

07 SEP 2020

John Luke  
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Dear Mr Luke

**Official Information Act 1982 request**

Thank you for your Official Information Act 1982 (Act) request of 11 August 2020 to the Ministry of Justice (Ministry), seeking the following information:

- 1) *May I ask court's process of appoint a Lay Advocate and do you have a list of Lay Advocate that you have recognised? How can someone become a Lay Advocate, does it done by application to the Court or any other ways? How much fees they been paid?*
- 2) *If you do have a list of Lay Advocate, may I kindly request the list you have held national wide.*
- 3) *Also, can you please provide the number of instance of Lay Advocate been appointed each actual year from 2015-2019 by the format of, e.g.  
Year of 2019  
total youth court cases 100  
total instance of Lay Advocate been appointed 50  
If possible, can you separate by region, if not, I am happy to just have the national wide data.'*

Before I set out my response, I have divided your request into three parts. First, I have set out some background information on Lay Advocates at the Youth Court.

The Lay Advocate is a person with mana or standing in the young person's community. They help to make sure that the Court understands any cultural matters to do with the case as well as representing the family's views. The Oranga Tamariki Act 1989 (OT Act) specifies that the principal functions of a Lay Advocate are to ensure that the court is made aware of all cultural matters that are relevant to the case, and to represent the interests of the child's or young person's whānau, hapū, and iwi (or their equivalents) to the extent that those interests are not otherwise represented in the proceedings.

- 1) *May I ask court's process of appoint a Lay Advocate and do you have a list of Lay Advocate that you have recognised? How can someone become a Lay Advocate, does it done by application to the Court or any other ways? How much fees they been paid?*

The information regarding the appointment process, being assigned to a case, and payment of fees is publicly available on the Ministry's website. Therefore, I am refusing your request pursuant to section 18(d) of the OIA. You may access the information at [justice.govt.nz/about/lawyers-and-service-providers/service-providers/youth-court-lay-advocates](http://justice.govt.nz/about/lawyers-and-service-providers/service-providers/youth-court-lay-advocates)

- 2) *If you do have a list of Lay Advocate, may I kindly request the list you have held national wide.*

As an agent for the court the Ministry holds a list of Lay Advocates. This aligns with the Ministry's role as the department responsible for supporting the judiciary to administer the courts. The courts, judiciary and Ministry are independent of each other. Information held by an agency solely in their role as an agent for the court is not subject to the Act.

You may contact your local Youth Court to request information about Lay Advocates appointed to a specific court. The contact details for Courts can be found on the Ministry website at the following link: [justice.govt.nz/contact-us/find-us](https://justice.govt.nz/contact-us/find-us)

3) *Also, can you please provide the number of instance of Lay Advocate been appointed each actual year from 2015-2019 by the format of, e.g.*

*Year of 2019*

*total youth court cases 100*

*total instance of Lay Advocate been appointed 50*

*If possible, can you separate by region, if not, I am happy to just have the national wide data.'*

Table 1 provides the number of appointments of Lay Advocates in the Youth Court, and new cases in the Youth Court, broken down by region, between the 2015 and 2019 calendar years. Schedule 2 of the District Court Act 2016 authorises the Ministry to access and use court information for certain listed purposes, including for statistical purposes, where all personal identification details are removed. Therefore, we have provided you with this breakdown.

If you require any clarification of the information contained in this response please contact Julia Goode, Media Manager, Communication Services, by calling (04) 918 8836 or 021 636 416; or emailing [media@justice.govt.nz](mailto:media@justice.govt.nz)

If you are not satisfied with my response, you have the right to complain to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by email at [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Yours sincerely



Jacquelyn Shannon  
**Group Manager, Courts and Tribunals, Regional Service Delivery**

Ref: 83283

Encl: Table 1: Number of appointments of Lay Advocates, and new cases in the Youth Court, broken down by Region, between the 2015 and 2019 calendar years.

Table 1: Number of appointments of Lay Advocates, and new cases in the Youth Court, broken down by Region, between the 2015 and 2019 calendar years.

Region	Justice Service Area (JSA)	2015		2016		2017		2018		2019	
		Lay Advocate Appointments	Youth Court New Cases	Lay Advocate Appointments	Youth Court New Cases	Lay Advocate Appointments	Youth Court New Cases	Lay Advocate Appointments	Youth Court New Cases	Lay Advocate Appointments	Youth Court New Cases
Northern	Taitokerau JSA	58	243	41	219	48	212	68	155	66	150
	Waitematā JSA	112	397	109	436	117	341	112	335	114	349
	Auckland JSA	115	379	68	415	48	240	45	231	35	230
	South Auckland JSA	255	677	259	847	199	712	184	736	110	524
Central	Waikato JSA	97	259	99	307	83	375	91	310	14	357
	Bay of Plenty JSA	83	202	71	206	62	161	50	155	51	145
	Wairariki JSA	55	236	92	287	117	274	93	180	74	225
Lower North	East Coast JSA	75	285	74	323	93	300	55	248	31	220
	Taranaki/Wanganui JSA	12	158	23	268	24	198	15	128	8	142
	Manawatu/Wairarapa JSA	11	191	6	233	7	221	10	234	1	204
	Northern Wellington JSA	5	141	10	200	7	170	9	155	8	166
	Wellington JSA	2	54	1	40	1	27	1	23	5	73
Southern	Nelson/Marlborough/West Coast JSA	0	142	2	112	0	147	3	97	0	91
	Canterbury JSA	58	416	73	425	49	398	30	279	20	275
	Otago JSA	3	119	6	145	1	108	1	113	1	118
	Southland JSA	4	95	0	103	0	124	0	81	1	109
National	Total	945	3,994	934	4,566	856	4,008	767	3,460	539	3,378

Notes for Table 1:

- Lay advocate appointments are counted based on the start dates of new service provisions. One lay advocate appointment may relate to more than one case.
- Youth Court new cases counts newly filed cases, reactivated cases and cases created by splitting one or more charges off an existing case.
- Family Court cases are excluded.