



Queensland

Uniform Civil Procedure (Fees) Regulation 2019

Subordinate Legislation 2019 No. 168

made under the

State Penalties Enforcement Act 1999

Supreme Court of Queensland Act 1991

Taxation Administration Act 2001

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 2019*.

2 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

Part 2 Court fees

Division 1 Supreme Court and District Court

Subdivision 1 Fees generally

3 Fees for Supreme Court and District Court generally

- (1) Schedule 1 and this part, other than divisions 2 and 3, apply for the Supreme Court and the District Court and set out the fees payable for proceedings in the Supreme Court and the District Court.
- (2) Schedule 1 does not apply in relation 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 need not pay a fee mentioned in schedule 1.
- (4) To remove any doubt, it is declared that for applying schedule 1 and this part, other than divisions 2 and 3, a liquidator, receiver, administrator or other person acting for, or on behalf of, a corporation in a proceeding must pay the fee payable by a corporation.

Subdivision 2 Setting down fees and hearing fees

4 Setting down fee and hearing fee

- (1) A setting down fee and hearing fee are payable for a hearing or trial of a proceeding under this section, unless—
 - (a) the hearing or trial is set down for 1 day or less; or
 - (b) the hearing relates to an interlocutory application.
- (2) Unless a court on application by a party to the proceeding orders otherwise, the fees are payable by—
 - (a) for a claim for which a request for trial date is filed under the *Uniform Civil Procedure Rules 1999*, rule 467—the plaintiff; or
 - (b) for an application that is an originating process—the applicant; or
 - (c) for an appeal to the Court of Appeal—the appellant; or
 - (d) for an appeal to the District Court for which a certificate of readiness is filed under the *Uniform Civil Procedure Rules 1999*, rule 790—the appellant.
- (3) However, another person may pay the fees without affecting the power of the court to make an order for costs in relation to the fees.
- (4) The fees must be paid—
 - (a) for a proceeding mentioned in subsection (2)(a) or (d)—when the request for trial date or certificate of readiness is filed; or
 - (b) for a proceeding mentioned in subsection (2)(b) or (c)—by the earlier of the following—
 - (i) the day that is 10 business days after a registrar sets a date for the hearing or trial of the proceeding or adds the appeal to a list of appeals under the *Uniform Civil Procedure Rules 1999*, rule 790(4);

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- (ii) 9.30a.m. on the first day set for the hearing or trial of the proceeding.
- (5) If additional hearing or trial dates are set for the proceeding, a hearing fee for the additional hearing or trial dates is payable by the earlier of the following—
 - (a) the day that is 10 business days after the additional hearing or trial dates are set;
 - (b) 9.30a.m. on the first day set for the additional hearing or trial dates.

5 Non-payment of setting down fee and hearing fee

- (1) If a party to a proceeding fails to pay the setting down fee or a hearing fee for the proceeding under section 4—
 - (a) a registrar may list the matter of non-payment for hearing before the court and on hearing the matter the court may make an order or give the directions it considers appropriate about the matter; or
 - (b) the court may order that a hearing or trial relating to the proceeding is not to take place except with the court's leave; or
 - (c) the court may vacate any hearing or trial date previously set for the proceeding.
- (2) Subsection (1) does not limit the power of the court to make another order in relation to the proceeding.

6 Refund of setting down fee and hearing fee

A registrar must refund 75% of the setting down fee and hearing fee paid by a party to a proceeding if—

- (a) the party gives the registrar a request for refund of the fees in the approved form, at least 10 business days before the first day set for the hearing or trial of the proceeding, stating the hearing or trial will not happen; and

- (b) the hearing or trial of the proceeding does not happen.

Subdivision 3 Reduced fees

7 General provisions

- (1) A party to a proceeding may apply under section 8, 9 or 10 for an order that the party pay the reduced fee instead of 1 of the following fees for the proceeding (each a *relevant fee*)—
 - (a) a fee mentioned in schedule 1, item 1 on filing a document starting the proceeding;
 - (b) for a party other than a corporation—a fee mentioned in schedule 1, item 2 on filing a document starting the proceeding;
 - (c) a setting down fee;
 - (d) a hearing fee.
- (2) However, a person may not make an application under section 8, 9 or 10—
 - (a) for a proceeding to which the *Vexatious Proceedings Act 2005*, section 10(2) applies; or
 - (b) for an application for leave under the *Vexatious Proceedings Act 2005*, section 11, unless and until the leave is granted.
- (3) If an order made under section 8, 9 or 10 states the day by which the reduced fee must be paid, the reduced fee is payable on or before that day.
- (4) If an order is made under section 8, 9 or 10 for a party to a proceeding to pay the reduced fee instead of a fee mentioned in subsection (1)(a) or (b) for the proceeding, a setting down fee and hearing fee are not payable for the proceeding.
- (5) Also, if an order is made under section 8, 9 or 10 for a party to a proceeding to pay the reduced fee instead of the setting down fee for the proceeding, a hearing fee is not payable for the proceeding.

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8 Particular applications registrar must approve

- (1) This section applies to a party to a proceeding who is an individual if the party—
 - (a) has been given legal assistance under the *Legal Aid Queensland Act 1997* for the proceeding; or
 - (b) is the holder of—
 - (i) a current health care card, pensioner concession card or seniors health card under the *Social Security Act 1991* (Cwlth); or
 - (ii) another card issued by the Commonwealth that certifies the holder's current entitlement to a Commonwealth health concession; or
 - (c) is receiving a youth allowance, an austudy payment or a benefit under the ABSTUDY scheme under the *Social Security Act 1991* (Cwlth).

- (2) The party may apply to a registrar for an order that the party pay the reduced fee instead of a relevant fee for the proceeding.

Note—

See, however, section 7(2).

- (3) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by proof of a matter mentioned in subsection (1).
- (4) On receipt of an application made under this section, the registrar must, by order, approve that the party pay the reduced fee instead of the relevant fee for the proceeding.
- (5) The order must state the day by which the reduced fee must be paid.
- (6) Subsection (5) does not apply if the relevant fee has been paid before the order is made.

Note—

For refunds of excess amounts paid, see section 12.

- (7) In this section—
holder, of a card, does not include a dependant of the person who is issued the card.

9 Financial hardship

- (1) This section applies to a party to a proceeding who is an individual if the party has not made an application under section 8.
- (2) The party may apply in the approved form to a registrar for an order that the party pay the reduced fee instead of a relevant fee for the proceeding on the ground of financial hardship.

Note—

See, however, section 7(2).

- (3) In considering the application, the registrar must have regard to the party's income, day-to-day living expenses, bank balances and cash on hand.
- (4) If the registrar reasonably believes there is a ground of financial hardship, the registrar may, by order, approve that the party pay the reduced fee instead of the relevant fee for the proceeding.
- (5) The registrar may decide the application summarily and without extensive investigation.
- (6) The order must state the day by which the reduced fee must be paid.
- (7) Subsection (6) does not apply if the relevant fee has been paid before the order is made.

Note—

For refunds of excess amounts paid, see section 12.

10 Corporations

- (1) This section applies to a party to a proceeding, other than a proceeding under the Corporations Act or the *Admiralty Act 1988* (Cwlth), if the party is a corporation.

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- (2) The party may apply in the approved form to a registrar for an order that the party pay the reduced fee instead of a relevant fee for the proceeding.

Note—

See, however, section 7(2).

- (3) The registrar may, by order, approve that the party pay the reduced fee instead of the relevant fee for the proceeding only if the registrar reasonably believes the party does not have, and can not reasonably obtain from another source, sufficient funds to pay the relevant fee.
- (4) The order must state the day by which the reduced fee must be paid.
- (5) Subsection (4) does not apply if the relevant fee has been paid before the order is made.

Note—

For refunds of excess amounts paid, see section 12.

11 Review of registrar's decision

- (1) A party who has made an application to a registrar under section 8, 9 or 10 in relation to a proceeding and is dissatisfied with the registrar's decision on the application may apply to the court for a review of the registrar's decision.
- (2) On the review, the court may—
 - (a) consider the application with or without a hearing; and
 - (b) consider anything the registrar was required to consider when making the decision; and
 - (c) make any order the court considers appropriate.

12 Refund of excess amounts paid

- (1) This section applies if—
 - (a) under section 8, 9 or 10 a registrar orders that a party to a proceeding pay the reduced fee instead of a relevant fee for the proceeding; and

-
- (b) the party has paid the relevant fee, or another relevant fee mentioned in section 7(1) that is no longer payable for the proceeding.
 - (2) The registrar must refund to the party any amount paid by the party for a fee mentioned in subsection (1)(b) that is more than the amount payable by the party for the fee under the order.

Subdivision 4 Fees for accounts

13 Fees if account taken by registrar

- (1) This section applies if an account of an accounting party in the Supreme Court or the District Court is taken before a registrar.
- (2) The fees for taking the account—
 - (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) must be paid when the certificate stating the result of the taking of the account is filed.
- (3) The registrar must include the fees in the account when the fees are paid, unless the court or a judge otherwise directs.
- (4) The registrar may require a deposit of not more than the fees payable on the amount that, from the account, appears to have been received.
- (5) If the registrar requires a deposit under subsection (4), the registrar must make a note of the deposit in the account when the deposit is paid.
- (6) In this section—

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

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Division 2 Magistrates Courts

14 Fees for Magistrates Courts

- (1) Schedule 2 and this part, other than divisions 1 and 3, apply for Magistrates Courts and set out the fees payable for proceedings in a Magistrates Court.
- (2) An enforcement officer need not pay a fee mentioned in schedule 2.

Division 3 Planning and Environment Court

15 Fees for Planning and Environment Court

Schedule 3 and this part, other than divisions 1 and 2, apply for the Planning and Environment Court and set out the fees payable for proceedings in the Planning and Environment Court.

Division 4 General

16 Fees if state-related party

- (1) In a proceeding to which a state-related person is a party, the state-related person need not prepay any fees of court.
- (2) However, if judgment is given against another party in the proceeding and the state-related person has paid fees of court, the state-related person may recover the fees of court with costs from the other party.
- (3) In this section—
state-related person means—
 - (a) the Sovereign; or
 - (b) the State; or

- (c) an entity whose expenditure is payable, in whole or part, out of amounts from the consolidated fund; or
- (d) a person acting for the State or for an entity mentioned in paragraph (c).

17 Fees if assessment of costs

- (1) The fees payable on the assessment of costs in the Supreme Court, the District Court, a Magistrates Court or the Planning and Environment Court are—
 - (a) payable on the allowance of any amount on the assessment; and
 - (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) If the assessing registrar requires a deposit under subsection (2), the assessing registrar must make a note of the deposit on the costs statement when the deposit is paid.

18 Deposit for particular fees

- (1) A registrar, sheriff or marshal may require a deposit on account of fees that apply to a proceeding in the Supreme Court, the District Court or a Magistrates Court—
 - (a) before the proceeding is started; or
 - (b) at any time during the proceeding.
- (2) If a registrar, sheriff or marshal requires a deposit under subsection (1), the registrar, sheriff or marshal must make a note of the deposit on the court file when the deposit is paid.

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Part 3 Allowances for witnesses and interpreters

Division 1 Preliminary

19 Definitions for part

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*, schedule 4.

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.

Division 2 Witnesses and interpreters other than particular prisoners

20 Application of division

- (1) This division does not apply to a prisoner to whom section 29 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.

21 Allowances

- (1) A relevant person is entitled to be paid the following allowances under this division 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.

22 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 public transport was not available—the amount calculated at the rate per kilometre payable under the *Public Service Act 2008* to a public service employee

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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 that is 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 the travelling allowance, 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.

23 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 the accommodation allowance, 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.

24 Attendance allowance for non-professional witness

The amount of the attendance allowance that is to be paid to a non-professional witness for each day or part of a day of necessary absence from the witness's place of employment, practice or residence to attend court is—

- (a) if the witness is under 16—\$40.75; or
- (b) if the witness is 16 or older—\$81.60.

25 Attendance allowance for professional witness or expert

- (1) The amount of the attendance allowance that is to be paid to a professional witness or an expert for each day of necessary absence from the person's place of employment, practice or residence to attend court is \$250.50.

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- (2) If the period for which a professional witness or an expert is necessarily absent from the person's place of employment, practice or residence 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—\$94.00; or
 - (b) for an absence of more than 3 hours but not more than 4 hours—\$135.20; or
 - (c) for an absence of more than 4 hours but not more than 5 hours—\$164.20; or
 - (d) for an absence of more than 5 hours but not more than 6 hours—\$193.10; or
 - (e) for an absence of more than 6 hours—\$221.30.
- (3) However, if the person is a doctor who is employed under the *Hospital and Health Boards Act 2011* as a health service employee at a public sector hospital, the attendance allowance that is to be paid for each day or part of a day of necessary absence from the person's place of employment to attend court is \$83.90.
- (4) Travelling time is to be taken into account for deciding the amount of the allowance under this section.

26 Attendance allowance for interpreters

- (1) The amount of the attendance allowance that is to be paid to an interpreter for each day of necessary absence from the interpreter's place of employment, practice or residence to attend court is \$255.60.
- (2) If the period for which an interpreter is necessarily absent from the interpreter's place of employment, practice or residence 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—\$65.25; and
 - (b) for each additional hour or part of an hour—\$29.70.

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

27 When additional amount may be paid

- (1) If a registrar considers it is reasonable for an additional amount to be paid to a relevant person under section 24, 25 or 26 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 health practitioner under the Health Practitioner Regulation National Law.

28 Increase if GST payable

If an amount payable under section 25 or 26 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

29 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; and

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- (b) must not be more than the amount of the allowance that a relevant person would be entitled to be paid under section 21 for the same attendance.

Part 4 Repeal and transitional provisions

Division 1 Repeal

30 Repeal

The Uniform Civil Procedure (Fees) Regulation 2009, SL No. 183 is repealed.

Division 2 Transitional provisions

31 Definitions for division

In this division—

corresponding provision, for a repealed provision, means a provision of this regulation that is substantially the same as or equivalent to the repealed provision.

repealed provision means the repealed regulation, section 10, 10A or 10B.

repealed regulation means the repealed *Uniform Civil Procedure (Fees) Regulation 2009*.

32 Existing requests for refund of fees

- (1) This section applies if—
 - (a) before the commencement, a party had given a registrar a request for refund of fees under the repealed regulation, section 4C; and

- (b) immediately before the commencement, the request had not been finally dealt with.
- (2) From the commencement, the request is taken to have been made under section 6 of this regulation.

33 Existing applications to pay reduced fee

- (1) This section applies if—
 - (a) before the commencement, a party had made an application under a repealed provision; and
 - (b) immediately before the commencement, the application had not been decided.
- (2) From the commencement, the application is taken to have been made under the corresponding provision for the repealed provision and must be decided under the corresponding provision.

34 Existing reviews

- (1) This section applies if—
 - (a) before the commencement, a party had made an application to the court under the repealed regulation, section 10C for a review; and
 - (b) immediately before the commencement, the court had not finished dealing with the review.
- (2) From the commencement—
 - (a) the application is taken to have been made under section 11 of this regulation; and
 - (b) the court may deal or continue to deal with the review under that section.

35 Existing rights of review

- (1) This section applies if—

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- (a) before the commencement, a party was entitled under the repealed regulation, section 10C to apply to the court to review a registrar's decision on an application made by the party under a repealed provision; and
 - (b) immediately before the commencement, the party had not made the application.
- (2) From the commencement, section 11 of this regulation applies to the party as if the application made under the repealed provision had been made under the corresponding provision for the repealed provision.

36 References to repealed regulation

A reference in a document to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

Part 5 Amendment of regulations

37 Regulations amended

Schedule 5 amends the regulations it mentions.

Schedule 1 Supreme Court and District Court fees

section 3(1)

	Supreme Court	District Court
	\$	\$
Originating process		
1 (1) Filing any claim, including a counterclaim or writ in admiralty, under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)—		
(a) if at least 1 plaintiff is a corporation	2,784.00	not applicable
(b) otherwise	1,162.00	not applicable
(2) Filing any application that is an originating process under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)—		
(a) if at least 1 applicant is a corporation	2,784.00	not applicable
(b) otherwise	1,162.00	not applicable
(3) Filing any claim, including a counterclaim, other than a claim or counterclaim mentioned in subitem (1)—		
(a) if at least 1 plaintiff is a corporation	1,954.00	1,754.00
(b) otherwise	974.00	880.00
(4) Filing any application, other than an application mentioned in subitem (2) or item 2, that is an originating process—		
(a) if at least 1 applicant is a corporation	1,954.00	1,754.00
(b) otherwise	974.00	880.00

Schedule 1

	Supreme Court	District Court
	\$	\$
(5) Filing any document initiating any appeal, including a case stated, an application for leave to appeal or a cross appeal—		
(a) if at least 1 party initiating the appeal is a corporation	2,928.00	2,633.00
(b) otherwise	1,464.00	1,314.00

Administration of estates

2 Filing—

(a) an application for probate or letters of administration	722.60	not applicable
(b) an application for resealing of a foreign grant of probate or letters of administration under the <i>British Probates Act 1898</i>	722.60	not applicable
(c) an application for an order to administer under the <i>Public Trustee Act 1978</i>	722.60	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>	71.65	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	116.60	100.60
(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.		

	Supreme Court	District Court
	\$	\$
Issuing subpoena		
4 Issuing a subpoena under the <i>Uniform Civil Procedure Rules 1999</i> , rule 414 at the request of a party	95.35	95.35
Setting down		
5 (1) Setting down for hearing or trial a proceeding under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)—		
(a) if at least 1 plaintiff or appellant is a corporation	4,645.00	not applicable
(b) otherwise	2,325.00	not applicable
(2) Setting down for hearing or trial any other proceeding—		
(a) if at least 1 plaintiff or appellant is a corporation	3,255.00	2,928.00
(b) otherwise	1,628.00	1,464.00
Hearing		
6 (1) For the hearing or trial of a proceeding under the Corporations Act or the <i>Admiralty Act 1988</i> (Cwlth)—		
(a) for each day or part of a day after the first day—		
(i) if at least 1 plaintiff or appellant is a corporation	1,861.00	not applicable
(ii) otherwise	924.10	not applicable

Schedule 1

	Supreme Court	District Court
	\$	\$
(b) for each day or part of a day after the fourth day—		
(i) if at least 1 plaintiff or appellant is a corporation	3,344.00	not applicable
(ii) otherwise	1,540.00	not applicable
(c) for each day or part of a day after the ninth day—		
(i) if at least 1 plaintiff or appellant is a corporation	6,600.00	not applicable
(ii) otherwise	3,097.00	not applicable
(2) For the hearing or trial of any other proceeding—		
(a) for each day or part of a day after the first day—		
(i) if at least 1 plaintiff or appellant is a corporation	1,301.00	1,169.00
(ii) otherwise	653.40	584.60
(b) for each day or part of a day after the fourth day—		
(i) if at least 1 plaintiff or appellant is a corporation	2,345.00	2,106.00
(ii) otherwise	1,170.00	1,056.00
(c) for each day or part of a day after the ninth day—		
(i) if at least 1 plaintiff or appellant is a corporation	4,557.00	4,099.00
(ii) otherwise	2,275.00	2,046.00

Reduced fee

	Supreme Court	District Court
	\$	\$
7 Reduced fee—		
(a) for a corporation in relation to a fee payable under item 1(3), (4) or (5), 5(2) or 6(2)—the fee that would be payable under the item if the corporation were a party other than a corporation		
(b) otherwise	131.80	131.80
Opening offices		
8 Opening, or keeping open, the registry, sheriff's office or marshal's office between 4.30p.m. and 8.30a.m. or on a Saturday, Sunday or court holiday	540.50	540.50
Copies		
9 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	2.85	2.85
(b) maximum fee for first copy	74.10	74.10
(c) additional copy—each page	0.65	0.65
(d) maximum fee for additional copy	29.55	29.55
10 (1) Certifying a copy of a record of the court or a document or exhibit filed in the registry	70.50	70.50
(2) This fee is in addition to the fee mentioned in item 9.		

Schedule 1

	Supreme Court	District Court
	\$	\$
(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

11 (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—		
(i) for each hour or part of an hour	115.40	115.40
(ii) but not more than, for each day	578.10	578.10
(2) *For an officer to attend the release of a ship, goods, or person from arrest	50.25	not applicable
(3) The reasonable travelling and other expenses of the officer are also payable.		

Public searches

12 (1) Searching the records—for each name or file	25.70	25.70
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	Supreme Court	District Court
	\$	\$
(2) Retrieval from Queensland State Archives— for each file	25.70	25.70
Accounts and assessment of costs		
13 Taking an account before a registrar—for each hour or part of an hour	115.40	115.40
14 (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	115.40	115.40
(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	14.45	14.45
Miscellaneous		
15 (1) *Drawing an advertisement	156.70	156.70
(2) Settling and executing a deed of transfer	156.70	156.70
(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	150.60	not applicable
16 Certificate of registrar	70.50	70.50
17 Preparation and photocopying of documents for inclusion in appeal books—		
(a) first copy—each page	2.85	not applicable
(b) additional copy—each page	0.65	not applicable
(c) binding of appeal books—each book	10.95	not applicable

	Supreme Court \$	District Court \$
Expenses of registrar, enforcement officer or marshal		
18 *Any amount that a registrar, enforcement officer or marshal considers was actually and reasonably incurred for—		
(a) each person left in possession; or		
(b) the securing and safe custody of property under seizure; or		
(c) any of the following—		
(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 or yards		
(vii) out-of-pocket expenses		
Poundage		
19 (1) On enforcing a warrant or other process under, or because of, which an amount is received by a registrar, sheriff or the enforcement creditor—2.5% of the amount received, but not less than	156.70	156.70
(2) On enforcing a warrant for possession—2.5% determined on annual rent or value, but not less than	156.70	156.70
(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.		

	Supreme Court	District Court
	\$	\$
Fees payable to enforcement officer, marshal or marshal's officer		
20 (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	108.10	108.10
(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	19.45	19.45
(2) The reasonable travelling and other expenses of the officer are also payable.		
21 (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	3.85	3.85
(2) Only 1 travelling fee may be charged if—		

Schedule 1

	Supreme Court	District Court
	\$	\$
(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.		
22 (1) Taking a person to prison or a place of detention from the place of arrest—for each kilometre	3.85	3.85
(2) Other unavoidable expenses involved in taking a person to prison or a place of detention		
23 (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	33.90	33.90
(2) If the enforcement officer is a full-time or part-time officer of the public service and performs a duty during the officer's normal working hours, the allowance is to be paid to the court.		
24 (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	18.25	not applicable

	Supreme Court	District Court
	\$	\$
(2) In addition to the fee mentioned in subitem (1), the reasonable expenses incurred for a ship keeper in retaining possession of a ship are also payable.		
(3) No fee is payable for the custody and possession of property under arrest—		
(a) if it consists of an amount in a bank or goods stored in a bonded warehouse; or		
(b) if it is in the custody of 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 14(1)

Part 1 Court fees

	\$
Filing claim or other document	
1 Filing a claim—	
(a) if the amount claimed is \$2,500 or less	176.10
(b) if the amount claimed is more than \$2,500 but less than \$10,000	245.30
(c) if the amount claimed is \$10,000 or more but less than \$50,000	263.50
(d) if the amount claimed is \$50,000 or more but less than \$100,000 and—	
(i) the plaintiff is an individual or, if there is more than 1 plaintiff, all plaintiffs are individuals	338.90
(ii) otherwise	534.40
(e) if the amount claimed is \$100,000 or more and—	
(i) the plaintiff is an individual or, if there is more than 1 plaintiff, all plaintiffs are individuals	402.10
(ii) otherwise	667.90
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 the amount claimed is less than \$10,000	110.50
(b) if the amount claimed is \$10,000 or more	119.00
3 Filing an employment claim mentioned in the <i>Magistrates Courts Act 1921</i> , section 42B	59.60

	\$
4 Filing a document, other than a claim, to start a proceeding	110.50
 Copies and inspection	
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>	28.90
6 Inspecting records in a proceeding—	
(a) within 4 years after filing of claim, by a person other than a party to the proceeding	15.65
(b) more than 4 years after filing of claim, by any person, including a party to the proceeding	27.00
7 Copying records in a proceeding not subject to the <i>Recording of Evidence Act 1962</i> —	
(a) first copy—each page	2.85
(b) maximum fee for first copy	74.10
(c) additional copy—each page	0.65
(d) maximum fee for additional copy	29.55
 Poundage	
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 the enforcement creditor—5% on the first \$200 and 2.5% on the balance (the first \$200 is to be paid to the bailiff), but not less than	70.50
 Opening registry	
9 Opening, or keeping open, the registry between 8a.m. and 8.30a.m. or between 4.30p.m. and 6p.m. on a day other than a Saturday, Sunday or court holiday	182.10

Schedule 2

\$

Assessment of costs

- | | | |
|----|---|--------|
| 10 | Making an appointment for directions or for assessment of a costs statement by an assessing registrar | 52.05 |
| 11 | 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 | 115.40 |
| 12 | 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 | 14.45 |
| 13 | For an order for the amount assessed | 71.65 |

Part 2 Bailiff's fees

\$

Service, enforcement and apprehension

- | | | |
|---|---|-------|
| 1 | Service or attempted service of a claim, application, subpoena, process or other document within 12km of the registry—on each person served | 51.55 |
| 2 | Enforcement, or attempted enforcement, of a warrant within 12km of the registry—for each bailiff | 75.25 |
| 3 | (1) Travelling fees on service, or attempted service, of a claim, application, subpoena, process or other document or enforcement, or attempted enforcement, of a 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 | 3.85 |
| | (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, 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 of a warrant, or apprehension or attempted apprehension—for each hour or part of an hour 24.45
- (2) A payment under subitem (1) is at the discretion of a registrar.
- (3) If the bailiff is a full-time or part-time officer of the public service and performs the enforcement or apprehension during the officer's 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 3.85

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 24.45
- 7 If the bailiff collects and pays into court at least 85% of a money order debt due under a warrant—an additional fee 48.90

Custody and possession of property

- 8 (1) Each bailiff left in possession of property—for each day, not more than 108.10
- (2) If board and lodging are not supplied, actual and reasonable expenses incurred are at the discretion of a registrar.

\$

- (3) A 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 a 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 an enforcement warrant for the seizure and sale of property 96.65
- (2) If the advertisement is not drawn by the bailiff, the fee is to be paid to the court

Schedule 3 Planning and Environment Court fees

section 15

		\$
1	Filing a notice of appeal—	
	(a) if there is only 1 party starting the appeal and the party is an individual, or if there is more than 1 party starting the appeal and they are all individuals	646.50
	(b) otherwise	1,280.00
2	Filing an originating application under the <i>Planning and Environment Court Rules 2018</i> , rule 6—	
	(a) if there is only 1 applicant and the applicant is an individual, or if there is more than 1 applicant and all the applicants are individuals	646.50
	(b) otherwise	1,280.00
3	Filing a document (the <i>first document</i>), other than any subsequent document relating to the first document, for which no other fee is provided	98.15
4	Issuing a certificate on a final judgment, order, finding or decision	68.20
5	Issuing a copy of a record of the court, a document or exhibit filed in the registry or reasons for judgment—	
	(a) first copy—each page	2.65
	(b) maximum fee for first copy	72.50
	(c) additional copy—each page	0.60
	(d) maximum fee for additional copy	28.70
6	Opening, or keeping open, the registry between 4.30p.m. and 8.30a.m. or on a Saturday, Sunday or court holiday	532.10

Schedule 3

	\$
7 Searching the record in an appeal or other proceeding— for each name or file	25.40
8 Attending a view—	
(a) for each hour or part of an hour	113.10
(b) but not more than, for each day	565.90
9 Making an appointment for assessment of a costs statement	113.10
10 Assessing a costs statement—for each \$100 or part of \$100 allowed	13.60

Schedule 4 Dictionary

section 3

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

auctioneer see the *Property Occupations Act 2014*, section 14.

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

court means—

- (a) in relation to a proceeding in the Supreme Court—the Supreme Court; or
- (b) in relation to a proceeding in the District Court—the District Court; or
- (c) in relation to a proceeding in a Magistrates Court—the Magistrates Court; or
- (d) in relation to a proceeding in the Planning and Environment Court—the Planning and Environment Court.

expert, for part 3, see section 19.

hearing fee means a fee payable under section 4 and schedule 1, item 6.

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 3, see section 19.

prisoner, for part 3, see section 19.

professional witness, for part 3, see section 19.

public transport, for part 3, see section 19.

reduced fee means the fee mentioned in schedule 1, item 7.

registrar means—

- (a) in relation to a proceeding in the Supreme Court—a registrar of the court; or
- (b) in relation to a proceeding in the District Court—a registrar under the *District Court of Queensland Act 1967*; or
- (c) in relation to a proceeding in a Magistrates Court—a registrar of the Magistrates Court under the *Magistrates Courts Act 1921*, section 3 or the principal registrar of Magistrates Courts; or
- (d) in relation to a proceeding in the Planning and Environment Court—a registrar of the court under the *Planning and Environment Court Act 2016*, section 66(2) or the ADR registrar or P&E Court's principal registrar under that Act.

relevant fee see section 7(1).

relevant person, for part 3, see section 19.

setting down fee means a fee payable under section 4 and schedule 1, item 5.

Schedule 5 Regulations amended

section 37

State Penalties Enforcement Regulation 2014

- 1 **Section 29(2) and (3), ‘Uniform Civil Procedure (Fees) Regulation 2009, part 4’—**

omit, insert—

*Uniform Civil Procedure (Fees) Regulation 2019,
part 3*

Taxation Administration Regulation 2012

- 1 **Section 12(2) and (3), ‘Uniform Civil Procedure (Fees) Regulation 2009, part 4’—**

omit, insert—

*Uniform Civil Procedure (Fees) Regulation 2019,
part 3*

Workers’ Compensation and Rehabilitation Regulation 2014

- 1 **Section 132(2)(b), ‘Uniform Civil Procedure (Fees) Regulation 2009, part 4’—**

omit, insert—

Uniform Civil Procedure (Fees) Regulation 2019,
part 3

2 Section 132(2)(c), ‘Uniform Civil Procedure (Fees) Regulation 2009’—

omit, insert—

Uniform Civil Procedure (Fees) Regulation 2019

ENDNOTES

- 1 Made by the Governor in Council on 29 August 2019.
- 2 Notified on the Queensland legislation website on 30 August 2019.
- 3 The administering agency is the Department of Justice and Attorney-General.

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