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National Guide to Counsel Fees

W.G. Soden, Registrar 28 June 2013

The following guide may be applied by taxing officers of the Federal Court for the purposes of item 16.1 of Schedule 3 to the Federal Court Rules 2011 when making an estimate or upon taxation (including a provisional taxation) of a party and party Bill of Costs.

In many cases the range of fees in this guide will bear no relationship to the amounts that members of the Bar actually charge as a fee on an hourly rate.

Where, for example, by reason of the number, difficulty and/or complexity of the questions of law or fact involved, the time required for preparation for the hearing is substantially extended beyond what might be regarded as "average", a taxing officer may determine that a fee at or above the upper end of the range may be appropriate. In particular cases, the standing and experience of the counsel concerned may also be a relevant matter for consideration. Similarly, where the matter is not complex or difficult, a fee at or towards the lower end of the range may be appropriate.

The amounts listed are not to be regarded as limiting the taxing officers' discretion to allow higher or lower fees if it is considered appropriate.

This Guide takes effect from 1 July 2013.

	Junior Counsel	Senior Counsel
Applications/Appeals: Fee on Brief - Including: preparation at discretion of taxing officer and appearance on the first day of a hearing *OR*	$1,275-5,100	$2,100-7,650
Appearance at hearing (daily rate including conference)	$900-4,200	$2,060-6,400

Interlocutory Applications:
 	
 Interlocutory hearing
 	
    short (up to 2 hours)
    long (2 hours plus)
	$370-2,125
	 $690-4,140
		$425-3,185
		 $850-6,400

Other: Hourly rate for: • Directions hearing • Preparation time • Conferences (not occurring on day of hearing) • Settling applications, statements of claim, affidavits, defence, other documents • Opinions, advice on evidence • Written submissions (where not allowed above) • Attending to receive judgment (where appropriate) • Not otherwise provided for	$265-530	$425-740