

CIVIL (PUBLIC PROTECTION ORDERS) FIXED FEES SCHEDULE

Proceedings under the Public Safety (Public Protection Orders) Act 2014 in the High Court

Termination of instructions

Activity	Fees	Tasks
Initial instructions not followed through	\$290	For <ul style="list-style-type: none"> taking instructions, attending the client preparing application for legal aid contacting the client closing the file reporting to client reporting to and invoicing Legal Aid Services.

Note: This fee can only be claimed where initial instructions are not carried through and the file is closed prior to the completion of stage one of any proceedings. It cannot be claimed in conjunction with any other schedule.

Application(s)/Order(s)

Activity	Fees	Tasks
Responding to first Application/Order (Public Protection Order)	\$620	For <ul style="list-style-type: none"> taking instructions, attending the client identifying legal and factual issues and prospects of success
Responding to additional Application(s)/Order(s) e.g. Prison Detention Orders (PDOs) and Protective Supervision Orders (PSOs)	\$310 each	<ul style="list-style-type: none"> preparing application for legal aid liaising with third parties considering the application(s) for the Order(s) considering the need for any specialist reports preparing any submissions or affidavit(s) in support reporting to client reporting to and invoicing Legal Aid Services.
Summons to attend	\$140	For <ul style="list-style-type: none"> receiving and responding to a summons for client to attend a hearing reporting to client reporting to and invoicing Legal Aid Services.
Additional Factors – Application(s)/Order(s)	\$190	For <ul style="list-style-type: none"> additional client attendances may be required in instances where the legally aided person has difficulties with communication and/ or comprehension <p>Fee can only be claimed once per stage per case.</p>

Specialist reports

Cost of instructing health assessor(s) or Restorative Justice provider(s) *	\$140	For <ul style="list-style-type: none"> taking instructions, attending the client preparing written instructions to a specialist reporting to client reporting to and invoicing Legal Aid Services.
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* This is a repeatable activity and can be claimed per occurrence of this activity.

Pre-Hearing Matters

Activity	Fees	Tasks
Pre-hearing Meeting(s) **	\$140	For
- Preparation		<ul style="list-style-type: none"> preparing for a Pre-hearing Meeting with the Judge reporting to client reporting to and invoicing Legal Aid Services.
- Time	\$67 per half hour	For
		<ul style="list-style-type: none"> attending a Pre-hearing Meeting .
Instructing Agent *	\$190	For
		<ul style="list-style-type: none"> seeking and instructing agent to attend a Pre-hearing Meeting
Additional Factors – Pre-Hearing Matters	\$190	For
		<ul style="list-style-type: none"> additional client attendances may be required in instances where the legally aided person has difficulties with communication and/ or comprehension. <p>Fee can only be claimed once per stage per case.</p>

Defended Hearing(s)

Activity	Fees	Tasks
Complying with Judge's directions	\$190	For
		<ul style="list-style-type: none"> complying with directions from the Judge, such as updating affidavits reporting to client reporting to and invoicing Legal Aid Services
Defended Hearing(s) – Preparation *	\$160 per anticipated hour of hearing time	For
-		<ul style="list-style-type: none"> reviewing file preparing for defended hearing – cross examination, briefing witnesses, submissions undertaking research, if necessary reporting to client reporting to and invoicing Legal Aid. When invoicing provide: <ul style="list-style-type: none"> confirmation of anticipated hearing time if less than 1 day fixture notice if anticipated hearing time is 1 or more days.
- Time	\$67 per half hour	For
		<ul style="list-style-type: none"> attending defended hearing.
Instructing Agent *	\$190	For
		<ul style="list-style-type: none"> seeking and instructing agent to attend a Defended Hearing
If interim detention of respondent is ordered pursuant to s12(2)	\$190	For
		<ul style="list-style-type: none"> reporting to client on – <ul style="list-style-type: none"> the interim detention order the implications of the Court directing the CE to consider the appropriateness of an application under s45 of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or s29 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 reporting to and invoicing Legal Aid Services.
Consideration of Judgment/ Order(s) *	\$210	For
		<ul style="list-style-type: none"> receiving and considering Judgment/ Order(s) advising client on implementation of Judgment/ Order(s) reporting to and invoicing Legal Aid Services.
Additional Factors – Defended Hearing(s)	\$190	For
		<ul style="list-style-type: none"> additional client attendances may be required in instances where the legally aided person has difficulties with communication and/ or comprehension. <p>Fee can only be claimed once per stage per case.</p>

* This is a repeatable activity and can be claimed per occurrence of this activity. # This includes any callover, directions or Judicial conferences.

Interlocutories

Activity	Fees	Tasks
Interlocutories – Document preparation where there is no hearing *	\$140	For <ul style="list-style-type: none"> preparing interlocutory documents where no hearing is required lodging with Court reporting to client reporting to and invoicing Legal Aid Services
Interlocutory Hearing(s) / Teleconference(s) – - Preparation *	Estimate required by amendment	For <ul style="list-style-type: none"> preparing interlocutory submissions when requested by the Court or Review Panel during the course of proceedings preparing application for amendment to grant reporting to client reporting to and invoicing Legal Aid Services.
- Time	\$67 per half hour	For <ul style="list-style-type: none"> attending interlocutory hearing(s).

Reviews and subsequent activity

Activity	Fees	Tasks
Meeting(s) prior to a Review Panel meeting or Court hearing* # – - Preparation	\$140	For <ul style="list-style-type: none"> preparing for a Pre-hearing Meeting with the Judge or a Pre-Review meeting with the Review Panel reporting to client reporting to and invoicing Legal Aid Services.
- Time	\$67 per half hour	For <ul style="list-style-type: none"> attending a Pre-hearing Meeting.
Cost of instructing health assessor(s) or Restorative Justice provider(s) *	\$140	For <ul style="list-style-type: none"> taking instructions, attending the client preparing written instructions to a specialist reporting to client reporting to and invoicing Legal Aid Services.
Instructing Agent *	\$190	For <ul style="list-style-type: none"> seeking and instructing agent to attend a Court or Review Panel review.
Consideration of Judgment(s) arising from Court review(s) of Order(s) *	\$250	For <ul style="list-style-type: none"> receiving and considering Judgment advising client on implementation of Judgment reporting to and invoicing Legal Aid Services.
Additional Factors – Reviews and Subsequent Activity *	\$190	For <ul style="list-style-type: none"> additional client attendances may be required in instances where the legally aided person has difficulties with communication and/ or comprehension.
Attending a respondent in custody @	\$190	For <ul style="list-style-type: none"> the additional work associated with attending a respondent in custody reporting to client reporting to and invoicing Legal Aid Services.

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

This includes any callover, directions or Judicial conferences

@ If the attendance of a respondent requires an accompanying witness, the witnesses' time can be charged under the non-lawyer disbursement in the Civil disbursements policy.

Reviews and subsequent activity (continued)

Activity	Fees			Tasks
	PPOs <i>Public Protection Orders</i>	PDOs <i>Prison Detention Orders</i>	PSOs <i>Protective Supervision Orders</i>	
Time attending hearings or reviews	\$67 per half hour	\$67 per half hour	\$67 per half hour	For <ul style="list-style-type: none"> attending Court hearings/ Panel Review meetings (below).
Review Panel review – - Preparation * 1	\$540	\$540	\$540	For <ul style="list-style-type: none"> taking further instructions, attending the client receiving/perusing notice(s) and associated documents considering the need for any specialist reports preparing any submissions or affidavit(s) in support preparing and filing any responses considering Review Panel judgment(s) reporting to client reporting to and invoicing Legal Aid Services.
Court-initiated review - - Preparation * 1	\$540	\$540	N/A	For <ul style="list-style-type: none"> taking further instructions, attending the client receiving/perusing notice(s) and associated documents considering the need for any specialist reports preparing any submissions or affidavit(s) in support preparing and filing any responses reporting to client reporting to and invoicing Legal Aid Services.
Application to Court for cancellation – - Preparation * 1	N/A	\$540	N/A	For <ul style="list-style-type: none"> taking further instructions, attending the client seeking leave of the Court to apply for cancellation of the PDO preparing and filing any submissions or affidavit(s) in support considering the need for any specialist reports considering responses from other party reporting to client reporting to and invoicing Legal Aid Services.
Application to Court to vary or discharge a condition – - Preparation * 1	N/A	N/A	\$540	For <ul style="list-style-type: none"> taking further instructions, attending the client applying for variation or discharge of the PSO preparing and filing any submissions or affidavit(s) in support considering the need for any specialist reports considering responses from other party reporting to client reporting to and invoicing Legal Aid Services.
Application to Court for a review – - Preparation * 2	\$620	N/A	N/A	For <ul style="list-style-type: none"> taking further instructions, attending the client seeking leave of the Court to apply for a review preparing and filing any submissions or affidavit(s) in support considering the need for any specialist reports considering responses from other party reporting to client reporting to and invoicing Legal Aid Services.

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

1. If two orders are considered at the same hearing or meeting (PPO and PSO; or PPO and PDO), **the combined fee is \$810.**
2. If two orders are considered at the same hearing or meeting (PPO and PSO; or PPO and PDO), **the combined fee is \$930.**

PUBLIC PROTECTION ORDERS – Granting Notes

Legal aid for proceedings under the Public Safety (Public Protection Orders) Act 2014 (the Act) is for respondents against whom an application has been made for a Public Protection Order (PPO).

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.

Waiting time

Providers are able to claim a single half-hourly unit relating to time waiting for a Pre-hearing Meeting, Defended Hearing, Review Panel Review, or Court Review to begin because the Meeting, Hearing or Review is running late, without the need to provide further details.

Providers can seek a fee for any additional waiting time in excess of the thresholds specified above 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.

Amendment to grant

Providers can seek an amendment to grant in situations that are complex and out of the ordinary

Disbursements

The Legal Aid disbursements policy for Civil cases applies.

Specialist reports

The Civil disbursements policy covers reimbursement for the costs of specialist reports.

The cost of reports from health assessors (defined by the Act as a registered psychologist or psychiatrist) and Restorative Justice providers are pre-approved disbursements except in certain circumstances where prior approval via an amendment to grant must be sought, as listed below:

- the psychiatric/psychologist report is the second or subsequent report sought for the same client and related to the same injury **OR**
- the psychiatric/psychologist report is sought from an expert who does not reside in New Zealand or Australia **OR**
- the expected cost of the report is greater than \$5,000.

A fixed fee is available on the schedule for commissioning a report from a health assessor or Restorative Justice provider.

Providers can also apply for an amendment to grant in order to cover the time involved with reviewing a report once delivered.

Instructing Agent fee

This fee does not cover the agent's preparation/attendances as they are covered by the fee for the activity being undertaken by the agent.

Additional factors –

If a client demonstrates difficulties with comprehension and/or communication, providers can claim the 'additional factors' fee. Triggers for this fee are –

- mental or intellectual disability
- the need for an interpreter or translator

- other exceptional difficulties.

If the additional factors' fee does not address the costs associated with a client, providers can apply for an amendment to grant under the 'special circumstances' amendment criteria. The same eligibility criteria as for additional factors can be used. If an amendment to grant is approved, the provider would **not** also be eligible for payment for the additional factors' fixed fee.

Reviews and subsequent activity -

When a Review Panel or Court review of an Order occurs (whether Panel/Court initiated or client – initiated), the client/provider can claim under the same legal aid grant as the original application for the Order because these activities relate to the same matter.

A new legal aid grant is not required. This is the case irrespective of the timeframe in which reviews or subsequent actions occur.