

COSTS ASSESSMENT - UNIFORM LAW - GUIDELINES - ASSESSMENT PROCEDURES

COSTS ASSESSMENT PROCESS

Assessment of costs is conducted pursuant to the provisions of the *Legal Profession Uniform Law Application Act 2014 (LPULAA)* and *Legal Profession Uniform Law Application Regulation 2025 (LPULAR)* which commenced on 1 September 2025. You are referred to:

- Ordered costs: Sections 63 to 81 LPULAA and Clauses 29, 30, 32-35, 38-44 LPULAR
- Uniform Costs: Sections 194 to 205 *Legal Profession Uniform Law (NSW) 2014 (LPUL)* and Clauses 29-31, 36, 37, 38-41, 43, 44 LPULAR

APPLICATION FOR ASSESSMENT OF ORDERED COSTS (FORMERLY PARTY/PARTY COSTS)

1. Before proceeding to assessment an effort should be made to settle the costs; this will have an impact on who will pay the costs of the assessment. Further, before lodging an Application for Assessment a Costs Applicant must certify that there is no reasonable prospect of settlement of the matter [Clause 29 LPULAR].
2. Applications for Assessment are available to be downloaded on the Supreme Court website under Practice & Procedure / Costs Assessment / Costs Assessment forms & fees.
3. In order to prepare the Application for Assessment, a Costs Applicant will need to:
 - 3.1 complete paragraphs 1, 6 and 7 of the Application for Assessment;
 - 3.2 obtain a copy of the Court Order(s) relating to costs;
 - 3.3 prepare an Index to the Application; and
 - 3.4 annex the itemisation of costs, disbursements, counsel's fees and costs order(s) as per the Index.
4. Once the Application for Assessment is prepared it needs to be served on the opposing party (including all annexed documents) [Section 68(2)(c) LPULAA]. Service on the solicitor acting in the proceedings to which the costs relate is not considered adequate service, unless they have instructions to accept service.
5. The Costs Respondent has a period of 21 days (or such other time as is agreed between the parties) to provide a Statement of Objections. [Clause 32(2) LPULAR]
6. Lodgement takes place either at the expiration of the 21 days from the date of service of the application for assessment, where objections have not been received, or on the receipt of objections [Clause 32(3) LPULAR]. Before lodging an Application for Assessment, a Costs Applicant must complete paragraphs 2, 3 and 4 and certify the Certificate and Authority. This includes certifying that the matter cannot be resolved by mediation.
7. The Costs Applicant can lodge the completed Application for Assessment electronically by emailing a scanned copy of your application and any supporting attachments to sc.emailfiling@justice.nsw.gov.au. If your document is very large, you may need to split it across multiple emails. If you need to do this, please clearly indicate this in the subject line, for example, "Case number 2020/123456, Sample Applicant v Sample Respondent, PART 1 OF 2". If this is not feasible, you can lodge the documents (in triplicate) at the Supreme Court Registry or by post; GPO Box 3 Sydney NSW 2001 or DX 829 SYDNEY.
8. A filing fee is payable to the Supreme Court of NSW on lodgement of your application and is the greater of \$100 or 1% of the total costs in the application for assessment (rounded up to whole dollars), or if an objection has been received, the fee is based on

the amount in dispute [Clause 30 LPULAR]. After lodging your application and supporting attachments, an invoice (for the filing fee) will be raised and sent by the Supreme Court which must be paid within 7 days.

9. A Costs Applicant may respond to the objections raised and can provide this Response document to the Costs Assessor or when lodging the Application for Assessment.
10. The Manager, Costs Assessment will notify the parties of the appointment of a Costs Assessor [Clause 41(2) LPULAR].
11. The Costs Assessor will notify the parties of any further information or documents required. If Objections and a Response were not prepared when the Application for Assessment was lodged then these documents can be provided directly to the Costs Assessor.
12. The Costs Assessor will notify the parties of the completion of the assessment and the Manager, Costs Assessment will advise the amount of costs (fee of the Costs Assessor) to be paid before release of the costs assessment certificates. The Costs Assessor will determine which party is liable for these costs and an invoice will be sent by from the Manager, Costs Assessment. Either party can pay the costs of the assessment to secure the release of the Certificates [Clause 44 LPULAR]. If a non-liable party makes the payment then this will be noted in the certificates in order for that party to seek recovery from the liable party.

Entry of Judgment

13. The Certificates of Determination should be filed in a court of competent jurisdiction and they are taken to be a judgment and any enforcement action can be taken. [Sections 70(5) and 71(3) LPULAA].
14. See also the "[Register a Certificate of Costs](#)" page on the Supreme Court website under Practice & Procedure / Costs Assessment / Register a Certificate of Costs.

PANEL REVIEW [Sections 82 – 88 LPULAA and Clauses 45 to 55 LPULAR]

If your client is dissatisfied with the outcome of the costs assessment, then an application for review of costs assessment can be filed. This application must be filed within 30 days of the date on which the determination of the Costs Assessor and statement of reasons is forwarded by the Manager, Costs Assessment. [Section 83(1) LPULAA]. A filing fee of \$275.00 is payable [Clause 46(3) LPULAR]. It should be noted that if the application fails to improve the position of the Review Applicant by 15% then the Review Applicant will be liable for the fees of the panel for reviewing the application. [Clause 55 LPULAR]

APPEALS [Sections 89 - 91 LPULAA]

Section 89 LPULAA - An appeal may be filed against a decision of the review panel to the District Court or Supreme Court in accordance with the rules of the court.

The court has all of the functions of the review panel. An appeal is to be by way of a rehearing, fresh evidence or evidence in addition to or in substitution for the evidence before the review panel or costs assessor may, with the leave of the court, be given on an appeal.

COSTS DISPUTE [Section 197 LPUL]

In the event of a dispute in relation to legal costs a party may seek the assistance of the NSW Commissioner. Legal costs that are or have been the subject of a costs dispute may not be the subject of a costs assessment unless the NSW Commissioner is unable to resolve the costs dispute and has notified the parties of their entitlement to apply for a costs assessment or arranges for a costs assessment.