

20 December 2018

Chief Magistrate Heath
Chief Magistrate's Chambers
Magistrates Court of Western Australia
501 Hay Street
PERTH WA 6000

Dear Chief Magistrate

PROPOSED PRACTICE DIRECTION – CIVIL COSTS

I refer to the above.

As you are aware, Supreme Court PD 4.7.2 of the Consolidated Practice Directions sets out a process for the provisional assessment of a bill of costs, intended to reduce the number of bills that proceed to assessment and result in a saving of costs for parties.

In the Magistrates Court of Western Australia, the Society understands that practitioners find the costs of the taxation process can often be significant having regarding to the quantum of bills filed.

The Law Society would therefore be grateful for your consideration of the attached draft Practice Direction, which includes a similar process to that in the Supreme Court, for adoption by the Magistrates Court.

In summary, the proposal:

- encourages Magistrates, where practical, to make fixed costs orders when determining Form 23 applications;
- gives guidance to practitioners on making submissions regarding costs for Form 23 applications (which I understand is already encouraged);
- provides for the assessment of a bill in the absence of the parties where no objection is made to the bill and the Registrar is satisfied that the amounts claimed in the bill are reasonable;
- sets out a process for the provisional assessment of a bill and the allowance of the amount of the provisional assessment if the parties make no objection to the provisional assessment; and
- sets out a process for making an objection to a provisional assessment with the result that the bill is listed for assessment in the usual way.

In our respectful view, the Practice Direction would provide parties with a more cost effective, and efficient, way to resolve disputes in relation to costs.

Level 4, 160 St Georges Terrace Perth WA 6000, DX 173 Perth

Telephone: (08) 9324 8600 Facsimile: (08) 9324 8699

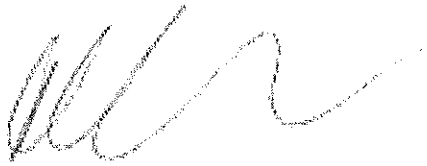
Email: info@lawsocietywa.asn.au Website: www.lawsocietywa.asn.au

Please address all correspondence to The Law Society of Western Australia PO Box Z5345, St Georges Terrace Perth WA 6831

The Law Society is grateful for your consideration of the matter, and looks forward to hearing from you.

If you have any queries or wish to discuss the above further, please contact Mary Woodford, General Manager Advocacy, on (08) 9324 8646 or email mwoodford@lawsocietywa.asn.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hayley Cormann', written in a cursive style.

Hayley Cormann
President

cc Mr Ben Stockey, A/Manager Customer Services, Magistrates Court of Western Australia Ben.Stockey@justice.wa.gov.au