

Magistrates' Court General Civil Procedure Rules 2010, SR 178/2013

ITEM Particulars of Service

<p>1 <u>Claim for debt, liquidated demand</u> or claim arising from a motor vehicle collision for costs of repairs only or for total loss of vehicle only including all professional costs where the amount claimed is-</p>	\$																					
	<table style="width: 100%; border: none;"> <tr> <td style="width: 15%; padding: 2px;">(a)</td> <td style="padding: 2px;">Less than \$500</td> <td style="width: 10%; text-align: right; padding: 2px;">201</td> </tr> <tr> <td style="padding: 2px;">(b)</td> <td style="padding: 2px;">\$500 to less than \$5,000</td> <td style="text-align: right; padding: 2px;">420</td> </tr> <tr> <td style="padding: 2px;">(c)</td> <td style="padding: 2px;">\$5,000 to less than \$7,500</td> <td style="text-align: right; padding: 2px;">516</td> </tr> <tr> <td style="padding: 2px;">(d)</td> <td style="padding: 2px;">\$7,500 to less than \$20,000</td> <td style="text-align: right; padding: 2px;">620</td> </tr> <tr> <td style="padding: 2px;">(e)</td> <td style="padding: 2px;">\$20,000 to less than \$40,000</td> <td style="text-align: right; padding: 2px;">769</td> </tr> <tr> <td style="padding: 2px;">(f)</td> <td style="padding: 2px;">\$40,000 to less than \$70,000</td> <td style="text-align: right; padding: 2px;">926</td> </tr> <tr> <td style="padding: 2px;">(g)</td> <td style="padding: 2px;">\$70,000 and over</td> <td style="text-align: right; padding: 2px;">1107</td> </tr> </table>	(a)	Less than \$500	201	(b)	\$500 to less than \$5,000	420	(c)	\$5,000 to less than \$7,500	516	(d)	\$7,500 to less than \$20,000	620	(e)	\$20,000 to less than \$40,000	769	(f)	\$40,000 to less than \$70,000	926	(g)	\$70,000 and over	1107
	(a)	Less than \$500	201																			
	(b)	\$500 to less than \$5,000	420																			
	(c)	\$5,000 to less than \$7,500	516																			
	(d)	\$7,500 to less than \$20,000	620																			
	(e)	\$20,000 to less than \$40,000	769																			
	(f)	\$40,000 to less than \$70,000	926																			
(g)	\$70,000 and over	1107																				

Particulars of Service

(costs for items 2-80 are set out in Table 1)

EFFECTIVE 1 JANUARY 2014

**2014
SCALE OF COSTS**

Scale of costs and fees which may be claimed by Australian lawyers and counsel as between party and party as well as between Australian lawyer and client.

If in any case the Court or registrar thinks that any item is inadequate or excessive, the Court or registrar may allow a greater or lesser sum than the scale provides.

If the scale of costs does not provide for any case, the Court or registrar may allow reasonable costs.

A	B	C	D	E	F	G
Less than \$500	\$500 to less than \$5,000	\$5,000 to less than \$7,500	\$7,500 to less than \$20,000	\$20,000 to less than \$40,000	\$40,000 to less than \$70,000	\$70,000 and over

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
		A	B	C	D	E	F	G
	<u>Instructions</u>							
2	Instructions to make, issue or oppose an application or summons or any notice of objection under the Judgment Debt Recovery Act 1984 including instructions for any affidavit (not otherwise provided for).	69	69	69	104	129	155	179
	<u>Institution of proceedings</u>							
3	Complaint, including instructions to sue, letter before action, attendances on counsel, copies for service, issuing and attendances on process server.	201	421	517	621	770	928	1110
4	Consent of litigation guardian including preparation of memorandum, copies and obtaining signature of litigation guardian.	n/a	n/a	151	197	201	214	227
5	Notices of defence to claim, counterclaim or 3rd party notice including instructions to defend, perusal of claim, counterclaim or 3rd party notice, reply, attendances on counsel, copies, filing and service.	93	199	247	294	367	442	530
6	Counterclaim, 3rd party notice, notice of contribution or any further pleading including instructions to issue, attendances on counsel, copies, filing and service.	108	221	271	324	402	484	580
7	Perusal of notice of defence, counterclaim, 3rd party notice or any pleading, and notice of contribution.	49	49	49	49	49	49	49

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
	Particulars	A	B	C	D	E	F	G
8	Request for particulars of any document including attendances on counsel, copies, filing, service and perusal of further particulars	71	158	192	230	286	341	406
9	Further and better particulars of any documents including perusal of request, attendances by counsel, copies, filing and service.	64	133	159	192	238	287	343
	View							
10	Attending view, including arranging view and attendance on counsel	n/a	n/a	161	223	242	271	305
11	If the attendance exceeds half an hour - for each quarter hour thereafter.	n/a	n/a	18	46	46	46	46
	Discovery							
12	Notice of discovery including filing and service.	46	75	93	110	139	163	188
13	Perusal of affidavit of documents and inspection of documents.	56	107	126	157	195	233	274
14	Affidavit of documents including instructions, attendances on counsel, copies, swearing, filing, service and production of documents for inspection.	110	235	287	343	434	512	608
15	Notice to produce documents including filing and service.	46	71	93	110	139	163	188

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
		A	B	C	D	E	F	G
	<u>Interrogatories</u>							
16	Interrogatories for examination including instructions, attendances on counsel, copies, filing, service and perusal of answers.	91	187	227	271	340	405	469
17	Answers to interrogatories including perusal of interrogatories instructions, attendances on counsel, copies, swearing and service.	120	256	326	391	484	583	690
	<u>Brief to advise</u>							
18	Brief to advise including preparation of memorandum to counsel attendances on counsel and perusal of advice.	n/a	n/a	161	223	242	271	304
	<u>Notices, undertakings, etc.</u>							
19	Any necessary notice (including notices before proceeding), certificate (including certificates before proceeding), undertaking, consent, order, memorandum (not otherwise provided for) including copies, filing and service.	45	80	94	112	140	164	198
20	Notice to admit including perusal of admissions, copies, filing and service.	120	120	120	164	207	251	299
21	Admissions, including perusal of notice to admit, copies, filing and service.	120	120	120	164	207	251	299
22	Offer of compromise or notice of acceptance of offer including copies, filing and service.	104	104	104	154	192	230	274

	<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>	
	A	B	C	D	E	F	G	
<u>Witnesses and Expert witnesses</u>								
23	Subpoena including instructions, copies and issuing.	23	38	53	53	69	83	99
24	Attendance on witness to arrange attendance to give evidence without subpoena, including reminders.	22	23	23	38	43	50	58
25	Arranging examination or inspection by an expert witness and notifying party, supplying relevant documents to witness, obtaining and perusing report.	65	66	66	101	126	151	179
26	Notifying party of examination or inspection arranged by opposite party.	13	13	13	49	62	75	90
27	Statement of expert witness (pursuant to Rule 44.03) including instructions, filing and service.	88	160	223	267	336	396	460
<u>Applications</u>								
28	Application or summons or any notice under the Judgment Debt Recovery Act 1984 including copies, issuing and affidavit of service.	37	87	94	108	132	158	186
29	Application for and order under Rule 21.01 (in addition to item 1 if applicable) or 21.04 including copies and issuing.	41	41	41	41	41	41	41
29A	To draw or settle any necessary medical panel referral documents including medical questions, s65(6A) statements, lists of documents and submissions pursuant to Accident Compensation Act 1985 etc.	92	169	230	256	343	410	476

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
		A	B	C	D	E	F	G
<u>Notice of Objection</u>								
30	Notice of Objection under the Judgment Debt Recovery Act 1984 including copies, issuing and affidavit of service.	40	40	40	40	40	40	40
<u>Affidavits</u>								
31	Affidavits including attendances on counsel, copies, swearing, filing and service.	91	187	227	271	340	402	468
32	Affidavit of service, including swearing and filing (not otherwise provided for).	38	38	38	38	38	38	38
<u>General Preparation</u>								
33	For work necessarily and properly done in preparing for hearing and not otherwise provided for, including- (a) taking instructions for examination of any party or witness; (b) considering the facts and the law (c) attending on and corresponding with client (d) interviewing and corresponding with witnesses and taking proofs of their evidence. (e) obtaining reports or advice from experts and maps, plans, photographs and models; (f) making search in any public office and elsewhere for relevant documents; (g) inspecting any property or place material to the proceeding; (h) perusing relevant documents; (i) general care and conduct on the proceeding	365	1193	1472	1769	2211	3195	4968

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
		A	B	C	D	E	F	G
<u>Pre-hearing Conference</u>								
34	Preparation including all necessary instructions, instructions for brief for counsel or brief notes for Australian lawyer, correspondence and perusals.	89	270	361	436	540	650	744
35	Attendance at conference whether by counsel or Aust lawyer.	159	306	437	540	675	815	949
<u>Mediation</u>								
36	Preparation including all necessary instructions, instructions for brief for counsel or brief notes for Australian lawyer, all necessary correspondence, perusals, etc	89	270	361	436	531	636	730
37	Attending mediation by Australian lawyer, for first 4 hours or part thereof.	159	306	437	540	666	799	934
38	For each subsequent hour.	46	87	108	127	165	198	232
39	Attending Mediation with counsel (where necessary) per hour.	46	87	108	127	165	198	232
40	If Australian lawyer attends at a place more than 50 km from his or her place of business, an additional fee may be allowed.							
41	The reasonable costs of a mediation held before the commencement of proceedings may be allowed.							

	<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>	
	A	B	C	D	E	F	G	
<u>Court Attendance</u>								
42	Attendance at Court or upon magistrate or officer of the Court on application, summons, appeal or to hear reserved judgment.	94	211	260	316	394	473	565
43	Attendance of Australian lawyer without counsel at a WorkCover directions hearing or at a hearing of an application for revocation of a direction of a conciliation officer.	159	306	438	543	681	818	951
44	Attending WorkCover mentions.	143	143	143	143	143	143	143
45	Attendance at Court on hearing-Australian lawyer without counsel for the first six hours (including any luncheon adjournment).	336	675	1018	1221	1527	1825	2123
46	If attendance at Court exceeds six hours- for each hour thereafter.	72	133	159	195	242	290	339
47	Attendance at Court by Australian lawyer on hearing with counsel for the first three hours.	154	260	325	391	484	583	673
48	If attendance exceeds 3 hours- for each hour thereafter.	46	87	108	127	158	192	225
<u>Conference with Counsel</u>								
49	Appointment and attendance per hour (when necessary).	46	94	119	152	191	228	267

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
		A	B	C	D	E	F	G
<u>Fees to Counsel</u>								
50	To draw or settle any necessary document including notice before action, particulars of claim or defence (including special defence), counterclaim and interrogatories	61	114	149	171	223	266	309
51	To confer, prepare, view or consult - per hour.	61	114	149	171	223	266	309
52	To advise on evidence or give opinion.	n/a	n/a	197	298	321	360	538
53	Brief on hearing.	405	910	1226	1470	1835	2205	2407
54	For each six hours or part thereof after the first six hours of hearing (including any luncheon adjournment).	274	607	814	978	1226	1464	1711
55	Attending mediation, for the first 4 hours or part thereof.	167	326	464	572	718	863	1006
56	For each subsequent hour.	51	92	113	134	182	214	252

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
		A	B	C	D	E	F	G
57	Attending at WorkCover directions hearing	170	331	471	582	731	878	1054
57A	Attending at the hearing of an application for revocation of a direction of a conciliation officer	582	582	582	582	582	582	582
	<u>Documents</u>							
58	Drawing any document or brief (where not otherwise provided for) - per folio.	4.10	10.10	10.70	11.20	12.80	14.90	20.20
59	Typing any document or brief (where not otherwise provided for) - per folio.	2.60	2.60	2.60	2.60	2.60	2.60	2.60
60	Photocopying in a proceeding: For the first 50 pages - per page For further copies after the first 50 pages - per page	2.30 0.68	2.30 0.68	2.30 0.68	2.30 0.68	2.30 0.68	2.30 0.68	2.30 0.68
	<u>Perusals</u>							
61	of any document or part of a document (where not otherwise provided for) per-folio.	2.60	2.60	2.60	2.60	2.60	2.60	2.60
62	Examination or scanning any document which is not necessary to peruse - per folio.	1.30	1.30	1.30	1.30	1.30	1.30	1.30
	<u>Correspondence</u>							
63	Special letter.	38	38	38	38	38	38	38

		<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
		A	B	C	D	E	F	G
64	Ordinary letter (including an agency letter).	27	27	27	27	27	27	27
65	Circular letter. After the first, postage may be claimed as a disbursement.	15	15	15	15	15	15	15
	<u>Attendances</u>							
66	Attendance - such as an attendance at the office of the Registrar or on a process served or to serve or an attendance which is capable of being made by a clerk.	27	27	27	27	27	27	27
67	Attendance (personal or by telephone) of a Australian lawyer or managing clerk and involving an exercise of skill or legal knowledge - for each quarter hour.	46	46	46	46	46	46	46
68	Attendance which does not involve the exercise of skill or legal knowledge - for each quarter hour.	23	23	23	23	23	23	23
	<u>Warrant,summons, etc.</u>							
69	Warrant to seize property or of delivery including instructions preparation and issuing.	52	107	126	158	198	238	279
70	Summons for oral examination, including instructions, preparation of summons and affidavit, issuing, arranging service, forwarding summons and affidavit to Registrar with letter.	54	127	155	170	215	260	304
71	Proceedings for attachment of debts including all professional costs.	154	308	345	413	516	616	806

	<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
	A	B	C	D	E	F	G
72 Summons for attachment of earnings, including instructions, preparation of summons, affidavit and Form 72A, issuing summons , arranging service, forwarding summons and affidavit to Registrar with a letter (including affidavit of service).	274	388	417	523	655	784	1027
73 Form 72F, including preparation, filing and service.	46	80	94	112	140	164	190
74 Order to attend or to give a statement under Rule 72.04 including preparation, issuing and arranging service.	46	80	94	112	140	164	190
75 Registration of interstate judgment.	69	69	69	104	104	104	104
Service							
76 For service of court documents on each person to be served.	66	66	66	66	66	66	66
77 For service of court documents on each person to be served where service is effected by post or by leaving at a document exchange.	12	12	12	12	12	12	12
78 For every necessary visit made in attempting service of court documents and for each report of non service where the time, date and number of visits attempting service are shown by affidavit.	45	45	45	45	45	45	45

	<i>Up to \$500</i>	<i>>500 <5,000</i>	<i>>5,000 <7,500</i>	<i>>7,500 <20,000</i>	<i>20,000< 40,000</i>	<i>40,000< 70,000</i>	<i>70,000+</i>
	A	B	C	D	E	F	G
79 In addition to the above mentioned service fees an allowance at the rate of 68 cents for each one kilometre in respect of any distance measured both ways from the nearest courthouse or other building where the court is held, or the residence of the person who served the court document, whichever is the closer to the place of service or attempted service of the document.							
80 Order for substituted service including all professional costs	135	244	290	342	431	509	591
81 If an advertisement in lieu of service is ordered, the necessary and reasonable costs of the advertisement in addition							
82 Witnesses Expenses Witnesses giving evidence in an expert or professional capacity, up to \$259 per hour or part thereof, but not to exceed \$1814 per day Other witnesses- up to \$65 per hour or part thereof, but not to exceed \$324 per day							
82A Witnesses giving evidence in the capacity of motor vehicle loss assessors, up to \$135 per hour or part thereof, but not to exceed \$740 per day.							