## PRACTICE DIRECTION NUMBER 3 OF 2007 (AMENDED)

## SUPREME COURT OF QUEENSLAND

## AGREED OR FIXED COSTS

- 1. Rule 687(2) of the Uniform Civil Procedure Rules provides, in part, that instead of assessed costs, the court may order a party to pay to another party "an amount for costs decided by the court" or "an amount for costs to be decided in the way the court directs".
- 2. This Practice Direction is intended:
  - a. to encourage parties to agree on the amount of costs otherwise to be assessed; and
  - b. to signal the authority of the court, in an appropriate case, to fix costs, and to ensure parties are in a position to inform that process.
- 3. a. The court has a broad discretion to fix costs, and will do so where that will avoid undue delay and expense, but only provided the court is confident to fix costs on a reliable basis.
  - b. Parties should therefore, at all relevant times in the course of the hearing of a matter, be in a position to inform the court of their realistic estimate of the amount of the recoverable costs, on a standard or indemnity basis, should that party be the beneficiary of a costs order. Where practicable, the estimate should be verified on affidavit.
  - c. Preferably parties should not, for this purpose, be put to the expense, and suffer the delay, of preparing a costs statement complying with the UCPR. Any estimate must nevertheless be carefully formulated and realistic.

Paul de Jersey Chief Justice

17 December 2008

Paul de Jerry