



FAMILY LAW SECTION NEW ZEALAND LAW SOCIETY

Family Law Section Bulletin - Issue 162, 31 August 2017

Casual vacancy – FLS executive

The executive is pleased to announce the appointment of Lauren Pegg from Dunedin to the executive until 31.3.19. Lauren has been appointed to fill the casual vacancy left by Ophir Cassidy's appointment as a co-president of Te Hunga Rōia Māori o Aotearoa (Māori Law Society). Lauren has been the FLS regional representative in Otago for many years and we look forward to working with her on the executive.

Treasurer

Every year, the executive appoints a chair, deputy and treasurer for a term of one year. At a teleconference on 25 August, Traecy Norton was appointed as treasurer.

Editor Family Advocate

We are pleased to announce that Dr Allan Cooke has been appointed as the new editor for *Family Advocate* for a term of four years commencing April 2018. We are very grateful to Murray Earl who will stay on in the role until 31.3.18 to assist the transition to Allan.

Regional representative vacancy – Otago

Due to Lauren Pegg's appointment to the executive, we are seeking expressions of interest from members in Otago to fill the vacancy of regional representative. The regional representative role is an important link between FLS members and the executive. As mentioned above, Lauren has been the regional rep for many years and the executive would like to personally thank Lauren for her significant contribution in that role. If you

would like to be considered for this role, or have any questions, please email a brief biography, including your areas of practice and why you are interested in the role to family@lawsociety.org.nz by **15 September**.

Legal aid issues

Thank you to those members who have raised issues regarding the administration of legal aid. These include Legal Aid Services (LAS) refusal to pay legal aid providers for matters that have not been judge-directed, delays over making decisions on grant applications and extensions to grant and LAS advising it will only consider approving a grant once the legal aid provider has drafted and filed proceedings. On 29.8.17, the Law Society's Principal Advisor, Bronwyn Jones, met Tracey Baguley, Manager LAS, Operations and Service Delivery to discuss these issues. Some of your examples have been given to LAS who are looking into these matters to see how they might be resolved.

The executive met Judge Ryan to see if he could assist with the issue that lawyer for child reports must be "judge-directed" in order for a legal aid provider to be remunerated for reading the report and reporting to their client. Judge Ryan has agreed to consider a draft from FLS to amend the initial appointment letter issued to lawyer for child so that the brief includes a judicial direction to provide a report to the court and any subsequent report that may be necessary. We hope that this might overcome this issue with LAS.

Update on the Mental Health roster – Auckland

The Ministry of Justice has provided the following update in relation to the Auckland mental health rosters. The ministry will shortly be sending a letter to mental health providers outlining work currently underway to review the roster process and transition the administration to the ministry. The ministry is in the initial stages of reviewing the roster process and advise that this will include consultation with all parties involved as the review progresses. In the meantime, as they do not want to leave practitioners with uncertainty over the holiday period they are liaising with ADLS so that the rosters can be issued on a status quo basis until February 2018.

Access to Family Court judgments

A number of members have raised an issue regarding access to Family Court judgments. When requesting Family Court judgments prior to March 2016, practitioners

are being asked to apply under rule 429 of the Family Court Rules 2002. In respect of judgments post-2016 there are few being published on the District Court website and when the library on behalf of practitioners requests a judgment post March 2016, there is often a delay in a response, with some responses suggesting the practitioner apply to the court under rule 429. We understand that two staff recently resigned from the District Court Publishing Unit and replacements have been employed and are currently undertaking training. This has resulted in a backlog of judgments. In a recent letter to the New Zealand Bar Association from Judges Doogue and Ryan, another method of accessing judgments is to make a request to the Principal Family Court Judge's Research Clerk, Aroha Fletcher. The judges highlight that if supplied, these judgments will not be anonymised and any practitioner receiving a copy of the judgment will need to be mindful of the provisions of the Family Court Act concerning publication. We do ask that practitioners check the [District Court website](#) first before emailing Aroha Fletcher at Aroha.Fletcher@justice.govt.nz with a request.

New Process for Court – appointed counsel invoicing

Some members will be aware that the Ministry of Justice is rolling out a centralised system for dealing with court-appointed counsel invoicing. If members encounter any problems with the new system (including the crown accounts service) please email us at family@lawsociety.org.nz so that we can be aware of issues and discuss these with the ministry when we meet on 5 September.

20th anniversary of FLS – save the date

A series of celebration dinners are planned to mark the 20th anniversary of the establishment of the Family Law Section. As the initial event, a special dinner will be held at Te Papa in Wellington on Friday 8 December. Please put the date in your diaries to remind you of this special and important occasion. Dinners will also be held in Auckland (February 2018) and Christchurch (March 2018) and we will let you know the dates of these dinners once venues have been confirmed.

Kirsty Swadling
Chair