

SUPREME COURT OF TASMANIA

CIRCULAR TO PRACTITIONERS

No. 8 of 2020

30 June 2020

COURT FEES AND ENDORSED COSTS

The fees payable, and endorsed costs claimable, in Supreme Court proceedings for the 2020-2021 financial year will not change from the fees payable in the 2019-2020 financial year. All fees which are set or prescribed by legislation in fee units are to be frozen at 2019-2020 values as the Government has decided to not prescribe a new value for a fee unit under the *Fee Units Act 1997* for the 2020-2021 financial year.

For ease of reference, all fees applicable in the Supreme Court on and after 1 July 2020 are set out in the attached tables.

Further information on fees and costs can be found on the Supreme Court website at:

<https://www.supremecourt.tas.gov.au/the-court/fees/filing-fees/>

This Circular to Practitioners replaces Circular No 7 of 2019 and Circular No 8 of 2019.

J A Connolly
REGISTRAR

CIVIL FEES

Supreme Court (Fees) Rules 2017

PART I – PROCEEDINGS

| | Item | Fee Units | \$ | \$ Writs (Incl. ACF fee of \$48.60) |
|----|---|---|----------------|--|
| 1. | On the commencement of a cause or matter (other than proceedings referred to in items 2 or 3) – | | | |
| | (a) if the plaintiff or applicant is an individual | 580 | 939.60 | 988.20 |
| | (b) if the plaintiff or applicant is a small corporation | 580 | 939.60 | 988.20 |
| | (c) if the plaintiff or applicant is a medium corporation | 1 290 | 2089.80 | 2138.40 |
| | (d) if the plaintiff or applicant is a large corporation | 1 935 | 3134.70 | 3183.30 |
| 2. | On commencement of proceedings for admission to the legal profession | 277 | 448.74 | |
| 3. | On the filing of an application seeking relief under section 146 of the <i>Land Titles Act 1980</i> | 580 | 939.60 | |
| 4. | On the filing of an interlocutory application for injunctive relief or a freezing order – | | | |
| | (a) if the applicant is an individual | 168 | 272.16 | |
| | (b) if the applicant is a corporation | 271 | 439.02 | |
| 5. | On the issuing of a subpoena – | | | |
| | (a) if the applicant is an individual | 38 | 61.56 | |
| | (b) if the applicant is a small corporation | 38 | 61.56 | |
| | (c) if the applicant is a medium corporation | 45 | 72.90 | |
| | (d) if the applicant is a large corporation | 51 | 82.62 | |
| 6. | On the filing of a bill for taxation | 161 | 260.82 | |
| 7. | On the taxation of a bill of costs | 4% of the amount taxed, or such lesser amount as the taxing officer, in the officer's discretion, allows. | | |

| | Item | Fee Units | \$ |
|-----|---|------------------|----------------|
| 8. | On filing a notice instituting an appeal from any order or judgment of the Court or any judge of the Court, or from the Associate Judge to the Full Court – | | |
| | (a) if the appellant or applicant is an individual | 580 | 939.60 |
| | (b) if the appellant or applicant is a small corporation | 580 | 939.60 |
| | (c) if the appellant or applicant is a medium corporation | 1 290 | 2089.80 |
| | (d) if the appellant or applicant is a large corporation | 1 935 | 3134.70 |
| 9. | On filing a notice instituting an appeal from an inferior court, statutory tribunal or referee – | | |
| | (a) if the appellant or applicant is an individual | 580 | 939.60 |
| | (b) if the appellant or applicant is a small corporation | 580 | 939.60 |
| | (c) if the appellant or applicant is a medium corporation | 1 290 | 2089.80 |
| | (d) if the appellant or applicant is a large corporation | 1 935 | 3134.70 |
| 10. | On filing a writ of execution in respect of - | | |
| | (a) a debt not exceeding \$20 000 | 64 | 103.68 |
| | (b) a debt exceeding \$20 000 | 129 | 208.98 |
| 11. | On the appointment of a mediator who is an employee of, or otherwise engaged by, the Supreme Court | 483 | 782.60 |

PART 2 – ADMINISTRATION

| | | | |
|----|--|---------------|--------------------------|
| 1. | Transcripts | | |
| | (a) for the initial copy, supplied to a party, of a transcript that is required to be transcribed | 5 per page | 8.10 per page |
| | (b) for a copy of a transcript that has already been transcribed | 2 per page | 3.24 per page |
| 2. | For each search or inspection of an index, file, register or document, relating to a cause or matter, made by a person who is not a party to that cause or matter or a practitioner for that party | 26 | 42.12 |
| 3. | For a copy of a document | 1 per page | 1.62 |
| 4. | Additional fee for a request for registry services that results in a registry staying open after the usual close of business for that registry | 290 | 469.80 |

ENDORSED COSTS AND FEES

(a) ON WRITS

The calculation of fees payable and costs claimable on writs for liquidated demands exceeding \$50,000 is as follows:

| | Individual & Small Corporation \$ | Medium Corporation \$ | Large Corporation \$ |
|---|--|-----------------------------|----------------------------|
| Fees and Costs to be endorsed on writ within jurisdiction | 1275.20 | 2425.40 | 3470.30 |
| Fees and Costs to be endorsed on writ outside jurisdiction | 1371.20 | 2524.40 | 3566.30 |
| Total fees and costs on signing judgment served within jurisdiction | 1350.20 | 2500.40 | 3545.30 |
| Total fees and costs on signing judgment served outside jurisdiction | 1446.20 | 2596.40 | 3641.30 |

(b) ON GARNISHEES AND JUDGMENT SUMMONSES

(Supreme Court Rules 2000 Schedule 1, Part 4)

| | Individual & Small Corporation \$ | Medium Corporation \$ | Large Corporation \$ |
|---|--|-----------------------------|----------------------------|
| In respect of a debt not exceeding \$50,000 | 146.00 | 146.00 | 146.00 |
| In respect of a debt exceeding \$50,000 | 217.00 | 217.00 | 217.00 |

(c) ON WRITS OF EXECUTION

(Supreme Court Rules 2000 Schedule 3)

| | Individual & Small Corporation \$ | Medium Corporation \$ | Large Corporation \$ |
|---|--|-----------------------------|----------------------------|
| Where the amount of the debt does not exceed \$50,000 | 72.00 | 72.00 | 72.00 |
| Where the amount of the debt exceeds \$50,000 | 104.00 | 104.00 | 104.00 |

(d) ON APPLICATIONS UNDER SECTION 146 OF THE LAND TITLES ACT 1980

(Supreme Court Rules 2000 Schedule 1, Part 5)

| | Individual & Small Corporation \$ | Medium Corporation \$ | Large Corporation \$ |
|---------------------------------------|--|-----------------------------|----------------------------|
| Filing fee on Originating Application | 939.60 | 939.60 | 939.60 |
| Costs | 449.00 | 449.00 | 449.00 |
| Total | 1388.60 | 1388.60 | 1388.60 |

COSTS ASSESMENT FEES - LEGAL PROFESSION ACT 2007 s322(1)(c)*Legal Profession Regulations 2008 r.71*

| Range of Costs charged in Bill | Fee Units | Fee in Dollars* |
|---------------------------------------|------------------|------------------------|
| \$1 to \$20,000 | 200 | 324.00 |
| > \$20,000 to \$50,000 | 300 | 486.00 |
| > \$50,000 to \$100,000 | 400 | 648.00 |
| > \$100,000 | 500 | 810.00 |

SHERIFF'S FEES*Civil Process (Table of Fees for Execution) Rules 1991*

| Item: | \$ |
|---|-------------|
| 1. For each warrant issued by the Sheriff or any deputy of the Sheriff | |
| (a) in respect of debts not exceeding \$20,000.00; | 100.00 |
| (b) in respect of debts exceeding \$20,000.00. | 200.00 |
| 2. Travelling expenses necessarily incurred by the Sheriff in connection with the execution of civil process - | |
| (a) using the most usual mode of transport; or | Actual cost |
| (b) if a motor vehicle is used, for each kilometre. | 0.70 |
| 3. For each sale by auction: | Actual cost |
| • 5% on amount realised if it does not exceed \$1,000 and | |
| • 2.5% on all sums exceeding that amount. | |
| 4. For each person necessarily employed to assist with any execution or sale. | Actual Cost |
| 5. For service of each document in connection with the execution of civil process. | 55.00 |
| 6. For other necessary expenses of the Sheriff or any officer of the Sheriff in connection with the execution of civil process. | Actual cost |
| 7. For a levy or seizure by the Sheriff | |
| (a) in respect of a debt not exceeding \$20,000.00 | 310.00 |
| (b) in respect of a debt exceeding \$20,000.00 | 620.00 |
| (c) in respect of a writ of execution that is otherwise than in respect of a debt | 620.00 |

PROBATE FEES

Probate Rules 2017 Schedule I

| Item | Detail | Fee Units | \$ |
|--|--|------------------|----------------|
| Provisional assessment of application documentation by Registrar | | 96 | 155.52 |
| For assessment of draft citation document by Registrar | | 96 | 155.52 |
| For a requisition | | 32 | 51.84 |
| For granting probate or letters of administration or for resealing a foreign grant | (a) if the gross value of the estate in Tasmania as stated in the short form affidavit is less than \$50,000 | 280 | 453.60 |
| For granting probate or letters of administration or for resealing a foreign grant | (b) if that gross value is equal to or greater than \$50,000 but less than \$250,000 | 506 | 819.72 |
| For granting probate or letters of administration or for resealing a foreign grant | (c) if that gross value is equal to or greater than \$250,000 but less than \$500,000 | 548 | 887.76 |
| For granting probate or letters of administration or for resealing a foreign grant | (d) if that gross value is equal to or greater than \$500,000 but is less than \$1,000,000 | 690 | 1117.80 |
| For granting probate or letters of administration or for resealing a foreign grant | (e) if that gross value is equal to or greater than \$1,000,000 but is less than \$2,000,000 | 874 | 1415.88 |
| For granting probate or letters of administration or for resealing a foreign grant | (f) if that gross value is equal to or greater than \$2,000,000 but is less than \$5,000,000 | 993 | 1608.66 |
| For granting probate or letters of administration or for resealing a foreign grant | (g) if that gross value is equal to or greater than \$5,000,000 | 1193 | 1932.66 |
| For filing an election to administer an estate | | 77 | 124.74 |
| For search of a document | | 19 | 30.78 |
| For exemplification | | 174 | 281.88 |
| For office copy of a document - per page or part of page | | 0.64 | 1.03 |
| For preparation and certification of a certified copies of documents | | 32 | 51.84 |
| For lodging a caveat | | 32 | 51.84 |
| For correcting a grant where the source of the error was not the Registry | | 32 | 51.84 |