



New South Wales

Civil Procedure Amendment (Fees) Regulation 2008

under the

Civil Procedure Act 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Civil Procedure Act 2005*.

JOHN HATZISTERGOS, M.L.C.,
Attorney General

Explanatory note

The object of this Regulation is to amend the *Civil Procedure Regulation 2005* (**the Principal Regulation**) so as:

- (a) to increase certain fees that are payable to the Sheriff and certain other fees that are payable in relation to civil proceedings generally, and
- (b) to bring into the Principal Regulation the fees payable in relation to proceedings before the Land and Environment Court in Class 1, 2, 3 or 4 of its jurisdiction.

This Regulation is made under the *Civil Procedure Act 2005*, including section 18 (Fees).

Clause 1 Civil Procedure Amendment (Fees) Regulation 2008

Civil Procedure Amendment (Fees) Regulation 2008

under the

Civil Procedure Act 2005

1 Name of Regulation

This Regulation is the *Civil Procedure Amendment (Fees) Regulation 2008*.

2 Commencement

This Regulation commences on 1 July 2008.

3 Amendment of Civil Procedure Regulation 2005

The *Civil Procedure Regulation 2005* is amended as set out in Schedule 1.

Civil Procedure Amendment (Fees) Regulation 2008

Amendments

Schedule 1

Schedule 1 Amendments

(Clause 3)

[1] Clause 4 Fees payable in relation to court proceedings

Insert after clause 4 (1) (a):

(a1) the Land and Environment Court,

[2] Clause 4 (2), note

Omit "Parts 1–3" and "Part 4".

Insert instead "Parts 1–4" and "Part 5" respectively.

[3] Clause 7 Persons by and to whom fees are payable

Omit "Part 4" from clause 7 (1A). Insert instead "Part 5".

[4] Schedules 1 and 2

Omit the Schedules. Insert instead:

Schedule 1 Court fees

(Clause 4)

Part 1 Supreme Court

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process (other than an originating process referred to in items 2–8)	\$718	\$1,436
2	Filing an originating process in the Equity Division for entry in the Commercial List or the Technology and Construction List	\$1,642	\$3,284
3	Filing an originating process in the Equity Division for entry in the Admiralty List	\$661	\$1,583
4	Filing an originating process by which an application for a grant or resealing of probate in respect of an estate the sworn gross value of which:		
	(a) is less than \$50,000	Nil	—

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(b) is \$50,000 or more but less than \$250,000	\$634	—
(c) is \$250,000 or more but less than \$500,000	\$800	—
(d) is \$500,000 or more but less than \$1,000,000	\$1,206	—
(e) is \$1,000,000 or more	\$1,605	—
5 Filing in the Court of Appeal a notice of intention to appeal	\$236	\$472
6 Filing in the Court of Appeal a summons seeking leave to appeal or a cross-summons seeking leave to cross-appeal in respect of a matter where a notice of intention to appeal has been filed	\$562	\$1,124
7 Filing in the Court of Appeal a notice of appeal:		
(a) in proceedings in which leave to appeal has been granted	\$1,678	\$3,356
(b) in proceedings in which a notice of intention to appeal has been filed	\$2,240	\$4,480
(c) in any other proceedings	\$2,475	\$4,950
8 Filing in the Court of Appeal any other originating process	\$798	\$1,596
9 Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge	\$1,370	\$2,740
10 Filing a requisition for trial by jury	\$872	\$1,744
11 For retention of jury after the first day of trial	\$397 per day	\$794 per day
Note. The fees under this item are to be paid by the party requesting a jury for the trial.		
12 On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$652	—
13 Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$497	\$994

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Amendments

Schedule 1

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
14 Hearing of proceedings by one of more judges, for each half day of hearing on or after the 11th day Note. For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.	\$255	\$510
15 Hearing of proceedings by an associate judge, for each half day of hearing on or after the 11th day Note. For the purposes of this item, a half day comprises a period of 3 hours or less, such period to include any adjournment of less than half an hour.	\$230	\$460
16 Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages	\$570 per volume	\$1,140 per volume
17 Filing a notice of motion	\$166	\$332
18 Lodging a will otherwise than as an attachment to an originating process by which an application for a grant or resealing of probate is made	\$35	—
19 Preparing a copy of a will	\$48	—
20 Conducting a genealogical search on a probate file (for each file searched)	\$91	—
21 Conducting a search for an application for a grant or resealing of probate (for each file searched)	\$48	—
22 Lodging a caveat against an application for a grant or resealing of probate	\$34	\$68
23 Conducting an adoption search (for each file searched)	\$48	—
24 Issuing a registrar's certificate as to the signature of a public notary	\$48	—

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Schedule 1 Amendments

Part 2 Land and Environment Court

Note. Fees that are payable in relation to proceedings before the Land and Environment Court in Class 5, 6 or 7 of its jurisdiction are set out in regulations under the *Land and Environment Court Act 1979*.

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process in Class 1 of the Court's jurisdiction (other than an originating process referred to in item 2)	\$718	\$1,436
2	Filing an originating process in Class 1 of the Court's jurisdiction under section 97 of the <i>Environmental Planning and Assessment Act 1979</i> where the matter relates to a development application (other than a development application relating to the subdivision of land) or to a building application, and where the value of the development or building:		
	(a) is less than \$500,000	\$718	\$1,436
	(b) is \$500,000 or more but less than \$1,000,000	\$3,286	\$4,362
	(c) is \$1,000,000 or more	\$4,104	\$5,452
3	Filing an originating process in Class 2 of the Court's jurisdiction (other than an originating process referred to in item 4)	\$718	\$1,436
4	Filing an originating process in Class 2 of the Court's jurisdiction where the matter relates to an application under the <i>Trees (Disputes Between Neighbours) Act 2006</i>	\$189	\$378
5	Filing an originating process in Class 3 of the Court's jurisdiction (other than an originating process referred to in item 6 or 7)	\$718	\$1,436
6	Filing an originating process in Class 3 of the Court's jurisdiction where the matter relates to an appeal or objection against a valuation of land, and where the value of the land, as determined by the respondent valuing authority:		
	(a) is less than \$500,000	\$252	\$504

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Amendments

Schedule 1

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(b) is \$500,000 or more but less than \$1,000,000	\$397	\$794
(c) is \$1,000,000 or more	\$718	\$1,436
7 Filing an originating process in Class 3 of the Court's jurisdiction where the matter relates to a claim for compensation for the compulsory acquisition of land, as referred to in section 24 of the <i>Land and Environment Court Act 1979</i> , and where the amount offered as compensation by the resuming or constructing authority:		
(a) is less than \$500,000	\$718	\$1,436
(b) is \$500,000 or more but less than \$1,000,000	\$3,286	\$4,362
(c) is \$1,000,000 or more	\$4,104	\$5,452
8 Filing an originating process in Class 4 of the Court's jurisdiction	\$718	\$1,436
9 Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	\$1,678	\$3,355
10 Filing a notice of motion	\$166	\$332

Part 3 District Court

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Filing an originating process (other than an originating process referred to in item 2)	\$512	\$1,024
2 Filing an originating process in relation to an appeal	\$212	\$424
3 Allocating a date for hearing of the proceedings by a judge, a judge and jury or a judicial registrar	\$547	\$1,094
4 Filing a requisition for trial by jury	\$875	\$1,750

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Schedule 1 Amendments

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
5	For retention of jury after the first day of trial Note. The fees under this item are to be paid by the party requesting a jury for the trial.	\$397 per day	\$794 per day
6	On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$648	—
7	Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$497	\$994
8	Filing a notice of motion	\$66	\$132

Part 4 Local Courts

	Column 1	Column 2	Column 3
	Matter for which fee payable	Standard fee	Corporation fee
1	Filing an originating process, under Part 7 of the <i>Local Courts Act 1982</i> , in a Local Court sitting in its General Division	\$189	\$378
2	Filing an originating process, under Part 7 of the <i>Local Courts Act 1982</i> , in a Local Court sitting in its Small Claims Division	\$77	\$154
3	Filing an application notice under Part 6 of the <i>Local Courts Act 1982</i>	\$73	—
4	Filing an application for an order for the rehearing of proceedings under Division 3 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$328	\$656
5	Serving or attempting service by post of originating process by a Local Court	\$33 for each address to which process posted	—
6	Filing a notice of motion	\$66	\$132
7	Filing a notice of appeal, or application for leave to appeal, to the District Court under Part 3 of the <i>Crimes (Appeal and Review) Act 2001</i> , as applied to proceedings under Part 6 of the <i>Local Courts Act 1982</i> :		

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Schedule 1

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(a) in relation to a single notice	\$89	—
(b) in relation to more than 1 notice arising from the same court appearance	\$48	—

Part 5 Miscellaneous court fees

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
1 Issuing a subpoena (for production, to give evidence, or both)	\$64	\$128
2 Receipt by the registrar of a document or thing produced in compliance with a notice to produce under Part 34 of the <i>Uniform Civil Procedure Rules 2005</i>	\$64	\$128
3 Filing or registering a copy or certificate of a judgment, order, determination, decree, adjudication or award of any other court or person under section 133 of the <i>Civil Procedure Act 2005</i>	\$72	\$144
4 Opening or keeping open the registry or part of the registry:	\$566	\$1,132
(a) on a Saturday, Sunday or public holiday or		
(b) on any other day before 9 am or after 5 pm		
5 Requesting production to the court of documents held by another court	\$48	\$96
6 Furnishing a sealed or certified copy of a judgment or order, or of the written opinion or reasons for opinion of any judicial or other officer of the court	\$48	—
7 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by item 6)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages	—

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Schedule 1 Amendments

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
8 Retrieving and providing access to, but not furnishing a copy of, any document	Nil	—
9 Supplying a duplicate tape recording of sound-recorded evidence	\$40 per cassette	—
10 Supplying a transcript of any proceedings:		
(a) where the matter being transcribed is under 3 months old	\$73, plus an additional \$8.90 for each page after the first 8 pages	—
(b) where the matter being transcribed is 3 months old or older	\$89, plus an additional \$10.20 for each page after the first 8 pages	—
11 Providing any service for which a fee is not otherwise imposed by this Schedule Note. A fee may not be imposed under this item except with the approval of the registrar.	\$34	\$68

Schedule 2 Sheriff's fees

(Clause 5)

Column 1	Column 2
Matter for which fee payable	Fee
1 Serving or attempting service of any document, including service by post and preparation of affidavit of service	\$52 for each address at which, and each occasion on which, service is effected or attempted
2 Executing or attempting execution of an arrest warrant under section 97 of the <i>Civil Procedure Act 2005</i>	\$64 for each address at which, and each occasion on which, execution is effected or attempted
3 Executing or attempting execution of a writ of possession under Part 8 of the <i>Civil Procedure Act 2005</i>	\$267 for each address at which, and each occasion on which, execution is effected or attempted

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Column 1	Column 2
Matter for which fee payable	Fee
4 Executing or attempting execution of a writ of delivery under Part 8 of the <i>Civil Procedure Act 2005</i>	\$64 for each address at which, and each occasion on which, execution is effected or attempted
5 Executing or attempting execution of a writ for the levy of property under Part 8 of the <i>Civil Procedure Act 2005</i> Note. The 3% levy in Column 2 is not payable in relation to writs executed by the Marshal in Admiralty	\$64 for each address at which, and each occasion on which, execution is effected or attempted, plus 3% of the proceeds of enforcement
6 Executing or attempting execution of any court process (other than a warrant or writ referred to in item 2, 3, 4 or 5)	\$267 for each address at which, and each occasion on which, execution is effected or attempted
7 Preparing for sale of land following receipt of notice of sale from judgment creditor (UCPR rule 39.22)	\$653
8 Furnishing a certified copy of a writ for the levy of property for registration under section 105A of the <i>Real Property Act 1900</i>	\$18
9 Providing Sheriff's officers to guard property seized under a writ of execution under Part 8 of the <i>Civil Procedure Act 2005</i>	\$356 per Sheriff's officer per day
10 Attending a view by a jury in civil proceedings	\$142
11 Opening or keeping open the Sheriff's office on a Saturday, Sunday or public holiday or on any other day before 9 am or after 5 pm	\$570
12 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided by item 8)	\$10, plus \$5 for each 10 pages (or part thereof) after the first 20 pages