

14 November 2019

Wayne Newell
Acting Group Manager, Commissioning and Service Improvement
Ministry of Justice
Wellington

By email c/o Amy Chand: designandcommissioning@justice.govt.nz

Dear Mr Newell

Re: Improving the legal aid provider experience – proposed changes to the approvals process

The New Zealand Law Society (Law Society) welcomes the opportunity to comment on the consultation *Improving the legal aid provider experience – proposed changes to the approvals process* (proposed changes) as outlined on the Ministry of Justice’s consultation hub.

The proposed changes include a condensed application form¹ and guidelines for applying to be a legal aid provider.

The Law Society has previously acknowledged the extensive work that the Ministry and Legal Aid Services is doing to ease the administrative burden on providers (for example changes to the application forms and changes to invoices) and encourages further progress in this area. Improvements to the approvals process will assist with relieving some of the burdensome administration on legal aid lawyers and provide a more efficient and effective legal aid process. The Law Society supports the overarching objective of the proposed changes “to ensure that any improvements made will streamline, integrate and align with the rest of the legal aid system”.²

The Law Society makes the following brief comments.

Application Form

The Law Society considers the condensed application form is an encouraging step forward in improving legal aid providers’ experience with the approvals process. The Law Society has received positive feedback from members of the profession and there appears to be a consensus that the new form is clearer and more user-friendly.

We make only one brief observation: Part 4 of the current application form regarding supervision arrangements asks how long the lead provider, of any prospective secondary provider, has been a lead provider for. The Law Society notes this question has been removed from the proposed application form. The supporting ‘form field analysis’ states that this question is “not relevant for assessing eligibility. If there are concerns, the management system records these details”.³ The Law Society questions why the length of time a person has been a lead provider for, is not considered relevant to the application of a secondary provider. As approval to be a supervised provider is

¹ 22 separate forms have been condensed into one.

² Ministry of Justice, consultation hub, *Improving the legal aid provider experience - proposed changes to the approval process*: <https://consultations.justice.govt.nz/osd/improving-the-legal-aid-provider-experience/>.

³ Form Field Analysis – legal aid provider form, at p 7.

subject to the requirement that they are supervised by, and responsible to, an approved lead provider, it seems appropriate that the lead provider is necessarily suitable to provide supervision. The Law Society invites the Ministry to consider this further.

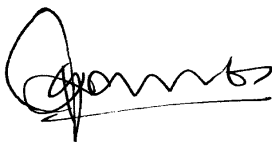
Guidelines

The Law Society agrees with the Ministry's assessment that the current documents available to lawyers applying to be a legal aid provider are "fragmented, difficult to understand and do not contain essential information".⁴ The proposed guidelines are a sensible addition to assist lawyers when completing the application form and to ensure that only necessary and complete information is provided. For example, it is helpful that the guidelines have clarified the Secretary of Justice's position on relevant work samples, noting that the Secretary only wants to know about "cases where the applicant has actively participated and completed a substantial amount of work in that area/matter/hearing type from start to finish".⁵

The Law Society does not have any additional comments to make on the proposed application form or guidelines.

We hope these comments are helpful to the Ministry and would be happy to discuss them further. If you have any questions please contact the convenor of the Legal Services Committee, Elizabeth Bulger, through Law Reform Adviser, Amanda Frank (amanda.frank@lawsociety.org.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Jones', with a horizontal line underneath.

Tim Jones
Vice-President

⁴ Above n 2.

⁵ Applying to be a legal aid provider, step-by-step guide, at p 8.