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## Civil (State) - July 2022

### Scale of fees for approvals made on or after 1 July 2022

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# 1. Merit Advice

	Hourly rate
Solicitor or Counsel	\$180 x 4 hours = \$720 (up to a maximum of 12 hours in complex matters)
Senior Counsel	\$180 x 7.5 hours = \$1,350 (up to a maximum of 20 hours in complex matters)

**Note:** These fees are exclusive of GST

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## 2. Local Court or NSW Civil and Administrative Tribunal

	Hourly rate (up to a maximum of five hours a day payable for a court or tribunal hearing)
Solicitors	\$180
Paralegal/Clerk	\$90

**Note:**

1. Solicitor advocate or counsel's fee rates will not be paid in the Local Court or NCAT, unless Legal Aid NSW is satisfied the matter is complex
2. Funding will be administered in accordance with the guidelines for administering grants of legal aid in civil law matters using the stage of matter model

**Legal practitioner fees where a costs order is made**

Where a costs order is made, fees will be paid at 175% of the hourly rate **but only where those costs are recovered.**

**Note:** These fees are exclusive of GST

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## 3. District Court, Supreme Court and High Court

	Hourly rate (up to a maximum of five hours a day payable for a court or tribunal hearing)
Solicitor and non-advocate work	\$180
Advocate work (Solicitor Advocate or Junior Counsel)*	\$270
Senior Counsel	\$450
Paralegal/Clerk	\$90

\*Advocate rate will only be paid where it has been approved by Legal Aid NSW

**Note:** funding will be administered in accordance with the guidelines for administering grants of legal aid in civil law matters using the stage of matter model.

### Legal practitioner fees where a costs order is made

Where a costs order is made, fees will be paid at 175% of the hourly rate **but only where those costs are recovered.**

**Note:** These fees are exclusive of GST

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## 4. Mental Health Review Tribunal

	Hourly rate (up to a maximum of five hours a day payable for a court or tribunal hearing)
Solicitor and non-advocate work	\$180
Junior counsel briefed to appear*	\$270
Senior Counsel	\$450
Paralegal/Clerk	\$90

\*Advocate work (Solicitor Advocate or junior counsel) will only be briefed to appear where Legal Aid NSW is satisfied the matter is complex

**Note:** for mental health enquiries fees will be paid at \$180/hour and in accordance with the Duty Solicitor Scheme.

**Note:** These fees are exclusive of GST

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## 5. Duty Fee Scale

	Hourly rate
<b>Duty Lawyer Scheme</b>	\$180 per hour (for the number of hours approved on the duty purchase order)

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## 6. Travel entitlements in state civil law matters

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 Entitlements

#### Travel allowances

Where approved, travel will be paid at a rate of **\$0.68 per kilometre** over 35kms, or where appropriate, a return economy airfare (whichever is cheaper).

#### Payment for travel time

Payment for travel will only paid where the private lawyer is travelling over 35 kilometres (one way). The hourly fee rate is paid at \$90.

Distance each way	
<b>Example distances only</b>	0.68 per km after 35 km plus time at \$90/hour
50 km	\$113
100 km	\$275
150 km	\$437
200 km	\$599
250 km	\$760

**Note:** Travel allowances will be paid at actual kilometre rates submitted

**Note:** Lawyers travelling for duty and case work on the same day can only claim the travel allowance for either duty or the case work.

### 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.

[Is travel allowance available for appeals?](#)

[If travel allowance is approved for a criminal trial, is an allowance paid for accommodation and meals?](#)

[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?](#)

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