

Court Appointed Costs Assessors

In consultation with the legal profession and current appointees to the Costs Assessor Register (the Register), the Registry has updated the process for:

- **Applications for appointment as a costs assessor pursuant to rule 743J of the *Uniform Civil Procedure Rules 1999* (UCPR); and,**
- **Applications for the appointment of a costs assessor when the parties cannot agree on a costs assessor pursuant to rules 713 and 743F UCPR.**

The new processes apply to all applications received on or after 6 April 2020. Applications received prior to that date will be determined in accordance with the applicable process at the time the application was received by the Registry.

Application for Appointment to the Costs Assessor Register – Rule 743J UCPR

New applicants for appointment to the Register must continue to address the requirements of rule 743J UCPR. Two affidavits attesting to the applicant's experience as a Costs Assessor and professional good standing are to be provided with all new applications for appointment to the Register as a Costs Assessor. Applicants must also nominate from the areas of law listed on the Register in which they are prepared to be appointed by the Registry to undertake costs assessments. Applicants may nominate for multiple or all areas if their expertise permits.

The Principal Registrar will continue to undertake enquiries regarding whether the applicant is a fit and proper person to be appointed as a costs assessor. The details of new applications for appointments to the Register, including nominated listed areas, will be published on the Courts website for 14 days prior to the appointment being made.

Should any person be aware of a matter that concerns the eligibility of an applicant for appointment as a costs assessor, relevant information should be brought to the attention of the Principal Registrar.

Amendment to the Register

A Costs Assessor on the Register may amend the listed areas on the Register for which they may be appointed by emailing the Applications Registrar at SDC-Registrar-Applications@justice.qld.gov.au

Eligibility matters

Once an appointment has been made to the Register, any information either generally or specifically relevant to the Costs Assessors' standing as a fit and proper person to assess costs must be brought to the attention of the Principal Registrar as soon as practicable.

Maximum Hourly rate

Costs Assessors nominate their preferred hourly rate. This hourly rate will continue to be published on the Register and will be paid when a costs assessor is appointed by the Registrar pursuant to Rule 713 or Rule 743F UCPR unless it is more than the rate published in a Practice Direction of the Chief Justice of the Supreme Court of Queensland.

Process for appointment of Costs Assessors where the parties do not agree – Rules 713 and 743F UCPR

1. When an application is made by parties pursuant to rules 713 or 743F(3) UCPR, in addition to the parties confirming that they cannot agree on an assessor to be appointed, the parties

are to indicate from which of the area(s) of expertise on the Register a costs assessor should be appointed.

2. The Registrar will select the assessor next on the list with relevant area(s) of expertise. While the Registrar has the information about who is next on the list in each area of expertise, this information will not be published.
3. The selected costs assessor will be contacted via email by the Registrar and offered the appointment in the matter. The selected costs assessor will be selected, subject to confirming within 2 working days that:
 - a. There is no conflict of interest in their appointment;
 - b. They have the capacity to undertake that work in a timely manner;
 - c. Their willingness to undertake the assessment at the lower of either their published hourly rate or the rate prescribed by Practice Direction; and
 - d. The work to be performed under the appointment is within the costs assessor's capacity skill and experience
4. If the costs assessor does not provide confirmation as provided in step 4, the next listed costs assessor will be approached and so on until a suitable selection can be made.
5. The parties will be advised of the proposed order of appointment and allowed 7 days to object to the order of appointment being made on a substantive ground.
6. If no objection to the appointment is received within 7 days and subsequently allowed, the order of appointment will issue shortly thereafter.
7. Where an objection is received, the Registrar will consider the reasons for the objection and will either order the appointment or approach the next listed costs assessor and repeat the process until a suitable appointment can be ordered.
8. Subsequent to appointment, upon receiving the material, the assessor is to advise the Registrar of when it is expected that a certificate will be filed. Upon filing of the certificate, the Registrar will note any issues with slower than expected completion of certificates as well as any other matters relevant to efficiency and quality of work of the assessors. This information may become relevant to the Principal Registrar considering the eligibility and suitability of costs assessors on the Register.

Areas of Expertise

Administration Law (excluding Appeals)	Appeals (all types)
Building and Construction	Corporations Law
Common Law – general and including defamation	Contract Law
Family Law	Criminal
Guardianship	Industrial
Intellectual Property	Planning and Environment
Motor Vehicle Accidents	Personal Injury
Probate	Professional Negligence
Tax	Tribunals
	Commercial – including banking, commercial arbitration and insurance