

22 December 2022

I Brown  
fyi-request-20448-deaebc93@requests.fyi.org.nz

Our ref: OIA 98970

Tēnā koe I Brown

### Official Information Act request: Public Defence Service data

Thank you for your email of 2 September 2022 requesting, under the Official Information Act 1982 (the Act), information regarding Public Defence Service (PDS) data. On 7 September 2022, you were contacted to clarify question 5 of your request. You responded to the clarification on the same date. Our responses are below:

1. *The proportion of assignments made to the Public Defence Service (PDS) both as a percentage and in numbers (overall assignments for each centre and number assigned to the PDS), for each centre where there is a PDS office for the time period from 1 July to 30 June for the years 2017, 2018, 2019, 2020, 2021, and 2022:*
  - a. *at each of the PAL levels and*
  - b. *appeals;*
2. *The number of jury trials undertaken by the PDS in each centre for those same time periods.*
3. *The revenue the PDS received from assignments both as a service nationally and per office for the same time periods; and*
4. *Any and all analyses, reports, memoranda, or anything else showing or referring to the cost-effectiveness per case compared to the private defence bar both as a service as a whole and per centre, from 2014 onwards; and*
5. *Any PDS rules, guidelines, policies, or any other information for staff members relating to unsupervised appearances by PAL 1 PDS providers in a court for a case where they do not have the PAL approval relevant to the case they are appearing on. In other words, where a PDS lawyer with only a PAL 1 approval is appearing on a PAL 2, 3, or 4 matter unsupervised.*

In response to *part 1a* of your request, please refer to tables 1-4.

In response to *part 1b* of your request, we have interpreted this request to mean appeals of assignments that Legal Aid Services have passed onto PDS. Please refer to tables 5-8.

In response to *part 2* of your request, please refer to tables 9-12.

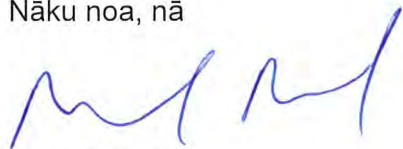
Regarding *part 3* of your request, the PDS operates on a baseline budget and does not receive revenue for assignments from Legal Aid Services.

In response to *part 4* of your request, please refer to the document on item 8 and note that this is released as an extract from the wider report, under section 16(1)(e) of the Act.

In response to *part 5* of your request, the rules for PDS lawyers appearing on matters that they are not categorised for is the same as for private lawyers. PDS lawyers can appear in court on a matter they are not categorised for, provided it is not a "substantive appearance" (as defined in the Legal Aid Services Grants Handbook). Even in this situation the lawyer's work will still be supervised by an appropriately categorised lawyer, but the categorised lawyer is not required to provide direct oversight by appearing in court with the supervisee. "Substantive appearances" are jury and judge-alone trials, pre-trial hearings, appeals, judicial conferences and opposed bail applications.

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Ombudsman may be contacted by phone on 0800 802 602 or by email to [info@ombudsman.parliament.nz](mailto:info@ombudsman.parliament.nz)

Nāku noa, nā



Daniel Reid

**General Manager, Governance and Assurance**

Item No	Document	Document Name	Point Relating To
1	Table 1 Assignments	For each Public Defence Service (PDS) centre and by financial year, the number of PAL 1 assignments allocated to PDS and private providers and percentage of assignments to PDS.	Point 1, A
2	Table 2 Assignments	For each PDS centre and by financial year, the number of PAL 2 assignments allocated to PDS and private providers and percentage of assignments to PDS.	Point 1, A
3	Table 3 Assignments	For each PDS centre and by financial year, the number of PAL 3 assignments allocated to PDS and private providers and percentage of assignments to PDS.	Point 1, A
4	Table 4 Assignments	For each PDS centre and by financial year, the number of PAL 4 assignments allocated to PDS and private providers and percentage of assignments to PDS.	Point 1, A
5	Table 5 Appeals	Number of appeals led by PAL 1 PDS lawyers at each high court, by high court and financial year legal aid grant approved.	Point 1, B
5	Table 6 Appeals	Number of appeals led by PAL 2 PDS lawyers at each high court, by high court and financial year legal aid grant approved.	Point 1, B
5	Table 7 Appeals	Number of appeals led by PAL 3 PDS lawyers at each high court, by high court and financial year legal aid grant approved.	Point 1, B
5	Table 8 Appeals	Number of appeals led by PAL 4 PDS lawyers at each high court, by high court and financial year legal aid grant approved.	Point 1, B
6	Table 9 Jury Trials	For each PDS centre and by financial year, the number of PAL 1 assignments with a jury trial allocated to PDS.	Point 2
6	Table 10 Jury Trials	For each PDS centre and by financial year, the number of PAL 2 assignments with a jury trial allocated to PDS.	Point 2
7	Table 11 Jury Trials	For each PDS centre and by financial year, the number of PAL 3 assignments with a jury trial allocated to PDS.	Point 2
7	Table 12 Jury Trials	For each PDS centre and by financial year, the number of PAL 4 assignments with a jury trial allocated to PDS.	Point 2
8	Treasury Report	Justice Baseline Review Final Report – provided as an extract from the wider report under section 16(1)(e)	Point 4
-	Talking Points	Withheld in full under the grounds of section 9(2)(f)(iv)	Withheld in full under section 9(2)(f)(iv)

## Appendix: Public Defence Service data

Table 1: For each PDS Centre and by financial year, the number of PAL 1 assignments allocated to PDS and private providers and percentage of assignments to PDS.

PAL 1 Financial Year	Auckland			Christchurch			Dunedin			Hamilton			Hastings		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	2471	2934	46%	2055	3787	35%	876	915	49%	1374	1868	42%	757	1130	40%
2017/2018	2495	3222	44%	2027	4027	33%	607	1012	37%	1591	1995	44%	851	1105	44%
2018/2019	2389	3581	40%	1839	4210	30%	655	950	41%	1637	1968	45%	698	1221	36%
2019/2020	1941	3491	36%	1364	4731	22%	459	866	35%	1528	2243	41%	593	1346	31%
2020/2021	2346	3347	41%	2082	4071	34%	606	683	47%	1375	2134	39%	639	1360	32%
2021/2022	1378	2906	32%	1523	3340	31%	509	581	47%	1314	1449	48%	766	961	44%

PAL 2 Financial Year	Hutt Valley			Manukau			Napier			North Shore			Papakura		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	6	19	24%	59	128	32%	6	20	23%	13	24	35%	6	7	46%
2017/2018	7	25	22%	56	171	25%	11	25	31%	9	26	26%	7	15	32%
2018/2019	10	30	25%	46	202	19%	7	27	21%	13	68	16%	0	25	0%
2019/2020	11	26	30%	58	181	24%	7	15	32%	9	63	13%	1	26	4%
2020/2021	12	21	36%	58	220	21%	6	26	19%	17	57	23%	0	30	0%
2021/2022	7	17	29%	63	224	22%	11	15	42%	12	72	14%	1	26	4%

PAL 2 Financial Year	Porirua			Pukekohe			Tauranga			Waitakere			Wellington		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	9	12	43%	7	4	64%	18	32	36%	14	25	36%	34	420	7%
2017/2018	5	12	29%	2	15	12%	18	31	37%	31	44	41%	36	482	7%
2018/2019	5	15	25%	1	10	9%	10	35	22%	26	54	33%	21	559	4%
2019/2020	11	20	35%	2	29	6%	16	41	28%	27	64	30%	29	584	5%
2020/2021	7	12	37%	0	11	0%	20	59	25%	22	71	24%	46	600	7%
2021/2022	6	18	25%	0	22	0%	12	44	21%	18	68	21%	28	593	5%

Table 5: For each PDS Centre and by financial year, the number of PAL 5 assignments allocated to PDS and private providers and percentage of assignments to PDS.

PAL 3 Financial Year	Auckland			Christchurch			Dunedin PD			Hamilton PD			Hastings		
	PDS	Private	% PDS	PDS	Private	% PDS	S	Private	% PDS	S	Private	% PDS	PDS	Private	% PDS
2016/2017	92	211	30%	61	210	23%	21	74	22%	42	171	20%	13	54	19%
2017/2018	89	221	29%	73	218	25%	16	76	17%	65	229	22%	18	57	24%
2018/2019	74	236	24%	46	235	16%	14	62	18%	51	195	21%	18	99	15%
2019/2020	80	279	22%	63	261	19%	21	67	24%	52	215	19%	14	57	20%
2020/2021	110	340	24%	83	215	28%	26	53	33%	32	291	10%	23	64	26%
2021/2022	124	289	30%	78	255	23%	33	63	34%	54	247	18%	30	60	33%

PAL 3 Financial Year	Hutt Valley			Manukau			Napier			North Shore			Papakura		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	12	63	16%	128	197	39%	11	37	23%	23	72	24%	16	19	46%
2017/2018	24	67	26%	124	342	27%	12	54	18%	28	71	28%	12	34	26%
2018/2019	17	63	21%	74	313	19%	3	51	6%	18	78	19%	7	38	16%
2019/2020	18	53	25%	97	324	23%	8	49	14%	15	80	16%	5	39	11%
2020/2021	17	65	21%	85	345	20%	11	47	19%	13	71	15%	0	40	0%
2021/2022	26	58	31%	115	232	33%	13	51	20%	19	55	26%	0	22	0%

PAL 3 Financial Year	Porirua			Pukekohe			Tauranga			Waitakere			Wellington		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	12	48	20%	17	26	40%	15	92	14%	36	54	40%	16	61	21%
2017/2018	5	39	11%	7	9	44%	28	86	25%	47	95	33%	8	65	11%
2018/2019	10	39	20%	2	28	7%	31	70	31%	49	94	34%	17	77	18%
2019/2020	10	24	29%	1	34	3%	24	111	18%	58	139	29%	32	98	25%
2020/2021	13	47	22%	1	6	14%	27	129	17%	38	89	30%	33	106	24%
2021/2022	16	35	31%	0	8	0%	21	100	17%	34	84	29%	29	83	26%

Table 6: For each PDS Centre and by financial year, the number of PAL 6 assignments allocated to PDS and private providers and percentage of assignments to PDS.

PAL 4 Financial Year	Auckland			Christchurch			Dunedin			Hamilton			Hastings		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	33	118	22%	19	66	22%	5	19	21%	13	86	13%	5	28	15%
2017/2018	23	138	14%	25	80	24%	6	18	25%	14	107	12%	5	22	19%
2018/2019	23	147	14%	19	90	17%	5	25	17%	13	73	15%	4	40	9%
2019/2020	23	162	12%	18	103	15%	7	19	27%	25	126	17%	10	44	19%
2020/2021	34	197	15%	24	81	23%	8	34	19%	15	197	7%	5	36	12%
2021/2022	22	176	11%	14	103	12%	7	26	21%	10	92	10%	6	34	15%

PAL 4 Financial Year	Hutt Valley			Manukau			Napier			North Shore			Papakura		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	3	19	14%	27	79	25%	1	15	6%	10	31	24%	2	4	33%
2017/2018	1	16	6%	24	123	16%	1	12	8%	9	22	29%	1	8	11%
2018/2019	4	19	17%	29	124	19%	2	15	12%	7	30	19%	1	6	14%
2019/2020	14	30	32%	19	120	14%	5	16	24%	3	35	8%	0	3	0%
2020/2021	9	32	22%	25	117	18%	8	26	24%	6	26	19%	1	8	11%
2021/2022	8	20	29%	28	89	24%	5	16	24%	2	11	15%	0	0	-

PAL 3 Financial Year	Porirua			Pukekohe			Tauranga			Waitakere			Wellington		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	12	48	20%	17	26	40%	15	92	14%	36	54	40%	16	61	21%
2017/2018	5	39	11%	7	9	44%	28	86	25%	47	95	33%	8	65	11%
2018/2019	10	39	20%	2	28	7%	31	70	31%	49	94	34%	17	77	18%
2019/2020	10	24	29%	1	34	3%	24	111	18%	58	139	29%	32	98	25%
2020/2021	13	47	22%	1	6	14%	27	129	17%	38	89	30%	33	106	24%
2021/2022	16	35	31%	0	8	0%	21	100	17%	34	84	29%	29	83	26%

Table 7: For each PDS Centre and by financial year, the number of PAL 7 assignments allocated to PDS and private providers and percentage of assignments to PDS.

PAL 4 Financial Year	Auckland			Christchurch			Dunedin			Hamilton			Hastings		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	33	118	22%	19	66	22%	5	19	21%	13	86	13%	5	28	15%
2017/2018	23	138	14%	25	80	24%	6	18	25%	14	107	12%	5	22	19%
2018/2019	23	147	14%	19	90	17%	5	25	17%	13	73	15%	4	40	9%
2019/2020	23	162	12%	18	103	15%	7	19	27%	25	126	17%	10	44	19%
2020/2021	34	197	15%	24	81	23%	8	34	19%	15	197	7%	5	36	12%
2021/2022	22	176	11%	14	103	12%	7	26	21%	10	92	10%	6	34	15%

PAL 4 Financial Year	Hutt Valley			Manukau			Napier			North Shore			Papakura		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	3	19	14%	27	79	25%	1	15	6%	10	31	24%	2	4	33%
2017/2018	1	16	6%	24	123	16%	1	12	8%	9	22	29%	1	8	11%
2018/2019	4	19	17%	29	124	19%	2	15	12%	7	30	19%	1	6	14%
2019/2020	14	30	32%	19	120	14%	5	16	24%	3	35	8%	0	3	0%
2020/2021	9	32	22%	25	117	18%	8	26	24%	6	26	19%	1	8	11%
2021/2022	8	20	29%	28	89	24%	5	16	24%	2	11	15%	0	0	-

PAL 4 Financial Year	Porirua			Pukekohe			Tauranga			Waitakere			Wellington		
	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS	PDS	Private	% PDS
2016/2017	2	16	11%	0	7	0%	6	36	14%	34	62	35%	9	50	15%
2017/2018	4	17	19%	3	3	50%	15	62	19%	14	36	28%	11	52	17%
2018/2019	6	28	18%	0	7	0%	6	24	20%	12	48	20%	5	50	9%
2019/2020	7	14	33%	0	8	0%	12	62	16%	16	30	35%	11	62	15%
2020/2021	4	16	20%	0	5	0%	6	67	8%	23	44	34%	9	62	13%
2021/2022	0	17	0%	0	4	0%	10	49	17%	11	32	26%	3	37	8%

Table 8: Number of appeals led by PAL 1 PDS lawyers at each high court, by high court and financial year legal aid grant approved.

Financial Year	Auckland	Christchurch	Dunedin	Gisborne	Hamilton	Napier	Nelson	Tauranga	Wellington
2016/2017	25	11	8	0	3	4	1	4	5
2017/2018	28	1	4	0	2	1	0	3	5
2018/2019	34	4	4	1	5	5	0	0	3
2019/2020	31	3	3	0	3	1	0	1	5
2020/2021	29	8	6	0	0	2	0	1	4
2021/2022	12	6	2	0	1	2	0	1	6

Table 6: Number of appeals led by PAL 2 PDS lawyers at each high court, by high court and financial year legal aid grant approved.

Financial Year	Auckland	Christchurch	Dunedin	Gisborne	Hamilton	Napier	Nelson	Tauranga	Wellington
2016/2017	4	0	0	0	1	0	0	0	1
2017/2018	2	1	1	0	1	0	0	0	1
2018/2019	4	1	0	0	0	0	0	0	0
2019/2020	0	3	0	0	0	0	0	0	1
2020/2021	3	1	0	0	1	0	0	0	0
2021/2022	4	0	0	0	0	1	0	0	0

Table 7: Number of appeals led by PAL 3 PDS lawyers at each high court, by high court and financial year legal aid grant approved.

Financial Year	Auckland	Christchurch	Dunedin	Gisborne	Hamilton	Napier	Nelson	Tauranga	Wellington
2016/2017	3	2	0	0	0	1	0	0	0
2017/2018	1	1	0	0	0	1	0	0	0
2018/2019	5	0	0	0	1	0	0	0	0
2019/2020	1	1	0	0	0	0	0	0	0
2020/2021	2	0	0	0	0	0	0	0	0
2021/2022	1	1	0	0	0	0	0	0	0



Table 8: Number of appeals led by PAL 4 PDS lawyers at each high court, by high court and financial year legal aid grant approved.

Financial Year	Auckland	Christchurch	Dunedin	Gisborne	Hamilton	Napier	Nelson	Tauranga	Wellington
2016/2017	1	0	0	0	0	0	0	0	0
2017/2018	1	0	0	0	0	0	0	0	2
2018/2019	0	1	0	0	0	0	0	0	0
2019/2020	1	0	1	0	0	0	0	0	0
2020/2021	0	0	0	0	0	0	0	0	0
2021/2022	0	0	0	0	0	0	0	0	0

Table 9: For each PDS Centre and by financial year, the number of PAL 1 assignments with a jury trial allocated to PDS.

Financial Year	Auckland	Christchurch	Dunedin	Hamilton	Hastings	Hutt Valley	Manukau	Napier
2016/2017	24	4	18	33	4	4	100	3
2017/2018	40	4	9	30	2	5	98	1
2018/2019	69	5	4	23	11	19	111	2
2019/2020	92	5	2	31	9	7	160	
2020/2021	132	26	4	18	15	23	192	10
2021/2022	59	63	6	5	20	10	256	6
Financial Year	North Shore	Papakura	Porirua	Pukekohe	Tauranga	Waitakere	Wellington	Other Court
2016/2017	10	6	3	6	10	16	3	6
2017/2018	10	2	6	5	6	44	9	5
2018/2019	31	3	5	1	9	40	15	9
2019/2020	70	2	11	2	6	81	12	3
2020/2021	81	3	5	0	20	79	22	7
2021/2022	54	2	6	0	28	37	9	5

Table 10: For each PDS Centre and by financial year, the number of PAL 2 assignments with a jury trial allocated to PDS.

Financial Year	Auckland	Christchurch	Dunedin	Hamilton	Hastings	Hutt Valley	Manukau	Napier
2016/2017	9	4	5	14	0	0	44	2
2017/2018	25	2	5	26	3	1	37	0
2018/2019	23	3	4	9	9	3	29	3
2019/2020	38	4	0	9	6	6	45	1
2020/2021	82	8	0	20	4	4	62	2
2021/2022	55	7	1	5	5	0	47	3
Financial Year	North Shore	Papakura	Porirua	Pukekohe	Tauranga	Waitakere	Wellington	Other Court
2016/2017	2	3	1	4	4	3	5	1
2017/2018	2	2	1	2	6	7	6	4
2018/2019	5	0	6	1	5	10	7	3
2019/2020	10	1	6	1	2	21	13	9
2020/2021	21	2	2	0	16	21	20	2
2021/2022	20	0	2	0	5	31	14	9

Table 11: For each PDS Centre and by financial year, the number of PAL 3 assignments with a jury trial allocated to PDS.

Financial Year	Auckland	Christchurch	Dunedin	Hamilton	Hastings	Hutt Valley	Manukau	Napier
2016/2017	19	4	6	15	2	2	42	3
2017/2018	16	2	3	24	4	8	17	4
2018/2019	24	5	1	15	6	9	37	1
2019/2020	36	7	2	19	2	4	51	0
2020/2021	43	4	1	10	5	7	52	3
2021/2022	31	5	2	2	9	11	58	5
Financial Year	North Shore	Papakura	Porirua	Pukekohe	Tauranga	Waitakere	Wellington	Other Court
2016/2017	7	4	3	2	4	7	10	0
2017/2018	5	2	1	1	4	6	9	0
2018/2019	7	2	0	0	7	12	7	0
2019/2020	10	2	0	1	3	28	20	3
2020/2021	3	0	0	2	12	10	23	6
2021/2022	0	0	0	0	1	11	12	0

Table 12: For each PDS Centre and by financial year, the number of PAL 4 assignments with a jury trial allocated to PDS.

Financial Year	Auckland	Christchurch	Dunedin	Hamilton	Hastings	Hutt Valley	Manukau	Napier
2016/2017	2	0	1	2	0	1	6	0
2017/2018	4	1	1	2	0	1	0	0
2018/2019	5	0	0	0	0	0	5	0
2019/2020	8	0	0	3	0	2	5	1
2020/2021	15	0	2	3	0	3	13	0
2021/2022	6	2	0	2	1	3	5	2
Financial Year	North Shore	Papakura	Porirua	Pukekohe	Tauranga	Waitakere	Wellington	Other Court
2016/2017	1	0	0	0	0	0	3	0
2017/2018	0	0	4	0	3	1	8	0
2018/2019	3	1	0	0	2	2	3	2
2019/2020	2	0	0	0	4	1	4	1
2020/2021	2	0	0	0	1	4	2	3
2021/2022	1	0	0	0	5	2	0	2