

## PRACTICE DIRECTION NUMBER 5 OF 2007

### DISTRICT COURT OF QUEENSLAND

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#### COSTS ASSESSMENT: INTERIM ARRANGEMENTS

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##### Party and party assessments in the District Court

1. Rule 685(2) of the Uniform Civil Procedure Rules provides that instead of costs assessed (by the Registrar) the court may order a party to pay to another party... "(d) an amount for costs to be decided in the way the court directs".
2. The court is moving to establish, by statutory amendment and amendment of the UCPR, a regime for the assessment of costs by accredited costs assessors, in addition to assessment by the Registrar. This Practice Direction is intended to set up a mechanism for the assessment of costs other than by the Registrar pending the establishment of that regime.
3. It is envisaged these assessments be carried out by members of the legal profession, and acknowledged that it would not be necessary for this purpose that a current practising certificate be held.
4. When an order is made for the assessment of costs, the parties should endeavour to agree on the identity of the person to carry out that assessment. The parties may agree that the assessment be carried out by an appropriately experienced person admitted to the legal profession.
5. Where the parties so agree, the court may order that that person carry out the assessment. Where the parties do not reach such agreement, the court may nevertheless appoint such a person to carry out the assessment, and to inform that process, the parties should submit proposed appointees (names and qualifications and rates of charge) to the court.
6. The UCPR apply to any such assessment. Attention is drawn to Rule 721, "offer to settle costs". The court may at any time give directions as to the manner in which an assessment is to be carried out.
7. The costs of such an assessment will, prior to the final determination of the matter, be borne equally between or among the parties, subject to readjustment depending on the costs provision made by the assessor in the final determination.

8. There are currently, within the Registry, assessments which stand part heard, and assessments where no hearing has yet occurred. Parties to those proceedings are encouraged to invoke the procedure contemplated by this practice direction with a view to bringing those assessments to a conclusion.

A handwritten signature in black ink, appearing to read 'Patricia M. Wolfe', with a long horizontal flourish extending to the right.

**Chief Judge Patricia M Wolfe**

11 July 2007