

Queensland

Uniform Civil Procedure and Other Rules Amendment Rule 2023

Subordinate Legislation 2023 No. 72

made under the

Magistrates Courts Act 1921 Supreme Court of Queensland Act 1991

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Uniform Civil Procedure and Other Rules Amendment Rule 2023 Part 1 Preliminary

[s 1]

Part 1 Preliminary

1 Short title

This rule may be cited as the Uniform Civil Procedure and Other Rules Amendment Rule 2023.

2 Commencement

This rule commences on 1 July 2023.

Part 2 Amendment of Domestic and Family Violence Protection Rules 2014

3 Rules amended

This part amends the *Domestic and Family Violence Protection Rules 2014.*

4 Amendment of sch 1 (Costs in a proceeding)

Schedule 1, part 2, items 4 to 18—

omit, insert—

Drafting documents

4	Drafting a document—for each 100 words	20.55
	Producing documents	
5	Producing a document in final form—for each 100 words	4.95
	Preparing exhibit certificates	
6	Preparing an exhibit certificate—for each exhibit, including a paginated book	3.85

			[s 4]
	Сор	oying documents	
7	Cop	bying a document—for each page	0.23
	Per	using documents	
8	Per	using a document—for each 100 words	4.95
	Exa	mining or comparing documents	
9		mining a document or comparing documents, if usal is unnecessary—	
	(a)	by a solicitor—for each quarter-hour	72.80
	(b)	by an employee—for each quarter-hour	21.45
	Ser	ving documents	
10	Ser time	ving on a person 1 or more documents at the same	
	(a)	personal service, by a solicitor or a solicitor's employee, if personal service is required for 1 or more of the documents served	42.50
		However, if the clerk of the DFVP court or a costs assessor 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 to be allowed is the amount the clerk or the costs assessor considers reasonable.	
	(b)	ordinary service, other than ordinary service of a type mentioned in paragraph (c), (d) or (e)	26.70
	(c)	service by post	19.40
	(d)	service by facsimile—	
		(i) for the first page	8.80
		(ii) for each extra page	1.05
	(e)	service by email	8.80

[s 4]

Attendances

11	Atte	endan	ice, if	capable of being done by an employee—	
	(a)			deliver a document, obtain an appointment, advertisement, or settle an order	26.70
	(b)	to se	earch		26.70
	(c)	to d	o son	nething of a similar nature	26.70
12		endance by telephone that does not involve the rcise of skill or legal knowledge 1'		17.85	
13				a DFVP court by a solicitor who appears ister—for each quarter-hour	80.80
14				or a hearing held at a place other than the solicitor lives or carries on business—	
	(a)	by t	he so	licitor—	
		(i)		the time spent in attendance at the hearing ial—for each quarter-hour	73.90
		(ii)	solic used	the time the solicitor is absent from the citor's place of business, including time I in travelling to or from the hearing, other in attendance at the hearing—	
			(A)	for an absence of 4 hours or less	555.10
			(B)	for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	35.85
		(iii)	cost day	expenses the clerk of the DFVP court or a s assessor considers reasonable for each of absence, including Saturdays and days	
		(iv)	hear	actual expenses of transport to and from the ring or trial the clerk of the DFVP court or a s assessor considers reasonable	

	(b) by the solicitor's employee—the amount the clerk of the DFVP court or a costs assessor considers reasonable	
	However, if the solicitor's absence is to attend more than 1 hearing at the same place, the costs are to be divided proportionately.	
15	Attendance at a call-over or mention, to be apportioned if the attendance is for more than 1 proceeding	48.70
16	Other attendances—	
	(a) by a solicitor, involving skill or legal knowledge—for each quarter-hour	73.90
	(b) by an employee—for each quarter-hour	21.45
	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.	
	Correspondence	
17	(1) Correspondence sent—	
	(a) written message or letter (20 words or less)	14.85
	This includes a letter forwarding documents without explanation.	
	(b) short letter (21 to 100 words)	29.70
	(c) any other letter—for each 100 words	25.80
	This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.	
	This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.	

[s 4]

	For a circular letter, the first is to be allowed this item. For each circular letter after the charge under item 7 applies.	
(2)	Correspondence received—	
	 (a) receiving any correspondence, incluse electronic means, and filing, including a message (20 words or less) and, electronic communication, printing 1 p filing 	reading for an
	For printing additional pages received electr for filing, the charge under item 7 applies.	onically
	(b) perusing correspondence—	
	(i) for the first 100 words	19.85
	(ii) for each 100 words or part after 100 words	the first 9.90
	(c) if perusing the document is not rea necessary, to examine the document— page	
(3)	Agency correspondence—	
	(a) for sending correspondence to the ager principal, or to the principal agent—costs under item 17(1)	
	(b) for receiving correspondence from the the principal, or from the principal agent—costs under item 17(2)	
	If engagement of the agent was norm reasonable in the circumstances, costs charged under this item by the principal agent.	may be
	Correspondence between offices of the same solicitors may be charged if it is analogous to correspondence and the engagement of an ag not reasonable in the circumstances.	agency

	Note	2	
		he word count for agency correspondence is based on the ody of the correspondence, as defined in schedule 2.	
Ele	ectror	ic conduct of proceedings	
(1)	elec	mining an electronic document or comparing etronic documents, including emails, if perusal is ecessary—for each 100 words	1.00
(2)		paring a document for disclosure, or to be hanged electronically, by—	
	(a)	barcoding the document—for each page	0.58
	(b)	electronically scanning or imaging the document—for each page	0.58
	(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	4.95
(3)	elec	the extent a proceeding is conducted etronically, the costs to be allowed, including the ts of any electronic service provider, are the costs	

Part 3 Amendment of Uniform Civil Procedure Rules 1999

the clerk of the DFVP court or a costs assessor considers have been reasonably incurred and paid.

5 Rules amended

This part amends the Uniform Civil Procedure Rules 1999.

18

[s 6]

6	Amendment of sch 1 (Scale of costs—Supreme C and District Court)	ourt
	Schedule 1, items 4 to 21—	
	omit, insert—	
	Drafting documents	
4	Drafting a document—for each 100 words	25.65
	Producing documents	
5	Producing a document in final form—for each 100 words	6.20
	Preparing exhibit certificates	
6	Preparing an exhibit certificate—for each exhibit, including a paginated book	4.85
	Copying documents	
7	Copying a document—for each page	0.28
	Perusing documents	
8	Perusing a document—for each 100 words	6.20
	Examining or comparing documents	
9	Examining a document or comparing documents, if perusal is unnecessary—	
	(a) by a solicitor—for each quarter-hour	91.05
	(b) by an employee—for each quarter-hour	26.90
	Serving documents	
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 	53.20

[s 6]

		However, if the registrar or a costs assessor 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 to be allowed is the amount the registrar or the costs assessor considers reasonable.	
	(b)	ordinary service, other than ordinary service of a type mentioned in paragraph (c), (d) or (e)	33.35
	(c)	service by post	24.30
	(d)	service by facsimile—	
		(i) for the first page	11.10
		(ii) for each extra page	1.30
	(e)	service by email	11.10
	Atte	endances	
11	Atte	endance, 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	33.35
	(b)	to search	33.35
	(c)	to do something of a similar nature	33.35
12		endance by telephone that does not involve the cise of skill or legal knowledge	22.35
13	com solic	endance in court, mediation or case appraisal, at a pulsory conference or before the registrar, by a citor who appears without a barrister—for each rter-hour	100.95
14		endance for a hearing or trial held at a place other than town where the solicitor lives or carries on business—	
	(a)	by the solicitor—	

[s 6]

(i) for the time spent in attendance at the hearing or trial—for each quarter-hour	92.35
 (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 an absence of 4 hours or less	693.85
 (B) for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours 	44.85
(iii) the expenses the registrar or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
(iv) the actual expenses of transport to and from the hearing or trial the registrar or a costs assessor considers reasonable	
(b) by the solicitor's employee—the amount the registrar or a costs assessor 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.	
Attendance at a call-over, to be apportioned if the attendance is for more than 1 proceeding	60.85
Other attendances—	
(a) by a solicitor, involving skill or legal knowledge—for each quarter-hour	92.35
(b) by an employee—for each quarter-hour	26.90
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.	

Correspondence

15

16

			[s 6]
17	(1)	Correspondence sent—	
		(a) written message or letter (20 words or less)	18.60
		This includes a letter forwarding documents without explanation.	
		(b) short letter (21 to 100 words)	37.15
		(c) any other letter—for each 100 words	32.25
		This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.	
		This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.	
		For a circular letter, the first is to be allowed under this item. For each circular letter after the first, the charge under item 7 applies.	
	(2)	Correspondence received—	
		 (a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing 	18.60
		For printing additional pages received electronically for filing, the charge under item 7 applies.	
		(b) perusing correspondence—	
		(i) for the first 100 words	24.75
		(ii) for each 100 words or part after the first 100 words	12.40
		(c) if perusing the document is not reasonably necessary, to examine the document—for each page	6.25

[s 6]

- (3) Agency correspondence—
 - (a) for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1)
 - (b) for receiving correspondence from the agent by the principal, or from the principal by the agent—costs under item 17(2)

If engagement of the agent was normal and reasonable in the circumstances, costs may be charged under this item by the principal and the agent.

Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.

Note-

The word count for agency correspondence is based on the body of the correspondence, as defined in schedule 3.

Electronic conduct of proceedings

18	(1)	elec	mining an electronic document or comparing tronic documents, including emails, if perusal is ecessary—for each 100 words	1.20
	(2)		paring a document for disclosure, or to be nanged electronically, by—	
		(a)	barcoding the document—for each page	0.68
		(b)	electronically scanning or imaging the document—for each page	0.68
		(c)	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	6 20
			document	0.20

(3) To the extent a proceeding is conducted electronically, the costs to be allowed, including the costs of any electronic service provider, are the costs the registrar or a costs assessor considers have been reasonably incurred and paid.

Fixed cost items

19	Instructions to sue—claim and statement of claim and service	2,037.00
20	Costs for obtaining judgment under chapter 9, part 1, division 2	535.45
21	Costs for obtaining an enforcement warrant	535.45

7 Amendment of sch 2 (Scale of costs—Magistrates Courts)

(1) Schedule 2, part 2—

omit, insert—

Part 2

Costs (up to \$50,000)

		A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000	
		\$	\$	\$	\$	
			(including GST)			
1	Instructions to sue—claim and statement of claim and service	436.20	823.85	1,289.00	1,431.00	
2	Instructions to defend—notice of intention to defend and defence and filing	436.20	823.85	1,289.00	1,431.00	

			A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
			\$	\$	\$	\$
				(includi	ng GST)	
3	unde in de whic not p with instr inclu	earance in court in effended proceedings (or effended proceedings in th a claim or defence is proceeded —additional to costs for uctions to sue but uding costs under item 4) otain judgment	115.10	192.05	291.15	319.65
4	Obta defa	iining judgment by ult	115.10	192.05	291.15	319.65
5	inclu	aring for trial, up to and iding settlement erence—				
	(a)	including brief for counsel to appear at conference	495.50	1,177.00	1,895.00	2,231.00
	(b)	if no counsel appears at conference	446.00	1,115.00	1,729.00	2,044.00
6	Bala trial-	nce of preparing for				
	(a)	including trial brief if counsel engaged	580.95	1,295.00	2,013.00	2,546.00
	(b)	if no counsel at trial	408.90	953.90	1,518.00	1,939.00
7		aring for trial, if no ement conference—				
	(a)	including trial brief if counsel engaged	991.00	2,353.00	3,791.00	4,647.00
	(b)	if no counsel at trial	780.45	1,951.00	3,129.00	3,853.00
8	Cou	nsel's fees—				

Uniform Civil Procedure and Other Rules Amendment Rule 2023
Part 3 Amendment of Uniform Civil Procedure Rules 1999

		A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
		\$	\$	\$	\$
			(includi	ng GST)	
(a)	to settle claim and statement of claim, counterclaim, notice of intention to defend or notice of appeal	_	_	278.75	333.30
(b)	to settle special affidavit, reply or particulars that the magistrate, registrar or costs assessor is satisfied are reasonably necessary or proper	_	_	179.75	218.00
(c)	to settle interrogatories or answers to interrogatories that the magistrate, registrar or costs assessor is satisfied are reasonably necessary or proper	_	_	272.55	327.10
(d)	on conference, inspection of works or other site inspection, or a similar attendance that the magistrate, registrar or costs assessor is satisfied is reasonably necessary or proper—each hour	_	_	278.75	333.30
(e)	to advise on evidence or for any other opinion	_	_	291.15	372.80
(f)	on trial or hearing (other than an application in a proceeding)—first day	941.55	1,065.00	1,770.00	2,155.00

[s 7]

		A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
		\$	\$	\$	\$
			(includi	ng GST)	
(g)	on each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified for by the court)	625.65	711.15	1,182.00	1,431.00
(h)	on each subsequent day of hearing not included in paragraph (g)	307.25	351.80	582.20	724.75
(i)	if a proceeding is heard outside the town where counsel ordinarily practises, a further fee by way of out-of-chambers fee (not less than \$60.00 a day) may be allowed for each day it is not reasonably practicable for counsel to be in attendance at chambers for a total of at least 1 hour, between 8.30a.m. and 5.30p.m.				
(j)	on an application in a proceeding	_	_	284.95	333.30
(k)	to hear deferred judgment	_	_	148.60	192.05
Solic	citor on hearing—				
(a)	appearance without counsel on hearing—first day	854.90	904.40	1,438.00	1,753.00

9

			A Under	B \$2,501 to	C \$5,001 to	D \$20,001
			\$2,500	\$5,000	\$20,000	to \$50,000
			\$	\$	\$	\$
				(includi	ng GST)	
	(b)	appearance without counsel on second and each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified for by the court)	608.35	608.35	991.00	1,202.00
	(c)	attendance of clerk with solicitor acting as advocate—each day	103.40	307.25	322.05	372.80
	Costs under paragraph (c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.					
10	On ł	nearing with counsel—				
	(a)	attendance of solicitor with counsel (if the attendance is certified for by the court)—each day	384.15	454.60	712.40	861.10
	(b)	attendance of clerk with counsel—each day	103.40	307.25	322.05	351.80
	not a certi clerl	ts under paragraph (b) are allowed if the court fies the attendance of the c was not reasonably ired.				
11	On ł	nearing with counsel—				
	(a)	counsel's fees (if no fee is payable under item 8(f))	307.25	327.10	545.00	644.30

				A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000	
				\$	\$	\$	\$	
					(includi	ng GST)		
	(b)		itor for appearance out counsel	307.25	307.25	495.50	596.00	
12	(othe	er thar	ns to the court an application for ment)	211.15	365.60	576.05	717.45	
13	Instr	uction	IS—					
	(a)	prep docu insp	lisclosure, aring list of uments and making ection and copies ocuments—					
		(i)	allowance to party requesting disclosure	179.15	275.20	384.15	454.60	
		(ii)	allowance to party making disclosure	179.15	625.65	693.85	836.35	
	(b)	ansv inter (incl	nterrogatories and vers to rogatories uding preparation, g and perusing)—					
		(i)	allowance to party delivering interrogatories	179.15	474.55	499.40	576.05	
		(ii)	allowance to party answering interrogatories	179.15	442.40	460.80	628.30	
14	Enfo	orceme	ent hearing—					
	(a)	cour	sel's fees	428.75	486.95	755.80	929.15	
	(b)	if no	counsel engaged	307.25	422.55	668.95	805.35	
15	Enfo	orceme	rement warrant—					

			A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
			\$	\$	\$	\$
				(includi	ng GST)	
	(a)	costs of preparing warrant and attending issuing and for return—to be marked on warrant (exclusive of court or other fees)	92.35	192.05	291.15	351.80
	(b)	costs of registration of warrant against land	92.35	192.05	291.15	351.80
16	Warrant (other than enforcement warrant)—costs of preparing warrant and attending issuing and for return (2) Schedule 2, part 3, <i>omit, insert</i> —		92.35 items 4 to	192.05 o 21—	291.15	351.80
	Dra	fting documents				
4	Dra	fting a document—for	each 100	words		20.55
	Pro	ducing documents				
5	Pro	ducing a document in f	inal form-	—for each	100 words	4.95
	Pre	paring exhibit certific	cates			
6	Preparing an exhibit certificate—for each exhibit, including a paginated book					
	Cop	oying documents				
7	Cop	ying a document—for	each page	e		0.23
	Per	using documents				
8	Peru	using a document—for	each 100	words		4.95

Examining or comparing documents

9	Examining a document or comparing documents, if perusal is unnecessary—				
	(a)	by a solicitor—for each quarter-hour	72.80		
	(b)	by an employee—for each quarter-hour	21.45		
	Ser	ving documents			
10	Ser tim	ving on a person 1 or more documents at the same e—			
	(a)	personal service, by a solicitor or a solicitor's employee, if personal service is required for 1 or more of the documents served	42.50		
		However, if the registrar or a costs assessor 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 to be allowed is the amount the registrar or the costs assessor considers reasonable.			
	(b)	ordinary service, other than ordinary service of a type mentioned in paragraph (c), (d) or (e)	26.70		
	(c)	service by post	19.40		
	(d)	service by facsimile—			
		(i) for the first page	8.80		
		(ii) for each extra page	1.05		
	(e)	service by email	8.80		
	Att	endances			
11	Atte	endance, 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	26.70		

				[s 7]
	(b)	to s	earch	26.70
	(c)	to d	o something of a similar nature	26.70
12			nce by telephone that does not involve the of skill or legal knowledge	17.85
13	Atte con soli qua	80.80		
14			the for a hearing or trial held at a place other than where the solicitor lives or carries on business—	
	(a)	by t	he solicitor—	
		(i)	for the time spent in attendance at the hearing or trial—for each quarter-hour	73.90
		(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 an absence of 4 hours or less	555.10
			(B) for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	35.85
		(iii)	the expenses the registrar or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
		(iv)	the actual expenses of transport to and from the hearing or trial the registrar or a costs assessor considers reasonable	
	(b)		the solicitor's employee—the amount the astrar or a costs assessor considers reasonable	

	Hov 1 he divi					
15	Attendance at a call-over, to be apportioned if the attendance is for more than 1 proceeding					
16	Oth					
	(a)	by a solicitor, involving skill or legal knowledge—for each quarter-hour	73.90			
	(b)	by an employee—for each quarter-hour	21.45			
	How reduced					
	Correspondence					
17	(1)					
		(a) written message or letter (20 words or less)	14.85			
		This includes a letter forwarding documents without explanation.				
		(b) short letter (21 to 100 words)	29.70			
		(c) any other letter—for each 100 words	25.80			
		This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.				
		This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.				
	$\langle \mathbf{O} \rangle$					

(2) Correspondence received—

	(a)	 (a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing 					
	For printing additional pages received electronically for filing, the charge under item 7 applies.						
	(b) perusing correspondence—						
		(i) for the first 100 words	19.85				
		(ii) for each 100 words or part after the first 100 words	9.90				
	(c)) if perusing the document is not reasonably necessary, to examine the document—for each page					
(3)	Agency correspondence—						
	(a)	for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1)					
	(b)	for receiving correspondence from the agent by the principal, or from the principal by the agent—costs under item $17(2)$					
	If engagement of the agent was normal and reasonable in the circumstances, costs may be charged under this item by the principal and the agent.						
	Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.						
	Note—						

The word count for agency correspondence is based on the body of the correspondence, as defined in schedule 3.

Electronic conduct of proceedings

[s	7]

18	(1)	1.00				
	(2)					
		(a)	barcoding the document-for each page	0.58		
		(b)	electronically scanning or imaging the document—for each page	0.58		
		(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	4.95		
	(3)	To elec cost the reas				
	Fixed cost items					
19	Instr serv	1,629.00				
20	Costs for obtaining judgment under chapter 9, part 1, division 2					
21	Costs for obtaining an enforcement warrant					

Endnotes

ENDNOTES

- 1 Made by the Governor in Council on 29 June 2023.
- 2 Notified on the Queensland legislation website on 30 June 2023.
- 3 The administering agency is the Department of Justice and Attorney-General.

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