

3 July 2023

Section (9)(2)(a)

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Our ref: OIA 104219

Tēnā koe Section (9)(2)(a)

### **Official Information Act request: Section 27 cultural reports**

Thank you for your email of 26 April 2023 requesting, under the Official Information Act 1982 (the Act), information on 'cultural reports' provided under section 27 of the Sentencing Act 2002. Specifically, you have requested:

*I'm requesting the following information broken down by region and financial year since 2002:*

- *The number of cultural reports (i.e., those ordered under s27 of the Sentencing Act 2002).*
- *The total cost of the financial reports.*
- *The total cost of the financial reports broken down by provider or contracted agency.*

*Please provide the response in the form of an Excel spreadsheet.*

On 1 May 2023, the Ministry of Justice (the Ministry) contacted you to clarify your request. You confirmed on 2 May 2023 that your request could be clarified to the following:

*It should be cultural reports, not financial reports.*

On 29 May 2023, the Ministry contacted you to advise that pursuant to section 15(1) of the Act, a decision was made to grant your request, but more time was required to finalise the information for release. We advised that the information would be provided to you as soon as it was ready and without undue delay.

Your request has been referred to me for a response, as it falls within my responsibilities as Group Manager for National Service Delivery and is being managed in accordance with the provisions of the Act.

Before answering your specific questions, I would like to provide some background information regarding section 27 cultural reports and the role of the Public Defence Service (PDS) and Legal Aid Services (LAS).

Section 27 of the Sentencing Act 2002 allows an offender the right to request a report on their cultural background and how it may have related to their offending. They provide an opportunity for an offender to have their background and circumstances considered by the court at sentencing. If the offender is legally aided, these reports can be funded through the PDS or LAS. The Ministry of Justice has no record of the number or costs of section 27 reports that were privately funded.

A legal aid lawyer can seek funding for these reports as part of the offender's legal aid grant. The application for funding must satisfy the Legal Services Commissioner (the Commissioner) that the report is necessary, and how it will contribute to the offender's case.

Legal Aid funding for cultural reports is provided via reimbursements to legal aid lawyers. It is at the individual offenders, or their legal aid lawyers, discretion as to who provides a report to the Court. LAS is not directly invoiced by the cultural report writer. Instead, the legal aid lawyer pays the report writer directly. LAS does not record who the offender/their lawyer chooses to provide the report and does not pay any cultural report writers directly.

In response to your request, please refer to the data tables in the attached Excel sheets, which you can filter as you see fit however this is conditional that you do not change or alter the source data.

Table 1 provides you with the number of approved section 27 cultural reports invoiced by legal aid providers, broken down by financial year and court region for 2015 to 2023. The data included in Table 1 is only able to be provided from 2015 onwards, as LAS did not record data relating to section 27 cultural reports prior to this time. Therefore, I am refusing your request for data from years 2002 to 2014, under section 18(f) of the Act, as this would require substantial collation and research.

Table 2 provides you with the number of approved section 27 cultural reports for the PDS, broken down by financial year and PDS region for 2017 to 2023. The data included in Table 2 is only able to be provided from 2017 onwards, as PDS did not separately record section 27 cultural reports commissioned prior to 2017. Therefore, I am refusing your request for data from years 2002 to 2016 under section 18(e) of the Act, on the grounds that the information does not exist.

We have interpreted the third part of your request as seeking the names of the provider or contracted agency who had produced the section 27 cultural reports since 2002. Please refer to Table 3, which outlines the report writers who produced reports, in the PDS. Please note that LAS does not record the name of the report writer from whom the legal aid lawyer procured a report. Therefore, I am refusing your request for information regarding reports produced by LAS under section 18(g) of the Act, as the information requested is not held by the Ministry and I have no grounds for believing it is held by another agency or Minister.

If you require any further information, please contact Media & Social Media Manager Joe Locke at [media@justice.govt.nz](mailto:media@justice.govt.nz).

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://justice.govt.nz/about/official-information-act-requests/oia-responses/).

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

Nāku noa, nā



Tracey Baguley  
**Group Manager, National Service Delivery**

**Table 1 : Number of approved cultural reports (or section 27 reports) invoiced by legal aid providers by financial year and court region for 2015 to 2023**

Financial year	Court Region	Number of invoices	Total amount approved	Total amount approved, including GST
2015/2016	Bay Of Plenty	1	\$6,441.16	\$7,407.33
2016/2017	Auckland	1	\$848.00	\$975.20
2016/2017	Gisborne	1	\$6,393.42	\$7,352.43
2016/2017	Hawke's Bay	1	\$3,300.00	\$3,795.00
2017/2018	Auckland	1	\$720.00	\$720.00
2017/2018	Bay Of Plenty	6	\$18,335.46	\$21,085.77
2017/2018	Hawke's Bay	3	\$6,380.00	\$7,337.00
2017/2018	Wellington	1	\$2,818.42	\$3,241.18
2018/2019	Auckland	63	\$130,502.13	\$148,308.32
2018/2019	Bay Of Plenty	22	\$57,817.40	\$66,273.95
2018/2019	Canterbury	15	\$14,310.00	\$16,300.50
2018/2019	Gisborne	5	\$10,560.00	\$12,144.00
2018/2019	Hawke's Bay	5	\$12,210.00	\$14,041.50
2018/2019	Manawatu-Wanganui	13	\$34,632.05	\$39,216.02
2018/2019	Marlborough	4	\$6,623.48	\$6,818.48
2018/2019	Northland	7	\$18,346.41	\$21,098.35
2018/2019	Otago	2	\$1,640.00	\$1,784.00
2018/2019	Southland	2	\$2,135.60	\$2,455.93
2018/2019	Taranaki	8	\$14,212.18	\$16,089.00
2018/2019	Waikato	7	\$19,997.03	\$22,996.57
2018/2019	Wellington	8	\$51,311.15	\$58,707.08
2019/2020	Auckland	245	\$493,112.79	\$561,825.00
2019/2020	Bay Of Plenty	83	\$158,793.35	\$182,133.58
2019/2020	Canterbury	64	\$82,669.40	\$92,331.12
2019/2020	Gisborne	13	\$26,923.09	\$30,961.52
2019/2020	Hawke's Bay	31	\$68,262.54	\$78,501.87
2019/2020	Manawatu-Wanganui	64	\$162,013.50	\$183,686.73
2019/2020	Marlborough	15	\$29,954.16	\$33,309.99
2019/2020	Napier / Hastings	1	\$1,120.00	\$1,288.00
2019/2020	Nelson	6	\$7,250.82	\$8,338.43
2019/2020	Northland	65	\$149,172.25	\$171,037.92
2019/2020	Otago	26	\$36,040.39	\$41,176.44
2019/2020	Southland	18	\$23,490.13	\$27,013.58
2019/2020	Taranaki	19	\$44,500.86	\$51,175.95
2019/2020	Waikato	60	\$133,534.62	\$150,523.47
2019/2020	Wellington	52	\$127,080.30	\$145,864.75
2020/2021	Auckland	571	\$1,286,004.68	\$1,464,753.61
2020/2021	Bay Of Plenty	238	\$585,560.49	\$671,843.50

2020/2021	Canterbury	135	\$273,877.21	\$309,058.43
2020/2021	Gisborne	49	\$131,765.60	\$151,530.37
2020/2021	Hawke's Bay	57	\$141,607.40	\$162,848.46
2020/2021	Manawatu-Wanganui	178	\$451,178.67	\$517,654.08
2020/2021	Marlborough	24	\$63,866.18	\$71,597.31
2020/2021	Nelson	19	\$42,896.72	\$48,488.16
2020/2021	Northland	121	\$284,458.28	\$326,602.42
2020/2021	Otago	56	\$96,172.88	\$110,193.71
2020/2021	Southland	36	\$89,334.51	\$101,317.17
2020/2021	Taranaki	51	\$128,387.16	\$147,645.19
2020/2021	Waikato	235	\$566,581.68	\$651,523.37
2020/2021	Wellington	120	\$314,423.30	\$359,939.59
2020/2021	West Coast	7	\$12,523.48	\$13,688.00
2021/2022	Auckland	502	\$1,269,045.93	\$1,445,526.05
2021/2022	Bay Of Plenty	319	\$925,577.03	\$1,059,544.27
2021/2022	Canterbury	218	\$495,806.52	\$567,862.18
2021/2022	Gisborne	53	\$152,878.81	\$175,810.62
2021/2022	Hamilton	1	\$1,745.00	\$2,006.75
2021/2022	Hawke's Bay	106	\$280,762.90	\$322,434.64
2021/2022	Manawatu-Wanganui	215	\$609,369.77	\$698,544.63
2021/2022	Marlborough	18	\$50,310.70	\$55,484.84
2021/2022	Napier / Hastings	1	\$700.00	\$805.00
2021/2022	Nelson	50	\$124,048.94	\$140,813.14
2021/2022	No Court	1	\$4,366.85	\$5,021.87
2021/2022	Northland	134	\$327,892.68	\$376,776.47
2021/2022	Otago	49	\$96,026.90	\$109,491.90
2021/2022	Southland	37	\$89,099.00	\$102,166.85
2021/2022	Taranaki	61	\$155,600.58	\$178,720.85
2021/2022	Waikato	233	\$624,693.18	\$718,397.01
2021/2022	Wellington	146	\$397,506.13	\$450,224.32
2021/2022	West Coast	5	\$10,321.30	\$11,869.49
2021/2022	Whanganui	1	\$1,259.19	\$1,448.06
2021/2022	Whangarei	2	\$6,340.00	\$7,291.00
2022/2023	Auckland	601	\$1,666,918.23	\$1,906,883.70
2022/2023	Bay Of Plenty	265	\$845,582.54	\$968,620.26
2022/2023	Canterbury	207	\$511,544.68	\$586,224.16
2022/2023	Christchurch	1	\$3,000.00	\$3,450.00
2022/2023	Gisborne	49	\$139,682.39	\$160,259.74
2022/2023	Hawke's Bay	87	\$249,751.50	\$287,214.14
2022/2023	Manawatu-Wanganui	165	\$452,563.40	\$519,450.26
2022/2023	Marlborough	33	\$88,099.87	\$99,147.33

2022/2023	Nelson	37	\$95,550.06	\$108,484.41
2022/2023	Northland	136	\$383,091.07	\$439,012.71
2022/2023	Otago	53	\$138,905.00	\$159,740.73
2022/2023	Southland	27	\$70,913.91	\$81,550.98
2022/2023	Taranaki	57	\$184,163.78	\$211,788.34
2022/2023	Waikato	215	\$599,054.97	\$687,324.27
2022/2023	Wellington	113	\$325,441.07	\$367,517.61
2022/2023	West Coast	8	\$21,582.05	\$24,819.35

**Notes for Table 1:**

- The data included in Table 1 is only able to be provided from 2015 onwards, as Legal Aid Services did not record data relating to section 27 cultural reports prior to this time
- This document contains data drawn from a database that is subject to change, as new data is continually recorded and/or recoded
- Cultural report count and cost are for private legal aid providers only and does not include the Public Defence Service
- The data above includes cultural report related disbursements that have been approved by Legal Aid Service
- Not all providers are GST registered however the data above is GST included for those providers that are
- The 2022 and 2023 figures are as at 30 April 2023

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**Table 2 : Number of approved cultural reports for the Public Defence Service by financial year and region for 2017 to 2023**

Financial year	Region	Number of reports by region	Cost of reports by region	Total number of reports per financial year	Total cost of reports per financial year
2017/2018	Northern	10	\$10,304.00	10	\$10,304.00
	Southern	0	\$0.00		
2018/2019	Northern	28	\$32,420.00	39	\$48,084.00
	Southern	11	\$15,664.00		
2019/2020	Northern	51	\$60,934.00	82	\$112,520.00
	Southern	31	\$51,586.00		
2020/2021	Northern	124	\$189,137.00	164	\$258,023.00
	Southern	40	\$68,886.00		
2021/2022	Northern	116	\$185,239.00	174	\$284,228.00
	Southern	58	\$98,989.00		
2022/2023	Northern	127	\$213,799.00	174	\$305,046.00
	Southern	47	\$91,247.00		

**Notes for Table 2:**

- The data included in Table 2 pertaining to the Public Defence Service did not separately record section 27 cultural reports commissioned prior to 2017
- Until the 2020 financial year end, section 27 reports commissioned through the Public Defence Service were not reported on separately, so invoices for the earlier years are harder to identify
- The Northern region includes 6 PDS offices which are located in: Auckland, Manukau, Waitakere, North Shore, Hamilton and Tauranga
- The Southern region includes 4 of the Public Defence Service offices which are located in: Hawkes Bay, Wellington, Christchurch and Dunedin
- The 2022 and 2023 figures are as at 30 April 2023

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Table 3 Total cost of approved cultural reports for the Public Defence Service broken down by provider or contracted agency, for 2017 to 2023

Provider or Contracted Agency Name	2017/2018		2018/2019		2019/2020		2020/2021		2021/2022		2022/2023		TOTAL	
	Number of reports	Cost	Number of reports	Cost	Number of reports	Cost	Number of reports	Cost	Number of reports	Cost	Number of reports	Cost	Number of reports	Cost
Adeleina Loto-Meleisea									2	\$3,652	1	\$1,630	3	\$5,282
Amseml Williams Barristers											2	\$3,913	2	\$3,913
Andrew Peteru	2	\$1,530	2	\$1,645					8	\$6,174			12	\$9,349
Awhitia Mihaere			2	\$1,530			1	\$2,174	3	\$5,107			6	\$8,811
Barry Kirker							1	\$2,350					1	\$2,350
Cade and Co							1	\$3,375	2	\$5,826			3	\$9,201
Charles Enoke Kiata											2	\$3,495	2	\$3,495
Cowan Consultants											5	\$8,695	5	\$8,695
CPSM consultancy					1	\$3,450	3	\$12,400					4	\$15,850
Cultural Reports Aotearoa									7	\$14,609	7	\$15,043	14	\$29,652
Daphne Wang							1	\$1,200					1	\$1,200
Eden Management Consultants					1	\$1,523	6	\$8,824					7	\$10,347
Emma Rolleston					1	\$1,304	2	\$3,130	4	\$7,284	6	\$11,170	13	\$22,888
Focus on Pacific Ltd			1	\$1,500							9	\$17,060	10	\$18,560
Garrick Cooper							1	\$2,026					1	\$2,026
Ghazi Metoul			1	\$3,652									1	\$3,652
H2R Rearch and Consulting Ltd							2	\$4,500	1	\$2,441			3	\$6,941
Harry Walker			1	\$2,000	2	\$3,565			1	\$2,782			4	\$8,347
Hawaiiki Cultural Services	2	\$1,809			10	\$9,634	1	\$1,565			1	\$1,565	14	\$14,573
Hei Apopo											3	\$6,847	3	\$6,847
Independent research Solutions			1	\$2,026							4	\$9,956	5	\$11,982
Ivan Tarlton					1	\$1,500							1	\$1,500
James Walsh					1	\$2,608							1	\$2,608
James Rhufus					1	\$1,200							1	\$1,200
Jim van Rensburg							1	\$2,400					1	\$2,400
JLT consulting			4	\$3,638	2	\$2,087							6	\$5,725
Just Community					1	\$2,413	2	\$5,926					3	\$8,339
Kate McKeogh											1	\$2,520	1	\$2,520
Khylee Quince	4	\$5,065	11	\$16,422	1	\$1,565							16	\$23,052
Liz Munroe											1	\$1,788	1	\$1,788
Lynx Consultants											1	\$1,740	1	\$1,740
Mamara Stephens					2	\$3,619							2	\$3,619
Manju Kumar					1	\$1,202							1	\$1,202
Maria Jackman					2	\$4,607							2	\$4,607
Maria Lucas							1	\$1,740					1	\$1,740
Maria Pipi							1	\$1,740					1	\$1,740
Marie Kipa							1	\$1,304					1	\$1,304
Marshall Bird and Curtis	2	\$1,900	5	\$4,521	1	\$869	1						9	\$7,290
Monica Lei			2	\$1,609	16	\$23,865	3	\$6,750					21	\$32,224
Nautical Counselling											11	\$18,261	11	\$18,261
Nigerian Association							1	\$1,304					1	\$1,304
Nita McNair											2	\$4,217	2	\$4,217
Pasefika Cultural Reports Ltd							1	\$2,200	1	\$2,721	1	\$1,956	3	\$6,877
PARS			1	\$500	1	\$869							2	\$1,369
Patrick Au							1	\$1,650					1	\$1,650
Pono Ltd											1	\$2,217	1	\$2,217
Raecheal Kingi											2	\$4,965	2	\$4,965
Reflect Wellnes					1	\$1,740	3	\$4,655	6	\$9,339	7	\$11,071	17	\$26,805
Rev Dr Arapera Ngaha							1	\$1,130					1	\$1,130
Romeo Tevaga			1	\$1,000	2	\$2,210	5	\$6,373	1	\$1,740			9	\$11,323
S27 reports Ltd			1	\$800	4	\$3,668	28	\$54,279	52	\$99,779	52	\$100,048	137	\$258,574
Sam T Ltd									1	\$1,913			1	\$1,913
Samoan Cultural Reports											1	\$1,739	1	\$1,739
Samoana Language and Culture Adv sors							2	\$3,365					2	\$3,365
Semisi Pohiva			1	\$1,783									1	\$1,783
Shelley Turner			1	\$850	1	\$3,634			1	\$2,827	1	\$2,267	4	\$9,578
Sheree Wallis							8	\$11,140	25	\$48,360	5	\$12,927	38	\$72,427
Swift Recovery											1	\$2,408	1	\$2,408
Soro Ram cake			2	\$2,608	1	\$1,304							3	\$3,912
Taonga Uku Tu - Dr Alvina Edwards							29	\$34,011	47	\$53,979	35	\$38,104	111	\$126,094

Tapulaw Consulting					11	\$15,478	26	\$39,618			1	\$1,650	38	\$56,746
Te Moana Mara			2	\$2,000	10	\$9,565	18	\$20,258	11	\$14,391	8	\$10,434	49	\$56,648
TMP Consultants Ltd							3	\$4,630			2	\$4,113	5	\$8,743
Tongan Cultural report					1	\$1,304							1	\$1,304
Wera Consultants											1	\$3,247	1	\$3,247
Whakaarorangi					6	\$7,737	9	\$12,006	1	\$1,304			16	\$21,047
<b>TOTAL</b>	<b>10</b>	<b>\$10,304</b>	<b>39</b>	<b>\$48,084</b>	<b>82</b>	<b>\$112,520</b>	<b>164</b>	<b>\$258,023</b>	<b>174</b>	<b>\$284,228</b>	<b>174</b>	<b>\$305,046</b>	<b>643</b>	<b>#####</b>

**Notes for Table 3**

- The data included in Table 3 pertaining to the Public Defence Service did not separately record section 27 cultural reports commissioned prior to 2017
- Until the 2020 financial year end, section 27 reports commissioned through the Public Defence Service were not reported on separately, so invoices for the earlier years are harder to identify
- The 2022 and 2023 figures are as at 30 April 2023

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