

COMPENSATION COURT ACT 1984—RULE

NEW SOUTH WALES



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1. This rule was made by the Rule Committee on 4 June 1991.
2. The Compensation Court Rules 1990 are amended as follows—
 - (a) Part 12 rules 2 (4) & (5), omit the subrules and insert instead—
 - (4) Where a request for listing is not filed within 9 months after the date of commencement of the proceedings in the Court, the proceedings are deemed to have been struck out and no further step may be taken in the proceedings (other than an application mentioned in subrule (5)) until the proceedings have been restored to the list.
 - (5) The Court may, on application by a party and on terms, restore to the list any proceedings deemed to have been struck out under subrule (4).
 - (b) Part 16 rule 10 (2), omit the subrule.
 - (c) Part 29 rule 14, omit subrule (1) and insert instead—
 - (1) Fees properly paid or payable to counsel for work done before 1 July 1991 shall, on a taxation of his client's costs, be allowed in accordance with the requirements of the Schedule of counsel's fees Annexure "A" to these rules.
 - (1A) Fees properly paid as payable to counsel for work done on or after 1 July 1991 shall, on a taxation of his client's costs, be allowed in accordance with the requirements of the Schedule of counsel's fees Annexure "C" to these rules.
 - (d) Insert the following Schedule after Annexure "B"—

Annexure “C”

**SCHEDULE OF COUNSEL’S FEES FOR WORK FROM
1 JULY 1991**

1. Briefs on hearing

Brief Fees shall be calculated on the nature of the relief obtained, in accordance with the following scale—

Scale A:	\$500
Scale B:	\$700
Scale C:	\$800

The scale appropriate for the relief obtained shall be as follows—

(a) Property Damage:	A
(b) Medical, Hospital etc.:	A
(c) Commutations and redemptions:	A
(d) Lump sum loss of faculties under the former Act:	A
(e) Lump sum loss of faculties (s. 66), including any claim for pain and suffering:	C
(f) Lump sum for pain and suffering:	C
(g) Weekly payments (closed period):	B
(h) Weekly payments (continuing period):	C
(i) Death claims:	C
(j) Death claims where respondent admits liability subject only to formal proof of marriage, dependency or other similar issue, only if certified by the Court:	A
(k) Review of decisions of Commissioners (substantive matters):	C
(l) Reviews of decisions of Registrars or of Commissioners (procedural matters):	A
(m) Appeals to the Court:	C
2. Declaration of Liability—	\$295
3. Examination under Part 21—	\$140
4. Conferences—	
Where brief fee does not exceed \$255:	\$42
Where brief fee exceeds \$255, but does not exceed \$410:	\$50
Where brief fee exceeds \$410 but does not exceed \$615:	\$72
Where brief fee exceeds \$415:	\$92
Other conferences, if certified:	\$100–\$250

5. Refreshers—

Where the hearing is not concluded on the date on which it is begun, there will be allowed, unless the Court otherwise orders, in respect of each further day on which the hearing continues—

for more than 3 hours, a refresher of two-thirds; or for 3 hours or less, a refresher of one-half of the brief fee.

In respect of hearings outside the Sydney metropolitan area—

- (a) a full refresher will be allowed in respect of any subsequent day on which the hearing continues at a town other than that at which it commenced;
 - (b) unless the Court otherwise orders, no refresher will be allowed in respect of a hearing which continues at another town on the day on which it commenced; and
 - (c) no loading will be taken into account in calculating any refresher.
6. Where the hearing is adjourned upon an order for payment of the costs of the day—a fee equal to a refresher of one-half of the brief fee.
 7. Where the matter is not reached on a day upon which it is listed for hearing—a fee equal to a refresher of two-thirds of the brief fee (if certified by the Court).
 8. Motions, where the Court certifies that the matter is appropriate for Counsel— \$300
 9. Settling request for a case to be stated and settling the case, including associated conferences and appearances before the Court— \$230
 10. Settling particulars— \$91
 11. Other settling— \$91
 12. Advice on evidence— \$91
 13. View, if certified to by the Court— \$133
 14. To take reserved judgment, if certified to by the Court— \$65
 15. Attending on pre-hearing conference, where the registrar thinks it appropriate for counsel to attend— \$230
 16. Mentions, where the registrar thinks it appropriate for counsel to attend—\$50; or where questions of privilege or matters of a like nature are argued—\$50, or \$95 per complete hour, whichever is the greater.

17. Loadings—

- (a) In respect of any proceedings heard or partially heard outside the Sydney metropolitan area, counsel whose chambers are in Sydney shall be entitled to a loading for the first day only, in accordance with a determination in force of the Legal Fees and Costs Board, and where a town has not been included in the determination the loading for that town shall be the loading for the nearest town that is so included.
 - (b) Where a hearing takes place at 2 or more country towns, the loading payable is that appropriate to the furthest of those towns.
 - (c) Where of the proceedings commenced, or continued to be heard, at a country town on any one day, counsel holds a brief on hearing in 2, a loading of one-half of the full loading will be allowed in respect of each brief, and where counsel holds more than 2 such briefs on hearing, a loading of one-third of the full loading will be allowed in respect of each brief.
18. Fees for Queen's Counsel or more than one counsel will not be allowed without an order of the Court.
19. Unless otherwise ordered, fees for Queen's Counsel will be those for junior counsel plus one-half.
20. Pre-hearing conference before the registrar— \$95
21. The Court may in a special case order that fees additional to those provided in this Schedule be payable to counsel.

T. J. DOUBLEDAY
Registrar, Rule Committee
Compensation Court of New South Wales.
