

MAGISTRATES' COURT OF VICTORIA

SCALE OF COSTS EFFECTIVE 1 JANUARY 2015 TO DATE

(relevant extracts)

Note: GST inclusive amounts

If in any case the Court or registrar thinks that any item is inadequate or excessive, the Court or registrar may allow a greater or lesser sum than the scale provides.

If the scale of costs does not provide for any case, the Court or registrar may allow reasonable costs.

<i>Item</i>	<i>Particulars of Service</i>	<i>\$</i>
1.	Claim for debt, liquidated demand or claim arising from a motor vehicle collision for costs of repairs only or for total loss of vehicle only including all professional costs where the amount claimed is—	
	(a) Less than \$500	205
	(b) \$500 to less than \$5000	429
	(c) \$5000 to less than \$7500	527
	(d) \$7500 to less than \$20 000	634
	(e) \$20 000 to less than \$40 000	786
	(f) \$40 000 to less than \$70 000	947
	(g) \$70 000 and over	1132

Item	Particulars of Service
	(Costs for items 2 to 80 are set out in Table 1)
	Instructions
2.	Instructions to make, issue or oppose an application or summons or any notice of objection under the Judgment Debt Recovery Act 1984 including instructions for any affidavit (not otherwise provided for).
	Institution of proceedings
3.	Complaint, including instructions to sue, letter before action, attendances on counsel, copies for service, issuing, and attendances on process server.
4.	Consent of litigation guardian including preparation of memorandum, copies and obtaining signature of litigation guardian.

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5. Notices of defence to claim, counterclaim or third party notice including instructions to defend, perusal of claim, counterclaim or third party notice, reply, attendances on counsel, copies, filing and service.
 6. Counterclaim, third party notice, notice of contribution or any further pleading including instructions to issue, attendances on counsel, copies, filing and service.
 7. Perusal of notice of defence, counterclaim, third party notice or any other pleading, and notice of contribution.
Particulars
 8. Request for particulars of any document including attendances on counsel, copies, filing, service and perusal of further particulars.
 9. Further and better particulars of any documents including perusal of request, attendances on counsel, copies, filing and service.
View
 10. Attending view, including arranging view and attendance on counsel.
 11. If the attendance exceeds half an hour — for each quarter hour thereafter.
Discovery
 12. Notice of discovery including filing and service.
 13. Perusal of affidavit of documents and inspection of documents.
 14. Affidavit of documents including instructions, attendances on counsel, copies, swearing, filing, service and production of documents for inspection.
 15. Notice to produce documents including filing and service.
Interrogatories
 16. Interrogatories for examination including instructions, attendances on counsel, copies, filing, service and perusal of answers.
 17. Answers to interrogatories including perusal of interrogatories, instructions, attendances on counsel, copies, swearing, filing and service.
Brief to advise
 18. Brief to advise including preparation of memorandum to counsel, attendances on counsel and perusal of advice.
Notices, certificates, undertakings, etc
 19. Any necessary notice (including notices before proceeding), certificate (including certificates before proceeding), undertaking, consent, order, memorandum (not otherwise provided for) including copies, filing and service.
 20. Notice to admit including perusal of admissions, copies, filing and service.
 21. Admissions, including perusal of notice to admit, copies, filing and service.
 22. Offer of compromise or notice of acceptance of offer including copies, filing and service.
Witnesses and expert witnesses
 23. Subpoena including instructions, copies and issuing.
 24. Attendance on witness to arrange attendance to give evidence without subpoena, including reminders.
 25. Arranging examination or inspection by an expert witness and notifying party, supplying relevant documents to witness, obtaining and perusing report.
 26. Notifying party of examination or inspection arranged by opposite party.
 27. Statement of expert witness (pursuant to Rule 44.03) including instructions, filing and service.
Applications
 28. Application or summons or any notice under the [Judgment Debt Recovery Act 1984](#) including copies, issuing and affidavit of service.
 29. Application for an order under Rule 21.01 (in addition to item 1 if applicable) or 21.08 including copies and issuing.
 - 29A. To draw or settle any necessary medical panel referral documents including medical questions, section 65(6A) statements, lists of documents and submissions pursuant to the Accident Compen

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- sation Act 1985 etc.
- 29B. To draw or settle any necessary medical panel referral documents including medical questions, section 304 statements, lists of documents and submissions pursuant to the Workplace Injury and Compensation Act 2013 etc.
- Notice of objection**
30. Notice of objection under the [Judgment Debt Recovery Act 1984](#) including copies, issuing and affidavit of service.
- Affidavits**
31. Affidavit including attendances on counsel, copies, swearing, filing and service.
32. Affidavit of service, including swearing and filing (not otherwise provided for).
- General preparation**
33. For work necessarily and properly done in preparing for hearing and not otherwise provided for, including—
- (a) taking instructions for examination of any party or witness;
 - (b) considering the facts and the law;
 - (c) attending on and corresponding with client;
 - (d) interviewing and corresponding with witnesses and taking proofs of their evidence;
 - (e) obtaining reports or advice from experts and maps, plans, photographs and models;
 - (f) making search in any public office and elsewhere for relevant documents;
 - (g) inspecting any property or place material to the proceeding;
 - (h) perusing relevant documents;
 - (i) general care and conduct of the proceeding.
- Pre-hearing conference**
34. Preparation including all necessary instructions, instructions for brief for counsel or brief notes for Australian lawyer, correspondence and perusals.
35. Attendance at conference whether by counsel or Australian lawyer.
- Mediation**
36. Preparation including all necessary instructions, instructions for brief for counsel or brief notes for Australian lawyer, correspondence and perusals.
37. Attending mediation by Australian lawyer, for first 4 hours or part thereof.
38. For each subsequent hour.
39. Attending mediation with counsel (where necessary) per hour.
40. If Australian lawyer attends at a place more than 50 kilometres from his or her place of business, an additional fee may be allowed.
41. The reasonable costs of a mediation held before the commencement of proceedings may be allowed.
- Court attendance**
42. Attendance at Court or upon magistrate or officer of the Court on application, summons, appeal or to hear reserved judgment.
43. Attendance of Australian lawyer without counsel at a WorkCover directions hearing or at the hearing of an application for revocation of a direction of a conciliation officer.
44. Attending WorkCover mentions.
45. Attendance at Court on hearing — Australian lawyer without counsel for the first 6 hours (including any luncheon adjournment).
46. If attendance at Court exceeds 6 hours — for each hour thereafter.
47. Attendance at Court by Australian lawyer on hearing with counsel for the first 3 hours.
48. If attendance exceeds 3 hours — for each hour thereafter.
- Conference with counsel**
49. Appointment and attendance per hour (when necessary).
- Documents**
58. Drawing any document or brief (where not otherwise provided for) — per folio.
59. Typing any document or brief (where not otherwise provided for) — per folio.
60. Copies—
- For the first 50 pages of photocopying in a proceeding, \$2.30 per page.
 - For any photocopying after the first 50 pages in a proceeding, 68 cents per page.
- Perusals**
61. Of any document or part of a document (where not otherwise provided for) — per folio.
62. Examination or scanning any document which is not necessary to peruse — per folio.

Correspondence

- 63. Special letter.
- 64. Ordinary letter (including an agency letter).
- 65. Circular letter. After the first, postage may be claimed as a disbursement.

Attendances

- 66. Attendance — such as an attendance at the office of the registrar or on a process server or to serve or an attendance which is capable of being made by a clerk.
- 67. Attendance (personal or by telephone) of an Australian lawyer or managing clerk and involving the exercise of skill or legal knowledge — for each quarter hour.
- 68. Attendance which does not involve the exercise of skill or legal knowledge — for each quarter hour.

Warrant, summons, etc

- 69. Warrant to seize property or of delivery including instructions, preparation and issuing.
- 70. Summons for oral examination, including instructions, preparation of summons and affidavit, issuing, arranging service, forwarding summons and affidavit to registrar with letter.
- 71. Proceedings for attachment of debts including all professional costs.
- 72. Summons for attachment of earnings, including instructions, preparation of summons, affidavit and [Form 72A](#), issuing summons, arranging service, forwarding summons and affidavit to registrar with a letter (including affidavit of service).
- 73. [Form 72F](#), including preparation, filing and service.
- 74. Order to attend or to give a statement under Rule 72.04 including preparation, issuing and arranging service.
- 75. Registration of interstate judgment.

Service

- 76. For service of Court documents on each person to be served.
- 77. For service of Court documents on each person to be served where service is effected by post or by leaving at a document exchange.
- 78. For every necessary visit made in attempting service of Court documents and for each report of non-service where the time, date and number of visits attempting service are shown by affidavit.
- 79. In addition to the abovementioned service fees an allowance at the rate of 68 cents for each 1 kilometre in respect of any distance measured both ways from the nearest court house or other building where the Court is held, or the residence of the person who served the court document,

whichever is the closer, to the place of service or attempted service of the document.

Notes to items 76 to 79 inclusive:

A In these items **Court documents** include complaint, summons, application or other document used in a court proceeding.

B A registrar, upon application made before service of any Court document, may fix and endorse on the document an amount representing an allowance calculated at 68 cents for each kilometre of the distance both ways by the shortest practicable route, from the nearest court house or other building where the Court is held, or the residence of the process server, whichever is the closer to the place of service and the Court in assessing costs on the hearing shall have regard to the amount so fixed and endorsed.

C For service of 2 or more Court documents in the same proceeding on the same person who was or could have been served at the same time and place, only one service fee shall be allowed.

D For service of a Court document in the same proceeding on 2 or more persons who were or could have been served at the same time and place, only one service fee shall be allowed.

E No costs shall be allowed for service of any Court document where service has been effected by an employee of the plaintiff or defendant, unless the Court is satisfied by evidence on oath or affidavit that the employee is exclusively engaged on the service of legal process for the

Substituted service

80. Order for substituted service including all professional costs.

81. If an advertisement in lieu of service is ordered, the necessary and reasonable costs of the advertisement in addition.

TABLE 1
(Costs in dollars)

	A	B	C	D	E	F	G
Item	Less than \$500	\$500 to less than \$5000	\$5000 to less than \$7500	\$7500 to less than \$20 000	\$20 000 to less than \$40 000	\$40 000 to less than \$70 000	\$70 000 and over
2.	71	71	71	106	132	158	183
3.	205	430	528	635	787	949	1135
4.	n/a	n/a	154	201	205	219	232
5.	95	203	252	301	375	452	542
6.	110	226	277	331	411	495	593
7.	50	50	50	50	50	50	50
8.	73	162	196	235	292	349	415
9.	65	136	163	196	243	293	351
10.	n/a	n/a	165	228	247	277	312
11.	n/a	n/a	18	47	47	47	47
12.	47	77	95	112	142	167	192
13.	57	109	129	160	199	238	280
14.	112	240	293	351	444	523	621
15.	47	73	95	112	142	167	192
16.	93	191	232	277	348	414	479
17.	123	262	333	400	495	596	705
18.	n/a	n/a	165	228	247	277	311
19.	46	82	96	114	143	168	202
20.	123	123	123	168	212	257	306
21.	123	123	123	168	212	257	306
22.	106	106	106	157	196	235	280
23.	24	39	54	54	71	85	101
24.	22	24	24	39	44	51	59
25.	66	67	67	103	129	154	183
26.	13	13	13	50	63	77	92
27.	90	164	228	273	343	405	470
28.	38	89	96	110	135	162	190
29.	42	42	42	42	42	42	42
29A.	94	173	235	262	351	419	487
30.	41	41	41	41	41	41	41
31.	93	191	232	277	348	411	478
32.	39	39	39	39	39	39	39
33.	373	1219	1505	1808	2260	3266	5078
34.	91	276	369	446	552	664	761
35.	163	313	447	552	690	833	970
36.	91	276	369	446	543	650	746
37.	163	313	447	552	681	817	955
38.	47	89	110	130	169	202	237
39.	47	89	110	130	169	202	237
40.				<i>refer to item 40</i>			
41.				<i>refer to item 41</i>			
42.	96	216	266	323	403	484	578
43.	163	313	448	555	696	836	972
44.	146	146	146	146	146	146	146
45.	343	690	1041	1248	1561	1866	2170
46.	74	136	163	199	247	296	347
47.	157	266	332	400	495	596	688

	A	B	C	D	E	F	G
Item	Less than \$500	\$500 to less than \$5000	\$5000 to less than \$7500	\$7500 to less than \$20 000	\$20 000 to less than\$40 000	\$40 000 to less than\$70 000	\$70 000 and over
48.	47	89	110	130	162	196	230
49.	47	96	122	155	195	233	273
58.	4.2	10.3	10.9	11.4	13.1	15.2	20.6
59.	2.7	2.7	2.7	2.7	2.7	2.7	2.7
60.				<i>refer to item 60</i>			
61.	2.7	2.7	2.7	2.7	2.7	2.7	2.7
62.	1.3	1.3	1.3	1.3	1.3	1.3	1.3
63.	39	39	39	39	39	39	39
64.	28	28	28	28	28	28	28
65.	15	15	15	15	15	15	15
66.	28	28	28	28	28	28	28
67.	47	47	47	47	47	47	47
68.	24	24	24	24	24	24	24
69.	53	109	129	162	202	243	285
70.	55	130	158	174	220	266	311
71.	157	315	353	422	527	630	824
72.	280	397	426	535	670	801	1050
73.	47	82	96	114	143	168	194
74.	47	82	96	114	143	168	194
75.	71	71	71	106	106	106	106
76.	67	67	67	67	67	67	67
77.	12	12	12	12	12	12	12
78.	46	46	46	46	46	46	46
79.				<i>refer to item 79</i>			
80.	138	249	296	350	441	520	604