

Family 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	WORK TYPE	DESCRIPTION	FEE PAYABLE
1.	Pre-Action Procedures	Pre-action solicitor's work for children's matters	\$756
2.	Pre-action Procedures	Pre-action solicitor's work for property matters	\$1134
3.	FDR	Early intervention FDR conference and file consent orders, if appropriate	\$945
		For the party <u>drafting</u> and settling Consent Orders, the maximum amount is \$378.	\$378
		For the other party to <u>review</u> and settle the drafted Consent Orders, the maximum amount is \$189.	\$189
4.	FDR	Early intervention FDR review conference	\$756
5.	Divorce	Apply/Respond to an Application for Divorce - child under 18	\$756
6.	Divorce	Apply/respond to an Application for Divorce – no child under 18	\$567
7.	Nullity	Apply/Respond to an Application for Nullity of Marriage	\$756
8.	Application for Final Orders	Apply/respond to an Application for Final Orders	\$2268
9.	Interim Defended Hearing	Preparation and attendance at hearing (2 hours solicitor, 2 hours counsel)	\$814
10.	Interim Defended Hearing	Additional hours if hearing exceeds 2 hours, at counsel rates – per hour	\$218
11.	Subsequent Application	Apply/respond to further application	\$1134
12.	Contravention	Apply/respond to contravention application	\$945
13.	Contravention	Counsel Fee – preparation and argument – contravention application	\$1308
14.	Court ordered conference	Prepare for and conduct of conference at counsel rates	\$872
15.	Subsequent Court ordered conference	Prepare for and conduct of subsequent conference at counsel rates	\$756
16.	Court ordered Conciliation Conference	Prepare for and conduct of conciliation conference	\$567
17.	Court-based family dispute resolution conference	Preparation and attendance at hearing	\$872
18.	Court-based family dispute resolution conference	Additional hours if hearing exceeds 3 hours, at counsel rates – per hour	\$218
19.	Compliance and Readiness Hearing	Preparation and attendance at hearing	\$189 Solicitor \$218 Counsel
20.	Solicitor prepare matter for trial	Comply with directions and prepare matter for trial	\$2835
21.	Solicitor prepare matter for complex trial	To be paid at scale 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	\$5670

ITEM	WORK TYPE	DESCRIPTION	FEE PAYABLE
22.	Solicitor attendance during and after trial	Solicitor attendance during trial – maximum 1 hour per day	\$189
23.	Solicitor attendance to take judgement	Solicitor attendance to take judgement and to explain orders – maximum 1 hour	\$189
24.	Short trial	Preparation and attendance at short trial	\$945 Solicitor \$1308 Counsel
25.	Counsel Fee on Brief	All preparation for trial or appeal and first day of trial or appeal	\$2180
26.	Counsel for <u>complex</u> trial	All preparation for a complex trial or appeal and first day of a complex trial or appeal	\$3052
27.	Counsel fee – subsequent days	All attendances at subsequent days of trial including conferences	\$1308
28.	Counsel Fee – additional preparation	All preparation for the resumption of trial after a significant time lapse	\$436
29.	Solicitor Fee – additional preparation	All preparation for the resumption of trial after a significant time lapse	\$378
30.	Solicitor Fee - Appeal	All preparation and the filing of documents in an appeal	\$1890
31.	Independent children's lawyer	Initial preparation including reading, filing notice of acting and advising parties of appointment	\$378
32.	Independent children's lawyer	Subsequent solicitor's work not specifically covered by a stage – per hour	\$189
33.	Maintenance	Prepare/respond to an application for child or spousal maintenance or vary same up to the referral for trial	\$2079
34.	Parentage	Prepare/respond to child support parentage application	\$1134
35.	Departure	Prepare/respond to child support departure application	\$2079
36.	ART - Application	Prepare/respond to child support or application to the ART	\$2079
37.	Reading time (solicitor/counsel)	Reading time not specifically covered by any other item - per hour	\$122
38.	Solicitor Hourly Rate	Solicitor work not specifically covered by any other item - per hour	\$189
39.	Counsel Hourly Rate	Counsel work not specifically covered by any other item - per hour	\$218

EXPLANATORY NOTES

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

Please see Legal Practitioner Panels on the Legal Services Commission website at <https://www.lsc.sa.gov.au/practitionerpanelregistry.php>

Pre-Action Procedures

Item 1. Pre-Action Procedures FCFCoA Schedule 1 Rules – Children's Matters

The funding allowed is for all preparation prior to mediation or commencement of Court proceedings

Item 2. Pre-Action Procedures FCFCoA Schedule 1 Rules – Property

The funding allowed is for all preparation prior to mediation or commencement of Court proceedings

FDR

Item 3. The funding allowed is for all preparation and attendance and for an Initial Conference.

Item 4. The funding allowed is for all preparation and attendance and for a Review Conference.

If a final resolution is reached, funding is available to one party to draft Consent Orders and to the other party to settle the Consent Orders. These sums are the maximum allowed.

Application for Divorce/Nullity

Item 5. Apply/Respond to an Application for Divorce - child under 18.

The funding allowed is for all preparation and filing of documents and all court appearances.

Item 6. Apply/respond to an Application for Divorce – no child under 18.

The funding allowed is for all preparation and filing of documents and all court appearances.

Item 7. Apply/Respond to an Application for Nullity of Marriage.

The funding allowed is for all preparation and filing of documents and all court appearances.

Item 8. The funding allowed is for all preparation and filing of documents and all court appearances in applying for or responding to a filed Application for Final Orders.

Interim Defended Hearings

Item 9. The funding allowed is for all preparation and attendance at the Interim Defended Hearing in the FCFCoA.

Item 10. Where the Interim Defended Hearing extends beyond 2 hours, additional funding at counsel rates may be allowed up to a maximum daily counsel fee equal to a refresher.

Applications

Item 11. The funding allowed is for all preparation and attendance for a Subsequent Application in the FCFCoA (up to the conclusion of the application).

Item 12. Contravention – Solicitor fee

The funding allowed is for all preparation and filing of documents in an application for or responding to a filed Application for Contravention.

Item 13. Contravention – Counsel fee

The funding allowed is for all preparation and attendances in the FCFCoA to argue the Application for Contravention.

Conferences

Item 14. Court ordered Conference

The funding allowed is for all preparation and attendance as counsel at a Court ordered Conference

Item 15. Subsequent Court ordered Conference

The funding allowed is for all preparation and attendance as counsel at a subsequent Court ordered Conference.

Item 16. Court ordered Conciliation Conference

The funding allowed is for all preparation and attendance as counsel at a Court ordered Conciliation Conference.

Item 17. Court-Based Family Dispute Resolution Conference

The funding allowed is for all preparation and attendance for up to 3 hours of conference time in the FCFCoA.

Item 18. Court-Based Family Dispute Resolution Conference

Where the Court-Based Family Dispute Resolution Conference extends beyond 3 hours, additional funding at counsel rates (item 39.) may be allowed up to a maximum daily counsel fee equal to a refresher (item 27.).

Compliance and Readiness

Item 19. The maximum Solicitor fee including all preparation allowed is \$189.00; the maximum Counsel fee allowed inclusive of preparation and attendance at the Hearing is \$218.00.

Trial Hearing

Item 20. Solicitor Trial preparation

The solicitor fee allowed includes all preparation and the filing of documents to fully prepare for a trial in the FCFCoA. This amount includes funding for attendance at the pre-trial conference/trial directions hearing.

Item 21. Solicitor Trial preparation – Complex Trial

Where a Trial is certified a complex case, the solicitor fee allowed includes all preparation and the filing of documents to fully prepare for a trial in the FCFCoA. This amount includes funding for attendance at the pre-trial conference/trial directions hearing.

Item 22. Solicitor assistance during the trial

The solicitor is authorised to provide assistance during the trial at the maximum rate of one solicitor hour per sitting day.

Item 23. Solicitor attendance - Judgement

The solicitor fee authorised is for the solicitor to attend Court to take judgement and to explain the orders to the client.

Item 24. Short Trial

For a Short Trial, the maximum Solicitor fee including all preparation allowed is \$945.00; the maximum Counsel fee allowed inclusive of preparation and attendance at the Hearing is \$1308.00.

Item 25. Trial

The maximum Counsel fee allowed inclusive of preparation and attendance for the first day of a Hearing/Appeal is \$2180.00.

Item 26. Complex Trial

The maximum Counsel fee allowed inclusive of preparation and attendance for the first day of a Complex Hearing/Appeal is \$3052.00.

Item 27. Trial – subsequent days

The maximum Counsel fee allowed inclusive of preparation and attendance for the first day of a Hearing/Appeal is \$1308.00.

Item 28. Trial resumption

The maximum additional Counsel fee allowed where the trial resumes after a significant delay is \$436.00.

Item 29. Trial resumption

The maximum additional Solicitor fee allowed where the trial resumes after a significant delay is \$378.00.

Appeals

Item 30. Solicitor fee

The funding allowed is for all preparation and filing of documents in an appeal.

Independent Children’s Lawyer

Item 31. Initial preparation including reading, filing notice of acting and advising parties of appointment subsequent to appointment as the ICL – maximum 2 hours

Item 32. Subsequent solicitor’s work not specifically covered by a stage as authorised – per hour

Hourly Rates

Item 38. A matter will be certified by the Commission for additional solicitor funding where the matter involves unusual complexity or other special circumstances compared with the usual range of such matters and where the work encompassed by the standard lump sums would, in all of the circumstances, be unreasonable.

Item 39. A matter will be certified by the Commission for additional counsel funding where the matter involves unusual complexity or other special circumstances compared with the usual range of such matters and where the work encompassed by the standard lump sums would, in all of the circumstances, be unreasonable.

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.

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.

No disbursement allowance will be made

For postage or 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

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.

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

Any extension of existing assignments should be sought in writing.

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.

Mileage

Mileage is not paid in relation to travel to metropolitan courts by practitioners based in the metropolitan area.

Where a practitioner nominates to represent an applicant for legal aid the Commission will not pay mileage regardless of the location of the court or the practitioner's office. Where the Commission assigns an unclaimed application for aid to a practitioner and the matter is to be heard in a country court that the practitioner does not normally service, then mileage may be approved.