



Supreme Court of Queensland Act 1991

Uniform Civil Procedure (Fees) Regulation 2009

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Queensland

Uniform Civil Procedure (Fees) Regulation 2009

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Uniform Civil Procedure (Fees) Regulation 2009

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Uniform Civil Procedure (Fees) Regulation 2009*.

2 Commencement

This regulation commences on 1 September 2009.

3 Definitions

The dictionary in schedule 3 defines particular words used in this regulation.

Part 2 Court fees

Division 1 Supreme Court and District Court

4 Fees for Supreme Court and District Court generally

- (1) Schedule 1 and this part apply for the Supreme Court and the District Court and set out the fees payable for proceedings in the Supreme Court and the District Court.
- (2) Schedule 1 does not apply to or affect fees or percentages directed to be taken or paid by an Act for which no fee or percentage is stated in schedule 1.
- (3) A registrar, enforcement officer, marshal or marshal's officer is not required to pay a fee mentioned in schedule 1.
- (4) To remove any doubt, it is declared that for applying schedule 1 and this part, a liquidator, receiver, administrator

or other person acting for, or on behalf of, a corporation in a proceeding must pay the fee payable by a corporation.

4A Setting down fee and hearing fee

- (1) A setting down fee and hearing fee are payable for a trial or hearing of a proceeding under this section, unless—
 - (a) the trial or hearing is set down for 1 day or less; or
 - (b) the hearing relates to an interlocutory application.
- (2) The fees are payable by the following, unless a court, on application by a party to the proceeding, orders otherwise—
 - (a) for a claim for which a request for trial date is filed under the *Uniform Civil Procedure Rules 1999*, rule 467—the plaintiff;
 - (b) for an application that is an originating process—the applicant;
 - (c) for an appeal to the District Court for which a certificate of readiness is filed under the *Uniform Civil Procedure Rules 1999*, rule 790—the appellant;
 - (d) for an appeal to the Court of Appeal—the appellant.
- (3) However, another person may pay the fees without affecting the power of the court to make an order for costs in relation to the fees.
- (4) The fees must be paid—
 - (a) for a proceeding mentioned in subsection (2)(a) or (c)—when the request for trial date or certificate of readiness is filed; or
 - (b) for a proceeding mentioned in subsection (2)(b) or (d), by the earlier of the following—
 - (i) the date that is 10 business days after the registrar sets a date for the hearing or trial of the proceeding or adds the appeal to a list of appeals under the *Uniform Civil Procedure Rules 1999*, rule 790(4);

- (ii) 9.30a.m. on the first day set for the hearing or trial of the proceeding.
- (5) If additional hearing or trial dates are set down for the proceeding, a hearing fee for the additional hearing or trial dates is payable by the earlier of the following—
- (a) the date that is 10 business days after the additional hearing or trial dates are set;
 - (b) 9.30a.m. on the first day set for the additional hearing or trial dates.

4B Non-payment of setting down fee and hearing fee

- (1) If a party fails to pay the setting down fee or hearing fee under section 4A—
- (a) the registrar may list the matter of non-payment for hearing before the court and on hearing the matter the court may make an order or give directions it considers appropriate about the matter; or
 - (b) the court may order that a hearing or trial relating to the proceeding is not to take place except with the court's leave; or
 - (c) the court may vacate any hearing date previously set down for the proceeding.
- (2) This section does not limit the power of the court to make an order in relation to the proceeding.

4C Refund of setting down fee and hearing fee

The registrar must refund 75% of the setting down fee and hearing fee paid by a party to a proceeding if—

- (a) the party gives the registrar a request for refund of fees in the approved form, at least 10 business days before the first day set down for the hearing or trial of the proceeding, stating the hearing or trial will not occur; and

- (b) the hearing or trial of the proceeding does not occur.

Division 2 Magistrates Courts

5 Fees for Magistrates Courts

- (1) Schedule 2 applies for Magistrates Courts and sets out the fees payable for proceedings in a Magistrates Court.
- (2) An enforcement officer is not required to pay a fee mentioned in schedule 2.

Division 2A Planning and Environment Court

5AA Fees for Planning and Environment Court

Schedule 2A applies for the Planning and Environment Court and sets out the fees payable for proceedings in the Planning and Environment Court.

Division 3 General

5A Fees if state-related party

- (1) In a proceeding to which a state-related person is a party the state-related person is not required to prepay any fees of court.
- (2) However, if judgment is given against another party in the proceeding and the state-related person has paid fees of court, the state-related person may recover the fees of court with costs from the other party.
- (3) In this section—

state-related person means the Sovereign, the State, a person acting for the State, an entity whose expenditure is payable, in whole or part, out of amounts from the consolidated fund, or a person acting for the entity.

6 Fees if account taken

- (1) On taking an account of an accounting party in the Supreme Court or the District Court, the fees—
 - (a) must be paid by the party having the conduct of the order under which the account is taken and are part of that party's costs of the proceeding, unless the court or a judge otherwise orders; and
 - (b) if a certificate of the result of the account is required—must be paid when the certificate is filed; and
 - (c) if a certificate is not required—are payable on the account, or part of the account, taken.
- (2) The registrar of the Supreme Court or the District Court may require a deposit of not more than the fees payable on the amount that, from the account, appears to have been received and must make a note of the deposit in the account.
- (3) On taking an account by order of the Supreme Court or the District Court the fees are, on payment, to be included in the account unless the court or a judge otherwise directs.
- (4) In this section—

accounting party, see the *Uniform Civil Procedure Rules 1999*, rule 530(2).

7 Fees if assessment of costs

- (1) The fees payable on the assessment of costs in the Supreme Court, the District Court or the Magistrates Courts are—
 - (a) payable on the allowance of any amount on the assessment; and
 - (b) to be fixed by the assessing registrar; and
 - (c) to be paid by the solicitor or party filing the costs statement.
- (2) The assessing registrar may require a deposit, of not more than the fees payable on the full amount of the costs as submitted for assessment, before the assessment is started.

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- (3) The assessing registrar must make a note of the deposit on the costs statement.

8 Deposit for fees

- (1) The registrar, marshal or sheriff may require a deposit on account of fees applicable to a proceeding in the Supreme Court, the District Court or the Magistrates Courts—
 - (a) before the proceeding is started; or
 - (b) at any time during the course of the proceeding.
- (2) The person requiring the deposit must make a note of the deposit on the court file.

9 Payment of reduced fee and exemption from setting down fee and hearing fee

- (1) A party to a proceeding may apply under section 10, 10A or 10B to pay the reduced fee instead of one of the following for the proceeding (the *relevant fee*)—
 - (a) a fee mentioned in schedule 1, item 1 on filing a document starting the proceeding;
 - (b) for a party other than a corporation—a fee mentioned in schedule 1, item 2 on filing a document starting the proceeding;
 - (c) a setting down fee;
 - (d) a hearing fee.
- (2) The reduced fee is payable on or before the date specified in the order under section 10, 10A or 10B.
- (3) If the registrar approves payment by the party of the reduced fee instead of a fee mentioned in subsection (1)(a) or (b), a setting down fee and hearing fee are not payable for the proceeding.
- (4) If the registrar approves payment by the party of the reduced fee instead of the setting down fee for the proceeding, a hearing fee is not payable for the proceeding.

10 Application for payment of reduced fee—when registrar must approve application

- (1) This section applies to a party to a proceeding who is an individual if the party—
 - (a) has been granted legal aid under the *Legal Aid Queensland Act 1997* for the proceeding; or
 - (b) is the holder of any of the following cards under the *Social Security Act 1991* (Cwlth)—
 - (i) a current health care card;
 - (ii) a current pensioner concession card;
 - (iii) a current Commonwealth seniors health card; or
 - (c) is the holder of a current repatriation health card or repatriation pharmaceutical benefits card issued by the Commonwealth department administering the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth); or
 - (d) is receiving youth allowance, Austudy payments or a benefit under the ABSTUDY scheme under the *Social Security Act 1991* (Cwlth).
- (2) The party may apply to the registrar for an order that the party pay the reduced fee instead of the relevant fee for the proceeding.
- (3) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by proof of a matter mentioned in subsection (1).
- (4) On receipt of an application properly made under this section, the registrar must, by order, approve that the party pay the reduced fee instead of the relevant fee.
- (5) The order must include the date by which the reduced fee must be paid.

10A Application for payment of reduced fee—hardship

- (1) This section applies to a party to a proceeding who is an individual if the party has not made an application under section 10.
- (2) The party may apply in the approved form to the registrar for an order that the party pay the reduced fee instead of the relevant fee on the ground of financial hardship.
- (3) In considering the application, the registrar must have regard to the party's income, day-to-day living expenses, bank balances and cash on hand.
- (4) If the registrar reasonably believes there is a ground of financial hardship, the registrar may, by order, approve that the party pay the reduced fee instead of the relevant fee.
- (5) The registrar may decide the application summarily and without extensive investigation.
- (6) The order must include the date by which the reduced fee must be paid.

10B Application for payment of reduced fee—corporation

- (1) A party to a proceeding who is a corporation may apply in the approved form to the registrar for an order that the party pay the reduced fee instead of the relevant fee.
- (2) Subsection (1) does not apply to a corporation who is a party to a proceeding under the Corporations Act or the *Admiralty Act 1988* (Cwlth).
- (3) The registrar may, by order, approve that the party pay the reduced fee instead of the relevant fee only if the registrar reasonably believes the party does not have, and can not reasonably obtain from another source, sufficient funds to pay the relevant fee.
- (4) The order must include the date by which the reduced fee must be paid.

10C Payment of reduced fee—review of registrar’s decision

- (1) A party who has made an application under section 10, 10A or 10B and is dissatisfied with the registrar’s decision on the application may apply to the court for a review of the registrar’s decision.
- (2) On an application for a review of the registrar’s decision, the court conducting the review may—
 - (a) consider the application with or without a hearing; and
 - (b) consider anything the registrar was required to consider when making the decision; and
 - (c) make any order the court considers appropriate.

Part 4 Allowances for witnesses and interpreters

Division 1 Preliminary

11 Definitions for pt 4

In this part—

expert means a person who would, if called as a witness at the trial of a proceeding, be qualified to give opinion evidence as an expert witness in relation to an issue arising in the proceeding.

non-professional witness means a witness who attends court to give evidence of a non-professional nature.

prisoner see the *Corrective Services Act 2006*.

professional witness means a witness who attends court to give evidence of a professional nature.

public transport means any form of passenger transport that is available for use by the public on payment of a fare.

relevant person means—

- (a) an expert; or
- (b) an interpreter; or
- (c) a non-professional witness; or
- (d) a professional witness.

Division 2 Witnesses and interpreters other than prisoners

12 Application of div 2

- (1) This division does not apply to a person to whom section 21 applies.
- (2) Also, if a relevant person, other than an interpreter, attends 2 or more proceedings on the same day, the amount to be paid to the person for each proceeding must be a reasonable share of the total for all the proceedings.

13 Allowances

- (1) A relevant person is entitled to be paid the following allowances in accordance with this part for attendance at court—
 - (a) a travelling allowance;
 - (b) an accommodation allowance;
 - (c) an attendance allowance.
- (2) The travelling allowance is a payment made towards meeting the costs incurred by the relevant person in travelling to and from the court.
- (3) The accommodation allowance is a payment made towards meeting the costs incurred by the relevant person for accommodation and meals when the relevant person is necessarily absent from the person's place of residence to attend court.

-
- (4) The attendance allowance is a payment made towards meeting any loss of earnings or additional expenses incurred by a relevant person when the relevant person is necessarily absent from the person's place of employment, practice or residence to attend court.

14 Travelling allowance

- (1) The amount of the travelling allowance that is to be paid to a relevant person is—
- (a) the amount actually and properly paid for fares for public transport; or
 - (b) if there is no public transport available—the amount calculated at the rate per kilometre payable under the *Public Service Act 2008* to a public service employee required to use the employee's private motor vehicle for official purposes, taken to the nearest whole cent.
- (2) The relevant person is not entitled to the payment of a travelling allowance if no expense is incurred by the person in travelling to and from the court.
- (3) If the relevant person travels to and from the court in a private vehicle with another relevant person, only 1 payment is to be made under subsection (1)(b) for the vehicle.
- (4) If it is reasonable for the relevant person to travel to and from the court by air, the amount of the travelling allowance to be paid is—
- (a) for a non-professional witness or an interpreter—the amount payable for economy class air travel by the person to and from the court; or
 - (b) for a professional witness or an expert—the amount payable for first class air travel by the person to and from the court.
- (5) For calculating travelling allowances, in deciding whether public transport was available, regard is to be had to whether a public transport system operated by which a person could conveniently—

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- (a) travel to the court in reasonable time before the person's required attendance; and
- (b) return to the person's place of employment, practice or residence after the person's attendance at court.

15 Accommodation allowance

- (1) The amount of the accommodation allowance that is to be paid to a relevant person is to be the amount calculated at the rate payable under the *Public Service Act 2008* to a public service officer.
- (2) For subsection (1)—
 - (a) the period of absence from the relevant person's place of residence is to be calculated from the time of departure from that place to the time of return to that place; and
 - (b) if, after the number of full days absence has been calculated, the period remaining is more than 12 hours, that period is to be treated as a day's absence.
- (3) For calculating accommodation allowances, regard is to be had to—
 - (a) the time of the latest public transport available by which the person could conveniently travel to the court in reasonable time before the person's required attendance; and
 - (b) the time by which the person could conveniently return to the person's place of employment, practice or residence using the earliest public transport available within a reasonable time after the person's attendance at court.
- (4) Subsection (3) does not apply if special reasons exist for some other basis for the calculation.

16 Non-professional witness attendance allowance

The amount of the attendance allowance that is to be paid to a non-professional witness is—

(a) if the witness is under 16—\$40.15; or

(b) if the witness is 16 or older—\$80.40;

for each day or part of a day of necessary absence from the witness's place of employment, practice or residence to attend court.

17 Professional witness or expert attendance allowance

(1) The amount of the attendance allowance that is to be paid to a professional witness or an expert is \$246.80 for each day of necessary absence from the person's place of employment, practice or residence to attend court.

(2) If the period for which a professional witness or an expert is necessarily absent is 7 hours or less, the amount of the attendance allowance that is to be paid is—

(a) for an absence of 3 hours or less—\$92.60; or

(b) for an absence of more than 3 hours but not more than 4 hours—\$133.20; or

(c) for an absence of more than 4 hours but not more than 5 hours—\$161.80; or

(d) for an absence of more than 5 hours but not more than 6 hours—\$190.20; or

(e) for an absence of more than 6 hours—\$218.00.

(3) However, if the person is a doctor who is employed under the *Hospital and Health Boards Act 2011* as a health service employee at a public sector hospital, the attendance allowance that is to be paid is \$82.65 for each day or part of a day of necessary absence from the person's place of employment to attend court.

(4) Travelling time is to be taken into account for deciding the amount of the allowance under this section.

18 Interpreter attendance allowance

- (1) The amount of the attendance allowance that is to be paid to an interpreter is \$251.80 for each day of necessary absence from the interpreter's place of employment, practice or residence to attend court.
- (2) If the period for which an interpreter is necessarily absent is less than 8 hours, the amount of the attendance allowance that is to be paid is—
 - (a) for the first 2 hours or part of 2 hours—\$64.30; and
 - (b) for each additional hour or part of an hour—\$29.25.
- (3) Travelling time is to be taken into account for deciding the amount of the allowance under this section.

19 When additional amount may be paid

- (1) If the registrar considers it is reasonable for an additional amount to be paid to a relevant person under section 16, 17 or 18 because of special circumstances, the registrar may approve the payment of an additional reasonable amount.
- (2) Without limiting subsection (1), it is a special circumstance that a relevant person who is a doctor is a specialist health practitioner under the Health Practitioner Regulation National Law.

20 Increase if GST payable

If an amount payable under section 17 or 18 is for a supply on which GST is payable, the amount payable under the section is to be increased to take account of the GST.

Division 3 Prisoners

21 Allowance

- (1) This section applies to a prisoner who—

- (a) attends court as a relevant person; and
 - (b) has been granted leave of absence under the *Corrective Services Act 2006* to engage in employment; and
 - (c) incurs loss of salary or wages while attending court.
- (2) The prisoner is entitled to be paid an allowance for attendance at court.
- (3) The amount of the allowance—
- (a) must be decided by the chief executive of the department within which the *Supreme Court of Queensland Act 1991* is administered; and
 - (b) must not be more than the amount of the allowance that a relevant person would be entitled to be paid under section 13 for the same attendance.

Part 5 Repeal provision

22 Repeal

The Uniform Civil Procedure (Fees) Regulation 1999, SL No. 139 is repealed.

Part 6 Transitional provision

23 Transitional provision for Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation (No. 1) 2011

This regulation, as amended by the *Uniform Civil Procedure (Fees) and Other Legislation Amendment Regulation (No. 1) 2011*, applies only to proceedings started after the commencement of this section.

Schedule 1 Fees payable in the Supreme Court and District Court

section 4(1)

| | Supreme Court | District Court |
|---|------------------|-------------------|
| | \$ | \$ |
| Originating process | | |
| 1 (1) Filing any claim, including a counterclaim or writ in admiralty, under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)— | | |
| (a) if at least 1 plaintiff is a corporation | 2,723.00 | not applicable |
| (b) otherwise | 1,136.00 | not applicable |
| (2) Filing any application that is an originating process under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)— | | |
| (a) if at least 1 applicant is a corporation | 2,723.00 | not applicable |
| (b) otherwise | 1,136.00 | not applicable |
| (3) Filing any claim, including a counterclaim, other than a claim or counterclaim mentioned in subitem (1)— | | |
| (a) if at least 1 plaintiff is a corporation | 1,911.00 | 1,715.00 |
| (b) otherwise | 952.60 | 860.60 |
| (4) Filing any application, other than an application mentioned in subitem (2) or item 2, that is an originating process— | | |
| (a) if at least 1 applicant is a corporation | 1,911.00 | 1,715.00 |
| (b) otherwise | 952.60 | 860.60 |
| (5) Filing any document initiating any appeal, including a case stated, an application for leave to appeal or a cross appeal— | | |

| | Supreme Court | District Court |
|--|--------------------------|---------------------------|
| | \$ | \$ |
| (a) if at least 1 party initiating the appeal is a corporation | 2,864.00 | 2,575.00 |
| (b) otherwise | 1,432.00 | 1,285.00 |

Administration of estates

2 Filing—

| | | |
|--|--------|----------------|
| (a) an application for probate or letters of administration | 706.70 | not applicable |
| (b) an application for resealing of a foreign grant of probate or letters of administration under the <i>British Probates Act 1898</i> | 706.70 | not applicable |
| (c) an application for an order to administer under the <i>Public Trustee Act 1978</i> | 706.70 | not applicable |

Any other documents

| | | |
|--|--------|----------------|
| 3 (1) Filing an application in the Supreme Court to be admitted to the legal profession under the <i>Legal Profession Act 2007</i> | 70.05 | not applicable |
| (2) Filing or receiving any document not connected with a matter already on record and not otherwise provided for, including the filing or receiving of any document in the sheriff's office or marshal's office | 114.00 | 98.35 |
| (3) If a fee is paid under subitem (2) in relation to a document, a further fee is not payable under the subitem for filing any subsequent document related to the first document. | | |

Issuing subpoena

Schedule 1

| | Supreme Court | District Court |
|--|------------------|-------------------|
| | \$ | \$ |
| 4 Issuing a subpoena under the <i>Uniform Civil Procedure Rules 1999</i> , rule 414, at the request of a party | 93.25 | 93.25 |

Setting down

| | | |
|---|----------|----------------|
| 5 (1) Setting down for hearing or trial a proceeding under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)— | | |
| (a) if at least 1 plaintiff or appellant is a corporation | 4,543.00 | not applicable |
| (b) otherwise | 2,274.00 | not applicable |
| (2) Setting down for hearing or trial any other proceeding— | | |
| (a) if at least 1 plaintiff or appellant is a corporation | 3,183.00 | 2,864.00 |
| (b) otherwise | 1,592.00 | 1,432.00 |

Hearing

| | | |
|---|----------|----------------|
| 6 (1) For the hearing or trial of a proceeding under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)— | | |
| (a) for each day or part of a day after the first day— | | |
| (i) if at least 1 plaintiff or appellant is a corporation | 1,820.00 | not applicable |
| (ii) otherwise | 903.80 | not applicable |
| (b) for each day or part of a day after the fourth day— | | |
| (i) if at least 1 plaintiff or appellant is a corporation | 3,270.00 | not applicable |

| | Supreme Court | District Court |
|---|--------------------------|---------------------------|
| | \$ | \$ |
| (ii) otherwise | 1,506.00 | not applicable |
| (c) for each day or part of a day after the ninth day— | | |
| (i) if at least 1 plaintiff or appellant is a corporation | 6,450.00 | not applicable |
| (ii) otherwise | 3,029.00 | not applicable |
| (2) For the hearing or trial of any other proceeding— | | |
| (a) for each day or part of a day after the first day— | | |
| (i) if at least 1 plaintiff or appellant is a corporation | 1,272.00 | 1,143.00 |
| (ii) otherwise | 639.00 | 571.70 |
| (b) for each day or part of a day after the fourth day— | | |
| (i) if at least 1 plaintiff or appellant is a corporation | 2,293.00 | 2,060.00 |
| (ii) otherwise | 1,144.00 | 1,033.00 |
| (c) for each day or part of a day after the ninth day— | | |
| (i) if at least 1 plaintiff or appellant is a corporation | 4,457.00 | 4,009.00 |
| (ii) otherwise | 2,225.00 | 2,001.00 |

Reduced fee

7 Reduced fee—

Schedule 1

| | Supreme Court \$ | District Court \$ |
|--|------------------------|-------------------------|
| (a) for a corporation in relation to a fee payable under item 1(3), (4) or (5), 5(2) or 6(2)—the fee that would be payable under the item if the corporation were a party other than a corporation | | |
| (b) otherwise | 128.90 | 128.90 |
| Opening offices | | |
| 8 Opening, or keeping open, the registry, sheriff's office or marshal's office between 4.30p.m. and 8.30a.m. or on a Saturday, Sunday or court holiday | 528.60 | 528.60 |
| Copies | | |
| 9 Copy of a record of the court or a document or exhibit filed in the registry, sheriff's office or marshal's office, including reasons for judgment— | | |
| (a) first copy—each page | 2.80 | 2.80 |
| (b) maximum fee for first copy | 72.45 | 72.45 |
| (c) additional copy—each page | 0.65 | 0.65 |
| (d) maximum fee for additional copy | 28.90 | 28.90 |
| 10 (1) Certifying a copy of a record of the court or a document or exhibit filed in the registry | 68.95 | 68.95 |
| (2) This fee is in addition to the fee mentioned in item 9. | | |
| (3) This fee does not apply to certifying the original certificate of admission of a person to the legal profession under the <i>Legal Profession Act 2007</i> . | | |

| | Supreme Court | District Court |
|--|--------------------------|---------------------------|
| | \$ | \$ |
| Attendance of officer | | |
| 11 (1) For an officer— | | |
| (a) to attend with a record or document at a court or place out of the court building; or | | |
| (b) to attend to examine a witness or an enforcement debtor away from the court building; or | | |
| (c) to attend a view out of the office; or | | |
| (d) *to attend to the discharge of cargo; or | | |
| (e) *to attend to the sale or removal of a ship or goods; or | | |
| (f) *to attend to the delivery up of a ship or goods in accordance with the inventory— | | |
| for each hour or part of an hour | 112.90 | 112.90 |
| but not more than, for each day | 565.40 | 565.40 |
| (2) *For an officer to attend the release of a ship, goods, or person from arrest | 49.15 | not applicable |
| (3) The reasonable travelling and other expenses of the officer are also payable. | | |
| Public searches | | |
| 12 (1) Searching the records—for each name or file | 25.15 | 25.15 |
| (2) Retrieval from Queensland State Archives—for each file | 25.15 | 25.15 |

Accounts and assessment of costs

Schedule 1

| | Supreme Court \$ | District Court \$ |
|--|------------------------|-------------------------|
| 13 Taking an account before the registrar—for each hour or part of an hour | 112.90 | 112.90 |
| 14 (1) Assessment by an assessing registrar of a costs statement under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708, wholly or partly—for each hour or part of an hour | 112.90 | 112.90 |
| (2) Assessment by an assessing registrar of a costs statement other than under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708—for each \$100 or part of \$100 allowed | 14.15 | 14.15 |
| Miscellaneous | | |
| 15 (1) *Drawing an advertisement | 153.20 | 153.20 |
| (2) Settling and executing a deed of transfer | 153.20 | 153.20 |
| (3) Appointing a valuer for a ship or an auctioneer or agent to sell a ship, in addition to any fee payable to the valuer, auctioneer or agent | 147.30 | not applicable |
| 16 Certificate of registrar | 68.95 | 68.95 |
| 17 Preparation and photocopying of documents for inclusion in appeal books— | | |
| (a) first copy—each page | 2.80 | not applicable |
| (b) additional copy—each page | 0.65 | not applicable |
| (c) binding of appeal books—each book | 10.70 | not applicable |
| Expenses of registrar, enforcement officer or marshal | | |
| 18 *Any amount that the registrar, enforcement officer or marshal considers was actually and reasonably incurred for the following— | | |

| | Supreme Court | District Court |
|---|--------------------------|---------------------------|
| | \$ | \$ |
| (a) each person left in possession; | | |
| (b) the securing and safe custody of property under seizure; | | |
| (c) (i) board and lodging; | | |
| (ii) travelling expenses; | | |
| (iii) clerical assistance at sales; | | |
| (iv) advertising; | | |
| (v) feeding livestock or removing it to a place of safekeeping; | | |
| (vi) hire of transport, warehouses or yards; | | |
| (vii) out-of-pocket expenses. | | |

Poundage

| | | |
|---|--------|--------|
| 19 (1) On enforcing a warrant or other process under, or because of, which an amount is received by the registrar, the sheriff or the enforcement creditor—2.5% of the amount received, but not less than | 153.20 | 153.20 |
| (2) On enforcing a warrant for possession—2.5% determined on annual rent or value, but not less than | 153.20 | 153.20 |
| (3) No fee is payable on the sale of a ship or goods sold by the marshal under a judgment or order of the court. | | |

Fees payable to enforcement officer, marshal or marshal's officer

| | | |
|--|--|--|
| 20 (1) Service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document— | | |
|--|--|--|

Schedule 1

| | Supreme Court | District Court |
|---|--------------------------|---------------------------|
| | \$ | \$ |
| (a) on each person or ship served or enforced | 105.70 | 105.70 |
| (b) for each additional warrant, process or document served or enforced if— | | |
| (i) 2 or more warrants, processes or documents lodged at the same time against the same person or ship are served or enforced at the same time; or | | |
| (ii) 2 or more persons or ships are served with the same warrant, process or document, the same proceedings are enforced against them, or proceedings are enforced at the same time and at the same address | 19.00 | 19.00 |
| (2) The reasonable travelling and other expenses of the officer are also payable. | | |
| 21 (1) Travelling fees on service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document—for each kilometre or part of a kilometre necessarily travelled from the registry to the place of service or enforcement, 1 way in excess of 8km from the registry | 3.75 | 3.75 |
| (2) Only 1 travelling fee may be charged if— | | |
| (a) 2 or more warrants, processes or documents lodged at the same time against the same person or ship are served or enforced at the same time; or | | |

| | Supreme Court | District Court |
|---|--------------------------|---------------------------|
| | \$ | \$ |
| (b) 2 or more persons or ships are served with the same warrant, process or document, the same proceedings are enforced against them, or proceedings are enforced at the same time and at the same address. | | |
| 22 (1) Taking a person to prison or a place of detention from the place of arrest—for each kilometre | 3.75 | 3.75 |
| (2) Other unavoidable expenses involved in taking a person to prison or a place of detention. | | |
| 23 (1) For time necessarily spent after the first hour, for each hour or part of an hour, on— | | |
| (a) service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document; or | | |
| (b) arranging or conducting an auction | 33.15 | 33.15 |
| (2) If the enforcement officer is a full-time officer of the public service and performs a duty during normal working hours, the allowance is to be paid to the court. | | |
| 24 (1) Retaining possession by the marshal or marshal's officer of a ship, with or without cargo, or of a ship's cargo without a ship—for each day | 17.85 | not applicable |
| (2) In addition to the fee mentioned in subitem (1), the reasonable expenses incurred for a ship keeper in retaining possession of a ship are also payable. | | |
| (3) No fee is payable for the custody and possession of property under arrest— | | |
| (a) if it consists of an amount in a bank or goods stored in a bonded warehouse; or | | |

Schedule 1

| Supreme Court | District Court |
|------------------|-------------------|
| \$ | \$ |

(b) if it is in the custody of an authorised officer within the meaning of the *Customs Act 1901* (Cwlth).

* indicates fee may be payable to the enforcement officer, marshal or marshal's officer

Schedule 2 Magistrates Courts fees

section 5(1)

Part 1 Court fees

\$

Filing claim or other document

- | | | |
|---|--|--------|
| 1 | Filing a claim— | |
| | (a) if amount claimed is \$2,500 or less | 172.20 |
| | (b) if amount claimed is more than \$2,500 but less than \$10,000 | 239.90 |
| | (c) if amount claimed is \$10,000 or more but less than \$50,000 | 257.70 |
| | (d) if amount claimed is \$50,000 or more but less than \$100,000 and— | |
| | (i) the plaintiff is an individual or all plaintiffs are individuals | 331.40 |
| | (ii) otherwise | 522.60 |
| | (e) if amount claimed is \$100,000 or more and— | |
| | (i) the plaintiff is an individual or all plaintiffs are individuals | 393.20 |
| | (ii) otherwise | 653.20 |
| 2 | Registering a judgment or order issued out of a court other than a State court or tribunal (including enforcement action taken on the judgment)— | |
| | (a) if amount claimed is \$2,500 or less | 108.10 |
| | (b) if amount claimed is more than \$2,500 but less than \$10,000 | 108.10 |
| | (c) if amount claimed is \$10,000 or more | 116.40 |

Schedule 2

| | \$ |
|--|--------|
| 3 Filing an employment claim mentioned in the <i>Magistrates Courts Act 1921</i> , section 42B | 58.30 |
| 4 Filing a document (other than a claim) to start a proceeding | 108.10 |
| Copies and inspection | |
| 5 Certifying a copy of an order or a copy of another document (other than a record under the <i>Recording of Evidence Act 1962</i>) | 28.25 |
| 6 Inspecting records in a proceeding— | |
| (a) within 4 years after filing of claim (not payable by parties) | 15.30 |
| (b) more than 4 years after filing of claim (including parties) | 26.40 |
| 7 Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i> — | |
| (a) first copy—each page | 2.80 |
| (b) maximum fee for first copy | 72.45 |
| (c) additional copy—each page | 0.65 |
| (d) maximum fee for additional copy | 28.90 |
| Poundage | |
| 8 Poundage if an enforcement officer enforces an enforcement warrant or other process under, or because of, which money is received by the bailiff or enforcement creditor—5% on first \$200 and 2.5% on the balance (the first \$200 is to be paid to the bailiff), but not less than | 68.95 |

Opening registry

| | |
|---|---|
| | \$ |
| 9 | Opening, or keeping open, the registry between 8a.m. and 8.30a.m. or between 4.30p.m. and 6p.m. on a day other than a Saturday, Sunday or court holiday |
| | 178.10 |

Assessment of costs

| | | |
|----|---|--------|
| 10 | Making an appointment for directions or for assessment of a costs statement by an assessing registrar | 50.90 |
| 11 | Assessment by an assessing registrar of a costs statement under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708, wholly or partly—for each hour or part of an hour | 112.90 |
| 12 | Assessment by an assessing registrar of a costs statement other than under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708—for each \$100 or part of \$100 allowed | 14.15 |
| 13 | For an order for the amount assessed | 70.05 |

Part 2 Bailiff's fees

| | | |
|---|---|-------|
| | | \$ |
| | Service, enforcement or apprehension | |
| 1 | Service or attempted service of a claim, application, subpoena, process or other document within 12km of the registry—on each person served | 50.40 |
| 2 | Enforcement, or attempted enforcement, of a warrant within 12km of the registry—for each bailiff | 73.60 |

Schedule 2

| | | \$ |
|---|--|-------|
| 3 | <p>(1) Travelling fees on service, or attempted service, of claim, application, subpoena, process or other document or enforcement, or attempted enforcement, of warrant—for each kilometre or part of a kilometre necessarily travelled from the registry to the place of service or enforcement, 1 way in excess of 12km from the registry</p> | 3.75 |
| | <p>(2) Only 1 travelling fee may be charged if—</p> <p style="margin-left: 20px;">(a) 2 or more claims, applications, subpoenas, processes, other documents or warrants lodged at the same time against the same person are served or enforced at the same time; or</p> <p style="margin-left: 20px;">(b) 2 or more persons are served with the same claim, application, subpoena, process or other document at the same time and at the same address.</p> | |
| 4 | <p>(1) For time necessarily spent after the first hour on enforcement or attempted enforcement, or apprehension or attempted apprehension—for each hour or part of an hour</p> | 23.90 |
| | <p>(2) A payment under subitem (1) is at the discretion of the registrar.</p> <p>(3) If the bailiff is a full-time officer of the public service and performs the enforcement or apprehension during normal working hours, the allowance is to be paid to the court.</p> | |
| 5 | Taking a person to prison or a place of detention from the place of arrest—for each kilometre | 3.75 |

Additional fee for payment into court

| | | |
|---|--|-------|
| 6 | If the bailiff collects and pays into court at least 50% but less than 85% of a money order debt due under a warrant—an additional fee | 23.90 |
| 7 | If the bailiff collects and pays into court at least 85% of a money order debt due under a warrant—an additional fee | 47.80 |

§

Custody and possession of property

- 8 (1) Each bailiff left in possession of property—for each day, not more than 105.70
- (2) If board and lodging are not supplied, actual and reasonable expenses incurred are at the discretion of the registrar.
- (3) The registrar may allow other actual and necessary payments made for the safe custody of property under seizure.
- (4) No fee is payable for the custody and possession of property under seizure if the property is not kept in the actual possession of the bailiff.

Miscellaneous

- 9 The following amounts are at the discretion of the registrar, if actually and reasonably incurred—
- (a) travelling expenses for each person;
- (b) clerical assistance at sales, if necessary;
- (c) advertising;
- (d) the cost of feeding livestock, or removing it to a place of safekeeping;
- (e) necessary assistance to, or expenses incurred by, the bailiff in enforcing a warrant, for example, hiring transport, warehouses and yards and out-of-pocket expenses, for example, postage and telephone calls.
- 10 (1) Drawing an advertisement of sale, if the sale is under an enforcement warrant for the seizure and sale of property 94.50
- (2) If the advertisement is not drawn by the bailiff, the fee is to be paid to the court.

Schedule 2A Planning and Environment Court fees

section 5AA

| | \$ |
|--|----------|
| 1 Filing a notice of appeal— | |
| (a) if there is only 1 party initiating the appeal and the party is an individual, or if there is more than 1 party initiating the appeal and they are all individuals | 632.30 |
| (b) otherwise | 1,252.00 |
| 2 Filing an originating application— <i>Planning and Environment Court Rules 2018</i> , rule 6— | |
| (a) if there is only 1 applicant and the applicant is an individual, or if there is more than 1 applicant and all the applicants are individuals | 632.30 |
| (b) otherwise | 1,252.00 |
| 3 Issuing a certificate on a final judgment, order, finding or decision | 66.70 |
| 4 Filing a document (the <i>first document</i>), other than any subsequent document relating to the first document, for which no other fee is provided | 96.00 |
| 5 Issuing a copy of a record of the court, a document or exhibit filed in the registry or reasons for judgment— | |
| (a) first copy—each page | 2.60 |
| (b) maximum fee for first copy | 70.90 |
| (c) additional copy—each page | 0.60 |
| (d) maximum fee for additional copy | 28.05 |
| 6 Opening or keeping open the registry after hours | 520.40 |
| 7 Searching the record in an appeal or other proceeding— for each name or file | 24.85 |

| | \$ |
|--|--------|
| 8 Attending a view— | |
| (a) for each hour or part of an hour | 110.60 |
| (b) but not more than, for each day | 553.40 |
| 9 Making an appointment for assessment of a costs statement | 110.60 |
| 10 Assessing a costs statement—for each \$100 or part of \$100 allowed | 13.30 |

Schedule 3 Dictionary

section 3

assessing registrar see the *Uniform Civil Procedure Rules 1999*, rule 679.

auctioneer, see the *Property Agents and Motor Dealers Act 2000*.

costs statement, see the *Uniform Civil Procedure Rules 1999*, rule 679.

expert, for part 4, see section 11.

hearing fee means the fee payable under section 4A and schedule 1, item 6.

marshal means the marshal, deputy marshal or assistant marshal of the Supreme Court mentioned in the *Uniform Civil Procedure Rules 1999*, rule 983(2).

marshal's officer means a person employed as the marshal's officer under the *Uniform Civil Procedure Rules 1999*, rule 983(3).

non-professional witness, for part 4, see section 11.

prisoner, for part 4, see section 11.

professional witness, for part 4, see section 11.

public transport, for part 4, see section 11.

reduced fee means the fee mentioned in schedule 1, item 7.

relevant fee see section 9(1).

relevant person, for part 4, see section 11.

setting down fee means the fee payable under section 4A and schedule 1, item 5.