



Western Australia

Legal Practitioners Act 1893

**Legal Practitioners (District Court Appeals)
(Contentious Business) Determination 1996**

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Legal Practitioners (District Court Appeals) (Contentious Business) Determination 1996

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Legal Practitioners (District Court Appeals) (Contentious Business) Determination 1996

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

1. Citation

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

2. Commencement

This determination comes into operation on 1 February 1997.

3. Application

- (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.

4. Notice under section 58Y of the Act

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

5. The Schedule

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
10.	Disbursements	
	In addition to the fees and charges allowed under this determination —	
	(a) as between practitioner and client, a practitioner may charge and be allowed disbursements necessarily or reasonably incurred; and	
	(b) as between party and party, a party may be allowed disbursements necessarily or reasonably incurred.	

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.

[Schedule amended: Gazette 16 Dec 1997 p. 7334.]

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Determination 1996**

Notes

- ¹ This is a compilation of the *Legal Practitioners (District Court Appeals) (Contentious Business) Determination 1996*.

Compilation table

Citation	Gazettal	Commencement
<i>Legal Practitioners (District Court Appeals) (Contentious Business) Determination 1996</i>	20 Dec 1996 p. 7079-80	1 Feb 1997 (see cl. 2)
<i>Legal Practitioners (Disbursements) Determination 1997 Pt. 4</i>	16 Dec 1997 p. 7331-4	16 Dec 1997