

# Personal & Property Rights

June 2005

Steps for proceedings under the Protection of Personal and Property Rights Act 1988

## Step 1: Application for Interim Order - to Administer Property and/or Appoint Welfare Guardian and/or Property Manager

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Welfare/Property Interim Order	up to <b>5</b> hours	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>• Preparing and filing application for interim order including:<ul style="list-style-type: none"><li>○ Affidavit(s) in support</li><li>○ Information sheets for the court</li></ul></li><li>• Resolving by formal proof or consent memorandum (where no notice of defence has been filed)</li><li>• Attending Registrar's list</li><li>• Reporting to client</li><li>• Reporting to and invoicing LSA</li></ul>
Service	up to <b>1</b> hour	For an application to the Court for directions as to service

### Documentation Requirements

- Application for Family Legal Aid (*LSA Form 6*) [s12 Legal Services Act 2000].
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings.

### Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on page 4 for:

- Interpreter

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## Step 2: Application for Final Order - to Administer Property and/or Appoint Welfare Guardian and/or Property Manager

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Welfare/Property Final Order	up to <b>8</b> hours  or  up to <b>3</b> hours (if preparation of interim order has already been claimed – Step 1)	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>• Preparing and filing application for order including:<ul style="list-style-type: none"><li>○ Affidavit(s) in support</li><li>○ Information sheets for the court</li></ul></li><li>• Resolving by formal proof or pre-hearing conference</li><li>• Attending Registrar's list</li><li>• Attending pre-hearing conference</li><li>• Reporting to client</li><li>• Reporting to and invoicing LSA</li></ul>
Service	up to <b>1</b> hour (no guideline hours if already claimed under Step 1)	For an application to the Court for directions as to service

### Documentation Requirements

- Application for Family Legal Aid (*LSA Form 6*) [s12 Legal Services Act 2000].
- Family Legal Aid Amendment to Grant (*LSA Form 9*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated.
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings

### Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on page 4 for:

- Interpreter

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## Step 3: Defended Hearing

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Pre-trial Conference	up to <b>2</b> hours	For preparing for pre-trial conference
Preparation for Hearing	up to <b>1.5 times</b> anticipated hearing time (hrs)	For <ul style="list-style-type: none"><li>• Reviewing file</li><li>• Preparing amendment to legal aid grant (if expecting to exceed guideline hours at this step)</li><li>• Preparing for hearing – cross examination, briefing witnesses, submissions</li><li>• Undertaking research, if necessary</li><li>• Receiving and considering judgement</li><li>• Reporting to client</li><li>• Reporting to and invoicing LSA</li></ul> (If the anticipated hearing time exceeds 2 days, attach a copy of the court fixture notice to the tax invoice)
Hearing	<b>Actual</b> hours	For attending hearing

### Documentation Requirements

- Family Legal Aid Amendment to Grant (*LSA Form 9*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated.
- Family Legal Aid Tax Invoice (*LSA Form 10*) – including a report on progress with the proceedings

### Granting Notes

Granting Notes, which should be read in conjunction with the application of this step to a grant, are set out on page 4 for:

- Interpreter

## Granting Notes

### Use of Interpreters - Proceedings Steps 1, 2, 3

It may be necessary for a provider to engage an interpreter to assist in communicating with the legally aided person.

Guideline hours are available, through a 'loading on hours granted', to recognise the time incurred in informing, briefing and seeking instructions from the legally aided person through an interpreter.

The guideline hours for the 'use of interpreters' in the proceedings step(s) are:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Interpreter	30% loading on hours granted	For the additional time necessary to inform, brief and seek instructions from the client when an interpreter is engaged.

The 'loading on hours granted' may be applied to the grant at the proceedings step(s), providing:

- the 'loading on hours granted' has been applied to the activity(s) relating to the 'preparation' of a matter – as opposed to hearings;
- the guideline hours for the activity(s) relating to the 'preparation' of a matter, have been exceeded; and
- the fees for the interpreter will be claimed as a special disbursement.

