

## **Fees for Commonwealth 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 – Counsel Fees
- 5 High Court - Counsel Fees
- 6 Travel Entitlements

## Fee Scales

### 1. Solicitor Advocate/Uninstructed Counsel Fees

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

<b>Trial preparation fee and first day of trial</b> (Note: Pre trial conference fee is included in preparation fee)	\$1,460.00
<b>Subsequent days of trial:</b>	
Per hour	\$195.00
Maximum per day	\$975.00
Per co-accused represented per day	\$254.00
<b>Conference with client or witness</b>	\$130.00
<b>Mention:</b> Per hour in Court	\$130.00
<b>Appearance on Sentence:</b> Per day	\$585.00
<b>Travel Expenses</b> A travel allowance is paid where the total distance travelled from the solicitor's office/counsel's chambers to court and return exceeds 70 kilometres. <b>Prior approval</b> for travel must be obtained from Legal Aid NSW. Click here for <a href="#">Travel Entitlements</a>	0.35¢ per km
<b>Additional Approvals</b> No other payments will be made unless prior approval is obtained.	

**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. District Court - Counsel Fees

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

#### 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>	\$173.00 \$247.00 \$336.00 \$568.00
<b>Conferences</b>		
Per accused/ witness		\$130.00
Visit to gaol/ shelter	per journey	\$117.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Application/Notice of Motion/other Interlocutory Applications		\$185.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>	First day of trial Thereafter, per day of trial	\$988.00 \$855.00
Each co-accused represented, per day of trial		\$190.00
Conference with accused, where trial exceeds one week <i>{up to two (2) per week where held during the trial}</i>		\$130.00
Appearance on plea of guilty or sentence following trial	per day	\$537.00
Travel allowance (where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation fee	By negotiation	

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

<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>	\$173.00 \$247.00 \$336.00 \$568.00
<b>Conferences</b>		
Per accused/ witness		\$190.00
Visit to gaol/ shelter	per journey	\$159.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Application/Notice of Motion/ other Interlocutory Applications		\$249.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>	First day of trial Thereafter, per day of trial	\$1,480.00 \$1,248.00
Each co-accused represented, per day of trial		\$262.00
Conference with accused, where trial exceeds one week {up to two (2) per week where held during the trial}		\$190.00
Appearance on plea of guilty or sentence following trial	per day	\$712.00
Travel allowance (where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation 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

### 3. Supreme Court - Counsel Fees

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

#### 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>	\$173.00 \$247.00 \$336.00 \$568.00
<b>Conferences</b>		
Per accused/ witness		\$130.00
Visit to gaol/ shelter	per journey	\$117.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Applications/Notice of Motion/ other Interlocutory Applications		\$197.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>	First day of trial	\$1,510.00
	Thereafter, per day of trial	\$988.00
Each co-accused represented, per day of trial		\$190.00
Conference with accused, where trial exceeds one week <i>{up to two (2) per week where held during the trial}</i>		\$130.00
Appearance on plea of guilty or sentence	per day	\$712.00
Travel allowance (where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation fee	By negotiation	

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

<b>Mention</b>	• 1 Hour	\$173.00
	• 2 Hours	\$247.00
	• 3 Hours	\$336.00
	• All day	\$568.00
<b>Conferences</b>		
Per accused/ witness		\$190.00
Visit to gaol/ shelter	per journey	\$159.00
View	Fee as for mention, plus necessary travel expenses if held in the country	
No Bill Applications/Notice of Motion/ other Interlocutory Applications		\$322.00 per hour to a max. of 5 hours
<b>Appearance in Court</b>	First day of trial	\$2,278.00
	Thereafter, per day of trial	\$1,612.00
Each co-accused represented, per day of trial		\$262.00
Conference with accused, where trial exceeds one week {up to two (2) per week where held during the trial}		\$190.00
Appearance on plea of guilty or sentence following trial	per day	\$958.00
Travel allowance (where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation 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

### 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		\$692.00
<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>	\$173.00 \$247.00 \$336.00 \$568.00
<b>Conferences</b>		
Per accused/ witness		\$130.00
Visit to Gaol/ shelter	per journey	\$117.00
<b>Appearance in Court</b>	First day of appeal	\$1,510.00
	Thereafter, per day of appeal	\$988.00
Each co-accused represented, per day of appeal		\$190.00
Travel allowance (where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation fee	By negotiation	

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

Opinion on Merit of Appeal		\$850.00
<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>	\$173.00 \$247.00 \$336.00 \$568.00
<b>Conferences</b>		
Per accused/ witness		\$190.00
Visit to gaol/ shelter	per journey	\$159.00
<b>Appearance in Court</b>	First day of appeal	\$2,278.00
	Thereafter, per day of appeal	\$1,612.00
Each co-accused represented, per day of appeal		\$262.00
Travel allowance (where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation 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

### 5. High Court - Counsel Fees

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

#### Junior Counsel

Opinion on Merit of Appeal		\$692.00
<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>	\$173.00 \$247.00 \$336.00 \$568.00
<b>Conferences</b>		
Per accused/ witness		\$130.00
Visit to gaol/ shelter	per journey	\$117.00
<b>Appearance in Court</b>	First day of appeal Thereafter, per day of appeal	\$1,510.00 \$988.00
Each co-accused represented, per day of appeal		\$190.00
Travel allowance (where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation fee	By negotiation	

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

Opinion on Merit of Appeal		\$850.00
<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>	\$173.00 \$247.00 \$336.00 \$568.00
<b>Conferences</b>		
Per accused/ witness		\$190.00
Visit to gaol/ shelter	per journey	\$159.00
<b>Appearance in Court</b>	First day of appeal Thereafter, per day of appeal	\$2,278.00 \$1,612.00
Each co-accused represented, per day of appeal		\$262.00
Travel allowance (Where prior approval has been obtained). Click here for <a href="#">Travel Entitlements</a>	Where journey from chambers to court and return exceeds 70 kilometres	0.35¢ per km
Accommodation	Rates available on request	
Reading/preparation fee	By negotiation	

## Fee Scales

### 6. Travel Entitlements

#### Travel Entitlements in Commonwealth Case and Duty Matters.

##### Travel Allowance

- 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.