



**THE LAW SOCIETY  
OF SOUTH AUSTRALIA**

THE VOICE OF THE SOUTH AUSTRALIAN LEGAL PROFESSION

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25 May 2009

A26, 66.7  
JG;rp

Mr D Humphreys  
Principal Registrar  
Administrative Appeals Tribunal  
GPO Box 9955  
SYDNEY NSW 2001

By email: [research@aat.gov.au](mailto:research@aat.gov.au)

Dear Mr Humphreys

**Draft practice direction relating to taxation of costs**

Thank you for your letter of 21 April 2009 in which you invited the Society to consider a draft practice direction relating to taxation of costs.

The draft practice direction has been considered by the Society's Costs Committee.

The Society considers that the proposed practice direction has much to commend it in terms of an efficient structure for dealing with costs disputes.

The only point of caution is that by adopting a usual practice that the taxing officer who provided the original preliminary estimate conducts the ultimate taxation, it may be seen that there is an element of "pre judgment" to the extent that justice is not seen to be done.

In those circumstances, we would recommend that the usual practice be in fact that the taxing officer who performed the pre-estimate not be the taxing officer who presides over and conducts the formal taxation should that be necessary.

We thank you for the opportunity to provide feedback in relation to your draft practice direction.

Yours sincerely

John Goldberg  
**PRESIDENT**