



Queensland

Uniform Civil Procedure Amendment Rule (No. 5) 2005

Subordinate Legislation 2005 No. 325

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. 5) 2005*.

2 Commencement

This rule commences on 19 December 2005.

3 Rules amended

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

4 Amendment of sch 3 (Scale of costs—Magistrates Courts)

Schedule 3, part 2—

omit, insert—

‘Part 2 Costs

A	B	C	D	E	F	G
Under \$751	\$751 to \$1 500	\$1 501 to \$2 500	\$2 501 to \$5 000	\$5 001 to \$10 000	\$10 001 to \$20 000	Over \$20 000
\$	\$	\$	\$	\$	\$	\$

(including GST)

1 Instructions to sue—claim and statement of claim and service.....	155.00	220.00	270.00	525.00	650.00	915.00	915.00
2 Instructions to defend—notice of intention to defend and defence and filing	155.00	220.00	270.00	525.00	650.00	915.00	915.00

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	A	B	C	D	E	F	G
	Under \$751	\$751 to \$1 500	\$1 501 to \$2 500	\$2 501 to \$5 000	\$5 001 to \$10 000	\$10 001 to \$20 000	Over \$20 000
	\$	\$	\$	\$	\$	\$	\$
(including GST)							
3 Appearance in court in undefended proceedings (or in defended proceedings in which a claim or defence is not proceeded with—additional to costs for instructions to sue but including costs under item 4) to obtain judgment	51.00	51.00	73.00	120.00	150.00	210.00	210.00
4 Obtaining judgment by default.	51.00	51.00	73.00	120.00	150.00	210.00	210.00
5 Preparing for trial, including directions conference—							
(a) including brief if counsel engaged . . .	430.00	565.00	680.00	1570.00	1965.00	2750.00	3025.00
(b) if no counsel engaged	270.00	470.00	545.00	1310.00	1630.00	2290.00	2525.00
An amount agreed between the parties or allowed by the court or the registrar is to be allowed proportionate to the extent of the work done if—							
(a) a matter is settled before the directions conference or not proceeded with; or							
(b) costs are awarded in favour of a party for part only of the total proceedings.							
6 Counsel's fees—							
(a) to settle claim and statement of claim, counterclaim, notice of intention to defend or notice of appeal . .	—	—	—	—	140.00	200.00	220.00

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	A Under \$751	B \$751 to \$1 500	C \$1 501 to \$2 500	D \$2 501 to \$5 000	E \$5 001 to \$10 000	F \$10 001 to \$20 000	G Over \$20 000
	\$	\$	\$	\$	\$	\$	\$
(including GST)							
(b) to settle special affidavit, reply or particulars that the magistrate or registrar is satisfied are reasonably necessary or proper	—	—	—	—	84.00	125.00	135.00
(c) to settle interrogatories or answers to interrogatories that the magistrate or registrar is satisfied are reasonably necessary or proper	—	—	—	—	140.00	195.00	215.00
(d) on conference, inspection of works or locus in quo, or a similar attendance that the magistrate or registrar is satisfied is reasonably necessary or proper—each hour	—	—	—	—	140.00	200.00	220.00
(e) to advise on evidence or for any other opinion.	—	—	—	—	155.00	210.00	225.00
(f) on trial or hearing (other than an application in a proceeding)—first day	400.00	490.00	600.00	670.00	885.00	1245.00	1365.00
(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)	265.00	335.00	400.00	445.00	590.00	830.00	915.00
(h) on each subsequent day of hearing not included in item 6(g)	135.00	165.00	200.00	225.00	300.00	415.00	455.00

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\$	\$	\$	\$	\$	\$	\$

(including GST)

(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 \$50.00 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	-	-	-	-	145.00	205.00	220.00
(k) to hear deferred judgment	-	-	-	-	73.00	105.00	120.00
7 Solicitor on hearing—							
(a) appearance without counsel on hearing—first day . .	415.00	470.00	545.00	575.00	720.00	1010.00	1115.00
(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)	270.00	350.00	390.00	390.00	490.00	695.00	765.00
(c) attendance of clerk with solicitor acting as advocate—each day	42.50	52.00	66.00	200.00	225.00	225.00	225.00

Costs under item 7(c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.

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	Under \$751	\$751 to \$1 500	\$1 501 to \$2 500	\$2 501 to \$5 000	\$5 001 to \$10 000	\$10 001 to \$20 000	Over \$20 000
	\$	\$	\$	\$	\$	\$	\$
(including GST)							
8 On hearing with counsel—							
(a) attendance of solicitor with counsel (if the attendance is certified for by the court)—each day . . .	180.00	220.00	250.00	285.00	355.00	500.00	550.00
(b) attendance of clerk with counsel—each day	42.50	52.00	66.00	200.00	225.00	225.00	225.00
Costs under item 8(b) are not allowed if the court certifies the attendance of the clerk was not reasonably required.							
9 Proof of damages (if the opposite party fails to appear, or fails to file a notice of intention to defend and defence—additional to costs for instructions to sue but including costs under item 3 or item 4)—							
(a) counsel’s fees (if no fee is payable under item (6)(f)).	155.00	180.00	200.00	215.00	265.00	385.00	415.00
(b) solicitor for appearance without counsel.	155.00	180.00	200.00	200.00	245.00	345.00	380.00
10 Other applications to the court (other than an application for an adjournment)	110.00	110.00	130.00	235.00	300.00	410.00	450.00
11 Instructions—							
(a) for disclosure, preparing list of documents and making inspection and copies of documents—							

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Under	\$751	\$751	\$1 501	\$2 501	\$5 001	\$10 001	Over
to	\$1 500	\$1 500	\$2 500	\$5 000	\$10 000	\$20 000	\$20 000
to	\$	\$	\$	\$	\$	\$	\$
(including GST)							
(i) allowance to party requesting disclosure	51.00	85.00	110.00	175.00	225.00	260.00	285.00
(ii) allowance to party making disclosure	51.00	85.00	110.00	400.00	435.00	485.00	535.00
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—							
(i) allowance to party delivering interrogatories	51.00	85.00	110.00	300.00	315.00	330.00	365.00
(ii) allowance to party answering interrogatories	51.00	85.00	110.00	275.00	290.00	305.00	335.00
12 Enforcement hearing—							
(a) counsel’s fees	265.00	265.00	265.00	305.00	385.00	535.00	590.00
(b) if no counsel engaged	180.00	180.00	200.00	260.00	330.00	465.00	510.00
13 Enforcement warrant—							
(a) costs of preparing warrant and attending issuing and for return—to be marked on warrant (exclusive of court or other fees)	51.00	51.00	58.00	120.00	150.00	210.00	225.00
(b) costs of registration of warrant against land	51.00	51.00	58.00	120.00	150.00	210.00	225.00

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	Under \$751	\$751 to \$1 500	\$1 501 to \$2 500	\$2 501 to \$5 000	\$5 001 to \$10 000	\$10 001 to \$20 000	Over \$20 000
	\$	\$	\$	\$	\$	\$	\$
	(including GST)						
14 Warrant (other than enforcement warrant)—costs of preparing warrant and attending issuing and for return	51.00	51.00	58.00	120.00	150.00	210.00	225.00
15 Applying for summary judgment or showing cause against a summary judgment application	51.00	51.00	58.00	120.00	150.00	210.00	225.00 ¹ .

ENDNOTES

- 1 Made by the Governor in Council on 15 December 2005.
- 2 Notified in the gazette on 16 December 2005.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney General.