

LEGAL PRACTITIONERS ACT 1893

LEGAL PRACTITIONERS (DISTRICT COURT APPEALS) (CONTENTIOUS BUSINESS) DETERMINATION 1996

Made by the Legal Costs Committee under section 58W of the Act.

Citation

1. This determination may be cited as the *Legal Practitioners (District Court Appeals) (Contentious Business) Determination 1996*.

Commencement

2. This determination comes into operation on 1 February 1997.

Application

3. (1) Subject to subclause (2) this determination applies to the costs of appeals to the District Court.

(2) This determination does not apply to costs incurred before 1 February 1997.

Notice under section 58Y of the Act

4. The Committee has complied with section 58Y of the Act.

The Schedule

5. Subject to the provisions of the *Rules of the Supreme Court* and any other Rules of Court giving the District Court a discretion in relation to costs, and subject to the provisions of the *Legal Practitioners Act 1893* permitting a solicitor to make a written agreement as to costs with a client, the costs of or in relation to a party to an appeal to the District Court (inclusive of counsel fees but exclusive of other disbursements) -
 - (a) recoverable by one party from another party: or
 - (b) payable by a party to that party's own solicitor

shall not exceed the amount set out in the Schedule.

SCHEDULE

DISTRICT COURT APPEALS SCALE OF COSTS

ITEM	DESCRIPTION	AMOUNT \$
1.	Notice of appeal	500
2.	Proceedings in Chambers	1,000
3.	Getting up appeal for hearing	1,000
4.	Counsel fee on hearing including preparation (see Notes 1 and 2)	3,500
5.	Counsel fee for second and each successive day of hearing (see Notes 1 and 2)	1,500
6.	Attending on reserved decision	200
7.	Settling and extracting order disposing of appeal (a) with appointment	200
	(b) without appointment	100
8.	Drawing bills of costs, copies and service	300
9.	Attending Taxation - per hour	175

Note 1 The Judge may in a proper case certify for second counsel. For Queen=s Counsel where two counsel are certified for, allowance for Queen=s Counsel is the amount shown increased by 50%.

Note 2 The reference to a Queen=s Counsel in this Determination includes reference to Senior Counsel appointed in any State or Territory in Australia and whose appointment is afforded recognition by the Chief Justice of the Supreme Court of Western Australia.

Dated 3 December 1996

Ted Sharp, Chairman
Chris Pullin QC, Deputy Chairman
Angela Gaffney, Member
Jill Vander Wal, Member
Jason Berry, Member
Patrick Coward, Member