

## FORM A3 INFORMATION FOR LODGING PARTY

### ***Costs assessment of Ordered (or Party Party) costs***

**Form A3 is generally intended to quantify costs under an order of a (NSW) Court or Tribunal.**

1. Please read the application carefully and complete all paragraphs and attach necessary documents as requested in the application.
2. Once you have prepared this application in full, send it to the costs respondent with a notice that any objection or information should be provided within 21 days. Only after the 21 days have elapsed, or if objections received earlier, can this application be lodged with Costs Assessment Section.
3. **Three hard copies of the application** and attachments, as well as any objections received from the costs respondent, and any response to objections, are required by the Costs Assessment Section. You should **keep an extra copy for your records**.
4. An **application fee** must be submitted being the greater of:
  - a) \$100 or
  - b) 1% of the unpaid costs at time application made or
  - c) 1% of the amount of costs in dispute at time application is made.
5. This **fee can be paid by** bank cheque or money order to Supreme Court of NSW or, only if attending registry in person, by credit card.
6. The application and fee can be lodged by:
  - a) **attending Level 5, Supreme Court, Law Courts Building Queens Square, Sydney** (business hours 9am – 5pm) OR
  - b) posting to **Costs Assessment Section, c/o Supreme Court of NSW, GPO Box 3, Sydney NSW 2001** (or sending to DX 829 Sydney)
7. Once the application is lodged, the Manager Costs Assessment will refer it to a costs assessor. A copy of the application and any documents lodged are sent to the costs respondent when advising about the details of the costs assessor.

#### **PLEASE NOTE::**

- Costs ordered by a NSW Court or Tribunal on **an Ordinary or an Indemnity** basis (as those terms are used in *Civil Procedure Act 2005* s 98) can be quantified by assessment using this form.
- **Legal Profession Uniform Law Application Act 2014 (LPUL)** applies if substantive matter in which costs order obtained was commenced on or after 1 July 2015 **and for these matters only**, this form can also be used to quantify costs under a relevant NSW Court Rule (eg UCPR - Discontinuance) or under an Award (eg under *Commercial Arbitration Act*).
- If the substantive proceedings in which costs orders obtained were commenced **before 1 July 2015**, the **Legal Profession Act 2004** will continue to apply and there must be a court order to assess any costs arising under UCPR or under any Award etc.
- Ordered costs from Commonwealth Courts are NOT assessed 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 relevant Court Rules; High Court costs orders are quantified under the High Court Rules.