

Queensland



Subordinate Legislation 2003 No. 237

Appeal Costs Fund Act 1973
Electoral Act 1992
Evidence Act 1977
Freedom of Information Act 1992
Justices Act 1886
Small Claims Tribunals Act 1973
Supreme Court of Queensland Act 1991

**JUSTICE LEGISLATION (VARIATION OF
COSTS AND FEES) REGULATION (No. 1) 2003**

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UNIFORM CIVIL PROCEDURE (FEES) REGULATION 1999

UNIFORM CIVIL PROCEDURE RULES 1999

1 Short title

This regulation may be cited as the *Justice Legislation (Variation of Costs and Fees) Regulation (No. 1) 2003*.

2 Commencement

This regulation commences on 6 October 2003.

3 Regulations amended

This regulation amends the regulations in the schedule.

SCHEDULE

section 3

APPEAL COSTS FUND REGULATION 1999

1 Schedule 1, paragraph (a), '17.20'—

omit, insert—

'17.80'.

2 Schedule 1, paragraph (b), '13.20'—

omit, insert—

'13.60'.

3 Schedule 1, paragraph (c), '2.10'—

omit, insert—

'2.20'.

CRIMINAL PRACTICE (FEES) REGULATION 2000

1 Schedule, item 2, '40.50'—

omit, insert—

'42.00'.

2 Schedule, item 5(a), '1.60'—

omit, insert—

'1.70'.

SCHEDULE (continued)

ELECTORAL REGULATION 2002

1 Schedule 2, item 1, ‘9.50’—

omit, insert—

‘9.80’.

2 Schedule 2, items 2 and 3, ‘290.00’—

omit, insert—

‘299.00’.

**3 Schedule 2, item 4, definition “additional applicable amount”,
‘23.00’—**

omit, insert—

‘23.75’.

EVIDENCE REGULATION 1993

1 Section 2(2)(b), ‘\$30’—

omit, insert—

‘\$31’.

FREEDOM OF INFORMATION REGULATION 1992

1 Section 6(1), ‘\$32.50’—

omit, insert—

‘\$33.50’.

SCHEDULE (continued)

JUSTICES REGULATION 1993

1 Schedule 3, items 1 to 6—

omit, insert—

‘1. Filing a complaint and summons under s 54(2) of the Act	60.00
2. Filing a copy of a summons to a witness under s 78 or 83 of the Act	10.50
3. Filing a copy of a complaint for the issue, under s 81 of the Act, of a warrant.	10.50
4. Issuing a decision, including a certificate of conviction or order.	8.50
5. Inspection of a record for a matter heard and determined—	
(a) up to 4 years ago, for each record.	8.50
(b) more than 4 years ago, for each record.	16.00
6. Supply of a copy of a record for a matter to which the <i>Recording of Evidence Act 1962</i> does not apply, for each page	1.60’.

SMALL CLAIMS TRIBUNALS REGULATION 1993

1 After section 5—

insert—

‘5A Filing fee if State-related claimant

‘(1) Despite section 5, a State-related claimant may file a claim in a registry without payment of a filing fee.

‘(2) In this section—

“State-related claimant” means—

- (a) the State or a person acting for the State; or
- (b) an entity, or a person acting for the entity, whose expenditure is wholly payable out of the consolidated fund.’.

SCHEDULE (continued)

2 Schedule, items 1 to 4—

omit, insert—

‘1.	Small claim if the amount claimed is—	
(a)	under \$500	12.50
(b)	\$500 or more but under \$1 500	40.50
(c)	\$1 500 or more.	68.00
2.	Application under the <i>Mobile Homes Act 1989</i>	58.00
3.	Application under the <i>Dividing Fences Act 1953</i>	58.00
4.	Tenancy application (other than an application under the <i>Residential Tenancies Act 1994</i> , section 150(2) or 188(b) ¹)—	
(a)	claim under \$500	12.50
(b)	claim of \$500 or more but under \$1 500	40.50
(c)	claim of \$1 500 or more.	68.00
(d)	if no money is claimed.	12.50

1 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.’.

**UNIFORM CIVIL PROCEDURE (FEES)
REGULATION 1999**

1 Sections 6(a) and (b) and 7(a) and (b), ‘\$365.00’—

omit, insert—

‘\$377.00’.

2 Section 13(a), ‘\$26.50’—

omit, insert—

‘\$27.50’.

SCHEDULE (continued)

3 Section 13(b), '\$53.00'—

omit, insert—

'\$55.00'.

4 Section 14(2)(a), '\$62.00'—

omit, insert—

'\$64.00'.

5 Section 14(2)(b), '\$84.00'—

omit, insert—

'\$87.00'.

6 Section 14(2)(c), '\$104.00'—

omit, insert—

'\$108.00'.

7 Section 14(2)(d), '\$122.00'—

omit, insert—

'\$126.00'.

8 Section 14(2)(e), '\$143.00'—

omit, insert—

'\$148.00'.

9 Section 14(3), '\$55.00'—

omit, insert—

'\$57.00'.

SCHEDULE (continued)

10 Section 15(1), ‘\$166.00’—

omit, insert—
‘\$172.00’.

11 Section 15(2)(a), ‘\$41.00’—

omit, insert—
‘\$42.50’.

12 Section 15(2)(b), ‘\$20.00’—

omit, insert—
‘\$20.50’.

13 Schedules 1 and 2—

omit, insert—

‘SCHEDULE 1

**‘FEES PAYABLE IN THE SUPREME COURT AND THE
DISTRICT COURT**

section 3(1)

**Supreme District
Court Court**

Originating process

**1. (1) Filing any claim, including a writ in
admiralty—**

- (a) if there is only 1 plaintiff and the plaintiff is an individual or if there is more than 1 plaintiff and all plaintiffs are individuals.

435.00 415.00

SCHEDULE (continued)

	Supreme Court	District Court
(b) otherwise.	870.00	830.00
(2) Filing any application, other than an application mentioned in item 2, that is an originating process—		
(a) if there is only 1 applicant and the applicant is an individual or if there is more than 1 applicant and all applicants are individuals.	435.00	415.00
(b) otherwise.	870.00	830.00
(3) Filing any document initiating any appeal, including a case stated—		
(a) if there is only 1 party initiating the appeal and the party is an individual or if there is more than 1 party initiating the appeal and they are all individuals.	435.00	415.00
(b) otherwise.	870.00	830.00
Administration of estates		
2. Filing—		
(a) an application for probate or letters of administration	435.00	not applicable
(b) an application for resealing probate or letters of administration under the <i>British Probates Act 1898</i>	435.00	not applicable
(c) an application for an order to administer under the <i>Public Trustee Act 1978</i>	435.00	not applicable
Any other documents		
3. (1) Filing or receiving any document not connected with a matter already on record and not otherwise provided for, including the filing or receiving of any document in the sheriff's office or marshal's office	70.00	60.00

SCHEDULE (continued)

	Supreme Court	District Court
(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.		
Opening offices		
4. Opening or keeping open the registry, sheriff's office or marshal's office after hours	330.00	330.00
Copies		
5. For each page of an official copy of a record of the court or a document or exhibit filed in the registry, sheriff's office or marshal's office, including reasons for judgement—		
(1) For each page	3.00	3.00
(2) Maximum fee for each document	45.00	45.00
6. (1) Sealing and certifying copy of any record of the court or any document or exhibit filed in the registry	42.00	42.00
(2) This fee is in addition to the fee mentioned in item 5.		
7. (1) For an officer—		
(a) to attend with a record or document at a court or place out of the court building; or		
(b) to attend to examine a witness or an enforcement debtor away from the court building; or		
(c) to attend a view out of the office; or		
(d) to attend to the discharge of cargo; or		
(e) to attend to the sale or removal of a ship or goods; or		
(f) to attend to the delivery up of a ship or goods in accordance with the inventory—		

SCHEDULE (continued)

	Supreme Court	District Court
for each hour or part of an hour	69.00	69.00
but not more than, for each day	345.00	345.00
(2) The reasonable travelling and other expenses of the officer are also payable.		
Public searches		
8. (1) Searching the records, for each name or file .	10.50	10.50
(2) Retrieval fee from State Archives, for each file	10.50	10.50
Assessment of costs, other references, inquiries and accounts		
9. Taking an account before the registrar—for each hour or part of an hour	69.00	69.00
10. (1) Allowing a costs statement in whole or part under the <i>Uniform Civil Procedure Rules 1999</i> , rule 719(1)—for each hour or part of an hour	69.00	69.00
(2) Assessing a costs statement—for each \$100.00 or part of \$100.00 allowed. . . .	8.50	8.50
Miscellaneous		
11. (1) *Drawing an advertisement	92.00	92.00
(2) Settling and executing any deed of transfer . .	92.00	92.00
(3) Executing a commission of valuation or sale or valuation and sale of a ship in addition to any fee paid to the valuer or auctioneer	92.00	not applicable
12. Certificate of registrar	42.00	42.00
13. Copy of a callover list	10.50	10.50
14. (1) Postal dealing fee for documents lodged for filing by post or requesting a search of the records by post—for each document filed or search requested.	18.00	18.00
(2) Only 1 fee is payable under subitem (1) if several documents in the same proceeding are received for filing at the same time.		

SCHEDULE (continued)

	Supreme Court	District Court
(3) Search fees payable under item 8 and filing fees payable under items 1, 2 or 3 apply in addition to the fee for subitem (1).		
15. Preparation and photocopying of documents for inclusion in appeal books—		
(1) First copy, for each page	1.70	not applicable
(2) Additional copies to same party, for each page	0.50	not applicable
(3) Binding of appeal books, for each book	7.00	not applicable
Enforcement officer’s and marshal’s expenses		
16. *Any amount that the registrar, sheriff or marshal considers was actually and reasonably incurred for the following—		
(1) each person left in possession;		
(2) the securing and safe custody of property under seizure;		
(3) (a) board and lodging;		
(b) travelling expenses;		
(c) clerical assistance at sales;		
(d) advertising;		
(e) if livestock levied—cost of food and removal to place of safekeeping;		
(f) hire of transport, warehouses, yards;		
(g) out of pocket expenses.		
Poundage		
17. (1) On enforcing each warrant or other process under, or because of which, an amount is received by the registrar or sheriff or by the enforcement creditor—2.5% of amount received, but not less than	92.00	92.00

SCHEDULE (continued)

	Supreme Court	District Court
(2) On enforcing warrant of possession—2.5% determined on annual rent or value, but not less than	92.00	92.00
(3) On the sale of a ship or goods sold by the marshal under a judgment or order of the court—2.5% of amount received by the marshal, but not less than.	296.00	not applicable
Fees payable to enforcement officer, marshal or marshal's officer		
18. (1) Service or attempted service or enforcement or attempted enforcement of any warrant, process or document—		
(a) on each person or ship served and/or enforced.	65.00	65.00
(b) for each additional process served and/or enforced if—		
(i) 2 or more processes lodged at the same time against the same person or ship are served and/or enforced at the same time; or		
(ii) 2 or more persons are served with the same process, the same proceedings are enforced against them, or at the same time and at the same address	10.50	10.50
(2) The fee is additional to any travelling fees.		
19. (1) Travelling fees on service or attempted service or enforcement or attempted enforcement of any warrant, process or document—for each km or part of a km after the first 8 km necessarily travelled from the court house to the place of service or enforcement (1 way)	2.20	2.20
(2) Only 1 travelling fee may be charged if—		

SCHEDULE (continued)

		Supreme Court	District Court
	(a) 2 or more processes lodged at the same time against the same person or ship are served and/or enforced at the same time; or		
	(b) 2 or more persons are served with the same process, the same proceedings are enforced against them, or proceedings enforced at the same time at the same address.		
20.	(1) For time necessarily spent after the first hour on the following—		
	(a) service or attempted service or enforcement or attempted enforcement of any warrant, process or document;		
	(b) arranging or conducting an auction— for each hour or part of an hour	14.50	14.50
	(2) If the enforcement officer is a full time officer of the public service and performs a duty during normal working hours, the allowance is to be paid to the court.		
21.	(1) Taking a person to prison or a place of detention from the place of arrest—for each km	2.20	2.20
	(2) Other unavoidable expenses involved in taking a person to prison or place of detention.		
22.	Release of any ship, goods, or person from arrest (if actual attendance necessary)	30.00	not applicable
23.	(1) Retaining possession by the marshal or marshal's officer of a ship, with or without cargo, or of a ship's cargo without a ship—for each day	10.30	not applicable

SCHEDULE (continued)

**Supreme District
Court Court**

- (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.
- * May be payable to the enforcement officer, marshal or marshal’s officer.

‘SCHEDULE 2

‘MAGISTRATES COURTS FEES

section 5(1)

‘PART 1—COURT FEES

\$

- 1. Filing claim—
 - (a) if amount claimed is \$2 500 or less 103.00
 - (b) if amount claimed is more than \$2 500 but less than \$10 000 150.00
 - (c) if amount claimed is \$10 000 or more 160.00
- 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)—

SCHEDULE (continued)

(a) if amount claimed is \$2 500 or less	67.00
(b) if amount claimed is more than \$2 500 but less than \$10 000	67.00
(c) if amount claimed is \$10 000 or more	72.00
3. Filing a minor debt claim—	
(a) if amount claimed is \$2 500 or less	43.00
(b) if amount claimed is more than \$2 500	73.00
4. Filing a document (other than a claim) to start a proceeding	67.00
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>)	17.50
6. Inspecting records in a proceeding—	
(a) within 4 years of filing of claim (not payable by parties)	9.00
(b) more than 4 years from filing of claim (including parties)	16.50
7. Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i>—for each page	1.70
8. Pounding 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 . . .	42.00
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	109.00
Assessment of costs	
10. Making an appointment for directions or for assessment of a costs statement	31.50
11. Assessing the costs statement under the <i>Uniform Civil Procedure Rules 1999</i>, rule 719(1), wholly or partly—for each hour or part of an hour.	69.00
12. (1) Assessing the costs statement other than under the <i>Uniform Civil Procedure Rules 1999</i>, rule 719(1)—for each \$100 or part of \$100 allowed	8.50

SCHEDULE (continued)

- (2) Subject to subitem (3), the fee mentioned in subitem (1) is—
 - (a) 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.
13. For an order for the amount assessed 42.50

‘PART 2—BAILIFF’S FEES

- \$
- 14. 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, one way in excess of 12 km from the registry 2.20
 - 15. Only 1 travelling fee 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.
 - 16. Serving (including attempting to serve) claim, application, subpoena or other process within 12 km of the registry—each person served. 31.00
 - 17. Enforcing (including attempting to enforce) a warrant within 12 km of the registry—each bailiff 46.00

SCHEDULE (continued)

	\$
18. 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	14.50
19. If the bailiff collects and pays into court not less than 85% of the order debt due under the warrant—an additional fee	29.50
20. Each bailiff left in possession—for each day, not more than	66.00
21. If board and lodging are not supplied, actual and reasonable expenses incurred are in the discretion of the registrar.	
22. The registrar may allow other actual and necessary payments made for the safe custody of property under seizure.	
23. 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.	
24. 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.	
25. 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 record of the amount deposited is to be given to the party making the deposit.	
26. Drawing advertisement of sale (if the sale is under warrant for seizure and sale)	59.00

SCHEDULE (continued)

	\$
27. If the advertisement is not drawn by the bailiff, the fee is to be paid to the court.	
28. Taking a person to prison or place of detention—for each km	2.20
29. Allowance for time spent after first hour on enforcement or apprehension—for each hour or part of an hour (payment is in the discretion of the registrar)	14.50
30. 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.’.	

UNIFORM CIVIL PROCEDURE RULES 1999

1 Schedule 1—

omit, insert—

‘SCHEDULE 1

‘SCALE OF COSTS—SUPREME COURT

rule 690(2)(a)

\$
(including
GST)

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—

SCHEDULE (continued)

	\$ (including GST)
(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—for each folio	6.40
Engrossing or typing	
3. Engrossing any necessary document—for each folio	1.90
4. Preparing an exhibit certificate—for each exhibit.	1.90
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	1.90
(b) for pages 21 to 50	1.40
(c) for pages 51 to 100	1.20
(d) after page 100	1.00
Perusals	
6. Perusal of a document when necessary—for each folio	1.90

SCHEDULE (continued)

	\$ (including GST)
7. If it is not necessary to peruse a document, examination or comparison of a document—	
(a) by a solicitor—for each quarter hour	40.00
(b) by a clerk—for each quarter hour	12.00
Service	
8. (1) Personal service, by a solicitor or an employee, of a document of which personal service is required	35.00
(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.	22.50
(2) Service of a document by post	14.00
(3) Service of a document by fax—	
(a) for the first page	7.00
(b) for each additional page	1.90
(4) Service of a document by email	7.00
(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	22.50

SCHEDULE (continued)

	\$ (including GST)
11. Attendance by telephone that does not involve the exercise of skill or legal knowledge	14.70
12. Attendance in court, at a compulsory conference or before the registrar by a solicitor who appears without counsel—for each quarter hour	40.00
13. Attendance in court, at a compulsory conference or before the registrar—	
(a) by a solicitor who appears with counsel—for each quarter hour	40.00
(b) by a clerk who appears with counsel—for each quarter hour	12.00
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	829.00
(2) If the period of absence is less than a full day, the amount is to be determined on a proportionate 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 (in addition to 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 determined on a proportionate basis.	
(5) If a clerk attends instead of a solicitor, the amount allowed is to be the amount that the registrar considers reasonable.	

SCHEDULE (continued)

	\$ (including GST)
15. Attendance on call-over of matters to be heard at the sittings of the court	40.00
16. Other attendances—	
(a) by a solicitor, involving skill or legal knowledge—for each quarter hour	40.00
(b) by a clerk—for each quarter hour	12.00
Correspondence	
17. (1) A short letter of a formal nature, written or received, forwarding documents without comment or to the like effect	11.40
(2) An ordinary letter, written or received, including a letter between principal and agent	22.50
(3) A special letter	32.00
(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—	
(a) for the first page	7.00
(b) for each additional page	1.90
(7) For email transmission, the allowance is	7.00
(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.	

SCHEDULE (continued)

\$
(including
GST)

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 for each quarter hour, the registrar is to allow the charge for the first quarter hour and after that is to apportion the charge on a proportionate basis.

Prescribed costs

- 20.** Costs on issuing a claim—
- (a) claim by an individual 741.00
 - (b) claim by an entity other than an individual 1 290.00
- 21.** Costs of obtaining judgment in default of appearance . . . 244.00
- 22.** Costs of enforcement warrant 229.00
- 23.** Costs of order for leave to proceed 461.00’.

2 Schedule 2, part 2—

omit, insert—

SCHEDULE (continued)

‘PART 2—COSTS

	\$ (including GST)
Claim, counterclaim, subpoena, application	
1. Preparation of claim and statement of claim, including copy for service, attendance on registrar to issue, on counsel to settle, and affidavit of service	244.00
2. Preparation of set-off or counterclaim, copy to file, 1 copy for service, and attendance to file	119.00
3. (1) Request and attendances to issue subpoena	51.00
(2) For each additional copy subpoena	4.50
4. Application, including attendance to issue and copy for service	57.00
 Notices, consents and other memoranda	
5. Notice before proceeding, if required by an Act, including copy and service	81.00
6. Notice to admit or produce, including copy and service	62.00
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	6.40
8. For each further notice to produce or admit considered necessary by the judge or registrar on assessment, including copy and service	39.00
9. Necessary or proper consent or admission, including attendance to obtain or give, and copy for opposite party (unless otherwise provided for)	29.50
10. Notice of intention to defend and defence, including attendance to file	147.00
11. Reply, including attendance to file	99.00
12. If a specific ground of defence is raised—reply, including copy for service and attendance to file	173.00

SCHEDULE (continued)

	\$ (including GST)
13. Preparing admissions for judgment upon admission, and attending and obtaining enforcement of judgment	62.00
14. A necessary or proper notice, undertaking or memorandum not otherwise mentioned, including copies to file and serve, attendance to file and service	98.00
15. If a document mentioned in item 14 is special or necessarily more than 3 folios—for each additional folio	6.40
 Service	
<i>If 2 or more documents have or could have been served together, only 1 fee for service of all the documents is to be allowed.</i>	
16. Service of claim or an originating process on a party . .	35.00
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	21.50
18. Service of a necessary document as mentioned in item 17, if authorised to be served by ordinary service .	14.70
19. Service of subpoena on witness	35.00
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	173.00
(2) These costs are additional to the costs mentioned in items 16 to 20, any court fees and oath fees.	
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).	88.00

SCHEDULE (continued)

	\$ (including GST)
(2) This cost is additional to the costs mentioned in items 16 to 20.	
Instructions	
23. Instructions to sue or defend (including counterclaim) or for an originating process	354.00
24. (1) If—	
(a) a proceeding is settled or not proceeded with; and	
(b) no amount is allowed under item 27;	
the judge or registrar may allow an amount under this item.	
(2) The amount allowed under this item is to include—	
(a) allowances for instructions to settle and all attendances on, and correspondence with, the party and the party's witnesses; and	
(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	1 279.00
(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	31.50

SCHEDULE (continued)

	\$ (including GST)
26. Instructions for interrogatories and for special applications to the court or a judge under an Act other than the <i>District Court of Queensland Act 1967</i>	78.00
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;	
but not more than	3 782.00
(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 than 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. . .	123.00
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 must not be more than	1 299.00

SCHEDULE (continued)

	\$ (including GST)
30. Drawing a brief on trial or on hearing before an arbitrator or referee if counsel employed—for each folio	6.40
31. Engrossing each folio of a brief or another necessary document.	1.90
32. Preparing each folio of brief notes for practitioner if no counsel employed, including copy	6.40
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	199.00
34. (1) Drawing each folio of an affidavit, account or other necessary document (including a request for further particulars) if not otherwise provided for	6.40
(2) Preparing exhibit certificate—for each exhibit	1.90
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)	30.50
(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	1.90
(b) for pages 21 to 50	1.40
(c) for pages 51 to 100	1.20
(d) after page 100	1.00

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—	
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SCHEDULE (continued)

	\$ (including GST)
(a) for each folio	0.50
(b) but not more than	427.00
38. 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	29.50
39. If a document mentioned in item 38 is longer than 10 folios—for each additional folio	1.90

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.

40. Attending to file final judgment	29.50
41. Attending at the office of the registrar, bailiff or on opposite party, if not otherwise provided for	25.00
42. If the attendance mentioned in item 41 requires the personal attendance of the solicitor or managing clerk, and involves the exercise of skill or legal knowledge . . .	72.00
43. Attending to inspect documents, under a notice to admit, or an order or notice under a rule	72.00
44. For each hour of attendance mentioned in item 43 after the first if the registrar considers that the attendance was necessary.	147.00
45. Attending to produce documents for inspection—for each necessary attendance	51.00
46. Attending on person making affidavit verifying answers to interrogatories or other special affidavit.	21.50
47. Attending to inspect property—for each hour, not more than	147.00

SCHEDULE (continued)

	\$ (including GST)
48. (1) Attendance of solicitor or managing clerk to inspect works or a place or for any other similar purpose if considered necessary by registrar—for each hour, not more than	147.00
(2) Attendance of a clerk to inspect works or a place or for any other similar purpose if considered necessary by registrar—for each hour, not more than	46.00
49. If an attendance is necessary to advise or receive instructions from a client during a proceeding, and the purpose for the attendance could not have been effected at any previous or subsequent attendance, if not otherwise provided for in this schedule	72.00
50. Attending on counsel with brief or with notice of appeal or other document to settle	27.00
51. If conference allowed by judge or registrar, appointing and attending conference—for each hour	147.00
52. Attending court or judge without counsel to support or oppose an application, if not otherwise provided for in this schedule	147.00
53. Attending court or judge with counsel to support or oppose an application, if not otherwise provided for in this schedule	108.00
54. Attending necessary unopposed application, if not otherwise provided for in this schedule	72.00
55. Attending court on a call-over	43.00
56. Attending court when proceeding listed but not dealt with because no judge available—for each day up to a maximum of 3 days	43.00
57. (1) Solicitor attending court on trial, or before arbitrator or referee, with counsel—for each day	730.00
(2) Clerk attending court on trial, or before arbitrator or referee, with counsel—for each day	231.00

SCHEDULE (continued)

	\$ (including GST)
<p>(3) If the solicitor does not reside or carry on business within 5 km of the town in which the trial or hearing takes place—</p> <p>(a) the amount reasonably paid for travelling and living expenses to attend the trial or hearing; and</p> <p>(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.</p>	
<p>58. (1) Solicitor attending court, arbitrator or referee and conducting trial or hearing, if no counsel employed—for each day</p> <p>(2) Item 57(3) applies to an attendance by a solicitor under subitem (1).</p>	998.00
<p>59. Attending before judge, with or without counsel, to hear deferred judgment.</p>	31.50
<p>60. Obtaining appointment to assess costs, and making and serving copy on opposite party.</p>	20.50
<p>61. (1) Solicitor attending assessment of costs—for each hour.</p> <p>(2) Clerk attending assessment of costs—for each hour</p>	147.00 46.00
<p>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</p> <p>(2) The cost provided for in subitem (1) is in addition to any fee for the search or obtaining a certificate.</p> <p>(3) Any necessary or proper attendance by telephone . . .</p>	17.70 14.70
<p>63. Attending a witness to arrange his or her attendance at court without subpoena.</p>	22.50

SCHEDULE (continued)

	\$ (including GST)
Appeals	
64. Instructions to appeal	65.00
65. Application for copy of judge's notes	22.50
66. Copy of judge's notes—amount actually paid.	
67. Preparing notice of appeal, including copies—not more than	108.00
68. Paying money into court as security for costs, including notice and service	48.50
69. Notice of nature and particulars of proposed security, including copies and service	35.00
70. Fair copy of record—for each folio	1.90
71. Perusing record—for each folio	1.90
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 confirmed 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.

SCHEDULE (continued)

	\$ (including GST)
73. To settle claim, counterclaim, set-off, defence, or further particulars of claim, counterclaim, set-off or defence, or to settle special case	209.00
74. To settle reply	118.00
75. To settle notice of appeal or application.	209.00
76. To settle interrogatories or answers to interrogatories . .	220.00
77. To settle an affidavit or other document.	132.00
78. On conference, inspection or similar attendance when allowed by a judge or the registrar—for each hour	209.00
79. To advise on evidence	231.00
80. (1) To advise on liability.	209.00
(2) To advise on quantum.	209.00
(3) To advise on liability and quantum.	314.00
(4) Any other brief for opinion.	314.00
81. (1) On trial or hearing.	1 406.00
(2) In proceedings heard outside the town in which counsel ordinarily practises, a further fee by way of out of chambers fee of \$89.00 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.	938.00

SCHEDULE (continued)

	\$ (including GST)
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	166.00
(2) To support or oppose a standard application	414.00
(3) To support or oppose a complex application	745.00
85. To hear deferred judgment, when certified by a judge, or allowed by the registrar, as being reasonably necessary	119.00
86. On examination of enforcement debtor	199.00
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	237.00
<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	639.00
(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	419.00
(2) The costs mentioned in subitem (1) are in addition to disbursements.	

SCHEDULE (continued)

	\$ (including GST)
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	419.00
92. If counsel engaged—brief to counsel and copy of documents to accompany, and attending counsel with documents	200.00
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	131.00
Letters and miscellaneous	
95. (1) Ordinary letter before proceeding	27.50
(2) Special letter before proceeding—the amount allowed by the registrar, but not more than	31.00
(3) Any necessary letter sent or received, including agency correspondence	21.50
(4) Short letter of a formal nature sent or received, forwarding documents without comment or a letter to the like effect	11.40
(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—	
(a) for the first page	7.00
(b) for each additional page	1.90
(7) For email transmission, the allowance is	7.00

SCHEDULE (continued)

	\$ (including GST)
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	669.00
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	94.00
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 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.’.

SCHEDULE (continued)

3 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
\$	\$	\$	\$	\$	\$	\$

(including GST)

1. Instructions to sue—claim and statement of claim and service.....	147.00	208.00	259.00	498.00	620.00	869.00	869.00
2. Instructions to defend—notice of intention to defend and defence and filing	147.00	208.00	259.00	498.00	620.00	869.00	869.00
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	48.50	48.50	69.00	113.00	141.00	198.00	198.00
4. Obtaining judgment by default.....	48.50	48.50	69.00	113.00	141.00	198.00	198.00
5. Preparing for trial, including directions conference—							
(a) including brief if counsel engaged	409.00	539.00	650.00	1 491.00	1 870.00	2 616.00	2 878.00
(b) if no counsel engaged .	259.00	450.00	517.00	1 242.00	1 552.00	2 178.00	2 398.00

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—

SCHEDULE (continued)

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
\$	\$	\$	\$	\$	\$	\$

(including GST)

- (a) a matter is settled before the directions conference or not proceeded with; or
- (b) costs are awarded in favour of a party for part only of the total proceedings.

6. Counsel's fees—

(a) to settle claim and statement of claim, counterclaim, notice of intention to defend or notice of appeal	—	—	—	—	134.00	191.00	209.00
(b) to settle special affidavit, reply or particulars that the magistrate or registrar is satisfied is reasonably necessary or proper	—	—	—	—	80.00	116.00	127.00
(c) to settle interrogatories or answers to interrogatories that the magistrate or registrar is satisfied is reasonably necessary or proper . . .	—	—	—	—	132.00	187.00	206.00
(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	—	—	—	—	134.00	191.00	209.00
(e) to advise on evidence or for any other opinion . .	—	—	—	—	147.00	199.00	217.00
(f) on trial or hearing (other than an application in a proceeding)—first day.	381.00	469.00	572.00	638.00	843.00	1 183.00	1 299.00

SCHEDULE (continued)

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
\$	\$	\$	\$	\$	\$	\$

(including GST)

(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).	254.00	315.00	381.00	426.00	562.00	788.00	866.00
(h) on each subsequent day of hearing not included in item 6(g)	127.00	156.00	191.00	213.00	282.00	394.00	433.00
(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 \$47.50 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	-	-	-	-	135.00	193.00	212.00
(k) to hear deferred judgment	-	-	-	-	69.00	99.00	110.00
7. Solicitor on hearing—							
(a) appearance without counsel on hearing—first day	395.00	450.00	517.00	547.00	683.00	961.00	1 058.00
(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).	259.00	330.00	373.00	373.00	469.00	660.00	726.00

SCHEDULE (continued)

	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
	\$	\$	\$	\$	\$	\$	\$
(including GST)							
(c) attendance of clerk with solicitor acting as advocate—each day . .	40.50	49.50	62.00	189.00	215.00	215.00	215.00
Costs under item 7(c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.							
8. On hearing with counsel—							
(a) attendance of solicitor with counsel (if the attendance is certified for by the court)—each day	172.00	208.00	240.00	271.00	339.00	472.00	521.00
(b) attendance of clerk with counsel—each day . . .	40.50	50.00	62.00	189.00	215.00	215.00	215.00
Costs under item 8(b) are not allowed if the court certifies the attendance of the clerk was not reasonably required.							
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)—							
(a) counsel's fees (if no fee is payable under item (6)(f))	147.00	172.00	189.00	205.00	256.00	364.00	394.00
(b) solicitor for appearance without counsel	147.00	172.00	189.00	189.00	232.00	325.00	359.00

SCHEDULE (continued)

	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
	\$	\$	\$	\$	\$	\$	\$
(including GST)							
10. Other applications to the court (other than an application for an adjournment)	103.00	103.00	122.00	224.00	282.00	388.00	427.00
11. Instructions—							
(a) for disclosure preparing list of documents and making inspection and copies of documents—							
(i) allowance to party requesting disclosure	48.50	81.00	103.00	166.00	213.00	248.00	275.00
(ii) allowance to party making disclosure	48.50	81.00	103.00	381.00	414.00	463.00	508.00
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—							
(i) allowance to party delivering interrogatories	48.50	81.00	103.00	282.00	296.00	314.00	345.00
(ii) allowance to party answering interrogatories	48.50	81.00	103.00	264.00	276.00	289.00	316.00
12. Enforcement hearing—							
(a) counsel's fees	252.00	252.00	252.00	290.00	364.00	505.00	561.00
(b) if no counsel engaged	169.00	169.00	191.00	248.00	314.00	442.00	485.00
13. Enforcement warrant—							
(a) costs of preparing warrant and attending issuing and for return—to be marked on warrant (exclusive of court or other fees)	48.50	48.50	56.00	112.00	143.00	198.00	216.00

SCHEDULE (continued)

	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
	\$	\$	\$	\$	\$	\$	\$
(including GST)							
(b) costs of registration of warrant against land . .	48.50	48.50	56.00	112.00	143.00	198.00	216.00
14. Warrant (other than enforcement warrant)—costs of preparing warrant and attending issuing and for return	48.50	48.50	56.00	112.00	143.00	198.00	216.00
15. Applying for summary judgment or showing cause against a summary judgment application	48.50	48.50	56.00	112.00	143.00	198.00	216.00

ENDNOTES

1. Made by the Governor in Council on 2 October 2003.
2. Notified in the gazette on 3 October 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.