

LEGAL AID NEWS

February 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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Practice Standards for Legal Aid Providers

We have amended the [Practice Standards for Legal Aid Providers](#) to reference changes to legislation under the Judicature Modernisation Bill. Standard 1.4 has been updated. The new practice standards are now dated February 2017.

Update on changes to the administration of legal aid

In March 2017, our Christchurch legal aid office will close and all work managed in that office will be transferred to our Wellington office. The first tranche will transfer on 27 February 2017, namely **new Criminal Legal Aid applications**.

All active criminal cases will continue to be managed by our Christchurch office until 20 March 2017; any remaining active criminal files for Christchurch will be transferred at this time. Contacts details for our Wellington office are:

Email: wellington.legalaid@justice.govt.nz
Phone: (04) 472 9040 or 0800 253 425
Postal Address: SX10146

Urgent opposed bail applications

We want to ensure that the service you receive from us continues to meet agreed service levels and the above applications are dealt with as soon as possible. In order for us to do this please follow the process below when sending the application:

- Email application with subject heading – **Urgent opposed bail application**
- Date of hearing and CRN numbers should be listed
- The application **must** include the customer and, if applicable, their partner's income details (salary or benefit details, employer's name or type of benefit)
- The application **must** include whether the customer has control of a trust and/or interest in property (please include property address and market value)

If you have any questions in relation to any of this information please do not hesitate to contact the legal aid office 0800 2 LEGAL AID.

Repayment of legal aid for domestic violence proceedings

An applicant for a protection order in domestic violence proceedings is exempt from the requirement to repay their legal aid unless there are exceptional circumstances. For example repayment is required where the applicant has substantial equity in their property of more than \$500k.

If the domestic violence proceedings are joined with additional matters such as Care of Children Act or Children, Young Persons and their Families Act proceedings then repayment of the legal aid for the additional matters may be required, but only from the time the additional matters separate from the domestic violence proceedings.

When you submit your invoice, you must inform the legal aid office when the domestic violence proceedings were disposed of or the additional matters were separated off. Please also identify which fixed fees, other activities or disbursements for the additional matters were completed before the domestic violence proceedings were disposed of or the additional matters were separated from them. This information may affect the amount your client will have to repay.

Specialist report defined

Fees for considering a specialist report are included in the fee schedules for Care of Children Act and Children, Young Persons, and their Families Act matters. In Care of Children Act matters the specialist report fixed fee is for considering a report requested by the Court under sections 132 or 133, or a Judge directed lawyer for child report. In Children, Young Persons, and their Families Act matters the specialist report fixed fee is for considering a report requested by the Court under sections 178, 186 or 187, or a Judge directed lawyer for child report. When claiming the specialist report fee, providers should submit with their invoice information about the type of specialist report they are claiming for.

There may be multiple other types of reports that lawyers need to consider and report on to their clients. However, these tasks in relation to reports not defined as specialist reports are covered within the existing fees (eg pre-hearing matters). If the relevant fee is shown to be inadequate for a particular activity, an amendment to the legal aid grant may be sought.

Refugee and protected person proceedings steps

New proceedings steps for refugee and protected person matters apply from 6 March 2017. The [new steps](#) ensure that the administration of refugee matters is streamlined and the proceedings steps align with the requirements of the Refugee Status Branch (RSB). All preparation work will now be made available in one step. This change will increase flexibility in how providers may claim for work done. It is also expected to result in fewer circumstances where an amendment to grant request is necessary.

There is no change to the proceedings steps for Immigration and Protection Tribunal matters.

Queries?

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

Refugee and protected persons proceedings steps

Refugee and protected persons March 2017

Refugee and protection status - application

Activity	Guideline Hours	Tasks normally covered by guideline hours
Preparation and reporting to client	up to 25 hours	<p>For (with the assistance of an interpreter if necessary):</p> <ul style="list-style-type: none"> • Take initial instructions • Identify whether personal account is prima facie evidence within the Refugee Convention (United Nations Convention Relating to the Status of Refugees, and the Protocol Relating to the Status of Refugees) • Determine whether, prima facie grounds are available in relation to the 'Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment' and/or the 'International Covenant on Civil and Political Rights' • Prepare and engross formal application • Arrange for personal account and all documents to be lodged in support translated into English by a duly certified translator • Lodge documents with Refugee Status Branch (RSB) with covering synopsis of claim <p>For interview:</p> <ul style="list-style-type: none"> • Draft submissions • Collate evidence • Attend on applicant with interpreter to brief applicant in readiness for interview • Reporting to and invoicing Legal Aid <p>For post-interview follow up</p> <ul style="list-style-type: none"> • Reviewing RSB Officer's report • Attend on applicant with interpreter if necessary to take instructions on interview report to answer additional information sought • Attend on applicant with interpreter if necessary to

		examine decision and advise <ul style="list-style-type: none"> • Draft responses to any questions raised by the interview • Provide further evidence.
Interview time	Actual interview time	For attending interview with applicant.

Documentation Requirements

Application for Civil Legal Aid (*LA Form 5*)

Civil Legal Aid Amendment to Grant (*LA Form 19*)

Civil Legal Aid Tax Invoice (*LA Form 20*)

Granting Notes

If more than 25 hours is requested for **preparation and reporting to client**, the file may be referred to a specialist adviser for a recommendation.

Actual interpreter/translator disbursements up to a maximum of \$1200 plus GST are pre-approved.

Prior approval must be sought on civil legal aid amendment to grant (*LA Form 19*) for interpreter/translator disbursements in excess of \$1200 plus GST.

Prior approval must be sought on civil legal aid amendment to grant (*LA Form 19*) for disbursements for Istanbul Protocol reports (Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and psychiatrist reports.