



Queensland

Uniform Civil Procedure Amendment Rule (No. 2) 2009

Subordinate Legislation 2009 No. 184

made under the

Supreme Court of Queensland Act 1991

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[s 1]

1 Short title

This rule may be cited as the *Uniform Civil Procedure Amendment Rule (No. 2) 2009*.

2 Commencement

This rule commences on 1 September 2009.

3 Rule amended

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

4 Replacement of schs 1–3

Schedules 1 to 3—

omit, insert—

‘Schedule 1 Scale of costs—Supreme Court

rule 691(2)(a)

\$

**(including
GST)**

General care and conduct

- 1 In addition to an amount that is to be allowed under another item of 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

\$
(including
GST)

- (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 18.50

Producing documents

- 5 Producing a document in final form—for each 100 words 4.50

[s 4]

	\$ (including GST)
Preparing exhibit certificates	
6	Preparing an exhibit certificate—for each exhibit, including a paginated book 3.50
Copying documents	
7	Copying a document—for each page 0.20
Perusing documents	
8	Perusing a document—for each 100 words 4.50
Examining or comparing documents	
9	Examining a document or comparing documents, if perusal is unnecessary—
	(a) by a solicitor—for each quarter hour 66.75
	(b) by an employee—for each quarter hour 19.50
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 38.50
	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 24.50
	(c) service by post 17.50
	(d) service by facsimile—
	(i) for the first page 8.00

		\$
		(including GST)
	(ii) for each extra page	1.00
	(e) service by email	8.00
 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	24.50
12	Attendance by telephone that does not involve the exercise of skill or legal knowledge.	16.00
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	73.00
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	67.00
	(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 an absence of 4 hours or less	509.00
	(B) for an absence of more than 4 hours—for each quarter hour to a maximum of 8 hours	32.50

[s 4]

		\$ (including GST)
	(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	44.50
16	Other attendances—	
	(a) by a solicitor, involving skill or legal knowledge—for each quarter hour	67.00
	(b) by an employee—for each quarter hour	19.50
	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) A short letter of a formal nature, written or received, or forwarding a document without comment.	13.00
	(2) An ordinary letter, written or received, including a letter between principal and agent.	32.50
	(3) A special letter involving skill or legal knowledge, including an allowance for drafting and producing. . .	42.50
	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.	

\$

(including
GST)

- (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. 8.00
 - (ii) for each extra page. 1.00
 - (b) for email transmissions 8.00
 - (c) for the postage, carriage or transmission of any other document—the amount the registrar considers reasonable.

Electronic conduct of proceedings

- 19 (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 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

[s 4]

	\$
	(including GST)
(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	4.50
(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	
20 Costs for issuing a claim	630.00
21 Costs for obtaining judgment under chapter 9, part 1, division 2	300.00
22 Costs for obtaining an enforcement warrant	245.00

‘Schedule 2 Scale of costs—District Court

rule 691(2)(b)

\$
(including
GST)

General care and conduct

- 1 In addition to an amount that is to be allowed under another item of 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.

[s 4]

\$
(including
GST)

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 17.50

Producing documents

- 5 Producing a document in final form—for each 100 words 4.50

Preparing exhibit certificates

- 6 Preparing an exhibit certificate—for each exhibit, including a paginated book 3.50

Copying documents

- 7 Copying a document—for each page 0.20

Perusing documents

- 8 Perusing a document—for each 100 words 3.50

Examining or comparing documents

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

	\$ (including GST)
(a) by a solicitor—for each quarter hour	55.00
(b) by an employee—for each quarter hour	17.50

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	38.50
	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	24.50
	(c) service by post	17.50
	(d) service by facsimile—	
	(i) for the first page	8.00
	(ii) for each extra page	1.00
	(e) service by email	8.00

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	24.50
12	Attendance by telephone that does not involve the exercise of skill or legal knowledge.	16.00

[s 4]

	\$ (including 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 62.00
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 55.00
	(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 an absence of 4 hours or less 440.00
	(B) for an absence of more than 4 hours—for each quarter hour to a maximum of 8 hours 27.00
	(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 44.50
16	Other attendances—
	(a) by a solicitor, involving skill or legal knowledge—for each quarter hour 55.00

	\$ (including GST)
(b) by an employee—for each quarter hour	17.50
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) A short letter of a formal nature, written or received, or forwarding a document without comment.	13.00
(2) An ordinary letter, written or received, including a letter between principal and agent.	32.50
(3) A special letter involving skill or legal knowledge, including an allowance for drafting and producing. . .	35.50
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.	8.00
(ii) for each extra page.	1.00
(b) for email transmissions	8.00
(c) for the postage, carriage or transmission of any other document—the amount the registrar considers reasonable.	

[s 4]

		\$
		(including GST)
Electronic conduct of proceedings		
19	(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 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	4.50
	(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		
20	Costs for issuing a claim	570.00
21	Costs for obtaining judgment under chapter 9, part 1, division 2	270.00
22	Costs for obtaining an enforcement warrant	200.00

‘Schedule 3 Scale of costs—Magistrates Courts

rule 691(2)(c)

‘Part 1 General

‘1 Costs allowed for counsel and solicitor or clerk

- ‘(1) The costs of or incidental to the attendance of both counsel and a solicitor during a trial are not to be allowed unless a court certifies that the attendance of both counsel and solicitor was necessary.
- ‘(2) The costs of or incidental to the attendance of a clerk with counsel or a solicitor acting as advocate during a trial are to be allowed unless a court certifies the attendance of the clerk was not reasonably required.
- ‘(3) A court may direct that costs to be allowed for counsel or a solicitor acting as advocate are to be less than the costs set out in part 2.

‘2 Costs of unnecessary step

‘A court may disallow the costs of a step taken by a party in a proceeding if the court considers the step was unnecessary for the proper conduct of the proceeding.

[s 4]

'Part 2 Costs

	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)							
1 Instructions to sue—claim and statement of claim and service.....	180.00	245.00	315.00	600.00	745.00	1 040.00	1 040.00
2 Instructions to defend—notice of intention to defend and defence and filing.....	180.00	245.00	315.00	600.00	745.00	1 040.00	1 040.00
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.....	59.00	59.00	84.00	140.00	175.00	235.00	235.00
4 Obtaining judgment by default.....	59.00	59.00	84.00	140.00	175.00	235.00	235.00
5 Preparing for trial, including directions conference—							
(a) including brief if counsel engaged.....	490.00	645.00	780.00	1 795.00	2 250.00	3 145.00	3 465.00
(b) if no counsel engaged	315.00	540.00	625.00	1 500.00	1 865.00	2 620.00	2 890.00
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							

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) 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 . . .	—	—	—	—	160.00	225.00	245.00
(b) to settle special affidavit, reply or particulars that the magistrate or registrar is satisfied are reasonably necessary or proper	—	—	—	—	95.00	145.00	155.00
(c) to settle interrogatories or answers to interrogatories that the magistrate or registrar is satisfied are reasonably necessary or proper	—	—	—	—	160.00	220.00	240.00
(d) on conference, inspection of works or other site inspection, or a similar attendance that the magistrate or registrar is satisfied is reasonably necessary or proper—each hour	—	—	—	—	160.00	225.00	245.00
(e) to advise on evidence or for any other opinion	—	—	—	—	180.00	235.00	255.00
(f) on trial or hearing (other than an application in a proceeding)—first day	455.00	560.00	685.00	770.00	1 010.00	1 425.00	1 560.00

Uniform Civil Procedure Amendment Rule (No. 2) 2009

[s 4]

	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)							
(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)	310.00	380.00	455.00	515.00	675.00	950.00	1 040.00
(h) on each subsequent day of hearing not included in paragraph (g)	155.00	190.00	225.00	255.00	345.00	470.00	525.00
(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 \$56.00 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	—	—	—	—	165.00	230.00	245.00
(k) to hear deferred judgment	—	—	—	—	84.00	125.00	140.00
7 Solicitor on hearing—							
(a) appearance without counsel on hearing—first day . . .	470.00	540.00	625.00	655.00	820.00	1 155.00	1 275.00

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
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(including 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)	315.00	400.00	445.00	445.00	560.00	795.00	875.00
(c) attendance of clerk with solicitor acting as advocate—each day . .	48.50	61.00	75.00	225.00	255.00	255.00	255.00

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

8 On hearing with counsel—

(a) attendance of solicitor with counsel (if the attendance is certified for by the court)—each day	205.00	245.00	280.00	330.00	405.00	570.00	630.00
(b) attendance of clerk with counsel—each day	48.50	61.00	75.00	225.00	255.00	255.00	255.00

Costs under paragraph (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 4)—

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[s 4]

	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)							
(a) counsel's fees (if no fee is payable under item 6(f))	180.00	205.00	225.00	240.00	310.00	440.00	470.00
(b) solicitor for appearance without counsel	180.00	205.00	225.00	225.00	275.00	395.00	435.00
10 Other applications to the court (other than an application for an adjournment)	130.00	130.00	150.00	265.00	345.00	465.00	520.00
11 Instructions—							
(a) for disclosure, preparing list of documents and making inspection and copies of documents—							
(i) allowance to party requesting disclosure	59.00	97.00	130.00	200.00	255.00	305.00	330.00
(ii) allowance to party making disclosure	59.00	97.00	130.00	455.00	500.00	555.00	610.00
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—							
(i) allowance to party delivering interrogatories	59.00	97.00	130.00	345.00	360.00	375.00	420.00
(ii) allowance to party answering interrogatories	59.00	97.00	130.00	320.00	335.00	350.00	380.00

	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)							
12 Enforcement hearing—							
(a) counsel’s fees	310.00	310.00	310.00	350.00	440.00	610.00	675.00
(b) if no counsel engaged	205.00	205.00	225.00	305.00	375.00	535.00	585.00
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)	59.00	59.00	67.00	140.00	175.00	235.00	255.00
(b) costs of registration of warrant against land . .	59.00	59.00	67.00	140.00	175.00	235.00	255.00
14 Warrant (other than enforcement warrant)—costs of preparing warrant and attending issuing and for return	59.00	59.00	67.00	140.00	175.00	235.00	255.00
15 Applying for summary judgment or showing cause against a summary judgment application	59.00	59.00	67.00	140.00	175.00	235.00	255.00

ENDNOTES

- 1 Made by the Governor in Council on 27 August 2009.
- 2 Notified in the gazette on 28 August 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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