



Queensland

Uniform Civil Procedure (Fees) Regulation 2009

Subordinate Legislation 2009 No. 183

made under the

Anti-Discrimination Act 1991

Fisheries Act 1994

Health Practitioners (Professional Standards) Act 1999

Nursing Act 1992

Small Claims Tribunals Act 1973

Supreme Court of Queensland Act 1991

Workers' Compensation and Rehabilitation Act 2003

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Part 1 Preliminary

1 Short title

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

2 Commencement

This regulation commences on 1 September 2009.

3 Definitions

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

Part 2 Court fees

4 Fees for Supreme Court and District Court

- (1) Schedule 1 applies for the Supreme Court and the District Court and sets out the fees payable for proceedings in the Supreme Court and the District Court.
- (2) Schedule 1 does not apply to or affect fees or percentages directed to be taken or paid by an Act for which no fee or percentage is stated in schedule 1.
- (3) A registrar, enforcement officer, marshal or marshal's officer is not required to pay a fee mentioned in schedule 1.
- (4) 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) exempting the individual from payment of the fee.

5 Fees for Magistrates Courts

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

6 Fees if account taken

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

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

7 Fees if assessment of costs

- (1) The fees payable on the assessment of costs in the Supreme Court, the District Court or the Magistrates Courts are—
 - (a) payable on the allowance of any amount on the assessment; and

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- (b) to be fixed by the assessing registrar; and
 - (c) to be paid by the solicitor or party filing the costs statement.
- (2) The assessing registrar may require a deposit, of not more than the fees payable on the full amount of the costs as submitted for assessment, before the assessment is started.
- (3) The assessing registrar must make a note of the deposit on the costs statement.

8 Deposit for fees

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

Part 3 Alternative dispute resolution fees

9 Fees for approval as mediator

The fees for approval as a mediator are—

- (a) for the Supreme Court—\$450.00; or
- (b) for the District Court—\$450.00; or
- (c) for a Magistrates Court—\$141.00.

10 Fees for approval as case appraiser

The fees for approval as a case appraiser are—

- (a) for the Supreme Court—\$450.00; or
- (b) for the District Court—\$450.00; or
- (c) for a Magistrates Court—\$141.00.

Part 4 Allowances for witnesses and interpreters

Division 1 Preliminary

11 Definitions for pt 4

In this part—

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

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

prisoner see the *Corrective Services Act 2006*.

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

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

relevant person means—

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

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Division 2 Witnesses and interpreters other than prisoners

12 Application of div 2

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

13 Allowances

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

14 Travelling allowance

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

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15 Accommodation allowance

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

16 Non-professional witness attendance allowance

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

- (a) if the witness is under 16—\$32.50; or
- (b) if the witness is 16 or older—\$65.00;

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

17 Professional witness or expert attendance allowance

- (1) The amount of the attendance allowance that is to be paid to a professional witness or an expert is \$200.00 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 witness or an expert is necessarily absent is 7 hours or less, the amount of the attendance allowance that is to be paid is—
 - (a) for an absence of 3 hours or less—\$76.00; or
 - (b) for an absence of more than 3 hours but not more than 4 hours—\$105.00; or
 - (c) for an absence of more than 4 hours but not more than 5 hours—\$130.00; or
 - (d) for an absence of more than 5 hours but not more than 6 hours—\$155.00; or
 - (e) for an absence of more than 6 hours—\$180.00.
- (3) However, if the person is a doctor who is employed under the *Health Services Act 1991* as a health service employee at a public sector hospital in a health service area, the attendance allowance that is to be paid is \$67.00 for each day or part of a day of necessary absence from the person's place of employment to attend court.
- (4) Travelling time is to be taken into account for deciding the amount of the allowance under this section.

18 Interpreter attendance allowance

- (1) The amount of the attendance allowance that is to be paid to an interpreter is \$205.00 for each day of necessary absence from the interpreter's place of employment, practice or residence to attend court.
- (2) If the period for which an interpreter is necessarily absent is less than 8 hours, the amount of the attendance allowance that is to be paid is—
 - (a) for the first 2 hours or part of 2 hours—\$52.00; and

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- (b) for each additional hour or part of an hour—\$24.00.
- (3) Travelling time is to be taken into account for deciding the amount of the allowance under this section.

19 When additional amount may be paid

- (1) If the registrar considers it is reasonable for an additional amount to be paid to a relevant person under section 16, 17 or 18 because of special circumstances, the registrar may approve the payment of an additional reasonable amount.
- (2) Without limiting subsection (1), it is a special circumstance that a relevant person who is a doctor is a specialist registrant under the *Medical Practitioners Registration Act 2001*.

20 Increase if GST payable

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

Division 3 Prisoners

21 Allowance

- (1) This section applies to a prisoner who—
 - (a) attends court as a relevant person; and
 - (b) has been granted leave of absence under the *Corrective Services Act 2006* to engage in employment; and
 - (c) incurs loss of salary or wages while attending court.
- (2) The prisoner is entitled to be paid an allowance for attendance at court.
- (3) The amount of the allowance—
 - (a) must be decided by the chief executive of the department within which the *Supreme Court of Queensland Act 1991* is administered; and

- (b) must not be more than the amount of the allowance that a relevant person would be entitled to be paid under section 13 for the same attendance.

Part 5 Repeal provision

22 Repeal

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

Part 6 Amendment of subordinate legislation

Division 1 Amendment of Anti-Discrimination Regulation 2005

23 Regulation amended

This division amends the *Anti-Discrimination Regulation 2005*.

24 Amendment of s 3 (Witness fees and expenses)

- (1) Section 3, '1999'—
omit, insert—
'2009'.
- (2) Section 3(b), 'section 16(1)'—
omit, insert—

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‘section 19(1)’.

(3) Section 3(c), ‘section 17’—

omit, insert—

‘section 21(2)’.

Division 2 Amendment of Fisheries Regulation 2008

25 Regulation amended

This division amends the *Fisheries Regulation 2008*.

26 Amendment of s 713 (Witness fees for persons appearing before the tribunal—Act, s 194)

Section 713, ‘1999’—

omit, insert—

‘2009’.

Division 3 Amendment of Health Practitioners (Professional Standards) Regulation 2000

27 Regulation amended

This division amends the *Health Practitioners (Professional Standards) Regulation 2000*.

28 Amendment of s 2 (Witness allowances—Act, ss 150, 193 and 234)

Section 2, ‘1999’—

omit, insert—

‘2009’.

**Division 4 Amendment of Nursing Regulation
2005**

29 Regulation amended

This division amends the *Nursing Regulation 2005*.

30 Amendment of s 16 (Witness allowance—Act, s 107)

Section 16(a), ‘1999’—

omit, insert—

‘2009’.

**Division 5 Amendment of Small Claims
Tribunals Regulation 2005**

31 Regulation amended

This division amends the *Small Claims Tribunals Regulation 2005*.

32 Amendment of s 10 (Duties of bailiff)

Section 10(3), ‘1999’—

omit, insert—

‘2009’.

**Division 6 Amendment of Uniform Civil
Procedure Rules 1999**

33 Rules amended

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

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34 Amendment of r 759 (Registry preparation of appeal book)

Rule 759(7), definition *appeal books fee*, ‘1999’—
omit, insert—
‘2009’.

35 Amendment of r 971 (Filing fees)

Rule 971(9), definition *relevant fee*, ‘1999’—
omit, insert—
‘2009’.

**Division 7 Amendment of Workers’
Compensation and Rehabilitation
Regulation 2003**

36 Regulation amended

This division amends the *Workers’ Compensation and Rehabilitation Regulation 2003*.

37 Amendment of s 113 (Costs—proceeding before industrial magistrate or industrial commission)

Section 113(2)(b) and (c), ‘1999’—
omit, insert—
‘2009’.

Schedule 1 Fees payable in the Supreme Court and the District Court

section 4(1)

		Supreme Court	District 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	495.00	480.00
	(b) otherwise	995.00	950.00
	(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	495.00	480.00
	(b) otherwise	995.00	950.00
	(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.	495.00	480.00
	(b) otherwise	995.00	950.00

Schedule 1

	Supreme Court \$	District Court \$
Administration of estates		
2	Filing—	
	(a) an application for probate or letters of administration	525.00 not applicable
	(b) an application for sealing of a grant of probate or letters of administration under the <i>British Probates Act 1898</i>	525.00 not applicable
	(c) an application for an order to administer under the <i>Public Trustee Act 1978</i>	525.00 not applicable
Any other documents		
3	(1) Filing an application in the Supreme Court to be admitted to the legal profession under the <i>Legal Profession Act 2007</i>	
		52.00 not applicable
	(2) Filing or receiving any document not connected with a matter already on record and not otherwise provided for, including the filing or receiving of any document in the sheriff’s office or marshal’s office.	85.00 73.00
	(3) If a fee is paid under subitem (2) in relation to a document, a further fee is not payable under the subitem for filing any subsequent document related to the first document.	
Opening offices		
4	Opening, or keeping open, the registry, sheriff’s office or marshal’s office between 4p.m. and 9a.m. or on a Saturday, Sunday or court holiday.	
		395.00 395.00

	Supreme Court \$	District Court \$
Copies		
5	Copy of a record of the court or a document or exhibit filed in the registry, sheriff's office or marshal's office, including reasons for judgment—	
	(a) first copy—each page	1.90 1.90
	(b) maximum fee for first copy	54.00 54.00
	(c) additional copy—each page.	0.50 0.50
	(d) maximum fee for additional copy	21.50 21.50
6	(1) Certifying a copy of a record of the court or a document or exhibit filed in the registry	
	(1)	51.00 51.00
	(2) This fee is in addition to the fee mentioned in item 5.	
	(3) This fee does not apply to certifying the original certificate of admission of a person to the legal profession under the <i>Legal Profession Act 2007</i> .	
Attendance of officer		
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 1

	Supreme Court \$	District Court \$
for each hour or part of an hour	84.00	84.00
but not more than, for each day	420.00	420.00
(2) *For an officer to attend the release of a ship, goods, or person from arrest	36.50	not applicable
(3) The reasonable travelling and other expenses of the officer are also payable.		
Public searches		
8 (1) Searching the records, for each name or file .	19.00	19.00
(2) Retrieval from Queensland State Archives, for each file	19.00	19.00
Accounts and assessment of costs		
9 Taking an account before the registrar—for each hour or part of an hour	84.00	84.00
10 (1) Assessment by an assessing registrar of a costs statement under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708, wholly or partly—for each hour or part of an hour	84.00	84.00
(2) Assessment by an assessing registrar of a costs statement other than under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708—for each \$100 or part of \$100 allowed	10.00	10.00
Miscellaneous		
11 (1) *Drawing an advertisement	110.00	110.00
(2) Settling and executing a deed of transfer	110.00	110.00
(3) Appointing a valuer for a ship or an auctioneer or agent to sell a ship, in addition to any fee payable to the valuer, auctioneer or agent	105.00	not applicable
12 Certificate of registrar	51.00	51.00

	Supreme Court	District Court
	\$	\$
13 Preparation and photocopying of documents for inclusion in appeal books—		
(a) first copy—each page	1.90	not applicable
(b) additional copy—each page.	0.50	not applicable
(c) binding of appeal books—each book . .	8.00	not applicable

Expenses of registrar, enforcement officer or marshal

- 14 *Any amount that the registrar, enforcement officer or marshal considers was actually and reasonably incurred for the following—
- (a) each person left in possession;
 - (b) the securing and safe custody of property under seizure;
 - (c) (i) board and lodging;
 - (ii) travelling expenses;
 - (iii) clerical assistance at sales;
 - (iv) advertising;
 - (v) feeding livestock or removing it to a place of safekeeping;
 - (vi) hire of transport, warehouses, yards;
 - (vii) out-of-pocket expenses.

Poundage

15 (1) On enforcing a 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 the amount received, but not less than	110.00	110.00
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Schedule 1

	Supreme Court \$	District Court \$
(2) On enforcing a warrant for possession—2.5% determined on annual rent or value, but not less than	110.00	110.00
(3) No fee is payable on the sale of a ship or goods sold by the marshal under a judgment or order of the court.		
 Fees payable to enforcement officer, marshal or marshal's officer		
16 (1) Service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document—		
(a) on each person or ship served or enforced	79.00	79.00
(b) for each additional warrant, process or document served or enforced if—		
(i) 2 or more warrants, processes or documents lodged at the same time against the same person or ship are served or enforced at the same time; or		
(ii) 2 or more persons or ships are served with the same warrant, process or document, the same proceedings are enforced against them, or proceedings are enforced at the same time and at the same address	14.00	14.00
(2) The reasonable travelling and other expenses of the officer are also payable.		

	Supreme Court \$	District Court \$
17 (1) Travelling fees on service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document—for each kilometre or part of a kilometre necessarily travelled from the registry to the place of service or enforcement, 1 way in excess of 8km from the registry	2.80	2.80
(2) Only 1 travelling fee may be charged if—		
(a) 2 or more warrants, processes or documents lodged at the same time against the same person or ship are served or enforced at the same time; or		
(b) 2 or more persons or ships are served with the same warrant, process or document, the same proceedings are enforced against them, or proceedings are enforced at the same time and at the same address.		
18 (1) Taking a person to prison or a place of detention from the place of arrest—for each kilometre	2.80	2.80
(2) Other unavoidable expenses involved in taking a person to prison or a place of detention.		
19 (1) For time necessarily spent after the first hour, for each hour or part of an hour, on—		
(a) service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document; or		
(b) arranging or conducting an auction	24.50	24.50
(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.		

Schedule 1

	Supreme Court \$	District Court \$
20 (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.....	13.00	not applicable
(2) In addition to the fee mentioned in subitem (1), the reasonable expenses incurred for a ship keeper in retaining possession of a ship are also payable.		
(3) No fee is payable for the custody and possession of property under arrest—		
(a) if it consists of an amount in a bank or goods stored in a bonded warehouse; or		
(b) if it is in the custody of an authorised officer within the meaning of the <i>Customs Act 1901</i> (Cwlth).		

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

Schedule 2 Magistrates Courts fees

section 5(1)

Part 1 Court fees

	\$
Filing claim or other document	
1 Filing a claim—	
(a) if amount claimed is \$2500 or less	125.00
(b) if amount claimed is more than \$2500 but less than \$10000	180.00
(c) if amount claimed is \$10000 or more	195.00
2 Registering a judgment or order issued out of a court other than a State court or tribunal (including enforcement action taken on the judgment)—	
(a) if amount claimed is \$2500 or less	81.00
(b) if amount claimed is more than \$2500 but less than \$10000	81.00
(c) if amount claimed is \$10000 or more	87.00
3 Filing a minor debt claim—	
(a) if amount claimed is \$2500 or less	52.00
(b) if amount claimed is more than \$2500	88.00
4 Filing an employment claim mentioned in the <i>Magistrates Courts Act 1921</i> , section 42B	43.50
5 Filing a document (other than a claim) to start a proceeding	81.00
Copies and inspection	
6 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>)	21.00
7 Inspecting records in a proceeding—	

Schedule 2

	\$
(a) within 4 years of filing of claim (not payable by parties)	11.00
(b) more than 4 years from filing of claim (including parties)	20.00
8 Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i> —	
(a) first copy—each page	1.90
(b) maximum fee for first copy	54.00
(c) additional copy—each page.	0.50
(d) maximum fee for additional copy	21.50
 Poundage	
9 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	51.00
 Opening registry	
10 Opening, or keeping open, the registry between 8a.m. and 9a.m. or between 4p.m. and 6p.m. on a day other than a Saturday, Sunday or court holiday.	130.00
 Assessment of costs	
11 Making an appointment for directions or for assessment of a costs statement by an assessing registrar	38.00
12 Assessment by an assessing registrar of a costs statement under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708, wholly or partly—for each hour or part of an hour	84.00
13 Assessment by an assessing registrar of a costs statement other than under the <i>Uniform Civil Procedure Rules 1999</i> , rule 708—for each \$100 or part of \$100 allowed	10.00
14 For an order for the amount assessed	52.00

Part 2 Bailiff's fees

	\$
Service, enforcement or apprehension	
1 Service or attempted service of a claim, application, subpoena, process or other document within 12km of the registry—on each person served	37.50
2 Enforcement or attempted enforcement of a warrant, within 12km of the registry—for each bailiff	55.00
3 (1) Travelling fees on service, or attempted service, of claim, application, subpoena, process or other document or enforcement, or attempted enforcement of warrant—for each kilometre or part of a kilometre necessarily travelled from the registry to the place of service or enforcement, 1 way in excess of 12km from the registry	2.80
(2) Only 1 travelling fee may be charged if—	
(a) 2 or more claims, applications, subpoenas, processes, other documents or warrants lodged at the same time against the same person are served or enforced at the same time; or	
(b) 2 or more persons are served with the same claim, application, subpoena, process or other document at the same time and at the same address.	
4 (1) For time necessarily spent after the first hour on enforcement or attempted enforcement, or apprehension or attempted apprehension—for each hour or part of an hour.	18.00
(2) A payment under subitem (1) is at the discretion of the registrar.	
(3) If the bailiff is a full-time officer of the public service and performs the enforcement or apprehension during normal working hours, the allowance is to be paid to the court.	
5 Taking a person to prison or a place of detention from the place of arrest—for each kilometre	2.80

\$

Additional fee for payment into court

- | | | |
|---|--|-------|
| 6 | If the bailiff collects and pays into court at least 50% but less than 85% of a money order debt due under a warrant—an additional fee | 18.00 |
| 7 | If the bailiff collects and pays into court at least 85% of a money order debt due under a warrant—an additional fee . | 35.50 |

Custody and possession of property

- | | | |
|---|---|-------|
| 8 | (1) Each bailiff left in possession—for each day, not more than | 79.00 |
| | (2) If board and lodging are not supplied, actual and reasonable expenses incurred are at the discretion of the registrar. | |
| | (3) The registrar may allow other actual and necessary payments made for the safe custody of property under seizure. | |
| | (4) No fee is payable for the custody and possession of property under seizure if the property is not kept in the actual possession of the bailiff. | |

Miscellaneous

- | | | |
|---|---|--|
| 9 | The following amounts are at the discretion of the registrar, if actually and reasonably incurred— | |
| | (a) travelling expenses for each person; | |
| | (b) clerical assistance at sales, if necessary; | |
| | (c) advertising; | |
| | (d) the cost of feeding livestock, or removing it to a place of safekeeping; | |
| | (e) necessary assistance to, or expenses incurred by, the bailiff in enforcing a warrant, for example, hiring transport, warehouses and yards and out-of-pocket expenses, for example, postage and telephone calls. | |

	\$
10 (1) Drawing an advertisement of sale, if the sale is under warrant for seizure and sale	70.00
(2) If the advertisement is not drawn by the bailiff, the fee is to be paid to the court.	

Schedule 3 Dictionary

section 3

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

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

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

expert, for part 4, see section 11.

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

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

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

prisoner, for part 4, see section 11.

professional witness, for part 4, see section 11.

public transport, for part 4, see section 11.

relevant person, for part 4, see section 11.

ENDNOTES

- 1 Made by the Governor in Council on 27 August 2009.
- 2 Notified in the gazette on 28 August 2009.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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