

Care and Protection Cost Scale

(Operative from 9 November 2023)

All new i.e. initial grants of aid and extensions of existing assignments approved on or after 9 November 2023 will be made in accordance with the following Scale.

See also the Explanatory Notes.

ITEM	DESCRIPTION OF WORK	FEE PAYABLE
	INITIAL GRANT	
1.	Family Care Meeting	\$304
2.	Initial application representation -solicitor	\$608
3.	Initial application representation -counsel	\$304
	APPLICATION FOR CARE	
4.	Further application under S53 -solicitor	\$608
5.	Further application under S53 - counsel	\$304
6.	Preparation of Documents prior to PTC	\$304
7.	Pre-trial conference	\$152
8.	Hourly rate solicitor	\$152
9.	Hourly rate counsel	\$152
	TRIAL	
10.	Instructions including all preparation – solicitor	\$912 (\$304 if Item 2 or 4 is already claimed)
11.	Fee on brief and first day – counsel	\$1,216 (\$912 if Item 3 or 5 is already claimed)
12.	Fee on brief - ½ day trial - counsel	\$760 (\$456 if Item 3 or 5 is already claimed)
13.	Each subsequent day (refreshers) - counsel	\$912
14.	Representation on Adoption Application - solicitor	\$304
15.	Representation on Adoption Application - counsel	\$304
16.	Reunification Application – child representative only	\$152

EXPLANATORY NOTES

General

1. Terms of Assignment

Commitment certificates/Tax Invoices will be issued by the Commission for all work authorised. All commitment certificates/tax Invoices aggregate to form the total amount of funding approved for the matter by the Commission. The maximum amounts specified in each

commitment certificate aggregate to form the maximum fees payable in relation to a particular grant.

Practitioners should read the terms of grants letters and Commitment Certificates/Tax Invoices carefully.

No payment will be made for work which has not been authorised and for which no commitment certificate/Tax Invoice has been issued by the Commission.

Further authorisation must be sought before:

- the authorised costs can be exceeded, and or
- any work is performed which is outside the terms of a grant.

Additional funding may be granted by the Commission and where granted, additional commitment certificates will be issued at scale. Additional funding will only be provided where the amount of preparation or degree of difficulty involved in the matter is exceptional and in the view of the Commission, not reasonably included in the lump sum amounts

Where legal aid is granted, the assignment of aid normally commences from the date of receipt by the Commission of the application for Legal Aid, except where urgent telephone or email approval has been granted.

Care and Protection Matters

Representation

2. Representatives may only act for one party to the proceedings even if the other party is not funded under a grant of legal aid. Each parent is considered to be a separate party to Care & Protection proceedings.

Hourly Rate (applicable to special cases only)

3. *Youth Court (solicitor and counsel hourly rates)* Items 8 and 9.

Defended matters

4. *Pre-trial conference* Item 7.

The fee for a pre-trial conference includes all attendances to take instructions and all attendances at court.

5. *Solicitor's proportion* Item 10.

The fee for a defended matter includes all attendances upon the client and all preparatory work including the preparation of the brief. Please note that where commitment has been previously raised in the matter for an initial application or an application under S53, the amount for this item is a combination of the solicitor portion of the initial application or the application under S53 (Item 2 or 4) and the solicitor extension for trial.

6. *Fee on brief and first day - Counsel* Item 11.

The fee on brief and first day includes all preparation, reading, conferences and the first day in court. Where a commitment certificate has been raised previously in the matter for an initial application or an application under S53, the amount for this item is a combination of the counsel portion of the initial application or the application under S53 (Item 3 or 57) and the counsel extension for trial.

7. *Half day trial - fee on brief - Counsel – Item 12.*

The fee on brief includes all preparation, reading, conferences and half day in court. Where a commitment certificate has been raised previously in the matter for an initial application or an application under S53, the amount for this item is a combination of the counsel portion of the initial application or the application under S53 (Item 3 or 57) and the counsel extension for trial.

8. *Each subsequent day (refreshers) – Counsel Item 13.*

The refresher includes any reading or conferences during trial and time spent in court.

Miscellaneous Items

9. *Adjournments*

Attendances for adjournments are included in the lump sum fees. No additional fees will be paid by the Commission.

10. *Travelling time*

Travelling time is included in the lump sum fees.

11. *Waiting time*

Waiting time is included in the lump sum fees. No additional fees will be paid by the Commission.

12. *Approved reading time*

Ordinarily reading time is included in the lump sum fees. Additional fees paid at the hourly rate will only be allowed by the Commission where a matter is certified as requiring additional funding.

13. *Attendance upon judgment*

Attendance upon judgment is included in the lump sum fees.

14. *Mileage*

Mileage is not paid in relation to travel to metropolitan courts by practitioners based in the metropolitan area.

Where a practitioner nominates to represent an applicant for legal aid the Commission will not pay mileage regardless of the location of the court or the practitioner's office. Where the Commission assigns an unclaimed application for aid to a practitioner and the matter is to be heard in a country court that the practitioner does not normally service, then mileage may be approved.