



Recommended Schedule of Fees for Medico-Legal Work as agreed by Australian Medical Association (ACT) Ltd and the Law Society of the ACT

1. Note: GST needs to be added.
2. Doctors are advised to give an estimate of fees in advance and seek agreement that these will be met.
3. The fees are based on an hourly rate for work actually performed by the medical practitioner. When preparing an invoice, practitioners should clearly indicate the time they have spent and charge accordingly. It is recommended times be rounded to the nearest 10 minutes.
4. This Schedule applies to court related work. Where medical records are requested under the Health Records (Privacy and Access) Act 1997 ACT, members are advised to contact the AMA ACT secretariat.

Production of Documents

- A fee of **\$427.80 per hour** for the tasks necessarily required on receipt of letter or subpoena requiring document production. These include -
 - reading letter or subpoena,
 - examining original documents and marking those for copying
 - associated correspondence and phone calls
 - checking documents to be sent to court

*Note: While it is anticipated the medical practitioner will photocopy the subpoenaed records for his own use the time taken to photocopy material and collate it should not be charged at the hourly rate of **\$427.80** Instead it should be charged per page as below.*

- Photocopying and collating (per page) **\$ 1.00**
- Courier fee **\$ 42.10**

Note: In most cases it is not necessary for the doctor to attend court to produce documents. Instead documents may be taken to court by an employee or courier.

Attending Court in Canberra or Queanbeyan

- Attendance at court to give evidence -
 - For the **first** hour only - or part thereof - **\$642.10**
 - For each **additional** hour or part thereof at the hourly rate of **\$427.80**

Note: These rates are inclusive of travel costs, cost of employing a locum and any other costs incurred in actually attending court.

Attending Court Elsewhere

- Hourly rates as above plus travel costs as set out below.
 - Where the court is less than 80 kms from the surgery - travel costs at the rate of **\$0.90** per km
 - Where the court is more than 80 kms from the surgery - reasonable costs of travel, accommodation and meals

Note: Medical practitioners are advised to seek agreement in advance from the lawyer that travel expenses will be met.

Receipt of subpoena

- "One off" booking and administration fee of **\$44.50** on receipt of letter or subpoena requiring doctor to appear and give evidence. This includes
 - reading letter or subpoena,
 - diarising
 - associated correspondence,
 - phone calls

Preparation to give evidence

- A rate of **\$427.80** per hour is agreed as reasonable for preparation to give evidence including re-examination of clinical notes and discussion with solicitors and/or counsel.

Standby costs and short notice of cancellation of procedure lists

- Where proceduralists have cancelled operating or procedure lists in anticipation of being on standby to give evidence a fee of **\$3,423.60 per day** can be applied. The practitioner has to demonstrate a financial loss. The cancellation fee is not payable where more than 10 working days' notice is given that evidence is not required or if the list has been conveniently and satisfactorily rescheduled.

(Because this is a contentious area, medical practitioners are advised to seek agreement in advance from the lawyer that these and any additional expenses will be met).

- Where GP consultations have been cancelled and where this affects a minor surgery, ante-natal or similar schedule, or patients cannot be rescheduled a fee of **\$427.80** per hour can be applied. The practitioner has to demonstrate a financial loss. The cancellation fee is not payable where more than 5 working days notice is given that evidence is not required.

Standby costs and short notice of cancellation of consultation appointments

- Where specialist medical practitioners have cancelled appointments in anticipation of being on standby to give evidence, and where the practitioner has not been able to reschedule patients because of short notice, a fee of **\$427.80** per hour can be applied. The practitioner has to demonstrate a financial loss and the fee is not payable where more than 2 working days is given that evidence is not required.

Conferences and Medical Reports

- **\$427.80** per hour for face to face or telephone conferencing with solicitor and/or counsel, and for reading, research and preparation of medical reports.

Medico-legal appointments not kept

- where notice of cancellation is less than 2 working days **\$106.00 - \$216.00**
- where notice of cancellation is more than 2 working days **\$0**

12 November 2019

NB- the Joint Statement dated 12 September 1989 has been amended: Clause 2.17 replaces Clause 2.3 of that Statement.

"Clause 2.17 - Subject to the approval of the Trade Practices Commission (Australian Competition and Consumer Commission), it is recommended that doctors should charge fees for medico-legal matters in accordance with the scale which is annexed to this Joint Statement and which has been agreed by the Capital Territory Group (ACT Branch) of the AMA and the Law Society of the ACT as the date of this document or as it may be amended from time to time. In complex cases, a fee for a report or examination and report may be negotiated between the doctor and the solicitor"
