

TAC Protocols - Legal costs to 30 June 2016

† These price points apply to Applications lodged under the 2005 Protocols (i.e. up to 28 February 2016).

†† These price points apply to Applications lodged under the 2005 Protocols during the Transitional period (i.e. from 29 February 2016 to 30 June 2016)

The 2016 Protocols will apply to all Applications lodged on or after 1 July 2016

Protocol Legal Cost Indexation

[Figures in square brackets below are Clause/Chapter numbers of the 2005 Protocols]

† Up to
28/02/2016

†† During
29/02/2016 -
30/06/2016

	† Up to 28/02/2016	†† During 29/02/2016 - 30/06/2016
Impairment Protocols		
[NOTE price points where overlap @ 7.4-7.5]		
No release [7.1.2] [NOTE possible offset @ 7.3]	\$2,640	\$3,600
With release [7.1.1]	\$3,650	\$5,000
No Fault Dispute Protocols		
[NOTE includes counsel fees etc. @ 15.4; where overlap @ 15.7]		
Dispute resolved as a result of a pre-issue review but before a pre-issue conference		
Medical and like benefits [Chapter 12]	\$3,980	\$5,250
Loss of earnings rate [Chapter 10]	\$4,640	\$7,030
Loss of earnings duration and/or loss of earning capacity rate and/or duration [Chapter 11]	\$5,280	\$7,680
Impairment or Minors' Additional Benefits [Chapter 14] [NOTE Offset where costs already paid under 7.1.2 of Impairment Protocols]	\$5,280	\$7,680
Denial of claim/eligibility disputes [Chapter 9]	\$4,640	\$7,030
Dependency and death benefits [Chapter 13]	\$4,640	\$7,030
Any combination of disputes identified in Chapters 9 to 14	\$5,280	\$7,680
Notice of intention to Dispute Denial of Joint Medical Examination	\$500	\$500
Dispute resolved during a pre-issue review or within 14 days after a pre-issue conference		
Medical and like benefits [Chapter 12]	\$4,640	\$5,250
Loss of earnings rate [Chapter 10]	\$6,620	\$7,030
Loss of earnings duration and/or loss of earning capacity rate and/or duration [Chapter 11]	\$7,280	\$7,680
Impairment or Minors' Additional Benefits [Chapter 14] [NOTE Offset where costs already paid under 7.1.2 of Impairment Protocols]	\$7,280	\$7,680
Denial of claim/eligibility disputes [Chapter 9]	\$6,620	\$7,030
Dependency and death benefits [Chapter 13]	\$6,620	\$7,030
Any combination of disputes identified in Chapters 9 to 14	\$7,280	\$7,680
Common Law Protocols		
[NOTE 12.16-12.21 where concurrent applications]		
Settlement of Common Law Damages (NOTE all figures EXCLUDE disbursements)		
At conference, after SIC "deemed" pursuant to s.93(3) [12.6] OR	\$10,590	\$15,500
At conference, after SIC "granted" by TAC pursuant to s.93(4)(c) [12.7] OR	\$13,230	\$18,750
At conference, after SIC conceded by TAC after OM issued or "granted" by Court pursuant to s.93(4)(d) [12.9]	\$10,590	\$15,500
Settlement of Common Law Damages where claim "arising out of the use of" pursuant to s.94(1) (excluding disbursements)		
At conference (prior to issuing of proceedings or as otherwise agreed between the parties)	\$10,590	\$15,500
Settlement of Common Law Damages where claim is pursuant to Part III of the Wrongs Act and s.93(8) & (9) (excluding disbursements)		
At conference (prior to issuing of proceedings or as otherwise agreed between the parties)	\$10,590	\$15,500
Uplifts - where:		
SIC application made under clause 4.4 attached a sworn affidavit in support [12.11.1]	\$1,990	Nil*
Liability was not admitted by TAC prior to conference [12.11.2]	\$2,640	\$3,750
Economic loss supported by complete documents and claimant NOT self-employed [12.11.3] OR	\$2,640	\$2,970
Economic loss supported by complete documents and claimant IS self-employed [12.11.3]	\$3,330	\$5,500
Court approval is required (excludes disbursements) [12.12]	\$3,330	\$5,150
Solicitor attends conference without counsel [12.11.4]	\$2,250	\$2,540
Where CL damages resolves within 14 days of SIC concession at pre-OM conference [12.11.5] (NOTE no other uplifts apply)	\$2,640	Nil**
Where TAC not solely on risk (e.g. VWA) and SIC granted prior to issue of OM (all figures INCLUDE disbursements and no other protocol costs are payable)		
S.93(3) – "deemed" (impairment gateway) [12.4.1] OR	\$1,350	Nil***
S.93(4)(c) – "granted" (narrative gateway) [12.4.2]	\$3,980	Nil***

* Incorporated into increased settlement conference price points and uplifts

** Uplift removed - increased settlement conference price points and uplifts apply where CL resolves within protocols after OM issued

*** Costs to be claimed from Defendant/s upon successful resolution of common law claim