



Australian Capital Territory

# Court Procedures Amendment Rules 2022 (No 3)

Subordinate Law SL2022-19

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We, the rule-making committee, make the following rules of court under the *Court Procedures Act 2004*, section 7.

Dated 16 December 2022.

LUCY MCCALLUM

Chief Justice

GEOFFREY KENNET

Judge

LORRAINE WALKER

Chief Magistrate

GLENN THEAKSTON

Magistrate

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Australian Capital Territory

# Court Procedures Amendment Rules 2022 (No 3)

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made under the

[Court Procedures Act 2004](#)

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J2022-357

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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**1 Name of rules**

These rules are the *Court Procedures Amendment Rules 2022 (No 3)*.

**2 Commencement**

These rules commence on 1 January 2023.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

These rules amend the *Court Procedures Rules 2006*.

**4 New rule 6106 (4) and (5)**

*before the note, insert*

- (4) A signature affixed to a document by electronic means complies with subrule (1).
- (5) However, subrule (4) does not apply to the following:
  - (a) an affidavit, including—
    - (i) a statement identifying an annexure to an affidavit; or
    - (ii) a certificate identifying an exhibit to an affidavit;
  - (b) a document that is required by these rules to be witnessed.

**5 New rule 6120 (3)**

*insert*

- (3) For these rules, *original* includes a document to which rule 6106 (4) applies.

**6 Rule 6250 (3) (d)**

*omit*

**7 Rule 6251 (3) (c)**

*omit*

**8 Schedule 4, rule 4.12**

*substitute*

**4.12 Costs—transitional**

- (1) A solicitor is entitled to charge and be allowed the costs set out in this schedule for work done or services performed on or after the commencement day.
- (2) However, if work done or services performed by a solicitor after the commencement day was assessed before the commencement day, this rule as in effect immediately before the commencement day continues to apply to the work and services.
- (3) Rule 4.12 as in effect immediately before the commencement day continues to apply to work done or services performed by a solicitor before the commencement day.
- (4) In this rule:

*commencement day* means the day the *Court Procedures Amendment Rules 2022 (No 3)*, rule 8 commences.

**9 Schedule 4, part 4.2***substitute***Part 4.2 Scale of costs—items**

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
<b>Division 4.2.1 Instructions</b>		
1	to sue or defend, to appeal or oppose an appeal	201.30
2	for statement of claim, petition, special case or counterclaim	201.30
3	for defence	172.30
4	for— <ul style="list-style-type: none"> <li>(a) a reply; or</li> <li>(b) amending a pleading; or</li> <li>(c) a notice claiming contribution or indemnity; or</li> <li>(d) a document to be brought into the registrar’s office (for example, an account or deed); or</li> <li>(e) adding parties by order; or</li> <li>(f) a bond or other deed; or</li> <li>(g) retaining counsel, including preparing retainer</li> </ul>	71.90

Rule 9

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<b>column 1 item</b>	<b>column 2 matter in relation to which charge is made</b>	<b>column 3 charge (\$)</b>
5	for— (a) a pleading not otherwise provided for; or (b) interrogatories for the examination of a party or witness; or (c) an affidavit in answer to interrogatories or other special affidavit; or (d) disclosure or a list of documents; or (e) an application for an order that a matter be heard before the Full Court; or (f) a brief on application in chambers	143.70
6	for— (a) an application whether in court, before the registrar or in chambers; or (b) opposition to an application; or (c) the assessment of a bill of costs	143.70
7	for brief to advise on evidence	129.40
8	for— (a) a statement of facts in an action; or (b) a request for particulars; or (c) particulars	143.70
9	for brief in preparation for trial	the amount the registrar considers appropriate



column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
<b>Division 4.2.2 Drawing</b>			
10	for an originating process or counterclaim	150.20	or, if longer than 700 words, 21.30 per 100 words
11	for any other pleading, a notice claiming contribution or indemnity, or an amendment of a pleading	100.70	or, if longer than 400 words, 21.30 per 100 words
12	for— (a) a notice of an application in a proceeding; or (b) a notice to produce documents; or (c) a notice to admit facts; or (d) a special case; or (e) interrogatories; or (f) a special affidavit; or (g) a brief (including observations)	92.10	or, if longer than 400 words, 21.30 per 100 words
13	a formal affidavit, including an affidavit of service	50.50	
14	any other document	39.90	or, if longer than 100 words, 23.60 per 100 words
<b>Division 4.2.3 Engrossing</b>			
15	of a document	6.30	per 100 words

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)	
<b>Division 4.2.4 Copies</b>			
16	of any document, or of multiple documents copied at the same time— (a) for each of the first 10 copies; or (b) for each additional copy up to 100 copies; or (c) for each additional copy over 100 copies	4.00  1.80  0.60	per page  per page  per page
<b>Division 4.2.5 Perusal</b>			
17	of— (a) an originating process; or (b) a pleading; or (c) an application in a proceeding; or (d) interrogatories; or (e) a special case; or (f) a notice to admit	70.90	or, if longer than 800 words, 8.00 per 100 words
18	of any other document, if it is necessary to peruse	8.00	per 100 words
19	of a document by scanning it, if it is not necessary to peruse	7.80	or, if the document has more than 10 pages, the additional amount the registrar considers appropriate

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
<b>Division 4.2.6 Attendances</b>		
20	for personal service, if necessary, of 1 or more documents at the same time	107.50
21	for service of 1 or more documents at the same time— (a) at the office of a solicitor on the record or the address for service of a party; or (b) by post; or (c) made through a document exchange	43.50
22	by attendance (including travel and waiting time)— (a) by a solicitor; or (b) by a clerk	38.70 per 6 minutes 16.10 per 6 minutes
23	at the registry or other office or place for— (a) filing, delivering, or collecting a document; or (b) a purpose not involving the exercise of legal skill or knowledge	35.80
24	formal telephone attendance	35.80
25	telephone attendance leaving message only	17.80

<b>column 1 item</b>	<b>column 2 matter in relation to which charge is made</b>	<b>column 3 charge (\$)</b>
26	<p>if the registrar is satisfied, in relation to travel, that the purpose of the journey could not have been satisfactorily accomplished by an agent and that—</p> <p>(a) a solicitor has been necessarily absent from the place where the solicitor carries on practice; or</p> <p>(b) a clerk has attended in place of the solicitor</p>	<p>an allowance (in addition to reasonable travelling expenses), for each day (other than Saturdays and Sundays) that the solicitor is absent, of not more than 1 676.90</p> <p>an allowance (in addition to reasonable travelling expenses), for each day (other than Saturdays and Sundays) that the clerk is absent, of not more than 430.70</p>
<b>Division 4.2.7 Letters</b>		
27	ordinary letter	50.00 or 24.30 per 100 words
28	special letter	83.00 or 24.30 per 100 words
29	formal letter—short letter, without legal content	24.20
30	circular letters after the first	11.00
31	fax copy or telex, including attendance to send	56.60
32	receiving and filing any incoming letter, other than a letter received by email (postage and transmission fees properly incurred may be claimed as a disbursement)	14.90
33	receiving, printing and filing incoming letter received by email	16.30

<b>column 1 item</b>	<b>column 2 matter in relation to which charge is made</b>	<b>column 3 charge (\$)</b>
34	printing any attachment to an email, or multiple attachments to an email printed at the same time—  (a) for each of the first 10 pages; or  (b) for each additional page up to 100 copies; or  (c) for each additional page over 100 copies	4.00 per page  1.80 per page  0.60 per page
<b>Division 4.2.8 Witness expenses</b>		
35	a witness called because of the witness's professional, scientific or other special skill or knowledge	1 408.80 per day
36	a witness called other than because of the witness's professional, scientific or other special skill or knowledge	148.30 per day
37	a witness paid in the witness's occupation by wages, salary or fees	the amount lost by attendance at court
38	a witness qualifying to give skilled evidence	the additional amount the registrar considers reasonable and properly incurred and paid
39	if the witness lives more than 50km from the court	the additional amount the registrar considers reasonable for the actual cost of travel, and for accommodation and meals
40	attendance at court by a witness acting as an expert in assisting counsel or a solicitor for a period during the trial or hearing	the amount the registrar considers appropriate (but not affecting the existing practice of allowing qualifying fees for witnesses)

column 1 item	column 2 matter in relation to which charge is made	column 3 charge (\$)
<b>Division 4.2.9 Disbursements</b>		
41	all court fees, counsel's fees and other fees and payments	allowed to the extent that they have been properly and reasonably incurred and paid

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## Endnotes

### 1 Notification

Notified under the [Legislation Act](#) on 19 December 2022.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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