

PRACTICE DIRECTION NUMBER 3 OF 2007 (AMENDED)

SUPREME COURT OF QUEENSLAND

AGREED OR FIXED COSTS

1. Rule 687(2) of the Uniform Civil Procedure Rules provides, in part, that instead of assessed costs, the court may order a party to pay to another party “an amount for costs decided by the court” or “an amount for costs to be decided in the way the court directs”.
2. This Practice Direction is intended:
 - a. to encourage parties to agree on the amount of costs otherwise to be assessed; and
 - b. to signal the authority of the court, in an appropriate case, to fix costs, and to ensure parties are in a position to inform that process.
3.
 - a. The court has a broad discretion to fix costs, and will do so where that will avoid undue delay and expense, but only provided the court is confident to fix costs on a reliable basis.
 - b. Parties should therefore, at all relevant times in the course of the hearing of a matter, be in a position to inform the court of their realistic estimate of the amount of the recoverable costs, on a standard or indemnity basis, should that party be the beneficiary of a costs order. Where practicable, the estimate should be verified on affidavit.
 - c. Preferably parties should not, for this purpose, be put to the expense, and suffer the delay, of preparing a costs statement complying with the UCPR. Any estimate must nevertheless be carefully formulated and realistic.



Paul de Jersey
Chief Justice
17 December 2008