

APPENDIX A

Scale of Costs

Appendix A
amended by
S.R. No.
153/2009
rule 5.

Scale of costs and fees which may be claimed by Solicitors and Counsel as between party and party as well as between solicitor and client.

If in any case the Court or registrar thinks that any item is inadequate or excessive, the Court or registrar may allow a greater or lesser sum than the scale provides.

If the scale of costs does not provide for any case, the Court or registrar may allow reasonable costs.

<i>Item</i>	<i>Particulars of Service</i>	<i>\$</i>
1.	Claim for debt, liquidated demand or claim arising from a motor vehicle collision for costs of repairs only or for total loss of vehicle only including all professional costs where the amount claimed is—	
	(a) Less than \$500	169
	(b) \$500 to less than \$5000	355
	(c) \$5000 to less than \$7500	436
	(d) \$7500 to less than \$20 000	523
	(e) \$20 000 to less than \$40 000	650
	(f) \$40 000 to less than \$70 000	782
	(g) \$70 000 and over	935

Item *Particulars of Service*
(Costs for items 2 to 80 are set out in Table 1)

Instructions

2. Instructions to make, issue or oppose an application or summons or any notice of objection under the **Judgment Debt Recovery Act 1984** including instructions for any affidavit (not otherwise provided for).

Institution of proceedings

3. Complaint, including instructions to sue, letter before action, attendances on counsel, copies for service, issuing, and attendances on process server.

<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
4.	Consent of litigation guardian including preparation of memorandum, copies and obtaining signature of litigation guardian.
5.	Notices of defence to claim, counterclaim or third party notice including instructions to defend, perusal of claim, counterclaim or third party notice, reply, attendances on counsel, copies, filing and service.
6.	Counterclaim, third party notice, notice of contribution or any further pleading including instructions to issue, attendances on counsel, copies, filing and service.
7.	Perusal of notice of defence, counterclaim, third party notice or any other pleading, and notice of contribution.
	Particulars
8.	Request for particulars of any document including attendances on counsel, copies, filing, service and perusal of further particulars.
9.	Further and better particulars of any documents including perusal of request, attendances on counsel, copies, filing and service.
	View
10.	Attending view, including arranging view and attendance on counsel.
11.	If the attendance exceeds half an hour—for each quarter hour thereafter.
	Discovery
12.	Notice of discovery including filing and service.
13.	Perusal of affidavit of documents and inspection of documents.
14.	Affidavit of documents including instructions, attendances on counsel, copies, swearing, filing, service and production of documents for inspection.
15.	Notice to produce documents including filing and service.
	Interrogatories
16.	Interrogatories for examination including instructions, attendances on counsel, copies, filing, service and perusal of answers.

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<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
17.	Answers to interrogatories including perusal of interrogatories, instructions, attendances on counsel, copies, swearing, filing and service. Brief to advise
18.	Brief to advise including preparation of memorandum to counsel, attendances on counsel and perusal of advice. Notices, undertakings, etc.
19.	Any necessary notice (including notices before proceeding), undertaking, consent, order, memorandum (not otherwise provided for) including copies, filing and service.
20.	Notice to admit including perusal of admissions, copies, filing and service.
21.	Admissions, including perusal of notice to admit, copies, filing and service.
22.	Offer of compromise or notice of acceptance of offer including copies, filing and service. Witnesses and Expert witnesses
23.	Witness summons including instructions, copies and issuing.
24.	Attendance on witness to arrange attendance to give evidence without witness summons, including reminders.
25.	Arranging examination or inspection by an expert witness and notifying party, supplying relevant documents to witness, obtaining and perusing report.
26.	Notifying party of examination or inspection arranged by opposite party.
27.	Statement of expert witness (pursuant to Rule 19.02) including instructions, filing and service. Applications
28.	Application or summons or any notice under the Judgment Debt Recovery Act 1984 including copies, issuing and affidavit of service.
29.	Application for an order under Rule 10.01 (in addition to item 1 if applicable) or 10.04 including copies and issuing.

<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
	Notice of Objection
30.	Notice of objection under the Judgment Debt Recovery Act 1984 including copies, issuing and affidavit of service.
	Affidavits
31.	Affidavit including attendances on counsel, copies, swearing, filing and service.
32.	Affidavit of service, including swearing and filing (not otherwise provided for).
	General Preparation
33.	For work necessarily and properly done in preparing for hearing and not otherwise provided for, including—
	(a) taking instructions for examination of any party or witness;
	(b) considering the facts and the law;
	(c) attending on and corresponding with client;
	(d) interviewing and corresponding with witnesses and taking proofs of their evidence;
	(e) obtaining reports or advice from experts and maps, plans, photographs and models;
	(f) making search in any public office and elsewhere for relevant documents;
	(g) inspecting any property or place material to the proceeding;
	(h) perusing relevant documents;
	(i) general care and conduct of the proceeding.
	Pre-Hearing Conference
34.	Preparation including all necessary instructions, instructions for brief for counsel or brief notes for solicitor, correspondence and perusals.
35.	Attendance at conference whether by counsel or solicitor.
	Mediation
36.	Preparation including all necessary instructions, instructions for brief for counsel or brief notes for solicitor, all necessary correspondence, perusals, etc.

<i>Item</i>	<i>Particulars of Service</i>
<i>(Costs for items 2 to 80 are set out in Table 1)</i>	
37.	Attending mediation by solicitor, for first 4 hours or part thereof.
38.	For each subsequent hour.
39.	Attending mediation with counsel (where necessary) per hour.
40.	If solicitor attends at a place more than 50 kilometres from his or her place of business, an additional fee may be allowed.
41.	The reasonable costs of a mediation held before the commencement of proceedings may be allowed.
Court Attendance	
42.	Attendance at Court or upon magistrate or officer of the Court on application, summons, appeal or to hear reserved judgment.
43.	Attendance of solicitor without counsel at a WorkCover directions hearing or at the hearing of an application for revocation of a direction of a conciliation officer.
44.	Attending WorkCover mentions.
45.	Attendance at Court on hearing—solicitor without counsel for the first six hours (including any luncheon adjournment).
46.	If attendance at Court exceeds six hours—for each hour thereafter.
47.	Attendance at Court by solicitor on hearing with counsel for the first 3 hours.
48.	If attendance exceeds 3 hours—for each hour thereafter.
Conference with Counsel	
49.	Appointment and attendance per hour (when necessary).
Fees to Counsel	
50.	To draw or settle any necessary document including notice before action, particulars of claim or defence (including special defence), counterclaim, interrogatories and medical panel referral documents including medical questions, section 65(6A) statements, lists of documents and submissions pursuant to the Accident Compensation Act 1985 etc.
51.	To confer, prepare, view or consult—per hour.
52.	To advise on evidence or give opinion.

<i>Item</i>	<i>Particulars of Service</i>
<i>(Costs for items 2 to 80 are set out in Table 1)</i>	
53.	Brief on hearing.
54.	For each six hours or part thereof after the first six hours of hearing (including any luncheon adjournment).
55.	Attending mediation, for the first 4 hours or part thereof.
56.	For each subsequent hour.
57.	Attending at WorkCover directions hearing.
57A.	Attending at the hearing of an application for revocation of a direction of a conciliation officer.
Documents	
58.	Drawing any document or brief (where not otherwise provided for)—per folio.
59.	Typing any document or brief (where not otherwise provided for)—per folio.
60.	Copies— <div style="margin-left: 40px;">For the first 50 pages of photocopying in a proceeding, \$2.00 per page.</div> <div style="margin-left: 40px;">For any photocopying after the first 50 pages in a proceeding, 60 cents per page.</div>
Perusals	
61.	Of any document or part of a document (where not otherwise provided for)—per folio.
62.	Examination or scanning any document which is not necessary to peruse—per folio.
Correspondence	
63.	Special letter.
64.	Ordinary letter (including an agency letter).
65.	Circular letter. After the first, postage may be claimed as a disbursement.
Attendances	
66.	Attendance—such as an attendance at the office of the Registrar or on a process server or to serve or an attendance which is capable of being made by a clerk.

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<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
67.	Attendance (personal or by telephone) of a solicitor or managing clerk and involving the exercise of skill or legal knowledge—for each quarter hour.
68.	Attendance which does not involve the exercise of skill or legal knowledge—for each quarter hour.
	Warrant, summons, etc.
69.	Warrant to seize property or of delivery including instructions, preparation and issuing.
70.	Summons for oral examination, including instructions, preparation of summons and affidavit, issuing, arranging service, forwarding summons and affidavit to Registrar with letter.
71.	Proceedings for attachment of debts including all professional costs.
72.	Summons for attachment of earnings, including instructions, preparation of summons, affidavit and Form 27F, issuing summons, arranging service, forwarding summons and affidavit to registrar with a letter (including affidavit of service).
73.	Form 27L, including preparation, filing and service.
74.	Order to attend or to give a statement under Rule 27.16 including preparation, issuing and arranging service.
75.	Registration of interstate judgment.
	Service
76.	For service of Court documents on each person to be served.
77.	For service of Court documents on each person to be served where service is effected by post or by leaving at a document exchange.
78.	For every necessary visit made in attempting service of Court documents and for each report of non-service where the time, date and number of visits attempting service are shown by affidavit.
79.	In addition to the above mentioned service fees an allowance at the rate of 60 cents for each 1 kilometre in respect of any distance measured both ways from the nearest court house or other building where the Court is held, or the residence of the person who served the court document, whichever is the closer, to the place of service or attempted service of the document.

<i>Item</i>	<i>Particulars of Service</i>
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(Costs for items 2 to 80 are set out in Table 1)

Notes to items 76 to 79 inclusive:

- A In these items "**Court documents**" include complaint, summons, application or other document used in a court proceeding.
- B A registrar, upon application made before service of any Court document, may fix and endorse on the document an amount representing an allowance calculated at 60 cents for each kilometre of the distance both ways by the shortest practicable route, from the nearest court house or other building where the Court is held, or the residence of the process server, whichever is the closer to the place of service and the Court in assessing costs on the hearing shall have regard to the amount so fixed and endorsed.
- C For service of two or more Court documents in the same proceeding on the same person who was or could have been served at the same time and place, only one service fee shall be allowed.
- D For service of a Court document in the same proceeding on two or more persons who were or could have been served at the same time and place, only one service fee shall be allowed.
- E No costs shall be allowed for service of any Court document where service has been effected by an employee of the plaintiff or defendant, unless the Court is satisfied by evidence on oath or affidavit that the employee is exclusively engaged on the service of legal process for the employer.

Substituted service

- 80. Order for substituted service including all professional costs.
- 81. If an advertisement in lieu of service is ordered, the necessary and reasonable costs of the advertisement in addition.

Witnesses' expenses

- 82. Subject to item 82A, witnesses giving evidence in an expert or professional capacity, up to \$237 per hour or part thereof, but not to exceed \$1663 per day.

Other witnesses—up to \$60 per hour or part thereof, but not to exceed \$297 per day.

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<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
82A	Witnesses giving evidence in the capacity of motor vehicle loss assessors, up to \$123 per hour or part thereof, but not to exceed \$678 per day.
	Circuit fees
83.	(a) A circuit fee may be charged by counsel where the claim or the counterclaim is \$40 000 or more. No circuit fee may be charged where the claim or the counterclaim is less than \$40 000, unless the Court otherwise orders;
	(b) A circuit fee must be calculated on the same time basis as a fee for counsel on the hearing of a proceeding, namely, for each 6 hours or part thereof after the first 6 hours of hearing (including any luncheon adjournment);
	(c) Any circuit fee allowed under paragraph (a) or (b) must be in accordance with the Schedule 1 to Appendix A of the Scale of Costs in Chapter I of the Rules of the County Court unless the circuit town appears in Table 2, in which case Table 2 applies. Whether or not Appendix A or Table 2 applies, not more than one circuit fee must be allowed in any one day in relation to any proceeding or matter;
	(d) A circuit fee may be charged by a mediator who conducts a mediation following a referral of a proceeding or part of a proceeding to mediation. A circuit fee may also be charged for a pre-issue mediation held in accordance with a Practice Direction. A circuit fee may only be charged by a mediator with the agreement of the parties to the mediation.

TABLE 1

(Costs in dollars for items 2 to 80)

<i>Item</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
		\$500 <i>to less than</i>	\$5000 <i>to less than</i>	\$7500 <i>to less than</i>	\$20 000 <i>to less than</i>	\$40 000 <i>to less than</i>	\$70 000 <i>and over</i>
2.	58	58	58	88	108	130	152
3.	169	356	437	524	651	784	938
4.	n/a	n/a	127	166	169	181	192

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<i>Item</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
	<i>Less than \$500</i>	<i>\$500 to less than \$5000</i>	<i>\$5000 to less than \$7500</i>	<i>\$7500 to less than \$20 000</i>	<i>\$20 000 to less than \$40 000</i>	<i>\$40 000 to less than \$70 000</i>	<i>\$70 000 and over</i>
5.	79	168	208	248	310	373	447
6.	90	186	229	273	340	409	490
7.	41	41	41	41	41	41	41
8.	59	133	162	195	242	288	342
9.	54	112	134	162	201	243	290
10.	n/a	n/a	136	188	204	229	258
11.	n/a	n/a	15	39	39	39	39
12.	39	63	79	92	118	137	159
13.	48	89	106	132	165	197	231
14.	92	199	243	290	366	433	514
15.	39	59	79	92	118	137	159
16.	77	158	192	229	287	341	396
17.	102	217	275	330	409	492	583
18.	n/a	n/a	136	188	204	229	257
19.	38	68	80	94	119	138	167
20.	102	102	102	138	175	211	252
21.	102	102	102	138	175	212	252
22.	88	88	88	129	162	195	231
23.	19	32	45	45	58	70	84
24.	18	19	19	32	36	42	49
25.	55	56	56	86	106	127	152
26.	11.4	11.4	11.4	41	53	63	76
27.	74	135	188	225	283	335	388
28.	31	73	80	90	111	133	157
29.	35	35	35	35	35	35	35
30.	34	34	34	34	34	34	34
31.	77	158	192	229	287	340	395

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<i>Item</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	
	<i>Less than \$500</i>	<i>\$500 to less than \$5000</i>	<i>\$5000 to less than \$7500</i>	<i>\$7500 to less than \$20 000</i>	<i>\$20 000 to less than \$40 000</i>	<i>\$40 000 to less than \$70 000</i>	<i>\$70 000 and over</i>	
32.	32	32	32	32	32	32	32	
33.	308	1007	1243	1493	1866	2697	4194	
34.	75	228	304	368	457	550	628	
35.	134	259	369	457	571	689	801	
36.	75	228	304	368	448	537	617	
37.	134	259	369	457	562	674	788	
38.	39	73	90	107	139	167	196	
39.	39	73	90	107	139	167	196	
40.			<i>refer to item 40</i>					
41.			<i>refer to item 41</i>					
42.	80	178	220	266	333	399	477	
43.	134	259	370	458	574	691	803	
44.	121	121	121	121	121	121	121	
45.	283	571	860	1031	1290	1541	1793	
46.	60	112	134	165	204	245	286	
47.	129	220	274	330	409	492	569	
48.	39	73	90	107	133	162	190	
49.	39	80	101	128	161	193	225	
50.	51	89	124	143	186	222	257	
51.	51	95	124	143	186	222	257	
52.	n/a	n/a	164	248	268	300	448	
53.	337	758	1022	1225	1528	1836	2005	
54.	227	506	678	814	1022	1220	1425	
55.	140	271	386	477	598	718	838	
56.	42	76	94	112	151	178	209	
57.	142	275	393	485	610	732	877	
57A.	485	485	485	485	485	485	485	

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<i>Item</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
	<i>Less than \$500</i>	<i>\$500 to less than \$5000</i>	<i>\$5000 to less than \$7500</i>	<i>\$7500 to less than \$20 000</i>	<i>\$20 000 to less than \$40 000</i>	<i>\$40 000 to less than \$70 000</i>	<i>\$70 000 and over</i>
58.	3.5	8.9	8.9	8.9	10.6	12.8	16.5
59.	2.2	2.2	2.2	2.2	2.2	2.2	2.2
60.	<i>refer to item 60</i>						
61.	2.2	2.2	2.2	2.2	2.2	2.2	2.2
62.	1.1	1.0	1.0	1.0	1.0	1.0	1.1
63.	32	32	32	32	32	32	32
64.	23	23	23	23	23	23	23
65.	12.4	12.4	12.4	12.4	12.4	12.4	12.4
66.	23	23	23	23	23	23	23
67.	39	39	39	39	39	39	40
68.	19	19	19	19	19	19	18
69.	44	89	106	133	167	201	235
70.	46	107	130	144	182	220	257
71.	129	261	307	366	458	547	681
72.	231	345	370	465	581	696	867
73.	39	68	80	94	119	138	160
74.	39	68	80	94	119	138	160
75.	58	58	58	88	88	88	88
76.	56	56	56	56	56	56	56
77.	10.3	10.3	10.3	10.3	10.3	10.3	10.3
78.	38	38	38	38	38	38	38
79.	<i>refer to item 79</i>						
80.	114	205	245	289	363	430	499

TABLE 2

CIRCUIT FEES

<i>Circuit town</i>	<i>Fee for first six hours</i>	<i>Further fee for further six hours or part thereafter</i>
Ararat	401	265
Benalla	424	281
Colac	336	223
Echuca	424	281
Mansfield	336	223
Moe	314	209
Portland	463	310
Stawell	424	281
Swan Hill	424	281

APPENDIX B

CIVIL REGISTRY COURTS

Ararat	Hamilton	Orbost
Bacchus Marsh	Heidelberg	Ouyen
Bairnsdale	Hopetoun	Portland
Ballarat	Horsham	Ringwood
Benalla	Kerang	Robinvale
Bendigo	Korumburra	St. Arnaud
Broadmeadows	Kyneton	Sale
Castlemaine	Latrobe Valley	Seymour
Cobram	Mansfield	Shepparton
Colac	Maryborough	Stawell
Collingwood	Melbourne	Sunshine
Corryong	Mildura	Swan Hill
Dandenong	Moe	Wangaratta
Dromana	Moorabbin Justice Centre situated at 1140 Nepean Highway, Highett	Warrnambool
Echuca	Myrtleford	Werribee
Frankston	Nhill	Wodonga
Geelong	Omeo	Wonthaggi
