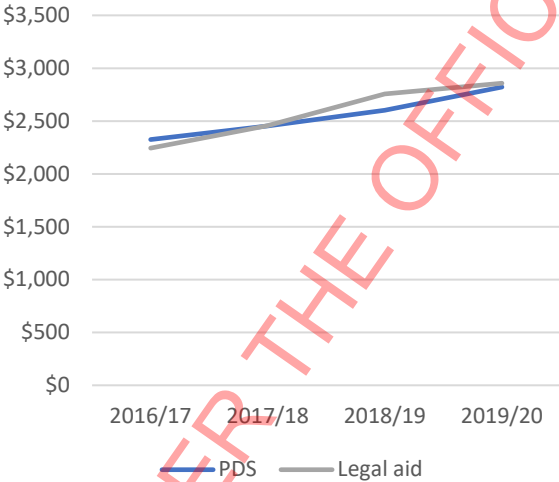


Eligibility increases and time charged are driving increased legal services costs

- 72. The volume of cases disposed of in the criminal courts has remained stable since mid-2016. However, the share of cases funded by criminal legal aid for Category 3 to 4 cases has increased – suggesting that more people are eligible for legal aid.
- 73. There has been negligible difference in average cost per case for criminal legal aid and PDS, including administration and overhead costs, since 2016/17 (see Figure 10 on the following page). On average, PDS is more expensive for Category 2 cases but slightly cheaper for Category 3 cases.³
- 74. In aggregate, this lack of diverging trends suggests that there are few gains in prioritising resources between PDS and legal aid. However, there is regional evidence that implies worsening court timeliness is impacting average cost growth in legal aid relative to PDS – particularly in congested courts and in more serious criminal cases.

Figure 10: Average cost per case across all legal aid and PDS cases (\$)

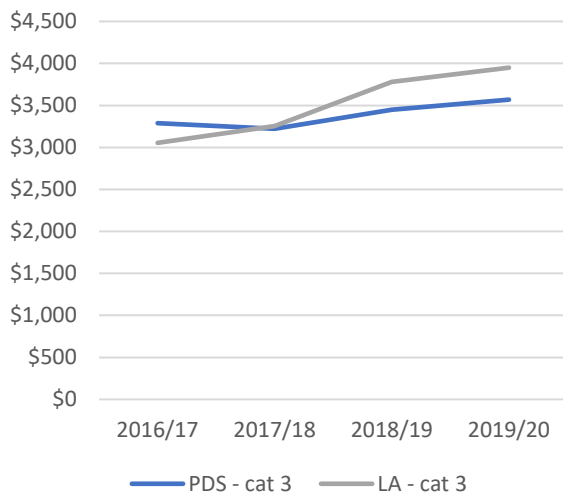


- 75. Since 2016/17, the average cost (including administration) for legal aid Category 3 cases in Auckland has increased by 29.3 percent, but only by 8.5 percent for PDS. This divergence (as Figure 11 shows) implies that legal aid is more sensitive to worsening court timeliness, which has been most acutely felt in Auckland.

³ In 2019/20, legal aid PAL 4 cost 57 percent more than PDS PAL 4.

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Figure 11: Average cost per case across Category 3 legal aid and PDS cases: Auckland (\$)



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