

## Civil Law Cost Scale

(Operative from 14 October 2024)

All grants of aid and extensions of existing grants approved on and after 14 October 2024 will be made in accordance with the following scale.

See also the Explanatory Notes.

ITEM	DESCRIPTION OF WORK	FEE PAYABLE
	<b>YOUTH COURT (Applications under the Children and Young People (Safety) Act UNCONTESTED APPLICATIONS</b>	
1.	Instructions and all preparation - solicitor	\$640
2.	Instructions and court attendances - counsel	\$320
	<b>CONTESTED APPLICATIONS</b>	
3.	Instructions - including all preparation - solicitor	\$800
4.	Pre-trial conference, including all preparation and attendance	\$160
5.	Fee on brief and first day - counsel	\$1,280
6.	Each subsequent day - counsel	\$960
7.	½ day trial - fee on brief - counsel	\$800
	<b>ADMINISTRATIVE REVIEW TRIBUNAL &amp; FCFCoA</b>	
8.	Hourly rate – solicitor	\$189
9.	Initial preparation – solicitor	\$1,323
10.	Subsequent extension – solicitor	\$1,134
11.	Complex extension – solicitor	\$2,079
12.	Veterans Appeal – solicitor	\$1,890
13.	Veterans - Subsequent extension – solicitor	\$3,213
14.	ART fee on brief and first day – counsel	\$1,280
15.	FCFCoA fee on brief and first day – counsel	\$2,180
16.	ART subsequent days – counsel	\$960
17.	FCFCoA subsequent days – counsel	\$1,308
18.	ART– counsel hourly rate	\$160
19.	FCFCoA – counsel hourly rate	\$218

### EXPLANATORY NOTES

A legal practitioner who undertakes legal aid civil law assignments must be a member of the Legal Services Commission General Panel of practitioners.

Please see Legal Practitioner Panels on the Legal Services Commission website at [http://www.lsc.sa.gov.au/cb\\_pages/practitioners.php](http://www.lsc.sa.gov.au/cb_pages/practitioners.php)

#### Matters finalised before the lump sum allowance of fees is exhausted.

If a matter concludes before the number of hours allowed for initial preparation, subsequent extension or complex extension have been exhausted, the Commission would expect the practitioner to forward an account for less than the maximum fees allowed.

#### Accounting procedures

The following practices apply in certifying solicitors' accounts for payment:

- a) **Photocopying**, if approved, is paid at the rate of 4 cents per page.

- b) **No disbursement allowance** will be made  
For postage or for telephone calls, or  
For general office expenses or "petties" or  
For correspondence with or attendances on the Legal Services Commission or  
For the cost of transcript (except in special circumstances where prior authority has been obtained) or  
For travelling time, mileage, or waiting time.

### **Payment for authorised work only**

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.

### **Applications for extensions to be in writing**

Extension of existing grants should be requested in writing in advance of the work being undertaken.

### **Reading Time**

Ordinarily reading time is included in the lump sum fees, and additional fees will only be allowed by the Commission, where the case is pre-certified as complex or special, and an allowance made, prior to the incurring of such fees.

## **Contested applications**

### **Solicitor's proportion**

The fee for a contested application includes all attendances upon client and preparatory work including preparation of brief. Please note that where commitment has been raised previously in the matter for an uncontested application, the amount for this item which will appear on the certificate aggregates with the previous certificate to the full lump sum fee for contested matters.

### **Pre-trial conference**

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

### **Counsel's proportion - fee on brief and first day**

The fee on brief includes all preparation, reading, conferences and first day in court.

**Counsel's proportion - subsequent days (refreshers)**

The fee for refresher includes any reading or conferences during the hearing and time spent in court.

**Half day hearing - counsel's proportion**

The fee on brief includes all preparation, reading, conferences and half day in court.