



Practice Note No. 4 of 2011

Costs Court

1. The Chief Justice has authorised the issue of the following Practice Note which replaces Practice Note No 7 of 2010.

PREMISES AND ARRANGEMENTS

2. Practitioners should check the daily list for Court allocations of matters. Generally the hearing of Costs Court matters are held in the Costs Court, Level 4, 436 Lonsdale Street Melbourne.
3. Callovers will be held monthly in relation to Costs Court matters which are unallocated for hearing. .
4. Costs matters arising from the Legal Profession Act 2004, the Legal Practice Act 1996, and orders of the Supreme Court, County Court, Magistrates' Court and VCAT are assessed and taxed by Associate Justice Wood, Judicial Registrar Gourlay, and Costs Registrars Conidi and Deviny.
5. Summonses for Taxation in all matters should be made returnable before a Judicial Registrar or Costs Registrar at 9.30am on the published call over day. Practitioners should check the Daily List for the location of the call over.
6. The list of matters to be called over will be available to practitioners via a link on the Supreme Court webpage at the Taxation call over site.
7. At the call over these matters will be allocated hearing dates before an Associate Justice allocated to the Costs Court, a Judicial Registrar or a Costs Registrar where appropriate.
8. Reviews from decisions of Judicial Registrar Gourlay will be listed for hearing before an Associate Justice, with directions made for the conduct of the review. Reviews from decisions of Costs Registrars will be listed for call over before Judicial Registrar Gourlay, with directions made for the conduct of the review.

Initiation and Filing Documents

9. The party filing the Summons for Taxation is to be described as the "applicant". The other party is to be described as the "respondent".
10. The Summons for Taxation must recite the original file number of the Court or Tribunal, the name of the individual who made the order for costs and the

date the order was made. A copy of the relevant order should be attached to the Summons for Taxation.

11. The initiation of all new matters and the filing of any subsequent documents after the initiation of proceedings will occur at the

Supreme Court Registry (Level 2, 436 Lonsdale Street).

12. The initiating document is the Summons for Taxation of Costs (Form 63A) for all taxation matters, and each matter will be allocated a new file number.

13. The heading for documents should read

IN THE SUPREME COURT OF VICTORIA

AT MELBOURNE

COSTS COURT

Regulations

14. The *Supreme Court (Fees) Regulations 2001* were amended to provide new filing fees from 1 July 2010 as follows:

To commence a proceeding in the Costs Court:

Where the costs relate to a proceeding in the Supreme Court **\$326.20**

Where the costs relate to a proceeding in the County Court **\$239.00**

Where the costs relate to a proceeding in the Magistrates' Court **\$239.00**

Where the costs relate to a proceeding in the Victorian Civil and Administrative Tribunal **\$154.20**

Review of costs under the *Legal Profession Act 2004* & *Legal Practice Act 1996* **No fee**

These fees will be revised from time to time with other Supreme Court fees.

Rules

15. The Rules of Court, in particular Order 63 of the *Supreme Court (General Civil Procedure) Rules 2005*, have been amended from 31 December 2009 to facilitate taxation of costs in the Costs Court (see *Supreme Court (Costs Court Amendments) Rules 2009*). Two noteworthy amendments are the inclusion of a rule to enable an assessment of costs in appropriate matters without appearance (and the provision of an objection to the assessment if required by a party) (New Part 8 of Order 63) and mediation of appropriate costs matters by costs registrars (Rule 50.07.2).

Costs Court web page

Practitioners and interested parties are directed to the webpage, which details requirements for communications to the Court.

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28 April 2011