

Queensland



Subordinate Legislation 2000 No. 66

*Appeal Costs Fund Act 1973*

*Coroners Act 1958*

*Freedom of Information Act 1992*

*Justices Act 1886*

*Registration of Births, Deaths and Marriages Act 1962*

*Small Claims Tribunals Act 1973*

*Supreme Court of Queensland Act 1991*

**JUSTICE LEGISLATION (VARIATION OF FEES AND COSTS) REGULATION 2000**

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## **PART 1—PRELIMINARY**

### **Short title**

1. This regulation may be cited as the *Justice Legislation (Variation of Fees and Costs) Regulation 2000*.

### **Commencement**

2. This regulation commences on 1 May 2000.

## **PART 2—AMENDMENT OF APPEAL COSTS FUND REGULATION 1999**

### **Regulation amended in pt 2**

3. This part amends the *Appeal Costs Fund Regulation 1999*.

### **Replacement of sch 1 (Additional fees on documents)**

4. Schedule 1—  
*omit, insert—*

**SCHEDULE 1****ADDITIONAL FEES ON DOCUMENTS**

section 4

\$

On the issue of a claim or application or other document  
commencing a proceeding—

(a) in the Supreme Court .....	15.90
(b) in the District Court .....	12.10
(c) in a Magistrates Court .....	2.00'.

**PART 3—AMENDMENT OF BARRISTERS'  
ADMISSION RULES 1975****Rules amended in pt 3**

5. This part amends the *Barristers' Admission Rules 1975*.

**Replacement of sch 1 (Fees)**

6. Schedule 1—

*omit, insert—*

**‘SCHEDULE 1****‘FEES**

		rule 49
	\$	
<b>1.</b> Application to become student-at-law . . . . .	153.00	
<b>2.</b> Application to sit examination, for each subject . . . . .	102.00	
<b>3.</b> Application for admission—		
(a) for a person previously admitted as a barrister or solicitor of the Supreme Court . . . . .	254.00	
(b) for a person with 1st class honours under rule 33 or in a degree in law from a tertiary institution . . . . .	NIL	
(c) for a person with 2nd class honours under rule 33 or in a degree in law from a tertiary institution . . . . .	254.00	
(d) for any other person . . . . .	508.00’.	

**PART 4—AMENDMENT OF CORONERS RULES 1959****Rules amended in pt 4**

7. This part amends the *Coroners Rules 1959*.

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**Amendment of s 21 (Copy of Reports on Post-mortem and Other  
Examinations not put in Evidence)**

8. Section 21, ‘\$7.10’—

*omit, insert—*

‘\$7.20’.

**PART 5—AMENDMENT OF FREEDOM OF  
INFORMATION REGULATION 1992****Regulation amended in pt 5**

9. This part amends the *Freedom of Information Regulation 1992*.

**Amendment of s 6 (Application fee for access to document)**

10. Section 6(1), ‘\$30’—

*omit, insert—*

‘\$31’.

**PART 6—AMENDMENT OF JUSTICES (FEES)  
REGULATION 1992****Regulation amended in pt 6**

11. This part amends the *Justices (Fees) Regulation 1992*.

**Replacement of schedule (Fees)**

**12.** Schedule—

*omit, insert—*

**‘SCHEDULE**

**‘FEES**

section 3

**‘PART 1—FEES RELATING TO A PROCEEDING**

	\$
1. For lodging with the clerk of the court a complaint or (if the original complaint is not lodged) a copy of a complaint and issuing . . . . .	56.00
2. For issuing a summons to, or a warrant for the apprehension of, a witness (each witness) . . . . .	9.70
3. For lodging with the clerk of the court a copy of a summons to, or a warrant for the apprehension of, a witness (in circumstances where the summons or warrant has been issued by a justice not within the office of the clerk of the court) (each witness) . . . . .	9.70
4. For lodging a demand or request for drawing up a conviction or order . . . . .	7.70
5. For the inspection of a record in a matter, each record inspected—	
(a) if not more than 4 years have elapsed since the matter was heard and determined . . . . .	7.70



(b) if more than 4 years have elapsed since the matter was heard and determined .....	14.40
6. For each copy of evidence and records in a matter to which the <i>Recording of Evidence Act 1962</i> does not apply—each page .....	1.50

**PART 2—FEES RELATING TO INFRINGEMENT NOTICES**

7. Enforcement notice filing fee .....	44.00
8. Warrant execution fee .....	68.00 <sup>*</sup>

**PART 7—AMENDMENT OF REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES REGULATION 1995**

**Regulation amended in pt 7**

13. This part amends the *Registration of Births, Deaths and Marriages Regulation 1995*.

**Replacement of sch 4 (Fees)**

14. Schedule 4—  
*omit, insert—*

**‘SCHEDULE 4****‘FEES**

section 14

\$

1.	Certificate of particulars in an entry or duplicate entry in a register or book . . . . .	21.50
2.	Certified extract from an entry in a register or book . . . .	21.50
3.	Certified photocopy of a prescribed certificate of information . . . . .	33.50
4.	Search in the indexes or registers for each event under 1 name for not more than 5 years . . . . .	13.50
5.	Continuation of the search at the same time for each event under 1 name for each additional 5 years or part of 5 years	13.50
6.	Giving priority to a search or the issue of a certificate or extract (in addition to any other fee) . . . . .	16.00
7.	Registration of birth under Act, section 26(1)(a) . . . . .	3.00
8.	Registration of birth under Act, section 26(1)(b) . . . . .	8.00
9.	Registration of birth under Act, section 26(2B) . . . . .	11.50
10.	Registration of birth under Act, section 27(1) . . . . .	15.00
11.	Noting change of entry of child’s surname under Act, section 27B . . . . .	11.50
12.	Registration of name given after registration of birth under Act, section 28(1) . . . . .	11.50
13.	Noting change of name under Act, section 28(4) . . . . .	21.50
14.	Noting change of entry of child’s surname under Act, section 28A(2), (3) or (4) . . . . .	40.50
15.	Reregistration of birth under Act, section 29C . . . . .	40.50
16.	Correction of an entry under Act, section 42 if incorrect information was given to the registrar . . . . .	11.50’.

PART 8—AMENDMENT OF SMALL CLAIMS TRIBUNALS REGULATION 1993

Regulation amended in pt 8

15. This part amends the Small Claims Tribunals Regulation 1993.

Replacement of schedule (Fees)

16. Schedule—

omit, insert—

SCHEDULE

FEEES

section 5

\$

1.	Small claim if the amount claimed is—	
	(a) under \$500 . . . . .	11.90
	(b) \$500 or more but under \$1 500 . . . . .	37.00
	(c) \$1 500 or more but not more than \$5 000 . . . . .	63.00
2.	Application under the <i>Mobile Homes Act 1989</i> . . . . .	54.00
3.	Application under the <i>Dividing Fences Act 1953</i> . . . . .	54.00
4.	Tenancy application (other than an application under the <i>Residential Tenancies Act 1994</i> , section 150(2) or 188(b) <sup>1</sup> )—	
	(a) claim under \$500 . . . . .	11.90
	(b) claim of \$500 or more but under \$1 500 . . . . .	37.00

<sup>1</sup> There is no fee for applying under section 150(2) or 188(b) for recognition of a spouse as tenant or termination of a tenancy because of the other spouse's domestic violence.

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(c) claim of \$1 500 or more .....	63.00
(d) if no money is claimed .....	11.90’.

**PART 9—AMENDMENT OF SOLICITORS’  
ADMISSION RULES 1968**

**Rules amended in pt 9**

17. This part amends the *Solicitors’ Admission Rules 1968*.

**Replacement of sch 1 (Fees)**

18. Schedule 1—

*omit, insert—*

**‘SCHEDULE 1**

**‘FEES**

rules 30 and 89

	\$
1. Application for board’s consent to enter articles of clerkship .....	35.50
2. Application for admission .....	356.00’.

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## **PART 10—AMENDMENT OF UNIFORM CIVIL PROCEDURE (FEES) REGULATION 1999**

### **Regulation amended in pt 10**

**19.** This part amends the *Uniform Civil Procedure (Fees) Regulation 1999*.

### **Replacement of ss 6–7**

**20.** Sections 6 and 7—

*omit, insert—*

#### **‘Fees for approval as mediator**

**‘6.** The fees for approval as a mediator are—

- (a) for the Supreme Court—\$336.00; or
- (b) for the District Court—\$336.00; or
- (c) for a Magistrates Court—\$105.00.

#### **‘Fees for approval as case appraiser**

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

- (a) for the Supreme Court—\$336.00; or
- (b) for the District Court—\$336.00; or
- (c) for a Magistrates Court—\$105.00.’.

### **Replacement of ss 13–15**

**21.** Sections 13 to 15—

*omit, insert—*

#### **‘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—\$24.50; or
- (b) if the witness is 16 or older—\$49.00;

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 \$154.00 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—\$57.00; or
- (b) for an absence of more than 3 hours but not more than 4 hours—\$77.00; or
- (c) for an absence of more than 4 hours but not more than 5 hours—\$96.00; or
- (d) for an absence of more than 5 hours but not more than 6 hours—\$112.00; or
- (e) for an absence of more than 6 hours but not more than 7 hours—\$132.00.

**‘(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 \$51.00 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 \$153.00 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—\$37.50; and
- (b) for each additional hour or part of an hour—\$18.60.’.

**Replacement of schs 1–3**

22. Schedules 1, 2 and 3—

*omit, insert—*

**‘SCHEDULE 1**

**‘SUPREME COURT FEES**

section 3(1)

\$

**Originating process**

1. Filing any claim or application, unless item 2 applies . . . 159.00

**Administration**

- 2. Filing—
  - (a) an application for probate or letters of administration with or without the will . . . . . 248.00
  - (b) an application for resealing probate or letters of administration under the *British Probates Act 1898* . . . . . 192.00
  - (c) an application for an order to administer under the *Public Trustee Act 1978* . . . . . 169.00
  - (d) an election to administer under the *Public Trustee Act 1978* or the *Trustee Companies Act 1968* . . . . . 57.00

**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 . . . . . 248.00
- (2)** The fee is in addition to any fee payable under the *Jury Act 1995*.

**Appeals**

- 4. Filing—**
- (a) any document starting an appeal to the Court of Appeal . . . . . 226.00
  - (b) any document starting an appeal to a judge . . . . . 158.00

**Articles**

- 5. Filing—**
- (a) articles of clerkship . . . . . 158.00
  - (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 . . . . . 226.00
  - (b) on another day—
    - (i) before 8 a.m. or after 6 p.m. . . . . 226.00
    - (ii) between 8 a.m. and 9 a.m. . . . . 113.00
    - (iii) between 4 p.m. and 6 p.m. . . . . 113.00

**Copies**

- 7. For each page of an office copy of a record of the court or a document or exhibit filed in the registry . . . . . 2.70**
- 8. Maximum fee under item 7 . . . . . 40.50**
- 9. (1) Sealing and certifying copy of a record of the court or a document or exhibit filed in the registry . . . . . 37.50**



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(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
<b>Certificates</b>	
11. Certificate of the registrar, including a certificate under the <i>Corporations (Queensland) Rules 1993</i> . . . . .	38.00
<b>Attendance</b>	
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 . . . . .	113.00
(2) The reasonable travelling and other expenses of the officer are also payable.	
<b>Public searches and inspections</b>	
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 . . . . .	40.50
14. Inspecting a document or file to obtain a precedent—for each document or file . . . . .	10.00
<b>Examination of witnesses and enforcement debtors</b>	
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 . . . . .	113.00
(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 . . . . . 63.00
- 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**

<b>21.</b> Making an appointment for directions or for assessment of a costs statement . . . . .	28.00
<b>22.</b> Assessing the costs statement under rule 719(1), wholly or partly (for each hour or part of an hour) . . . . .	63.00
<b>23. (1)</b> Assessing the costs statement other than under rule 719(1)—for each \$100 or part of \$100 allowed . . . .	8.00
<b>(2)</b> Subject to subitem (3), the fee mentioned in subitem (1) is—	
<b>(a)</b> due and payable on the allowance of any amount on assessment; and	
<b>(b)</b> to be fixed by the registrar; and	
<b>(c)</b> to be paid by the solicitor or party suing in person.	
<b>(3)</b> The registrar may require a deposit on account of fees before assessment.	
<b>(4)</b> The deposit must not be more than the fees payable on the full amount of the costs as submitted for assessment.	
<b>(5)</b> The registrar must make a note of the deposit on the costs statement.	
<b>24.</b> Order for the amount assessed . . . . .	37.50

**Miscellaneous**

<b>25.</b> Enrolling a deed poll . . . . .	50.00
<b>26.</b> Entering a solicitor's name and other appropriate details in the register of solicitors' addresses . . . . .	12.90
<b>27.</b> Settling and executing a deed of transfer . . . . .	84.00
<b>28.</b> Postal dealing fee, unless item 29 applies . . . . .	10.00
<b>29. (1)</b> Postal dealing fee for documents lodged for filing by post—each document . . . . .	16.50
<b>(2)</b> Only 1 fee is payable under subitem (1) if several documents in the same proceeding are received for filing at the same time.	
<b>30.</b> Obtaining a copy of a call-over list . . . . .	10.00
<b>31.</b> Preparation and photocopying of documents for inclusion in an appeal record book—	
<b>(a)</b> first copy—each page . . . . .	1.50
<b>(b)</b> additional copies to same party—each page . . . . .	0.50
<b>(c)</b> binding of appeal record books—each book . . . . .	6.70

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- |     |   |       |
|-----|---|-------|
| 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) . . . . . | 78.00 |
| 33. | (1) Filing a document not connected with a proceeding already on record and not otherwise provided for in this schedule . . . . .   | 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.  |       |

### **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 . . . . .  | 27.50 |
| 36. | Receiving and entering any warrant of enforcement . . . .   | 28.00 |
| 37. | Search or inspection of a document—in each proceeding   | 10.00 |
| 38. | Drawing an advertisement . . . . .  | 53.00 |
| 39. | Receiving and entering any document issued outside the jurisdiction of the court other than service within the jurisdiction . . . . . | 24.50 |
| 40. | Office copy of any document—  |       |
|     | (a) for each page . . . . .   | 2.70  |
|     | (b) maximum fee for each office copy . . . . .  | 40.50 |
| 41. | Attending a view not more than 8 km from the sheriff's office . . . . .   | 68.00 |

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42.	Attending a view more than 8 km from the sheriff's office . . . . .	137.00
43.	The actual and necessary payments made by the sheriff for hire of transport in attending a view are also payable.	
44.	Settling and executing a deed of transfer . . . . .	84.00
45.	Opening the office, or keeping the office open after office hours—	
	(a) on a Saturday, Sunday, public holiday or court holiday . . . . .	226.00
	(b) on another day—	
	(i) before 8 a.m. or after 6 p.m. . . . .	226.00
	(ii) between 8 a.m. and 9 a.m. . . . .	113.00
	(iii) between 4 p.m. and 6 p.m. . . . .	113.00
46.	*(1) Enforcing or attempting to enforce any warrant—for each person enforcing or attempting to enforce the warrant . . . . .	59.00
	(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 . . . . .	59.00
	*(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.	

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<p><b>*(5)</b> In relation to matters arising out of the enforcement of a warrant, for—</p> <p>(a) travelling expenses incurred for each person; or</p> <p>(b) necessary clerical assistance at sales; or</p> <p>(c) advertising; or</p> <p>(d) if livestock is seized, cost of food or removal to place of safekeeping; or</p> <p>(e) necessary assistance to or expense incurred by an officer including the hire of transport, warehouses, yards and out-of-pocket expenses;</p> <p>the amount that the sheriff considers was actually and reasonably incurred.</p> <p><b>49.</b> 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 . . . . .</p> <p><b>50.</b> 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 . . . . .</p> <p><b>51. (1)</b> Taking a person to prison or a place of detention from the place of arrest—</p> <p>for each km . . . . .</p> <p><b>(2)</b> Other unavoidable expenses involved in taking the person to prison or a place of detention.</p> <p><b>52.</b> *Service or attempted service of an application, subpoena or other process—</p> <p>(a) for each person served . . . . .</p> <p>(b) for each additional process served if—</p> <p>(i) 2 or more processes lodged at the same time against the same person are served at the same time; or</p> <p>(ii) 2 or more persons are served with the same process at the same time and at the same address</p> <p><b>53.</b> *(1) For time necessarily spent after the first hour on—</p> <p>(a) service of a claim, application, subpoena or other process or enforcement of a warrant; or</p>	<p>84.00</p> <p>84.00</p> <p>2.00</p> <p>27.50</p> <p>9.80</p>
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(b) arranging or conducting an auction; each hour or part of an hour . . . . .	12.90
(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.	
<b>Fees payable in the marshal's office</b>	
55. ‡Execution of a warrant (other than a warrant of attachment) . . . . .	40.50
56. ‡Execution of a warrant of attachment, for every person attached . . . . .	53.00
57. Release of any ship, goods or person from arrest . . . . .	27.50
58. Receiving and entering a claim, application, warrant, release, decree, order, commission or other instrument under the seal of the court . . . . .	67.00
59. (1) Execution of a commission of valuation or sale, or valuation and sale . . . . .	84.00
(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) . . . . .	84.00
61. Delivering up a ship or goods to the purchaser in accordance with an inventory . . . . .	53.00
62. (1) Attending the discharge of cargo, or sale or removal of a ship or goods, each day . . . . .	109.00
(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 .	9.30
(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
  - (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 . . . . . 269.00
- 65.** ‡(1) Allowance for time necessarily spent after the first hour on execution of warrant—each hour or part of an hour . . . . . 12.90
- (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 . . . . . 147.00

**Hearing**

2. (1) Filing a request for trial before a judge, with or without a jury . . . . . 226.00  
(2) This fee is in addition to any fee under the *Jury Act 1995*.

**Appeal**

3. Filing any document starting an appeal . . . . . 126.00

**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 226.00  
(b) on another day—  
(i) before 8 a.m. or after 6 p.m. . . . . 226.00  
(ii) between 8 a.m. and 9 a.m. . . . . 113.00  
(iii) between 4 p.m. and 6 p.m. . . . . 113.00

**Copies**

5. For each page of an office copy of a record of the court or a document or exhibit filed in the registry . . . . . 2.70  
6. Maximum fee under item 5 . . . . . 40.50  
7. (1) Sealing and certifying copy of a record of the court or a document or exhibit filed in the registry . . . . . 37.50  
(2) The fee is in addition to the fee mentioned in item 5.

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

**Certificates**

9. Certificate of the registrar . . . . . 38.00

**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 . . . . . 113.00  
 (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 . . . 60.00
12. Attending a view more than 8 km from the court—each day or part of a day . . . . . 113.00

**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 . . . . . 40.50
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 . . . . . 56.00  
 (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 . . . . . 113.00  
 (2) The reasonable travelling and other expenses of the officer are also payable.

**Assessment of costs**

- |   |       |
|---|-------|
| <b>17.</b> Making an appointment for directions or for assessment of a costs statement . . . . .                          | 28.00 |
| <b>18.</b> Assessing the costs statement under rule 719(1), wholly or partly (for each hour or part of an hour) . . . . . | 63.00 |
| <b>19. (1)</b> 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.   |       |
| <b>20.</b> For an order for the amount assessed . . . . .   | 37.50 |

**Miscellaneous**

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|--|-------|
| <b>21.</b> 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 . . . . . |       |
|  | 53.00 |
| (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 . . . . .   |       |
|  | 53.00 |
| <b>22.</b> Receiving and entering a writ of citation, order summons, summons or other documents issued outside the jurisdiction of the court other than service within the jurisdiction . . . . .  | 12.90 |
| <b>23.</b> Postal dealing fee . . . . .  | 10.00 |

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|-----|--|-------|
| 24. | (1) Postal dealing fee (for each document filed for filing by post) . . . . .  | 16.50 |
|     | (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 . . . . .  | 60.00 |
| 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) . . . . .   | 78.00 |
| 28. | (1) Filing a document not connected with a proceeding already on record and not otherwise provided for . . . . .   | 26.50 |
|     | (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. |       |
| 29. | Drawing an advertisement . . . . .   | 53.00 |
| 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 . . . . .   | 27.50 |
|     | (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 10.40
- 35.** Enforcing or attempting to enforce a warrant—each person (excluding travelling fees) . . . . . 59.00
- 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 . . . . . 59.00
- (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.
- 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 . . . . . 12.90
- (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**

	\$
<b>1.</b> Filing claim—	
(a) if amount claimed is \$2 500 or less . . . . .	91.00
(b) if amount claimed is more than \$2 500 but less than \$10 000 . . . . .	134.00
(c) if amount claimed is \$10 000 or more . . . . .	141.00
<b>2.</b> 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 . . . . .	61.00
(b) if amount claimed is more than \$2 500 but less than \$10 000 . . . . .	61.00
(c) if amount claimed is \$10 000 or more . . . . .	66.00
<b>3.</b> Filing a minor debt claim—	
(a) if amount claimed is \$2 500 or less . . . . .	38.00
(b) if amount claimed is more than \$2 500 . . . . .	66.00
<b>4.</b> Filing a document (other than a claim) to start a proceeding . . . . .	61.00
<b>5.</b> 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> ) . . . . .	15.50
<b>6.</b> Inspecting records in a proceeding—	
(a) within 4 years of filing of claim (not payable by parties) . . . . .	8.20
(b) more than 4 years from filing of claim (including parties) . . . . .	15.50

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7.	Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i> —each page . . . . .	1.50
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 . . .	37.00
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 . . . . .	96.00
10.	Time spent when an officer in the registry examines on behalf of an enforcement creditor . . . . .	59.00

**Assessment of costs**

11.	Making an appointment for directions or for assessment of a costs statement . . . . .	28.00
12.	Assessing the costs statement under rule 719(1), wholly or partly (for each hour or part of an hour) . . . . .	63.00
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 . . . . .	37.50



**‘PART 2—BAILIFF’S FEES**

	\$
<b>15.</b> 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
<b>16.</b> 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.	
<b>17.</b> Serving (including attempting to serve) claim, application, subpoena or other process within 12 km of the registry—each person served . . . . .	27.50
<b>18.</b> Enforcing (including attempting to enforce) a warrant within 12 km of the registry—each bailiff . . . . .	41.00
<b>19.</b> 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 . . . . .	12.90
<b>20.</b> If the bailiff collects and pays into court not less than 85% of the order debt due under the warrant—an additional fee	26.50
<b>21.</b> Each bailiff left in possession—each day, not more than	59.00
<b>22.</b> If board and lodging are not supplied, actual and reasonable expenses incurred are in the discretion of the registrar.	
<b>23.</b> The registrar may allow other actual and necessary payments made for the safe custody of property under seizure.	
<b>24.</b> 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.	
<b>25.</b> The following amounts are in the discretion of the registrar (if actually and reasonably incurred)—	
(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) . . . . . 53.00
  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) . . . . . 12.90
  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.’.

**PART 11—AMENDMENT OF UNIFORM CIVIL PROCEDURE RULES 1999**

**Rules amended in pt 11**

23. This part amends the *Uniform Civil Procedure Rules 1999*.

**Replacement of sch 1 (Scale of costs—Supreme Court)**

24. Schedule 1—

*omit, insert—***‘SCHEDULE 1****‘SCALE OF COSTS—SUPREME COURT**

rule 690(2)(a)

§

**General care and conduct**

1. In addition to an amount that is to be allowed under another item in this schedule, the amount that is to be allowed for a solicitor’s care and conduct of a proceeding is the amount that the registrar considers reasonable having regard to the circumstances of the case including, for example—
  - (a) the complexity of the matter; and
  - (b) the difficulty and novelty of any question raised in the matter; and
  - (c) the importance of the matter to the party; and
  - (d) the amount involved; and
  - (e) the skill, labour, specialised knowledge and responsibility involved in the matter on the part of the solicitor; and
  - (f) the number and importance of the documents prepared or perused (without regard to length); and
  - (g) the time spent by the solicitor; and
  - (h) research and consideration of questions of law and fact.

**Drawing**

2. Drawing any necessary document—each folio . . . . . 5.20

**Engrossing or typing**

- |    |   |      |
|----|---|------|
| 3. | Engrossing any necessary document—each folio . . . . .  | 1.50 |
| 4. | Preparing an exhibit certificate—each exhibit . . . . . | 1.50 |

**Copies**

- |    |   |      |
|----|---|------|
| 5. | Copying each page of the total number of pages copied in a proceeding that the registrar considers necessary— |      |
|    | (a) for pages 1 to 20 . . . . .   | 1.50 |
|    | (b) for pages 21 to 50 . . . . .  | 1.20 |
|    | (c) for pages 51 to 100 . . . . .   | 1.00 |
|    | (d) after page 100 . . . . .  | 0.80 |

**Perusals**

- |    |  |       |
|----|--|-------|
| 6. | Perusal of a document when necessary—each folio . . . .                              | 1.50  |
| 7. | If it is not necessary to peruse a document—examination or comparison of a document— |       |
|    | (a) if by a solicitor—for each quarter hour . . . . .                                | 33.00 |
|    | (b) if by a clerk—for each quarter hour . . . . .                                    | 9.80  |

**Service**

- |    |  |       |
|----|--|-------|
| 8. | (1) Personal service, by a solicitor or an employee, of a document of which personal service is required . . . . .   | 28.50 |
|    | (2) If the registrar considers another amount is reasonable (having regard, for example, to the distance travelled, the time involved, and the number of attendances necessary to effect service)—the amount the registrar considers reasonable. |       |
|    | (3) If more than 1 document is served, only 1 fee for service is allowable.  |       |
| 9. | (1) Ordinary service of a document at a relevant address . . . . .   | 18.60 |
|    | (2) Service of a document by post . . . . .  | 11.40 |
|    | (3) Service of a document by fax—  |       |
|    | for the first page . . . . .   | 5.70  |
|    | for each additional page . . . . .   | 1.50  |
|    | (4) Service of a document by email . . . . .   | 5.70  |
|    | (5) If more than 1 document is served, only 1 fee for service is allowable.  |       |

**Attendances**

- 10.** Attendance—
  - (a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order or judgment; or
  - (b) to search; or
  - (c) to do something of a similar nature; if capable of being performed by a clerk . . . . . 18.60
- 11.** Attendance by telephone that does not involve the exercise of skill or legal knowledge . . . . . 11.90
- 12.** Attendance in court, at a compulsory conference or before the registrar by a solicitor who appears without counsel—each quarter hour . . . . . 33.00
- 13.** Attendance in court, at a compulsory conference or before the registrar by—
  - (a) a solicitor who appears with counsel—each quarter hour . . . . . 33.00
  - (b) a clerk who appears with counsel—each quarter hour . . . . . 9.80
- 14. (1)** If a hearing or trial is not—
  - (a) in Brisbane, Rockhampton, Townsville or Cairns; or
  - (b) in the town where the solicitor resides or carries on business;

a solicitor is to be allowed, for each day (other than a Saturday or Sunday or a day of the hearing or trial) that the solicitor is necessarily absent from the solicitor’s place of business, for time used in travelling (to and from the hearing or trial) and in waiting . . . . . 671.00

  - (2)** If the period of absence is less than a full day, the amount is to be determined on a pro rata basis, but is not to be less than half the amount specified in subitem (1).
  - (3)** A solicitor to whom subitem (1) applies is also to be allowed reasonable expenses (beside actual reasonable fares or payments for transport) for each day of necessary absence including Saturdays and Sundays.
  - (4)** If the solicitor has to attend more than 1 hearing or trial at the same time and place, the allowances are to be rateably divided.

- (5) If a clerk attends instead of a solicitor, the amount allowed is to be the amount that the registrar considers reasonable.
15. Attendance on call-over of matters to be heard at the sittings of the court ..... 33.00
16. Other attendances—
- (a) if by a solicitor, involving skill or legal knowledge—for each quarter hour ..... 33.00
- (b) if by a clerk—for each quarter hour ..... 9.80

### Correspondence

17. (1) A short letter of a formal nature, written or received, forwarding documents without comment or to the like effect ..... 9.30
- (2) An ordinary letter, written or received, including a letter between principal and agent ..... 18.60
- (3) A special letter ..... 26.00
- (4) If the registrar considers that a higher amount than that mentioned in subitem (3) is reasonable—the amount that the registrar considers reasonable.
- (5) In addition to the charges mentioned in this item, allowance is to be made for the necessary expense of postage, carriage and transmission of documents.
- (6) For facsimile transmissions, the allowance is—
- for the first page ..... 5.70
- for each additional page ..... 1.50
- (7) For email transmission, the allowance is ..... 5.70
- (8) The allowance for correspondence between offices of the same firm of solicitors is the allowance that would have been allowable if an agent had been engaged and the engagement was normal and reasonable in the circumstances.

### Disbursements

18. Court fees and other fees and payments, to the extent that they have been reasonably incurred and paid, are to be allowed.

**General**

**19. (1)** In a case—

- (a) not otherwise provided for in this schedule; or
- (b) if the registrar considers that the relevant fee is inappropriate in the circumstances;

the registrar may allow the fees for attendances and instructions, drawing and copying documents (including cases for the opinion of counsel) and perusals that the registrar considers reasonable.

**(2)** If, in an item, a charge is determined on a per quarter hour basis, the registrar is to allow the charge for the first quarter hour and after that is to apportion the charge on a pro rata basis.

**Prescribed costs**

<b>20.</b> Costs on issuing a claim . . . . .	433.00
<b>21.</b> Costs of obtaining judgment in default of appearance . . .	198.00
<b>22.</b> Costs of enforcement warrant . . . . .	185.00
<b>23.</b> Costs of order for leave to proceed . . . . .	373.00’.

**Replacement of sch 2 (Scale of Costs—District Court), pt 2 (Costs)**

**25.** Schedule 2, part 2—

*omit, insert—*

**‘PART 2—COSTS**

\$

**Claim, counterclaim, subpoena, application**

<b>1.</b> Preparation of claim and statement of claim, including copy for service, attendance on registrar to issue, on counsel to settle, and affidavit of service . . . . .	198.00
<b>2.</b> Preparation of set-off or counterclaim, copy to file, 1 copy for service, and attendance to file . . . . .	96.00
<b>3. (1)</b> Request and attendances to issue subpoena . . . . .	41.00

(2) For each additional copy subpoena . . . . .	3.70
4. Application, including attendance to issue and copy for service . . . . .	46.00

### Notices, consents and other memoranda

5. Notice before proceeding, if required by an Act, including copy and service . . . . .	67.00
6. Notice to admit or produce, including copy and service . . . . .	50.00
7. If a notice to admit or produce is special or necessarily long, the allowance that the judge or registrar considers proper (in addition to allowance under item 20 or 22), but not more than—for each folio . . . . .	5.20
8. For each further notice to produce or admit considered necessary by the judge or registrar on assessment, including copy and service . . . . .	32.00
9. Necessary or proper consent or admission, including attendance to obtain or give, and copy for opposite party (unless otherwise provided for) . . . . .	24.00
10. Notice of intention to defend and defence including attendance to file . . . . .	119.00
11. Reply, including attendance to file . . . . .	80.00
12. If a specific ground of defence is raised—reply, including copy for service and attendance to file . . . . .	140.00
13. Preparing admissions for judgment upon admission, and attending and obtaining enforcement of judgment . . . . .	50.00
14. A necessary or proper notice, undertaking or memorandum not otherwise mentioned, including copies to file and serve, attendance to file and service . . . . .	79.00
15. If a document mentioned in item 14 is special or necessarily more than 3 folios—for each additional folio . . . . .	5.20

### Service

*If 2 or more documents have or could have been served together, 1 fee only for service of all such documents is to be allowed.*

16. Service of claim or an originating process on a party . . . . .	28.50
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|-----|--|--------|
| 17. | Service of a necessary document on a party or the party's solicitor or on the registrar, if not authorised to be served by ordinary service . . . . .  | 17.60  |
| 18. | Service of a necessary document as mentioned in item 17, if authorised to be served by ordinary service . . . . .  | 11.90  |
| 19. | Service of subpoena on witness . . . . .   | 28.50  |
| 20. | For a document served more than 3 km from the registrar's office—a reasonable amount to be fixed by the registrar.   |        |
| 21. | (1) If substituted service is ordered—costs of attendance, making appointments to serve, drawing, engrossing, attending to swear affidavits and to obtain order, but not more than . . . . .<br>(2) These costs are additional to the costs mentioned in items 16 to 20, any court fees and oath fees. | 140.00 |
| 22. | (1) If substituted service by way of advertisement is ordered—for drawing and engrossing the advertisement, and attending to insert same (together with advertising fees paid) . . . . .<br>(2) This cost is additional to the costs mentioned in items 16 to 20.                                      | 70.00  |

### **Instructions**

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|-----|---|--------|
| 23. | Instructions to sue or defend (including counterclaim) or for an originating process . . . . .  | 287.00 |
| 24. | (1) If—<br>(a) a proceeding is settled or not proceeded with; and<br>(b) no amount is allowed under item 27;<br>the judge or registrar may allow an amount under this item.<br>(2) The amount allowed under this item is to include—<br>(a) allowances for instructions to settle and all attendances on, and correspondence with, the party and the party's witnesses; and<br>(b) all necessary work and perusals in relation to the settlement, advising about the settlement, and briefs to counsel concerning settlement; |        |

but, subject to subitems (3) and (5), must not be more than .....	1 037.00
(3) The judge or registrar may allow, in addition, any necessary out-of-pocket expenses.	
(4) If because of special circumstances, a party considers that the maximum allowance under subitem (2) is not enough for the work actually done, the party may apply to a judge to certify to the registrar that the registrar may allow a higher amount that the registrar considers proper in the circumstances.	
(5) The registrar may allow a higher amount under the assessment order.	
25. Instructions for special affidavits, including affidavits verifying answers to interrogatories .....	25.50
26. Instructions for interrogatories and for special applications to the court or a judge under an Act other than the <i>District Court Act 1967</i> .....	64.00
27. (1) Instructions for brief for counsel, or brief notes for solicitor if no counsel employed on trial, including—	
(a) all attendances on, and correspondence with, the party and the party’s witnesses; and	
(b) all necessary perusals and work in relation to preparation for hearing;	
not more than .....	3 063.00
(2) The registrar may allow, in addition, necessary out-of-pocket expenses.	
(3) If because of special circumstances, a party considers that the maximum allowance under subitem (1) is not enough for the work actually done, the party may apply to the trial judge at or after the trial to certify to the registrar that the registrar may allow a higher amount that the registrar considers proper in the circumstances.	
(4) The registrar may allow a higher amount under the assessment order.	
28. Instruction for counsel to advise on evidence (including attendance on counsel) when allowed on assessment . . .	100.00

**Drawing**

- 29. (1) A document must be necessary and relevant, and expressed without prolixity and the costs of all unnecessary, irrelevant or prolix matter must be disallowed.  
 (2) No allowance is to be made to a solicitor for drawing a document actually drawn by counsel.  
 (3) The allowance for drawing a brief is not to exceed . . . 1 052.00
- 30. Drawing a brief on trial or on hearing before an arbitrator or referee if counsel employed—each folio . . . . . 5.20
- 31. Engrossing each folio of a brief or another necessary document . . . . . 1.50
- 32. Preparing each folio of brief notes for practitioner if no counsel employed, including copy . . . . . 5.20
- 33. Drawing and engrossing brief for counsel on examination of witnesses, or to support or oppose any application, if not otherwise provided for—not more than . . . . . 161.00
- 34. (1) Drawing each folio of an affidavit, account or other necessary document (including a request for further particulars) if not otherwise provided for . . . . . 5.20  
 (2) Preparing exhibit certificate—each exhibit . . . . . 1.50
- 35. (1) Drawing affidavit of service of a document, other than a claim or application, if considered necessary (including copy and attendance to swear and file) . . . . . 24.50  
 (2) This fee is additional to any court fees and oath fees.

**Copies**

- 36. Each page of the total number of pages copied in a proceeding, including carbon or photographic copy, that the registrar considers necessary—
  - (a) for pages 1 to 20 . . . . . 1.50
  - (b) for pages 21 to 50 . . . . . 1.20
  - (c) for pages 51 to 100 . . . . . 1.00
  - (d) after page 100 . . . . . 0.80

**Perusals**

- 37. Perusing deeds, correspondence, accounts and documents, if long and necessary, and if the registrar

considers that allowance should be made in addition to item 27—50c for each folio, but not more than . . . . .	345.00
<b>38.</b> Perusing and advising on notice to produce or admit, admission of facts, special defence, counterclaim, further particulars, answers to interrogatories—for the first 10 folios . . . . .	24.00
<b>39.</b> If a document mentioned in item 38 is longer than 10 folios—for each additional folio . . . . .	1.50

**Attendances**

*More than 1 attendance at the office of the registrar in a proceeding must not be allowed unless the registrar is satisfied that each separate attendance was necessary.*

<b>40.</b> Attending to file final judgment . . . . .	24.00
<b>41.</b> Attending at the office of the registrar, bailiff or on opposite party—if not otherwise provided for . . . . .	20.00
<b>42.</b> If the attendance referred to in item 41 requires the personal attendance of the solicitor or managing clerk, and involves the exercise of skill or legal knowledge . . . . .	58.00
<b>43.</b> Attending to inspect documents, under a notice to admit, or an order or notice under a rule . . . . .	58.00
<b>44.</b> For each hour of attendance mentioned in item 43 after the first if the registrar considers that the attendance was necessary . . . . .	119.00
<b>45.</b> Attending to produce documents for inspection—for each necessary attendance . . . . .	41.50
<b>46.</b> Attending on person making affidavit verifying answers to interrogatories or other special affidavit . . . . .	17.60
<b>47.</b> Attending to inspect property—not more than—each hour	119.00
<b>48. (1)</b> Attendance of solicitor or managing clerk to inspect works or a place or for any other similar purpose if considered necessary by registrar—not more than—each hour . . . . .	119.00
<b>(2)</b> Attendance of a clerk to inspect works or a place or for any other similar purpose if considered necessary by registrar—not more than—each hour . . . . .	37.00

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<b>49.</b>	If an attendance is necessary to advise or receive instructions from a client during an proceeding, and the purpose for the attendance could not have been effected at any previous or subsequent attendance, and if the attendance has not been otherwise provided for in this schedule . . . . .	58.00
<b>50.</b>	Attending on counsel with brief or with notice of appeal or other document to settle . . . . .	21.50
<b>51.</b>	If conference allowed by judge or registrar—appointing and attending conference—each hour . . . . .	119.00
<b>52.</b>	Attending court or judge without counsel to support or oppose an application—if not otherwise provided for in this schedule . . . . .	119.00
<b>53.</b>	Attending court or judge with counsel to support or oppose an application—if not otherwise provided for in this schedule . . . . .	87.00
<b>54.</b>	Attending necessary unopposed application—if not otherwise provided for in this schedule . . . . .	58.00
<b>55.</b>	Attending court on a call-over . . . . .	34.50
<b>56.</b>	Attending court when proceeding listed but not dealt with because no judge available—for each day up to a maximum of 3 days . . . . .	34.50
<b>57. (1)</b>	Solicitor attending court on trial, or before arbitrator or referee, with counsel—each day . . . . .	591.00
<b>(2)</b>	Clerk attending court on trial, or before arbitrator or referee, with counsel—each day . . . . .	187.00
<b>(3)</b>	If the solicitor does not reside or carry on business within 5 km of the town in which the trial or hearing takes place—	
<b>(a)</b>	the amount reasonably paid for travelling and living expenses to attend the trial or hearing; and	
<b>(b)</b>	any reasonable amount ordered to be paid by a judge or allowed by the registrar because the solicitor was necessarily absent from his or her office.	

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58. (1) Solicitor attending court, arbitrator or referee and conducting trial or hearing if no counsel employed—each day . . . . .	807.00
(2) Item 57(3) applies to an attendance by a solicitor under subitem (1).	
59. Attending before judge, with or without counsel, to hear deferred judgment . . . . .	25.50
60. Obtaining appointment to assess costs, and making and serving copy on opposite party . . . . .	16.50
61. (1) Solicitor attending assessment of costs—each hour . .	119.00
(2) Clerk attending assessment of costs—each hour . . . .	37.00
62. (1) Attendance to make search for bankruptcy, incorporation of corporation (and obtaining certificate of bankruptcy or incorporation), birth, marriage, death, registration of business name, or against land, at the Supreme Court registry, or any similar search if a judge or the registrar considers that the search was necessary and the attendance is not otherwise provided for in this schedule . . . . .	14.40
(2) The cost provided for in subitem (1) is in addition to any fee for the search or obtaining a certificate.	
(3) Any necessary or proper attendance by telephone . . .	11.90
63. Attending a witness to arrange his or her attendance at court without subpoena . . . . .	18.60
 <b>Appeals</b>	
64. Instructions to appeal . . . . .	53.00
65. Application for copy of judge's notes . . . . .	18.10
66. Copy of judge's notes—amount actually paid.	
67. Preparing notice of appeal, including copies—not more than . . . . .	87.00
68. Paying money into court as security for costs, including notice and service . . . . .	39.00
69. Notice of nature and particulars of proposed security, including copies and service . . . . .	28.50
70. Fair copy of record—each folio . . . . .	1.50
71. Perusing record—each folio . . . . .	1.50

72. In addition to items 64 to 71, costs of preparation of necessary affidavits, swearing and filing, attendances on opposite party or registrar, and necessary letters may be allowed in accordance with appropriate items in the general scale.

**Fees allowable to counsel on assessment in certain cases**

*These fees are allowable if—*

- (a) *in the case of plaintiff's costs assessed on the standard basis—the amount recovered is not more than \$50 000; or*
- (b) *in the case of defendant's costs, or plaintiff's costs assessed on the indemnity basis—the amount claimed is not more than \$50 000.*

*No fee to counsel is to be allowed unless vouched by counsel's signature.*

*If counsel's fees are allowed on assessment, the registrar may allow such higher or lower amount as the registrar considers reasonable.*

73.	To settle claim, counterclaim, set-off, defence, or further particulars of claim, counterclaim, set-off or defence, or to settle special case . . . . .	169.00
74.	To settle reply . . . . .	95.00
75.	To settle notice of appeal or application . . . . .	169.00
76.	To settle interrogatories or answers to interrogatories . . .	178.00
77.	To settle an affidavit or other document . . . . .	107.00
78.	On conference, inspection or similar attendance when allowed by a judge or the registrar—each hour . . . . .	169.00
79.	To advise on evidence . . . . .	187.00
80.	(1) To advise on liability . . . . .	169.00
	(2) To advise on quantum . . . . .	169.00
	(3) To advise on liability and quantum . . . . .	254.00
	(4) Any other brief for opinion . . . . .	254.00
81.	(1) On trial or hearing . . . . .	1 138.00
	(2) In proceedings heard outside the town in which counsel ordinarily practises, a further fee by way of out of chambers fee of \$71.00 may be allowed for each day on which it is not reasonably practicable for counsel to be in	

attendance at chambers for a total of at least 1 hour, between 8.30 a.m. and 5.30 p.m.

(3) If counsel is briefed to appear in court, to attend a conference or to attend on an inspection outside the town in which counsel ordinarily practises or resides, counsel is to be allowed reasonable travelling, meal and sundry expenses.

82.	Refresher fee . . . . .	759.00
83.	If more than 1 counsel is employed for a party and the judge certifies that such employment was reasonably necessary having regard to the difficulty or importance of the case, the fee of the senior of the counsel is to be a fee not more than the appropriate fee for the relevant item in this schedule increased by one-half, and the fee of the other counsel is not to exceed two-thirds of the fee allowed to the senior counsel.	
84.	(1) To support or oppose a formal application . . . . .	134.00
	(2) To support or oppose a standard application . . . . .	336.00
	(3) To support or oppose a complex application . . . . .	603.00
85.	To hear deferred judgment, when certified by a judge, or allowed by the registrar, as being reasonably necessary .	96.00
86.	On examination of enforcement debtor . . . . .	161.00
87.	For an appearance of counsel not otherwise provided for if the appearance is certified by a judge, or allowed by the registrar, as being reasonably necessary . . . . .	192.00
	<i>Fees to counsel in any other proceeding within the jurisdiction of the court are to be as the registrar considers proper in all the circumstances.</i>	

### **Judgment**

88.	(1) Costs of judgment by default . . . . .	518.00
	(2) In addition to the amount in subitem (1)—	
	(a) if applicable—the allowance under item 62(1); and	
	(b) if the registrar considers it appropriate—the allowances under items 50 and 73; and	
	(c) all necessary out-of-pocket expenses.	
89.	(1) Plaintiff's costs of judgment, including application and affidavit in support . . . . .	339.00



(2) The costs mentioned in subitem (1) are in addition to disbursements.

90. If application for judgment is necessarily served more than 3 km from the registrar's office, an allowance under item 89 may also be made by the registrar.
91. Defendant's costs of judgment as mentioned in items 89 and 90 . . . . . 339.00
92. If counsel engaged—brief to counsel and copy of documents to accompany, and attending counsel with documents . . . . . 162.00

### Costs of the day

93. Costs of the day if allowed by the judge at the trial—the amount decided by the judge.

### Enforcement

94. Preparing enforcement, attending to issue and for return . . . . . 106.00

### Letters and miscellaneous

95. (1) Ordinary letter before proceeding . . . . . 22.00
- (2) Special letter before proceeding—the amount allowed by the registrar, but not more than . . . . . 25.00
- (3) Any necessary letter sent or received, including agency correspondence . . . . . 17.60
- (4) Short letter of a formal nature sent or received forwarding documents without comment or a letter to the like effect . . . . . 9.30
- (5) In addition to the above fees, an allowance is to be made for the necessary expense of postage, carriage and transmission of documents (if facsimile transmission—\$1.20 per page and if email transmission—\$5.70 per transmission).
96. Subject to item 97, plans, charts, photographs or models, if necessary for use at hearing, and certified by the judge, or allowed by registrar—not more than . . . . . 541.00
97. A judge or the registrar may allow the amount actually paid in relation to a thing mentioned in item 96.
98. Solicitor's clerk's fees . . . . . 75.00

- 99.** In cases where it is considered reasonable to bring articles as exhibits or for inspection by a judge or jury, a reasonable sum may be allowed for the cost of doing so by the judge or the registrar.

### **Costs of appeal from Magistrates Court**

- 100.** For the first day—the amount the court fixes (including counsel’s fees).
- 101.** For each extra day if certified for by the court—the amount that the court fixes (including counsel’s fee).
- 102.** Copies (other than copies prepared by photographic or similar means) of necessary documents at the rate of 30c for each folio of 72 words to be allowed in addition.

### **All other appeals**

- 103. (1)** As far as practicable, this schedule applies in the same way as it applies to an appeal from a Magistrates Court.
- (2)** If the appeal is, in the judge’s opinion, of such a special and important nature that the fees would not be fair and reasonable for the trouble, care, skill and expense necessarily involved in the proper preparation and conduct of the appeal case, the judge may allow the amount that, in the judge’s opinion, would be fair and reasonable.
- (3)** To the extent that the schedule does not apply, the costs are to be in the discretion of the judge.’

### **Replacement of sch 3 (Scale of Costs—Magistrates Courts), pt 2 (Costs)**

- 26.** Schedule 3, part 2—  
*omit, insert—*

**PART 2—COSTS**

	A	B	C	D	E	F	G
	Under \$751	\$751 to \$1 500	\$1 501 to \$2 500	\$2 501 to \$5 000	\$5 001 to \$10 000	\$10 001 to \$20 000	Over \$20 000
	\$	\$	\$	\$	\$	\$	\$
1. Instructions to sue— claim and statement of claim and service . . . .	119.00	168.00	209.00	403.00	502.00	704.00	704.00
2. Instructions to defend—notice of intention to defend and defence and filing . . . .	119.00	168.00	209.00	403.00	502.00	704.00	704.00
3. Appearance in court in undefended proceedings (or in defended proceedings in which a claim or defence is not proceeded with—additional to costs for instructions to sue but including costs under item 4) to obtain judgment	39.00	39.00	56.00	92.00	114.00	160.00	160.00
4. Obtaining judgment by default . . . . .	39.00	40.00	56.00	92.00	114.00	160.00	160.00
5. Preparing for trial, including directions conference— (a) including brief if counsel engaged . . . .	332.00	436.00	526.00	1 208.00	1 515.00	2 120.00	2 332.00
(b) if no counsel engaged An amount agreed between the parties or allowed by the court or the registrar is to be allowed proportionate to the extent of the work done if— (a) a matter is settled before the directions conference or not	209.00	365.00	419.00	1 007.00	1 259.00	1 764.00	1 942.00

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proceeded with; or								
(b) costs are awarded in favour of a party for part only of the total proceedings.								
<b>6. Counsel's fees—</b>								
(a) to settle claim and statement of claim, counterclaim, notice of intention to defend or notice of appeal .	—	—	—	—	109.00	155.00	169.00	
(b) to settle special affidavit, reply or particulars that the magistrate or registrar is satisfied is reasonably necessary or proper . . . . .	—	—	—	—	66.00	94.00	102.00	
(c) to settle interrogatories or answers to interrogatories that the magistrate or registrar is satisfied is reasonably necessary or proper . . . . .	—	—	—	—	107.00	151.00	166.00	
(d) on conference, inspection of works or locus in quo, or a similar attendance that the magistrate or registrar is satisfied is reasonably necessary or proper—each hour	—	—	—	—	109.00	155.00	169.00	
(e) to advise on evidence or for any other opinion . . . . .	—	—	—	—	119.00	161.00	176.00	
(f) on trial or hearing (other than an application in a proceeding—first day	308.00	380.00	463.00	517.00	682.00	958.00	1 052.00	
(g) on each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified for by the court) . . . . .	205.00	255.00	308.00	344.00	455.00	637.00	701.00	

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(h) on each subsequent day of hearing not included in item 6(g)	102.00	126.00	155.00	173.00	228.00	319.00	351.00
(i) if a proceeding is heard outside the town where counsel ordinarily practises, a further fee by way of out of chambers fee (not less than \$38.00 a day) may be allowed for each day it is not reasonably practicable for counsel to be in attendance at chambers for a total of at least 1 hour, between 8.30 am and 5.30 pm							
(j) on an application in a proceeding . . . . .	—	—	—	—	110.00	156.00	172.00
(k) to hear deferred judgment . . . . .	—	—	—	—	56.00	80.00	89.00
<b>7. Solicitor on hearing—</b>							
(a) appearance without counsel on hearing—first day . . . . .	320.00	365.00	419.00	443.00	554.00	778.00	856.00
(b) appearance without counsel on second and each subsequent day of hearing (if the matter occupies 2 or more hours of the day and the appearance is certified for by the court) . . . . .	209.00	267.00	302.00	302.00	380.00	534.00	587.00
(c) attendance of clerk with solicitor acting as advocate—each day	33.50	40.00	50.00	153.00	174.00	174.00	174.00
Costs under item 7(c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.							
<b>8. On hearing with counsel—</b>							

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(a) attendance of solicitor with counsel (if the attendance is certified for by the court)—each day . . .	139.00	168.00	195.00	219.00	274.00	383.00	422.00
(b) attendance of clerk with counsel—each day . . . . .	33.50	40.50	50.00	153.00	174.00	174.00	174.00
Costs under item 8(b) are not allowed if the court certifies the attendance of the clerk was not reasonably required.							
<b>9. Proof of damages (if the opposite party fails to appear, or fails to file a notice of intention to defend and defence—additional to costs for instructions to sue but including costs under item 3 or item 4)—</b>							
(a) counsel’s fees (if no fee is payable under item (6)(f)) . . . . .	119.00	139.00	153.00	165.00	207.00	295.00	319.00
(b) solicitor for appearance without counsel . . . . .	119.00	139.00	153.00	153.00	188.00	262.00	290.00
<b>10. Application to the court (or to the registrar, if allowed) for enforcement warrant for redirection of debts or earnings . . . .</b>							
	84.00	119.00	139.00	251.00	314.00	314.00	314.00
<b>11. Other applications to the court (other than an application for an adjournment) . . . . .</b>							
	84.00	84.00	99.00	181.00	228.00	314.00	345.00
<b>12. Instructions—</b>							
(a) for disclosure preparing list of documents and making inspection and copies of documents—							

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Costs)*

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(i) allowance to party requesting disclosure . . . .	39.00	67.00	84.00	134.00	174.00	201.00	223.00
(ii) allowance to party making disclosure	39.00	67.00	84.00	308.00	336.00	375.00	412.00
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—							
(i) allowance to party delivering interrogatories .	39.00	67.00	84.00	228.00	240.00	254.00	280.00
(ii) allowance to party answering interrogatories .	39.00	67.00	84.00	213.00	224.00	234.00	256.00
<b>13. Enforcement hearing—</b>							
(a) counsel's fees . . . .	204.00	204.00	204.00	235.00	295.00	412.00	454.00
(b) if no counsel engaged	138.00	138.00	156.00	201.00	254.00	358.00	394.00
<b>14. Enforcement warrant—</b>							
(a) costs of preparing warrant and attending issuing and for return—to be marked on warrant (exclusive of court or other fees)	39.00	39.00	45.50	91.00	116.00	160.00	175.00
(b) costs of registration of warrant against land	39.00	39.00	45.50	91.00	116.00	160.00	175.00
<b>15. Warrant (other than enforcement warrant) —preparing warrant and attending issuing . . . . .</b>	39.00	39.00	45.50	91.00	116.00	160.00	175.00
<b>16. Applying for summary judgment or showing cause against a summary judgment application .</b>	39.00	39.00	45.50	91.00	116.00	160.00	175.00

## ENDNOTES

1. Made by the Governor in Council on 20 April 2000.
2. Notified in the gazette on 20 April 2000.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.