



Australian Capital Territory

# Court Procedures Amendment Rules 2025 (No 1)

Subordinate Law SL2025-10

---

We, the rule-making committee, make the following rules of court under the [Court Procedures Act 2004](#), section 7.

Dated 27 June 2025.

LUCY MCCALLUM

Chief Justice

DAVID MOSSOP

Judge

LORRAINE WALKER

Chief Magistrate

IAN TEMBY

Magistrate

---





Australian Capital Territory

# Court Procedures Amendment Rules 2025 (No 1)

Subordinate Law SL2025-10

made under the

[Court Procedures Act 2004](#)

## Contents

	Page
1 Name of rules	1
2 Commencement	1
3 Legislation amended	1
4 Rule 1701 (2), except notes	1
5 Rule 4000B (1) (b) (i)	1
6 Rule 4000C (1), note	1

## Contents

---

	Page
7 Rule 4000D (3)	1
8 Rule 4000D (3) (a)	2
9 Rule 4000D (3) (b)	2
10 Rule 4000D (5) (c), except note	2
11 New part 5.1A	2
12 Rules 5537 and 5538	7
13 Rule 6251 (3) (j), new dot point	7
14 Schedule 4, part 4.2	8
15 Schedule 5, part 5.1, items 63 and 64	15
16 Schedule 5, part 5.1, item 106	15
17 Dictionary, new definitions	15

**1 Name of rules**

These rules are the *Court Procedures Amendment Rules 2025 (No 1)*.

**2 Commencement**

These rules commence on 1 July 2025.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

These rules amend the *Court Procedures Rules 2006*.

**4 Rule 1701 (2), except notes**

*substitute*

- (2) Unless the court otherwise orders, the award of costs for an application, or another interlocutory order, in a proceeding must not be assessed until the proceeding ends.

**5 Rule 4000B (1) (b) (i)**

*substitute*

- (i) each other party to the proceeding; and

**6 Rule 4000C (1), note**

*omit*

**7 Rule 4000D (3)**

*after*

served

*insert*

on

**8 Rule 4000D (3) (a)**

*omit*

on

**9 Rule 4000D (3) (b)**

*substitute*

(b) each other party to the proceeding.

**10 Rule 4000D (5) (c), except note**

*substitute*

(c) serve a stamped copy of the notice on each other party to the proceeding.

**11 New part 5.1A**

*insert*

## **Part 5.1A Criminal appellate proceedings—representation**

**5002 Definitions—pt 5.1A**

In this part:

***criminal appellate proceeding*** means an appellate proceeding in relation to an acquittal, conviction or sentence.

***relevant party*** in a criminal appellate proceeding, means—

- (a) for a criminal appellate proceeding in relation to an acquittal—the person who was acquitted; and
- (b) for a criminal appellate proceeding in relation to a conviction—the person against whom the conviction was recorded; and

- (c) for a criminal appellate proceeding in relation to a sentence—the person on whom the sentence was imposed.

### **5003 Criminal appellate proceedings—notice of solicitor acting**

- (1) If a solicitor is acting for a relevant party in a criminal appellate proceeding, the solicitor must, as soon as practicable, but not later than 14 days after the day the solicitor begins acting—
    - (a) file with the court a notice that the solicitor is acting for the relevant party; and
    - (b) serve a stamped copy of the notice on—
      - (i) each other party to the proceeding; and
      - (ii) any solicitor who was acting for the relevant party.
- Note* See approved form 5.1A (Criminal appellate proceeding—notice of solicitor acting) [AF2025-10](#).
- (2) A notice under subrule (1) must include an address for service.
  - (3) If a solicitor acts for 2 or more relevant parties in the same criminal appellate proceeding, the solicitor may file a single notice under subrule (1) that lists all the people the solicitor acts for in the proceeding.
  - (4) To remove any doubt, a relevant party may, at any stage of a criminal appellate proceeding and without an order being made by the court, instruct another solicitor to act for them in place of the solicitor who is on the record for them in the proceeding.
  - (5) If a solicitor files and serves a notice under subrule (1), the solicitor is taken to act for the relevant party until—
    - (a) another solicitor—
      - (i) files a notice under subrule (1) (a); and
      - (ii) serves a stamped copy of the notice in accordance with subrule (1) (b); or

- (b) the solicitor files a notice under rule 5004 and serves a stamped copy of the notice in accordance with that rule; or
- (c) the solicitor is given leave to withdraw under rule 5005, and complies with rule 5005 (5); or
- (d) the court makes an order under rule 5006 that the solicitor's name be removed from the record; or
- (e) the solicitor's name is removed from the local roll under the *Legal Profession Act 2006*; or
- (f) a solicitor's local practising certificate under the *Legal Profession Act 2006* is cancelled or suspended.

**5004 Criminal appellate proceedings—solicitor's instructions to act for relevant party ended**

- (1) This rule applies if—
  - (a) a solicitor is on the record for a relevant party in a criminal appellate proceeding; and
  - (b) the solicitor's instructions to act for the party are ended before—
    - (i) for an application for leave to appeal under this chapter—the application is decided; or
    - (ii) for an appeal under this chapter—judgment is given in the appeal.
- (2) The solicitor must—
  - (a) file a notice stating that the solicitor is no longer acting for the relevant party; and
  - (b) serve a stamped copy of the notice on each party to the proceeding (including the relevant party).

*Note* See approved form 5.1B (Criminal appellate proceeding—notice of solicitor no longer acting) [AF2025-11](#).



- (3) The solicitor must file and serve the notice as soon as practicable, but not later than 14 days after the day the solicitor's instructions are ended.

**5005 Criminal appellate proceedings—solicitor wants to withdraw from acting for relevant party**

- (1) This rule applies if—
  - (a) a solicitor is on the record for a relevant party in a criminal appellate proceeding; and
  - (b) the solicitor no longer wants to act for the relevant party in relation to the proceeding.
- (2) The solicitor may withdraw from acting for the relevant party only with the court's leave.

*Note* Pt 6.2 (Applications in proceedings) applies to an application for leave under this rule.

- (3) The application must be made in writing and—
  - (a) state the name of the solicitor making the application; and
  - (b) state briefly the order sought.
- (4) A stamped copy of the application must be served on—
  - (a) the relevant party—
    - (i) personally; or
    - (ii) by registered letter addressed to the party's last-known address; or
    - (iii) if the court orders another way of service—as ordered; and
  - (b) each other party to the proceeding.

(5) If the court gives the solicitor leave to withdraw, the solicitor must—

(a) file a notice of withdrawal; and

*Note* See approved form 5.1C (Criminal appellate proceeding—notice of withdrawal of solicitor) [AF2025-12](#).

(b) serve a stamped copy of the notice on the relevant party—

(i) personally; or

(ii) by registered letter addressed to the party's last-known address; or

(iii) if the court orders another way of service—as ordered; and

(c) serve a stamped copy of the notice on each other party to the proceeding.

**5006 Criminal appellate proceedings—removal of solicitor by court**

(1) This rule applies if—

(a) a solicitor is on the record for a relevant party in a criminal appellate proceeding; and

(b) the solicitor—

(i) loses the capacity to act as the solicitor for the relevant party; or

(ii) cannot be found; and

(c) the solicitor does not file a notice that they are no longer acting for the relevant party; and

(d) another solicitor does not file a notice of solicitor acting under rule 5003.

- (2) The relevant party may apply to the court for the removal of the solicitor's name from the record.

*Note* Pt 6.2 (Applications in proceedings) applies to an application for an order under this rule.

- (3) On application under subrule (2), the court may order that the solicitor's name be removed from the record.

**5007 Criminal appellate proceedings—solicitor removed from roll etc**

- (1) This rule applies if—
- (a) a solicitor's name is removed from the local roll under the *Legal Profession Act 2006*; or
  - (b) a solicitor's local practising certificate under the *Legal Profession Act 2006* is cancelled or suspended.
- (2) A copy of all processes and other documents to be served in a criminal appellate proceeding in which the solicitor is a solicitor on the record must be served on—
- (a) if a receiver is appointed under the *Legal Profession Act 2006* for the solicitor's practice—the receiver; or
  - (b) if a receiver is not appointed—the relevant party's home or business address until another solicitor is appointed.

**12 Rules 5537 and 5538**

*omit*

**13 Rule 6251 (3) (j), new dot point**

*insert*

- section 28 (Power of court to amend information) if the amendment is consented to or not opposed

**14 Schedule 4, part 4.2***substitute***Part 4.2 Scale of costs—items**

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
<b>Division 4.2.1 Instructions</b>		
1	to sue or defend, to appeal or oppose an appeal	220.70
2	for statement of claim, petition, special case or counterclaim	220.70
3	for defence	188.90
4	for— <ul style="list-style-type: none"> <li>(a) a reply; or</li> <li>(b) amending a pleading; or</li> <li>(c) a notice claiming contribution or indemnity; or</li> <li>(d) a document to be brought into the registrar’s office (for example, an account or deed); or</li> <li>(e) adding parties by order; or</li> <li>(f) a bond or other deed; or</li> <li>(g) retaining counsel, including preparing retainer</li> </ul>	78.80

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
5	for— (a) a pleading not otherwise provided for; or (b) interrogatories for the examination of a party or witness; or (c) an affidavit in answer to interrogatories or other special affidavit; or (d) disclosure or a list of documents; or (e) an application for an order that a matter be heard before the Full Court; or (f) a brief on application in chambers	157.60
6	for— (a) an application whether in court, before the registrar or in chambers; or (b) opposition to an application; or (c) the assessment of a bill of costs	157.60
7	for brief to advise on evidence	141.90
8	for— (a) a statement of facts in an action; or (b) a request for particulars; or (c) particulars	157.60
9	for brief in preparation for trial	the amount the registrar considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
Division 4.2.2                      Drawing			
10	for an originating process or counterclaim	164.70	or, if longer than 700 words, 23.40 per 100 words
11	for any other pleading, a notice claiming contribution or indemnity, or an amendment of a pleading	110.40	or, if longer than 400 words, 23.40 per 100 words
12	for— (a)    a notice of an application in a proceeding; or (b)    a notice to produce documents; or (c)    a notice to admit facts; or (d)    a special case; or (e)    interrogatories; or (f)    a special affidavit; or (g)    a brief (including observations)	101.00	or, if longer than 400 words, 23.40 per 100 words
13	a formal affidavit, including an affidavit of service	55.40	
14	any other document	43.80	or, if longer than 100 words, 25.90 per 100 words
Division 4.2.3                      Engrossing			
15	of a document	6.90	per 100 words

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
<b>Division 4.2.4                      Copies</b>			
16	of any document, or of multiple documents copied at the same time—  (a)   for each of the first 10 copies; or  (b)   for each additional copy up to 100 copies; or  (c)   for each additional copy over 100 copies	4.40   2.00   0.70	per page   per page   per page
<b>Division 4.2.5                      Perusal</b>			
17	of—  (a)   an originating process; or (b)   a pleading; or (c)   an application in a proceeding; or (d)   interrogatories; or (e)   a special case; or (f)   a notice to admit	77.70	or, if longer than 800 words, 8.80 per 100 words
18	of any other document, if it is necessary to peruse	8.80	per 100 words
19	of a document by scanning it, if it is not necessary to peruse	8.60	or, if the document has more than 10 pages, the additional amount the registrar considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
<b>Division 4.2.6      Attendances</b>		
20	for personal service, if necessary, of 1 or more documents at the same time	117.90
21	for service of 1 or more documents at the same time— (a) at the office of a solicitor on the record or the address for service of a party; or (b) by post; or (c) made through a document exchange	47.70
22	by attendance (including travel and waiting time)— (a) by a solicitor; or (b) by a clerk	42.40      per 6 minutes 17.70      per 6 minutes
23	at the registry or other office or place for— (a) filing, delivering, or collecting a document; or (b) a purpose not involving the exercise of legal skill or knowledge	39.30
24	formal telephone attendance	39.30
25	telephone attendance leaving message only	19.50



column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
26	<p>if the registrar is satisfied, in relation to travel, that the purpose of the journey could not have been satisfactorily accomplished by an agent and that—</p> <p>(a) a solicitor has been necessarily absent from the place where the solicitor carries on practice; or</p> <p>(b) a clerk has attended in place of the solicitor</p>	<p>an allowance (in addition to reasonable travelling expenses), for each day (other than Saturdays and Sundays) that the solicitor is absent, of not more than 1 838.70</p> <p>an allowance (in addition to reasonable travelling expenses), for each day (other than Saturdays and Sundays) that the clerk is absent, of not more than 472.30</p>
<b>Division 4.2.7      Letters</b>		
27	ordinary letter	54.80      or 26.60 per 100 words
28	special letter	91.00      or 26.60 per 100 words
29	formal letter—short letter, without legal content	26.50
30	circular letters after the first	12.10
31	fax copy, including attendance to send	62.10
32	receiving and filing any incoming letter, other than a letter received by email (postage and transmission fees properly incurred may be claimed as a disbursement)	16.30
33	receiving, printing and filing incoming letter received by email	17.90

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
34	printing any attachment to an email, or multiple attachments to an email printed at the same time—  (a) for each of the first 10 pages; or  (b) for each additional page up to 100 copies; or  (c) for each additional page over 100 copies	   4.40 per page  2.00 per page  0.70 per page
<b>Division 4.2.8      Witness expenses</b>		
35	a witness called because of the witness's professional, scientific or other special skill or knowledge	1 544.80 per day
36	a witness called other than because of the witness's professional, scientific or other special skill or knowledge	162.60 per day
37	a witness paid in the witness's occupation by wages, salary or fees	the amount lost by attendance at court
38	a witness qualifying to give skilled evidence	the additional amount the registrar considers reasonable and properly incurred and paid
39	if the witness lives more than 50km from the court	the additional amount the registrar considers reasonable for the actual cost of travel, and for accommodation and meals
40	attendance at court by a witness acting as an expert in assisting counsel or a solicitor for a period during the trial or hearing	the amount the registrar considers appropriate (but not affecting the existing practice of allowing qualifying fees for witnesses)

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
<b>Division 4.2.9                      Disbursements</b>		
41	all court fees, counsel's fees and other fees and payments	allowed to the extent that they have been properly and reasonably incurred and paid

**15                      Schedule 5, part 5.1, items 63 and 64**

*omit*

**16                      Schedule 5, part 5.1, item 106**

*omit*

**17                      Dictionary, new definitions**

*insert*

***criminal appellate proceeding***, for part 5.1A (Criminal appellate proceedings—representation)—see rule 5002.

***relevant party***, to a criminal appellate proceeding, for part 5.1A (Criminal appellate proceedings—representation)—see rule 5002.

---

## Endnotes

### 1 Notification

Notified under the [Legislation Act](#) on 30 June 2025.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

---

© Australian Capital Territory 2025