

# Triennial Review of Legal Aid

**Submissions by The Law Association of New Zealand**



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1 August 2025

Legal Aid Review  
Ministry of Justice – National Office  
SX 10088  
Wellington

Tēnā koutou,

**Re: The Law Association of New Zealand – Triennial Review of Legal Aid**

The Law Association of New Zealand (TLANZ) is an independent membership organisation for the New Zealand legal profession with more than 8,000 members across the country. As part of fulfilling its representative function, TLANZ maintains expert law committees that support legal review and policy advocacy on important issues.

TLANZ welcomes the opportunity to contribute to the Ministry of Justice’s Triennial Review of Legal Aid. As a representative body for legal professionals, TLANZ believes that the legal aid system should be fair, sustainable and effective for all users.

This submission is in response to the Ministry’s consultation document and has been structured to address the three distinct categories of legal aid: criminal legal aid, family legal aid, and civil legal aid - reflecting the consultation document’s focus areas. TLANZ’s submissions on each category are informed by input from its specialist law committees which are comprised of experienced law practitioners who work within and alongside the legal aid system on a regular basis.

Each section of the submission responds to the relevant proposals and consultation questions, and highlights both systemic and practice-based insights into the challenges, constraints, and opportunities for improvement within the legal aid framework.

The submission adopts the following format:

Annex 1 – Criminal Legal Aid:

Submissions on behalf of TLANZ by the following Committees:

- Criminal Law – (Annex 1A)
- Parole and Prisoner Rights – (Annex 1B)

Annex 2 – Family Legal Aid:

Submissions on behalf of TLANZ by the following Committee:

- Family Law

Annex 3 – Civil Legal Aid:

Submissions on behalf of TLANZ by the following Committees:

- Employment Law
- Civil Litigation
- Immigration and Refugee Law
- Mental Health and Disability Law


TLANZ thanks the Ministry of Justice for the opportunity to engage with this important review.

We are available to discuss our submissions, if required. Should clarification be needed regarding any matters raised, please contact Dan Conway, Head of Legal, at: [daniel.conway@tlanz.nz](mailto:daniel.conway@tlanz.nz)

**ACKNOWLEDGMENTS**

TLANZ acknowledges the valuable contributions to its submission by the following Committees: [Criminal Law](#), [Parole and Prisoner Rights](#), [Family Law](#), [Employment Law](#), [Civil Litigation](#), [Immigration and Refugee Law](#) and [Mental Health and Disability Law](#).

Ngā mihi



Tony Herring  
President, The Law Association of New Zealand



*The views represented in this submission are not necessarily representative of the views of all TLANZ members but are those of individual TLANZ members or TLANZ committees who have responded to the consultation.*

# Annex 1A – Criminal Legal Aid:

## Submissions on behalf of TLANZ by the Criminal Law Committee

*The Committee notes that the proposals are presently very general. Detailed responses cannot be provided without knowing more about the detail. TLANZ would be grateful for the opportunity to comment on the final proposals and discuss their viability, once that further detail is available.*

### Overarching Questions

#### **1. What is working well within the legal aid system and what is not?**

##### **1.1. What is working well:**

- 1.1.1.** The implementation of the Criminal Procedure Act and the Criminal Process Improvement Programme (CPIP) has led to notable improvements in procedural efficiency. One of the standout aspects that has contributed to the smoother functioning of the legal aid system post-COVID is the establishment of consistent and open communication between various court users, including the police and the criminal bar, Corrections and the criminal bar, as well as between the courts and the criminal bar. These inter-agency meetings serve as a platform to openly discuss the recurring issues faced by each group – such as delays in access to prisoners or disclosure challenges – which in turn has led to more efficient proceedings, minimisation of unnecessary delays, and reductions in overall costs to the system.
- 1.1.2.** Another helpful development is the provision of text message notifications from Legal Aid Services for urgent assignments – such as urgent bail hearings – which ensures that legal representation can be promptly assigned without delay. Furthermore, it is noted that the CPIP programme appears to be operating particularly effectively in South Auckland, and that this has had a positive impact on case progression and efficiency in that region.

##### **1.2. What is not working well:**

- 1.2.1.** There are several systemic and ongoing issues that hinder the effectiveness and efficiency of the legal aid system. Firstly, a persistent example of wasteful expenditure relates to the way prisoners are transported between facilities. When a prisoner is moved, their disclosure materials frequently do not accompany them due to space limitations in the transport vans. This results in counsel being required to reprint the entire disclosure bundle, thereby creating an unnecessary financial and time burden.
- 1.2.2.** Secondly, considerable time is wasted in disputing disclosure matters with the Crown and the police. In many cases, these disputes arise from inconsistencies or deficiencies in disclosure policies which should have been standardised and

resolved without argument. This constant back and forth on matters that should not require deliberation is a clear inefficiency.

- 1.2.3.** Another deeply concerning issue is the inadequacy of remuneration across all levels. Legal aid rates are no longer reflective of the actual work performed, and this devalues the significant professional contribution made by legal aid lawyers, particularly in complex cases.
- 1.2.4.** The fixed fee system is fundamentally flawed as it routinely underestimates the time required to complete each stage of the proceedings. This leads to a situation where lawyers are forced to file repeated amendments to grants to realistically cover the work undertaken. This process not only increases administrative workload but also undermines the predictability of legal aid funding.
- 1.2.5.** Further compounding the problem is the excessive administrative burden, which creates constant and unnecessary obstacles in managing cases. Communication with legal aid is often delayed and disjointed—whether it pertains to submitting a tax invoice or requesting a grant amendment, response times from grants officers are typically slow, and when additional information is requested, the process effectively resets, forcing lawyers to begin the correspondence afresh. This causes serious delays and undermines lawyer efficiency.
- 1.2.6.** A systemic inefficiency lies in the fragmented allocation of legal aid officers to a single file. Currently, no single officer manages a legal aid file from start to finish; rather, various officers are assigned to discrete aspects of the file, which causes confusion, delays, and inefficiencies. For instance, one officer might deal with grant extensions, another with billing matters, and another still with disbursement approvals. This division results in inconsistencies and makes it extremely difficult to manage the file smoothly.
- 1.2.7.** The “preferred counsel” section on legal aid applications is frequently ignored by grants officers when assigning cases. Despite applicants clearly indicating who they wish to represent them, cases are still often assigned to lawyers on the rotational roster without any reference to the preferred counsel indicated. This practice creates unnecessary complications and additional administrative burden for both lawyers and legal aid, as clients generally insist on having their nominated lawyer.
- 1.2.8.** Finally, there has been a significant increase in the disbursement costs now borne by defence counsel, without any corresponding increase in support from Legal Aid. In the past, certain services, such as the provision of police disclosure and access to psychological reports, were covered by the originating department.
- 1.2.9.** These expenses have now been transferred onto the defence counsel, requiring them to print disclosure documents and fund expert reports out-of-pocket unless they can successfully amend their grants to include these new costs. This shift places an unfair and disproportionate financial burden on legal aid lawyers and ultimately affects the ability of defendants to receive a robust and complete defence.

- 2. What changes could be made to ensure the legal aid system is more efficient, of better quality, and better promotes access to justice in a cost-effective manner?**
- 2.1.** *The first* and most significant change would be the return to a system where a single grants officer is assigned to manage each legal aid file from beginning to end. Previously, legal aid files were overseen by a dedicated case officer who was familiar with the specific details and progress of their assigned files. This allowed lawyers to contact a single point of contact for all inquiries related to that file—whether billing questions, disbursement approvals, or grant extensions. It created consistency and accountability, facilitated faster resolution of issues, and allowed for better working relationships between lawyers and grants officers.
- 2.2.** In the current system, files are handled by different officers for different tasks, and many of these officers are unfamiliar with the overall status or history of the case. Queries often need to be escalated or transferred to the appropriate department, causing delays and confusion. For example, a lawyer seeking an urgent extension must first determine which officer is assigned to that particular aspect of the grant, rather than dealing with a single, informed case manager. This fragmentation of responsibility leads to increased inefficiency and frustration.
- 2.3.** Secondly, the “preferred counsel” box on the legal aid application should be moved to the front page of the form. This small change would ensure greater visibility for grants officers and reduce the likelihood of clients being assigned to counsel they did not choose. The current placement of this information makes it easy to overlook, especially during the intake and triaging process. Since reassigning counsel involves time-consuming administration and can cause delays in representation, it is essential that this oversight be addressed.
- 2.4.** Thirdly, the fixed fee structure should in our submission be urgently re-evaluated. At present, the estimated time allocated to each stage of proceedings is wholly unrealistic and does not reflect the reality of practice. Legal aid lawyers are regularly forced to submit amendments to increase their fee entitlements as the work required consistently exceeds the amount anticipated in the standard model. A more realistic and flexible approach to fixed fees should be adopted, or alternatively, a return to time-based billing should be considered for certain categories of cases.
- 2.5.** The fourth major change is the urgent need for legal aid to acknowledge the shift in responsibility for costs that used to be borne by other departments within the justice sector. For example, it is now standard practice for police to pass on electronic disclosure without offering printed copies, leaving defence counsel to bear printing costs. Similarly, where psychological or psychiatric evaluations were previously provided by state agencies at their cost, defence lawyers are now expected to obtain private reports and bear the financial responsibility until reimbursement is secured—if at all. Legal aid must either revert to the previous system of state-funded services or formally expand disbursement approvals and budgets to compensate for this systemic cost shift.
- 3. What would be the consequences of limiting the availability of legal aid? Who might be the most affected?**

- 3.1.** In our submission, limiting the availability of legal aid would have grave and far-reaching consequences for those individuals the system is designed to protect—namely, the most vulnerable members of our society. This includes individuals living in poverty, Māori and Pacific Islander communities, people experiencing mental illness, those with cognitive impairments or neurodivergence, and individuals who face significant language and cultural barriers. These groups are already at a distinct disadvantage within the criminal justice system and further limiting their access to competent legal representation would deepen existing inequities.
- 3.2.** If legal aid becomes less accessible, many defendants will be forced to represent themselves in criminal proceedings. The reality of self-representation is deeply concerning: navigating the intricate and adversarial environment of a courtroom without proper legal training or understanding of the law is not only daunting but often impossible.
- 3.3.** These defendants are left to contend with complex procedural requirements, legal argumentation, evidentiary rules, and judicial expectations that are unfamiliar and intimidating. The result is increased hearing time, delays in proceedings, and the inevitable need for judicial intervention, such as the appointment of amicus curiae, particularly in sensitive cases such as sexual offending, where self-represented defendants are not legally permitted to cross-examine complainants. This increases the demand on the judiciary, court staff, and the entire criminal justice infrastructure.
- 3.4.** The downstream consequences of these outcomes will inevitably lead to an increase in appeals, often stemming from convictions entered without fully informed pleas or from procedural errors that occur when individuals are inadequately advised or unrepresented. Moreover, the judicial system's already stretched resources will be further burdened, causing more backlog, stress, and delay.
- 3.5.** There are specific injustices that will likely occur with greater frequency: people will plead guilty not because they are in fact guilty, but because they cannot afford the time, stress, and cost associated with going to trial. This undermines the entire foundation of the criminal justice system and its guiding principle that all individuals are presumed innocent until proven guilty. Justice cannot be administered fairly if the outcome of a case is driven by financial limitation rather than legal merit.
- 3.6.** The impact will also be felt in sentencing outcomes. More defendants will serve longer periods in custody because they lack the legal skills and knowledge to prepare and present their circumstances in a way that effectively mitigates their sentence. They will not be equipped to explain rehabilitative steps, medical or mental health histories, family circumstances, or background factors relevant to the purposes and principles of sentencing.
- 3.7.** In short, restricting legal aid will not result in savings—it will redistribute and multiply costs elsewhere in the system while creating a justice environment that is fundamentally unfair, inefficient, and damaging to the social fabric.
- 4. Is there anything else you would like to tell us about the legal aid system and how it could be improved?**

- 4.1.** There are several systemic, practical, and policy improvements that could be made to the legal aid system which would not only improve its efficiency but would better uphold its purpose—ensuring equitable access to justice for all individuals regardless of financial means.
- 4.2.** First, it is strongly recommended that the Legal Services Agency introduce formalised training modules for all newly approved legal aid providers. These modules should cover the fundamentals of administering a legal aid file, including how to complete aid-to-grant applications, manage fixed fee billing, and properly submit invoices. Currently, new providers are left to rely almost entirely on their colleagues for guidance, which creates inconsistencies and unnecessary delays. Mandatory online training - completed once as a condition of approval - would create a uniform baseline of understanding and would immediately alleviate many of the miscommunications that currently plague the grants and invoicing process.
- 4.3.** Secondly, the system for approving providers must be less rigid and more inclusive of experienced legal professionals. There are numerous examples of Queen’s Counsel or highly experienced appellate or civil litigators being denied criminal PAL 1 status simply because they cannot meet certain box-ticking exercises designed for junior lawyers. This inflexible “one size fits all” model actively discourages high-calibre professionals from participating in legal aid, particularly if they are not employed at large firms or the Public Defence Service where such boxes are more easily ticked. A more holistic and merit-based approach should be adopted.
- 4.4.** Thirdly, while the current Commissioner and her team are widely recognised as engaged and willing to consult with practitioners, the underlying administrative system remains cumbersome. There is a lack of understanding by non-practitioners about the realities of the criminal justice system and the constraints practitioners face. Grants officers are frequently seen to refuse requests with little or no explanation, creating a cycle of delays and repeat applications that waste time and erode goodwill.
- 4.5.** There is also a strong desire among practitioners for Legal Services to adopt a more collaborative approach to communication. Too often, matters that could be resolved with a simple five-minute phone call result in protracted chains of email and formal letters, wasting valuable time on both sides. Lawyers should be permitted to speak directly with grants officers regarding active files to discuss ATGs or invoice concerns. The reliance on impersonal and bureaucratic correspondence hinders progress and increases frustration.
- 4.6.** Additionally, there is an argument to be made that the administrative burden on Legal Aid itself should be considered. A more efficient legal aid system would benefit not just providers, but the LSA team and its resources.
- 4.7.** An important structural change would be to limit the pursuit of legal aid debt to those clients who are convicted. At present, the policy of pursuing repayment from all legal aid users, regardless of outcome, is deeply unfair and discourages engagement with the legal process. The system should recognise that legal aid is a public good, and recovery of costs should not fall disproportionately on individuals who are acquitted or whose charges are withdrawn.
- 4.8.** Lastly, a stronger distinction must be drawn between the means test and the merits or interest-of-justice test. Particularly in criminal cases, the merits test is not just a formality

but a critical gatekeeping function that should remain in place to ensure that cases without merit do not absorb unnecessary public funds. The same holds true for civil cases, where a clear merits test is an important check on frivolous or unresolvable litigation.

## **Proposals that affect legal aid as a whole**

### ***Proposal 1: Reducing the administrative burden placed on legal aid providers***

5. Are there issues relating to administrative burden that we have not captured?
  - 5.1. Yes, there are several additional issues that contribute to the administrative burden experienced by legal aid providers which have not yet been adequately captured.
  - 5.2. To begin with, there is a distinct lack of formal training or guidance provided to newly approved legal aid lawyers. At present, those entering the system are expected to learn through informal methods—usually by relying on their colleagues for ad hoc explanations regarding what can or cannot be claimed, how to structure aid-to-grant (ATG) applications, and the correct process for invoicing.
  - 5.3. This reliance on word-of-mouth or colleague support creates inconsistency and confusion. It is strongly recommended that Legal Services develop a comprehensive set of online training modules to educate new providers. These modules could cover practical areas such as how to submit ATGs, complete invoices under the fixed fee framework, and understand the relevant portions of the Grants Handbook. Completion of such training could be made a one-time requirement as part of the approval process.
  - 5.4. Secondly, many lawyers refer to the administrative burden not only while managing active files, but more fundamentally in the process of *becoming* a legal aid provider. The system as it stands takes a rigid, standardised approach to assessing eligibility for provider status.
  - 5.5. For instance, lawyers with substantial experience in other areas—such as appellate or civil law—may find it difficult to demonstrate competency using the current forms and criteria, which are largely tailored to junior lawyers or those trained within large institutional environments like the Public Defence Service. One example cited involves a Queen’s Counsel who wished to expand into a new practice area but was refused because they could not satisfy prescriptive requirements designed for entry-level candidates. This is not only discouraging, but counterproductive, as it effectively bars highly experienced and capable lawyers from contributing to the legal aid system.
  - 5.6. In addition, although the current Commissioner and her team have demonstrated a willingness to engage and listen to lawyers, the administrative systems underpinning their work remain cumbersome. It is very difficult for individuals who do not have practical experience working within the legal aid system to fully appreciate the operational pressures and the time-sensitive nature of legal defence work.
  - 5.7. This disconnect has resulted in grants officers routinely declining applications or rejecting amendments without explanation. Such refusals can be deeply frustrating, especially when the lawyer is left with no clear rationale, no guidance for revision, and a ticking deadline to meet court obligations.

- 5.8.** Another key area of concern relates to the rigidity of communication methods. Far too often, relatively minor issues—such as clarifying whether a disbursement is permitted—escalate into extended chains of emails or even formal letters. A short, direct phone call could resolve the matter in minutes, yet this basic mode of communication is not routinely facilitated or encouraged. Lawyers are asking why grants officers cannot simply pick up the phone and work collaboratively to resolve matters more efficiently.
- 5.9.** There is also a general consensus that, while much of the focus has been placed on reducing the administrative burden on providers, equal attention should be paid to streamlining processes within Legal Services itself. A more efficient system benefits both parties. Lawyers are more productive when processes are clear, timelines are respected, and unnecessary steps are eliminated. Likewise, grants officers would face fewer repeat queries, avoidable correspondence, and bottlenecks if the system were less convoluted.
- 5.10.** One final recommendation is that only convicted clients should be held liable for repaying legal aid debt. The current approach places financial obligations on individuals regardless of outcome, which many see as unjust. Not only is it demoralising for clients, but it also creates resentment and fear around accessing legal aid, particularly when there is no clear path to challenge or explain financial hardship.
- 5.11.** We submit that this practice should be reviewed and revised to ensure that only those who are convicted—and therefore directly benefitting from representation in a completed case—bear responsibility for repayment.
- 6. Have we identified all appropriate options for reducing the administrative burden of legal aid?**
- 6.1.** While the consultation document identifies some appropriate and useful options for reducing administrative burden, in our submission further enhancements and refinements are needed to fully capture the scope of practical challenges faced by providers.
- 6.2.** One key omission is the lack of direct communication pathways between providers and grants officers. In the past, it was possible for lawyers to speak directly with the specific grants officer handling their file. This enabled swift clarification of issues around ATGs, billing, and disbursement requests, and often prevented unnecessary correspondence or repeated submissions. The current system, which largely relies on written communication via generic email inboxes or unassigned staff, is far more time-consuming and inefficient. A simple and targeted solution would be to reintroduce named points of contact for each file—ideally one grants officer per file – allowing a single channel of communication throughout the life of the case.
- 6.3.** Moreover, the process for approving disbursements remains unnecessarily complex and slow. There are many recurring disbursements, such as interpreter costs, translation services, and electronic media (USBs or hard drives for disclosure), that could and should be pre-approved up to a set cap. At present, every such expense requires a fresh ATG, regardless of how standard or routine the cost may be.
- 6.4.** This process adds unnecessary paperwork, delays the ability of lawyers to share disclosure with clients, and complicates even the most straightforward matters. A list of pre-approved, routine disbursements—with caps and conditions clearly set out—would significantly reduce paperwork for both providers and Legal Services.

- 6.5.** The consultation paper also does not fully address the practical implications of fixed fee schedules. The current fees do not reflect the true amount of time required for various stages of a criminal proceeding, especially when factoring in travel time, delays due to adjournments, and the extensive time required for communication with clients, many of whom experience cognitive or mental health challenges.
- 6.6.** When the fixed fee proves insufficient, lawyers are required to submit amendments to grants for additional funding - each requiring supporting documentation and approval—which multiplies the administrative load. Unless the fixed fees are adjusted to reflect a more realistic standard, the burden of seeking amendments will remain entrenched.
- 6.7.** Finally, greater clarity and guidance is needed around policy application and grants officer discretion. One of the more frustrating administrative aspects is the inconsistency in decision-making, particularly in cases where one grants officer might approve an application while another, reviewing a similar file, might decline it without explanation.
- 6.8.** This creates uncertainty and forces lawyers to engage in repeated communications, seeking justifications or submitting appeals on decisions that appear arbitrary or opaque. Developing clear and consistently applied policies would help eliminate such uncertainty and improve provider confidence in the system.
- 7. What changes could be made that have the biggest impact on reducing the administrative burden of providing of legal aid?**

**7.1.** The changes that would have the most meaningful and immediate impact on reducing the administrative burden include:

**7.1.1. Direct Communication with Grants Officers:**

Restoring the ability for providers to speak directly with the grants officer assigned to a file is perhaps the single most effective measure. As it stands, simple issues such as clarifying a cost, confirming receipt of documents, or correcting minor errors can require days of email exchanges. A short telephone call could resolve many of these matters in minutes, reducing delays for both lawyers and grants officers;

**7.1.2. Single Case Officer Per File:**

Assigning one case officer to manage a file from beginning to end would increase consistency, reduce duplication of work, and create accountability. It also fosters a relationship where the case officer becomes familiar with the specific client circumstances and the dynamics of the file. This single point of contact system used to work well and should be reinstated;

**7.1.3. Pre-Approval for Common Disbursements:**

Introducing a list of commonly claimed disbursements that are automatically pre-approved up to a capped amount would eliminate the need to submit repeated ATGs. Examples include flash drives, printing disclosure over a certain page threshold, standard interpreter/translation costs, and psychological screening for sentencing. Such a pre-approved framework would allow providers to operate more efficiently and reduce the volume of paperwork both sent and received by Legal Services;

**7.1.4. Streamlined Interpreter Provisions:**

The interpreter ATG process is especially onerous. Currently, lawyers must file multiple applications, particularly in jury trial matters, to cover interpreting costs. There should be a more generous automatic limit (or no limit with invoice-based reimbursement) once a language barrier has been identified. The costs are legitimate, court-mandated, and essential to access to justice;

**7.1.5. Clear, Accessible Guidelines:**

The Grants Handbook, while useful, is not always easily navigable, particularly for new providers. Short, practical guidance notes (e.g. for commonly disputed items) would be helpful. Additionally, lawyers should not be left in the dark when a grant is declined or a fee denied—written refusals should always include clear, concise reasoning to enable informed responses or appeals;

**7.1.6. Improved Digital Infrastructure:**

The current systems for submitting, tracking, and managing grants and invoices are not user-friendly. Investment in a secure, user-centred online portal with real-time status updates would reduce confusion and allow lawyers to better manage deadlines and compliance requirements. An online dashboard showing the current status of a file or invoice—received, under review, approved, or declined—would streamline workflow.

***Proposal 2: Increasing provider remuneration to encourage lawyers to provide legal aid***

**8. Are there remuneration issues we have not captured?**

- 8.1.** Yes, in our submission there are significant remuneration issues that have not been fully acknowledged or addressed in the consultation material, particularly regarding the treatment of serious sexual offence cases.
- 8.2.** One of the most pressing concerns is the current misclassification of serious sexual offence cases within the PAL (Provider Approval Level) framework. These matters are often classified at PAL 3, but in practice, they demand the same (and often more) expertise, time, and emotional energy as PAL 4 cases. Serious sexual cases are governed by a complex and constantly evolving legislative framework, much of which is unique to this category of offence – such as the Sexual Violence Legislation Act 2021, the right to pre-record complainant evidence, special admissibility rules, and limited avenues for cross-examination.
- 8.3.** The complexity is not limited to the law. These cases are emotionally taxing and procedurally demanding, requiring highly skilled and experienced counsel to navigate sensitive complainant evidence, jury management, pre-trial rulings on evidence admissibility, and trial strategy. These cases frequently involve first-time defendants facing a near-certain prison sentence if convicted, heightening the emotional and strategic burden on defence counsel. The stakes are high for everyone involved.
- 8.4.** What adds to the difficulty is the shifting cultural and judicial environment surrounding sexual violence prosecutions. There is now a much greater and appropriate emphasis placed on ensuring complainants are treated with dignity and respect – this includes procedural adaptations that rightly minimise trauma, such as giving evidence behind screens, via AVL, or pre-recorded. However, this also means that defence lawyers are

operating within stricter confines and often face increased judicial scrutiny and community expectation.

**8.5.** At the same time, a noticeable cultural shift has occurred in the perception and treatment of defence lawyers who undertake this work. There is growing hostility in some quarters of the profession and the public toward lawyers who defend such cases creating a sense of professional risk and reputational vulnerability. This, combined with the inadequate classification of such cases for funding purposes, is pushing many senior and mid-level lawyers to walk away from this area of practice altogether.

**8.6.** In sum, the failure to appropriately remunerate serious sexual offence cases in line with their complexity, emotional intensity, and societal expectations is undermining the sustainability of this vital area of legal aid work. These cases should be reclassified as PAL 4 to ensure that experienced lawyers are retained and properly recognised for their skill and commitment.

**9. Have we identified the appropriate options for improving provider remuneration?**

**9.1.** The options identified in the consultation document are broadly appropriate, but they need to be expanded and more clearly articulated in relation to the realities of the work involved.

**9.2.** First, a comprehensive review of the fixed fee schedules is essential. These schedules have not kept pace with inflation, increasing litigation complexity, or the additional requirements now placed on defence lawyers—especially around cultural reports, mental health assessments, and client engagement. The fixed fees are no longer fit for purpose. They are inflexible, do not account for the wide variability in case complexity, and often result in lawyers subsidising their own work, which is unsustainable and fundamentally inequitable.

**9.3.** Secondly, consideration should be given to introducing an increased hourly rate or uplift for complex cases where particular thresholds are met. For example, where a trial involves multiple complainants, numerous charges, interpreters, or the use of communication assistants, this adds a significant layer of complexity and time. In such cases, lawyers should be able to apply for a higher hourly rate or receive an uplift on fixed fees to reflect the additional workload and professional responsibility involved.

**9.4.** It is also critical that the current system be adapted to better support work by junior lawyers under the supervision of senior counsel. Where juniors are being used, they are generally paid at a lower rate, which helps control costs, but still enables seniors to delegate appropriate work.

**9.5.** If Legal Aid refuses to approve hours for junior counsel simply because a senior lawyer has already been granted a certain number of hours, this leads to the inefficient outcome of the senior lawyer doing all the work themselves—at a higher rate. This approach defeats the objective of creating cost-effective workflows and opportunities for upskilling junior counsel. Therefore, structured and sensible remuneration policies should support, rather than inhibit, delegation and mentoring.

**10. What changes would have the biggest impact on improving coverage and provider sustainability for the legal aid scheme?**

- 10.1.** Several strategic changes would have a transformative effect on both provider coverage and the long-term sustainability of the legal aid scheme.
- 10.2.** First and foremost, increasing remuneration across the board is necessary to attract and retain legal aid lawyers, especially in the criminal jurisdiction where case complexity, pressure, and emotional toll are significant. This includes increasing fixed fees to reflect realistic workloads and making it easier for lawyers to access hourly rates where justified.
- 10.3.** Secondly, creating more flexible pathways for junior lawyers to work on legal aid files would significantly strengthen the pipeline of future providers. This can be achieved by supporting senior-junior collaboration on files—not just at trial stage—and by approving junior work at a reduced hourly rate even when a senior counsel has funding already approved. This both reduces cost and promotes mentoring, without compromising quality.
- 10.4.** Thirdly, allowing senior lawyers to take assignments outside of their usual geographical regions and improving travel compensation would assist with coverage in under-served areas. Many lawyers are willing to travel for trials or complex hearings but are deterred by inadequate travel allowances or overly rigid assignment rules.
- 10.5.** A more flexible model would allow providers to respond to shortages in rural or provincial areas without suffering financial loss.
- 10.6.** Finally, more frequent and structured consultation with legal aid providers—both junior and senior—about remuneration changes would ensure that policy remains responsive to the practical needs of the Bar. Top-down decisions often miss the mark because they fail to capture the diversity of legal aid practice and the realities of managing these demanding cases.

***Proposal 3: Improving incentives for junior counsel to provide legal aid***

**11. Are there other issues concerning the engagement of junior lawyers, or barristers to the progression of supervised and junior lawyers, that we have not captured?**

- 11.1.** Yes, a significant issue not adequately captured is the inconsistency and, at times, absence of active supervision by some senior counsel. There have been instances in court where it has become apparent that juniors are appearing without having received proper guidance or support from their supervising barristers.
- 11.2.** This is not only concerning in terms of quality of representation but also undermines the purpose of having a supervised pathway for developing lawyers. The phrase “supervised” must carry a clear expectation that the supervising barrister is actively involved—especially in court matters where the junior is making substantive appearances.
- 11.3.** To address this, expectations around in-court supervision need to be explicitly clarified and built into the legal aid framework. This does not mean creating a burdensome, formalised mentor programme, but rather a set of enforceable minimum standards outlining what active supervision entails, and when a junior should be appearing alone.

**12. Have we identified the appropriate options for supporting junior counsel to engage in legal aid work?**

**12.1.** Generally, the proposals identified are sensible and well-aligned with the goal of upskilling junior counsel and broadening the base of legal aid providers. However, these proposals must be accompanied by policy changes to allow for pre-approval of junior counsel to work on PAL 3 and PAL 4 jury trials.

**12.2.** Currently, the private bar does not have the same flexibility as the Public Defence Service (PDS), which routinely has a junior on every jury trial. This discrepancy is unjustifiable. Junior barristers working under private senior counsel should be afforded the same opportunities for learning and participation.

**12.3.** Moreover, where a junior is involved in a complex or sensitive trial, there should be the ability for the supervising senior counsel to claim a modest fee for their oversight and input. The additional work involved in mentoring and supporting a junior – especially when managing client expectations or sensitive evidence—needs to be acknowledged.

**13. What changes would have the biggest impact on enabling more junior lawyers to provide legal aid, improving coverage and provider sustainability for the legal aid scheme?**

**13.1.** The following changes would have a significant and lasting impact:

- *Pre-approval of juniors* for participation in higher PAL-level jury trials to gain meaningful experience;
- *Equating private bar opportunities with PDS* by ensuring junior counsel involvement is presumed permissible where senior counsel is approved;
- *Senior oversight fee:* Allowing the supervising barrister to claim a separate fee in situations where mentoring and supervision are active and ongoing during a trial;
- *Supervised trial participation:* When a newly approved PAL 2 counsel is conducting their first or second jury trial, there should be an option for them to be supervised by a more experienced lawyer. That supervising lawyer should be able to claim for this role;
- *Retention of second counsel:* In high-stakes or complex matters (e.g. large-scale drug operations, homicide, serious fraud), the availability of second counsel should be maintained. If the Crown regularly appears with two counsel, so should the defence, as a matter of parity and fairness; and
- *Avoiding formal mentorship mandates:* While mentoring is critical, the imposition of a formalised framework may create unnecessary compliance and administrative burden. A review and clarification of existing supervision guidelines would be more practical and effective.

**Proposal 4: Ensuring value for money and reducing spend on specialist reports**

**14. Do you have a view about why the number of specialist reports might be increasing?**

**14.1.** Yes, there are several valid and compelling reasons for the increase in the number of specialist reports. Firstly, the nature of the criminal justice population has changed: many defendants are now presenting with complex social, psychological, neurodevelopmental, or addiction-related issues. These factors must be properly understood to ensure just and proportionate sentencing outcomes. Standard reports,

such as Pre-sentence (PAC) reports from Corrections, frequently fail to capture these complexities in sufficient depth, necessitating privately commissioned reports.

- 14.2. Secondly, the quality of PAC reports has diminished significantly. These reports are often templated, lacking any nuanced consideration of the defendant's background, mental health status, whānau context, or rehabilitative prospects. They are also frequently based solely on telephone interviews with the defendant and do not involve any engagement with family members or support networks. This results in a limited and often unhelpful picture being presented to the sentencing judge.
- 14.3. In the past, Corrections could be directed to provide psychological reports. This is no longer routinely available, requiring counsel to apply for funding through legal aid to commission independent reports. Similarly, the increasing reliance on forensic evidence in jury trials has necessitated the use of private experts to rebut, verify, or interpret technical information presented by the Crown. Without adequate funding, there is a serious risk of miscarriages of justice due to inequality of arms.
- 14.4. Another disturbing trend is the growing tendency of police to provide "in-house" expert opinions on matters that should be independently assessed. For example, arresting officers acting as interpreters during interviews or providing their own "unofficial" translations of phone calls is inappropriate and unreliable.
- 14.5. Defence counsel are then forced to seek funding for independent interpreters or language experts to challenge these problematic practices.
- 14.6. Moreover, reports that support early guilty pleas can, in fact, result in significant cost savings. For instance, a psychological report showing that a client has limited culpability or a substance abuse problem may facilitate early resolution by giving both counsel and the court confidence in sentencing options. Similarly, private investigators commissioned early in the process can help rule out unmeritorious defences or support early pleas, again saving time and public funds.
- 14.7. It must also be noted that in the parole context, Corrections case managers often fail to fulfil their responsibilities. They do not arrange reports, advocate for release plans, or facilitate rehabilitation pathways. This inaction forces lawyers to step in, applying for legal aid to obtain private reports, arrange hui with whānau, and complete other rehabilitative groundwork. Ironically, once parole is granted, the individual is less of a burden on the system—yet that outcome was only made possible by the lawyer stepping into a role that Corrections neglected.

## **15. Are there issues with specialist reports that we have not captured?**

- 15.1. Yes, several. One critical point is that the true cost of specialist reports must be considered in the context of the broader system. A report that appears expensive in isolation may in fact result in substantial savings through reduced imprisonment, targeted rehabilitation, or diversion from the system entirely. These longer-term savings are not easily quantifiable but are nonetheless real.
- 15.2. The quality of PAC reports remains one of the biggest failures. Section 26 of the Sentencing Act sets out the basic requirements, but Corrections often does the bare minimum—resulting in courts being uninformed or misinformed at sentencing. Inadequate PAC reports frequently leave counsel with no option but to apply for a

psychological, psychiatric, or section 27 report to properly inform the court and fulfil their ethical obligations to the client.

**15.3.** Face-to-face interviews with defendants are rare. Interviews are usually conducted over the phone, often without privacy, and the defendant is asked to discuss intimate details about trauma, mental illness, or substance use. This is unacceptable. Furthermore, PAC report writers rarely speak to family or community supports.

**15.4.** Consequently, much of the valuable contextual information—such as employment history, whānau obligations, or rehabilitative efforts—is absent. Defence counsel must then gather and present this information through privately commissioned reports.

**16. Have we identified all the appropriate options for ensuring value for money from specialist reports while preserving access to justice?**

**16.1.** Broadly, yes. However, any attempt to cap costs or restrict the pool of report writers through accreditation systems must be approached with caution. The current shortage of experts – particularly psychologists and psychiatrists – means that limiting provider choice could cause severe delays. Many existing experts are already overbooked. Further, in some specialist areas (e.g. fetal alcohol spectrum disorder, neurodiversity, cultural reports), the available pool is extremely limited and not evenly distributed across the country.

**17. What changes to the content and processes for specialist reports do you think would be most effective in ensuring value for money while preserving access to justice?**

**17.1.** Only one psychiatric report should be required to establish fitness to plead, unless the court or counsel sees cause for a second.

**17.2.** The Crown and police should be limited to using ESR (the national forensic service) unless an independent basis exists for overseas or private testing.

**17.3.** Private investigators should continue to be funded where appropriate, as their work can save legal aid money in the long run.

**17.4.** Caps should not be imposed on reports if a strong evidential basis exists for their necessity. A rigid cap would create a two-tiered system: one for privately paying clients and another for legal aid recipients who are deprived of essential tools for justice.

**17.5.** Accreditation for report writers should not be introduced unless there is a clear, consistent standard and sufficient workforce to meet demand.

**17.6.** Consider a sentencing threshold (e.g. 2+ years' imprisonment) before requiring a psychological or AOD report, but with discretion maintained for exceptional cases.

***Proposal 5: Reviewing quality assurance processes***

**18. Are there any issues concerning quality assurance processes that we have not captured?**

**18.1.** Yes. In full audits, contracted specialists - who are often practising lawyers - sometimes display a lack of realism about file management or miss context-specific details that affect performance assessments. The criteria used during audits should be made

transparent and available to lawyers in advance, so they understand how their files will be assessed.

**18.2.** In limited audits, files are often reviewed by Ministry of Justice staff who lack legal qualifications. This leads to misinterpretation of case content and unwarranted questioning. Lawyers have had to engage in lengthy correspondence to clarify basic issues that a legally trained reviewer would have understood immediately. Limited audits should be carried out only by qualified and experienced lawyers.

**18.3.** Additionally, the interpretation of key regulatory terms, such as “substantive and active involvement” in Quality Regulations, is highly inconsistent. Some approval panels apply this phrase arbitrarily. It must be clarified in both policy and application guidance.

**18.4.** Finally, the remuneration for members of the Legal Aid Performance Review Committee and other approval committees must be revisited. These are specialised roles requiring expertise and careful assessment, and it is increasingly difficult to attract suitable, experienced members under the current remuneration model.

## **19. Have we identified all the appropriate options for improving the quality of legal aid?**

**19.1.** We submit that one important structural change is missing: rather than splitting PAL 3 into additional categories, sexual violence trials should be elevated to PAL 4. These cases are among the most complex in terms of law, evidence, and procedure and deserve to be classified accordingly.

## **20. What key improvements could ensure quality of representation while minimising administrative burden?**

**20.1.** Regular, scheduled audits (e.g. every 5 years) would allow lawyers to anticipate and prepare, rather than be caught off guard.

**20.2.** Mentorship-based support models should be introduced for lawyers who are found to be non-compliant—this would lift standards more constructively than penalties or recovery demands.

**20.3.** Clients’ views should not be used as a primary quality metric. Most clients cannot assess legal competence and tend to base satisfaction on outcomes rather than process or quality of advocacy.

**20.4.** For lawyers working digitally, an online portal for audit uploads would streamline the file-sharing process.

## ***Proposal 6: Bulk funding and procurement of legal aid services***

### **21. What are benefits and/or disadvantages of bulk funding?**

**21.1.** The concept of bulk funding presents substantial risks, particularly if it mimics the Public Defence Service (PDS) model. A potential disadvantage is the emergence of a production-line mentality, where seniors supervise multiple juniors and the emphasis shifts to volume and cost-saving, rather than quality of representation or meaningful client relationships.

- 21.2.** It may be worthwhile to pilot bulk funding in regions with a shortage of providers to test its viability. However, in urban centres like Auckland, where PDS is already embedded, there is no need for duplication.
- 21.3.** Critically, the government must provide full transparency around its bulk funding vision. Without details – such as whether this is a PDS-style restructure for the private bar – lawyers cannot properly evaluate or respond.
- 21.4.** To illustrate the gap, the private bar needs access to a breakdown of the total costs of PDS operations across Auckland, including infrastructure, salaries, administrative costs, audit and accounting fees, indemnity insurance, mobile communication expenses, and leave provisions. These hidden costs are substantial and must be disclosed before the Ministry proposes a similar model for the private sector.
- 21.5.** The fear is that bulk funding will strip away these structural supports and expect private providers to deliver equivalent services under flat fees, which is unworkable—especially for trial work.

**22. What types of proceedings would be appropriate to manage via a bulk funding model?**

- 22.1.** At most, bulk funding could be trialled for very simple criminal matters (e.g. PAL 1 charges such as EBA or basic theft), and only in limited jurisdictions experiencing chronic provider shortages. Bulk funding is **not appropriate** for family violence matters, PAL 2–4 cases, or any file where trial election is an option.

**23. If you are a legal aid provider, would you be interested in participating in a bulk funding trial?**

- 23.1.** No.

**Proposals that affect civil and family legal aid**

***Proposal 7: Increasing repayments from legal aid recipients***

**24. Should users of legal aid be required to repay more of their legal aid cost?**

- 24.1.** No.

**24.2.** The purpose of legal aid is to ensure access to justice, not to create long-term financial hardship. The current thresholds for repayment are already onerous, and further increases would create additional stress and act as a deterrent to seeking representation. This would lead to worse outcomes for clients and greater long-term costs for the justice system.

**25. What impact will increasing repayment amounts have on legal aid users?**

- 25.1.** It would disproportionately impact vulnerable populations—especially those already in debt, dealing with hardship, or living with mental health issues. Fear of accumulating debt could lead individuals to forgo legal representation or plead guilty just to avoid proceedings.

**26. Should the options available for enforcing and collecting legal aid debt be strengthened or expanded to make it easier for debt to be collected?**

**26.1.** No. Emphasis should instead be placed on writing off debt where appropriate. Any enforcement regime should be fair, humane, and based on the convicted person's ability to pay. Debts should not be chased when the client has been acquitted or charges withdrawn.

**Proposals that affect criminal legal aid**

***Proposal 8: Increasing the role of the Public Defence Service***

**27. Are there issues concerning the role of the PDS that we have not covered?**

**27.1.** Yes. High turnover within PDS continues to be an issue, especially among junior and mid-level staff. This leads to loss of institutional knowledge and inconsistency in client management. Increasing PDS caseloads without addressing staff retention would simply compound this issue.

**27.2.** Further, PDS may not be more cost-effective. Its cost structure includes administrative salaries, rent, leave, and infrastructure – all of which are not passed onto the Crown by private lawyers. The government must factor in these hidden costs before reallocating more work to the PDS.

**28. Should the PDS be supported to accept more legal aid cases overall, or more PAL 3 and PAL 4 criminal cases?**

**28.1.** No. PDS lacks sufficient senior lawyers to handle additional PAL 3–4 work. Those who are available are often already burdened with supervisory or managerial roles. If the PDS were given more PAL 3–4 files, these would likely be allocated to juniors, which is inappropriate.

**28.2.** If expansion is necessary, it should occur at the PAL 1 level, where there is a better match between file complexity and the capacity of PDS lawyers.

**29. Could the PDS taking on more cases assist to address workload and well-being issues for private lawyers?**

**29.1.** Not meaningfully. It would likely increase the burden on PDS lawyers who already have substantial workloads. The better approach is to retain senior lawyers in the private bar by increasing remuneration and reducing bureaucratic obstacles.

**29.2.** Counsel of choice should be preserved—particularly for PAL 3–4 files. Relationships with clients matter. Many clients specifically choose lawyers who have represented their whānau or community members. These connections often improve efficiency and trust.

**29.3.** Rotation of PAL 3–4 files should remain at a 1:1 ratio with the private bar. The independent criminal bar must be preserved as a cornerstone of the justice system.

***Proposal 9: Restructuring provider remuneration to incentivise timeliness***

**30. Are there issues concerning provider remuneration structures that have a negative impact on timely resolution that we have not captured?**

**30.1.** Yes. Delays in resolution are often caused by factors outside the lawyer's control - most notably late or incomplete disclosure. Penalising lawyers financially for delays caused by the prosecution or court scheduling would be unfair.

**31. Have we identified the appropriate options for restructuring fees to provide more fair remuneration for criminal cases that resolve early?**

**31.1.** Partially. However, hearing time and waiting time must be separated in any fee model. Lawyers are often forced to wait for hours because of court congestion, client transport issues, or listing practices. This is not within their control and should be billable.

**32. Are there other changes to the criminal fee schedules that might promote early case resolution for cases that resolve early?**

**32.1.** The six-month billing limit should be extended to 12 months. This would reduce unnecessary piecemeal invoices and streamline administration.

**32.2.** Training should also be offered to improve consistency in invoice preparation and reduce errors.

**32.3.** Any fee structure that overtly rewards early resolution risks the perception that lawyers are incentivised to pressure clients into pleading guilty. This would undermine public confidence and violate the lawyer's duty to act in the client's best interests.

**33. Are there specific changes to provider remuneration that would help encourage earlier resolution in civil and family legal aid cases?**

**33.1.** Our submissions above cover this.

***Proposal 10: Minimising reassignments of lawyers***

**34. Are there issues with the reassignment of legal aid cases that we have not captured?**

**34.1.** Yes. Courts frequently insist on dates that original counsel cannot accommodate, then reassign the file. This undermines both client trust and continuity of representation, all in the name of meeting Ministry timeliness KPIs. Cost to the state is not considered. Reassignment for scheduling convenience alone should be avoided.

**34.2.** Additionally, there is inconsistency in how reassignment files are handled. Some lawyers provide disclosure automatically; others require client-signed authorities. It would help to clarify minimum file transfer obligations.

**35. Are there other ways to minimise the reassignment of legal aid cases or to reduce the impacts of reassignment?**

**35.1.** We submit that the practice of Legal Aid calling or texting lawyers before assigning files should be reintroduced. This avoids "instant" reassignments due to unavailability.

**35.2.** We suggest setting limits on how often a client can change lawyers without good reason. Repeated requests are often tactics to delay.

- 35.3.** Where breakdowns occur, we submit that reassignment should be based on grounds under the Lawyers: Conduct and Client Care Rules, or where genuine health and safety concerns are raised.

***Proposal 11: Clarifying the role of Duty Lawyers in cases that can be resolved without a grant of aid***

**36. Are there other issues concerning duty lawyers' involvement in less serious criminal cases that we have not captured?**

**36.1.** Yes. With the shift toward written applications for sections 94, 81, and 106 (e.g. for disqualification substitutions, limited licences, and discharges without conviction), duty lawyers are unable to assist. These applications are complex and beyond the capacity of defendants to prepare themselves.

**36.2.** If these applications returned to being oral and handled on the day, duty lawyers could provide more support.

**37. Have we identified the appropriate options that would address the problem identified for these legal aid applications?**

**37.1.** Generally yes, but only if reforms also address the procedural barriers—such as the shift to written-only applications.

**38. Is it feasible to expect duty lawyers to provide more services in cases where the offence is punishable with a term of imprisonment of less than six months?**

**38.1.** Yes, provided the duty lawyer has sufficient experience. Additional training may be needed to support this expansion.

**39. What barriers might prevent duty lawyers from acting in these cases?**

**39.1.** Retention and recruitment of experienced duty lawyers is a challenge. Many are leaving due to low pay and poor support. Remuneration must be improved to attract capable lawyers. Experienced duty lawyers are essential if more responsibility is to be placed on them.

# Annex 1B – Criminal Legal Aid:

## Submissions on behalf of TLANZ by the Parole and Prisoner Rights Committee

### Overarching Questions

#### **1. What is working well within the legal aid system and what is not?**

- 1.1.** The Parole committee submits that these submissions are preliminary only, and respectfully requests further opportunities to provide input once more detailed proposals are available. In our view, continued consultation will be essential to ensure that any changes to the legal aid system are well-informed, practical, and aligned with the realities of practice on the ground.
- 1.2.** We strongly urge that this review go beyond simply analysing the “cost” of legal aid and instead adopt a broader lens that includes the productivity of legal aid providers. Too often, responsibilities that once sat with other parts of the justice system—such as disclosure obligations or the provision of specialist reports—have been shifted onto legal aid providers, without any corresponding resourcing or structural support.
- 1.3.** For example, Police once delivered printed disclosure materials directly to counsel. Today, counsel must download, print, and organise disclosure from digital links—often consuming hours of unremunerated time and increasing disbursement costs. Similarly, due to the Department of Corrections’ limited capacity to provide psychological assessments for parole hearings, counsel are increasingly required to seek private reports funded through legal aid. These shifts represent not a reduction in systemic workload, but a redistribution of it—onto already stretched legal aid providers.
- 1.4.** A cost-focused analysis that does not account for these broader productivity contributions will be inherently incomplete and risks undervaluing the vital role that legal aid lawyers play in delivering access to justice.
- 1.5.** We stress the need to meaningfully reduce administrative burdens in the system. These tasks are often disproportionate to the value of the work being claimed—especially where amendments are required for minor but essential work. In many cases, lawyers simply absorb the cost because the administrative effort outweighs the benefit. For example, certain types of work (such as recall hearings and Extended Supervision Order (ESO) matters) almost always require amendments to fixed fees, suggesting that the current fixed fee framework is inadequate. Similarly, there is no fixed fee available for work such as media applications, AVL meetings with prisoners, or where communication assistants are involved. These are all routine aspects of parole work and should be built into the invoicing system through dedicated tick-boxes to avoid unnecessary amendment requests. This would improve efficiency for both providers and Legal Aid Services.
- 1.6.** In the context of parole hearings, the current fixed fee structure does not adequately reflect the time and expertise required to provide effective legal representation. Many parole matters, particularly those involving complex issues or high-risk clients, demand

significant preparation and engagement with both the client and the Parole Board. Increasing the fixed fee would more fairly compensate providers and reduce the administrative burden associated with seeking amendments to cover necessary work.

- 1.7.** The introduction of the extended board fee, which the TLANZ Parole Committee previously advocated for, has been a positive development and demonstrates the value of appropriately tailored fee structures. However, other types of hearings—such as recalls, ESOs, and monitoring hearings (which are usually a standard hearing, when an application to vary/cancel is being sought from either side, which is opposed, requiring submissions, such hearing can lead to a substantive hearing) —often require considerable time and preparation, yet are not adequately funded under the current model. In many cases, amendments to grants are routinely approved, indicating a clear gap between the work required and the compensation provided. These types of proceedings are complex and can significantly impact individual liberties and rights under the New Zealand Bill of Rights Act 1990 (see *Grinder v Attorney-General* [2024] NZSC 50<sup>1</sup>; and also see *Chisnall v Chief Executive of the Department of Corrections* [2022] NZCA 402<sup>2</sup>).
- 1.8.** Additionally, while the current \$150 fee per psychology report is sufficient for one or two reports, it becomes problematic in cases requiring multiple assessments. At present, practitioners must seek amendments for each additional report, creating unnecessary delay and paperwork. Recognising psychological reports as a repeatable activity within the grant structure would streamline this process and better reflect the realities of parole representation.
- 1.9.** The data shows an overwhelmingly high approval rate of 99.5% for "Printing of Disclosure" amendments from 2010-2025, with only \$12,181 declined out of \$2.54 million requested, indicating near-universal approval of these disbursements. While most courts maintained consistent approval patterns, notable exceptions include Whanganui District Court's significant 30% decline rate in 2023/24 (\$4,317 rejected) and isolated cases like Auckland District Court's negative adjustment of -\$2,870 in 2023/24, suggesting occasional reimbursement clawbacks. The rare declines that did occur (totalling just 0.5% of requests) were concentrated in specific years (42% of all declines happened in 2023/24) and courts, with urban centres seeing declines primarily for overclaiming while rural courts experienced minimal but procedural-based rejections. This pattern suggests a system that strongly favours approval but with sporadic, geographically concentrated enforcement of limits, particularly in recent years as costs have escalated dramatically – for recommendations on these statistics, please refer to attached *Schedule 1: TLANZ Parole Law Committee Data Analysis of Amendment to Grant OIA Request - Released data tables – 122495*.
- 1.10.** Media applications are now a regular feature of parole hearings and often involve suppression orders, embargo timeframes, and detailed client consultation. Because this extra work is not covered by the current fee structure, introducing a fixed fee for media applications— for example, \$150—would more accurately reflect the time involved and reduce the need for amendments, benefiting both providers and Legal Aid Services.

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<sup>1</sup>*Grinder v Attorney-General* [2024] NZSC 50. Retrieved from <https://www.courtsofnz.govt.nz/assets/cases/2024/2024-NZSC-50.pdf>

<sup>2</sup> *Chisnall v Chief Executive of the Department of Corrections* [2022] NZCA 402. Retrieved from <https://www.openlaw.nz/case/2022NZCA402>

- 1.11.** Victim submissions, particularly those involving suppression issues, are often received after the parole pack has already been provided to counsel. This late timing typically requires a second meeting or consultation with the client to review the content and obtain instructions. Introducing a fixed fee of \$100 for this work would appropriately recognise the time involved and reduce the need to seek amendments to the grant.
  - 1.12.** In prisoner rights matters funded through civil legal aid, the availability of interim grants to assess the prospects of success has proven effective. These grants allow for early-stage triaging of claims, including client interviews, review of records and any available footage, and analysis of the applicable law, etc. This approach also provides the client with a definitive assessment of the claim, which sometimes prevents them asking other lawyers for the same service or seeking to self-litigate, thereby supporting efficient case resolution and reducing strain on the justice system.
  - 1.13.** The pathway for lawyers new to prisoner rights work to practise under supervision as civil legal aid providers is another feature that works well. It helps them become familiar with the work while under robust supervision. However, the entry-level remuneration rate acts as a barrier for more experienced practitioners who may be new to this area but not to legal practice. For these lawyers, the current rate does not adequately reflect their skill level, or the time commitment required, discouraging their participation in civil legal aid and limiting the pool of available providers.
- 2. What changes could be made to ensure the legal aid system is more efficient, of better quality, and better promotes access to justice in a cost-effective manner?**
- 2.1.** The improvements proposed under paragraph 1 would also enhance the efficiency and quality of the legal aid system. Adopting a more flexible approach to billing would support both cost-effectiveness and access to justice.
  - 2.2.** In parole matters, lawyers routinely engage with clients who are in custody. While some in-person visits are partially covered through travel-related claims, the bulk of communication now occurs via telephone or Audio-Visual Link (AVL). These interactions often involve not only the client but also case managers, family members, and support networks. This work, while critical to effective representation, is currently undertaken without remuneration, as it is considered incidental to the role. However, the time required is considerable and, over time, creates a substantial and unrecognised burden on providers.
  - 2.3.** The TLANZ Parole Committee considers this an area that requires targeted reform. All clients involved in Schedule J parole hearings are in custody, and the custodial setting adds significant complexity to the legal work required. To address this, the committee proposes introducing a separate fixed fee for AVL meetings, akin to the current provisions for hearing and waiting time. This fee should be claimable in 15- or 30-minute units to ensure that the time invested in these essential engagements is properly acknowledged and compensated.
  - 2.4.** The introduction of a specific AVL meeting fee would also reduce the administrative burden on both lawyers and Legal Aid Services. By allowing this work to be directly

claimed, the number of amendment applications required to reflect the true scope of work would decrease significantly, improving efficiency across the system.

- 2.5. We acknowledge that while legal aid is provided based on limited financial means, opportunities for cost recovery should be explored in a fair and proportionate way. In prisoner rights civil cases, it is common practice for providers to seek repayment of costs from legal aid directly, as a term of settlement, to avoid placing the repayment burden on clients. This approach is more efficient than relying on mechanisms such as the Prisoners and Victims Claims Act and helps maximise return to the legal aid fund without undue hardship on the individual.
- 2.6. That said, the reality remains that recovering legal aid debt is inherently difficult, as those who qualify for assistance often continue to face financial hardship even after their legal matters are resolved. Efforts to recover costs should therefore be balanced against the client's broader circumstances, particularly in parole matters where debts are typically modest.
- 2.7. In cases where clients' own property, it may be appropriate for Legal Aid Services to consider a caveat over the home to secure repayment, rather than expecting immediate sale or refinancing – especially where the property serves as a release address. This provides a practical and proportionate method for cost recovery without compromising rehabilitation or reintegration.
- 2.8. In prisoner rights cases funded through civil legal aid, many providers routinely seek to recover full or partial costs from legal aid as part of the settlement, thereby avoiding the need for the client to repay. This practice is an effective way to ensure some return of costs to the system without placing an additional financial burden on individuals who are often in vulnerable circumstances. Where appropriate, encouraging providers to include cost recovery as a standard settlement term – unless exceptional circumstances apply – would support more consistent outcomes and reduce administrative complexity.
- 2.9. This approach is also more efficient than attempting recovery under the Prisoners and Victims Claims Act, which can be time-consuming and yield limited results. Nonetheless, it is important to acknowledge that the recovery of legal aid debt will always be limited. Legal aid exists precisely because applicants have little to no financial capacity, and for most, this situation does not change significantly even after their legal issues are resolved. Any recovery mechanisms must therefore remain proportionate and sensitive to the financial realities of the people the system is intended to support.

### **3. What would be the consequences of limiting the availability of legal aid? Who might be the most affected?**

- 3.1. Legal aid cannot and should not be further limited in the context of parole work. There are considerable issues with access to justice. An estimated 15-20% of prisoners have lawyers represent them at Parole Board hearings. While this is an increase from only 1 in 10 prisoners having legal representation 7 years ago, there is still a significant need to be met.<sup>3</sup> Where the extended board preside over parole board hearings (those with life

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<sup>3</sup> Estimated data and information retrieved from NZPB President, Sir Ron Young at the Parole Stakeholders meeting held on 26 September 2023 on the issue of access to justice and representation in comparison to the UK.

sentences or convictions for murder or manslaughter), there is still only approximately 50% legal representation. The stakes are very high with those on life sentences as there is a real prospect that they may serve their whole sentence in prison.

**3.2.** Parole Board hearings are not open to the public, which creates a further barrier to increasing representation. Because hearings are confidential, there are limited opportunities for lawyers to observe proceedings and develop the necessary knowledge and confidence to practise effectively in this specialised area. Restricting legal aid further would only compound this issue, disincentivising new practitioners from entering the field and reducing the already limited pool of providers. In the parole context, limiting access to legal aid has direct and profound implications for individual liberty, fairness, and the integrity of the justice system.

**4. Is there anything else you would like to tell us about the legal aid system and how it could be improved?**

**4.1.** We submit that one area for improvement is the legal aid audit process. Audits—and more generally, quality assurance checks—should include some form of client consultation to assess whether the client was satisfied with the legal services provided. Client feedback would offer valuable insight into the effectiveness and accessibility of representation and help ensure that the service is meeting the needs of those it is intended to support.

**4.2.** Additionally, while legal aid is often perceived by the public as a free service, it is in fact a loan in many cases. This distinction should be communicated more clearly to clients at the outset. In parole matters in particular, clients are not always aware of the repayment implications. That said, in civil matters—such as prisoner rights claims—the long-running nature of cases means clients are frequently reminded of their repayment obligations each time an invoice is submitted. Greater consistency and clarity in how repayment obligations are communicated across all legal aid categories would help manage expectations and improve transparency.

**4.3.** The six-month billing policy for civil legal aid presents practical difficulties, particularly for firms managing a high volume of files. Even where only a single unit of time falls outside the six-month window, the entire invoice may be rejected unless submissions are provided explaining why that time was not billed earlier and justifying payment. This process creates unnecessary administrative work for both providers and Legal Aid Services, often for very small amounts—such as \$16—that do not warrant the effort involved.

**4.4.** While regular and timely billing is a reasonable expectation, there should be greater discretion applied in cases involving minor overruns. Allowing small amounts of time outside the billing period to be processed without requiring full submissions would improve efficiency and reduce the administrative burden without compromising oversight or accountability.

**Proposals that affect legal aid as a whole**

**Proposal 1: Reducing the administrative burden placed on legal aid providers**

**5. Are there issues relating to administrative burden that we have not captured?**

- 5.1.** Yes, there are several administrative inefficiencies specific to parole hearings under Schedule J that, in our view, could be improved.
- 5.2.** In the case of repeat parole hearings, legal aid providers are still required to resubmit a full suite of information, even when there have been no material changes since the previous application. This includes: the client's full details (name, date of birth, and current corrections facility), the date and location of the upcoming parole hearing, the type of hearing, confirmation that the client has nominated the provider, and confirmation that the client's financial situation remains unchanged. If there has been a change in financial circumstances, a new Form 17 (Statement of Financial Position) must be provided.
- 5.3.** In practice, it is often quicker and more efficient for counsel to submit a new legal aid application rather than providing confirmation or provide confirmations against the previous file. In circumstances where a client has been declined parole and stood down for a relatively short period (e.g. three to six months), their circumstances are highly unlikely to have changed. In such cases, the committee submits that a simple email confirmation from counsel stating that the situation remains unchanged should suffice. Adopting this approach would significantly reduce unnecessary administrative duplication and improve efficiency without compromising quality or oversight.
- 5.4.** For extended parole board, occasionally grant officers will require reasons as to why a claim is made for extended board when initial legal aid application was not for extended board. Sometimes, especially when lawyers are appearing for the first time for certain clients, it may not be apparent to them that it is actually for an extended board until materials are disclosed. This is especially so when legal aid for parole hearings can be sought urgently (due to no prior representation). It is not practical to require confirmation of extended board appearance. If a box is ticked to say it was an extended board, it is our view that that should be sufficient to treat it as such.
- 5.5.** When there is a re-assignment of parole/ESO hearing where an amendment had been sought and granted, it should be transitioned onto the new Counsel so that there is no need for the new Counsel to re-apply for the same amendment. Currently, the amendment is attached to one provider, which cannot be transferred when there is a re-assignment, which is practically inconvenient as new Counsel has to repeat the same amendment process all over again, despite the likelihood that it will be granted and it was previously granted. The committee recommends when there is re-assignment (due to schedule conflict for example) and there is a clear understanding that the same amendment should be provided, amendment should be transferred to new Counsel without the need for another application for an amendment. This will reduce the need for the same administrative paperwork and also reduce potential delay given the availability of experts/psychologists involved.

**6. Have we identified all appropriate options for reducing the administrative burden of legal aid?**

- 6.1.** Refer to above.

**7. What changes could be made that have the biggest impact on reducing the administrative burden of providing of legal aid?**

**7.1.** Several targeted changes could meaningfully reduce the administrative burden associated with legal aid provision:

**7.1.1.** Appointing a senior grants officer with oversight of complex cases would streamline decision-making and reduce unnecessary back-and-forth on applications and amendments. A single point of escalation for nuanced matters would provide consistency and efficiency.

**7.1.2.** Where an amendment to grant has been approved and an invoice is submitted in line with that amendment, the payment process should be expedited. Given that the work has already been approved, these invoices should be paid promptly—ideally within one to two business days—as no further assessment is required.

**7.1.3.** Increasing the fixed fees for certain categories of parole hearings—such as opposed recall hearings, extended supervision order (ESO) hearings (even when unopposed), and monitoring hearings involving applications to vary or cancel conditions—would reduce the volume of amendment requests. These types of hearings typically involve significant preparation time, and a more realistic fixed fee structure would eliminate the need for routine amendments that are almost always granted.

**7.1.4.** For civil legal aid, the current six-month billing rule creates inefficiencies when small portions of work fall outside that timeframe. As outlined earlier, providing more discretion to approve small amounts without requiring detailed submissions would reduce administrative work for both providers and Legal Aid Services.

***Proposal 2: Increasing provider remuneration to encourage lawyers to provide legal aid***

**8. Are there remuneration issues we have not captured?**

**8.1.** In addition to the generally low levels of remuneration across the legal aid system, the current tiered experience framework presents a significant challenge. There is a disproportionate gap between Level 1 (up to 4 years' experience) and Level 2 (4 to 9 years' experience), which does not reflect the incremental development of legal capability over that time. Many lawyers, once they reach the 4 - 5 year mark, find that legal aid remuneration no longer meets their financial needs or salary expectations. As a result, they frequently leave private practice for non-legal aid firms or government roles with more competitive pay. This exacerbates provider shortages and creates succession issues, particularly in smaller firms.

**8.2.** Introducing additional experience levels or allowing access to higher pay bands based on demonstrated expertise or complexity of work would help retain mid-level practitioners and ensure a sustainable pipeline of legal aid providers. This more nuanced approach to experience-based remuneration could also provide better recognition for those who assume mentoring and training responsibilities within firms.

**8.3.** The need for increased remuneration is also clearly demonstrated in the New Zealand Law Society's *Benchmarking Costs of Law Practice Report* (March 2024)<sup>4</sup>. This report shows that legal aid providers face considerable financial disadvantage compared to their non-legal aid peers in terms of the cost of running a practice. Rising costs of living, insurance premiums, staff wages, and compliance obligations are not accounted for in the current legal aid rates. The cumulative effect of these pressures further disincentivises lawyers from engaging in legal aid work and undermines the long-term viability of the legal aid work.

**9. Have we identified the appropriate options for improving provider remuneration?**

**9.1.** A more detailed proposal would be helpful in terms of fixed fees.

**9.2.** There should also be some flexibility built into the hourly rates. Some years back, there was a special, higher rate in the civil jurisdiction for senior counsel (usually Kings Counsel). That has been abolished and while some Kings Counsel continue to do legal aid work, it is difficult to expect a person with such a high private rate to regularly take on work that may begin in a forum 1 jurisdiction (e.g. the Human Rights Review Tribunal) or lower court.

**9.3.** While an immediate increase in remuneration is critical, regular reviews and increases to account for CPI are also needed. Currently, the only thing regularly reviewed in this way is the mileage rate.

**10. What changes would have the biggest impact on improving coverage and provider sustainability for the legal aid scheme?**

**10.1.** In summary, an increase in hourly rates and fixed fees across the board. This would not only increase the number of providers but also ensure that current providers take on more legal aid cases each year as it would be financially viable for them to do so.

**10.2.** In addition, remuneration for the high level of administration required by legal aid would address that significant barrier. The NZLS benchmarking report specifically identified the unpaid administrative burden for legal aid providers as an issue.

**10.3.** Finally, remuneration for the supervision of less experienced counsel would contribute greatly to the sustainability of legal aid long-term and make staff retention in legal aid firms more viable.

***Proposal 3: Improving incentives for junior counsel to provide legal aid***

**11. Are there other issues concerning the engagement of junior lawyers, or barristers to the progression of supervised and junior lawyers, that we have not captured?**

**11.1.** The committee supports the engagement of junior lawyers in legal aid work but considers that more robust oversight of supervision arrangements is essential to ensure quality and sustainability. There is concern that some providers at the PAL 1 level are engaging supervised providers without offering adequate supervision, and operating more as businesses rather than mentoring environments. Supervision should only be permitted

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<sup>4</sup> <https://www.lawsociety.org.nz/assets/Cost-of-practice-survey/Law-Society-Costs-of-Practice-Report.pdf>

where the supervising lawyer has sufficient experience—either measured by years of practice or by holding a higher provider approval level (e.g., PAL 3 or above). A monitoring framework should be developed to ensure that supervisors are actively engaged in providing meaningful support and training.

**11.2.** In addition, the current criteria for appointing junior counsel under an existing legal aid grant are outdated and overly rigid. For example, Legal Aid Services often consider the number of Crown counsel involved at trial as a threshold for approving a junior defence counsel. However, there are cases that, while not necessarily complex or serious on paper, involve multiple defence witnesses or other strategic complexities where the involvement of junior counsel can significantly enhance the defence. Greater flexibility to approve junior counsel in such circumstances—whether for trial or parole hearings—would foster skill development among the junior bar and reduce the burden on senior counsel. A further way to build capacity would be to allow observation of parole hearings (with consent of the Board and the client) and introduce a small fixed fee claimable by the supervising provider for training another provider through this process.

**12. Have we identified the appropriate options for supporting junior counsel to engage in legal aid work?**

**12.1.** As noted above, for another lawyer to attend and observe a parole hearing, permission is required from the Parole Board convenor ahead of time. To facilitate the engagement of junior lawyers in this area of practice, it should be made easier for them to seek observation opportunities. For example, a panel of senior lawyers willing to have junior lawyers attend parole hearings for observation could be established. Observation could also be made a requirement for PAL 1 lawyers seeking approval to undertake parole work under PAL 2. If lawyers are applying for PAL 2 approval solely for the purpose of undertaking parole hearings (rather than jury trials), parole could be treated as a sub-category of PAL 2. In that context, applicants could be required to observe at least five parole hearings and complete a parole-specific training programme (similar to Litigation Skills for trial work) as part of the criteria for approval.

**13. What changes would have the biggest impact on enabling more junior lawyers to provide legal aid, improving coverage and provider sustainability for the legal aid scheme?**

**13.1.** For parole hearings, implementing the recommendations outlined above would have the most significant impact. In particular, introducing claimable fees for supervision and observation would incentivise experienced lawyers to mentor junior practitioners. Ensuring that junior lawyers are supported through structured training, appropriate supervision, and meaningful engagement in hearings will help build confidence and competence in this area of practice. These steps are essential for improving coverage, maintaining high-quality representation, and promoting long-term sustainability of the legal aid provider framework.

***Proposal 4: Ensuring value for money and reducing spend on specialist reports***

**14. Do you have a view about why the number of specialist reports might be increasing?**

- 14.1.** Yes. There are multiple drivers contributing to the increasing demand for specialist reports across different legal contexts. These include systemic, procedural, and socio-economic factors, as outlined below:

**14.1.1.** *Section 27 Cultural Reports*

Following early judicial endorsement of cultural reports under s 27 of the Sentencing Act 2002 and the significant discounts they occasionally attracted, lawyers understandably sought to maximise this opportunity for appropriate clients. However, this led to the proliferation of unregulated cultural report writers, creating what has been described as a "cottage industry." The lack of oversight and quality control has resulted in inconsistent standards and inflated disbursement costs—often exceeding the legal aid fees paid to the lawyer themselves.

The subsequent de-funding of cultural reports has disproportionately affected marginalised defendants, many of whom now must rely on overstretched pro bono services or substitute reports, such as psychological or Alcohol and Other Drug (AOD) assessments. Robust regulation of report writers and clearer quality standards may have preserved funding and ensured greater access to high-quality cultural reporting.

**14.1.2.** *Psychiatric Reports for Court*

The demand for psychiatric assessments—for example, to determine fitness to plead or insanity defences—has increased significantly since COVID-19, largely due to case backlogs and a limited supply of qualified psychiatrists. This is not the result of exploitation of the system but a reflection of broader realities, including economic hardship, a rise in mental health distress among vulnerable populations, and insufficient psychiatric resources within the justice sector.

**14.1.3.** *Psychological Reports for the Parole Board*

There has been a noticeable increase in the Parole Board's reliance on psychological reports, assessments, and even completed treatment as prerequisites to granting parole. This has led to more prisoners, often on their lawyer's advice, independently seeking reports to demonstrate readiness for release.

The underlying issue is a shortage of Departmental psychologists and, at times, the use of inexperienced clinicians. For instance, at Auckland South Corrections Facility, concerns were raised about junior psychologists conducting parole assessments without even interviewing prisoners. This was eventually addressed after intervention by the Parole Board Chair, but it highlights the risk of inadequate assessments resulting in parole delays.

In response, some lawyers seek legal aid amendments to commission community-based psychologists to undertake necessary reports or treatment. In many cases, the Board itself encourages external assessments due to long wait times or unavailability of internal resources. These arrangements, while necessary, place significant administrative burdens on lawyers—who must source appropriate experts, obtain funding approval, and manage logistics. A separate fixed fee for liaising with psychologists would help recognise this hidden workload and reduce the need for amendments to grant.

#### **14.1.4. Specialist reports for Sentencing (e.g., AOD Reports)**

Where addiction or mental health concerns underpin offending, lawyers often seek expert reports to establish a causal link and support mitigation arguments. Increasingly, the Crown and Police expect these issues to be substantiated through formal evidence, which drives up demand for specialist reports at sentencing.

**14.2.** In short, the overall rise in demand for specialist reports is driven by a combination of:

- *Lawyers:* seeking to mitigate sentence or assist in parole.
- *Judges and Prosecutors:* requiring expert evidence to support submissions on mitigation or release.
- *Parole Boards:* expecting psychological readiness to be evidenced through formal reports.
- *Clients:* proactively obtaining reports to strengthen their position at sentencing or parole hearings.
- *Post-COVID socio-economic pressures:* including increased drug and alcohol dependency and mental health concerns, particularly among marginalised populations.

### **15. Are there issues with specialist reports that we have not captured?**

**15.1.** In the committee's view, the review has identified most of the key issues. However, it is worth emphasising that we are now facing a perfect storm: demand for specialist reports has significantly outstripped supply, enabling report writers to charge increasingly high fees. As a result, those most in need of these reports—often the most vulnerable and marginalised—are now going without them.

**15.2.** This situation has also led to a misallocation of already limited resources. Funding that could otherwise be directed toward strengthening legal aid services and supporting core legal representation is being diverted toward expensive reports. This raises questions about sustainability, equity, and the overall efficiency of the legal aid system.

### **16. Have we identified all the appropriate options for ensuring value for money from specialist reports while preserving access to justice?**

**16.1.** Broadly, yes – the options identified are helpful – but the following additional measures may further improve value for money while maintaining fair access:

**16.1.1.** Expand the pool of approved report writers to increase competition, which could help drive down costs and improve quality.

**16.1.2.** Set clear maximum length requirements for reports to reduce unnecessary time and expense involved in reviewing lengthy documents that may go beyond what is required for the purpose at hand.

**16.1.3.** Encourage flexibility in evidential requirements, reducing reliance on specialist reports when other credible sources exist. For example, a letter from a general practitioner confirming a substance addiction, or a recent report (within six months), or confirmation that the client is already under the Mental Health Act, should be accepted where appropriate.

**16.1.4.** Introduce fixed fees for commonly used report types to provide cost certainty and streamline funding approvals, while still ensuring that reports remain accessible and useful to the decision-making process.

**17. What changes to the content and processes for specialist reports do you think would be most effective in ensuring value for money while preserving access to justice?**

**17.1.** Establishing a list of approved and suitably qualified report writers across different report types – such as cultural, psychological, psychiatric, and drug and alcohol assessments – would be a helpful first step. Negotiating fixed fees with those on the list would provide cost certainty, reduce administrative burden, and ensure consistency across providers.

**17.2.** To promote quality and efficiency, reports should be subject to an annual review by an independent panel. This would help monitor standards and ensure accountability. In addition, prescribing clear content requirements for each type of report would ensure that reports are fit for purpose, contain only necessary material, and do not become overly lengthy or unfocused.

**17.3.** Finally increasing the pool of qualified report writers would improve access, encourage competition, and help keep costs at a sustainable level.

***Proposal 5: Reviewing quality assurance processes***

**18. Are there any issues concerning quality assurance processes that we have not captured?**

**18.1.** A more robust monitoring system especially for those whose assignments habitually lead to re-assignments and junior level lawyers who have employed supervised providers whose income has significantly increased over a short space of time. This would ensure their quality of work is being checked and they are not simply concentrating on maximizing their interest in generating income.

**18.2.** When the legally aided client contact legal aid directly and seek re-assignment having complained about whatever complaints they may have, a more direct and transparent communication is required between client and legal aid. Often we observe these clients, more so when they are in prison, find it extremely difficult to gain access to legal aid and find it impossible to change lawyers.

**19. Have we identified all the appropriate options for improving the quality of legal aid?**

**19.1.** Make more opportunities for lawyers to attend topic related seminars, even require them to complete certain programmes – for example, for parole lawyers, require them to complete a parole-related programme and/or provide proof of them observing other lawyers conducting parole work.

**20. What key improvements could ensure quality of representation while minimising administrative burden?**

**20.1.** Quality of representation can be improved by taking a more targeted and proportionate approach to oversight. For example, Legal Aid Services could focus quality assurance efforts on providers with a higher risk profile – such as those with frequent reassignments or unusually high volumes – rather than applying the same level of scrutiny across all

providers. This would allow for effective monitoring without creating unnecessary work for those with consistent performance.

- 20.2.** In addition, introducing clear and standardised practice tools – such as model templates, checklists, and guidance tailored to areas like parole hearings – could help ensure a consistent level of service while reducing the time lawyers spend drafting repetitive documents.

### ***Proposal 6: Bulk funding and procurement of legal aid services***

#### **21. What are benefits and/or disadvantages of bulk funding?**

**21.1.** The proposal of bulk funding, as detailed in the Triennial Legal Aid Review<sup>5</sup>, is not the first time bulk funding has been discussed as a solution to administrative issues facing Legal Aid providers. One of the first discussions of implementing a bulk funding trial comes from a parliamentary speech from Justice Minister Tony Ryall in 1999, which suggested that it would be implemented as part of broader changes to the legal aid system<sup>6</sup>. In 2009, the Legal Aid Review recommended bulk funding to solve growing administrative issues facing legal aid providers.<sup>7</sup> At its most straightforward, bulk funding is the practice of contracting firms or groups of lawyers to provide a set number of specified types of cases for a fixed price. Given the context of prior discussions surrounding a proposed trial, there is little that has not already been addressed over the past quarter of a century. The Parole committee would like to stress that it is *strongly opposed to bulk funding*.

#### **21.2. Benefits**

**21.2.1.** The benefits of bulk funding involve reducing administrative concerns for both providers and Legal Aid itself. The onus shifts to a collective rather than on any one lawyer, freeing up more time to focus on the practice of law itself. The groupings suggested in a bulk funding structure would provide more oversight than typically offered in a Chambers. It could give more support and educational opportunities by bringing lawyers together. Additionally, bulk funding could lead to cost savings for the legal aid system, as it allows for more predictable budgeting and cost control.

#### **21.3. Experience for Junior Lawyers**

**21.3.1.** A key disadvantage of bulk funding that is not often discussed is the gap in opportunities it may create between junior and more senior lawyers. A key benefit of the current system is that it allows more junior lawyers at PAL 1 or PAL 2 to take on a range of cases and gain exposure to aspects of law that they would not otherwise experience.

**21.3.2.** Bulk funding repeatedly encourages specialisation in the same type of hearings. This may stunt the development of younger lawyers, who will not get the same opportunities as they do at present. A lack of variety fails to prepare lawyers for more independent practice; though they would no longer be able to take on

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<sup>5</sup> FINAL-Triennial-Legal-Aid-Discussion-document.pdf

<sup>6</sup> Tony Ryall, "New Accountability and Innovation For Legal Aid" (Press Release, 1 August 1999)

<sup>7</sup> Dame Margaret Bazley *Transforming the Legal Aid System: Final Report and Recommendations* (Ministry of Justice, Legal Aid Review, November 2009)

individual legal aid clients, private clients typically require support from start to finish.

**21.3.3.** More junior lawyers starting on their own tend to rely on legal aid clients far more than senior lawyers, as private clients naturally select more experienced lawyers. Taking matters on a case-by-case basis provides a steady stream of income at a rate chosen by the junior lawyer. Allowing clients to select their preferred lawyer on legal aid for certain matters permits junior lawyers to grow their practices and form relationships with clients.

#### **21.4. Independent Bar**

**21.4.1.** Furthermore, bulk funding could erode the concept of an independent bar. Bulk funding requires lawyers to work in firms or establish so-called “virtual firms”. The 2009 report suggested a “looser grouping” of lawyers associated with a specific court as an alternative to a traditional law firm<sup>8</sup>. This grouping would still be headed by a senior lawyer who would be considered responsible for the output of the group as a whole. Independent law firms and the independent Bar serve a valuable purpose, and the Public Defence Service is an excellent example of a collaboration of lawyers working together to provide legal aid services.

**21.4.2.** The independent Bar represents lawyers from across specialities who run their own practices. They have demonstrated a capability to work by themselves, run their own cases, and handle their own clients. To remove that degree of independence and select one senior lawyer to oversee the work of others negates the purpose of becoming a sole barrister.

#### **21.5. Early Resolution**

**21.5.1.** Finally, a bulk funding model must be careful not to incentivise early resolution at clients' expense. A set payment for a set number of matters risks encouraging the resolution of each matter as quickly as possible, rather than focusing on the needs of individual clients. The current hourly structure has its drawbacks, and there are potentially viable concerns about some lawyers drawing matters out without cause.

**21.5.2.** However, an early resolution or a quicker trial may mean a lawyer can functionally be paid more for less work or give a lawyer more time to focus on private clients. The consequences for the client should be carefully considered when implementing changes to the legal aid system. The best choice, economically or administratively, may not be what is best for a client. A guilty plea would save thousands in trial costs and significant court time, but because of the lifelong serious consequences for a defendant, entering guilty pleas to charges cannot be considered lightly.

## **22. What types of proceedings would be appropriate to manage via a bulk funding model?**

**22.1.** As discussed in the proposal, if a bulk funding model is implemented, it is to be restricted to relatively simple matters. Pal 1 sentencing such as drafting certain applications including s.106, s.94 or s.81 to a group of junior lawyers may be an example.

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<sup>8</sup> Dame Margaret Bazley *Transforming the Legal Aid System: Final Report and Recommendations* (Ministry of Justice, Legal Aid Review, November 2009) at pg 98

**23. If you are a legal aid provider, would you be interested in participating in a bulk funding trial?**

23.1. No.

**Proposals that affect civil and family legal aid**

***Proposal 7: Increasing repayments from legal aid recipients***

**24. Should users of legal aid be required to repay more of their legal aid cost?**

**24.1.** There may be merit in extending a minimum repayment threshold to civil and certain family court matters, similar to what is already applied in many criminal legal aid grants. For instance, it is common for a minimum repayment of approximately \$1,300 to be required from low-income earners in criminal cases. A similar baseline repayment approach could be considered for civil and family cases, provided it is applied with flexibility to ensure it does not create undue hardship. Any such repayment regime must continue to take into account the individual's financial circumstances, including their capacity to pay, the nature of the proceedings, and whether repayment would act as a barrier to access to justice.

**25. What impact will increasing repayment amounts have on legal aid users?**

**25.1.** Increasing repayment requirements may have a disproportionately negative impact on some of the most vulnerable users of the legal aid system. In particular, it is submitted that repayment obligations should not apply to proceedings under the Mental Health (Compulsory Assessment and Treatment) Act 1992 and the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003. Individuals subject to these proceedings frequently experience significant cognitive, psychological, or intellectual impairments, and may struggle to understand the implications of repayment obligations. Even modest repayment requirements could act as a deterrent to accessing legal assistance, resulting in increased rates of self-representation. This, in turn, may lead to significant delays and inefficiencies in court proceedings, and undermine the procedural fairness these individuals are entitled to.

**25.2.** Concerns also arise in relation to repayment requirements in family violence-related proceedings. Victims of family violence are often in precarious financial situations and may already face multiple barriers to accessing justice. The imposition of repayment obligations—regardless of the amount—risks discouraging them from seeking legal aid support at all. In such cases, access to legal representation is not only essential to ensure the safety and protection of applicants and their children, but also to uphold the integrity of the court process. Repayment policies must be carefully calibrated to avoid unintentionally excluding those who are most in need of legal assistance.

**26. Should the options available for enforcing and collecting legal aid debt be strengthened or expanded to make it easier for debt to be collected?**

**26.1.** The Committee is unable to comment meaningfully on this question without further detail regarding the specific proposals under consideration for enforcing or collecting legal aid

debt. Any proposed changes would need to be carefully assessed to ensure they do not create disproportionate burdens on legally aided persons, particularly those experiencing financial hardship or vulnerability.

## **Proposals that affect criminal legal aid**

### ***Proposal 8: Increasing the role of the Public Defence Service***

#### **27. Are there issues concerning the role of the PDS that we have not covered?**

- 27.1.** The committee submits that the focus should not be on expanding the number of Public Defence Service (PDS) lawyers, but rather on improving the ratio and allocation of assignments between the PDS and the private bar. Strict monitoring of assignments is needed to ensure that the independent bar continues to receive a fair share of lower-level (PAL 1 and 2) cases, which are essential for training and retaining junior criminal defence lawyers.
- 27.2.** Contracting PDS is a “safe play” as PDS accept most assignments and then adds to an already existing workload for the practitioners. It means LSA completes an assignment and helps their workload, but that is not how it should be. The assignments should consider that defendants can be adequately represented, which will not happen if the lawyers are overworked and cannot give due time and attention to their cases.
- 27.3.** Low-level PAL 1 and 2 assignments can go to PDS, and they have a system where they advise potential clients that the lawyers in court or meetings may change—this prepares the client for having different lawyers appear at court, which is a common complaint.
- 27.4.** A percentage of low-level assignments should be reserved for the independent bar so young lawyers get experience and some funding to continue doing criminal defence work.
- 27.5.** The PDS system must be reviewed to ensure senior lawyers monitor/supervise specific junior lawyers or files. Also, the workload of all lawyers, especially young lawyers, has to be considered, and PDS should not accept assignments when the workload is beyond providing well-being and sound representation. When first set up, senior counsel supervised junior lawyers on every file. This is not the case now.

#### **28. Should the PDS be supported to accept more legal aid cases overall, or more PAL 3 and PAL 4 criminal cases?**

- 28.1.** No. It is important that a person is able to choose their own lawyer rather than having one assigned because:
  - 28.1.1.** The relationship between a lawyer and their client relies heavily on trust. A client is more likely to open up, share important details and follow legal advice when they feel comfortable with their lawyer. Having the ability to choose a lawyer for PAL 3 and PAL 4 matters will ensure that clients are able to build and foster this essential trust.

**28.1.2.** Lawyers have their own styles, communication approaches, personalities etc. What works for one person may not work for another. It is important that clients are able to find/choose someone who suits them.

**28.1.3.** Having counsel of choice reinforces the idea that clients are in control of their defence and receiving a fair trial. Being assigned a lawyer without input could feel disempowering.

**29. Could the PDS taking on more cases assist to address workload and well-being issues for private lawyers?**

**29.1.** Increasing the PDS caseload may provide some short-term relief for private lawyers, but it is not a long-term solution to workload and wellbeing issues. The real concern lies in low remuneration, administrative burdens, and uneven assignment distribution. Simply shifting more cases to PDS risks overloading their staff and reducing opportunities for the private bar, especially junior lawyers. A fairer allocation model and systemic improvements to support all providers would be more effective.

***Proposal 9: Restructuring provider remuneration to incentivise timeliness***

**30. Are there issues concerning provider remuneration structures that have a negative impact on timely resolution that we have not captured?**

**30.1.** Any legitimate, democratic legal system must, by necessity, have public confidence in its justice system. While in theory, legal aid providers can manage their caseloads more efficiently if cases resolve through plea bargaining in the early stages of the process.

**30.2.** With limited resources, prosecutors focus on more serious cases when less serious ones are resolved through plea bargains. The danger with this process is that pressure is placed on the parties to seek early resolution just to manage heavy caseloads with insufficient resources, including financial resources.

**30.3.** Public confidence in the legal system cannot be maintained unless the evidence against a person is properly and thoroughly considered, and any resolution is ethically based on counsel fully considering whether there should be a resolution or a continuation to a defended hearing. Public confidence in the criminal justice system is crucial. If defendants feel pressured to plead guilty or that the system is unfair, it can erode public trust.

**30.4.** There is an argument that inadequate funding for legal aid and prosecution can incentivise early resolutions to manage caseloads. Legal aid funding restrictions can make providing comprehensive legal defence for every case difficult, leading to plea negotiations and resolutions that should not occur because the evidence does not meet the evidential burden on the state.

**30.5.** A practical but essential reform in the current legislation, such as the Criminal Procedure Act 2011, would have to include a change to this Act so that the Case Review Hearings (CRH) do not precede full disclosure requirements.

- 30.6.** CRHs are nothing more than a “box-ticking exercise” in practice. Fixed fees are low up to this point in the process. When the case moves to other pre-trial processes, remuneration is paid for those enquiries and challenges.
- 30.7.** If sufficient remuneration is given to analyse evidence comprehensively, based on early disclosure, and a robust CRH, there would be significant savings without undermining the defendant’s fair trial rights.
- 30.8.** In such a case the Judge requires the prosecution to justify the charges and if not able to do so at that point, advise that if not enough evidence, the judge will dismiss or provide alternative charges, based on the evidence provided or not provided. Conversely, if the defence cannot properly maintain a guilty plea then the judge can give a sentence indication at that CRH. The chances of a fair outcome are greatly enhanced, and the process is significantly truncated without breaches of natural justice. Time and funding is wasted getting past ineffective CRH to more productive processes.
- 30.9.** So, while early resolution of criminal cases can offer legitimate benefits like reduced costs and faster outcomes, it's crucial to address the potential risks, such as the pressure on defendants and the potential for compromised justice. Balancing efficiency with fairness is essential to maintaining public confidence in the criminal justice system.

**31. Have we identified the appropriate options for restructuring fees to provide more fair remuneration for criminal cases that resolve early?**

- 31.1.** Several remuneration system adjustments can be implemented to improve the fair and timely resolution of criminal legal aid cases. These include fixed fee structures for specific case types and stages, incentives for early resolution, and transparent disbursement guidelines. Additionally, improving case management through technology and process improvements can streamline workflows and reduce delays.
- 31.2.** The amount for fixed-fee cases needs to be realistic and ought to reflect the cost-of-living statistics to keep in line with fair payment for services. This would encourage lawyers to take on fixed-fee cases as they have certainty of how much payment they will receive, what services the fixed fee covers, and improvements made when data is available to substantiate the fixed-fee schedules.
- 31.3.** Fair fixed fee schedules can provide a transparent and consistent basis for determining legal aid grants. These schedules should be regularly updated to reflect legislation, court procedure, and legal practice changes.
- 31.4.** Waiting time makes fixed fees untenable. The courts do not schedule cases, and many lawyers on legal aid remuneration are left sitting in court for an extended period, sometimes running over in the afternoon, waiting for their cases to be called. There needs to be certainty that legitimate waiting time is also an add-on to the fixed fee schedule.
- 31.5.** Potentially, improvements in the justice system could assist in ensuring funding is reasonable and adequate for the services provided.

**31.6. Use of Technology**

- 31.6.1.** Implementing electronic invoicing and case management systems can reduce paperwork and administrative delays, leading to faster case resolution, more

efficient case management processes and reasonable funding to provide sufficient services for defendants.

**31.6.2.** Increasing the availability and reliability of audio-visual links (AVL) can significantly reduce the time and costs of transporting defendants and witnesses, particularly for preliminary hearings or procedural administrative matters. Prioritising these technological advancements will reduce reliance on in-person appearances and ensure a more efficient judicial process.

**31.6.3.** This allows lawyers, in turn, to take on more cases and promptly deal with administrative processes that do not require the presence of counsel or their clients.

### **31.7. *Incentives for early resolution***

**31.7.1.** Care needs to be taken when offering financial incentives for early resolution, such as a “bonus” for a guilty plea and another “bonus” for disposing of the case on the first call with a sentence.

**31.7.2.** The public perception is likely that defendants feel they are made to plead earlier and get sentenced early because “that means more money for the lawyers and less work.” Financial incentives for certain outcomes should not exist, as the recent duty solicitor proposals suggested.

**31.7.3.** Providing systemic reforms in the way the courts work would benefit lawyers by allowing them to work more efficiently, take on more cases, and, therefore, earn more without jeopardising public perception.

**31.7.4.** Consider offering a slightly higher fixed fee for cases resolved earlier. This would encourage efficient case management and reduce court time, which needs to be carefully managed and transparent. The basis for such a fee would be to compensate for the preparatory work already undertaken, which in many cases equates to the level of preparation required for a trial. To ensure integrity in claiming this fee, providers could be required to supply evidence of work completed—such as records of reviewing full disclosure, ongoing discussions with the prosecutor or officer in charge, and comprehensive engagement with the client—at the time of audit. Where an early guilty plea is entered without supporting evidence of substantive preparatory work, such a claim should not be permitted.

## **32. Are there other changes to the criminal fee schedules that might promote early case resolution for cases that resolve early?**

**32.1.** Several systemic changes could and would provide a more timely resolution of cases and cut back on court delays, but the basic fixed fees or amendments to the grant are maintained. Lawyers would be incentivised to be efficient, while not losing their fees due to being efficient and therefore not able to claim more than a low, basic fixed fee that exists at present.

### **32.2. *Disclosure***

**32.2.1.** If rigid timelines for timely disclosure and sanctions are enforced and sanctions are imposed if they are not adhered to, the pre-trial process will be more efficient.

Therefore, more cases can be finalised, and fewer fees will be lost due to earlier resolutions

**32.2.2.** When the previous system included depositions, the police ensured the cases were ready to be heard at depositions. Any late evidence put the burden on the Crown to persuade the court that there were no reasonable means of having that evidence, and so it was to be admitted to the case. The bar was high for late admittance.

### **32.3. Specialist court/therapeutic courts**

**32.3.1.** The District Court has created several specialist ‘courts’ that deal with defendants having specific charges or being in exceptional circumstances, for example:

- The Family Violence (FV) Court works with defendants who plead guilty to family violence offences to ensure they adequately address their offending behaviours by the time of sentencing.
- The Criminal Procedure Mentally Impaired Persons (CPMIP) Court, which addresses initial findings of fitness and later involvement for defendants where fitness to stand trial is at issue.
- The Alcohol and Other Drug Treatment (AODT) Court, which focuses on alcohol and drug treatment and rehabilitation following a guilty plea by offenders where their offending is driven by addiction.
- The Young Adult List, which aims at dealing with young people between 18-25.

**32.4.** These courts ensure that defendants' needs are targeted to address their sources of offending or their circumstances to best assist their rehabilitation and reintegration. These courts ultimately benefit the community and the court by lessening repeat offenders. They also provide specialist lawyers with certainty of remuneration for appearing as advocates in these special courts, thereby providing certainty of remuneration per day or per half-day.

## **33. Are there specific changes to provider remuneration that would help encourage earlier resolution in civil and family legal aid cases?**

**33.1.** Please refer to our earlier comments in relation to civil legal aid, particularly regarding the administrative burden and billing constraints. We are not in a position to comment on family legal aid cases and suggest referring to the relevant feedback from the Family Law section.

### **Proposal 10: Minimising reassignments of lawyers**

## **34. Are there issues with the reassignment of legal aid cases that we have not captured?**

**34.1.** Additional issues with the reassignment of legal aid cases that should be acknowledged include the broad and sometimes inflexible approach to a lawyer being “unavailable.” This term can cover various scenarios not fully explored in the discussion document, such as:

- The client is arrested for breach of bail on a date when the lawyer is unavailable and bail is opposed in writing;

- The client is arrested for breach of bail on a date when the lawyer is unavailable and bail is verbally opposed;
- The Court allocates a date for a substantive hearing such as a trial or pretrial application on a date when the lawyer is unavailable without knowing that the lawyer is unavailable on that date; and
- The Court allocates a date for a substantive hearing such as a trial or pretrial application on a date when the lawyer is unavailable despite knowing that the lawyer is unavailable and will be forced to either reassign the file or ask another lawyer to appear at a substantive hearing as agent.

**35. Are there other ways to minimise the reassignment of legal aid cases or to reduce the impacts of reassignment?**

**35.1.** Duty lawyers could appear at opposed bail hearings when the assigned lawyer is unavailable and the client consents. In particular, when bail is opposed verbally (based on a breach of bail) rather than when there is a written opposition based on new charges.

**35.2.** Judges could be more circumspect about scheduling substantive hearings to dates when the current lawyer has communicated that he or she is not available, as the apparent time saving may not be worth the cost inefficiency created by a change in lawyer.

**35.3.** If a requirement as to the timing of the handover of the client file to the new lawyer is to be implemented, there ought to be very clear minimum requirements as to the information to be included in the handover as well as the form of this information (eg. electronic, hard copy) and there ought to be an ability to extend the timetable if necessary depending on the circumstances.

***Proposal 11: Clarifying the role of Duty Lawyers in cases that can be resolved without a grant of aid***

**36. Are there other issues concerning duty lawyers' involvement in less serious criminal cases that we have not captured?**

**36.1.** There are several additional issues that merit consideration beyond those identified in the discussion document. Geographic coverage presents a significant challenge, particularly in rural and remote courts where duty lawyer availability may be limited, creating inconsistent service levels across different regions. This geographic disparity can result in defendants in smaller centres receiving less comprehensive legal support than their urban counterparts.

**36.2.** Additionally, case complexity can vary significantly even within the "less serious" category. Some charges may involve complex legal issues such as family violence dynamics, driving offences with multiple prior convictions, that more time for research and knowledge. The current system may not adequately differentiate between truly straightforward matters and those requiring more substantive legal analysis.

**37. Have we identified the appropriate options that would address the problem identified for these legal aid applications?**

**37.1.** While the options proposed in the discussion document are a useful starting point, there are additional steps that could strengthen the effectiveness of the system.

**37.2.** An electronic triage system could assist in determining whether a case genuinely requires full legal aid or whether it is suitable for assistance through the duty lawyer scheme. This system could take into account relevant factors such as the defendant's personal circumstances, the complexity of the charge, and the likely outcomes or sentencing consequences. A more structured and consistent triage process would help ensure appropriate allocation of legal resources and reduce unnecessary applications for full legal aid.

**37.3.** In addition, extending the duty lawyer service beyond first appearances—particularly to cover remand and bail hearings—would provide timely legal support at critical early stages. This kind of early intervention can significantly impact the outcome of a case, including whether a defendant is held in custody or released on bail, and may ultimately reduce the need for more resource-intensive legal aid engagement down the track

**38. Is it feasible to expect duty lawyers to provide more services in cases where the offence is punishable with a term of imprisonment of less than six months?**

**38.1.** The feasibility of expanding duty lawyer services is mixed, with both supporting factors and significant challenges to consider. From a cost efficiency perspective, expanded duty lawyer services would generally be more cost-effective than full legal aid grants, providing immediate access to legal advice without the delays associated with legal aid applications. Many less serious cases are indeed appropriate for duty lawyer assistance and don't require the ongoing representation that full legal aid provides

**38.2.** However, substantial resource and practical constraints limit feasibility under current arrangements. Duty lawyers already face heavy caseloads, often handling a lot of cases per court session, leaving little time for the more detailed consultation and advice that expanded services would require. The current remuneration structure may not adequately compensate duty lawyers for providing more comprehensive services, particularly where preparation time or follow-up work is required.

**38.3.** Quality concerns also arise when considering expanded services within existing time constraints. There is a risk that attempting to provide more comprehensive services without addressing underlying resource limitations could result in inadequate representation, potentially exposing both duty lawyers and the justice system to criticism and professional liability issues.

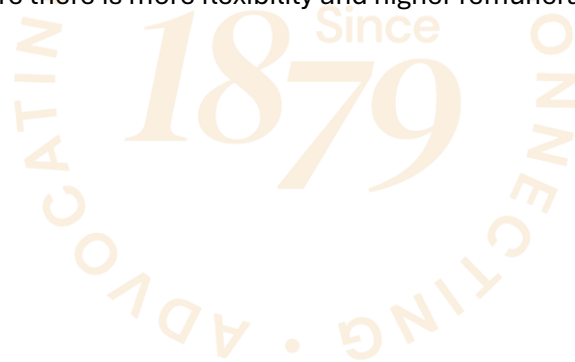
**38.4.** The feasibility ultimately depends on whether expanded duty lawyer services are accompanied by appropriate increases in funding, time allocation, and support resources. Without these foundational changes, expecting significantly expanded services could compromise the quality of representation provided.

**39. What barriers might prevent duty lawyers from acting in these cases?**

**39.1.** Various related obstacles prevent duty lawyers from handling minor criminal cases. Current fees may not reflect the time and skill required for more comprehensive services, particularly when cases require research, preparation, or follow-up work that extends beyond the duty lawyer role.

**39.2.** The high-volume, time-pressured environment in which duty lawyers operate creates additional constraints. With limited preparation time, duty lawyers struggle to provide the quality of service that expanded responsibilities would require.

- 39.3.** Professional barriers also present significant challenges. Duty lawyers may have legitimate concerns about professional liability if they are expected to provide more comprehensive services within existing time constraints, as this could increase the risk of inadequate representation claims.
- 39.4.** Many duty lawyers may lack specialised training for particular types of offences, and the isolated nature of the work often provides limited opportunities for peer support, mentoring, or professional development.
- 39.5.** There is currently insufficient clarity about what level of service duty lawyers should provide in expanded roles, leading to potentially conflicting expectations from courts, clients, and administrators. The lack of technology support, including access to legal research databases and case management systems, further limits duty lawyers' ability to provide comprehensive services.
- 39.6.** Addressing these barriers would require a comprehensive approach including enhanced remuneration, improved training and support systems and clearer role definitions.
- 39.7.** Encouraging more experienced and senior lawyers to continue contributing to duty lawyer work is important. More senior lawyers are able to take more efficient legal advice, conduct the Court hearings in a more confident way and be able to successfully challenge prosecutors or even judicial officers' at times unreasonable opposition. This often cuts the overall time taken as the case may resolve itself, which would then reduce the number of legal aid application that needed to be filed. To keep experienced lawyers, legal aid must ensure there is more flexibility and higher remuneration.



**Annex 1B - Schedule 1**

**TLANZ Parole Law Committee - Comprehensive Analysis of Data Obtained from the Ministry of Justice - Amendment to Grant OIA Request - Released data tables - 122495**

**1. Overall Trends and Growth Patterns**

- **Exponential Growth in Costs:**
  - Approved amendments surged from \$2,536 (2010/2011) to \$293,592 (2024/2025\*)—a 115x increase.
  - Peak spending occurred in 2022/2023 (\$429,631), followed by a slight dip in 2023/2024 (\$396,630).
  - \*Partial-year 2024/2025 data (up to May) already reaches 74% of 2023/2024's total, indicating sustained high demand\*.
- **Key Drivers:**
  - Digital Evidence Proliferation: Rising volumes of electronic disclosure in criminal cases.
  - Legal Aid Policy Changes: Potential loosening of reimbursement criteria post-2020.
  - Urbanisation of Legal Work: Concentration of complex cases in main centres (Auckland, Wellington, Christchurch).

**2. Court-Level Breakdown**

- **High-Expenditure Courts (2024/2025)**

Court	Approved Amount	Notable Trends
<b>Auckland District</b>	\$46,206	Consistent leader; 20% of national total
<b>Tauranga District</b>	\$30,492	70% approval rate for large requests
<b>Wellington High</b>	\$29,610	Unprecedented 260% YoY increase
<b>Manukau District</b>	\$28,447	Volatile approvals (range: \$3,218–\$117,225 since 2018)

- **Rural Courts**
  - Minimal Activity: 85% of rural courts (e.g., Dargaville, Ruatoria) reported \$0–\$500/year.

- Exceptions:
  - Gisborne District: Spiked to \$8,530 (2024/2025) from historical \$0-\$500.
  - Whanganui District: \$74,830 (2022/2023) outlier (now normalised to \$8,281 in 2024/2025).

### 3. Approval vs. Decline Dynamics

- **Near-Universal Approvals:**
  - 99.5% approval rate overall; only 0.5% (\$12,181) declined over 15 years.
  - Top Decline Courts:
    - Whanganui District (\$4,317 in 2023/2024)
    - Auckland District (\$603 in 2022/2023)
    - New Plymouth High (\$773 in 2024/2025)
- **Negative Adjustments:**
  - Auckland District (-\$2,870 in 2023/2024): Likely a clawback of overpaid funds.
  - Court of Appeal (-\$240 in 2022/2023): Administrative correction.

### 4. Temporal Anomalies

- **2022/2023 Spike:**
  - \$429,631 approved (+108% vs. 2021/2022).
  - Possible Causes: Post-COVID case backlog, new disclosure rules.
- **2023/2024 Declines Surge:**
  - \$5,086 rejected (42% of all declines since 2010).
  - Whanganui alone accounted for 85% of these declines, suggesting localised policy enforcement.

### 5. Comparative Insights

Metric	Urban Courts	Rural Courts
<b>Avg. Annual Spend</b>	\$15,000-\$50,000	\$0-\$500
<b>Approval Rate</b>	98.7%	99.9%
<b>Decline Reasons</b>	Overclaiming (60%)	Procedural errors (90%)

## 6. Policy and Operational Implications

### i. Cost Containment:

- Standardise printing rates: Address Auckland/Wellington disparities.
- Audit outlier courts: Investigate Whanganui's 2022–2024 volatility.

### ii. Transparency:

- Publicise adjustment rationales: Explain negative values (e.g., Auckland's - \$2,870).

### iii. Technology Investment:

- E-disclosure platforms: Reduce reliance on physical printing (major cost driver).

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## 7. Recommendations for Review

### • Priority Audits:

- Wellington High Court: Verify 2024/2025's anomalous \$29,609 spend.
- Gisborne District: Assess sudden 2024/2025 spike (\$8,530 vs. historic <\$500).

### • Process Reforms:

- Pre-approval thresholds: Require justification for requests >\$5,000.
- Rural court support: Training to reduce procedural decline risks.

Table 1: Amount of amendment to grant requested for disbursement type 'Printing of Disclosure', by court location, between 01 July 2010 and 31 May 2025

This data is extracted from a live dataset that is used for operational purposes, meaning the data will be updated with late data entry. Therefore, this data may differ to data reported elsewhere with a different extraction date. These tables were extracted on 10 June 2025. This data counts instances where Disbursement type is "Printing of Disclosure" or one or more of the keywords: "Printing of Disclosure", "Disclosure" is recorded with Disbursement Type is "Other".

This data only includes criminal legal aid cases.  
The amounts are for private legal aid providers only and does not include the Public Defence Service. All costs are GST exclusive.

Where information is not existing for a court, a dash (-) is used in the table.

\*2024/2025 is a partial year covering 1 July 2024 to 31 May 2025.

Court	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025*
Alexandra District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 278.67
AODT Auckland	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -
Ashburton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 480.00	\$ -	\$ -	\$ -	\$ 505.44	\$ -	\$ -
Auckland - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 118.86	\$ 1,814.84	\$ 915.00	\$ 20.00
Auckland District Court	\$ 807.25	\$ 422.33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 644.22	\$ 4,388.27	\$ 6,409.26	\$ 11,474.90	\$ 22,196.37	\$ 48,061.48	\$ 51,714.85	\$ 46,506.13
Auckland High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,151.56	\$ 6,743.74	\$ 12,614.66	\$ 12,950.66	\$ 56,519.87	\$ 17,163.50	\$ -
Blenheim District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2.70	\$ -	\$ -	\$ -
Christchurch District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 719.20	\$ 5,541.70	\$ 2,922.90	\$ 2,784.60	\$ 4,247.95	\$ 7,085.33	\$ 2,170.00
Christchurch High Court	\$ -	\$ -	\$ -	\$ 1,100.00	\$ -	\$ -	\$ -	\$ -	\$ 1,200.00	\$ 11,762.50	\$ 4,321.37	\$ 3,100.00	\$ 4,407.04	\$ 1,844.04	\$ 1,000.00
Court of Appeal of New Zealand	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 606.59	\$ -	\$ 160.80	\$ 300.35	\$ 3,284.07	\$ 5.00
Criminal Cases Review Commission	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ -
Dannevirke District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14.60	\$ -	\$ -	\$ -	\$ -
Dargaville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dunedin District Court	\$ -	\$ -	\$ -	\$ -	\$ 40.00	\$ -	\$ -	\$ -	\$ 1,115.60	\$ 40.00	\$ 118.80	\$ 338.53	\$ -	\$ -	\$ 3,194.60
Dunedin High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150.00	\$ 30.00	\$ -	\$ -	\$ 800.00	\$ 380.30	\$ 1,200.00	\$ -
Gisborne District Court	\$ -	\$ -	\$ 531.40	\$ -	\$ -	\$ -	\$ 218.17	\$ -	\$ 218.56	\$ 490.90	\$ 310.00	\$ 33.80	\$ -	\$ 511.40	\$ 8,530.00
Gisborne High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ -	\$ -	\$ 2,352.00	\$ 4,248.82	\$ -	\$ -
Gore District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Greymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 980.10	\$ 108.00	\$ 20.00	\$ 120.00	\$ -	\$ 50.00	\$ -
Hamilton - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.00	\$ -	\$ -	\$ -
Hamilton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,110.80	\$ 2,521.96	\$ 11,943.62	\$ 10,353.40	\$ 5,049.80	\$ 9,523.66	\$ 14,206.45
Hamilton High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100.00	\$ -	\$ 5,884.38	\$ 2,500.00	\$ 1,620.11	\$ 16,738.12	\$ 462.00
Hastings District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49.00	\$ 20.00	\$ 290.77	\$ 10.20	\$ 500.00	\$ 346.00	\$ 1,061.48	\$ 1,703.38
Hawera District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 571.40	\$ -	\$ -	\$ 50.00	\$ -	\$ 80.00
Huntly District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 520.00	\$ -	\$ 30.00	\$ -	\$ -	\$ -	\$ -
Hutt Valley District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 63.70	\$ -	\$ -	\$ 185.00	\$ 866.28	\$ 67.41	\$ -	\$ 2,018.12	\$ 7,731.97
Invercargill District Court	\$ -	\$ -	\$ -	\$ 556.40	\$ -	\$ -	\$ -	\$ -	\$ 1,120.00	\$ 3,300.00	\$ 5,369.40	\$ 1,229.20	\$ 923.96	\$ 700.00	\$ 2,400.00
Invercargill High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 184.00	\$ 6,839.75	\$ 1,606.06	\$ -	\$ 4,144.50	\$ 7,182.50	\$ -
Kaikohe District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000.00	\$ -	\$ 91.80	\$ 2,660.80	\$ 1,020.00	\$ 1,350.00	\$ 550.00	\$ 174.40	\$ 2,100.00
Kaitiaki District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4.30	\$ 1,190.22	\$ -	\$ -	\$ -	\$ -
Levin District Court	\$ -	\$ -	\$ 12.96	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,750.00	\$ -	\$ 105.00	\$ 7,254.40	\$ 800.00	\$ -
Manukau District Court	\$ -	\$ -	\$ -	\$ -	\$ 60.03	\$ 111.43	\$ 6,176.49	\$ 13,000.00	\$ 3,218.46	\$ 7,014.42	\$ 10,949.05	\$ 16,926.99	\$ 116,924.62	\$ 55,302.45	\$ 28,473.62
Marton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20.00	\$ -	\$ -	\$ -	\$ 466.50	\$ -	\$ 1,653.29
Masterton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 210.00	\$ -	\$ 310.82	\$ 80.00	\$ -
Morrinsville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,480.00	\$ -	\$ -	\$ 3,713.21	\$ -	\$ -
Napier District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 520.00	\$ -	\$ -	\$ 50.00	\$ 500.00	\$ 200.00	\$ -
Napier High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 557.00	\$ -	\$ -	\$ -	\$ -	\$ -
Nelson District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 180.00	\$ 980.00	\$ 1,460.00	\$ -	\$ 1,374.62	\$ 2,060.00	\$ 2,167.40
Nelson High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 623.97	\$ -	\$ 113.33	\$ -	\$ -	\$ -	\$ -	\$ 877.30	\$ 269.00	\$ -
New Plymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,480.00	\$ 50.00	\$ 630.00	\$ 753.40	\$ 150.00	\$ 7,500.00	\$ -
New Plymouth High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100.00	\$ 6,050.80	\$ 30.00	\$ 3,652.20	\$ -
North Shore District Court	\$ 701.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 120.00	\$ 1,820.00	\$ 520.00	\$ 1,520.00	\$ 2,100.50	\$ 8,258.18	\$ 2,108.00
Oamaru District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 333.80	\$ -	\$ -
Opotiki District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 78.10	\$ -	\$ -	\$ -	\$ 408.69	\$ -	\$ -
Palmerston North District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.00	\$ 6,656.58	\$ 4,594.39	\$ 3,367.20	\$ 23,928.07	\$ 21,292.83	\$ 2,432.78
Palmerston North High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250.00	\$ 1,480.00	\$ 4,222.10	\$ 79.40	\$ -	\$ 5,993.49	\$ 14,223.03
Papakura District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24.80	\$ 1,113.50	\$ 57.00	\$ 25.00	\$ 20.00	\$ -	\$ 600.00
Porirua District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 511.90	\$ 43.60	\$ 204.85	\$ 1,345.35	\$ 980.00	\$ 500.00	\$ 1,563.58	\$ 3,640.57
Pukekohe District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 60.00	\$ -	\$ 20.04	\$ -	\$ 2,500.00	\$ 450.00

Queenstown District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	963.09	\$	533.20	\$	-	\$	-	\$	-	\$	500.00		
Rotorua District Court	\$	500.00	\$	500.00	\$	-	\$	-	\$	-	\$	-	\$	989.29	\$	3,805.37	\$	10,723.33	\$	6,911.50	\$	23,529.40	\$	2,161.21	\$	55.00
Rotorua High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	100.20	\$	550.00	\$	544.88	\$	1,356.40	\$	349.68	\$	1,741.00	\$	6,255.65	\$	4,127.14
Ruatoria District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	100.00	\$	-
Supreme Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,925.20	\$	2,148.70	\$	2,174.80	\$	-	\$	-	\$	-
Taihape District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	44.00
Taumarunui District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1.60	\$	-	\$	-	\$	-	\$	250.00
Taupo District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	540.43	\$	-	\$	342.17	\$	30.00	\$	46.00	\$	1,700.00	\$	-
Tauranga District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Tauranga High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,800.00	\$	842.29	\$	4,401.84	\$	82,147.89	\$	18,935.08	\$	44,418.90	\$	48,115.59	\$	30,491.92
Thames District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	458.00	\$	900.00	\$	-	\$	4,740.00	\$	13,128.78	\$	3,775.50
	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	500.00	\$	-	\$	-	\$	-	\$	218.43	\$	-
Timaru District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	17.14	\$	20.00	\$	96.60	\$	656.40	\$	-	\$	-	\$	860.00
Timaru High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	804.84	\$	1,843.10	\$	-
Tokoroa District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,835.90	\$	980.00	\$	-	\$	-	\$	-	\$	-	\$	-
Waihi District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	200.00
Wairoa District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	50.00	\$	-	\$	-	\$	-	\$	43.00	\$	-	\$	-
Waitakere District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,830.44	\$	1,228.80	\$	847.64	\$	7,219.86	\$	6,362.61	\$	9,369.22
Wellington - Parole	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	97.08	\$	-	\$	-	\$	-	\$	-	\$	-
Wellington District Court	\$	527.36	\$	500.00	\$	319.56	\$	80.00	\$	1,600.00	\$	-	\$	220.00	\$	13,699.41	\$	5,207.72	\$	8,941.01	\$	20,162.16	\$	2,260.14	\$	6,877.63
Wellington High Court	\$	-	\$	-	\$	487.08	\$	-	\$	-	\$	-	\$	224.20	\$	-	\$	2,827.08	\$	1,177.70	\$	3,238.97	\$	8,208.96	\$	29,609.43
Westport District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	572.61
Whakatane District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	109.00	\$	3,675.00	\$	1,051.80	\$	1,985.70	\$	1,716.05	\$	5,346.92	\$	6,206.19
Whanganui District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	6,825.90	\$	9,774.40	\$	17,534.40	\$	74,829.60	\$	14,445.90	\$	8,280.50
Whanganui High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	850.00	\$	12,769.74	\$	9,178.00	\$	5,492.30	\$	-	\$	4,683.40	\$	1,800.00
Whangarei District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	46.20	\$	4,320.84	\$	1,682.98	\$	3,837.70	\$	10,423.40	\$	550.00	\$	155.80
Whangarei High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	289.00	\$	1,174.40	\$	4,441.13	\$	450.00	\$	2,500.00	\$	13,600.00	\$	8,014.60
<b>Grand Total</b>	\$	<b>2,536.05</b>	\$	<b>1,422.33</b>	\$	<b>1,351.00</b>	\$	<b>1,736.40</b>	\$	<b>2,324.00</b>	\$	<b>111.43</b>	\$	<b>8,458.36</b>	\$	<b>16,218.65</b>	\$	<b>22,697.74</b>	\$	<b>120,931.98</b>	\$	<b>216,453.93</b>	\$	<b>153,481.45</b>	\$	<b>431,669.02</b>
	\$		\$		\$		\$		\$			\$			\$			\$		\$		\$			\$	<b>401,716.01</b>
	\$		\$		\$		\$		\$			\$			\$			\$		\$		\$			\$	<b>294,801.02</b>



Table 2: Amount of amendment to grant approved for disbursement type 'Printing of Disclosure', by court location, between 01 July 2010 and 31 May 2025

This data is extracted from a live dataset that is used for operational purposes, meaning the data will be updated with late data entry. Therefore, this data may differ to data reported elsewhere with a different extraction date. These tables were extracted on 10 June 2025. This data counts instances where Disbursement type is "Printing of Disclosure" or one or more of the keywords: "Printing of Disclosure", "Disclosure" is recorded with Disbursement Type is "Other".

This data only includes criminal legal aid cases.

The amounts are for private legal aid providers only and does not include the Public Defence Service. All costs are

GST exclusive.

Where information is not existing for a court, a dash (-) is used in the table.

\*2024/2025 is a partial year covering 1 July 2024 to 31 May 2025.

Court	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025*
Alexandra District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	278.67
AODT Auckland	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -
Ashburton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 480.00	\$ -	\$ -	\$ -	\$ 505.44	\$ -	\$ -
Auckland - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 118.86	\$ 1,814.84	\$ 915.00	\$ 20.00	\$ -
Auckland District Court	\$ 807.25	\$ 422.33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 644.22	\$ 4,388.27	\$ 6,109.26	\$ 11,474.90	\$ 21,696.47	\$ 47,457.68	\$ 54,585.25	\$ 46,206.13
Auckland High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,151.56	\$ 6,743.74	\$ 12,614.66	\$ 12,950.66	\$ 56,348.97	\$ 17,163.50
Blenheim District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2.70	\$ -	\$ -	\$ -
Christchurch District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 719.20	\$ 5,541.70	\$ 2,887.90	\$ 2,784.60	\$ 3,747.95	\$ 7,085.33	\$ 2,170.00
Christchurch High Court	\$ -	\$ -	\$ -	\$ 1,100.00	\$ -	\$ -	\$ -	\$ -	\$ 1,200.00	\$ 11,262.50	\$ 4,321.37	\$ 3,100.00	\$ 4,407.04	\$ 1,844.04	\$ 1,000.00
Court of Appeal of New Zealand	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 606.59	\$ -	\$ 138.80	\$ 540.35	\$ 3,284.07	\$ 5.00
Criminal Cases Review Commission	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ -
Dannevirke District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14.60	\$ -	\$ -	\$ -	\$ -
Dargaville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dunedin District Court	\$ -	\$ -	\$ -	\$ -	\$ 40.00	\$ -	\$ -	\$ -	\$ 1,115.60	\$ 40.00	\$ 118.80	\$ 338.53	\$ -	\$ -	\$ 3,194.60
Dunedin High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 150.00	\$ 30.00	\$ -	\$ -	\$ 800.00	\$ 380.30	\$ 1,200.00
Gisborne District Court	\$ -	\$ -	\$ 531.40	\$ -	\$ -	\$ -	\$ 218.17	\$ -	\$ 218.56	\$ 490.90	\$ 310.00	\$ 33.80	\$ -	\$ 511.40	\$ 8,530.00
Gisborne High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ -	\$ -	\$ 1,316.00	\$ 4,248.20	\$ -
Gore District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -	\$ -	\$ -	\$ -	\$ -
Greymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 980.10	\$ 108.00	\$ 20.00	\$ 120.00	\$ -	\$ 50.00	\$ -
Hamilton - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.00	\$ -	\$ -	\$ -
Hamilton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,110.81	\$ 2,521.96	\$ 11,943.62	\$ 10,353.40	\$ 5,049.80	\$ 9,523.66	\$ 14,206.45
Hamilton High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100.00	\$ -	\$ 5,884.38	\$ 2,500.00	\$ 1,620.11	\$ 16,738.12	\$ 462.00
Hastings District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49.00	\$ 20.00	\$ 290.77	\$ 10.20	\$ 500.00	\$ 346.00	\$ 1,061.48	\$ 1,703.38
Hawera District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 571.40	\$ -	\$ -	\$ 50.00	\$ -	\$ 80.00
Huntly District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 520.00	\$ -	\$ 30.00	\$ -	\$ -	\$ -
Hutt Valley District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 63.70	\$ -	\$ -	\$ 185.00	\$ 866.28	\$ 67.41	\$ -	\$ 2,018.12	\$ 7,631.97
Invercargill District Court	\$ -	\$ -	\$ -	\$ 556.40	\$ -	\$ -	\$ -	\$ -	\$ 1,120.00	\$ 3,300.00	\$ 5,369.40	\$ 1,229.20	\$ 515.54	\$ 400.00	\$ 2,400.00
Invercargill High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 184.00	\$ 6,839.75	\$ 1,606.06	\$ -	\$ 4,144.50	\$ 7,182.50
Kaikohe District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,000.00	\$ -	\$ 91.80	\$ 2,660.80	\$ 1,020.00	\$ 1,350.00	\$ 550.00	\$ 174.40	\$ 2,100.00
Kaitiaki District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4.30	\$ 1,190.22	\$ -	\$ -	\$ -
Levin District Court	\$ -	\$ -	\$ 12.96	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,750.00	\$ -	\$ 105.00	\$ 5,554.40	\$ 800.00
Manukau District Court	\$ -	\$ -	\$ -	\$ -	\$ 60.03	\$ 111.43	\$ 6,176.49	\$ 13,000.00	\$ 3,218.46	\$ 7,014.42	\$ 10,949.05	\$ 16,836.99	\$ 117,224.62	\$ 54,434.15	\$ 28,446.72
Marton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20.00	\$ -	\$ -	\$ 466.50	\$ -	\$ 1,653.29
Masterton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 210.00	\$ -	\$ 310.82	\$ 80.00
Morrinsville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,480.00	\$ -	\$ -	\$ -	\$ 3,713.21	\$ -
Napier District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 520.00	\$ -	\$ -	\$ -	\$ 50.00	\$ 500.00	\$ 200.00
Napier High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 557.00	\$ -	\$ -	\$ -	\$ -	\$ -
Nelson District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 180.00	\$ 980.00	\$ 1,460.00	\$ -	\$ 1,344.62	\$ 2,060.00	\$ 2,167.40
Nelson High Court	\$ -	\$ -	\$ -	\$ -	\$ 623.97	\$ -	\$ -	\$ 113.33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 877.30	\$ 269.00
New Plymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,480.00	\$ 50.00	\$ 630.00	\$ 753.40	\$ 150.00	\$ 7,500.00
New Plymouth High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,050.80	\$ 30.00	\$ 2,879.20	\$ -
North Shore District Court	\$ 701.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 120.00	\$ 1,820.00	\$ 520.00	\$ 1,520.00	\$ 2,100.50	\$ 8,258.18	\$ 2,108.00
Oamaru District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 333.80	\$ -
Opotiki District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 78.10	\$ -	\$ -	\$ -	\$ -	\$ 408.69	\$ -
Palmerston North District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.00	\$ 6,656.58	\$ 4,594.39	\$ 3,367.20	\$ 23,928.07	\$ 20,792.83	\$ 2,432.78
Palmerston North High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 250.00	\$ 1,480.00	\$ 4,222.10	\$ 79.40	\$ -	\$ 5,993.49	\$ 14,223.03
Papakura District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24.80	\$ 1,113.50	\$ 57.00	\$ 25.00	\$ 20.00	\$ -	\$ 600.00
Porirua District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 511.90	\$ 43.60	\$ 204.85	\$ 1,345.35	\$ 980.00	\$ 500.00	\$ 1,563.58	\$ 3,640.57

Pukekohe District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	60.00	\$	-	\$	20.04	\$	-	\$	2,500.00	\$	450.00						
Queenstown District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	963.09	\$	33.20	\$	-	\$	-	\$	500.00						
Rotorua District Court	\$	500.00	\$	500.00	\$	-	\$	-	\$	-	\$	-	\$	989.29	\$	3,305.37	\$	10,723.33	\$	6,911.50	\$	23,529.40	\$	2,061.21	\$	55.00				
Rotorua High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	100.20	\$	550.00	\$	544.88	\$	1,356.40	\$	349.68	\$	1,741.00	\$	6,255.65	\$	4,117.17		
Ruatoria District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	100.00	\$	-				
Supreme Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,925.20	\$	2,148.70	\$	2,174.80	\$	-	\$	-	\$	-				
Taihape District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	44.00				
Taumarunui District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1.60	\$	-	\$	-	\$	-	\$	250.00				
Taupo District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	540.43	\$	-	\$	292.17	\$	30.00	\$	46.00	\$	1,700.00	\$	-				
Tauranga District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	842.29	\$	4,401.84	\$	82,147.89	\$	18,935.08	\$	44,418.90	\$	48,115.59	\$	30,491.92				
Tauranga High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,800.00	\$	-	\$	458.00	\$	900.00	\$	-	\$	4,740.00	\$	13,128.78	\$	3,775.50		
Thames District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	500.00	\$	-	\$	-	\$	-	\$	218.43	\$	-				
Timaru District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	17.14	\$	20.00	\$	96.60	\$	656.40	\$	-	\$	-	\$	860.00				
Timaru High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	804.84	\$	1,843.10	\$	-	-					
Tokoroa District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,835.90	\$	980.00	\$	-	\$	-	\$	-	\$	-	\$	-				
Waihi District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	200.00				
Wairoa District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	50.00	\$	-	\$	-	\$	-	\$	43.00	\$	-	\$	-				
Waitakere District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	1,480.44	\$	1,228.80	\$	847.64	\$	7,219.86	\$	6,362.61	\$	9,369.22				
Wellington - Parole	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	97.08	\$	-	\$	-	\$	-	\$	-	\$	-				
Wellington District Court	\$	527.36	\$	500.00	\$	319.56	\$	80.00	\$	1,600.00	\$	-	\$	220.00	\$	13,699.41	\$	5,207.72	\$	8,941.01	\$	20,162.16	\$	2,260.14	\$	6,877.63				
Wellington High Court	\$	-	\$	-	\$	487.08	\$	-	\$	-	\$	-	\$	224.20	\$	-	\$	2,827.08	\$	1,177.70	\$	3,238.97	\$	8,208.96	\$	29,609.93				
Westport District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	572.61	\$	-				
Whakatane District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	109.00	\$	3,675.00	\$	1,051.80	\$	1,985.70	\$	1,716.05	\$	5,346.92	\$	6,206.19				
Whanganui District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	6,825.90	\$	9,274.40	\$	17,534.40	\$	74,829.60	\$	10,128.90	\$	8,280.50				
Whanganui High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	850.00	\$	12,769.74	\$	9,178.00	\$	5,492.30	\$	-	\$	4,683.40	\$	1,800.00				
Whangarei District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	46.20	\$	4,320.84	\$	1,182.98	\$	3,837.70	\$	10,423.40	\$	550.00	\$	155.80				
Whangarei High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	289.00	\$	1,174.40	\$	4,441.13	\$	450.00	\$	2,500.00	\$	13,600.00	\$	8,014.60				
<b>Grand Total</b>	\$	<b>2,536.05</b>	\$	<b>1,422.33</b>	\$	<b>1,351.00</b>	\$	<b>1,736.40</b>	\$	<b>2,324.00</b>	\$	<b>111.43</b>	\$	<b>8,458.36</b>	\$	<b>16,218.65</b>	\$	<b>22,697.75</b>	\$	<b>119,281.98</b>	\$	<b>214,868.93</b>	\$	<b>152,869.55</b>	\$	<b>429,630.80</b>	\$	<b>396,629.59</b>	\$	<b>293,591.65</b>



Table 3: Amount of amendment to grant declined for disbursement type 'Printing of Disclosure', by court location, between 01 July 2010 and 31 May 2025

This data is extracted from a live dataset that is used for operational purposes, meaning the data will be updated with late data entry. Therefore, this data may differ to data reported elsewhere with a different extraction date. These tables were extracted on 10 June 2025. This data counts instances where Disbursement type is "Printing of Disclosure" or one or more of the keywords: "Printing of Disclosure", "Disclosure" is recorded with Disbursement Type is "Other".

This data only includes criminal legal aid cases.

The amounts are for private legal aid providers only and does not include the Public Defence Service. All costs are

GST exclusive.

Where information is not existing for a court, a dash (-) is used in the table.

\*2024/2025 is a partial year covering 1 July 2024 to 31 May 2025.

Court	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025*
Alexandra District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
AODT Auckland	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Ashburton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Auckland - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Auckland District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	300.00	\$ -	499.90	603.80	2,870.40	300.00
Auckland High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	170.90	\$ -
Blenheim District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Christchurch District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	35.00	\$ -	500.00	\$ -	\$ -
Christchurch High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	500.00	\$ -	\$ -	\$ -	\$ -	\$ -
Court of Appeal of New Zealand	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	22.00	240.00	\$ -	\$ -
Criminal Cases Review Commission	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dannevirke District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dargaville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dunedin District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dunedin High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Gisborne District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Gisborne High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1,036.00	0.62	\$ -
Gore District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Greymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hamilton - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hamilton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	0.01	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hamilton High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hastings District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hawera District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Huntly District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Hutt Valley District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	100.00
Invercargill District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	408.42	300.00	\$ -
Invercargill High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Kaikohe District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Kaitia District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Levin District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	1,700.00	\$ -
Manukau District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	90.00	300.00	868.30	26.90
Marton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Masterton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Morrinsville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Napier District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Napier High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Nelson District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	30.00	\$ -	\$ -
Nelson High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
New Plymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
New Plymouth High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	773.00
North Shore District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Oamaru District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Opotiki District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Palmerston North District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	500.00	\$ -
Palmerston North High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Papakura District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Porirua District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -



Table 4: Amount of amendment to grant claimed for disbursement type 'Printing of Disclosure', by court location, between 01 July 2010 and 31 May 2025

This data is extracted from a live dataset that is used for operational purposes, meaning the data will be updated with late data entry. Therefore, this data may differ to data reported elsewhere with a different extraction date. These tables were extracted on 10 June 2025. This data counts instances where Disbursement type is "Printing of Disclosure" or one or more of the keywords: "Printing of Disclosure", "Disclosure" is recorded with Disbursement Type is "Other".

This data only includes criminal legal aid cases.

The amounts are for private legal aid providers only and does not include the Public Defence Service. All costs are

GST exclusive.

Where information is not existing for a court, a dash (-) is used in the table.

\*2024/2025 is a partial year covering 1 July 2024 to 31 May 2025.

Court	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025*
Alexandra District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 377.17
AODT Auckland	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Ashburton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40.00	\$ -	\$ -	\$ -	\$ 5.00	\$ -	\$ -
Auckland - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 118.86	\$ -	\$ -	\$ -
Auckland District Court	\$ 807.25	\$ 17.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,072.00	\$ 1,708.01	\$ 5,549.45	\$ 9,448.97	\$ 21,283.35	\$ 51,667.64	\$ 59,390.94	\$ 45,685.44
Auckland High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,393.85	\$ 4,145.40	\$ 20,344.69	\$ 15,554.70	\$ 27,567.54	\$ 15,878.30	\$ -
Blenheim District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Christchurch District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 234.70	\$ 1,700.40	\$ 4,114.20	\$ 1,988.60	\$ 4,119.21	\$ 5,712.47	\$ 600.00
Christchurch High Court	\$ -	\$ -	\$ -	\$ 1,847.24	\$ -	\$ -	\$ -	\$ -	\$ 200.00	\$ 10,734.00	\$ 1,826.00	\$ 4,885.83	\$ 4,740.00	\$ 3,782.30	\$ 897.77
Court of Appeal of New Zealand	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 165.20	\$ -	\$ 2,737.36	\$ 5.00
Criminal Cases Review Commission	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 700.00	\$ -
Dannevirke District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 14.60	\$ -	\$ -	\$ -	\$ -
Dargaville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Dunedin District Court	\$ -	\$ -	\$ -	\$ -	\$ 39.65	\$ -	\$ -	\$ -	\$ 175.20	\$ -	\$ 100.00	\$ 280.53	\$ -	\$ -	\$ 741.30
Dunedin High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 72.80	\$ -	\$ -	\$ -	\$ 88.00	\$ 880.30	\$ -
Gisborne District Court	\$ -	\$ -	\$ 531.40	\$ -	\$ -	\$ -	\$ 218.17	\$ -	\$ -	\$ 420.00	\$ -	\$ 33.80	\$ -	\$ 150.00	\$ 7,030.00
Gisborne High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 784.00	\$ 9,496.40	\$ -
Gore District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 64.00	\$ -	\$ -	\$ -	\$ -	\$ -
Greymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 42.00	\$ 8.00	\$ -	\$ -	\$ -	\$ -	\$ -
Hamilton - Parole	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5.75	\$ -	\$ -	\$ -
Hamilton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 547.20	\$ 734.90	\$ 5,701.90	\$ 3,751.50	\$ 865.80	\$ 6,736.82	\$ 3,432.18
Hamilton High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,195.84	\$ -	\$ 663.18	\$ 4,264.84	\$ -
Hastings District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49.00	\$ -	\$ 614.00	\$ 10.20	\$ 50.00	\$ -	\$ 850.00	\$ 1,703.38
Hawera District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25.00	\$ -	\$ -	\$ -	\$ -	\$ -
Huntly District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6.40	\$ -	\$ 15.00	\$ -	\$ -	\$ -
Hutt Valley District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 125.00	\$ 302.08	\$ 282.30	\$ -	\$ 1,945.32	\$ 8,697.55
Invercargill District Court	\$ -	\$ -	\$ -	\$ 556.40	\$ -	\$ -	\$ -	\$ -	\$ 218.00	\$ 1,134.50	\$ 7,995.00	\$ 1,229.20	\$ -	\$ 900.00	\$ 2,400.00
Invercargill High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 684.00	\$ 29,227.00	\$ 2,055.79	\$ -	\$ 3,660.42	\$ 4,819.71
Kaikohe District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,530.00	\$ -	\$ 91.80	\$ 1,066.00	\$ 551.60	\$ 632.00	\$ -	\$ 650.00	\$ 825.90
Kaitiaki District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4.30	\$ 2,380.44	\$ -	\$ -	\$ -
Levin District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,250.00	\$ -	\$ -	\$ -	\$ 2,304.40	\$ 800.00
Manukau District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,349.16	\$ 10,000.00	\$ 18,569.96	\$ 6,380.97	\$ 4,909.31	\$ 17,717.34	\$ 42,165.60	\$ 42,988.30	\$ 27,922.43
Marton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,625.12
Masterton District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 457.82	\$ -	\$ 1,310.82	\$ 1,080.00
Morrinsville District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 62.61	\$ -	\$ -	\$ -	\$ 3,213.21	\$ -
Napier District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 107.10	\$ -	\$ -	\$ -	\$ 50.00	\$ -	\$ 30.00
Napier High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 532.00	\$ -	\$ -	\$ -	\$ -	\$ -
Nelson District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50.00	\$ 137.17	\$ 45.00	\$ -	\$ 670.60	\$ 3,284.35	\$ 70.00
Nelson High Court	\$ -	\$ -	\$ -	\$ -	\$ 620.97	\$ -	\$ -	\$ 113.33	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,377.30	\$ -
New Plymouth District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 49.80	\$ -	\$ 158.50	\$ 380.00	\$ 100.00	\$ 8,200.00
New Plymouth High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 500.00	\$ -	\$ -	\$ 2,535.00
North Shore District Court	\$ 329.70	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 135.00	\$ 1,045.40	\$ 761.95	\$ 6.00	\$ -	\$ 5,552.57	\$ 2,133.04
Oamaru District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Opotiki District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 78.10	\$ -	\$ -	\$ -	\$ -	\$ 190.09	\$ -
Palmerston North District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25.00	\$ 6,235.98	\$ 7,788.78	\$ 2,667.20	\$ 2,144.27	\$ 14,225.57	\$ 3,342.78
Palmerston North High Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,730.00	\$ 4,222.10	\$ -	\$ -	\$ 9,840.98	\$ 2,090.00
Papakura District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,251.30	\$ -	\$ 25.00	\$ 20.00	\$ -	\$ -
Porirua District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 445.13	\$ -	\$ 739.85	\$ 236.15	\$ 32.40	\$ 120.00	\$ -	\$ 2,486.40
Pukekohe District Court	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 20.04	\$ -	\$ -	\$ 500.00

Queenstown District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	963.09	\$	-	\$	-	\$	-	\$	-	\$	360.00				
Rotorua District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	997.52	\$	787.87	\$	8,497.84	\$	6,885.33	\$	42,418.78	\$	1,939.35	\$	552.32		
Rotorua High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	100.20	\$	-	\$	-	\$	-	\$	-	\$	-	\$	44.88	\$	916.00	\$	349.68	\$	1,013.56	\$	8,290.00	\$	9,092.25		
Ruatoria District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-		
Supreme Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-		
Taihape District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	44.00
Taumarunui District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Taupo District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Tauranga District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Tauranga High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Thames District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Timaru District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Timaru High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Tokoroa District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Waihi District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Wairoa District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Waitakere District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Wellington - Parole	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Wellington District Court	\$	527.36	\$	500.00	\$	-	\$	-	\$	-	\$	698.30	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Wellington High Court	\$	-	\$	-	\$	487.08	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Westport District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Whakatane District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Whanganui District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Whanganui High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Whangarei District Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Whangarei High Court	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
<b>Grand Total</b>	\$	<b>1,664.31</b>	\$	<b>517.04</b>	\$	<b>1,018.48</b>	\$	<b>2,403.64</b>	\$	<b>1,358.92</b>	\$	<b>-</b>	\$	<b>8,097.33</b>	\$	<b>11,779.66</b>	\$	<b>24,941.96</b>	\$	<b>109,144.81</b>	\$	<b>182,240.20</b>	\$	<b>121,470.17</b>	\$	<b>223,684.15</b>	\$	<b>329,396.74</b>	\$	<b>283,222.34</b>	\$		\$			



# Annex 2 – Family Legal Aid:

## Submissions on behalf of TLANZ by the Family Law Committee

### Overarching Questions

#### 1. What is working well within the legal aid system and what is not?

##### *1.1. Positive Features of the Current Legal Aid Framework*

**1.1.1.** The Family Law Committee acknowledges that there are aspects of the current legal aid system that continue to function well and contribute meaningfully to the administration of justice. These include:

- **Commitment of Practitioners:** A core group of effective and competent practitioners remain committed to undertaking legal aid work, often driven by professional values and a sense of public responsibility.
- **Recognition of Legal Aid Service:** The profession's own requirements for appointment to King's Counsel continue to include a demonstrated commitment to legal aid or pro bono service, reinforcing a professional culture that values access to justice.
- **Enabling Novel Litigation:** Legal aid enables lawyers to take on novel or precedent-setting cases where clients may otherwise be deterred by the risk of adverse costs orders. This supports the continued development of family law jurisprudence.

##### *1.2. Systemic and Operational Issues*

**1.2.1.** Despite these positive features, there are significant issues undermining the sustainability and effectiveness of the legal aid system in the family law context.

###### *1.2.1.1. Provider Retention and Capacity*

- There is a persistent problem with the retention of experienced legal aid providers and a decline in the number of practitioners available to accept grants.
- The absence of remuneration commensurate with experience means that senior lawyers are effectively disincentivised from remaining in the system, which limits opportunities for supervision and mentoring of junior lawyers.
- There is no proportional uplift in rates for counsel with greater seniority, resulting in a lack of career sustainability for those with significant experience.

###### *1.2.1.2. Administrative Burden*

- The system imposes a significant administrative burden on providers, particularly in relation to Amendments to Grants (ATGs).
- The volume and complexity of these administrative tasks result in unpaid labour, often deterring providers from claiming legitimate remuneration for their work.
- This burden undermines the efficiency of service delivery and reduces the attractiveness of legal aid work for both current and prospective providers.

###### *1.2.1.3. Barriers to Accessing Legal Aid Providers*

- Legal aid clients face considerable difficulty in identifying lawyers with capacity to take on their cases.
- While this issue also exists in the private market, its impact is more acute for legal aid clients, who often experience compounding barriers to access to justice.

#### **1.2.1.4. Perverse Incentives in the Funding Structure**

- The current fixed fee structure creates incentives that favour litigation over early resolution, contributing to unnecessarily protracted proceedings.
- There is insufficient funding for pre-hearing work, including efforts to resolve matters outside of court.
- Critical early intervention work — such as engagement with Family Dispute Resolution (FDR), collaborative processes, and correspondence related to settlement — is either not funded or inadequately remunerated, thereby discouraging timely and constructive resolution of disputes.

**1.2.2.** The Family Law Committee affirms the value of legal aid in ensuring access to justice and promoting the development of the law. However, the system requires significant reform to ensure its sustainability. Priority areas include improving provider retention through remuneration reform, reducing the administrative burden on lawyers, and recalibrating funding structures to support early dispute resolution rather than incentivising litigation. Without these changes, the system risks continued attrition of experienced practitioners and diminishing quality of representation for legally aided clients.

## **2. What changes could be made to ensure the legal aid system is more efficient, of better quality, and better promotes access to justice in a cost-effective manner?**

**2.1.** The Family Law Committee acknowledges that improvements can and should be made to enhance the efficiency, quality, and cost-effectiveness of the legal aid scheme. In particular, the following changes are recommended:

- Shortening the time to go up the fee levels (reducing the requirements for defended hearings, as one can be experienced without having appeared at defended hearings, due to settling matters) and additional levels.
- Complexity fees – similar to Lawyer for Child.
- Less administrative burden to get approved legal aid for an appeal.

**2.2.** Reforms aimed at aligning remuneration structures with the actual work performed, recognising the value of settlement expertise, and reducing administrative burdens – particularly for appeals—will strengthen the efficiency and quality of the legal aid system while maintaining a focus on cost-effectiveness and access to justice.

## **3. What would be the consequences of limiting the availability of legal aid? Who might be the most affected?**

**3.1.** A reduction in the availability of legal aid would likely lead to an increase in self-represented litigants, placing greater strain on the courts and tribunal system and causing significant delays. Registry staff, court personnel, and opposing counsel will bear the burden of managing unrepresented parties, many of whom will struggle with procedural and evidentiary requirements. The most vulnerable

groups – children, the elderly, victims of family violence, and those with diminished capacity – are most at risk of losing access to justice. Such a development would carry intergenerational consequences, exacerbating poverty, trauma, and systemic inequality.

**4. Is there anything else you would like to tell us about the legal aid system and how it could be improved?**

**4.1.** The current system applies a “one size fits all” approach across all jurisdictions, which does not accommodate the specific needs and complexity of family proceedings. The Family Law Committee strongly suggests that instead the legal aid framework needs to be tailored for the specialist jurisdictions and areas within them. Separate procedures and department for family legal aid. Training and resources should be tailored.

**4.2.** Additionally, it is unjust that while other court-ordered professionals (e.g. accountants and psychiatrists) are paid their full commercial rates, legal counsel are expected to accept below-market remuneration.

**Proposals that affect legal aid as a whole**

***Proposal 1: Reducing the administrative burden placed on legal aid providers***

**5. Are there issues relating to administrative burden that we have not captured?**

**5.1.** The Family Law Committee submits that administrative burden remains one of the most significant challenges within the legal aid framework. In particular:

**5.1.1. Prescriptive and Inflexible Forms**

- The current legal aid forms are overly prescriptive, rigid in design, and do not accommodate the nuanced needs of many family law matters.
- Grants Officers should be afforded greater discretion in assessing applications and accompanying documentation to allow for more practical and contextual decision-making.
- A simplified, more adaptable form design would reduce delays and minimise back-and-forth correspondence between providers and Legal Aid Services.

**5.1.2. Inefficient Fixed Fee Structure**

- The existing fixed fee structure is frequently inadequate to reflect the work required in complex or non-standard cases.
- This results in providers routinely needing to file Amendments to Grant (ATGs) to be appropriately compensated for their time and work.
- The process of seeking and processing ATGs adds significantly to the administrative burden on both providers and Legal Aid Services.

**5.2.** The Committee recommends that Legal Aid Services review and revise the fixed fee structure to better align with the realities of family law practice. Expanding the fixed fee categories to cover commonly incurred work (e.g. extensive negotiations, communications with third parties, FDR processes) would reduce the reliance on ATGs and promote administrative efficiency.

**6. Have we identified all appropriate options for reducing the administrative burden of legal aid?**

6.1. Refer to Q5 above.

**7. What changes could be made that have the biggest impact on reducing the administrative burden of providing of legal aid?**

7.1. Refer to Q5 above.

***Proposal 2: Increasing provider remuneration to encourage lawyers to provide legal aid***

**8. Are there remuneration issues we have not captured?**

8.1. One of the most critical remuneration issues that remains insufficiently addressed is the failure to adjust legal aid rates in line with inflation over the past two decades. As a result, providers are effectively being paid significantly less in real terms than they were in the early 2000s.

8.1.1. For example, based on the Reserve Bank of New Zealand's inflation calculator, a rate of \$150 per hour in the year 2000 equates to approximately \$364.72 in today's terms.

8.1.2. Despite this, the current legal aid rates have not materially increased to reflect the rising cost of living, administrative overheads, or general wage inflation.

8.1.3. This has contributed directly to the declining sustainability of legal aid work, particularly for sole practitioners and small firms, many of whom have exited the scheme.

8.2. The Committee submits that indexing remuneration to CPI or wages inflation is essential to ensure legal aid remains viable and attractive for competent counsel, and to retain experienced practitioners within the scheme.

**9. Have we identified the appropriate options for improving provider remuneration?**

9.1. The Ministry should explore a model that leverages existing infrastructure for debt recovery (e.g. through the Ministry of Justice or Inland Revenue student loan systems) to facilitate repayment of legal aid funding in certain civil and family cases—particularly relationship property matters—where repayment from settlement proceeds is appropriate and fair. The key elements of this model include:

9.1.1. Treating relationship property grants as legal aid loans, repayable from the proceeds of settlement or judgment.

9.1.2. Registering caveats, charging orders, or General Security Agreements (GSA) over relationship property assets to secure repayment.

9.1.3. Paying legal aid providers their full private hourly rate, rather than the reduced legal aid rate, by:

- Making partial payments at a standard legal aid rate throughout the proceedings; and
- Topping up the difference upon recovery from settlement funds.

9.1.4. Interest earned on repayments could be recycled to fund legal aid in other high-demand areas where repayment is not appropriate, such as:

- Care of Children Act proceedings;
- Oranga Tamariki proceedings;
- Protection of Personal and Property Rights Act (PPPR) matters; and
- Parole matters and criminal defence.

9.2. This model would:

- Encourage full and timely resolution of relationship property disputes.
- Promote greater access to experienced legal aid providers in complex property matters.
- Introduce cost recovery mechanisms that do not unfairly burden low-income clients or those in vulnerable positions.

**10. What changes would have the biggest impact on improving coverage and provider sustainability for the legal aid scheme?**

**10.1.** Refer to recommendations above.

**10.2.** By ensuring legal aid providers are paid at their full hourly rate—with repayment recovered from property settlements where appropriate—this model would:

**10.2.1.** Improve financial viability for providers;

**10.2.2.** Support retention of experienced practitioners in the legal aid system; and

**10.2.3.** Enable targeted reinvestment into areas of unmet need.

**10.3.** In addition to the model proposed in Q9, the following changes would also have a significant impact:

**10.3.1.** Across-the-board increases to hourly rates and fixed fees, recognising the rising costs of practice and ensuring parity with inflation and market rates.

**10.3.2.** Inclusion of administrative tasks and supervision in the remuneration model, to reflect the real work undertaken and encourage senior lawyers to train junior practitioners.

**10.3.3.** Regular CPI-based adjustments to remuneration levels, rather than ad hoc reviews, to ensure the scheme remains sustainable over time.

**10.3.4.** Reduction in administrative burden, particularly through simplifying ATG processes and expanding the fixed fee regime.

***Proposal 3: Improving incentives for junior counsel to provide legal aid***

**11. Are there other issues concerning the engagement of junior lawyers, or barristers to the progression of supervised and junior lawyers, that we have not captured?**

**11.1.** Yes. The following additional issues have been identified:

**11.1.1.** Supervision requirements are overly onerous and financially unsustainable. For example, in a two-day hearing that extends to three days, both the supervising and junior counsel must attend, but the supervising lawyer receives only \$67 per half hour. This insufficient remuneration disincentivises senior counsel from engaging in supervision.

**11.1.2.** There is limited autonomy for providers to determine when a junior should be assigned based on the complexity and demands of the case. Greater discretion should be given to senior counsel or legal aid to determine when a junior is warranted.

**11.1.3.** Automatic approval of junior counsel should apply in these instances involving:

- Long cause fixtures;
- Mental Health considerations;
- Language or communication barriers requiring interpreters; and
- Multi-day or high complexity proceedings.

**12. Have we identified the appropriate options for supporting junior counsel to engage in legal aid work?**

**12.1.** While some appropriate options have been identified, further practical improvements are needed to ensure junior counsel can meaningfully participate in legal aid work:

**12.1.1.** Supervision arrangements must make it easier for senior counsel to supervise.

**12.1.2.** Supervising a junior lawyer who is not part of the same legal entity raises issues around professional indemnity insurance and supervision responsibilities. Clearer guidance and protection for supervisors are needed to alleviate these concerns.

**12.1.3.** A more flexible and accessible supervision framework—including recognition of informal supervision models and appropriate remuneration for supervising counsel—would go a long way in supporting the next generation of legal aid providers.

**13. What changes would have the biggest impact on enabling more junior lawyers to provide legal aid, improving coverage and provider sustainability for the legal aid scheme?**

**13.1.** The following changes would have the most significant impact:

- Creating formal supervision arrangements that are not restricted to employer-employee relationships;
- Providing indemnity and professional liability guidance for supervisors of external juniors; and
- Allowing part-time or observational supervision in appropriate circumstances.

***Proposal 4: Ensuring value for money and reducing spend on specialist reports***

**14. Do you have a view about why the number of specialist reports might be increasing?**

**14.1.** Yes. There are several contributing factors:

**14.1.1.** Increased societal complexity; and

**14.1.2.** Evidentiary expectations from the judiciary requiring a greater level of evidentiary support to justify findings, particularly in matters involving children's welfare, capacity issues, or allegations of harm.

**15. Are there issues with specialist reports that we have not captured?**

**15.1.** Per noted previously, inequality with funding between counsel and other professional experts. This inequality impacts provider sustainability and can disincentivise legal aid participation by counsel.

**16. Have we identified all the appropriate options for ensuring value for money from specialist reports while preserving access to justice?**

**16.1.** There is scope for cost management through bulk rates for common reports as well as DNA testing, valuation reports, and TDDR assessments. However, quality and access must be preserved.

**17. What changes to the content and processes for specialist reports do you think would be most effective in ensuring value for money while preserving access to justice?**

**17.1.** Introduce standardised report formats and guidelines, outlining the specific issues to be addressed, length, and evidentiary purpose of the report. This would improve quality and reduce unnecessary content or duplication.

- 17.2.** Adopt bulk funding arrangements for commonly used reports and assessments, as noted in Q16 above.
- 17.3.** Enhance oversight and auditing mechanisms to ensure that funding is allocated appropriately and that reports meet a minimum quality threshold.

**Proposal 5: Reviewing quality assurance processes**

**18. Are there any issues concerning quality assurance processes that we have not captured?**

- 18.1.** The Committee did not raise concerns beyond those already identified in the discussion document. However, it strongly supports efforts to streamline quality assurance mechanisms, including audits and approval processes, in order to reduce compliance costs and administrative burden on legal aid providers.
- 18.2.** Notwithstanding the above, the Committee emphasises that any simplification of processes must maintain the integrity of the system – ensuring that all legal aid providers meet standards of competent, ethical, and culturally responsive representation.

**19. Have we identified all the appropriate options for improving the quality of legal aid?**

- 19.1.** Please refer to the Committee's response under Question 18. The focus should remain on balancing robust quality control with efficient and practicable compliance mechanisms.

**20. What key improvements could ensure quality of representation while minimising administrative burden?**

- 20.1.** Please refer to the answer under Question 18. The Committee supports practical reforms that retain high standards of service delivery while reducing unnecessary administrative workload – particularly where these measures interfere with time available for direct client work.

**Proposal 6: Bulk funding and procurement of legal aid services**

**21. What are benefits and/or disadvantages of bulk funding?**

- 21.1.** The Committee considers that a bulk funding model would carry significant disadvantages, including:
- *Conflict of interest concerns*, where bulk-funded providers may feel pressure to manage caseloads at the expense of quality or client autonomy.
  - *Reputational risks* associated with the perception that legal aid lawyers are incentivised to limit work in order to remain within budget, undermining public trust in the legal aid system.
  - *Financial unsustainability*, particularly for smaller or specialised providers who may be unable to absorb the risks and variability in case complexity under a fixed funding arrangement.
- 21.2.** The Committee does not consider that the potential administrative simplicity of bulk funding outweighs the negative impact on access to justice and quality of representation.

**22. What types of proceedings would be appropriate to manage via a bulk funding model?**

- 22.1.** The Committee does not support the introduction of bulk funding for any proceeding types. Even in less complex matters, individual client needs vary significantly.

**22.2.** A bulk funding model would risk a one-size-fits-all approach and compromise access to justice, particularly for vulnerable clients or those with intersecting needs (e.g. mental health, language barriers, domestic violence).

**23. If you are a legal aid provider, would you be interested in participating in a bulk funding trial?**

**23.1.** No. The Committee does not support the bulk funding model and would not participate in any trial. It is concerned that such models could ultimately diminish service quality, restrict client choice, and create financial and ethical challenges for providers.

**Proposals that affect civil and family legal aid**

***Proposal 7: Increasing repayments from legal aid recipients***

**24. Should users of legal aid be required to repay more of their legal aid cost?**

**24.1.** Yes, particularly in the relationship property context where they can be asset rich but cash flow poor.

**24.2.** In some family contexts, introducing or increasing repayment obligations could also:

- Encourage early resolution of disputes, especially where litigation might otherwise be prolonged unnecessarily.
- Promote cost-awareness, making parties more mindful of their instructions and communications with counsel.

**24.3.** However, repayment requirements should remain appropriately limited or waived in matters involving:

- Vulnerable parties (e.g., proceedings under the Care of Children Act, Protection of Personal and Property Rights Act, or Oranga Tamariki Act).
- Matters involving significant power imbalances, family violence, or mental health concerns, where repayment obligations may disincentivise access to legal support.

**25. What impact will increasing repayment amounts have on legal aid users?**

**25.1.** It may incentivise settlement and make them mindful that they are incurring costs when they are contacting their lawyer.

**25.2.** As above, the impact will vary depending on the type of proceeding and the user's financial and personal circumstances.

**25.2.1.** In relationship property cases, increasing repayment amounts—if managed through mechanisms such as caveats or charges over property—may have minimal impact on access to justice, while improving cost recovery.

**25.2.2.** In vulnerable populations or welfare-based matters, increased repayment requirements may deter applicants from seeking legal assistance, increase self-representation, and exacerbate inequities in the justice system.

**25.3.** Careful differentiation is needed to avoid a blanket repayment model, which risks discouraging vulnerable individuals from participating in the justice process.

**26. Should the options available for enforcing and collecting legal aid debt be strengthened or expanded to make it easier for debt to be collected?**

**26.1.** The Committee recommends that any expansion of enforcement mechanisms be targeted and proportionate. For example:

**26.1.1.** In relationship property cases, enforcement could include caveats, charging orders, or repayment upon realisation of settlement funds – similar to student loan recovery mechanisms.

**26.1.2.** In non-asset-based matters, or where repayment would cause hardship, enforcement should remain minimal or discretionary.

**26.2.** The Ministry should ensure that debt collection measures do not create additional stress or disincentives for vulnerable legal aid users and should explore graduated repayment plans based on means and capacity.

**Proposals that affect criminal legal aid**

The Family Law Committee does not comment on these proposals.



## Annex 3 – Civil Legal Aid:

### Submissions on behalf of TLANZ by the:

- Employment Law Committee
- Civil Litigation Committee
- Immigration and Refugee Law Committee
- Mental Health and Disability Law Committee

### Overarching Questions

#### 1. What is working well within the legal aid system and what is not?

1.1. The Committees acknowledge that aspects of the legal aid system are functioning effectively and provide important support for access to justice. Notably, the Immigration and Refugee Law Committee highlights that the responses to urgent queries and the efficient processing of payments and invoices are appreciated by providers, and in complex, high-needs areas such as refugee and protection law, the continued availability of legal aid plays a critical role.

1.2. Further comments from various committees are as follows:

##### 1.2.1. Immigration and Refugee Law Committee

1.2.1.1. Legal aid is currently available for refugee matters at both the Refugee Status Unit (RSU) and the Immigration and Protection Tribunal (IPT), as well as for deportation (residence) appeals. The processing of claims at the RSU has recently undergone significant systemic reform following the 2019 Casey Review. This review led to the establishment of a Working Group involving practitioners, decision-makers, Ministry of Justice officials, and other relevant stakeholders, who actively participated in implementing its recommendations. One notable outcome was the development of a co-designed Practice Note.

1.2.1.2. This collaborative approach has established a successful model of dialogue and consultation within refugee law, which could be effectively leveraged again when necessary. This model has improved transparency and accountability within refugee determination processes and could be drawn upon for future system improvements.

1.2.1.3. Practitioners particularly appreciate the following elements of the current system:

- The invoicing, payment, and remittance system is highly reliable, timely, and accurate, which is greatly appreciated by providers.
- Some grants officers are responsive and approachable, making it easier to resolve queries and navigate day-to-day administrative matters.
- More broadly, the fact that there is access to legal aid at all — particularly in areas of high complexity and vulnerability such as refugee and protection law — remains a critical safeguard for access to justice and is deeply valued.

1.2.1.4. While collaborative reform efforts have yielded improvements, they have also highlighted equity issues. Much of the system development work following the *Casey Review* was undertaken by a small group of practitioners without compensation. Given the level of

expertise required and the public value of this work, the absence of remuneration raises legitimate concerns about fairness and sustainability.

**1.2.1.5.** Another significant contextual development is the recent High Court precedent in *EF v RPO [2024] NZHC 1999*, which clarified the approach decision-makers must take regarding credibility assessments. This judgment has been described as requiring a ‘factory reset’ of the determination system, ensuring credibility decisions are more clearly focused and relevant to the specific risk factors that must be considered (see Manning, D., S. Lamain and S. Judd (2024) ‘A factory reset for refugee law’, *New Zealand Law Journal*, pp.307-9).

**1.2.1.6.** This shift has direct funding implications. Overly broad-ranging enquiries by decision-makers risk over-engineering cases, which increases legal aid costs unnecessarily. Therefore, this may be an appropriate moment to reassess how credibility decisions are made within the refugee status determination system and to consider the consequent impact on legal aid expenditure.

### **1.2.2. Employment Law Committee**

**1.2.2.1.** In Employment Law, the system is failing to meet the needs of those it is intended to support. Most employment cases involve dismissals, and often dismissed employees remain out of work at the time they commence proceedings. Cases involving exploitation and failure to pay minimum statutory entitlements are also common.

**1.2.2.2.** This results in high levels of unmet legal need. Just 39% of employees had legal representation; of the remainder, 21% either had no presentation or failed to appear, and 40% were represented by non-lawyer advocates. A majority of employers are represented by lawyers, and employees who do not have a legally qualified representative can be at a serious disadvantage

**1.2.2.3.** It is likely that an even lower proportion of employees attending mediation than appearing before the Authority are legally aided. 75% of employment cases that reach the mediation stage are settled through that process. Often employees are making decisions on settlement without access to legal advice, and with no real idea of the value of their claim.

**1.2.2.4.** Only a few employment lawyers are legal aid providers, and those known to the Committee who are legal aid providers need to limit the number of legal aid cases they take on.

**1.2.2.5.** Legal aid for civil matters forms a subcategory of civil legal aid. Overall, civil legal aid constitutes only around 3% of legal aid cases, and it is likely that only a small proportion of that 3% are employment matters

**1.2.2.6.** The discussion paper notes that the provision of legal aid in employment is declining, suggesting that the situation will get even worse if it is not addressed. Despite this, the consultation paper does not contain any specific proposals for improving provision in employment cases. If the need for legal aid in employment is to be addressed in any meaningful way, major changes are needed.

## **2. What changes could be made to ensure the legal aid system is more efficient, of better quality, and better promotes access to justice in a cost-effective manner?**

**2.1.** The committees have identified significant barriers that currently prevent both lawyers and clients from accessing and engaging with the legal aid system in a meaningful and sustainable way. These barriers are contributing to rising levels of unmet legal need across multiple jurisdictions, particularly in employment, immigration, refugee, and civil law. Each committee offers targeted recommendations to improve the efficiency, quality, and accessibility of the legal aid system, while also supporting its long-term cost-effectiveness.

## **2.2. *Employment Law Committee***

**2.2.1.** The Committee notes that these barriers contribute to a high level of unmet legal need, with many employees navigating complex legal disputes without representation or informed advice. To ensure the system promotes genuine access to justice in a cost-effective and sustainable manner, targeted reforms are required.

**2.2.2.** The Committee recommends the following changes:

- Reduce administrative burden: Streamline the application process for legal aid to lessen the time and resource cost for lawyers assisting vulnerable clients. The current process is overly complex and can discourage practitioner participation.
- Increase funding levels: Legal aid grants must reflect the actual time and work involved in employment matters. Many employment disputes are factually and legally complex, and current funding levels are often insufficient to cover even the core work required to progress a claim.

**2.2.3.** The Employment Law Committee hopes that implementing these changes would improve the quality and availability of legal representation in employment disputes, better promote access to justice, and support a more efficient and effective legal aid system overall.

## **2.3. *Immigration and Refugee Law Committee***

**2.3.1.** In the immigration/refugee jurisdiction, access to legal aid is vital for ensuring fair outcomes in a system that is legally complex and increasingly backlogged. Without legal aid, a rise in self-representation is likely, which would lead to longer proceedings, increased delays, and poorer outcomes — particularly for vulnerable applicants such as asylum seekers and those with limited English proficiency.

**2.3.2.** To improve both the quality and efficiency of legal aid delivery cost-effectively, the practical changes recommended in Q4 below need to be considered and implemented.

## **2.4. *Civil Litigation Committee***

**2.4.1.** Civil legal aid is the most under-served jurisdiction, and the area with the highest increase in self-represented litigants. The Discussion Document clearly identifies some of the key reasons that legal aid in this area is problematic.

**2.4.2.** The Committee identifies the following key areas for reform:

**2.4.2.1.** Attracting both experienced and junior civil litigators who are prepared to undertake civil legal aid. This will require the onerous screening requirements for eligibility to become a listed civil provider to be properly reviewed to be in line with how civil litigation is undertaken. An issue that has been of particular moment for the committee is that the criteria in place would exclude even some of the most senior civil litigators practicing because it has requirements for a certain number of appeals to have been undertaken

(for example) in a short time period. This kind of criterion appears to mimic what would occur in the criminal jurisdiction rather than the civil jurisdiction where a sign of a good civil practice will often be a higher volume of cases involved in ADR like mediation and arbitration and settlement before there is even a first instance hearing let alone an appeal. Our committee is happy to be directly consulted and assisting on what is a more appropriate criteria to be applying that fits with the work undertaken in the civil jurisdiction.

- 2.4.2.2.** Rule 14.5.2(h) of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 requires barristers to be instructed by a solicitor once proceedings are filed in the District Court or higher. This creates a barrier to barristers taking on civil legal aid work and may deter participation. Reforming or removing this requirement could improve access to representation and expand the pool of legal aid providers.
- 2.4.2.3.** The administrative burden associated with then being a legal aid provider must also be addressed in order for civil litigators to be prepared to put themselves forward. One potential option to manage this is to remove the oversight of this function from within the Ministry of Justice itself which already has a heavy workload and perhaps the Ministry considering outsourcing this function to the private sector with oversight from the Ministry. The use of technology so there is less handling of these internal processes must be a priority to lessen the administrative burdens on individuals working within the Ministry of Justice to process payments and approvals. Any changes should be fit for purpose in an environment where AI is a useful tool to cut down on administrative burdens.
- 2.4.2.4.** The low rates of remuneration act as an additional barrier and clearly need to be addressed given that the majority of civil litigation is privately funded and so they low rates operate as a disincentive for civil practitioners to put themselves forward for civil legal aid work. One example was given where there was a case where a party was represented on civil legal aid in a matter where the Official Assignee was involved. The client had limited access to being able to advance the case based on the very limited amounts applied to taking steps in the litigation. When it came to awarding costs however, the Official Assignee, in effect, another government funded agency received a substantial costs award. This serves to highlight inequality of arms and inequity between the civil legally aided client from the state against the state; and
- 2.4.2.5.** There is room for more junior civil litigators to be able to undertake civil legal aid work, but this will require substantial change to the criteria for eligibility to become a provider. There will still need to be mechanisms for oversight and one suggestion is setting up a panel of senior civil litigators who can act as supervisors on cases where required.

## **2.5. Mental Health and Disability Law Committee**

- 2.5.1.** The TLANZ Mental Health and Disability Committee agrees with the content of page 7 regarding disabled people.
- 2.5.2.** “Changes to legal aid settings would be likely to have a disproportionate impact on disabled people. Disabled people are more likely to experience legal problems which impact their everyday lives. Results from the 2023 Legal Needs Survey show that, of the disabled people surveyed, over half (54%) had experienced a legal problem in the past year, compared to almost a third (32%) of non-disabled people. Enduring legal problems, rather than seeking to

resolve them, can lead to stress, anxiety, and fear for disabled people and other potential legal aid clients". Additionally, early resolution is cost-saving.

- 2.5.3. We observe that people with disabilities often face intersecting legal issues that require legal advocacy.
- 2.5.4. Examples include access to advocacy for: special education; housing; benefits; employment; education; health services; education services.
- 2.5.5. Community law centres have limited scope and resources to address this array of issues (e.g. Aotearoa Disability Law).
- 2.5.6. Secure, adequate legal aid funding is essential for people with disabilities.
- 2.5.7. New Zealand has obligations to disabled people as outlined in Article 13: Access to Justice. Legal aid and legal aid services are important human rights measures to uphold Aotearoa's obligations.
- 2.5.8. Particularly for people who use mental health services, access to a trusted and effective mental health lawyer is essential.
- 2.5.9. Clients should have the option of selecting their lawyer for continuity, efficiency, and effectiveness. Also, access to a dedicated mental health lawyer of their choice prevents the distress of restating their circumstances repeatedly.

### **3. What would be the consequences of limiting the availability of legal aid? Who might be the most affected?**

- 3.1. The TLANZ Immigration and Refugee Law Committee and the TLANZ Employment Law Committee strongly caution against any further limitation of legal aid availability as availability is already extremely limited. In both jurisdictions, legal aid plays a critical role in supporting access to justice for vulnerable individuals who are often navigating complex legal systems with limited resources and support.
- 3.2. Employment Law Committee

- 3.2.1. In the employment context, legal aid is already severely constrained, with fewer than 2% of all Employment Relations Authority cases involving a legally aided party in the 2024 financial year. Any further restrictions would disproportionately harm and affect particularly the following:
  - 3.2.1.1. Exploited migrant workers: These cases are often factually and legally complex, involving breaches of minimum employment standards and exploitative conduct. Migrant workers typically lack the financial means to pursue claims independently, and no-win no-fee models are generally not viable for these types of cases due to enforcement risks and uncertainty around recoverable remedies. Without access to legal aid, many of these workers would have no realistic pathway to justice.
  - 3.2.1.2. Employees facing appeals in the Employment Court: It is not uncommon for an employee to succeed in the ERA, only to have the employer file a challenge in the Employment Court. Many employees in this situation lack the resources to continue with representation, and non-lawyer advocates are often not qualified or permitted to appear in the Court. In the absence of legal aid, these workers are forced to either represent

themselves or settle for significantly less than the amount originally awarded, undermining the fairness and finality of the dispute resolution process.

**3.2.2.** In both scenarios, the absence of legal aid severely compromises access to justice and leads to power imbalances that disproportionately affect already vulnerable groups. Far from reducing costs, further restricting legal aid in employment matters would entrench systemic inequality and incentivise unjust outcomes.

### **3.3. *Immigration and Refugee Law Committee***

**3.3.1.** In the immigration context, any reduction in legal aid availability would likely result in a surge of self-represented applicants, particularly in refugee and protection matters. This would:

- Increase systemic delays, as self-represented individuals often require additional support from the courts or tribunals and may inadvertently prolong proceedings due to lack of legal knowledge or procedural understanding.
- Compromise fairness and outcomes, as many applicants face language barriers, trauma-related vulnerabilities, and difficulty navigating legal concepts without assistance.
- Exacerbate inequity, as the immigration system is already under significant pressure with increasing backlogs, and removing legal support for those in greatest need would intensify that strain.

**3.3.2.** Ultimately, limiting legal aid would not reduce demand — it would shift the burden onto individuals least equipped to manage it and onto a system already struggling with capacity and fairness. For both employment and immigration matters, ensuring access to legal aid is essential not only for justice but for the efficient functioning of the legal system as a whole.

## **4. Is there anything else you would like to tell us about the legal aid system and how it could be improved?**

**4.1.** Both the TLANZ Employment Law Committee and the TLANZ Immigration and Refugee Law Committee agree that while legal aid plays a crucial role in ensuring access to justice, there are systemic and operational issues that, if addressed, could significantly enhance the scheme's effectiveness, sustainability, and fairness.

**4.2.** Comments from the committees that responded to improvements are noted below:

### **4.2.1. *Employment Law Committee***

**4.2.1.1.** In the employment jurisdiction, the current legal aid framework is not fit for purpose. The combination of inadequate remuneration and an onerous administrative burden makes it uneconomic for most employment lawyers to offer legal aid services. In particular:

- The fixed fees for Employment Relations Authority proceedings bear no relationship whatsoever to the work involved in taking a case;
- Hourly rates paid are only around 1/3 of normal market rates; and
- For Employment Court cases, Legal Aid often approves less hours than the number of hours the Court's guidance cost scales indicate would normally be considered reasonable for the steps involved.

**4.2.1.2.** In practice, for many employment cases – especially those resolved at an early stage – once administrative time and business overheads are accounted for, the effective rate of pay under legal aid can fall below the minimum wage. While it is possible to apply for an amendment to grant in exceptional cases, it should not be necessary to do so in order to obtain reasonable payment for work that is ordinarily required.

**4.2.1.3.** Meaningful improvement will require a fundamental reassessment of the funding model for employment cases, including realistic fee structures and a reduction in unnecessary administrative overhead.

#### **4.2.2. Immigration and Refugee Law Committee**

**4.2.2.1.** In the immigration jurisdiction, several practical changes could significantly improve provider engagement, reduce unnecessary expenditure, and enhance cost-efficiency. The Committee identifies several practical changes that would improve provider engagement, reduce unnecessary expenditure, and support more cost-effective delivery of legal aid services:

- *Flexible handling of minor invoicing errors:* When clear, minor mistakes occur (e.g. omitting GST or minor miscalculations), it would be more efficient for Ministry staff to contact providers directly to clarify and resolve the issue, rather than rejecting or returning the entire claim. The current process is often seen as rigid or adversarial and can diminish morale. If direct engagement is not feasible, explanations of policy constraints in regular provider communications would foster goodwill.
- *Proactive engagement on systemic issues:* Where trends emerge in claim types or granting practices, early and transparent communication with the profession would promote consistency, reduce unnecessary appeals or resubmissions, and support more accurate budgeting.
- *Clear communication around funding decisions:* Where there has been a shift in approach to approving claims (e.g. a type of claim previously granted is now declined), the rationale should be shared proactively with providers to ensure consistency and procedural fairness.
- *Use of AI and technology:* The Ministry should explore cost-saving innovations such as AI-generated translations for early-stage client statement drafting. While finalised statements will always require careful review and refinement by counsel, technology may help reduce costs at initial stages if applied ethically and with appropriate safeguards.
- *Guidance on client statement length:* Wide variation in practice currently results in overly lengthy and resource-intensive statements. We recommend a dialogue between the Ministry, decision-makers (such as the RSU and IPT), and the profession to develop clearer expectations around content, scope, and relevance.
- *Expert reports:* There is a high degree of inconsistency in the use, cost, and approval of psychological and other expert reports in immigration and refugee matters. Guidelines on appropriate scope, indicative cost ranges, and when prior approval is needed would promote both quality and efficiency. These should be developed in consultation with decision-makers and the legal profession.

- *Translation expectations and cost control:* Translation practices across the system are inconsistent, leading to avoidable expense. The growing volume of source material in refugee claims (e.g. from social media and blogs) requires careful triage. Not all materials require formal translation, especially where English versions exist or where the material is peripheral. Greater alignment between legal aid officers, providers, and decision-makers on what requires translation would reduce unnecessary costs. This is especially timely in light of *EF v RPO* [2024] NZHC 1999, which reinforced the need for relevance-focused determinations.

**4.2.2.2.** In summary, to improve the legal aid system’s efficiency, provider engagement, and cost-effectiveness, we suggest the following :

- Flexible handling of minor invoicing errors;
- Proactive engagement on systemic trends;
- Clear communication on changes in funding decisions;
- Adoption of AI tools to reduce early-stage translation costs;
- Consistent guidance on the scope and cost of expert reports;
- Alignment on translation expectations in refugee claims; and
- Guidance on client statement scope and length without these operational improvements, the immigration/refugee legal aid system risks becoming inefficient and disheartening for providers, particularly when navigating administrative rigidity or unclear expectations.

**4.2.2.3.** Without these operational improvements, the refugee legal aid system risks becoming inefficient, inconsistent, and unsustainable. Administrative rigidity, poor communication, and unclear expectations are discouraging provider participation at a time when demand is growing. Proactive collaboration and reform are essential to ensure that legal aid continues to serve its intended purpose in one of the most complex and sensitive areas of public law.

## **Proposals that affect legal aid as a whole**

### ***Proposal 1: Reducing the administrative burden placed on legal aid providers.***

## **5. Are there issues relating to administrative burden that we have not captured?**

**5.1.** Yes.

### ***5.2. Employment Law Committee***

**5.2.1.** The TLANZ Employment Law Committee identifies several further issues that significantly increase the administrative burden on legal aid providers in the employment jurisdiction. These are outlined below:

#### ***5.2.1.1. Establishing Financial Eligibility***

Making a civil legal aid application is very time-consuming, and it is often necessary for the lawyer to go backwards and forwards and forwards obtaining financial information from the client.

It would significantly ease the financial burden if the process of determining financial eligibility could be handled between legal aid and the client themselves, reducing the lawyer's role in the application process to commenting on the proposed proceedings.

#### **5.2.1.2. *Trust Account***

Most employment matters settle. When a case settles, the lawyer is required to ensure payment of legal aid costs. Many specialist employment lawyers practice as barristers and are authorised to take direct instructions without the need for an instructing solicitor. This helps keep costs down but means the lawyer does not have a trust account that remedies or a costs contribution can be paid into.

Processes for arranging payment by the other party to legal aid are not satisfactory. If there was a trust account that remedies and costs contributions in civil legal aid cases could be paid into, it would reduce the burden on the lawyer, as well as aiding legal aid with cost recovery.

#### **5.2.1.3. *Related Proceedings***

In employment, it is common to have more than one set of proceedings between the same parties, before different institutions. (For example, where the employee has been successful in proceedings before the Employment Relations Authority the employer may seek a rehearing before the Employment Court, but not pay the remedies ordered, leaving the employee to take separate enforcement proceedings in either the Authority or the District Court). Allowing a single application to cover all the related proceedings rather than requiring multiple separate applications to be made would ease the burden on the practitioner.

#### **5.2.1.4. *Online Forms***

Filling in and emailing word or editable pdf documents for legal aid applications and invoices is time-consuming. Having prepopulated online forms linked to a legal aid recipient's account would save time for practitioners, and potentially also for legal aid.

#### **5.2.1.5. *Better Integration of Legal Aid and Legal Aid Debt Recovery***

When a client's case is concluded, the practitioner is required to notify legal aid of the outcome. After we do so we almost invariably receive letters from legal aid debt recovery that do not reflect the information we have already provided. For example, we may notify legal aid there has been a settlement and that the other party has undertaken to pay a costs contribution to legal aid, only for us to receive a letter from legal aid debt recovery saying they understand we hold funds on behalf of the client, and/or for our clients to receive demands for repayment from legal aid. When we have asked why this happens, we are told that legal aid and legal aid debt recovery are separate organisations, and information provided to one is not necessarily shared with the other. Better information sharing between the organisations would avoid wasting practitioners' time and would avoid stress and confusion for clients.

#### **5.2.1.6. *Listing Employment Separately and Not as Part of Civil***

Employment is a specialist field. However, employment practitioners are listed as providing civil legal aid. This results in practitioners receiving a large number of requests for representation from someone seeking representation with other types of civil claims, many of whom are working their way through a list of legal aid providers given to them by the Ministry of Justice. This wastes the time of both the lawyer and the person who is seeking legal aid representation

## **6. Have we identified all appropriate options for reducing the administrative burden of legal aid?**

### **6.1. *Employment Law Committee***

**6.1.1.** No. As outlined in our response to Question 5, there are additional areas where meaningful improvements could be made to reduce the administrative burden on legal aid providers in the employment jurisdiction.

## **7. What changes could be made that have the biggest impact on reducing the administrative burden of providing legal aid?**

**7.1.** The administrative burden associated with legal aid is a significant barrier to provider participation, particularly in specialist areas such as employment and immigration law. Reducing this burden is critical not only to retaining experienced legal aid practitioners but also to ensuring timely and effective access to justice for vulnerable clients.

**7.2.** The TLANZ Employment Law Committee and the TLANZ Immigration and Refugee Law Committee identify the following changes as having the greatest potential impact:

### **7.2.1. *Employment Law Committee***

**7.2.1.1.** The most impactful change in the employment context would be to simplify the legal aid application process, particularly by removing the responsibility from lawyers to determine financial eligibility. Currently, employment lawyers must spend considerable time collecting and verifying financial information from clients—often through multiple interactions—which delays applications and detracts from time spent on substantive legal work.

### **7.2.2. *Immigration and Refugee Law Committee***

**7.2.2.1.** In the immigration and refugee jurisdiction, a key improvement would be to have a designated senior grants officer for complex cases has proven helpful. This allows for continuity, clearer communication, and more efficient resolution of queries or issues. Expanding this model—where complex or long-running cases can be allocated a consistent point of contact—would significantly reduce the administrative burden on practitioners who currently must re-explain the context of their file’s multiple times to different grants officers. It also helps foster a constructive relationship between providers and Legal Aid Services, which in turn enhances the quality and efficiency of legal aid delivery.

## ***Proposal 2: Increasing provider remuneration to encourage lawyers to provide legal aid.***

## **8. Are there remuneration issues we have not captured?**

**8.1.** Yes. All the TLANZ committees identify significant remuneration issues that have not been adequately addressed, and which directly impact the availability and sustainability of legal aid provision in their respective areas of practice.

### **8.2. *Civil Litigation Committee***

**8.2.1.** In civil legal aid cases, lawyers are required to report in detail to the Legal Aid Agency when submitting invoices, including providing key supporting documents. This often involves follow-up correspondence when further information is requested, or fees are reduced. As this work is

necessary and would be billable in a private client context, it should also be claimable under legal aid.

### **8.3. *Employment Law Committee***

**8.3.1.** Yes. The TLANZ Employment Law Committee highlights that the current fixed fee structure for Employment Relations Authority (ERA) proceedings is fundamentally inadequate and does not reflect the time, complexity, or professional obligations involved in delivering competent legal representation.

**8.3.2.** The fixed fees – such as the \$1,400 allocated for preparing for an ERA investigation meeting – appear to have no rational or evidence-based foundation and fall dramatically short of the actual work required.

**8.3.3.** This fixed fee is expected to cover a wide range of tasks, including:

- Taking instructions and advising the client.
- Preparing for the investigation meeting, including:
  - Identifying the legal issues in dispute.
  - Reviewing discovery.
  - Drafting and issuing witness summonses.
  - Interviewing witnesses.
  - Undertaking legal research.
  - Drafting briefs of evidence, submissions, and compiling document bundles.
  - Preparing for cross-examination.
- Maintaining ongoing communication with the client, opposing party, and the Authority throughout the life of the case.
- Reporting to Legal Aid and submitting invoices.

**8.3.4.** Most ERA matters extend over a period of 12 months or more, often culminating in a 2–3 day hearing. Preparation typically requires 60–80 hours of legal work to ensure appropriate and professional representation. When measured against the current \$1,400 fixed fee, this equates to a rate well below minimum wage, before even factoring in overhead costs associated with operating a legal practice.

**8.3.5.** As a result, it is not viable to sustain a legal practice based primarily on legal aid in the employment jurisdiction, despite the high level of need. This contrasts with other areas of law where legal aid may feasibly support a practice.

**8.3.6.** We therefore submit that:

- These fixed fees be urgently reviewed and reset at realistic levels, informed by consultation with practitioners who regularly undertake employment legal aid work; *or*
- Abandoned altogether in favour of time-based billing, to ensure practitioners are paid fairly for the hours genuinely required to provide quality legal representation.

**8.3.7.** Without addressing this significant shortfall in remuneration, provider engagement in employment legal aid will continue to decline, leaving vulnerable workers without access to justice.

### **8.4. *Immigration and Refugee Law Committee***

**8.4.1.** Legal aid work in the refugee and protection space – before both the Refugee Status Unit (RSU) and the Immigration and Protection Tribunal (IPT) – remains among the lowest remunerated areas of legal practice, despite being one of the most complex, demanding, and emotionally taxing fields of law.

**8.4.2.** This significant disparity in remuneration is a key factor contributing to both recruitment and retention challenges within this specialist area. The current funding model relies heavily on the goodwill and commitment of practitioners, which raises serious questions about its sustainability and credibility as a system that supports high-quality legal representation.

**8.4.3.** Moreover, the cumulative psychosocial impact on lawyers working in this high-pressure, emotionally taxing environment – often with limited financial recognition – is an area that remains underexplored and unquantified. It is vital that the Ministry considers not only fair remuneration but also the broader wellbeing of legal aid practitioners in refugee law.

## **9. Have we identified the appropriate options for improving provider remuneration?**

### **9.1. Employment Law Committee**

**9.1.1.** Not entirely. One additional option that has not been fully explored is enabling practitioners to recover scale or tariff costs from the opposing party – where the legally aided client is successful – and to use those recovered costs to supplement the legal aid grant.

**9.1.2.** Currently, payments for Employment Relations Authority and Employment Court work are invariably less than the tariff or scale costs that could ordinarily be recovered from the other party (assuming the legally aided client is successful).

**9.1.3.** In employment law, payments for both Employment Relations Authority and Employment Court work are invariably lower than the cost awards (tariff or scale costs) that could ordinarily be recovered from the other party in private litigation. If practitioners were permitted to recover those costs and use them to top up the legal aid payment, this would:

- Reduce the net cost to the legal aid fund.
- Improve remuneration for providers, particularly in meritorious cases where the client is successful; and
- Promote fairness, by aligning publicly funded representation more closely with the financial consequences of litigation.

**9.1.4.** This approach would not increase the burden on Legal Aid Services or the client and would incentivise practitioners to take on cases with good prospects of success. It is a cost-effective and principled reform option that deserves serious consideration.

## **10. What changes would have the biggest impact on improving coverage and provider sustainability for the legal aid scheme?**

**10.1.** The TLANZ Committees all note that the most impactful change would be to pay legal aid providers a reasonable hourly rate for the actual time required to properly progress and resolve a case.

**10.2.** Current funding models – particularly the use of fixed fees – often fall well below what is needed to cover the time, expertise, and overhead costs involved in delivering quality legal services. This is especially acute in complex and time-intensive jurisdictions such as employment, immigration, and refugee law, where underfunding makes legal aid work financially unsustainable for many practitioners.

**10.3.** By aligning remuneration more closely with realistic hourly rates and actual time spent, the legal aid scheme would:

- Encourage wider provider participation across all jurisdictions.
- Improve the quality and consistency of representation.
- Support retention of experienced practitioners; and
- Ensure the scheme is fair, credible, and capable of meeting growing legal needs.

**10.4.** Without addressing these core funding issues, the legal aid system will continue to face declining provider numbers and reduced coverage, undermining its ability to deliver access to justice.

***Proposal 3: Improving incentives for junior counsel to provide legal aid.***

**11. Are there other issues concerning the engagement of junior lawyers, or barristers to the progression of supervised and junior lawyers, that we have not captured?**

***11.1. Immigration and Refugee Law Committee***

**11.1.1.** The TLANZ Immigration and Refugee Committee is of the opinion that burnout among junior lawyers in the legal aid system, particularly in refugee and protection law – is a significant and ongoing concern. The high emotional demands, complexity of the subject matter, time pressure from external decision-makers, and relatively low remuneration often led to junior lawyers exiting the field after only one or two years. This high turnover creates a further burden on supervising lawyers, who invest substantial time and effort into training, only to see that investment lost when the junior departs for a more sustainable area of law.

**11.1.2.** Given the specialised nature of refugee law, and its demands in terms of legal, cultural, psychological, and political knowledge, it may be more appropriate to consider pathways for intermediate lawyers to enter the field – rather than expecting newly admitted practitioners to take on such responsibility early in their careers. Where junior lawyers are engaged, it is important they are employed by organisations with the infrastructure, time, and expertise to provide the intensive supervision required in this area of practice.

**11.1.3.** Another significant barrier relates to professional liability and the structure of legal aid contracts. Currently, when a lawyer new to the field seeks to gain experience toward becoming an accredited legal aid provider, the supervising lawyer must act as the Lead Provider on the file. This requirement creates a disincentive to support new practitioners. Lead Providers are subject to a high-risk audit regime, as well as personal exposure under the New Zealand Law Society's complaints and disciplinary processes. The increased professional liability – without corresponding support or recognition – deters many experienced lawyers from taking on a supervisory role, despite the need to grow capacity in this area.

**11.1.4.** A further suggestion is to introduce a time-limited or case-limited approval pathway for new practitioners to undertake legal aid work under formal supervision. This model would enable early-career lawyers to gain experience while ensuring the quality and integrity of representation is maintained.

**11.1.5.** To ensure this supervision is meaningful and not merely nominal, we propose the development of a standardised supervision framework, which could include a simple but robust supervision checklist. This checklist would be completed by the supervising Lead Provider for each supervised case and submitted alongside the supervised lawyer's file. The

checklist could document key elements such as file review, legal strategy discussions, and professional conduct issues.

**11.1.6.** Supervisors should be remunerated for this role, with an indicative cap (e.g. up to 5 hours per file) to support fairness and consistency. This would provide an incentive to take on the supervisory role while keeping costs predictable. The checklist and supervision standards should be developed in collaboration with the profession, to ensure they are practical and aligned with both legal aid requirements and the realities of practice.

**11.1.7.** This model would address current inconsistencies in supervision, promote high-quality training, and support workforce development in a structured and accountable way. \

**11.1.8.** To better support junior and supervised lawyers in legal aid, particularly in refugee law, the following is recommended:

- *Recognise the sustainability challenges* – Acknowledge the high burnout and turnover rates among junior lawyers in this field and the implications for workforce stability.
- *Promote intermediate-entry pathways* – Explore models that encourage lawyers with a few years of general practice experience to enter refugee law, rather than relying solely on new graduates.
- *Review professional liability arrangements* – Reconsider the requirement that supervising lawyers act as Lead Providers for trainees, as this currently disincentivises experienced lawyers from supporting new entrants due to audit exposure and liability risk.
- *Introduce structured and remunerated supervision* – Develop a formal, time-limited, or case-limited approval pathway for supervised practitioners to undertake legal aid work. Supervision should be documented using a standardised checklist (co-designed with the profession), submitted with each case file. Supervisors should be remunerated for this role at a capped indicative rate to promote consistency, accountability, and meaningful supervision.

## **12. Have we identified the appropriate options for supporting junior counsel to engage in legal aid work?**

### **12.1. Employment Law Committee**

**12.1.1.** Not in the employment field.

### **12.2. Immigration and Refugee Law Committee**

**12.2.1.** The TLANZ Immigration and Refugee Committee refers to its response in Q11.

## **13. What changes would have the biggest impact on enabling more junior lawyers to provide legal aid, improving coverage and provider sustainability for the legal aid scheme?**

### **13.1. Immigration and Refugee Law Committee**

**13.1.1.** The TLANZ Immigration and Refugee Committee refers to its response in Q11.

### **13.2. Employment Law Committee**

**13.2.1.** The TLANZ Employment Law Committee is of the view that prior to being accredited to provide civil legal aid, a lawyer must already have appeared several times in the relevant forum. The effect of this is that a lawyer needs to have more experience to act for a legally aided client

than for a private client who, in employment, is likely to be paying around three times as much as legal aid does.

- 13.2.2. Removing this requirement and enabling lawyers to gain experience and become established by taking legal aid cases, rather than requiring that they already be experienced before they can take a legal aid case. This would provide a greater incentive for less experienced lawyers to become providers and/or given legal aid work by their employers.

#### ***Proposal 4: Ensuring value for money and reducing spend on specialist reports***

### **14. Do you have a view about why the number of specialist reports might be increasing?**

#### ***14.1. Employment Law Committee***

- 14.1.1. Not applicable to employment – specialist reports are rare in this jurisdiction.

#### ***14.2. Immigration and Refugee Law Committee***

- 14.2.1. The TLANZ Immigration and Refugee Law Committee is of the view that the increase in specialist reports, particularly psychological, psychiatric, trends.
- 14.2.2. First, there is a growing awareness of the complexity of mental health and cognitive functioning, particularly in refugee and humanitarian claims. Many clients present with trauma-related symptoms, neurodiversity, or other psychological impacts that can affect memory, concentration, narrative consistency, and emotional presentation. These issues are often not immediately visible, yet they directly affect the way evidence is given and assessed.
- 14.2.3. Secondly, there has been a tightening of credibility assessment frameworks, particularly in protection cases. Decision-makers increasingly rely on fine-grained plausibility reasoning or expectations of linear, complete, and consistent disclosure. In this environment, counsel must often obtain specialist evidence to explain why a claimant's account may be affected by psychological or cognitive factors — or risk the claim being declined on credibility grounds alone. This is not an overuse of reports, but a response to procedural and evidentiary expectations that are becoming more stringent.
- 14.2.4. Thirdly, in some cases, decision-makers rely on assumptions about what is plausible in the claimant's country of origin, which can be addressed directly and accurately through country experts. For example, in *EF v RPO*, the Court affirmed the importance of expert evidence in evaluating plausibility findings against reliable country conditions. The increased use of such experts is often necessary to challenge implicit cultural or geopolitical assumptions within decision-making.
- 14.2.5. Finally, there is variation in decision-maker expectations about what level of expert evidence is required to establish well-known phenomena, such as the impact of trauma on memory. In some instances, a GP letter may suffice; in others, a full psychological report is required. This lack of standardisation places a disproportionate burden on claimants and legal aid providers and contributes to unnecessary escalation of cost and delay. In effect, the standard applied is often much higher than the "real chance" threshold required by law.
- 14.2.6. Overall, the increased use of expert reports reflects both the genuine complexity of modern claims and the practical realities of evolving evidentiary thresholds, particularly in credibility

assessment. This area would benefit from clearer guidance, standardisation, and policy dialogue between the Ministry, decision-makers, and practitioners.

**15. Are there issues with specialist reports that we have not captured?**

**15.1. *Employment Law Committee***

**15.1.1.** Not applicable to employment field.

**15.2. *Immigration Law Committee***

**15.2.1.** The TLANZ Immigration and Refugee Committee refers to its response in Q14.

**16. Have we identified all the appropriate options for ensuring value for money from specialist reports while preserving access to justice?**

**16.1. *Employment Law Committee***

**16.1.1.** Not applicable to employment field.

**16.2. *Immigration and Refugee Law Committee***

**16.2.1.** The TLANZ Immigration and Refugee Law Committee notes that an additional option which could be worth considering is the development of a standardised expert briefing letter template, outlining what is within scope — and explicitly out of scope — for psychological, psychiatric, and country expert reports in refugee and deportation matters. This brief could be developed collaboratively by the Ministry, legal practitioners, and relevant decision-makers (e.g. RSU, IPT), and provided to experts at the point of engagement.

**16.2.2.** While it remains counsel's responsibility to appropriately brief experts, a standardised document could assist in the interim, particularly given the current variability in report content and the lack of specialised training among some experts. This approach would promote consistency, reduce unnecessary content, and help ensure that publicly funded reports remain focused on legally relevant matters.

**16.2.3.** Work undertaken outside the scope of such a standardised brief could carry funding implications unless justified. This would not only support value for money but would also improve the quality and utility of the reports for both counsel and decision-makers.

**17. What changes to the content and processes for specialist reports do you think would be most effective in ensuring value for money while preserving access to justice?**

**17.1. *Employment Law Committee***

**17.1.1.** Not applicable to employment field.

**17.2. *Immigration and Refugee Law Committee***

**17.2.1.** The TLANZ Immigration and Refugee Law Committee is of the view that it is likely timely to introduce indicative cost ranges for expert reports, particularly in high-use areas such as psychological, psychiatric, and country expert assessments. At present, there is considerable variation in pricing, which creates uncertainty for legal aid providers and funding officers alike. Setting clear cost expectations — developed collaboratively with the profession, decision-makers, and relevant expert bodies — would improve consistency and ensure that costs remain proportionate to the case type and legal relevance of the report.

**17.2.2.** In addition to indicative pricing, the following changes could also be effective:

- *Standardised expert briefs (as noted above)* – Clear, role-specific guidance about what the expert is being asked to assess, and what is outside scope, would help ensure reports are focused, relevant, and cost-effective.
- *Training for both counsel and experts* – Supporting practitioners and experts with targeted training (e.g. on how trauma impacts recall, or how to meet legal rather than clinical thresholds) would reduce over-reporting, repetition, and unnecessary content.
- *Templates or report outlines* – Encouraging use of streamlined templates for certain types of reports may help experts focus on legally relevant questions and avoid lengthy, non-essential narrative.
- *System-wide discussion on appropriate thresholds for expert reports* – There could be a broader conversation within the legal aid and decision-making system about when a full expert report is necessary. In many cases, a brief supporting letter from a GP, social worker, or other treating professional may be sufficient to address the evidentiary need. We must be mindful not to over-engineer the system by defaulting to high-cost reports where more proportionate alternatives are available. This would be dependent however on collaboration with decision-makers and explicit guidelines being prepared as currently expert reports are often critical evidence for access to justice in refugee claims. Encouraging early discussion about evidentiary thresholds could support both access to justice and cost-efficiency.

**17.2.3.** Each of these proposals should be developed in consultation with legal aid providers and decision-makers to ensure they are practical, enforceable, and supportive of fair process.

***Proposal 5: Reviewing quality assurance processes.***

**18. Are there any issues concerning quality assurance processes that we have not captured?**

**18.1.** The TLANZ Employment Law Committee notes the need to align remuneration with expectations, noting employment fixed fees do not cover ongoing client communication. IRLC called for clearer, more respectful communication during quality assurance, along with consistent guidance on expectations, delays, and disbursement documentation.

**18.2. *Employment Law Committee***

**18.2.1.** There should be a closer alignment between expectations placed on practitioners and what work is remunerated. For example, employment fixed fees do not contain any allowance for general client communications over the course of what can be a lengthy process, yet there can be an expectation of frequent communication.

**18.3. *Immigration and Refugee Law Committee***

**18.3.1.** There appears to be variation in how the Ministry of Justice communicates with legal aid providers during quality assurance processes. These interactions often take place in the context of high-stakes, complex, and emotionally demanding work. It is essential that communications are professionally cordial, clear, and constructive, rather than overly formal or critical.

**18.3.2.** Positive feedback should also be incorporated into the process. When practitioners perform well, acknowledging and thanking them helps to sustain morale and motivation, particularly in areas of law where burnout is common and recognition is rare.

**18.3.3.** Further, there needs to be clear and consistent guidance on practice expectations, especially when systemic or procedural delays occur (e.g. delays in hearings or decision-making). Where there are chronic or known delays, it is unreasonable for the burden to fall on individual practitioners to provide frequent, repeated updates to clients. Clarity is needed on whether practitioners are expected to initiate such communication or whether a claimant's inquiry should trigger a response. Without such clarity, the administrative burden becomes unsustainable and risks detracting from the substantive legal work required.

**18.3.4.** In addition, clear guidance is needed on record-keeping requirements for the standard \$100 office disbursement fee. Practitioners want to comply, but expectations are not always clearly articulated, leaving them uncertain about what documentation is needed for audit or compliance purposes.

**18.3.5.** Overall, quality assurance processes should support rather than demoralise practitioners. A collaborative, respectful approach will strengthen service quality and improve retention in the legal aid workforce.

## **19. Have we identified all the appropriate options for improving the quality of legal aid?**

### **19.1. *Employment Law Committee***

**19.1.1.** The TLANZ Employment Law Committee noted that equal fixed fees for lawyers and non-lawyer advocates fail to reflect quality differences. IRLC recommended clear supervision standards to improve quality assurance, especially in complex refugee and deportation cases.

**19.1.2.** In employment, fixed fees for non-lawyer advocates are the same as for lawyers (other than the hourly rates that apply to actual time in fixtures). This does not reflect the quality gap, which is often wide.

### **19.2. *Immigration and Refugee Law Committee***

**19.2.1.** The development of clear supervision expectations for supervised providers would improve quality assurance, particularly in complex areas like refugee and deportation law. This includes defining minimum supervision standards, clarifying who holds responsibility for quality assurance, and outlining expectations for frequency and type of oversight (e.g. file reviews, mentoring, case conferencing). These measures would help ensure that work carried out under supervision meets required standards, and that newer practitioners receive the guidance necessary to build competence and confidence. (See also response to Question 11).

## **20. What key improvements could ensure quality of representation while minimising administrative burden?**

### **20.1. *Employment Law Committee***

**20.1.1.** The TLANZ Employment Law Committee stressed the need to pay for quality assurance work to retain providers. IRLC called for better recognition, feedback loops, and support like expert consults for complex cases to maintain quality and practitioner wellbeing.

**20.1.2.** Ensuring that practitioners are remunerated for time spent on quality assurance, as this unpaid time is a disincentive to becoming, or remaining, a legal aid provider.

**20.2. Immigration and Refugee Law Committee**

**20.2.1.** Recognition and morale building: Acknowledging practitioner effort and quality outcomes helps sustain engagement. Small steps like positive feedback in audits or thank-you notes for complex cases well managed are low-cost but high-impact morale boosters.

**20.2.2.** Regular, collaborative feedback: Invite regular feedback from providers about what aspects of the administrative system are working or not and engage providers in co-designing improvements. This ensures processes stay relevant, proportionate, and efficient.

**20.2.3.** Identify areas for CPD, Ministry of Justice newsletter, or collaborative engagement: Regular quality assurance reviews and feedback loops could be used not only for compliance but to identify areas where the profession may benefit from continuing professional development (CPD), practical updates via newsletters, or opportunities for collaborative problem-solving. For example, patterns in file review outcomes might reveal common misunderstandings around grant conditions, record-keeping, or appropriate disbursement use — which could then be addressed proactively and constructively through education rather than solely through compliance mechanisms.

**20.2.4.** Access to one-off supervision or expert consults for complex cases: Practitioners working in high-stakes, complex areas of law such as refugee and protected person claims could benefit from discrete grants of 1–2 hours for professional supervision or expert consultation. This would allow them to seek timely advice on case strategy, cultural or psychological complexity without compromising efficiency or quality. Such a mechanism would strengthen decision-making, reduce practitioner isolation, and help ensure legally and procedurally robust representation — particularly for sole practitioners or those in small firms.

***Proposal 6: Bulk funding and procurement of legal aid services***

**21. What are benefits and/or disadvantages of bulk funding?**

**21.1.** The committees expressed mixed views on bulk funding with Civil Litigation Law and ELC noting benefits while, MHDC and IRLC raised strong concerns about excluding sole practitioners and compromising quality in complex or sensitive cases.

**21.2. Civil Litigation Committee**

**21.2.1.** There is a case to be made to consider bulk funding for civil legal aid for purely civil cases where there is currently unmet need. There are civil litigation firms that are well set up to be able to manage work of this type which would enable appropriate safeguards for clients, supervision for juniors but the opportunity for junior lawyers to undertake more civil legal aid work. There is a similar private/public partnership model (in effect) via the Crown Solicitor network that could be borrowed and applied to civil litigation firms that would be able to participate in a pilot. TLANZ could canvas its members as to firms that would be interested in taking part in such a procurement process for a pilot.

**21.3. Employment Law Committee**

- 21.3.1.** We note that one advantage of a bulk funding model is the potential for administrative simplicity, as it may reduce the need for case-by-case invoicing and grant approvals.
- 21.3.2.** However, a significant disadvantage is the employment uncertainty it creates for providers. To meet contractual obligations under a bulk funding model, a provider may need to hire additional staff. Yet, the lack of guaranteed ongoing funding makes it difficult to offer employment security, which could result in higher staff turnover and reduced continuity of service. This risk may deter providers from entering into bulk funding arrangements or expanding their capacity to meet legal aid demand.
- 21.3.3.** The TLANZ Employment Law Committee therefore cautions that any move toward bulk funding must be accompanied by clear, reliable funding commitments and flexibility in contract management, to avoid undermining the sustainability of legal aid practices.

**21.4. Mental Health and Disability Law Committee**

- 21.4.1.** If the proposed bulk funding model were to go ahead, all the experienced lawyers that operate outside of law firms and work on mental health legal representation would not be funded by legal aid.
- 21.4.2.** Regardless of whether bulk funding is provided via law firms for large cohorts (such as criminal defence work), it is very important that those with mental health conditions and/or disabilities continue to have access to a pool of lawyers who are not located in firms.
- 21.4.3.** Many of the lawyers that represent these clients are sole practitioners. As such, provision should continue for them to be funded through legal aid despite them not being located in law firms. This would provide continuity for clients, with their preferred lawyer.

**21.5. Immigration and Refugee Law Committee**

- 21.5.1.** There are significant risks and disadvantages that must be considered for refugee and deportation (residence) cases:
- Refugee and deportation claims are highly variable and fact-specific, and often unpredictable in complexity, duration, and evidentiary requirements. A bulk-funded model risks undervaluing complex cases or discouraging providers from taking on the most difficult or high-needs clients.
  - There is a risk of inequitable distribution of work, where smaller or sole practitioners – many of whom have deep expertise in this area – are excluded in favour of large organisations with procurement capacity.
  - Bulk funding could lead to a contract-driven model, introducing competitive pressures that undermine collaboration, which is currently essential in this tight-knit and overstretched area of legal practice.
  - There is a risk that quality could be compromised if cost pressures incentivise speed or volume over careful, trauma-informed, individualised representation.

**22. What types of proceedings would be appropriate to manage via a bulk funding model?**

**22.1. Employment Law Committee**

- 22.1.1.** The TLANZ Employment Law Committee notes that most employment claims settle at an early stage, often during or shortly after mediation. In such cases, the current model of applying for

legal aid on a case-by-case basis results in a disproportionate administrative burden relative to the size of the grant.

**22.1.2.** In theory, a bulk funding model could offer a more efficient and streamlined approach for managing these lower value, early resolving employment matters. By reducing repetitive administrative processes, it may improve the viability of providing legal aid in this jurisdiction.

**22.1.3.** However, the Committee observes that the current low volume of legal aid-funded employment cases makes bulk funding unlikely to be a practical starting point currently. Any movement toward such a model would require increased demand, further consultation with practitioners, careful piloting, and safeguards to ensure quality of service is maintained.

**22.2. *Immigration and Refugee Law Committee***

**22.2.1.** Refugee status determination hearings and deportation appeals should be excluded from bulk funding due to their complexity, legal and factual nuance, and high human rights stakes. These cases often involve clients with significant trauma histories, multiple forms of vulnerability, and intricate evidentiary frameworks that require tailored, case-by-case preparation.

**23. If you are a legal aid provider, would you be interested in participating in a bulk funding trial?**

**23.1. *Employment Law Committee***

**23.1.1.** Employment practitioners would potentially be interested if the proposal were well scoped and remunerated at an appropriate level.

**Proposals that affect civil and family legal aid**

***Proposal 7: Increasing repayments from legal aid recipients.***

**24. Should users of legal aid be required to repay more of their legal aid cost?**

**24.1. *Civil Litigation Committee***

**24.1.1.** There appears to be some merit in increasing the repayment requirements which could be tagged to successful awards but in reality, most people who would be successful in accessing civil legal aid will be doing so because they are truly unable to get representation unless they had legal aid and otherwise would be self-represented. This may act as a yet further impediment to access to justice in the civil litigation area for those who most need it.

**24.2. *Immigration and Refugee Law Committee***

**24.2.1.** Under the current system, when legal aid is granted, conditions are set which include a repayment amount based on the applicant's financial situation at the time of application. For many refugee claimants, who are often new to New Zealand and initially have no income, the repayment amount is set at \$0. However, in practice, these clients frequently establish income soon after they have obtained a work visa and employment.

**24.2.2.** Currently, there is no clear mechanism to revise or reset repayment conditions if a client's financial circumstances improve (sections 18(2), 29(b), and 30(3)). Allowing for adjustments

to repayment amounts in response to changes in financial status would be beneficial for several reasons.

**24.2.3.** First, it would enhance the financial sustainability of the legal aid system by recouping costs where possible, helping to preserve funding for others who require assistance.

**24.2.4.** Second, it would improve client management and communication. Counsel would be better equipped to manage client expectations and address inquiries, knowing that repayment obligations can be adjusted as appropriate. Without this flexibility, practitioners face added stress in managing clients who may have no financial contribution and little understanding or incentive to engage responsibly with the grant.

**24.2.5.** Enabling repayment adjustments could also promote a greater sense of respect among recipients for the legal aid grant, supporting more effective and sustainable service delivery. This is particularly important given the high levels of burnout among legal aid practitioners; improved financial and client management contributes to their ability to continue providing quality representation to vulnerable clients.

### **24.3. *The Employment Law Committee***

**24.3.1.** Most users are already required to repay the full amount of their grant from proceeds of their case. Most employment cases settle, and in cases that do not settle, the applicant (who is most often the employee) is successful in 70% of cases.

**24.3.2.** In addition, because grants in employment cases are low, prescribed repayment amounts are frequently more than the total cost of representation.

## **25. What impact will increasing repayment amounts have on legal aid users?**

### **25.1. *Employment Law Committee***

**25.1.1.** The TLANZ Employment Law Committee agrees that increasing repayment would have an impact of by disincentivising employees in vulnerable situations to assert their rights.

### **25.2. *Immigration and Refugee Law Committee***

**25.2.1.** Increasing repayment amounts for legal aid users is likely to have a range of impacts, which need to be carefully considered to balance financial sustainability with access to justice.

**25.2.2.** On one hand, higher repayments may enhance the sustainability of the legal aid fund by recovering costs from clients who are financially able to contribute. This, in turn, can help preserve and potentially increase the availability of legal aid to others by freeing up resources for future users and supporting the continued provision of legal aid services.

**25.2.3.** However, increasing repayment obligations may also present significant challenges for many legal aid users, particularly vulnerable populations such as refugees, migrants, and low-income individuals. For some, even modest repayments can create financial stress or barriers to accessing legal representation, potentially discouraging clients from fully engaging with their cases or seeking assistance when needed.

**25.2.4.** Additionally, increased repayment amounts could create administrative burdens, requiring robust systems to accurately assess, monitor, and adjust repayment obligations in response to changing financial circumstances.

**25.2.5.** To mitigate negative impacts, any increase in repayment requirements should be accompanied by clear communication, flexible repayment options, and safeguards to protect those genuinely unable to pay. Careful consideration must be given to ensuring that repayment policies do not inadvertently limit access to justice or disproportionately affect the most vulnerable legal aid users. Currently, the approach taken by legal aid regarding repayment for claimants in this area of law appears to be reasonable and accommodating of their particular circumstances.

**26. Should the options available for enforcing and collecting legal aid debt be strengthened or expanded to make it easier for debt to be collected?**

**26.1. *Employment Law Committee:***

**26.1.1.** When a cost award is made in favour of a legally aided party, the benefit of the award, and enforcement of it, is required to be assigned to legal aid. However legal aid appears slow to bring enforcement action against employers who do not pay. Being more active about enforcing costs awards in favour of the legally aided party should be a priority.

**Proposals that affect criminal legal aid**

We do not comment on these proposals.

**Further comments from the Immigration and Refugee Law Committee:**

In the instance where the Ministry of Justice is noticing an increase in a particular type of claim or systemic issue it is to proactively reach out to the bar to clarify, or for example, if training is needed. Alternatively, if the Ministry of Justice were previously approving a type of claim but then has decided against it (for example due to a merits issue) then to have some proactive dialogue. We have had some increases in claims or cohorts of claims, and it would be helpful to ensure there is proactive dialogue, especially if there are any concerns.

Consideration of the use of AI to generate first draft translations of client statements. Statements need to be worked on by counsel and read back to clients so some discussion should be had of formal and costly translations being sought for the first draft of statements. Suggest a discussion should be had in order to find cost-savings where possible when there are technological developments.

**END**