



## Notice to the Profession

The Chief Justice has authorised the issue of the following notice.

### Update on advice of changes to Costs Court practice

Following the adoption of changes to the Costs Court practice in relation to mediations and Directions Hearings, changes to Costs Court Practice will now apply from 22 March 2021.

Note that unless referred to in this Notice, **Practice Note SC Gen 11** will continue to apply.

1. Parties are expected to cooperate with the Court and each other in complying with orders and in the conduct of hearings

### FILING SUMMONSES FOR TAXATION

2. To commence a proceeding in the Costs Court, parties must file a Summons for Taxation, the bill of costs, the Party Party Taxation Information Form, a copy of the costs order, judgment or deed of release, and pay the requisite filing fee.
3. The same practice will apply for a **Legal Profession Legislation** costs reviews.
4. The party initiating the taxation must firstly email the completed Taxation Information Sheet to: [costs.court@supcourt.vic.gov.au](mailto:costs.court@supcourt.vic.gov.au)
5. The Registry will notify the applicant of the next available date for mediation, assessment or Directions Hearing and the applicant must then e-file the Summons for Taxation, the bill of costs, the Taxation Information Form, a copy of the costs order, judgment or deed of release, and pay the requisite filing fee.

**ALL PARTY PARTY BILLS OF COSTS ARE LISTED AS FOLLOWS  
AT THE TIME OF FILING.**

6. Bills claiming a total of costs and disbursements of less than \$100,000, unless otherwise advised, will be listed directly to assessment pursuant to Part 8 of Order 63 – Alternate Assessment Procedure (*Supreme Court General Civil Procedure*) Rules 2015 unless the applicant advises why assessment is not appropriate.
7. The applicant will be given details of the assessment procedure in the assessment notice when the summons for taxation and bill of costs is filed. The applicant must include this information when serving the summons and bill of costs. Where the Party Party Taxation Information Form states that the respondent will be self-represented, the matter will be listed in the next available Directions Hearing unless the applicant informs the Court of some special reason that the matter can be assessed.
8. The applicant must include this information when serving the summons and bill of costs.

**DIRECTIONS HEARINGS**

9. For the foreseeable future all Costs Court Directions Hearings will be conducted using Zoom. This includes all matters in the list as well as any new Summons for Taxation.
10. All Summons in the list will be listed for hearing not before 9.30am. Once the number of matters is known and priority established, the approximate time of the listing will be advised in the provisional list. We are unable to advise parties the time of the hearing and the Court expects all parties to be available to be admitted. Invitations will be sent to the advised email address the day before the Directions Hearing. All invitations will have a commencement time of 9.30am. We asking parties to be generally available that day.
11. Where possible, consent orders should be exchanged and once signed by all parties forwarded to the Costs Court email address.
12. Parties are requested to advise the Costs Court of contact details (phone number, email address and any other necessary details) of one person who is fully briefed and authorised to attend.
13. Email consent order to : [costs.court@supcourt.vic.gov.au](mailto:costs.court@supcourt.vic.gov.au)

## **Mediations**

14. Matters listed for mediation will remain in the list. All Costs Court mediations will be continue to be conducted via ZOOM.
15. Parties are required to file on RedCrest the contact details (phone number, email address and any other necessary details) of all persons who will be attending the mediation including solicitors, counsel, costs consultants, clients and all persons with instructions to settle the matter.
16. All solicitors, counsel and costs consultants are expected to be fully briefed and authorised to attend.

## **Taxations**

17. At the present time taxations will continue to be conducted via ZOOM
18. A party must make available all documents they intend to make specific reference to or are requested to be produced by another party in the Notice of Objections, to the Costs Court and to the other party not later than 7 days prior to the listed hearing, unless otherwise ordered. Any secure mode of technology can be utilised that allows remote access to the documents by the Court and the other party. Where possible the documents should be indexed and in a searchable format as outlined in Practice Note SC Gen 5.

## **Legal Profession Matters - Preliminary Hearings or Reviews**

19. A hearing on the papers is preferred, however some matters may be conducted via ZOOM.
20. Parties are expected to comply with orders to file and serve affidavits and submissions on time.
21. Parties will be notified ahead of time about the method of hearing and any additional requirements.

Vivienne Macgillivray

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22 March 2021