



Notice to the Profession

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

Litigious Costs Review

1. In December 2022, the Supreme Court of Victoria and the County Court of Victoria published a Consultation Paper containing a draft proposal for a time-based costing regime, which would replace the Scale of Costs as a basis for party / party costs recovery in Victoria. The Consultation Paper concerned stage one of the implementation of the Report on Litigious Costs.
2. A working group, co-chaired by the Hon Justice Jack Forrest and her Honour Kathryn Kings, has since received and considered submissions from legal service providers concerning issues raised in the Consultation Paper.
3. A proposed time-based costing regime is presently being prepared by the working group. It is anticipated that the proposed regime will be considered by the Supreme Court's Council of Judges in the second half of 2023. In the event that the proposed regime is approved, the *Supreme Court (General Civil Procedure) Rules 2015* and *Supreme Court (Corporations) Rules 2013* will need to be amended, which will also require approval by the Council of Judges.
4. The County Court will also develop, and seek approval through its usual process, of any corresponding amendments to *County Court Civil Procedure Rules 2018*, consistent with the Supreme Court.
5. If the proposed time-based costing regime and amendments to the Rules are approved within the time periods currently estimated, the new regime is expected to apply from 1 July 2024.

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2 May 2023