

Contents

Legal Services Amendment Act 2006

Immigration education kit launched

Global grant field test

Legal Aid Remuneration

PDS Update

Review of initial criminal legal services

Planning for a pandemic

LARP update

Legal Services Amendment Act 2006

Royal assent has been given to the Legal Services Amendment Act 2006, and the Agency is working to a proposed implementation date of 1 March 2007.

The Act and its associated Regulations make changes to increase access to legal aid for people with limited financial means. The Agency project team has continued to develop drafts of the policies and processes that will support implementation of these changes, and management of debt where repayments of grants are required. The emphasis is on ensuring that the Agency is responsive to lawyers and their clients. Consultation will occur on the draft policies and processes.

The Agency will require more staff to manage the increase in grants to the wider pool of eligible persons, and regional office

accommodation requirements have been reviewed. This may lead to a number of offices changing premises, while others may occupy more space in their present locations.

An assessment is being made of the impact of increased granting on provider availability, to ensure that people seeking legal aid can find a lawyer in their area.

The Agency expects to have its new procedures and systems designed by December 2006, with training of providers and Agency staff occurring in the first quarter of 2007.

For a summary of the new changes included in the Act, please refer to the separate insert entitled *Legal Services Amendment Act 2006 - Overview*.

Law-related education kit launched



From left to right: Tim Bannatyne (Chief Executive), Marcus Pawson (Legal Writer), Janine McIntosh (Senior Education & Development Adviser) and Hon Clayton Cosgrove

Immigration

Hon Clayton Cosgrove, Associate Minister of Justice and Associate Minister of Immigration, launched the Agency's law-related education kit on Immigration in Wellington on 5 April.

The kit is the fourth in an on-going series, which includes

- Enduring Power of Attorney
- Legal Aid and other legal assistance
- Domestic Violence and Harassment Acts

The immigration kit is aimed at people who will be supporting those with immigration law issues. It is presented in modular

format covering an overview of immigration law; visas; temporary permits; residence; unlawful status and removal from NZ; deportation; and, refugees. The kit includes a facilitator's guide, information and activity sheets and PowerPoint presentation material.

There have been introductory sessions for the kit in central and south Auckland as well as a half-day training session in Wellington on 18 May. Co-ordinators and trainers from community law centres, Citizens Advice Bureaux and Refugee and Migrant Services have been invited to these sessions.

To order a kit or for further information on kit sessions or the Agency's LRE programme, email Dinah.Vincent@lsa.govt.nz.

Accident Compensation

The Agency has also developed the content of a kit on accident compensation law to support the delivery of quality educational and advocacy services for ACC claimants and the general public.

The content was recently trialled by Maori Legal Services Te Ture Manaaki o Rehua in Christchurch and by Whitireia Community Law Centre in Porirua City. The resource will be ready for production as soon as the Agency and the Accident Compensation Corporation have signed off changes made in response to the trial feedback.

Global grant field test

The global grant field test, which commenced in February, is progressing well. There are twenty-four firms from different parts of the country participating in the test. This equates to 72 providers of varying experience levels and a range of small to larger firms for balanced coverage.

As at 24 March, we have 140 files in the test and 47 pro forma invoice claims. Since most files are at the initial pre-proceeding advice and negotiation stage, it is too early to draw any conclusions. However, feedback reflects that the test group is still open to exploring the concept. We have also received some constructive feedback on casework undertaken and where there potentially needs to be menu item modification or service delivery description clarification for making a claim.

During the test, the objective is to monitor and measure whether:

- standard cases of family legal aid can be managed in the global grant menus

- the rules are clear and understandable as to what can be claimed and paid
- whether the total legal aid expenditure across all of the global grants remains the same as granting-by steps
- whether there is a reduction in administrative amendments and time required to process claims, creating administrative savings for both providers and the Agency.

For further information

Information on the global grant concept, including field test procedures and sample questionnaires are available on the Agency's website (www.lsa.govt.nz). Comments on the proposal are welcome at any time throughout the life of the test and may be sent to info@lsa.govt.nz.

Legal Aid Remuneration

The rates of remuneration for legal aid lawyers is a matter that has been the subject of comment publicly. The Legal Services Amendment Act 2006 (please see separate update) includes a new function for the Agency, whereby we must from time to time review the rates of payment in respect of legal aid services provided by listed providers on a contract for services.

The Hon Mark Burton, Minister of Justice, has stated that that Ministry and LSA officials will consult with the Law Society when

any review is undertaken, noting that this may be timely following implementation of the Amendment Act, expected in early 2007.

A copy of the Minister's release concerning the Amendment Act is available at <http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=25332>

Public Defence Service Pilot (PDS) Update

Since the opening of the Public Defence Service Pilot (PDS) on 3 May 2004 until 28 April 2006, the PDS has undertaken a total of 4,572 cases in all four criminal proceedings categories. This represents 25% of all available assignments at the Auckland Court and 26% of all available assignments at the Manukau Court, the balance being taken up by private providers.

The above total of assignments to the PDS comprise 2,412 assignments in the Auckland Court and 2,160 in the Manukau Court. Of these, 394 in the Auckland Court and 229 in the

Manukau Court were PDS preferred lawyer assignments. Of the on rotation assignments to the PDS, a total of 2,018 were made in the Auckland Court and 1,931 in the Manukau Court.

In this period, 44% of assignments in the Auckland Court and 53% of assignments in the Manukau Court were available on rotation.

Details regarding the assignment numbers and percentages can be found on the Agency website www.lsa.govt.nz.

Review of initial criminal legal services

Administrative changes to the Duty Solicitor Scheme to be tested

In November 2005 LSA News outlined the Agency's review of initial criminal legal services and signalled that it was looking at trialling improvements to the administration of the duty solicitor scheme in some courts.

A project has now been established to test a number of the review report's recommendations concerning the operation of the scheme. Three courts have been selected for initial testing of the proposed changes. In order of implementation they are the Waitakere, Auckland and Wellington District Courts. Planning for the testing at Waitakere is now well underway.

On 31 March 2006 the Agency notified interested parties, including all Auckland and Wellington area duty lawyers and criminal providers, about the tests. This was by way of a letter and information sheet entitled Testing Administrative Changes to the Duty Solicitor Scheme.

Project overview

Testing is expected to commence at the Waitakere court during June 2006 and continue across remaining test courts throughout the second half of 2006. Following the testing there will be national consultation on best practice, and staged implementation of changes across remaining courts. Decisions on best practice are expected by late 2006, with national implementation commencing in 2007.

Proposals for testing include:

- introducing the status of 'duty lawyer trainee'
- providing court-based induction programmes for trainees
- establishing duty lawyer supervisor positions with defined roles and responsibilities
- introducing changes to rostering practice, including rules around

Police Detention Legal Assistance Scheme Improvement Project

As part of its review of initial criminal legal services, the Agency has also established a project to develop options to improve the operation of the Police Detention Legal Assistance (PDLA) scheme. The PDLA scheme provides access to free legal advice for people being detained or questioned by Police when they have the right to consult a lawyer. The LSA provides the Police with lists or rosters of lawyers who are approved providers of the service for the people being detained or questioned to access, if they wish to seek advice under the scheme.

Consultation as part of the stage one review of initial criminal legal services identified a number of suggestions for improvement to the scheme¹. The New Zealand Law Society's Legal Services and Criminal Law Committees have provided feedback on these as part of their response to the initial report.

the optimum number and mix of providers on rosters, and team-based rostering

- 'de-linking' participation on a duty lawyer roster and eligibility for category 1 & 2 rotation assignments
- amending duty lawyer contracts and Agency instructions to provide greater clarity around Agency expectations of duty lawyers
- amending current procedures for assisting applicants to complete legal aid application forms.

For further project information visit our website at www.lsa.govt.nz/

Click the Quicklink button *Initial Criminal Legal Services* for links to:

- Report - *Review of Initial Criminal Legal Services: Stage One final report (September 2005)*
- Information sheet - *Testing Administrative Changes to the Duty Solicitor Scheme*

Printed copies of the information sheet are available through info@lsa.govt.nz

Providers to participate in test court stakeholder groups

Local court stakeholder groups are being established for each test court and will generally include New Zealand Law Society and District Law Society representatives, duty lawyer and criminal legal aid provider representatives, Grants regional staff, Courts staff and representatives from Police and Corrections. Judges at the test courts will also be consulted.

The role of the stakeholder groups will be to provide feedback to the Agency on details of the proposed changes, to agree an implementation plan and oversee implementation of the tests. Consultation with stakeholder groups will be ongoing and they will participate in final decisions on implementation.

The second stage of the project now underway is assessing possible improvements in the administration of the scheme and the Project Manager, Angela Cook, has been discussing the operation of the scheme with a number of lawyers who provide the service, as well as Police and LSA staff. Formal consultation with the New Zealand Law Society would take place before any final decisions on changes to the administration of the scheme are made.

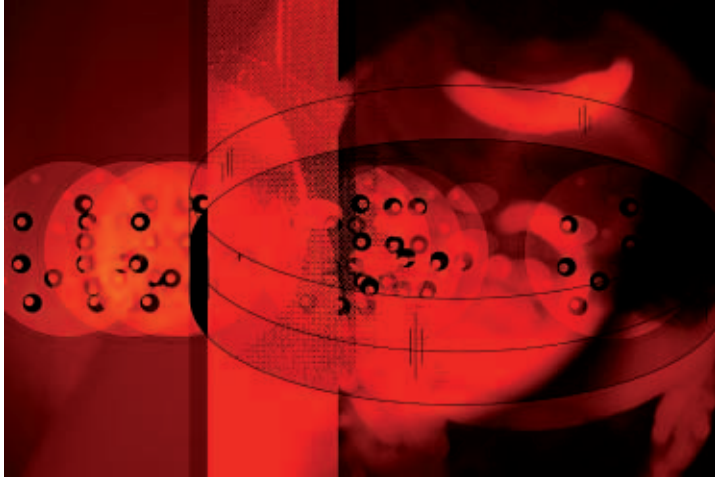
One of the known issues with the scheme is the difficulty in getting in touch with a lawyer². The Agency is concerned that if rostered lawyers are not available difficulties in access are exacerbated.

If you have any comments about the PDLA scheme, please contact [Angela Cook, angela.cook@lsa.govt.nz](mailto:angela.cook@lsa.govt.nz).

1. See shaded box above for website access to the report from the stage one review.

2. The Agency has received a number of complaints from the Police about eligible persons not being able to contact rostered PDLA lawyers. The Courts have also been required to consider the implications for cases when efforts to contact a lawyer are abandoned.

Planning for a pandemic



Recently, you may have seen or become aware of extensive media coverage concerning outbreaks of avian influenza (bird flu) in a number of Asian and south eastern European countries.

Health experts and governments around the world are concerned that this flu virus (that currently affects birds) could change into a virus that may be transferred from person to person. If this happened, the new virus could spread rapidly around the world creating a pandemic. The Government is encouraging all

organisations to give consideration to the impact of a pandemic on their operations, and the health and safety of their staff and clients.

The Agency has formed a working group to consider the implications of a possible pandemic and is also working with the Ministry of Justice, Police and other justice sector organisations to develop a sector-wide pandemic strategy.

In addition the Agency is developing an approach to ensure the continuation of essential services. This includes:

- identifying potential provider supply issues – including consideration of provider location and numbers across the country (for criminal and family matters)
- a review of granting procedures for priority cases and reduced court operations
- developing options for remote servicing of infected or quarantined areas.

If you would like to find out more about this issue and how to reduce the risk of infection in your own workplace please see the Ministry of Health website: www.moh.govt.nz.

Auckland Legal Aid Seminar

On the 3rd of April, the Legal Services Agency in conjunction with the Auckland District Law Society held a 4-hour seminar for practitioners with all levels of experience in legal aid work. The aim was to provide practical guidance on working with the Agency on legal aid, specific procedures that practitioners need to be aware of, and the application of legislative provisions.

Eighty practitioners attended and after the plenary gathering, which addressed areas of common interest such as the general

policy and operational environment and the changes with the Legal Services Amendment Act 2006, concurrent sessions on criminal, civil and family legal aid were held. They were led by both Agency staff and experienced practitioners.

Feedback from participants was very positive and the initiative is one that the Agency intends to undertake nationally. Shortly the presentation matter used will also be available on the Agency's website.

LARP update

Of the 39 decisions made by the Legal Aid Review Panel in February and March 2006, 21 (54%) upheld the Agency decision, 4 (10%) reversed the Agency decision, 11 (28%) decisions directed the Agency to reconsider its decision, and 3 (8%) were for other reasons. In February and March, 35 (90%) of the 39 decisions were requested

by the legally aided person, and 4 (10%) by the provider. 19 (49%) decisions related to an Agency decision to decline a grant of aid, 12 (31%) decisions related the amount of legal aid granted, 4 (10%) decisions related to contributions and charges, 2 (5%) decisions related to the withdrawal of aid, and 2 (5%) decisions were for other reasons.

