

Commonwealth Family Violence & Cross-Examination of Parties Scheme

(Court Ordered under Section 102NA Family Law Act)

Stage of Matter Work Items & Fee Schedule

		Hours	Rate
Stage 1	Pre-trial File Notice of Address for Service, attend client, read material, attend mention	4	Sol
Stage 2	Trial		
(a)(i)	Children or Property Matters only Documents for Trial - Instructions, drawing, settling, swearing/affirming filing and serving all trial Affidavits, subpoenas, Notice to Admit Facts, Notices to Produce, forms seeking exemption from payment of fees.	6	Sol
(a)(ii)	Children and Property Matters Documents for Trial - Instructions, drawing, settling, swearing/affirming filing and serving all trial Affidavits, subpoenas, Notice to Admit Facts, Notices to Produce, forms seeking exemption from payment of fees.	9	Sol
(a)(iii)	Documents - Matters listed in excess of 3 hearing days Additional time to prepare documents for longer hearings.	4	Sol
(b)(i)	Children or Property Matters only Trial Preparation – Outline of Case/Case Summary document, settle Joint Case Summary, List of Authorities, Attend client, review all material, draw list of objections, prepare opening, submissions, examination in chief and cross-examination	10	Sol
(b)(ii)	Children and Property Matters Trial Preparation – Outline of Case/Case Summary document, settle Joint Case Summary, List of Authorities, Attend client, review all material, draw list of objections, prepare opening, submissions, examination in chief and cross-examination	13	Sol
(b)(iii)	Trial Preparation - Matters listed in excess of 3 hearing days – (per additional day)	2	Sol

(c)	Trial Costs as Solicitor or Counsel , attendance at each day of hearing, including negotiations over the course of the trial – per day.	7	Counsel
(d)	Preparation for Closing - Complex Matters Only payable where cases are closed and matter is adjourned to prepare closing submissions	1.5 for each day of trial to date	Counsel
XE	Additional File/Work items		
(a)	Negotiations - Any Stage Pre-Trial	Up to 2	Sol
(b)	Attendance at FDR, ICL or Court Ordered Mediation – Instructions, attendance at conference	4	Sol
(c)	Instructions on Report – reading and instructions on Expert or Family Report	2	Sol
(d)	FCA Bundle Book (Family Court only) - preparing, copying and distributing Bundle Book including index/list of documents, approving list with other parties, copying documents for the purpose of admitting or tendering by consent those documents	3	Sol
(e)	Extra mention or listing To be claimed where additional pre-trial mention listed by the Court	2	Sol
(f)	Contravention or Interim Proceedings with Cross-Examination Instructions, perusal of Order, preparation of Application, supporting Affidavit/s, arrange service including evidence in support, prepare cross-examination and submissions, all Court appearances including hearing.	7	Sol or Counsel
(g)	Other - Exceptional circumstances Exceptional circumstances must be directly related to the proper conduct of the cross- examination at trial and of a complex and/or novel nature.	Variable up to 4	Sol or Counsel

Other	Disbursements		
	Barrister – Trial Preparation Children or Property Barrister disbursement for trial preparation children and or property matters	As per 2(b)(i)	
	Barrister – Trial Preparation Children and Property Barrister disbursement for trial preparation children and or property matters	As per 2(b)(ii)	
	Barrister – Trial Costs Attendance at each day of hearing, including negotiations over the course of the trial – per day.	As per Item 2(c)	
	Mediation Chairperson fee	variable	
	Subpoena Expenses	Up to \$100	
	Interpreter	variable	
	Photocopying of filed documents/reports and subpoenaed documents	0.20 per page	
	Regional accommodation if approved per night of trial	Up to \$180	
	Regional travel if approved (solicitor's time in hours)	140	
	Travel Distance (kilometres)	0.40 per km	
	XE Other disbursements – Exceptional circumstances (must be directly related to the proper conduct of the cross-examination)	variable	