



Family Law Amendment (Costs) Rules 2018

We, Judges of the Family Court of Australia, make the following Rules of Court under the *Family Law Act 1975* and recommend that the Chief Justice authorise on behalf of the Judges of the Court the proposed Explanatory Statement in relation to that instrument prepared as required under section 15J of the *Legislation Act 2003*.

Dated 30 November 2018

S Strickland J
A Ainslie-Wallace J
J Ryan J
P Murphy J
M Aldridge J
M Kent J
G Watts J
S Austin J
J Stevenson J
R Benjamin J
V Bennett J
P Cronin J
M Cleary J
W Johnston J
I Loughnan J
C Forrest J
K Macmillan J
J Rees J
S Duncanson J
P Tree J
J Hogan J
D Berman J

S Johns J
G Foster J
H Hannam J
R McClelland J
C Carew J
R O'Brien J
S Gill J
M Baumann J
G Sutherland J

Judges of the Family Court
of Australia

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1 Name

These Rules are the *Family Law Amendment (Costs) Rules 2018*.

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 2019.	1 January 2019

Note: This table relates only to the provisions of these Rules as originally made.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 *Family Law Act 1975*.

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Each instrument that is specified in a Schedule to these Rules is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to these Rules has effect according to its terms.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

Part 1—Main 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 2019 (see rule 27.01). Different amounts, set out in superseded versions of this Schedule, may continue to apply to work done before that date.

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

Costs—lawyer’s work

Item	Matter for which charge may be made	Amount (including GST)
101	Drafting a document (other than a letter)	\$21.43 per 100 words
102	Producing a document (other than a letter) in printed form	\$7.31 per 100 words
103	Drafting and producing a letter (including a fax or an email)	\$24.60 per 100 words
104	Reading a document	\$10.02 per 100 words
105	Scanning a document (where reading is not necessary)	\$3.93 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	83 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)	\$251.50 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)	\$163.04 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

Item	Matter for which charge may be made	Amount (including GST)—senior counsel	Amount (including GST)—junior counsel
201	Chamber work (including preparing or settling any	\$483.69–	\$288.76–

Costs—counsel’s work

Item	Matter for which charge may be made	Amount (including GST)—senior counsel	Amount (including GST)—junior counsel
	necessary document, opinion, advice or evidence, and any reading fee (if allowed))	\$829.21 per hour	\$411.85 per hour
202	Attendance at a conference (including a court-appointed conference), if necessary	\$483.69– \$829.21 per hour	\$288.76– \$411.85 per hour
203	Attendance of less than 3 hours (for example, a procedural hearing or a summary hearing)	\$483.69– \$3,454.91	\$258.34– \$1,210.58
204	A hearing or trial taking at least 3 hours but not more than 1 day	\$898.27– \$6,910.49	\$856.50– \$1,979.86
205	Other hearings or trials	\$2,280.34– \$6,910.49 per day	\$2,041.23– \$3,000.33 per day
206	Reserved judgment	\$483.69– \$829.21 per hour	\$288.76– \$411.85 per hour

Part 3—Basic composite amount for undefended divorce

Costs—undefended divorce

Item	Matter for which charge may be made	Amount (including GST)
301	If the lawyer employed another lawyer to attend at court for the applicant and there is a child of the marriage under 18	\$1,062.27
302	If the lawyer employed another lawyer to attend at court for the applicant and there is no child of the marriage under 18	\$790.33
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	\$997.30
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	\$746.25
305	If the lawyer did not attend at court for the hearing under section 98A of the Act	\$642.08

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

Costs—Enforcement Warrant or Third Party Debt Notice

Item	Matter for which charge may be made	Amount (including GST)
401	An Enforcement Warrant under rule 20.16	\$642.08

Schedule 1 Amendments
Part 1 Main amendments

402	A Third Party Debt Notice under rule 20.32	\$642.08
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Part 2—Transitional provisions

Family Law Rules 2004

2 Part 27.1

Repeal the Part, substitute:

Part 27.1—Transitional provisions relating to the Family Law Amendment (Costs) Rules 2018

27.01 Application of Schedule 3 (itemised scale of costs)

Schedule 3, as substituted by the *Family Law Amendment (Costs) Rules 2018*, applies to work done on or after 1 January 2019.