

Queensland



Subordinate Legislation 1991 No. 45

Supreme Court Act 1921

ORDER IN COUNCIL

At the Executive Building, Brisbane, the fifteenth day of

August, 1991

Present:

His Excellency the Governor in Council

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the *Supreme Court Act 1921*, hereby makes the following Rule of Court.

And the Honourable the Minister for Justice and Corrective Services is to give the necessary directions herein accordingly.

E. J. BIGBY, Clerk of the Council

SUPREME COURT (AMENDMENT) RULES 1991 (No. 3)

Short title

1. These rules may be cited as the Supreme Court (Amendment) Rules 1991 (No. 3).

Commencement

2. These rules commence on 1 September 1991.

Amended rules

3. The Supreme Court Rules are amended as set out in these rules.

Replacement of Second Schedule

4. Second Schedule—

omit, insert—

**‘SCHEDULE 2
SCALE OF COSTS
GENERAL CARE AND CONDUCT**

1. In addition to any amount that is to be allowed under any other item in this scale, the sum that is to be allowed for a solicitor’s care and conduct of a proceeding is to be a sum the Taxing Officer thinks fit having regard to all the circumstances of the case including, but not limited to—
 - (a) complexity of the matter and the difficulty and novelty of the questions raised or any of them;
 - (b) the importance of the matters to the party and the amount involved;
 - (c) the skill, labour, specialised knowledge and responsibility involved in the matter on the part of the solicitor;
 - (d) number and importance of the documents prepared or perused, without regard to length;
 - (e) the time expended by the solicitor;
 - (f) research and consideration of questions of law and fact.

DRAWING

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| | \$ |
| 2. Drawing any originating process, interlocutory application, brief to counsel, or other necessary document—per folio . | 4.50 |

ENGROSSING OR TYPING

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| 3. Engrossing any originating process, interlocutory application, brief to counsel or other necessary document—per folio | 1.40 |
| 4. Preparing exhibit marking—per exhibit | 1.20 |

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| 5. Copy, including carbon or photographic copy—per page | 1.40 |
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PERUSALS

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| 6. Of any document when necessary—per folio | 1.40 |
| 7. Where it is not necessary to peruse a document, for examining or comparing a document— | |
| (a) solicitor per quarter hour | 28.00 |
| (b) clerk—per quarter hour | 8.50 |

SERVICE

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| 8. Personal service by a solicitor or an employee of any document of which personal service is required | 24.00 |
| Or such alternative sum as the Taxing Officer thinks just and reasonable having regard to the distance travelled, the time involved and the number of attendances necessary to effect service or such other matters as the Taxing Officer considers relevant. | |
| 9. (a) Service of any document at the office of the solicitor on the record or the address for service of a party, or where service is effected by arrangement through a document exchange | 16.00 |
| (b) If served by post | 10.00 |

Where more than one document is served one fee only
for service is to be allowed.

ATTENDANCES

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| 10. To file or deliver any document to obtain an appointment, to insert advertisements, to settle any rule of court, order or judgment, to search, or such other attendance of a similar nature, if capable of performance by a clerk | 16.00 |
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| 11. An attendance by telephone which does not involve the exercise of skill or legal knowledge | 10.50 |
| 12. In Court or at a compulsory conference or before the Registrar where a solicitor appears without counsel per quarter hour of attendance during the hearing or conference | 28.00 |
| 13. In Court or upon a compulsory conference or before the | |

Registrar where a solicitor appears with counsel—

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| (a) per quarter hour of attendance during the hearing or conference | 28.00 |
| (b) if a person other than a solicitor attends—per quarter hour | 8.50 |

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| 14. When hearing or trial is not in Brisbane, Rockhampton or Townsville, nor in the town where the solicitor resides or carries on business, each day (except Saturdays and Sundays) he or she is necessarily absent from his or her place of business exclusive of the days of hearing or trial for time employed in travelling (to and from) and in waiting, per day (part of a day to be apportioned on a pro rata basis) | 565.00 |
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And expenses (beside actual reasonable fares or payments for transport), each day of necessary absence including Saturdays and Sundays.

If the solicitor has to attend on more than one trial or assessment at the same time and place, the above allowances are to be rateably divided.

When a clerk attends in place of a solicitor such proportion as the Taxing Officer sees fit is to be allowed.

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| 15. On call over of matters to be heard at the sittings of the Court | 28.00 |
| 16. Attendances not otherwise provided for— | |
| (a) By a solicitor involving skill or legal knowledge—per quarter hour | 28.00 |
| (b) If by a clerk—per quarter hour | 8.50 |

CORRESPONDENCE

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| 17. (a) Short letter of a formal nature, written or received, forwarding documents without comment or to the like effect | 8.00 |
| (b) Any ordinary letter, written or received, including letters between principal and agent | 16.00 |

- (c) Special letters 21.50
Or such further sum as the Taxing Officer thinks fit.

- (d) In addition to the above charges, an allowance is to be made for the necessary expense of postage, carriage and transmission of documents (if facsimile \$5.00—first page and thereafter \$1.00 per page).

Where it would normally be reasonable to engage an agent a similar allowance is to be made for correspondence between offices of the same firm of solicitors as would have been allowable had an agent been engaged.

DISBURSEMENTS

18. All Court fees and other fees and payments to the extent to which they have been reasonably incurred and paid are to be allowed.

GENERAL

19. In any case not otherwise provided for, such fees may be allowed for attendances and instructions, and for drawing and copying documents, including cases for the opinion of counsel and for perusals as the Taxing Officer thinks reasonable, having regard to all the circumstances of the case.

Wherever the expression—“per quarter hour” appears the Taxing Officer is to allow the charge for the first quarter hour or part of a quarter hour and thereafter is to apportion the charge on a pro rata basis.

20. A member of the medical profession or any other professional witness attending to give evidence of a professional nature, when necessarily absent from his or her place of abode or practice for each day’s absence per day 133.00

If the period of absence on any day is less than 7 hours—

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| for an absence of 3 hours or less | 50.00 |
| for an absence of more than 3 hours but less than 4 hours | 67.00 |
| for an absence of more than 4 hours but less than 5 hours | 83.00 |
| for an absence of more than 5 hours but less than 6 hours | 98.00 |
| for an absence of more than 6 hours but less than 7 hours | 115.00 |
| Where the witness is required to travel all actual travelling time is to be taken into account for the purpose of computing the total period of absence. | |
| 21. Interpreters attending to give skilled evidence or who act as interpreters for each day or part of a day | 132.00 |
| If the interpreter attends on any day for a period of 8 hours or less than 8 hours the interpreter is to be paid as follows— | |
| for the first 2 hours or part of 2 hours | 33.00 |
| for every hour or part of an hour after the initial 2 hours—per hour | 16.50 |
| 22. Other witnesses who are— | |
| (i) Sixteen years of age or older—\$43.00 per day or part of a day; | |
| (ii) Under sixteen years of age—\$21.50 per day or part of a day. | |
| Or, in any case, such further sum as the Taxing Officer may think reasonable under the special circumstances of the case. | |
| It is a special circumstance in the case of a member of the medical profession that such member is a duly registered specialist under the <i>Medical Act 1939</i> . | |
| If a witness attends two or more causes, the witness will only be entitled to a proportionate part in each cause. | |
| Travelling expenses to be allowed at a reasonable rate. | |

PRESCRIBED COSTS

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| 23. Costs on issuing Writ of Summons (Order 6 rule 8) | 283.00 |
| 24. Costs of obtaining judgment in default of appearance (Order 6 rule 8) | 156.00 |
| 25. Costs of Execution (Order 47 rule 16) | 156.00 |
| 26. Costs of Order for leave to proceed (Order 15 rule 16) | 314.00 |

ENDNOTES

1. Published in the Gazette on 17 August 1991.
2. Laid before the Legislative Assembly on 4 September 1991.
3. The administering agency is the Department of Justice.

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