

Step 1: Guilty Pleas (including sentencing)

Activity	Fixed Fees/ Guideline Hours	Tasks normally covered by Guideline Hours
Guilty Plea/Sentencing (both same day – no stand down) OR Charges withdrawn	Flat fee of \$248 including any disbursements	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Receiving and reviewing disclosure • Identifying legal and factual issues • Engaging in charge resolution/negotiation
Guilty Plea/Sentencing (both same day – after stand down for pre-sentencing reports/inquiries)	Flat fee of \$303 including any disbursements	<ul style="list-style-type: none"> • Attending Registrar's/Judge's List Court • Entering plea • Obtaining pre-sentencing reports • Preparing and delivering sentencing submissions • Receiving sentence
Guilty Plea/Sentencing (sentencing on another day – after pre-sentencing reports/inquiries obtained)	Flat fee of \$330 including any disbursements	<ul style="list-style-type: none"> • Reporting to client • Reporting to and invoicing LSA
Section 38 – Forensic Report	up to 2 hours	For <ul style="list-style-type: none"> • Liaising, obtaining and reviewing section 38 Forensic Report
Expert witness/reports	up to 2 hours	For: <ul style="list-style-type: none"> • Locating expert witness • Liaising • Psychiatric reports • Reviewing reports <p>Expert witness fee subject to approval of amendment</p>
Restorative Justice Report	up to 2 hours	For <ul style="list-style-type: none"> • Obtaining Restorative Justice Report – in preparation for sentencing
Written sentencing submissions	up to 3 hours	For <ul style="list-style-type: none"> • Preparing sentencing submissions under Sentencing Practice Note 2003 or, providing written submissions in support of an application made, for example section 106, special reasons or substitution of community based sentences under the Land Transport Act.

Documentation Requirements

- Application for Criminal Legal Aid (*LSA Form 1*) [s12 Legal Services Act 2000]
- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Criminal Legal Aid Guilty Plea Tax Invoice (*LSA Form 3*)
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

Granting Notes

- Fixed fees are GST inclusive
- Disclosure – see page 25 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for legal aid (and amendment to grant if expecting to exceed fee/guideline hours), correspondence and invoicing.

Step 2: Applications for Bail, Name Suppression, Media Coverage

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Unopposed application for Bail, Name Suppression (excluding electronic bail monitoring application)	up to 2 hours (for each hearing)	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Receiving and reviewing disclosure • Identifying legal and factual issues • Preparing application for, or opposition to, order(s) • Liaising with Family, Whanau – for bail applications • Receiving decision • Reporting to client • Reporting to and invoicing LSA
Opposed application for Bail, Name Suppression (excluding electronic bail monitoring application)	up to 4 hours (for each hearing)	
Electronic bail monitoring (unopposed and opposed)	up to 4 hours (for each hearing)	
Opposed application for Media Coverage (for all applications)	up to 4 hours (for each hearing)	
Unopposed variation	up to 1 hours (for each hearing)	
Opposed variation	up to 2 hours (for each hearing)	
Hearing	Actual hours	For <ul style="list-style-type: none"> • Attending hearing – including waiting time (see Granting Notes)

Documentation Requirements

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

Granting Notes

- Waiting time – see page 25 for Granting Notes covering the Agency's policy on waiting time.
- Disclosure – see page 25 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for amendment to grant if expecting to exceed fee/guideline hours, correspondence and invoicing.

Step 3: Disclosure – Criminal Disclosure Act 2008

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Disclosure by defendant	up to 1 hours	For preparation of disclosure package, including: <ul style="list-style-type: none"> • Notice of alibi – s22 • Evidence of expert witness - s23 • Service on prosecutor • Associated correspondence
Non-party disclosure	up to 3 hours	For <ul style="list-style-type: none"> • Application for non-party disclosure hearing – s24
	Actual hours	For: <ul style="list-style-type: none"> • attending non-party disclosure hearing(s)

Documentation Requirements

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

Granting Notes

- Waiting time – see page 25 for Granting Notes covering the Agency’s policy on waiting time.

Step 4: Status Hearing (including Family Violence Monitoring Hearings)

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Preparation for hearing	up to 2 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Receiving and reviewing disclosure • Identifying legal and factual issues • Engaging in charge discussions/resolution/negotiation with the Officer in Charge, Prosecution • Entering plea • Reporting to client • Reporting to and invoicing LSA
Hearing	Actual hours (if matter continues to a Defended Hearing - Step 4)	For <ul style="list-style-type: none"> • Attending hearing – including waiting time (see Granting Notes)

Documentation Requirements

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

Granting Notes

- Waiting time – see page 25 for Granting Notes covering the Agency’s policy on waiting time.
- Disclosure – see page 25 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.
- If a guilty plea is entered at or before the hearing, then only the following guideline hours/fee may be claimed:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Guilty plea entered or charges withdrawn at or before status hearing	up to 2 hours plus the Fee for the appropriate Guilty Plea /Sentencing option - Step 1	For <ul style="list-style-type: none"> • Preparing for status hearing • Obtaining pre-sentencing reports • Preparing and delivering sentencing submissions • Receiving sentence • Reporting to client • Reporting to and invoicing LSA

Step 5: Defended Hearing

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
<p>Preparation for hearing (including 'same day' sentencing)</p>	<p>up to 5 hours or up to 3 hours (if preparation has already been claimed for the Status Hearing - Step 2)</p>	<p>For</p> <ul style="list-style-type: none"> • Taking instructions, attending the client • Receiving and reviewing disclosure • Identifying legal and factual issues • Preparing for hearing – cross examination, briefing witnesses, submissions • Preparing written submissions • Preparing and delivering sentencing submissions • Receiving verdict/sentence • Reporting to client • Reporting to and invoicing LSA
<p>Expert witness/reports</p>	<p>up to 2 hours</p>	<p>For:</p> <ul style="list-style-type: none"> • Locating expert witness • Briefing expert witness • Liaising • Psychiatric reports • Reviewing reports <p>Expert witness fee subject to approval of amendment</p>
<p>Hearing (including 'same day' sentencing)</p>	<p>Actual hours</p>	<p>For</p> <ul style="list-style-type: none"> • Attending hearing – including waiting time (see Granting Notes)
<p>Preparation for sentencing (when matter adjourned to another day for sentence)</p>	<p>up to 2 hours</p>	<p>For</p> <ul style="list-style-type: none"> • Preparing for sentencing hearing • Obtaining pre-sentencing reports • Preparing and delivering sentencing submissions • Receiving sentence • Reporting to client • Reporting to and invoicing LSA
<p>Section 38 – Forensic Report</p>	<p>up to 2 hours</p>	<p>For</p> <ul style="list-style-type: none"> • Liaising, obtaining and reviewing section 38 Forensic Report
<p>Restorative Justice Report</p>	<p>up to 2 hours</p>	<p>For</p> <ul style="list-style-type: none"> • Obtaining Restorative Justice Report – in preparation for sentencing

Step 5: Defended Hearing continued

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Written sentencing submissions	up to 3 hours	For <ul style="list-style-type: none"> Preparing sentencing submissions under Sentencing Practice Note 2003 or, providing written submissions in support of an application made, for example section 106, special reasons or substitution of community based sentences under the Land Transport Act.
Sentencing hearing (when matter adjourned to another day for sentence)	Actual hours	For <ul style="list-style-type: none"> Attending hearing – including waiting time (see Granting Notes)

Documentation Requirements

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

Granting Notes

- Waiting time – see page 25 for Granting Notes covering the Agency’s policy on waiting time.
- Disclosure – see page 25 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.
- If a guilty plea is entered at or before the hearing, then only the following guideline hours/fee may be claimed:

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Guilty Plea entered before Hearing	up to 5 hours or	For <ul style="list-style-type: none"> Preparing for defended hearing Obtaining pre-sentencing reports Preparing and delivering sentencing submissions Receiving sentence Reporting to client Reporting to and invoicing LSA
	up to 3 hours (if preparation has already been claimed for the Status Hearing - Step 2) plus the Fee for the appropriate Guilty Plea /Sentencing option - Step 1	

Step 6: Appeals to the High Court

Activity	Guideline Hours	Tasks normally covered by Guideline Hours
Appeal against disclosure decision (s33(3)(b) Criminal Disclosure Act 2008)	up to 5 hours	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Receiving and reviewing disclosure • Identifying legal and factual issues • Preparing and filing notice of appeal • Preparing affidavits • Undertaking research • Liaising with Crown, prosecution • Considering Crown, prosecution submissions • Preparing submissions for hearing • Interviewing/cross examining witnesses • Liaising with the High Court • Receiving decision • Reporting to client • Liaising with prison • Reporting to and invoicing LSA
Bail or Media Coverage	up to 5 hours	
Name Suppression	up to 6 hours	
Appeal against Sentence	up to 6 hours	
Appeal against Conviction	up to 10 hours	
Appeal against Conviction and Sentence	up to 12 hours	
Hearing	Actual hours	

Documentation Requirements

- Criminal Legal Aid Amendment to Grant (*LSA Form 2*) [s24 Legal Services Act 2000] – if the time required for the step is expected to exceed the guideline hours stated
- Criminal Legal Aid Tax Invoice (*LSA Form 4*) – including a report on proceedings, sentencing outcome

Granting Notes

- Waiting time – see page 25 for Granting Notes covering the Agency’s policy on waiting time.
- Disclosure – see page 25 for Granting Notes outlining the tasks involved in disclosure by the prosecutor.
- Guideline hours include preparing application for amendment to grant (if expecting to exceed fee/guideline hours), correspondence and invoicing.

Summary Jurisdiction

Granting Notes

Waiting Time - Proceedings Step 2, 3, 4, 5

The Agency accepts claims for waiting time, as part of claims for actual appearances in hearings – before a judge. To support claims for approval and payment of waiting time, the following information is required:

- A summary of both the waiting time and hearing time on the day of appearance – date and times
- If waiting time exceeds 1 hour, an explanation of the circumstances.

Disclosure by prosecutor – All Proceedings Steps

Disclosure by the prosecutor can occur at many points in proceedings. Where the steps refer to “Receiving and reviewing disclosure”, this includes any or all of the following tasks:

- 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

Remuneration for disclosure by the prosecutor is included within the relevant steps. However, if providers are required to attend hearings in connection with interlocutory applications, they may claim actual hearing time.