



23 June 2010

M30, M32  
RM;rp

The Honourable John Hill MP  
Minister for Mental Health and Substance Abuse  
DX 243  
ADELAIDE SA

Dear Minister

***Mental Health Act 2009 – Scale of Fees for Legal Practitioners***

I refer to a letter of 24 May 2010 from Dr Margaret Honeyman in which she advised changes to disbursements paid to lawyers for work performed under the Mental Health Regulations. A copy of the letter is attached.

Dr Honeyman advised that the new scale of fees for legal practitioners provides "Travel time to be paid....". However, Schedule 1 of the Regulations restricts the payment to the lawyers travel to and from a *hearing*.

Lawyers who are representing clients who are detained in Maurier or Cramond Wards, or at Flinders Medical Centre or the Lyell McEwin Hospital, must travel to the ward/hospital to peruse the case notes and take instructions from the client. This generally occurs a day or two before the hearing. If the hearing is also held at the ward/hospital, then two return trips are necessary.

I respectfully suggest that the draft regulations be amended so that travel to obtain instructions/peruse case notes can be claimed as well as the travel to attend the hearing itself.

Yours sincerely

Richard Mellows  
**PRESIDENT**