

Authorised Version

**Supreme Court (Chapter I Appendices A and B
Amendment) Rules 2018**

S.R. No. 132/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 132/2018

Supreme Court Act 1986

Supreme Court (Chapter I Appendices A and B Amendment) Rules 2018

The Judges of the Supreme Court make the following Rules:

1 Object

The object of these Rules is to amend Appendices A and B of Chapter I of the Rules of the Supreme Court to increase the scale of costs, expenses for witnesses and allowances for interpreters.

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 January 2019.

4 Appendices A and B substituted

For Appendices A and B of the Supreme Court (General Civil Procedure) Rules 2015¹
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 January 2019 in relation to matters in the Supreme Court.

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

Supreme Court (Chapter I Appendices A and B Amendment) Rules 2018
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<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;	\$41.20
(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;	\$412.00
(iii) where a legal practitioner appears as counsel, at the discretion of the Costs Court having regard to item 19(1)(a) and (3)	
(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	\$31.50
(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	\$23.90
(d) Attendances to file or issue any document or similar attendance	\$47.70
(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	\$60.80
3. ENGROSSING AND/OR APPROVAL OF DOCUMENTS	
Of documents properly drawn by Counsel—for each folio	\$12.10
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	\$20.40
(b) Short (one folio or less)	\$41.20
(c) Any other letter—for each folio	\$72.90
The charge for a letter includes transmission by standard surface post, facsimile, email 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	\$73.50
(b) By letter in accordance with item 5(b)	\$41.20
(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	\$20.40
Copies of additional pages received electronically are to be charged pursuant to item 4.	

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<i>Item and Description</i>	<i>Amount</i>
8. PERUSALS	
Of all documents including incoming correspondence—	
(a) up to three folios	\$60.80
(b) thereafter for each folio	\$20.40
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	\$8.30
10. EXAMINATION	
If it is not reasonable to peruse or scan a document but an examination is reasonable—for each page	\$8.30
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.	\$5672.00

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<i>Item and Description</i>	<i>Amount</i>	
19. COUNSEL'S FEES		
(1) Subject to paragraphs (2), (3) and (4), such fees as are allowed up to a maximum of—	<i>Junior Counsel</i>	<i>Senior Counsel</i>
(a) appearances—		
(i) on trial or appeal (daily fee)	\$5847.00	\$8770.00
(ii) any other appearance (per half day for time spent in the hearing)	\$2923.00	\$4384.00
(b) other matters (for each hour)	\$584.00	\$877.00
(c) preparation (for each hour)	\$584.00	\$877.00
(d) conferences (not occurring on day of hearing) (for each hour)	\$584.00	\$877.00
(e) views (for each hour)	\$584.00	\$877.00
(f) drawing or settling documents (for each hour)	\$584.00	\$877.00
(g) opinions, advices (for each hour)	\$584.00	\$877.00
(h) any other work, not otherwise provided for (for each hour)	\$584.00	\$877.00
(2) Circuit fees are additional and are to be based on current allowances as provided for in Schedule 1 to Chapter I of the Rules of the County Court.		
(3) In allowing a fee to Counsel, the Costs Court shall have regard to the following criteria—		
(a) all criteria in item 17; and		
(b) the other fees and allowances to Counsel in the matter; and		
(c) payments made for interlocutory work where that work has reduced the work which would otherwise have been necessary in relation to the brief; and		
(d) the standing of Counsel.		

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<i>Item and Description</i>	<i>Amount</i>
(4) 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 January 2019 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	\$283.90 to \$566.60
(b) but in any event not to exceed in any one day.	\$3398.50
2. Person other than a professional person who is engaged in business as a principal on that person's own behalf—	
(a) per hour or part thereof	\$226.70 to \$453.40
(b) but in any event not to exceed in any one day.	\$2039.80
3. Any other witness—	
(a) per day	\$169.50
(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.	\$792.10

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

<i>Item and Description</i>	<i>Amount</i>
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	\$79.90
(b) but in any event not to exceed in any one day.	\$555.90
5. Attending Supreme Court—	
(a) for absence from place of residence or business for four hours or less	\$317.30
(b) and for each hour or part thereof in excess of four hours	\$79.90
(c) but in any event not to exceed in any one day.	\$555.90

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: 12 September 2018

ANNE FERGUSON, C.J.

PAMELA TATE, J.A.

SIMON P. WHELAN, J.A.

DAVID F. R. BEACH, J.A.

EMILIOS KYROU, J.A.

STEPHEN KAYE, J.A.
S. G. E. McLEISH, J.A.
R. NIALL, J.A.
KIM HARGRAVE, J.A.
KARIN EMERTON, J. A.
ELIZABETH HOLLINGWORTH, J.
ANTHONY CAVANOUGH, J.
CLYDE CROFT, J.
M. L. SIFRIS, J.
PETER ALMOND, J.
JOHN R. DIXON, J.
C. MACAULAY, J.
KATE McMILLAN, J.
GREG GARDE, J.
G. J. DIGBY, J.
JAMES D. ELLIOTT, J.
T. J. GINNANE, J.
MELANIE SLOSS, J.
M. J. CROUCHER, J.
JOANNE CAMERON, J.
CHRISTOPHER W. BEALE, J.
MICHAEL McDONALD, J.
RITA ZAMMIT, J.
P. J. RIORDAN, J.
A. J. KEOGH, J.
MICHELLE QUIGLEY, J.
J. R. CHAMPION, J.

M. N. CONNOCK, J
MELINDA RICHARDS, J
KEVIN J. A. LYONS, J.
LESLEY TAYLOR, J.
S. J. MOORE, J.
ANDREW J. TINNEY, J.

Endnotes

- ¹ Rule 4: S.R. No. 103/2015. Reprint No. 2 as at 2 January 2018. Reprinted to S.R. No. 127/2017. Subsequently amended by S.R. Nos 32/2018, 33/2018 and 58/2018.