



Supreme Court of Victoria

Practice Note No. 7 of 2010

Costs Court

1. The Chief Justice has authorised the issue of the following Practice Note which replaces Practice Note No 5 of 2009 .

NEW PREMISES AND ARRANGEMENTS

2. The hearing of all Costs Court matters will be held in the Costs Court, Level 4, 436 Lonsdale Street from 24 May 2010.
3. There will be one call over day per month for all Costs Court matters from 29 June 2010.
4. Costs matters arising from orders of the County Court, Magistrates' Court and VCAT will continue to be listed for call over, assessed and taxed by Costs Registrars Conidi and Deviny. The location of the final hearings in these matters will be level 4, 436 Lonsdale Street
5. Summonses for Taxation in these matters should be made returnable before a Costs Registrar at not before 11am on the published call over day. Practitioners should check the Daily List for the location of the call over.
6. Costs matters arising from orders of the Supreme Court and reviews of costs under the *Legal Profession Act 2004* and *Legal Practice Act 1996* will continue to be called over before the Hon. Associate Justice Wood at 9.30am on the published call over day. Practitioners should check the Daily List for the location of the call over.
7. At the call over these matters will be allocated hearing dates before an Associate Justice allocated to the Costs Court or a Costs Registrar where appropriate.
8. Reviews from decisions of Costs Registrars will be initially listed for call over before an Associate Justice, 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 party with the obligation to pay 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 31 December 2009 as follows:

Taxation of costs arising from Supreme Court	\$319.10
Taxation of costs arising from County or Magistrates’ Court	\$233.80
Taxation of costs arising from VCAT	\$150.80
Review of costs under the <i>Legal Profession Act 2004</i> & <i>Legal Practice Act 1996</i>	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).

Vivienne Macgillivray
Executive Associate to the Chief Justice

11 May 2010