

Authorised Version

Supreme Court (Chapter I New Scale of Costs and Other Costs Amendments) Rules 2012

S.R. No. 142/2012

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Authorised Version

STATUTORY RULES 2012

S.R. No. 142/2012

Supreme Court Act 1986

Supreme Court (Chapter I New Scale of Costs and Other Costs Amendments) Rules 2012

The Judges of the Supreme Court make the following Rules:

1 Object

The object of these Rules is to amend Chapter I of the Rules of the Supreme Court—

- (a) to provide for a new scale of costs in Appendices A and B; and
- (b) to make other amendments to Order 63.

2 Authorising provisions

These Rules are made under section 25 of the **Supreme Court Act 1986** and all other enabling powers.

3 Commencement

These Rules come into operation on 1 April 2013.

4 Principal Rules

In these Rules, the Supreme Court (General Civil Procedure) Rules 2005¹ are called the Principal Rules.

5 Definitions and application

- (1) In Rule 63.01(1) of the Principal Rules, in the definition of *costs*, after "disbursements" **insert** "and reasonable costs of recording and transcript".

(2) For Rule 63.01(3) of the Principal Rules
substitute—

"(3) This Order applies—

- (a) to costs payable or to be taxed under these Rules or any order of the Court;
- (b) to costs to be taxed in the Court or the Costs Court under any Act; and
- (c) to costs to be taxed in the Costs Court under Rule 63.01.1 or under the rules of, or under any order or decision of, the County Court, the Magistrates' Court or VCAT."

6 New Rule 63.01.1

After Rule 63.01 of the Principal Rules **insert—**

"63.01.1 Taxing of costs in proceedings in County Court, Magistrates' Court and VCAT

For the purposes of section 17D(1)(b) of the **Supreme Court Act 1986**, costs in proceedings in the County Court, the Magistrates' Court and VCAT are to be taxed in the Costs Court, save to the extent that the rules of the County Court, the rules of the Magistrates' Court or the rules of VCAT, or any order or decision of the County Court, the Magistrates' Court or VCAT, provides to the contrary."

7 Judicial registrars

In the Principal Rules—

- (a) in Rule 63.05(b) before "a Costs Registrar" **insert "a judicial registrar,";**
- (b) in Rule 63.06 before "a Costs Registrar" **insert "a judicial registrar,";**

- (c) in Rule 63.08(1) before "a Costs Registrar"
insert "a judicial registrar,";
- (d) in Rule 63.08(2) before "Costs Registrar"
insert "judicial registrar,".

8 Rule 63.17 substituted

For Rule 63.17 of the Principal Rules
substitute—

"63.17 Amendment

Where a pleading is amended (whether with or without leave) the costs of and occasioned by the amendment and the costs of any application for leave to make the amendment are the parties' costs in the proceeding, unless the Court otherwise orders."

9 Rule 63.20 substituted

For Rule 63.20 of the Principal Rules
substitute—

"63.20 Interlocutory application

Where an interlocutory or other application is made in a proceeding and—

- (a) no order is made on the application; or
(b) the order made is silent as to costs—

the costs are the parties' costs in the proceeding, unless the Court otherwise orders."

10 New Rule 63.20.1

Before Rule 63.21 of the Principal Rules **insert—**

"63.20.1 Taxation of costs on interlocutory application or hearing

If an order for costs is made on an interlocutory application or hearing, the party in whose favour the order is made shall

not tax those costs until the proceeding in which the order is made is completed, unless the Court orders that the costs may be taxed immediately."

11 Rule 63.22 substituted

For Rule 63.22 of the Principal Rules
substitute—

"63.22 Costs reserved

Where by order of the Court the costs of any interlocutory or other application, or of any step in a proceeding, are reserved, the reserved costs are the parties' costs in the proceeding, unless the Court otherwise orders."

12 Evidence transcript costs

Rule 63.22.1 of the Principal Rules is **revoked**.

13 Money claim in wrong court

(1) In Rule 63.24(1) of the Principal Rules—

- (a) **omit** "(other than a proceeding in which the jurisdiction of the County Court is unlimited)";
- (b) for "one-half of the amount to which the jurisdiction of the County Court is limited" **substitute** "\$100 000".

(2) In Rule 63.24(3) of the Principal Rules for "be entitled to judgment exceeds one-half of the amount to which the jurisdiction of the County Court is limited" **substitute** "otherwise be entitled to judgment exceeds \$100 000".

14 Other claim in wrong court

In Rule 63.25(b) of the Principal Rules for "one-half of the amount or value to which the jurisdiction of the County Court is limited" **substitute** "\$100 000".

15 Rule 63.28 substituted

For Rule 63.28 of the Principal Rules **substitute—**

"63.28 Bases of taxation

Subject to this Part, costs in a proceeding which are to be taxed shall be taxed on—

- (a) a standard basis;
- (b) an indemnity basis; or
- (c) such other basis as the Court may direct."

16 Party and party basis

Rule 63.29 of the Principal Rules is **revoked**.

17 Rule 63.30 substituted

For Rule 63.30 of the Principal Rules **substitute—**

"63.30 Standard basis

On a taxation on a standard basis, all costs reasonably incurred and of reasonable amount shall be allowed."

18 Rule 63.31 substituted

For Rule 63.31 of the Principal Rules **substitute—**

"63.31 Usual basis of taxation

Except as provided by these Rules or any order of the Court, including the Costs Court, costs shall be taxed on the standard basis."

19 Revocation of Rules 63.32 and 63.33

Rules 63.32 and 63.33 of the Principal Rules are **revoked**.

20 Charges of legal practitioner

(1) In the heading to Rule 63.34 of the Principal Rules for "**solicitor**" **substitute** "**legal practitioner**".

(2) For Rule 63.34(1) of the Principal Rules **substitute**—

"(1) Subject to paragraph (3), a legal practitioner for a party to whom costs are payable (whether the basis of taxation is the standard basis or the indemnity basis) shall be entitled to charge and be allowed costs in accordance with the Scale in Appendix A unless the Court or the Costs Court otherwise orders."

(3) In Rule 63.34(3) of the Principal Rules for "solicitor's" **substitute** "legal practitioner's".

21 Heading to Part 5 of Order 63 amended

In the heading to Part 5 of Order 63 of the Principal Rules **omit** "**PARTY AND PARTY**".

22 Application

In Rule 63.37(1) of the Principal Rules—

(a) in paragraph (b), for "Costs Court." **substitute** "Costs Court;"

(b) after paragraph (b) **insert**—

"(c) the costs of any proceeding in the County Court, the Magistrates' Court or VCAT which are to be taxed in the Court, including the Costs Court."

23 Content of bill of costs

In Rule 63.42(2) of the Principal Rules—

- (a) in paragraph (b) for "that item." **substitute** "that item;"
- (b) after paragraph (b) **insert**—
 - "(c) disclosure of the actual hourly rates charged to the party."

24 Rule 63.44 substituted

For Rule 63.44 of the Principal Rules
substitute—

"63.44 Charge of legal practitioner for work done out of Victoria

Where a bill includes a charge for work done out of Victoria by a legal practitioner—

- (a) so far as is practicable, the charge shall, if allowed, be allowed in an amount appropriate to the place where the work was done; and
- (b) except where the work was done by a legal practitioner who is a member of, or employed by, the same legal practice, the charge shall be shown as a disbursement."

25 Discretionary costs

For Rule 63.48(2) of the Principal Rules
substitute—

- "(2) In exercising the discretion under paragraph (1), the Costs Court shall have regard to—
 - (a) the complexity of the matter;
 - (b) the difficulty or novelty of the questions involved in the matter;

- (c) the skill, specialised knowledge and responsibility involved and the time and labour expended by the legal practitioner;
- (d) the number and importance of the documents prepared and perused, regardless of length;
- (e) the amount or value of money or property involved;
- (f) research and consideration of questions of law and fact;
- (g) the general care and conduct of the legal practitioner, having regard to the instructions and all relevant circumstances;
- (h) the time within which the work was required to be done;
- (i) allowances otherwise made in accordance with the Scale in Appendix A;
- (j) any other relevant matter."

26 Reconsideration of order of Costs Judge

In Rule 63.56.1(5) of the Principal Rules—

- (a) in paragraph (a) after "filed;" **insert "and"**;
- (b) paragraph (b) is **revoked**.

27 Reconsideration or review by Costs Court constituted by judicial registrar

In Rule 63.56.2(5) of the Principal Rules—

- (a) in paragraph (a) after "filed;" **insert "and"**;
- (b) paragraph (b) is **revoked**.

28 Review by Costs Judge of judicial registrar decisions

In Rule 63.56.4(5) of the Principal Rules—

- (a) in paragraph (a) after "filed;" **insert "and";**
- (b) paragraph (b) is **revoked**.

29 Review by Judge of the Court

In Rule 63.57(5) of the Principal Rules—

- (a) in paragraph (a) after "filed;" **insert "and";**
- (b) paragraph (b) is **revoked**.

30 Rules 63.59 to 63.61 substituted

For Rules 63.59 to 63.61 of the Principal Rules
substitute—

"63.59 Basis of taxation of costs payable by client

Subject to Rule 63.60, costs payable to a solicitor by the solicitor's client to which this Part applies shall, subject to any Act or any order of the Court or any agreement between the solicitor and the client, be taxed on the standard basis as defined by Rule 63.30.

63.60 Taxation between solicitor and client

- (1) Costs not reasonably incurred or not of reasonable amount may nevertheless be allowed to a solicitor against a client if—
 - (a) the costs were incurred with the authority of or the amount was authorised by the client; and
 - (b) before the costs were incurred the solicitor expressly warned the client that the costs might not be allowed on a taxation of costs as between party and party.

- (2) An authority for the purpose of this Rule may be express or implied.
- (3) Where the client is a person under disability, references to the client in paragraph (1) include references to the litigation guardian of the client.

63.61 Basis of taxation of costs payable otherwise than by client

Costs payable to a solicitor by a person other than the client to which this Part applies shall, subject to any Act or any order of the Court or any agreement between that person and the client, be taxed on the standard basis as defined by Rule 63.30."

31 Rule 63.69 revoked

Rule 63.69 of the Principal Rules is **revoked**.

32 Rule 63.72 substituted

For Rule 63.72 of the Principal Rules **substitute—**

"63.72 Increase or decrease of amounts in Scales

In any particular taxation of costs, the Costs Court may increase or decrease the amount or value of any allowance or expense in Appendix A or Appendix B as the Costs Court thinks fit."

33 Rule 63.82 substituted

For Rule 63.82 of the Principal Rules **substitute—**

"63.82 Hearing and trial fees

- (1) Subject to the provisions of any applicable scale, the fees payable to counsel to appear at a hearing or trial shall be at the discretion of the Costs Court which may fix such fees—

-
- (a) on the basis of daily fees;
 - (b) as a lump sum fee covering the whole of the hearing or trial; or
 - (c) on such other basis as the Costs Court considers appropriate.
- (2) Where such fees are fixed on the basis of daily fees—
- (a) the daily fee for the second or any subsequent day of the hearing or trial shall, unless the Costs Court determines otherwise by reason of the special circumstances of the case, include all time spent by counsel in preparation and conferences on that day of the hearing or trial as well as the actual time spent by counsel in Court on the hearing or trial on that day; and
 - (b) the Costs Court may allow differing amounts in respect of various days of the hearing or trial."

34 Rule 63.84 revoked

Rule 63.84 of the Principal Rules is **revoked**.

35 Rule 63.85 substituted

For Rule 63.85 of the Principal Rules **substitute—**

"63.85 Bill reduced by 15 per cent

If the amount of the professional charges and disbursements in any bill of costs (including a bill of costs payable out of a fund) is reduced by 15 per cent or more, unless the Costs Court otherwise orders, no costs shall be allowed to the solicitor filing the bill for taxation for preparing the bill and for attending the taxation."

36 Notice of estimate and filing of bill

For Rule 63.87(a) of the Principal Rules
substitute—

"(a) the Costs Court shall notify the party filing
the bill in writing of the date when the Costs
Court is to make an estimate; and".

37 New Part 9 inserted

After Rule 63.89 of the Principal Rules **insert—**

"PART 9—TRANSITIONAL PROVISIONS

**63.90 Transitional provisions—Supreme Court
(Chapter I New Scale of Costs and Other
Costs Amendments) Rules 2012**

For the avoidance of doubt, these Rules, as
amended by the Supreme Court (Chapter I
New Scale of Costs and Other Costs
Amendments) Rules 2012, apply to all things
done or required to be done or omitted to be
done on or after 1 April 2013 in, or in
relation to, any proceeding in the Court,
including the Costs Court (including all work
and all amendments, applications and
orders), regardless of the date of
commencement of the proceeding."

38 Scale of costs—Appendices A and B substituted

For Appendices A and B to the Principal Rules
substitute—

"APPENDIX A

SUPREME COURT SCALE OF COSTS

Scale of fees and charges to be paid to legal practitioners, other than Counsel,
and Scale of Counsel's Fees for work done on and after 1 April 2013 in
relation to matters in the Supreme Court.

The charges in this Scale are exclusive of any GST chargeable.

<i>Item and Description</i>	<i>Amount</i>
1. ATTENDANCES, TRAVEL AND WAITING COSTS	
(a) Attendances requiring legal skill or knowledge by a legal practitioner—	
(i) for each unit of 6 minutes or part thereof;	\$36.00
(ii) where a legal practitioner attends the Supreme Court for the purposes of instructing (including conferences with counsel or others on the day of the hearing before or after the Supreme Court sits) per hour or part thereof;	\$360.00
(iii) where a legal practitioner appears as counsel, at the discretion of the Costs Court having regard to item 19(a) and (j)	
(b) Where any attendance, requiring legal skill or knowledge, is by an employee of a legal practice who is not a legal practitioner—for each unit of 6 minutes or part thereof	\$27.00
(c) Any other attendance, not requiring legal skill or knowledge, capable of performance by a clerk—for each unit of 6 minutes or part thereof	\$21.00
(d) Attendances to file or issue any document or similar attendance	\$42.00
(e) Travel time is to be allowed at the rate applicable in item 1(a) and item 1(b) where the individual travels in excess of one hour, for such excess	
(f) Waiting time at the Supreme Court is to be allowed at the rate applicable in item 1(a) or item 1(b).	

Where the attendance is by telephone or other electronic means, the charge for an attendance includes the charges made by the communication provider.

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<i>Item and Description</i>	<i>Amount</i>
2. DRAWING DOCUMENTS	
All documents whether in printed form or otherwise— for each folio	\$54.00
3. ENGROSSING AND/OR APPROVAL OF DOCUMENTS	
Of documents properly drawn by Counsel—for each folio	\$10.80
4. REPRODUCTION OF DOCUMENTS	
By photocopy or other machine made copy including hard copies of electronic documents—for each printed side of a page—at the discretion of the Costs Court.	
5. CORRESPONDENCE (including electronic communications)	
(a) Message (20 words or less) or letter forwarding documents without explanation, or circular letter	\$18.00
(b) Short (one folio or less)	\$36.00
(c) Any other letter—for each folio	\$64.80
The charge for a letter includes transmission by standard surface post, facsimile, e-mail or other form of electronic transmission and includes the charges made by the communication provider. For each additional page after the first page of a circular letter, a charge pursuant to item 4 shall apply.	
6. SERVICE	
(a) Personal service, including attempts, where reasonable and required and not able to be served by other means	\$64.80
(b) By letter in accordance with item 5(b)	\$36.00
(c) Or such reasonable charge made by an agent.	
7. RECEIVING AND FILING	
Any incoming document, including correspondence, whether by electronic means or otherwise including first page for file.	\$18.00
Copies of additional pages received electronically are to be charged pursuant to item 4.	

<i>Item and Description</i>	<i>Amount</i>
8. PERUSALS	
Of all documents including incoming correspondence—	\$54.00
(a) up to three folios;	\$18.00
(b) thereafter for each folio	
9. SCANNING	
If it is not reasonable to peruse but it is reasonable to scan a document including incoming correspondence—for each folio or part thereof	\$7.20
10. EXAMINATION	
If it is not reasonable to peruse or scan a document but an examination is reasonable—for each page	\$7.20
11. REVIEW AND CONSIDERATION	
Review and consideration of the file or particular parts of the file in preparing to draw or redact documents and letters, for conferences, hearings, taxation of costs and the like—in accordance with item 1(a) and item 1(b).	
In considering a claim made pursuant to this item, the Costs Court must have regard to any allowances claimed pursuant to items 8, 9 and 10.	
12. DELEGATION AND SUPERVISION	
In matters where the Costs Court considers it reasonable for more than one legal practitioner to be involved in the conduct of the matters, the Costs Court shall make such additional allowances as are considered reasonable in all the circumstances in accordance with this Scale.	
Such allowances may include time spent by both principal legal practitioner and delegates in ensuring tasks are properly delegated and supervised—in accordance with item 1(a) and item 1(b).	
13. RESEARCH	
Where it is appropriate to research a legal question of some complexity that is not procedural in nature—in accordance with item 1(a) or item 1(b), as appropriate.	

<i>Item and Description</i>	<i>Amount</i>
14. COLLATION, PAGINATION AND INDEXING Of documents or files including for discovery or inspection purposes, briefs to Counsel, Court Books, Appeal Books, exhibits or annexures to Court documents, hearings, instructions to expert witnesses, correspondence and the like—in accordance with item 1(c).	
15. REDACTION Of documents or files including for discovery or inspection purposes, briefs to Counsel, Court Books, Appeal Books, exhibits or annexures to Court documents, hearings, instructions to expert witnesses, correspondence and the like—in accordance with item 1(a), item 1(b) or item 1(c), as appropriate.	
16. ELECTRONIC DOCUMENT MANAGEMENT (a) Database creation, database administration (including establishing design and agreement protocols), database design and implementation—in accordance with item 1(b); (b) Document preparation and document design in compliance with any Supreme Court Practice Note or any Supreme Court order or direction dealing with the use of technology in the management of any civil litigation matter—in accordance with item 1(a), item 1(b) or item 1(c), as appropriate; (c) Imaging of documents to searchable format including rendering to PDF and scanning where necessary—in accordance with item 1(c); (d) Publishing including— (i) electronic exchange and discovery; and (ii) write-to CD/CD ROM/USB or other agreed media— in accordance with item 1(c).	

<i>Item and Description</i>	<i>Amount</i>
17. SKILL, CARE AND RESPONSIBILITY An additional amount may be allowed, having regard to the circumstances of the case, including— <ol style="list-style-type: none">(a) the complexity of the matter;(b) the difficulty or novelty of the questions involved in the matter;(c) the skill, specialised knowledge and responsibility involved and the time and labour expended by the legal practitioner;(d) the number and importance of the documents prepared and perused, regardless of length;(e) the amount or value of money or property involved;(f) research and consideration of questions of law and fact;(g) the general care and conduct of the legal practitioner, having regard to the instructions and all relevant circumstances;(h) the time within which the work was required to be done;(i) allowances otherwise made in accordance with this Scale (including allowances for attendances in accordance with item 1);(j) any other relevant matter.	
18. CORPORATIONS SHORT FORM BILL Costs of obtaining a winding-up order up to and including authentication, filing and service of the order under section 470 of the Corporations Act and the obtaining from the Costs Court of an order as to costs An additional amount may be allowed for any adjournment. A reasonable amount for disbursements is also allowable in addition to the lump sum amount.	\$5000.00

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<i>Item and Description</i>	<i>Amount</i>	
19. COUNSEL'S FEES		
Subject to items 19(j) and 19(k), fees allowed up to a maximum of—	<i>Junior Counsel</i>	<i>Senior Counsel</i>
(a) appearances—		
(i) on trial or appeal (daily fee);	\$5000.00	\$7500.00
(ii) any other appearance (per half day for time spent in the hearing);	\$2500.00	\$3750.00
(b) other matters (for each hour);	\$500.00	\$750.00
(c) preparation (for each hour);	\$500.00	\$750.00
(d) conferences (not occurring on day of hearing) (for each hour);	\$500.00	\$750.00
(e) views (for each hour);	\$500.00	\$750.00
(f) drawing or settling documents (for each hour);	\$500.00	\$750.00
(g) opinions, advices (for each hour);	\$500.00	\$750.00
(h) any other work, not otherwise provided for (for each hour);	\$500.00	\$750.00
(i) circuit fees—based on current allowances as provided for in Schedule 1 to Chapter I of the Rules of the County Court;		
(j) in allowing a fee to Counsel, the Costs Court shall have regard to the following criteria—		
(i) all criteria in item 17 of the Scale; and		
(ii) the other fees and allowances to Counsel in the matter; and		
(iii) payments made for interlocutory work where that work has reduced the work which would otherwise have been necessary in relation to the brief; and		
(iv) the standing of Counsel;		

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<i>Item and Description</i>	<i>Amount</i>
(k) where costs are taxed pursuant to an order of the Supreme Court, Counsel's fees in excess of scale are not to be allowed unless the Supreme Court otherwise orders, but in any other case, the Costs Court has discretion to allow fees in excess of scale.	

APPENDIX B

**SUPREME COURT WITNESSES' EXPENSES AND
INTERPRETERS' ALLOWANCES**

The charges in this Scale apply on and after 1 April 2013 and are exclusive of any GST chargeable.

WITNESSES' EXPENSES

<i>Item and Description</i>	<i>Amount</i>
1. A person engaged as an expert pursuant to Order 44 or a professional person including accountants, actuaries, analytical chemists, architects, economists, IT consultants, legal practitioners, medical practitioners, medical specialists or consultants, pharmaceutical chemists, psychologists, valuers and similar persons for preparing and giving evidence as an expert or as a witness of fact—	
(a) per hour or part thereof reasonably absent from professional rooms or place of business	\$250.00 to \$500.00
(b) but in any event not to exceed in any one day.	\$3000.00
2. Person other than a professional person who is engaged in business as a principal on his or her own behalf—	
(a) per hour or part thereof	\$200.00 to \$400.00
(b) but in any event not to exceed in any one day.	\$1800.00
3. Any other witness—	
(a) per day	\$150.00
(b) but if the witness is remunerated in any employment by wages, salary or fees, the amount lost by the attendance but in any event not to exceed in any one day.	\$700.00

The Costs Court may allow in addition any appropriate reasonable expense incurred by the witness, e.g. child minding expenses.

A witness attending in more than one proceeding shall be entitled to a proportionate part only of the expense of the proceeding.

The Costs Court may allow a country witness, in addition to the above expenses, a reasonable sum for the actual expense of travel to and from the place of trial or hearing and for maintenance or sustenance. For this purpose, a witness who does not reside within 50 kilometres of the place of trial or hearing is a country witness.

Where a witness gives evidence as an expert, the Costs Court may allow an amount reasonably incurred and paid to the witness for qualifying to give that evidence.

Notwithstanding anything in the above scale, the Costs Court may allow to an expert witness a special fee for any attendance at the Supreme Court not covered by the scale when the witness assists counsel or solicitors as an expert for a period during the trial or hearing.

Nothing in the scale shall affect the existing practice of allowing qualifying fees to witnesses.

INTERPRETERS' ALLOWANCES

4. Attending professional, scientific or expert witness qualifying to give evidence, attending conference with solicitor or counsel—
 - (a) per hour or part thereof reasonably absent from professional rooms or place of business \$70.00
 - (b) but in any event not to exceed in any one day. \$490.00
5. Attending Supreme Court—
 - (a) for absence from place of residence or business for four hours or less \$280.00
 - (b) and for each hour or part thereof in excess of four hours \$70.00
 - (c) but in any event not to exceed in any one day. \$490.00

The Costs Court may allow a country interpreter, in addition to the above allowance, a reasonable sum for the actual expense of travel to and from the place of trial or hearing and for maintenance and sustenance. For this purpose, an interpreter who does not reside within 50 kilometres of the place of trial or hearing is a country interpreter.

Notwithstanding anything in the above scale, the Costs Court may allow an increased amount to a professional interpreter in special circumstances.

_____".

Dated: 29 November 2012

M. L. WARREN, *C.J.*

CHRISTOPHER MAXWELL, P.

GEOFFREY NETTLE, J.A.

BERNARD D. BONGIORNO, J.A.

D. L. HARPER, J.A.
PAMELA TATE, J.A.
R. S. OSBORN, J.A.
PHILLIP PRIEST, J.A.
D. J. HABERSBERGER, J.
K. WILLIAMS, J.
KEVIN H. BELL, J.
KIM HARGRAVE, J.
ANTHONY CAVANOUGH, J.
PAUL COGHLAN, J.
ROSS ROBSON, J.
JACK FORREST, J.
JAMES JUDD, J.
EMILIOS KYROU, J.
DAVID F. R. BEACH, J.
TERRY FORREST, J.
KARIN EMERTON, J.
CLYDE CROFT, J.
ANNE FERGUSON, J.
M. L. SIFRIS, J.
PETER ALMOND, J.
JOHN DIXON, J.
C. MACAULAY, J.
KATE McMILLAN, J.
G. J. DIGBY, J.

ENDNOTES

- ¹ Rule 4: S.R. No. 148/2005. Reprint No. 4 as at 17 September 2012.
Reprinted to S.R. No. 97/2012 and subsequently amended by
S.R. Nos 39/2012 and 121/2012.