



Tania Te Whenua

By email: fyi-request-4113-1cb4173a@requests.fyi.org.nz

30 JUN 2016

Dear Ms Te Whenua

Official Information Act request about Māori Land Court and the Māori Appellate Court Proceedings

Thank you for your email of 6 June 2016, in which you request information about legal aid. In particular, for proceedings in the Māori Land Court and the Māori Appellate Court you request the:

1. number of legal aid applications received, approved and refused on average each year
2. most common reasons why legal aid applications have been refused
3. most common types of action when legal aid has been approved
4. cost of legal aid in these courts in the last full financial year
5. legal aid budget for the last full financial year, and the percentage of money expended
6. percentage of money budgeted in the last full financial year that was repaid from legally aided clients.

Your email has been referred to me for a response and is being managed in accordance with the provisions of the Official Information Act 1982 (OIA). The responses to your questions are set out below.

1. Number of applications

For the Māori Land Court, in the last five financial years, on average each year 3.8 legal aid applications have been received, 2.2 legal aid applications have been approved and 1.6 legal aid applications have been refused. Table 1 provides the data used to calculate these figures.

Table 1

Māori Land Court	2011/12	2012/13	2013/14	2014/15	2015/16 ¹
Approved	2	2	5	1	1
Refused	4	3	1	0	0

For the Māori Appellate Court, in the last five financial years, on average each year 0.6 legal applications have been received. We are unable to calculate an average for the number of legal aid applications approved or refused, as these decisions were made in a single year. Table 2 below provides data used to calculate these figures.

Table 2

Māori Appellate Court	2011/12	2012/13	2013/14	2014/15	2015/16 ¹
Approved	0	0	0	1	0
Refused	2	0	0	0	0

¹ As at 10 June 2016

2. Reasons for refused legal aid applications

The most common reasons for Māori Land Court and Māori Appellate Court applications being refused are:

- insufficient information provided about merits and/or financial circumstances
- insufficient merits
- ineligible proceedings
- the applicant's income or disposable capital exceeded the maximum threshold and there were no special circumstances that warranted approving legal aid.

3. Types of action

The most common situations where legal aid is granted are:

- vesting order in land transfer
- licence to occupy dispute
- determination of land interest
- defend an appeal of Maori Land Court decision.

4. Legal aid expenditure

In the 2015/16¹ financial year, the legal aid cost for proceedings in the Māori Land Court was \$8,339.38. There was no legal aid expenditure for proceedings in the Māori Appellate Court.

5. Legal aid budget and percentage of money expended

Māori Land Court and Māori Appellate Court proceedings are civil legal aid matters. In the 2015/16 financial year, \$5.4 million was budgeted for civil legal aid. The budget is not allocated to specific courts or proceeding types, however the percentage of the civil legal aid spent on proceedings in the Māori Land Court and the Māori Appellate Court compared to the budget is 0.2%.

It is important to note that legal aid is demand driven. The funding which is available does not affect a person's access to justice, if a person is eligible for legal aid, they will receive it.

6. Percentage of the money recovered from legally aided people

In 2015/16¹, 10% of total legal aid expenditure for Māori Land Court and Māori Appellate Court proceedings was recovered from those that were legally aided². It is important to note that legal aid debt is often not fully recovered in the year that it is established.

I trust this information is of assistance.

Yours sincerely



Jacquelyn Shannon
Legal Services Commissioner

¹ As at 10 June 2016.

² This information has been drawn from an operational database that is subject to change and reflects the data at the time it was extracted.