

Ministry of Justice Legal Aid Review

The Ministry of Justice is currently undertaking its triennial review of the legal aid policy settings. The Ministry has advised that the “scope of this year’s review will be a targeted regulatory review with narrow legislative changes and a wider access to justice component.” The review will focus largely on policy settings in the Legal Services Regulations 2011 and Legal Services (Quality Assurance) Regulations 2011. Further information on the scope of the review can be found **below**.

Information on forums

The Ministry would like to hear from legal aid lawyers on the issues you are experiencing with legal aid and how these issues could be addressed to help inform an initial issues papers and to scope options that will form the basis of a report to the Minister of Justice.

To assist with gathering this information, the Ministry welcomes lawyers to provide feedback to Ministry representatives at forums held at Law Society branches in Auckland, Hamilton, Wellington and Christchurch. Please ensure you RSVP as space is limited. It is appreciated that not all lawyers will be able to attend a forum in person. If you are unable to attend this initial discussion, please note there will be further opportunity to provide feedback at a later stage. You are also welcome to provide any written feedback directly to the New Zealand Law Society via amanda.frank@lawsociety.org.nz or alternatively you can email the Review team via Judith Pryor, Principal Advisor, Access to Justice, Judith.Pryor@justice.govt.nz.

Details of the forums and how to rsvp are as follows:

Auckland – Monday 6 August 2018 – Level 12, WHK Tower, 51 Shortland Street, Auckland

Civil session (including ACC and refugee):	10am – 12pm
Family session:	1pm – 3pm
Criminal session:	3.30pm – 5.30pm

If you would like to attend a forum in Auckland, please RSVP [here](#).

Hamilton – Tuesday 7 August 2018 – Ground Floor, 109 Anglesea Street, Hamilton

Civil and family session:	10.30am – 12.30pm
Criminal session:	3.30pm – 5.30pm

If you would like to attend a forum in Hamilton please email Natala.McBeath@lawsociety.org.nz with your name and confirmation of your preferred session time.

Christchurch – Wednesday 8 August 2018 – 307 Durham Street, Christchurch

Civil and family session:	10.30am – 12.30pm
Criminal session:	3.30pm – 5.30pm

If you would like to attend a forum in Christchurch, please email Zylpha.kovacs@lawsociety.org.nz with your name and confirmation of your preferred session time.

Wellington – Tuesday 14 August 2018 – Level 8, Boardroom, Law Society Building, 26 Waring Taylor Street, Wellington

Civil and family session: 10.30am – 12.30pm

Criminal session: 3.30pm – 5.30pm

If you would like to attend a forum in Wellington, please RSVP [here](#).

Background to the review

Purpose

1. The Ministry of Justice is currently undertaking a review of the legal aid policy settings (the review). This is the first three-yearly Cabinet-mandated review, with a report to be provided to the Minister of Justice in October 2018. The report must include advice on whether the legal aid policy settings should be adjusted.
2. The October deadline ensures any decisions can inform the 2019 Budget process.

Scope

3. Minister Little has decided the scope of this year's review will be a targeted regulatory review with narrow legislative changes and a wider access to justice component. The review will focus largely on policy settings in the Legal Services Regulations 2011 and Legal Services (Quality Assurance) Regulations 2011.
4. This scope limits what kinds of things we can include in the report and means some issues raised may not be able to be addressed as part of the review. We can, however, signal in the report wider access to justice issues that could form the basis of future work.

Timeframes

- **July – August 2018:** The Ministry is information-gathering, talking to government agencies and other stakeholders to inform issues papers and to scope options that will form the basis of the report.
- **September – October 2018:** The Ministry will develop options and provide the report and a briefing to the Minister of Justice.
- **November 2018 – May 2019:** Ministerial decisions and Budget processes. Any resulting regulatory and legislative changes are expected to be implemented through to mid-2020.

Forums with the profession

5. We are looking forward to engaging with the profession in forums across the country in August 2018. We would like to hear your views on the issues you are experiencing with legal aid and how these issues could be addressed.
6. In particular, we seek your views on the following areas within scope of the review:

Regulatory

- Eligibility for legal aid and the application process
- Legal aid debt and repayment
- Matters relating to contracting and quality assurance of legal aid lawyers

Legislative

- Allowing interim granting in Waitangi Tribunal proceedings
- Allowing deduction notices to be placed on pre-2013 legal aid debt
- Aligning the language used across the Legal Services Act 2011