



## High Court Amendment (Fees) Rules 2018

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We, Justices of the High Court of Australia, make the following Rules of Court.

Dated 3 December 2018

S. M. Kiefel

V. M. Bell

S. J. Gageler

P. A. Keane

G. A. A. Nettle

M. M. Gordon

J. J. Edelman

Justices of the High Court of Australia

P. A. Lynch  
Chief Executive and  
Principal Registrar

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## 1 Name

These Rules are the *High Court Amendment (Fees) Rules 2018*.

## 2 Commencement

- (1) Each provision of these Rules specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| <b>Commencement information</b> |                     |                     |
|---------------------------------|---------------------|---------------------|
| <b>Column 1</b>                 | <b>Column 2</b>     | <b>Column 3</b>     |
| <b>Provisions</b>               | <b>Commencement</b> | <b>Date/Details</b> |
| 1. The whole of these Rules     | 1 January 2019.     | 1 January 2019      |

Note: This table relates only to the provisions of these Rules as originally made. It will not be amended to deal with any later amendments of these Rules.

- (2) Any information in column 3 of the table is not part of these Rules. Information may be inserted in this column, or information in it may be edited, in any published version of these Rules.

## 3 Authority

These Rules are made under the following:

- (a) the *Judiciary Act 1903*;
- (b) the *Commonwealth Electoral Act 1918*;
- (c) the *Nauru (High Court Appeals) Act 1976*;
- (d) the *High Court of Australia Act 1979*.

## 4 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

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## Schedule 1—Amendments

### *High Court Rules 2004*

#### 1 Schedule 2

Repeal the Schedule, substitute:

### **Schedule 2—Fees for work done and services performed**

Note: See rule 52.02.

#### 1 Application of this Schedule

This Schedule, as substituted by the *High Court Amendment (Fees) Rules 2018*, applies to work done or services performed on or after 1 January 2019.

#### 2 Fees for work done and services performed

The following table sets out the fees allowable for work done and services performed.

| <b>Fees for work done and services performed</b> |   |   |
|--|---|---|
| <b>Item</b>                                      | <b>Matter for which fee may be charged</b>  | <b>Fee</b>                                |
| <b>INSTRUCTIONS</b>                              |   |   |
| 1  | Instructions to commence or oppose a proceeding   | \$544.90                                  |
| 2  | Instructions to make or oppose any interlocutory application  | \$272.50                                  |
| 3  | Instructions to prepare any pleading  | \$272.50                                  |
| 4  | Instructions to brief counsel   | \$272.50                                  |
| 5  | Instructions to do any other thing not otherwise provided for   | \$272.50                                  |
| <b>PREPARING DOCUMENTS</b>                       |   |   |
| 6  | Preparing any document, other than court books and correspondence:  |   |
|  | (a) by a solicitor, if 5 minutes or less; or  | \$43.60                                   |
|  | (b) by a solicitor, if more than 5 minutes; or  | \$136.25 per quarter hour or part thereof |
|  | (c) by a law clerk, if 5 minutes or less; or  | \$21.80                                   |
|  | (d) by a law clerk, if more than 5 minutes  | \$68.15 per quarter hour or part thereof  |
| <b>PREPARING COURT BOOKS</b>                     |   |   |
| 7  | Preparing court books, including application books, appeal books, case stated books, special case books and questions reserved books      | \$136.25 per quarter hour or part thereof |
| 8  | If court books are prepared in-house, the Taxing Officer may allow a reasonable amount in the circumstances for their copying and binding |   |

| <b>Fees for work done and services performed</b> |   |   |
|--|---|---|
| <b>Item</b>                                      | <b>Matter for which fee may be charged</b>  | <b>Fee</b>                                |
| <b>PREPARING CORRESPONDENCE</b>                  |   |   |
| 9  | Preparing:  |   |
|  | (a) simple correspondence; or   | \$54.50 per page of text                  |
|  | (b) other correspondence  | \$136.25 per page of text                 |
| <b>READING DOCUMENTS</b>                         |   |   |
| 10   | Reading:  |   |
|  | (a) simple correspondence; or   | \$10.90 per page of text                  |
|  | (b) other correspondence  | \$136.25 per quarter hour or part thereof |
| 11   | Reading documents, other than correspondence:   |   |
|  | (a) up to 10 pages of text; or  | \$10.90 per page of text                  |
|  | (b) otherwise   | \$136.25 per quarter hour or part thereof |
| <b>EXAMINING DOCUMENTS</b>                       |   |   |
| 12   | Examining a document to ensure that it is correct or complete (for example, a proof print of a court book):   |   |
|  | (a) up to 10 pages of text; or  | \$5.45 per page of text                   |
|  | (b) otherwise   | \$68.15 per quarter hour or part thereof  |
| <b>COPYING DOCUMENTS</b>                         |   |   |
| 13   | Copying documents:  |   |
|  | (a) black and white photocopies; or   | 55 cents per page                         |
|  | (b) colour photocopies  | \$1.70 per page                           |
| <b>ATTENDANCES</b>                               |   |   |
| 14   | Attendances, including telephone attendances, research, conferences with clients, conferences with counsel and attendances at Court to file or collect documents: |   |
|  | (a) by a solicitor, if 5 minutes or less; or  | \$43.60                                   |
|  | (b) by a solicitor, if more than 5 minutes; or  | \$136.25 per quarter hour or part thereof |
|  | (c) by a law clerk, if 5 minutes or less; or  | \$21.80                                   |
|  | (d) by a law clerk, if more than 5 minutes  | \$68.15 per quarter hour or part thereof  |

Schedule 1 Amendments

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| <b>Fees for work done and services performed</b> |   |   |
|--|---|---|
| <b>Item</b>                                      | <b>Matter for which fee may be charged</b>  | <b>Fee</b>                                |
| 15   | Attendances in Court, including travelling time to and from Court:  |   |
|  | (a) by a solicitor; or  | \$136.25 per quarter hour or part thereof |
|  | (b) by a law clerk  | \$68.15 per quarter hour or part thereof  |
|  | Note: The Taxing Officer has the discretion to allow for the attendance of more than one solicitor or law clerk in Court if the circumstances warrant it  |   |
| 16   | Any other attendance not otherwise provided for   | \$68.15 per quarter hour or part thereof  |
| <b>GENERAL CARE AND CONDUCT</b>                  |   |   |
| 17   | In complex or novel matters the Taxing Officer may allow an additional amount for the general care and conduct of the matter, not exceeding 5% of the total of the fees and disbursements otherwise allowed |   |
| <b>WITNESSES' EXPENSES</b>                       |   |   |
| 18   | For each witness, including that witness' travelling time   | \$272.50 per hour or part thereof         |
| 19   | If a witness is an expert, the Taxing Officer may allow an amount equal to the expert's actual fees for preparing to give evidence and for attending to give evidence                                       |   |
| <b>DISBURSEMENTS</b>                             |   |   |
| 20   | All disbursements reasonably incurred and paid are to be allowed  |   |
| <b>MISCELLANEOUS</b>                             |   |   |
| 21   | In unusual cases, or in instances which are not otherwise covered by the preceding items, the Taxing Officer may allow such additional charges or disbursements as are reasonable in the circumstances      |   |

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