

8 January 2024

John Luke  
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Ref: OIA 108327

Tēnā koe John

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

Thank you for your email of 28 November 2023, to the Ministry of Justice (the Ministry) requesting, under the Official Information Act 1982 (the Act) information regarding legal aid providers. Specifically, you requested:

*May I ask how you called for public nomination and on what platform you have call for public nominations most recently, e.g. govt.jobs website. Also, how many applications you have received and how many you have shortlisted and interviewed. Also, can you please supply the term of appointment and member's pay rate. What stage is this currently at?*

Your request has been referred to me for response, as it falls within my responsibilities as Group Manager, National Service Delivery and is being managed in accordance with the provisions of the Act.

The Alcohol and Other Drug Treatment Court (AODTC) is aimed at defendants whose offending is driven by alcohol or drug dependency and are facing an imprisonment term of up to three years. It is a specialist court which operates under general jurisdiction.

The AODTC has a dedicated Legal Services Team. Lawyers in the AODTC Legal Services Team must hold a duty lawyer approval and a minimum criminal Provider Approval Level PAL 1 (at least 12 months of recent experience in criminal law practice and have appeared as counsel with substantial and active involvement in at least 3 trials in criminal proceedings). They must also have Experience Level 2 legal aid approval (between 4 and 9 complete years of litigation experience).

An Expression of Interest (EOI) opened on 11 July 2023 with an opportunity for lawyers to be considered for the AODTC roster in Auckland, Waitākere, and Hamilton. This EOI closed on 18 July 2023 and was only open to legal aid lawyers with the minimum requirements above. Further information regarding the AODTC and their functions can be found on the Ministry of Justice website: [justice.govt.nz/courts/criminal/specialist-courts/alcohol-and-other-drug-treatment-court/](https://www.justice.govt.nz/courts/criminal/specialist-courts/alcohol-and-other-drug-treatment-court/)

The EOI was not advertised on the NZ Government Jobs website or any other job advertising website because lawyers that provide legal aid services to the courts are not

employed by the Ministry. Rather, lawyers apply for provider contracts with the Ministry to have the appropriate legal aid and duty lawyer approvals.

The EOI was emailed on 11 July 2023 from the Manager of Legal Aid Grants to law societies with an interest in the criminal jurisdiction, and lawyers that practice criminal defence with duty lawyer approval. The same information was published in a “What’s New for lawyers that provide legal aid” article published on 12 July 2023, which you have referred to in your request. These articles are a way to communicate news, updates and information to lawyers that also provide legal aid. The articles are emailed to all legal aid providers and are publicly published on the Ministry website: [justice.govt.nz/about/lawyers-and-service-providers/legal-aid-lawyers/whats-new/](https://justice.govt.nz/about/lawyers-and-service-providers/legal-aid-lawyers/whats-new/)

Following the EOI, Legal Aid Services received 12 applications. Of those 12 applications, 10 were shortlisted and 2 became AODTC approved. Legal Aid Services did not conduct any interviews, rather the applications were considered via a paper-based assessment. The assessment considered therapeutic experience, previous AODTC or specialist court work and any other information provided. These assessments were considered by a panel made up of Team Leaders of the AODTC and Pou Oranga (cultural advisors).

Duty lawyer and legal aid lawyer policies and contracts are applicable to lawyers in the AODTC. The AODTC operational policy, including term of appointment, is publicly available on the Ministry website: [justice.govt.nz/assets/Documents/Publications/AODT-Court-Operational-Policy-update-2023-v2.pdf](https://justice.govt.nz/assets/Documents/Publications/AODT-Court-Operational-Policy-update-2023-v2.pdf).

The rate for legal aid lawyers working in the AODTC at the time of the EOI was \$98.00 per hour (GST excl). The rate was increased to \$108.00 per hour (GST excl) from 1 August 2023.

If you require any further information, please contact Media & Social Media Manager Joe Locke at [media@justice.govt.nz](mailto:media@justice.govt.nz).

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://justice.govt.nz/about/official-information-act-requests/oia-responses/).

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz) or by phone on 0800 802 602.

Nāku noa, nā



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