

Children's Workers exemption appeals

Proceedings under Part 3 of the Vulnerable Children Act 2014

Interim grant

| <i>Activity</i> | <i>Fees</i> | <i>Tasks</i> |
|--------------------------------------------------------------|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Determine whether the grant of legal aid is justified | \$780 | For <ul style="list-style-type: none">taking instructions, attending the clientpreparing application for legal aidcontacting the clientidentifying legal and factual issues and prospects of successreporting to client |

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 clientpreparing application for legal aidcontacting the clientclosing the filereporting to client |

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 for Appeal to High Court | \$620 | For <ul style="list-style-type: none">taking instructions, attending the clientidentifying legal and factual issues, including obtaining documentary evidence of offender's conviction and any court or parole board material relevant to the applicationpreparing application for legal aidconsidering the need for any specialist reportspreparing any submissions or affidavit(s) in supportreporting to client |

Specialist reports

| <i>Activity</i> | <i>Fees</i> | <i>Tasks</i> |
|---------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cost of instructing specialist | \$140 | For <ul style="list-style-type: none">taking instructions, attending the clientpreparing written instructions to a specialistreporting to client |

| 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 |
| - time | \$60 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 |
| Note: Fee can only be claimed once per stage per case. | | |
| 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 |
| Defended hearing(s) – preparation* | \$160 per anticipated hour of hearing time | For |
| - preparation* | | <ul style="list-style-type: none"> reviewing file preparing for defended hearing – cross examination, briefing witnesses, submissions undertaking research, if necessary reporting to client 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 | \$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 a Defended Hearing |
| 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 |
| Note: Fee can only be claimed once per stage per case. | | |

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

This includes any callover, directions or Judicial conferences.

Children's Workers exemption appeals – Granting notes

Legal aid for proceedings under the Vulnerable Children's Act 2014 is for applicants whose request for an exemption for a Specified Offence (under Schedule 2) has been denied or revoked.

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 or defended hearing to begin because the meeting or hearing 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) are pre-approved disbursements. A fixed fee is available on the schedule for commissioning a report from a health assessor. 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.