

## **Fees for State law matters for approvals made on or after 24 May 2010**

### **Criminal Matters – Counsel**

- 1 Solicitor Advocate/Uninstructed Counsel Fees
  - 2 District Court - Counsel Fees
  - 3 Supreme Court - Counsel Fees
  - 4 Court of Criminal Appeal
  - 5 High Court - Counsel Fees
  - 6 Travel Entitlements
- Frequently Asked Questions

## Fee Scales

### 1. Solicitor Advocate/Uninstructed Counsel Fees

Scale of fees for approvals made on or after 24 May 2010.

**Note: Sentence Matters - Refer to Local Court Committals/ District Court & Supreme Court Sentences fee scale for Committal matters charged on or after 1 January 2006.**

<b>Trial preparation fee and first day of trial</b> (Note: Pre trial conference fee is included in preparation fee)	\$1,684.00
<b>Subsequent days of trial:</b>	
Per hour	\$225.00
Maximum per day	\$1,125.00
Per co-accused represented per day	\$294.00
<b>Conference with client or witness</b>	\$150.00
<b>Mention:</b> Per hour in Court	\$150.00
<b>Appearance on Sentence:</b> Per day	\$675.00
<b>Additional Approvals</b> No other payments will be made unless prior approval is obtained.	
Click here for <a href="#">Travel Entitlements</a>	

**Recovery of costs in criminal matters** - Solicitors and Counsel in criminal matters will be paid at a rate of 175% of the legal aid fee rates when;

1. An order for costs is made in favour of the legally aided accused person under the *Crimes (Appeal and Review) Act 2001* and the *Criminal Procedure Act 1986*, or
2. An order for costs is made in favour of the legally aided accused person by the Supreme Court in prerogative writ matters or similar proceedings, or
3. The legally aided accused person is granted a certificate under Section 2 of the *Costs in Criminal Cases Act 1967*.

**Fee Scales**

**2. District Court - Counsel Fees**

Scale of fees for approvals made on or after 24 May 2010.

**Note: Sentence Matters - Refer to Local Court Committals/ District Court & Supreme Court Sentences fee scale for Committal matters charged on or after 1 January 2006.**

**Junior Counsel**

<b>Mention</b>	<ul style="list-style-type: none"> <li>• 1 Hour</li> <li>• 2 Hours</li> <li>• 3 Hours</li> <li>• All day</li> </ul>	<p>\$199.00</p> <p>\$285.00</p> <p>\$388.00</p> <p>\$656.00</p>
<b>Conferences</b>		
Per accused/ witness		\$150.00
Visit to gaol/ shelter	per journey	\$135.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Application/Notice of Motion/other Interlocutory Applications		\$213.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>	First day of trial Thereafter, per day of trial	\$1,140.00 \$987.00
Each co-accused represented, per day of trial		\$220.00
Conference with accused, where trial exceeds one week <i>{up to two (2) per week where held during the trial}</i>		\$150.00
Appearance on plea of guilty or sentence following trial	per day	\$619.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

## Queen's Counsel (Q.C.), Senior Counsel (S.C.)

<b>Mention</b>	• 1 Hour	\$199.00
	• 2 Hours	\$285.00
	• 3 Hours	\$388.00
	• All day	\$656.00
<b>Conferences</b>		
Per accused/ witness		\$220.00
Visit to gaol/ shelter	per journey	\$183.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Application/Notice of Motion/ other Interlocutory Applications		\$287.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>		
	First day of trial	\$1,708.00
	Thereafter, per day of trial	\$1,440.00
Each co-accused represented, per day of trial		\$302.00
Conference with accused, where trial exceeds one week <i>{up to two (2) per week where held during the trial}</i>		\$220.00
Appearance on plea of guilty or sentence following trial	per day	\$822.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

**Recovery of costs in criminal matters** - Solicitors and Counsel in criminal matters will be paid at a rate of 175% of the legal aid fee rates when;

1. An order for costs is made in favour of the legally aided accused person under the *Crimes (Appeal and Review) Act 2001* and the *Criminal Procedure Act 1986*, or
2. An order for costs is made in favour of the legally aided accused person by the Supreme Court in prerogative writ matters or similar proceedings, or
3. The legally aided accused person is granted a certificate under Section 2 of the *Costs in Criminal Cases Act 1967*.

**Fee Scales**

**3. Supreme Court - Counsel Fees**

Scale of fees for approvals made on or after 24 May 2010.

Note: Sentence Matters - Refer to Local Court Committals/ District Court & Supreme Court Sentences fee scale for Committal matters charged on or after 1 January 2006.

**Junior Counsel**

<b>Mention</b>	<ul style="list-style-type: none"> <li>• 1 Hour</li> <li>• 2 Hours</li> <li>• 3 Hours</li> <li>• All day</li> </ul>	<p>\$199.00</p> <p>\$285.00</p> <p>\$388.00</p> <p>\$656.00</p>
<b>Conferences</b>		
Per accused/ witness		\$150.00
Visit to gaol/ shelter	per journey	\$135.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Applications/Notice of Motion/ other Interlocutory Applications		\$227.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>	First day of trial	\$1,742.00
	Thereafter, per day of trial	\$1,140.00
Each co-accused represented, per day of trial		\$220.00
Conference with accused, where trial exceeds one week {up to two (2) per week where held during the trial}		\$150.00
Appearance on plea of guilty or sentence	per day	\$822.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

## Queen's Counsel (Q.C.) / Senior Counsel (S.C.)

<b>Mention</b>	• 1 Hour	\$199.00
	• 2 Hours	\$285.00
	• 3 Hours	\$388.00
	• All day	\$656.00
<b>Conferences</b>		
Per accused/ witness		\$220.00
Visit to gaol/ shelter	per journey	\$183.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Applications/Notice of Motion/ other Interlocutory Applications		\$372.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>	First day of trial	\$2,628.00
	Thereafter, per day of trial	\$1,860.00
Each co-accused represented, per day of trial		\$302.00
Conference with accused, where trial exceeds one week {up to two (2) per week where held during the trial}		\$220.00
Appearance on plea of guilty or sentence following trial	per day	\$1,106.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

**Recovery of costs in criminal matters** - Solicitors and Counsel in criminal matters will be paid at a rate of 175% of the legal aid fee rates when;

1. An order for costs is made in favour of the legally aided accused person under the *Crimes (Appeal and Review) Act 2001* and the *Criminal Procedure Act 1986*, or
2. An order for costs is made in favour of the legally aided accused person by the Supreme Court in prerogative writ matters or similar proceedings, or
3. The legally aided accused person is granted a certificate under Section 2 of the *Costs in Criminal Cases Act 1967*.

## Fee Scales

### 4. Court of Criminal Appeal - Counsel Fees

Scale of fees for approvals made on or after 24 May 2010.

#### Junior Counsel

Opinion as to Merit of Appeal		\$798.00
<b>Mention</b>	<ul style="list-style-type: none"> <li>• 1 Hour</li> <li>• 2 Hours</li> <li>• 3 Hours</li> <li>• All day</li> </ul>	\$199.00 \$285.00 \$388.00 \$656.00
<b>Conferences</b>		
Per accused/ witness		\$150.00
Visit to Gaol/ shelter	per journey	\$135.00
<b>Appearance in Court</b>	First day of appeal	\$1,742.00
	Thereafter, per day of appeal	\$1,140.00
Each co-accused represented, per day of appeal		\$220.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

#### Queen's Counsel (Q.C.) / Senior Counsel (S.C.)

Opinion on Merit of Appeal		\$980.00
<b>Mention</b>	<ul style="list-style-type: none"> <li>• 1 Hour</li> <li>• 2 Hours</li> <li>• 3 Hours</li> <li>• All day</li> </ul>	\$199.00 \$285.00 \$388.00 \$656.00
<b>Conferences</b>		
Per accused/ witness		\$220.00
Visit to gaol/ shelter	per journey	\$183.00
<b>Appearance in Court</b>	First day of appeal	\$2,628.00
	Thereafter, per day of appeal	\$1,860.00
Each co-accused represented, per day of appeal		\$302.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

**Recovery of costs in criminal matters** - Solicitors and Counsel in criminal matters will be paid at a rate of 175% of the legal aid fee rates when;

1. An order for costs is made in favour of the legally aided accused person under the *Crimes (Appeal and Review) Act 2001* and the *Criminal Procedure Act 1986*, or
2. An order for costs is made in favour of the legally aided accused person by the Supreme Court in prerogative writ matters or similar proceedings, or
3. The legally aided accused person is granted a certificate under Section 2 of the *Costs in Criminal Cases Act 1967*.



**Fee Scales**  
**5. High Court - Counsel Fees**

Scale of fees for approvals made on or after 24 May 2010.

**Junior Counsel**

Opinion on Merit of Appeal		\$798.00
<b>Mention</b>	<ul style="list-style-type: none"> <li>• 1 Hour</li> <li>• 2 Hours</li> <li>• 3 Hours</li> <li>• All day</li> </ul>	<ul style="list-style-type: none"> <li>\$199.00</li> <li>\$285.00</li> <li>\$388.00</li> <li>\$656.00</li> </ul>
<b>Conferences</b>		
Per accused/ witness		\$150.00
Visit to gaol/ shelter	per journey	\$135.00
<b>Appearance in Court</b>	First day of appeal Thereafter, per day of appeal	\$1,742.00 \$1,140.00
Each co-accused represented, per day of appeal		\$220.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

**Queen's Counsel (Q.C.) / Senior Counsel (S.C.)**

Opinion on Merit of Appeal		\$980.00
<b>Mention</b>	<ul style="list-style-type: none"> <li>• 1 Hour</li> <li>• 2 Hours</li> <li>• 3 Hours</li> <li>• All day</li> </ul>	<ul style="list-style-type: none"> <li>\$199.00</li> <li>\$285.00</li> <li>\$388.00</li> <li>\$656.00</li> </ul>
<b>Conferences</b>		
Per accused/ witness		\$220.00
Visit to gaol/ shelter	per journey	\$183.00
<b>Appearance in Court</b>	First day of appeal Thereafter, per day of appeal	\$2,628.00 \$1,860.00
Each co-accused represented, per day of appeal		\$302.00
Reading/preparation fee	By negotiation	
Click here for <a href="#">Travel Entitlements</a>		

## Fee Scales

### 6. Travel Entitlements in State Criminal Law case matters for approvals made on or after 24 May 2010

- A **travel allowance and lump sum payment** is paid if the total return distance travelled from the legal practitioner's office to court exceeds 70 kilometres, and the practitioner is travelling to a court located outside the Sydney metropolitan area.
- The Sydney metropolitan area includes all courts within the area bounded by:
  - Hornsby;
  - Penrith;
  - Campbelltown; and
  - Sutherland.
- Unless there are exceptional circumstances, the travel allowance will not be approved where the matter could be assigned to:
  - a practitioner located within 35kms of the court;
  - a practitioner who is significantly closer to the court;
  - a practitioner who has other matters at the court on the same day.
- Prior approval to claim the travel allowance must be obtained from Legal Aid NSW.
  - Unless there are exceptional circumstances, the travel allowance will not be approved in circumstances where a practitioner appointed to a panel has nominated their availability for a panel court out outside the geographical area surrounding their office.
  - Pursuant to the Duty Solicitor Scheme Guidelines travel is not generally paid to practitioners rostered to attend court as the Duty Solicitor except where there has been prior approval by Legal Aid NSW or the duty work is undertaken in one of the regions nominated in the Duty Solicitor Scheme Guidelines.
- If travel allowance is being claimed, approval should be sought in the original application.
- Travel allowance cannot be claimed more than once per day to the same court, regardless of the number of legal aid applicants being represented at that court.

#### Travel Allowance

Where approved, travel expenses will be paid at a rate of **\$0.60 per kilometre**, or where appropriate, a return economy airfare (which ever is the cheaper).

#### Lump sum payment for travel time

A lump sum of **\$100 for travel time** is paid in addition to the travel allowance of \$0.60 per kilometre. The lump sum payment for travel time may only be claimed once per day on which travel allowance is payable.

#### Accommodation

Where approved, accommodation expenses (including sustenance) will be paid as incurred to the maximum rates determined by the Department of Premier and Cabinet of the NSW government.

## **Frequently Asked Questions**

### **Is travel allowance available for appeals?**

Yes, provided the criteria for the travel allowance is met and prior approval is obtained.

### **If travel allowance is approved for a trial, is an allowance paid for accommodation and meals?**

Yes. Actual expenses for meals and accommodation may be payable for each 24 hour period up to the maximum rates determined by the Public Employment Office of the NSW government. If an accommodation and sustenance allowance is approved, the applicable rate will be provided to you at the time of the grant or extension. All receipts must be provided and actual expenses only may be recovered.

### **My client has asked me to appear for him at a court that is more than 35kms from my office. My client insists that I appear and is unwilling to accept another solicitor. Is the travel allowance available?**

Generally a travel allowance will not be approved where a practitioner located within 35 kms of the Court is available to appear for the client. In exceptional circumstances travel may be approved e.g. where the client is a child, or has a disability, and Legal Aid NSW agrees that continuity of representation is in the interests of the client.

### **Is travel allowance payable for views?**

Yes, however, prior approval for the view must be obtained from Legal Aid NSW and will be limited to views conducted outside the Sydney metropolitan area.

### **How do I calculate the driving/road distance between destinations?**

The website <http://www.travelmate.com.au> may assist in calculating distance between destinations.

### **Am I allowed to engage an agent?**

In ordinary circumstances, a practitioner is not entitled to claim an additional grant of aid to instruct an agent. Where an agent is retained because the assigned practitioner is unavailable, the agent must be a panel practitioner and must be paid out of the assigned practitioner's lump sum fee for any court attendance up to the hearing stage.

*Mentions:* An additional allowance to instruct an agent at a mention will not be approved unless the practitioner can show that the matter is complex enough to justify an instructing allowance and:

- Legal Aid NSW is satisfied that engaging an agent is an economical use of legal aid funds; or
- exceptional circumstances exist.

*Hearings:* The use of an agent at a hearing will only be approved in exceptional circumstances. If a practitioner cannot attend a hearing it will generally be considered more appropriate for the matter to be reassigned to an available panel practitioner.