

Family Law Amendment (Scale of Costs) Rules 2013

Select Legislative Instrument No. 282, 2013

We, Judges within the meaning of the *Family Law Act 1975*, make the following Rules of Court under that Act.

Dated 16 December 2013

D Bryant CJ

J Faulks DCJ

M May J

S Strickland J

A Ainslie-Wallace J

Ryan J

P Murphy J

G Bell J

J Stevenson J

G Watts J

R Benjamin J

V Bennett J

S Austin J

M Cleary J

W Johnston J

I Loughnan J

C Forrest J

M Kent J

K Macmillan J

A Rees J

M Aldridge J

J Hogan J

D Berman J

G Foster J

C Thornton J

H Hannam J

Judges of the Family Court
of Australia

J Crisford J

S Moncrieff J

J Walters J

S Duncanson J

Judges of the Family Court
of Western Australia

PR Angela Filippello

Principal Registrar

Family Court of Australia

PR David Monaghan

Principal Registrar

Family Court of Western Australia

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1 Name of Rules

 These Rules are the *Family Law Amendment (Scale of Costs) Rules 2013*.

2 Commencement

 These Rules commence on 1 January 2014.

3 Authority

 These Rules are made under the *Family Law Act 1975.*

4 Schedule(s)

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Family Law Rules 2004

1 Schedule 3

Repeal the Schedule, substitute:

Schedule 3—Itemised scale of costs

Note 1: See rule 19.18 and clause 6.19 of Schedule 6.

Note 2: This Schedule applies generally to work done on or after 1 January 2014. Different amounts, set out in superseded versions of this Schedule, may continue to apply to work done before that date.

Note 3: The amounts in this Schedule include GST.

Part 1—Costs allowable for lawyer’s work done and services performed

| Costs—lawyer’s work |
| --- |
| Item | Matter for which charge is made | Cost |
| 101 | Drafting a document (other than a letter) | $19.14 per 100 words |
| 102 | Producing a document (other than a letter) in printed form | $6.54 per 100 words |
| 103 | Drafting and producing a letter (including a fax or an email) | $21.99 per 100 words |
| 104 | Reading a document | $8.96 per 100 words |
| 105 | Scanning a document (where reading is not necessary) | $3.53 per 100 words |
| 106 | For a document or letter mentioned in item 101, 102, 103, 104 or 105 containing more than 3 000 words | The amount allowed by the Registrar |
| 107 | Photocopy or other reproduction of a document | 76 cents per page |
| 108 | Time reasonably spent by a lawyer on work requiring the skill of a lawyer (except work to which any other item in this Part applies) | $224.50 per hour |
| 109 | Time reasonably spent by a lawyer, or by a clerk of a lawyer, on work (except work to which any other item in this Part applies) | $145.56 per hour |

Note: See rule 19.43 in relation to item 104.

Part 2—Costs allowable for counsel’s work done and services performed

| Costs—counsel’s work |
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| Item | Matter for which charge is made | Cost—senior counsel | Cost—junior counsel |
| 201 | Chamber work (including preparing or settling any necessary document, opinion, advice or evidence, and any reading fee (if allowed)) | $431.75–$740.16 per hour | $257.78–$367.63 per hour |
| 202 | Attendance at a conference (including a court‑appointed conference), if necessary | $431.75–$740.16 per hour | $257.78–$367.63 per hour |
| 203 | Attendance of less than 3 hours (for example, a procedural hearing or a summary hearing) | $431.75–$3 083.81 | $230.61–$1 080.57 |
| 204 | A hearing or trial taking at least 3 hours but not more than 1 day | $801.80–$6 168.21 | $764.52–$1 767.20 |
| 205 | Other hearings or trials | $2 035.41–$6 168.21 per day | $1 821.99–$2 678.06 per day |
| 206 | Reserved judgment | $431.75–$740.16 per hour | $257.78–$367.63 per hour |

Part 3—Basic composite amount for undefended divorce

| Costs—undefended divorce |
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| Item | Matter for which charge is made | Cost |
| 301 | If the lawyer employed another lawyer to attend at court for the applicant and there is a child of the marriage under 18 | $948.20 |
| 302 | If the lawyer employed another lawyer to attend at court for the applicant and there is no child of the marriage under 18 | $705.46 |
| 303 | If the lawyer did not employ another lawyer to attend at court for the applicant and there is a child of the marriage under 18 | $890.19 |
| 304 | If the lawyer did not employ another lawyer to attend at court for the applicant and there is no child of the marriage under 18 | $666.11 |
| 305 | If the lawyer did not attend at court for the hearing under section 98A of the Act | $573.14 |

Part 4—Basic composite amount for request for Enforcement Warrant or Third Party Debt Notice

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| Costs—Enforcement Warrant or Third Party Debt Notice |
| Item | Matter for which charge is made | Cost |
| 401 | An Enforcement Warrant under rule 20.16 | $573.14 |
| 402 | A Third Party Debt Notice under rule 20.32 | $573.14 |