



# Provider Manual

for legal aid providers

Ministry of Justice

July 2020

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# Introduction



## Welcome

Welcome to legal aid. We're glad you've joined us.

Legal aid is an important part of New Zealand's justice system. It helps people to resolve legal problems that may go to court and makes sure that people are not denied justice because they can't afford a lawyer.

This guide provides useful information for legal aid providers navigating the Ministry of Justice's (Ministry) legal aid policies and processes.

We're always happy to help - if you have a question please call us on (04) 466 0666 or send us an email ([legalaidprovider@justice.govt.nz](mailto:legalaidprovider@justice.govt.nz)).

## Our terminology

In this handbook, we use terms that are common across legal aid services, but which may be unfamiliar to you.

We have provided a [glossary](#) at the end of this manual to help you navigate these terms.

# Legislative background and decision-makers



## The Legal Services Act 2011 and related regulations

The Legal Services Act 2011 (Act) came into force on 1 July 2011 and disestablished the Legal Services Agency. It established the Secretary for Justice's (Secretary) responsibilities for legal aid and established the independent role of the Legal Services Commissioner (Commissioner) in relation to granting legal aid.

The following regulations were also made to support the operation of the Act:

- the Legal Services Regulations 2011, which set out specific eligibility criteria for grants of legal aid, and
- the Legal Services (Quality Assurance) Regulations 2011 (Regulations), which set the experience and competency requirements for legal aid providers.

## Legal Services Commissioner

The functions of the Commissioner are to:

- grant legal aid in accordance with the Act and the regulations
- determine legal aid repayments
- assign a legal aid provider to a person granted legal aid
- oversee the conduct of proceedings by, and performance of, salaried lawyers (i.e. the Public Defence Service).

The Commissioner is independent of the Executive (the government of the day) and the Secretary when making decisions about individual grants of legal aid.

## Secretary for Justice

The Secretary is responsible for establishing, maintaining and purchasing high-quality legal services, which includes:

- making decisions about approving legal aid providers, and
- monitoring the quality of legal aid providers through the quality assurance framework, for example, by conducting audits of legal aid providers and investigating complaints.

## Legal aid officials

The Commissioner delegates authority to make decisions about a person's legal aid eligibility and repayments to Ministry legal aid granting officials:

- Grants officers are responsible for managing and making decisions on applications for legal aid. They also receive and process all legal aid provider invoices.
- Debt management officials administer and collect all legal aid debts. They also assist with queries about repayment obligations, securities for legal aid debts and write-off applications.

The legal aid granting officials are supported by a team of experienced litigation lawyers (Senior Advisors, Legal Aid) who provide specialist advice on aspects of eligibility for legal aid, the amount of aid to be granted, conditions of a grant, debt (including write-offs and charges) and the withdrawal of aid.

The Senior Advisors also provide the Commissioner with legal and policy advice, and conduct examinations of claims or parts of claims on behalf of the Commissioner if:

- a legally aided person has requested an examination
- the claims, or parts of claims, appear excessive
- the Commissioner receives information suggesting a provider has claimed payment for legal services that haven't been provided.

The Secretary delegates authority to make decisions on the approval and management of legal aid providers to managers in the Provider and Community Services group.

- The Provider Services team assist lawyers with applications to become legal aid providers, manage contracts, investigate complaints and carry out audits as part of the legal aid quality assurance framework.

# How to contact us



The contact details for legal aid can be found on the [Ministry website](#).

There are several different phone numbers and email addresses. Please direct your query to the relevant contact to help us respond as soon as possible.

If you have a general question about legal aid, please phone 0800 2 LEGAL AID (0800 253 425).

When emailing us, please make it as clear as possible what your email is about - use appropriate email subject headings and, where applicable, include the legal aid number (begins with LA xxxxxxxx).

## Queries about case allocations, specific cases or invoices

Please contact either the Auckland or Wellington legal aid office if your query is about a specific case or an invoice.

### Auckland legal aid office

The Auckland legal aid office is responsible for the management of criminal and family files for Northland and Auckland. They also manage refugee and immigration matters across all regions.

Email:

Criminal cases	AKLCriminallegalaid@justice.govt.nz;
Family law	AKLFamilylegalaid@justice.govt.nz
Civil cases	AKLCivillegalaid@justice.govt.nz

Phone: 0800 253 425

Postal Address: BX10660

### Wellington legal aid office

The Wellington legal aid office is responsible for the management of criminal and family files for all regions outside of Northland and Auckland.

The Wellington office also specialises in the following applications from all regions of New Zealand:

- civil grants of aid, including ACC and employment proceedings
- parole proceedings
- Waitangi Tribunal proceedings
- applications to the Court of Appeal and Supreme Court
- children worker's exemption appeals
- Public Protection Orders

- Victims' Orders against Violent Offenders
- historic abuse applications
- Family Protection Act cases
- Law Reform (Testamentary Promises) Act cases.

Email:

Criminal cases	WGNCriminallegalaid@justice.govt.nz
Family law	WGNFamilylegalaid@justice.govt.nz
Civil cases:	WGNCivillegalaid@justice.govt.nz
Waitangi Tribunal:	Waitangilegalaid@justice.govt.nz

Phone: 0800 253 425

Postal Address: SX10146

## Queries about legal aid debt management

If you have a question about a legal aid debt or security, please phone the Debt Management Group on 0800 600 090.

## Queries about being a legal aid provider

If you have a question about the contract for services, your approvals to carry out legal aid, your availability to accept legal aid assignments, any complaints about you we are investigating or the audit process please contact Provider Services by phone (04 466 0666) or email ([legalaidprovider@justice.govt.nz](mailto:legalaidprovider@justice.govt.nz)).

Please email Provider Services if you wish to:

- update your contact or personal details
- tell us of a material change to your service delivery systems
- increase your litigation experience level
- update your criminal case assignment list preference
- update your criminal case assignment availability
- go on leave for more than five days
- add or remove a supervisor from your supervised approval (you will need to provide us with an undertaking from your new supervisor and their name)
- no longer wish to provide legal aid services or are retiring.

If you wish to change your court cluster or assignment list preferences, please provide us with your name, nominated cluster, the individual courts within the cluster and the PALs you would like added or removed, and the date this is effective from.

If you wish to request a break from receiving assignments or no longer wish to provide legal aid services, please provide us with your name, the date you will be unavailable from, the date you will be available again (or a reason why you cannot provide a date), the reason for your unavailability, the approval(s) or assignment list preferences your request relates to and any files you need to have reassigned to another provider.

## Change of details

Please complete our [change of details form](#) and email this to [legalaidprovider@justice.govt.nz](mailto:legalaidprovider@justice.govt.nz) if you are:

- changing practice
- setting up a new practice
- changing to a Barrister sole, or
- transferring from the Public Defence Service to private practice.

You do not need to complete the change of details form to update your contact or personal details – please email us with this information ([legalaidprovider@justice.govt.nz](mailto:legalaidprovider@justice.govt.nz)).



# Providing legal aid



## Grants Handbook

The [Grants Handbook](#) is a useful resource that sets out our policies relating to legal aid in detail. Use the grants handbook to learn more about legal aid applications, eligibility, assignment, reassignments, fees, payments and more. We encourage you to read the Grants Handbook before you begin providing legal aid services.

## Applying for legal aid

People who meet the criteria in the Act and Legal Services Regulations 2011 can apply for a legal aid grant. Your client will need to fill in a legal aid application form and provide information to support their application. Application forms are available on the [Ministry website](#).

Please ensure legal aid applications include:

- the date of the hearing
- all criminal record numbers
- details of your client's, and any partner's, income
- whether your client has control of a trust and/or interest in property (if so, please include the address of the property and the market value of that property).

Legal aid is considered a loan, so your client may have to pay a user charge and/or repay their legal aid grant. More information on legal aid is available on the [Ministry website](#).

A grants officer will assess your client's application for legal aid, decide on their eligibility and advise your client of their decision by letter.

If you are nominated by the client as preferred counsel or you are assigned by one of the legal aid offices (criminal only), you will receive an email (with a letter attached) that sets out your client's contact details, their next court date (if applicable), the name of the managing Grants Officer, the maximum grant and any grant conditions such as charges and interim repayments.

Any debt obligations will be explained in this letter and you should take the time to discuss them with your client.

You can view an example of this letter in appendix 1.

# Increasing your litigation experience level



Litigation experience levels are only applicable to legal aid providers who have lead provider approval(s) and a contract with the Ministry. Litigation experience levels do not apply to:

- providers other than lead providers (i.e. supervised providers)
- employment advocates
- duty solicitors, or
- PDLA providers.

Litigation experience levels are used to calculate your rate of remuneration for non-fixed fee cases in the area of law you are approved for. There are three litigation experience levels:

- Level 1 – less than four years of litigation experience
- Level 2 – between four and nine years of litigation experience, and
- Level 3 – more than nine years of litigation experience.

Litigation experience is litigation work undertaken after admission to the bar and while holding a current practising certificate.

Types of legal work that the Ministry doesn't consider contributes toward litigation experience are:

Work type	Details
<b>General legal practice work</b>	Work that is predominately related to the drafting of trusts, wills, other types of commercial agreements, conveyancing work and acting only as an instructing solicitor <sup>1</sup> .
<b>Legal work where litigation is not undertaken</b>	Legal work such as an in-house legal adviser, law clerking, lecturing and working as a judge's research counsel or clerk.
<b>Non-legal work</b>	Some work has a legal element but for the Ministry's purposes is not litigation experience, for example policy advice.

The Ministry may consider other examples of litigation experience on a case by case basis.

## Litigation level increase

The onus is on you as a provider to seek an experience level increase once you meet the criteria for the next experience level.

If you believe you are eligible for an increase in your litigation experience level, please email the Provider Services team ([legalaidprovider@justice.govt.nz](mailto:legalaidprovider@justice.govt.nz)) and let us know your name, the

<sup>1</sup> This work can only be counted as litigation experience if it is carried out alongside advocacy in person, such as in court or in mediation.

experience level you are seeking approval in and the number of years of litigation experience you now have.

If you have a gap of more than three months in your experience, please let us know why you have this gap. If you think this gap should count as litigation experience, you must supply the Ministry with relevant additional information.

If you do not supply information about any gaps in your experience and we become aware of a gap or errors, we may adjust your litigation experience level to reflect your actual litigation experience and notify you accordingly.

We compare the information you send us with that held in our records. The Secretary will then either approve or decline your experience level increase. You will be advised of the outcome and given the chance to contest it if you wish.

## **Effective date of increase**

An increase to your experience level is effective from the date the Ministry approves your request.

# Quality assurance framework



Legal aid clients are entitled to receive a high standard of service from their legal aid provider. The Act provides for a quality assurance framework for legal aid to ensure:

- the service provided to legal aid clients is consistent across the entire country
- all clients receive an acceptable standard of service
- everyone can have confidence in the quality of services provided by legal aid providers
- all legal aid providers meet required standards of experience and competence and have the systems in place to meet their clients' needs.

## Contract and practice standards

You must comply with your legal aid contract and the Practice Standards set by the Secretary. The legal aid [Practice Standards](#) form part of the contract for service. These set out the minimum standards of service and conduct required of you.

While similar to the rules of conduct and client care for lawyers, the practice standards set out specific requirements for legal aid lawyers' responsibilities to clients, relationships with clients, conduct of legal aid cases and their dealings with others such as judges, experts, and court and Ministry staff.

## Checks and audits

Under section 91 of the Act, we undertake an annual audit programme of legal aid lawyers. This includes audits of private and Public Defence Service (PDS) legal aid lawyers. The audits ensure legal aid lawyers provide the required standards of quality and value when representing legal aid clients and are an important way of ensuring the public has confidence in legal aid services. The audits are also useful for identifying areas for improvement.

## Complaints and performance reviews

Complaints about legal aid providers can be made by clients or others. All complaints received must be assessed by our Complaints Investigator. The investigation of complaints may result in a range of outcomes including referral to our audit programme, the New Zealand Law Society or the Performance Review Committee.

# Expectations and professional obligations of legal aid providers

Legal aid providers must comply with:

- the Act, regulations made under the Act and other applicable laws
- relevant professional obligations, such as the [Lawyers and Conveyancers Act \(Lawyers: Conduct and Client Care\) Rules 2008](#)
- the Practice Standards issued by the Secretary
- relevant policies issued by the Secretary and the Commissioner, and
- the Provider Contract

Providers need to balance the needs and demands of their clients with their legislative and contractual responsibilities in respect of legal aid. In particular, legal aid providers must remember to:

- notify other parties and the Registrar of the relevant court if a client is legally aided in a civil proceeding (section 24 of the Act)
- keep the Commissioner informed of changes to the client's financial eligibility for aid and contact details (section 25 of the Act)
- protect the Commissioner's interests in relation to charges and proceeds of proceedings (section 107 of the Act).

# Cancellation of approval to provide legal aid



If your approval is cancelled, you can no longer provide legal aid services in that area(s) of law. You must cease providing legal aid services on the date the cancellation becomes effective.

## Types of cancellation

There are three types of cancellations:

- administrative cancellation
- cancellation due to inactivity, and
- quality and service cancellation.

### Administrative cancellation

This cancellation results if you do not meet the administrative requirements of the Act or Regulations. Examples of this type of cancellation are:

- you no longer hold a practicing certificate
- the approval was granted by mistake due to an administrative error
- you no longer meet the requirement(s) for approval in the Act or Regulations

Administrative cancellations are not referred to the Performance Review Committee (PRC). See below for more information about the PRC.

**Note:** You must disclose to the Ministry any information that might affect your continuing ability to meet the eligibility criteria set out in the Regulations.

### Cancellation due to inactivity

We do regular checks to identify any legal aid providers who have had a period of low or no legal aid activity.

If you are identified as having low or no legal aid activity, we will contact you in writing to ask if you still wish to retain your legal aid approval. You will have 20 working days to respond. If you do not respond, or if you tell us that you no longer wish to provide legal aid services in those area(s), the relevant approval(s) will be cancelled.

You are welcome to reapply for approval at any stage. If your approval(s) have been cancelled within the last 12 months, you can request to have your approvals reinstated. If your approval(s) were cancelled longer than 12 months ago, you will have to complete the full legal aid application process again.

## Quality and service cancellation

This cancellation results from issues with the quality and service that is being, or has been, provided to legally aided clients. This type of cancellation can arise if you (section 103 of the Act):

- give false or misleading information that leads to us granting approval or more favourable conditions than would otherwise have been imposed on your approval
- are unfit to practise – that is, if you are convicted of an offence punishable by imprisonment, the conviction reflects on your fitness to practise or brings your profession into disrepute
- take unauthorised payments from a legally aided person in relation to a legal aid matter
- are struck off the role by the New Zealand Lawyers and Conveyancers Disciplinary Tribunal, suspended from practice, have your employment terminated or are prohibited from employment by any practitioner or incorporated firm
- fail to comply with any provisions of the Act or Regulations that, if proven, would justify cancellation or modification of your approval
- breach acceptable standards, such as significant breaches of obligations, or a history of significant breaches identifiable through complaints management, auditing or quality assurance monitoring, or
- if the Secretary reasonably believes you have failed to comply with any conditions of your approval.

You must protect the Commissioner's interests in relation to charges and proceeds of proceedings. Your obligations include:

- taking all reasonable steps to protect the interests of the Commissioner under a charge in favour of the Commissioner in accordance with conditions on grants of legal aid or charges on proceeds of proceedings
- not doing anything that might affect the transfer of property subject to a charge in favour of the Commissioner, and
- advising the Commissioner if a legally aided person has avoided or tries to avoid making payments to the Commissioner from proceeds of proceedings.

Failure to comply with these obligations may result in cancellation of your approval and/or a deduction from any money owing to you.

## Cancellation process

We may refer very serious matters directly to the cancellation process. Otherwise you may be referred to the cancellation process as a result of:

- the complaints management process
- the audit process
- the quality assurance checking process, or
- decisions of other bodies, for example the New Zealand Law Society.

We conduct the cancellation process according to the principles of natural justice (fairness, transparency and consistency). We will assess information and provide decisions in a timely manner.

All cancellation matters are referred to the Secretary for a decision.

The Secretary may refer cancellation matters to the PRC. The PRC assesses the performance of a provider and provides a recommendation and reasoning to the Secretary.

The cancellation process has three stages:

### **Stage One – Referral and notification**

- Provider Services refers the performance matter to the Secretary
- the Secretary decides whether to refer the matter to the PRC, and
- Provider Services notifies you of:
  - referral to the cancellation process
  - the reasons why cancellation is being considered, and
  - for quality and service cancellations, your right to make a written submission within 10 working days.

### **Stage two – Assessment and recommendation**

- you decide whether to make a submission
- if applicable, the PRC assess the matter and any submission(s), and
- if applicable, the PRC makes a recommendation.

### **Stage three – Decision and notification**

- the Secretary reviews the matter, any submission(s) and the PRC recommendation<sup>2</sup>
- the Secretary makes a decision, and
- Provider Services notifies you of the decision.

## **Interim restrictions**

The Secretary may impose interim restrictions on you if your performance is being investigated by the PRC and the Secretary considers it is necessary or appropriate to do so (s 102 of the Act).

The Secretary may:

- place a hold on any payments to be made to you that relate to the matter being investigated, and
- notify the Commissioner of the pending investigation by the PRC.

Where notified by the Secretary, the Commissioner will cease to assign you to legal aid cases and will assign another provider to any legal aid cases you are currently assigned to. Your approval to provide legal aid services or specified legal services is not affected by any interim restrictions.

<sup>2</sup> If the matter is not referred to the PRC, the Secretary will assess the matter and any submission(s) at this stage.



## Performance review committee (PRC)

The PRC is established under the Act to assess any matter referred to them by the Secretary relating to the performance of a legal aid provider.

The members of the PRC are appointed by the Secretary. PRC members collectively have:

- expertise in the areas of law in which you are providing legal aid services or specified legal services
- understand the needs and interests of courts, aided persons, and the legal profession, and
- have expertise in financial management in the State sector.

The PRC makes a recommendation to assist the Secretary's decision-making.

The PRC exercises its functions in line with:

- the provisions of the Act
- any regulations or rules made under the Act, and
- the requirements of natural justice.

The Secretary may refer a cancellation matter to the PRC if the Secretary:

- believes you have failed to comply with any legislative obligations or condition(s) of your approval, and
- considers that your failure, if proven, justifies cancellation or modification of your approval.

The PRC must keep confidential all information provided or disclosed to it except where disclosure is:

- required to allow the PRC to carry out its duties and obligations, or
- necessary by law.

Where the Secretary has referred a matter to the PRC, the recommendation by the PRC must be

- supported by a majority of the votes cast at a meeting, and
- documented in writing for the Secretary.

## Assessment and recommendation

When considering a cancellation matter, the PRC and/or the Secretary will assess all available information that relates to the matter, including:

- information on your file and Ministry submissions
- information on the complaints register
- information on the legal aid grants files
- all correspondence in respect of the matter
- any relevant audits

- any information from the New Zealand Law Society, and
- any written submissions from you.

## Secretary's decision

The Secretary decides whether the grounds for cancellation are met, taking into consideration all the available information and any recommendation from the PRC (if applicable).

Once the Secretary has assessed all of the information, the Secretary may decide to impose sanctions rather than cancel your approval(s). Sanctions can include one or more of the following:

- modifying your approval by imposing conditions
- requiring you to be supervised by another provider approved by the Secretary, or
- barring you from applying for approval to provide legal aid services or specified legal aid services for a period of time between three months and two years.

Provider Services will notify you in writing of the Secretary's decision and the grounds and reasons for the decision.

If your approval is cancelled, the notification will also include:

- a statement about your right to seek a review
- notification of the Ministry's intention to publish cancelled approvals on its website
- a statement informing you that the New Zealand Law Society will be informed of the cancellation and its reasons
- the date of the cancellation and information about the effects of the cancellation, for example, removal from rosters, reassignment of files etc.

Where the Secretary determines that the requirements for cancellation have not been met and decides to apply no other sanctions, the Secretary may decide to take no further action. The matter is then closed.

## Implementation of cancellation

The Ministry determines the date a cancellation becomes effective, taking into consideration:

- the number of open legal aid files assigned to you
- the stage of any impending hearings, and the practicality of new counsel being assigned
- that sufficient time is given to you to attend to your affairs
- the impact of reassignment on legal aid clients or the relevant legal aid office, and
- any other relevant matters.

If your approval to provide legal aid is cancelled, you must:

- advise the Ministry of any files with securities requiring registration that have yet to be registered

- cooperate to enable a smooth transfer of legal aid files
- forward any client repayments or proceeds outstanding to the Ministry, and
- stop providing services for legal aid clients, including any rostered shifts on a duty lawyer roster.

On the date the cancellation takes effect, the Ministry will:

- remove all relevant approval(s) from your profile on the Ministry database
- terminate your Legal Aid contract for services and any other applicable contracts you may have with the Ministry
- remove you from any
  - duty lawyer rosters
  - criminal PAL assignment lists, and
  - police detention legal assistance rosters.
- advise the New Zealand Law Society (NZLS) of the cancellation of your approval(s) and of the reasons for it<sup>3</sup>
- publish information about quality and service cancellations on its website under section 103(1)(a),(b),(c), and (e) of the Act.<sup>4</sup> This information includes the following:
  - your name and location
  - approvals that have been cancelled, and
  - statutory grounds for the cancellation.

The Commissioner arranges for the transfer of legal aid files affected by cancelled approvals to another provider. Legal aid clients are advised of this transfer by letter.

The Ministry is not obliged to pay for services after cancelling a provider's approval(s). In some cases, a provider may continue to work on legal aid files up to the date the cancellation takes effect.

## Review Authority

The Review Authority's function is to review the Secretary's decisions about legal aid providers.

You may apply to the Review Authority for a review of a decision of the Secretary if:

- your application for approval to provide one or more legal aid services or specified legal services is declined

<sup>3</sup> This notification does not occur in the case of administrative cancellations, cancellation due to inactivity or if the cancellation was due to you being subject to disciplinary proceedings by the New Zealand Law Society.

<sup>4</sup> Information about administrative cancellations or cancellation due to inactivity is not published, but the Ministry updates the list of legal aid providers on its website. The Ministry considers that the public interest in the release of information about cancellations under section 103 of the Act outweighs any privacy interests.

Privacy Act 1993, section 7(2) and Information Privacy Principle 11

Official Information Act 1982, section 9(2)(a)

- conditions, restrictions or sanctions are imposed on your approval to provide one or more legal aid services or specified legal services
- your approval to provide legal aid services is cancelled.

The Authority can confirm, modify or reverse decisions of the Secretary. The Review Authority's decision is binding on the Secretary and the person the decision applies to.

If you are dissatisfied with a decision relating to cancellation of your approval, you must lodge an application for review with the Review Authority within **20 working days** from the date of notice of the Secretary's decision. In exceptional circumstances, the Review Authority may accept late applications up to three months after the date of notice.

If you wish to make an application with the Review Authority please follow the instructions on the [Ministry website](#).

You may withdraw an application lodged with the Review Authority at any time by giving written notice to the Review Authority.


If you are successful before the Review Authority, the Commissioner will not transfer back legal aid files that were reassigned to another provider as a result of the Secretary's decision to cancel your approvals or apply an interim restriction.

## Judicial review

You can only seek a judicial review of a decision to cancel your legal aid provider approval after the decision has been reviewed by the Review Authority.

# Appendix 1

Your assignment letter will look like this:

  29 December 2019  Mr Peter A Lawyer P A Lawyer - Barrister PO Box 366 Rotorua 3040	on behalf of the Legal Services Commissioner  For enquiries: Grant Officer Tel: 07 343 1234 Email: grant.officer@justice.govt.nz
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<b>Legal aid number</b>	<b>14585425</b>
<b>Client name</b>	<b>Mr John Smith</b> 22 Justice Road Ngongotaha Rotorua 3015
<b>Matters</b>	<b>DOB: 10/10/1980</b> Male Assaults Female

Dear Mr Lawyer

**About your client's legal aid**

Your client's application for legal aid has been granted for the following charge(s):  
Male Assaults Female CRN(s): 1244556678

You have been assigned as lead provider.

Your client's name and contact details are noted above.

The court hearing date was supplied on your client's application form.

The last known court date was 29/12/2019 at Rotorua District Court.

**Maximum grant**

We expect that all matters for this case will be completed under the criminal fixed fee rates.

Please refer to the 'Maximum Grant' column on the attached Grant Schedule for the services that are applicable for this case. If you wish to seek additional funding, you must submit a request for an amendment in the prescribed manner under the fixed fees policy. A final invoice must be submitted within six months of the court disposal date. However an interim fixed fee invoice may be submitted for consideration.

Rotorua Office Level 4, Zens Centre, 1135 Arana Street, Rotorua 3040.  
DX JK10591, Tel: 07 350 1090 or Fax: 07 350 1090, Email: rotorua.regaff@justice.govt.nz www.justice.govt.nz

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Further information on proceedings steps, criminal fixed fee policy and rates, amendments and invoicing can be found at [www.justice.govt.nz](http://www.justice.govt.nz)

#### Conditions on your client's grant

Your client's prescribed repayment amount is \$0. They will not be required to make an interim or final repayment.

#### Change in your client's circumstances

Please inform us about any changes in your client's circumstances, such as:

- changing address
- your client's assets increase in value
- becoming employed or changing employment
- your client's financial situation gets better or worse.

We told your client that if they wish to discuss this further, they may talk to you or to Grant Officer on 07 343 1234 or by email [grant.officer@justice.govt.nz](mailto:grant.officer@justice.govt.nz).

Yours sincerely,

*Grant Officer*

Grant Officer

#### Reconsideration rights

If your client is aggrieved by the decision made they may apply for a reconsideration of the decision using the reconsideration form on our website [www.justice.govt.nz](http://www.justice.govt.nz) or by calling Marcelle Gies on 07 343 1461 who will send a form to you, to complete with your client.

If your invoice has been declined for being submitted outside of the statutory time frame, you may apply for a reconsideration of that decision.

An application for reconsideration must be lodged within twenty (20) working days from the date of notice of this decision. If a reconsideration is not sought, this decision is final. This decision stands pending the outcome of any reconsideration.

Rotorua Office Level 4, Zens Centre, 1135 Arana Street, Rotorua 3040.  
DX JK10591, Tel: 07 350 1090 or Fax: 07 350 1090, Email: rotorua.regaff@justice.govt.nz www.justice.govt.nz

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# Glossary

**Act** - means the Legal Services Act 2011.

**Commissioner** - means the Legal Services Commissioner appointed under section 70 of the Act.

**Provider Contract (contract)** – means the agreement between the Ministry and an approved provider to supply professional legal services entered into under section 69 of the Act.

**Lead provider** – a lawyer or employment advocate who is approved by the Secretary for Justice to provide legal aid services or specified legal services in one or more areas of law as a lead provider.

**Legal services** - In relation to legal aid or specified legal services means legal advice and representation and includes assistance with:

- resolving disputes other than by legal proceedings
- taking steps that are preliminary or incidental to any proceedings, or
- arriving at or giving effect to any out-of-court settlement that avoids or brings to an end any proceedings.

In relation to anything other than legal aid, includes:

- legal advice and representation and includes assistance (as above), and
- the provision of legal information and law-related education.

**Legal aid services** - means legal advice and representation in relation to legal aid described in the definition of legal services.

**Ministry** - means the Ministry of Justice.

**PAL** – means Provider Approval Level (for Criminal approvals). These are the approval levels for criminal proceedings in cl 1 of the Schedule to the Regulations.

**Practice standards** - means standards approved by the Secretary that relate to the delivery and provision of legal aid services and specified legal services.

**Provider** – a lawyer or employment advocate who is approved and contracted by the Secretary for Justice to provide legal aid services or specified legal services.

**Regulations** – means the Legal Services (Quality Assurance) Regulations 2011.

**Secretary** - means the Secretary for Justice.

**Supervised provider** – a lawyer approved by the Secretary for Justice to provide legal aid services in one or more areas of law under the supervision of a lead provider.

**Ministry of Justice**  
**Tāhū o te Ture**

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