



## NATIONAL COUNCIL OF WOMEN OF NEW ZEALAND

TE KAUNIHERA WAHINE O AOTEAROA

30 October 2012

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### **Submission to the Justice and Electoral Committee in respect of the**

### **Supplementary Order Paper regarding Legal Assistance (Sustainability) Amendment Bill**

The National Council of Women of New Zealand (**NCWNZ**) is an umbrella organisation representing 47 organisations affiliated at national level and a further 41 organisations affiliated at branch level. It has 22 branches throughout the country attended by representatives of these organisations, as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, discussion and action. This submission has been prepared by the NCWNZ Justice and Law Reform Standing Committee and the Parliamentary Watch Committee after consultation with the membership of NCWNZ.

#### **Introduction**

NCWNZ has previously made submissions on the Legal Assistance (Sustainability) Amendment Bill (**Bill**) and is pleased to have the opportunity to respond to the Supplementary Order Paper.

NCWNZ acknowledges that the proposed user charge is to be reduced and that interest will now accrue after six months. However it is noted that legal aid may be refused in some cases if a previous grant of legal aid is in arrears. As mentioned in NCWNZ's previous submissions on the Bill, there are reservations in regards to access to justice being denied for deserving women.

#### **Clause 7**

#### **When legal aid may be granted: civil matters**

#### **(3A) The Commissioner may refuse to grant legal aid to an applicant if –**

- (a) any amount payable by the applicant in respect of a repayment of a previous grant of legal aid is in arrears; and**
- (b) the application made by the applicant does not come within any of paragraphs (b), (c), (e) and (g) ... in section 4(1).**

There was a concern that tightening criteria will result in more self represented litigants which will cause delay and expense to other parties, and ultimately the state. There was also the view that Legal Assistance is supposed to be a support service for those who need it.

## **Clause 12**

### **Interest on unpaid legal aid debt**

Several members were opposed to the requirement to pay interest at all. However others had suggested that there should be an interest-free period.

### **Conclusion**

NCWNZ generally supports the amended bill but still has some reservations about the burden of costs for those economically disadvantaged. NCWNZ believes access by women and children to justice is critically important and an efficient and functional legal aid system is important for obtaining justice by women and their children.

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