



24 APR 2014

Leah Trass

By email: fyi-request-1578-699297aa@requests.fyi.org.nz

Legal Services Commissioner

Vogel Centre | 19 Aitken Street | DX SX10125 | Wellington

T 04 918 8800 | F 04 918 8820

lsc@justice.govt.nz

www.legalservicescommissioner.govt.nz

Dear Ms Trass

Re: Official Information Act request

Thank you for your email dated 28 March 2014 in which you requested information regarding the number of complaints about access to family legal aid services and the number of legal aid cases being refused.

In particular you have requested:

- the number of complaints received from individuals having difficulty accessing legal representation or getting legal aid for Family Court matters
- the number of cases where lawyers have refused to assist people with Family Court matters or because they need legal aid
- the number of cases being refused legal aid for Family Court matters and on what grounds.

Your request has been referred to me for a response and is being managed in accordance with the provisions of the Official Information Act 1982 (OIA).

All the formal complaints we have received since 2010 are logged in a computer register. A review of that register shows that we have not received a formal complaint from an individual having difficulty accessing legal representation, or getting legal aid for Family Court matters.

Legal Aid Services does not hold information on the number of family cases that private law firms accept or decline. As this information does not exist, your request for this information is refused under section 18(e) of the Official Information Act 1982.

In most instances, Legal Aid Services receives applications for family legal aid from lawyers who have been contacted by a legal aid applicant. The lawyer completes and submits the application on behalf of, or in conjunction with the applicant. We do not know if a lawyer refuses to assist someone. Therefore, we do not collect information on how many lawyers have turned away cases because the applicant will need legal aid or for any other reason. As the information does not exist, your request for this information is refused under section 18(e) of the Official Information Act 1982.

A total of 1908 cases were refused legal aid for family matters during the period of 1 January 2013 to 31 December 2013. The following table shows the reasons why legal aid was refused and the number of cases refused by reason.

Reason description	Refused
Do the legal matters have sufficient merit?	807
Is the applicant financially eligible?	948
Is the person an eligible applicant?	2
Is the person in arrears? (on a previous legal aid debt)	46
Is there an eligible proceeding?	38
Not enough information supplied	417

The above information has been drawn from an operational database that is subject to change and reflects the data at the time it was extracted. Please note the number of contributing reasons is more than the total number of cases refused as applications for legal aid can be refused on one or more of these reasons.

It is important to note that if a person applies for legal aid and their application is declined, there are options available to them. The person could apply to the Legal Services Commissioner (the Commissioner) for a reconsideration of the decision. The reconsideration is assessed by someone other than the person who made the original decision. If the person is still not satisfied with that decision, they can apply to the Legal Aid Tribunal for a review of the decision. The Legal Aid Tribunal is an independent statutory body established to review decisions of the Commissioner.

If you are not satisfied with this response, you have the right to ask the Ombudsman to investigate and review our decision under section 28(3) of the Official Information Act 1982.

Yours sincerely

Michele McCreadie
General Manager, Legal Aid Services