

Queensland



**Subordinate Legislation 2002 No. 223**

*Appeal Costs Fund Act 1973*

*Coroners Act 1958*

*Electoral Act 1992*

*Freedom of Information Act 1992*

*Property Law Act 1974*

*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 (No. 1) 2002**

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## **PART 1—PRELIMINARY**

### **1 Short title**

This regulation may be cited as the *Justice Legislation (Variation of Fees and Costs) Regulation (No. 1) 2002*.

### **2 Commencement**

This regulation commences on 1 September 2002.

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

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

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

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

Schedule 1—

*omit, insert—*

## ‘SCHEDULE 1

### ‘ADDITIONAL FEES ON DOCUMENTS COMMENCING LEGAL PROCEEDINGS

section 4

\$

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

(a) in the Supreme Court . . . . .	17.20
(b) in the District Court . . . . .	13.20
(c) in a Magistrates Court . . . . .	2.10’.

### PART 3—AMENDMENT OF BARRISTERS’ ADMISSION RULES 1975

#### 5 Rules amended in pt 3

This part amends the *Barristers’ Admission Rules 1975*.

#### 6 Replacement of sch 1 (Fees)

Schedule 1—

*omit, insert—*

## ‘SCHEDULE 1

### ‘FEES

rule 49

	\$
1. Application to become student-at-law . . . . .	165.00
2. Application to sit examination, for each subject	112.00
3. Application for admission—	
(a) for a person previously admitted as a barrister or solicitor of the Supreme Court. . . . .	270.00
(b) for any other person. . . . .	551.00’.

## PART 4—AMENDMENT OF CORONERS RULES 1959

### 7 Rules amended in pt 4

This part amends the *Coroners Rules 1959*.

### 8 Amendment of s 21 (Copy of Reports on Post-Mortem and Other Examinations not put in Evidence)

Section 21, ‘\$7.30’—

*omit, insert—*

‘\$7.70’.

**PART 5—AMENDMENT OF CRIMINAL PRACTICE  
(FEES) REGULATION 2000**

**9 Regulation amended in pt 5**

This part amends the *Criminal Practice (Fees) Regulation 2000*.

**10 Replacement of schedule (Fees)**

Schedule—

*omit, insert—*

**‘SCHEDULE**

**‘FEES**

section 2

	\$
1. Searching or inspecting a court file or document . . . . .	10.50
2. Certificate under rule 57 . . . . .	40.50
3. Copying a document or part of it—	
(a) first copy—each page . . . . .	1.60
(b) additional copies to same party—each page . . . . .	0.50
4. Inspecting an exhibit, other than a document . . . . .	10.50
5. Preparing and copying appeal record book—	
(a) first copy—each page . . . . .	1.60
(b) additional copies to same party—each page . . . . .	0.50
(c) binding appeal record book—each book . . . . .	7.00’.



**PART 6—AMENDMENT OF ELECTORAL  
REGULATION 2002**

**11 Regulation amended in pt 6**

This part amends the *Electoral Regulation 2002*.

**12 Replacement of sch 2 (Fees)**

Schedule 2—

*omit, insert—*

**‘SCHEDULE 2**

**‘FEES**

section 7

\$

- |   |  |
|---|--|
| <ol style="list-style-type: none"> <li>1. Supply of a printed version of the publicly available part of an electoral roll . . . . .</li> <li>2. Supply to a local government of a computer disk or computer tape version of an entire electoral roll for an electoral district wholly or partly within the local government’s area . . . . .</li> </ol> | <p>9.50</p> <p>290.00</p> <p>plus the additional applicable amount</p> |
|---|--|

- |   |  |
|---|--|
|   | \$   |
| <p>3. Supply to a local government of changes to the entire electoral roll for an electoral district wholly or partly within the local government's area, for each calendar year</p>  | <p>290.00</p> <p>plus the additional applicable amount</p> |
| <p>4. In this schedule—</p> <p style="padding-left: 40px;"><b>“additional applicable amount”</b> means \$23.00 for each 1 000 (or part of 1 000) electors enrolled for the local government area as at 31 August immediately before the application for supply.’.</p> |  |

## PART 7—AMENDMENT OF FREEDOM OF INFORMATION REGULATION 1992

### 13 Regulation amended in pt 7

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

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

Section 6(1), ‘\$31’—

‘\$32.50’.

**PART 8—AMENDMENT OF PROPERTY LAW  
REGULATION 1993**

**15 Regulation amended in pt 8**

This part amends the *Property Law Regulation 1993*.

**16 Replacement of schedule (Fees)**

Schedule—

*omit, insert—*

**‘SCHEDULE**

**‘FEES**

section 3

\$

- 1. Lodgment for registration, under part 18, division 3 of the Act, in the land registry of—
  - (a) an agreement in writing, deed, conveyance or other instrument affecting an estate in land; or
  - (b) a will or devise affecting an estate in land; or
  - (c) any other instrument, record or document . . . . . 43.15
- 2. Photocopy of a document registered under part 18, division 3 of the Act . . . . . 21.55
- 3. In addition to the fee payable for a photocopy of a document mentioned in item 2—
  - (a) for sending a copy of the document by facsimile . . . . . 8.00
  - (b) for certifying the copy . . . . . 21.55’.

## PART 9—AMENDMENT OF REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES REGULATION 1995

### 17 Regulation amended in pt 9

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

### 18 Replacement of sch 4 (Fees)

Schedule 4—

*omit, insert—*

## ‘SCHEDULE 4

### ‘FEES

	section 14
	\$
1. Certificate of particulars in an entry or duplicate entry in a register or book . . . . .	23.00
2. Certified extract from an entry in a register or book . . . . .	23.00
3. Certified photocopy of a prescribed certificate of information . . . . .	36.00
4. Search in the indexes or registers for each event under 1 name for not more than 5 years . . . . .	14.70
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 . . . . .	14.70
6. Giving priority to a search or the issue of a certificate or extract (in addition to any other fee) . . . . .	17.40
7. Registration of birth under section 26(1)(a) of the Act . . .	3.20
8. Registration of birth under section 26(1)(b) of the Act . . .	8.70
9. Registration of birth under section 26(2B) of the Act . . .	12.50

	\$
10. Registration of birth under section 27(1) of the Act . . . . .	16.40
11. Noting change of entry of child's surname under section 27B of the Act . . . . .	12.50
12. Registration of name given after registration of birth under section 28(1) of the Act . . . . .	12.50
13. Noting change of name under section 28(4) of the Act . . .	23.50
14. Noting change of entry of child's surname under section 28A(2), (3) or (4) of the Act . . . . .	44.00
15. Reregistration of birth under section 29C of the Act . . . . .	44.00
16. Correction of an entry under section 42 of the Act if incorrect information was given to the registrar . . . . .	12.50'.

## **PART 10—AMENDMENT OF SMALL CLAIMS TRIBUNALS REGULATION 1993**

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

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

### **20 Amendment of s 9 (Execution of warrant)**

Section 9(2), definition “**prison**”, ‘*Corrective Services Act 1988*’—  
*omit, insert—*  
‘*Corrective Services Act 2000*’.

### **21 Amendment of s 10 (Duties of bailiff)**

Section 10(3), ‘schedule 3 of the *Magistrates Courts Rules 1960*’—  
*omit, insert—*

‘the *Uniform Civil Procedure (Fees) Regulation 1999*, schedule 2, part 2’.

## 22 Replacement of schedule (Fees)

Schedule—

*omit, insert—*

### ‘SCHEDULE

### ‘FEES

section 5

\$

- |     |   |         |
|-----|---|---------|
| 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) <sup>1</sup> )— |         |
| (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’. |

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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.

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1 *Uniform Civil Procedure (Fees) Regulation 1999*, schedule 2 (Magistrates Courts Fees), part 2 (Bailiff’s fees)

**PART 11—AMENDMENT OF SOLICITORS’  
ADMISSION RULES 1968**

**23 Rules amended in pt 11**

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

**24 Replacement of sch 1 (Fees)**

Schedule 1—  
*omit, insert—*

**‘SCHEDULE 1**

**‘FEES**

rules 30 and 89

\$

- 1. Application for board’s consent to enter articles of clerkship. . . . . 39.00
- 2. Application for admission . . . . . 388.00’.

**PART 12—AMENDMENT OF UNIFORM CIVIL  
PROCEDURE (FEES) REGULATION 1999**

**25 Regulation amended in pt 12**

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

**26 Amendment of s 3 (Fees for Supreme Court and District Court)**

Section 3—

*insert—*

‘(4) An exempt individual for a fee is not required to pay the fee.

‘(5) In this section—

“**exempt individual**”, for a fee, means an individual who has obtained an order under the *Uniform Civil Procedure Rules 1999*, rule 971(4).<sup>2</sup> exempting the individual from payment of the fee.’.

## **27 Replacement of ss 6 and 7**

Sections 6 and 7—

*omit, insert—*

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

‘The fees for approval as a mediator are—

- (a) for the Supreme Court—\$365.00; or
- (b) for the District Court—\$365.00; or
- (c) for a Magistrates Court—\$112.00.

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

‘The fees for approval as a case appraiser are—

- (a) for the Supreme Court—\$365.00; or
- (b) for the District Court—\$365.00; or
- (c) for a Magistrates Court—\$112.00.’.

## **28 Replacement of ss 13–15**

Sections 13 to 15—

*omit, insert—*

### **‘13 Non-professional attendance allowance**

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

---

2 Section 971 (Filing fees)



- (a) if the witness is under 16—\$26.50; or
- (b) if the witness is 16 or older—\$53.00;

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

#### **'14 Professional or expert attendance allowance**

'(1) The amount of the attendance allowance that is to be paid to a professional or expert witness is \$165.00 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—\$62.00; or
- (b) for an absence of more than 3 hours but not more than 4 hours—\$84.00; or
- (c) for an absence of more than 4 hours but not more than 5 hours—\$104.00; or
- (d) for an absence of more than 5 hours but not more than 6 hours—\$122.00; or
- (e) for an absence of more than 6 hours but not more than 7 hours—\$143.00.

'(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 \$55.00 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.

#### **'15 Interpreter attendance allowance**

'(1) The amount of the attendance allowance that is to be paid to an interpreter is \$166.00 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—\$41.00; and
- (b) for each additional hour or part of an hour—\$20.00.

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

## **29 Replacement of schs 1 and 2**

Schedules 1 and 2—

*omit, insert—*

**‘SCHEDULE 1**

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

section 3(1)

**Supreme Court    District Court**

**Originating process**

- |   |   |
|---|---|
| <p><b>1. (1)</b> On filing any claim, including a writ in admiralty—</p> <p>    (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.....</p> <p>    (b) otherwise. ....</p> <p><b>(2)</b> On filing any application that is an originating process—</p> <p>    (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.....</p> <p>    (b) otherwise. ....</p> <p><b>(3)</b> On filing any document initiating any appeal, including a case stated—</p> <p>    (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. ....</p> <p>    (b) otherwise. ....</p> | <p>420.00    400.00</p> <p>840.00    800.00</p> <p>420.00    400.00</p> <p>840.00    800.00</p> <p>420.00    400.00</p> <p>840.00    800.00</p> |
|---|---|

	<b>Supreme Court</b>	<b>District Court</b>
<b>Any other documents</b>		
2. (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 . . . . .	68.00	58.00
(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.		
<b>Opening offices</b>		
3. Opening or keeping open the registry, sheriff's office or marshal's office after hours . . . . .	319.00	319.00
<b>Copies</b>		
4. 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
5. (1) Sealing and certifying copy of any record of the court or any document or exhibit filed in the registry . . . . .	40.50	40.50
(2) This fee is in addition to the fee mentioned in item 4.		

	<b>Supreme Court</b>	<b>District Court</b>
<b>6. (1)</b> 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—		
(i) for each hour or part of an hour . . .	67.00	67.00
(ii) but not to exceed for each day . . . .	335.00	335.00
<b>(2)</b> The reasonable travelling and other expenses of the officer are also payable.		
<b>Public searches</b>		
<b>7. (1)</b> Searching the records, for each name or file .	10.50	10.50
<b>(2)</b> Retrieval fee from State Archives, for each file . . . . .	10.50	10.50
<b>Assessment of costs, other references, inquiries and accounts</b>		
<b>8.</b> Taking an account before the registrar—for each hour or part of an hour . . . . .	67.00	67.00
<b>9. (1)</b> 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 . . . . .	67.00	67.00
<b>(2)</b> Assessing a costs statement—for each \$100.00 or part of \$100.00 allowed. . . .	8.50	8.50
<b>Miscellaneous</b>		
<b>10. (1)</b> *Drawing an advertisement . . . . .	89.00	89.00
<b>(2)</b> Settling and executing any deed of transfer. .	89.00	89.00

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Regulation (No. 1) 2002*

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	<b>Supreme Court</b>	<b>District Court</b>
(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 . . . . .	89.00	not applicable
11. Certificate of registrar . . . . .	40.50	40.50
12. Copy of a callover list . . . . .	10.50	10.50
13. (1) Postal dealing fee for documents lodged for filing by post or requesting a search of the records by post—each document filed or search requested. . . . .	17.50	17.50
(2) Only one fee is payable under subitem (1) if several documents in the same proceeding are received for filing at the same time.		
(3) Search fees payable under item 7 and filing fees payable under items 1 and 2 apply in addition to the fee for subitem (1).		
14. Preparation and photocopying of documents for inclusion in appeal books—		not applicable
(1) First copy, per page . . . . .	1.60	not applicable
(2) Additional copies to same party, per page . . .	.50	not applicable
(3) Binding of appeal books, per book . . . . .	7.00	not applicable

**Supreme District  
Court Court**

**Enforcement officer’s and marshal’s expenses**

- 15.** \*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**

- |                |  |        |                |
|----------------|--|--------|----------------|
| <b>16. (1)</b> | 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 . . . . . | 89.00  | 89.00          |
| <b>(2)</b>     | On enforcing warrant of possession, 2.5% determined on annual rent or value, but not less than . . . . .   | 89.00  | 89.00          |
| <b>(3)</b>     | 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 . . . . .  | 286.00 | not applicable |

<b>Supreme Court</b>	<b>District Court</b>
----------------------	-----------------------

**Fees payable to enforcement officer, marshal or marshal’s officer**

- |  |                           |                           |
|--|---------------------------|---------------------------|
| <p><b>17. (1)</b> Service or attempted service or enforcement or attempted enforcement of any warrant, process or document—</p> <p style="padding-left: 20px;">(a) on each person or ship served and/or enforced. . . . .</p> <p style="padding-left: 20px;">(b) for each additional process served and/or enforced if—</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(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 . . . . .</p> <p><b>(2)</b> The fee is additional to any travelling fees.</p> | <p>63.00</p> <p>10.50</p> | <p>63.00</p> <p>10.50</p> |
| <p><b>18. (1)</b> Travelling fees on service or attempted service or enforcement or attempted enforcement of any warrant, process or document—for each kilometre or part of a kilometre after the first 8 kilometres necessarily travelled from the court house to the place of service or enforcement one way.</p> <p><b>(2)</b> Only one travelling fee may be charged if—</p> <p style="padding-left: 20px;">(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</p> <p style="padding-left: 20px;">(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.</p>     | <p>2.10</p>               | <p>2.10</p>               |



	<b>Supreme Court</b>	<b>District Court</b>
<b>19. (1)</b> 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—each hour or part of an hour .	14.00	14.00
<b>(2)</b> If the enforcement officer is a full time officer of the public service and performs a duty during ordinary working hours, the allowance is to be paid to the court.		
<b>20. (1)</b> Taking a person to prison or a place of detention from the place of arrest—for each kilometre . . . . .	2.10	2.10
<b>(2)</b> Other unavoidable expenses involved in taking a person to prison or place of detention.		
<b>21.</b> Release of any ship, goods, or person from arrest (if actual attendance necessary) . . . . .	29.00	not applicable
<b>22. (1)</b> 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 . . . . .	10.00	not applicable
<b>(2)</b> 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.		
<b>(3)</b> 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

	\$
<b>1. Filing claim—</b>	
(a) if amount claimed is \$2 500 or less . . . . .	100.00
(b) if amount claimed is more than \$2 500 but less than \$10 000 . . . . .	145.00
(c) if amount claimed is \$10 000 or more . . . . .	155.00
<b>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)—</b>	
(a) if amount claimed is \$2 500 or less . . . . .	65.00
(b) if amount claimed is more than \$2 500 but less than \$10 000 . . . . .	65.00
(c) if amount claimed is \$10 000 or more . . . . .	70.00
<b>3. Filing a minor debt claim—</b>	
(a) if amount claimed is \$2 500 or less . . . . .	41.50
(b) if amount claimed is more than \$2 500 . . . . .	71.00
<b>4. Filing a document (other than a claim) to start a proceeding . . . . .</b>	<b>65.00</b>
<b>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>) . . . . .</b>	<b>17.00</b>
<b>6. Inspecting records in a proceeding—</b>	
(a) within 4 years of filing of claim (not payable by parties) . . . . .	8.50
(b) more than 4 years from filing of claim (including parties) . . . . .	16.00

	\$
7. Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i> —each page . . . . .	1.60
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 . . .	40.50
9. Opening or keeping the registry open between 8 a.m. and 9 a.m. or between 4 p.m. and 6 p.m. on a day other than a Saturday, Sunday, public holiday or court holiday . . . . .	105.00

#### **Assessment of costs**

10. Making an appointment for directions or for assessment of a costs statement . . . . .	30.50
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) . . . . .	67.00
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
(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 . . . . .	41.00

## ‘PART 2—BAILIFF’S FEES

	\$
<b>14.</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 . . . . .	2.10
<b>15.</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>16.</b> Serving (including attempting to serve) claim, application, subpoena or other process within 12 km of the registry—each person served. . . . .	30.00
<b>17.</b> Enforcing (including attempting to enforce) a warrant within 12 km of the registry—each bailiff . . . . .	44.50
<b>18.</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 . . . . .	14.00
<b>19.</b> If the bailiff collects and pays into court not less than 85% of the order debt due under the warrant—an additional fee . . . . .	28.50
<b>20.</b> Each bailiff left in possession—each day, not more than .	64.00
<b>21.</b> If board and lodging are not supplied, actual and reasonable expenses incurred are in the discretion of the registrar.	
<b>22.</b> The registrar may allow other actual and necessary payments made for the safe custody of property under seizure.	
<b>23.</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>24.</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.
- 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) . . . . . 57.00
- 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—each kilometre . . . . . 2.10
- 29.** 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) . . . . . 14.00
- 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.’.

## **PART 13—AMENDMENT OF UNIFORM CIVIL PROCEDURE RULES 1999**

### **30 Rules amended in pt 13**

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

### 31 Amendment of r 313 (Definitions for pt 4)

Rule 313, definition “**registrar**”, paragraph (b), ‘3501’—

*omit, insert—*

‘350’.

### 32 Amendment of r 535 (Delay)

Rule 535, ‘(1)’—

*omit.*

### 33 Amendment of r 678 (Application)

Rule 678(2), ‘part 2, division 6A’—

*omit, insert—*

‘part 2A, division 6A<sup>3</sup>’.

### 34 Amendment of r 971 (Filing fees)

Rule 971—

*insert—*

‘(3) An individual may apply to the registrar for an order exempting the individual from payment of a relevant fee on the ground that, having regard to the individual’s financial position, it is clearly in the interests of justice to make the order.

‘(4) The registrar may, by order, exempt an individual from payment of a relevant fee if the registrar considers that, having regard to the individual’s financial position, it is clearly in the interests of justice to make the order.

‘(5) The registrar may decide the application summarily and without extensive investigation.

‘(6) In having regard to the individual’s financial position, the registrar must have regard to the following matters—

---

3 *Queensland Law Society Act 1952*, part 2A (Solicitors complaints tribunal), division 6A (Application for assessment of account under client agreement)

- (a) if the individual receives an income-tested pension under the *Social Security Act 1991* (Cwlth), the type and amount of the pension;
- (b) how much the individual is paying as rent for his or her accommodation;
- (c) whether any close relatives may be willing to give the individual financial help;
- (d) any other matter the registrar considers relevant.

‘(7) The individual, if dissatisfied with a registrar’s decision on the individual’s application may apply to a judge for a review of the decision.

‘(8) On an application for a review of the registrar’s decision, the judge conducting the review may—

- (a) consider the application with or without a hearing; and
- (b) consider anything the registrar considered under subrule (6); and
- (c) make the order the judge considers appropriate.

‘(9) In this rule—

“**relevant fee**” means the fee payable under the *Uniform Civil Procedure (Fees) Regulation 1999*, schedule 1, item 1(1)(a), 1(2)(a) or 1(3)(a) for filing any of the following—

- (a) a claim, including a writ of admiralty;
- (b) any application that is an originating process; or
- (c) any document initiating any appeal, including a case stated.’.

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

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—
  - (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 . . . . . 6.10



	\$ (including GST)
<b>Engrossing or typing</b>	
3. Engrossing any necessary document—each folio . . . . .	1.70
4. Preparing an exhibit certificate—each exhibit . . . . .	1.70
 <b>Copies</b>	
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 . . . . .	1.70
(b) for pages 21 to 50 . . . . .	1.40
(c) for pages 51 to 100 . . . . .	1.20
(d) after page 100 . . . . .	0.90
 <b>Perusals</b>	
6. Perusal of a document when necessary—each folio . . . . .	1.70
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 . . . . .	39.00
(b) if by a clerk—for each quarter hour . . . . .	11.60
 <b>Service</b>	
8. (1) Personal service, by a solicitor or an employee, of a document of which personal service is required . . . . .	34.00
(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.	21.50
(2) Service of a document by post . . . . .	13.60
(3) Service of a document by fax—	
(a) for the first page . . . . .	6.80
(b) for each additional page . . . . .	1.70

	\$ (including GST)
(4) Service of a document by email . . . . .	6.80
(5) If more than 1 document is served, only 1 fee for service is allowable.	
<b>Attendances</b>	
<b>10.</b> 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 . . . . .	21.50
<b>11.</b> Attendance by telephone that does not involve the exercise of skill or legal knowledge . . . . .	14.20
<b>12.</b> Attendance in court, at a compulsory conference or before the registrar by a solicitor who appears without counsel—each quarter hour . . . . .	39.00
<b>13.</b> Attendance in court, at a compulsory conference or before the registrar by—	
(a) a solicitor who appears with counsel—each quarter hour . . . . .	39.00
(b) a clerk who appears with counsel—each quarter hour	11.60
<b>14. (1)</b> 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 . . . . .	800.00
(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).	

	\$ (including GST)
(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 rateably divided.	
(5) If a clerk attends instead of a solicitor, the amount allowed is to be the amount that the registrar considers reasonable.	
<b>15.</b> Attendance on call-over of matters to be heard at the sittings of the court .....	39.00
<b>16.</b> Other attendances—	
(a) if by a solicitor, involving skill or legal knowledge—for each quarter hour .....	39.00
(b) if by a clerk—for each quarter hour .....	11.60
<b>Correspondence</b>	
<b>17.</b> (1) A short letter of a formal nature, written or received, forwarding documents without comment or to the like effect .....	11.10
(2) An ordinary letter, written or received, including a letter between principal and agent .....	21.50
(3) A special letter .....	30.50
(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 .....	6.80
(b) for each additional page .....	1.70
(7) For email transmission, the allowance is .....	6.80

\$  
(including  
GST)

(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**

- 20. Costs on issuing a claim—
  - (a) claim by an individual . . . . . 717.00
  - (b) claim by an entity other than an individual . . . . . 1137.00
- 21. Costs of obtaining judgment in default of appearance . . . 236.00
- 22. Costs of enforcement warrant . . . . . 221.00
- 23. Costs of order for leave to proceed . . . . . 445.00’.

**36 Amendment of sch 1A, r 3.4 (Notice of hearing (s 411(4), s 413(1) of the Law)—form 6)**

Schedule 1A, rule 3.4, ‘This rule’—

*omit, insert—*

‘(1) This rule’.

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

Schedule 2, part 2—

*omit, insert—*

**‘PART 2—COSTS**

	\$ (including GST)
<b>Claim, counterclaim, subpoena, application</b>	
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 . . . . .	236.00
2. Preparation of set-off or counterclaim, copy to file, 1 copy for service, and attendance to file . . . . .	114.00
3. (1) Request and attendances to issue subpoena . . . . .	48.50
(2) For each additional copy subpoena . . . . .	4.30
4. Application, including attendance to issue and copy for service . . . . .	54.00
 <b>Notices, consents and other memoranda</b>	
5. Notice before proceeding, if required by an Act, including copy and service . . . . .	79.00
6. Notice to admit or produce, including copy and service	59.00
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 . . . . .	6.10

	\$ (including GST)
8. For each further notice to produce or admit considered necessary by the judge or registrar on assessment, including copy and service . . . . .	37.50
9. Necessary or proper consent or admission, including attendance to obtain or give, and copy for opposite party (unless otherwise provided for) . . . . .	28.50
10. Notice of intention to defend and defence including attendance to file . . . . .	142.00
11. Reply, including attendance to file . . . . .	95.00
12. If a specific ground of defence is raised—reply, including copy for service and attendance to file . . . . .	167.00
13. Preparing admissions for judgment upon admission, and attending and obtaining enforcement of judgment . . . . .	59.00
14. A necessary or proper notice, undertaking or memorandum not otherwise mentioned, including copies to file and serve, attendance to file and service . . . . .	94.00
15. If a document mentioned in item 14 is special or necessarily more than 3 folios—for each additional folio	6.10

### **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 . .	34.00
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 . . . . .	21.00
18. Service of a necessary document as mentioned in item 17, if authorised to be served by ordinary service .	14.20
19. Service of subpoena on witness . . . . .	34.00
20. For a document served more than 3 km from the registrar's office—a reasonable amount to be fixed by the registrar.	

	\$ (including GST)
<p><b>21.</b> (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 .....</p> <p>(2) These costs are additional to the costs mentioned in items 16 to 20, any court fees and oath fees.</p>	167.00
<p><b>22.</b> (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).....</p> <p>(2) This cost is additional to the costs mentioned in items 16 to 20.</p>	84.00
<b>Instructions</b>	
<p><b>23.</b> Instructions to sue or defend (including counterclaim) or for an originating process .....</p>	341.00
<p><b>24.</b> (1) If—</p> <p style="padding-left: 20px;">(a) a proceeding is settled or not proceeded with; and</p> <p style="padding-left: 20px;">(b) no amount is allowed under item 27;</p> <p>the judge or registrar may allow an amount under this item.</p> <p>(2) The amount allowed under this item is to include—</p> <p style="padding-left: 20px;">(a) allowances for instructions to settle and all attendances on, and correspondence with, the party and the party’s witnesses; and</p> <p style="padding-left: 20px;">(b) all necessary work and perusals in relation to the settlement, advising about the settlement, and briefs to counsel concerning settlement;</p> <p>but, subject to subitems (3) and (5), must not be more than .....</p> <p>(3) The judge or registrar may allow, in addition, any necessary out-of-pocket expenses.</p>	1 235.00

	\$ (including GST)
(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 . . . . .	30.00
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> . . . . .	75.00
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 . . . . .	3 651.00
(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. . .	118.00



	\$ (including GST)
<b>Drawing</b>	
<b>29.</b> (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 . . . . .	1 254.00
<b>30.</b> Drawing a brief on trial or on hearing before an arbitrator or referee if counsel employed—each folio . . . . .	6.10
<b>31.</b> Engrossing each folio of a brief or another necessary document. . . . .	1.70
<b>32.</b> Preparing each folio of brief notes for practitioner if no counsel employed, including copy . . . . .	6.10
<b>33.</b> 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 . . . . .	192.00
<b>34.</b> (1) Drawing each folio of an affidavit, account or other necessary document (including a request for further particulars) if not otherwise provided for. . . . .	6.10
(2) Preparing exhibit certificate—each exhibit. . . . .	1.70
<b>35.</b> (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) . . . . .	29.00
(2) This fee is additional to any court fees and oath fees.	
<b>Copies</b>	
<b>36.</b> 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 . . . . .	1.70
(b) for pages 21 to 50 . . . . .	1.40
(c) for pages 51 to 100 . . . . .	1.20
(d) after page 100 . . . . .	0.90

	\$ (including GST)
<b>Perusals</b>	
<b>37.</b> 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 . . . . .	412.00
<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 . . . . .	28.50
<b>39.</b> If a document mentioned in item 38 is longer than 10 folios—for each additional folio . . . . .	1.70
<b>Attendances</b>	
<i>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.</i>	
<b>40.</b> Attending to file final judgment . . . . .	28.50
<b>41.</b> Attending at the office of the registrar, bailiff or on opposite party—if not otherwise provided for . . . . .	24.00
<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 . . .	69.00
<b>43.</b> Attending to inspect documents, under a notice to admit, or an order or notice under a rule . . . . .	69.00
<b>44.</b> For each hour of attendance mentioned in item 43 after the first if the registrar considers that the attendance was necessary. . . . .	142.00
<b>45.</b> Attending to produce documents for inspection—for each necessary attendance . . . . .	49.00
<b>46.</b> Attending on person making affidavit verifying answers to interrogatories or other special affidavit. . . . .	21.00
<b>47.</b> Attending to inspect property—not more than—each hour. . . . .	142.00

*Justice Legislation (Variation of Fees and Costs) No. 223, 2002*  
*Regulation (No. 1) 2002*

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	\$ (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—not more than—each hour . . . . .	142.00
(2) 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 . . . . .	44.50
49. 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 . . . . .	69.00
50. Attending on counsel with brief or with notice of appeal or other document to settle . . . . .	25.50
51. If conference allowed by judge or registrar—appointing and attending conference—each hour . . . . .	142.00
52. Attending court or judge without counsel to support or oppose an application—if not otherwise provided for in this schedule . . . . .	142.00
53. Attending court or judge with counsel to support or oppose an application—if not otherwise provided for in this schedule . . . . .	104.00
54. Attending necessary unopposed application—if not otherwise provided for in this schedule . . . . .	69.00
55. Attending court on a call-over . . . . .	41.00
56. Attending court when proceeding listed but not dealt with because no judge available—for each day up to a maximum of 3 days . . . . .	41.00
57. (1) Solicitor attending court on trial, or before arbitrator or referee, with counsel—each day . . . . .	705.00
(2) Clerk attending court on trial, or before arbitrator or referee, with counsel—each day . . . . .	223.00
(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—	

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	\$ (including GST)
(a) the amount reasonably paid for travelling and living expenses to attend the trial or hearing; and	
(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.	
<b>58.</b> (1) Solicitor attending court, arbitrator or referee and conducting trial or hearing if no counsel employed—each day . . . . .	963.00
(2) Item 57(3) applies to an attendance by a solicitor under subitem (1).	
<b>59.</b> Attending before judge, with or without counsel, to hear deferred judgment. . . . .	30.00
<b>60.</b> Obtaining appointment to assess costs, and making and serving copy on opposite party. . . . .	19.70
<b>61.</b> (1) Solicitor attending assessment of costs—each hour . .	142.00
(2) Clerk attending assessment of costs—each hour . . . .	44.50
<b>62.</b> (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 . . . . .	17.10
(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 . . .	14.20
<b>63.</b> Attending a witness to arrange his or her attendance at court without subpoena. . . . .	21.50
<b>Appeals</b>	
<b>64.</b> Instructions to appeal . . . . .	62.00
<b>65.</b> Application for copy of judge’s notes . . . . .	21.50
<b>66.</b> Copy of judge’s notes—amount actually paid.	

	\$ (including GST)
67. Preparing notice of appeal, including copies—not more than . . . . .	104.00
68. Paying money into court as security for costs, including notice and service . . . . .	46.50
69. Notice of nature and particulars of proposed security, including copies and service. . . . .	34.00
70. Fair copy of record—each folio . . . . .	1.70
71. Perusing record—each folio . . . . .	1.70
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.*

73. To settle claim, counterclaim, set-off, defence, or further particulars of claim, counterclaim, set-off or defence, or to settle special case . . . . .	202.00
74. To settle reply . . . . .	113.00
75. To settle notice of appeal or application. . . . .	202.00
76. To settle interrogatories or answers to interrogatories . .	212.00
77. To settle an affidavit or other document. . . . .	127.00

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	\$ (including GST)
<b>78.</b> On conference, inspection or similar attendance when allowed by a judge or the registrar—each hour . . . . .	202.00
<b>79.</b> To advise on evidence . . . . .	223.00
<b>80.</b> (1) To advise on liability. . . . .	202.00
(2) To advise on quantum. . . . .	202.00
(3) To advise on liability and quantum. . . . .	303.00
(4) Any other brief for opinion. . . . .	303.00
<b>81.</b> (1) On trial or hearing. . . . .	1 357.00
(2) In proceedings heard outside the town in which counsel ordinarily practises, a further fee by way of out of chambers fee of \$85.00 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.	
<b>82.</b> Refresher fee. . . . .	906.00
<b>83.</b> 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.	
<b>84.</b> (1) To support or oppose a formal application . . . . .	160.00
(2) To support or oppose a standard application . . . . .	400.00
(3) To support or oppose a complex application . . . . .	719.00
<b>85.</b> To hear deferred judgment, when certified by a judge, or allowed by the registrar, as being reasonably necessary	114.00
<b>86.</b> On examination of enforcement debtor . . . . .	192.00

	\$ (including GST)
<p><b>87.</b> 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 . . . . .</p> <p><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></p>	228.00
<b>Judgment</b>	
<p><b>88. (1)</b> Costs of judgment by default . . . . .</p> <p><b>(2)</b> In addition to the amount in subitem (1)—</p> <p style="padding-left: 20px;">(a) if applicable—the allowance under item 62(1); and</p> <p style="padding-left: 20px;">(b) if the registrar considers it appropriate—the allowances under items 50 and 73; and</p> <p style="padding-left: 20px;">(c) all necessary out-of-pocket expenses.</p>	617.00
<p><b>89. (1)</b> Plaintiff’s costs of judgment, including application and affidavit in support. . . . .</p> <p><b>(2)</b> The costs mentioned in subitem (1) are in addition to disbursements.</p>	404.00
<p><b>90.</b> 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.</p>	
<p><b>91.</b> Defendant’s costs of judgment as mentioned in items 89 and 90 . . . . .</p>	404.00
<p><b>92.</b> If counsel engaged—brief to counsel and copy of documents to accompany, and attending counsel with documents. . . . .</p>	193.00
<b>Costs of the day</b>	
<p><b>93.</b> Costs of the day if allowed by the judge at the trial—the amount decided by the judge.</p>	
<b>Enforcement</b>	
<p><b>94.</b> Preparing enforcement, attending to issue and for return</p>	126.00

	\$ (including GST)
<b>Letters and miscellaneous</b>	
<b>95.</b> (1) Ordinary letter before proceeding . . . . .	26.00
(2) Special letter before proceeding—the amount allowed by the registrar, but not more than . . . . .	29.50
(3) Any necessary letter sent or received, including agency correspondence . . . . .	21.00
(4) Short letter of a formal nature sent or received forwarding documents without comment or a letter to the like effect . . . . .	11.10
(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—\$1.40 per page and if email transmission—\$6.80 per transmission).	
<b>96.</b> 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 . . . . .	646.00
<b>97.</b> A judge or the registrar may allow the amount actually paid in relation to a thing mentioned in item 96.	
<b>98.</b> Solicitor’s clerk’s fees . . . . .	90.00
<b>99.</b> 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.



\$  
(including  
GST)

**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.'

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

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.....	142.00	201.00	249.00	481.00	598.00	839.00	839.00
2. Instructions to defend—notice of intention to defend and defence and filing .....	142.00	201.00	249.00	481.00	598.00	839.00	839.00
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	46.50	46.50	67.00	109.00	136.00	191.00	191.00
4. Obtaining judgment by default.....	46.50	46.50	67.00	109.00	136.00	191.00	191.00
5. Preparing for trial, including directions conference—							
(a) including brief if counsel engaged .....	395.00	520.00	628.00	1 438.00	1 805.00	2 525.00	2 778.00
(b) if no counsel engaged .	249.00	435.00	500.00	1 199.00	1 499.00	2 103.00	2 315.00
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—							
(a) a matter is settled before the directions conference or not proceeded with; or							

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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 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 . . . . .	—	—	—	—	129.00	184.00	202.00
(b) to settle special affidavit, reply or particulars that the magistrate or registrar is satisfied is reasonably necessary or proper . . . . .	—	—	—	—	78.00	112.00	122.00
(c) to settle interrogatories or answers to interrogatories that the magistrate or registrar is satisfied is reasonably necessary or proper . . . . .	—	—	—	—	127.00	180.00	199.00
(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. . . . .	—	—	—	—	129.00	184.00	202.00
(e) to advise on evidence or for any other opinion. . . . .	—	—	—	—	142.00	192.00	210.00
(f) on trial or hearing (other than an application in a proceeding)—first day. . . . .	368.00	452.00	552.00	616.00	814.00	1 142.00	1 254.00
(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). . . . .	245.00	304.00	368.00	411.00	542.00	760.00	836.00

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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)

(h) on each subsequent day of hearing not included in item 6(g) . . . . .	122.00	150.00	184.00	206.00	272.00	380.00	418.00
(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 \$45.50 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 . . . . .	-	-	-	-	130.00	185.00	205.00
(k) to hear deferred judgment . . . . .	-	-	-	-	67.00	95.00	106.00
<b>7. Solicitor on hearing—</b>							
(a) appearance without counsel on hearing—first day . . . .	381.00	435.00	500.00	528.00	660.00	928.00	1 021.00
(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). . . . .	249.00	318.00	360.00	360.00	452.00	637.00	701.00
(c) attendance of clerk with solicitor acting as advocate—each day . .	39.50	47.50	59.00	182.00	207.00	207.00	207.00
Costs under item 7(c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.							

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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)

**8.** On hearing with counsel—

(a) attendance of solicitor with counsel (if the attendance is certified for by the court)—each day . . . . .	166.00	201.00	232.00	261.00	327.00	456.00	503.00
(b) attendance of clerk with counsel—each day . . .	39.50	48.00	59.00	182.00	207.00	207.00	207.00

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)). . . . .	142.00	166.00	182.00	197.00	247.00	351.00	380.00
(b) solicitor for appearance without counsel . . . . .	142.00	166.00	182.00	182.00	224.00	313.00	346.00

**10.** Other applications to the court (other than an application for an adjournment) . . . . .

100.00	100.00	117.00	216.00	272.00	374.00	412.00
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**11.** Instructions—

(a) for disclosure preparing list of documents and making inspection and copies of documents—							
(i) allowance to party requesting disclosure . . . . .	46.50	79.00	100.00	160.00	207.00	239.00	266.00

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	A	B	C	D	E	F	G
Under	\$751	\$751	\$1 501	\$2 501	\$5 001	\$10 001	Over
\$751	to	to	to	to	to	to	\$20 000
\$	\$	\$	\$	\$	\$	\$	\$
(including GST)							
(ii) allowance to party making disclosure . . . . .	46.50	79.00	100.00	368.00	400.00	447.00	491.00
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—							
(i) allowance to party delivering interrogatories . . . . .	46.50	79.00	100.00	272.00	285.00	303.00	334.00
(ii) allowance to party answering interrogatories . . . . .	46.50	79.00	100.00	255.00	267.00	279.00	305.00
<b>12. Enforcement hearing—</b>							
(a) counsel's fees . . . . .	243.00	243.00	243.00	280.00	351.00	491.00	541.00
(b) if no counsel engaged . . . . .	164.00	164.00	185.00	239.00	303.00	427.00	470.00
<b>13. 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) . . . . .	46.50	46.50	54.00	108.00	138.00	191.00	208.00
(b) costs of registration of warrant against land . . . . .	46.50	46.50	54.00	108.00	138.00	191.00	208.00
<b>14. Warrant (other than enforcement warrant)—preparing warrant and attending issuing. . . . .</b>	46.50	46.50	54.00	108.00	138.00	191.00	208.00
<b>15. Applying for summary judgment or showing cause against a summary judgment application . . . . .</b>	46.50	46.50	54.00	108.00	138.00	191.00	208.00

### **39 Amendment of sch 4 (Dictionary)**

Schedule 4, definition “**registrar**”, ‘(b)’, second mention—  
*omit, insert—*  
‘(c)’.

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#### ENDNOTES

1. Made by the Governor in Council on 29 August 2002.
2. Notified in the gazette on 30 August 2002.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Justice and Attorney-General.