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Early Resolution Assistance (ERA) fee scales

Family law matters

ERA Care and Protection

			State
Solicitor fees	Contact dispute mediation and post filing adoptions – for adults	Preparation, including intake with mediator	\$488 (ERAPF, ERAS86)
		Attendance at mediation, per hour to maximum 4 hours	\$195 (ERAPF, ERAS86)
		Consent orders/ agreement	\$195 (ERAPF, ERAS86)
	Contact dispute mediation and post filing adoptions – for child representatives	Preparation, including intake with mediator	\$488 (ERAS86C)
		Attendance at mediation, per hour to maximum 4 hours	\$195 (ERAS86C)
		Visit to child/ren	\$390 (ERAS86C)

		Visit to additional child/ren in separate location, per location	\$195 (ERAS86C)
		Consent orders/ agreement	\$195 (ERAS86C)
	Alternative dispute resolution including <ul style="list-style-type: none"> Care circle prefiling adoptions Early Intervention Care Mediation - LAFPA Pilot 	Taking instructions and general preparation	\$390 (ERAAD, PP12)
		Attendance at ADR process, per hour to maximum 4 hours	\$195 (ERAAD, PP12)
		Consent orders/ agreement	\$195 (ERAAD, PP12)

ERA Property and Parenting

		Commonwealth
Solicitor fees	Preparation for children and property	\$495 (PFCHPR)
	Attendance at mediation, per hour, to a maximum of 4 hours for children	\$165 (PFCHPR)
	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 1)	\$165 (PFCHPR)
	Preparation	\$330 (PFCHPR)

	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 2)	\$165 (PFCHPR)
	Consent orders	\$165 (PFCHPR)
	Additional preparation for consent orders or to advise on finalisation of matter	\$165 (PFCHPR)

ERA Property only

		Commonwealth
Solicitor fees	Preparation for property	\$330 (PFPR)
	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 1)	\$165 (PFPR)
	Preparation for property	\$330 (PFPR)
	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 2)	\$165 (PFPR)
	Consent orders	\$165 (PFPR)
	Additional preparation for consent orders or to advise on finalisation of matter	\$165 (PFPR)

ERA Parenting only

Solicitor fees		State
	Preparation	\$330 (PFPR)
	Attendance at mediation, per hour, to a maximum of 4 hours	\$165 (PFPR)
	Consent orders	\$165 (PFPR)
	Additional preparation for consent orders or to advise on finalisation of matter	\$165 (PFPR)

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Local Court fee scales

Family law matters

			Commonwealth
Solicitor	Local Court Stage 2A Initiating court proceedings up to conclusion of directions hearings	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$825 (PF19)
	Local Court Stage 2B Initiating court proceedings up to conclusion of directions hearings, including application for interim relief filed at the same time	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$825 (PF20)
		Appearance at defended interim hearing, per hour to maximum 5 hours	\$165 (PF20)
	Local Court Stage 2C Interim or summary hearing as a discrete event	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$825 (PF21)

	Appearance at defended interim hearing, per hour to maximum 5 hours	\$165 (PF21)
Local Court Stage 2D Application for recovery order where there is an existing court order	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$495 (PF24)
	Court appearance, per hour, to maximum 3 hours	\$165 (PF24)
Local Court Stage 3 Preparation for hearing	Taking instructions, interviewing witnesses, preparing documents including affidavits, preparing client for family or expert report process, issuing subpoenae, preparing trial documents, preparing and delivering brief to counsel, reading family or expert report, conference with counsel, preparing and filing consent orders	By negotiation (PF25)
Local Court Stage 4A Final hearing	Court appearance, per hour	\$165 (PF26)
Local Court Stage 4B Taking judgment	Taking judgment and explaining orders, if judgment listed on a separate day	\$165 (PF91)
Local Court Stage 5 Transfer from Local Court to Federal Circuit and Family Court	Where previous funding has been approved in the Local Court this stage covers the transfer of the proceedings to the Federal Circuit and Family Court including taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and	\$825 (PF3)

		mentions, preparing and filing consent orders	
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NSW Civil and Administrative Tribunal (NCAT) fee scales

Family law matters

			State
Legal practitioner	Representation in the Administrative and Equal Opportunity Division of NCAT	Per hour, to a maximum of 5 hours per day	\$195

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Children's Court fee scales

Family law matters

			State
Legal practitioner	Care Stage 2 Applications for interim or other orders fixed for defended hearing including <ul style="list-style-type: none"> Interim orders in pending care matters where a final order has not been made ECPO and ECPO extension Application on threshold issues except establishment eg a hearing to determine whether there has been a breach of a final order which is heard separately from the final hearing of a breach application Application for assessment order Leave of court application heard separately from application to vary/rescind Relisting of s 82 report Responding to joinder applications 	Taking instructions, reading court documents (and other materials), all initial court appearances including the preparation of administrative court documents such as a Notice of Address for Service, Notice to Clinician to attend hearing, Notice for hearing/listing date	\$390 (PP20, PP20AH, PP20J, PP20L, PP20LC, PPA1LC)
		Preparation of court documents including affidavits	\$585 (PP20, PP20AH, PP20J, PP20L, PP20LC, PPA1LC)
		Appearance at defended hearing, per hour	\$195 (PP20, PP20AH, PP20J, PP20L, PP20LC, PPA1LC)
	Care Stage 2A Applications for interim or other orders fixed for defended hearing including:	Taking instructions, reading court documents (and other materials), all initial court appearances including the preparation of administrative	\$780

<ul style="list-style-type: none"> Applications for joinder and s87 Right to be Heard applications (for applicants only) 	court documents such as a Notice of Address for Service	
	Preparation of court documents including affidavits	\$585
	Appearance at defended hearing, per hour	\$195
Care Stage 3 Part A Work from the filing of the care application, including preparation and attendance at all preliminary court appearances and conferences prior to the establishment hearing	Taking instructions, reading court documents (and other material), preparation of administrative court documents such as a Notice of Address for Service, and all court appearances	\$780 (PP32, PP35)
	Preparation of court documents including affidavit/s for establishment hearing, per hour to a maximum of 3 hours	\$195 (PP32, PP36)
Care Stage 3 Part B Preparation for the establishment hearing and appearance at the hearing	Preparation for establishment hearing including the preparation of administrative court documents necessary for an establishment hearing	\$293 (PP33, PP37)
	Appearance at defended establishment hearing, per hour	\$195 (PP33, PP37)
Care Stage 4 Disposition (placement) phase	Taking instructions, reading court documents (and other material), preparation of administrative court documents, all court appearances, and preparation for the dispute resolution conference	\$975 (PP40)
	Preparation of court documents including affidavit/s for placement	\$585 (PP40)

		hearing excluding the preparation of administrative court documents such as a Notice of Address for Service, Notice to Clinician to attend, Notice for hearing/listing date	
		Preparation for defended placement hearing including the preparation of administrative court documents necessary for the hearing (e.g. Notice to Clinician to attend, Notice for hearing).	\$293 (PP40)
		NOTE: to be eligible for this funding, the matter must be fixed for a defended placement hearing	
		Appearance at defended placement hearing, per hour	\$195 (PP40)
	Care Stage 5 Alteration of existing care orders including <ul style="list-style-type: none"> • Application for further orders due to breach • Application for extension of supervision • Application for variation/rescission 	Attendance at dispute resolution conference, per hour to maximum 3 hours	\$195 (PP40)
		Taking instructions, reading court documents (and other materials), all initial court appearances and preparation for the dispute resolution conference	\$975 (PP50, PP50C)
		Preparation of court documents including affidavits, excluding the preparation of administrative court documents such as a Notice of Address for Service, Notice to Clinician to attend, Notice for hearing/listing date	\$585 (PP50, PP50C)
		Preparation for final hearing including the preparation of	\$293 (PP50,

		administrative court documents such as a Notice of Address for Service, Notice to Clinician to attend, Notice for hearing/listing date	PP50C)
		Appearance at final hearing, per hour	\$195 (PP50, PP50C)

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Family law matters

			State
Legal practitioner	Care Stage 6 District Court appeal	Taking instructions, reading court documents (and other material) interviewing witnesses, preparing affidavits and other court documents, issuing subpoenae and all court appearances other than the final hearing, per hour	\$195 (PP62)
		Court appearance at hearing, where counsel is not briefed, per hour	\$293 (PP60)
		Court appearance at hearing, where counsel is briefed, per hour	\$195 (PP61)

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Federal Circuit and Family Court fee scales

Family law matters

Acting for a party – stage of matter fees

			Commonwealth
Solicitor	Stage 1B Litigation intervention mediation or court ordered mediation conducted by Legal Aid NSW	Attendance at mediation, per hour, to maximum 4 hours	\$165 (PF02)
		Preparation	\$165 (PF110)
	Stage 1C Court based mediation conference conducted by Judicial Registrar	Attendance at mediation, per hour, to maximum 4 hours	\$165 (PF110)
		An additional hour may be available in exceptional circumstances that extend the mediation time	\$165 (PF110)

	Stage 2A Initiating court proceedings up to conclusion of directions hearings	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$1,485 (PF27)
		Additional preparation allowance for property matters	\$330 (PF27)
	Stage 2B Initiating court proceedings up to conclusion of directions hearings, including application for interim relief filed at the same time	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$1,485 (PF2)
		Appearance at defended interim hearing, per hour to maximum 5 hours	\$165 (PF2)
		Drafting Notice of child abuse, family violence or risk	\$165 (PF2)
		Additional preparation allowance for property matters	\$330 (PF2)
	Stage 2C Interim or summary hearing as a discrete event	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$990 (PF31)

	Appearance at defended interim hearing, per hour to maximum 5 hours	\$165 (PF31)
Stage 2D Up to conclusion of conciliation conference (if any)	File management, taking instructions, court appearance, consent orders	\$660 (PF28)
Stage 2E Application for recovery order where there is an existing court order	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$495 (PF30)
	Court appearance, per hour, to maximum 5 hours	\$165 (PF30)
Stage 3 Preparation for hearing	Taking instructions, interviewing witnesses, preparing documents including affidavits, preparing client for family or expert report process, issuing subpoenae, preparing trial documents, preparing and delivering brief to counsel, reading family or expert report, conference with counsel, preparing and filing consent orders	By negotiation (PF32, PF32A)
Stage 4A Final hearing	Court appearance, per hour	\$165 (PF33, PF33A)
Stage 4B Taking judgment	Taking judgment and explaining orders, if judgment listed on a separate day	\$165 (PF91)

	Stage 5A Full Court appeal	All work up to and including the hearing of the appeal to the Full Court	\$1,650 (PF92)
	Stage 5B Single judge appeal	All work up to and including the hearing of the appeal to a single judge	\$1,980 (PF93)
Solicitor advocate	Final hearing	Where the hearing is more than one day and raises complex issues Court appearance, per hour	\$248 (PF34)
Counsel	Final hearing	First day fee, including preparation, conferences and appearance at hearing	\$1,320 (PF15)
		Appearance at subsequent days, per day	\$1,062 (PF16)
	Case outline document	Preparation, per hour to maximum 2 hours	\$165 (PD24)
	Other appearance work or chamber work	Appearance or preparation work, per hour	\$165 (PD26)
	Full Court appeal	All inclusive fee including preparation, conferences and hearing	\$2,376 (PF47)

Acting for a party – miscellaneous stages

			Commonwealth
Solicitor	Less adversarial trial	To cover intake stage and all work up to the listing of the matter for hearing including taking instructions, advice and assistance in the preparation of consent and questionnaire	\$990

	documents, all preparation for and initial appearance in the Less Adversarial Trial, negotiation, preparing and filing consent orders	
Magellan	Taking instructions, advice and assistance in the preparation of court documents, preparation for and all appearances in the Magellan Program up to the listing of the matter for final hearing, negotiation, preparing and filing consent orders – where funding was approved prior to the matter entering the Magellan Program	\$660 (MG01)
	Taking instructions, advice and assistance in the preparation of court documents, preparation for and all appearances in the Magellan Program up to the listing of the matter for final hearing, negotiation, preparing and filing consent orders – where funding was not approved prior to the matter entering the Magellan Program	\$1,320 (MG02)
Change of venue application	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$330 (PF1)
Divorce	With no children under 18, lump sum fee	\$495 (PF51)
	With children under 18, lump sum fee	\$660 (PF52)

	Enforcement / contravention proceedings	Taking instructions for application or response and for affidavits, communications, preparing court documents, attending to filing and service, all court appearances including directions hearings and mentions, preparing and filing consent orders	\$660 (PF53)
		Court appearance at defended contravention / enforcement hearing, per hour to maximum 5 hours	\$165 (PF53)
	Child support declaration under s 106A or 107 of the Child Support (Assessment) Act 1989	All work up to and including appearance at the directions hearing following the release of parentage testing results	\$660 (PF54)
	Consent orders (where there is no existing funding approval for mediation or court proceedings)	Lump sum fee	\$495 (PF58)
	Agency	Instruct agent, for up to three appearances, per hour to maximum 3 hours The principal is to pay the agent from their lump sum fee	\$165 (PF63)

Acting as Independent Children's Lawyer

	Commonwealth
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Solicitor	ICL Stage 1 Mediation at Legal Aid NSW	Attendance at mediation, per hour, to a maximum of 4 hours	\$165 (PF35)
		Preparing consent orders	\$165 (PF35)
	Court based mediation convened by a Judicial Registrar	Preparation for mediation	\$165 (PF41)
		Attendance at mediation, per hour, to a maximum of 4 hours	\$165 (PF41)
		An additional hour may be available in exceptional circumstances that extend the mediation time	\$165 (PF41)
	ICL Stage 2A From directions hearing until listing of matter for hearing	Where an order is made at directions hearing for work up to and including the listing of the matter for hearing, including meeting with children	\$2,310 (PF36)
	ICL Stage 2B Interim hearing as a discrete event	Preparation	\$990 (PF44)
		Court appearance at defended interim hearing, per hour to maximum 5 hours	\$165 (PF44)
	ICL Stage 2C Application to court for appointment of a single expert witness under Division 7.1.2	All work including court appearance associated with the application	\$330 (PF18)
	ICL Stage 3A To eve of hearing	All appearances, preparation etc to eve of hearing,	\$1,815 (PF37)

		including meeting with children	
	ICL Stage 4A Final hearing	Court appearance, per hour	\$165 (PF38, PF38C, PF38D)
	ICL Stage 4B Taking judgment	Taking judgment, if judgment listed on a separate day	\$165 (PF91)
	ICL Stage 5 Full Court appeal	All work up to and including the hearing of the appeal to the Full Court	\$1,980 (PF48)
Solicitor advocate	Final hearing	Where the hearing is more than one day and raises complex issues Court appearance, per hour	\$248 (PF39)
Counsel	Final hearing	First day fee, including preparation, conferences and appearance at first day of hearing	\$1,320 (PF15)
		Appearance at subsequent days of hearing, per day	\$1,062 (PF16C)
	Case outline document	Preparation, per hour to maximum 2 hours	\$165 (PD24)
	Other appearance work or chamber work	Appearance or preparation work, per hour	\$165 (PD26)
	Full Court appeal	All inclusive fee including preparation, conferences and hearing	\$2,376 (PF47)

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High Court fee scales

Family law matters

Appeal

			Commonwealth
Solicitor	Family Stage 5C	All work up to and including the hearing of the application for special leave to appeal to the High Court	\$1,980
Junior Counsel	Appeal	All inclusive fee including reading, preparation and hearing	\$2,376
Senior Counsel	Appeal	Reading / preparation	By negotiation
		Court appearance	\$2,046

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Duty Lawyer fee scales

Family law matters

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

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Solicitor fee scales

			Commonwealth
Solicitor	Preparation	Including but not limited to taking instructions, reading documents filed to date, preparing and filing documents, attending directions and case management hearings, negotiating with the other party or their lawyer, inspecting subpoena material	\$165 per hour to a maximum of 25 hours
	Family dispute resolution	Attendance at litigation intervention family dispute resolution conference, if scheduled	\$165 per hour to maximum 4 hours
	Interim hearing as discrete event	Attendance at discrete interim hearing	\$165 per hour to maximum 5 hours
	Final hearing	Attendance at final hearing	\$165 per hour to maximum 5 hours per day
	Take judgment	Attendance to take judgment if listed on a separate day	\$165 (one hour)

	Additional preparation	Only paid in extraordinary circumstances	\$165 per hour
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Counsel fee scales

			Commonwealth
Counsel	First day	Preparation, conferences and attendance at first day of final hearing	\$1320
	Subsequent days	Attendance at subsequent days of final hearing	\$1062
	Case outline documents	Preparation of case outline documents	\$165 per hour to maximum 2 hours
	Additional chambers work	Only paid in exceptional circumstances	\$165 per hour

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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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Expert evidence

Commonwealth family law matters

Fee scale for expert evidence – Family law

Single expert report under Division 7.1.2 of the FCFCOA Rules		
Single expert report	Fee for report	\$7500 (PD13, PD61)
Limited issues single expert report	Fee for report	\$3000 (PD63)
Updating single expert report	Per hour, up to 6 hours	\$250 (PD63A)
Refresher fee where the expert is required to give evidence in Court more than three months after the preparation of a report, and the Court has not ordered an updated report	Fee for refresher	\$500 (PD65)
Court attendance to give evidence	Per hour, up to 5 hours per day	\$250 (PD36)

Other expert evidence		
Psychologist/Psychiatrist assessment and report	Fee for report	\$2000 (PD11)
Other medical or Allied Health Professional assessment and report	Fee for report	\$1000 (PD67)

Valuation of real property in property settlement matters	Fee for report	\$500 (PD09)
Court attendance to give evidence	Per hour, up to 5 hours per day	\$250 (PD35)

Date last published: 21 October 2024

Guidelines



Expert evidence fee guidelines

Expert evidence fee guidelines in Commonwealth Family Law matters

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Family fee guidelines

1. Stage of matter model for solicitors

Application of the stage of matter model for solicitors in Commonwealth matters

- 1.1 – If there is a change of solicitor, the model applies as if there were no change of solicitor and payments will be made on a pro-rata basis for work completed for each stage.
- 1.2 – If a legally aided client loses contact with the solicitor, payment for the work completed will be on a pro rata basis to be negotiated with Legal Aid NSW.
- 1.3 – If contact is re-established, funding already provided will be taken into account when considering any further funding.
- 1.4 – The hearing length of a trial will be estimated taking into account the estimate given by the court.
- 1.5 – If a matter is listed for hearing (final or otherwise) and not reached by the court on the date set, additional funding must be negotiated.
- 1.6 – Court attendance includes waiting time and appearance in court but excludes travel time.
- 1.7 – The fee for taking judgment is payable if the judgment is listed on a separate day.

2. Cost management

Definitions in cost management

In this guideline:

- a **family law or child support matter** includes any dispute that involves the same parties about the same or substantially the same issue, if there has not been a material change in circumstances or if any such change would not materially affect existing orders
- **costs cap** means the costs limitations on a grant of legal aid as set out in this guideline at 2.1
- **costs of a matter** means the total costs paid by Legal Aid NSW in a family law or child support matter in which legal aid has been, less any contributions collected by Legal Aid NSW from the legally aided person and any costs recovered by Legal Aid NSW.

The costs management principles in this guideline apply to all grants of aid made by Legal Aid NSW for Commonwealth family law matters.

2.1 Limit on costs

Under a grant of legal aid, payment of the costs of a matter under the Legal Aid NSW usual fee scales for a party in a family law or child support matter, regardless of whether legal aid in the matter is provided in-house by Legal Aid NSW or by an external service provider, is limited to \$15,000.

The limit on costs does not apply to grants of aid to independent children's lawyers.

Interpreter and translator fees and rural travel and accommodation are not included in the costs of a matter for the purposes of the costs cap.

2.2 If costs likely to exceed limit

Legal Aid NSW may increase the costs cap for a particular grant of aid if, in its opinion, undue hardship would otherwise be caused to an applicant for aid taking into account the following

- whether the applicant for aid has incurred significant additional costs due to a special circumstance
- whether it would be unreasonable to expect the applicant to adequately represent himself or herself due to a special circumstance
- whether the costs of the applicant have increased significantly through no fault of the applicant
- the number and complexity of issues in dispute
- the likelihood of risk to a child's safety or welfare.

Before making a decision under this guideline Legal Aid NSW must have considered whether it is possible to contain costs by

- providing legal assistance for the matter in-house, or
- considering whether alternative means of funding are appropriate, including negotiating a fee package that is not in accordance with the Legal Aid NSW usual fee scales with an external services provider.

2.3 Increasing the cost cap

Any decision made by Legal Aid NSW to increase the costs cap for a particular grant of aid should be subject to strict limits on costs, and the nature and extent of the additional cost should be determined by Legal Aid NSW or agreed between Legal Aid NSW and the external service provider having regard to the following factors

- advice from the court and the parties about the estimated length of time required for the hearing of the matter
- the number and nature of witnesses who must be called or cross-examined, and
- whether the other parties to the matter have legal representation.

2.4 Costs in recovery order and location order matters

Legal Aid NSW should treat proceedings for a recovery, location and/or Commonwealth information order relating to the location and/or recovery of a child as a new matter for the purposes of family law costs management.

A grant of aid for recovery, location or a Commonwealth information order

- should usually be limited to \$2000, and
- should only be made on the condition that the applicant for aid seeks a costs order against the respondent to the court application, unless that party is also in receipt of a grant of legal aid.

2.5 Costs recovery in parentage testing cases

A client receiving a grant of legal aid for parentage testing must seek an order from the court for the costs of the testing, unless the other party to the proceedings is also receiving legal aid.

2.6 Costs capping and recovery in enforcement proceedings

A grant of aid under for enforcement proceedings

- should usually be limited to \$2000, and
- should only be made on the condition that the applicant seeks a costs order against the respondent to the court application, unless that party is also in receipt of a grant of legal aid.

2.7 Costs recovery in property settlement matters

If the applicant is represented in a property dispute matter (in combination with another family law matter) Legal Aid NSW will seek full recovery of costs as determined under [s 46 of the Act](#). In the event the applicant retains the real property the debt is to be secured by means of a charge over the property and a caveat lodged.

2.8 Costs in appeal matters

Legal Aid NSW must take the provisions of the [Federal Proceedings \(Costs\) Act 1981 \(Cth\)](#) into account before granting aid for an appeal.

Legal Aid NSW should treat an appeal as a new matter for the purposes of family law costs management.

3. Court-based mediation convened by a Judicial Registrar

3.1 – An additional hour (up to 5 hours in total) is available where there are exceptional circumstances that extend the mediation time. Exceptional circumstances include:

- where a party is Aboriginal
- where a party has a cognitive impairment
- where a party requires an interpreter, or
- where there are more than three parties to the proceedings.

4. Counsel's fees in Commonwealth matters

4.1 – Where a hearing concludes on the first day then only the "first day" fee will be paid.

4.2 – Where the hearing concludes early but on a subsequent day, the fee will be calculated on a "first day" and then "subsequent day" basis paid up to and including the date of conclusion.

4.3 – Funding will not be approved to brief Counsel in interim hearings.

4.4 – Funding will not be approved to brief Counsel in a local court except in particularly complex or exceptional cases.

4.5 – Funding will not be approved to brief Counsel for hearings that do not exceed one day.

4.6 – Funding will not be approved to brief Counsel by an independent children's lawyer unless the hearing time exceeds one day and the matter raises complex issues of fact or law or there are other exceptional circumstances.

5. Care and protection

5.1 – The fee for preparation of court documents excludes preparation of administrative documents such as a Notice of Address for Service or Notice to Clinician to attend hearing.

5.2 – Fees for attendance at a hearing may only be claimed where the matter is fixed for a specific defended hearing.

6. Counsel's fees in care and protection

6.1 – Counsel may only be briefed where complex issues of fact or law are raised or there are exceptional circumstances.

7. Drug testing

7.1 – Legal aid is generally not available to fund court-ordered drug testing in family law matters.

7.2 – Legal Aid NSW will only consider funding for court-ordered drug tests where:

- the subject of the drug test order is a legally aided party in a parenting matter, and
 - the report will materially affect the outcome of the matter and is the only risk factor in consideration, and
 - the report is necessary to finalise the matter, and
 - where an Independent Children's Lawyer is involved, they support the need for a one-off drug test.
-

8. Fees where Solicitor Advocate is briefed by inhouse solicitor

8.1 – Where an inhouse Solicitor Advocate is briefed by an inhouse solicitor in family law court proceedings, the fee that applies is counsel's fee.

8.2 – Where an inhouse solicitor is claiming notional fees for the Solicitor Advocate, they should be claimed at counsel fee rates.

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