



Queensland

Uniform Civil Procedure and Other Rules Amendment Rule 2022

Subordinate Legislation 2022 No. 88

made under the

Magistrates Courts Act 1921

Supreme Court of Queensland Act 1991

Contents

		Page
Part 1	Preliminary	
1	Short title	2
Part 2	Amendment of Domestic and Family Violence Protection Rules 2014	
2	Rules amended	2
3	Amendment of sch 1 (Costs in a proceeding)	2
Part 3	Amendment of Uniform Civil Procedure Rules 1999	
4	Rules amended	7
5	Amendment of sch 1 (Scale of costs—Supreme Court and District Court)	7
6	Amendment of sch 2 (Scale of costs—Magistrates Courts)	13

[s 1]

Part 1 Preliminary

1 Short title

This rule may be cited as the *Uniform Civil Procedure and Other Rules Amendment Rule 2022*.

Part 2 Amendment of Domestic and Family Violence Protection Rules 2014

2 Rules amended

This part amends the *Domestic and Family Violence Protection Rules 2014*.

3 Amendment of sch 1 (Costs in a proceeding)

Schedule 1, part 2, items 4 to 18—
omit, insert—

Drafting documents

4 Drafting a document—for each 100 words 19.55

Producing documents

5 Producing a document in final form—for each 100 words 4.70

Preparing exhibit certificates

6 Preparing an exhibit certificate—for each exhibit, including a paginated book 3.65

Copying documents

7 Copying a document—for each page 0.22

Perusing documents

8 Perusing a document—for each 100 words 4.70

Examining or comparing documents

9 Examining a document or comparing documents, if perusal is unnecessary—

(a) by a solicitor—for each quarter-hour 69.35

(b) by an employee—for each quarter-hour 20.45

Serving documents

10 Serving on a person 1 or more documents at the same time—

(a) personal service, by a solicitor or a solicitor's employee, if personal service is required for 1 or more of the documents served 40.50

However, if the clerk of the DFVP court or a costs assessor 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 to be allowed is the amount the clerk or the costs assessor considers reasonable.

(b) ordinary service, other than ordinary service of a type mentioned in paragraph (c), (d) or (e) 25.45

(c) service by post 18.50

(d) service by facsimile—

(i) for the first page 8.40

(ii) for each extra page 1.00

(e) service by email 8.40

Attendances

11 Attendance, if capable of being done by an employee—

[s 3]

(a)	to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order	25.45
(b)	to search	25.45
(c)	to do something of a similar nature	25.45
12	Attendance by telephone that does not involve the exercise of skill or legal knowledge	17.00
13	Attendance in a DFVP court by a solicitor who appears without a barrister—for each quarter-hour	76.95
14	Attendance for a hearing held at a place other than the town where the solicitor lives or carries on business—	
(a)	by the solicitor—	
(i)	for the time spent in attendance at the hearing or trial—for each quarter-hour	70.40
(ii)	for the time the solicitor is absent from the solicitor’s place of business, including time used in travelling to or from the hearing, other than in attendance at the hearing—	
(A)	for an absence of 4 hours or less	528.70
(B)	for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	34.15
(iii)	the expenses the clerk of the DFVP court or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
(iv)	the actual expenses of transport to and from the hearing or trial the clerk of the DFVP court or a costs assessor considers reasonable	
(b)	by the solicitor’s employee—the amount the clerk of the DFVP court or a costs assessor considers reasonable	

However, if the solicitor's absence is to attend more than 1 hearing at the same place, the costs are to be divided proportionately.

- | | | |
|----|---|-------|
| 15 | Attendance at a call-over or mention, to be apportioned if the attendance is for more than 1 proceeding | 46.40 |
| 16 | Other attendances— | |
| | (a) by a solicitor, involving skill or legal knowledge—for each quarter-hour | 70.40 |
| | (b) by an employee—for each quarter-hour | 20.45 |

However, the costs allowed under this item are to be reduced by 25% in relation to time necessarily spent at court before an appearance in court.

Correspondence

- | | | |
|----|--|-------|
| 17 | (1) Correspondence sent— | |
| | (a) written message or letter (20 words or less) | 14.15 |
| | This includes a letter forwarding documents without explanation. | |
| | (b) short letter (21 to 100 words) | 28.30 |
| | (c) any other letter—for each 100 words | 24.55 |

This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.

This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.

For a circular letter, the first is to be allowed under this item. For each circular letter after the first, the charge under item 7 applies.

- | | | |
|--|------------------------------|--|
| | (2) Correspondence received— | |
|--|------------------------------|--|

[s 3]

- (a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing 14.15

For printing additional pages received electronically for filing, the charge under item 7 applies.

- (b) perusing correspondence—
- (i) for the first 100 words 18.90
- (ii) for each 100 words or part after the first 100 words 9.45
- (c) if perusing the document is not reasonably necessary, to examine the document—for each page 4.75

(3) Agency correspondence—

- (a) for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1)
- (b) for receiving correspondence from the agent by the principal, or from the principal by the agent—costs under item 17(2)

If engagement of the agent was normal and reasonable in the circumstances, costs may be charged under this item by the principal and the agent.

Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.

Note—

The word count for agency correspondence is based on the body of the correspondence, as defined in schedule 2.

Electronic conduct of proceedings

-
- | | | |
|----|--|------|
| 18 | (1) Examining an electronic document or comparing electronic documents, including emails, if perusal is unnecessary—for each 100 words | 0.95 |
| | (2) Preparing a document for disclosure, or to be exchanged electronically, by— | |
| | (a) barcoding the document—for each page | 0.55 |
| | (b) electronically scanning or imaging the document—for each page | 0.55 |
| | (c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document | 4.70 |
| | (3) To the extent a proceeding is conducted electronically, the costs to be allowed, including the costs of any electronic service provider, are the costs the clerk of the DFVP court or a costs assessor considers have been reasonably incurred and paid. | |

Part 3 **Amendment of Uniform Civil Procedure Rules 1999**

4 Rules amended

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

5 Amendment of sch 1 (Scale of costs—Supreme Court and District Court)

Schedule 1, items 4 to 21—

omit, insert—

Drafting documents

[s 5]

4 Drafting a document—for each 100 words 24.45

Producing documents

5 Producing a document in final form—for each 100 words 5.90

Preparing exhibit certificates

6 Preparing an exhibit certificate—for each exhibit, including a paginated book 4.60

Copying documents

7 Copying a document—for each page 0.27

Perusing documents

8 Perusing a document—for each 100 words 5.90

Examining or comparing documents

9 Examining a document or comparing documents, if perusal is unnecessary—

(a) by a solicitor—for each quarter-hour 86.70

(b) by an employee—for each quarter-hour 25.60

Serving documents

10 Serving on a person 1 or more documents at the same time—

(a) personal service, by a solicitor or a solicitor's employee, if personal service is required for 1 or more of the documents served 50.65

However, if the registrar or a costs assessor 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 to be allowed is the amount the registrar or the costs assessor considers reasonable.

(b) ordinary service, other than ordinary service of a type mentioned in paragraph (c), (d) or (e)	31.75
(c) service by post	23.15
(d) service by facsimile—	
(i) for the first page	10.55
(ii) for each extra page	1.25
(e) service by email	10.55
Attendances	
11 Attendance, if capable of being done by an employee—	
(a) to file or deliver a document, obtain an appointment, insert an advertisement, or settle an order	31.75
(b) to search	31.75
(c) to do something of a similar nature	31.75
12 Attendance by telephone that does not involve the exercise of skill or legal knowledge	21.30
13 Attendance in court, mediation or case appraisal, at a compulsory conference or before the registrar, by a solicitor who appears without a barrister—for each quarter-hour	96.15
14 Attendance for a hearing or trial held at a place other than the town where the solicitor lives or carries on business—	
(a) by the solicitor—	
(i) for the time spent in attendance at the hearing or trial—for each quarter-hour	87.95
(ii) for the time the solicitor is absent from the solicitor's place of business, including time used in travelling to or from the hearing or trial, other than in attendance at the hearing or trial—	

[s 5]

(A) for an absence of 4 hours or less	660.85
(B) for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	42.70
(iii) the expenses the registrar or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
(iv) the actual expenses of transport to and from the hearing or trial the registrar or a costs assessor considers reasonable	
(b) by the solicitor’s employee—the amount the registrar or a costs assessor considers reasonable	
However, if the solicitor’s absence is to attend more than 1 hearing or trial at the same place, the costs are to be divided proportionately.	
15 Attendance at a call-over, to be apportioned if the attendance is for more than 1 proceeding	57.95
16 Other attendances—	
(a) by a solicitor, involving skill or legal knowledge—for each quarter-hour	87.95
(b) by an employee—for each quarter-hour	25.60
However, the costs allowed under this item are to be reduced by 25% in relation to time necessarily spent at court before an appearance in court.	

Correspondence

17 (1) Correspondence sent—	
(a) written message or letter (20 words or less)	17.70
This includes a letter forwarding documents without explanation.	
(b) short letter (21 to 100 words)	35.40

(c) any other letter—for each 100 words 30.70

This covers any form of written communication including ordinary post, facsimile, email, text or other form of electronic transmission.

This includes the charges of the communication provider, other than charges for sending the correspondence by registered post, international post or courier or serving the correspondence personally.

For a circular letter, the first is to be allowed under this item. For each circular letter after the first, the charge under item 7 applies.

(2) Correspondence received—

(a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing 17.70

For printing additional pages received electronically for filing, the charge under item 7 applies.

(b) perusing correspondence—

(i) for the first 100 words 23.55

(ii) for each 100 words or part after the first 100 words 11.80

(c) if perusing the document is not reasonably necessary, to examine the document—for each page 5.95

(3) Agency correspondence—

(a) for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1)

(b) for receiving correspondence from the agent by the principal, or from the principal by the agent—costs under item 17(2)

[s 5]

If engagement of the agent was normal and reasonable in the circumstances, costs may be charged under this item by the principal and the agent.

Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.

Note—

The word count for agency correspondence is based on the body of the correspondence, as defined in schedule 3.

Electronic conduct of proceedings

- | | | |
|----|--|------|
| 18 | (1) Examining an electronic document or comparing electronic documents, including emails, if perusal is unnecessary—for each 100 words | 1.15 |
| | (2) Preparing a document for disclosure, or to be exchanged electronically, by— | |
| | (a) barcoding the document—for each page | 0.65 |
| | (b) electronically scanning or imaging the document—for each page | 0.65 |
| | (c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document | 5.90 |
| | (3) To the extent a proceeding is conducted electronically, the costs to be allowed, including the costs of any electronic service provider, are the costs the registrar or a costs assessor considers have been reasonably incurred and paid. | |

Fixed cost items

- | | | |
|----|--|----------|
| 19 | Instructions to sue—claim and statement of claim and service | 1,940.00 |
|----|--|----------|

- | | | |
|----|--|--------|
| 20 | Costs for obtaining judgment under chapter 9, part 1, division 2 | 510.00 |
| 21 | Costs for obtaining an enforcement warrant | 510.00 |

6 Amendment of sch 2 (Scale of costs—Magistrates Courts)

- (1) Schedule 2, part 2—
omit, insert—

Part 2 Costs (up to \$50,000)

		A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
		\$	\$	\$	\$
		(including GST)			
1	Instructions to sue—claim and statement of claim and service	415.45	784.70	1,228.00	1,363.00
2	Instructions to defend—notice of intention to defend and defence and filing	415.45	784.70	1,228.00	1,363.00
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	109.65	182.90	277.30	304.45
4	Obtaining judgment by default	109.65	182.90	277.30	304.45

[s 6]

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000		
	\$	\$	\$	\$		
	(including GST)					
5	Preparing for trial, up to and including settlement conference—					
	(a)	including brief for counsel to appear at conference	471.95	1,121.00	1,805.00	2,125.00
	(b)	if no counsel appears at conference	424.80	1,062.00	1,647.00	1,947.00
6	Balance of preparing for trial—					
	(a)	including trial brief if counsel engaged	553.35	1,233.00	1,917.00	2,425.00
	(b)	if no counsel at trial	389.45	908.55	1,446.00	1,847.00
7	Preparing for trial, if no settlement conference—					
	(a)	including trial brief if counsel engaged	943.90	2,241.00	3,611.00	4,426.00
	(b)	if no counsel at trial	743.35	1,858.00	2,980.00	3,670.00
8	Counsel's fees—					
	(a)	to settle claim and statement of claim, counterclaim, notice of intention to defend or notice of appeal	–	–	265.50	317.45
	(b)	to settle special affidavit, reply or particulars that the magistrate, registrar or costs assessor is satisfied are reasonably necessary or proper	–	–	171.20	207.65

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
(c) to settle interrogatories or answers to interrogatories that the magistrate, registrar or costs assessor is satisfied are reasonably necessary or proper	—	—	259.60	311.55
(d) on conference, inspection of works or other site inspection, or a similar attendance that the magistrate, registrar or costs assessor is satisfied is reasonably necessary or proper—each hour	—	—	265.50	317.45
(e) to advise on evidence or for any other opinion	—	—	277.30	355.10
(f) on trial or hearing (other than an application in a proceeding)—first day	896.80	1,014.00	1,686.00	2,053.00
(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)	595.90	677.35	1,126.00	1,363.00
(h) on each subsequent day of hearing not included in paragraph (g)	292.65	335.10	554.55	690.30

[s 6]

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
(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 \$60.00 a day) may be allowed for each day it is not reasonably practicable for counsel to be in attendance at chambers for a total of at least 1 hour, between 8.30a.m. and 5.30p.m.				
(j) on an application in a proceeding	–	–	271.40	317.45
(k) to hear deferred judgment	–	–	141.55	182.90
9 Solicitor on hearing—				
(a) appearance without counsel on hearing—first day	814.30	861.40	1,370.00	1,670.00
(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)	579.45	579.45	943.90	1,145.00
(c) attendance of clerk with solicitor acting as advocate—each day	98.50	292.65	306.75	355.10

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000		
	\$	\$	\$	\$		
	(including GST)					
<p>Costs under paragraph (c) are not allowed if the court certifies the attendance of the clerk was not reasonably required.</p>						
10	On hearing with counsel—					
	(a)	attendance of solicitor with counsel (if the attendance is certified for by the court)—each day	365.90	433.00	678.55	820.15
	(b)	attendance of clerk with counsel—each day	98.50	292.65	306.75	335.10
<p>Costs under paragraph (b) are not allowed if the court certifies the attendance of the clerk was not reasonably required.</p>						
11	On hearing with counsel—					
	(a)	counsel's fees (if no fee is payable under item 8(f))	292.65	311.55	519.10	613.70
	(b)	solicitor for appearance without counsel	292.65	292.65	471.95	567.65
12	Applications to the court (other than an application for an adjournment)					
			201.10	348.20	548.65	683.35

[s 6]

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
13 Instructions—				
(a) for disclosure, preparing list of documents and making inspection and copies of documents—				
(i) allowance to party requesting disclosure	170.65	262.10	365.90	433.00
(ii) allowance to party making disclosure	170.65	595.90	660.85	796.60
(b) for interrogatories and answers to interrogatories (including preparation, filing and perusing)—				
(i) allowance to party delivering interrogatories	170.65	452.00	475.65	548.65
(ii) allowance to party answering interrogatories	170.65	421.35	438.90	598.45
14 Enforcement hearing—				
(a) counsel’s fees	408.35	463.80	719.90	885.00
(b) if no counsel engaged	292.65	402.45	637.15	767.05
15 Enforcement warrant—				

	A Under \$2,500	B \$2,501 to \$5,000	C \$5,001 to \$20,000	D \$20,001 to \$50,000
	\$	\$	\$	\$
	(including GST)			
(a) costs of preparing warrant and attending issuing and for return—to be marked on warrant (exclusive of court or other fees)	87.95	182.90	277.30	335.10
(b) costs of registration of warrant against land	87.95	182.90	277.30	335.10
16 Warrant (other than enforcement warrant)—costs of preparing warrant and attending issuing and for return	87.95	182.90	277.30	335.10
(2) Schedule 2, part 3, items 4 to 21— <i>omit, insert—</i>				
Drafting documents				
4 Drafting a document—for each 100 words				19.55
Producing documents				
5 Producing a document in final form—for each 100 words				4.70
Preparing exhibit certificates				
6 Preparing an exhibit certificate—for each exhibit, including a paginated book				3.65
Copying documents				
7 Copying a document—for each page				0.22
Perusing documents				

[s 6]

8 Perusing a document—for each 100 words 4.70

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9 Examining a document or comparing documents, if perusal is unnecessary—

(a) by a solicitor—for each quarter-hour 69.35

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10 Serving on a person 1 or more documents at the same time—

(a) personal service, by a solicitor or a solicitor's employee, if personal service is required for 1 or more of the documents served 40.50

However, if the registrar or a costs assessor 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 to be allowed is the amount the registrar or the costs assessor considers reasonable.

(b) ordinary service, other than ordinary service of a type mentioned in paragraph (c), (d) or (e) 25.45

(c) service by post 18.50

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14 Attendance for a hearing or trial held at a place other than the town where the solicitor lives or carries on business—	
(a) by the solicitor—	
(i) for the time spent in attendance at the hearing or trial—for each quarter-hour	70.40
(ii) for the time the solicitor is absent from the solicitor’s place of business, including time used in travelling to or from the hearing or trial, other than in attendance at the hearing or trial—	
(A) for an absence of 4 hours or less	528.70
(B) for an absence of more than 4 hours—for each quarter-hour to a maximum of 8 hours	34.15
(iii) the expenses the registrar or a costs assessor considers reasonable for each day of absence, including Saturdays and Sundays	
(iv) the actual expenses of transport to and from the hearing or trial the registrar or a costs assessor considers reasonable	
(b) by the solicitor’s employee—the amount the registrar or a costs assessor considers reasonable	

[s 6]

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| | (2) Correspondence received— | |
|--|------------------------------|--|

-
- | | |
|--|-------|
| (a) receiving any correspondence, including by electronic means, and filing, including reading a message (20 words or less) and, for an electronic communication, printing 1 page for filing | 14.15 |
|--|-------|

For printing additional pages received electronically for filing, the charge under item 7 applies.

- | | |
|---|-------|
| (b) perusing correspondence— | |
| (i) for the first 100 words | 18.90 |
| (ii) for each 100 words or part after the first 100 words | 9.45 |
| (c) if perusing the document is not reasonably necessary, to examine the document—for each page | 4.75 |

(3) Agency correspondence—

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| (a) for sending correspondence to the agent by the principal, or to the principal by the agent—costs under item 17(1) | |
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Correspondence between offices of the same firm of solicitors may be charged if it is analogous to agency correspondence and the engagement of an agent was not reasonable in the circumstances.

Note—

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Electronic conduct of proceedings

[s 6]

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|----|--|------|
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| | (2) Preparing a document for disclosure, or to be exchanged electronically, by— | |
| | (a) barcoding the document—for each page | 0.55 |
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| | (c) entering data about the document in a database, including delimiting the document to decide start and end pages, and carrying out quality control of the data, for example, to check for missing data and check spelling—for each document | 4.70 |
| | (3) To the extent a proceeding is conducted electronically, the costs to be allowed, including the costs of any electronic service provider, are the costs the registrar or a costs assessor considers have been reasonably incurred and paid. | |

Fixed cost items

- | | | |
|----|--|----------|
| 19 | Instructions to sue—claim and statement of claim and service | 1,552.00 |
| 20 | Costs for obtaining judgment under chapter 9, part 1, division 2 | 408.00 |
| 21 | Costs for obtaining an enforcement warrant | 408.00 |

ENDNOTES

- 1 Made by the Governor in Council on 30 June 2022.
- 2 Notified on the Queensland legislation website on 1 July 2022.
- 3 The administering agency is the Department of Justice and Attorney-General.

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