

## Schedule 1—Scale of costs

(the amounts allowable under this Schedule may be increased by the operation of Rule 264(3A))

[Schedule 1 heading amended by Supreme Court Civil Rules 2006 (Amendment No. 2)]

[Schedule 1 note to heading inserted by Supreme Court Civil Rules 2006 (Amendment No. 3)]

[Schedule 1 item 4 substituted by Supreme Court Civil Rules 2006 (Amendment No. 5)]

[Schedule 1 item 9 amended by Supreme Court Civil Rules 2006 (Amendment No. 3)]

[Schedule 1 item 16 amended by Supreme Court Civil Rules 2006 (Amendment No. 5)]

[Schedule 1 items 21, 22 amended by Supreme Court Civil Rules 2006 (Amendment No. 2)]

[Schedule 1 item 24 inserted by Supreme Court Civil Rules 2006 (Amendment No. 4)]

[Schedule 1 Notes A, B, D, E, G, H, J, M amended by Supreme Court Civil Rules 2006 (Amendment No. 2)]

[Schedule 1 Notes B, F, G, I amended by Supreme Court Civil Rules 2006 (Amendment No. 3)]

### Documents

1	Drawing a document that is necessary to originate, or for use in, or in connection with, any proceeding or in a matter, whether litigious or otherwise, including the engrossment of the original, per A4 page, provided that a greater amount may be allowed where the matter is of importance and/or difficulty  (see Notes D, E and G)	\$65.00
2	Where a document is partly printed and partly drawn, the drawing fee for the drawn part will be allowed and, in addition, for the printed matter (including all perusals of the same), per A4 page  (see Notes D and E)	\$14.50
3	Engrossing the original of a document where no allowance is made for such engrossment elsewhere, including the solicitor's own copy, per A4 page  (see Notes D and E)	\$14.50
4	Photocopying or printing a document, including printing an email (sent or received), per sheet  (see Note L)	\$1.00
5	Perusing a document, per A4 page or equivalent  (However, if the document is of substance, an amount not exceeding \$19.50 per A4 page or equivalent may be allowed)	\$7.20
6	Scanning of documents, including emails, where full perusal is not justified, per A4 page or equivalent  (see Note D)	\$2.10

### Attendances

(see Note C)

7	The attendance of a solicitor where the nature of the work requires the exercise of special skill or legal knowledge, per hour  (see Note K)	\$263.00
8	The attendance of a solicitor where work done does not require special skills or legal knowledge, but where it is proper that a solicitor should personally attend, and travelling time, per hour  (see Note K)	\$162.00
9	Attending on an application, matter or adjudication in chambers or on a pre-trial conference, or a settlement conference (not certified fit for counsel) or a callover—  (a) if short or matter adjourned without substantial argument  (b) if ordinary  (c) if protracted or of difficulty, per hour—in a range	\$95.00 \$163.00 \$263.00
10	Attendance of a clerk on work not properly able to be carried out by a junior clerk, including travelling time, per hour	\$127.00
11	Attending at Court to file or lodge documents or papers, or to set down, attendance to deliver documents or any other attendance capable of performance by a junior clerk, including, attending to set down a chamber application and to search the list for chamber appointments and all attendances necessary to settle and seal an order or other document, and filing or lodging documents or papers at Court electronically, per attendance or lodgment	\$21.00
12	An attendance by telephone of a solicitor, for each 6 minutes interval or part of 6 minutes	\$27.00
13	An attendance by telephone of a clerk—  (a) on a matter of substance  (b) on a short call where a message is left	\$13.50 \$3.10

14	An attendance on the swearing of an affidavit—	
	(a) of a solicitor to be sworn to an affidavit	\$38.20
	(b) of a solicitor to take an affidavit where the solicitor or the solicitor's firm has prepared the affidavit	\$20.60
	(c) of a clerk to be sworn to an affidavit	\$20.60
	(d) of a solicitor on another person to be sworn to an affidavit where no charge is made under paragraph (b) (such fee is to include all charges for marking exhibits and for perusing or reading over the affidavit when the attendance properly does not exceed 15 minutes. If the attendance exceeds 15 minutes, the attendance will be allowed proportionately, at the rate fixed by item 7 of the scale.)	\$40.20

**Letters**

15	Any letter (including an email letter)—	
	(a) per A4 page, provided that letters of less than one page and the first page of a letter are to be charged proportionally	\$65.00
	(b) circular letters after the first (including the cost of copying/printing), per A4 page (see Notes D and E)	\$8.30
16	For receiving and sending documents by fax transmission and email and the electronic scanning of documents—	
	(a) for incoming fax transmissions, per printed page	\$1.00
	(b) for outgoing fax transmissions, for the first page (and, for each subsequent page, an additional \$2.10)	\$9.30
	(c) for outgoing emails (not charged under item 15) (and, for each attachment, an additional \$7.30)	\$7.30
	(d) for electronically scanning documents, for the first sheet (and, for each subsequent sheet, an additional \$2.10)	\$7.30
	Where applicable, STD and ISD charges will be allowed as a disbursement	
17	For the payment of an account where an account in writing has been rendered and which is in order, including any letter sent with the payment of that account, if the letter relates solely to the account, and to include all disbursements on cheques	\$8.30

**Registration of certificate of judgment under *Service and Execution of Process Act 1992***

18	Instructions for and attending to registration of a certificate of judgment under the <i>Service and Execution of Process Act 1992</i> (Cth), including all correspondence, documents, attendances in relation thereto as assessed pursuant to section 22A(1) of the Act, but not exceeding	\$363.00
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**Miscellaneous**

19	Paging, collating, binding and indexing copy documents for use of the Trial Judge, including the index	
	(a) for the first 10 A4 pages	\$9.30
	(b) for more than 10 A4 pages	\$17.50
20	Paging, collating, binding and indexing a brief or appeal book—	
	(a) for 10 pages or less	\$18.60
	(b) from 11 pages to 50 pages	\$74.30
	(c) from 51 pages to 100 pages	\$123.00
	(d) from 101 pages to 200 pages	\$195.00
	(e) for more than 200 pages	\$285.00
	Where it is proper to deliver more than one brief, and in respect of appeal books after the first, an additional amount of half of the amount allowable under this item for the first copy of the brief or appeal book will be allowed for each additional brief or appeal book.	
	Where a brief or appeal book exceeds 300 pages, the pages in excess of 300 pages may be treated as a separate brief or appeal book.	
21	Care and consideration in the preparation of a brief is to be an amount in the discretion of the adjudicating officer but, in cases where oral evidence is to be called on disputed matters or where there is to be substantial argument on legal matters, the amount allowed is	\$85.00

22	Preparation of short form Claim of costs, per A4 page	\$65.00
23	Drawing and the engrossment of the original, and of the solicitor's own copy of—	
	(a) a proof of a witness for a brief, where it is not necessary substantially to recast any notes made of the statement of the witness or to collate any number of previous statements	
	(b) indices (where not otherwise provided)	
	(c) formal lists	
	(d) copies of extracts from other documents	
	per A4 page	\$32.00

**Notes**

- A** The amount allowed for each of the above items is to be at the discretion of the adjudicating officer, who is at liberty, in the particular circumstances of the matter, to disallow an item entirely or allow a greater or lesser amount for an item. The adjudicating officer may allow a greater amount where the matter is of importance or difficulty.
- B** Each Schedule of costs (other than a short form Claim for costs) must show—
- (a) the time spent on an attendance; and
  - (b) the number of A4 pages (or the equivalent) contained in any document for which a charge is made; and
  - (c) the name of any solicitor and the status of any clerk in respect of whom an attendance is charged; and
  - (d) a separate identifying number for each item and the date of the item; and
  - (e) the items of work and disbursements in chronological order.
- C** Where the time for an attendance is only a portion of an hour, such amount may be allowed in accordance with the scale as the proportion of the hour bears to the amount allowed for the whole of the hour.
- D** Where, in this Schedule, fees (other than for photocopying, printing, electronic scanning, or sending and receiving fax transmissions) are set by reference to an A4 page, such fees are fixed (except in the case of correspondence) on the basis that the typed or printed content of each page consists of 30 lines of 12 size print with a left hand margin no wider than 4 centimetres and a right hand margin no wider than 2 centimetres). Where correspondence is concerned, the fee is fixed on the basis that the typed content of each page consists of 45 lines in 12 size print with margins as previously stated in this note. The fee allowable may be adjusted by the adjudicating officer depending on whether the document or correspondence in question exceeds or falls short of those standards.
- Where the contents of a document (or page of a document) are less than one A4 page in length, the fee allowed is, therefore, to be at the discretion of the adjudicating officer.
- E** Where a document is prepared on other than A4 paper, the amounts to be allowed under items 1, 2, 3 and 15 may be increased or decreased in the discretion of the adjudicating officer.
- F** Only the amount of disbursements actually paid or payable are to be shown in the Schedule as disbursements. Where a disbursement is yet to be paid, this must be specially stated.
- G** For drawing of any Schedule of costs (not including a short form Claim for costs), the adjudicating officer may allow an additional 50 per cent on all drawing fees.
- H** Such allowance for kilometrage by motor vehicle or other conveyance will be made as the adjudicating officer considers reasonable.
- I** Where the Court orders a party, or a party or person is otherwise required, to adjudicate costs both as between party and party and solicitor and client, the appropriate form is to be modified by the applicant so as to provide for the inclusion of both party and party and solicitor and client costs and the respondent's respective responses thereto.
- J** The maximum rate for perusal is appropriate for documents such as pleadings, particulars, advices and opinions and for the more complicated medical and expert reports. A middle range figure will be appropriate for standard expert reports, lists of documents and medical reports. The lower rate will apply to appearances, ordinary correspondence, special damages, vouchers and the like. In cases where a large volume of documents is required to be perused, an hourly rate may be allowed by the adjudicating officer instead of a perusal fee.
- K** When an instructing solicitor is in Court, the lower attendance rate should be allowed if the solicitor is merely assisting counsel by being present, but the higher rate should be allowed if the solicitor is more actively involved, for example, by proofing witnesses, preparing indices, etc.
- L** Where a substantial number of sheets are, or should be, photocopied at the same time, regard may be had to commercial photocopying rates in respect of multiple copies of the same document, for each sheet after the first.

**M** The costs allowed in the scale do not include the Goods and Services Tax (**GST**) which is to be added except in the following circumstances. GST should not be included in a claim for costs in a party/party Schedule of costs if the receiving party is able to recover GST as in input tax credit. Where the receiving party is able to obtain an input tax credit for a proportion of GST only, only the portion which is not eligible for credit should be claimed in the party/party Schedule of costs. Where there is a dispute as to whether GST is properly claimed in the party/party Schedule of costs, the receiving party must provide a certificate signed by the solicitors or auditors of the receiving party as to the extent of any input tax credit available to the receiving party.

## DOCUMENT ADVISING OF INCREASE IN SUPREME COURT SCALE

- (h) in an action founded on a claim for damages or any other monetary sum (other than a motor accident claim or a claim for defamation), general costs of action are not to be awarded in favour of the successful plaintiff unless the amount awarded exceeds \$75 000.

### Example-

- 1 For example, the special provisions as to costs where a party fails to accept an offer of settlement and the amount obtained by judgment does not exceed the amount of the offer (see rule 188).

- (3) In exercising its discretion, the Court may (subject to any other relevant rule) have regard to any offer to consent to judgment or other attempt to settle the action or an issue involved in the action.
- (4) In exercising its discretion with regard to counsel fees, the Court will have regard to the importance of the case, its difficulty and the time reasonably occupied by counsel.
- (5) If an action is transferred or removed into the Court, the Court will not disturb orders for costs made in the other court or tribunal unless there is good reason to do so.

### 264—Basis for awarding costs

- (1) The Court may, in the exercise of its discretion as to costs, award costs on any basis the Court considers appropriate.
- (2) As a general rule, however, costs are awarded as between party and party (that is, on the basis that the party entitled to the costs will be reimbursed for costs reasonably incurred by the party in the conduct of the litigation to an extent determined by reference to the scale of costs in force, under these rules or the previous rules, when the costs were incurred).
- (3) The scale of costs is fixed by Schedule 1.

[Subrule 264(3A) inserted by Supreme Court Civil Rules 2006 (Amendment No. 3)]

[Subrule 264(3A) substituted by Supreme Court Civil Rules 2006 (Amendment No.5)]

- (3A) For work done on-and after 1 August-2007 or the commencement of Supreme Court Civil Rules 2006 (Amendment No ) (whichever is the later) the costs allowable under the First Schedule are to be increased by 1.8%.

[Subrule 264(3A) substituted by Supreme Court Civil Rules 2006 (Amendment No.5)]

- (3B) For the work done on and after 1 October 2008 the costs specified in Schedule 1 (excluding Items 4(a) and 16(a)(i)) are to be increased by 6.1% (which increase is inclusive of the increase granted by subrule (3A)).
- (4) The Court may depart from the scale if there is good reason to do so.

### Example

The Court might allow a fee greater than allowed by the scale for a pleading if satisfied that the fee is justified by the difficulty of the case.

- (5) In exercising its general discretion as to costs, the Court may-
- (a) award costs as between solicitor and client (that is, on the basis that the party will be fully reimbursed for costs reasonably incurred by the party in the conduct of the litigation); or
- (b) award costs on the basis of an indemnity (that is, on the basis that the party will be fully reimbursed for costs incurred by the party in the conduct of the litigation except to the extent that the party liable for the costs shows them to have been unreasonably incurred); or
- (c) award costs by way of lump sum; or
- (d) award costs on any other basis the Court considers appropriate.
- (6) The Court may award different components of costs on different bases.
- (7) The Court may include in an award of costs an amount representing interest.