

## 1. Country Details

<b>Name</b>	New Zealand
<b>Population</b>	5.357 million <a href="#">Statistics New Zealand</a> as at 31 December 2024
<b>GDP</b>	\$NZ425 billion / \$US242 billion as at 31 December 2024 <a href="#">Statistics New Zealand</a> as at 31 December 2024
<b>Poverty line</b>	<p>There is no official poverty line measure in New Zealand, however the Child Poverty Reduction Act 2018 requires reporting on levels of child poverty. There are three primary measures of child poverty, and six supplementary measures. No overall indicator is derived. Instead, each of the measures is tracked from year to year to validate whether child poverty is increasing or decreasing. By way of example, in the year ended June 2024:</p> <ul style="list-style-type: none"><li>• 12.7 percent of children lived in households with less than 50 percent of the median equivalised disposable household income before housing costs were deducted, there was no statistically significant change from the year ended June 2023</li><li>• 17.7 percent of children lived in households with less than 50 percent of the median equivalised disposable household income after housing costs were deducted, there was no statistically significant change from the year ended June 2023</li><li>• 13.4 percent of children lived in a household experiencing material hardship, which indicates that they are missing out on more than a handful of things that could be expected in a typical household, there was no statistically significant change from the year ended June 2023</li></ul> <p><a href="#">Statistics New Zealand</a> reported in February 2025</p>
<b>Practising lawyers</b>	<p>There are 15,769 lawyers in New Zealand, 2,011 of these are currently practicing as barristers.</p> <p><a href="#">New Zealand Law Society 2024 Snapshot of the Profession</a> as at 30 June 2024</p>

## 2. Legal Aid Organisation/Authority

<b>Name</b>	Ministry of Justice
<b>Status</b>	<p>A government department</p> <p>The position of Legal Services Commissioner was established under the Legal Services Act 2011. This person is an employee of the Ministry of Justice.</p> <p>The Commissioner has a number of functions which are carried out independently of the Ministry, including:</p> <ul style="list-style-type: none"><li>• granting legal aid</li><li>• determining legal aid repayments</li><li>• assigning legal aid lawyers or services</li><li>• allocating legal aid cases to salaried lawyers, overseeing their conduct and managing their performance.</li></ul> <p>The Legal Aid Services unit and the Public Defence Service are separate groups within the Ministry.</p>
<b>Delivery method</b>	Criminal legal aid is delivered by a mix of private and public lawyers.
<b>Legal aid lawyers in private practice</b>	<p>As at 13 April 2025 there were:</p> <ul style="list-style-type: none"><li>• 2,653 private legal aid providers</li><li>• 517 approved to provide civil legal aid services</li><li>• 1,118 approved to provide criminal legal aid services</li><li>• 1,008 approved to provide family legal aid services</li></ul>
<b>Public Defence Service</b>	<p>There are 191 lawyers providing criminal legal aid and initial advice services.</p> <p>For the 1 July 2023 to 30 June 2024 period, the Public Defence Service aimed to accept around 18-20% of all criminal cases.</p> <p>Since Covid it has been difficult to recruit and retain more experienced lawyers. A number of steps have been taken to mitigate this including a focus on case-load management, staff well-being, and proactive career progression support. More recently, staff retention has significantly improved, although recruitment for more experienced lawyers remains challenging.</p>
<b>Payment methods</b>	Most criminal and family law cases are subject to fixed fee schedules. The more complex cases and most civil (non-family) cases are paid on an hourly rate basis.

### 3. Budget and Spend

	2023/24		2022/23	
	\$NZD	\$USD <sup>1</sup>	\$NZD	\$USD <sup>2</sup>
<b>Budget (private lawyers)</b>	\$293,500,000	\$174,648,323	\$292,827,000	\$174,280,000
<b>Actual spend</b>				
Civil legal aid	\$14,961,965	\$8,904,688	\$10,727,554	\$6,384,557
Criminal legal aid	\$165,589,102	\$98,551,182	\$163,418,557	\$97,292,055
Family legal aid	\$70,235,745	\$41,813,711	\$66,207,276	\$39,416,170
Waitangi Tribunal legal aid <sup>3</sup>	\$19,430,608	\$11,567,915	\$19,076,107	\$11,356,864
<i>Initial legal advice services</i>				
Duty lawyer <sup>4</sup>	\$14,296,709	\$8,511,474	\$12,165,644	\$7,241,540
Police detention legal assistance <sup>5</sup>	\$864,147	\$514,379	\$837,195	\$498,269
Family legal advice service <sup>6</sup>	\$389,304	\$231,700	\$472,225	\$281,019
<i>Sub-total initial legal advice services<sup>7</sup></i>	<i>\$15,550,160</i>	<i>\$9,257,553</i>	<i>\$13,475,064</i>	<i>\$8,020,828</i>
<b>Total spend (private lawyers)</b>	<b>\$285,767,580</b>	<b>\$170,095,049</b>	<b>\$272,904,557</b>	<b>\$162,470,474</b>
<b>Public Defence Service</b>				
Budget	\$47,537,000	\$28,285,228	\$45,165,000	\$26,873,852
Actual spend	\$45,334,000	\$26,978,421	\$44,788,000	\$26,653,495

1. NZD to USD conversion as of 24 April 2025 with an exchange rate of 0.59480.
2. NZD to USD conversion as of 24 April 2025 with an exchange rate of 0.59480.
3. The Waitangi Tribunal was established in 1975 by the Treaty of Waitangi Act 1975. The Tribunal is a permanent commission of inquiry charged with making findings and recommendations on Treaty claims brought by Māori relating to actions or omissions of the Crown. Unlike other Commissions of Inquiry which may be set up, legal aid is available for claimants appearing before the Waitangi Tribunal.

4. The objective of the Duty Lawyer service is to ensure that a sufficient number of lawyers are available at each District Court for the purpose of assisting, advising, and representing unrepresented defendants charged with a criminal offence.
5. The objective of the Police Detention Legal Assistance service is to ensure a sufficient number of lawyers are available, at any time of the day or night, to provide legal advice, legal assistance, or both, to any unrepresented person who has been detained by the Police, with or without arrest.
6. The Family Legal Advice Service was established to enable the provision of initial advice and information for eligible parties in dispute over arrangements involving the care of their children.
7. Public funding for non-legal services is also available from other Ministry groups to assist parties to settle their disputes about care of children agreements without needing to attend court. These include a parenting education programme designed to help parents understand the effects of separation on their children, a mediation service where parties are enabled to work towards and reach care agreements that are in the best interests of their children and a service to which people may be referred to help people prepare for mediation so that they are better able to manage their feelings and focus on the children. These services are means tested, except for the parenting education programme which is free.

#### 4. Scope, caseload and eligibility

**Scope – criminal** Criminal legal aid may be available to a natural person charged with or convicted of an offence, for appeals and for parole matters. It is not available for offences where the maximum penalty is a term of imprisonment of less than six months, unless the interests of justice require it. It is means tested and is only available where the defendant cannot afford a lawyer.

**Scope – family/civil** Legal aid may be granted to a natural person in respect of civil/family proceedings in a court and in certain administrative tribunals or judicial authorities.

It is not available in civil/family matters below:

- for immigration matters unless it is an application for refugee/protected person status or the applicant is a holder of a residence permit.
- for marriage dissolution.

It is means tested and is only available where the defendant cannot afford a lawyer.

Volumes	Applications	2023/24	2022/23
	Civil/Family	23,474	21,003
	Criminal	64,752	59,557

<b>Grants</b>		<b>2023/24</b>	<b>2022/23</b>
Civil/Family		22,419	20,054
Criminal		59,594	54,529
<b>Initial advice<sup>1</sup></b>		<b>2023/24</b>	<b>2022/23</b>
Duty lawyer service hours (excluding Public Defence Service)		129,381	119,189
Number of times Police Detention Legal Assistance advice was provided		9,438	9,559
Number of times Family Legal Advice Service was provided		1,577	1,937
<b>Civil eligibility thresholds* (effective 1 July 2024 – 30 June 2025)</b>		Annual gross income <sup>2</sup> \$NZD	Annual gross income \$USD
single applicant with no dependent children		\$28,444	\$16,811
single applicant with 1 dependent child, or an applicant with a spouse or partner and no dependent children		\$45,044	\$26,627
single applicant with 2 dependent children, or an applicant with a spouse or partner and 1 dependent child		\$64,775	\$38,292
single applicant with 3 dependent children, or an applicant with a spouse or partner and 2 dependent children		\$73,608	\$43,514
single applicant with 4 dependent children, or an applicant with a spouse or partner and 3 dependent children		\$82,253	\$48,629
single applicant with 5 dependent children, or an applicant with a spouse or partner and 4 dependent children		\$91,949	\$54,361

maximum level of disposable capital single applicant <sup>3</sup>	\$3,500	\$2,069
maximum level of disposable capital if the applicant has a spouse or partner, or 1 or more dependent children	\$5,000	\$2,956
<b>Criminal eligibility thresholds</b>	Legal aid may be granted when the applicant does not have sufficient means to enable him or her to obtain legal assistance.	
<b>Repayment</b>	Legal aid is a loan that is repayable, except for specified cases (e.g. protection order, compulsory mental health treatment order). The amount repayable is calculated according to the customer's ability to pay, around 44% end up with a repayment requirement when their case is finalised.	
<b>Population<sup>4</sup></b>	The eligibility thresholds increased by 15% from January 1, 2023, and then with further 1.9% yearly increases. Approximately 93,000 more people became eligible for legal aid in the first year.	
<b>Costs</b>	<p>Unsuccessful legally aided parties in civil/family proceedings are not subject to an order to pay the other party's costs unless there are exceptional circumstances.</p> <p>However, the Court may make an order to benefit the successful opponent of a legally aided party that specifies the amount that would have been payable if the legally aided party's liability was not limited. The successful party may then apply to the Legal Services Commissioner for payment of that amount.</p>	

1. There is no separate application and grant for initial advice. The Duty Lawyer service and the Police Detention Legal Assistance service are not means tested. Means testing for the Family Legal Advice Service is delegated to service providers who are not required to record applications of people who do not qualify.
2. The resources of the spouse are included for calculating eligibility.
3. Disposable capital includes an allowance of \$80,000 equity in a home, where the applicant is a home owner.
4. The latest figure based on 2023 census data is due to be publicly released later in the year.

## 5. Quality Assurance

<b>Provider approval</b>	<p>You can only provide legal aid services if you have a New Zealand Law Society practising certificate, are approved by the Ministry and a valid contract with the Ministry. To be approved, you need to show that you have the relevant skills, experience and business systems to effectively represent your clients.</p> <p>There are separate approval standards for the following areas of law: criminal, family, civil, mental health, refugee and protected persons, Māori Land Court and Māori Appellate Court, Waitangi Tribunal, Court of Appeal and Supreme Court, employment advocate (non-lawyers who are members of the Employment Law Institute of New Zealand can apply).</p> <p><a href="#">Legal Service (Quality Assurance) Regulations 2011</a></p>
<b>Selection committees</b>	<p>Applications for lead provider approval will be referred to a Selection Committee for their consideration and recommendation to the Ministry. A Selection Committee is a committee of lawyers that is chaired by a representative of the Ministry.</p>
<b>Audits &amp; monitoring</b>	<p>We conduct an annual programme of audits of legal aid lawyers to assess the quality and value of the services they deliver. Legal aid lawyers are selected for audit based on an assessment of their risk profile. Audits are performed by contracted senior lawyers or Ministry advisors. We aim to audit all lawyers at least once every five years. We completed 450 audits in financial year 2023-24.</p>
<b>Complaints</b>	<p>The Ministry has a formal complaints process for investigation of complaints about lawyer conduct or performance but may also refer complaints to the New Zealand Law Society. The formal process can also consider complaints from the Ministry's staff and the judiciary about the conduct of legal aid lawyers. The process for raising concerns about performance has been strengthened over the last year resulting in more complaints being raised from these sources.</p>
<b>Performance review committee</b>	<p>The performance review committee provides recommendations to the Ministry about the performance of legal aid providers who have been referred to them for consideration. The Committee consists of a chairperson who has at least 7 years legal experience and members who have expertise in the areas of law of any lawyer who is referred to the Committee.</p>

## 6. Public Legal Education

### **Community Law Centres**

Through the Community Law Centres (CLC), New Zealanders can access free legal services and law-related education. CLCs provide assistance through websites, over the phone and at walk-in centres. They also undertake community engagement and deliver specialised legal services.

The Ministry contracts 24 CLCs to provide community legal services. The services include casework services (advice, assistance and representation), legal information, law-related education, and community engagement. CLCs improve New Zealanders' access to justice by focusing on early resolution and preventing legal problems from requiring litigation.

## 7. Alternative sources of legal services

### **Pro bono**

There is no obligation on New Zealand lawyers to carry out a certain amount of pro bono work. Lawyers largely tend to carry out pro bono work at Community Law Centres (CLCs) and less so at Citizens Advice Bureau (CABs). Lawyers may also volunteer their time and expertise directly, through a Non-Governmental Organisation, charity or even the local sports team.

In 2023/24, CLCs helped 41,234 clients with legal advice.

## 8. Holistic legal services

### **Alcohol and Other Drug Treatment Courts**

There are three Alcohol and Other Drug Treatment Courts in New Zealand.

Their aim is to funnel high-risk, high-needs, repeat offenders with chronic drug and alcohol problems away from prison into intensive rehabilitation programmes to break the cycle of reoffending. People facing prison terms of up to three years are eligible, but offenders with convictions for violence, sexual or arson offences are not accepted.

50 people at any one time are in the programme at each court. There is no defended hearing, defendants must plead guilty. They are assessed to see if alcohol and drugs are causing them to offend. They must convince the court that they are willing to permanently change their lives to be accepted into the



	programme.
<b>New Beginning &amp; Special Circumstances court</b>	<p>There are two New Beginning and Special Circumstances Courts in New Zealand, these courts are aimed at offenders who are homeless. If you get accepted into these courts, you can get help to address issues in your life that contribute to your offending.</p>
<b>Rangatahi Courts &amp; Pasifika Courts</b>	<p>Rangatahi Courts operate in the same way as the Youth Court but are held on marae and follow Māori cultural processes. Pasifika Courts also operate in the same way as the Youth Court but are held in Pasifika churches or community centres and follow Pasifika cultural processes.</p> <p>These Courts are designed to help young Māori and Pasifika people to engage in the youth justice process. They are also designed to better involve Māori and Pasifika families and communities in the youth justice process. The courts work within the Youth Court legal structure. The same laws and consequences apply as they would in the Youth Court.</p> <p>There are 15 Rangatahi Courts around the country, and two Pasifika Courts in Auckland.</p> <p>The Rangatahi and Pasifika Courts are for young people who have admitted the charges they are facing. After a Family Group Conference (FGC) has decided on a plan for how the young person can take responsibility for what they did, as well as working out how to make sure the young person does not offend again, the FGC may recommend that the plan be monitored by the Rangatahi or Pasifika Court. This means that all Court appearances until the plan is completed will be held on the marae or at a Pasifika venue. Normally, the young person will appear at the Court every two weeks, and each hearing will usually involve the same Judge.</p>
<b>Young Adult List Courts</b>	<p>The Young Adult List adapts the traditional Criminal District Court process for participants aged 18 to 25, to improve their understanding of and participation in the court process; with the aim of improving access to justice and procedural fairness. A key aspect of procedural fairness in the court is the young adult understanding what is happening and being able to take part in the decision-making process.</p> <p>By incorporating best practice approaches including plain language, information sharing, alternative courtroom layouts, and active solution-focused judging, the Young Adult List</p>

---

recognises the behavioural and neurological development of participants aged between 18 to 25 and the barriers they face to effectively participate in the court process. These barriers can include limited executive functioning, neurodiversity (such as dyslexia, traumatic brain injury or foetal alcohol spectrum disorder) and social needs.

The Young Adult List helps young adults by providing them pathways to address their offending and make positive changes through an Intervention Plan. If a young adult completes the actions on their plan, the judge will consider this at sentencing.

The Young Adult List is currently operating in three District Court sites.

---

## 9. UN SDG Standard 16.3

### **Changes to Legal Aid legislation to strengthen the scheme and increase access to justice**

In 2015, Cabinet directed the Ministry to report to the Minister of Justice every three years on the legal aid scheme to allow for any changes to legal aid policy settings. This report is known as the Triennial Review and the scope of the review is set by the Minister of Justice.

The Ministry is currently working on the 2025 triennial review of the legal aid scheme. The objective of the review is to ensure the legal aid scheme is efficient, is of good quality, and promotes access to justice in a way that is sustainable and cost-effective.

The review will be undertaken by the Ministry of Justice and will include consultation with the public and legal profession.

The Government has directed the Ministry to focus on aspects of the scheme that lawyers, the judiciary, and organisations representing people with legal needs have consistently raised issues with. Areas the review will cover are:

- The profile of legal aid and how it is changing over time
- The sustainability of the legal aid scheme
- Eligible proceedings
- Eligibility and repayment settings
- Provider procurement and coverage
- Provider incentives and remuneration
- Legal aid quality assurance.

The Ministry will also consider the recommendation by the Royal Commission of Inquiry into Abuse in Care to remove barriers for accessing legal aid for civil proceedings regarding abuse in care, such as eligibility criteria and repayments.

---

### **Changes to better**

On 20 December 2021 the New Zealand Government passed the Sexual Violence Legislation Act 2021. Since then, Budget 2023

<b>address sexual violence and support victims of it through the justice system</b>	<p>has invested \$73.48 million in the family violence and sexual violence system.</p> <p>Overall, the funding will:</p> <ul style="list-style-type: none"> <li>• Increase equity by addressing key gaps for Māori, disabled people, children and young persons</li> <li>• Support strong foundations to keep delivering Te Aorerekura, the 25-year National Strategy to Eliminate Family Violence and Sexual Violence, through targeted, specific investment in learning and monitoring</li> <li>• Enable community leadership in the regions.</li> </ul> <p>From 1 November 2024, to alleviate some of the pressures that were being experienced by the legal profession and increase support to lawyers, the Legal Aid Services policy was updated so that junior counsel would be automatically approved to work on any Provider Approval Level 3 (PAL) criminal legal aid files that contain sexual violence charges. PAL3 means any proceeding:</p> <ul style="list-style-type: none"> <li>• that is a Crown prosecution; and</li> <li>• where the person charged may be liable to a penalty of more than 10 years' imprisonment.</li> </ul> <p>Previous to this, lead counsel would have to submit an amendment to grant to get junior counsel on the case.</p>
<b>Improving Access to Civil Justice</b>	<p>The Ministry of Justice is supporting work to create a more user-centred civil justice system. The civil justice system deals with a wide range of people's legal disputes, including those related to employment, consumer rights, debt, and families and relationships.</p> <p>Wayfinding for Civil Justice (Wayfinding) is a national strategy for access to civil justice. Civil Justice stakeholders led its development, and it was released in December 2023.</p> <p>Wayfinding aims to:</p> <ul style="list-style-type: none"> <li>• encourage a unified and coordinated approach to improving access to civil justice</li> <li>• use the sector's resources as strategically as possible, and</li> <li>• provide clear signals to funders of access to justice work (government and non-government) about existing work, where the gaps are, and where co-ordination can be achieved.</li> </ul> <p>Wayfinding is not a government strategy. It has government support, but it is a stakeholder strategy developed by a representative working group.</p> <p>The process for developing Wayfinding included two rounds of engagement to reflect the expertise and experience of people</p>

---

working or involved in the civil justice sector.

---

## 10. Other Information

### Most innovative project for 2023/24

In July 2023, the Legal Services Commissioner on behalf of the Ministry of Justice engaged KPMG consultants to undertake a review of the Duty Lawyer Service.

The objective of the review was to determine whether the Service is effectively and efficiently meeting its objective of providing legal advice and assistance to unrepresented defendants.

The review was conducted by evaluating documentation, visiting courts across New Zealand, interviewing key stakeholders, and collating responses from a nationwide survey.

Overall, the report found that the Service is currently operating effectively to provide legal advice to unrepresented defendants and meets the needs of the court and Legal Aid. However, to future proof the service and keep it sustainable the report made 25 recommendations that fall into seven categories:

- **Quality** – a quality assurance programme supported by training is required. We currently don't have a QA programme for Duty Lawyers
- **Roles and responsibilities** – more guidelines are needed for the profession about the activities able to be undertaken by a duty lawyer.
- **Rostering** – there are barriers that can be removed to streamline the process for joining the roster.
- **Monitoring and reporting** – insightful reporting is needed to better manage the service and give assurance around quality of advice and representation.
- **Management and delivery of the Service** – better oversight of the Service is needed at all Courts with a supporting management structure.
- **Remuneration** – there is a clear need to re-evaluate the remuneration structure and rate for duty lawyers.
- **Enablers** – things like safety, wellbeing, court signage and design are not within the control of the Service but can affect the profession's ability to undertake their role.

To assist with the review and the implementation of the recommendations, the Legal Services Commissioner invited representatives of the legal profession, the judiciary, and the District Court to join an advisory group. The role of the advisory group is to provide feedback on the findings and recommendations.

We have made the following improvements following these recommendations:

- We have centralised the rostering and on and off-boarding

	<p>process of duty lawyers for all courts, this was previously split between the courts where PDS was present.</p> <ul style="list-style-type: none"> <li>• A new Criminal Process Improvement Programme (CPIP) Duty Lawyer Operational Policy was developed. This policy seeks to reduce the number of court events required by supporting timely case progression through a Duty Lawyer or urgently assigned lawyer who can represent a defendant.</li> </ul> <p>Work on the remainder of the recommendations is ongoing.</p>
<b>Most disappointing trend over 2023/24</b>	<p>Legal Aid Services' workload continues to increase each year and due to a challenging fiscal environment with budget pressures, no additional staff have been allocated to this area in the last two years which has placed pressure on our ability to deliver these services within our timeliness standards.</p> <p>In the current economic climate, payment delays have a significant financial impact on legal aid lawyers which has lead to increased complaints.</p> <p>In the past year stakeholders, including lawyers have continued to raise concerns about the sustainability of the scheme. As noted above a triennial review of the legal aid system has commenced in 2025 which will provide insight into the views of the legal profession and legal aid users.</p>
<b>Biggest Challenge for 2025</b>	<p>As per the above, the New Zealand government has decided to undertake a review of the legal aid system in 2025. The review is being undertaken by the Ministry of Justice.</p> <p>The objective of the review is to ensure the legal aid scheme is efficient, is of good quality, and promotes access to justice in a way that is sustainable and cost-effective.</p> <p>The legal aid scheme is under pressure, and balancing access to justice against responsible government spending proves an ongoing challenge. Legal aid spending has increased significantly in recent years and is expected to continue to do so.</p> <p>Legal aid lawyers are also feeling the pressure, with increasing workloads across the profession that have been exacerbated in regions with fewer lawyers.</p> <p>Pressures on the scheme reflect what is happening in the courts, such as the increasing volume of court cases, the cost for third party and specialist reports, and changes to legal aid eligibility and remuneration in recent years.</p> <p>The review will support the sustainability of the scheme by ensuring that it is promoting access to justice in an efficient and cost-effective way.</p>