

Fees for Commonwealth law matters for approvals made on or after 24 May 2010

Criminal Matters - Solicitors

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Fee Scales

1. Local Court - Solicitor Fees

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

- Local Court Criminal Law matters
- Children's Criminal Court and associated matters
- Domestic Violence proceedings in Local Court under Crimes Act 1990

Court Appearances	
Attendance at court (excluding mentions)	
Per hour at court (to the nearest ½ hour)	\$130.00
Per half hour at court (or part thereof)	\$65.00
Mentions	
Per half hour at court to a maximum of 1 hour	\$65.00
<p>Waiting time is payable except:</p> <ul style="list-style-type: none"> • if a solicitor has other private work to attend to whilst waiting for legal aid matters to be reached; or • in defended matters. <p>In defended matters solicitors should obtain a marking from the court to reduce waiting time. If a marking is obtained the solicitor will be paid at the mention rate i.e. \$60.00 per half hour at court to a maximum of one hour.</p>	
Defended Hearings	
Initial conference and preparation	\$200.00
Conferences	
Initial conference with client (other than defended hearings)	\$83.00
Subsequent conference with client (where prior approval has been obtained)	\$83.00
Conference with witness (where prior approval has been obtained)	\$83.00
Visit to gaol/shelter	\$75.00
Travel	
A travel allowance is paid where the total distance travelled from the solicitor's office to court and return exceeds 70 kilometres. Prior approval must be obtained from Legal Aid NSW. Click here for Travel Entitlements	0.50¢ per km
A flat rate travel fee of \$100.00 for professional costs is allowed in circumstances where the travel allowance condition (as above) is met.	\$100.00
View	
<p>Fees for views are paid as follows:</p> <ul style="list-style-type: none"> - \$130.00 per hour while at the site of the view - Travel allowance to and from the view is 0.50¢ per km provided that the distance from the solicitor's office to the site of the view and return exceeds 70 kilometres. - Prior approval for the view must be obtained from Legal Aid NSW. 	
Disbursements	
<p>The following classes of disbursements are pre-approved up to \$150.00:</p> <ul style="list-style-type: none"> • Filing fees for subpoenas • Conduct money • Travelling expenses (payable where travel has been previously approved). • Interpreter fees • Legal notices 	

<ul style="list-style-type: none"> • Medical reports • Psychologist/Psychiatrist reports • Witness expenses • Photocopying and telephone calls (to a pre-approved maximum of \$30.00) <p>Payment of claimed disbursements will be made upon rendering of final account.</p>	
<p>Further disbursements will require prior approval.</p>	
<p>No other fee or allowance will be paid unless prior approval has been obtained.</p>	

Legal Practitioners, whether solicitor or counsel, will be paid at the above rates.

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 (Local Courts 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. Local Court Committals – Solicitor Fees

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

Court Appearances	
Hearings Per hour at court to a maximum of 5 hours per day for a single accused	\$130.00
Mentions Per half hour at court to a maximum of 1 hour	\$65.00
Section 91 Applications Per hour at court to a maximum of 5 hours per day	\$130.00
Waiting time is payable except if a solicitor has other private work to attend to whilst waiting for legal aid matters to be reached.	
Reading / Preparation fee	
Hearings Prior approval must be obtained from Legal Aid NSW	By negotiation
Section 91 Applications Prior approval must be obtained from Legal Aid NSW	By negotiation
Where reading/preparation are undertaken and paid for at Committal level, Legal Aid NSW may reduce any further fee payable in respect of those items that would otherwise be paid at trial.	
Conferences	
Conference with client (to a maximum of 2)	\$83.00
with witness (where prior approval has been obtained)	\$83.00
Visit to gaol/shelter	\$75.00
Views	
Per hour while at the site of the view. Prior approval for the view must be obtained from Legal Aid NSW.	\$130.00
Travel	
A travel allowance is paid where the total distance travelled from the solicitor's office to court, view site or gaol/shelter and return exceeds 70 kilometres. Prior approval must be obtained from Legal Aid NSW. Click here for Travel Entitlements	0.35c per km
Disbursements	
Prior approval must be obtained from Legal Aid NSW for any expenditure on disbursements. Receipts must be provided with the account.	

Legal Practitioners, whether solicitor or counsel, will be paid at the above rates.

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 (Local Courts 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. District Court (Appeals from the Local Court) - Solicitor Fees

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

Court Appearances	
Attendance at court (excluding mentions)	
Per hour at court (to the nearest ½ hour)	\$130.00
Per half hour at court (part thereof)	\$65.00
Mentions	
Per half hour at court to a maximum of 1 hour	\$65.00
Waiting time is not payable	
Conferences	
Conference with client	\$99.00
Visit to gaol/shelter per journey	\$87.00
Travel Allowance	
A travel allowance is paid where the total distance travelled from the solicitor's office to court and return exceeds 70 kilometres. Prior approval must be obtained from Legal Aid NSW. Click here for Travel Entitlements	0.35¢ per km
View	
Fees for views are paid as follows: - \$130.00 per hour while at the site of the view - Travel allowance to and from the view is 0.35¢ per km provided that the distance from the solicitor's office to the site of the view and return exceeds 70 kilometres. - Prior approval for the view must be obtained from Legal Aid NSW.	
Additional Approvals	
No other fees or allowances will be paid unless prior approval is obtained.	

Legal Practitioners, whether solicitor or counsel, will be paid at the above rates.

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 (Local Courts 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. District Court - Solicitor Fees

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

Trials	
Mention/not reached: per hour in Court	\$130.00
Instructing Counsel in Court: preparation fee	\$260.00
first day	\$650.00
thereafter per hour	\$130.00
maximum per day	\$650.00
Co-accused	
Each co-accused represented per day	\$182.00
Conferences	
Per accused/witness	\$118.00
Visit to gaol/shelter per journey	\$105.00
With accused where trial exceeds 1 week (up to 2 per week during trial)	\$118.00
Sentence Matters (Does not include Committal matters charged on or after 1 January 2006. See Local Court Committals/ District & Supreme Court Sentences fee scale)	
Preparation fee	\$260.00
Appearance in Court:	
Per hour	\$130.00
Per day maximum	\$650.00
Travel Allowance	
A travel allowance is paid where the total distance travelled from the solicitor's office to court and return exceeds 70 kilometres. Prior approval must be obtained from Legal Aid NSW. Click here for Travel Entitlements	0.35¢ per km
No-Bill Application/Notice of Motion/other Interlocutory Applications (where prior approval has been obtained): per hour	\$130
View: per hour	\$130
Clerks	
	Clerk instructing Counsel will be paid up to 70% of Solicitor fee
Solicitors Conducting District Court Trial without Counsel	
	Solicitor Advocate fee
Additional reading/ preparation fee: (only allowed in exceptional circumstances)	
	By negotiation

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 (Local Courts 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. Supreme Court - Solicitor Fees

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

Trials	
Mention/not reached: per hour in Court	\$130.00
No-Bill Application/Notice of Motion/other Interlocutory Applications (where prior approval has been obtained): per hour	\$130.00
Instructing Counsel in Court: preparation fee	\$260.00
first day	\$650.00
thereafter per hour	\$130.00
maximum per day	\$650.00
Co-accused	
Each co-accused represented per day	\$182.00
Bail applications	
Preparation fee	\$260.00
Appearance in Court: per hour	\$130.00
Conferences	
Per accused/witness	\$118.00
Visit to gaol/shelter per journey	\$105.00
With accused where trial exceeds 1 week (up to 2 per week during trial)	\$118.00
Sentence Matters (Does not include Committal matters charged on or after 1 January 2006. See Local Court Committals/ District & Supreme Court Sentences fee scale)	
Preparation fee	\$260.00
Appearance in Court:	
Per hour	\$130.00
Per day maximum	\$650.00
Travel Allowance	
A travel allowance is paid where the total distance travelled from the solicitor's office to court and return exceeds 70 kilometres. Prior approval must be obtained from Legal Aid NSW. Click here for Travel Entitlements	0.35¢ per km
View: per hour	\$130.00
Clerks	Clerk instructing Counsel will be paid up to 70% of Solicitor fee
Additional reading/ preparation fee: (only allowed in exceptional circumstances)	By negotiation

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 (Local Courts 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

6. Court of Criminal Appeal - Solicitor Fees

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

Briefing counsel to obtain his/her opinion on the prospect of success of the proposed appeal	\$520.00
Conference with the appellant	\$118.00
Travel to Gaol / Shelter per journey	\$105.00
Mention/not reached: per hour in Court	\$130.00
Instructing Counsel in Court: first day	\$650.00
• thereafter per hour	\$130.00
• maximum per day	\$650.00
Preparation / Reading Fee - By negotiation	

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 (Local Courts 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

7. High Court - Solicitor Fees

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

Briefing counsel to obtain opinion on the prospect of success of the proposed appeal	\$520.00
Conference with the appellant	\$118.00
Travel to Gaol / Shelter per journey	\$105.00
Mention/not reached: per hour in Court	\$130.00
Instructing Counsel in Court: first day	\$650.00
• thereafter per hour	\$130.00
• maximum per day	\$650.00
Preparation / Reading Fee - By negotiation, but only in exceptional circumstances	

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 (Local Courts 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

8. Travel Entitlements in Commonwealth criminal law case and duty matters for approvals made on or after 24 May 2010

- A travel allowance 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; or
 - a practitioner who is significantly closer to the court; or
 - 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.
- 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.
- Where approved, travel expenses will be paid at the correct rate per kilometre, or where appropriate, a return economy airfare (whichever is the cheaper).

Allowance for Commonwealth Defended Local Court and Children's Court criminal law case matters

A lump sum of \$100 for travel time is paid in addition to the travel allowance of \$0.50 per kilometre. The lump sum payment may only be claimed once per day on which travel allowance is payable.

Allowance for Commonwealth Local Court and Children's Court criminal law duty matters

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 may only be claimed once per day on which travel allowance is payable.

Allowance for Commonwealth case matters in

- **criminal law - Local Court (committal matters) District Court and Supreme Court,**
- **family law and**
- **civil law matters**

A travel allowance is paid at \$0.35 per kilometre.

Accommodation

Where approved, accommodation expenses (including sustenance) will be paid as incurred to the maximum rates determined by the Public Employment Office 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 criminal trial, is an allowance paid for accommodation and meals?

Yes. Actual expenses for meals and accommodation may be payable for each 24 hour period at 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. All receipts must be provided and actual expenses only may be recovered. Claims for amounts above the rate will not be paid.

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 km of the court is available to appear for the client. In exceptional circumstances travel may be approved, eg. 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. Where the distance travelled exceeds a round trip of 70km, the travel allowance for a view may be approved or an appropriate fee negotiated.

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.