

Civil Procedure Regulation 2017

[2017-435]



New South Wales

Status Information

Currency of version

Current version for 1 July 2024 to date (accessed 17 January 2025 at 9:55)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2025

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Civil Procedure Regulation 2017



New South Wales

Contents

| | |
|---|----|
| Part 1 Preliminary | 4 |
| 1 Name of Regulation | 4 |
| 2 Commencement | 4 |
| 3 Definitions | 4 |
| Part 2 Fees generally | 5 |
| 4 Fees payable in relation to court proceedings | 5 |
| 4A (Repealed) | 6 |
| 5 Fees payable in relation to functions exercised by Sheriff | 6 |
| 5A Annual adjustment of fees—the Act, s 18 | 6 |
| 6 Fees payable in relation to functions exercised by Marshal in Admiralty | 6 |
| 7 Persons by and to whom fees are payable | 7 |
| 8 When fees become due | 7 |
| Part 3 Hearing allocation fees and hearing fees | 7 |
| 9 Payment of hearing allocation fees | 7 |
| 10 Payment of hearing fees | 8 |
| Part 4 Waiver, postponement and remission of fees | 8 |
| 11 General power to waive, postpone and remit fees | 8 |
| 12 Postponement of fees for pro bono parties | 9 |
| 13 Postponement of fees for legally assisted persons | 9 |
| Part 5 Miscellaneous | 10 |
| 14 (Repealed) | 10 |

| | |
|---|-----------|
| 15 Delegation of functions | 10 |
| 16 Certain domestic and personal violence proceedings excluded from certain provisions of Parts 3-9 of Act | 10 |
| 17 Savings | 10 |
| 18 Transitional provisions—fees | 10 |
| Schedule 1 Court fees | 10 |
| Schedule 2 Sheriff’s fees | 19 |
| Schedule 3 Adjustment of fees for inflation | 20 |

Civil Procedure Regulation 2017



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Civil Procedure Regulation 2017*.

2 Commencement

This Regulation commences on 1 September 2017 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Civil Procedure Regulation 2012*, which is repealed on 1 September 2017 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation—

corporation has the same meaning as in section 57A of the *Corporations Act 2001* of the Commonwealth.

fee unit—see Schedule 3, clause 2(1).

grant of representation means a grant of probate, letters of administration or letters of administration with the will annexed.

hearing allocation fee means a fee for allocating a date for the hearing of proceedings.

hearing fee means a fee for the hearing of proceedings.

the Act means the *Civil Procedure Act 2005*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Fees generally

4 Fees payable in relation to court proceedings

- (1) This clause applies in relation to civil proceedings in the following courts—
 - (a) the Supreme Court,
 - (b) the Land and Environment Court,
 - (c) the District Court,
 - (d) the Local Court.
- (2) The fee that a person must pay in respect of a matter referred to in Column 1 of Schedule 1 is—
 - (a) the fee specified in respect of that matter in Column 2 of that Schedule, or
 - (b) if the person is a corporation or an incorporated partnership and a fee is specified in respect of that matter in Column 3 of that Schedule, the fee so specified.

Note—

The fees in relation to particular courts are set out in Parts 1-4 of Schedule 1. The fees common to all courts are set out in Part 5 of that Schedule.

- (2A) A fee specified in Schedule 1 is expressed as a fee unit unless otherwise specified.
- (3) For the avoidance of doubt, the fee payable by a corporation or an incorporated partnership that commences or carries on proceedings in the name of a natural person pursuant to a right of subrogation is the fee applicable to a corporation or an incorporated partnership.
- (4) Despite subclauses (2) and (3), the fee payable by a corporation or an incorporated partnership that produces evidence, satisfactory to a registrar of the court—
 - (a) that its turnover, in the financial year of the corporation or incorporated partnership immediately preceding the financial year in which the fees are to be taken, was less than \$200,000, or
 - (b) if the corporation or incorporated partnership has not been in existence for a full financial year, that its turnover in its first financial year is likely to be less than \$200,000,is the fee specified in Column 2 of Schedule 1.
- (5) Despite subclause (2), no fee is payable in relation to the filing of notice of motion for any of the following—
 - (a) an application for the issue of any process for which a fee is otherwise payable

under Schedule 1,

- (b) an application for an instalment order,
 - (c) an application for a writ of execution,
 - (d) an application for a garnishee order,
 - (e) an application for a charging order,
 - (f) an application for a default judgment,
 - (g) any application in relation to proceedings in the Local Court sitting in its Small Claims Division other than an application for an examination order.
- (6) Despite subclause (2), no fee is payable in relation to the filing of an originating process by which a question of law is referred to the Supreme Court for decision under—
- (a) section 61 of the *Australian Securities and Investments Commission Act 2001* of the Commonwealth, or
 - (b) section 659A of the *Corporations Act 2001* of the Commonwealth.
- (7) (Repealed)

4A (Repealed)

5 Fees payable in relation to functions exercised by Sheriff

The fee that a person must pay in relation to a matter referred to in Column 1 of Schedule 2 is the fee specified in respect of that matter in Column 2 of that Schedule.

5A Annual adjustment of fees—the Act, s 18

For the Act, section 18(1)(a), (c), (e) and (f), the fee payable by a person in relation to matters specified in those paragraphs must be adjusted for inflation in accordance with Schedule 3.

6 Fees payable in relation to functions exercised by Marshal in Admiralty

- (1) In any civil proceedings in the Admiralty List in the Equity Division of the Supreme Court, a fee is payable to the Marshal in Admiralty in relation to any matter for which a fee is payable to the Sheriff in any other civil proceedings.
- (2) The fee payable to the Marshal in Admiralty in relation to the matter is the same as the fee payable to the Sheriff in relation to that matter.

7 Persons by and to whom fees are payable

- (1) Any fee imposed by Schedule 1 or 2 (other than a hearing allocation fee or hearing fee) is payable by the person at whose request the relevant document is filed or service rendered—
 - (a) in the case of a fee imposed by Schedule 1—to the registrar of the court, and
 - (b) in the case of a fee imposed by Schedule 2—to the registrar of the court or to the Sheriff.
- (2) For the purposes of subclause (1), the fee imposed by item 2 of Part 5 of Schedule 1 is taken to be payable by the person who served the notice to produce under Part 34 of the *Uniform Civil Procedure Rules 2005*.
- (3) If a document is filed or service rendered at the request of a person acting as agent for another person, each of those persons is jointly and severally liable for payment of any fee.
- (4) For the purposes only of subclause (3), a solicitor or other person by whom a person is carrying on proceedings is taken to be acting as an agent for that person.

8 When fees become due

- (1) A fee imposed by Schedule 1 or 2 (other than a hearing allocation fee or hearing fee) becomes due when the document concerned is filed or the service concerned is rendered.
- (2) Despite subclause (1), a registrar who is requested to file a document or render a service may require the fee to be paid before the document is filed or the service rendered.

Part 3 Hearing allocation fees and hearing fees

9 Payment of hearing allocation fees

- (1) This clause applies in relation to civil proceedings in the Supreme Court or the District Court.
- (2) A hearing allocation fee in relation to any proceedings is payable—
 - (a) if the court makes an order as to the payment of the fee—by the parties in the proportions so ordered, or
 - (b) if the hearing involves a cross-claim only—by the cross-claimant, or
 - (c) in any other case—by the plaintiff (and not by any cross-claimant).
- (3) If a party is carrying on proceedings by a solicitor or other person, the party and

solicitor or other person are jointly and severally liable for the payment of the hearing allocation fee.

- (4) A hearing allocation fee is not payable in relation to an interlocutory hearing or to a trial for the assessment of damages only.
- (5) A hearing allocation fee becomes payable—
 - (a) immediately after a date is allocated for hearing the proceedings, or
 - (b) when the court or a registrar notifies the parties in writing of the court's intention to allocate a date for hearing the proceedings,whichever first occurs.

10 Payment of hearing fees

- (1) This clause applies in relation to civil proceedings in the Supreme Court or the District Court.
- (2) A hearing fee in relation to any proceedings is payable—
 - (a) if the court makes an order as to the payment of the fee—by the parties in the proportions so ordered, or
 - (b) if the hearing involves a cross-claim only—by the cross-claimant, or
 - (c) in any other case—by the plaintiff (and not by any cross-claimant).
- (3) If a party is carrying on proceedings by a solicitor or other person, the party and solicitor or other person are jointly and severally liable for the payment of the hearing fee.
- (4) A hearing fee is not payable in relation to a hearing that has as its sole purpose the delivery of a reserved judgment.
- (5) A hearing fee becomes payable when the court or a registrar gives written notice to the person liable to pay the hearing fee of the amount of the fee payable.

Part 4 Waiver, postponement and remission of fees

11 General power to waive, postpone and remit fees

- (1) The registrar of the court may, by order in writing, direct that the whole or part of a fee payable to the registrar be waived, postponed or remitted, subject to any conditions the registrar thinks fit to impose.
- (2) The Sheriff may, by order in writing, direct that the whole or part of a fee payable to the Sheriff be waived, postponed or remitted, subject to any conditions the Sheriff

thinks fit to impose.

- (3) The powers conferred by this clause are to be exercised in accordance with any guidelines published by the Attorney General.

12 Postponement of fees for pro bono parties

- (1) The taking of a fee in respect of the business of the court in relation to proceedings involving a pro bono party is, if the fee is payable by the party, to be postponed until judgment has been given in the proceedings.
- (2) The fee is not to be taken at all, or if taken must be remitted, if—
- (a) judgment is against the pro bono party, or
 - (b) judgment is in favour of the pro bono party, but—
 - (i) damages are not awarded (or only nominal damages are awarded) in his or her favour, and
 - (ii) costs are not awarded in his or her favour.
- (3) In this clause, **pro bono party** means a party to proceedings who is being represented under a pro bono scheme administered by the New South Wales Bar Association, the Law Society of New South Wales or the court.

13 Postponement of fees for legally assisted persons

- (1) The taking of a fee in respect of the business of the court in relation to proceedings involving a party who is a legally assisted person is, if the fee is payable by the party, to be postponed until judgment has been given in the proceedings.
- (2) The fee is not to be taken at all, or if taken must be remitted, if—
- (a) judgment is against the legally assisted person, or
 - (b) judgment is in favour of the legally assisted person, but—
 - (i) damages are not awarded (or only nominal damages are awarded) in his or her favour, and
 - (ii) costs are not awarded in his or her favour.
- (3) In this clause, **legally assisted person** means a person who is receiving—
- (a) legal assistance through a community legal service within the meaning of the [Legal Profession Uniform Law \(NSW\)](#), or
 - (b) legal aid under the [Legal Aid Commission Act 1979](#).

Part 5 Miscellaneous

14 (Repealed)

15 Delegation of functions

- (1) The registrar of a court may delegate to any person the exercise of any of the functions conferred on the registrar by this Regulation, other than this power of delegation.
- (2) The Sheriff may delegate to any person the exercise of any of the functions conferred on the Sheriff by this Regulation, other than this power of delegation.

16 Certain domestic and personal violence proceedings excluded from certain provisions of Parts 3-9 of Act

Any civil proceedings for which the Local Court has jurisdiction under section 91 of the *Crimes (Domestic and Personal Violence) Act 2007* are excluded from the operation of sections 19-86 and 88-149 of the Act.

17 Savings

Any act, matter or thing that, immediately before the repeal of the *Civil Procedure Regulation 2012*, had effect under that Regulation continues to have effect under this Regulation.

18 Transitional provisions—fees

To avoid doubt, the amendments made by the *Justice Legislation Amendment (Fees) Regulation 2023* do not apply to a fee charged before 1 August 2023.

Schedule 1 Court fees

clause 4

Part 1 Supreme Court

| | Column 1 | Column 2 | Column 3 |
|---------------------------|--|-----------------------------|--------------------------------|
| Item | Matter for which fee payable | Standard fee (in fee units) | Corporation fee (in fee units) |
| Filing fees—all divisions | | | |
| 1 | Originating process, except as specified in item 2 or 5-7 | 11.69 | 32 |
| 2 | Originating process for an application for a grant of representation, or a reseal of a grant of representation, in relation to an estate with a sworn gross value of — | | |

| | | | |
|-----------------------------|---|-------|-------|
| | (a) less than \$100,000 | Nil | — |
| | (b) \$100,000 or more but less than \$250,000 | 7.78 | — |
| | (c) \$250,000 or more but less than \$500,000 | 10.56 | — |
| | (d) \$500,000 or more but less than \$1,000,000 | 16.2 | — |
| | (e) \$1,000,000 or more but less than \$2,000,000 | 21.58 | — |
| | (f) \$2,000,000 or more but less than \$5,000,000 | 35.97 | — |
| | (g) \$5,000,000 or more | 59.96 | — |
| 3 | Notice of motion | 6.47 | 12.95 |
| 4 | Application for rehearing under the Act, Part 5, Division 3 | 6.86 | 13.72 |
| Filing fees—Court of Appeal | | | |
| 5 | Notice of intention to appeal | 3.35 | 7.64 |
| 6 | Summons seeking leave to appeal or cross-summons seeking leave to cross-appeal, in proceedings where— | | |
| | (a) a notice of intention to appeal has been filed by the same party | 11.95 | 23.39 |
| | (b) a notice of intention to appeal has not been filed by the same party | 15.30 | 31.02 |
| 7 | Notice of appeal or notice of cross appeal— | | |
| | (a) in proceedings where leave to appeal has been granted | 23.59 | 47.82 |
| | (b) in proceedings where a notice of intention to appeal has been filed by the same party | 35.54 | 71.24 |
| | (c) otherwise | 38.88 | 78.88 |
| Jury fees | | | |
| 8 | Filing a requisition for trial with a jury | 12.07 | 24.14 |
| 9 | Retaining a jury after the first day of trial, for each day | 5.49 | 10.98 |

Hearing allocation fees and hearing fees

| | | | |
|----|--|-------|-------|
| 10 | Allocating a date for the hearing of proceedings | 23.33 | 53.32 |
| 11 | Hearing of proceedings, for each of the following days, including a part of a day— | | |
| | (a) the 2nd, 3rd or 4th day, | 9.3 | 21.33 |
| | (b) the 5th, 6th, 7th, 8th or 9th day, | 14.94 | 37.05 |
| | (c) the 10th day or a following day | 30.09 | 73.12 |

Fees for publication of documents on NSW Online Registry website

| | | | |
|----|--|------|---|
| 12 | Notice of intention to apply for a grant of representation or a reseal of a grant of representation— | | |
| | (a) first publication | 0.48 | — |
| | (b) republication | 0.19 | — |
| 13 | Notice of intended distribution— | | |
| | (a) first publication | 0.48 | — |
| | (b) republication | 0.19 | — |
| 14 | Notice of application for passing accounts— | | |
| | (a) first publication | 0.48 | — |
| | (b) republication | 0.19 | — |

Fees for other services

| | | | |
|----|---|------|-------|
| 15 | Referring proceedings for arbitration under the Act, Part 5, Division 2 | 9.01 | — |
| 16 | Preparing appeal papers, for each volume of not more than 250 pages the registrar orders to be printed | 7.88 | 15.76 |
| 17 | Copy of a will | 0.64 | — |
| 18 | Genealogical search on a probate file, for each file searched | 1.25 | — |
| 19 | Searching an application for a grant of representation or a reseal of a grant of representation, for each file searched | 0.64 | — |

| | | | |
|----|--|------|------|
| 20 | Lodging a caveat against an application for a grant of representation or reseal of a grant of representation | 0.46 | 0.92 |
| 21 | Adoption search, for each file searched | 0.64 | — |
| 22 | Registrar's certificate for a public notary's signature | 0.64 | — |
| 23 | Reissuing of a court document to a legally represented party because of the party's error | 0.46 | 0.92 |

Part 2 Land and Environment Court

Note—

Fees payable in relation to proceedings before the Land and Environment Court in Class 5, 6 or 7 of its jurisdiction are set out in the [Criminal Procedure Regulation 2017](#), Schedule 2, Part 1.

1 Definitions

In this Part—

Class 1 means the class of jurisdiction of the Land and Environment Court specified in the [Land and Environment Court Act 1979](#), section 17.

Class 2 means the class of jurisdiction of the Land and Environment Court specified in the [Land and Environment Court Act 1979](#), section 18.

Class 3 means the class of jurisdiction of the Land and Environment Court specified in the [Land and Environment Court Act 1979](#), section 19.

Class 4 means the class of jurisdiction of the Land and Environment Court specified in the [Land and Environment Court Act 1979](#), section 20.

Class 8 means the class of jurisdiction of the Land and Environment Court specified in the [Land and Environment Court Act 1979](#), section 21C.

2 Fees

| | Column 1 | Column 2 | Column 3 |
|------|---|-----------------------------|--------------------------------|
| Item | Matter for which fee payable | Standard fee (in fee units) | Corporation fee (in fee units) |
| | Filing fees—originating processes | | |
| 1 | In Class 1, except as specified in item 2 | 9.96 | 19.92 |
| 2 | In Class 1, if the matter relates to an appeal under the Environmental Planning and Assessment Act 1979 , section 8.7, and the value of the development is— | | |

| | | | |
|---|--|-------|-------|
| | (a) less than \$500,000 | 9.96 | 19.92 |
| | (b) \$500,000 or more but less than \$1,000,000 | 45.49 | 60.43 |
| | (c) \$1,000,000 or more | 56.83 | 75.48 |
| 3 | In Class 2, except as specified in item 4 | 9.96 | 19.92 |
| 4 | In Class 2, if the matter relates to an application under the <i>Trees (Disputes Between Neighbours) Act 2006</i> | 2.59 | 5.18 |
| 5 | In Class 3, except as specified in item 6 or 7 | 9.96 | 19.92 |
| 6 | In Class 3, if— | | |
| | (a) the matter relates to an appeal or objection against a valuation of land, and | | |
| | (b) the value of the land, as determined by the respondent valuing authority, is— | | |
| | (i) less than \$500,000 | 3.50 | 7 |
| | (ii) \$500,000 or more but less than \$1,000,000 | 5.49 | 10.98 |
| | (iii) \$1,000,000 or more | 9.96 | 19.92 |
| | In Class 3, if— | | |
| 7 | (a) the matter relates to a claim for compensation because of the compulsory acquisition of land, as specified in the <i>Land and Environment Court Act 1979</i> , section 24, and | | |
| | (b) the amount offered as compensation by the acquiring authority is— | | |
| | (i) less than \$500,000 | 9.96 | 19.92 |
| | (ii) \$500,000 or more but less than \$1,000,000 | 45.49 | 60.43 |
| | (iii) \$1,000,000 or more | 56.83 | 75.48 |

| | | | |
|-------------------|--|-------|-------|
| 8 | In Class 4 | 9.96 | 19.92 |
| 9 | In Class 8, except as specified in item 10 | 9.96 | 19.92 |
| 10 | In Class 8, if the matter relates to small-scale title within the meaning of the <i>Mining Act 1992</i> | 2.59 | 5.18 |
| Filing fees—other | | | |
| 11 | Process to commence an appeal to the Land and Environment Court under the <i>Land and Environment Court Act 1979</i> , section 56A | 23.14 | 46.28 |
| 12 | Notice of motion | 2.31 | 4.62 |

Part 3 District Court

| | Column 1 | Column 2 | Column 3 |
|--|---|-----------------------------|--------------------------------|
| Item | Matter for which fee payable | Standard fee (in fee units) | Corporation fee (in fee units) |
| Filing fees | | | |
| 1 | Originating process, except as specified in item 2 | 9.07 | 18.15 |
| 2 | Originating process for an appeal | 2.92 | 5.84 |
| 3 | Application for an order for the rehearing of proceedings under the Act, Part 5, Division 3 | 6.86 | 13.72 |
| 4 | Notice of motion | 1.49 | 2.98 |
| Jury fees | | | |
| 5 | Filing a requisition for trial with a jury | 12.13 | 24.26 |
| 6 | Retaining a jury after the first day of a trial, for each day | 5.49 | 10.98 |
| Hearing allocation fees and hearing fees | | | |
| 7 | Allocating a date for hearing of proceedings | 10.51 | 21.02 |
| 8 | Hearing of proceedings, for each of the following days, including a part of a day— | | |
| | (a) the 2nd, 3rd or 4th day | 7.72 | 15.44 |
| | (b) the 5th, 6th, 7th, 8th or 9th day | 10.85 | 21.7 |
| | (c) the 10th day or a following day | 15.77 | 31.54 |

Fees for other services

| | | | |
|---|--|------|---|
| 9 | Referring proceedings to arbitration under the Act, Part 5, Division 2 | 8.97 | — |
|---|--|------|---|

Part 4 Local Court

| | Column 1 | Column 2 | Column 3 |
|-------------|--|------------------------------------|-------------------------|
| Item | Matter for which fee payable | Standard fee (in fee units) | Corporation fee |
| Filing fees | | | |
| 1 | Originating process under the <i>Local Court Act 2007</i> , Part 3, in the Local Court sitting in its— | | |
| | (a) General Division | 3.0 | Double the standard fee |
| | (b) Small Claims Division | 1.45 | Double the standard fee |
| 2 | Application notice under the <i>Local Court Act 2007</i> , Part 4 | 0.99 | — |
| 3 | Application for an order for the rehearing of proceedings under the Act, Part 5, Division 3 | 4.55 | Double the standard fee |
| 4 | Notice of appeal, or application for leave to appeal, to the District Court under the <i>Crimes (Appeal and Review) Act 2001</i> , Part 3, as applied to proceedings under the <i>Local Court Act 2007</i> , Part 4— | | |
| | (a) for 1 notice or application | 1.22 | — |
| | (b) for more than 1 notice or application arising from the same court appearance | 0.64 | — |
| 5 | Notice of motion | 0.92 | Double the standard fee |

Fees for other services

| | | | |
|---|--|------|---|
| 6 | Service, or attempted service, by the Court by post, for each address to which process is posted | 0.45 | — |
|---|--|------|---|

Part 5 Miscellaneous court fees

| | Column 1 | Column 2 | Column 3 |
|-------------|-------------------------------------|------------------------------------|------------------------|
| Item | Matter for which fee payable | Standard fee (in fee units) | Corporation fee |

Fees relating to subpoenas and notices to produce

| | | | |
|---|---|------|-------------------------|
| 1 | Issuing a subpoena for production, to give evidence, or both | 1.09 | Double the standard fee |
| 2 | Receipt by the registrar of a document or thing produced in compliance with a notice to produce under the <i>Uniform Civil Procedure Rules 2005</i> , Part 34 | 1.09 | Double the standard fee |
| 3 | Request to the registrar to issue a notice to produce under the <i>Uniform Civil Procedure Rules 2005</i> , Part 34 | 1.09 | Double the standard fee |

Fees for administrative services

| | | | |
|---|--|---|-------------------------|
| 4 | Requesting production to the court of documents held by another court | 0.64 | Double the standard fee |
| 5 | Retrieving, providing access to and supplying a copy of a document, except as specified in items 6, 7 and 9— | | |
| | (a) for up to 20 pages | 0.13 | — |
| | (b) for each 10 pages, or part of 10 pages, after the first 20 pages | 0.07 | — |
| 6 | Supplying 1 or more sealed or certified copies of— (a) a judgment or order, or (b) the written opinion or reasons for opinion of a judicial or other officer of the court | 0.64 | — |
| 7 | Retrieving and providing access to, but not supplying a copy of, a file or box of files, if the file or box of files is retrieved from an off-site storage facility— | | |
| | (a) standard retrieval request | 0.85 | — |
| | (b) non-standard retrieval request, including a retrieval request— | | |
| | (i) of urgent, high or after hours priority, or | 0.85 plus the additional cost incurred by the court | — |
| | (ii) for delivery to or from a location outside the Sydney metropolitan area | | |
| 8 | Application to the registrar by a non-party to the proceedings for leave to access the court file for the proceedings, if the file must be retrieved from an off-site storage facility | 0.46 | Double the standard fee |

| | | | |
|-----------------------------|--|------|-------------------------|
| 9 | Supplying a copy of a transcript of proceedings— | | |
| | (a) if the transcribed matter is less than 3 months old— | | |
| | (i) for up to 8 pages | 0.95 | — |
| | (ii) for each following page | 0.11 | — |
| | (b) if the transcribed matter is 3 months old or older— | | |
| | (i) for up to 8 pages | 1.16 | — |
| | (ii) for each following page | 0.13 | — |
| 10 | Supplying a duplicate recording of sound-recorded evidence, for each disc | 0.55 | — |
| 11 | Entering a judgment, order, determination, decree, adjudication or award in accordance with the Act, section 133 | 0.98 | Double the standard fee |
| 12 | Civil litigation search, for each name of company or individual searched | 0.46 | Double the standard fee |
| 13 | Amending a document on the NSW Online Registry website, for each document amended | 0.19 | — |
| 14 | Opening or keeping open the registry or part of the registry— | | |
| | (a) on a Saturday, Sunday or public holiday, or | 7.81 | Double the standard fee |
| | (b) on another day before 9am or after 5pm | | |
| Fees for other services | | | |
| 15 | Providing an administrative service for which a fee is not otherwise imposed by this Schedule, if the registrar approves the charging of a fee | 0.46 | Double the standard fee |

Part 6

1-4 (Repealed)

Schedule 2 Sheriff's fees

| Column 1 | Column 2 |
|---|----------|
| Item | Fee |
| Service and execution | |
| 1 | 0.7 |
| Serving or attempting service of a document, other than a document specified in items 2–6, including service by post and preparation of affidavit of service, for each address at which, and each occasion on which, service is effected or attempted | |
| 2 | 0.9 |
| Executing or attempting execution of an arrest warrant under the Act, section 97, for each address at which, and each occasion on which, execution is effected or attempted | |
| 3 | 3.67 |
| Executing or attempting execution of a writ of possession under the Act, Part 8, for each address at which, and each occasion on which, execution is effected or attempted | |
| 4 | 0.9 |
| Executing or attempting execution of a writ of delivery under the Act, Part 8, for each address at which, and each occasion on which, execution is effected or attempted | |
| 5 | 0.9 |
| Executing or attempting execution of a writ for the levy of property under the Act, Part 8, for each address at which, and each occasion on which, execution is effected or attempted, plus 3% of the proceeds of enforcement | |
| Note— | |
| The 3% levy is not payable in relation to writs executed by the Marshal in Admiralty. | |
| 6 | 3.67 |
| Executing or attempting execution of a court process, other than a warrant or writ specified in item 2, 3, 4 or 5, for each address at which, and each occasion on which, execution is effected or attempted | |
| 7 | 4.92 |
| Providing Sheriff's officers to guard property seized under a writ of execution under the Act, Part 8, for each Sheriff's officer for each day | |

Other functions

| | | |
|----|---|------|
| 8 | Preparing for the sale of land after receiving a notice of sale from a judgment creditor under the <i>Uniform Civil Procedure Rules 2005</i> , rule 39.22 | 9.02 |
| 9 | Certifying a copy of a writ for the levy of property for registration under the <i>Real Property Act 1900</i> , section 105 and supplying the copy | 0.27 |
| 10 | Attending a view ordered by a judge under the <i>Evidence Act 1995</i> , section 53 in civil proceedings if a jury will be present | 1.96 |
| 11 | Conducting a debt search on a judgment debt registered with the Sheriff's office for enforcement, for each name of a company or individual searched | 0.64 |

Administrative services

| | | |
|----|--|--------------|
| 12 | Opening or keeping open the Sheriff's office— (a) on a Saturday, Sunday or public holiday, or (b) on another day before 9am or after 5pm | 7.9 |
| 13 | Retrieving, providing access to and supplying a copy of a document, except as specified in item 9— (a) for up to 20 pages (b) for each 10 pages, or part of 10 pages, after the first 20 pages | 0.13 0.07 |

Schedule 3 Adjustment of fees for inflation

clause 5A

1 Definitions

In this schedule—

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

Secretary means the Secretary of the Department of Communities and Justice.

2 Calculation of fee unit for regulation

(1) In this regulation, a fee unit is—

- (a) in the financial year 2023-2024—\$110.93, and
- (b) in each subsequent financial year—the amount calculated as follows—

$$\$110.93 \times \frac{A}{B}$$

where—

A is the CPI number for the December quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the December quarter of 2022.

- (2) The amount of a fee unit is to be rounded to the nearest cent and an amount of 0.5 cent is to be rounded down.
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

Editorial note—

Fee unit amount calculated under this clause—

| Financial year | Fee unit amount |
|----------------|-----------------|
| 2024-25 | \$115.59 |

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar and an amount of 50 cents is to be rounded down.

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the December quarter is published by the Australian Bureau of Statistics, the Secretary is required to—
 - (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this schedule.
- (2) This schedule operates to change an amount of a fee that is calculated by reference

to a fee unit and that change is not dependent on the notification or other notice required by this clause.