

Schedule 1 — Court fees

[r. 105]

[Heading inserted in Gazette 15 Jun 2018 p. 1970.]

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
1.	For an application or request under the Act —			
	(a) a judgment not exceeding \$10 000	107.50	162.00	32.40
	(b) all other judgments	174.50	262.00	52.50

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.

Note 2:

No fee is payable in relation to interpleader proceedings.

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.

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.

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
	<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 \$10 000.</p>			
2.	Registering a judgment in a court under the <i>Service and Execution of Process Act 1992</i> (Commonwealth) section 105(1)	91.50	121.00	27.40

[Schedule 1 inserted in Gazette 15 Jun 2018 p. 1970-1.]

Schedule 2 — Sheriff’s fees

[r. 105]

[Heading inserted in Gazette 15 Jun 2018 p. 1971.]

Item	Action	Fee \$
1.	(a) Service of any process when personal service is not required under the Act	56.50
	(b) Service of any process when personal service is required under the Act	78.50
	(c) Service by post, including postage	37.60
	<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 costs of receiving and printing the process and the completion of any certificate of the service.</p>	
2.	For enforcing a judgment by means of a property (seizure and sale) order	177.00
	<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>	

Item	Action	Fee \$
	Note 2: The fee includes the costs of — <ol style="list-style-type: none">receiving and printing the order; andattendances and inquiries before attempting seizure; andservice of any notice required before seizure; andseizure and preparing an inventory of any personal property seized; andgranting walking possession; andmaking a report to the creditor.	
3.	For enforcing a judgment by means of a property (seizure and delivery) order	141.50
	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. Note 2: The fee includes the costs of — <ol style="list-style-type: none">receiving and printing the order; andattendances and inquiries before attempting seizure and delivery; andan appointment to deliver property; andremoval of a person from land; andsupervision of lock and security changes to premises; andsecuring seized property; anddelivering seized property to the person entitled to it in accordance with the order; andmaking a report to the person entitled to the benefit of the order.	

Item	Action	Fee \$
4.	Inspection of personal property under seizure Note: If the Sheriff has several enforcement orders, 1 fee is payable for the first enforcement order in priority.	74.00
5.	For possession of personal property under seizure per day Note 1: Payable for actual possession of personal property seized. Note 2: The fee is payable for a maximum of 10 days. Note 3: If this fee is paid, a fee is not payable under item 16(d).	8.10
6.	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 —	
	(a) for each kilometre travelled (1 way) in the metropolitan area	2.00
	(b) for each kilometre travelled (1 way) outside the metropolitan area	2.20
	Note 1: If more than 1 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 1 fee for kilometres travelled is to be charged. 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.	

Item	Action	Fee \$
7.	Preparation for the sale of real or personal property Note: The fee includes — (a) Personal Property Securities Register 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.	736.00
8.	Attendance at sale Note: The fee includes — (a) conducting a sale; and (b) cancelling a sale.	117.00
9.	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 — (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	5.00% 2.50%

Item	Action	Fee \$
	<p>Note 1:</p> <p>For the purpose of this item, seizure includes —</p> <p>(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>; and</p> <p>(b) the seizure of personal property in the possession or apparent possession of the judgment debtor; and</p> <p>(c) the seizure of books of account in the possession of the judgment debtor.</p> <p>Note 2:</p> <p>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:</p> <p>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:</p> <p>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</p> <p>(b) for the balance over \$13 500, a fee at the rate of</p> <p>Real property, assessed on the annual rental value of the property delivered —</p>	<p>5.00%</p> <p>2.50%</p>

Item	Action	Fee \$
	(a) for amounts up to and including \$13 500, a fee at the rate of	5.00%
	(b) for the balance over \$13 500, a fee at the rate of	2.50%
	Note: 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 \$384.00.	
11.	On the execution of an arrest warrant of any kind —	
	(a) for preparing to arrest, and arresting, the person	141.50
	(b) for conveying the person from the place of arrest to appear before a judicial officer in a court, or to a custodial place, and releasing the person from arrest or custody	140.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until the person is conveyed to a court or a custodial place	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.

Item	Action	Fee \$
	<p>Note 2:</p> <p>The fee under paragraph (a) includes the costs of —</p> <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. <p>Note 3:</p> <p>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.	<p>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 —</p> <ul style="list-style-type: none"> (a) in relation to the execution of an arrest warrant (b) in accordance with a property (seizure and delivery) order (c) in accordance with a property (seizure and sale) order 	<p>37.10</p> <p>37.10</p> <p>37.10</p>
13.	<p>If an enforcement officer is necessarily put to and incurs extra trouble and expense in the discharge of a function incidental to the officer's office, employment or engagement or for the performance of a function not otherwise provided for in this Schedule</p>	<p>A sum or additional sum that the Sheriff may reasonably allow</p>

Item	Action	Fee \$
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 (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	The sums actually and reasonably paid
16.	(a) For out of pocket expenses incurred by an enforcement officer while performing a function in accordance with an enforcement order or executing a warrant	The sums actually and reasonably paid

Item	Action	Fee \$
	(b) For clerical assistance when necessary	
	(c) 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	
	(d) For removal or cartage expenses	
	(e) 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	
17.	If GST (as defined in the <i>A New Tax System (Goods and Services Tax) Act 1999</i> (Commonwealth) section 195-1) 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	17.65
19.	Copies of documents —	
	(a) copies of enforcement orders, for each page	1.85
	(b) for certifying that a document is a true copy, an additional fee of	21.30

[Schedule 2 inserted in Gazette 15 Jun 2018 p. 1971-9.]

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

[r. 105]

[Heading inserted in Gazette 15 Jun 2018 p. 1980.]

Item	Matter	Fee \$
1.	For receiving and entering a warrant or release	124.00
2.	For receiving and entering a writ of summons, decree, order, commission, or other instrument under the seal of the Supreme Court	49.50
3.	For service of a writ of summons	117.00
4.	For executing a warrant for the arrest of a ship or other property	291.00
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	354.00
6.	For the execution of an attachment — for each person	117.00
7.	For the release from arrest of a vessel, goods, or person	74.50
8.	For attending the discharge of cargo, or removal of a vessel or goods, per hour	74.50
9.	For the execution of a commission of appraisal or sale, or appraisal and sale, in addition to the fees paid to the appraiser or auctioneer	250.00
10.	For the execution of a decree or order, commission, or other instrument other than those provided for in another item of this Schedule	117.00
11.	Commission on the gross proceeds of a vessel or goods, etc., sold —	

Item	Matter	Fee \$
	(a) for amounts up to and including \$63 000 a fee at the rate of	4%
	(b) for the balance over \$63 000 a fee at the rate of	2%
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	74.00
	<p>Note:</p> <p>If the possession is for a lengthy period, this fee may be reduced at the discretion of the Marshal.</p>	
	(c) For the safe custody of property under arrest	The sum actually and reasonably paid
	<p>Note:</p> <p>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.</p>	
13.	If the Marshal or any of the Marshal's officers is required to travel for the purpose of discharging their duty, in addition to the above fees	Reasonable expenses for travelling, board and maintenance

Civil Judgments Enforcement Regulations 2005

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

Item	Matter	Fee \$
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 their office or employment or for any duty or service not provided for in another item of this Schedule	A sum or additional sum that the Marshal may reasonably allow

[Schedule 3 inserted in Gazette 15 Jun 2018 p. 1980-2.]