

# Summary

## Proceedings Type

## Standard Maximum Rate

## Commentary and Staff Actions

### 1. Guilty pleas entered in the District Court (including sentencing, irrespective of number of charges, or where there is an appearance and remand for the purposes of diversion) for each grant of legal aid

- Single appearance as counsel (without a pre-sentence report ) where guilty plea entered and matter dealt with on day or charge withdrawn
- Single appearance where a stand down report is prepared on the same day as sentencing
- Any sentencing where sentencing does not occur on the same day the guilty plea was entered and where counsel has made at least two separate appearances
- Written sentencing submissions in response to the prosecution’s written submissions.

Flat fee of **\$225** including any disbursements

Flat fee of **\$275** including any disbursements

Flat fee of **\$300** including any disbursements

**2**

hrs @ GHR  
in addition to the flat fee  
for Step 1

On receipt of Form 3: *Criminal guilty plea tax invoice* Agency staff may approve payment of the relevant maximum flat fee.

If charge withdrawn without status hearing then fee is as for a single appearance.

Staff may grant up to an additional 2 hrs @ GHR for Step 1 to provide for defence submissions under the Sentencing Practice Note 2003 in circumstances where it can be shown that:

- The sentencing Judge has requested that the prosecution make written submissions; or
- The prosecution has made written submissions and a written response (addressing the relevant factors in the Practice Note) by the defence is necessary.

## 2. Restorative justice report

- Preparation and attendances related to the obtaining of a restorative justice report

1½

hrs @ GHR

Upon receipt of Form 4: *Criminal tax invoice*, Agency staff may approve payment of 1.5 hours at GHR. The conference must take place after an adjournment is granted by the Court and not just as an arrangement between parties.

The conference report qualifies as a specialist report and a disbursement up to the maximum determined by Regional Managers for each location may be paid without prior approval.

In the Auckland, Waitakere, Hamilton and Dunedin court areas, report preparation is likely to be paid by Courts. No further payments are permitted for those reports.

## 3. Change to plea of guilty/withdrawal of electable charge after counsel has completed preparation

- Where an aided person charged with an electable offence changes his or her plea to guilty or the charge is withdrawn, or amended to a charge with a lesser penalty, with the effect that no evidence need be presented concerning any charge

Preparation time of up to

2

hrs @ GHR

in addition to the relevant flat fee for guilty pleas specified in Step 1

Upon receipt of Form 4: *Criminal tax invoice*, Agency staff may approve payment up to the relevant maximum rate.

No disbursements will be paid.

## Proceedings Type

### Standard Maximum Rate

## Commentary and Staff Actions

04/07

### 4. Status Hearing (including Family Violence Monitoring Hearings)

- Preparation related to one or multiple status hearing(s) before the District Court

Up to  
**2**  
hrs @ GHR

Upon receipt of Form 4: *Criminal tax invoice*, Agency staff may approve payment up to the relevant maximum rate.

Actual hearing and waiting time is to be claimed.

- Attendance at one or multiple status hearing(s) (on the same matter. An amendment is required if this exceeds 2 hours)

Actual hearing time @ GHR  
maximum of 2 hours

Actual hearing time and actual waiting time must be specified separately, in terms of actual time periods, for example; 10.15am – 11.00am waiting time and 11.00am – 11.30am hearing time.

- Sentencing occurring on the same day of the status hearing

**1/2**  
@ GHR

Hearing time: time spent in the Court before the Judge

Waiting time: time required to wait at the Court but not before the Judge.

- Sentencing that does not occur on the same day of the status hearing

**1**  
hr @ GHR

Wherever possible, providers should determine the time when their matter will be called and attend court in line with that advice. However, if a provider has been required by the Court to wait, through no fault of their own, the Agency will consider payment.

- Change to plea of guilty, or charge withdrawn, after preparation but before the status hearing is held/has commenced

Flat fee of **\$400** including any disbursements

If the waiting time sought is more than 1 hour, providers will need to submit a summary of the circumstances surrounding their claim for waiting time.

This summary must include confirmation that the provider:

- was unable to undertake any other work
- made enquiries to the Court about the delay and reasons for the delay should be given

- Written sentencing submissions in response to the prosecution's written submissions.

**2**  
hrs @ GHR  
in addition to the Standard Maximum Rate for Step 4

Staff may grant up to an additional 2 hrs @ GHR for step 4 to provide for defence submissions under the Sentencing Practice Note 2003 in circumstances where it can be shown that :

- The sentencing Judge has requested the prosecution make written submissions; or
- The prosecution has made written submissions and a written response (addressing the relevant factors in the Practice Note) by the defence is necessary.

5. Defended hearing before a judge in the District Court

- Preparation time where no prior attendance at a status hearing
- Preparation time where there has been prior attendance at a status hearing

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- Hearing time including sentencing

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- Written sentencing submissions in response to the prosecution’s written submissions.

Maximum of 3 hours

@ GHR

Maximum of 1 hour

@ GHR

Actual hearing time @ GHR

2

hrs @ GHR

for preparation in addition to the Standard Maximum Rate for Step 5

On receipt of Form 4: *Criminal tax invoice*, Agency staff may approve payment up to the relevant maximum rate. If, because of special circumstances, listed providers expect to request more than the maximum rate they are to submit a completed Form 2: *Criminal amendment* and a covering letter advising the reasons for seeking a grant in excess of the maximum rate. Upon receipt of Form 2: *Criminal amendment* and the covering letter the file may be referred to a specialist adviser for a recommendation.

Staff may grant up to an additional 2 hrs @ GHR for Step 5 to provide for defence submissions under the Sentencing Practice Note 2003 in circumstances where it can be shown that:

- The sentencing Judge has requested that the prosecution make written submissions; or
- The prosecution has made written submissions and a written response (addressing the relevant factors in the Practice Note) by the defence is necessary.

6. Any other sentencing in either the District Court or the High Court

- Sentencing in the District Court
- Sentencing in the High Court

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- Written sentencing submissions in response to the prosecution’s written submissions.

@ GHR

to a maximum of \$300

@ GHR

to a maximum of \$450

2

hrs @ GHR

in addition to the flat fee for Step 6

This payment is only applicable where sentencing is carried out as a separate exercise, such as when a guilty plea is entered on arraignment or where the aided person has been sent to the High Court for sentencing when the District Court has declined jurisdiction.

Staff may grant up to an additional 2 hrs @ GHR for Step 6 to provide for defence submissions under the Sentencing Practice Note 2003 in circumstances where it can be shown that:

- The sentencing Judge has requested that the prosecution make written submissions; or
- The prosecution has made written submissions and a written response (addressing the relevant factors in the Practice Note) by the defence is necessary.

# Summary

## Proceedings Type

## Standard Maximum Rate

## Commentary and Staff Actions

06/04

### 7. Applications and appeals for bail, variation of bail or matters relating to name suppression

- Separate application to any court for bail, when the defence does not have the statutory onus of proof; or matters relating to name suppression (unassociated with any other appearance or application). Preparation and hearing time where hearing time does not exceed one hour
- Separate application to any court for bail when the statutory onus of proof is one of defence. Preparation and hearing time where hearing time does not exceed one hour.
- In a contested bail application under the first or second bullet point above where the hearing time exceeds one hour
- Variations of bail or matters relating to name suppression where unopposed
- Variations of bail or matters relating to name suppression where opposed
- Appeals to any court in respect of matters relating to bail or name suppression where hearing time does not exceed one hour
- Appeals to any court in respect of matters relating to bail or name suppression where hearing time is in excess of 1 hour

**2**  
hrs @ GHR

**4**  
hrs @ GHR

Actual hearing time  
in excess of  
**1**  
hr @ GHR

**1**  
hr @ GHR  
for each variation

**2**  
hrs @ GHR  
for each variation

**3**  
hrs @ GHR

**3**  
hrs @ GHR  
plus actual hearing time  
in excess of 1hr

On receipt of Form 4: *Criminal tax invoice*, Agency staff may approve payment up to the relevant maximum rate.

If, because of special circumstances, listed providers expect to request more than the maximum rate they are to submit a completed Form 2: *Criminal amendment* and a covering letter advising the reasons for seeking a grant in excess of the maximum rate. Upon receipt of Form 2 and the covering letter the file may be referred to a specialist adviser for a recommendation.

Actual hearing time is to be claimed.

*Proceedings Type*

*Standard Maximum Rate*

*Commentary and Staff Actions*

8. Appeal to the High Court

- Appeal against sentence

Preparation and hearing time @ GHR to a

maximum of \$375

On receipt of Form 4: *Criminal tax invoice*, Agency staff may approve payment up to the relevant maximum rate.

- Appeal against conviction

Preparation @ GHR for most serious charge for which conviction is appealed to a

maximum of 2 hours

Hearing time (including sentence) @ GHR to a

maximum of \$500

If, because of special circumstances, listed providers expect to request more than the maximum rate they are to submit a completed Form 2: *Criminal amendment* and a covering letter advising the reasons for seeking a grant in excess of the maximum rate. Upon receipt of Form 2 and the covering letter the file may be referred to a specialist adviser for a recommendation.

**Note**

A new application on Form 1: *Criminal legal aid application* will be required for appeals to the High Court (apart from bail). A copy of the notice of appeal should be attached to the application.

- Appeal against conviction and sentence

Preparation @ GHR for most serious charge for which conviction or sentence is appealed to a

maximum of 2 hours

Hearing time (including sentence) @ GHR to a

maximum of \$500

# Summary

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SUMMARY OFFENCES

ELECTION OF SUMMARY JURISDICTION

NEW ZEALAND PAROLE BOARD

CR10

## Proceedings Type

### Standard Maximum Rate

## Commentary and Staff Actions

07/06

### 9. Parole Matters specified in s 6(c) of the Legal Services Act 2000

- Preparation time

- Hearing time

Actual time @ GHR to a maximum of 3 hours

Actual time @ GHR

**NOTE:** only the following parole proceedings are eligible for criminal legal aid:

- Postponement order
- Recall (breach of parole)
- Non-release order
- Extended supervision orders
- Appeals from certain decisions of the Parole Board
- Appeals from sentencing Court re extended supervision

For all other parole matters, see Part 4, Appendix 2 'Legal Aid for Parole Proceedings'.

If, because of special circumstances, listed providers expect to request more than the maximum rate they are to submit a completed Form 2: *Criminal amendment* and a covering letter advising the reasons for seeking a grant in excess of the maximum rate. Upon receipt of Form 2 and the covering letter the file may be referred to a specialist adviser for a recommendation.

### 10. Travel Costs

- Estimate of travel costs has been pre-approved.

As pre-approved @ relevant travel reimbursement rate

A request for advance approval of travel costs must be made through Form 2: *Criminal amendment*. Agency staff may pre-approve payment of travel costs where travel is necessary in order to properly represent the aided person. Whether the travel is necessary should depend on the nature of the proceeding or the matter for which aid has been granted, and not on the personal circumstances of the practitioner. Travel will not be necessary where it is practicable to appoint an agent (see Agency travel policy).