

19 September 2022

I Brown
fyi-request-20294-f58cfb1c@requests.fyi.org.nz

Our ref: OIA 98582

Tēnā koe I Brown

Official Information Act request: Legal aid rates

Thank you for your email of 19 August 2022, requesting, under the Official Information Act 1982 (the Act), information on legal aid rates. Specifically, you requested:

1. *What was the duty solicitor/lawyer hourly fee rate, excluding GST, for each of the years 1995, 2000, 2005, 2010, 2015, and 2020;*
2. *What were the respective Legal Services Agency criminal hourly fee rates, excluding GST, at each litigation experience level, for each of PC 1, PC 2, PC 3, and PC 4, for the years 1995, 2000, 2005, and 2010; and*
3. *What were the respective Legal Services Agency criminal hourly hearing time fee rates, excluding GST, at each litigation experience level, for each of PC 1, PC 2, PC 3, and PC 4, for the years 1995, 2000, 2005, and 2010; and*
4. *What was the Legal Services Agency criminal travel time hourly fee rate, excluding GST, for each of the years 1995, 2000, 2005, and 2010.*
5. *Please provide a copy of the LSA schedules of criminal case preparation time allowances for both summary and jury jurisdictions that applied in the years 1995, 2000, and 2005.*

Pursuant to section 15(1) of the Act, we have made the decision to grant parts 1, 2 and 4 of your request. We will endeavour to provide you with this information as soon as it is available and without undue delay. I apologise for any inconvenience this delay may cause you.

Regarding part 3, the Ministry of Justice (the Ministry) does not hold data in relation to your request for criminal hourly hearing time fee rates, excluding GST, at each litigation experience level prior to 2012. Your request is therefore refused under section 18(e) of the Act, as the information does not exist.

Prior to 2012, there were no set fees for hearing time for legal aid, as providers were able to claim hearing time at their hourly rate. The amount of hearing time a provider could claim was determined by whether it was reasonable for the work undertaken.

Regarding part 5, prior to 2011, the LSA schedules were administered by other agencies. Legal aid was administered by the Legal Aid Board from 1991 to 2001, and the Legal

Services Agency from 2001 to 2011. The Ministry started administering legal aid from 2011 onwards.

Although we have been able to locate some of the requested information prior to 2011, we have been unable to locate a copy of the Agency's schedules of criminal case preparation time allowances. Therefore, this request is refused under section 18(e) and (g)(i) of the Act, as the information is not held by the Ministry, and despite reasonable efforts, cannot be found.

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.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'Jenna Bottcher Hansen', with a large, sweeping flourish on the left side.

Jenna Bottcher Hansen
Manager, Ministerial Relations and Services