

Dear Colleagues

I wrote to you in May, and this is my follow-up message, to let you know what has happened since May and what action is now proposed.

Since May, I have written to Paul Goldsmith, Minister of Justice; Tracey Baguley, Legal Services Commissioner; Andrew Kibblewhite, Secretary for Justice; and His Honour Judge Taumaunu, Chief District Court Judge. I attach copies of the Minister's response; my response to that; the Legal Services Commissioner's response; and my further response to the Minister.

You will see that the Minister states that the issue of pay rates for duty lawyers is not his responsibility, but rather the responsibility of the Legal Services Commissioner and "connected with the functions of the Ministry of Justice" (whatever that means?). He said that he referred my letter to his Ministry for response. However, I have not had any response from his Ministry officials.

As you can see, I wrote back to the Minister, pointing out that the Legal Services Commissioner can only decide on our pay rates if this is provided for in a Government Budget, which is clearly his responsibility. I received no response from the Minister.

I then received the response from the legal Services Commissioner, which made my point, when she stated that, although remuneration had been raised as a significant issue in the Duty Lawyer Review, "...any further funding would be subject to budget approval."

I then wrote again to the Minister, reiterating that the Legal Services Commissioner could not consider our remuneration unless she is given the budget (from the Government) to do so.

Not surprisingly, the Minister has not replied.

So, we have a situation where the Legal Services Commissioner acknowledges that our current pay rates are a significant issue but that this cannot be addressed until she is given the budget to do so by Minister Goldsmith. The Minister clearly has his "head in the sand" and is choosing to ignore my questions put to him.

Therefore, unless we take action to put pressure on the Government, nothing is going to happen and we will be left with the status quo of an inadequate pay rate, resulting in an ever-decreasing number of lawyers prepared to be on the Duty Roster.

In my last letter, I outlined what "industrial action" is proposed, i.e. we will make ourselves unavailable for a week of a future roster. I mentioned either October or November, but I have been told that some rosters have already been published for up to just before Christmas. Therefore, the dates now for taking the industrial action will be **12 to 17 January 2026, inclusive**. This will mean that, although roster dates are not consistent from Court to Court, we will all be able to mark "unavailable" on those dates. This includes Saturday, 17 January. The more of us that take this action, the more effective it will be.

Please note that it is only the Duty Lawyer roster which will be affected. All of your other work will continue as normal, although it will also help if you do not take on legal aid assignments during that week. It is up to you.

Please talk with your fellow duty lawyers about this, hopefully to get consensus and a good response to this proposed industrial action. The more of us that take part, the more effective it will be. Please think of the "collective good" when making your decision whether or not to be unavailable for duty from 12 to 17 January 2026.

I welcome feedback/comments from you. My email is dansleynz@gmail.com

Warm regards

Dennis Ansley
Barrister
Auckland



24 July 2025

Dennis Ansley
Barrister
Auckland

dansleynz@gmail.com

Tēnā koe Dennis

Thank you for your emails of 10 July and 13 July 2025 to the Hon Paul Goldsmith, Minister of Justice; Andrew Kibblewhite, Secretary for Justice; Judge Taumaunu, Chief District Court Judge; and myself, the Legal Services Commissioner, regarding duty lawyer hourly rates and industrial action. I am responding on behalf of the Minister, and Secretary for Justice as the matters you raise fall within my responsibilities as Legal Services Commissioner.

I acknowledge your concerns regarding the hourly rates for Duty Lawyers and understand that while the rates were increased in 2023, remuneration remains a significant issue.

As you are aware, a review of the Duty Lawyer service was conducted in 2023/24. A copy of the review is attached for your reference. The review, led by KPMG, evaluated the state of the Duty Lawyer service, and made recommendations on how it may more effectively and efficiently provide legal advice and assistance to defendants. We have already made some improvements to duty lawyer rostering, including new quarterly rosters, electronic surveys, travel policy updates, and a streamlined replacement process. This will enable a nationally consistent approach for the onboarding and rostering of all duty lawyers.

While the review of the Duty Lawyer service has highlighted recommendations related to remuneration, any further funding increases would be subject to budget approvals.

A review of the legal aid scheme more generally is also underway. This includes some proposals on remuneration across the scheme, and proposals on changes to the duty lawyer service. I would encourage you to make a submission. You can read more about this review, and make a submission, here:

justice.govt.nz/justice-sector-policy/key-initiatives/legal-aid-scheme-review/

Please note that submissions close on **1 August 2025**. I have also passed your emails onto the Legal Aid Review team at the Ministry of Justice and can confirm the feedback you have provided on this issue **will be considered** as part of the review.

I would like to reiterate that we recognise that Duty Lawyers play a vital role in New Zealand's justice system and would like to thank you for the service you provide. I appreciate you taking the time to write on behalf of duty lawyers, and I hope we can work together to address this issue.

Nāku iti noa, nā,

A handwritten signature in black ink, reading 'Tracey Baguley'. The script is cursive and fluid, with the first name 'Tracey' and last name 'Baguley' clearly distinguishable.

Tracey Baguley

Legal Services Commissioner

From: **Dennis Ansley** <dansleynz@gmail.com> Date: Sun, 13 Jul 2025 at 11:19 AM Subject: Re: Duty Lawyers' Planned Industrial Action To: Paul Goldsmith (MIN) <P.Goldsmith@ministers.govt.nz> Cc: correspondence, official <official.correspondence@justice.govt.nz>, <andrew.kibblewhite@justice.govt.nz>, Baguley, Tracey <Tracey.Baguley@justice.govt.nz>, <Judge.Taumaunu@justice.govt.nz>

Dear Minister

This response is very disappointing and epitomises the problem I outlined, i.e that this government and previous governments are ignoring their responsibility to address poor duty lawyer pay rates through successive Budgets. It is the government that allocates monies to their ministries and if money is not allocated (as has been the case with duty lawyers) then how can their ministry officials (or the Legal Services Commissioner in this case) address the issues I have raised?

Your response only gives us the message that this government is not interested in looking at duty lawyer pay rates.

I expected a better response and the media will, I'm sure, be interested in this response.

Yours sincerely
Dennis Ansley
Barrister
Auckland

On Thu, 10 Jul 2025 at 5:06 AM, Paul Goldsmith (MIN) <P.Goldsmith@ministers.govt.nz> wrote:

Kia ora Dennis

On behalf of Hon Paul Goldsmith, Minister of Justice, thank you for your email.

The issues you have raised in your correspondence are believed the responsibility of the Legal Services Commissioner and more closely connected with the functions of the Ministry of Justice. Your email has been transferred to the Ministry of Justice for response.

Thank you for writing.

	Office of Hon Paul Goldsmith Minister for Arts Culture and Heritage Minister of Justice Minister for Media and Communications Minister for Treaty o
	Ministerial Email: p.goldsmith@ministers.govt.nz Web: www.ministers.govt.nz Freepost Parliament: Private Bag 18041, Parliament Buildings

Authorised by Hon Paul Goldsmith, Parliament Buildings, Wellington

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From: Dennis Ansley <dansleynz@gmail.com>

Sent: Thursday, 10 July 2025 3:59 AM

To: Paul Goldsmith (MIN) <P.Goldsmith@ministers.govt.nz>;
Andrew.Kibblewhite@justice.govt.nz; Baguley, Tracey
<Tracey.Baguley@justice.govt.nz>

Cc: Judge.Taumaunu@justice.govt.nz

Subject: Duty Lawyers' Planned Industrial Action

Dear Minister, Secretary and Commissioner (and copy to District Court Chief Judge)

I am writing to inform you of industrial action which is being planned by duty lawyers throughout New Zealand, as a response to our poor hourly rate and a lack of commitment by Government to address this pressing issue.

I have been a duty lawyer at the Auckland District Court for the past 38 years. I was a Supervisor before the Public Defence took over, and I am currently a Supervisor on Saturdays/Public Holidays, as well as an Assessor. During that time, I have seen our hourly rate increase very little, to the point now that, with inflation, it has become insultingly poor.

Duty Lawyers' pay rates have never, to my knowledge, been included in any Government budget. Only pay rates for other legal aid providers have been included. The recent 17% increase we received was, I understand, from the Legal Services Commissioner's budget, not from the Government. This increase equated to less than 1% per year.

Our current hourly rate of \$103 + GST is lower than that of most tradespersons. The recent increase placed us at the bottom of PAL-1 of the legal aid rates. This rate is for recently-admitted lawyers with little experience who are starting out as legal aid counsel. Most duty lawyers I know are vastly more experienced than that.

Over the years, we have been told how valuable we are to the smooth running of the Courts, yet this is not reflected in our pay rate. In addition, our job has become increasingly difficult and challenging, and these factors have resulted in a high attrition rate amongst duty lawyers. We are now at crisis point, with a significant shortage of duty lawyers and an inability to attract new lawyers to the duty rosters.

As an example of how our job has become increasingly difficult and challenging, when I started 38 years ago, there were no Forensic Services at Court. Now, we are dealing with clients who have mental health issues, as well as addiction, violence and other issues, which make our task much more difficult. Violent threats are now a normal part of our daily routine and some of us have been seriously assaulted. In short, our job has become more dangerous and complex, yet we are still not seen as important enough to be paid at a rate which keeps up with inflation.

We have been asking for an inflation-adjusted pay rate for many years now but this request continues to be rejected. As a result, we have been planning industrial action and this will take place in Courts throughout the country soon, unless our voice is heard and we are paid a more reasonable rate which reflects the important and skilful role we play in the Courts.

I am aware that there is a review of the Duty Lawyer Scheme taking place, but there has been no feedback about pay rates. All I know is that pay rates are part of the review but there has been no information about what this will mean for us in the near future. Without a real commitment by Government to increasing our pay rates, the future of the Duty Lawyer Scheme does not look bright.

I would appreciate it if you would let me know urgently what the Government plans to do about Duty Lawyer pay rates? Without a real commitment to increase them significantly, to reflect the importance of our role in the Courts, industrial action will take place which will cause major disruption to the operation of the Courts.

I look forward to hearing from you soon.

Yours sincerely

Dennis Ansley

Barrister

Auckland

From: Dennis Ansley <dansleynz@gmail.com>
Subject: Fwd: Response to Duty Lawyers' Planned Industrial Action
Date: 1 August 2025 at 5:24:09 AM NZST
To: Paul Goldsmith <P.Goldsmith@ministers.govt.nz>,
Andrew.Kibblewhite@justice.govt.nz, Judge.Taumaunu@justice.govt.nz
Cc: "Baguley, Tracey" <Tracey.Baguley@justice.govt.nz>

Dear Minister

Below is the response from Ms Baguley, Legal Services Commissioner.

Please note at the end of the 4th paragraph, Ms Baguley states: "any further funding increases would be subject to Budget approvals".

This was the point I made in my response to you dated 13 July 2025.

You cannot "pass the buck" to Ms Baguley and your Ministry officials, because they are totally dependent on your Government's allocation of funds in a Budget.

So, again, I ask if you and your Government are prepared to take our issue seriously and allocate funds in your Budget to increase the pay rate of duty lawyers? A simple question, Minister, which requires a "yes" or "no" response.

Yours sincerely
Dennis Ansley
Barrister
Auckland

Sent from my iPad

Begin forwarded message:

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