

19 December 2022

I Brown
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Our ref: OIA 100591

Tēnā koe I Brown

Official Information Act request: Criminal legal aid providers

Thank you for your email of 4 November 2022 to the Ministry of Justice (the Ministry), in which you request information about criminal 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.

I will respond to each part of your request in turn.

1. *How many criminal legal aid providers presently have contracts with Legal Aid and take more than two cases per year (a year being 1 July to 30 June) for each of the years from 2017-2022 per court cluster as defined by legal aid;*
2. *Of those:*
 - a) *How many have a highest approval level of PAL 1;*
 - b) *How many have a highest approval level of PAL 2;*
 - c) *How many have a highest approval level of PAL 3;*
 - d) *How many have a highest approval level of PAL 4; (Please provide this information for each court cluster)*

In response to questions 1 and 2, please refer to Tables 1-5 in the attached appendix, which show criminal legal aid providers with more than two cases assigned by court cluster and Provider Approval Level (PAL), each year between 2017 and 2022.

3. *How many legal aid providers presently have a duty lawyer rating (whether or not they are on a current duty lawyer roster)*

The total number of legal aid providers that have approval to act as duty lawyers is 970.

The total number of Public Defence Service (PDS) lawyers who have a Duty Lawyer approval is 125. PDS providers are employed by the Public Defence Service to provide legal aid services.

The total number of private legal aid providers with Duty Lawyer approval in New Zealand is 845. Private legal aid providers are contracted to the Ministry of Justice to provide legal aid services.

4. How many providers are currently on a duty lawyer roster as of today's date for the country as a whole?

At courts where PDS operate, duty lawyer sessions are filled by a mix of PDS lawyers (overseen by a Duty Lawyer Supervisor) and private providers. The total number of private duty lawyers on the roster for PDS courts is 325.

Unlike private lawyers, specific PDS lawyers are not given a permanent rostered session.

The total number of duty lawyers on the roster for non-PDS courts is 225.

5. How many providers are on each individual roster as of today's date (please give court name and number of duty lawyers on that court's roster).

In response to question 5, please refer to Appendix B which outlines our response to how many duty lawyers are currently on a duty lawyer roster, as at 17 November 2022.

Please note the attached tables contain data drawn from a database that is subject to change, as new data is continually recorded and/or recoded.

This response, with your personal details removed, may be published on the Ministry website at: justice.govt.nz/about/official-information-act-requests/. If you require any further information, please contact Ministry of Justice Media and Social Media Manager, Joe Locke, at media@justice.govt.nz.

If you would like to discuss this response or contact us again, please contact ويا@justice.govt.nz. You are also welcome to contact the Office of the Ombudsman if you wish to. They may be contacted by phone on 0800 802 602 or by email to info@ombudsman.parliament.nz

Nāku noa, nā



Tracey Baguley
Group Manager, National Service Delivery

Appendix A

Table 1: Number of Criminal Legal Aid Providers with more than 2 cases assigned by cluster for the Financial Year 2017/2018

Cluster	Number of Providers	PAL1	PAL2	PAL3	PAL4
Auckland Court Cluster	235	63	54	28	90
Christchurch Court Cluster	90	30	10	12	38
Dunedin Court Cluster	30	12	9	2	7
Gisborne Court Cluster	26	10	6	1	9
Hamilton Court Cluster	59	19	20	6	14
Invercargill Court Cluster	20	6	8	3	3
Napier / Hastings Court Cluster	21	3	3	2	13
Nelson / Blenheim Court Cluster	26	8	8	1	9
New Plymouth Court Cluster	18	3	3	5	7
Palmerston North Court Cluster	28	11	5	5	7
Rotorua Court Cluster	37	13	12	2	10
Tauranga Court Cluster	39	13	8	7	11
Wellington Court Cluster	82	24	14	16	28
Whanganui Court Cluster	11	2	4	1	4
Whangarei Court Cluster	40	16	6	3	15

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Table 2: Number of Criminal Legal Aid Providers with more than 2 cases assigned by cluster for the Financial Year 2018/2019

Cluster	Number of Providers	PAL1	PAL2	PAL3	PAL4
Auckland Court Cluster	248	67	53	33	95
Christchurch Court Cluster	97	31	14	14	38
Dunedin Court Cluster	28	9	10	2	7
Gisborne Court Cluster	22	9	3	2	8
Hamilton Court Cluster	64	20	21	7	16
Invercargill Court Cluster	24	9	8	2	5
Napier / Hastings Court Cluster	22	5	3	2	12
Nelson / Blenheim Court Cluster	26	7	9	1	9
New Plymouth Court Cluster	17	3	3	4	7
Palmerston North Court Cluster	26	10	5	3	8
Rotorua Court Cluster	40	14	11	3	12
Tauranga Court Cluster	43	15	9	7	12
Wellington Court Cluster	86	21	14	22	29
Whanganui Court Cluster	12	3	4	1	4
Whangarei Court Cluster	45	16	8	3	18

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Table 3: Number of Criminal Legal Aid Providers with more than 2 cases assigned by cluster for the Financial Year 2019/2020

Cluster	Number of Providers	PAL1	PAL2	PAL3	PAL4
Auckland Court Cluster	268	77	55	37	99
Christchurch Court Cluster	101	31	18	12	40
Dunedin Court Cluster	25	8	8	2	7
Gisborne Court Cluster	19	6	3	2	8
Hamilton Court Cluster	67	21	19	10	17
Invercargill Court Cluster	23	7	7	3	6
Napier / Hastings Court Cluster	24	7	4	2	11
Nelson / Blenheim Court Cluster	25	5	10	1	9
New Plymouth Court Cluster	16	2	2	5	7
Palmerston North Court Cluster	25	10	5	2	8
Rotorua Court Cluster	45	15	11	4	15
Tauranga Court Cluster	44	16	9	6	13
Wellington Court Cluster	95	25	18	22	30
Whanganui Court Cluster	14	5	4	1	4
Whangarei Court Cluster	44	18	6	4	16

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Table 4: Number of Criminal Legal Aid Providers with more than 2 cases assigned by cluster for the Financial Year 2020/2021

Cluster	Number of Providers	PAL1	PAL2	PAL3	PAL4
Auckland Court Cluster	288	87	63	44	94
Christchurch Court Cluster	103	32	21	12	38
Dunedin Court Cluster	26	9	7	2	8
Gisborne Court Cluster	20	6	4	2	8
Hamilton Court Cluster	73	21	22	11	19
Invercargill Court Cluster	23	6	8	2	7
Napier / Hastings Court Cluster	25	7	4	2	12
Nelson / Blenheim Court Cluster	25	6	9	2	8
New Plymouth Court Cluster	14	3	2	2	7
Palmerston North Court Cluster	28	9	7	3	9
Rotorua Court Cluster	45	18	9	6	12
Tauranga Court Cluster	44	17	8	6	13
Wellington Court Cluster	98	31	20	19	28
Whanganui Court Cluster	16	6	5	1	4
Whangarei Court Cluster	47	22	8	3	14

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Table 5: Number of Criminal Legal Aid Providers with more than 2 cases assigned by cluster for the Financial Year 2021/2022

Cluster	Number of Providers	PAL1	PAL2	PAL3	PAL4
Auckland Court Cluster	290	92	68	43	87
Christchurch Court Cluster	106	33	23	11	39
Dunedin Court Cluster	26	10	8	2	6
Gisborne Court Cluster	21	6	4	3	8
Hamilton Court Cluster	74	21	23	11	19
Invercargill Court Cluster	21	6	6	4	5
Napier / Hastings Court Cluster	27	6	7	3	11
Nelson / Blenheim Court Cluster	23	5	9	1	8
New Plymouth Court Cluster	16	5	2	2	7
Palmerston North Court Cluster	28	7	8	3	10
Rotorua Court Cluster	42	17	8	6	11
Tauranga Court Cluster	46	15	10	7	14
Wellington Court Cluster	95	27	23	19	26
Whanganui Court Cluster	16	6	4	1	5
Whangarei Court Cluster	50	22	10	5	13

Appendix B:

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Table 1: Number of Public Defence lawyers rostered for PDS courts

Court	PDS Lawyers
Auckland	41
Christchurch	42
Dunedin	11
Hamilton	34
Hastings	12
Hutt Valley	16
Manukau	49
Napier	6
North Shore	19
Papakura	10
Porirua	14
Pukekohe	7
Tauranga	29
Waitakere	24
Wellington	20
Grand Total	334

Table 2: Number of non-Public Defence Service duty lawyers for non PDS operated courts

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Court	Non PDS Duty Lawyers
Kaikohe	9
Kaitaia	6
Whangarei	16
Dargaville	7
Dannevirke	3
Waipukurau	4
Gisborne	13
Ruatoria	9
Wairoa	8
Huntly	11
Thames	6
Morrinsville	5
Taumarunui	4
Te Kuiti	5
Te Awamutu	8
Rotorua	17
Tokoroa	5
Taupo	6
Whakatane	13
Opotiki	6
Masterton	10
Levin	8
Palmerston North	11
Whanganui	11
Hawera	6

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Court	Non PDS Duty Lawyers
New Plymouth	5
Nelson	13
Westport	4
Blenheim	7
Kaikoura	3
Greymouth	11
Ashburton	8
Timaru	5
Oamaru	4
Queenstown	5
Alexandra	5
Invercargill	9
Gore	7

Note:

- The total number of duty lawyers will be greater than in question 3 as some lawyers work in multiple courts.
- All data is as at 17 November 2022.

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