

Hon Simon Power
Minister of Justice



13 April 2011

Media Statement

Proposals to tackle unaffordable growth in legal aid

NOTE: EMBARGOED UNTIL 10.30AM.

Cabinet has agreed on a package of proposals to get the legal aid cost growth curve back under control, while ensuring access to justice for those who need it, Justice Minister Simon Power announced today.

"We cannot continue to ignore the substantial cost pressures the system is facing, particularly at a time when New Zealand is being forced to borrow an average of \$300 million a week."

Legal aid expenditure has grown substantially in the past decade, and in the past three years has increased by 55 per cent, from \$111 million in 2006/07 to \$172 million in 2009/10.

"That growth is forecast to result in a \$402 million gap between forecast and baseline legal aid expenditure over five years.

"Two-thirds of the cost increase stems from the previous government's decision in 2006 to extend eligibility for legal aid, and in 2008 to increase lawyer remuneration.

"To be blunt, these changes were completely unaffordable and unsustainable then and they are even more so now."

Mr Power said the proposals agreed to by Cabinet were the first stage of the Government's plan to tackle the expenditure growth curve. They will be implemented in 2011/12 and are expected to reduce expenditure by \$138 million over four years.

"The changes are designed to target areas which do not necessarily require legal representation and groups with relatively higher incomes.

“I want to make it very clear up front that any changes will not affect cases involving vulnerable parties, care and protection of children, and serious criminal matters.”

The proposals are in four parts and deal with legal aid eligibility, purchasing approaches, revenue collection, and court-ordered Lawyer for the Child services.

Adjusting legal aid eligibility

This will apply particularly to family and civil cases. Eligibility for domestic violence and personal protection matters will not be affected. Proposals include:

- Tightening the merits test for family cases so the 2006 criterion to take into account the interests of other parties to proceedings is replaced with a narrower test which focuses on the prospects of success of the case.
- Introducing the means thresholds that already apply for family and civil legal aid cases (\$22,000 per year for a single adult and \$50,934 for an adult with two dependants) to less serious criminal cases, most of which cost less than \$650.00. At present there is no set threshold for such cases. People above the means threshold will still be able to apply for legal aid but will have to prove their case is likely to be an expensive one, or that they are genuinely unable to pay for their lawyer. Those no longer eligible for legal aid will still have access to the services of a duty solicitor.
- Adjusting the special circumstances test for family and civil cases when an applicant is above the means and merits thresholds to focus solely on expensive cases.
- Discontinuing the automatic inflation adjustment of eligibility thresholds, to allow adjustments to be made in line with other Budget priorities.

These are expected to save \$48 million over four years.

A new purchase approach

- Expanding the Public Defence Service to take on up to 50 per cent of criminal legal aid cases in Auckland, Hamilton, and Wellington (currently 33 per cent) over time, and expanding to Tauranga, Hastings, Dunedin, and Christchurch (when circumstances allow).
- Introducing fixed fees for cases that have more standard cost structures, including criminal summary cases, most family cases, and some civil cases.
- Establishing high-cost case management for the most expensive cases which would involve agreeing on a price for services in advance.

These are expected to save \$73 million over four years.

Improving revenue

- Introducing compulsory repayment orders.
- Charging interest on debts.
- Re-introducing a user charge of \$100 (GST inclusive) for family and civil cases (but excluded domestic violence, mental health, and criminal cases). A \$30 user charge was introduced in 1969 (equivalent to \$440 in 2010 dollars) and increased to \$50 in 1999 (\$75 in 2010 dollars). However, it was repealed by the 2006 Legal Services Amendment Act.

These are expected to save \$19 million over four years.

Better management of court-ordered Lawyer for the Child services

This will be achieved by:

- Extending the quality assurance framework that will be established under the recently passed Legal Services Act to Lawyer for the Child and youth advocates.
- Requiring parties to contribute to the cost of Lawyer for the Child to encourage the early settlement of cases (excluding cases of abuse and violence).
- Reviewing the criteria so a lawyer for the child is appointed in only more appropriate cases. The current presumption is that the court appoints a lawyer for the child unless it would serve no useful purpose.

Mr Power said the proposed changes will balance cost reduction against access to justice.

“They’re designed to encourage parties to resolve more minor matters between themselves rather than through the court system. It’s important that legal aid is targeted to those who actually need it, and that taxpayers can have confidence in the way it’s managed.

“I must make it very clear that where vulnerable parties have been harmed or are at risk of being harmed, the state will provide legal means to secure protection. There is no question of that.

“But legal aid was never intended to be used to decide how many weeks a child spends on an overseas holiday, or to determine petrol costs associated with taking a child to school.”

Changes to the purchase approach can be implemented immediately, while the other changes will require legislative amendment, with a bill expected to be introduced to Parliament mid-way through the year.

However, Mr Power said even with this package of proposals there is still forecast to be a \$243 million gap in legal aid funding over four years.

“I will be reporting to Cabinet in September with further options to address the remaining funding gap after officials provide me with advice on a closer review of the purpose of legal aid and associated cost drivers predominantly in the Family Court.”

The review will cover off the following matters:

- The potential for tighter criteria for what matters can proceed to litigation.
- Areas of Family Court expenditure such as counselling, counsel to assist, and specialist reports.
- How parties may contribute to the cost of Family Court services and processes.
- Youth advocates and associated costs.
- Whether civil legal aid should be available where the Crown is not a party in the proceedings.

So far the Government's legal aid reform has focused on improving the quality of services following Dame Margaret Bazley's report in 2009. Those improvements are being implemented through the Legal Services Bill, which was passed into law last week, and operationally by the Legal Services Agency.

Proposal details are available [here](#).

Media contact: Brent Webling 04 817 9819 or 027 674 6419

Q & A

Why does expenditure need to be constrained?

Legal aid expenditure increased 55% over three years – from \$111 million in 2006/07 to \$172 million in 2009/10 (including both the Public Defence Service and payments to private providers). This is not sustainable, particularly during a time of serious fiscal pressures. The Government cannot afford to continue funding large annual increases in legal aid expenditure.

Who will no longer be eligible for legal aid?

People with serious legal matters will still be eligible for legal aid. The changes are designed to target areas which do not necessarily require legal representation and groups with incomes above the prescribed financial eligibility thresholds. Better targeting of legal aid will ensure the scheme's ongoing viability.

How will the changes affect legal aid providers?

Hourly remuneration levels for legal aid lawyers are not changing. The new purchase approach will alter the way in which legal aid providers are paid for their services. Fixed fees and the high cost case management system will provide greater certainty in the level of payment for different tasks and reduce the administrative burden associated with providing legal aid services.

Fixed fees are a method of paying for services that have been successfully used in other areas of public expenditure in New Zealand. They are also used successfully to fund legal aid in overseas jurisdictions, for instance Australia, Canada and Scotland.

How will the changes affect legal aid clients?

The changes to the purchase approach will not affect clients who will still receive high quality legal aid services, no matter who is providing the service. Eligibility changes will mean legal aid is less available for relatively higher income groups, and there will be a greater level of monetary contribution expected from legal aid clients. Most recipients of family and civil legal aid will be required to pay a user charge. All recipients who have debts will be required to pay interest on those debts.

Will there be an opportunity for public consultation on these proposals?

Further legislation will be introduced later this year to implement the eligibility and revenue proposals. Public consultation on these proposals will occur when this bill is before select committee. The Legal Services Act will allow for the implementation of the new purchasing approach.

When will the changes come into effect?

Changes to the way in which legal aid services are purchased will be phased in from October 2011. Changes to eligibility and revenue will be made through legislation introduced in 2011 and implementation will occur in 2012.

How do these changes fit with the current legal aid reforms?

The legal aid reforms progressed through the Legal Services Act address issues with the quality of legal aid services and the administration of legal aid that were identified by Dame Margaret Bazley's review of legal aid. The review did not address funding issues associated with legal aid. The new proposals seek to ensure the long-term sustainability of legal aid funding.

Are further changes planned?

These changes make the necessary reductions in expenditure, while maintaining the integrity of the legal aid system. However, they are only a first step. During 2011 the Government will consider whether further changes are needed to legal aid. This work will involve a closer examination of the relationship of legal aid to other parts of the justice sector.

How much do you envisage contributions to Lawyer for the Child could be?

Work is currently underway to design how this proposal will operate.

Can you expand on the changes under way to simplify the use of attachment orders to improve repayment rates for income-related debt?

The Courts and Criminal Matters Bill will enhance the court's powers to collect fines, reparation payments and civil debt. This will include streamlining the process for getting attachments orders, making them easier to use.

Legal Aid - Details of Proposals

• Adjusting legal aid eligibility

The merits test for family legal aid

Wide-ranging eligibility changes were introduced through the Legal Services Amendment Act 2006, including increased means thresholds. One of the changes was to the merits test in the family jurisdiction. The previous test, which considered the prospects of success of the case, was extended to take account of the interests of other people affected by the proceedings. The change increased eligibility much further than anticipated, particularly for cases involving children. In practice, this has meant that the involvement of a child in many cases has been the determining factor rather than the merits of the particular case. This outcome is perverse and not always in the best interests of the affected children.

Between 2006/07 and 2009/10, grants for care of children proceedings increased by 39%, compared to a 16% increase in the number of care of children applications in the Family Court. It appears that the change to the eligibility test has expanded the share of family cases receiving legal aid beyond what could reasonably be due to a genuine increase in the number of cases with serious consequences.

The proposal is to return to a test similar to the criteria in place before 2006. The change will encourage parties to resolve more minor matters between themselves rather than through the court system. The eligibility criteria for legal aid for more serious cases (e.g. personal protection matters) will not be affected. The change would primarily affect care of children proceedings.

Extending means thresholds to criminal cases

A means test already applies for criminal cases. It is proposed that for lower-level criminal cases this test is tightened so that low-cost cases are less likely to receive legal aid, where the person has the ability to pay for the case themselves. To achieve this it is proposed that the means thresholds that are already applied for family and civil cases be applied in the criminal summary jurisdiction. This is a high-volume area, where three quarters of claims are for \$650 or less, and only 3% are over \$2,500. For these summary cases, it is not unreasonable to expect that applicants could fund their own defence if they have means above the current thresholds for family and civil cases (e.g. the income thresholds would be \$22,000 per year for a single adult and \$50,934 for an adult with two dependants). There would be discretion to grant legal aid to people whose means exceed the threshold, where a case is unusually expensive or where the person demonstrates they are unable to afford to pay themselves.

Criminal legal aid is the highest expenditure area and is steadily increasing. If legal aid is to be sustainable, measures need to be taken to control criminal

legal aid expenditure. There are two main tests for criminal legal aid eligibility: whether legal aid is in the interests of justice (in practice whether a prison sentence of six months or more is possible), and whether the applicant has 'sufficient means' (because there is no specific test to determine if a person has sufficient means, almost all criminal cases that meet the interests of justice test are granted legal aid, because people involved consider they do not have sufficient means to fund the defence. The 'interests of justice' test is a relatively high standard, and only a small proportion of claims are granted to people who do not face a term of imprisonment of six months or more. Hence it is suggested that changes to the means test are considered.

Adjusting means test for family and civil proceedings

The means test for family and civil proceedings is based on income and asset thresholds. However, the Legal Services Agency has discretion to grant legal aid above the thresholds in 'special circumstances.' It is proposed that the special circumstances test will still apply, but will be limited to expensive cases

The special circumstances criterion did not change as part of the 2006 Legal Services Amendment Act, but it appears to have been affected by the changes to the merits test. In 2006/07, expenditure on 'special circumstances' cases was approximately \$200,000, but it increased sharply following the 2006 Amendment Act, reaching \$6.4 million in 2009/10. It seems probable that the wider group approved under the new merits test also made greater use of the special financial circumstances criterion.

The Government's proposal would adjust discretion by specifying that special circumstances apply only where the case is likely to be particularly expensive. This would ensure that cases where there is a legitimate affordability problem can still be considered, while not allowing the current expansion of eligibility to continue.

This change will affect applicants with means above the thresholds, probably because of home ownership, rather than a high income. Since this criterion was applied infrequently before 2006/07, it is expected that many cases that currently receive legal aid for proceedings could be resolved privately.

This change is unlikely to affect cases involving domestic violence, because any jointly held assets are not considered as a part of the means test in domestic violence cases (because the applicant may be unable to access the assets).

However, it is proposed that the amended special circumstances criterion should be designed so that it does not affect eligibility for legal aid for cases involving domestic violence, and care and protection.

Removing inflation indexation of means thresholds

The 2006 Legal Services Amendment Act introduced automatic adjustments to financial eligibility each time that the growth in the Consumer Price Index reaches 5%, to maintain the real value of the thresholds over time. These thresholds apply to family and civil legal aid.

The proposal is to remove automatic adjustments, allowing decisions about eligibility thresholds to be reached alongside other Budget priorities.

• A new purchase approach

Expanding the Public Defence Service

The Public Defence Service is being expanded to all criminal courts in Auckland, Hamilton, Wellington, and Christchurch (when circumstances allow). The offices will take 33% of criminal cases in those areas once they are fully operational. It is proposed that the share of legally aided cases directed to the Public Defence Service be increased over time from 33% to up to 50% in the metropolitan courts.

It is also proposed that the Public Defence Service be established in areas with the next-largest courts: Tauranga, Hastings (including Napier), and Dunedin and that over time they have provision to cover up to 50% of criminal legal aid cases in these centres.

Managing the price per grant

The price per grant for legal aid increased by 48% between 1998/99 and 2008/09. The price per grant is determined by the hourly rate payable, the number of hours of legal advice, and additional expenses. The hourly rate is set by the Government, but providers have some flexibility in the number of hours and disbursements they claim.

In the past decade, the only increase in the hourly rate was an increase of 10% in July 2008 (reduced to 8.5% in July 2009). Therefore, the 48% increase was primarily due to increased hours and disbursements per case. A number of new approaches will be used to reduce the overall cost of legal aid grants:

Fixed fees

Fixed fees allow a price to be set for key stages in the court process. This approach can be applied to high-volume activities and would address the current creep in the cost per claim. Fixed fees will be introduced first in criminal summary cases, followed by most family cases, and some civil cases. Many legal aid providers report that around 20-30% of their time is spent in administrative tasks associated with the legal aid system, primarily relating to claiming and invoicing for fee for service grants. The cost of doing this work will reduce under a fixed-fee regime, because set rates will be paid and the level of work required in administering claims will reduce substantially.

Case management for most expensive cases

High-cost cases are a substantial driver of spending – the most expensive 1% of cases accounted for 26% of expenditure in 2008/09, and their cost grew twice as fast as the average case from 2001/02 to 2008/09. High-cost case management involves agreeing on a price for services in advance. The changes would start for the most expensive criminal legal aid cases (e.g. the top 1% of cases cost over \$15,000). This will also involve new approaches to limit the growth in cost of grants for Waitangi Tribunal legal aid cases.

Changing the approach to other provider payments

The approach to provider payments for all legal aid services will change during 2011/12. Those cases not affected by fixed fees or high cost case management will also be subject to changes intended to achieve savings. This is likely to involve greater use of set fees for specific stages of a case, and changes to the expenses that can be claimed.

• Improving revenue

Compulsory repayment

Depending on their financial circumstances, some legal aid recipients are required to repay their legal aid. The amount recovered through repayments has not increased in the past decade, even though expenditure has risen substantially.

The underlying problem is the lack of incentives for repayment. Few sanctions are applied to those who do not repay their legal aid debt. In the case of property-related debt, there is no obligation to repay until a house is sold. Furthermore, there is no interest applied to debt, so that the longer that repayments are deferred, the lower the real value of the debt becomes. This problem may have been aggravated by the 2006 Amendment Act, which extended debt to criminal legal aid, and removed an initial contribution of \$50 in the family and civil jurisdictions.

Charging interest on debts

Interest will apply as soon as the debt is incurred, and will be set at the capital charge rate. This would incentivise prompt repayment and address the cost to the Crown from holding debt over long periods.

In addition, further work will be carried out to redesign the repayment regime to simplify it, make it more transparent, and better link the level of debt established to what might realistically be repaid. This is unlikely to generate greater revenue, but could improve the scheme and reduce administrative costs. This work could also include the option of replacing the repayment regime with an abatement regime, where the proportion of legal aid paid by the government is linked to the applicants' means. Officials will report back to the Minister of Justice in September 2011 on this.

Re-introducing a user charge for family and civil cases

This will be set at \$100 (GST inclusive). It will not apply to domestic violence, mental-health or criminal cases.

The initial contribution for family and civil cases was introduced in 1969 (when it was \$30, equivalent to \$440 in 2010 dollars). It was increased to \$50 in 1991 (\$75 in 2010 dollars). Payment had to be made before legal aid could be granted.

The initial contribution generated a small but immediate source of revenue, and encouraged legal aid recipients to consider whether they wished to proceed with litigation. However, it was removed in the 2006 Amendment Act because it was not cost-effective due to a clumsy administrative process.

Compulsory orders to improve repayment rates for income-related debt

There are legislative changes under way to simplify the use of attachment orders, which will make this a more cost-effective option.

• Better management of Lawyer for the Child services

The Family Court can appoint a lawyer for the child whenever a dispute involving a child needs to be resolved under the Care of Children Act 2004. The court appoints a lawyer unless it would serve no useful purpose, taking into account the welfare and best interests of the child. Lawyer for the Child is funded from court budgets rather than from legal aid, but is included here because it is causing similar fiscal pressures and to maintain parity between different forms of government funded legal assistance.

In 2009/10, \$23.2 million was spent on Lawyer for the Child in care-of-children cases, up 55% from \$15.0 million in 2006/07. The growth appears to be mainly due to increased numbers of care-of-children cases and greater use of Lawyer for the Child. In addition, more cases are being treated as complex, thereby attracting a higher hourly fee.

It is proposed that some of the developments in the legal aid system be adopted for Lawyer for the Child services, through an amendment to the Care of Children Act to:

- 1. Extend the quality assurance framework for legal aid providers to lawyer for the child and youth advocates.** The framework will be applied to all legal aid lawyers under the recently passed Legal Services Act. Lawyer for the child and youth advocates provide similar services even though they are not part of the legal aid system. This change will require an amendment to the Children, Young Persons, and Their Families Act 1989.
- 2. Require parties to contribute to the cost of the lawyer for the child services, in the same way that legally aided clients have to repay part of their grants.** Though the court can order contributions, such orders are very rare. An amendment to make a contribution the default requirement would encourage earlier resolution of cases and reduce the number of trivial matters pursued through the court. This

requirement would exclude cases of serious abuse or violence and care-and-protection cases.

3. Review the criteria for the appointment of a lawyer for the child.

The legislative presumption is that the court appoints a lawyer for the child unless it 'is satisfied the appointment would serve no useful purpose'. The Care of Children Act could be amended so appointments are made only in cases of a particular level of seriousness (e.g. if there are allegations of violence or abuse or if the court is satisfied an appointment is in the best interests of the child).

FACTSHEET 1 – LEGAL AID

EXAMPLES OF CASES WHERE A PERSON MAY NO LONGER BE ABLE TO ACCESS LEGAL AID AND/OR WHERE PARTIES WILL BE REQUIRED TO CONTRIBUTE TO THE COST OF LAWYER FOR THE CHILD.

The Government proposes making changes to family legal aid eligibility:

- The merits test for granting family legal aid will be adjusted so the criterion to take into account the interests of other parties to proceedings is replaced with a narrower test, similar to that in place before 2006 (which focused on the prospects of success of the case). This change will encourage parties to resolve more minor matters themselves, rather than through the court system.
- If a party is over the financial means threshold, some cases will no longer be granted legal aid under the 'special financial circumstances' criteria. In future, the special financial circumstances consideration will focus on expensive cases.

The Government also proposes changes to the way lawyer for child is administered. The criteria for where a lawyer for the child is appointed will be reviewed. As well, parties will be expected to contribute to the costs of Lawyer for Child in the future, depending on their financial circumstances.

The following cases provide examples where legal aid would be unlikely to be granted, or where a lawyer for child may not be appointed.

Case 1

One parent applied for a guardianship direction to enable them to travel overseas for a month with a child to visit family. The other parent was unhappy with the trip but had indicated at some stage during the dispute that they would agree to travel for a lesser period. The applicant was legally aided but the respondent was not. A lawyer for the child was appointed.

Case 2

Parent 1 (not legally aided as far as we know) applied to the court for a variation of a parenting order about the petrol costs of taking the child to and from school. Parent 2 received legal aid for:

- Defending this application.
- Making their own application seeking an admonishment of Parent 1 and a variation of the parenting order to reduce Parent 1's contact with the child. The grounds for the variation were Parent 1's application about petrol costs and the fact that Parent 1 had enrolled the child in extra after school activities.

The cost of legal aid in this instance was about \$5,000. (Parent 2 had previously received legal aid which is not included in this figure) In addition, a lawyer for the child was appointed.

LEGAL AID FACTSHEET 2 – INTERNATIONAL COMPARISONS

New Zealand spends more on legal aid as a percentage of GDP (0.07% in 2008/09) than Australia and Canada, but less than England, Wales and Scotland.

Recent reforms in England, Wales and Scotland take a similar approach to those being proposed in New Zealand – aiming to reduce expenditure by restricting eligibility and changing the way that providers are paid, while maintaining legal aid for criminal cases and the most vulnerable family and civil cases.

Australia

- Initial legal assistance and legal aid are available for criminal, family, and civil cases.
- In 2008/09 legal aid expenditure was 0.04% of GDP.
- There is significant public provision across the criminal and family jurisdictions in order to manage expenditure.
- Extensive use is made of initial advice services to provide assistance to a wider range of people at a lower cost than is possible through legal representation only.

England & Wales

- Initial legal assistance and legal aid are available for criminal, family, and civil cases.
- In 2008/09 legal aid expenditure was 0.19% of GVA¹.
- The cost of legal aid is managed by a budget cap and greater use of tendering to procure services.
- The Government has proposed significant cuts to legal aid as part of its austerity measures, including reducing fees by 10% and strictly limiting the types of eligible proceedings.

Scotland

- Initial legal assistance and legal aid are available for criminal, family, and civil cases.
- In 2008/09 legal aid expenditure was 0.14% of GVA.
- The cost of legal aid is managed by fixed fees, prescribing payment rates for various steps of work.

Canada

- Legal aid is available for criminal, family, and civil cases.
- In 2008/09 legal aid expenditure was 0.05% of GDP.
- The cost of legal aid is managed by strictly limiting the types of eligible proceedings and the number of people who are financially eligible.

Netherlands

- Initial legal assistance and legal aid are available for criminal, family, and civil cases.
- In 2008/09 legal aid expenditure was 0.07% of GDP.

¹ Gross Value Added is a similar measure to GDP.

- To manage the cost of legal aid the Netherlands makes extensive use of an initial advice service.

Number of legal aid grants per 1000 capita, 2007/08

	New Zealand	Australia	England & Wales	Scotland	Canada
Criminal	12.0	5.5	10.0	18.9	6.6
Family	4.2	2.1	2.4	1.6	1.7
Civil	0.4	0.6	0.4	0.7	1.2

LEGAL AID FACTSHEET 3 – PUBLIC DEFENCE SERVICE

The Public Defence Service (PDS) was established in the Auckland and Manukau courts in 2004 to provide publicly-funded, high-quality criminal defence services as an alternative to private lawyers funded by legal aid. After the success of the pilot, the PDS was made permanent in those courts in 2008.

It has since been expanded to all courts in Auckland – Manukau, Waitakere, North Shore, Pukekohe and Papakura. The Wellington PDS office opened in February, and a further PDS office will open in Hamilton in May. The PDS will be expanded into Christchurch when circumstances allow.

PDS lawyers are qualified to the same standard and meet all the requirements of a lawyer in private practice.

A particular focus of the PDS is training and professional development. Lawyers at all levels are supported to develop their abilities with a focus on maintaining a high-quality service for defendants. This approach has attracted high-calibre lawyers at all levels of seniority into the service.

Since its commencement, the PDS has also benefited from attracting staff who reflect the diversity of the legal aid client base, including Māori, Pacific Island, and Asian lawyers and administrators.

A formal independent evaluation found that the PDS achieved cost savings with no difference in outcome for the clients as measured by overall conviction rates. It also found that the PDS maintained or improved the quality of legal services.

Two independent evaluations in 2007 of the PDS pilot at Auckland and Manukau have been published. The key evaluation findings were:

- The cost of PDS provision fluctuated from year to year and by location, but overall produced around 10% savings compared to the estimated cost of equivalent private provision (\$985,000 savings over the four-year pilot period).
- The PDS maintained or improved the quality of legal services as measured by three indicators – client experience, case handling and outcomes, and stakeholder perceptions.
- Stakeholders, including the judiciary, prosecutors and court staff, noted that the quality and preparation that PDS lawyers demonstrated in their cases, and pointed in particular to mentoring and training opportunities that PDS senior staff were able to provide to junior lawyers.
- The flow of PDS cases through the court system led to a two thirds reduction in jury trials, resulting in material savings in court time and costs.

- Savings in court time through avoided jury trials were estimated to be in the order of \$400,000. These savings do not include prosecution cost savings, which would also be substantial.
- Cost savings were achieved with no difference in outcome for the client, as measured by overall conviction rates. For serious cases, the conviction rate for PDS cases was significantly lower than that for privately provided cases.

For more information: www.justice.govt.nz | www.lsa.govt.nz