



New South Wales

Civil Procedure Further Amendment (Fees) Regulation 2009

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, MLC
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees payable in relation to civil proceedings generally and certain other fees that are payable to the Sheriff, and
- (b) to consolidate in a single fee the fees:
 - (i) for filing an originating process for the winding up or reinstatement of a corporation under the *Corporations Act 2001* of the Commonwealth, and
 - (ii) for furnishing a sealed copy of the winding up or reinstatement order, and
- (c) to remove a fee for lodging a will as that fee is now provided for in clause 4 of the *Succession Regulation 2008*.

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

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Clause 1 Civil Procedure Further Amendment (Fees) Regulation 2009

Civil Procedure Further Amendment (Fees) Regulation 2009

under the

Civil Procedure Act 2005

1 Name of Regulation

This Regulation is the *Civil Procedure Further Amendment (Fees) Regulation 2009*.

2 Commencement

This Regulation commences on 1 July 2009 and is required to be published on the NSW legislation website.

**Schedule 1 Amendment of Civil Procedure
Regulation 2005**

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 2–9)	\$749	\$1,498
2	Filing an originating process for the winding up or reinstatement of a corporation under the <i>Corporations Act 2001</i> of the Commonwealth Note. The fees under this item include the fee for the furnishing of a sealed copy of the winding up or reinstatement order set out in item 6 of Part 5.	\$799	\$1,548
3	Filing an originating process in the Equity Division for entry in the Commercial List or the Technology and Construction List	\$1,713	\$3,426
4	Filing an originating process in the Equity Division for entry in the Admiralty List	\$689	\$1,651
5	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	—
	(b) is \$50,000 or more but less than \$250,000	\$661	—
	(c) is \$250,000 or more but less than \$500,000	\$834	—

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Schedule 1 Amendment of Civil Procedure Regulation 2005

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
(d) is \$500,000 or more but less than \$1,000,000	\$1,258	—
(e) is \$1,000,000 or more	\$1,674	—
6 Filing in the Court of Appeal a notice of intention to appeal	\$246	\$492
7 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	\$586	\$1,172
8 Filing in the Court of Appeal a notice of appeal:		
(a) in proceedings in which leave to appeal has been granted	\$1,750	\$3,500
(b) in proceedings in which a notice of intention to appeal has been filed	\$2,336	\$4,672
(c) in any other proceedings	\$2,581	\$5,162
9 Filing in the Court of Appeal any other originating process	\$832	\$1,664
10 Allocating a date for hearing of the proceedings by one or more judges, a judge and jury or an associate judge	\$1,429	\$2,858
11 Filing a requisition for trial by jury	\$909	\$1,818
12 For retention of jury after the first day of trial	\$414 per day	\$828 per day
Note. The fees under this item are to be paid by the party requesting a jury for the trial.		
13 On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$680	—
14 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>	\$518	\$1,036

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
15 Hearing of proceedings by one or more judges, for each half day of hearing on or after the 2nd 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.	\$360	\$720
16 Hearing of proceedings by an associate judge, for each half day of hearing on or after the 2nd 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.	\$324	\$648
17 Preparing appeal papers (for such number of copies as the registrar orders to be printed) in volumes of not more than 250 pages	\$595 per volume	\$1,190 per volume
18 Filing a notice of motion	\$173	\$346
19 Preparing a copy of a will	\$50	—
20 Conducting a genealogical search on a probate file (for each file searched)	\$95	—
21 Conducting a search for an application for a grant or resealing of probate (for each file searched)	\$50	—
22 Lodging a caveat against an application for a grant or resealing of probate	\$35	\$70
23 Conducting an adoption search (for each file searched)	\$50	—
24 Issuing a registrar's certificate as to the signature of a public notary	\$50	—

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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 Part 1 of Schedule 3 to the *Criminal Procedure Regulation 2005*.

	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)	\$749	\$1,498
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	\$749	\$1,498
	(b) is \$500,000 or more but less than \$1,000,000	\$3,427	\$4,550
	(c) is \$1,000,000 or more	\$4,280	\$5,686
3	Filing an originating process in Class 2 of the Court's jurisdiction (other than an originating process referred to in item 4)	\$749	\$1,498
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>	\$197	\$394
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)	\$749	\$1,498
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	\$263	\$526

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	\$414	\$828
(c) is \$1,000,000 or more	\$749	\$1,498
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	\$749	\$1,498
(b) is \$500,000 or more but less than \$1,000,000	\$3,427	\$4,550
(c) is \$1,000,000 or more	\$4,280	\$5,686
8 Filing an originating process in Class 4 of the Court's jurisdiction	\$749	\$1,498
9 Filing an originating process in Class 8 of the Court's jurisdiction	\$197	\$394
10 Filing a process to commence an appeal to the Court under section 56A of the <i>Land and Environment Court Act 1979</i>	\$1,750	\$3,500
11 Filing a notice of motion	\$173	\$346

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)	\$534	\$1,068
2 Filing an originating process in relation to an appeal	\$221	\$442
3 Allocating a date for hearing of the proceedings by a judge, a judge and jury or a judicial registrar	\$571	\$1,142

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Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
4 Filing a requisition for trial by jury	\$913	\$1,826
5 For retention of jury after the first day of trial	\$414 per day	\$828 per day
Note. The fees under this item are to be paid by the party requesting a jury for the trial.		
6 On referral of proceedings for arbitration under Division 2 of Part 5 of the <i>Civil Procedure Act 2005</i>	\$676	—
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>	\$518	\$1,036
8 Filing a notice of motion	\$69	\$138

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	\$197	\$394
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	\$80	\$160
3 Filing an application notice under Part 6 of the <i>Local Courts Act 1982</i>	\$76	—
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>	\$342	\$684
5 Serving or attempting service by post of originating process by a Local Court	\$34 for each address to which process posted	—
6 Filing a notice of motion	\$69	\$138

Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
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> :		
(a) in relation to a single notice	\$93	—
(b) in relation to more than 1 notice arising from the same court appearance	\$50	—

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)	\$67	\$134
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>	\$67	\$134
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>	\$75	\$150
4 Opening or keeping open the registry or part of the registry:	\$590	\$1,180
(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	\$50	\$100
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	\$50	—

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Column 1	Column 2	Column 3
Matter for which fee payable	Standard fee	Corporation fee
7 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided for by items 6, 8 and 10)	\$10.40, plus \$5.20 for each 10 pages (or part thereof) after the first 20 pages	—
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	\$42 per cassette	—
10 Supplying a copy of a transcript of any proceedings:		
(a) where the matter being transcribed is under 3 months old	\$76, plus an additional \$9.30 for each page after the first 8 pages	—
(b) where the matter being transcribed is 3 months old or older	\$93, plus an additional \$10.60 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.	\$35	\$70

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	\$54 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>	\$67 for each address at which, and each occasion on which, execution is effected or attempted

Column 1	Column 2
Matter for which fee payable	Fee
3 Executing or attempting execution of a writ of possession under Part 8 of the <i>Civil Procedure Act 2005</i>	\$278 for each address at which, and each occasion on which, execution is effected or attempted
4 Executing or attempting execution of a writ of delivery under Part 8 of the <i>Civil Procedure Act 2005</i>	\$67 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	\$67 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)	\$278 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)	\$681
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>	\$19
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>	\$371 per Sheriff's officer per day
10 Attending a view by a jury in civil proceedings	\$148
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	\$595
12 Retrieving, providing access to and furnishing a copy of any document (otherwise than as provided by item 8)	\$10.40, plus \$5.20 for each 10 pages (or part thereof) after the first 20 pages