

**Legislative Statement  
for  
Legal Services Amendment Bill – Third Reading**

**Presented to the House of Representatives**

**In accordance with Standing Order 272**

# Legal Services Amendment Bill

## Introduction

- 1 The Legal Services Amendment Bill will exempt legal aid funding for a report or statement (whether oral or written) of a person called by an offender under section 27 of the Sentencing Act 2002.

## Background

- 2 Section 27 allows the court to hear any persons called by the offender to speak on the personal, family, whānau, community and cultural background of the offender. The person(s) may also inform the court about, amongst other factors, the way in which that background may have related to the commission of the offence and how support from the family, whānau, or community may be available to help prevent further offending by the offender.
- 3 This information may inform judicial decisions about the appropriate sentence type and length. For offenders who are legally aided, the cost of section 27 reports can be met by legal aid as a disbursement. There has been a significant increase in the use of section 27 reports, demonstrated by the expenditure of legal aid on section 27 reports increasing from approximately \$40,000 in 2017 to more than \$7 million in the last financial year.

## Provisions of Legal Services Amendment Bill

- 4 The Bill will:
  - a) amend section 99 of the Legal Services Act 2011 so that the Commissioner must decline any claim to the extent to which it is for a disbursement incurred in relation to a report or statement (whether oral or written) of a person called by an offender under section 27 of the Sentencing Act 2002.
  - b) insert a new part 3 into Schedule 1AA of the Act, which defines disbursement in relation to the amendment only, and contains transitional provisions relating to claims for payment of legal aid for a disbursement incurred in relation to a report or statement of a person called under section 27 that are in progress when the Bill comes into force.
- 5 The transitional provisions provide that if a disbursement incurred in relation to a report or statement of a person called by an offender under section 27 of the Act has been approved before commencement of the Bill, but the claim for payment has not yet been determined by the Commissioner then the claim must be determined by the Commissioner as if the new section had not been enacted.
- 6 The Bill will come into force two weeks after receiving Royal assent.

## **Conclusion**

- 7 The Bill has not changed since its introduction to the House.
- 8 The Bill delivers the Government's 100-Day commitment to remove taxpayer funding of section 27 reports.
- 9 The Bill supports the Government's priorities to restore law and order and improve the quality of government spending.