

Schedule 1 — Fees

[r. 4]

*[Heading inserted in Gazette 15 Jun 2018 p. 2002.]***Division 1 — General***[Heading inserted in Gazette 15 Jun 2018 p. 2002.]*

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
1.	(a) For every order or conviction drawn up in the Court's criminal jurisdiction	17.65	17.65	5.30
	(b) For issue of a duplicate document or order	17.65	17.65	5.30
2.	For the service of any application, summons, originating process, notice or order of the Court or any other process requiring service	77.00	77.00	77.00

Note:

The fee is payable whether or not the service is successful and covers up to 3 attempts at service at the same address.

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	If it is necessary to travel to execute a warrant or other process, or on service of a summons, order of the Court, other process or document, or on making an arrest or for all attempts, attendances and inspections, from the enforcement officer's office or nearest Police Station —			
	(a) for each kilometre travelled (1 way) in the metropolitan area	2.00	2.00	2.00
	(b) for each kilometre travelled (1 way) outside the metropolitan area	2.20	2.20	2.20
	Note:			
	If more than 1 process or document is executed or served by an enforcement officer at the same time on the same person or on different persons at the same address, only 1 allowance for kilometres is chargeable.			
4.	(a) For searching any record or proceeding other than a search by or on behalf of a party to the proceedings in the Court's civil jurisdiction	44.50	44.50	13.35

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
	(b) For listening to or viewing any electronic recording that requires supervision by an officer of the Court, a search fee of	44.50	44.50	13.35
	And in addition to the search fee, for each hour of the officer's time	108.50	108.50	32.60
	Note:			
	Item 4(a) does not apply in relation to information provided under the <i>Magistrates Court (General) Rules 2005</i> rule 41A.			
5.	For provision of information under the <i>Magistrates Court (General) Rules 2005</i> rule 41A —			
	(a) fee per case specified in the information	2.00	2.00	0.60
	(b) annual fee for information provided by email to approved recipient	64 047.00	64 047.00	64 047.00
	Note:			
	The fee under item 5(b) is payable on the date on which the recipient is approved by the Attorney General and on each anniversary of that date.			

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
6.	(a) On an application or summons for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire	65.50	65.50	19.65
	(b) If an officer is required to attend at any court or place out of the Court building where the officer is based, the officer's reasonable expenses and, in addition for each hour when the officer is necessarily absent from the officer's office	98.00	98.00	29.30
7.	(a) For copies of documents or exhibits for each page or part of a page	1.85	1.85	0.55

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
(b)	For a copy of reasons for judgment —			
	(i) for each copy issued to a person not a party to the proceedings and for each copy in excess of 1 copy issued to a party to the proceedings	15.50	15.50	4.55
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	2.00	2.00	0.60
(c)	For certifying that a document is a true copy, an additional fee of	21.40	21.40	6.45

Note:

Fee under item 7(a) for a copy of an application is not payable where circumstances under regulation 6(4) exist.

8. (a) For a copy of a transcript, or part of a transcript —

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	(i) provided within 1 day after the day on which the fee is paid	20.50 plus 8.45 per page	20.50 plus 16.90 per page	6.15 plus 2.55 per page
	(ii) provided within 4 days after the day on which the fee is paid	20.50 plus 7.30 per page	20.50 plus 14.75 per page	6.15 plus 2.20 per page
	(iii) provided within 7 days after the day on which the fee is paid	20.50 plus 7.05 per page	20.50 plus 14.05 per page	6.15 plus 2.15 per page
(b)	For an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —			
	(i) in electronic format	21.40 per copy	21.40 per copy	6.45 per copy
	(ii) paper copy	2.10 per page	2.10 per page	0.60 per page

Note:

Fees under this item are payable in the case of an indictable offence dealt with summarily.

[Division 1 inserted in Gazette 15 Jun 2018 p. 2002-9.]

Division 2 — Civil jurisdiction*[Heading inserted in Gazette 15 Jun 2018 p. 2009.]*

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
1.	On filing any claim or any originating process to commence proceedings in the Court —			
	(a) for a claim not exceeding \$10 000	129.00	250.00	38.60
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	327.00	639.00	98.50
	(c) for a claim exceeding \$50 000	521.00	1 014.00	100.00
	Note:			
	Not payable in respect of applications referred to in item 10 or 11.			
2.	On filing a counterclaim, a set-off, a third party claim or any other application for which no fee has been provided in this Division —			
	(a) for a claim not exceeding \$10 000	83.50	163.00	24.90

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	152.50	253.00	45.70
	(c) for a claim exceeding \$50 000	243.00	405.00	72.50
3.	On commencing an appeal —			
	(a) for a claim not exceeding \$10 000	42.90	110.50	12.90
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	64.50	168.00	19.30
	(c) for a claim exceeding \$50 000	86.50	226.00	25.90

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
4.	Application for hearing —			
	(a) for a claim not exceeding \$10 000	204.00	395.00	60.50
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	371.00	714.00	100.00
	(c) for a claim exceeding \$50 000	412.00	798.00	100.00

Note 1:

No fee is payable for applications for hearing of matters dealt with under the minor cases procedure, residential tenancies proceedings, applications referred to in item 10 or 11 or for relisting a hearing, or if the proceedings are of an interlocutory nature only.

Note 2:

No fee is payable in respect of listing an appeal for hearing.

Note 3:

No fee is payable by the defendant for applications for hearing of a set-off or counterclaim providing this fee has been paid previously by the applicant.

Note 4:

Includes pre-trial conference, mediation conference, directions hearing and listing conference.

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
5.	For allocation of a date or dates of hearing of an application, appeal or proceedings, for each half day allocated —			
	(a) for a claim not exceeding \$10 000	117.00	306.00	35.20
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	206.00	535.00	62.00
	(c) for a claim exceeding \$50 000	295.00	762.00	88.00

Note 1:

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications referred to in item 10 or 11.

Note 2:

No fee is payable if the proceedings are of an interlocutory nature only.

Note 3:

The fee to be charged is to be determined on the basis that the days allocated for a hearing are the number of days determined by the Court at a listing conference.

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$

Note 4:

The fee is to be refunded or transferred to a new allocated date or dates if the Court or registrar is satisfied that an adjournment was due to circumstances beyond the control of the parties. Otherwise the fee is non-refundable in respect of any allocated dates that are not required.

Note 5:

If written advice of settlement or written notice of intended adjournment is received by the Court no later than 35 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 75% of the fee is refundable. If written advice of settlement or written notice of intended adjournment is received by the Court no later than 21 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 50% of the fee is refundable.

6.	Half daily hearing fee before the Court constituted by a magistrate —			
	(a) for a claim not exceeding \$10 000	117.00	306.00	35.20
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	206.00	535.00	62.00
	(c) for a claim exceeding \$50 000	295.00	762.00	88.00

Form 1

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$

Note 1:

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings, applications referred to in item 10 or 11 or if the proceedings are of an interlocutory nature only.

Note 2:

The fee to be charged is to be paid in respect of any number of hearing days or half days greater than the number of hearing days for which a fee has been paid under item 5.

Note 3:

The daily fee becomes payable on a day-to-day basis and is payable prior to the daily reconvening of the hearing.

7.	On filing of an interlocutory application or application for assessment of damages or summary judgment that requires hearing before a magistrate or registrar —			
	(a) for a claim not exceeding \$10 000	107.50	209.00	32.10
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	129.50	250.00	38.70
	(c) for a claim exceeding \$50 000	174.50	341.00	52.00

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$

Note 1:

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications referred to in item 10 or 11.

Note 2:

This fee is inclusive of the hearing of the application and includes any adjournment of the hearing.

Note 3:

This fee is not payable for matters dealt with in the absence of a party.

8.	On an appointment to assess a bill of costs —			
	(a) for a claim not exceeding \$10 000	107.50 plus 2.5%	209.00 plus 2.5%	32.10 plus 0.0%
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	129.50 plus 2.5%	250.00 plus 2.5%	38.70 plus 0.0%
	(c) for a claim exceeding \$50 000	174.50 plus 2.5%	341.00 plus 2.5%	52.00 plus 0.0%

Note 1:

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications referred to in item 10 or 11.

Note 2:

The % rate is to be applied to the amount at which the bill is drawn.

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$

Note 3:

If the parties agree on the bill of costs and the appointment is cancelled, the following percentage of the fee paid is to be refunded —

- (a) if the appointment is cancelled less than 3 days before the day of the appointment, nil;
- (b) if the appointment is cancelled 3 days or more and less than 10 days before the day of the appointment, 50%;
- (c) if the appointment is cancelled 10 days or more before the day of the appointment, 80%.

9. On the execution of an arrest warrant of any kind —

- | | | | | |
|-----|--|--------|--------|--------|
| (a) | for arresting the person | 141.50 | 141.50 | 141.50 |
| (b) | for conveying the person to a court or a custodial place and releasing the person from arrest or custody | 140.00 | 140.00 | 140.00 |

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
(c)	for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until the person is conveyed to a court or a custodial place	37.10	37.10	37.10
Note 1:				
The fee under paragraph (a) is payable whether or not the Sheriff's functions under the warrant are performed and includes up to 3 attempts to perform the functions at the same address.				
Note 2:				
The fee under paragraph (a) includes the costs of —				
<ul style="list-style-type: none"> (a) receiving and printing the warrant; and (b) attendances and inquiries before attempting arrest; and (c) giving any notice; and (d) making any report. 				
10.	For an application for an extraordinary drivers licence under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> section 27	211.00	N/A	63.50

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
11.	On filing —			
(a)	an application for a misconduct restraining order under the <i>Restraining Orders Act 1997</i>	128.00	128.00	38.40
(b)	an application under the <i>Disposal of Uncollected Goods Act 1970</i>	128.00	128.00	38.40
(c)	an application under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 101, 101AA or 101A	128.00	128.00	38.40
(d)	an application under the <i>Dividing Fences Act 1961</i>	128.00	128.00	38.40
(e)	an application under the <i>Pawnbrokers and Second-hand Dealers Act 1994</i>	128.00	128.00	38.40

[Division 2 inserted in Gazette 15 Jun 2018 p. 2009-18.]

Division 3 — Criminal jurisdiction*[Heading inserted in Gazette 15 Jun 2018 p. 2018.]*

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
1.	On filing —			
	(a) a prosecution notice	107.50	107.50	32.10
	(b) an application under the <i>Criminal Procedure Act 2004</i> section 71	107.50	107.50	32.10
2.	For the issue of a summons or court hearing notice to an accused	20.60	20.60	20.60
3.	For a warrant of any kind —			
	(a) issue of it	107.50	107.50	32.10
	(b) execution of it	140.00	140.00	140.00

[Division 3 inserted in Gazette 15 Jun 2018 p. 2018-19.]