

Joint Costs Advisory Committee Inquiry 2020

To

LAW COUNCIL OF AUSTRALIA

Law Society Contact

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Date

THURSDAY, 27 AUGUST 2020

The Law Society of Western Australia

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Introduction

1. The Law Society of Western Australia is the peak professional association for lawyers in Western Australia. Established in 1927, the Law Society is a not-for-profit association dedicated to the representation of its members and the enhancement of the legal profession through being a respected leader and advocate on law reform, access to justice and the rule of law.
2. This submission is made in response to the Law Council of Australia's request of 31 July 2020 for input for a Law Council submission to the Joint Costs Advisory Committee in relation to its Inquiry into Legal Practitioners' Scale of Costs.
3. This submission proposes a review of the National Guide to Counsel Fees, which appears to have been last revised in 2013.
4. The section of this submission that relates to the National Guide to Counsel Fees has been prepared in consultation with:
 - a) Ms Kerrie Rosati, Principal of DGT Costs Lawyers, Sydney, Brisbane, Canberra;
 - b) Ms Toni Mossman, DGT Costs Lawyers, Sydney, Brisbane, Canberra;
 - c) Ms Cate Dealehr, Principal, Australian Legal Costing Group, Melbourne; and
 - d) Mr Graeme Arnold, Principal, Arnold Costs Solicitors, Adelaide, South Australia.
5. The Law Society acknowledges and is grateful for the input and assistance provided by Ms Rosati, Ms Mossman, Ms Dealehr and Mr Arnold.
6. This submission also comments on the format of the Federal Court Scale of Costs as set out in Schedule 3 of the *Federal Court Rules 2011* (Cth).

National Guide to Counsel Fees

7. Following discussions with costs experts in Western Australia, New South Wales, Victoria and South Australia, the following points have emerged in respect to the National Guide to Counsel Fees, a copy of which is annexed marked "A".

The position in Western Australia

8. In Western Australia, the use of the concept of "fee on brief" is becoming less frequent, though it is acknowledged that the concept is useful in providing a benchmark for the determination of reasonableness of counsel fees.
9. Annexed marked "B" is the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020* (WA) which provides at item 22(a) for 3.5 days preparation and the first day of trial for "Fee on brief, i.e. first day of trial and preparation, including submissions".
10. Whilst Western Australian state Scales of Costs still utilise the term "fee on brief", the term is rarely seen in counsel fee notes. It is more common for counsel to express their fee notes by reference to daily and/or hourly rates.
11. In addition, special costs orders are made in the Supreme Court of Western Australia where a party is able to demonstrate that due to the unusual difficulty, complexity or importance of a case, the Scale limits are inadequate. Section 280(2) in Division 5 of the *Legal Profession Act 2008* provides that:

- (2) *Despite subsection (1), if a court or judicial officer is of the opinion that the amount of costs allowable in respect of a matter under a costs determination is inadequate because of the unusual difficulty, complexity or importance of the matter, the court or officer may do all or any of the following:*
- (a) *order the payment of costs above those fixed by the determination;*
 - (b) *fix higher limits of costs than those fixed in the determination;*
 - (c) *remove limits on costs fixed in the determination;*
 - (d) *make any order or give any direction for the purposes of enabling costs above those in the determination to be ordered or assessed.*

12. There is a substantial volume of case law that has developed over the years in relation to special costs in Western Australia, and the courts often grant special orders pursuant to the above section.
13. In cases where special costs orders have been made, counsel fees are normally assessed by reference to daily and hourly rates rather than by reference to the concept of “fee on brief”.

The position in New South Wales

14. In New South Wales, where the use of Scales of Costs was abolished in 1994, almost invariably counsel will express their fee notes by reference to daily and/or hourly rates.
15. This is consistent with the Guidelines of the New South Wales Costs Assessment Rules Committee entitled ‘Costs Payable Between Parties Under Court Orders’ (**NSW Guidelines**) (last updated March 2016), a copy of which is annexed marked “C”.
16. The NSW Guidelines provide as set out below, including footnotes (we have excluded the portion relating to solicitors’ rates):

General. *Costs are to be allowed only if and to the extent that they are no more than fair and reasonable in all the circumstances, were proportionately and reasonably incurred, and are proportionate and reasonable in amount, having regard to the matters referred to Legal Profession Uniform Law s 172 (or, where applicable, Legal Profession Act 2004 s 364).*

Hourly and daily rates for legal service providers. *Time incurred by legal service providers performing professional work should be allowed within the ranges described below.¹*

Service provider	Range \$
Senior counsel, where the assessor considers that it is fair and reasonable to have briefed senior counsel (daily) ²	5,000 – 8,000
Senior counsel (hourly)	500 - 950
Junior counsel (daily) ³	2,000 - 5,000

¹ Where within the applicable range a particular matter sits should be influenced by the factors referred to in *Legal Profession Act 2004*, s 364 or *Legal Profession Uniform Law*, s 172.

² Daily rates for counsel are for a brief on hearing and include a 10-hour day from 8am to 6pm. Briefs on interlocutory applications should usually be allowed at between one-third and two-thirds of the rate for a brief on hearing, according to the complexity of the application and the time involved. Mentions and directions hearings should be allowed at hourly rates. Cancellation fees, over and beyond the first day of a brief on hearing, should not be allowed.

Junior counsel (hourly)	200 - 500
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17. The Law Society proposes that the concept of “fee on brief” in the National Guide to Counsel Fees be replaced by guidelines similar to the NSW Guidelines.

Comparison of counsel rates between jurisdictions

18. The Law Society considers that a national approach to setting hourly and daily rates in the National Guide to Counsel Fees should involve consideration of the rates that apply in the State and Territory Supreme Courts across Australia.
19. Annexed marked “D” is a table comparing these rates according to the relevant costs determination, rules or guidelines in the various States and Territories.

Proposed amendments

20. Having regard to the hourly and daily rates that apply in the various State and Territory Supreme Courts, which vary considerably, the Law Society proposes that the National Guide to Counsel Fees adopt the following wording:

***General.** Subject to Rules 40.29 and 40.30 of the Federal Court Rules 2011, counsel fees are to be allowed only if and to the extent that they are no more than fair and reasonable in all the circumstances, were proportionately and reasonably incurred, and are proportionate and reasonable in amount, having regard to the maximum rates set out below:*

Service provider	Maximum \$
Senior counsel, where the assessor considers that it is fair and reasonable to have briefed senior counsel (daily rate)	10,000
Senior counsel (hourly)	1,000
Junior counsel (daily rate)	5,500
Junior counsel (hourly)	550

- ***Daily rate is based on a 10-hour day and allows for time spent in preparation on the day for the hearing***

Federal Court Scale of Costs

21. The Federal Court Scale of Costs is set out in Schedule 3 of the *Federal Court Rules 2011* (Cth).
22. The Law Society notes that in Western Australia, scales of costs are set out in a table with explanatory notes in separate subsidiary legislation. See, for example, the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020* (WA) at Annexure B.

³ Daily rates for counsel are for a brief on hearing and include a 10-hour day from 8am to 6pm. Briefs on interlocutory applications should usually be allowed at between one-third and two-thirds of the rate for a brief on hearing, according to the complexity of the application and the time involved. Mentions and directions hearings should be allowed at hourly rates. Cancellation fees, over and beyond the first day of a brief on hearing, should not be allowed.

23. Having a scale in this form is helpful and less time-consuming when giving disclosure to clients and when preparing bills of costs as the scale is more reflective of the form that a bill of costs takes.
24. That said, the Law Society acknowledges there will likely be fewer instances where it is necessary to prepare a bill of costs given the Federal Court's Costs Practice Note (GPN-COSTS), which notes the Court's preference for making lump sum costs orders wherever it is practicable and appropriate to do so. The Law Society supports this approach to making costs orders.



Nicholas van Hattem
President

Federal Court of Australia

NATIONAL GUIDE TO COUNSEL FEES

Effective from 1 July 2013

Applications/Appeals	Junior Counsel	Senior Counsel
Fee on Brief (including: preparation at discretion of taxing officer and appearance on the first day of a hearing) OR	\$1,275-5,100	\$2,100-7,650
Appearance at hearing (daily rate including conference)	\$900-4,200	\$2,060-6,400
Interlocutory Applications		
Interlocutory hearing short (up to 2 hours) long (2 hrs plus)	\$370-2,125 \$690-4,140	\$425-3,185 \$850-6,400
Other		
Hourly rate for: <ul style="list-style-type: none"> • Directions hearing • Preparation time • Conferences (not occurring on day of hearing) Settling applications, statements of claim, affidavits, defence, other documents Opinions, advice on evidence Written submissions (where not allowed above) Attending to receive judgment (where appropriate) Not otherwise provided for	\$265-530	\$425-740

LEGAL PROFESSION ACT 2008

**LEGAL PROFESSION (SUPREME AND DISTRICT COURTS)
(CONTENTIOUS BUSINESS) REPORT 2020**

Made by the Legal Costs Committee under Division 5 of Part 10 of the *Legal Profession Act 2008* (Act)

PART 1—PRELIMINARY

1 Citation

- (a) This Report may be cited as the *Legal Profession (Supreme and District Courts) (Contentious Business) Report 2020*.
- (b) The Determination set out in the Schedule to this Report is referred to in this Report as the *Legal Profession (Supreme and District Courts) (Contentious Business) Costs Determination 2020*.

PART 2—NOTICE AND INQUIRIES

2 Notice under section 278 of the Act

The Legal Costs Committee has complied with the notice provisions of section 278 of the Act.

3 Inquiries and submissions under section 277 of the Act

Before making the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020*, the Legal Costs Committee—

- (a) reviewed the submissions received as a result of the notice given under section 278 of the Act including those made by The Supreme Court of Western Australia, The Law Society of Western Australia (Inc), Australian Lawyers Alliance, the Public Trustee for Western Australia, Mr Stephen Williams, The Insurance Commission of Western Australia, and a group of practitioners acting in personal injury litigation;
- (b) consulted with The District Court of Western Australia;
- (c) considered the comments and suggestions made at a seminar with members of the legal profession held on 13 February 2020;
- (d) considered the advice of the Australian Government Treasury in respect to the COVID-19 pandemic, published at <https://treasury.gov.au/coronavirus>; and
- (e) considered the impact of changes in relevant Australian Bureau of Statistics data for the period.

PART 3—REPORT OF LEGAL COSTS COMMITTEE'S CONCLUSIONS

4 Incorporation of the costs covered by the Legal Profession (District Court Appeals) (Contentious Business) Determination 2018

- (a) The information gained as a result of the inquiries and consultations referred to in clause 3 satisfied the Legal Costs Committee that it is no longer necessary to publish a separate *Legal Profession (District Court Appeals) (Contentious Business) Determination*.
- (b) It is the recommendation of the Legal Costs Committee that the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020* provide for those costs previously included in the *Legal Profession (District Court Appeals) (Contentious Business) Determination 2018*.

5 Maximum hourly and daily rates changed—scale of costs amended

- (a) The information gained as a result of the inquiries and submissions described in clause 3 satisfied the Legal Costs Committee that the manner in which legal services are provided made it appropriate to continue to adopt the hourly and daily rates charged by law practices as the basis for most of the rates used in the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020*.
- (b) It is the recommendation of the Legal Costs Committee that—
 - (1) as a result of the inquiries and submissions described in clause 3;
 - (2) having considered the impact of relevant Australian Bureau of Statistics data;

- (3) having considered the impact of the COVID-19 pandemic and its projected impact on the Australian economy; and
- (4) taking into account the incidental administrative implications of the calculation of the Goods and Services Tax,
- the hourly and daily rates referred to in subclause 5(a) be varied from the hourly and daily rates used in the *Legal Practitioners (Supreme and District Courts) (Contentious Business) Determination 2018*¹, only to the extent of increasing the rates for Counsel in Table A so as to narrow the gap between Counsel rates and those rates charged by Senior Practitioners and Senior Counsel. Those rates are set out in Table A of the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020*.
- (c) It is the recommendation of the Legal Costs Committee, as a result of the inquiries and submissions described in clause 3, that the scale of costs be varied in the manner set out in Table B of the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020*.
- (d) The recommendations of the Legal Costs Committee are not intended to override any entitlement of a law practice to make a written agreement as to costs with a client under the Act or any successor legislation.

CLARE THOMPSON, Chair
 ANGELA GAFFNEY, Member
 MARCUS COCKER, Member
 JANICE DUDLEY, Member
 MATTHEW CURWOOD, Member
 BRENDAN ASHDOWN, Member

Schedule

LEGAL PROFESSION ACT 2008

LEGAL PROFESSION (SUPREME AND DISTRICT COURTS) (CONTENTIOUS BUSINESS) DETERMINATION 2020

Made by the Legal Costs Committee under section 275 of the *Legal Profession Act 2008 (Act)*

1 Citation

This Determination may be cited as the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020*.

2 Commencement

This Determination comes into operation on 1 July 2020.

3 Application

- (a) This Determination applies to the remuneration of legal practitioners, clerks and paralegals regarding advice given by legal practitioners in respect of contentious business carried out by legal practitioners in or for the purposes of proceedings before the Supreme Court of Western Australia and the District Court of Western Australia.
- (b) This Determination applies to all contentious business previously covered by the *Legal Profession (District Court Appeals) (Contentious Business) Determination 2018* and its predecessor Determinations.
- (c) This Determination does not apply to the remuneration of law practices based on a written agreement as to costs under the *Legal Profession Act 2008* or any successor legislation, to the extent that a law practice is entitled to charge other than in accordance with this Determination.
- (d) This Determination does not apply to the remuneration of law practices for costs incurred before 1 July 2020.

4 Application of 0.66, r11(3), r13, r18, r19, r20(3), r21 and r23 of the Rules of the Supreme Court

In the circumstances set out in Order 66, rules 11(3), 13, 18, 19, 20(3), 21 and 23 of the *Rules of the Supreme Court*, the Legal Costs Committee determines that the Court or the Taxing Officer, as the case may be, has the power to make the orders and allowances referred to in those rules.

5 Item 38 for negotiated motor vehicle personal injury claims

- (a) The introduction of item 38 was explained in the *Legal Profession (Supreme Court) (Contentious Business) Determination 2012* and *Legal Profession (Supreme Court) (Contentious Business) Determination 2014*. Whilst those paragraphs are not reproduced here, they continue to apply and express the Legal Costs Committee's views on the operation of item 38.

¹ Published in Gazette 21 June 2018

- (b) The allowance set out in item 38 is intended to apply to claims for personal injury under the *Motor Vehicle (Third Party Insurance) Act 1943* which follow a standard procedural pathway.

6 Catastrophic personal injury claims

- (a) The introduction of the items in the determinations relating to catastrophic personal injuries was explained in the *Legal Profession (Supreme Court) (Contentious Business) Determination 2012* and *Legal Profession (Supreme Court) (Contentious Business) Determination 2014*.
- (b) Since the introduction of the provisions for catastrophic personal injuries claims in 2012, the District Court decision in *McGlenn as administrator for Jeffrey Craig McGlenn v Joondalup Hospital Pty Ltd [No 2]* [2014] WADC 3 has meant that the stated objective of an early determination that a claim was a catastrophic personal injury claim has been unable to be achieved.
- (c) In light of the decision in *McGlenn as administrator for Jeffrey Craig McGlenn v Joondalup Hospital Pty Ltd [No 2]* [2014] WADC 3 the Legal Costs Committee has decided that a determination as to whether a matter is a catastrophic personal injury claim for the purposes of items 19 and 22 will only require an assessment of the nature or extent of the injury or injuries sustained by the plaintiff that are at issue in the proceedings.
- (d) The Legal Costs Committee remains of the view that determination as to whether a matter involves a catastrophic personal injury should be made as early as possible in proceedings.

7 Counsel fees

- (a) All appearances allowed for in items 10, 11, 17, 22, 25, 26 and 27 of Table B are intended to be charged at the applicable counsel rate, and not at any higher rate that may be applicable to the actual practitioner by reason of the person undertaking the appearance otherwise being entitled to charge as a Senior Practitioner.
- (b) Fees charged by practitioners who practise solely as barristers in accordance with Supreme Court Practice Direction 10.5 are only to be charged at the rates provided for counsel of their seniority in Table A and are not to be charged at rates applicable to a Senior Practitioner.
- (c) The increase in Counsel rates, and no increase in Senior Counsel or Senior Practitioner rates in Table A is designed to narrow the gap between those levels of seniority of legal practitioner and more accurately reflect the market for legal services.
- (d) Recovery of daily fees for counsel on the taxation or assessment of a Bill of Costs is intended to apply only when a full day has been worked, either in Court or in Court and in preparation for a subsequent hearing day.

8 Item 12—Family Provision Act claims

- (a) Item 12 was introduced for claims brought under section 7(1) of the *Family Provision Act 1972* by the *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2018*.
- (b) Item 12(a) provides a capped maximum allowance for each of the parties. These allowances have been determined without reference to hourly rates and are intended to provide reasonable remuneration for the entirety of the work performed prior to mediation.
- (c) Appropriate reductions in the allowances in item 12(a) should be made for affidavits which include material that goes beyond the requirements of Supreme Court Practice Direction 9.2.2, or any other relevant Practice Direction.
- (d) The maximum allowance provided for the executor or personal representative reflects the limited role executors or personal representatives play in these claims and is based on the premise that the executor or personal representative will only be attending a mediation conference for a limited time at the commencement of the conference and will otherwise be available by telephone. If the executor or personal representative is required, either by the parties or the Court, to attend an entire mediation conference, a separate allowance may be made under item 25 for that purpose.
- (e) Item 12(c) applies to proceedings which do not conclude at mediation.
- (f) The amounts provided for in items 12(a) and 12(b) are the maximum claimable by each party, unless a special costs order is obtained.
- (g) An additional allowance may be made under item 12(a) if a second or subsequent mediation conference is held and the parties have been required to undertake additional work for that second or further mediation. Examples of that additional work include obtaining a valuation or obtaining necessary records relating to the deceased or the administration of the estate.
- (h) Items 12(a)(2) and (3) and 12(b)(2) and (3) are not to both be claimed if the executor and beneficiary defendant are represented by the same legal practitioner.
- (i) A legal practitioner acting for more than one executor or beneficiary defendant may only claim the amounts set out in items 12(a)(2) and (3) and 12(b)(2) and (3) once, and may not claim an amount for each individual executor or beneficiary defendant who they represent.
- (j) A legal practitioner acting for a beneficiary defendant who is also a claimant under the *Family Provision Act* may claim their costs as if they were acting as a plaintiff, from the time the relevant beneficiary defendant commences his or her claim.
- (k) Subject to (d) above, and any appropriate or necessary other orders as to costs, or when a special costs order is made, parties to *Family Provision Act* claims are not able to recover costs under any items of the Determination other than items 3(a), 7 (where ordered), 16, 20,

27 (where ordered in accordance with clause 8(d) above), 32, 33, 34 and 35 (where ordered as between party and party), 36 and 37 (where ordered as between party and party).

- (l) Nothing in item 12 is intended to derogate from the trial Judge's discretion as to the awarding of costs.

9 New item 17—Compromises under RSC Order 70

- (a) Item 17 has been introduced to provide for an application made under RSC Order 70, to compromise a claim made by a person under a disability.
- (b) In recognition that these applications are usually accompanied by an opinion from Counsel, and it is not possible to provide for a set fee for Counsel's opinion given the range of matters which may require consideration in respect to that opinion, Counsel's opinion is allowable in accordance with the rate in Table A, for an amount which is reasonable in the circumstances of the matter.
- (c) It is accepted that on occasions Senior Counsel is briefed to give an opinion, and so if it is considered that the engagement of Senior Counsel is necessary, a special order to that effect is required.
- (d) An allowance for a brief to Counsel is only permitted if Counsel providing the opinion is not otherwise briefed in the proceedings.

10 New item 26—District Court Appeals

- (a) The costs which were claimable under items 1, 2, 3, 4, 5, 6, 7 and 9 of the *Legal Profession (District Court Appeals) (Contentious Business) Determination 2018* and its predecessor determinations have been included in the new item 26.
- (b) Subject to any appropriate or necessary other orders as to costs, or when a special costs order is made, parties to a District Court Appeal are not entitled to recover costs under any items of the Determination other than items 32, 33, 36 and 37.

11 Maximum hourly and daily rates

- (a) The hourly and daily rates set out in Table A are the maximum hourly and daily rates, inclusive of GST, which the Legal Costs Committee determines shall be used to calculate the dollar amounts in the scale of costs set out in Table B. Each item in the scale of costs specifies a dollar amount with reference to the practitioner.
- (b) The rates referred to in paragraph (a) were ascertained in the manner set out in clause 5 of the *Legal Profession (Supreme and District Courts) (Contentious Business) Report 2020*.
- (c) The daily rates set out in Table A are intended to cover all work done on a hearing or trial day, whether in or out of court, including preparation of written submissions and are not intended to be supplemented in any way by additional hourly charges given that the maximum number of hours allowed for the daily rate is 10 hours per day.
- (d) The items in Table B are not intended to be calculated on the basis of a minimum 6 minute unit.

Table A

Fee Earner	Maximum allowable hourly and daily rates
Senior Practitioner (permitted to practise on his or her own account for 5 years or more) (SP) ^o	
hourly rate	\$495
Junior Practitioner (permitted to practise on his or her own account for less than 5 years) (JP) ^o	
hourly rate	\$352
Restricted Practitioner (RP) ^{o, #}	
hourly rate	\$297
Clerk/Paralegal (C/PL) ^{##}	
hourly rate	\$231
Counsel fees charged as a disbursement to practitioners or charged by in-house Counsel:	
Counsel (C) [*]	
hourly rate	\$451
daily rate	\$4,510
Senior Counsel (SC) ^{**}	
hourly rate	\$682
daily rate	\$6,820

^o The reference to Restricted Practitioner, Junior Practitioner or Senior Practitioner in this Determination includes all legal practitioners even if the services were rendered in another State or Territory. Where a local practitioner has held an interstate practising certificate, the length of unrestricted legal practice in that other jurisdiction is to be counted in assessing that practitioner's years of practice for the purposes of this Determination.

- * The reference to Restricted Practitioner in this Determination includes practitioners undertaking restricted legal practice for the purposes of obtaining the required experience set out in section 50 of the Act and does not include a reference to an Australian legal practitioner who has a condition placed on their practising certificate by the Legal Practice Board, State Administrative Tribunal or otherwise, requiring them to practise under supervision for disciplinary, medical or other reasons.
- ** The reference to Clerk/Paralegal in this Determination includes a law graduate prior to their admission to practise as an Australian lawyer.
- * The reference to Counsel in this Determination means a practitioner acting as a barrister other than a Senior Counsel, including, for the purposes of items 10, 11, 17, 22, 25 and 26, a practitioner appearing in court who does not practise in accordance with Supreme Court Practice Direction 10.5.
- ** The reference to Senior Counsel in this Determination means a person within the meaning of item 11 or item 12 of Regulation 5(2) of the *Legal Profession Regulations 2009* (WA).

12 Costs

- (a) Subject to the provisions of the Act permitting a law practice to make a written agreement as to costs with a client, the costs of or in relation to a party to an action or other proceeding, inclusive of GST and counsel fees, but exclusive of other disbursements—
- (1) recoverable by one party from another party; or
 - (2) payable by a party to that party's own law practice,
- shall not exceed the amounts set out in Table B, except as otherwise provided in item 36 of Table B.
- (b) Allowances made under item 36 of Table B are only to be awarded as between a law practice and its client, or if costs are awarded on an indemnity basis and not between party and party, unless the Court otherwise orders.
- (c) Allowances made under item 37(b) of Table B are only to be awarded as between a law practice and its client, or if costs are awarded on an indemnity basis and not between party and party, unless the Court otherwise orders.

13 Fixed amounts

Based upon the Legal Costs Committee's enquiries it has determined that items 1(b), 3(a), 7(a), 15, 16(c), 16(f), 25(a), 26(i), 28(b), 31(a) and 38 in Table B should be fixed amounts.

Table B
Supreme Court Scale of Costs 2020

Item		Time	Fee Earner	\$
1.	Writ			
	(a) Writ of summons, whether specially or generally endorsed, including instructions, but excluding Statement of Claim	1.5 hours	SP	742
	(b) For each additional defendant			77
	(c) Statement of Claim	10 hours	SP	4,950
2.	Next friend or guardian <i>ad litem</i>	3 hours	RP	891
3.	Defence			
	(a) Memorandum of appearance	10 hours	SP	99
	(b) Defence	10 hours	SP	4,950
	(c) Counterclaim			4,950
4.	Reply and other pleadings			
	Reply (if necessary), defence to counterclaim, or any other pleading	10 hours	SP	4,950
5.	(a) Third party notice	2 hours	SP	990
	(b) Pleadings in third party proceedings	6 hours	SP	2,970
6.	(a) Requesting particulars of a pleading (where and to the extent necessary)	3 hours	JP	1,056
	(b) Giving particulars of a pleading	5 hours	JP	1,760
7.	Discovery			
	(a) Notice requiring discovery	10 hours	SP	66
	(b) Giving discovery of documents			4,950

Item		Time	Fee Earner	\$
8.	Inspection Inspection and giving inspection of discovered documents whether by personal attendance or otherwise	per hour	SP	495
9.	Interrogatories (a) Delivery of interrogatories (b) Answers to interrogatories	5 hours 10 hours	SP SP	2,475 4,950
10.	Chambers (a) Proceedings in Chambers other than proceedings to which item 11 applies (b) Attending on a reserved judgment in Chambers (including preparation, consideration of reasons for decision and all necessary work and attendances to obtain final orders) (c) Consent Orders including conferral but excluding extraction	2 days preparation, 1 day hearing; per hour 1.5 hours	SC C JP	20,460 13,530 495 528
11.	Motions and originating process (a) Originating motion, originating summons or originating application and applications for Judicial Review under Order 56 (1) if Senior Counsel is briefed without second counsel (2) if Senior Counsel is briefed with second counsel (3) if Counsel alone is briefed (b) For 2nd and each successive day of hearing (c) Attendance at hearing by instructing legal practitioner (d) Attendance at directions hearings, strategic conferences, status conferences or other case management hearings where required by order of the Court, by the <i>Rules of the Supreme Court</i> or by practice direction Note: an allowance under item 11(a)(2) should only be made where in the opinion of the Court it was reasonable to brief two counsel.	2 days preparation; 1 day hearing and preparation of case—50 hours per hour per hour	SC C SP SC C SP SP	44,660 58,740 38,280 6,820 4,510
12.	Proceedings under section 7(1) of the Family Provision Act 1972 Note: refer to clause 8 of the Determination above (a) All work done by legal practitioners prior to mediation including— • originating summons and supporting affidavit, provided it complies with any relevant practice directions; • attendance at directions hearings; • compliance with Order 75 rule 3; • advising on merits of the application; (1) plaintiff (2) executor or personal representative (3) beneficiary defendants (b) Attendance at mediation and informal conferences where necessary and reasonably held prior to or after the commencement of proceedings; (1) plaintiff (2) executor or personal representative (3) beneficiary defendants			7,250 2,200 4,500 4,000 1,000 4,000

Item		Time	Fee Earner	\$
	<p>(e) All work done following mediation, up to and including judgment, and which is not included in items 12(a) and (b)</p> <p>PROVIDED THAT— Unless the Court otherwise orders, the amount of the costs awarded to a successful claimant shall not exceed an amount equal to the award that the claimant receives.</p>			An amount calculated in accordance with item 11(a), modified so that the reference to 50 hours should read 40 hours
13.	Proceedings in Court not otherwise provided for, including appeals from a Registrar	2 days preparation; ½ day hearing	C	11,275
14.	<p>Listing Conference Attending at a Listing Conference (convened pursuant to Order 29 Rule 8 of the Rules of the Supreme Court or Rule 43 of the District Court Rules) and all necessary preparation</p>	per hour	SP	
15.	Entry of judgment without trial			297
16.	<p>Offers of compromise, notices, practice directions, etc</p> <p>(a) Payment into or out of Court</p> <p>(b) Offer of compromise under O.24A</p> <p>(c) Acknowledgment of offer under O.24A</p> <p>(d) Acceptance of offer of compromise under O.24A</p> <p>(e) Notice of offer to consent to judgment</p> <p>(f) Other notices and certificates referred to or required by the Rules or procedures of the court (including practice directions)</p>	<p>2 hours</p> <p>4 hours</p> <p>4 hours</p> <p>4 hours</p> <p>2 hours</p>	<p>JP</p> <p>SP</p> <p>SP</p> <p>SP</p>	<p>704</p> <p>1,980</p> <p>66</p> <p>1,980</p> <p>990</p> <p>77</p>
17.	<p>Application for compromise under O. 70</p> <p>(a) Application for compromise including chamber summons, affidavit in support and all necessary preparation</p> <p>(b) If Counsel's opinion is required, preparation of the brief to Counsel, if not otherwise briefed as Counsel in the proceedings</p> <p>(c) Counsel's opinion</p> <p>Note: an allowance under item 17(c) for Senior Counsel should only be made where in the opinion of the Court it was reasonable to brief Senior Counsel to provide the opinion.</p> <p>(d) Counsel fee on hearing, including preparation and submissions, if any</p> <p>(e) Attendance at hearing by instructing legal practitioner</p>	<p>5</p> <p>10</p> <p>½ day</p> <p>per hour</p>	<p>JP</p> <p>JP</p> <p>C/SC</p> <p>C</p> <p>JP</p>	<p>1,760</p> <p>3,520</p> <p>An amount which is reasonable in the circumstances</p> <p>2,255</p>
18.	<p>Entry for trial/Entry for hearing</p> <p>(a) Advising on, and preparing, documents required to be filed by the Rules of the Supreme Court or the Rules of the District Court</p>	2 hours	SP	990

Item		Time	Fee Earner	\$
	(b) Preparation of Schedules (if any) required by District Court Rules 45C and 45D (c) Advice on evidence Note: In relation to particulars of damages under District Court Rule 45C, if the claim is one declared by the Court to be a catastrophic personal injury claim, the time reasonably spent by a legal practitioner, or by a clerk or paralegal of a legal practitioner in preparation of case for trial, shall not be limited to 8 hours but shall be an amount which is reasonable in the circumstances.	12 hours per hour	SP C/SC	5,940
19.	Preparation of case Preparation of case for trial, includes work reasonably and necessarily undertaken prior to commencement of proceedings Note: If the claim is one declared by the Court to be a catastrophic personal injury claim, the time reasonably spent by a legal practitioner, or by a clerk or paralegal of a legal practitioner in preparation of case for trial shall not be limited to 120 hours but shall be an amount which is reasonable in the circumstances.	120 hours	SP	59,400
20.	Examination of witness before trial, pursuant to an order			An allowance in accordance with item 22(c) or (d)
21.	Application for and striking jury	1 hour	JP	352
22.	Trial (a) Fee on brief, i.e. first day of trial and preparation, including submissions (b) Fee on brief for Senior Counsel, i.e. first day of trial and preparation, including submissions (c) Counsel fee for the second and each successive day of hearing (d) Counsel fee for Senior Counsel for second and each successive day of hearing (e) Instructing legal practitioner attending trial (f) Clerk or Restricted Practitioner attending trial (g) Preparation of written closing submissions— (1) when required for trial; and (2) for provision to the Court and the opposing party prior to any oral addresses; and (3) when the work was undertaken on a day on which the trial was not otherwise sitting; or (4) when required to be filed and served following the Court having reserved its decision.	3.5 days preparation; 1st day of trial 3.5 days preparation; 1st day of trial per hour per hour	C SC C SC SP C/PL RP SC/C	20,295 30,690 4,510 6,820 An amount which is reasonable in the circumstances

Item		Time	Fee Earner	\$
	<p>(h) Refresher fee for Counsel—</p> <p>(1) where a matter is part heard, with 20 business days or more between the conclusion of one part of the hearing and the commencement of a subsequent part; and</p> <p>(2) the Court is of the view that a refresher fee is reasonable in all the circumstances</p> <p>Note: a refresher fee is not payable in circumstances covered by item 22(g)</p> <p>(i) Attending on reserved judgment, including preparation, consideration of reasons for decision and all necessary work and attendances to obtain final orders</p> <p>(j) For each five hearing days after the first five, an additional fee on brief</p> <p>Note: If the claim is one declared by the Court to be a catastrophic personal injury claim, the time reasonably spent by Counsel or Senior Counsel in preparation of case for trial shall not be limited to 3.5 days but shall be an amount which is reasonable in the circumstances.</p>	1 day	C/SC	
		per hour	SP	
		1 day	SC/C	
23.	<p>Re-trial or Re-hearing</p> <p>(a) Preparation of case for re-trial or re-hearing</p> <p>(b) Re-trial or re-hearing</p>			An amount which is reasonable in the circumstances
24.	<p>(a) Special case, case stated (otherwise than by way of appeal) or trial of an issue</p> <p>(b) For the second and each successive day of the trial or hearing</p>			An amount which is reasonable in the circumstances
25.	<p>Appeals to the Court of Appeal and Single Judge appeals (including appeals by way of case stated) and applications for leave to appeal</p> <p>(a) Appeal Notice, Service Certificate, Notice of Respondent's Intention</p> <p>(b) Appellant's Case, Respondent's Answer including relevant forms and all annexures</p> <p>(c) Appellant's Reply to Notice of Contention, when required</p> <p>(d) Settling appeal book indexes, including drafting and settling appeal book index</p> <p>(e) An application in an appeal, an interlocutory or directions hearing before a single Judge or Registrar</p> <p>(f) Preparation of appeal for hearing</p> <p>(g) Counsel fee on hearing, including preparation</p> <p>(h) Senior Counsel fee on hearing, including preparation</p> <p>(i) Counsel fee for the second and each successive day of hearing</p>			495
		40 hours	SC	27,280
		10 hours	SC	6,820
		8 hours	SP	3,872
		10 hours	C	4,510
		10 hours	SP	4,950
		2 days preparation; 1 day hearing	C	13,530
		2 days preparation; 1 day hearing	SC	20,460
			C	4,510

Item		Time	Fee Earner	\$
	(j) Senior Counsel fee for the second and each successive day of hearing		SC	6,820
	(k) Instructing legal practitioner attending appeal	per hour	SP/JP	
	(l) Attending on reserved decision, including preparation, consideration of reasons for decision and all necessary work and attendances to obtain final orders	per hour	SP	
26.	District Court Appeals			
	(a) Notice of Appeal or Notice of Contention pursuant to Rule 15 of the District Court Rules 2005	1 hour	SP	495
	(b) Notice of Appeal or Notice of Contention in other appeals	5 hours	SP	2,475
	(c) Interlocutory hearings—as required, including preparation	per hour	C	
	(d) Preparation of appeal for hearing, including preparation of appeal documents and submissions	10 hours	SP	4,950
	(e) Counsel fee on hearing, including preparation	2 days preparation/ 1 day hearing	C SC	13,530 20,460
	(f) Counsel fee for second and each successive day of hearing		C SC	4,510 6,820
	(g) Attendance at appeal by instructing legal practitioner	per hour	SP	
	(h) Attending on reserved decision, including preparation, consideration of reasons for decision and all necessary work and attendances to obtain final orders	per hour	SP	
	(i) Other notices and certificates referred to or required by the Rules or procedures of the Court, including the practice directions			66
27.	Pretrial, mediation, conferrals, or other conferences			
	(a) Where required by order of the Court, by the <i>Rules of the Supreme Court</i> or by practice direction	per hour	SP/SC/C	
	(b) including informal conferences where reasonably held before or after commencement of proceedings	per hour	SP/SC/C	
	(c) attendances by counsel and instructing legal practitioners at the conferrals and conferences set out in paragraphs (a) and (b) of this item	per hour	SP/SC/C	
	(d) preparation reasonably undertaken for the conferrals and conferences described in paragraphs (a), (b) and (c) of this item	per hour	C	
	(e) conferences between counsel and own instructing legal practitioner where reasonably necessary	per hour	SP/SC/C	
28.	Orders			
	Settling and extracting judgment or order			
	(a) With appointment	2 hours	RP	594
	(b) Without appointment			297

Item		Time	Fee Earner	\$
29.	Arbitration proceedings where costs are to be assessed under section 33B(5) of the <i>Commercial Arbitration Act 2012</i> (WA)			The same costs as in an action
30.	Proceedings, whether by action or otherwise, for the recovery of compensation for the taking or resumption of land or any other property by the Crown in right of the State or of the Commonwealth or by any other person, body or instrumentality pursuant to any statutory power			An amount which is reasonable in the circumstances
31.	(a) Execution (b) If against land, an additional	3 hours	RP	352 891
32.	Taxing including drawing (a) Drawing bill of costs and service; and (b) Taxation of costs, including the time spent in preparing for the taxation and time required to be spent attending any mediation or conference convened by the Court or attending to any matter required by the Rules or a Practice Direction		SP	An amount which is reasonable in the circumstances
33.	Copying Copies where reasonably necessary, including of documents for which allowance is otherwise made in this Determination. This item covers all forms of electronic reproduction and copying.	per page		0.165
34.	Accounts and inquiries Taking accounts, inquiries		SP	An amount which is reasonable in the circumstances
35.	Other work (a) Time reasonably spent by a legal practitioner on work requiring the skill of a legal practitioner (of the standing indicated) but not covered by any other item; or (b) Time reasonably spent by a legal practitioner, or by a clerk or paralegal of a legal practitioner, on work not covered by any other item or by paragraph (a) Note: Allowances under item 35 are only to be awarded as between a law practice and its client, or if costs are awarded on an indemnity basis and <i>not</i> between party and party unless the Court otherwise orders.	per hour per hour	SC SP C JP RP C/PL	
36.	Disbursements In addition to the fees and charges allowed under this Determination— (a) As between a law practice and client, a law practice may charge and be allowed disbursements necessarily or reasonably incurred; and (b) As between party and party, a party may be allowed disbursements incurred by that party except insofar as they are of an unreasonable amount or have been unreasonably incurred, so that subject to the above exceptions, that party is fully reimbursed for its disbursements.			

Item		Time	Fec Earner	\$
37.	Travel (a) As between party and party, minor travel as defined in the <i>Legal Profession (Supreme Court) (Contentious Business) Determination 2016</i> , is to be allowed as part of the costs awarded for an attendance at chambers or court within the existing item, without further order. (b) As between party and party, time spent travelling by a law practice which is not minor travel and which is required by reason of an order of the Court requiring the parties to attend at a location other than the location at which the proceedings is case managed, is to be charged at no more than one half of the rates set out in Table A, with a maximum of 8 hours in any one day, without further order. (c) As between a law practice and its own client, time spent travelling by a law practice, other than minor travel, is to be charged at no more than one half of the rates set out in Table A, with a maximum of 8 hours in any one day. Note: Allowances under item 37(c) are only to be awarded as between a law practice and its client, or if costs are awarded on an indemnity basis and <i>not</i> between party and party unless the Court otherwise orders.			
38.	Claims under the Motor Vehicle (Third Party Insurance) Act 1943 (WA) including— (a) Writ of Summons; (b) Statement of Claim; (c) Giving discovery, whether formally or informally; (d) Inspection and giving inspection of discovered documents; (e) Preparation of Entry for Trial, Papers, including Schedules of Damages; (f) Applications for Subpoena to produce documents prior to pre-trial conference; (g) Preparation for and attendance at pre-trial conference or, if appropriate, pre-trial conferences; and (h) Copying. If Counsel is engaged for and attends pre-trial conference, an additional		C	16,775 4,510
39.	Settlement of a claim pursuant to section 92(f) <i>Workers Compensation and Injury Management Act</i>	10 hours	SP	4,950

Made by the Legal Costs Committee on 10 June 2020.

COSTS ASSESSMENT RULES COMMITTEE**GUIDELINE****COSTS PAYABLE BETWEEN PARTIES UNDER COURT ORDERS****(“ORDERED COSTS” OR “PARTY/PARTY COSTS”)****INTRODUCTION**

1. These Guidelines are promulgated by the Costs Assessment Rules Committee (CARC) for the guidance of Costs Assessors in the assessment of costs payable between parties under an order of a court or tribunal¹ (“Ordered costs”² or “Party/party”³ costs). In developing these guidelines, the Committee has, as well as drawing on its own experience, consulted with assessors and relevant stakeholders, and had regard to rules of court in other Australian jurisdictions. It is intended that these Guidelines be reviewed annually.
2. Assessors must always consider the criteria set out in the *Legal Profession Act 2004*, s 364 or *Legal Profession Uniform Law Application Act 2014*, s 76 (which incorporates *Legal Profession Uniform Law*, s 172).⁴ These Guidelines do not substitute for consideration of those matters.
3. These Guidelines are intended to provide guidance for Costs Assessors, in order to promote consistency and predictability. They are not binding on Assessors. They are intended as guidance as to what will usually be appropriate in ordinary cases, and they recognise that there will be unusual circumstances and extraordinary cases which will

¹ Recommendation 34 of the Chief Justice’s Review of the Costs Assessment Scheme (2014) was that the CARC, in consultation with relevant stakeholders, develop and promulgate guidelines for Assessors on whether, when and in what circumstances, and/or at what rate, frequently occurring items would ordinarily be allowed on party/party assessments, including (a) hourly and daily rates for practitioners of varying seniority and in varying locations; (b) office overheads such as copying, scanning, telephone, faxes, travel expenses and administrative work; (c) agency search and filing fees; (d) research time; (e) reviewing time; (f) conferences between lawyers for the client; (g) briefing senior counsel; (h) retaining experts; and (i) retaining agents.

² The term used in the (NSW) *Legal Profession Uniform Law Application Act 2014* (LPULAA 14).

³ The term used in the (NSW) *Legal Profession Act 2004* (LPA 04).

⁴ The LPA 04 continues to apply to party/party assessments where the proceedings to which the costs order relates commenced before 1 July 2015. The *Legal Profession Uniform Law* and the LPULAA 14 apply to “ordered costs” (as party/party costs are now called) where the proceedings to which the costs relate commenced on or after 1 July 2015: see LPULA Regulation 2014, reg 59).

fall outside them. They are intended to apply to assessments on the ordinary (not the indemnity) basis.⁵ All amounts referred to are exclusive of GST.

4. The Guidelines are to be read and construed together with the footnotes.

GUIDELINES

5. **General.** Costs are to be allowed only if and to the extent that they are no more than fair and reasonable in all the circumstances, were proportionately and reasonably incurred, and are proportionate and reasonable in amount, having regard to the matters referred to *Legal Profession Uniform Law* s 172 (or, where applicable, *Legal Profession Act 2004* s 364).
6. **Hourly and daily rates for legal service providers.** Time incurred by legal service providers performing professional work should be allowed within the ranges described below.⁶

Service provider	Range \$
Senior partner/partner/specialist (10+ years) (hourly)	450 - 750
Senior associate (5 years plus) (hourly)	300 - 500
Employed solicitor / junior associate (1-4 years) (hourly)	200 - 400
Senior counsel, where the assessor considers that it is fair and reasonable to have briefed senior counsel (daily) ⁷	5,000 – 8,000
Senior counsel (hourly)	500 - 950
Junior counsel (daily) ⁸	2,000 - 5,000

⁵ As those terms are used in *Civil Procedure Act 2005* s 98.

⁶ Where within the applicable range a particular matter sits should be influenced by the factors referred to in *Legal Profession Act 2004*, s 364 or *Legal Profession Uniform Law*, s 172.

⁷ Daily rates for counsel are for a brief on hearing and include a 10-hour day from 8am to 6pm. Briefs on interlocutory applications should usually be allowed at between one-third and two-thirds of the rate for a brief on hearing, according to the complexity of the application and the time involved. Mentions and directions hearings should be allowed at hourly rates. Cancellation fees, over and beyond the first day of a brief on hearing, should not be allowed.

⁸ Daily rates for counsel are for a brief on hearing and include a 10-hour day from 8am to 6pm. Briefs on interlocutory applications should usually be allowed at between one-third and two-thirds of the rate for a brief on hearing, according to the complexity of the application and the time involved. Mentions and directions hearings should be allowed at hourly rates. Cancellation fees, over and beyond the first day of a brief on hearing, should not be allowed.

Junior counsel (hourly)	200 - 500
Paralegals ⁹ (hourly)	120 - 250
Clerks/secretaries ¹⁰ (hourly)	75 - 150

7. **Photocopying and document production.**

Photocopying, printing and document production may be claimed and allowed either as a professional cost, or as a disbursement, but not both.

(a) If claimed as a professional cost and if justified, either:

- allow at \$0.50c per page up to 50 pages, thereafter \$0.20c per page. If in colour, where reasonable, allow at \$1.00 per page up to 20 pages, thereafter 50c per page; or
- alternatively, allow as clerk or secretarial time under paragraph 6.

(b) If claimed as a disbursement, allow the amount reasonably outlaid.

8. **Other office overheads.** Overheads specifically attributable to the matter, such as scanning, electronic lodgement, telephone and faxes may be allowed. However, such charges should not be allowed if the hourly rate of the relevant legal service provider is such that it should be regarded as incorporating overheads.

9. **Travelling expenses.** The out-of-pocket expenses of a legal service provider travelling for the purposes of the matter should be allowed as disbursements. The legal service provider's time travelling to and from court or conference should be allowed at one-half of that provider's rate.

10. **Research.** Research time may be allowed, only to the extent that such work is reasonable for the prudent preparation and conduct of the matter.

11. **In-house conferences.** In-house conferences may be allowed, only to the extent that they are shown to have contributed to the efficient conduct of the case.

CARC; 16 March 2016

⁹ Paralegals should not be allowed if the hourly rate of the relevant legal practitioner is such that it should be regarded as incorporating paralegal services. See also paras 7 and 8.

¹⁰ Clerks and secretaries should not be allowed if the hourly rate of the relevant legal practitioner is such that it should be regarded as incorporating clerical and secretarial services. See also paras 7 and 8.

Counsel rates — Comparison between Australian State and Territory Supreme Courts

	Western Australia ¹	New South Wales ²	Victoria ³	South Australia ⁴	Northern Territory ⁵	Queensland ⁶	Tasmania ⁷	Australian Capital Territory ⁸
Service provider	Maximum	Range	Maximum	Range	Maximum			
Senior counsel (daily)	\$6,820	\$5,000 – \$8,000	\$9,060	Appeals: Day Fee for the first day, including preparation of Summary of Argument \$4,800 - \$7,200 Day Fee: For appearance at trial or subsequent day/s of an appeal \$3,200 - \$4,800	Court preparation \$5,263	No daily or hourly rates for senior counsel or junior counsel	No daily or hourly rate for senior counsel or junior counsel	No daily or hourly rates for senior counsel or junior counsel but: <ul style="list-style-type: none"> • in the Court of Appeal or the Full Court of the Supreme Court, the hourly rate for conferences and settling Notice of Appeal or other documents is \$470 - \$910 per hour • Before a single judge in the Supreme Court, the hourly rate for advice on evidence or opinions, conferences, chamber work, etc is \$470 - \$680
Senior counsel (hourly)	\$682	\$500 – \$950	\$906	\$400 - \$600	Court preparation \$758			
Junior counsel (or counsel) (daily)	\$4,510	\$2,000 - \$5,000	\$6040	Appeals: Day Fee for the first day, including preparation of Summary of Argument \$3,000 - \$4,800 Day Fee: For appearance at trial or subsequent day/s of an appeal \$2,000 - \$3,200	Senior junior rate for court preparation \$3,289 Junior rate for court preparation \$2,103			

Junior counsel (or counsel) (hourly)	\$451	\$200 – \$500	\$604	\$250 - \$400	Senior junior rate for court preparation \$475 Junior rate for court preparation \$362		
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¹ *Legal Profession (Supreme and District Courts) (Contentious Business) Determination 2020* (WA)

<https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s52555.html>.

² New South Wales Costs Assessment Rules Committee, *Guideline: Costs Payable between Parties under Court Orders* (16 March 2016)

<http://www.supremecourt.justice.nsw.gov.au/Documents/Forms%20and%20Fees/Costs%20Assessment%20Forms/Guidelines_costs_payable.doc>.

³ *Supreme Court (General Civil Procedure) Rules 2015* (Vic), Appendix A – Supreme Court Scale of Costs <<https://www.liv.asn.au/PDF/Practice-Resources/LIV-Legal-costing/Supreme-Court-Scale-of-Costs-2020.aspx>>.

⁴ South Australia, *Supreme and District Courts Indicator on Counsel Fees: Guide to Counsel Fees Applicable from 1 June 2017 to date*

<<https://www.lawsociety.sa.asn.au/pdf/SC%20and%20DC%20Indicator%20on%20Counsel%20Fees%20applicable%20from%201%20June%202017.pdf>>.

⁵ Supreme Court of the Northern Territory, *Taxation Guidelines, Interest Rates, Costs, Limits on Personal Injuries Claims and Counsel Fees*

<https://supremecourt.nt.gov.au/_data/assets/pdf_file/0006/727593/V2_VARIATION-TO-SCALE-APPLICABLE-June-2020.pdf>.

⁶ *Uniform Civil Procedure Rules 1999* (Qld), Schedule 1 – Scale of costs – Supreme Court and District Court

<<https://www.legislation.qld.gov.au/view/html/inforce/current/sl-1999-0111#sch.1>>.

⁷ *Supreme Court Rules 2000* (Tas), Schedule 1 – Fees and costs <<https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2000-008#JS1@EN>>.

⁸ Supreme Court of the Australian Capital Territory, *Counsel's Fees Scale (excluding GST)* (1 July 2017).