



29 September 2022

Kia ora koutou,

### **Updated Legal Aid Outcomes of Budget 2022**

I wrote to you on 26 May 2022, regarding government's Budget 22 investment to strengthen the legal aid scheme.

I am now pleased to advise that the 12 per cent increase to hourly rates, which came into effect on 1 July 2022, will also apply to the series of fees available for hearing and waiting time in the fixed fees schedules across all jurisdictions.

These increases will take effect on Monday 3 October 2022, but will apply to all waiting and hearing time claims from 1 July 2022. Historically, changes to fixed fees have only applied to new grants assigned from the date of the change. However, this increase has been applied to all grants, regardless of when they commenced.

As you are aware, there are a significant number of fixed fees for hearing and waiting time across the schedules, and this change has taken considerable effort to implement. While we were unable to implement this any earlier, we will be back paying the difference between the rates paid and the new rates.

Invoices received and paid for, where hearing and waiting time was completed between 1 July 2022 and 2 October 2022, will be processed for payment. Further details on the process for back pay can be found in the attached appendix.

I am also pleased to advise that the Word template package has also been updated to reflect the increase in fixed fees and hourly rates. This will mean that the workaround previously implemented for the hourly rates will no longer be required.

Thank you for your patience as we have worked to introduce these changes. I will be in touch again in November as we look to implement tranche 2 of the budget investment which will be the changes to policy and eligibility settings.

Nāku iti noa, nā

**Tracey Baguley**  
Legal Services Commissioner

## Appendix One

### Instructions for Back Pay

You will receive a letter from Legal Aid Services, listing the amount you have been paid on each legal aid file and the difference that you are due to be back paid. To confirm the total amount is correct, you will need to sign this letter and return it to us. Once confirmation is received, your payments will be processed as a disbursement on each relevant legal aid file. If we do require further information from a provider regarding payment, we will make contact in the coming month. These payments will be treated as a priority.

Please contact [lsc@justice.govt.nz](mailto:lsc@justice.govt.nz) if you have any questions.

### Family/Civil Schedules

Family/Civil Schedules Hearing Time Fixed Fee increase		
Hearing time fees	Current Fee	New Fee
Family Fixed Fees schedule	\$60 per half hour	\$67 per half hour
ACC Fixed Fee Schedule		
Civil (Public Protection Orders) Fixed Fee schedule		
Civil (Victims' Orders against Violent Offenders) Fixed Fee schedules		
Civil (Children's Workers exemption appeals) Fixed Fee schedules		
Civil (Employment) Fixed Fees schedules	\$60 per half hour (Provider)	\$67 per half hour (Provider)
	\$40 per half hour (Advocate)	\$45 per half hour (Advocate)

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**Criminal Schedules**

Schedule A, B, C- Police Prosecutions		
Hearing time fees	Current Fee	New Fee
Appearances	\$48 per half hour	\$54 per half hour
Sentencing indication		
Applications and variations		
Fitness to plead/stand trial		
Referral to the Alcohol and Other Drug Treatment (AODT) court		
Pre-trial admissibility		
Disputed facts hearings		
Trial		
Sentencing		
Appeal to High Court		

Schedule D, E, F – Crown Prosecutions		
Hearing time fees	Current Fee	New Fee
Appearances	D - \$59 E - \$67 F - \$76 per half hour	D - \$67 E - \$75 F - \$85 per half hour
Sentencing indication		
Applications and variations		
Fitness to plead / stand trial		
Referral to the Alcohol and Other Drug Treatment (AODT) court		
Pre-trial conferences and callovers		
Disclosure		
Pre-trial applications including responding to Crown Applications		
Disputed facts hearings		
Trial		
Sentencing		
Appeal to High Court		

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Schedule G – Appeals to the High Court		
Hearing time fees	Current Fee	New Fee
Pre-hearing conferences	A-C - \$48	A-C - \$54
Appeal hearing	D - \$59	D - \$67
Leave to appeal to Court of Appeal	E - \$67	E - \$75
	F - \$76	F - \$85
	per half hour	per half hour

Schedule H – Appeals to the Court of Appeal		
Hearing time fees	Current Fee	New Fee
Pre-hearing conferences	\$159 per hour	\$178 per hour
Appeal hearing	\$350 per two hours	\$392 per two hours

Schedule I – Appeals to the Supreme Court		
Hearing time fees	Current Fee	New Fee
Leave to appeal	\$350 per two hours	\$392 per two hours
Pre-hearing conferences	\$159 per hour	\$178 per hour
Response to leave to appeal	\$350 per two hours	\$392 per two hours
Appeal hearing	\$350 per two hours	\$392 per two hours

Schedule J – Fee schedule for Parole (Criminal Matters)		
Hearing time fees	Current Fee	New Fee
Parole Hearing	\$60 per half hour	\$67 per half hour
Pre-hearing conferences	\$60 per half hour	\$67 per half hour