

Reality worse than data suggests

We write in relation to your article on New Zealand Legal Aid Providers in *LawTalk* 805, in particular your chart showing Legal Aid Providers (LAPs) around New Zealand. Listed on the MoJ website are 12 family LAPs for Marlborough.

Community Law Marlborough conducted a survey of the 12 family LAPs. Nine lawyers responded to confirm their listing, but of these only four are currently accepting family legal aid assignments. This number will drop to one and a half from Christmas 2012.

To the best of our knowledge none of the three who did not respond are currently accepting assignments either. Some listed lawyers are prepared to act in a supervisory role for other LAPs, but not to directly accept assignments themselves.

For family law clients in Marlborough, the reality is worse than one may infer from the data, and translates into great difficulty in finding legally aided representation for our clients.

Gordon Strang

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Māori Leadership in Law Scholarship established

THE MĀORI LEADERSHIP in Law Scholarship, in memory of Jolene Patuawa-Tuilave, was launched at the inaugural World Indigenous Peoples Lawyers Conference at Vilgrads Winery in Hamilton on 7 September.

Te Rūnanga o Ngāti Whātua and Otago University have established the new scholarship, in conjunction with Jolene's whānau, as a legacy to Jolene and to encourage and enable young Māori students, particularly those of Ngāti Whātua descent, with leadership qualities and a passion for law to follow their dreams through the study of law. It is the first of its kind at Otago University.

Jolene became well known to many New Zealanders following media reports about her brave decision to choose the life of her baby over treatment for cancer.

On her 30th birthday in 2006, Jolene was diagnosed with breast cancer, which disappeared following treatment. In 2009, within days of learning she was pregnant with a son, she was told that the cancer had returned. Doctors said she needed treatment to survive,

but they could not treat her if she was pregnant.

Jolene died on 26 June 2010, when her son, Lui, was just 10 weeks old.

Although this made her well known to many New Zealanders, Jolene was already well known in legal circles as a prominent Māori lawyer.

Of Scottish, Ngāti Rangiwewehi, Te Uri-o-Hau, Te Roroa, Ngāti Torehina, Ngāpuhi and Ngāti Whātua descent, she was an inspiration to many and an indefatigable advocate for Māori rights.

At the time of her death, Jolene was co-president of Te Hunga Roia Māori (the Māori Law Society), which organised the World Indigenous Peoples Lawyers Conference.

During her time as a student at Otago University, she was a Tumuaki of Te Roopū Whāi Pūtake. Then as a lawyer, she met with and mentored Otago law graduates, in particular Māori law graduates.

People can support this scholarship at <https://secure-www.otago.ac.nz/alumni/donations/>. **LT**

✉ Collins on 9 October.

Original proposals in the Bill – which was introduced to Parliament in August 2011 – included limiting eligibility for legal aid, the reintroduction of user charges for some family and civil legal aid cases, and charging interest on legal aid debts.

The minister's proposed changes to the Bill reflect a "more moderate approach to reforming the legal aid system", and include:

- reducing the proposed user charge for civil and family cases from \$100 to \$50;
- changing the point at which legal aid debts will begin accruing interest. Interest will now be imposed six months after the total debt is finalised, rather than immediately;
- removing the proposal to tighten the financial means test for less serious criminal cases, such as

theft, assault or careless driving;

- retaining the current definition of disposable capital in the means test. The proposed change is intended to simplify the assessment process – not to reduce eligibility;
- keeping the existing approval frameworks for lawyers who can provide lawyer for the child and youth advocate services, rather than creating new criteria and standards; and
- retaining the list of types of proceedings eligible for legal aid in the Legal Services Act. This means changes to the list must be made by Parliament, rather than the Executive.

Additions to the Bill will also be made, including measures reflecting the Government's view that people have an obligation to repay legal aid debts.

The changes are included in a Supplementary Order Paper that

will be referred to the Justice and Electoral Select Committee. The select committee will also be asked to rename the Bill as the Legal Assistance Amendment Bill.

Coming up

The Law Society is currently preparing submissions on numerous bills and government discussion documents. Members are welcome to contribute comments to the Law Reform Committee, specialist committees and sections preparing the submissions. For a full list of upcoming submission deadlines and information about how to participate, visit http://my.lawsociety.org.nz/law_reform/work_in_progress.

For more information on NZLS law reform activities, contact **vicky.stanbridge@lawsociety.org.nz**. **LT**