

**REVIEW AUTHORITY
NEW ZEALAND**

RA 004/2017

LEGAL SERVICES ACT 2011

Applicant

AE

Respondent

Secretary for Justice

Date of Decision:

21 November 2017

AMENDED DECISION

1. In my decision dated 18 October 2017, I reversed the decision of the Secretary to decline approval of the applicant as a provider for various legal aid categories on the basis that he had not applied for approval in respect of Criminal PAL 1-3.
2. The applicant has drawn my attention to an error which he says he created in his covering letter of 26 June 2017 in which he stated that he was seeking approval for "*Criminal category 4*" along with PDLA, Duty Solicitor, Civil (Employment) and Court of Appeal and Supreme Court.
3. The Applicant advises that he was seeking approval in Criminal PAL 1-4 as his substantive application recorded. He seeks that my decision now be amended to include approvals for Criminal PAL 1-3.
4. He undertakes not to accept any assignments for female clients in respect of PAL 1 and 2 matters with a view to addressing any real or perceived risks to potentially vulnerable legal aid clients. He suggests that his undertaking could be reviewed after a suitable period.
5. The Secretary opposes the amendment that the applicant seeks for the reason that, excluding female clients, as proposed, would undermine the policy of rotational assignments. Criminal PAL 1 and 2 cases form the bulk of legal aid assignments. Excluding female clients would undermine the efficiency and effectiveness of the rotational system whereby

appointments are made to ensure a relatively equitable distribution of assignments to lawyers unless exceptional circumstances apply.

6. The applicant answers the Secretary's concern by noting that there are circumstances where assignments on rotation can be and are reassigned, including unavailability, which is not an uncommon situation and which cannot be said to affect the efficiency of the rotational assignment policy. He submits that his undertaking would not require Legal Services to put in place any system or procedures for him which are outside the norm.
7. Having found that the applicant has met the fit and proper person requirements of the Act, I have decided that it is appropriate to amend my decision to include approval for Criminal PAL 1-3.
8. I have noted that applicant's undertaking not to accept assignments in respect of female clients. I do not consider that I need to make that undertaking a condition of my decision, but consider that it is an administrative matter between the applicant and the Secretary.
9. I accordingly amend my decision of 18 October 2017 by recording that the applicant has approval in respect of Criminal PAL 1-3 in addition to those matters for which he has been given approval.

BJ Kendall

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