

# PRACTICE DIRECTION NUMBER 22 OF 2018

## SUPREME COURT OF QUEENSLAND

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### COSTS GUIDELINES

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1. Item 1 of Schedule 1 of the *Uniform Civil Procedure Rules 1999* provides that an additional amount to be allowed for a solicitor's care and conduct of a proceeding should be in accordance with any guidelines issued by the Chief Justice.
2. The guidelines are attached to this Practice Direction.



**Catherine Holmes**  
Chief Justice  
10 September 2018

## Attachment to Supreme Court PD 22 of 2018

# Guidelines for General Care and Conduct Item 1

- [1] The amount allowed will normally be calculated on the basis of a percentage of the total amount otherwise allowed for costs (not including outlays) on the costs statement, although it may be rounded up or down to some small extent.
- [2] The percentage allowed should take into account the matters listed in Item 1 in the Schedule. Any special significance of the proceeding to the client should not be relevant to an assessment on the standard basis unless the special significance involves the party liable to pay, so that it is fair to that party to have regard to it.
- [3] The percentage allowed should, in the absence of exceptional circumstances, fall within the range stated below for the applicable type of matter, and be scaled according to the nature of the matter within the range of matters covered by the item.

Item	Description of type of matter	Range
<b>Supreme Court</b>		
A	Straightforward claim not otherwise specified, where the amount involved is not above \$2 million.	15% - 20%
B	Straightforward claim not otherwise specified, where the amount involved is above \$2 Million.	20% - 25%
C	Complex claim not otherwise specified, where the amount involved is not above \$2 Million.	20% - 30%
D	Complex claim not otherwise specified, where the amount involved is above \$2 Million.	25% - 35%
E	Originating application not otherwise specified finalised without cross-examination of witnesses,	15% - 25%

	including judicial review application; also probate matter.	
F	Originating application not otherwise specified requiring cross-examination of witnesses.	20% - 30%
G	Family provision application.	15% - 20%
H	Straightforward proceeding under the <i>Corporations Act</i> .	15% - 25%
I	Complex proceeding under the <i>Corporations Act</i> .	25% - 35%
J	Appeal to the Court of Appeal.	20% - 30%
<b>District Court</b>		
K	Straightforward claim not otherwise specified.	10% - 18%
L	Complex claim not otherwise specified.	15% - 25%
M	Originating application not otherwise specified finalised without cross-examination of witnesses.	10% - 18%
N	Originating application not otherwise specified requiring cross-examination of witnesses.	15% - 20%
O	Family provision application.	10% - 15%
P	Appeal to the District Court.	15% - 20%

[4] Notes:

- The table is comprehensive. Any proceeding not literally described is to be placed in the item for the type of matter which it most closely resembles.

- If the client is involved in a proceeding only to a limited extent, such as a non-party respondent to an application in a proceeding, that is to be treated as an originating application, but should be allowed at the lower end of the range.
- Otherwise, an assessment for the costs of an application or other part of a proceeding is to be done by reference to the item for the whole proceeding.
- For the purpose of Items A – D, the “amount involved” is:
  - a) for the plaintiff’s costs, when there has been a final judgment or settlement of the claim, the amount of the money judgment (inclusive of interest but exclusive of costs) or settlement amount (inclusive of interest and inclusive of any lump sum for or including costs, but otherwise exclusive of costs).
  - b) for the defendant’s costs, and for the plaintiff’s costs if there has not been a final judgment or settlement of the claim, the amount of money claimed by the plaintiff exclusive of interest and costs.

For the costs of a counterclaim, the same applies with the defendant and plaintiff reversed.

If no claim is made for payment of an amount of money, item A or C applies.

Characterisation of a matter as straightforward or complex is to be done on a case by case basis, but the intention is that, for each court, about half of the work of the court is to fall into each category.