

Authorised Version
Supreme Court (Fees) Regulations 2018
S.R. No. 135/2018

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Authorised Version

STATUTORY RULES 2018

S.R. No. 135/2018

Supreme Court Act 1986

Supreme Court (Fees) Regulations 2018

The Governor in Council makes the following Regulations:

Dated: 18 September 2018

Responsible Minister:

MARTIN PAKULA
Attorney-General

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to prescribe the fees payable in respect of matters in the Supreme Court.

2 Authorising provision

These Regulations are made under section 129 of the **Supreme Court Act 1986**.

3 Commencement

These Regulations come into operation on 30 September 2018.

4 Revocation

The Supreme Court (Fees) Interim Regulations 2017¹ are **revoked**.

5 Definitions

In these Regulations—

appeal includes cross-appeal, application for leave to appeal and cross-application for leave to appeal;

Chapter I means the Supreme Court (General Civil Procedure) Rules 2015²;

Chapter II means the Supreme Court (Miscellaneous Civil Proceedings) Rules 2018³;

Chapter III means the Supreme Court (Administration and Probate) Rules 2014⁴;

Chapter IV means the Supreme Court (Adoption) Rules 2015⁵;

Chapter V means the Supreme Court (Corporations) Rules 2013⁶;

Chapter VI means the Supreme Court (Criminal Procedure) Rules 2017⁷;

concession fee payer means a person who holds a current health care card within the meaning of the Social Security Act 1991 of the Commonwealth at the time a fee is payable;

corporate fee payer means an entity other than a standard fee payer or a concession fee payer;

excluded proceeding means a proceeding under Chapter V where, in accordance with that Chapter, application is made to an Associate Judge or a judicial registrar in the first instance;

hearing fee means the fee payable for a hearing under items 1.9, 1.10, 2.11, 2.12, 3.13, 3.14, 3.15, 5.8 and 5.9 of Schedule 1;

interlocutory application does not include a summons for directions;

judge managed list of the Commercial Court means the following—

- (a) the Admiralty List;
- (b) the Arbitration List;
- (c) a Commercial List;
- (d) the Corporations List;
- (e) the Insurance List;
- (f) the Intellectual Property List;
- (g) the Taxation List;
- (h) the Technology, Engineering and Construction List (TEC List);
- (i) any other list in the Commercial Court managed by a Judge of the Court;

legal profession legislation means the Legal Profession Uniform Law (Victoria), the **Legal Profession Uniform Law Application Act 2014** and the **Legal Profession Act 2004** as in force immediately before its repeal;

mediation fee means the fee payable under items 1.5, 1.6, 2.7, 2.8, 2.9, 3.10, 3.11, 5.6 and 5.7 of Schedule 1;

setting down fee means the fee payable under items 1.7, 1.8, 2.10 and 3.12 of Schedule 1;

standard fee payer means—

- (a) a natural person other than a natural person acting in the capacity of a statutory office holder; or

- (b) an entity which is a not-for-profit organisation that—
 - (i) operates exclusively for charitable, civil or other social purposes; and
 - (ii) does not share or allocate the funds or profits of the organisation with the owners, shareholders or executives of the organisation; or
- (c) any entity that has a turnover of less than \$200 000 in the financial year before the financial year in which a fee in Schedule 1 is to be paid; or
- (d) the executor or administrator of a deceased estate;

trial includes a trial of a separate question in a proceeding under Rule 47.04 of Chapter I;

winding up in insolvency proceeding means an application for winding up under Part 5.4 of the Corporations Act.

6 No fee payable in certain proceedings

- (1) No fee is payable under these Regulations in respect of the following—
 - (a) a criminal proceeding under the **Criminal Procedure Act 2009**;
 - (b) a matter under the **Sentencing Act 1991**;
 - (c) an appeal or an application for judicial review regarding orders made in a criminal proceeding;
 - (d) a matter to which Chapter VI applies;
 - (e) any other matter which arises from a criminal proceeding;

- (f) a proceeding under—
- (i) Order 57 of Chapter I (habeas corpus);
 - (ii) Order 75 of Chapter I (contempt);
 - (iii) Order 81 of Chapter I (obtaining evidence for external court or tribunal);

Note

Fees payable to examiners are not the subject of these Regulations.

- (iv) Order 5 of Chapter II (case stated);
 - (v) Order 6 of Chapter II (reference of a question of law);
 - (vi) Order 12 of Chapter II (jury service appeals);
 - (vii) Order 23 of Chapter II (referrals under the **Charter of Human Rights and Responsibilities Act 2006**);
 - (viii) Chapter IV;
- (g) an appeal from the Family Division of the Children's Court;
- (h) an appeal on a question of law under section 148 of the **Victorian Civil and Administrative Tribunal Act 1998** from an order of VCAT on the review of a determination of the Mental Health Tribunal under section 201 of the **Mental Health Act 2014**.
- (2) Despite subregulation (1), in any proceeding referred to in that subregulation, the applicable fee in item 6.1, 6.3, 6.4 or 6.5 of Schedule 1 is payable.

7 Fees in Schedule 1

- (1) The fees set out in Schedule 1 are payable in the Court as specified in that Schedule and in accordance with these Regulations.
- (2) For a corporate fee payer, the fee for an item specified in column 2 of Schedule 1 is the corresponding fee in column 3 of that Schedule.
- (3) For a standard fee payer, the fee for an item specified in column 2 of Schedule 1 is the corresponding fee in column 4 of that Schedule.
- (4) For a concession fee payer, the fee for an item specified in column 2 of Schedule 1 is the corresponding fee in column 5 of that Schedule.

8 Payment of fees generally

- (1) Subject to subregulations (2) and (3) and regulations 11 and 12, fees are payable by the party, person or other entity at whose request or on whose behalf the document is filed or the service rendered.
- (2) Where under Order 7 of Chapter II the Commissioner is required to file an objection which an objector has requested be treated as an appeal to the Court, the commencement fee is payable by the objector when applying for directions.
- (3) Where a fee is payable as a result of an order or a direction made of the Court's own motion the fee is payable by the party which commenced the proceeding, unless the Court otherwise orders.

9 Fees and multiple parties

If a request to file a document or render a service is made on behalf of multiple parties in a proceeding a single fee is payable and—

- (a) if one or more of the parties making the request is a corporate fee payer, the fee applicable to a corporate fee payer is to be paid; or
- (b) if none of the parties making the request is a corporate fee payer and one or more of the parties making the request is a standard fee payer, the fee applicable to a standard fee payer is to be paid.

Examples

- 1 There are 2 plaintiffs in a proceeding and one is a corporate fee payer and one is a standard fee payer, a single fee is payable and that fee is the fee applicable to the corporate fee payer.
- 2 There are 2 plaintiffs in a proceeding and one is a concession fee payer and the other is a standard fee payer, a single fee is payable and that fee is the fee applicable to the standard fee payer.

10 When fees are payable

- (1) A fee fixed by these Regulations (other than a hearing fee, mediation fee or setting down fee) is payable—
 - (a) subject to paragraph (b), when—
 - (i) the relevant document is filed; or
 - (ii) the relevant service is rendered; or
 - (iii) the relevant event takes place; or
 - (b) if a court official who is requested to file a document or render a service requires it to be paid before the document is filed or the service is rendered, at the time of the request.
- (2) The fee in item 2.3 of Schedule 1 is payable upon the referral by the Registrar of Probates.
- (3) The fee in item 3.6 of Schedule 1 is payable on the entry of the matter into the applicable judge managed list of the Commercial Court.

- (4) The fees in items 5.4, 5.5, 5.6, 5.7, 5.8 and 5.9 of Schedule 1 are only payable where they relate to an event occurring after one of the following has already taken place—
- (a) an in chambers assessment;
 - (b) a mediation;
 - (c) an interlocutory application;
 - (d) a taxation.

11 Payment of setting down fee

- (1) Subject to any order of the Court, an applicable setting down fee in relation to any proceeding is payable by the party seeking the hearing, being—
- (a) the party which commenced the proceeding or appeal; or
 - (b) if the party seeking the hearing is not the party referred to in paragraph (a), that other party.

Example

If a proceeding is set down for trial and the only remaining issues to be tried are those brought by counterclaim by the defendant, the defendant is the party seeking the hearing and not the plaintiff who commenced the proceeding.

- (2) A setting down fee in the Court of Appeal is payable at the time the application book is delivered to the Court of Appeal under Order 64 of Chapter I.
- (3) A setting down fee in the Trial Division is payable—
- (a) no later than 6 weeks prior to the date fixed for the hearing to commence; or
 - (b) if, at the time the date is fixed for hearing there is less than 6 weeks until the date fixed, the day after the matter is set down for hearing.

- (4) A setting down fee is payable only once in relation to a trial or an appeal regardless of whether the date for hearing is later adjourned, vacated and relisted or the trial or appeal heard in parts at different times.

12 Payment of hearing fees

- (1) Subject to any order of the Court and subregulation (2), an applicable hearing fee in relation to any proceeding is payable by the party seeking the hearing, being—
- (a) the party which commenced the proceeding or appeal; or
 - (b) the party which made the interlocutory application; or
 - (c) if the party seeking the hearing is not the party referred to in paragraph (a) or (b), that other party.

Example

A defendant files an application for summary judgment and that application proceeds to a second day of hearing, the second day hearing fee is payable by the defendant.

- (2) A hearing fee is not payable if the sole purpose of the hearing is the delivery of a reserved judgment.
- (3) An applicable first day hearing fee is payable—
- (a) no later than 5 days prior to the date set down for hearing; or
 - (b) if at the time the date is fixed for hearing there are less than 5 days until the date fixed, the day after the matter is set down for hearing.
- (4) An applicable hearing fee other than the first day hearing fee is payable no later than the day before the hearing day to which it relates.

13 Payment of mediation fees

- (1) An applicable mediation fee is payable by the party which commenced the proceeding.
- (2) An applicable mediation fee, based on the estimated duration of the mediation is payable—
 - (a) no later than 5 days prior to the date fixed for mediation; or
 - (b) if at the time the date is fixed for mediation there are less than 5 days until the date fixed, the day after the date for mediation is fixed.
- (3) Any further mediation fee based on the duration of the mediation exceeding the estimated duration is payable by the day after the day of mediation to which it relates.

14 Waiver of fees

- (1) Subject to subregulation (2) a fee which is payable under these Regulations is waived if, at the time the fee is payable, the person or other entity—
 - (a) is legally represented in the proceeding under a pro bono scheme administered by or on behalf of the Victorian Bar Inc. an association incorporated under the **Associations Incorporation Reform Act 2012**, the Law Institute of Victoria Limited ACN 075 475 731 or Justice Connect ABN 54 206 789 276; or
 - (b) is legally represented in the proceeding on a pro bono basis by a member of the Federation of Community Legal Centres Vic Inc. an association incorporated under the **Associations Incorporation Reform Act 2012** ABN 30 036 539 902; or
 - (c) has been granted legal aid under a legal aid scheme established under the law of the Commonwealth or of a State or Territory

- for the proceeding for which the fee would otherwise be payable; or
- (d) is serving a sentence of imprisonment or is otherwise detained in a detention facility, however described; or
- (e) is a person under the age of 18 years.
- (2) Any fee payable under item 6.1, 6.3, 6.4 or 6.5 of Schedule 1 is not waived unless it is waived in accordance with section 129(3) of the **Supreme Court Act 1986**.

Note

Section 129(3) of the **Supreme Court Act 1986** provides a power to waive fees if it is established that the payment of a fee would cause financial hardship to a person.

15 Refund of fees

- (1) Subject to this regulation, if a fee was paid which was not payable under these Regulations, the fee is to be refunded.
- (2) If a fee higher than that required to be paid was paid by mistake, the difference between the fee to be paid and fee paid by mistake is to be refunded.
- (3) If a fee in item 3.1 of Schedule 1 has been paid for commencement of a proceeding and the matter is subsequently removed from a judge managed list of the Commercial Court, the difference between the fee in item 3.1 and the fee in item 3.2 of that Schedule for commencement of a proceeding is to be refunded.
- (4) If a fee in item 3.1 of Schedule 1 has been paid for commencement of a proceeding and the matter is subsequently transferred to a lower court, the difference between the fee in item 3.1 and the fee in item 3.2 of that Schedule for commencement of a proceeding is to be refunded.

- (5) If a fee has been paid for commencement of a proceeding other than the fee in item 3.1 of Schedule 1 and the matter is subsequently transferred to a lower court, no refund is payable.
- (6) No refund is payable for a setting down fee if the matter does not proceed to hearing.
- (7) No refund is payable for a hearing fee, or a fee which encompasses the first day of hearing, if the hearing does not proceed.
- (8) No refund is payable for a mediation fee if the mediation does not proceed.
- (9) In addition to subregulations (1) to (8) the Prothonotary or a deputy prothonotary may refund a fee if satisfied there are exceptional reasons justifying the refund of the fee in a particular case.

16 Establishing appropriate fee status

- (1) This regulation applies to—
 - (a) a standard fee payer; and
 - (b) concession fee payer; and
 - (c) any fee payer claiming or entitled to a waiver or refund of a fee in Schedule 1.
- (2) A fee payer to whom this regulation applies must provide to the Prothonotary or a deputy prothonotary, when requested to do so, information or evidence that establishes, as the case requires, that the fee payer is—
 - (a) a standard fee payer; or
 - (b) a concession fee payer; or
 - (c) entitled to a waiver or refund of a fee in Schedule 1.
- (3) If the Prothonotary or a deputy prothonotary is satisfied that the information or evidence provided under subregulation (2)—

- (a) establishes the fee payer's status as a standard fee payer, the fee payer is liable to pay the applicable standard fee in Schedule 1; or
 - (b) establishes the fee payer's status as a concession fee payer, the fee payer is liable to pay the applicable concession fee in Schedule 1; or
 - (c) entitles the fee payer to a waiver or refund of a fee in Schedule 1, the fee is waived or refunded as appropriate.
- (4) If a lower fee has been charged or paid in accordance with this regulation and the fee payer should have paid a higher fee or was not entitled to the relevant status—
- (a) the Prothonotary or a deputy prothonotary may reinstate the correct fee and require its payment; and
 - (b) the fee payer is liable for the reinstated fee and must pay the difference between the fee originally paid (if any) and the reinstated fee.

Schedule 1—Fees

Part 1—Fees payable in the Court of Appeal registry

The fees in this Part apply in relation to all proceedings in the Court of Appeal.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	COMMENCEMENT OF PROCEEDING			
1.1	Commencement of an appeal	304.8 fee units	152.4 fee units	20.7 fee units
1.2	Commencement of an application for extension of time	177.3 fee units	88.7 fee units	20.7 fee units
	CASE MANAGEMENT			
1.3	Commencement of an interlocutory application within an appeal other than an appeal from the Commercial Court	86.4 fee units	43.2 fee units	20.7 fee units
1.4	Commencement of an interlocutory application within an appeal from the Commercial Court	124.2 fee units	62.1 fee units	20.7 fee units
1.5	For every sitting of a Judge, an Associate Judge, a judicial registrar or a court official at mediation other than in an appeal from the Commercial Court—per day or part of a day	86.4 fee units	43.2 fee units	20.7 fee units

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Schedule 1—Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
1.6	For every sitting of a Judge, an Associate Judge, a judicial registrar or a Court official at mediation in an appeal from the Commercial Court—per day or part of a day	124·2 fee units	62·1 fee units	20·7 fee units
	SETTING DOWN AND HEARING			
1.7	Setting down for hearing of an appeal other than an appeal from the Commercial Court	188·3 fee units	94·2 fee units	20·7 fee units
1.8	Setting down for hearing of an appeal from the Commercial Court	241·7 fee units	120·9 fee units	20·7 fee units
1.9	For each day of hearing of an appeal other than an appeal from the Commercial Court	112·9 fee units	56·4 fee units	20·7 fee units
1.10	For each day of hearing an appeal from the Commercial Court	142·0 fee units	71·0 fee units	20·7 fee units

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Part 2—Fees payable in the Common Law Division and Trial Division

The fees in this Part apply in relation to all proceedings in the Common Law Division and any other proceeding in the Trial Division of the Court not included in Part 3, Part 4 and Part 5 of this Schedule.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
COMMENCEMENT				
2.1	Commencement of a proceeding or appeal (other than an appeal from an Associate Judge or a judicial registrar)	100·2 fee units	50·1 fee units	20·7 fee units
2.2	Commencement of— (a) a counterclaim under Order 10 of Chapter I; or (b) a third party proceeding; or (c) a claim by a third or subsequent party under Order 11 of Chapter I	100·2 fee units	50·1 fee units	20·7 fee units
2.3	Where a matter is referred by the Registrar of Probates to the Court in accordance with section 12(2)(b) of the Administration and Probate Act 1958	100·2 fee units	50·1 fee units	20·7 fee units
2.4	On filing— (a) a summons under Rule 8.07(3) of Chapter III;			

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	(b) a summons under Rule 10.02 of Chapter III seeking commission to executors, administrators or trustees;			
	(c) a summons under Rule 11.02 of Chapter III seeking revocation of a grant of representation;			
	(d) a summons under Rule 12.02 of Chapter III seeking rectification of a will	100·2 fee units	50·1 fee units	20·7 fee units
	CASE MANAGEMENT			
2.5	Commencement of an interlocutory application within a proceeding including the first day of hearing of that application	77·7 fee units	38·9 fee units	19·4 fee units
2.6	Commencement of an appeal from an Associate Judge or a judicial registrar	77·7 fee units	38·9 fee units	19·4 fee units
2.7	For every sitting of a Judge, an Associate Judge, a judicial registrar or a court official at mediation—per half day or part of a half day	41·3 fee units	20·7 fee units	10·3 fee units

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Schedule 1—Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
2.8	For every sitting of a Judge, an Associate Judge, a judicial registrar or a court official at a case management conference—per day or part of a day	41.3 fee units	20.7 fee units	10.3 fee units
2.9	For every sitting of a Judge, an Associate Judge, a judicial registrar or a court official at a pre-trial conference—per day or part of a day	18.8 fee units	9.4 fee units	4.7 fee units
SETTING DOWN AND HEARING				
2.10	Setting down for hearing of a trial or appeal	112.9 fee units	56.4 fee units	20.7 fee units
2.11	For hearing a trial or an appeal—			
	(a) for the first day—per day or part of a day;	82.8 fee units	41.4 fee units	20.7 fee units
	(b) for days 2 to 4—per day or part of a day;	112.9 fee units	56.4 fee units	20.7 fee units
	(c) for days 5 to 9—per day or part of a day;	175.7 fee units	87.9 fee units	20.7 fee units
	(d) for day 10 and subsequent days—per day or part of a day	251.0 fee units	125.5 fee units	20.7 fee units

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Schedule 1—Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
2.12	For the second or any subsequent day of hearing an interlocutory application or other application—per day or part of a day	82·8 fee units	41·4 fee units	20·7 fee units

Part 3—Fees payable in the Commercial Court

The fees in this Part apply to any proceeding in the Commercial Court.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	COMMENCEMENT OF PROCEEDING			
3.1	Commencement of a proceeding (other than an appeal) in a judge managed list of the Commercial Court except an excluded proceeding	292·8 fee units	146·4 fee units	20·7 fee units
3.2	Commencement of a proceeding (other than an appeal) which is an excluded proceeding or commencement of a proceeding outside a judge managed list of the Commercial Court, other than a winding up in insolvency proceeding	155·2 fee units	77·6 fee units	20·7 fee units

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Schedule 1—Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
3.3	Commencement of a winding up in insolvency proceeding	57.2 fee units	57.2 fee units	20.7 fee units
3.4	Commencement of— (a) a counterclaim under Order 10 of Chapter I; or (b) a third party proceeding; or (c) a claim by a third or subsequent party under Order 11 of Chapter I	155.2 fee units	77.6 fee units	20.7 fee units
3.5	Commencement of an appeal (other than from an Associate Judge or a judicial registrar) in a judge managed list of the Commercial Court	292.8 fee units	146.4 fee units	20.7 fee units
CASE MANAGEMENT				
3.6	Entry of a proceeding into a judge managed list of the Commercial Court where the proceeding was commenced outside a judge managed list of the Commercial Court	137.6 fee units	68.8 fee units	20.7 fee units
3.7	Commencement of an interlocutory application within a proceeding other than			

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Schedule 1—Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	an application listed for hearing on an urgent basis including the first day of hearing of the application	124.2 fee units	62.1 fee units	20.7 fee units
3.8	Commencement of an interlocutory application within a proceeding listed for hearing on an urgent basis including the first day of hearing of the application	155.2 fee units	77.6 fee units	20.7 fee units
3.9	Commencement of an appeal from an Associate Judge or a judicial registrar of the Supreme Court	155.2 fee units	77.6 fee units	20.7 fee units
3.10	For every sitting of a Judge, an Associate Judge, a judicial registrar or a court official at a mediation—per day or part of a day	124.2 fee units	62.1 fee units	20.7 fee units
3.11	For every sitting of a Judge, an Associate Judge, a judicial registrar or a court official at a discovery conference or case management conference—per day or part of a day	85.9 fee units	43.0 fee units	20.7 fee units

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Schedule 1—Fees

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	SETTING DOWN AND HEARING			
3.12	For setting down a proceeding for trial	142.0 fee units	71.1 fee units	20.7 fee units
3.13	For hearing a trial—			
	(a) for the first hearing day—per day or part of a day;	96.8 fee units	48.4 fee units	20.7 fee units
	(b) for days 2 to 4—per day or part of a day;	142.0 fee units	71.0 fee units	20.7 fee units
	(c) for days 5 to 9—per day or part of a day;	213.0 fee units	106.5 fee units	20.7 fee units
	(d) for days 10 to 14—per day or part of a day;	322.7 fee units	161.3 fee units	20.7 fee units
	(e) for days 15 and subsequent days—per day or part of a day;	467.9 fee units	234.0 fee units	20.7 fee units
3.14	For hearing a public examination under Chapter V—for each day subsequent to the hearing of the application per day or part of a day	124.2 fee units	62.1 fee units	20.7 fee units
3.15	For hearing of an interlocutory application, other application or an appeal for the second and subsequent days—per day or part of a day	124.2 fee units	62.1 fee units	20.7 fee units

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Schedule 1—Fees

**Part 4—Fees payable in the
Office of the Registrar of Probates**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
4.1	Posting on the Court's website of— (a) a notice of intention to apply for a grant of representation under Rule 2.03 or Rule 4.03 of Chapter III; (b) a notice of intention to apply for the affixing of the seal of the Court to any probate, letters of administration or grant or order under Rule 5.04 of Chapter III; (c) a notice of intention to administer an estate by State Trustees under section 79 of the Administration and Probate Act 1958	1·6 fee units	1·6 fee units	1·6 fee units
4.2	On filing an application for any grant of representation or on filing an originating motion under Rule 7.04(1) of Chapter III—			

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	(a) if the gross value of the estate is less than \$500 000	4.2 fee units	4.2 fee units	4.2 fee units
	(b) if the gross value of the estate is \$500 000 or more but less than \$1 000 000	22.5 fee units	22.5 fee units	22.5 fee units
	(c) if the gross value of the estate is \$1 000 000 or more but less than \$2 000 000	42.0 fee units	42.0 fee units	42.0 fee units
	(d) if the gross value of the estate is \$2 000 000 or more but less than \$3 000 000	92.0 fee units	92.0 fee units	92.0 fee units
	(e) if the gross value of the estate is \$3 000 000 or more	142.0 fee units	142.0 fee units	142.0 fee units
4.3	On filing a caveat in the Probate jurisdiction	20.5 fee units	20.5 fee units	20.5 fee units
4.4	On filing—			
	(a) a notice of appointment of the Incorporated Nominal Defendant as Administrator ad litem under section 158 of the Transport Accident Act 1986 ; or			

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	(b) a notice requiring notification of a grant of representation; or (c) a request for notification of application for executor's commission (Rule 10.05 of Chapter III)	1·8 fee units	1·8 fee units	1·8 fee units
4.5	For preparation by the Registrar of Probates or assistant Registrar of Probates of an application in relation to a small estate	15·4 fee units	15·4 fee units	15·4 fee units
4.6	For authenticating an order amending parchment	1·3 fee units	1·3 fee units	1·3 fee units
4.7	Certificate of Registrar of Probates verifying copy document where not done in the usual course of an application for a grant of representation	1·3 fee units	1·3 fee units	1·3 fee units
4.8	Every exemplification where not done in the usual course of an application for a grant of representation	1·8 fee units	1·8 fee units	1·8 fee units
4.9	Office copy of parchment and Will	1·3 fee units	1·3 fee units	1·3 fee units

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Part 5—Fees payable in the Costs Court

The fees in this Part apply to any proceeding in the Costs Court.

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
5.1	Commencement of a proceeding in the Costs Court under Rule 63.38 of Chapter I (other than matters referred to in items 5.2 and 5.3)—			
	(a) if the costs claimed are less than \$50 000	27.1 fee units	13.6 fee units	6.8 fee units
	(b) if the costs claimed are \$50 000 or more but less than \$150 000	36.9 fee units	18.4 fee units	9.2 fee units
	(c) if the costs claimed are \$150 000 or more	44.0 fee units	22.0 fee units	11.0 fee units
5.2	Commencement of a proceeding under Rule 63.64 of Chapter I by a client or other person liable to pay the costs—			
	(a) if the bill of costs is less than \$50 000	46.4 fee units	23.2 fee units	11.6 fee units
	(b) if the bill of costs is \$50 000 or more but less than \$150 000	58.0 fee units	29.0 fee units	14.5 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	(c) if the bill of costs is \$150 000 or more	69·5 fee units	34·8 fee units	17·4 fee units
5.3	Commencement of a proceeding by a lawyer or law practice under legal profession legislation for assessment of costs payable to the lawyer or law practice	92·7 fee units	92·7 fee units	92·7 fee units
5.4	Commencement of an interlocutory application other than one referred to in item 5.5	41·3 fee units	20·7 fee units	10·3 fee units
5.5	Commencement of an interlocutory application by a lawyer or law practice within a proceeding under legal profession legislation	77·7 fee units	77·7 fee units	77·7 fee units
5.6	For every sitting of a Judge, an Associate Judge, a judicial registrar, costs registrar or a court official at a mediation other than a sitting referred to in item 5.7—per day or part of a day	41·3 fee units	20·7 fee units	10·3 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
5.7	For every sitting of a Judge, an Associate Judge, a judicial registrar, costs registrar or a court official at a mediation, in a proceeding commenced by a lawyer or law practice under legal profession legislation—per day or part of a day	41.3 fee units	41.3 fee units	41.3 fee units
5.8	For hearing, or assessment under Part 8 of Order 63 of Chapter I, of a matter other than in a matter referred to in item 5.9—per day or part of a day	41.3 fee units	20.7 fee units	10.3 fee units
5.9	For hearing, or assessment under Part 8 of Order 63 of Chapter I, of hearing a matter commenced by a lawyer or law practice under legal profession legislation—per day or part of a day	77.7 fee units	77.7 fee units	77.7 fee units
5.10	For commencement of a review or reconsideration other than a review or reconsideration referred to in item 5.11	41.3 fee units	20.7 fee units	10.3 fee units

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<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
5.11	For commencement of a review or a reconsideration by a lawyer or law practice in a proceeding commenced by a lawyer or law practice under legal profession legislation	77.7 fee units	77.7 fee units	77.7 fee units

**Part 6—Fees applicable to all offices of the
Court and miscellaneous fees**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
6.1	In addition to any other fee payable under these Regulations, if an office of the Court is opened to provide a service referred to in these Regulations— (a) within half an hour before the opening time (9.30 a.m.) or within half an hour after the closing time (4.00 p.m.); (b) at any other time other than ordinary opening hours	5.4 fee units	2.7 fee units	1.3 fee units
6.2	Issuing a subpoena	7.9 fee units	4.0 fee units	2.0 fee units
6.3	For searching a database, inspecting a register, retrieving a document or accessing any material filed, lodged or produced to or held by the Court, for each request	4.9 fee units	2.4 fee units	1.2 fee units

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
6.4	If the search, inspection, retrieval or accessing referred to in item 6.3 involves the retrieval of files held offsite, an additional fee per file of	2·2 fee units	1·1 fee units	1 fee unit
6.5	For photocopying or printing any document	60 cents per page	60 cents per page	60 cents per page
6.6	For filing an application for examination of a debtor (Rule 67.02 of Chapter I)	4·9 fee units	2·4 fee units	1·2 fee units
6.7	For filing an application under section 6 or 8 of the Judgment Debt Recovery Act 1984	4·9 fee units	2·4 fee units	1·2 fee units
6.8	For filing— (a) an application for registration of an interstate judgment or registration of a judgment under the Trans-Tasman Proceedings Act 2010 of the Commonwealth; or (b) a certificate under section 86(4) of the County Court Act 1958 ; or			

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<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
	(c) a certificate under section 112(2) of the Magistrates' Court Act 1989	4.9 fee units	2.4 fee units	1.2 fee units
6.9	Issue of a warrant of apprehension of disobedience of summons	17.7 fee units	8.9 fee units	4.4 fee units
6.10	Issue of a warrant of possession, a warrant of seizure and sale or a warrant of delivery	9.3 fee units	4.7 fee units	2.3 fee units
6.11	Nomination of a registered liquidator by the Prothonotary under Chapter V	5.4 fee units	2.7 fee units	1.3 fee units
6.12	Sealing any document or certificate other than—			
	(a) a copy required for service; or			
	(b) a judgment, order or warrant; or			
	(c) a document under Rule 7.13(1) of Chapter I; or			
	(d) a certificate under Rule 80.16 of Chapter I; or			
	(e) any document or certificate for which a separate fee is fixed by these Regulations or any other Regulations	4.9 fee units	2.4 fee units	1.2 fee units

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<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
6.13	Attendance before an Associate Judge, a judicial registrar or a court official for the purpose of investigation, inquiry or assessment, including the taking of accounts, for each hour or part of an hour	17.7 fee units	8.9 fee units	4.4 fee units
	ADMISSION TO THE AUSTRALIAN LEGAL PROFESSION			
6.14	Admission as an Australian lawyer and officer of the Supreme Court and authentication of order	14.0 fee units	14.0 fee units	14.0 fee units
6.15	Certificate sealed by the Prothonotary that a person has been admitted to practise and that the person's name remains on the Roll	11.1 fee units	11.1 fee units	11.1 fee units
6.16	Duplicate authenticated order of admission	9.1 fee units	9.1 fee units	9.1 fee units
	APPOINTMENT OF PUBLIC NOTARIES			
6.17	Application for admission as a public notary	50.1 fee units	50.1 fee units	50.1 fee units

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<i>Item No.</i>	<i>Item</i>	<i>Corporate fee</i>	<i>Standard fee</i>	<i>Concession fee</i>
6.18	Authentication of an order of appointment as a public notary	40·8 fee units	40·8 fee units	40·8 fee units

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Endnotes

- ¹ Reg. 4: S.R. No. 114/2017.
- ² Reg. 5 def. of *Chapter I*: S.R. No. 103/2015. Reprint No. 2 as at 2 January 2018. Reprinted to S.R. No. 127/2017. Subsequently amended by S.R. Nos 32/2018, 33/2018 and 58/2018.
- ³ Reg. 5 def. of *Chapter II*: S.R. No. 57/2018.
- ⁴ Reg. 5 def. of *Chapter III*: S.R. No. 10/2014 as amended by S.R. No. 208/2014.
- ⁵ Reg. 5 def. of *Chapter IV*: S.R. No. 102/2015.
- ⁶ Reg. 5 def. of *Chapter V*: S.R. No. 112/2013. Reprint No. 1 as at 1 June 2018. Reprinted to S.R. No. 56/2018. Subsequently amended by S.R. No. 58/2018.
- ⁷ Reg. 5 def. of *Chapter VI*: S.R. No. 126/2017 as amended by S.R. Nos 32/2018 and 33/2018.

Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2018 is \$14.45. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.