

JUSTICE

JU301*

CORRECTION

LEGAL PROFESSION ACT 2008

LEGAL PRACTITIONERS (DISTRICT COURT APPEALS) (CONTENTIOUS BUSINESS) DETERMINATION 2008

Errors occurred in the notice published under the Legal Practitioners (District Court Appeals) (Contentious Business) Determination 2008 on pages 2962 and 2963 of the *Government Gazette* dated 26 June 2008.

In clause 3 of the Determination, the Table referred to in the clause has been omitted.

The omission is corrected in the Determination republished in full as follows—

Schedule

LEGAL PRACTICE ACT 2003

LEGAL PRACTITIONERS (DISTRICT COURT APPEALS) (CONTENTIOUS BUSINESS) DETERMINATION 2008

Made by the Legal Costs Committee under section 210 of the Act.

Citation

1. This Determination may be cited as the *Legal Practitioners District Court Appeals (Contentious Business) Determination 2008*.

Commencement

2. This Determination comes into operation on 1 July 2008.

Scale of costs

3. Subject to the provisions of the *Legal Practice Act 2003* or any successor legislation permitting a legal practitioner to make a written agreement as to costs with a client, the costs of or in relation to a party to an appeal to the District Court (inclusive of GST and counsel fees, but exclusive of other disbursements)—

(a) recoverable by one party from another party; or

(b) payable by a party to that party's own legal practitioner,

shall not exceed the amount set out in the Table to this clause.

Table

Fee Earner		Maximum allowable hourly and daily rates
Senior Practitioner (admitted for more than 5 years)		
(SP) ^α	hourly rate	\$396
Junior Practitioner (admitted for less than 5 years)		
(JP) ^α	hourly rate	\$275
Clerk/Paralegal	(C/PL) hourly rate	\$198
Counsel fees charged as a disbursement to practitioners or charged by in-house counsel—		
Counsel	(C)* hourly rate	\$319
	daily rate	\$3,190
Senior Counsel	(SC) [†] hourly rate	\$561
	daily rate	\$5,610

^α The reference to Junior Practitioner or to Senior Practitioner in this Determination includes all legal practitioners even if the services were rendered in another State or Territory. Where a local practitioner has held an interstate practice certificate, the length of admission in that other jurisdiction is to be counted in assessing that practitioner's years of admission for the purposes of this Determination.

* The reference to Counsel in this Determination means a practitioner acting as a barrister other than as Senior Counsel.

[†] The reference to Senior Counsel in this Determination includes reference to Queens Counsel or Senior Counsel appointed in Western Australia, or appointed in any State or Territory in Australia and whose appointment is afforded recognition by the Chief Justice of the Supreme Court of Western Australia.

Maximum Hourly and Daily Rates

4. (1) The hourly and daily rates set out in the Table to clause 3 are the maximum hourly and daily rates, inclusive of GST, which the Legal Costs Committee determines shall be used to calculate the dollar amounts in the scale of costs set out in the Table to clause 3.

(2) The Legal Costs Committee is aware that in the past, under a previous scale, some appeals conducted in the District Court have attracted a lower scale of costs than the same matter at first instance would have attracted if a *Legal Practitioners (Supreme Court) (Contentious Business) Determination* applied. This anomaly has been corrected in this Determination by a one off increase of a rate that is higher than it would have been if a straight 10% increase were applied.

Table**DISTRICT COURT APPEALS SCALE OF COSTS 2008**

Item	Description	Amount
1.	Notice of appeal	957
2.	Proceedings in Chambers	3,190
3.	Getting up appeal for hearing	3,190
4.	Counsel fee on hearing including preparation (see Notes 1 and 2)	6,380
5.	Counsel fee for second and each successive day of hearing (see Notes 1 and 2)	3,190
6.	Attending on reserved decision	363
7.	Settling and extracting order disposing of appeal—	
	(a) With appointment	550
	(b) Without appointment	209
8.	Drawing bills of costs, copies and service	429
9.	Attending taxation (including time spent in preparing for the taxation)—per hour	275
10.	Disbursements— In addition to the fees and charges allowed under this Determination—	
	(a) As between practitioner and client, a practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and	
	(b) As between party and party, a party may be allowed disbursements necessarily or reasonably incurred.	

Note 1 In cases for which the Taxing Officer considers that the briefing of Senior Counsel or of two or more counsel was reasonably necessary the allowance is the amount shown increased by 50%.

Note 2 The reference to Senior Counsel in this Determination includes reference to Queens Counsel or Senior Counsel appointed in Western Australia, or appointed in any State or Territory in Australia and whose appointment is afforded recognition by the Chief Justice of the Supreme Court of Western Australia.

Made by the Legal Costs Committee on 17 June 2008.