

# Family Law Fee Scales - Commonwealth Fees up to 30 June 2024

---

ERA - Care and protection (state) .....	2
ERA - Parenting only .....	3
ERA - Property and parenting .....	4
ERA - Property only .....	5
Federal Circuit and Family Court - Acting as Independent Children's Lawyer .....	6
Federal Circuit and Family Court - Acting for a party - miscellaneous stages .....	8
Federal Circuit and Family Court - Acting for a party - stage of matter fees .....	10
High Court .....	12
Local Court .....	13
NSW Civil and Administrative Tribunal (state) .....	15
Family violence and cross examination of parties scheme .....	16
Supreme Court (state) .....	17
Family fee guidelines .....	18
ERA Mediators .....	23
Single Expert fees .....	24

# Early Resolution Assistance (ERA) Fee Scale

## ERA Care and Protection

			State
Solicitor fees	Contact dispute mediation and post filing adoptions – for adults	Preparation, including intake with mediator	\$488
		Attendance at mediation, per hour to maximum 4 hours	\$195
		Consent orders/ agreement	\$195
	Contact dispute mediation and post filing adoptions – for child representatives	Preparation, including intake with mediator	\$488
		Attendance at mediation, per hour to maximum 4 hours	\$195
		Visit to child/ren	\$390
		Visit to additional child/ren in separate location, per location	\$195
		Consent orders/ agreement	\$195
	Alternative dispute resolution including <ul style="list-style-type: none"> <li>• Care circle</li> <li>• pre-filing adoptions</li> <li>• Early Intervention Care Mediation - LAFPA Pilot</li> </ul>	Taking instructions and general preparation	\$390
		Attendance at ADR process, per hour to maximum 4 hours	\$195
		Consent orders/ agreement	\$195

## ERA Property and Parenting

### ERA Property only

### ERA Parenting only

# Early Resolution Assistance (ERA) Fee Scale

## ERA Care and Protection

## ERA Property and Parenting

## ERA Property only

## ERA Parenting only

		State
Solicitor fees	Preparation	\$300
	Attendance at mediation, per hour, to a maximum of 4 hours	\$150
	Consent orders	\$150

Date last published: 12 April 2024

# Early Resolution Assistance (ERA) Fee Scale

## ERA Care and Protection

## ERA Property and Parenting

		Commonwealth
Solicitor fees	Preparation for children and property	\$450
	Attendance at mediation, per hour, to a maximum of 4 hours for children	\$150
	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 1)	\$150
	Preparation	\$300
	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 2)	\$150
	Consent orders	\$150

Date last published: 11 March 2024

## ERA Property only

## ERA Parenting only

# Early Resolution Assistance (ERA) Fee Scale

## ERA Care and Protection

## ERA Property and Parenting


### ERA Property only

		Commonwealth
Solicitor fees	Preparation for property	\$300
	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 1)	\$150
	Preparation for property	\$300
	Attendance at mediation, per hour, to a maximum of 2 hours for property (stage 2)	\$150
	Consent orders	\$150

Date last published: 11 March 2024

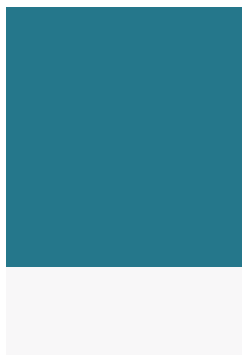
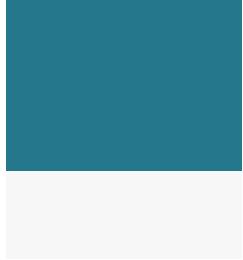
### ERA Parenting only

			Commonwealth
Solicitor	<b>ICL Stage 1</b> Mediation at Legal Aid NSW	Attendance at mediation, per hour, to a maximum of 4 hours	\$150
		Preparing consent orders	\$150
	Court based mediation convened by a Judicial Registrar	Attendance at mediation, per hour, to a maximum of 4 hours	\$150
		An additional hour may be available in exceptional circumstances that extend the mediation time	\$150
	<b>ICL Stage 2A</b> 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	\$1,950
	<b>ICL Stage 2B</b> Interim hearing as a discrete event	Preparation	\$900
		Court appearance at defended interim hearing, per hour to maximum 5 hours	\$150
	<b>ICL Stage 2C</b> Application to court for appointment of a single expert witness under Division 7.1.2	All work including court appearance associated with the application	\$300
	<b>ICL Stage 3A</b> To eve of hearing	All appearances, preparation etc to eve of hearing, including meeting with children	\$1,650
	<b>ICL Stage 4A</b> Final hearing	Court appearance, per hour	\$150
<b>ICL Stage 4B</b> Taking judgment	Taking judgment, if judgment listed on a separate day	\$150	
<b>ICL Stage 5</b> Full Court appeal	All work up to and including the hearing of the appeal to the Full Court	\$1,800	
Counsel	Final hearing	First day fee, including preparation, conferences and appearance at first day of hearing	\$1,200
		Appearance at subsequent days of hearing, per day	\$965

	Case outline document	Preparation, per hour to maximum 2 hours	\$150
	Other appearance work or chamber work	Appearance or preparation work, per hour	\$150
	Full Court appeal	All inclusive fee including preparation, conferences and hearing	\$2,160

			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 documents, all preparation for and initial appearance in the Less Adversarial Trial, negotiation, preparing and filing consent orders	\$900
	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	\$600
		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	\$1,200
	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	\$300
	Divorce	With no children under 18, lump sum fee	\$450
		With children under 18, lump sum fee	\$600
	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	\$600
		Court appearance at defended contravention / enforcement hearing, per hour to maximum 5 hours	\$150
	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	\$600
	Consent orders (where there is no existing funding approval for	Lump sum fee	\$450



	mediation or court proceedings)		
	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	\$150

			Commonwealth
Solicitor	<b>Stage 1B</b> Litigation intervention mediation or court ordered mediation conducted by Legal Aid NSW	Attendance at mediation, per hour, to maximum 4 hours	\$150
	<b>Stage 1C</b> Court based mediation conference conducted by Judicial Registrar	Attendance at mediation, per hour, to maximum 4 hours	\$150
		An additional hour may be available in exceptional circumstances that extend the mediation time	\$150
	<b>Stage 2A</b> 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	\$1,350
	<b>Stage 2B</b> 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	\$1,350
		Appearance at defended interim hearing, per hour to maximum 5 hours	\$150
		Drafting Notice of child abuse, family violence or risk	\$150
	<b>Stage 2C</b> 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	\$900
		Appearance at defended interim hearing, per hour to maximum 5 hours	\$150
	<b>Stage 2D</b> Up to conclusion of conciliation conference (if any)	File management, taking instructions, court appearance, consent orders	\$450
<b>Stage 2E</b> 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	\$450	

		Court appearance, per hour, to maximum 5 hours	\$150
	<b>Stage 3</b> 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
	<b>Stage 4A</b> Final hearing	Court appearance, per hour	\$150
	<b>Stage 4B</b> Taking judgment	Taking judgment and explaining orders, if judgment listed on a separate day	\$150
	<b>Stage 5A</b> Full Court appeal	All work up to and including the hearing of the appeal to the Full Court	\$1,500
	<b>Stage 5B</b> Single judge appeal	All work up to and including the hearing of the appeal to a single judge	\$1,800
<b>Solicitor advocate</b>	Final hearing	Where the hearing is more than one day and raises complex issues Court appearance, per hour	\$225
<b>Counsel</b>	Final hearing	First day fee, including preparation, conferences and appearance at hearing	\$1,200
		Appearance at subsequent days, per day	\$965
	Case outline document	Preparation, per hour to maximum 2 hours	\$150
	Other appearance work or chamber work	Appearance or preparation work, per hour	\$150
	Full Court appeal	All inclusive fee including preparation, conferences and hearing	\$2,160

# High Court

Appeal			Commonwealth
<b>Solicitor</b>	Family Stage 5C	All work up to and including the hearing of the application for special leave to appeal to the High Court	\$1,800
<b>Junior Counsel</b>	Appeal	All inclusive fee including reading, preparation and hearing	\$2,160
<b>Senior Counsel</b>	Appeal	Reading / preparation	By negotiation
		Court appearance	\$1,860

			Commonwealth
Solicitor	<b>Local Court Stage 2A</b> 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	\$750
	<b>Local Court Stage 2B</b> 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	\$750
		Appearance at defended interim hearing, per hour to maximum 5 hours	\$150
	<b>Local Court Stage 2C</b> 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	\$750
		Appearance at defended interim hearing, per hour to maximum 5 hours	\$150
	<b>Local Court Stage 2D</b> 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	\$450
		Court appearance, per hour, to maximum 3 hours	\$150
	<b>Local Court Stage 3</b> 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
	<b>Local Court Stage 4A</b> Final hearing	Court appearance, per hour	\$150
	<b>Local Court Stage 4B</b> Taking judgment	Taking judgment and explaining orders, if judgment listed on a separate day	\$150
<b>Local Court Stage 5</b> 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	\$750	

hearings and mentions, preparing and filing consent orders

[Home](#) [For lawyers](#) [Fee Scales](#) [Family law fee scales](#) [NSW Civil and Administrative Tribunal \(NCAT\)](#)

# NSW Civil and Administrative Tribunal (NCAT)

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

# Family violence and cross-examination of parties scheme

## 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	\$150 per hour to a maximum of 25 hours
	Family dispute resolution	Attendance at litigation intervention family dispute resolution conference, if scheduled	\$150 per hour to maximum 4 hours
	Interim hearing as discrete event	Attendance at discrete interim hearing	\$150 per hour to maximum 5 hours
	Take judgment	Attendance to take judgment if listed on a separate day	\$150 (one hour)
	Additional preparation	Only paid in extraordinary circumstances	\$150 per hour

## Counsel Fee Scales

			Commonwealth
Counsel	First day	Preparation, conferences and attendance at first day of final hearing	\$1200
	Subsequent days	Attendance at subsequent days of final hearing	\$965
	Case outline documents	Preparation of case outline documents	\$150 per hour to maximum 2 hours
	Additional chambers work	Only paid in exceptional circumstances	\$150 per hour



# Supreme Court

			State
Legal practitioner	Care Stage 7 Supreme Court appeal	Taking instructions, reading court documents (and other material) interviewing witnesses, preparing affidavits and other court documents, issuing subpoenae and attendance at all court appearances other than the final hearing, per hour	\$195
		Court appearance at hearing, where counsel is not briefed, per hour	\$293
		Court appearance at hearing, where counsel is briefed, per hour	\$195

# 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.

Date last published: 4 April 2024

Share



[Criminal law fee scales](#)

**Family law fee scales**

[ERA fee scale](#)

[Federal Circuit and Family Court](#)[Local Court](#)[Children's Court](#)[District Court](#)[Supreme Court](#)[High Court](#)[NSW Civil and Administrative Tribunal \(NCAT\)](#)[Duty lawyer](#)[Single Expert](#)[Family violence and cross-examination of parties scheme](#)[Family fee guidelines](#)[Mediators](#)[Civil law fee scales](#)[Fees for all law types](#)[Guidelines for all law types](#)[Archive](#)

## 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.

## Explore

[My problem is about...](#)[Ways to get help](#)[For lawyers](#)[About us](#)[Contact us](#)

## Follow us



[Privacy](#) [Accessibility](#) [Copyright & Disclaimer](#) [Right to information](#) [Sitemap](#)

## Early Resolution Assistance (ERA) Mediator fee scale

### ERA Parenting

		Commonwealth
Mediator fees	Attendance at mediation for Parenting	\$400

Date last published: 11 March 2024

### ERA Property

		Commonwealth
Mediator fees	Preparation and attendance at mediation [Stage 1 and Stage 2] for Property	\$750

Date last published: 11 March 2024

# Single Expert

## Single expert report - Child and family psychiatrist or clinical psychologist

Report on child/ren including consultation with child/ren and parties, all standard reading time, liaison with other experts and relevant parties and preparation of the report	Fee for report	\$6,000
Additional reading time, in exceptional circumstances	Per hour to maximum 5 hours	\$250
Preparation of updated report ordered by Court	Per hour to maximum 6 hours	\$250
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

## Single issue report or family assessment

Report on single issue such as drug and alcohol assessment, cultural factors, psychiatric assessment of one party	Fee for report	\$2,000
---	----------------	---------

## Witness expenses

Court attendance by single expert	Per hour to maximum 5 hours	\$250
Court attendance by author of single issue report	Per hour	\$150

Date last published: 02 May 2024