



# Legal Profession Amendment (Fixed Costs) Regulation 2013

under the

Legal Profession Act 2004

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Legal Profession Act 2004*.

GREG SMITH, MP  
Attorney General

## Explanatory note

The object of this Regulation is to increase the fixed costs for recovery of certain debts and enforcement of certain judgments in the Supreme Court, the District Court and the Local Court. The fixed costs were last increased on 1 January 2009.

This Regulation is made under the *Legal Profession Act 2004*, including sections 329, 330 and 738 (the general regulation-making power).

## **2013 No 59**

Clause 1            Legal Profession Amendment (Fixed Costs) Regulation 2013

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# **Legal Profession Amendment (Fixed Costs) Regulation 2013**

under the

Legal Profession Act 2004

### **1 Name of Regulation**

This Regulation is the *Legal Profession Amendment (Fixed Costs) Regulation 2013*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

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## Schedule 1      Amendment of Legal Profession Regulation 2005

**Schedule 2**

Omit the Schedule. Insert instead:

## Schedule 2      Costs for recovery of certain debts and enforcement of certain judgments

(Clause 112)

**Part 1      Supreme Court**

No	Item	Amount
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim including drawing/typing/checking of originating process and cheque to pay account of process server:	
	(a)    for recovery of lump sum debt	\$1,051
	(b)    for recovery of possession of land	\$1,321
<b>2</b>	<b>Service of additional defendants etc</b>	
	Costs of service:	
	(a)    for each additional defendant	\$61
	(b)    in proceedings for the recovery of land where one or more occupiers must be served with notice of proceedings, for each different address at which a notice is served	\$103
<b>3</b>	<b>Substituted service</b>	
	Costs of substituted service including drawing/typing/checking of affidavit, notice of motion and cheque to pay account of process server	\$597

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Schedule 1 Amendment of Legal Profession Regulation 2005

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No	Item	Amount
<b>4</b>	<b>Service interstate or overseas</b>	
	Costs of service in another jurisdiction:	
(a)	within Australia—including obtaining leave to proceed and drawing/typing/checking notice of motion	\$229
(b)	outside Australia in a country where English is the official language—including drawing/typing/checking of request for service and notice to defendant to be served	\$157
(c)	outside Australia in a country where English is not the official language—including drawing/typing/checking of request for special service and notice to defendant to be served	\$708
<b>5</b>	<b>Default judgment</b>	
	Costs on applying for default judgment including all matters listed in item 1 plus drawing/typing/checking of affidavit of service, notice of motion and affidavit in support:	
(a)	for recovery of lump sum debt	\$1,526
(b)	for recovery of possession of land	\$2,012
<b>6</b>	<b>Foreign judgments</b>	
	Costs on obtaining certificate of judgment under section 15 of the <i>Foreign Judgments Act 1991</i> of the Commonwealth, including drawing/typing/checking of summons, minute of judgment, certificate under that section and affidavit of facts:	
(a)	if a solicitor is required to attend the court to settle judgment	\$842
(b)	if a solicitor is not so required	\$589
<b>7</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$649

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## Part 2 District Court

No	Item	Amount
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$786
<b>2</b>	<b>Service of additional defendants</b>	
	Costs of service—for each additional defendant	\$61
<b>3</b>	<b>Substituted service</b>	
	Costs of substituted service including drawing/typing/checking of notice of motion, affidavit and cheque to pay account of process server	\$565
<b>4</b>	<b>Default judgment—liquidated claim, claim for possession of land or claim for detention of goods</b>	
	Costs on applying for default judgment for recovery of lump sum debt, claim for possession of land or claim for detention of goods, including all matters listed in item 1 plus drawing/typing/checking affidavit of service, notice of motion and affidavit in support	\$1,171
<b>5</b>	<b>Default judgment—unliquidated claim</b>	
	Costs on obtaining judgment in undefended proceedings including all matters listed in items 1 and 4	\$1,636
<b>6</b>	<b>Order for examination</b>	
	Costs of issuing an examination notice and obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$619
<b>7</b>	<b>Failed examination of judgment debtor</b>	
	Costs on attending examination of judgment debtor where the judgment debtor fails, without reasonable excuse:	\$266
	(a) to attend the examination, or	
	(b) to produce documents at the examination as required under the order for examination.	

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Schedule 1 Amendment of Legal Profession Regulation 2005

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No	Item	Amount
<b>8</b>	<b>Arrest of judgment debtor</b>	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$266
<b>9</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$476

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### Part 3 Local Court

No	Item	Amount
<b>1</b>	<b>Preparation of process</b>	
	Costs of taking instructions, preparing documents and filing statement of claim for recovery of lump sum debt including drawing/typing/checking of originating process and cheque to pay account of process server	\$602
<b>2</b>	<b>Default judgment—liquidated claim or claim for detention of goods</b>	
	Costs on applying for default judgment for recovery of lump sum debt or claim for detention of goods, including all matters listed in item 1 plus drawing/typing/checking affidavit of service, notice of motion and affidavit in support	\$872
<b>3</b>	<b>Default judgment—unliquidated claim</b>	
	Costs on obtaining judgment in undefended proceedings including all matters listed in items 1 and 2	\$1,505

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No	Item	Amount
<b>4</b>	<b>Conditions applicable to items 1–3</b>	
	Items 1, 2 and 3 are alternatives, and only one of them is applicable in respect of any matter. If, in respect of any of those items, if the amount at issue in the proceedings:	
	(a) does not exceed \$1,000—the costs are 40% of the amount specified for that item, or	
	(b) exceeds \$1,000 but does not exceed \$5,000—the costs are 60% of the amount specified for that item, or	
	(c) exceeds \$5,000 but does not exceed \$20,000—the costs are 80% of the amount specified for that item, or	
	(d) exceeds \$20,000—the costs are the full amount specified for that item.	
<b>5</b>	<b>Order for examination</b>	
	Costs of issuing an examination notice and obtaining an order for examination, including drawing/typing/checking of notice of motion and cheque to pay account of process server	\$358
<b>6</b>	<b>Examination of judgment debtor</b>	
	Costs on examination of judgment debtor by solicitor	\$261
<b>7</b>	<b>Failed examination of judgment debtor</b>	
	Costs on attending examination of judgment debtor where the judgment debtor fails, without reasonable excuse:	\$190
	(a) to attend the examination, or	
	(b) to produce documents at the examination as required under the order for examination.	
<b>8</b>	<b>Arrest of judgment debtor</b>	
	Costs on issue of warrant for arrest of judgment debtor including drawing/typing/checking of notice of motion for issue of warrant	\$190
<b>9</b>	<b>Writ of execution</b>	
	Costs of taking instructions, preparing documents and filing notice of motion for writ of execution (whether or not the matter was contested) including drawing/typing/checking of notice of motion, affidavit and cheque for payment of proceeds to plaintiff	\$242

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