



Part 1 – Introduction to Grants

Introduction to Grants policies and procedures.....	2
Purpose of this section.....	2
Legal Services Act 2000	2
Legal Services Amendment Act 2006.....	3
Where to send applications.....	3

Introduction to Grants policies and procedures

Purpose of this section

The purpose of the Grants section of the Legal aid provider manual is to detail the service delivery practices that staff are required to follow and to give providers sufficient information to ensure compliance with the Agency' policies and procedures.

As far as possible, the Grants section resembles the Grants legal aid manual used by Agency staff. The main differences are that the following instructions to staff do not appear in this manual:

- Data entry in LA Office
- General administrative and file management procedures (e.g., banking, file destruction dates)
- How to assemble rosters (PDLA and Duty Solicitor)
- Locating letters and other resources on the Agency's Intranet.

The Agency is committed to ensuring that all applications and related legal aid matters are dealt with in a consistent, timely and professional manner. The practices detailed in the manual will assist in achieving this. The instructions in the manual are mandatory for all staff and providers.

Legal Services Act 2000

The Legal Services Act, passed in October 2000, established the Legal Services Agency on February 1, 2001.

The key points of the Act are:

1. The purpose of the Legal Services Agency as defined in s3 is to promote access to justice by -
 - Providing a legal aid scheme that assists people who have insufficient means to pay for legal services to nonetheless have access to them,
 - providing other means of legal assistance; and
 - supporting community legal services by funding community law centres, education and research."
2. The Act provides for Agency staff to determine all applications for legal aid from 1 February 2001.
3. Individuals must be on a legal service list (the "Provider List") in order to provide legal services under the Act. Individuals must apply to the Agency to be on the Provider List.

4. There is a provision to allow for an aided person or applicant for legal aid who does not agree with an Agency decision, to apply to have that decision reconsidered.
5. A Legal Aid Review Panel (LARP) independent of the Agency has been established. Reviews will be considered by up to 3 panel members. An aided person or applicant for legal aid may apply to the panel for a review of an Agency decision, and a listed provider may seek a review on remuneration. See below for further information.

Legal Services Amendment Act 2006

The Legal Services Amendment Act 2006 came into force on 1 March 2007. The amendment act introduced a range of changes to the administration of the legal aid scheme.

1. The Agency has a new function under the Act and must now from time to time review provider remuneration.
2. New financial eligibility thresholds have been set. Maximum gross income thresholds have been set to reflect the size and composition of families.
3. The means assessment for civil/family and criminal cases:
 - Is based on gross annual income and disposable capital.
 - Includes benefits as disposable income.
 - No longer involves an assessment of expenditure.
4. More legally aided people will be required to repay some or all of their grant of legal aid. Most repayments will be based on the income of the aided person. It is expected that payments will start when aid is granted.
5. The \$50 initial contribution is no longer required in civil/family cases.
6. The interests of justice test for criminal cases will be met for offences with a statutory sentence of 6 months imprisonment. Where the sentence is less than 6 months, the Agency must consider a number of factors specified in the Act and determine whether the weight of these factors requires aid to be granted.
7. The prospects of success test no longer applies to most family matters.

Where to send applications

1. The Agency's twelve Legal aid offices process legal aid applications and make granting decisions. Each office has Grants Officers who assess applications based on the eligibility criteria outlined in this manual and decide on grants of legal aid using the Agency's proceedings steps. Grants Officers are supported by a national team of specialist advisers, who are all experienced senior lawyers.
2. All offices assess applications for criminal and family, including mental health. With the increase in staff and resizing of office accommodation in preparation for the Amendment Act taking effect, the Agency has taken the opportunity to shift management of some work between offices as follows:

- All ACC and employment files are now being managed by the Christchurch office
- All Gisborne legal aid files move from Rotorua to Napier
- Half of the Civil (other) files will be managed by the Rotorua office from 1 February 2007. Rotorua will manage files from the Central North Island northward (i.e. all client files from area with telephone codes 07 and 09)
- The Wellington office will continue to manage Civil (other) files from the South Island and lower North Island (i.e. all client files from areas with telephone codes 03, 05 and 06)

3. The table below outlines the distribution of work:

Types of Proceedings Covered by each LSA Office	
Office	Type of Proceedings
Whangarei	<i>Family; Criminal</i>
Auckland (Takapuna)	<i>Family; Criminal</i>
Manukau	<i>Family; Criminal</i> <i>Applications for proceedings relating to Refugee status</i>
Waitakere	<i>Family; Criminal</i>
Hamilton	<i>Family; Criminal</i>
Rotorua	<i>Family; Criminal</i> <i>Civil (non-Family) applications from areas with telephone codes 09 or 07</i>
Napier	<i>Family; Criminal</i>
New Plymouth	<i>Family; Criminal</i>
Wellington	<i>Family; Criminal</i> <i>Court of Appeal</i> <i>Supreme Court</i> <i>Civil (non-Family) applications from areas with telephone codes 06, 04 or 03</i> <i>Waitangi Tribunal</i>
Christchurch	<i>Family; Criminal</i> <i>ACC; Employment</i>

Types of Proceedings Covered by each LSA Office	
Office	Type of Proceedings
Dunedin	<i>Family; Criminal</i>
Invercargill	<i>Family; Criminal</i>