

Schedule 1 — Court fees

[r. 105]

[Heading inserted in Gazette 7 Jul 2017 p. 3733.]

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	For an application or request under the Act —			
	(a) a judgment not exceeding \$10 000	100.00	150.50	30.10
	(b) all other judgments	162.50	244.00	48.70
<p>Note 1: The fee is payable only once on the first application or request by a judgment creditor or other person entitled to the benefit of the judgment.</p> <p>Note 2: No fee is payable in relation to interpleader proceedings.</p> <p>Note 3: No fee is payable for registering a judgment or order of a court or tribunal of the State for the purpose of enforcing the judgment or order.</p> <p>Note 4: No fee is payable for an application or request brought by a person other than a judgment creditor or other person entitled to the benefit of the judgment.</p> <p>Note 5: The fee payable on an application relating to an order made in the exercise of the jurisdiction referred to in the <i>Residential Tenancies Act 1987</i> section 12A is the fee payable on an application in relation to a judgment not exceeding \$7 500.</p>				

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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 \$
2.	Registering a judgment in a court under the <i>Service and Execution of Process Act 1992</i> (Commonwealth) section 105(1)	85.00	112.50	25.50

[Schedule 1 inserted in Gazette 7 Jul 2017 p. 3733-4.]

Schedule 2 — Sheriff's fees

[r. 105]

Item	Action	Fee \$
1.	<ul style="list-style-type: none"> (a) Service of any process when personal service is not required under the Act (b) Service of any process when personal service is required under the Act (c) Service by post, including postage 	<ul style="list-style-type: none"> 51.00 71.50 35.00
	<p>Note 1: The fee under paragraphs (a) and (b) is payable whether or not the service is successful and covers up to 3 attempts at service at the same address.</p> <p>Note 2: The fee is not payable in respect of any process that is served in conjunction with any process requiring attendance at a court by the party to be served.</p> <p>Note 3: The fee includes the completion of any certificate of the service.</p>	
2.	<p>For enforcing a judgment by means of a property (seizure and sale) order</p>	<p>163.00</p>
	<p>Note 1: The fee is payable whether or not the Sheriff's functions under the order are performed and covers up to 3 attempts to perform the functions at the same address.</p> <p>Note 2: The fee includes —</p> <ul style="list-style-type: none"> (a) receipt of the order; and (b) attendances and inquiries before attempting seizure; and (c) service of any notice required before seizure; and (d) seizure and preparing an inventory of any personal property seized; and (e) granting walking possession; and (f) making a report to the creditor. 	
3.	<p>For enforcing a judgment by means of a property (seizure and delivery) order</p>	<p>130.00</p>
	<p>Note 1: The fee is payable whether or not the Sheriff's functions under the order are performed and covers up to 3 attempts to perform the functions at the same address.</p>	

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Item	Action	Fee \$
	<p>Note 2: The fee includes —</p> <ul style="list-style-type: none"> (a) receipt of the order; and (b) attendances and inquiries before attempting seizure and delivery; and (c) an appointment to deliver property; and (d) removal of a person from land; and (e) supervision of lock and security changes to premises; and (f) securing seized property; and (g) delivering seized property to the person entitled to it in accordance with the order; and (h) making a report to the person entitled to the benefit of the order. 	
4.	Inspection of personal property under seizure	69.00
	<p>Note 1: If the Sheriff has several enforcement orders, one fee is payable for the first enforcement order in priority.</p>	
5.	For possession of personal property under seizure per day	7.55
	<p>Note 1: Payable for actual possession of personal property seized.</p> <p>Note 2: The fee is payable for a maximum of 10 days.</p> <p>Note 3: If this fee is paid, a fee is not payable under item 16(d).</p>	
6.	<p>If travel is necessary to perform a function under an enforcement order, to serve a process or document, to make an arrest under a warrant or for an attempt, attendance or inspection from the Sheriff's or a bailiff's office —</p> <ul style="list-style-type: none"> (a) for each kilometre travelled (one way) in the metropolitan area (b) for each kilometre travelled (one way) outside the metropolitan area 	<p>1.85</p> <p>2.05</p>

Item	Action	Fee \$
	<p>Note 1: If more than one of the actions referred to in item 6 is done in relation to the same person or on different persons at the same address, only one fee for kilometres travelled is to be charged.</p> <p>Note 2: The Sheriff may allow an enforcement officer an additional fee for travel to meet or partially offset any additional expenses arising from special and unusual circumstances.</p>	
7.	<p>Preparation for the sale of real or personal property</p> <p>Note 1: The fee includes —</p> <ul style="list-style-type: none"> (a) REVS and other official records searches; and (b) bill of sale or encumbrance searches or investigation; and (c) carrying out an advertising program; and (d) preparing particulars and conditions of sale. 	685.00
8.	<p>Attendance at sale</p> <p>Note 1: The fee includes —</p> <ul style="list-style-type: none"> (a) conducting a sale; and (b) cancelling a sale. 	109.00
9.	<p>Commission for enforcing a judgment by means of a property (seizure and sale) order or for money recovered by the Sheriff or judgment creditor after seizure under the order —</p> <ul style="list-style-type: none"> (a) For amounts up to and including \$13 500, a fee at the rate of (b) For the balance over \$13 500, a fee at the rate of <p>Note 1: For the purpose of this item, <i>seizure</i> includes —</p> <ul style="list-style-type: none"> (a) in respect of real property, registering a property (seizure and sale) order under the <i>Transfer of Land Act 1893</i> or the <i>Registration of Deeds Act 1856</i>; or (b) the seizure of personal property in the possession or apparent possession of the judgment debtor; or (c) the seizure of books of account in the possession of the judgment debtor. 	<p>5.00%</p> <p>2.50%</p>

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Item	Action	Fee \$
	<p>Note 2: If money is recovered as a consequence of a sale conducted by a licensed auctioneer instructed by the Sheriff, commission is to be charged at one half the rate prescribed in item 9.</p> <p>Note 3: If a sale, whether by public auction or otherwise, is conducted by the Sheriff without the involvement of an auctioneer or agent, the commission rate prescribed in item 9(a) is to be increased by 1.00%.</p> <p>Note 4: Commission is to be calculated on the amount recovered or the judgment sum, whichever is the lesser.</p>	
10.	<p>Commission for delivering possession of property.</p> <p>Personal property, assessed on the value of the property delivered —</p> <p>(a) For amounts up to and including \$13 500, a fee at the rate of 5.00%</p> <p>(b) For the balance over \$13 500, a fee at the rate of 2.50%</p> <p>Real property, assessed on the annual rental value of the property delivered —</p> <p>(a) For amounts up to and including \$13 500, a fee at the rate of 5.00%</p> <p>(b) For the balance over \$13 500, a fee at the rate of 2.50%</p> <p>Note 1: If real property is delivered in accordance with a property (seizure and delivery) order made by the Magistrates Court, the maximum amount payable under this item is \$357.00.</p>	
11.	<p>On the execution of an arrest warrant of any kind —</p> <p>(a) for preparing to arrest, and arresting, the person 130.00</p> <p>(b) for conveying the person from the place of arrest to appear before a judicial officer in a</p>	

Item	Action	Fee \$
	court, or to a custodial place, and releasing the person from arrest or custody	130.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until he or she is conveyed to a court or a custodial place	34.50
	<p>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.</p> <p>Note 2: The fee under paragraph (a) includes —</p> <ul style="list-style-type: none"> (a) receipt of the warrant; and (b) attendances and inquiries before attempting arrest; and (c) giving any notice; and (d) making any report. <p>Note 3: The fee under paragraph (b) is payable whether or not the place of arrest is the court building or custodial place and whether or not the person is conveyed to a court or a custodial place in a vehicle</p>	
12.	For each half hour or part of a half hour that it is necessary for an enforcement officer to engage an assistant to perform a function — <ul style="list-style-type: none"> (a) in relation to the execution of an arrest warrant; or (b) in accordance with a property (seizure and delivery) order; or (c) in accordance with a property (seizure and sale) order 	34.50

Item	Action	Fee \$
13.	If an enforcement officer is necessarily put to and incurs extra trouble and expense in the discharge of a function incidental to his or her office, employment or engagement or for the performance of a function not otherwise provided for in this Schedule.	A sum or additional sum that the Sheriff may reasonably allow.
14.	For auctioneer's or agent's commission, advertising and sundry expenses on account of sale by auction or otherwise of real or personal property, whether or not the sale takes place.	A fee fixed in accordance with a recognised scale of charges for auctioneers or agents in the State or such other fee as the Sheriff may reasonably allow.
15.	If a sale of real or personal property takes place by auction or private contract or if no sale takes place —	
	(a) for advertising and giving publicity to the sale or intended sale, printing catalogues and bills and distributing and posting them;	The sums actually and reasonably paid.
	(b) for labour, if any, employed in lotting and showing personal property, preparing catalogues and, if a sale takes place by auction, attending the sale and supervising the removal of property by its purchaser;	
	(c) travelling expenses.	

Item	Action	Fee \$
16.	<p><i>[(a) deleted]</i></p> <p>(b) For out of pocket expenses incurred by an enforcement officer while performing a function in accordance with an enforcement order or executing a warrant;</p> <p>(c) For clerical assistance when necessary;</p> <p>(d) For storing personal property which has been seized and insuring the property for loss due to fire, theft or damage and, in the case of a motor vehicle, for accident and third party risk;</p> <p>(e) For removal or cartage expenses;</p> <p>(f) For agistment, costs of care and feed and other necessary costs in respect of animals or livestock under seizure, whether or not they are removed.</p>	The sums actually and reasonably paid.
17.	If GST (as defined in section 195-1 of the <i>A New Tax System (Goods and Services Tax) Act 1999</i> of the Commonwealth) is payable on a service listed in this Schedule of fees, the fee for the service is the applicable fee in this Schedule, increased by 10%.	
18.	Issue of a duplicate of an enforcement order or a document	16.40
19.	Copies of documents —	
	(a) Copies of enforcement orders, for each page	1.70
	(b) For certifying that a document is a true copy, an additional fee of	19.85

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[Schedule 2 amended in Gazette 23 Jun 2006 p. 2176-7; 26 Jun 2007 p. 3038-9; 27 Jun 2008 p. 3074; 23 Dec 2008 p. 5471; 4 Sep 2009 p. 3486-7; 27 Nov 2009 p. 4786; 8 Mar 2011 p. 797; 20 Dec 2011 p. 5394-5; 30 Nov 2012 p. 5798-9; 15 Nov 2013 p. 5254-5; 27 Jun 2014 p. 2335-6; 10 Apr 2015 p. 1254-5; 19 Jun 2015 p. 2116-17; 14 Jun 2016 p. 1869-70; 7 Jul 2017 p. 3734-5.]

**Schedule 3 — Fees to be paid for anything done by the
 Marshal in Admiralty**

[r. 105]

		\$
1.	For receiving and entering a warrant or release	115.50
2.	For receiving and entering a writ of summons, decree, order, commission, or other instrument under the seal of the Supreme Court	46.00
3.	For service of writ of summons	109.00
4.	For executing a warrant for the arrest of a ship or other property	271.00
5.	For service of a writ of summons at the same time as a warrant of arrest is executed, in lieu of items 3 and 4	329.00
6.	For the execution of an attachment — for each person	109.00
7.	For the release from arrest of a vessel, goods, or person	69.50
8.	For attending the discharge of cargo, or removal of a vessel or goods, per hour	69.50
9.	For the execution of a commission of appraisement or sale, or appraisement and sale, in addition to the fees paid to the appraiser or auctioneer	233.00
10.	For the execution of a decree or order, commission, or other instrument other than those herein provided	109.00
11.	Commission on the gross proceeds of a vessel or goods, etc., sold —	
	For amounts up to and including \$63 000 a fee at the rate of	4%
	For the balance over \$63 000 a fee at the rate of	2%

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Schedule 3 Fees to be paid for anything done by the Marshal in Admiralty

	\$
12. (a) For retaining possession of a vessel with or without cargo, or of a cargo without a vessel, the expenses per day actually paid in respect of a shipkeeper or shipkeepers	The sum actually and reasonably paid.
(b) For each day or part of a day that the Marshal retains possession of a vessel with or without cargo, or of a cargo without a vessel, in addition to (a) above	69.00
NOTE: If the possession is for a lengthy period, this fee may be reduced at the discretion of the Marshal.	
(c) For the safe custody of property under arrest	The sum actually and reasonably paid.
NOTE: No fee is payable for the custody and possession of property under arrest if it consists of money in a bank, or of goods stored in a bonded warehouse, or if it is in the custody of a customs house officer, or other authorised person.	
13. If the Marshal or any of his or her officers is required to travel for the purpose of discharging his or her duty, in addition to the above fees.	Reasonable expenses for travelling, board and maintenance.
14. If the Marshal or other person employed under the Marshal is necessarily put to and incurs extra trouble and expense in the discharge of any duty incidental to his or her office or employment or for any duty or service not herein provided.	A sum or additional sum that the Marshal may reasonably allow.

[Schedule 3 amended in Gazette 23 Jun 2006 p. 2177; 26 Jun 2007 p. 3039; 27 Jun 2008 p. 3075; 4 Sep 2009 p. 3487; 8 Mar 2011 p. 797-8; 20 Dec 2011 p. 5395; 30 Nov 2012 p. 5799; 15 Nov 2013 p. 5255; 27 Jun 2014 p. 2336; 19 Jun 2015 p. 2117-18; 14 Jun 2016 p. 1871; 7 Jul 2017 p. 3735-6.]