

Civil Law Cost Scale

(operative from 1 April 2017)

All new, ie initial grants of aid and extensions of existing assignments approved on and after the 1 April 2017 will be made in accordance with the following scale.

See also the Explanatory Notes.

ITEM	DESCRIPTION OF WORK	FEE PAYABLE
YOUTH COURT (Applications under the Children's Protection Act 1993) UNCONTESTED APPLICATIONS		
1.	Instructions and all preparation - solicitor	\$572
2.	Instructions and court attendances - counsel	\$268
CONTESTED APPLICATIONS		
3.	Instructions - including all preparation - solicitor	\$715
4.	Pre-trial conference, including all preparation and attendance	\$143
5.	Fee on brief and first day - counsel	\$1,144
6.	Each subsequent day - counsel	\$858
7.	½ day trial - fee on brief - counsel	\$715
ADMINISTRATIVE APPEALS TRIBUNAL & FEDERAL COURT		
8.	Hourly rate – solicitor	\$171
9.	Initial preparation – solicitor	\$1,197
10.	Subsequent extension – solicitor	\$1026
11.	Complex extension – solicitor	\$1,881
12.	Veterans Appeal – solicitor	\$1,710
13.	Veterans- Subsequent extension – solicitor	\$2,907
14.	AAT on brief – counsel	\$1,144
15.	Federal Court on brief – counsel	\$1,960
16.	AAT subsequent days – counsel	\$858
17.	Federal Court subsequent days – counsel	\$1,176
18.	AAT– counsel hourly rate	\$143
19.	Federal Court– counsel hourly rate	\$196

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

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 required and approved, will normally be paid at the rate of 4 cents per page.
- b) **No disbursement allowance** will be made
 - For postage or for local 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.

- c) **Payment will only be made against *original accounts*** (tax invoices) including accounts for disbursements attached to a solicitor's account.
- d) **Accounts for disbursements should be forwarded by the *solicitor*** and not sent directly to the Commission by counsel. Payment will be made to the solicitor. This includes the payment of counsel fees, and in particular, Commonwealth and State Government transcript fees.

Payment for authorised work only

Practitioners are asked to read the terms of assignment letters and commitment certificates/tax invoices carefully. Further authorisation must be sought before the authorised costs can be exceeded, or if work outside the terms of assignment is required.

Practitioners will not be paid for work undertaken without authorisation.

Applications for extensions to be in writing

Extension of existing assignments should be sought in writing except in emergencies, as the large volume of files in the Commission makes the handling of telephone requests extremely difficult. However, in urgent cases, telephone extensions will be given.

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.