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LEGAL PRACTITIONERS ACT 1893

LEGAL PRACTITIONERS (DISTRICT COURT APPEALS) (CONTENTIOUS BUSINESS) REPORT 1999

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

PART 1—PRELIMINARY

Citation

1. (1) This report may be cited as the *Legal Practitioners (District Court Appeals) (Contentious Business) Report 1999*.

(2) The determination set out in the Schedule to this report is referred to in this report as the *District Court Appeals (Contentious Business) Determination 1999*.

PART 2—NOTICE AND INQUIRIES

Notice under section 58Y of the Act

2. The Legal Costs Committee has complied with the notice provisions of section 58Y of the Act.

Inquiries and submissions under section 58Y of the Act

3. Before making the *District Court Appeals (Contentious Business) Determination 1999*, the Legal Costs Committee—

- (a) reviewed all submissions received as a result of the notice given under section 58Y of the Act; and
- (b) conducted oral hearings with interested parties.

PART 3—REPORT OF COMMITTEE'S CONCLUSIONS

Scale of costs

4. (1) As a result of the information gained from the inquiries and submissions described in clause 3 it is the recommendation of the Legal Costs Committee that the scale of costs as set out in the Table to clause 3 of the *District Court Appeals (Contentious Business) Determination 1999* be adopted for appeals in the District Court.

(2) The recommendation of the Legal Costs Committee is not intended to override the entitlement of a solicitor to make a written agreement as to costs with a client under the *Legal Practitioners Act 1893*.

TED SHARP, Chairman.
CHRIS PULLIN QC, Deputy Chairman.
ANGELA GAFFNEY, Member.
JILL VANDER WAL, Member.
JANET DAVIDSON, Member.
PATRICK COWARD, Member.

Schedule

LEGAL PRACTITIONERS ACT 1893

DISTRICT COURT APPEALS (CONTENTIOUS BUSINESS) DETERMINATION 1999

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

Citation

1. This determination may be cited as the *District Court Appeals (Contentious Business) Determination 1999*.

Commencement

2. This determination comes into operation on 1 July 1999.

Scale of costs

3. 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 Table to this clause.

Table
DISTRICT COURT APPEALS SCALE OF COSTS

Item	Description	Amount \$
1.	Notice of appeal	500
2.	Proceedings in Chambers	1000
3.	Getting up appeal for hearing	1000
4.	Counsel fee on hearing including preparation (see Notes 1 and 2)	3500
5.	Counsel fee for second and each successive day of hearing (see Notes 1 and 2)	1500
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.

In cases for which two counsel are certified the 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 at Perth 4 May 1999.

