



## national children's and youth law centre

a project of the university of sydney, the university of nsw and the public interest advocacy centre. acn 062 253 874

The National Children's and Youth Law Centre and Gilbert & Tobin, Solicitors will sponsor and present the inaugural Children's Lawyer of the Year awards in two categories:

- (i) consistent excellence in the legal representation of children;
- (ii) outstanding achievement in the legal representation of children;
- (iii) representation of aboriginal children

The awards are open to all Australian solicitors and barristers working in any legal environment, and the awards will recognise both commitment over the years to quality representation of children as well as single instances of outstanding representation and/or advocacy. For this reason both experienced and newer practitioners are encouraged to nominate. People may nominate themselves or another practitioner.

The winners will be chosen by a select committee and the awards will be presented at a prestigious dinner in Brisbane on 9 October 1998.

Nominations, containing a statement of achievement (2 A4 pages or 1000 words as a guide) should be forwarded to:

*National Children's and Youth Law Centre  
c/- University of New South Wales  
SYDNEY NSW 2052  
or e-mailed to [ncylc@unsw.edu.au](mailto:ncylc@unsw.edu.au)  
or faxed to **NCYLC (02) 9398 7416***

Telephone enquiries to: **Christine Cordingley (02) 9398 7488**

Reservations for individual or table bookings for the Awards dinner to be held at Customs House are limited. To secure your place please contact Christine Cordingley

## **P** Practice Directions

### Professional Fees for Claims Less than \$5000

The following practice direction is issued pursuant to section 21 of the *Local Court Act* and will apply from 1 July 1998.

#### Background

There have been many queries about the application of costs to matters commenced in the Local Court for an amount less than \$5000.

Rule 38 of the new Local Court Rules set out guidelines in relation to costs. These guidelines indicate that costs will normally be awarded in relation to matters where the claim is for less than \$5000. This corresponds with the small claims jurisdiction where all claims for less than this amount must now be com-

menced (section 14(7) of the *Local Court Act*).

Rule 1.04(3) allows the court to apply Rule 38 guidelines to matters commenced in the Local Court prior to the 1 June 1998 changes.

#### Procedure

Costs will only be awarded for Local Court matters in two instances:

- where an order is made that the old rules are to apply in accordance with Rule 1.04(3); or
- where the court makes an order departing from the guidelines. The criteria for departing from the guidelines are set out in Rule 38.04.

These orders would generally be made on application and any such application would have to be supported by material as to why the ordinary rule should be departed from.

- In relation to professional fees upon default judgement and registration of interstate judgements where the default judgement or interstate judgement is for a claim less than \$5000, the Court will apply the guidelines and professional fees will not be allowed unless the party applies for one of the orders referred to above.

Hugh Bradley  
Chief Magistrate  
July 1998