

Disbursements 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	FAMILY LAW - ASSESSMENTS & REPORTS	FEE PAYABLE
1.	Standard Family Assessment	\$1,462
2.	Review of Standard Family Assessment & Report	\$731
3.	Supplementary Standard Family Assessment & Report	\$731
4.	Complex Family Assessment & Report	\$2,195
5.	Review of Complex Family Assessment & Report	\$1,097
	Others	
6.	Assessment and Report - Psychiatrist	\$1,680
7.	Treating Specialists Report	Up to \$1,097
8.	Treating General Practitioners Report	Up to \$515
9.	Treating Medical/Counsellor's Report	Up to \$731
10.	Other Investigators – hourly rate	Up to \$92
11.	Parentage Testing Report (standard) Additional parties - per party Subsequent test	\$830 \$252 \$378
12.	Cancelled appointment – per party (Where an expert sets aside time to interview parties for the purposes of an assessment and the appointment is cancelled with less than 24 hours' notice)	\$92
	FAMILY LAW - ATTENDANCE AT COURT	
13.	Less than a full day – hourly rate	\$217
14.	Full day	\$1,366
	CRIMINAL LAW	
15.	Assessment & Report (inc. Gaol visit) Psychiatrist Updated Report – where authorised	Up to \$1,680 Up to \$840
16.	Specialist psychiatric/expert from interstate/overseas, having satisfied ALL general criteria (1-9)	Up to \$3,366
17.	Psychologist Updated Report – where authorised	Up to \$1,366 Up to \$683
18.	Treating Specialist's report (eg Orthopaedic Surgeon, Forensic Immunologist, Psychiatrist, Obstetrics, Surgeon, etc)	Up to \$1,366
19.	Treating General Practitioner's Report	Up to \$515
20.	Attendance at Court to give evidence - hourly rate	\$217
21.	Attendance at Court to give evidence - full day	\$1,366
22.	Specialists Safety Experts- Interview & Report & Technical Investigators- Handwriting experts, I/T forensic analysis	Up to \$1,783
23.	Other Investigators, Process Servers etc – hourly rate	\$92
	CIVIL LAW	
24.	Same as criminal scale for above categories	
25.	Specialist Safety Experts - Interview & Report & Technical Investigators	Up to \$1,783
26.	Other Investigators, Process Servers, etc – hourly rate	\$92
	CHILD PROTECTION	

27.	Complex Family Assessment & Report involving more than one family	Up to \$2,195
28.	Family Assessment & Report (Interaction parents with children)	Up to \$1,462
29.	Family Assessment & Report (Parents only)	Up to \$1,097
	GENERAL	
30.	Professional witnesses can also claim a fee based on lost income due to absence from Office or Surgery to attend Court to give evidence, based on the above scale. <i>In cases where the expert seeks to claim actual loss of income due to attendance at Court to give evidence, relevant details should be supplied for the Commission's consideration for reimbursement of that loss eg: actual cancellation, loss of a lecturing appointment, postponed surgery, etc.</i>	
31.	Lost time – daily rate	\$1,366
32.	Attendance at court to give evidence	\$1,366
33.	There is therefore a MAXIMUM DAILY CLAIM for professional witnesses in such matters.	\$2,732

Explanatory Notes

General

- The following general provisions apply to expert expenses. These provisions should be read in conjunction with the specific provisions for fees for expert reports.

When assigned practitioners seek funding for an expert's report, they **must ensure** that the particular expert will:

- Report in accordance with the fees outlined in this Scale, and
- Attend Court to give evidence on the fees outlined in this Scale.

- They must inform the Commission when seeking aid that the proposed expert has agreed to these requirements.
- If the Commission is going to approve an extension of legal assistance to be granted for the engagement of an expert witness and if a South Australian independent resident expert is available, then that expert must ordinarily be engaged.
- When an aided person wishes to engage an interstate, or overseas expert, they must demonstrate to the Legal Services Commission that comprehensive enquiries have been made within South Australia, or in the case of the proposed overseas witnesses, within Australia, as to those holding the necessary qualifications and expertise in the relevant field.
- If there is no such person available in South Australia, or clearly none that would be either acceptable to the Court in terms of knowledge, qualifications or expertise, or only persons who lack considerable reputation amongst their peers, then the Commission may allow interstate expert to be engaged.
- If there is no such person available **interstate** or clearly none that would be either acceptable to the Court in terms of knowledge, qualifications or expertise, or only persons who lack considerable reputation amongst their peers, then the Commission may allow **overseas** experts to be engaged.
- However, because interstate or overseas witnesses will cost more than local witnesses, especially for travel and accommodation etc, the person seeking to engage an expert from interstate or overseas must satisfy the Commission that the importance or relevance of expert's evidence is such that his, her or their case would be significantly prejudiced if they were restricted to calling a South Australian resident expert, in the case of an interstate witness. This prejudice may be established by reference to a previous similar matter, or some other compelling and cogent factors, which may include an expert's prior extensive involvement in the case.

- The Commission **must** be satisfied that an aided person's case would be so prejudiced because interstate, or overseas, witnesses will inevitably consume more limited legal aid funds, and in most cases, **considerably** more than local experts. The Commission therefore must have this clear assurance before it risks its funds, in order to satisfy the two well-settled arms of the Commission's Merits Test (ie "the prudent self-funding litigant" and "the proper use of public funds" tests).

TRAVEL, ACCOMMODATION AND SUBSISTENCE EXPENSES

General

Witnesses from Interstate/Overseas

- (a) Economy class air fare, plus taxi fare to and from airports.
- (b) Car expenses and train fares will normally only be allowed in special circumstances, such as where there is an aversion to air travel, or several witnesses can travel by car together.

Witnesses within South Australia

- (a) If public transport is available, economy class air or train fare, plus taxi fare to and from airport.
- (b) Car expenses may be paid (at rates in accordance with the schedules issued from time to time by the Commissioner for Public Sector Employment, relating to travel within South Australia) for professional witnesses and where several witnesses can travel together.
- (c) Taxi transport from hotel to court is allowed.

Accommodation & Subsistence

Necessary subsistence and accommodation will be paid strictly in accordance with the schedules issued from time to time by the Commissioner for Public Sector Employment, relating to travel within South Australia, Interstate and Overseas.

Drug Testing - Family Law

1. Legal Services will meet the actual cost of hair strand testing where ordered by the Court or as authorised as part of a funded FDR process, up to a maximum amount of \$529 (GST inc) in relation to a legally aided party during the period of the family law proceeding. This is effectively funding for a single test.
2. The funding for this hair strand testing will be capped at the actual cost of the testing and cannot extend to any travel-based claims associated with the testing.
3. If the cost of testing will be greater than \$529 (GST inc), such as where additional drugs are to be tested for or where the testing is for alcohol use, the party may pay the gap.

It is the party's responsibility to make themselves available for testing as directed by the Court.