



## Quiz

### Inter-state Comparative Costs – How are Costs Assessed in Your State? Part 2

1. Some advantages of the cost assessment system in NSW are:
  - a. A paper-based system is often less costly as it doesn't require oral submissions or court attendances.
  - b. Parties receive a written record of all submissions and reasons for determination.
  - c. Parties have time to formulate submissions in response.
  - d. All of the above
2. An advantage of the cost assessment system in Victoria is:
  - a. The Costs Court is a centralised venue for dealing with all sorts of costs disputes.
  - b. It is paper based
  - c. The Costs Court decisions are generally unavailable to non-parties
  - d. The Costs Court decisions are generally available to non-parties
3. In *Lessbrook Pty Ltd (in liq) v Whap; Stephen; Bowie; Kepa & Kepa* [2014] QCA 63, the Court held that:
  - a. All cost disputes should be heard by a panel of 4-5 cost assessors
  - b. Costs should be determined on a reasonable basis in a cost court
  - c. If the parties cannot agree on a costs assessor, the cheapest cost assessor is appointed
  - d. Only party/party costs can be determined by a costs court
4. In New South Wales:

- a. There are approximately 55 court-approved costs assessors who have a wide discretion, particularly when determining which costs are fair and reasonable as provided in section 76 of the *Legal Professional Uniform Law Application Act* (NSW) and section 172 of the *Legal Profession Uniform Law* (NSW).
  - b. The high number of costs assessors may compromise the uniformity and consistency in decision-making.
  - c. Guidelines such as the Supreme Court's Costs Assessment Rules Committee (CARC) Guideline for Costs Payable between Parties under Court Orders (Ordered or Party/Party Costs) assist with uniformity.
  - d. All of the above
5. The Costs Court in Victoria:
- a. Hears all costs disputes and consists of an Associate Justice, a Judicial Registrar and two Costs Registrars. The limited number of decision-makers facilitates a system that promotes uniformity and consistency
  - b. Hears matters where the gap is more than 40% but less than 60%
  - c. Publishes every decision it hands down on Austlii
  - d. Only deals with personal injury matters

Answers:

1. d 2. a 3. c 4. d 5. a