



Department of Health & Human Services

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9 August 2018
Our Ref: LEG/18/1472

Ms Diane Bulman
Western Psychological Services
PO Box 2233
MELTON SOUTH VIC 3338
By post and email (apagano@wpsychology.com)

Dear Ms Bulman,

Melbourne Children's Court - Family Division - 9 August 2018

We act for the Department of Health and Human Services ("DHHS").

As you are aware, this matter is listed for a four day Interim Contest in the Melbourne Children's Court (Family Division) commencing on 27 August 2018.

Mr [redacted], Child Protection Practitioner, has informed us of your request for witness costs in relation to the witness summons which has been served upon you.

The fees claimable by professional witnesses in the Children's Court are claimable by the **Magistrates Court General Civil Procedure Rules 2010**. Appendix A, Item 82 confirms the rate (effective 1 January 2018) is currently \$280.00 per hour but not to exceed \$1,961.00 per day. Your evidence, including cross-examination and re-examination is expected to take 1.5 to 2 hours, although this is only an estimate. You will be required to attend the Melbourne Children's Court to give evidence. Please note, travel time is not claimable under the costs scale. The fees are payable on the basis of time spent by the witness in Court giving evidence.

We attach a copy of Appendix A, Item 82 for your information.

Mr [redacted] and Counsel for the DHHS will work with the Court to try to accommodate your preferred evidence date and time, wherever possible. We appreciate that your professional time is very valuable and that a court appearance can be inconvenient, however, it is very necessary for a proper determination of the issues in dispute.

Thank you for your cooperation.

Yours sincerely
CHILD PROTECTION LITIGATION OFFICE


Nicholas Bell
Principal Solicitor

Legal Services Branch | Department of Health & Human Services
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Magistrates' Court General Civil Procedure Rules 2010
S.R. No. 140/2010
Appendix A

Appendix A
amended by
S.R. Nos
36/2011 rule 24,
149/2011 rule 5,
2/2012 rule 9,
158/2012 rule 5,
178/2013 rule 5,
70/2014 rule 9,
180/2014 rule 5,
163/2015 rule 5,
137/2016 rule 5,
128/2017 rule 5.

APPENDIX A
SCALE OF COSTS

Scale of costs and fees which may be claimed by Australian lawyers and counsel as between party and party as well as between Australian lawyer and client.

If in any case the Court or registrar thinks that any item is inadequate or excessive, the Court or registrar may allow a greater or lesser sum than the scale provides.

If the scale of costs does not provide for any case, the Court or registrar may allow reasonable costs.

<i>Item</i>	<i>Particulars of Service</i>	<i>\$</i>
1.	Claim for debt, liquidated demand or claim arising from a motor vehicle collision for costs of repairs only or for total loss of vehicle only including all professional costs where the amount claimed is—	
	(a) Less than \$500	217
	(b) \$500 to less than \$5000	454
	(c) \$5000 to less than \$7500	557
	(d) \$7500 to less than \$20 000	669
	(e) \$20 000 to less than \$40 000	831
	(f) \$40 000 to less than \$70 000	1001
	(g) \$70 000 and over	1196

<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
	Instructions
2.	Instructions to make, issue or oppose an application or summons or any notice of objection under the Judgment Debt Recovery Act 1984 including instructions for any affidavit (not otherwise provided for).
	Institution of proceedings
3.	Complaint, including instructions to sue, letter before action, attendances on counsel, copies for service, issuing, and attendances on process server.

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<i>Item</i>	<i>Particulars of Service</i> <i>(Costs for items 2 to 80 are set out in Table 1)</i>
17.	Answers to interrogatories including perusal of interrogatories, instructions, attendances on counsel, copies, swearing, filing and service. Brief to advise
18.	Brief to advise including preparation of memorandum to counsel, attendances on counsel and perusal of advice. Notices, certificates, undertakings, etc.
19.	Any necessary notice (including notices before proceeding), certificate (including certificates before proceeding), undertaking, consent, order, memorandum (not otherwise provided for) including copies, filing and service.
20.	Notice to admit including perusal of admissions, copies, filing and service.
21.	Admissions, including perusal of notice to admit, copies, filing and service.
22.	Offer of compromise or notice of acceptance of offer including copies, filing and service. Witnesses and expert witnesses
23.	Subpoena including instructions, copies and issuing.
24.	Attendance on witness to arrange attendance to give evidence without subpoena, including reminders.
25.	Arranging examination or inspection by an expert witness and notifying party, supplying relevant documents to witness, obtaining and perusing report.
26.	Notifying party of examination or inspection arranged by opposite party.
27.	Statement of expert witness (pursuant to Rule 44.03) including instructions, filing and service. Applications
28.	Application or summons or any notice under the Judgment Debt Recovery Act 1984 including copies, issuing and affidavit of service.
29.	Application for an order under Rule 21.01 (in addition to item 1 if applicable) or 21.08 including copies and issuing.

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<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
35.	Attendance at conference whether by counsel or Australian lawyer.
	Mediation
36.	Preparation including all necessary instructions, instructions for brief for counsel or brief notes for Australian lawyer, all necessary correspondence, perusals, etc.
37.	Attending mediation by Australian lawyer, for first 4 hours or part thereof.
38.	For each subsequent hour.
39.	Attending mediation with counsel (where necessary) per hour.
40.	If Australian lawyer attends at a place more than 50 kilometres from his or her place of business, an additional fee may be allowed.
41.	The reasonable costs of a mediation held before the commencement of proceedings may be allowed.
	Court attendance
42.	Attendance at Court or upon magistrate or officer of the Court on application, summons, appeal or to hear reserved judgment.
43.	Attendance of Australian lawyer without counsel at a WorkCover directions hearing or at the hearing of an application for revocation of a direction of a conciliation officer.
44.	Attending WorkCover mentions.
45.	Attendance at Court on hearing—Australian lawyer without counsel for the first 6 hours (including any luncheon adjournment).
46.	If attendance at Court exceeds 6 hours—for each hour thereafter.
47.	Attendance at Court by Australian lawyer on hearing with counsel for the first 3 hours.
48.	If attendance exceeds 3 hours—for each hour thereafter.
	Conference with counsel
49.	Appointment and attendance per hour (when necessary).

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<i>Item</i>	<i>Particulars of Service</i>
	<i>(Costs for items 2 to 80 are set out in Table 1)</i>
65.	Circular letter. After the first, postage may be claimed as a disbursement.
	Attendances
66.	Attendance—such as an attendance at the office of the registrar or on a process server or to serve or an attendance which is capable of being made by a clerk.
67.	Attendance (personal or by telephone) of an Australian lawyer or managing clerk and involving the exercise of skill or legal knowledge—for each quarter hour.
68.	Attendance which does not involve the exercise of skill or legal knowledge—for each quarter hour.
	Warrant, summons, etc.
69.	Warrant to seize property or of delivery including instructions, preparation and issuing.
70.	Summons for oral examination, including instructions, preparation of summons and affidavit, issuing, arranging service, forwarding summons and affidavit to registrar with letter.
71.	Proceedings for attachment of debts including all professional costs.
72.	Summons for attachment of earnings, including instructions, preparation of summons, affidavit and Form 72A, issuing summons, arranging service, forwarding summons and affidavit to registrar with a letter (including affidavit of service).
73.	Form 72F, including preparation, filing and service.
74.	Order to attend or to give a statement under Rule 72.04 including preparation, issuing and arranging service.
75.	Registration of interstate judgment.
	Service
76.	For service of Court documents on each person to be served.
77.	For service of Court documents on each person to be served where service is effected by post or by leaving at a document exchange.
78.	For every necessary visit made in attempting service of Court documents and for each report of non-service where the time, date and number of visits attempting service are shown by affidavit.

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<i>Item</i>	<i>Particulars of Service</i>
<i>(Costs for items 2 to 80 are set out in Table 1)</i>	
Witnesses' expenses	
82.	Subject to item 82A, witnesses giving evidence in an expert or professional capacity, up to \$280 per hour or part thereof, but not to exceed \$1961 per day. Other witnesses—up to \$70 per hour or part thereof, but not to exceed \$351 per day.
82A.	Witnesses giving evidence in the capacity of motor vehicle loss assessors, up to \$146 per hour or part thereof, but not to exceed \$800 per day.
Circuit fees	
83.	(a) A circuit fee may be charged by counsel where the claim or the counterclaim is \$40 000 or more. No circuit fee may be charged where the claim or the counterclaim is less than \$40 000, unless the Court otherwise orders; (b) A circuit fee must be calculated on the same time basis as a fee for counsel on the hearing of a proceeding, namely, for each 6 hours or part thereof after the first 6 hours of hearing (including any luncheon adjournment); (c) Any circuit fee allowed under paragraph (a) or (b) must be in accordance with the Schedule 1 to Appendix A of the Scale of Costs in Chapter I of the Rules of the County Court unless the circuit town appears in Table 2, in which case Table 2 applies. Whether or not Appendix A or Table 2 applies, not more than one circuit fee must be allowed in any one day in relation to any proceeding or matter; (d) A circuit fee may be charged by a mediator who conducts a mediation following a referral of a proceeding or part of a proceeding to mediation. A circuit fee may also be charged for a pre-issue mediation held in accordance with a Practice Direction. A circuit fee may only be charged by a mediator with the agreement of the parties to the mediation.

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Item	<i>A</i> <i>Less than</i> <i>\$500</i>	<i>B</i> <i>\$500</i> <i>to less</i> <i>than</i> <i>\$5000</i>	<i>C</i> <i>\$5000</i> <i>to less</i> <i>than</i> <i>\$7500</i>	<i>D</i> <i>\$7500</i> <i>to less</i> <i>than</i> <i>\$20 000</i>	<i>E</i> <i>\$20 000</i> <i>to less</i> <i>than</i> <i>\$40 000</i>	<i>F</i> <i>\$40 000</i> <i>to less</i> <i>than</i> <i>\$70 000</i>	<i>G</i> <i>\$70 000</i> <i>and over</i>	
25.	69	71	72	108	136	162	193	
26.	14	14	14	52	66	81	97	
27.	95	173	241	289	363	427	497	
28.	41	94	101	115	143	171	201	
29.	45	45	45	45	45	45	45	
29A.	99	183	248	276	371	444	515	
29B.	99	183	248	276	371	444	515	
30.	44	44	44	44	44	44	44	
31.	98	202	245	293	368	433	505	
32.	42	42	42	42	42	42	42	
33.	394	1288	1590	1910	2388	3452	5367	
34.	96	292	390	471	583	702	803	
35.	172	330	472	583	729	880	1025	
36.	96	286	390	471	573	688	788	
37.	172	330	472	583	719	864	1009	
38.	50	94	117	137	178	215	250	
39.	50	94	117	137	178	215	250	
40.			<i>refer to item 40</i>					
41.			<i>refer to item 41</i>					
42.	101	228	281	341	425	511	610	
43.	172	330	473	586	735	883	1027	
44.	154	154	154	154	154	154	154	
45.	363	729	1100	1319	1650	1971	2293	
46.	78	144	172	211	261	313	367	
47.	166	281	351	422	523	630	727	
48.	50	94	117	138	171	207	243	
49.	50	101	129	164	206	246	289	

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<i>Item</i>	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>
	<i>Less than \$500</i>	<i>\$500 to less than \$5000</i>	<i>\$5000 to less than \$7500</i>	<i>\$7500 to less than \$20 000</i>	<i>\$20 000 to less than \$40 000</i>	<i>\$40 000 to less than \$70 000</i>	<i>\$70 000 and over</i>
76.	71	71	71	71	71	71	71
77.	13	13	13	13	13	13	13
78.	49	49	49	49	49	49	49
79.			<i>refer to item 79</i>				
80.	146	264	314	370	466	550	639