***THIS COMPLETED PAGE IS TO BE INCLUDED WITH THE APPLICATION FORM WHEN LODGED***

**COVER SHEET TO COSTS ASSESSMENT APPLICATION**

**To assist with allocation to an appropriate assessor, please nominate the general subject matter of the legal work done or the type of court matter involved in the costs to be assessed by crossing the relevant box(es) and attaching to the front of the application for assessment.**

☐ Administrative Law, including

☐ Tax

☐ Commercial

☐ Commercial arbitration (with a Court order if under LPA 2004)

☐ Insurance

☐ Corporations Law

☐ Building and construction

☐ Common Law

☐ Defamation

☐ Personal Injury – including public liability

☐ Motor Vehicle Accidents

☐ Professional negligence

☐ Possession 􏰀

☐ Equity (general)

☐ Family Provision

☐ Guardianship, de facto relationships

☐ Probate

☐ Land and Environment Court

☐ Tribunals

☐ Dust Diseases Tribunal

☐ NCAT

☐ Other Tribunal

☐ Other

☐ Criminal

☐ Industrial

☐ Workers Compensation

☐ Property

☐ Any other area of law …………………………………………………………………..

**NOTE:** Ordered costs from Commonwealth Courts are NOT generally assessed or quantified under NSW Legal Profession legislation.

Family Law costs orders are quantified using procedure set out in the Family Law Rules

Federal Court and Federal Circuit Court costs orders are quantified under their Court Rules.

High Court costs orders are quantified under High Court Rules.

**Form A3**

**APPLICATION FOR ASSESSMENT OF ORDERED COSTS**

*Legal Profession Uniform Law Application Act 2014 (NSW) s 74*

*Legal Profession Act 2004 (NSW) s 353* ***(party/party costs)***

**MANAGER COSTS ASSESSMENT**

Assessment Number:

**[Name of costs applicant]**

Costs Applicant

**[Name of costs respondent]**

Costs Respondent

The costs applicant applies for assessment of costs payable under order of a court or tribunal in accordance with the particulars set out in Section A and provides the further information and certification set out in Sections B and C.

*Note: This form is intended for applications under the Legal Profession Uniform Law Application Act 2014 (NSW) (‘LPULAA’) or the Legal Profession Act 2004 (‘LPA04’). For corresponding applications under the Legal Profession Act 1987 Pt 11 as preserved by the Legal Profession Act 2004 Sch 9 cl 18, adapt this form appropriately.*

*If there is inadequate space to provide the required information, attach additional pages or expand the spaces in the form.*

## Particulars

In this section, the costs applicant is referred to as ‘you’.

1. Identify the costs that you want assessed. Provide the details required below.
   1. List each order of Court or Tribunal for costs.

| Court / Tribunal | File no. | Parties | Date of order |
| --- | --- | --- | --- |
|  |  |  |  |

If not otherwise obvious, specify the costs that you want assessed:   
………………………………………………………………………………………….

* 1. ATTACH a copy of each order
  2. If relevant, list each rule relied on in respect of costs that are assessable without an order (of Court or Tribunal).

*[Note: Only fill out this part if (a) the costs are payable without an order and (b) LPULAA applies.* ***If LPA04 applies, an order is always required before costs can be assessed.****]*

|  |  |  |  |
| --- | --- | --- | --- |
| Court / Tribunal | File no. | Parties | Rule |
|  |  |  |  |

Specify the costs that the rule makes payable *[e.g. plaintiff’s costs of action]*:   
…………………………………………………………………………………….

2. When did you send a copy of this application to the costs respondent?

Date of sending:……………………………

1. Did you include with that copy of the application, the notice required by whichever was applicable of the following: *Legal Profession Uniform Law Application Regulation 2015* (‘LPULAR’) cl 35(1)(a), (2)(a), *Legal Profession Regulation 2005* (‘LPR’) cl 125(1)(a), (2)(a)?

Date Sent …………………………

1. In respect of *COSTS PAYABLE* ***TO*** *YOU***:** 
   1. Have you received any objection from the costs respondent in response to your notice under LPULAR cl 35(1)(a) or LPR cl 125(1)(a) before lodging this application? If so, **ATTACH** a copy.

……………………………

* 1. If so, have you **attached** to this application any response to the objection?

………………

* 1. What is the total amount claimed for the costs? (Do not include interest.)

$………………….

* 1. How much of the claimed amount has been paid by or on behalf of the costs respondent? Specify the date and amount of each payment.

Date:…………………………………..… Amount: $……………………..…….

* 1. How much of the claimed amount remains unpaid?

$……………………………..……

* 1. If you claim costs on a GST-inclusive basis, state whether you are registered or required to be registered for GST and, if so, whether you are entitled to any input tax credit in respect of those costs.

………………………………………………………………………………………………

* 1. If interest is claimed, identify any relevant order for interest on costs and **ATTACH** a copy. State the amount claimed under the order to a convenient date of calculation, how it is calculated, and the rate(s) at which continuing interest is claimed.

………………………………………………………………………………………………

1. In respect of *COSTS PAYABLE* ***BY*** *YOU***:** 
   1. Have you received any information from the costs respondent in response to your notice under LPULAR cl 35(2)(a) or LPR cl 125(2)(a) before lodging this application? If so, **ATTACH** a copy.

……………………………

* 1. If so, have you lodged an objection with the costs respondent accompanied by a notice under LPULAR cl 35(2)(b) or LPR cl 125(2)(b) giving 21 days for response? If so, **ATTACH** a copy.

……………………………

* 1. If so, have you received any response from the costs respondent in response to your notice under LPULAR cl 35(2)(b) or LPR cl 125(2)(b) before lodging this application? If so, **attach** a copy.

……………………………

* 1. What is the total amount claimed for the costs? (Do not include interest.)

$…………………………

* 1. How much of the claimed amount has been paid to or on account of the costs respondent? Specify the date and amount of each payment.

Date:……………………………….… Amount: $…………………………..

* 1. How much of the claimed amount remains unpaid?

$……………………..…

* 1. If interest is claimed, state the amount claimed to a convenient date of calculation, how it is calculated, and the rate(s) at which continuing interest is claimed. Identify any relevant order for interest on costs and **attach** a copy.

………………………………………………………………………………………………

|  |
| --- |
| **For registry use only**:  The application fee will be the **greatest** of the following three amounts:   * 1. 1% of the amount in dispute $.........................   (The amount specified in Item 4(c) or 5(c) or total – Item 4(d) or 5(e) or total, if both are to be assessed.); or   * 1. 1% of the remaining unpaid amount $.......................   (The amount specified in Item 4(e) or 5(f) or total, if both are to be assessed); or   * 1. $100 – this is the minimum application fee. |

1. **Whether in respect of costs payable to you or by you, provide the following information in a separate document attached to this application**.

Where the document refers to separate items of work or disbursements, number the items sequentially. *(Note: in the case of costs payable by you, this information will have to be supplied by the costs respondent.)*

* 1. The amount claimed by the party to whom the costs are payable.
  2. The work done and all other items for which costs are claimed.
  3. When the work was done or the thing acquired, as the case may be.
  4. Who did the work (including the professional position of that person and relevant information about his or her experience and expertise).
  5. The basis on which the costs have been calculated and charged (whether on a lump sum basis, an hourly rate basis, an item of work basis, on a part of proceedings basis or other basis).
  6. The facts relied on by the party to whom the costs are payable to justify the costs claimed as fair and reasonable.

1. **Attach** **an INDEX** of all attachments to this application. Those attachments should be numbered and/or paginated, and the numbering or pagination should appear in the index.

## Addresses

The addresses of the costs applicant, costs respondent and any interested parties are set out below:

*(Note: Full details must be given for parties and if the parties are legally represented, the names, addresses and other contact details of their legal representatives are required.)*

#### Costs applicant

Name:

Address:

Telephone:

Email:

#### Costs applicant’s legal representative

Name:

Address:

Telephone:

Email:

Reference:

#### Costs respondent

Name:

Address:

Telephone:

Email:

#### Costs respondent’s legal representative

Name:

Address:

Telephone:

Email:

Reference:

#### Other

## Certification and Authority

I certify that there is no reasonable prospect of settlement of the matter by mediation.

I authorise the costs assessor to whom this matter is referred to have access to, and to inspect all my documents that are held by me, or by any law practice or Australian legal practitioner or Australian-registered foreign lawyer concerned, in relation to this matter.

(Signed)…………………………………………………………………………………

**\*Costs Applicant / \*Costs Applicant’s legal practitioner** (delete as appropriate)

**Date:**