

CIVIL (VOAVO) FIXED FEES SCHEDULES

Victims' Orders against Violent Offenders (Applicant)

Proceedings under the Victims' Orders against Violent Offenders Act 2014

Termination of instructions

Activity	Fees	Tasks
Initial instructions not followed through	\$290	<p>For</p> <ul style="list-style-type: none"> Taking instructions, attending the client Preparing application for legal aid Attempting to contact the client Closing the file Reporting to client Reporting to and invoicing Legal Aid Services <p>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.</p>

EITHER:

Application(s)/Order(s) - WITHOUT NOTICE

Activity	Fees	Tasks
Application(s) for Temporary Non-Contact Order(s)	\$520	<p>For</p> <ul style="list-style-type: none"> Taking instructions, attending the client Identifying legal and factual issues, including obtaining documentary evidence of offender's conviction and any Court or Parole Board material relevant to the application Identifying prospects of success Preparing application for legal aid Preparing 'WITHOUT NOTICE' application(s) for Non-Contact Order(s) against the offender and/or the offender's associates, including any affidavit(s) in support Considering the need for any specialist reports Receiving minute/orders (either following in chambers or 1st Registrar's/Judge's list call) Receiving Non-Contact Order(s) and determining whether Court staff have effected service Reporting to client Reporting to and invoicing Legal Aid Services
Additional applications for temporary orders against offender's associates *	\$210	
Undefended Temporary Non-Contact Order(s) becomes Final Non-Contact Order(s) by operation of law *	\$100	<p>For</p> <ul style="list-style-type: none"> Receiving notice(s) that the offender and/or associate(s) do not (or does not) require a hearing 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.

OR:**Application(s)/Order(s) - ON NOTICE**

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Application(s) for Final Non-Contact Order(s)	\$620	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues, including obtaining documentary evidence of offender's conviction and any Court or Parole Board material relevant to the application • Identifying prospects of success • Preparing application for legal aid
Additional final non-contact orders against offender's associates *	\$310	<ul style="list-style-type: none"> • Preparing 'ON NOTICE' application(s) for Non-Contact Order(s) against the offender and/or the offender's associates, including any affidavit(s) in support • Considering the need for any specialist reports • Receiving minute/orders (either following in chambers or 1st Registrar's/Judge's list call) • Receiving Non-Contact Order(s) and determining whether Court staff have effected service • Reporting to client • Reporting to and invoicing Legal Aid Services

Application(s)/ Order(s) - ALL

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Costs Application – when applicant applies for costs or defends an application for costs	\$290	For <ul style="list-style-type: none"> • Considering cost implications • Preparing and receiving submissions • Receiving costs judgment and sealing order • Reporting to client • Reporting to and invoicing Legal Aid Services
Disclosure of offender's address	\$190	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Applying to, and following up with, registrar for address of offender/associates • Reporting to client • Reporting to and invoicing Legal Aid Services
Non-Contact Order(s) to be defended *	\$430	For <ul style="list-style-type: none"> • Receiving/perusing notice(s) of defence and associated documents from respondent(s) • Taking instructions, attending client • Preparing, filing and serving applicant's reply • Preparing for and attending, as required, Registrar's list(s) • Reporting to client • Reporting to and invoicing Legal Aid Services
Extending the period within which Temporary Non-Contact Order(s) apply *	\$310	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Preparing and filing an application(s) to extend the period within which Temporary Non-Contact Order(s) apply • Reporting to client • Reporting to and invoicing Legal Aid Services

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

Application(s)/ Order(s) - ALL

Activity	Fees	Tasks
Formal Proof Hearing(s) – Preparation *	\$140	For <ul style="list-style-type: none"> Preparing for formal proof hearing Reporting to client Reporting to and invoicing Legal Aid Services
Formal Proof Hearing(s) – Hearing Time	\$60 per half hour	For <ul style="list-style-type: none"> Attending formal proof hearing
Instructing Agent *	\$190	For <ul style="list-style-type: none"> Seeking and instructing agent to attend formal proof hearing <p>Note: 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.</p>
Additional Factors – Application(s)/ Non-Contact Order(s)	\$190	For <ul style="list-style-type: none"> Additional client attendances may be required in instances where: <ol style="list-style-type: none"> Self-represented litigants are party to proceedings The legally aided person suffers from mental illness/intellectual disability The legally aided person requires an interpreter/translator The legally aided person has difficulties communicating (but doesn’t require an interpreter/translator) <p>Fee can only be claimed once per stage per case.</p>
If two or more Additional factors – Application(s)/ Non-Contact Order(s)	\$ 50	

Pre-Hearing Matters

Activity	Fees	Tasks
Callover(s) – Preparation *	\$140	For <ul style="list-style-type: none"> Preparing for Callover(s) Reporting to client Reporting to and invoicing Legal Aid Services
Callover(s) – Hearing Time	\$60 per half hour	For <ul style="list-style-type: none"> Attending Callover(s)
Instructing Agent *	\$190	For <ul style="list-style-type: none"> Seeking and instructing agent to attend Callover(s) <p>Note: 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.</p>
Additional Factors – Pre-Hearing Matters	\$190	For <ul style="list-style-type: none"> Additional client attendances may be required in instances where: <ol style="list-style-type: none"> Self-represented litigants are party to proceedings The legally aided person suffers from mental illness/intellectual disability The legally aided person requires an interpreter/translator The legally aided person has difficulties communicating (but doesn’t require an interpreter/translator) <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. In the case of Callover hearings, this includes for reasons of adjournments.

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 Liaising with Victims' Support to ensure that support is available for the applicant at the defended hearing, if necessary 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 Reporting to client Reporting to and invoicing Legal Aid Services
Defended Hearing(s) – Hearing Time	\$60 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 defended hearing <p>Note: 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.</p>
Additional Factors – Defended Hearing(s)	\$190	For <ul style="list-style-type: none"> Additional client attendances may be required in instances where: <ol style="list-style-type: none"> Self-represented litigants are party to proceedings The legally aided person suffers from mental illness/intellectual disability The legally aided person requires an interpreter/translator The legally aided person has difficulties communicating (but doesn't require an interpreter/translator) <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. In the case of defended hearings, this includes for reasons of adjournments.

Subsequent Direction(s)

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Subsequent Application(s) that Final Non-Contact Order(s) apply against other persons *	\$430	For <ul style="list-style-type: none"> • Taking further instructions • Re-acquaintance with file • Determining if there are fresh facts and any material changes to take into account • Preparing and filing application(s) • Reporting to client • Reporting to and invoicing Legal Aid Services
Variation or extension of a Temporary or Final Non-Contact Order(s) * - either an application to vary/extend or defending an application to vary/extend	\$430	For <ul style="list-style-type: none"> • Taking further instructions • Re-acquaintance with file • Determining if there are fresh facts and any material changes to take into account • Preparing and filing application(s) and/or affidavits; OR Receiving/perusing notice(s) and associated documents from respondent(s) • Reporting to client • Reporting to and invoicing Legal Aid Services
Discharge of Non-Contact Order(s) (on application or by operation of law) * - either an application to discharge or defending an application to discharge	\$310	For <ul style="list-style-type: none"> • Taking further instructions • Preparing and filing application(s) and/or affidavits; OR receiving notification of discharge • Reporting to client • Reporting to and invoicing Legal Aid Services
Additional Factors – Subsequent Direction(s)	\$190	For <ul style="list-style-type: none"> • Additional client attendances may be required in instances where: <ol style="list-style-type: none"> 1. Self-represented litigants are party to proceedings 2. The legally aided person suffers from mental illness/intellectual disability 3. The legally aided person requires an interpreter/translator 4. The legally aided person has difficulties communicating (but doesn't require an interpreter/translator)

Fee can only be claimed once per stage per case.

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

Victims' Orders against Violent Offenders (Applicant) – Granting Notes

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.

Subsequent directions (Applicant)

If an applicant wishes to subsequently vary or discharge a Non-Contact Order under this proceeding, or seek to add additional parties to the Order, they can do so 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 subsequent directions are progressed.

Waiting time

Providers are able to claim for waiting time in these situations -

- a. up to two half-hourly units (one hour) relating to attendance at a callover hearing can be claimed, including for waiting time, without the need to provide further details
- b. a single half-hourly unit can now be claimed relating to time waiting for a defended hearing to begin (because the hearing is running late and negotiations are progressed in that time), 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.

Discharge of any existing Protection or Restraining Order(s)

It is not the intention of the VOaVO Act that someone protected by a Protection Order or Restraining Order should replace those Orders with a VOaVO. If a person decides to apply for a VOaVO, however, and already has a previous Order in place, they will need to discharge that existing Order.

If an existing Protection Order needs to be discharged prior to/at the same time as applying for a VOaVO, an activity and fee for this purpose has been included in the Domestic Violence (Applicant) fixed fees schedule.

In the case of discharging a Restraining Order for the purposes of applying for a VOaVO, a fee can be applied for in the usual way for Civil (Harassment Act) non-fixed fee cases.

The previous relevant legal aid file relating to the Domestic Violence Act or Harassment Act proceedings will be re-opened for the purpose of discharging previous orders. A new legal aid grant need not be applied for.

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. Prior approval via an amendment to grant is required for specialist reports for VOaVO Applicants, except where the Judge requests a report. In that case, any relevant report (such as medical, psychiatrist/psychologist, or restorative justice) is pre-approved.

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

Service

Courts will, in most cases, effect service of documents on respondents. If this does not occur on occasion and a provider is required to effect service –

- costs of a document or process server can be met via a pre-approved disbursement under the Civil disbursements policy
- the provider could also apply for an amendment to grant in order to cover any time involved with effecting service.

Additional factors

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.

Victims' Orders against Violent Offenders (Respondent)

Proceedings under the Victims' Orders against Violent Offenders Act 2014

Termination of instructions

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Initial instructions not followed through	\$290	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Preparing application for legal aid • Attempting to contact 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)

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Application(s)/Order(s)	\$620	For <ul style="list-style-type: none"> • Taking instructions, attending the client • Identifying legal and factual issues and prospects of success of the application • Liaising with third parties • Preparing application for legal aid • Considering the need for any specialist reports • Preparing any affidavit(s) in support • Serving of documents • 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: <ol style="list-style-type: none"> 1. Self-represented litigants are party to proceedings 2. The legally aided person suffers from mental illness/intellectual disability 3. The legally aided person requires an interpreter/translator 4. The legally aided person has difficulties communicating (but doesn't require an interpreter/translator)
If two or more Additional Factors – Application(s)/Order(s)	\$ 50	
Fee can only be claimed once per stage per case.		
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

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

Pre-Hearing Matters

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Callover(s) * – Preparation	\$140	For <ul style="list-style-type: none"> • Preparing for Callover • Reporting to client • Reporting to and invoicing Legal Aid Services
Callover(s) – Hearing Time	\$60 per half hour	For <ul style="list-style-type: none"> • Attending Callover
Instructing Agent *	\$190	For <ul style="list-style-type: none"> • Seeking and instructing agent to attend Callover(s) <p>Note: 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.</p>
Additional Factors – Pre-Hearing Matters	\$190	For <ul style="list-style-type: none"> • Additional client attendances may be required in instances where: <ol style="list-style-type: none"> 1. Self-represented litigants are party to proceedings 2. The legally aided person suffers from mental illness/intellectual disability 3. The legally aided person requires an interpreter/translator 4. The legally aided person has difficulties communicating (but doesn’t require an interpreter/translator) <p>Fee can only be claimed once per stage per case.</p>

Defended Hearing(s)

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
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 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 • 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 • Reporting to client • Reporting to and invoicing Legal Aid Services
Defended Hearing(s) – Hearing Time	\$60 per half hour	For <ul style="list-style-type: none"> • Attending defended hearing

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

Defended Hearing(s)

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Costs Application – when respondent applies for costs or defends an application for costs	\$290	For <ul style="list-style-type: none"> • Considering cost implications • Preparing and receiving submissions • Receiving costs judgment and sealing order • 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 defended hearing <p>Note: 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.</p>
Additional Factors – Defended Hearing(s)	\$190	For <ul style="list-style-type: none"> • Additional client attendances may be required in instances where: <ol style="list-style-type: none"> 1. Self-represented litigants are party to proceedings 2. The legally aided person suffers from mental illness/intellectual disability 3. The legally aided person requires an interpreter/translator 4. The legally aided person has difficulties communicating (but doesn’t require an interpreter/translator) <p>Fee can only be claimed once per stage per case.</p>

Subsequent Direction(s)

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Variation of a Temporary or Final Non-Contact Order(s) * - defending an application to vary	\$310	For <ul style="list-style-type: none"> • Taking further instructions • Receiving/perusing notice(s) and associated documents • Preparing and filing response • Reporting to client • Reporting to and invoicing Legal Aid Services
Notification of discharge of Non-Contact Order(s)	\$100	For <ul style="list-style-type: none"> • Receiving notification of discharge • Reporting to client • Reporting to and invoicing Legal Aid Services
Additional Factors – Subsequent Direction(s)	\$190	For <ul style="list-style-type: none"> • Additional client attendances may be required in instances where: <ol style="list-style-type: none"> 1. Self-represented litigants are party to proceedings 2. The legally aided person suffers from mental illness/intellectual disability 3. The legally aided person requires an interpreter/translator 4. The legally aided person has difficulties communicating (but doesn’t require an interpreter/translator) <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.

Victims' Orders against Violent Offenders (Respondent) – Granting Notes

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.

Subsequent directions (Respondent)

If an offender or an associate wishes to vary or to seek a discharge of a Non-Contact Order under this proceeding, they will need to apply for a new legal aid grant and demonstrate prospects of success. There will need to be a material change in circumstances.

Waiting time – as for Applicant.

Amendment to grant – as for Applicant.

Disbursements

The Legal Aid disbursements policy for Civil cases applies.

Specialist reports -

The Civil disbursements policy covers reimbursement for the costs of specialist reports. Prior approval via an amendment to grant is required for specialist reports for VOaVO Respondents. The exceptions to that for VOaVO Respondents are -

- psychiatric/psychological reports are pre-approved, with conditions
- if a Judge requests a restorative justice report, that report is pre-approved.

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

Court appearances at hearings - Judges can agree that a respondent in custody appear at a VOaVO hearing by Audio Visual Link (AVL). Alternatively, the respondent may seek to appear in person. The costs of either option are covered by Courts and Corrections.

Additional factors – as for Applicant.

Pre-Proceedings Settlements

For settlement of legal disputes prior to proceedings

Settlement of legal disputes prior to proceedings

<i>Activity</i>	<i>Fees</i>	<i>Tasks</i>
Negotiation of settlement	\$430	For <ul style="list-style-type: none">• Taking instructions, attending the client• Identifying legal and factual issues, including obtaining documentary evidence of offender's conviction and any Court or Parole Board material relevant to the application• Identifying prospects of success• Preparing application for legal aid• Liaising with the other party(s)• Involvement of restorative justice• Conducting negotiations and reaching agreement• Reporting to client• Reporting to and invoicing Legal Aid Services

Note: This fee can only be claimed where the matter is resolved at this stage and cannot be claimed in conjunction with any other schedule.

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.