

10 January 2023

I Brown

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Our ref: OIA 98544

Tēnā koe

### **Official Information Act request: Legal aid providers**

Thank you for request of 22 August 2022 in which you request information relating to criminal and civil legal aid providers.

Your request has been referred to me for a response as it falls within my responsibilities as Group Manager, National Service Delivery and is being managed under the provisions of the Official Information Act 1982 (the Act).

Specifically you request:

- 1. The number of providers with approval to accept only Criminal provider approval level 1 assignments as a lead provider (not including limited approvals) for each of the years 2017, 2018, 2019, 2020, and 2021; and*
- 2. How many of those providers with only that approval level accepted more than five assignments in total for each of the years 2017, 2018, 2019, 2020, and 2021; and*
- 3. The number of providers with approval to accept both Criminal provider approval level 1 and 2 assignments as a lead provider (not including limited approvals) for each of the years 2017, 2018, 2019, 2020, and 2021; and*
- 4. How many of those providers with those approval levels accepted more than five assignments at either level in total for each of the years 2017, 2018, 2019, 2020, and 2021; and*
- 5. The number of providers with approval to accept Criminal provider approval level 1, 2, and 3 assignments as a lead provider (not including limited approvals) for each of the years 2017, 2018, 2019, 2020, and 2021; and*
- 6. How many of those providers with all of those approval levels accepted more than five assignments in total at any of those levels for each of the years 2017, 2018, 2019, 2020, and 2021; and*

7. *The number of providers with approval to accept Criminal provider approval level 1, 2, 3, and 4 assignments as a lead provider (not including limited approvals) for each of the years 2017, 2018, 2019, 2020, and 2021; and*
8. *How many of those providers with all of those approval levels accepted more than 5 assignments in total at any of those levels for each of the years 2017, 2018, 2019, 2020, and 2021; and*
9. *How many criminal legal aid providers had PDLA approval for each of the years 2017, 2018, 2019, 2020, and 2021; and*
10. *How many providers were on the PDLA roster for each of the years 2017, 2018, 2019, 2020, and 2021; and*
11. *The number of providers with approval to accept Court of Appeal and Supreme Court assignments as a lead provider (not including limited approvals) for each of the years 2017, 2018, 2019, 2020, and 2021; and*
12. *How many of those providers with that approval accepted more than 2 assignments for each of the years 2017, 2018, 2019, 2020, and 2021; and*
13. *How many providers were approved for the PDLA scheme in each of the years 2017, 2018, 2019, 2020, and 2021; and*
14. *How many criminal legal aid providers were actually on the PDLA roster to receive calls for each of the years 2017, 2018, 2019, 2020, and 2021; and*
15. *How many Civil legal aid providers (not including employment) were there for the years 2017, 2018, 2019, 2020, and 2021; and*
16. *How many of those Civil legal aid providers received more than three assignments in the years 2017, 2018, 2019, 2020, and 2021.*

In response to question 1, please refer to Table 1 for the number of legal aid providers with approval to accept only Criminal Provider Approval Level (PAL) 1 assignments each year since 2017.

In response to question 2, please refer to Table 2 for the number of legal aid providers with approval to accept only Criminal PAL 1 assignments as a lead provider that have accepted more than five assignments each year since 2017.

In response to question 3, please refer to Table 3 for the number providers with approval to accept both Criminal PAL 1 and 2 assignments as a lead provider (not including limited approvals) each year since 2017.

In response to question 4, please refer to Table 4 for the number of providers with PAL 1 and 2 that accepted more than five assignments at either level each year since 2017.

In response to question 5, please refer to Table 5 for the number of providers with approval to accept PAL 1, 2, and 3 assignments as a lead provider (not including limited approvals) each year since 2017.

In response to question 6, please refer to Table 6 for the number of providers with PAL 1, 2 and 3 that accepted more than five assignments each year since 2017.

In response to question 7, please refer to Table 7 for the number of providers with PAL 1, 2, 3, and 4 assignments as a lead provider (not including limited approvals) each year since 2017.

In response to question 8, please refer to Table 8 for PAL1, 2, 3 and 4 providers that accepted more than five accepted assignments each year since 2017.

In response to questions 9 and 13, please refer to Table 9 for the number of legal aid providers which had PDLA (Police Detention Legal Assistance) approval each year since 2017, broken down by providers with criminal legal aid approval, and those without.

In response to questions 10 and 14, please refer to Table 10 for the number of providers on the PDLA roster each year since 2017.

In response to question 11, please refer to Table 11 for the number of providers with approval to accept Court of Appeal and Supreme Court assignments as a lead provider (not including limited approvals) each year since 2017.

In response to question 12, please refer to Table 12 for the number of providers with approval to accept Court of Appeal and Supreme Court assignments as a lead provider (not including limited approvals) that accepted more than two assignments each year since 2017.

In response to question 15 and 16, please refer to Table 14 for the number of approved civil providers, and the number of approved civil providers that have accepted more than three assignments each year since 2017.

You have the right to complain to the Ombudsman about this decision under section 28(3) of the Act. The Ombudsman may be contacted by email at: [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz).

Nāku noa, nā



Tracey Baguley  
**Group Manager, National Service Delivery**

## Appendix A

**Table 1: The number of legal aid providers with approval to accept only Criminal PAL 1 assignments as a lead provider from 2017 to 2021, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	316	76	392
2018/2019	311	94	405
2019/2020	305	86	391
2020/2021	321	96	417
2021/2022	363	92	455

### Table 1 Notes:

- A case can be assigned to one or more provider, we counted the number of PAL1 level assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

**Table 2: The number of legal aid providers with approval to accept only Criminal PAL 1 assignments as a lead provider that have accepted more than five assignments from 2017 to 2022, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	218	72	290
2018/2019	238	82	320
2019/2020	230	83	313
2020/2021	240	93	333
2021/2022	272	78	350

### Table 2 Notes:

- A case can be assigned to one or more provider, we counted the number of PAL1 level assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

**Table 3: The number of providers with approval to accept both Criminal PAL 1 and 2 assignments as a lead provider from 2017 to 2021, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	196	52	248
2018/2019	215	51	266
2019/2020	224	57	281
2020/2021	228	55	283
2021/2022	250	63	313

**Table 3 Notes:**

- A case can be assigned to one or more provider, we counted the number of combined PAL1 and PAL2 level assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

**Table 4: The number of legal aid providers with approval to accept only Criminal PAL 1 and 2 assignments as a lead provider that have accepted more than five assignments from 2017 to 2022, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	161	49	210
2018/2019	184	47	231
2019/2020	189	53	242
2020/2021	189	54	243
2021/2022	207	57	264

**Table 4 Notes:**

- A case can be assigned to one or more provider, we counted the number of combined PAL1 and PAL2 level assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

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**Table 5: The number of providers with approval to accept PAL 1, 2, and 3 assignments as a lead provider from 2017 to 2022, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	110	22	132
2018/2019	118	25	143
2019/2020	122	21	143
2020/2021	131	16	147
2021/2022	139	20	159

**Table 5 Notes:**

- A case can be assigned to one or more provider, we counted the number of combined PAL1, PAL2, and PAL 3 assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

**Table 6: The number of providers with PAL 1, 2 and 3 that accepted more than five assignments from 2017 to 2022, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	110	21	131
2018/2019	118	24	142
2019/2020	122	20	142
2020/2021	131	16	147
2021/2022	139	19	158

**Table 6 Notes:**

- A case can be assigned to one or more provider, we counted the number of combined PAL1, PAL2, and PAL 3 assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

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**Table 7: The number of providers with approval to accept PAL 1, 2, 3, and 4 assignments as a lead provider from 2017 to 2022, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	309	30	339
2018/2019	309	30	339
2019/2020	322	28	350
2020/2021	330	29	359
2021/2022	333	25	358

**Table 7 Notes:**

- A case can be assigned to one or more provider, we counted the number of combined PAL1, PAL2, PAL 3, and PAL4 assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

**Table 8: The number providers with approval to accept PAL 1, 2, 3 and 4 as a lead provider with more than five accepted assignments from 2017 to 2022, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	254	27	281
2018/2019	262	28	290
2019/2020	272	27	299
2020/2021	276	27	303
2021/2022	271	23	294

**Table 8 Notes:**

- A case can be assigned to one or more provider, we counted the number of combined PAL1, PAL2, PAL 3, and PAL4 assignments rather than legal aid case.
- Assignments are attributed to the PAL of the lead provider at the time they were accepted. Lawyers are able to lead cases appropriate to their PAL or below.

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**Table 9. The number of legal aid providers with PDLA approval from 2017 and 2021, broken down by financial year.**

Financial Year	PDLA providers with criminal approval*	PDLA providers without criminal approval*	Total approved PDLA Providers
2017/2018	408	5	413
2018/2019	410	5	415
2019/2020	421	11	432
2020/2021	446	11	457
2021/2022	447	14	461

**Table 9 Notes:**

- \*Providers with PDLA approval and holding a Criminal PAL approval
- \*Providers with PDLA approval and holding any/or no other approval, excluding criminal

**Table 10: The minimum, maximum and average number providers on the PDLA roster from 2017 and 2021, broken down by financial year.**

Financial Year	Min	Max	Average
2016/2017	73	109	88
2017/2018	67	120	85
2018/2019	89	134	107
2019/2020	89	125	107
2020/2021	100	126	114
2021/2022	79	131	106

**Table 10 Notes:**

- The number of providers on the PDLA roster is difficult to accurately determine due to the nature of the roster being 'live' and numbers can fluctuate quite significantly. For each of the years 2017, 2018, 2019, 2020 and 2021 we have provided the lowest and highest monthly number of providers as well as the average number of providers per month.

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**Table 11: The number of providers with approval to accept Court of Appeal and Supreme Court assignments as a lead provider (not including limited approvals) from 2017 and 2021, broken down by financial year.**

Financial Year	Number of Court of Appeal and Supreme Court Approved Providers	Providers with Court of Appeal and Supreme Court approval in total for each of the years for PDS	Total
2017/2018	273	31	304
2018/2019	263	26	289
2019/2020	269	20	289
2020/2021	275	21	296
2021/2022	285	20	305

**Table 11 Notes:**

- A case can be assigned to one or more provider, we counted the number of assignments rather than legal aid case.

**Table 12: The number of providers with approval that accepted more than two assignments from 2017 and 2021, broken down by financial year.**

Financial Year	Approved private providers	Approved PDS providers	Total
2017/2018	51	0	51
2018/2019	47	0	47
2019/2020	57	3	60
2020/2021	51	2	53
2021/2022	63	2	65

**Table 12 Notes:**

- A case can be assigned to one or more provider, we counted the number of assignments rather than legal aid case.

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**Table 13: The number of providers approved to provide civil legal aid in each of the years between 2017 and 2021, and the number of those who accepted more than 3 accepted assignments.**

Financial Year	Number of approved Civil Providers (excluding employment)	Providers with more than 3 accepted assignments
2016/2017	304	19
2017/2018	264	19
2018/2019	257	24
2019/2020	256	24
2020/2021	271	34

**Table 13 Notes:**

- A case can be assigned to one or more provider, we counted the number of assignments rather than legal aid case.
- This data excludes Civil Employment cases.

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