

# LEGAL AID NEWS

March 2017

*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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## **Update on changes to the administration of legal aid**

In the September 2016 *Legal Aid News* we advised that the Ministry was changing the way granting and debt management functions are administered.

As advised we are consolidating granting into two offices, in Takapuna and Wellington and have introduced optimised processes for both granting and debt management.

On Friday 24 March 2017, the Christchurch legal aid office closed. Local providers have been informed of new contact information. The [Ministry website](#) and [grants handbook](#) have been updated to reflect the distribution of applications from the Christchurch office. Legal aid customers are being directed to the 0800 2 LEGAL AID (0800 253 425) number for any queries they may have.

We will continue to keep you informed of future closing dates of other offices as we continue to work through the transition process.

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## **Revised delegation of work policy**

Legal Aid Services has recently revised its policy on delegation of work.

The revised policy clarifies when specific substantive matters may be temporarily delegated to another lead provider without needing the Legal Services Commissioner's approval. It also authorises an appropriately approved 'Alternate' who is named in the lead provider's contract for services to submit invoices on behalf of the lead provider when the lead provider is unavailable.

You can view the revised policy in the legal aid Grants Handbook from page 49 [here](#).

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## New manager for Legal Aid Services

Tracey Baguley has recently been appointed as the Manager, Legal Aid Services. She has 20 years of operational management experience and has been with the Ministry of Justice for the last 12 years in service delivery and change management roles. Tracey will have a particular focus on ensuring that legal aid services are delivered efficiently and effectively and particularly in a nationally consistent way. Her appointment now concludes the revision of our internal structure as a result of the change to the operating model. She looks forward to working with you all.



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## Family and civil legal aid assignments

The assignment policy has been revised to clarify the circumstances in which a provider from outside the location where the proceedings will be held may be assigned in family and civil proceedings. Any decision to assign a non-local provider is at the discretion of the Legal Service Commissioner however, the revised policy affirms the relevant factors to be considered. The policy change has particular relevance for areas where clients may face difficulty instructing a legal aid provider because of issues around the availability of approved providers. Where a non-local provider is assigned because of provider availability issues, travel disbursements for attendance at hearings will be pre-approved.

You can view the revised policy in the legal aid Grants Handbook on page 48 [here](#).

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## Legal Aid flowcharts

In November 2015, we sent an online survey to 1,300 customers who had received legal aid for a family case within the previous 12 months, and received almost 140 responses.

Although this was a relatively small sample, the findings provided us with insights about ways to improve our services.

To address one of the findings from the survey we have developed flowcharts depicting the process of getting legal aid for criminal and family or civil matters. You can now view these on our [website](#).

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## Processing of duty lawyer and police detention legal assistance (PDLA) tax invoices

As a result of the recent changes to the administration of legal aid, all duty lawyer tax invoices (PDS and non PDS courts) and PDLA tax invoices should now be emailed to [duty.lawyer@justice.govt.nz](mailto:duty.lawyer@justice.govt.nz) or posted to SX10146 Wellington for processing.

### *Changes to the duty lawyer tax invoice form*

There is now more space to write your name and a reminder has been added at the bottom of the form advising information that cannot be read will not be processed.

We also again remind duty lawyers; when you are completing your *Duty Lawyer Attendance – Tax Invoice* form to ensure that:

- your writing on the invoice form is legible
- the time format is used consistently – either using minutes or hours
- your invoice is signed and counter signed by the court registrar or a PDS supervisor, where applicable

- your GST number is included, if applicable
- the name of the court is included on the invoice, if it is not already included on the form
- only one copy of the invoice is sent – we do not require a physical copy of an invoice if it has previously been emailed to us.

For more information see the [Duty lawyer service – Operational policy](#).

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## **Retaining proceeds of proceedings for legal aid costs**

This is a reminder that where proceeds of proceedings are received, repayment of the total costs of services may be required, regardless of the 'prescribed repayment amount'. Providers are required to protect the Commissioner's interests in relation to charges and proceeds of proceedings under section 107 of the Legal Services Act 2011. As such, it is important that sufficient proceeds are retained for repayment of legal aid costs. The updated [Practice Standards for Legal Aid Providers](#) set out in Standard 24 what we expect lawyers to do.

Please also ensure that your clients understand their repayment obligations.

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## **Queries?**

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