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2002B00242

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## Family Law Amendment Rules 2002 (No. 3)<sup>1</sup>

Statutory Rules 2002 No.  $\sphericalangle$ <sup>2</sup>

241

We, Judges within the meaning of the *Family Law Act 1975*,  
make the following Rules of Court under that Act.

Dated  $\sphericalangle$  2002

4 October

ALASTAIR NICHOLSON C.J.  
J. EDWARD ELLIS  
K.A. MURRAY  
T.E. LINDENMAYER  
I.R. COLEMAN  
RODERICK JOSKE  
J. WILCZEK  
G.R. MULLANE  
N. MUSHIN  
RICHARD CHISHOLM  
SALLY BROWN  
B. JORDAN  
SUSAN MORGAN  
CHRISTINE E. DAWE  
ROD BURR

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PAUL GUEST  
HEATHER CARTER  
M. WATT  
R. FLOHM  
D.J. COLLIER  
S. STRICKLAND  
M. LE POER TRENCH  
PETER YOUNG  
Judges of the Family Court  
of Australia

A.M. FILIPPELLO  
Principal Registrar  
Family Court of Australia

MICHAEL H. HOLDEN  
N. TOLCON  
J. PENNY  
Judges of the Family Court  
of Western Australia

S.E. THACKRAY  
Principal Registrar  
Family Court of Western Australia

**1 Name of Rules**

These Rules are the *Family Law Amendment Rules 2002 (No. 3)*.

**2 Commencement**

These Rules commence on gazettal.

**3 Amendment of *Family Law Rules 1984***

Schedule 1 amends the *Family Law Rules 1984*.

**Schedule 1 Amendments**

(rule 3)

**[1] Order 24A, rule 2**

*omit*

pre-hearing

*insert*

pre-trial

**[2] Order 31B, paragraphs 6 (1) (b) and (2) (b) and paragraph 22 (1) (b)**

*omit*

appropriate Deputy

**[3] Order 31B, rule 29**

*omit*

appropriate Deputy

**[4] Order 32A, subrule 5 (3)***omit*

appropriate Deputy

**[5] Schedule 2***substitute***Schedule 2 Scale of costs (including counsel's fees)**

(Order 38)

*Note* The amounts in this Schedule are inclusive of GST.**Part 1 Fees for solicitor's work done**

Item	Matter for which charge is made	Charge
1	Drawing documents:	
	(a) court documents	\$39.50 for each page
	(b) other documents	\$14.10 for each folio
2	Engrossing documents:	
	(a) court documents	\$13.30 for each page
	(b) other documents	\$4.85 for each folio
3	Drafting and typing letters (including e-mail transmissions):	
	(a) short (1 folio or less)	\$19.10
	(b) circular (1 folio or less)	\$7.95
	(c) any other	\$16.20 for each folio
4	Telephone attendance:	
	(a) 5 minutes or less	\$13.30
	(b) more than 5 minutes	\$165 for each hour
5	Perusal of documents:	
	(a) for each page	\$19.10
	(b) fewer than 30 folios	\$6.60 for each folio
	(c) 30 or more folios	an amount at the discretion of the taxing officer

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<b>Item</b>	<b>Matter for which charge is made</b>	<b>Charge</b>
6	Scanning of documents (where perusal is not necessary): (a) fewer than 10 pages (b) 10 or more pages	\$7.85 for each page an amount at the discretion of the taxing officer
7	Preparation of the appeal papers in a lawyer's office	an amount at the discretion of the taxing officer
8	Photographic reproduction, carbon or other copy of a document	50 cents for each page
8A	Transmitting urgent and necessary written material by the lawyer's facsimile machine  <i>Note</i> STD and ISD transmission fees may be claimed as a disbursement properly incurred.	\$7.85 for the first page \$3.40 for each additional page
8B	Receiving written material by the lawyer's facsimile machine	\$1.85 for each page
9	Time reasonably spent by a lawyer on work requiring the skill of a solicitor (except work mentioned in item 1, 2, 3, 4, 5, 6, 7, 8, 8A, 8B or 10)	\$165 for each hour
10	Time reasonably spent by a lawyer, or by a clerk of a lawyer, on work (except work mentioned in item 1, 2, 3, 4, 5, 6, 7, 8, 8A, 8B or 9)	\$107.30 for each hour

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## Part 2 Fees for counsel's work done

Item	Matter for which charge is made	Charge
11	Chamber work (including preparing or settling any necessary document, opinion, advice or evidence, and any reading fee (if allowed))	\$190–\$270 for each hour, or part of an hour
12	Conferences (including court appointed conferences), if necessary	\$190–\$270 for each hour, or part of an hour
13	Short appearances (for example, directions hearings, interim or procedural hearings, summary hearings taking less than 3 hours)	\$170–\$795
14	Short defended hearings (taking at least 3 hours but not more than 1 day)	\$580–\$1 340
15	Other defended hearings	\$1 340–\$1 970 for each day
16	Reserved judgment	\$190–\$270 for each hour, or part of an hour

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## Part 3 Basic composite amount for undefended dissolution proceedings

Item	Matter for which charge is made	Charge
17	If the lawyer employed another lawyer to appear for the applicant and there is a child of the marriage under 18 years old	\$720
18	If the lawyer employed another lawyer to appear for the applicant and there is no child of the marriage under 18 years old	\$535
19	If the lawyer did not employ another lawyer to appear for the applicant and there is a child of the marriage under 18 years old	\$675
20	If the lawyer did not employ another lawyer to appear for the applicant and there is no child of the marriage under 18 years old	\$505

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**Notes**

1. These Rules amend Statutory Rules 1984 No. 425, as amended by 1985 No. 341; 1986 Nos. 6 and 193; 1987 Nos. 15, 74 and 222; 1988 Nos. 9, 15, 16, 46, 166 and 236; 1989 Nos. 49, 65, 175, 201, 266 and 331; 1990 Nos. 20, 74, 348 and 474; 1991 Nos. 122, 414, 475 and 476; 1992 Nos. 8, 45, 161 and 304; 1993 Nos. 51 and 160; 1994 Nos. 25, 58, 59, 60, 61, 62, 152 and 401; 1995 Nos. 2, 144, 145, 146, 319 and 371; 1996 Nos. 28 and 60; 1997 Nos. 97, 154 and 155; 1998 Nos. 117 and 299; 1999 Nos. 61, 118 and 279; 2000 Nos. 172 and 190; 2001 Nos. 1, 19, 191 and 257; 2002 Nos. 23 and 151.
2. Notified in the *Commonwealth of Australia Gazette* on         $\surd$  2002.        11 October