



Australian Capital Territory

Supreme Court Rules¹ (Amendment)

Subordinate Law No. 43 of 1997²

We, Judges of the Supreme Court, make the following Rules of Court under section 36 of the *Supreme Court Act 1933*.

Dated 15 December 1997.

JEFFREY MILES
Chief Justice

J F GALLOP
Judge

T J HIGGINS
Judge

K J CRISPIN
Judge

A G TOWILL
Registrar

Commencement

1. (1) These Rules, other than rule 8, commence on 1 January 1998.
- (2) Rule 8 commences on the day on which section 33 of the *Juries (Amendment) Act 1997* commences.

Principal Rules

2. In these Rules, “Principal Rules” means the Supreme Court Rules.

Taxation of costs

3. Rule 2 of Order 3 of the Principal Rules is amended by omitting from paragraph (a) “\$619” and substituting “\$625”.

Taxation of costs—judgment in default of appearance

4. Rule 3 of Order 3 of the Principal Rules is amended—
 - (a) by inserting in paragraph (1) (a) “that is issued on or after 1 January 1998” after “application”;
 - (b) by omitting from paragraphs (2) (a) and (b) “\$684” and substituting “\$697”; and
 - (c) by adding at the end the following subrule:
 - “(3) Rule 3 of this Order as in effect immediately before the commencement of this rule continues to apply in respect of an originating application issued before 1 January 1998.”.

Substitution

5. Rule 7 of Order 65 of the Principal Rules is repealed and the following rule substituted:

Scales of costs

- “7. (1) Subrules (2) and (3) have effect subject to this Order and to any order of the Court.
 - “(2) In respect of work done or services performed on or after 1 January 1998, a solicitor is entitled to charge and be allowed the costs set out in Schedule 4.
 - “(3) Rule 7 of this Order as in effect immediately before the commencement of this rule continues to apply in respect of work done or services performed by a solicitor during the period commencing on 1 April 1993 and ending on 31 December 1997.

“(4) Nothing in this rule affects the operation of section 190 or 191 of the *Legal Practitioners Act 1970*.”.

Rate of payment for copies of documents

6. Rule 41 of Order 65 of the Principal Rules is amended by omitting “\$1.90” and substituting “\$2”.

Tender of costs for perusing petition where notice that appearance not required

7. Rule 42 of Order 65 of the Principal Rules is amended by omitting “\$6.30” and substituting “\$22.90”.

Repeal

8. Part 3 of the Principal Rules is repealed.

Schedule 4

9. Schedule 4 to the Principal Rules is repealed and the following Schedule substituted:

SCHEDULE 4

0. 65 r. 7

COSTS

Item No.	Matter in respect of which charge is made	Charge (\$)	
<i>Instructions</i>			
1	To sue or defend	91.10	
2	For statement of claim, petition, special case or counter-claim	91.10	or such additional amount as the taxing officer thinks fit
3	For defence	78.00	or such additional amount as the taxing officer thinks fit

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Item No.	Matter in respect of which charge is made	Charge (\$)	
4	For— (a) reply; (b) amending a pleading; (c) a document to be brought into the Registrar’s office, such as an account, deed, etc.; (d) adding parties by order; (e) a bond or any other deed; or (f) retaining counsel, including preparation of retainer	32.50	or such additional amount as the taxing officer thinks fit
5	For— (a) a pleading not otherwise provided for; (b) interrogatories for the examination of a party or witness; (c) affidavit in answer to interrogatories or other special affidavit; (d) discovery, or affidavit of discovery; (e) an application for an order that a matter be heard before the Full Court; or (f) brief on application in Chambers	65.00	or such additional amount as the taxing officer thinks fit
6	For— (a) an application whether in Court, before the Registrar or in Chambers; (b) opposition to an application; or (c) the taxing of a bill of costs	65.00	or such additional amount as the taxing officer thinks fit
7	For brief to advise on evidence	58.50	or such additional amount as the taxing officer thinks fit
8	For— (a) a statement of facts in an action; (b) request for particulars; or (c) particulars	65.00	or such additional amount as the taxing officer thinks fit

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Item No.	Matter in respect of which charge is made	Charge (\$)	
9	For brief in preparation for trial		such amount as the taxing officer thinks fit
	<i>Drawing</i>		
10	For originating process or counter-claim	48.60	or if in excess of 7 folios—6.80 per folio
11	For any other pleading, or an amendment of a pleading	32.50	or if in excess of 4 folios—6.80 per folio
12	For— (a) a notice of interlocutory motion; (b) a summons to attend at judge's chambers; (c) a notice to produce documents; (d) a notice to admit facts; (e) a special case; (f) interrogatories; (g) a special affidavit; or (h) a brief (including observations)	29.70	or (in each case), if in excess of 4 folios—6.80 per folio
13	A formal affidavit, including an affidavit of service	22.90	
14	Any other document	12.90	or if in excess of 1 folio—7.60 per folio
	<i>Engrossing</i>		
15	Of a document	2.00	per folio
	<i>Copies</i>		
16	Of any document, or of multiple documents copied at the same time, where the copies are made on or after 1 January 1998— (a) for each of the first 10 copies (b) for each additional copy up to 100 copies; or (c) for each additional copy in excess of 100 copies	1.75 0.70 0.25	per page per page per page

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Item No.	Matter in respect of which charge is made	Charge (\$)	
<i>Perusal</i>			
17	Of— (a) originating process; (b) any pleading; (c) a summons or notice of motion; (d) interrogatories; (e) a special case; or (g) a notice to admit	22.90	or (in each case) if in excess of 8 folios—2.60 per folio
18	Of any other document, where it is necessary to peruse	2.60	per folio
18A	Of any document, where it is not necessary to peruse	3.50	or, if the number of pages exceeds 10, such additional amount as the taxing master thinks fit
<i>Attendances</i>			
19	For personal service, where necessary	48.60	or such additional amount as the taxing officer thinks fit
20	For service— (a) at the office of a solicitor on the record or the address for service of a party; (b) by post; or (c) effected through a document exchange	19.60	
21	For attendance— (a) to instruct Counsel; (b) on taxation of a bill of costs or other matter; (c) at conference with Counsel; (d) on a view; (e) on witness or other person; or (f) to inspect or produce a document, for each solicitor or clerk necessarily or properly engaged, where the attendance is—		

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Item No.	Matter in respect of which charge is made	Charge (\$)	
	(i) by a solicitor holding an unrestricted practising certificate, or a solicitor who has been the holder of a practising certificate for at least 2 years;	130.00	per hour
	(ii) by any other solicitor; or	91.10	per hour
	(iii) by a clerk	45.50	per hour
22	For any other attendance in Court or any hearing without Counsel—		
	(a) by a solicitor holding an unrestricted practising certificate, or a solicitor who has been the holder of a practising certificate for at least 2 years; or	195.00	per hour
	(b) by any other solicitor	136.50	per hour or such additional amount as the taxing officer thinks fit
23	For any attendance by a solicitor that involves a high degree of skill and responsibility	195.00	per hour
24	In Court or Chambers or before the Registrar—	52.00	or 130.00 per hour
	(a) for the purpose of taking a reserved judgment;		
	(b) to mention a matter;		
	(c) for the purpose of adjournment; or		
	(d) for any other reason		
25	At the Registry or other office or place for—	16.20	or such additional amount as the taxing officer thinks fit.
	(a) the purpose of filing, delivering, or bespeaking a document; or		
	(b) a purpose not involving the exercise of legal skill or knowledge		
26	Formal telephone attendance	16.20	

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Item No.	Matter in respect of which charge is made	Charge (\$)	
27	Any other attendance by a solicitor (including travelling and waiting time and including a telephone attendance)	26.00	or 32.50 per quarter hour
28	Any other attendance by a clerk (including travelling and waiting time and including a telephone attendance)	16.20	or 11.25 per quarter hour
29	If the taxing officer is satisfied, in relation to travel, that the purpose of the journey could not have been satisfactorily accomplished by an agent and that— (a) a solicitor has been necessarily absent from the place where he or she carries on practice; or (b) a clerk has attended in place of the solicitor		an allowance (in addition to reasonable travelling expenses) for each day (other than Saturdays and Sundays) that the solicitor is so absent of such amount as the taxing officer thinks reasonable, not exceeding 759.00 a similar daily allowance, not exceeding 195.00
<i>Letters</i>			
30	Ordinary letter	16.20	or 7.90 per folio
31	Special letter	26.75	or 7.90 per folio
32	Formal letter of acknowledgment	10.90	
33	Circular letters after the first	4.90	
34	Facsimile copy or telex, including attendance to dispatch	25.60	or such fee as is reasonable in the circumstances
35	Receiving and filing any incoming letter (postage and transmission fees properly incurred may be claimed as a disbursement)	6.80	

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Item No.	Matter in respect of which charge is made	Charge (\$)
<i>Witnesses' Expenses</i>		
36	In all cases	To be at the same rates and subject to the same conditions as witnesses' expenses that are, from time to time, prescribed by the Justices of the High Court under section 86 of the <i>Judiciary Act 1903</i> of the Commonwealth
<i>Disbursements</i>		
37	All court fees, counsel's fees and other fees and payments that, in the opinion of the taxing officer, have been properly incurred	Allowed in full

NOTES

Principal Rules

1. Reprinted as at 31 January 1997. See also Subordinate Laws Nos. 8, 9, 20, 30, 31, 33 and 38, 1997.

Notification

2. Notified in the ACT Gazette on 13 January 1998.

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