

National Guide to Counsel Fees

1 August 2011 - 30 June 2013

	Junior Counsel	Senior Counsel
Applications/Appeals: Fee on Brief - Including: preparation at discretion of taxing officer and appearance on the first day of a hearing <i>OR</i>	\$1200 - 4,800	\$1,950 - 7,200
Appearance at hearing (daily rate including conference)	\$850 - 3,950	\$1,950 - 6,000
Interlocutory Applications: Motion/Interlocutory hearing - Short (up to 2 hours)	\$350 - 2,000	\$400 - 3,000
Motion/Interlocutory hearing - Long (2 hours plus)	\$650 - 3,900	\$800 - 6,000
Other: Hourly rate for: <ul style="list-style-type: none">• Directions hearing• Preparation time• Conferences (not occurring on day of hearing)• Settling applications, statements of claim, affidavits, defence, other documents• Opinions, advice on evidence• Written submissions (where not allowed above)• Attending to receive judgment (where appropriate)• Not otherwise provided for	\$250 - 500	\$400 - 700

National Guide to Counsel Fees

W.G. Soden, Registrar 28 June 2013

Since 2003 the Federal Court has issued periodically guides to the amounts which may be applied by taxing officers of the Court nationally in making estimates or taxing (including provisionally) party and party costs under the relevant rules of the Court. Updates have adjusted for market and cost-of-living changes.

The use of the guide for this purpose was reinforced in the new procedures and requirements for preparation, estimation, provisional taxation and taxation of party and party bills of costs and the new scale of costs contained in the Federal Court Rules 2011 (see item 16.1 in Schedule 3 to those Rules). On this webpage you will find the current guide which was issued on 28 June 2013 and took effect from 1 July 2013. You can also access the guides issued from 2003 to 2011 and a [comparative table](#) (*rtf*) showing the range of fees covered by the guides issued from 2003 to date.

	Junior Counsel	Senior Counsel
Applications/Appeals:		
Fee on Brief - Including: preparation at discretion of taxing officer and appearance on the first day of a hearing <i>OR</i>	\$1,275-5,100	\$2,100-7,650
Appearance at hearing (daily rate including conference)	\$900-4,200	\$2,060-6,400
Interlocutory Applications:		
Interlocutory hearing		
short (up to 2 hours)	\$370-2,125	\$425-3,185
long (2 hours plus)	\$690-4,140	\$850-6,400
Other:		
Hourly rate for: <ul style="list-style-type: none"> • Directions hearing • Preparation time • Conferences (not occurring on day of hearing) • Settling applications, statements of claim, affidavits, defence, other documents • Opinions, advice on evidence • Written submissions (where not allowed above) • Attending to receive judgment (where appropriate) • Not otherwise provided for 	Refer National Guide to Counsel Fees page below	

Costs Allowable for Work Done & Services Performed

Under Federal Court Rules 2011 - Schedule 3.

This schedule applies to work done and services performed on or after 1 January 2014.

1 Attendances

1.1 Attendances by a lawyer requiring the skill of a lawyer (including attendances in conference, by telephone, on counsel, appearing in court, instructing in court and travelling), **for each unit of 6 minutes** a sum in all circumstances not exceeding **\$58**:

- (a) having regard to the lawyer's skill and experience; and
- (b) having regard to the complexity of the matter or the difficulty or novelty of the questions involved.

1.2 Where any attendance referred to in item 1.1 is capable of performance by a law graduate or articulated clerk **for each unit of 6 minutes: \$22.**

1.3 Attendances capable of performance by a clerk or paralegal - **for each unit of 6 minutes: \$11.**

2 Preparing documents

2.1 All documents, whether in printed form or otherwise (but excluding correspondence) - for each 100 words: **\$52.**

2.2 Correspondence (including letters, emails, text messages and instant messaging) - up to 50 words: **\$22.**

2.3 Correspondence (including letters, emails, text messages and instant messaging) - up to 100 words: **\$42.**

2.4 Correspondence (including letters, emails, text messages and instant messaging) - over 100 words: in accordance with item 2.1.

2.5 Bills of costs - at a rate to be determined by the taxing officer.

3 Reading

3.1 All documents, whether in printed form or otherwise (but excluding correspondence falling within item 3.2 or 3.3): in accordance with item 1, or at the discretion of the taxing officer, having regard to the number of pages read.

3.2 Correspondence (including letters, emails, text messages and instant messaging) - up to 50 words: **\$16.**

3.3 Correspondence (including letters, emails, text messages and instant messaging) - up to 100 words: **\$32**.

4 Delegation and Supervision

4.1 Where it is appropriate for more than one lawyer to be involved in the conduct of the matter, allowance may be made for attendances to delegate or supervise: in accordance with item 1.

5 Research

5.1 Where it is appropriate to research a legal question of some complexity that is not procedural in nature: in accordance with item 1.

6 Electronic Document Management

6.1 Database creation, database administration (including establishing design and agreement of protocols), database design and implementation: in accordance with item 1.2.

6.2 Document preparation and document description (including necessary redaction and duplication), in compliance with the Federal Court Practice Note dealing with the use of technology in the management of discovery and conduct of litigation: in accordance with item 1, having regard to the complexity of the issues involved.

6.3 Imaging of documents to searchable format including rendering to PDF and scanning where necessary: in accordance with item 1.3.

6.4 Publishing including:

- (a) electronic exchange and discovery; and
 - (b) write-to CD/CD ROM/USB or other agreed media: in accordance with item 1.3.
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7 Masking

7.1 Masking documents:

- (a) if the taxing officer is satisfied that the masking required the skill of a lawyer - in accordance with item 1.1;
 - (b) otherwise - in accordance with item 1.3.
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8 Collation, Pagination and Indexing

8.1 Collation (including collation for the purposes of copying), pagination and indexing of documents for the purposes of discovery, inspection, briefs to counsel, instruction to expert witnesses, court books, appeal books, exhibits or annexures to court documents or similar (but excluding maintaining files) - in

accordance with item 1.3, or at the discretion of the taxing officer, having regard to the number of pages and the number of documents collated, paginated or indexed.

9 Copying

9.1 Copying documents: at the discretion of the taxing officer.

10 Personal Service

10.1 Personal service, inclusive of all attempts (where required): **\$106**.

11 Skill Care and Responsibility

11.1 An additional amount may be allowed, having regard to all the circumstances of the case, including the following:

- (a) the complexity of the matter;
- (b) the difficulty or novelty of the questions involved in the matter;
- (c) the skill, specialised knowledge and responsibility involved and the time and labour expended by the lawyer;
- (d) the number and importance of the documents prepared and read, regardless of their length;
- (e) the amount or value of money or property involved;
- (f) research and consideration of questions of law and fact;
- (g) the general care and conduct of the lawyer, having regard to the lawyer's instructions and all relevant circumstances;
- (h) the time within which the work was required to be done;
- (i) allowances otherwise made in accordance with this scale (including any allowances for attendances in accordance with item 1.1); and
- (j) any other relevant matter.