

## **Legal Services Amendment Bill (No 2)**

Government Bill

As reported from the committee of the whole  
House

This bill was formerly part of the Family Court Proceedings Reform Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- Care of Children Amendment Bill (No 2) comprising clauses 1 and 2 and Part 1
- Child Support Amendment Bill (No 3) comprising subpart 1 of Part 5
- Children, Young Persons, and Their Families Amendment Bill (No 2) comprising subpart 2 of Part 5
- Domestic Violence Amendment Bill (No 2) comprising Part 2
- Family Courts Amendment Bill comprising subpart 2A of Part 5
- Family Dispute Resolution Bill comprising Part 3
- Family Proceedings Amendment Bill (No 2) comprising subpart 3 of Part 5
- this bill comprising Part 4
- Property (Relationships) Amendment Bill (No 2) comprising subpart 4 of Part 5

- Protection of Personal and Property Rights Amendment Bill comprising subpart 5 of Part 5
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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole  
House**

text inserted

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*Hon Judith Collins*

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Legal Services Amendment Act **2013**.

**2 Commencement**

This Act comes into force on **1 October 2014** unless it is 5  
earlier brought into force on a date appointed by the Governor-  
General by Order in Council.

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**70 Principal Act**

**This Part** amends the Legal Services Act 2011 (the **principal Act**).

**71 Section 7 amended (Proceedings for which legal aid may be granted: civil matters)** 5

(1) After section 7(3), insert:

“(3A) Despite subsection (1), legal aid is only available in proceedings under the Care of Children Act 2004 that are to be heard and determined in a Family Court if—

“(a) a lawyer ~~may, under **section 7A(2)** of that Act, act in the proceedings and the proceedings are not of a kind specified in **subsection (3B)**; or~~ 10

“(b) a lawyer ~~may, under **section 7A(4) or (5A)** of that Act, act in the proceedings; or~~

“(c) a lawyer is providing legal advice and assistance to— 15

“(i) a proposed applicant, in connection with the commencement of proceedings; or

“(ii) a respondent, in connection with the preparation of a notice of intention to appear or a notice of defence; or 20

“(a) a lawyer is acting in the proceedings as permitted by any of the following sections of that Act:

“(i) **section 7A(2)**; or

“(ii) **section 7A(4)(b)(ii) or (iii)**; or

“(iii) **section 7A(4)(c)**; or 25

“(iv) **section 7A(5A)**; or

“(b) a lawyer is acting in the proceedings as permitted by **section 7A(4)(a) or (b)(i)** of that Act, but the proceedings are not of a kind specified in **subsection (3B)**; or

“(d) a lawyer is ~~giving~~ providing legal advice to a party who— 30

“(i) has indicated at a settlement conference an intention to consent to the making of an order settling 1 or more of the issues in dispute in the proceedings; and 35

“(ii) has been advised by the Judge to obtain legal advice before that order is made.

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- “(3B) The kinds of proceedings referred to in **subsection (3A)(a)(b)** are—
- “(a) proceedings commenced by an application that—
    - “(i) affects the applicant only; or
    - “(ii) is in respect of a routine matter; or 5
    - “(iii) is about a matter that does not affect the interests of any other person; or
  - “(b) proceedings where every person in respect of whom the order is sought has either died or cannot be found.”
- (2) After section 7(5), insert: 10
- “(6) **Subsections (3A) and (3B)** do not apply in respect of any proceedings commenced under the Care of Children Act 2004 before the date of commencement of **Part 4 section 5 of the Family Court Proceedings Reform Act 2013.**”

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**Legislative history**

18 September 2013 Divided from the Family Court Proceedings Reform Bill (Bill 90–2) by committee of the whole House as Bill 90–3H

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