



10 July 2023

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New Zealand Law Society
By email to bronwyn.jones@lawsociety.org.nz

Tēnā koe Bronwyn

The Duty Lawyer Service

You will be aware that as part of Budget 2022 the Government made an investment in legal aid providers' remuneration. The hourly rates for legal aid services which had not been reviewed in over 10 years were increased. The investment was part of a package that expanded eligibility for legal aid and reduced legal aid debt. Taken together these investments ensure continued access to justice for New Zealanders who cannot afford their own lawyer by significantly strengthening the legal aid scheme.

Whilst you acknowledged the changes and the remuneration increase, you also raised concerns about the duty lawyer hourly rates which were not increased.

I want to acknowledge the valuable work that duty lawyers do every day to assist defendants and the courts. The duty lawyer service is an important part of New Zealand's justice system. In ensuring that unrepresented and/or vulnerable defendants have access to a lawyer without delay, duty lawyers play a critical role in providing access to justice for people charged with a criminal offence.

Accordingly, I am pleased to advise that I have decided to increase the duty lawyer hourly rate. The rate will increase to \$103 per hour on weekdays and \$126 per hour on weekends and holidays. The weekday rate is equivalent to the hourly rate for PAL1 criminal cases. The new rates will be available from 1 August 2023.

These rates will also apply for duty lawyers at the District Courts at Christchurch, Hamilton, and Hutt Valley from this date. These courts have been part of the Criminal Process Improvement Programme where a special rate has applied.

My hope is that this increase will help to encourage lawyers to continue providing the duty lawyer service, helping to ensure unrepresented defendants can continue to access legal assistance in this way.

I further acknowledge that the duty lawyer service has not been reviewed for some time and you have raised concerns about how the service operates. As a result, I have planned to undertake a broad-scope review of the duty lawyer service which will be conducted from August 2023 to February 2024.

The objective of the review will be to ensure the duty lawyer service is fit for purpose in meeting the needs of unrepresented defendants in the district court. The review will be led by a professional services firm and supported by an advisory group of stakeholders of the duty lawyer service, that will include the legal profession and Ministry of Justice staff. The terms of reference for the review will be available once they have been finalised.

I would like to convey my appreciation to all Duty Lawyers for their continued commitment to the service, and for their patience over the last year. I'm excited to be working with you throughout the review and beyond as we ensure an efficient, effective, and sustainable service in the future.

Please contact me if you have questions.

Nāku iti noa, nā

A handwritten signature in black ink that reads "Tracey Baguley". The signature is written in a cursive, flowing style.

Tracey Baguley

Legal Services Commissioner