government priorities and take into account the projected fiscal environment of future years. In this respect, a key focus is on developing alternative approaches to manage or reduce costs. Existing models of public and private service provision (including other forms of social assistance) should be considered.
3. The review will be led by a Chair appointed by the Minister of Justice and supported by a panel of experts, who will develop a report in agreement with the Minister of Justice.
4. The review is intended to be broad and include in scope:
 - all aspects of initial criminal legal services, legal information, education, advice and representation, and in particular:
 - the areas of criminal, family, civil, and Waitangi Tribunal legal aid
 - all eligibility criteria, and eligible proceedings
 - contracting and payment of providers
 - operational issues, such as the assignment of cases including the "preferred lawyer" system
 - spending in areas related to legal aid (for example, lawyers for the child and youth advocates etc)
 - The administration and operation of the system.

5. The review will not focus on issues relating to the wider justice system (for example, a shift to a more inquisitorial system of justice or the use of mediation for all civil disputes). The review will consider the impact of any legal aid reform proposals on the wider justice system and may consider linkages between the wider justice system and legal aid. Proposals will also be assessed in light of their impact on particular groups, such as Māori.

Deliverables	Timeframe
Announcement of Review at International Legal Aid Group Conference	1 April 2009
Appointment of Chair to lead review and Panel to support Chair	Mid April 2009
Report to Minister of Justice and other relevant Ministers attaching draft consultation paper and seeking agreement to proceed to consultation	July 2009
Cabinet paper seeking agreement to proceed to consultation	August 2009
Release of consultation paper for engaging with stakeholders and the public	August/September 2009
Final report due to Minister of Justice	November 2009
Cabinet paper seeking agreement to outcomes of the review	December 2009
Implementation, including legislation and implementing new arrangements	Beginning 2010