

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No. 13 of 2009

29 September 2009

**SCHEDULE 1, SUPREME COURT RULES
STATUTORY RULE 111/2009**

Following a submission of the Law Society the Standing Committee on Costs and Fees recommended an increase of 15%.

Part 2 has been amended to adopt Schedule 1 Part 1 of the *Magistrates Court (Civil Division) Rules* and there has been a consequent change to r837.

The increased fees and costs are effective on and from Wednesday, 30 September 2009. I attach an amended scale.

Elizabeth Knight
REGISTRAR

SCHEDULE 1, Part 1	3.12.86	5.7.89	23.10.91	3.11.93	7.8.96	12.4.00	10.7.02	5.10.05	30.9.09
Instructions -									
To institute or defend any original proceeding (including instructions to institute or defend interpleader proceedings) and to appeal	62.00	68.00	77.00	81.00	89.00	97.00	105.00	121.00	139.00
However - (a) no fee is allowable under this item to the Sheriff for instructions to interplead; and (b) no fee is allowable for instructions to take or oppose any interlocutory proceedings in a cause or matter, unless the taxing officer is satisfied that instructions were necessary, except in the case of a person not a party to the action or matter who is respondent to an application in a pending cause or matter.									
2. For a statement of claim, defence, counterclaim or special case									
Where - (a) the instructions for a defence cover or include the instruction for a counterclaim, only one fee is allowable; and (b) separate instructions - (i) are not required for pleadings, no fee should be allowed under this item; or (ii) are required for pleadings, the fee allowed under this item is an amount the taxing officer determines after taking into account the fee allowed under item 1 and after being satisfied of the need for those instructions, the time spent taking them and the status of the person taking them.	62.00	68.00	77.00	81.00	89.00	97.00	105.00	121.00	139.00
3. For other pleadings, processes, statements of fact, reports, accounts and other similar documents when proper and not otherwise provided for, for interrogatories, for affidavits verifying interrogatories and other special affidavits and for payment into or out of Court, if the taxing officer is satisfied that any special further instruction was necessary	46.00	50.00	57.00	60.00	66.00	72.00	78.00	90.00	104.00
Where separate instructions - (a) are not required for pleadings, no fee should be allowed under this item; or (b) are required for pleadings, the fee allowed under this item is an amount the taxing officer determines after taking into account the fee allowed under item 1 and after being satisfied of the need for those instructions, the time spent taking them and the status of the person taking them									
4. To amend a pleading if the taxing officer is satisfied that any further special instruction was necessary	30.00	33.00	37.00	39.00	43.00	47.00	51.00	59.00	68.00

	3.12.86	5.7.89	23.10.91	3.11.93	7.8.96	12.4.00	10.7.02	5.10.05	30.9.09
5. For particulars to be supplied if the taxing officer is satisfied that any further special instruction was necessary	30.00	33.00	37.00	39.00	43.00	47.00	51.00	59.00	68.00
6. For brief, such fee may be allowed as the taxing officer thinks fit having regard to all the circumstances of the case No allowance is to be made under item 6 in respect of any attendance, perusal, work or service which is allowed for under some other item and, in fixing the amount to be allowed under item 6, the taxing officer is to have regard to any allowance made for earlier instructions in the cause or matter so that, in no case, are any instructions to be allowed for more than once.									
Process -									
7. An originating process	43.00	47.00	53.00	56.00	62.00	68.00	73.00	84.00	97.00
8. The renewal of a writ	18.00	20.00	23.00	24.00	26.00	28.00	30.00	35.00	40.00
9. A subpoena The names of any number of witnesses may be included in a subpoena to give evidence and the taxing officer is not to allow any costs in respect of such a subpoena which has been issued unnecessarily.	25.00	27.00	31.00	33.00	36.00	39.00	42.00	48.00	55.00
10. A writ of execution or other writ to enforce a judgment or an order	42.00	46.00	52.00	55.00	60.00	65.00	70.00	81.00	93.00
11. A writ not included above The fees specified in items 7 to 11 include drawing and engrossing and any endorsement and copy to be filed on the sealing of the writ, any attendance to issue the writ and any copy for service, but exclude the service of the writ.	43.00	47.00	53.00	56.00	62.00	68.00	73.00	84.00	97.00
12. An interlocutory application to attend in chambers or in court as in chambers (including drawing and engrossing and copy for judge and attending to issue the interlocutory application and copies for service)	20.00	22.00	25.00	26.00	30.00	33.00	37.00	43.00	49.00
*up to and including	32.00	35.00	40.00	42.00	46.00	50.00	54.00	62.00	71.00
13. A certificate of readiness	32.00	35.00	40.00	42.00	46.00	50.00	54.00	62.00	71.00
Appearances -									
14. Entering an appearance (including preparation of notice and attending to enter appearance, copy and service)	18.00	20.00	23.00	24.00	26.00	28.00	30.00	35.00	40.00
Drawing Documents -									
15. Drawing a document, including a pleading, particulars, affidavit, brief, judgment, bill of costs and any other document not otherwise provided for, for each 100 words No fee is allowable for drawing in respect of a matter which is a copy, repetition or adaptation of an existing document or part of an existing document (including the title of the Court and the cause or matter).	4.00	4.40	5.00	5.30	6.00	6.50	7.00	11.00	13.00

Copies	3.12.86	5.7.89	23.10.91	3.11.93	7.8.96	12.4.00	10.7.02	5.10.05	30.9.09
16. A copy of a document, if no other provision is made –									
(a) for each 100 words of an original copy	2.00	2.20	2.50	2.60	3.00	3.30	3.50	5.60	6.50
(b) for each page of a photocopy	0.50	0.55	0.60	0.60	0.65	0.70	0.70	0.80	0.90
Perusals -									
17. Perusal of all necessary documents, other than formal and ordinary letters and entries of appearance, for each 100 words	1.70	2.00	2.30	2.40	2.75	3.00	3.20	5.10	5.90
However -									
(a) no allowance is to be made for perusal of a document when preparing for trial, but the time occupied in that perusal may be considered in fixing an allowance under item 6; and									
(b) if the practitioner is already familiar with the contents of the document, no allowance, or a smaller allowance than that mentioned above, is to be made as the taxing officer thinks proper; and									
(c) the allowance for perusal is to be allowed once only for each document.									
Attendances -									
18. A proper attendance of a practitioner –									
(a) being other than a formal attendance –									
(i) for each hour, a fee may be allowed as the taxing officer thinks fit, having regard to the degree of difficulty of the case, the experience and any particular expertise of the practitioner and all the circumstances of the case	38.00 *	38.00 *	43.00 *	45.00 *	49.50 *	54.00 *	58.00 *	67.00 *	77.00 *
(ii) proportionately for part of an hour	104.00	113.00	128.00	134.00	147.00	160.00	173.00	200.00	230.00
(b) being a formal attendance.	9.00	10.00	11.00	12.00	13.00	14.00	15.00	17.30	20.00
* up to and including									
19. A proper attendance of a clerk –									
(a) being other than a formal attendance -									
(i) for each hour	26.00	28.00	32.00	34.00	37.00	40.00	43.00	49.00	56.00
(ii) proportionately for part of an hour									
(b) being a formal attendance	6.00	6.50	7.00	7.40	8.00	9.00	10.00	11.50	13.00
(c) for sending a document by facsimile transmission anywhere in Australia, including disbursements (or if a very long document, in the discretion of the taxing officer)					4.00	4.50	4.90	5.60	6.50

Services -	3.12.86	5.7.89	23.10.91	3.11.93	7.8.96	12.4.00	10.7.02	5.10.05	30.9.09
<p>20. The following fees are allowable:</p> <p>(a) For service, or filing instead of service, of any writ, application, order or notice on a person proper to be served therewith who has not entered an appearance, and if not authorised to be served by post (or any other fee as in special circumstances the taxing officer thinks proper)</p>	20.00	22.00	25.00	26.00	29.00	32.00	35.00	40.00	46.00
<p>(b) If served at a distance of more than 2 kilometres from the nearest place of business or office of the practitioner (whether principal or agent) serving the same or through whom service is effected –</p> <p>(i) if served by the practitioner or the practitioner's clerk, for each 2 kilometres (one way) beyond each such 2 kilometres, and in addition to the fee allowed under paragraph (a)</p> <p>(ii) if served by any other person, the sum actually and reasonably paid.</p>	2.00	2.20	2.50	2.60	3.00	3.30	3.60	4.10	4.70
<p>(c) If, in the opinion of the taxing officer, a more expensive means of service has been adopted than should have been adopted, the taxing officer is to allow for the service only the fee as would have been paid if the less or the least expensive means of service had been adopted.</p>									
<p>(d) If more than one attendance is necessary to effect service or to ground an application for substituted service, a further allowance may be made as the taxing officer thinks fit.</p>									
<p>(e) For service out of the jurisdiction, an allowance may be made as the taxing officer thinks fit.</p>									
<p>(f) If any writ, application, order, notice of motion, summons, petition, notice or other process or any 2 of them have to be, are or ought to be, or the taxing officer is of the opinion that they should have been, served together, one fee only for service is to be allowed.</p>									
Correspondence, etc -									
<p>21. The following fees are allowable:</p> <p>(a) formal letter</p> <p>(b) ordinary letter</p> <p>(c) special letter or if very long or very special, in the discretion of the taxing officer</p> <p>(d) circular letters after the first</p>	9.00 11.00 20.00	10.00 12.00 22.00	11.00 14.00 25.00	12.00 15.00 26.00	13.00 16.50 28.50	14.00 18.00 31.00	15.00 19.00 33.00	17.30 22.00 38.00	20.00 25.00 44.00
<p>If 2 or more letters in similar terms are to be sent to 2 or more persons, all the letters except the first are to be allowed for as circular letters.</p> <p>No letter (other than a letter before action) is to be allowed for, unless the taxing officer is satisfied that it was necessary.</p>	2.00	2.20	2.50	2.60	2.90	3.00	3.20	3.70	4.30
<p>22. For any necessary postage, carriage or transmission of a document, in the discretion of the taxing officer.</p>									
Default judgments -									
<p>23. Entering judgment by default without an order (including any instructions, drawing, engrossing any copy and attendance to have judgment entered)</p>	25.00	27.00	31.00	33.00	36.00	39.00	42.00	48.00	55.00