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# Merit advice

|                       |   | State | Commonwealth |
|-----------------------|---|-------|--------------|
| <b>Solicitor</b>      | All work including instructions, brief, review of advice, per hour to maximum of 4 hours or 12 hours in complex matters | \$195 | \$165        |
| <b>Junior counsel</b> | All work including preparation of advice, per hour to maximum of 4 hours or 12 hours in complex matters                 | \$195 | \$165        |
| <b>Senior counsel</b> | All work including preparation of advice, per hour to maximum of 7.5 hours or 20 hours in complex matters               | \$195 | \$165        |

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# Local Court

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|------------------|--|-------|--------------|
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|                  | Court appearance at hearing, per hour                  | \$195 | \$165        |

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# Mental Health Review

|                       |   | State |
|-----------------------|---|-------|
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|                       | Court appearance at hearing, per hour       | \$195 |
|                       | Appear as advocate at hearing, per hour     | \$293 |
| <b>Junior counsel</b> | Preparation and non advocacy work, per hour | \$195 |
|                       | Court appearance at hearing, per hour       | \$195 |
|                       | Appear as advocate at hearing, per hour     | \$293 |
| <b>Senior counsel</b> | Preparation and non advocacy work, per hour | \$488 |
|                       | Court appearance at hearing, per hour       | \$488 |

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# NSW Civil and Administrative Tribunal (NCAT)

|           |  | State |
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| Solicitor | All preparation work and initial appearances, per hour | \$195 |
|           | Court appearance at hearing, per hour                  | \$195 |

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# Administrative Review Tribunal

## Matters other than Veterans' matters

|           |  | Commonwealth |
|-----------|--|--------------|
| Solicitor | All preparation work and initial appearances, per hour | \$165        |
|           | Court appearance at hearing, per hour                  | \$165        |

## Veterans' matters

|                |         |  | Commonwealth |
|----------------|---------|--|--------------|
| Solicitor      | Stage 1 | All work up to and including second preliminary conference | \$1,650      |
|                | Stage 2 | All work up to the hearing                                 | \$1,980      |
|                |         | Appear as advocate at hearing, per hour                    | \$248        |
| Junior counsel | Stage 2 | Appear as advocate at hearing, per hour                    | \$248        |

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# Fair Work Commission

|                       |   | Commonwealth |
|-----------------------|---|--------------|
| <b>Solicitor</b>      | Preparation and non advocacy work, per hour | \$165        |
|                       | Court appearance at hearing, per hour       | \$165        |
|                       | Appear as advocate at hearing, per hour     | \$248        |
| <b>Junior counsel</b> | Preparation and non advocacy work, per hour | \$165        |
|                       | Court appearance at hearing, per hour       | \$165        |
|                       | Appear as advocate at hearing, per hour     | \$248        |
| <b>Senior counsel</b> | Preparation and non advocacy work, per hour | \$413        |
|                       | Court appearance at hearing, per hour       | \$413        |

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# District Court

|                       |   | State |
|-----------------------|---|-------|
| <b>Solicitor</b>      | Preparation and non advocacy work, per hour | \$195 |
|                       | Court appearance at hearing, per hour       | \$195 |
|                       | Appear as advocate at hearing, per hour     | \$293 |
| <b>Junior counsel</b> | Preparation and non advocacy work, per hour | \$195 |
|                       | Court appearance at hearing, per hour       | \$195 |
|                       | Appear as advocate at hearing, per hour     | \$293 |
| <b>Senior counsel</b> | Preparation and non advocacy work, per hour | \$488 |
|                       | Court appearance at hearing, per hour       | \$488 |

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# Supreme Court

|                       |   | State |
|-----------------------|---|-------|
| <b>Solicitor</b>      | Preparation and non advocacy work, per hour | \$195 |
|                       | Court appearance at hearing, per hour       | \$195 |
|                       | Appear as advocate at hearing, per hour     | \$293 |
| <b>Junior counsel</b> | Preparation and non advocacy work, per hour | \$195 |
|                       | Court appearance at hearing, per hour       | \$195 |
|                       | Appear as advocate at hearing, per hour     | \$293 |
| <b>Senior counsel</b> | Preparation and non advocacy work, per hour | \$488 |
|                       | Court appearance at hearing, per hour       | \$488 |

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# Federal Circuit and Family Court

|                       |   | Commonwealth |
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| <b>Solicitor</b>      | Preparation and non advocacy work, per hour | \$165        |
|                       | Court appearance at hearing, per hour       | \$165        |
|                       | Appear as advocate at hearing, per hour     | \$248        |
| <b>Junior counsel</b> | Preparation and non advocacy work, per hour | \$165        |
|                       | Court appearance at hearing, per hour       | \$165        |
|                       | Appear as advocate at hearing, per hour     | \$248        |
| <b>Senior counsel</b> | Preparation and non advocacy work, per hour | \$413        |
|                       | Court appearance at hearing, per hour       | \$413        |

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# Federal Court

|                       |   | Commonwealth |
|-----------------------|---|--------------|
| <b>Solicitor</b>      | Preparation and non advocacy work, per hour | \$165        |
|                       | Court appearance at hearing, per hour       | \$165        |
|                       | Appear as advocate at hearing, per hour     | \$248        |
| <b>Junior counsel</b> | Preparation and non advocacy work, per hour | \$165        |
|                       | Court appearance at hearing, per hour       | \$165        |
|                       | Appear as advocate at hearing, per hour     | \$248        |
| <b>Senior counsel</b> | Preparation and non advocacy work, per hour | \$413        |
|                       | Court appearance at hearing, per hour       | \$413        |

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# High Court

|                |   | State | Commonwealth |
|----------------|---|-------|--------------|
| Solicitor      | Preparation and non advocacy work, per hour | \$195 | \$165        |
|                | Court appearance at hearing, per hour       | \$195 | \$165        |
| Junior counsel | Preparation and non advocacy work, per hour | \$195 | \$165        |
|                | Court appearance at hearing, per hour       | \$195 | \$165        |
|                | Appear as advocate at appeal, per hour      | \$293 | \$248        |
| Senior counsel | Preparation and non advocacy work, per hour | \$488 | \$413        |
|                | Court appearance at appeal, per hour        | \$488 | \$413        |

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# Duty Lawyer

|                    |  | State |
|--------------------|--|-------|
| Legal practitioner | Duty work per hour, to maximum hours approved on the duty purchase order | \$195 |

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# Civil fee guidelines

## 1. Costs orders and recovery of costs

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

## 2. Payment of solicitor advocate or counsel's fees

Solicitor advocate or counsel's fee rates will not be paid in the following courts and tribunals unless Legal Aid NSW is satisfied the matter is complex:

- Local Court
- NSW Civil and Administrative Tribunal
- Mental Health Review Tribunal
- Administrative Appeals Tribunal
- Fair Work Commission

## 3. Fees for conciliation stage in Fair Work Commission

The hourly rate of \$150 will be paid at the conciliation stage in unfair dismissal or general protection matters in the Fair Work Commission regardless of whether junior or senior counsel is briefed.

## 4. Veterans' matters

Where Legal Aid NSW determines a Veteran's matter is complex, fees will be negotiated with the lawyer.

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# Expert Evidence

Civil law fee scale

## Fee scale for expert evidence – Civil

| Medical reports   | Fee for report |
|---|----------------|
| Police tort matters - medical report on physical impairment/condition/functioning | \$1500 (PD68)  |
| All other matters - medical report on physical impairment/condition/functioning   | \$1000 (PD17)  |

| Psychological and psychiatric reports   | Fee for report |
|---|----------------|
| Psychological report regarding evidence of family violence  | \$1000 (PD66)  |
| Psychologist/Psychiatrist assessment and report (including risk assessments/recidivism reports, clinical reports)             | \$2000 (PD11)  |
| Forensic psychologist/psychiatrist - recidivism and clinical assessment and report - <i>immigration and MHAS matters only</i> | \$3000 (PD69)  |
| Neuropsychological assessment and report  | \$3000 (PD73)  |

| Other Allied Health professional reports                | Fee for report |
|---|----------------|
| Occupational Therapist - detailed assessment and report | \$2000 (PD70)  |



|  |               |
|--|---------------|
| Other Allied Professionals' assessment and report (e.g. social worker) | \$1000 (PD67) |
|--|---------------|

| Other reports and fees                         |                                 |                           |
|--|---------------------------------|---------------------------|
| Gaol or hospital visit                         | Lump sum fee                    | \$390 (PD71)              |
| Client non-attendance at confirmed appointment | Lump sum fee                    | \$195 (PD74)              |
| Treating expert's report                       | Fee for report                  | \$300 (PD72)              |
| Supplementary report                           | Fee for report                  | \$400 (PD75)              |
| Court attendance to give evidence              | Per hour, up to 5 hours per day | \$250 (PD76)              |
| Other expert reports                           |                                 | As negotiated with Grants |

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### Expert evidence fee guidelines

Guidelines for the fees paid to experts in civil law matters

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# Expert evidence fee guidelines

Guidelines for fees paid to experts in civil law matters

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## 1. Non-attendance and cancellation fees

### 1. Non-attendance and cancellation fees

The non-attendance fee will be paid if:

- the client does not attend a confirmed interview/examination, or
- the interview/examination is cancelled with less than 24 hours' notice.

Non-attendance fee will not be paid if:

- the expert is the client's treating expert, or
- the expert has also claimed a gaol visit fee.

Legal Aid NSW will not pay a fee for expert assessments or reports that are cancelled with sufficient notice.

---

## 2. Requests for funding above the fee scale

### 2. Approval for requests for funding above the fee scale

Legal Aid NSW may approve requests for funding above the fee scale in exceptional circumstances. Exceptional circumstances must be considered in the context of other legally aided clients in similar matters.

**NOTE:** The decision to approve funding for expert reports above the fee scale can be exercised by Legal Aid NSW officers authorised under [Clause 37 of the Delegation Instrument](#).

---

## 3. Travel expenses

### 3. Travel expenses

Fees for travel will only be paid where a Sydney-based expert is travelling to a client assessment located outside the Sydney metropolitan area. Travel will be paid on the same basis as for a legal practitioner.

See [travel rates](#) and [travel guidelines](#).

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Acknowledgement of Country

Legal Aid NSW with our team at LawAccess NSW acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of the land and waters. We acknowledge and pay respects to their Elders, past and present. In our work, we are committed to advocating for the rights of Aboriginal and Torres Strait Islander people and communities.

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