



23 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, in which you request 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.*

Your request has been referred to me for a response, as it falls within my responsibilities as Legal Services Commissioner and is being managed in accordance with the provisions of the Official Information Act 1982 (the Act) .

Please find attached Table 1, which outlines question 1 regarding the duty solicitor/lawyer hourly rates from 1995 to 2020.

Please find attached Table 2, Table 3 and Table 4, which outlines question 2 regarding criminal hourly fee rates from 1995 to 2020.

Regarding question 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.

Please find attached Table 5, which outlines question 4 regarding travel time hourly rates.

Regarding question 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, I 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) of the OIA, as the information is not held by the Ministry, and despite reasonable efforts, cannot be found.

If you require any further information, please contact Ministry of Justice Media & Social Media Manager Joe Locke at media@justice.govt.nz.

If you are not satisfied with my response, you have the right to complain to the Ombudsman 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 that reads "Tracey Baguley". The signature is written in a cursive, flowing style.

Tracey Baguley
Legal Services Commissioner

Table 1: Total amount of the Duty Solicitor/Lawyer Hourly Rates, excluding GST, for each of the years 1995, 2000, 2005, 2010 and 2020.

Year	Weekday Rate	Weekend/public holiday rate
1995	\$62.00	\$62.00
2000	\$80.00	\$98.00
2005	\$80.00	\$98.00
2010	\$88.00	\$98.00
2015	\$88.00	\$98.00
2020	\$88.00	\$98.00

Notes:

In 1995 there was separate rate for weekends and public holidays.

Table 2: Total amount of Criminal Hourly Rates, excluding GST, at each litigation experience level, for the year 1995.

Criminal Hourly Rates (1995)	Experience Level (0-2 years)	Experience Level (3-5 years)	Experience Level (6+ years)
All proceedings	\$80.00	\$98.00	\$124.00

Table 3: Total amount of Criminal Hourly Rates, excluding GST, at each litigation experience level, for the years 2000-2005.

Criminal Hourly Rates (2000 & 2005)	Experience Level 1 (0-4 years)	Experience Level 2 (4-9 years)	Experience Level 3 (9+ years)
PC1 – non-jury trials	\$84.00	\$89.00	\$98.00
PC2 - jury trials, sentence <10yrs	\$89.00	\$111.00	\$116.00
PC3 - jury trials, sentence >10 yrs	\$107.00	\$116.00	\$124.00
PC4 - jury trials, life imprisonment	\$120.00	\$133.00	\$147.00
PC5 (now Court of Appeal/Supreme Court)	\$120.00	\$133.00	\$147.00

Table 4: Total amount of Criminal Hourly Rates, excluding GST, at each litigation experience level, for the year 2010.

Criminal Hourly Rates (2010)	Experience Level 1 (0-4 years)	Experience Level 2 (4-9 years)	Experience Level 3 (9+ years)
PC1 – non-jury trials	\$92.00	\$96.00	\$106.00
PC2 - jury trials, sentence <10yrs	\$96.00	\$120.00	\$124.00
PC3 - jury trials, sentence >10 yrs	\$116.00	\$124.00	\$134.00
PC4 - jury trials, life imprisonment	\$130.00	\$144.00	\$159.00
Court of Appeal/Supreme Court	\$130.00	\$144.00	\$159.00

Notes:

The criminal hourly rates were updated from 1 August 1988 to introduce Proceeding Categories (PC) and updating the years required for each experience level.

Table 5: The total amount of Travel Time Hourly Rates, excluding GST, for each of the years 1995, 2000, 2005, and 2010.

Year	Experience Level 1	Experience Level 2	Experience Level 3
1995	\$49.00	\$58.00	\$71.00
2000	\$44.00	\$53.00	\$62.00
2005	\$44.00	\$53.00	\$62.00
2010	\$48.00	\$58.00	\$68.00

Notes:

Travel time rates varied based on the experience level of the provider.