

July 2016

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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Family Legal Advice Service (FLAS) testing outcomes

We recently carried out checks on FLAS providers' eligibility testing. The checks were to find out whether FLAS providers understood how to apply the client eligibility test correctly and to identify anything that needed clarification.

The majority of FLAS providers appear to be comfortable with the processes, but we found a few things that needed further clarification. Most importantly, providers need to remember to:

- black out the unique identifier on the copy of their client's proof of identity - a requirement of the Privacy Act 1993
- sign the Funding Declaration form. This is important as it verifies that the provider has viewed the proof of identity and evidence of their client's eligibility for the service
- enter your client's details and any services you have provided into RMS within 48 hours of undertaking the activity. This timeframe ensures:
 - client identity information is available to other providers
 - FDR providers or other FLAS providers do not need to repeat the funding assessment and
 - the client cannot access the FLAS service again from a different provider.

We have also updated our FLAS operational policy to clarify when a statutory declaration should be used in relation to a client's financial eligibility. Please take the time to download and become familiar with the updated version of the [policy](#).

Requesting Benefit Information

The “[verification of benefit income](#)” form on the Ministry’s website (under supplementary forms section) can be used to request information from the Ministry of Social Development (MSD) about your client’s Work and Income benefit, for the purpose of providing proof of income to support a legal aid application.

MSD accept these forms and no additional authorisation or signatures are required. To avoid any processing delays, send the completed form to MSD_LSA@msd.govt.nz.

Criminal assignment availability

The policy for criminal assignment availability is being updated to improve how Legal Aid Services allocate criminal cases.

From 1 August 2016, if you are unavailable to take criminal assignments for a period of 5 or more working days (instead of the current 10 working days) you must complete the [Criminal Assignment Availability form](#) or detail your unavailability in writing. The completed form or written notification should be sent by email to the Provider Services team at legalaidprovider@justice.govt.nz and copied to your local legal aid office. The Provider Services team will remove you from the applicable criminal case assignment list for the period of unavailability to prevent cases being assigned.

If you have any questions about this change, please contact your local legal aid office.

Consultation on revised operational policies for limited and temporary approvals

In May this year, we sought feedback on proposed changes to our Legal Aid Provider Manual to incorporate Part 1a – Limited Approval Operational Policy and Part 1b – Temporary Approval Operational Policy. The proposed changes reflect recent amendments to the Legal Services (Quality Assurance) Regulations 2011 that improve and streamline the legal aid provider approval process.

The proposed changes were circulated to the New Zealand Law Society (NZLS), the New Zealand Bar Association, the Criminal Bar Association, and the Auckland District Law Society. The NZLS published the consultation documents in Law Points and we received a response from the NZLS’ Legal Services Committee on behalf of the organisation.

Thank you to all who engaged with the review of the operational policies for limited and temporary approvals. Your contributions to this review have assisted us in clarifying and finalising the policies.

The consultation feedback document and updated policies have now been finalised and can be viewed on the below links.

[The consultation feedback document](#)

[Part 1a – Limited Approval Operational Policy](#)

[Part 1b – Temporary Approval Operational Policy](#)

Form 50 – Expert request now in editable PDF format

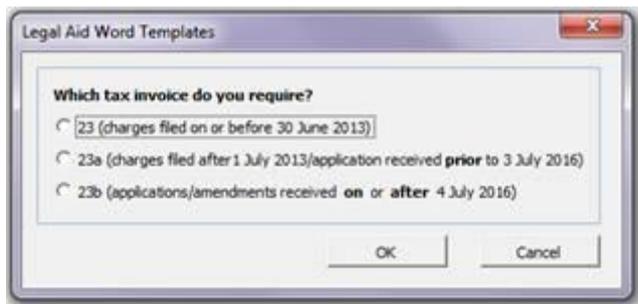
The Expert request form (Form 50) is now available in an editable PDF format, which enables the form to be filled in online. The editable form can be found on the [PDF legal aid forms](#) page of the Ministry of Justice website.

Please note: Form 50 is not included in the Word template installer.

Criminal invoice and amendment forms in the Word installer

There are a number of criminal invoice and amendment forms in the Word installer that have multiple versions. The version to be used depends on the date the charges were filed or the date the application or amendment is received. For example, Form 23 Tax Invoice Criminal Legal Aid Fixed Fees Schedules A-C also has a version 23A and a version 23B.

For these forms, only the original form number is listed in the word installer (i.e. Form 23). When this form is selected, a dialogue box appears asking you to select the tax invoice that you require (i.e. 23, 23A or 23B depending on the date the charges were filed or application received). The correct form will generate based on the option that you select.



This process applies to forms 23 (23A and 23B), form 24 (24A and 24B), form 25 (25A) and form 28 (28B).

Queries?

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