

## Disbursements Scale

(operative from 9 November 2023)

The following fees are maximum fees **which can only be varied by the Commission** in a specific case.

ITEM	FAMILY LAW - ASSESSMENTS & REPORTS	FEE PAYABLE
1.	Standard Family Assessment	\$1,393
2.	Review of Standard Family Assessment & Report	\$697
3.	Supplementary Standard Family Assessment & Report	\$697
4.	Complex Family Assessment & Report	\$2,090
5.	Review of Complex Family Assessment & Report	\$1,045
	<b>Others</b>	
6.	Assessment and Report - Psychiatrist	\$1,600
7.	Treating Specialists Report	Up to \$1,046
8.	Treating General Practitioners Report	Up to \$490
9.	Treating Medical/Counsellor's Report	Up to \$697
10.	Other Investigators – hourly rate	Up to \$88
11.	Parentage Testing Report (standard) Additional parties - per party Subsequent test	\$790 \$240 \$360
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)	\$88
	<b>FAMILY LAW - ATTENDANCE AT COURT</b>	
13.	Less than a full day – hourly rate	\$207
14.	Full day	\$1,300
	<b>CRIMINAL LAW</b>	
15.	Assessment & Report (inc. Gaol visit) Psychiatrist Updated Report – where authorised	Up to \$1,600 Up to \$800
16.	Specialist psychiatric/expert from interstate/overseas, having satisfied ALL general criteria (1-9)	Up to \$3,206
17.	Psychologist Updated Report – where authorised	Up to \$1,300 Up to \$650
18.	Treating Specialist's report (eg Orthopaedic Surgeon, Forensic Immunologist, Psychiatrist, Obstetrics, Surgeon, etc)	Up to \$1,300
19.	Treating General Practitioner's Report	Up to \$490
20.	Attendance at Court to give evidence - hourly rate	\$207
21.	Attendance at Court to give evidence - full day	\$1,300
22.	Specialists Safety Experts- Interview & Report & Technical Investigators- Handwriting experts, I/T forensic analysis	Up to \$1,698
23.	Other Investigators, Process Servers etc – hourly rate	\$88
	<b>CIVIL LAW</b>	
24.	Same as criminal scale for above categories	
25.	Specialist Safety Experts - Interview & Report & Technical Investigators	Up to \$1,698
26.	Other Investigators, Process Servers, etc – hourly rate	\$88
	<b>IN NEED OF CARE</b>	
27.	Complex Family Assessment & Report involving more than one family	Up to \$2,090

28.	Family Assessment & Report (Interaction parents with children)	Up to \$1,393
29.	Family Assessment & Report (Parents only)	Up to \$1,046
	<b>GENERAL</b>	
30.	Professional witnesses can <b>also</b> 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	\$1,046
32.	Attendance at court to give evidence	\$1,046
33.	There is therefore a <b>MAXIMUM DAILY CLAIM</b> for professional witnesses in such matters.	\$2,092

## 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 Public Service rates) 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 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 \$425 +GST 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 \$425 +GST, 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.