

**Criminal legal aid fee schedules – 4 July 2016**

**Schedules A, B & C: Police Prosecutions**

| Police Prosecutions                              |                              |             |             |  |
|--|------------------------------|-------------|-------------|--|
| Administration/Case Review                       |                              |             |             |  |
|  | A                            | B           | C           | Tasks covered by fixed fee   |
| <b>Preliminary work</b><br>- new legal aid grant | <b>\$155</b>                 |             |             | For: <ul style="list-style-type: none"> <li>• taking instructions, attending client</li> <li>• receiving, reviewing and/or preparing disclosure</li> <li>• identifying legal and factual issues</li> <li>• undertaking research</li> <li>• reviewing evidence (including videos/DVD's)</li> <li>• liaising with prosecutor/court</li> <li>• identifying the need for applications, interlocutories etc.</li> <li>• attending to unopposed bail, name suppression, variation, interlocutories etc.</li> <li>• initial CMM discussions with prosecution</li> <li>• preparation for CMM list event</li> <li>• preparation</li> <li>• entering plea</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
| <b>Charge discussions</b>                        | <b>\$120</b>                 |             |             | <ul style="list-style-type: none"> <li>• engaging in charge discussions and/or resolution, including diversion or charges withdrawn</li> </ul>   |
| <b>Appearances</b><br>- hearing time*            | <b>\$48</b><br>per half hour |             |             | For: <ul style="list-style-type: none"> <li>• attending the Registrar's/ Judge's list Court</li> <li>• when sentencing occurs on the same day as plea is entered</li> <li>• attending the Case Review Hearing</li> <li>• any agent fees.</li> </ul>  |
| <b>Case Management Memorandum (CMM)</b>          | <b>\$75</b>                  | <b>\$75</b> | <b>\$75</b> | <ul style="list-style-type: none"> <li>• completion and on-time filing of the CMM document.</li> </ul>   |

| Other matters  |                              |   |
|--|------------------------------|---|
|  | A-C                          | Tasks covered by fixed fee  |
| <b>Sentencing Indications –</b><br>- preparation @ <sup>1</sup><br><br>- hearing time* | <b>\$250</b>                 | For: <ul style="list-style-type: none"> <li>• taking instructions, attending client</li> <li>• preparing for Sentencing Indications Hearing</li> <li>• preparing and completing written submissions</li> <li>• any agents fees</li> <li>• reporting to client.</li> </ul> |
|  | <b>\$48</b><br>Per half hour | For: <ul style="list-style-type: none"> <li>• attending the Sentencing Indications Hearing</li> <li>• any agents fees.</li> </ul>   |
| <b>Fitness to Plead/Stand Trial</b><br>- preparation<br><br>- hearing time*            | <b>\$225</b>                 | For: <ul style="list-style-type: none"> <li>• taking instructions, attending client</li> <li>• preparation of Fitness to Plead/Stand trial application</li> <li>• any agents fees reporting to client.</li> </ul>   |
|  | <b>\$48</b><br>Per half hour | For: <ul style="list-style-type: none"> <li>• attending Fitness to Plead/Stand Trial Hearing</li> <li>any agent fees.</li> </ul>  |

| Trial and Sentencing  |                              |   |   |  |
|---|------------------------------|---|---|--|
|   | A                            | B | C | Tasks covered by fixed fee   |
| <b>Disputed Facts</b><br>- preparation<br><br>- hearing time* | <b>\$225</b>                 |   |   | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• preparation for Disputed Facts Hearing</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
|   | <b>\$48</b><br>Per half hour |   |   | For: <ul style="list-style-type: none"> <li>• attending Disputed Facts Hearing</li> <li>• any agents fee.</li> </ul>   |

| <b>Trial and Sentencing (continued)</b>   |                              |              |              |  |
|---|------------------------------|--------------|--------------|--|
|   | <b>A</b>                     | <b>B</b>     | <b>C</b>     | <b>Tasks covered by fixed fee</b>  |
| <b>Trial</b><br>- preparation (part) – if case resolves prior to Trial but a significant amount of work has been carried out<br><br>OR<br>- preparation (full) – if case goes to a hearing<br><br>- hearing time* | <b>\$250</b>                 |              |              | For:<br><ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• indentifying legal and factual issues</li> <li>• reviewing evidence (including videos/DVDs)</li> <li>• undertaking research</li> <li>• any agent fees</li> <li>• obtaining pre-sentence reports</li> <li>• preparing for trial – cross examination, briefing witness, submissions</li> <li>• receiving verdict</li> <li>• any agents fees</li> <li>• reporting to client.</li> </ul> |
|   | <b>\$500</b>                 |              |              |  |
|   | <b>\$48</b><br>per half hour |              |              | For:<br><ul style="list-style-type: none"> <li>• attending the trial hearing</li> <li>• any agents fees.</li> </ul>  |
| <b>Sentencing (when remanded off for sentencing) -</b><br>- preparation<br><br>- hearing time*  | <b>\$100</b>                 | <b>\$120</b> | <b>\$140</b> | For:<br><ul style="list-style-type: none"> <li>• preparing for the sentencing hearing</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>   |
|   | <b>\$48</b><br>per half hour |              |              | For:<br><ul style="list-style-type: none"> <li>• attending the Sentencing Hearing</li> <li>• any agent fees.</li> </ul>  |
| <b>Re-preparation **</b>  | <b>\$120</b>                 |              |              | <ul style="list-style-type: none"> <li>• re-preparation prior to an adjourned or subsequent Trial/Sentencing hearing.</li> </ul>   |

| <b>Pre trial admissibility hearing</b>   |                              |          |          |   |
|--|------------------------------|----------|----------|---|
| <b>Activity</b>  | <b>A</b>                     | <b>B</b> | <b>C</b> | <b>Tasks covered by fixed fee</b>   |
| <b>Pre-trial admissibility -</b><br><br>- preparation  | <b>\$225</b>                 |          |          | For:<br><ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• receiving and reviewing disclosure</li> <li>• identifying legal and factual issues</li> <li>• preparing application</li> <li>• liaising with other agencies</li> <li>• receiving decision</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>  |
|  | <b>\$48</b><br>per half hour |          |          | For:<br><ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>  |
| <b>Applications for Bail, Name Suppression, Media Coverage, Electronic Bail Monitoring</b>   |                              |          |          |   |
| <b>Opposed application(s) for Bail, Name Suppression</b><br><br><b>Second opposed bail, application or variation</b><br><br><b>Electronic bail Monitoring</b><br><br><b>Opposed application(s) for Media Coverage</b><br><br>- hearing time* | <b>\$225</b>                 |          |          | For:<br><ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• receiving and reviewing disclosure</li> <li>• identifying legal and factual issues</li> <li>• preparing application</li> <li>• liaising with other agencies and family, whanau – for bail applications</li> <li>• receiving decision</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
|  | <b>\$225</b>                 |          |          |   |
|  | <b>\$225</b>                 |          |          |   |
|  | <b>\$225</b>                 |          |          |   |
|  | <b>\$48</b><br>per half hour |          |          | For:<br><ul style="list-style-type: none"> <li>• attending hearing(s) for applications or variations</li> <li>• any agent fees.</li> </ul>  |

| <b>Sentencing Reports/Submissions</b>  |          |              |          |   |
|--|----------|--------------|----------|---|
| <b>Activity</b>  | <b>A</b> | <b>B</b>     | <b>C</b> | <b>Tasks covered by fixed fee</b>   |
| <b>Expert witness/reports@<sup>2</sup></b>   |          | <b>\$150</b> |          | For: <ul style="list-style-type: none"> <li>• locating expert witness</li> <li>• liaising with expert witness</li> <li>• obtaining reports eg psychiatric reports</li> <li>• reviewing reports</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>   |
| <b>Section 38 – Forensic Report@<sup>3</sup></b>                                   |          | <b>\$150</b> |          | For: <ul style="list-style-type: none"> <li>• liaising, obtaining and reviewing section 38 Forensic Report</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>   |
| <b>Restorative Justice Report</b>  |          | <b>\$150</b> |          | For: <ul style="list-style-type: none"> <li>• obtaining Restorative Justice Report in preparation for sentencing</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>   |
| <b>Written sentencing submissions @<sup>4</sup></b>                                |          | <b>\$250</b> |          | For: <ul style="list-style-type: none"> <li>• limited to preparing sentencing submissions under the Sentencing Practice Note, where requested by the Judge, or providing written submissions in support of an application made. For example: discharge without conviction under the Sentencing Act; special reason or substitution of community based sentences under the Land Transport Act</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
| <b>(Interlocutory) Appeals to the High Court</b>                                   |          |              |          |   |
| <b>Appeal against disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)</b> |          | <b>\$350</b> |          | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• receiving and reviewing disclosure</li> <li>• identifying legal and factual issues</li> <li>• preparing and filing notice of appeal</li> </ul>   |

|   |                              |   |
|---|------------------------------|---|
| <b>Bail or Media Coverage</b>               | <b>\$350</b>                 | <ul style="list-style-type: none"> <li>• preparing affidavits</li> <li>• undertaking research</li> <li>• liaising with Crown, prosecution</li> <li>• considering Crown, prosecution submissions</li> <li>• preparing submissions for hearing</li> <li>• interviewing/cross examining witnesses</li> </ul> |
| <b>Name Suppression</b>                     | <b>\$450</b>                 | <ul style="list-style-type: none"> <li>• liaising with the High Court</li> <li>• receiving decision</li> <li>• any agent fees</li> <li>• reporting to client</li> <li>• liaising with prison.</li> </ul>  |
| <b>Interlocutory Appeal - hearing time*</b> | <b>\$48</b><br>per half hour | For: <ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>   |

## GRANTING NOTES – SCHEDULES A-C

Note that many of the tasks listed in the fixed fee schedules are generic and relate to tasks that may need to be undertaken for progression of the case. Not all tasks will need to be repeated at each stage of the case.

### Legend

@<sup>1</sup> **Sentencing indications** - this preparation fee is available only if there is a written sentencing indications' submission.

@<sup>2</sup> **Expert witness/reports** - Do not include non-expert reports (eg probation reports) or oral reports.

@<sup>3</sup> **Section 38 Forensic reports** – two s38 reports are required by legislation. The **Section 38 Forensic reports** fee can be claimed for each of those reports. An Amendment to Grant is required for claims for any subsequent s38 reports.

@<sup>4</sup> **Written sentencing submission** - if the client accepts the Sentencing Indication, a Written Sentencing Submission is not required and the fee for a written sentencing submission cannot be claimed.

If the client does not accept the Sentencing Indication, then the fee for Written Sentencing Submissions can be claimed if the work is carried out. This applies whether or not the Submission is Judge-ordered.

\*# **Re-preparation fee** – where the hearing has been adjourned for a month or more

### Preliminary work – disclosure by defendant

Receiving, reviewing and/or preparing disclosure may include preparing the disclosure package ie disclosure by defendant.

### Hearing time including waiting time

'Time' is payable in half hour blocks, rounded up to the nearest half hour.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a Judge. Waiting time begins when the provider is required to be in the courtroom. This -

- **includes** waiting time for the jury to deliver a verdict

- **excludes** waiting time where the Judge has excused counsel.

If more than one hour's waiting time is claimed per activity (eg waiting time for trial or waiting time for sentencing) the following information is required:

- a summary of both the waiting time and hearing time on the day of appearance – date and times
- an explanation of the circumstances is also required. This must include:
  - confirmation that the provider was unable to undertake any other work while waiting
  - confirmation that the provider made enquiries to the court about the delay
  - reasons for the delay.

Where a client fails to attend a scheduled appearance, the provider can claim reasonable and actual time for waiting for the client, up to one hour. No evidence is required. Waiting time in addition to one hour in situations where a client fails to attend a hearing can be claimed via an amendment to grant.

### Disclosure by prosecutor

Disclosure by the prosecutor can occur at many points in proceedings. Where the schedules refer to 'receiving and reviewing disclosure', this includes any or all of the following tasks, unless a separate fixed fee is otherwise specified:

- requests for further initial disclosure from prosecution (after commencement of proceedings)
- receiving and reviewing further initial disclosure
- receiving and reviewing full disclosure (after not guilty plea, election, or first appearance)
- requesting additional disclosure
- interlocutory applications:
  - address of witness or informant
  - disclosure of information – s30
  - order setting conditions for viewing exhibit – s31
  - timetabling order – s32.

### Access to fees when a case is reassigned

If a provider picks up a reassigned case and fees for activities have been claimed, the new provider is eligible for a fee for those activities if they need to do any of the tasks in those activities. The full schedule, assuming the work needs to be done, is available to the new provider.

### Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

### Audits

Providers are expected to accurately reflect their activities in their invoices. Any suspicion of inaccurate claims can be followed up and providers audited.

### Documentation requirements

Application for Criminal Legal Aid – Police prosecution (*LA form 1a*) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedule A (*LA form 23*) [[s97 Legal Services Act 2011](#)]

### Amendments to Grant

Cases in which an amendment to grant is approved are referred to as fixed fees plus cases.

Schedule D, E & F: Crown Prosecutions

| Crown Prosecutions                               |                              |                              |                              |  |
|--|------------------------------|------------------------------|------------------------------|--|
| Administration/Case Review                       |                              |                              |                              |  |
|  | D                            | E                            | F                            | Tasks covered by fixed fee   |
| <b>Preliminary work</b><br>- new legal aid grant | <b>\$430</b>                 | <b>\$645</b>                 | <b>\$875</b>                 | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• receiving and reviewing disclosure</li> <li>• identifying legal and factual issues</li> <li>• initial CMM discussions with client and prosecutions</li> <li>• preparation for CMM list event and/or judicial intervention hearing as applicable</li> <li>• discussing charges/case/plea with Crown</li> <li>• undertaking research</li> <li>• reviewing/perusing evidence (including videos/DVDs)</li> <li>• liaising with Crown/Court/Police</li> <li>• entering plea</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
| - hearing time*                                  | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>• attending the Registrar's/ Judge's list Court</li> <li>• any agents fees.</li> </ul>   |
| <b>Case Review</b><br>- preparation              | <b>\$600</b>                 | <b>\$1100</b>                | <b>\$2000</b>                | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• identifying legal and factual issues</li> <li>• undertaking research</li> <li>• reviewing/perusing evidence (including videos/DVD's)</li> <li>• liaising with Crown/Court/Police</li> <li>• entering pleas</li> <li>• preparing submissions</li> <li>• discussing charges/case/with Crown/Police</li> <li>• reporting to client</li> <li>• attending Hearings (including Case Review)</li> <li>• any agent fees.</li> </ul>   |
| - hearing time*                                  | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>• attending the Case Review Hearing</li> <li>• any agents fees.</li> </ul>   |



| <b>Case Management Memorandum</b>                               |                              |                              |                              |   |
|---|------------------------------|------------------------------|------------------------------|---|
|   | <b>D</b>                     | <b>E</b>                     | <b>F</b>                     | <b>Tasks covered by fixed fee</b>   |
| <b>Case Management Memorandum (CMM)</b>                         | <b>\$120</b>                 | <b>\$135</b>                 | <b>\$155</b>                 | For: <ul style="list-style-type: none"> <li>completion and on-time filing of the CMM document</li> </ul>  |
| <b>Other matters</b>  |                              |                              |                              |   |
| <b>Sentencing Indications –</b><br>- preparation @ <sup>1</sup> | <b>\$300</b>                 | <b>\$500</b>                 | <b>\$700</b>                 | For: <ul style="list-style-type: none"> <li>taking instructions, attending client</li> <li>preparing for Sentencing Indications Hearing</li> <li>preparing and completing written submissions</li> <li>any agents fees</li> <li>reporting to client.</li> </ul> |
| - hearing time*   | <b>\$59</b><br>Per half hour | <b>\$67</b><br>Per half hour | <b>\$76</b><br>Per half hour | For: <ul style="list-style-type: none"> <li>attending the Sentencing Indications Hearing</li> <li>any agent fees.</li> </ul>  |
| <b>Fitness to Plead/Stand Trial</b><br>- preparation            | <b>\$250</b>                 |                              |                              | For: <ul style="list-style-type: none"> <li>taking instructions, attending client</li> <li>preparation of Fitness to Plead/Stand trial application</li> <li>any agents fees</li> <li>reporting to client.</li> </ul>  |
| - hearing time*   | <b>\$59</b><br>Per half hour | <b>\$67</b><br>Per half hour | <b>\$76</b><br>Per half hour | For: <ul style="list-style-type: none"> <li>attending Fitness to Plead/Stand Trial Hearing</li> <li>any agent fees.</li> </ul>  |

| <b>Trial and sentencing</b>   |                              |                              |                              |  |
|---|------------------------------|------------------------------|------------------------------|--|
|   | <b>D</b>                     | <b>E</b>                     | <b>F</b>                     | <b>Tasks covered by fixed fee</b>  |
| <b>Preparation Trial Callover Memorandum (TCM)</b>  | <b>\$200</b>                 | <b>\$220</b>                 | <b>\$240</b>                 | For: <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>receiving and reviewing disclosure</li> <li>identifying legal and factual issues</li> <li>undertaking research</li> <li>reviewing evidence (including videos/DVDs)</li> <li>corresponding with Crown</li> <li>liaising with experts</li> </ul>  |
| <b>Preparation (memorandum – all subsequent callovers)</b>                                | <b>\$140</b>                 | <b>\$150</b>                 | <b>\$200</b>                 | <ul style="list-style-type: none"> <li>receiving Crown memorandum</li> <li>preparing Defence memorandum</li> <li>identifying pre-trial issues</li> <li>liaising with Crown/Court</li> <li>liaising with witnesses</li> <li>any agent fees</li> <li>reporting to client.</li> </ul> <p><b>Note, one fee to be claimed for all subsequent callovers</b></p>  |
| <b>Pre-Trial conferences and callovers</b><br>- hearing time*                             | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>actual hearing time</li> <li>any agent fees.</li> </ul>  |
| <b>Pre-Trial applications including responding to Crown Application–</b><br>- preparation | <b>\$700</b>                 | <b>\$1100</b>                | <b>\$1940</b>                | For: <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>receiving and reviewing disclosure</li> <li>identifying legal and factual issues</li> <li>perusing file</li> <li>undertaking research</li> <li>corresponding with Crown</li> <li>liaising with Crown/Court</li> <li>discussing charges/case/with Crown</li> <li>reviewing Crown submissions</li> <li>briefing witnesses</li> <li>preparing cross examination</li> <li>preparing submissions</li> <li>any agent fees</li> <li>reporting to client.</li> </ul> <p><b>Note, one fee to be claimed for all applications</b></p> |

| <b>Trial and sentencing (continued)</b>   |                              |                              |                                       |   |
|---|------------------------------|------------------------------|---------------------------------------|---|
| <b>Activity</b>   | <b>D</b>                     | <b>E</b>                     | <b>F</b>                              | <b>Tasks covered by fixed fee</b>   |
| <b>Pre-Trial applications</b><br>- hearing time*  | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour          | For:<br><ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>  |
| <b>Disputed facts</b><br>- preparation  | <b>\$250</b>                 |                              |                                       | For:<br><ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• preparation of Disputed Facts Hearing</li> <li>• any agent fees</li> <li>• reporting to client</li> </ul>   |
| - hearing time*   | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour          | For:<br><ul style="list-style-type: none"> <li>• attending disputed facts hearing</li> <li>• any agent fees.</li> </ul>   |
| <b>Trial</b><br>- preparation (part) when election for trial by jury is reversed OR client pleads guilty<br><br>OR<br>- preparation (full) if case goes to a full hearing | <b>\$500</b>                 | <b>\$800</b>                 | <b>Estimate required by Amendment</b> | For:<br><ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• receiving and reviewing disclosure</li> <li>• identifying legal and factual issues</li> <li>• perusing evidence</li> <li>• scene visits</li> <li>• undertaking research</li> <li>• corresponding with Police/Crown</li> <li>• liaising with Crown/Court</li> <li>• discussing charges/case/with Crown</li> <li>• reviewing videos/DVDs (for edits)</li> <li>• serving summons to appear</li> <li>• briefing witnesses</li> <li>• preparing cross examination</li> <li>• preparing submissions</li> <li>• preparing opening/closing addresses</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
|   | <b>\$1400</b>                | <b>\$2650</b>                |                                       |   |
| - hearing time*   | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour          | For:<br><ul style="list-style-type: none"> <li>• attending trial hearing</li> <li>• any agent fees.</li> </ul>  |

| <b>Trial and sentencing (continued)</b>  |                              |                              |                              |   |
|--|------------------------------|------------------------------|------------------------------|---|
| <b>Activity</b>  | <b>D</b>                     | <b>E</b>                     | <b>F</b>                     | <b>Tasks covered by fixed fee</b>   |
| <b>Sentencing</b>  | <b>\$600</b>                 | <b>\$1000</b>                | <b>\$1400</b>                | For: <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>receiving and reviewing disclosure</li> <li>identifying legal and factual issues</li> <li>undertaking research</li> <li>obtaining testimonials/references</li> <li>corresponding with Police/Crown</li> <li>liaising with Crown/Court</li> <li>reviewing Crown submissions</li> <li>reviewing probation or other reports and annexures</li> <li>preparing submissions</li> <li>any agent fees</li> <li>reporting to client.</li> </ul> |
| - preparation  |                              |                              |                              |   |
| - hearing time   | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>actual hearing time</li> <li>any agent fees.</li> </ul>   |
| <b>Re-preparation **</b>   | <b>\$400</b>                 |                              |                              | <ul style="list-style-type: none"> <li>re-preparation prior to an adjourned or subsequent trial/sentencing hearing.</li> </ul>  |
| <b>Applications for Bail, Name Suppression, Media Coverage, Electronic Bail Monitoring</b> |                              |                              |                              |   |
| <b>Activity</b>  | <b>D</b>                     | <b>E</b>                     | <b>F</b>                     | <b>Tasks covered by fixed fee</b>   |
| <b>Opposed application(s) for Bail, Name Suppression</b>                                   | <b>\$300</b>                 | <b>\$350</b>                 | <b>\$400</b>                 | For: <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>receiving and reviewing disclosure</li> <li>identifying legal and factual issues</li> <li>preparing application for, or opposition to, order(s)</li> <li>liaising with other agencies and family, whanau</li> <li>receiving decision</li> <li>any agent fees</li> <li>reporting to client.</li> </ul>  |
| <b>Second opposed bail, whether application or variation</b>                               | <b>\$300</b>                 | <b>\$350</b>                 | <b>\$400</b>                 |   |
| <b>Electronic bail Monitoring</b>  | <b>\$250</b>                 | <b>\$300</b>                 | <b>\$350</b>                 |   |
| <b>Opposed application(s) for Media Coverage</b>   | <b>\$150</b>                 | <b>\$160</b>                 | <b>\$260</b>                 |   |
| <b>Unopposed application(s) for Bail, Name Suppression</b>                                 | <b>\$130</b>                 | <b>\$170</b>                 | <b>\$220</b>                 |   |
| <b>Opposed variation(s)</b>  | <b>\$170</b>                 | <b>\$210</b>                 | <b>\$250</b>                 |   |
| <b>Unopposed variation(s)</b>  | <b>\$100</b>                 | <b>\$120</b>                 | <b>\$170</b>                 |   |
| <b>Bail, Name Suppression, Media Coverage, Electronic Monitoring</b>                       | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour |   |
| - hearing time*  |                              |                              |                              |   |

| <b>Disclosure – Criminal Disclosure Act 2008</b>       |                              |                              |                              |  |
|--|------------------------------|------------------------------|------------------------------|--|
| <b>Activity</b>  | <b>D</b>                     | <b>E</b>                     | <b>F</b>                     | <b>Tasks covered by fixed fee</b>  |
| <b>Disclosure by defendant</b>                         | <b>\$200</b>                 | <b>\$220</b>                 | <b>\$290</b>                 | For: <ul style="list-style-type: none"> <li>• for preparation of disclosure package, including: <ul style="list-style-type: none"> <li>• notice of alibi (s22);</li> <li>• evidence of expert witness (s23);</li> <li>• service on prosecutor; and</li> <li>• associated correspondence</li> </ul> </li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
| <b>Application for disclosure of information (s30)</b> | <b>\$200</b>                 | <b>\$230</b>                 | <b>\$280</b>                 | For: <ul style="list-style-type: none"> <li>• preparation of an application for disclosure of information under s30</li> <li>• preparation for hearing (including written submissions)</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>  |
| <b>Other applications for disclosure</b>               | <b>\$220</b>                 | <b>\$240</b>                 | <b>\$290</b>                 | For: <ul style="list-style-type: none"> <li>• preparation for any or all of: Application for address of witness or informant (s17); Application for order setting conditions for viewing exhibit (s31); Application for timetabling order (s32); Preparation for hearings</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>                           |
| <b>Non-party disclosure</b>                            | <b>\$270</b>                 | <b>\$380</b>                 | <b>\$570</b>                 | For: <ul style="list-style-type: none"> <li>• preparation of an application for non-party disclosure hearing (s24)</li> <li>• preparation for hearing (including written submissions)</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>   |
| <b>Disclosure</b><br>- hearing time*                   | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>• attending disclosure hearing(s)</li> <li>• any agents fees</li> </ul>  |

| <b>Expert/Sentencing Reports</b>                  |              |              |              |  |
|---|--------------|--------------|--------------|--|
| <b>Expert witness/reports @<sup>2</sup></b>       | <b>\$220</b> | <b>\$380</b> | <b>\$570</b> | For: <ul style="list-style-type: none"> <li>• locating expert witness</li> <li>• liaising with expert witness</li> <li>• obtaining psychiatric reports</li> <li>• reviewing reports</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul> |
| <b>Section 38 - Forensic report @<sup>3</sup></b> | <b>\$250</b> | <b>\$270</b> | <b>\$320</b> | For: <ul style="list-style-type: none"> <li>• liaising, obtaining and reviewing section 38 Forensic Report</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>  |
| <b>Restorative Justice Report</b>                 | <b>\$150</b> | <b>\$170</b> | <b>\$200</b> | For: <ul style="list-style-type: none"> <li>• obtaining Restorative Justice Report in preparation for sentencing</li> <li>• any agent fees</li> <li>• reporting to client.</li> </ul>  |

| <b>(Interlocutory) Appeals to the High Court – Schedules D, E, F</b>               |  |   |   |
|--|--|---|---|
| <b>Activity</b>  | <b>Interim/Completion</b>                              | <b>Full</b>                               | <b>Tasks covered by fixed fee</b>   |
| <b>Appeal against disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)</b> | <b>\$300</b><br>Interim = To be claimed pre-disposal   | <b>\$500</b><br>To be claimed at disposal | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• receiving and reviewing disclosure</li> <li>• identifying legal and factual issues</li> <li>• preparing and filing notice of appeal</li> <li>• preparing affidavits</li> <li>• undertaking research</li> <li>• liaising with Crown, prosecution</li> <li>• considering Crown, prosecution submissions</li> <li>• preparing submissions for hearing</li> <li>• interviewing/cross examining witnesses</li> <li>• liaising with the High Court</li> <li>• receiving decision</li> <li>• reporting to client</li> <li>• liaising with prison</li> <li>• any agent fees</li> </ul> |
|  | <b>\$200</b><br>Completion = To be claimed at disposal |   |   |
| <b>Bail or Media Coverage</b>  | <b>\$300</b><br>Interim = To be claimed pre-disposal   | <b>\$500</b><br>To be claimed at disposal |   |
|  | <b>\$200</b><br>Completion = To be claimed at disposal |   |   |

|   |  |   |                              |   |
|---|--|---|------------------------------|---|
| <b>Name Suppression</b>   | <b>\$330</b><br>Interim = To be claimed pre-disposal   | <b>\$550</b><br>To be claimed at disposal |                              | <b>Note:</b><br><b>Interim Fee can only be claimed via an interim invoice when the case has been substantially progressed.</b><br><br><b>Completion Fee can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.</b><br><br><b>Full fee can only be claimed after disposal via a final invoice and cannot be paid if an interim fee has previously been claimed and approved.</b> |
|   | <b>\$220</b><br>Completion = To be claimed at disposal |   |                              |   |
| <b>Activity</b>   | <b>D</b>   | <b>E</b>                                  | <b>F</b>                     | <b>Tasks covered by fixed fee</b>   |
| <b>Interlocutory appeals to the High Court</b><br>- hearing time* | <b>\$59</b><br>per half hour                           | <b>\$67</b><br>per half hour              | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>   |

## GRANTING NOTES – SCHEDULES D-F

### Legend

- @<sup>1</sup> **Sentencing indications** - this preparation fee is only available if there is a written sentencing indications' submission.
- @<sup>2</sup> **Expert witness/reports** - Do not include non-expert reports (eg probation reports) or oral reports.
- @<sup>3</sup> **Section 38 Forensic reports** – two s38 reports are required by legislation. The **Section 38 Forensic reports** fee can be claimed for each of those reports. An Amendment to Grant is required for claims for any subsequent s38 reports.
- \*# **Re-preparation fee** – where the hearing has been adjourned for a month or more.

### Preliminary work – disclosure by defendant

Receiving, reviewing and/or preparing disclosure may include preparing the disclosure package ie disclosure by defendant.

### Hearing time including waiting time

'Time' is payable in half hour blocks, rounded up to the nearest half hour.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a Judge. Waiting time begins when the provider is required to be in the courtroom. This:

- **includes** waiting time for the jury to deliver a verdict
- **excludes** waiting time where the Judge has excused counsel.

If more than one hour's waiting time is claimed per activity (eg waiting time for trial or waiting time for sentencing) the following information is required:

- a summary of both the waiting time and hearing time on the day of appearance – date and times
- an explanation of the circumstances is also required. This must include:
  - confirmation that the provider was unable to undertake any other work while waiting

- confirmation that the provider made enquiries to the court about the delay
- reasons for the delay.

Where a client fails to attend a scheduled appearance, the provider can claim reasonable and actual time for waiting for the client, up to one hour. No evidence is required. Waiting time in addition to one hour in situations where a client fails to attend a hearing can be claimed via an amendment to grant.

### Disclosure by prosecutor

Disclosure by the prosecutor can occur at many points in proceedings. Where the schedules refer to 'receiving and reviewing disclosure', this includes any or all of the following tasks, unless a separate fixed fee is otherwise specified:

- requests for further initial disclosure from prosecution (after commencement of proceedings)
- receiving and reviewing further initial disclosure
- receiving and reviewing full disclosure (after not guilty plea, election, or first appearance)
- requesting additional disclosure
- interlocutory applications:
  - address of witness or informant
  - disclosure of information – s30
  - order setting conditions for viewing exhibit – s31
  - timetabling order – s32.

### Access to fees when a case is reassigned

If a provider picks up a reassigned case and fees for activities have been claimed, the new provider is eligible for a fee for those activities if they need to do any of the tasks in those activities. The full schedule, assuming the work needs to be done, is available to the new provider.

### Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

### Audits

Providers are expected to accurately reflect their activities in their invoices. Any suspicion of inaccurate claims can be followed up and providers audited.

### Documentation requirements

Application for Criminal Legal Aid – (LA form 1) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedules D–F (LA form 24) [[s97 Legal Services Act 2011](#)]

### Amendments to Grant

Cases in which an Amendment to Grant is approved are referred to as Fixed Fees Plus cases.



Schedule G: Fees schedule for Appeals to the High Court

| Appeals to the High Court                  |  |                              |   |                              |  |  |
|--|--|------------------------------|---|------------------------------|--|--|
| Grounds of Appeal                          |  |                              |   |                              |  |  |
| Activity                                   | Fixed fee  |                              |   |                              | Tasks covered by fixed fee   |  |
| Grounds of Appeal<br>(Interim Grants only) | <b>\$200</b>   |                              |   |                              | For: <ul style="list-style-type: none"> <li>all preparation related to determining the grounds of appeal</li> </ul>  |  |
| Preparation of Appeals                     |  |                              |   |                              |  |  |
| Appeal against Sentence                    | <b>\$330</b><br>Interim = To be claimed pre-disposal   |                              | <b>\$550</b><br>To be claimed at disposal |                              | For: <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>receiving and reviewing disclosure</li> <li>identifying legal and factual issues</li> <li>preparing and filing notice of appeal</li> <li>preparing affidavits</li> <li>undertaking research</li> <li>liaising with Crown</li> <li>considering Crown submissions</li> <li>preparing submissions for hearing</li> <li>interviewing/cross examining witnesses</li> <li>liaising with the High Court</li> <li>receiving decision</li> <li>reporting to client</li> <li>liaising with prison</li> <li>any agent fees.</li> </ul> |  |
|  | <b>\$220</b><br>Completion = To be claimed at disposal |                              |   |                              |  |  |
| Appeal against Conviction                  | <b>\$440</b><br>Interim = To be claimed pre-disposal   |                              | <b>\$730</b><br>To be claimed at disposal |                              |  |  |
|  | <b>\$290</b><br>Completion = To be claimed at disposal |                              |   |                              |  |  |
| Appeal against Conviction and Sentence     | <b>\$440</b><br>Interim = To be claimed pre-disposal   |                              | <b>\$730</b><br>To be claimed at disposal |                              |  | <b>Note:</b><br><b>Interim Fee can only be claimed via an interim invoice when the case has been substantially progressed.</b>     |
|  | <b>\$290</b><br>Completion = To be claimed at disposal |                              |   |                              |  | <b>Completion Fee can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.</b> |
| <b>Schedule (substantive matter)</b>       | <b>A-C</b>   | <b>D</b>                     | <b>E</b>                                  | <b>F</b>                     | <b>Tasks covered by fixed fee</b>  |  |
| Appeal Hearing<br>- hearing time*          | <b>\$48</b><br>per half hour                           | <b>\$59</b><br>per half hour | <b>\$67</b><br>per half hour              | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>actual hearing time</li> <li>any agent fees.</li> </ul>  |  |

| Additional fixed fees         |   |  |
|-------------------------------|---|--|
| Reassignment                  |   |  |
| Activity                      | Fixed fee   | Tasks covered by fixed fee   |
| Termination of Assignment fee | <b>\$330</b><br>For Appeal against Sentence   | For: <ul style="list-style-type: none"> <li>work undertaken prior to termination of assignment that has substantially progressed case.</li> </ul>        |
|                               | <b>\$440</b><br>For Appeal against Conviction; Appeal against Conviction and Sentence | <b>Note, the Termination of Assignment fee cannot be paid if an interim fee or base fee for that activity has previously been paid to that provider.</b> |

## Schedule H: Fees schedule for Appeals to the Court of Appeal

| Appeals to the Court of Appeal  |                              |   |
|---|------------------------------|---|
| Preparation of summary of issues to be raised on appeal   |                              |   |
| Activity  | Fixed fee                    | Tasks covered by fixed fee  |
| Preparation of issues (by trial counsel)  | <b>\$270</b>                 | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• identifying legal and factual issues</li> <li>• preparing application for legal aid</li> <li>• reporting to client</li> <li>• any agent fees</li> </ul>  |
| Preparation of issues (by new counsel)  | <b>\$660</b>                 |   |
| Preparation of appeals  |                              |   |
| Activity  | Fixed fee                    | Tasks covered by fixed fee  |
| Appeal against interlocutory decision (e.g. disclosure, pre-trial rulings, admissibility of evidence, name suppression, media coverage, etc.) | <b>\$1400</b>                | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• identifying legal and factual issues</li> <li>• preparing and filing notice of appeal</li> <li>• preparing affidavits</li> <li>• undertaking research</li> <li>• liaising with Crown</li> <li>• considering Crown submissions</li> <li>• preparing submissions for hearing</li> <li>• complying with the Criminal Electronic Document Protocol</li> <li>• interviewing/cross examining witnesses</li> <li>• liaising with the Court of Appeal</li> <li>• receiving decision</li> <li>• reporting to client</li> <li>• liaising with prison</li> <li>• any agent fees.</li> </ul> |
| Appeal against Sentence   | <b>\$1000</b>                |   |
| Appeal against Conviction   | <b>\$1700</b>                |   |
| Appeal against Conviction and Sentence  | <b>\$2400</b>                |   |
| <b>Appeal</b><br>- hearing time*  | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>   |

**Schedule I: Fees schedule for Appeals to the Supreme Court**

| <b>Appeals to the Supreme Court</b>                                  |                              |  |
|--|------------------------------|--|
| <b>Preparation of application for Leave to Appeal</b>                |                              |  |
| <b>Activity</b>  | <b>Fixed fee</b>             | <b>Tasks covered by fixed fee</b>  |
| <b>Preparation of application (by trial or prior appeal counsel)</b> | <b>\$860</b>                 | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• identifying legal and factual issues</li> <li>• preparing and filing notice of application for leave</li> <li>• preparing application for legal aid</li> <li>• undertaking research</li> <li>• preparing affidavits (if relevant)</li> <li>• preparing written submissions on leave application</li> <li>• liaising with Crown</li> <li>• considering Crown submissions</li> <li>• preparing for any hearing (if relevant)</li> <li>• liaising with the Supreme Court</li> <li>• receiving decision</li> <li>• reporting to client</li> <li>• liaising with prison (if relevant)</li> <li>• any agent fees</li> </ul> |
| <b>Preparation of application (by new counsel)</b>                   | <b>\$1400</b>                |  |
| <b>Leave to Appeal</b><br>- hearing time*                            | <b>\$76</b><br>per half hour | For: <ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>  |
| <b>Preparation of response to application for Leave to Appeal</b>    |                              |  |
| <b>Activity</b>  | <b>Fixed fee</b>             | <b>Tasks covered by fixed fee</b>  |
| <b>Preparation of response (by trial or prior appeal counsel)</b>    | <b>\$860</b>                 | For: <ul style="list-style-type: none"> <li>• receiving notice of application for leave</li> <li>• taking instructions, attending the client</li> <li>• preparing application for legal aid</li> <li>• considering Crown submissions</li> <li>• identifying legal and factual issues</li> <li>• undertaking research</li> <li>• preparing affidavits (if relevant)</li> <li>• preparing written submissions on leave application</li> <li>• liaising with Crown</li> <li>• preparing for any hearing (if relevant)</li> <li>• liaising with the Supreme Court</li> <li>• receiving decision</li> <li>• reporting to client</li> <li>• liaising with prison (if relevant)</li> <li>• any agent fees.</li> </ul>           |
| <b>Preparation of response (by new counsel)</b>                      | <b>\$1400</b>                |  |

|   |                                       |   |
|---|---------------------------------------|---|
| <b>Response to Leave to Appeal</b><br>hearing time          | <b>\$76</b><br>per half hour          | For: <ul style="list-style-type: none"> <li>• Actual hearing time</li> <li>• Any agent fees.</li> </ul>   |
| <b>Substantive Appeal (following the granting of leave)</b> |                                       |   |
| <b>Activity</b>   | <b>Fixed fee</b>                      | <b>Tasks covered by fixed fee</b>   |
| Preparation for appeal hearing                              | <b>Estimate required by Amendment</b> | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• identifying legal and factual issues</li> <li>• receiving and reviewing disclosure</li> <li>• engaging in charge discussions/resolution/negotiation with the Officer in Charge Prosecution</li> <li>• entering plea</li> <li>• reporting to client</li> <li>• any agent fees.</li> </ul> |
| <b>Appeal</b><br>- hearing time*                            | <b>\$76</b><br>per half hour          | For: <ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>   |

## GRANTING NOTES FOR SCHEDULES G-I

### Hearing time including waiting time

'Time' is payable in half hourly blocks, rounded up to the nearest half hour, or hourly blocks, rounded up to the nearest hour, or two hourly blocks, rounded up to the nearest two hour block, depending on the activity.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a judge. Waiting time begins when the provider is required to be in the courtroom. This excludes waiting time where the judge has excused counsel.

If more than one hour's waiting time is claimed per activity (eg waiting time for trial or waiting time for sentencing) the following information is required:

- a summary of both the waiting time and hearing time on the day of appearance – date and times
- an explanation of the circumstances is also required. This must include:
  - confirmation that the provider was unable to undertake any other work while waiting
  - confirmation that the provider made enquiries to the court about the delay
  - reasons for the delay.

Where a client fails to attend a scheduled appearance, the provider can claim reasonable and actual time for waiting for the client, up to one hour. No evidence is required. Waiting time in addition to one hour in situations where a client fails to attend a hearing can be claimed via an amendment to grant.

### Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

## Documentation requirements

Application for Criminal Legal Aid (LA form 1) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedule G (LA form 25) [[s97 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedules H–I (LA form 26) [[s97 Legal Services Act 2011](#)]

### Schedule J: Fees schedule for Parole (Criminal Matters)

| Parole (Criminal Matters)  |   |  |  |  |
|--|---|--|--|--|
| Proceedings before NZ Parole Board   |   |  |  |  |
| Activity   | Interim/<br>Completion                                      | Full   | Tasks covered by fixed fee   |  |
| Preparation for hearing –<br>Postponement order (s27)                            | <b>\$270</b><br>Interim = To be<br>claimed pre-<br>disposal | <b>\$450</b><br>To be claimed at<br>disposal | For: <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• identifying legal and factual issues</li> <li>• reviewing file</li> <li>• perusing Parole Board material</li> <li>• undertaking research</li> <li>• instructing experts</li> <li>• receiving specialist reports</li> <li>• preparing application for order(s)</li> <li>• preparing submissions for hearing(s)</li> <li>• liaising with the Parole Board, High Court</li> <li>• receiving decision</li> <li>• reporting to client</li> <li>• any agent fees</li> </ul> |  |
|  | <b>\$180</b><br>Completion = To be<br>claimed at disposal   |  |  |  |
| Preparation for hearing –<br>Recall (ss59-66A – breach of<br>parole)             | <b>\$270</b><br>Interim = To be<br>claimed pre-<br>disposal | <b>\$450</b><br>To be claimed at<br>disposal |  |  |
|  | <b>\$180</b><br>Completion = To be<br>claimed at disposal   |  |  |  |
| Preparation for hearing –<br>Non-release orders (s107)                           | <b>\$360</b><br>Interim = To be<br>claimed pre-<br>disposal | <b>\$600</b><br>To be claimed at<br>disposal | <b>Note:</b><br><b>Interim Fee can only be claimed via an interim invoice when the case has been substantially progressed.</b>   |  |
|  | <b>\$240</b><br>Completion = To be<br>claimed at disposal   |  |  |  |
| Preparation for hearing –<br>Extended supervision orders<br>(ss 107F-107I, 107M) | <b>\$520</b><br>Interim = To be<br>claimed pre-<br>disposal | <b>\$860</b><br>To be claimed at<br>disposal |  | <b>Completion Fee can only be claimed via a final invoice after disposal and where an interim fee has previously been claimed.</b> |

|  |  |   |  |
|--|--|---|--|
|  | <b>\$340</b><br>Completion = To be claimed at disposal |   | <b>Full fee can only be claimed after disposal via a final invoice and cannot be paid if an interim fee has previously been claimed and approved.</b>  |
| <b>Other parole matters</b>  | <b>n/a</b>   | <b>\$372</b><br>To be claimed at disposal |  |
| <b>Activity</b>  | <b>Fixed fee</b>                                       |   | <b>Tasks covered by fixed fee</b>  |
| <b>Parole</b><br>- hearing time*   | <b>\$59</b><br>per half hour                           |   | For:<br><ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>   |
| <b>Parole Appeals – Grounds for Appeal</b>   |  |   |  |
| <b>Activity</b>  | <b>Fixed fee</b>                                       |   | <b>Tasks covered by fixed fee</b>  |
| <b>Grounds of Appeal</b><br>(Interim Grants only)  | <b>\$220</b>   |   | For:<br><ul style="list-style-type: none"> <li>• all preparation related to determining the grounds of appeal.</li> </ul>  |
| <b>Parole Appeals – Substantive Appeal</b>   |  |   |  |
| <b>Activity</b>  | <b>Fixed fee</b>                                       |   | <b>Tasks covered by fixed fee</b>  |
| <b>Appeals to High Court from certain decisions of the Parole Board (s68-70) – postponements, extended supervision orders, recalls</b> | <b>Estimate required by Amendment</b>                  |   | For:<br><ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• identifying legal and factual issues</li> <li>• reviewing file</li> <li>• perusing Parole Board material</li> <li>• undertaking research</li> <li>• instructing experts</li> <li>• receiving specialist reports</li> <li>• preparing application for order(s)</li> <li>• preparing submissions for hearing(s)</li> <li>• liaising with the Parole Board, High Court</li> <li>• receiving decision</li> <li>• reporting to client</li> <li>• any agent fees.</li> </ul> |
| <b>Appeals to Court of Appeal from sentencing Court (s107R extended supervision)</b>   | <b>Estimate required by Amendment</b>                  |   |  |
| <b>Parole Appeal</b><br>- hearing time*  | <b>\$59</b><br>per half hour                           |   | For:<br><ul style="list-style-type: none"> <li>• actual hearing time</li> <li>• any agent fees.</li> </ul>   |

| Additional fixed fees                |  |   |
|--------------------------------------|--|---|
| Reassignment                         |  |   |
| Activity                             | Fixed fee                                      | Tasks covered by fixed fee  |
| <b>Termination of Assignment fee</b> | <b>\$270</b><br>For Postponement Order; Recall | For: <ul style="list-style-type: none"> <li>• work undertaken prior to termination of assignment that has substantially progressed case.</li> </ul> <p><b>Note, the Termination of Assignment fee cannot be paid if an interim fee has previously been paid to that provider.</b></p> |

## GRANTING NOTES FOR SCHEDULE J

### Fee for ‘Other Matters’

This is a one-off fee to compensate for time taken to attend reintegration hui and/or liaise with family members and other parties.

### Hearing time including waiting time

Time begins from when the parole provider needs to be at the car park of the prison in order to be on time for a scheduled parole hearing and ends when the provider returns to their car following the hearing.

Claims for waiting time are accepted as part of claims for actual appearances in hearings before a Parole Board. If the parole provider is required to wait more than one hour for the hearing time to begin, an explanation of the delay is required, but evidence is not.

Hearing time is payable in half hour blocks, rounded up to the nearest half hour.

If a Parole Board hearing is cancelled after the provider has arrived at the prison, the provider can still claim for time from arriving at the car park to returning to the car park.

### Disclosure by prosecutor

Disclosure by the prosecutor can occur at many points in proceedings. Where the schedules refer to ‘Receiving and reviewing disclosure’, this includes any or all of the following tasks, unless a separate fixed fee is otherwise specified:

- request further initial disclosure from prosecution (after commencement of proceedings)
- receiving and reviewing further initial disclosure
- receiving and reviewing full disclosure (after not guilty plea, election, or first appearance)
- requesting additional disclosure
- interlocutory applications:
  - Application for address of witness or informant
  - Application for disclosure of information – s30
  - Application for order setting conditions for viewing exhibit – s31
  - Application for timetabling order – s32.



## Invoicing

Reporting to Legal Aid Services and invoicing in line with fees under the applicable schedule are tasks deemed to be included in every fixed fee. Additional payment cannot be claimed for these tasks.

## Documentation requirements

Application for Criminal Legal Aid (*LA form 1*) [[s14 Legal Services Act 2011](#)]

Criminal Legal Aid Fixed Fees Tax Invoice — Schedule J (*LA form 27*) [[s97 Legal Services Act 2011](#)]