

## PRESENTERS



### **Michele McCreadie, General Manager, Legal Aid Services, Wellington**

Michele leads the business group that covers legal aid service delivery, debt management and service design. She is responsible for delivering the Government's vision for customer focussed, efficient and effective legal aid services. Michele has previously worked in a number of senior and project roles in the public sector both in New Zealand and the United Kingdom.



### **Sarcha Keith, Senior Advisor, Legal Aid Services, Wellington**

Sarcha is a senior advisor in the Operations Support and Improvement team where she assists with the implementation and maintenance of legal aid applications, policies and procedures that impact on granting and debt management. She has taken a lead role in developing the operational policies and procedures to support the Criminal Procedures Act within Legal Aid Services.



### **Bryan Pay, Project Manager, Legal Aid Services, Wellington**

Bryan Pay is the project manager, Criminal Procedure Act Implementation for Legal Aid Services. He is responsible for ensuring legal aid policies, processes and procedures support the new legislation. Bryan has worked for a range of public sector agencies in New Zealand and the United Kingdom and joined legal aid as senior policy advisor in February 2011.

*The statements and conclusions contained in this booklet are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

# CONTENTS

<b>CRIMINAL PROCEDURE ACT AND LEGAL AID – NEW FEES AND OTHER CHANGES .....</b>	<b>1</b>
ABSTRACT .....	1
<b>TERMINOLOGY CHANGES .....</b>	<b>3</b>
PROVIDER APPROVALS: NEW TERMINOLOGY .....	3
<i>Significant points to note</i> .....	4
<i>Significant points to note</i> .....	4
<b>THE CRIMINAL FIXED FEES, COMPLEX AND HIGH COST CASE POLICIES.....</b>	<b>5</b>
<b>NEW CRIMINAL FIXED FEE SCHEDULES.....</b>	<b>7</b>
OVERVIEW .....	7
HOW THE NEW FEES FOR SCHEDULES A – F WORK .....	8
SCHEDULES A – C (POLICE PROSECUTION PROCEEDINGS) .....	10
<i>Administration/Case Review</i> .....	10
<i>Case Management Memorandum (CMM)</i> .....	10
<i>Trial and Sentencing</i> .....	11
SCHEDULES D – F (CROWN PROSECUTIONS) .....	11
<i>Administration</i> .....	11
<i>Case Review</i> .....	11
<i>Case Management Memorandum</i> .....	12
<i>Preparation Trial Call-over Memorandum</i> .....	12
<i>Preparation (memorandum/subsequent call-overs)</i> .....	12
<i>Pre-trial applications including responding to Crown applications – preparation, Trial and sentencing</i> .....	12
ADDITIONAL FIXED FEES .....	12
<i>Schedule A – C</i> .....	13
<i>Schedule D – F</i> .....	13
<b>APPEALS .....</b>	<b>15</b>
HIGH COURT .....	15
COURT OF APPEAL, SUPREME COURT .....	15
<b>AMENDMENT TO GRANT .....</b>	<b>17</b>
OVERVIEW .....	17
<i>Special circumstances criteria</i> .....	17
<i>Additional funding when fixed fee already claimed</i> .....	18
<i>Additional fixed fees</i> .....	18
<i>Disbursements requiring prior approval</i> .....	19
<i>Estimates</i> .....	19
<i>Further information</i> .....	19
<b>INVOICING .....</b>	<b>21</b>
<b>CHANGES TO HIGH COST CASE MANAGEMENT FRAMEWORK .....</b>	<b>25</b>
OVERVIEW .....	25
NEW INTERIM GRANT OF LEGAL AID .....	25
OTHER CHANGES .....	25
<b>CHANGES TO THE GRANT SCHEDULE AND RELATED CHANGES .....</b>	<b>27</b>
CHANGES TO THE GRANT SCHEDULE .....	27
<i>Related changes</i> .....	30
<i>Electronic Communications</i> .....	30
<b>ANNEX .....</b>	<b>31</b>
SCHEDULE A B C – POLICE PROSECUTIONS .....	31
SCHEDULE D E F – CROWN PROSECUTIONS.....	33