

Queensland



Subordinate Legislation 1999 No. 139

Supreme Court of Queensland Act 1991

UNIFORM CIVIL PROCEDURE (FEES) REGULATION 1999

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PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Uniform Civil Procedure (Fees) Regulation 1999*.

Commencement

2. This regulation commences on 1 July 1999.

PART 2—COURT FEES

Fees for Supreme Court

3.(1). Schedule 1 applies for the Supreme 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 specified in schedule 1.

(3) An enforcement officer or marshal is not required to pay a fee mentioned in schedule 1.

(4) The fee payable on application for admission as a barrister or solicitor, includes the filing of all certificates, affidavits and other documents that relate to the application, administering the oaths of allegiance and of office, and sealing the certificate of admission.

Fees for District Court

4.(1) Schedule 2 applies for the District Court.

(2) An enforcement officer is not required to pay a fee mentioned in schedule 2.

Fees for Magistrates Courts

5.(1) Schedule 3 applies for the Magistrates Courts.

(2) An enforcement officer is not required to pay a fee mentioned in schedule 3.

**PART 3—ALTERNATIVE DISPUTE RESOLUTION
FEES****Fees for approval as mediator**

6. The fees for approval as a mediator are—

- (a) for the Supreme Court—\$330.00; or
- (b) for the District Court—\$330.00; or
- (c) for a Magistrates Court—\$103.00.

Fees for approval as case appraiser

7. The fees for approval as a case appraiser are—

- (a) for the Supreme Court—\$330.00; or
- (b) for the District Court—\$330.00; or
- (c) for a Magistrates Court—\$103.00.

PART 4—ALLOWANCES FOR WITNESSES AND INTERPRETERS

Division 1—Preliminary

Definitions for pt 3

8. In this part—

“expert witness” means a witness who attends court to give evidence of an expert nature.

“interpreter” means a person who attends court to interpret the testimony of a witness.

“nonprofessional witness” means a witness who attends court to give evidence of a nonprofessional nature.

“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 witness; or
- (b) an interpreter; or
- (c) a nonprofessional witness; or
- (d) a professional witness.

Division 2—Allowances for witnesses and interpreters other than prisoners

Application of division 2

9.(1) Division 2 does not apply to a witness or interpreter to whom section 17 applies.

(2) Also, if a witness attends 2 or more proceedings on the same day, the

amount to be paid to the witness for each proceeding must be a reasonable share of the total for all the proceedings.

Witness allowances

10.(1) Each 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 during the person's absence from the person's place of residence to attend court.

Travelling allowance

11.(1) The amount of the travelling allowance 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 for the time being payable under the *Public Service Act 1996* to a public service officer required to use the officer's private motor vehicle for official purposes, taken to the nearest whole cent.

(2) A 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 a 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 was 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 nonprofessional 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 or expert witness—the amount payable for first class air travel by the person to and from the court.

(5) For the calculation of 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 travel to the relevant court in reasonable time before the person's required attendance and could conveniently return to the person's place of residence or employment after the person's attendance at court.

Accommodation allowance

12.(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 1996* to a public service officer.

(2) For subsection (1), 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 if, after the number of full days absence has been decided, 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 the time of the latest public transport of the class used which could conveniently convey the person to the place of attendance at the relevant court in reasonable time before the person's required attendance and, after that attendance, the time of arrival at the person's place of residence or employment of the earliest public transport of that class leaving the place of attendance within a reasonable time after that attendance, unless special reasons exist for some other basis for the calculation.

Non-professional attendance allowance

13. The amount of the attendance allowance that is to be paid to a nonprofessional witness is—

- (a) if the witness is under 16—\$24.00; or
- (b) if the witness is 16 or older—\$48.00;

for each day or part of a day of necessary absence from the witness's place of employment or residence.

Professional or expert attendance allowance

14.(1) The amount of the attendance allowance that is to be paid to a professional or expert witness is \$151.00 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 or expert witness 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—\$56.00; or
- (b) for an absence of more than 3 hours but not more than 4 hours—\$76.00; or
- (c) for an absence of more than 4 hours but not more than 5 hours—\$94.00; or
- (d) for an absence of more than 5 hours but not more than 6 hours—\$110.00; or
- (e) for an absence of more than 6 hours but not more than 7 hours—\$130.00.

(3) However, if the witness is a doctor who is employed under the *Health Services Act 1991* as a health service employee at a hospital, the attendance allowance that is to be paid is \$50.00 for each day or part of a day of necessary absence from the hospital at which the person is employed.

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

Interpreter attendance allowance

15.(1) The amount of the attendance allowance that is to be paid to an interpreter is \$150.00 for each day of necessary absence from the interpreter's place of employment or residence to attend court.

(2) If the period for which the interpreter is necessarily absent is less than 8 hours, the amount of that attendance allowance is—

- (a) for the first 2 hours or part of 2 hours—\$37.00; and
- (b) for each additional hour or part of an hour—\$18.30.

When additional amount may be allowed

16.(1) If the registrar considers it is reasonable for an additional amount to be paid to a witness under section 13, 14 or 15 because of special circumstances, the registrar may approve the payment of an additional reasonable amount.

(2) It is a special circumstance that a doctor is a specialist under the *Medical Act 1939*.

Division 3—Allowances for witnesses or interpreters who are prisoners**Witnesses and interpreters who are prisoners**

17.(1) A prisoner granted leave of absence under the *Corrective Services Act 1988* to engage in employment who incurs any loss of salary or wages while attending court as a witness or an interpreter is entitled to be paid fees and expenses, of not more than the amounts of the allowances that may be paid to witnesses and interpreters, decided by the chief executive of the department within which the *Supreme Court of Queensland Act 1991* is administered.

SCHEDULE 1

SUPREME COURT FEES

section 3(1)

\$

Originating process

1. Filing any claim or application, unless item 2 applies . . . 156.00

Administration

2. Filing—
- (a) an application for probate or letters of administration with or without the will 244.00
 - (b) an application for resealing probate or letters of administration under the *British Probates Act 1898* . . . 189.00
 - (c) an application for an order to administer under the *Public Trustee Act 1978* 166.00
 - (d) an election to administer under the *Public Trustee Act 1978* or the *Trustee Companies Act 1968* 56.00

Hearing

3. (1) Filing a request for trial, including—
- (a) an admiralty action for trial before a judge with or without a jury, or assessors; or
 - (b) a petition under the *Electoral Act 1992*, part 8, division 2 for trial before a judge with or without a jury, or assessors; or
 - (c) a trial before a special referee 244.00
- (2) The fee is in addition to any fee payable under the *Jury Act 1995*.

SCHEDULE 1 (continued)

Appeals etc.**4. Filing—**

- | | |
|--|--------|
| (a) any document starting an appeal to the Court of Appeal | 222.00 |
| (b) any document starting an appeal to a judge | 155.00 |

Articles**5. Filing—**

- | | |
|----------------------------------|--------|
| (a) articles of clerkship | 155.00 |
| (b) assignment of articles | 44.00 |

Opening registry**6. For opening the registry or keeping the registry open after office hours—**

- | | |
|--|--------|
| (a) on a Saturday, Sunday, public holiday or court holiday | 222.00 |
| (b) on another day— | |
| (i) before 8 a.m. or after 6 p.m. | 222.00 |
| (ii) between 8 a.m. and 9 a.m. | 111.00 |
| (iii) between 4 p.m. and 6 p.m. | 111.00 |

Copies

- | | |
|---|-------|
| 7. For each page of an office copy of a record of the court or a document or exhibit filed in the registry | 2.50 |
| 8. Maximum fee under item 7 | 40.00 |
| 9. (1) Sealing and certifying copy of a record of the court or a document or exhibit filed in the registry | 37.00 |
| (2) The fee is in addition to the fee mentioned in item 7. | |
| 10. For each page of a copy of reasons for judgment issued out of the registry | 1.60 |

Certificates

- | | |
|--|-------|
| 11. Certificate of the registrar, including a certificate under the <i>Corporations (Queensland) Rules 1993</i> | 37.00 |
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 SCHEDULE 1 (continued)
Attendance

- 12. (1)** For an officer to attend with a record or document at a court or place out of the court building—for each day or part of a day the officer is necessarily absent from the registry 111.00
- (2)** The reasonable travelling and other expenses of the officer are also payable.

Public searches and inspections

- 13.** Searching in a register, index, file or calendar, and inspecting documents—
- (a) for each hour or part of an hour 10.00
- (b) maximum fee for each day 40.00
- 14.** Inspecting a document or file to obtain a precedent—for each document or file 10.00

Examination of witnesses and enforcement debtors

- 15.** For each witness or enforcement debtor sworn and examined by an officer of the court in the officer's office—
- (a) first hour 56.00
- (b) each subsequent hour or part of an hour 28.00
- 16. (1)** Examination of witness or enforcement debtor by an officer of the court away from the officer's office—each day or part of a day 111.00
- (2)** The reasonable travelling and other expenses of the officer are also payable.

Other references, inquiries and accounts

- 17.** Taking an account before the registrar—the amount that the registrar considers reasonable, but not more than the higher of the fees mentioned in paragraph (a) or (b).
- (a) for each \$300 or part of \$300 of the amount or value found to have been received without deducting any payment in the proceeding 3.00
- (b) for each hour or part of an hour 62.00

SCHEDULE 1 (continued)

- 18. (1)** On taking an account of a receiver, guardian, consignee, bailee, manager, liquidator or enforcement creditor, the fees are, on payment, to be allowed in the account, unless the court or a judge otherwise directs.
- (2)** On taking an account of an accounting party other than an accounting party mentioned in subitem (1), the fees—
- (a) are to be paid by the party having the conduct of the order under which the account is taken as part of that party's costs of the proceeding (unless the court or a judge otherwise directs); and
 - (b) if a certificate of the result of the account is required—are to be taken on the certificate; and
 - (c) if such a certificate is not required—are due and payable on the account, or part of the account, taken.
- 19. (1)** The registrar who is to take the account may require a deposit on account of fees.
- (2)** The deposit required must not be more than the fees payable on the amount that, from the account, appears to have been received.
- (3)** The registrar must make a note of the deposit in the account.
- (4)** Fees are not payable twice on the same amount in the same matter, but only on amounts received or collected for the first time by the party accounting.
- 20. (1)** The amount of the fees payable for taking an account is to be fixed by the officer taking the account.
- (2)** The solicitor for the party liable to pay the fees must arrange payment of the fees.
- (3)** If the party is not represented by a solicitor, the party must pay the fees.

Assessment of costs

- | | |
|---|-------|
| 21. Making an appointment for directions or for assessment of a costs statement | 27.50 |
| 22. Assessing the costs statement under rule 719(1), wholly or partly (for each hour or part of an hour) | 62.00 |

SCHEDULE 1 (continued)

23. (1) Assessing the costs statement other than under rule 719(1)—for each \$100 or part of \$100 allowed	8.00
(2) Subject to subitem (3), the fee mentioned in subitem (1) is—	
(a) due and payable on the allowance of any amount on assessment; and	
(b) to be fixed by the registrar; and	
(c) to be paid by the solicitor or party suing in person.	
(3) The registrar may require a deposit on account of fees before assessment.	
(4) The deposit must not be more than the fees payable on the full amount of the costs as submitted for assessment.	
(5) The registrar must make a note of the deposit on the costs statement.	
24. Order for the amount assessed	37.00
Miscellaneous	
25. Enrolling a deed poll	49.00
26. Entering a solicitor's name and other appropriate details in the register of solicitors' addresses	12.70
27. Settling and executing a deed of transfer	83.00
28. Postal dealing fee, unless item 29 applies	10.00
29. (1) Postal dealing fee for documents lodged for filing by post—each document	16.00
(2) Only 1 fee is payable under subitem (1) if several documents in the same proceeding are received for filing at the same time.	
30. Obtaining a copy of a call-over list	10.00
31. Preparation and photocopying of documents for inclusion in an appeal record book—	
(a) first copy—each page	1.50
(b) additional copies to same party—each page	0.50
(c) binding of appeal record books—each book	6.60
32. Issuing an enforcement warrant for a judgment registered under the <i>Service and Execution of Process Act 1992</i> (Cwlth), the <i>Crimes Act 1914</i> (Cwlth) and the <i>Foreign Judgments Act 1991</i> (Cwlth)	77.00

SCHEDULE 1 (continued)

33. (1) Filing a document not connected with a proceeding already on record and not otherwise provided for in this schedule 25.50
 (2) If a fee is paid under subitem (1) in relation to a document, a further fee is not payable under the subitem for filing any subsequent document related to the first document.

Enforcement officer's and marshal's fees**Application**

34. (1) An enforcement officer or marshal may require a deposit on account of fees applicable to a proceeding—
 (a) before the proceeding is commenced; or
 (b) at any time during the course of the proceeding.
 (2) The person taking the deposit is to make a note of the amount deposited and deliver the note to the party making the deposit.

Fees payable in the sheriff's office

35. Lodging or assignment of bail bond 27.00
 36. Receiving and entering any warrant of enforcement 27.50
 37. Search or inspection of a document—in each proceeding 10.00
 38. Drawing an advertisement 52.00
 39. Receiving and entering any document issued outside the jurisdiction of the court but for service within the jurisdiction 24.00
 40. Office copy of any document—
 (a) for each page 2.50
 (b) maximum fee for each office copy 40.00
 41. Attending a view not more than 8 km from the sheriff's office 67.00
 42. Attending a view more than 8 km from the sheriff's office 135.00
 43. The actual and necessary payments made by the sheriff for hire of transport in attending a view are also payable.

SCHEDULE 1 (continued)

44.	Settling and executing a deed of transfer	83.00
45.	Opening the office, or keeping the office open after office hours—	
	(a) on a Saturday, Sunday, public holiday or court holiday	222.00
	(b) on another day—	
	(i) before 8 a.m. or after 6 p.m.	222.00
	(ii) between 8 a.m. and 9 a.m.	111.00
	(iii) between 4 p.m. and 6 p.m.	111.00
46.	*(1) Enforcing or attempting to enforce any warrant—for each person enforcing or attempting to enforce the warrant	58.00
	(2) The fee is additional to any travelling fees.	
47.	*(1) Travelling fees on service of a warrant, process or document for each km or part of a km after the first 12 km necessarily travelled from the court house to the place of service 1 way	2.00
	(2) Only 1 travelling fee may be charged if—	
	(a) 2 or more processes filed at the same time against the same person are served at the same time; or	
	(b) 2 or more persons are served with the same process at the same time and at the same address.	
48.	(1) For each person left in possession, the amount actually paid, but not more than—for each day	58.00
	*(2) If board and lodging is not supplied—the expenses that the sheriff considers were actually and reasonably incurred.	
	*(3) Other actual and necessary payments made by the sheriff to secure the safe custody of property under seizure are also payable.	
	(4) No fee is payable to the sheriff or the sheriff's bailiff for the custody and possession of property under seizure if the property is not kept in the actual possession of the sheriff or the sheriff's bailiff.	
	*(5) In relation to matters arising out of the enforcement of a warrant, for—	
	(a) travelling expenses incurred for each person; or	

SCHEDULE 1 (continued)

(b) necessary clerical assistance at sales; or	
(c) advertising; or	
(d) if livestock is seized, cost of food or removal to place of safekeeping; or	
(e) necessary assistance to or expense incurred by an officer including the hire of transport, warehouses, yards and out-of-pocket expenses;	
the amount that the sheriff considers was actually and reasonably incurred.	
49. Poundage on enforcing an enforcement warrant or other process under, or because of, which an amount is received by the sheriff or by the enforcement creditor—5% on the first \$200 and 2.5% on the remainder, but not less than	83.00
50. Poundage on enforcing an enforcement warrant authorising possession—the same rate of fee as under item 49 determined on annual rent or value, but not less than	83.00
51. (1) Taking a person to prison or a place of detention from the place of arrest—	
for each km	2.00
(2) Other unavoidable expenses involved in taking the person to prison or a place of detention.	
52. *Service or attempted service of an application, subpoena or other process—	
(a) for each person served	27.00
(b) for each additional process served if—	
(i) 2 or more processes lodged at the same time against the same person are served at the same time; or	
(ii) 2 or more persons are served with the same process at the same time and at the same address	9.60
53. *(1) For time necessarily spent after the first hour on—	
(a) service of a claim, application, subpoena or other process or enforcement of a warrant; or	
(b) arranging or conducting an auction;	
each hour or part of an hour	12.70

SCHEDULE 1 (continued)

(2) If the bailiff is a full-time public service officer and performs a duty during ordinary working hours the allowance is to be paid to the court.

54. In case of dispute as to a fee (other than a fixed fee), the bill of costs is to be assessed by the registrar without fee.

*Payable to the bailiff.

Fees payable in the marshal's office

- | | |
|---|--------|
| 55. ‡Execution of a warrant (other than a warrant of attachment) | 40.00 |
| 56. ‡Execution of a warrant of attachment, for every person attached | 52.00 |
| 57. Release of any ship, goods or person from arrest | 27.00 |
| 58. Receiving and entering a, claim, application, warrant, release, decree, order, commission or other instrument under the seal of the court | 66.00 |
| 59. (1) Execution of a commission of valuation or sale, or valuation and sale | 83.00 |
| (2) This fee is in addition to any fee paid to the valuer or auctioneer. | |
| 60. Execution of a decree, order or another commission or instrument under the <i>Admiralty Rules 1988</i> (Cwlth) | 83.00 |
| 61. Delivering up a ship or goods to the purchaser in accordance with an inventory | 52.00 |
| 62. (1) Attending the discharge of cargo, or sale or removal of a ship or goods, each day | 107.00 |
| (2) If the amount actually and necessarily spent is higher than the fee mentioned in subitem (1)—that amount. | |
| 63. ‡(1) Retaining possession of a ship, with or without cargo, or of a ship's cargo without a ship—for each day . | 9.10 |
| (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 (continued)

- (b) if it is in the custody of a custom house officer or other authorised person.
- 64.** Sale of a ship or goods sold under a judgment or order of the court—5% on first \$200 and 2.5% on the remainder, but not less than 265.00
- 65.** ‡(1) Allowance for time necessarily spent after the first hour on execution of warrant—each hour or part of an hour 12.70
- (2) If the marshal's officer is a full-time public service officer and performs the execution during ordinary working hours, the allowance is to be paid to the court.
- 66.** If the marshal or marshal's officer is required to go more than 8 km from that person's office to perform a duty, that person is entitled to reasonable expenses for travelling, accommodation and incidentals, in addition to the above fees.
- ‡Payable to the marshal's officer.

SCHEDULE 2

DISTRICT COURT FEES

section 4(1)

\$

Initiating process

1. Filing a claim or originating application 145.00

Hearing

2. (1) Filing a request for trial before a judge, with or without a jury 222.00
 (2) This fee is in addition to any fee under the *Jury Act 1995*.

Appeals etc.

3. Filing any document starting an appeal 124.00

Opening registry

4. For opening the registry or keeping the registry open after office hours—
 (a) on a Saturday, Sunday, public holiday or court holiday 222.00
 (b) on another day—
 (i) before 8 a.m. or after 6 p.m. 222.00
 (ii) between 8 a.m. and 9 a.m. 111.00
 (iii) between 4 p.m. and 6 p.m. 111.00

Copies

5. For each page of an office copy of a record of the court or a document or exhibit filed in the registry 2.50
 6. Maximum fee under item 5 40.00
 7. (1) Sealing and certifying copy of a record of the court or a document or exhibit filed in the registry 37.00
 (2) The fee is in addition to the fee mentioned in item 5.

 SCHEDULE 2 (continued)

8. For each page of a copy of reasons for judgment issued out of the registry 1.60

Certificates

9. Certificate of the registrar 37.00

Attendance

10. (1) For an officer to attend (with or without subpoena) with a record or document at a court or place out of the court building—for each day or part of a day the officer is necessarily absent from the registry 111.00
 (2) The reasonable travelling and other expenses of the officer are also payable.
11. Attending a view not more than 8 km from the court ... 59.00
12. Attending a view more than 8 km from the court—each day or part of a day 111.00

Public searches and inspections

13. Searching in a register, index, file or calendar, and inspecting documents—
 (a) each hour or part of an hour occupied 10.00
 (b) maximum search fee for each day 40.00
14. Inspecting a document or file to obtain a precedent—for each document or file 10.00

Examination of witnesses and enforcement debtors

15. For each witness or enforcement debtor sworn or affirmed and examined before an officer of the court in the officer's office—
 (a) first hour 55.00
 (b) each subsequent hour or part of an hour 28.00
16. (1) Examination of a witness or enforcement debtor before an officer of the court away from the officer's office—each day or part of a day 111.00
 (2) The reasonable travelling and other expenses of the officer are also payable.

SCHEDULE 2 (continued)

Assessment of costs

- | | |
|---|-------|
| 17. Making an appointment for directions or for assessment of a costs statement | 27.50 |
| 18. Assessing the costs statement under rule 719(1), wholly or partly (for each hour or part of an hour) | 62.00 |
| 19. (1) Assessing the costs statement other than under rule 719(1)—for each \$100 or part of \$100 allowed . . . | 8.00 |
| (2) Subject to subitem (3), the fee mentioned in subitem (1) is— | |
| (a) due and payable on the allowance of any amount on assessment; and | |
| (b) to be fixed by the registrar; and | |
| (c) to be paid by the solicitor or party suing in person. | |
| (3) The registrar may require a deposit on account of fees before assessment. | |
| (4) The deposit must not be more than the fees payable on the full amount of the costs as submitted for assessment. | |
| (5) The registrar must make a note of the deposit on the costs statement. | |
| 20. For an order for the amount assessed | 37.00 |

Miscellaneous

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|--|-------|
| 21. Poundage— | |
| (a) if an enforcement officer enforces an enforcement warrant or other process under or because of which an amount is received by the bailiff or enforcement creditor—5% on the first \$200 and 2.5% on the remainder, but not less than | 52.00 |
| (b) if an enforcement officer enforces an enforcement warrant authorising possession, the same rate of fee as under paragraph (a), determined on annual rent or value, but not less than | 52.00 |
| 22. Receiving and entering a writ of citation, order summons, summons or other documents issued outside the jurisdiction of the court but for service within the jurisdiction | 12.70 |
| 23. Postal dealing fee | 10.00 |

SCHEDULE 2 (continued)

24. (1) Postal dealing fee (for each document filed for filing by post)	16.00
(2) However, only 1 postal dealing fee is payable for filing more than 1 document in the same proceeding at the same time.	
25. Settling and executing a deed of transfer	59.00
26. Copy of a call over list	10.00
27. Issuing an enforcement warrant founded on judgment registered under the <i>Service and Execution of Process Act 1992</i> (Cwlth)	77.00
28. (1) Filing a document not connected with a proceeding already on record and not otherwise provided for	26.00
(2) If a fee is paid under subitem (1) in relation to a document, a further fee is not payable under the subitem for filing any subsequent document related to the first document.	
29. Drawing an advertisement	52.00
30. Subject to item 31, the fee mentioned in item 29 is payable to the bailiff if the advertisement is drawn by the bailiff.	
31. If the bailiff is a full-time public service officer and draws the advertisement during ordinary working hours, the allowance is to be paid to the court.	

Fees payable to bailiff

32. Travelling fees on service of a warrant, process or other document—for each km or part of a km after the first 12 km necessarily travelled from the courthouse to the place of service—one way	2.00
33. Only 1 travelling fee may be charged if—	
(a) 2 or more processes lodged at the same time against the same person are served at the same time; or	
(b) 2 or more persons are served with the same processes at the same time and at the same address.	
34. Service or attempted service of claim, application, subpoena or other process—	
(a) for each person served	27.00

SCHEDULE 2 (continued)

- (b) for each additional process served if—
- (i) 2 or more processes lodged at the same time against the same person are served at the same time; or
 - (ii) 2 or more persons are served with the same process at the same time and at the same address 10.20
- 35.** Enforcing or attempting to enforce a warrant—each person (excluding travelling fees) 58.00
- 36.** In relation to matters arising out of the enforcement of a warrant, for—
- (a) travelling expenses incurred for each person; or
 - (b) necessary clerical assistance at sales; or
 - (c) advertising; or
 - (d) if livestock is seized—cost of food or removal to a place of safekeeping; or
 - (e) necessary assistance to, or expense incurred by, an officer, including the hire of transport, warehouses or yards and out-of-pocket expenses;
- the amount that the registrar considers was actually and reasonably incurred.
- 37. (1)** For each person left in possession—the amount actually paid, but not more than—for each day 58.00
- (2)** If board and lodging are not supplied—the expenses that the registrar considers were actually and reasonably incurred.
- (3)** Other actual and necessary payments made by the registrar to secure the safe custody of property under seizure are also allowable.
- (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 registrar or the bailiff.
- 38. (1)** The registrar may require a deposit on account of the fees applicable to a proceeding under warrant—
- (a) before the proceeding is commenced; or
 - (b) at any time during the course of the proceeding.
- (2)** The registrar must deliver a memorandum of the amount deposited to the party making the deposit.

SCHEDULE 2 (continued)

- 39. (1)** Allowance for time necessarily spent after the first hour on—
- (a) service of a claim, application, subpoena or other process or enforcement of a warrant; or
 - (b) arranging or conducting an auction;
- each hour or part of an hour 12.70
- (2)** If the bailiff is a full-time public service officer and performs the service or enforcement or arranges or conducts the auction during ordinary working hours, the allowance is to be paid to the court.

SCHEDULE 3

MAGISTRATES COURTS FEES

section 5(1)

PART 1—COURT FEES

	\$
1. Filing claim—	
(a) if amount claimed is \$2 500 or less	89.00
(b) if amount claimed is more than \$2 500 but less than \$10 000	132.00
(c) if amount claimed is \$10 000 or more	139.00
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	60.00
(b) if amount claimed is more than \$2 500 but less than \$10 000	60.00
(c) if amount claimed is \$10 000 or more	65.00
3. Filing a minor debt claim—	
(a) if amount claimed is \$2 500 or less	37.50
(b) if amount claimed is more than \$2 500	65.00
4. Filing a document (other than a claim) to start a proceeding	60.00
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>)	15.20
6. Inspecting records in a proceeding—	
(a) within 4 years of filing of claim (not payable by parties)	8.10
(b) over 4 years from filing of claim (including parties) .	15.20
7. Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i>—each page	1.50

SCHEDULE 3 (continued)

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 . . .	36.50
9. Opening or keeping the registry open between 8 a.m. and 9 a.m. or between 4 p.m. and 6 p.m. on a day other than a Saturday, Sunday, public holiday or court holiday	94.00
10. Time spent when an officer in the registry examines on behalf of an enforcement creditor	58.00

Assessment of costs

11. Making an appointment for directions or for assessment of a costs statement	27.50
12. Assessing the costs statement under rule 719(1), wholly or partly (for each hour or part of an hour)	62.00
13. (1) Assessing the costs statement other than under rule 719(1)—for each \$100 or part of \$100 allowed . . .	8.00
(2) Subject to subitem (3), the fee mentioned in subitem (1) is—	
(a) due and payable on the allowance of any amount on assessment; and	
(b) to be fixed by the registrar; and	
(c) to be paid by the solicitor or party suing in person.	
(3) The registrar may require a deposit on account of fees before assessment.	
(4) The deposit must not be more than the fees payable on the full amount of the costs as submitted for assessment.	
(5) The registrar must make a note of the deposit on the costs statement.	
14. For an order for the amount assessed	37.00

SCHEDULE 3 (continued)

PART 2—BAILIFF'S FEES

	\$
15. Travelling fees on serving claim, application, process or other document or enforcing warrant—for each km or part of a km necessarily travelled from the registry to the place of service or enforcement, or attempted service or attempted enforcement, 1 way in excess of 12 km from the registry	2.00
16. One travelling fee only is chargeable if—	
(a) 2 or more processes lodged at the same time against the same person are served at the same time; or	
(b) 2 or more persons are served with the same process at the same time and at the same address.	
17. Serving (including attempting to serve) claim, application, subpoena or other process within 12 km of the registry—each person served	27.00
18. Enforcing (including attempting to enforce) a warrant within 12 km of the registry—each bailiff	40.50
19. If the bailiff collects and pays into court not less than 50% but less than 85% of the order debt due under the warrant—an additional fee	12.70
20. If the bailiff collects and pays into court not less than 85% of the order debt due under the warrant—an additional fee	26.00
21. Each bailiff left in possession—each day, not more than	58.00
22. If board and lodging are not supplied, actual and reasonable expenses incurred are in the discretion of the registrar.	
23. The registrar may allow other actual and necessary payments made for the safe custody of property under seizure.	
24. 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.	
25. The following amounts are in the discretion of the registrar (if actually and reasonably incurred)—	

SCHEDULE 3 (continued)

- (a) travelling expenses for each person;
 - (b) for clerical assistance at sales (if necessary);
 - (c) for advertising;
 - (d) the cost of feeding livestock, or removing it to a place of safe keeping;
 - (e) necessary assistance to the bailiff, or the expenses incurred by the bailiff (for example, hiring transport, warehouses and yards, out-of-pocket expenses (for example, postage and telephone calls)) in enforcing a warrant.
- 26.** A deposit on account of the fees applying to a proceeding under warrant may be required by the registrar before the proceeding is started, or at any time during the proceeding and a memorandum of the amount deposited is to be given to the party making the deposit.
- 27.** Drawing advertisement of sale (if the sale is under warrant for seizure and sale) 52.00
- 28.** If the advertisement is not drawn by the bailiff, the fee is to be paid to the court.
- 29.** Taking a person to prison or place of detention—each kilometre 2.00
- 30.** Allowance for time spent after first hour on enforcement or apprehension—each hour or part of an hour (payment is in the discretion of the registrar) 12.70
- 31.** 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.

ENDNOTES

1. Made by the Governor in Council on 24 June 1999.
2. Notified in the gazette on 25 June 1999.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.