

## March 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.

### *In this issue ...*

[Returning Offenders](#)  
[Criminal High Cost Cases](#)  
[Queries](#)

---

### Returning Offenders

The Returning Offenders (Management and Information) Act 2015 came into effect on 18 November 2015. It enables the Department of Corrections to manage and monitor certain offenders returning from overseas. The supervision regime applies to eligible offenders who have been sentenced to a term of imprisonment of more than one year in another country and determined by the Commissioner of Police to be returning prisoners.

Returning prisoners may require legal representation relating to:

- an application by the Department of Corrections to impose release conditions on them
- a review of the Commissioner of Police's determination that they are a returning prisoner
- a breach of a release condition.

An application to impose conditions and a review of a determination are civil proceedings. A civil legal aid application and a civil legal aid lawyer will be required.

In the event that the returned prisoner nominates a legal aid lawyer who is not approved for civil legal aid, the lawyer may apply for a limited civil approval. Lawyers with criminal PAL 2 approval or above will be considered for a streamlined limited approval to conduct these types of proceedings on a case-by-case basis. Lawyers should contact Legal Aid Provider Services in the first instance regarding any limited civil approval by emailing [legalaidprovider@justice.govt.nz](mailto:legalaidprovider@justice.govt.nz).

A breach of a release condition under this Act is an offence that is subject, on conviction, to a maximum term of imprisonment of 1 year or a fine not exceeding \$2,000. A criminal legal aid application is required and, if eligible, a criminal legal aid lawyer will be assigned on rotation.

Applications for civil legal aid under this Act should be sent to the Wellington legal aid office ([wellington.legalaid@justice.govt.nz](mailto:wellington.legalaid@justice.govt.nz)). Applications for criminal legal aid should be sent to the local legal aid office.

---

## Criminal High Cost Cases

As a result of feedback received during the criminal fixed fee review, we have made changes to the criminal high cost case (HCC) policy and case plans. The changes are:

- sexual violation cases where more than two complainants allege a sexual violation offence against the aided person are now an automatic inclusion criteria
- the case plan has been shortened, questions are clearer and more relevant
- a new case plan for HCC appeal cases has been developed.

From 1 April 2016, all new cases entering into the HCC framework should use the updated case plans. It is not mandatory to transition existing cases on to these forms.

Our [website](#) has been updated to reflect the new changes.

---

## Queries?

If you have queries about any article in this newsletter, please contact [legalaidnews@justice.govt.nz](mailto:legalaidnews@justice.govt.nz).

New Zealand Government