High Court Amendment (Fees) Rules 2016

We, Justices of the High Court of Australia, make the following Rules of Court.

Dated   8 November 2016

R. S. French

S. M. Kiefel

V. M. Bell

S. J. Gageler

P. A. Keane

G. A. A. Nettle

M. M. Gordon

Justices of the High Court of Australia

A. M. Phelan
Chief Executive and
Principal Registrar

OPC62311 - A

Contents

1 Name

These Rules are the *High Court Amendment (Fees) Rules 2016*.

2 Commencement

(1) Each provision of these Rules specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. The whole of these Rules	1 January 2017.	1 January 2017

Note: This table relates only to the provisions of these Rules as originally made. It will not be amended to deal with any later amendments of these Rules.

(2) Any information in column 3 of the table is not part of these Rules. Information may be inserted in this column, or information in it may be edited, in any published version of these Rules.

3 Authority

These Rules are made under the following Acts:
  (a) the *Judiciary Act 1903*;
  (b) the *Commonwealth Electoral Act 1918*;
  (c) the *Nauru (High Court Appeals) Act 1976*;
  (d) the *High Court of Australia Act 1979*.

4 Schedules

Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.

Schedule 1—Amendments

High Court Rules 2004

1 Schedule 2

Repeal the Schedule, substitute:

Schedule 2—Fees for work done and services performed

Note: See rule 52.02.

1 Application of this Schedule

This Schedule, as substituted by the *High Court Amendment (Fees) Rules 2016*, applies to work done or services performed on or after 1 January 2017.

2 Fees for work done and services performed

The following table sets out the fees allowable for work done and services performed.

Fees for work done and services performed		
Item	**Matter for which fee may be charged**	**Fee**
	INSTRUCTIONS	
1	Instructions to commence or oppose a proceeding	$523.75
2	Instructions to make or oppose any interlocutory application	$261.90
3	Instructions to prepare any pleading	$261.90
4	Instructions to brief counsel	$261.90
5	Instructions to do any other thing not otherwise provided for	$261.90
	PREPARING DOCUMENTS	
6	Preparing any document, other than court books and correspondence:	
	(a) by a solicitor, if 5 minutes or less; or	$41.90
	(b) by a solicitor, if more than 5 minutes; or	$130.95 per quarter hour or part thereof
	(c) by a law clerk, if 5 minutes or less; or	$20.95
	(d) by a law clerk, if more than 5 minutes	$65.50 per quarter hour or part thereof
	PREPARING COURT BOOKS	
7	Preparing court books, including application books, appeal books, case stated books, special case books and questions reserved books	$130.95 per quarter hour or part thereof
8	If court books are prepared in-house, the Taxing Officer may allow a reasonable amount in the circumstances for their copying and binding	

Fees for work done and services performed

Item	Matter for which fee may be charged	Fee
	PREPARING CORRESPONDENCE	
9	Preparing:	
	(a) simple correspondence; or	$52.40 per page of text
	(b) other correspondence	$130.95 per page of text
	READING DOCUMENTS	
10	Reading:	
	(a) simple correspondence; or	$10.50 per page of text
	(b) other correspondence	$130.95 per quarter hour or part thereof
11	Reading documents, other than correspondence:	
	(a) up to 10 pages of text; or	$10.50 per page of text
	(b) otherwise	$130.95 per quarter hour or part thereof
	EXAMINING DOCUMENTS	
12	Examining a document to ensure that it is correct or complete (for example, a proof print of a court book):	
	(a) up to 10 pages of text; or	$5.25 per page of text
	(b) otherwise	$65.50 per quarter hour or part thereof
	COPYING DOCUMENTS	
13	Copying documents:	
	(a) black and white photocopies; or	53 cents per page
	(b) colour photocopies	$1.60 per page
	ATTENDANCES	
14	Attendances, including telephone attendances, research, conferences with clients, conferences with counsel and attendances at Court to file or collect documents:	
	(a) by a solicitor, if 5 minutes or less; or	$41.90
	(b) by a solicitor, if more than 5 minutes; or	$130.95 per quarter hour or part thereof
	(c) by a law clerk, if 5 minutes or less; or	$20.95
	(d) by a law clerk, if more than 5 minutes	$65.50 per quarter hour or part thereof

Fees for work done and services performed

Item	Matter for which fee may be charged	Fee
15	Attendances in Court, including travelling time to and from Court:	
	(a) by a solicitor; or	$130.95 per quarter hour or part thereof
	(b) by a law clerk	$65.50 per quarter hour or part thereof
	Note: The Taxing Officer has the discretion to allow for the attendance of more than one solicitor or law clerk in Court if the circumstances warrant it	
16	Any other attendance not otherwise provided for	$65.50 per quarter hour or part thereof
	GENERAL CARE AND CONDUCT	
17	In complex or novel matters the Taxing Officer may allow an additional amount for the general care and conduct of the matter, not exceeding 5% of the total of the fees and disbursements otherwise allowed	
	WITNESSES' EXPENSES	
18	For each witness, including that witness' travelling time	$261.90 per hour or part thereof
19	If a witness is an expert, the Taxing Officer may allow an amount equal to the expert's actual fees for preparing to give evidence and for attending to give evidence	
	DISBURSEMENTS	
20	All disbursements reasonably incurred and paid are to be allowed	
	MISCELLANEOUS	
21	In unusual cases, or in instances which are not otherwise covered by the preceding items, the Taxing Officer may allow such additional charges or disbursements as are reasonable in the circumstances	