

Disbursements Scale

(operative from 1 April 2017)

The following fees are maximum fees **which can only be varied by the Commission** in a specific case, (other than the case where a party or the parties have paid into Trust, sufficient moneys to pay for a report charged at an amount higher than that fixed by this Scale), or by a periodic update of the Scale.

ITEM	FAMILY LAW - ASSESSMENTS & REPORTS	FEE PAYABLE
1.	Standard Family Assessment	\$1313
2.	Review of Standard Family Assessment & Report	\$657
3.	Supplementary Standard Family Assessment & Report	\$657
4.	Complex Family Assessment & Report	\$1,970
5.	Review of Complex Family Assessment & Report	\$987
	Others	
6.	Assessment and Report - Psychiatrist	\$1,190
7.	Treating Specialists Report	Up to \$985
8.	Treating General Practitioners Report	Up to \$462
9.	Treating Medical/Counsellor's Report	Up to \$657
10.	Other Investigators – hourly rate	Up to \$82
11.	Parentage Testing Report (standard) Additional parties - per party Subsequent test	\$689 \$184 \$402
12.	Cancelled appointment – per party (Where an expert sets aside time to interview parties for the purposes of an assessment and the appointment is cancelled with less than 24 hours' notice)	\$82
	FAMILY LAW - ATTENDANCE AT COURT	
13.	Less than a full day – hourly rate	\$195
14.	Full day	\$985
	CRIMINAL LAW	
15.	Assessment & Report (inc. Gaol visit) Psychiatrist Where more than two gaol visits required (additional 2 hours)	Up to \$1,190 Up to \$1,580
16.	Specialist psychiatric/expert from interstate/overseas, having satisfied ALL general criteria (1-9)	Up to \$3,021
17.	Psychologist	Up to \$985
18.	Treating Specialist's report (eg Orthopaedic Surgeon, Forensic Immunologist, Psychiatrist, Obstetrics, Surgeon, etc)	Up to \$985
19.	Treating General Practitioner's Report	Up to \$463
20.	Attendance at Court to give evidence - hourly rate	\$195
21.	Attendance at Court to give evidence - full day	\$985
22.	Specialists Safety Experts- Interview & Report & Technical Investigators- Handwriting experts, I/T forensic analysis	Up to \$1,580
23.	Other Investigators, Process Servers etc – hourly rate	\$82
	CIVIL LAW	
24.	Same as criminal scale for above categories	
25.	Specialist Safety Experts - Interview & Report & Technical Investigators	Up to \$1,580
26.	Other Investigators, Process Servers, etc – hourly rate	\$82
	IN NEED OF CARE	
27.	Complex Family Assessment & Report involving more than one family	Up to \$1,969
28.	Family Assessment & Report (Interaction parents with children)	Up to \$1,313
29.	Family Assessment & Report (Parents only)	Up to \$985
	GENERAL	
30.	Professional witnesses can also claim a fee based on lost income due to absence from Office or Surgery to attend Court to give evidence, based on the above scale. <i>In cases where the expert seeks to claim actual loss of income due to attendance at Court to give evidence, relevant details should be supplied for the</i>	

	<i>Commission's consideration for reimbursement of that loss eg: actual cancellation, loss of a lecturing appointment, postponed surgery, etc.</i>	
31.	Lost time – daily rate	\$985
32.	Attendance at court to give evidence	\$985
33.	There is therefore a MAXIMUM DAILY CLAIM for professional witnesses in such matters.	\$1,969

Explanatory Notes

General

- The following general provisions apply to expert expenses. These provisions should be read in conjunction with the specific provisions for fees for expert reports.

When assigned practitioners seek funding for an expert's report, they **must ensure** that the particular expert will:

- Report in accordance with the fees outlined in this Scale, and
- Attend Court to give evidence on the fees outlined in this Scale.
- They must inform the Commission when seeking aid that the proposed expert has agreed to these requirements.
- If the Commission is going to approve an extension of legal assistance to be granted for the engagement of an expert witness and if a South Australian independent resident expert is available, then that expert must ordinarily be engaged.
- When an aided person wishes to engage an interstate, or overseas expert, they must demonstrate to the Legal Services Commission that comprehensive enquiries have been made within South Australia, or in the case of the proposed overseas witnesses, within Australia, as to those holding the necessary qualifications and expertise in the relevant field.
- If there is no such person available in South Australia, or clearly none that would be either acceptable to the Court in terms of knowledge, qualifications or expertise, or only persons who lack considerable reputation amongst their peers, then the Commission may allow interstate expert to be engaged.
- If there is no such person available **interstate** or clearly none that would be either acceptable to the Court in terms of knowledge, qualifications or expertise, or only persons who lack considerable reputation amongst their peers, then the Commission may allow **overseas** experts to be engaged.
- However, because interstate or overseas witnesses will cost more than local witnesses, especially for travel and accommodation etc, the person seeking to engage an expert from interstate or overseas must satisfy the Commission that the importance or relevance of expert's evidence is such that his, her or their case would be significantly prejudiced if they were restricted to calling a South Australian resident expert, in the case of an interstate witness. This prejudice may be established by reference to a previous similar matter, or some other compelling and cogent factors, which may include an expert's prior extensive involvement in the case.
- The Commission **must** be satisfied that an aided person's case would be so prejudiced because interstate, or overseas, witnesses will inevitably consume more limited legal aid funds, and in most cases, **considerably** more than local experts. The Commission therefore must have this clear assurance before it risks its funds, in order to satisfy the two well-settled arms of the Commission's Merits Test (ie "the prudent self-funding litigant" and "the proper use of public funds" tests).

TRAVEL, ACCOMMODATION AND SUBSISTENCE EXPENSES

General

Witnesses from Interstate/Overseas

- Economy class air fare, plus taxi fare to and from airports.
- Car expenses and train fares will normally only be allowed in special circumstances, such as where there is an aversion to air travel, or several witnesses can travel by car together.

Witnesses within South Australia

- If public transport is available, economy class air or train fare, plus taxi fare to and from airport.
- Car expenses may be paid (at Public Service rates) for professional witnesses and where several witnesses can travel together.
- Taxi transport from hotel to court is allowed.

Accommodation & Subsistence

Necessary subsistence and accommodation will be paid strictly in accordance with the schedules issued from time to time by the Commissioner for Public Employment, relating to travel within South Australia, Interstate and Overseas.