

# Civil (Employment) Fixed Fees Schedule

## Employment (Employment Relations Authority)

Proceedings under the Employment Relations Act 2000

### Pre-Proceeding Matters

Activity	Fees		Tasks
	Provider	Advocate	
Early termination of instructions	\$290	\$190	For <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>preparing application for legal aid</li> <li>reporting to client</li> <li>reporting to and invoicing for Legal Aid.</li> </ul>
Pre-Proceeding activities	\$580	\$340	For <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>reviewing relevant files and reports</li> <li>identifying legal and factual issues</li> <li>drafting of the Statement of Problem</li> <li>liaising with parties to obtain information (e.g. WINZ, employer)</li> <li>preparing application for legal aid and identifying prospects of success</li> <li>raising personal grievance</li> <li>receiving and considering response (if any) / following up any non-response</li> <li>reporting to client</li> <li>reporting to and invoicing for Legal Aid (include a copy of the personal grievance letter and response).</li> </ul>

### Mediation (Refer to granting notes)

Activity	Fees		Tasks
	Provider	Advocate	
Mediation- - Preparation *	\$360	\$240	For <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>preparing for mediation, including any Mediation Statement</li> <li>identifying legal and factual issues</li> <li>identifying the parameters of any potential settlement including costs</li> <li>reporting to client</li> <li>reporting to and invoicing for Legal Aid.</li> </ul>
- Time	\$67 per half hour	\$45 per half hour	For <ul style="list-style-type: none"> <li>attending mediation.</li> </ul>
Completion of settlement If case settles at any time prior to the Investigation Step	\$140	\$100	For <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>finalising settlement / record of settlement, including costs</li> <li>arranging payment</li> <li>closing files</li> <li>reporting to client</li> <li>reporting to and invoicing for Legal Aid (include copy of agreed settlement).</li> </ul>

\* This is a repeatable activity and can be claimed per occurrence of this activity.

<b>Investigation</b>			
Activity	Fees		Tasks
	Provider	Advocate	
Completion and filing of Statement of Problem	\$260	\$180	For <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>completion and filing of the Statement of Problem</li> <li>receive and analyse statement in reply</li> <li>reporting to client</li> <li>reporting to and invoicing for Legal Aid.</li> </ul>
Directions Conference(s)/ Teleconference(s) * -	\$140	\$100	For <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>preparing for a Directions Conference with the ERA</li> <li>requesting discovery</li> <li>reporting to client</li> <li>reporting to and invoicing for Legal Aid.</li> </ul>
- Preparation			
- Meeting Time	\$67 per half hour	\$45 per half hour	For <ul style="list-style-type: none"> <li>attending a Directions Conference .</li> </ul>
Investigation Meeting * -	\$1,400	\$960	For <ul style="list-style-type: none"> <li>taking instructions, attending the client</li> <li>preparation for the investigation meeting including – <ul style="list-style-type: none"> <li>identifying legal issues to be resolved by the Authority</li> <li>reviewing documents from discovery process</li> <li>drafting and issuing any witness summons</li> <li>interviewing witnesses</li> <li>undertaking research of issues</li> <li>preparing briefs of evidence, submissions, and document bundles</li> <li>preparing for cross-examination if necessary</li> </ul> </li> <li>reporting to client</li> <li>reporting to and invoicing for Legal Aid.</li> </ul>
- Preparation			
- Meeting Time	\$67 per half hour	\$45 per half hour	For <ul style="list-style-type: none"> <li>attending an investigation meeting.</li> </ul>
Review of Authority's direction, determination, or order	\$210	\$150	For <ul style="list-style-type: none"> <li>receiving minute following investigation by the Authority making a direction, determination or an order</li> <li>implementation of any order</li> <li>discussing with and reporting to client</li> <li>reporting to and invoicing for Legal Aid.</li> </ul>

<b>Interlocutories (Refer to granting notes)</b>			
Activity	Fees		Tasks
	Provider	Advocate	
Interlocutories – Document preparation where there is no hearing *	\$140	\$100	For <ul style="list-style-type: none"> <li>preparing interlocutory documents where no hearing is required</li> <li>lodging with Court</li> <li>reporting to client</li> <li>reporting to and invoicing Legal Aid.</li> </ul>
Interlocutory Hearing(s) / Teleconference(s) -	Estimate required by amendment		For <ul style="list-style-type: none"> <li>preparing submissions for interlocutory hearing(s)</li> <li>preparing application for amendment to grant</li> <li>reporting to client</li> <li>reporting to and invoicing Legal Aid.</li> </ul>
- Preparation *			
- Time	\$67 per half hour	\$45 per half hour	For <ul style="list-style-type: none"> <li>attending interlocutory hearing(s).</li> </ul>

\* This is a repeatable activity and can be claimed per occurrence of this activity.

## Other Activities

Activity	Fees		Tasks
	Provider	Advocate	
Costs Application	\$290	\$200	For <ul style="list-style-type: none"> <li>• applying for costs or responding to applications for costs</li> <li>• preparing, filing and/or responding to submissions</li> <li>• reporting to client</li> <li>• reporting to and invoicing for Legal Aid.</li> </ul>
Removal of matter or part matter to Court	\$210	\$150	For <ul style="list-style-type: none"> <li>• taking instructions, attending the client</li> <li>• preparation of application for removal of matter or part matter to Court</li> <li>• reporting to client</li> <li>• reporting to and invoicing for Legal Aid.</li> </ul>

# Employment (Employment Relations Authority) - Granting Notes

## Hearing/ Meeting/ Conference (including Teleconference) Time

Preparation for Mediations, Directions Conferences, and for ERA Investigation Meetings is repeatable, including for reasons of adjournment.

Definition of claimable meeting time - a single half-hourly unit can be claimed relating to time waiting for a Directions Conference or an Investigation Meeting to begin because the conference/ meeting is running late, without the need to provide further details.

Providers can seek a fee for any additional waiting time in excess of this threshold through an amendment to grant. This will, naturally, be 'after the event'.

It is difficult to provide 'evidence' of waiting time running over the specified thresholds, and so a statement is sufficient about the additional time and why it occurred.

## Mediation

Fees for mediation (preparation and time) are repeatable. Mediation may occur prior to lodging an application with the ERA and/or the ERA may direct parties to (or back to further) mediation.

## Interlocutories

Examples of interlocutories (applications for a Court order or direction in relation to a matter of procedure, or for a temporary order) include applications for -

- i. interim reinstatement (s7 of Employment Relations Authority Regulations 2000 pursuant to s127(1) of the Employment Relations Act 2000)
- ii. leave to raise a personal grievance after the expiration of the 90-day period
- iii. direction back to mediation when the employer refuses to attend.

## Amendment to grant (ATG)

Providers can seek an amendment to grant in situations that are complex and out of the ordinary. Examples of when providers might consider applying for an amendment to grant include when –

- i. time is spent commissioning a specialist report and reviewing that report once delivered
- ii. there are a large number of witnesses to be interviewed
- iii. when the other party is particularly uncooperative and creates additional work.

## Disbursements

The Legal Aid disbursements policy for Civil cases (updated as at 1 March 2015) applies.

# Employment Court proceedings

Employment Court proceedings do not attract a fixed fee. These proceedings continue to require assessment and oversight by a National Specialist Advisor.