

## Family Law Cost Scale

(operative from 1 April 2017)

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

See also the Explanatory Notes.

ITEM	WORK TYPE	DESCRIPTION	FEE PAYABLE
1.	FDR	Early intervention FDR conference and file consent orders, if appropriate	\$855
2.	FDR	Early intervention FDR review conference	\$684
3.	Solicitor	Solicitor's work not specifically covered by any other Item, eg. Advise and Report	\$171
4.	Divorce	Apply/Respond to an Application for Divorce - child under 18	\$684
5.	Divorce	Apply/respond to an Application for Divorce – no child under 18	\$513
6.	Nullity	Apply/Respond to an Application for Nullity of Marriage	\$684
7.	Form 1	Apply/respond to an Application up to and including final directions hearing	\$1,197
8.	Application for Final Orders	Apply/respond to an Application (and conclusion of interim application) including final directions hearing.	\$2,052
9.	Initial Application	Apply/respond to initiating application	\$1,881
10.	Subsequent Application	Apply/respond to further application	\$1,026
11.	Contravention	Apply/respond to contravention application	\$855
12.	Contravention	Counsel Fee	\$1,176
13.	Solicitor additional hours	Attendance subsequent to interim order but prior to trial preparation	\$855
14.	Funding Conference	Prepare for and conduct of conference at counsel rates	\$784
15.	Court ordered conference	Prepare for and conduct of conference at counsel rates	\$784
16.	Solicitor prepare matter for trial	Comply with directions and prepare matter for trial	\$2,565
17.	Solicitor prepare matter for complex trial	To be paid at scale fee for work carried out with the prior approval of the Commission but in any event not to exceed 30 hours prepare for trial designated as complex	\$5,130
18.	Solicitors attendances during and after trial	1 hour per day	\$171
19.	Solicitors attendance to take judgment and explain orders	Maximum 1 hour	\$171
20.	Solicitor prepare matter for appeal	Maximum 10 hours	\$1,710
21.	Counsel prepare and attend on Appeal	Maximum 10 hours	\$1,960
22.	Independent children's lawyer	Initial preparation including reading, filing notice of acting and advising parties of appointment – maximum 2 hours	\$342
23.	Independent children's lawyer	Subsequent solicitor's work not specifically covered by a stage – per hour	\$171
24.	Maintenance	Prepare/respond to an application for child or spousal maintenance or vary same to referral to trial	\$1,881
25.	Parentage	Prepare/respond to child support parentage application	\$1,026
26.	Departure	Prepare/respond to child support departure application	\$1,881
27.	SSAT	Prepare/respond to child support or application to SSAT	\$1,881
28.	Short Trial	Preparation for short trial	\$855
29.	Short Trial	Attendance by Counsel	\$1,176
30.	Counsel 1	All preparation for trial/ appeal (4 hours) and first day of trial/appeal (6 hours)	\$1,960
31.	Counsel for <u>complex</u> trial	All preparation for trial/appeal (8 hours) and first day of trial/appeal (6 hours)	\$2,744

ITEM	WORK TYPE	DESCRIPTION	FEE PAYABLE
32.	Counsel 2	All attendances at subsequent days of trial including conferences - maximum 6 hours per day	\$1,176
33.	Counsel 3	Resumption of trial after a significant time lapse. All preparation - maximum 2 hours	\$392
34.	Solicitor	Resumption of trial after a significant lapse. All preparation 2 hours	\$342
35.	Counsel	Counsel work not specifically covered by stages 1, 2 or 3- per hour	\$196
36.	Reading time	Reading time not specifically covered by any other item- per hour	\$110
37.	Division 12A Children's Cases	Undertake intake process, preparation for hearing, and report after first day	\$342
38.	Division 12A Children's Cases	Attend first day of hearing	\$784
39.	Division 12A Children's Cases	Solicitor's work all further preparation and attendance in the trial list- per hour	\$171
40.	Division 12A Children's Cases	Counsel's attendance at subsequent hearing - per hour	\$196

#### EXPLANATORY NOTES

A legal practitioner who undertakes legal aid family 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 a defined stage is reached

If a matter settles by agreement before the end of the stage allocated, practitioners are entitled to claim for the whole of the stage. If a matter concludes by some interruption e.g. a party withdrawing, or reconciling, or at such an early stage that it would be unreasonable to submit an account for the full amount, the Commission would expect the practitioner to forward an account at less than the maximum fee allowed under that stage of matter.

#### Counsel fees

The maximum fee is normally applicable irrespective of whether counsel has been briefed. Specified counsel fees at the prescribed rate will only be paid if prior authorisation to brief counsel is obtained. Such approvals will depend on the complexity of the matter rather than the counsel briefed. Chamber applications would except in special circumstances be deemed not fit for counsel even if a barrister was to be briefed.

#### Country Practitioners

In accordance with the letter of the former Director dated the 4th June 1998, country practitioners should advise the Commission if a further allowance is necessary for agents' attendance in the Family Court.

#### Accounting procedures

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

Photocopying, if required and approved, will normally be paid at the maximum rate of 4 cents per page.

(a) **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 or mileage

(b) **Payment will only be paid on *original* accounts**, including the accounts for disbursements attached to a solicitor's account.

- (c) **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 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.

**Expert Witnesses**

Practitioners should be aware that the Commission has issued a separate scale entitled "Fees and Disbursements for Expert Witnesses" and that should be read in conjunction with this scale.