



Queensland

# Uniform Civil Procedure Amendment Rule (No. 1) 2005

## Subordinate Legislation 2005 No. 64

made under the

*Supreme Court of Queensland Act 1991*

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**1 Short title**

This rule may be cited as the *Uniform Civil Procedure Amendment Rule (No. 1) 2005*.

**2 Rules amended**

This rule amends the *Uniform Civil Procedure Rules 1999*.

**3 Amendment of r 283 (Judgment by default—debt or liquidated demand)**

Rule 283(2)(b)—

*omit, insert—*

‘(b) the following costs—

- (i) costs for issuing the claim;
- (ii) costs for obtaining judgment;
- (iii) any other fees and payments, to the extent they have been reasonably incurred and paid.’

**4 Amendment of r 286 (Judgment by default—recovery of possession of land)**

Rule 286(2)—

*omit, insert—*

‘(2) The plaintiff may file a request for a judgment for—

- (a) recovery of possession of the land as against the defendant; and
- (b) the following costs—
  - (i) costs for issuing the claim;
  - (ii) costs for obtaining judgment;
  - (iii) any other fees and payments, to the extent they have been reasonably incurred and paid.’

## 5 Insertion of new r 997

After rule 996—

*insert—*

### ‘997 Transitional provision—Uniform Civil Procedure Amendment Rule (No. ..) 2005

‘(1) The scales of costs in schedules 1 and 2, as in force immediately before the commencement of this rule, continue to apply for assessing costs on the standard basis under chapter 17, part 2, for existing work done by a solicitor.

‘(2) In this rule—

*existing work* means work done, before the commencement of this rule, for or in a proceeding.’.

## 6 Replacement of schs 1 and 2

Schedules 1 and 2—

*omit, insert—*

### ‘Schedule 1 Scale of costs—Supreme Court

rule 690(2)(a)

\$

(including  
GST)

#### General matters

#### General care and conduct

1 In addition to an amount that is to be allowed under another item in this schedule, the amount that is to be allowed for a solicitor’s care and conduct of a proceeding is the amount the registrar considers reasonable having regard to the circumstances of the proceeding including, for example—

(a) the complexity of the proceeding; and

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(including  
GST)

- (b) the difficulty and novelty of any question raised in the proceeding; and
- (c) the importance of the proceeding to the party; and
- (d) the amount involved; and
- (e) the skill, labour, specialised knowledge and responsibility involved in the proceeding on the part of the solicitor; and
- (f) the number and importance of the documents prepared or perused, without regard to the length of the documents; and
- (g) the time spent by the solicitor; and
- (h) research and consideration of questions of law and fact.

**Registrar’s discretion**

- 2 For a matter for which a cost is not provided for in this schedule, the amount to be allowed is the cost the registrar considers reasonable.

**Costs on quarter hourly basis**

- 3 If, under an item of this schedule, costs in relation to a matter are allowable on a quarter hourly basis, the amount to be allowed is—
  - (a) for less than a quarter hour spent on the matter—the cost of 1 quarter hour; or
  - (b) for part of a quarter hour after the first quarter hour spent on the matter—a proportionate amount of the cost of 1 quarter hour.

**Drafting documents**

- 4 Drafting a document—for each 100 words . . . . . 16.00

|   |  | \$<br>(including<br>GST) |
|---|--|--------------------------|
| <b>Producing documents</b>              |  |                          |
| 5                                       | Producing a document in final form—for each 100 words. . . . .   | 4.00                     |
| <b>Preparing exhibit certificates</b>   |  |                          |
| 6                                       | Preparing an exhibit certificate—for each exhibit, including a paginated book . . . . .  | 3.00                     |
| <b>Copying documents</b>                |  |                          |
| 7                                       | Copying a document—for each page . . . . .   | 0.20                     |
| <b>Perusing documents</b>               |  |                          |
| 8                                       | Perusing a document—for each 100 words. . . . .  | 4.00                     |
| <b>Examining or comparing documents</b> |  |                          |
| 9                                       | Examining a document or comparing documents, if perusal is unnecessary—  |                          |
|   | (a) by a solicitor—for each quarter hour. . . . .  | 58.00                    |
|   | (b) by an employee—for each quarter hour . . . . .   | 17.00                    |
| <b>Serving documents</b>                |  |                          |
| 10                                      | Serving on a person 1 or more documents at the same time—  |                          |
|   | (a) personal service, by a solicitor or a solicitor's employee, if personal service is required for 1 or more of the documents served. . . . .   | 34.00                    |
|   | However, if the registrar considers another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service), the amount the registrar considers reasonable. |                          |

|                                    | \$<br>(including<br>GST) |
|------------------------------------|--------------------------|
| (b) ordinary service . . . . .     | 22.00                    |
| (c) service by post . . . . .      | 15.00                    |
| (d) service by facsimile—          |                          |
| (i) for the first page . . . . .   | 7.00                     |
| (ii) for each extra page . . . . . | 1.00                     |
| (e) service by email . . . . .     | 7.00                     |

### **Attendances**

|    |  |        |
|----|--|--------|
| 11 | Attendance, if capable of being done by an employee—   |        |
|    | (a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order; or  |        |
|    | (b) to search; or  |        |
|    | (c) to do something of a similar nature . . . . .  | 22.00  |
| 12 | Attendance by telephone that does not involve the exercise of skill or legal knowledge. . . . .  | 14.00  |
| 13 | Attendance in court, mediation or case appraisal, at a compulsory conference or before the registrar by a solicitor who appears without a barrister—for each quarter hour . . . . .                    | 64.00  |
| 14 | Attendance for a hearing or trial held at a place other than the town where the solicitor lives or carries on business—  |        |
|    | (a) by the solicitor—  |        |
|    | (i) for the time spent in attendance at the hearing or trial—for each quarter hour . . . .   | 58.00  |
|    | (ii) for the time the solicitor is absent from the solicitor's place of business, including time used in travelling to or from the hearing or trial, other than in attendance at the hearing or trial— |        |
|    | (A) for 4 hours or less absence. . . . .   | 448.00 |

|    |   | \$<br>(including<br>GST) |
|----|---|--------------------------|
|    | (B) for an absence of more than 4 hours—<br>for each quarter hour to a maximum of<br>8 hours . . . . .  | 28.00                    |
|    | (iii) the expenses the registrar considers<br>reasonable for each day of absence,<br>including Saturdays and Sundays; and                               |                          |
|    | (iv) the actual expenses of transport to and from<br>the hearing or trial the registrar considers<br>reasonable; or                                     |                          |
|    | (b) by the solicitor’s employee—the amount the<br>registrar considers reasonable.   |                          |
|    | However, if the solicitor’s absence is to attend more<br>than 1 hearing or trial at the same place, the costs are<br>to be divided proportionately.     |                          |
| 15 | Attendance at a callover, to be apportioned if the<br>attendance is for more than 1 proceeding . . . . .  | 39.00                    |
| 16 | Other attendances—  |                          |
|    | (a) by a solicitor, involving skill or legal<br>knowledge—for each quarter hour . . . . .   | 58.00                    |
|    | (b) by an employee—for each quarter hour . . . . .  | 17.00                    |
|    | However, the costs allowed under this item are to be<br>reduced by 25% in relation to time necessarily spent<br>at court before an appearance in court. |                          |

### **Correspondence**

|    |  |       |
|----|--|-------|
| 17 | (1) A short letter of a formal nature, written or received,<br>or forwarding a document without comment . . . . .  | 11.00 |
|    | (2) An ordinary letter, written or received, including a<br>letter between principal and agent . . . . .           | 28.00 |
|    | (3) A special letter involving skill or legal knowledge,<br>including an allowance for drafting and producing. . . | 37.00 |

\$  
(including  
GST)

However, if the registrar considers a higher amount is reasonable for a special letter involving skill or legal knowledge, the amount the registrar considers reasonable.

- (4) Correspondence between offices of the same firm of solicitors—the allowance that would have been allowable if an agent had been engaged and the engagement was normal and reasonable in the circumstances.

#### **Sending documents**

- 18 Postage, carriage or transmission of documents, in addition to the other costs allowed under this schedule—
- |  |      |
|--|------|
| (a) for facsimile transmissions—   |      |
| (i) for the first page . . . . .   | 7.00 |
| (ii) for each extra page . . . . .   | 1.00 |
| (b) for email transmissions . . . . .  | 7.00 |
| (c) for the postage, carriage or transmission of any other document—the amount the registrar considers reasonable. |      |

#### **Disbursements**

- 19 Court fees and other fees and payments, to the extent the registrar considers they have been reasonably incurred and paid.

#### **Electronic conduct of proceedings**

- 20 (1) Printing an email, sent or received, or electronically scanning or imaging a document, other than a document mentioned in subitem (3)—for each page. . . . . 0.50

|  | \$<br>(including<br>GST) |
|--|--------------------------|
| (2) Examining an electronic document or comparing electronic documents, including an email or emails, if perusal is unnecessary—for each 100 words . . . . .   | 1.00                     |
| (3) Preparing a document for disclosure, or to be exchanged electronically, by—  |                          |
| (a) bar coding the document—for each page . . . . .  | 0.50                     |
| (b) electronically scanning or imaging the document—for each page . . . . .  | 0.50                     |
| (c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document . . . . . | 4.00                     |
| (4) To the extent a proceeding is conducted electronically, costs, including the costs of any electronic service provider, to the extent the registrar considers the costs have been reasonably incurred and paid.                                       |                          |

**Fixed cost items**

|    |  |        |
|----|--|--------|
| 21 | Costs for issuing a claim . . . . .  | 550.00 |
| 22 | Costs for obtaining judgment under chapter 9, part 1, division 2 . . . . . | 260.00 |
| 23 | Costs for obtaining an enforcement warrant . . . . .                       | 220.00 |

## **‘Schedule 2      Scale of costs—District Court**

rule 690(2)(b)

**\$**  
**(including**  
**GST)**

### **General matters**

#### **General care and conduct**

- 1      In addition to an amount that is to be allowed under another item in this schedule, the amount that is to be allowed for a solicitor’s care and conduct of a proceeding is the amount the registrar considers reasonable having regard to the circumstances of the proceeding including, for example—
- (a) the complexity of the proceeding; and
  - (b) the difficulty and novelty of any question raised in the proceeding; and
  - (c) the importance of the proceeding to the party; and
  - (d) the amount involved; and
  - (e) the skill, labour, specialised knowledge and responsibility involved in the proceeding on the part of the solicitor; and
  - (f) the number and importance of the documents prepared or perused, without regard to the length of the documents; and
  - (g) the time spent by the solicitor; and
  - (h) research and consideration of questions of law and fact.

#### **Registrar’s discretion**

- 2      For a matter for which a cost is not provided for in this schedule, the amount to be allowed is the cost the registrar considers reasonable.

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**Costs on quarter hourly basis**

- 3 If, under an item of this schedule, costs in relation to a matter are allowable on a quarter hourly basis, the amount to be allowed is—
  - (a) for less than a quarter hour spent on the matter—the cost of 1 quarter hour; or
  - (b) for part of a quarter hour after the first quarter hour spent on the matter—a proportionate amount of the cost of 1 quarter hour.

**Drafting documents**

- 4 Drafting a document—for each 100 words . . . . . 15.00

**Producing documents**

- 5 Producing a document in final form—for each 100 words. . . . . 4.00

**Preparing exhibit certificates**

- 6 Preparing an exhibit certificate—for each exhibit, including a paginated book . . . . . 3.00

**Copying documents**

- 7 Copying a document—for each page . . . . . 0.20

**Perusing documents**

- 8 Perusing a document—for each 100 words . . . . . 3.00

**Examining or comparing documents**

- 9 Examining a document or comparing documents, if perusal is unnecessary—

|                              |  | \$<br>(including<br>GST) |
|------------------------------|--|--------------------------|
|                              | (a) by a solicitor—for each quarter hour . . . . .   | 49.00                    |
|                              | (b) by an employee—for each quarter hour . . . . .   | 15.00                    |
| <br><b>Serving documents</b> |  |                          |
| 10                           | Serving on a person 1 or more documents at the same time—  |                          |
|                              | (a) personal service, by a solicitor or a solicitor’s employee, if personal service is required for 1 or more of the documents served . . . . .  | 34.00                    |
|                              | However, if the registrar considers another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service), the amount the registrar considers reasonable. |                          |
|                              | (b) ordinary service . . . . .   | 22.00                    |
|                              | (c) service by post . . . . .  | 15.00                    |
|                              | (d) service by facsimile—  |                          |
|                              | (i) for the first page . . . . .   | 7.00                     |
|                              | (ii) for each extra page . . . . .   | 1.00                     |
|                              | (e) service by email . . . . .   | 7.00                     |
| <br><b>Attendances</b>       |  |                          |
| 11                           | Attendance, if capable of being done by an employee—   |                          |
|                              | (a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order; or  |                          |
|                              | (b) to search; or  |                          |
|                              | (c) to do something of a similar nature . . . . .  | 22.00                    |
| 12                           | Attendance by telephone that does not involve the exercise of skill or legal knowledge . . . . .   | 14.00                    |

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2005

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|    |  | \$<br>(including<br>GST) |
|----|--|--------------------------|
| 13 | Attendance in court, mediation or case appraisal, at a compulsory conference or before the registrar by a solicitor who appears without a barrister—for each quarter hour . . . . .                    | 53.00                    |
| 14 | Attendance for a hearing or trial held at a place other than the town where the solicitor lives or carries on business—  |                          |
|    | (a) by the solicitor—  |                          |
|    | (i) for the time spent in attendance at the hearing or trial—for each quarter hour . . . .   | 49.00                    |
|    | (ii) for the time the solicitor is absent from the solicitor’s place of business, including time used in travelling to or from the hearing or trial, other than in attendance at the hearing or trial— |                          |
|    | (A) for 4 hours or less absence. . . . .   | 384.00                   |
|    | (B) for an absence of more than 4 hours—<br>for each quarter hour to a maximum of<br>8 hours . . . . .   | 24.00                    |
|    | (iii) the expenses the registrar considers reasonable for each day of absence, including Saturdays and Sundays; and  |                          |
|    | (iv) the actual expenses of transport to and from the hearing or trial the registrar considers reasonable; or  |                          |
|    | (b) by the solicitor’s employee—the amount the registrar considers reasonable.   |                          |
|    | However, if the solicitor’s absence is to attend more than 1 hearing or trial at the same place, the costs are to be divided proportionately.  |                          |
| 15 | Attendance at a callover, to be apportioned if the attendance is for more than 1 proceeding . . . . .  | 39.00                    |
| 16 | Other attendances—   |                          |
|    | (a) by a solicitor, involving skill or legal knowledge—for each quarter hour . . . . .   | 49.00                    |

|                              |  | \$<br>(including<br>GST) |
|------------------------------|--|--------------------------|
|                              | (b) by an employee—for each quarter hour . . . . .   | 15.00                    |
|                              | However, the costs allowed under this item are to be reduced by 25% in relation to time necessarily spent at court before an appearance in court.  |                          |
| <br><b>Correspondence</b>    |  |                          |
| 17                           | (1) A short letter of a formal nature, written or received, or forwarding a document without comment . . . . .   | 11.00                    |
|                              | (2) An ordinary letter, written or received, including a letter between principal and agent . . . . .  | 28.00                    |
|                              | (3) A special letter involving skill or legal knowledge, including an allowance for drafting and producing . . . . .   | 31.00                    |
|                              | However, if the registrar considers a higher amount is reasonable for a special letter involving skill or legal knowledge, the amount the registrar considers reasonable.                                      |                          |
|                              | (4) Correspondence between offices of the same firm of solicitors—the allowance that would have been allowable if an agent had been engaged and the engagement was normal and reasonable in the circumstances. |                          |
| <br><b>Sending documents</b> |  |                          |
| 18                           | Postage, carriage or transmission of documents, in addition to the other costs allowed under this schedule—  |                          |
|                              | (a) for facsimile transmissions—   |                          |
|                              | (i) for the first page . . . . .   | 7.00                     |
|                              | (ii) for each extra page . . . . .   | 1.00                     |
|                              | (b) for email transmissions . . . . .  | 7.00                     |
|                              | (c) for the postage, carriage or transmission of any other document—the amount the registrar considers reasonable.   |                          |

\$  
(including  
GST)

### Disbursements

- 19 Court fees and other fees and payments, to the extent the registrar considers they have been reasonably incurred and paid.

### Electronic conduct of proceedings

- |    |  |      |
|----|--|------|
| 20 | (1) Printing an email, sent or received, or electronically scanning or imaging a document, other than a document mentioned in subitem (3)—for each page. . . . .   | 0.50 |
|    | (2) Examining an electronic document or comparing electronic documents, including an email or emails, if perusal is unnecessary—for each 100 words. . . . .  | 1.00 |
|    | (3) Preparing a document for disclosure, or to be exchanged electronically, by—  |      |
|    | (a) bar coding the document—for each page . . . . .  | 0.50 |
|    | (b) electronically scanning or imaging the document—for each page . . . . .  | 0.50 |
|    | (c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document . . . . . | 4.00 |
|    | (4) To the extent a proceeding is conducted electronically, costs, including the costs of any electronic service provider, to the extent the registrar considers the costs have been reasonably incurred and paid.                                       |      |

### Fixed cost items

- |    |  |          |
|----|--|----------|
| 21 | Costs for issuing a claim . . . . .  | 500.00   |
| 22 | Costs for obtaining judgment under chapter 9, part 1, division 2 . . . . . | 240.00   |
| 23 | Costs for obtaining an enforcement warrant . . . . .                       | 175.00’. |

## ENDNOTES

- 1 Made by the Governor in Council on 21 April 2005.
- 2 Notified in the gazette on 22 April 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.