Redress New Zealand

Legal fees framework for abuse in State care claims

Dated: 2 November 2026

Scope of Framework

This Framework sets out what State redress agencies will pay in legal fees for survivors of abuse in State care who obtain legal representation while they are engaging in a State redress agency's claims process. These agencies are the Ministry of Social Development, Ministry of Education, Ministry of Health, Health New Zealand, Te Puni Kōkiri, the Department of Corrections and Oranga Tamariki.

It does not apply to any activities or advice that a lawyer may carry out that sit outside an agency's claims process such as filing Court proceedings. If a lawyer wishes to inquire about whether a redress agency will pay for any such activities, a request should be made to the relevant agency.

This Framework is intended to apply for those survivors who are not eligible to receive legal aid. The exception to this are survivors who are not legally represented throughout the duration of their claim but choose to obtain legal advice on the terms of settlement after receiving a settlement offer from a redress agency. For these survivors, fees can be charged from the beginning activity (e.g. from step 3).

Activities and estimated hours

The redress agency will pay actual and reasonable incurred hours up to the maximum estimated hours. If the lawyer anticipates exceeding the number of estimated hours for any activity, a request for further funding must be submitted to the redress agency and approved in advance setting out reasons in accordance with the 'additional factors' section below.

Activity	Tasks	Maximum estimated hours
1) Understanding a survivor's care experience, taking initial instructions and registering claim (all claims)	• Attendance(s) on client including building rapport, listening to client share their care experience, discuss their concerns of abuse or neglect and obtain any necessary authorisations such as privacy or criminal checks • Register claim on behalf of client through application form • Request copy of care files • Liaise with client around any support needs and advise redress agency • Discuss with client their preferred assessment option and provide advice on this (if applicable) • Report to client	4 – 6 hours
2A) Preparation of claim – individualised assessments only	• Consider what allegations may fall within the scope of the claims process having regard to the Common Payment Framework and agency assessment processes • Review relevant care records to support summary of allegations and summary of relevant information • Review any other documents provided by client • Draft summary of allegations[1] for redress agency to assess, summary of any relevant information that may support the allegations[2] and drafting submissions on payment for claim having regard to Common Payment Framework • Liaise with client to review allegation summary • Finalise and submit allegation summary and submissions to redress agency	8 – 10 hours

[1] The summary of allegations is intended to be a summary of the survivor's concerns that may fit within the parameters of a redress agency's assessment process and the Common Payment Framework. A detailed overview of the survivor's care experience is not required.

[2] The summary of relevant information needs to be proportionate to any evidentiary requirements required by the relevant redress agency. For example, if the redress agency's assessments processes are able to take into account certain allegations at face value for the purposes of making a settlement offer, a detailed account of the information from a survivor's care records relating to that allegation is not required.

Activity	Tasks	Maximum estimated hours
Additional task - for individualised assessments	• Where lawyer and survivor attend a meeting with a redress agency as part of the information gathering process (e.g. attending claim review meeting with the Ministry of Education if requested by the survivor)	Actual hours for attendance + 2 hours for preparation
2B) Where rapid payment assessment is requested[3]	• Send rapid payment request to redress agency • Receive and review rapid payment outcome letter and consider having regard to agency rapid payment assessment policies and care records (if applicable) • Provide outcome letter and legal advice to client on offer • Obtain instructions on settlement offer	2 – 4 hours
3) Receiving outcome letter - for individualised assessments only	• Review outcome letter and consider settlement offer having regard to agency assessment policies, supporting information and Common Payment Framework • Provide outcome letter and advice to client • Obtain instructions on any settlement offer or next steps where no settlement offer is made	3 – 4 hours

[3] This activity can be claimed in addition to the steps relating to allegations that are being individually considered if a survivor requests and receives both types of assessments during the claims process.

Activity	Tasks	Maximum estimated hours
4) Settlement of claim (where settlement offer is accepted) – for both individualised and rapid payment assessments	• Liaise with redress agency on acceptance of offer • Consider settlement documents provided by redress agency • Attendance or communication with client to advise on settlement agreement and sign • Obtain instructions from client on apology and advise redress agency on any instructions • Attend to settlement arrangements including making payment to the survivor • Report to client	2 – 3 hours
5) Where a review is requested (all claims)	• Prepare request for a review including submissions on why the claim outcome requires reconsideration • Liaise with client to take instructions on draft request for a review • Finalise and submit request for a review • Receive review response and consider • Discuss review outcome with client, provide advice and take instructions on offer	4 – 6 hours

Agency can approve additional hours for additional factors

Where a lawyer anticipates exceeding the estimated hours for any activity, a redress agency may approve funding for additional hours in advance for a client if they are satisfied that there are reasonable grounds for exceeding the estimated hours in the Framework and that any further hours requested are reasonable. The below are examples of when it may be reasonable. This is not an exhaustive list.

1) Where the client suffers from a disability or health condition which impacts upon the time required to engage and obtain instructions:
   - The client suffers from an intellectual disability
   - The client requires an interpreter/translator

- The client has difficulties in communicating (but doesn't require an interpreter/translator)
- The client has low literacy
- The client suffers from a mental illness or a medical condition (provided the illness or condition impacts upon the time required to obtain instructions).

2) Where the client has a claim involving multiples agencies that may require more time to articulate or consider the claim, such as review of additional client care files or multiple agency assessment policies.

3) Where the client has significant state care records to review which are directly relevant to the claim.

4) Where the client is requesting a discretionary payment and further time is required to consider and outline relevant factors or information (provided that there are reasonable grounds to request a discretionary payment).

5) Where non-standard or uncommon issues arise which mean more time is reasonably required. For example, where a client dies and instructions need to be obtained from the estate or where a client has a property manager or welfare guardian appointed.

Hourly rate

Lawyers may charge up to **$250** +GST per hour.

Disbursements

Office disbursements

For office disbursements (such as photocopying, postage, tolls) the lawyer may claim:

- a maximum fee of **$50** +GST per claim where the claim has been assessed through a rapid payment assessment and has not also had an individualised assessment; or
- a maximum fee of **$100** +GST per claim where the claim has been assessed through an individualised assessment.

Travel costs

Redress agencies will pay actual and reasonably incurred travel costs associated with meeting a survivor in-person, provided that the lawyer has discussed these likely costs with the redress agency prior to incurring these and they have agreed that these are reasonable to incur. This pre-approval is not needed for costs associated with travel where the return vehicle travel is less than two hours or the return distance is less than 100km.

Where travel is being invoiced, the lawyer may claim:

- An hourly travel rate of **$100** +GST per hour;
- Payment for the actual reasonable travel costs which may include flights, car rental hire, mileage at standard IRD rates if using a private vehicle, taxis/rideshare or public transport.

Appendix

Guidance for Lawyers to assist with invoicing and making applications for additional funding under the Legal Fees Framework

Submitting invoices

Lawyers may submit invoices at the point that best reflects the work done. Depending on the circumstances, this may be:

- after completion of a particular Framework activity;
- after completion of several Framework activities;
- at key milestones in the claim process; or
- at the conclusion of the claim.

Lawyers do not need to submit a separate invoice for each Framework activity. However, invoices should clearly identify the work completed and the Framework activities to which the charges relate.

Information to include in an invoice

Invoices should contain sufficient detail to enable the agency to assess the claim for payment without seeking further information.

Invoices should include:

- survivor name;
- invoice date;
- Framework activity or activities step(s) being claimed;
- hours claimed against each activity;
- hourly rate and amount claimed;
- disbursements claimed (if applicable); and
- a brief description of the work undertaken.

Where work relates to more than one Framework activity, the invoice should identify the hours attributable to each activity.

Where additional hours have previously been approved, the invoice should clearly identify:

- the date of approval (if known);

- the number of additional hours approved; and
- the approved activity to which those hours relate.

Agencies may request further information where an invoice does not contain sufficient detail to assess whether the work falls within the Framework.

Where to send invoices

Where the lawyer has only been communicating with the State redress service, invoices may be submitted to the State redress service. The State redress service will arrange for the invoice to be referred to the relevant redress agency or agencies for payment.

Where a lawyer has been working directly with a redress agency, invoices may be submitted directly to that agency.

For claims involving multiple redress agencies where these are being managed as a single claim, lawyers do not need to determine which agency is responsible for payment before submitting an invoice through the State redress service. The relevant agencies will manage allocation and payment arrangements between themselves.

Requests for additional hours

When submitting a request for additional hours, lawyers should explain in writing:

- why additional time is required;
- which activity is affected; and
- the additional hours sought.

Reasons for the request do not have to be extensive, but the request must be sufficiently detailed that a redress agency has sufficient information to decide if they are satisfied that there are reasonable grounds for exceeding the estimated hours in the Framework and the reasonableness of the number of hours requested.

If a lawyer is interested in understanding what factors an agency might consider when considering an application for additional hours, this can be found in the document titled "*Operational Guidance: Applying the Legal Fees Framework*".