

## November Legal Aid News

### Restorative justice legislative changes

The Victims of Crime Reform legislation comes into effect on 6 December. The legislation will, among other things, make restorative justice services more accessible to victims of crime by introducing amendments to the Sentencing Act 2002 and the Victims' Rights Act 2002.

From 6 December judges will be legally required to adjourn cases for an investigation into restorative justice where certain criteria are met. In particular, cases **must** be adjourned if all the following criteria are met:

- An offender appears before a District Court at any time before sentencing;
- The offender has pleaded guilty to the offence;
- There are one or more victims of the offence;
- No restorative justice process has previously occurred in relation to the offending; and
- The registrar has informed the court that an appropriate restorative justice process can be accessed.

Where possible, lawyers should canvas a defendant's willingness to consider restorative justice before entering a guilty plea. If a defendant is unwilling to participate in restorative justice lawyers should inform the Registrar prior to the case being called before a judge.

Growing evidence suggests restorative justice is effective for all types of crime, particularly serious crime.<sup>1</sup> Offenders that participate in restorative justice get the chance to repair some of the harm caused by their offending and are less likely to reoffend.

If you require more information on referrals to restorative justice contact the Registry or your local restorative justice provider.

### Review of criminal legal aid fixed fees – operational policy changes

As you know, we're currently seeking your thoughts and ideas for our review of criminal legal aid fixed fees. The outcomes of that review won't be known in full for a few months, but we've already started making some operational policy changes in response to your feedback.

You can see details of these immediate changes here [review-of-criminal-legal-aid-fixed-fees-operational-policy-changes](#). These steps address some of the issues highlighted so far during the review of criminal fixed fees. They include the introduction of new procedures to ensure a more even division of 'urgent (same day) cases' in courts where both PDS and private legal aid providers operate side-by-side.

These changes are not the end of the story. There may be other operational policy changes which the Acting Legal Services Commissioner will recommend when she releases her decisions about the criminal fixed fees in around March 2015. So keep those submissions coming – as we are listening.

If you haven't made a submission for the review, and would like to, please email your feedback to [angela.yeoman@justice.govt.nz](mailto:angela.yeoman@justice.govt.nz). Submissions close on 12 December 2014

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## **Provider payments over December - February**

Due to when public holidays fall over the December – February period, we've had to make a few adjustments to some of our payment dates as a result of changes in business hours. They are:

**December** - Legal aid payments to providers will occur as usual on Monday, 22 Dec 2014. The payments normally scheduled for Wednesday, 24 December will be brought forward to Tuesday, 23 December and will include all payments approved up to 5pm on Monday, 22 December.

As there is normally a last minute rush of invoices received just before Christmas, please try to send these in as early as possible to allow time for approval and processing before the Christmas close-down.

The Ministry of Justice National Office is closed from 25 December 2014 to 4 January 2015 so no payments will be made during this period.

**January** - Normal payment runs on a Monday, Wednesday and Friday will resume from Monday, 5 January 2015. However, Monday, 19 January is Wellington Anniversary Day and no payment will be made on that day. Instead, a payment run will be made on Tuesday, 20 January.

**February** - Friday, 6 February is Waitangi Day and no payments will be made on that day. In its place a payment run will be processed on Thursday, 5 February.

## **External Customer Survey March 2015**

In April and September last year we conducted a telephone survey with PDS users to gauge the overall level of client satisfaction with PDS and Legal Aid Services. Overall, the results were very positive and the great majority of legal aid customers were satisfied.

We're now planning another survey in March next year, this time of criminal legal aid clients of private providers. We hope to speak to around 100 legal aid customers and all responses will be private and confidential. We will publish the findings after we've finished analysing them.

## **0800 2 LEGAL AID**

Legal Aid Services has launched an 0800 number to support legal aid lawyers and customers. 0800 2 LEGAL AID (253425) is an exciting next step towards achieving Ministry aims to improve the accessibility, coverage and consistency of Legal Aid Services.

The number can be used as a first port of call for any type of legal aid query. Calls will be answered by legal aid staff in the Wellington office during office hours of 8am to 5pm Monday to Friday. The number is toll free for both landlines and mobiles.

### **Provider Services transferring to Legal Aid Services**

On 1 December 2014, the management of the Provider Services team was transferred from the Provider and Community Services unit to the Legal Aid Services unit to allow for better information flows between the legal aid grants offices and Provider Services, who are responsible for provider quality assurance. It also means that all legal aid related teams are managed by one business unit. All contact details regarding legal aid approvals and the quality assurance framework, including complaint investigations, will remain the same.