

Legal Aid News

Victims' Orders against Violent Offenders (VOaVO) Bill – an update

Changes under the Victims' Orders against Violent Offenders Bill 2014, which passed its third reading in June this year, will come into effect on 30 December 2014.

The Bill introduces non-contact orders as a new measure to better protect victims of crime and reduce re-victimisation.

To read more about the legislation, click [here](#).

New fees added for Victims' Orders

From 30 December legal aid will be available for parties involved in hearings to consider victims' applications for non-contact orders against their offenders and their associates.

Under the Act these proceedings are to be classed as civil cases, so we've updated the civil fixed fees schedules to include the additional fees. The new fees will become active on 30 December. An [updated copy of the legal aid civil fixed fees schedules](#) is available for viewing in the meantime.

These proceedings will be managed by the Wellington Legal Aid office.

Update on victims' orders provider consultation

We have recently received feedback from the legal professional bodies on our proposals on approving legal aid providers for victims' orders work.

As mentioned, under the new legislation victims' orders will be a civil law matter. This means approved civil providers wishing to undertake victims' orders proceedings will be able to do so. We propose to allow other suitably experienced legal aid providers who wish to do victims' orders work to apply for civil approval limited to victims' orders. Decisions will be made in October 2014 following consideration of the consultation feedback.

A reminder about seeking costs for the successful legally aided party

Where your legally aided client has been successful in civil or family proceedings, the expectation of the Legal Services Commissioner is that you will always consider seeking costs against the unsuccessful non-legally aided party. There should be no difference in your approach between a successful legally aided party and a successful self-funded party when considering the principle of costs following the event.

While it is accepted that an application for costs is not always justified, it is still expected that you will cover this issue when reporting to the Commissioner regarding the outcome of the proceedings. If you thought it was not appropriate to apply for costs then the reasons for that decision should be advised.

Costs awarded to your legally aided client then form part of the proceeds of proceedings (s. 4, definition of “proceeds of proceedings” and s. 36 (1) Legal Services Act 2011 (the Act).

The Commissioner does not require you to then recover any costs so awarded, but the recovery of those costs is assigned to the Commissioner by way of a deed of assignment to be signed by your legally aided client. Any costs subsequently recovered are deducted from the debt (if any) owed by your client.

Your attention is drawn to s. 107 (2)(a)(ii) of the Act and you are reminded that you are required to take “all reasonable steps to protect the interests of the Commissioner” in relation to a charge, including a charge on the proceeds of proceedings.

Employment legal aid fees

On 1 March 2015 proceedings under the Employment Relations Act 2000 will be transferred to the fixed fees payment framework, replacing hourly rates.

Following consultation with lawyers, we’ve developed a new fixed fees schedule for employment matters, which will take effect from 1 March 2015. You can view a copy of the schedule [here](#).

We received positive feedback on the transition to fixed fees - both from the New Zealand Law Society, who consulted its members on the proposal, and during our own discussions with those of you who do employment legal aid cases. We’d like to thank those who participated for their insights.

The civil disbursement policy is also being updated to include the new disbursements. This will be available on the Legal Aid Services' website in February 2015.

Updated web information on high cost criminal cases now available

Our webpage with information on High Cost criminal cases has been updated, and an overview of how high cost cases are managed has been added.

To view the page, click [here](#).

To download the overview, click [here](#).