

TASMANIA

SUPREME COURT (FEES) RULES 2017
STATUTORY RULES 2017, No. 102

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SUPREME COURT (FEES) RULES 2017
IN THE SUPREME COURT OF TASMANIA

Dated 14 December 2017.

We, the Honourable Alan Michael Blow, OAM, Chief Justice, and the Honourable Helen Marie Wood, the Honourable Stephen Peter Estcourt, the Honourable Robert William Pearce, the Honourable Michael Joseph Brett and the Honourable Gregory Peter Geason, Puisne Judges of the Supreme Court of Tasmania, on the recommendation of the Rule Committee, make the following Rules of Court under the *Supreme Court Civil Procedure Act 1932*.

1. Short title

These Rules of Court may be cited as the
Supreme Court (Fees) Rules 2017.

2. Commencement

These Rules of Court take effect on the day on
which their making is notified in the *Gazette*.

3. Interpretation

In these Rules of Court –

Act means the *Supreme Court Civil Procedure Act 1932*;

large corporation means a corporation or
business that –

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- (a) has an annual gross income of \$5 million or more; or
- (b) is a public company within the meaning of the Corporations Act;

medium corporation means a corporation or business that –

- (a) has an annual gross income of \$1 million or more but less than \$5 million; and
- (b) is not a public company within the meaning of the Corporations Act;

small corporation means a corporation or business that –

- (a) has an annual gross income of less than \$1 million; and
- (b) is not a public company within the meaning of the Corporations Act;

writ of execution has the same meaning as in rule 894 of the *Supreme Court Rules 2000*.

4. Meaning of corporation

- (1) In this rule –

not-for-profit association means a society, club, institution or body that is not

formed for the purpose of trading or securing (from its transactions) pecuniary profit for its members.

- (2) In these Rules of Court, a corporation includes the following bodies:
- (a) a company;
 - (b) a body corporate;
 - (c) an unincorporated body that, under the law of the place where the body is formed, may –
 - (i) sue or be sued; or
 - (ii) hold property in the name of the secretary of the body or an office holder of the body appointed for that purpose;
 - (d) a corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* of the Commonwealth;
 - (e) a trade union.
- (3) In these Rules of Court, a corporation does not include the following bodies:
- (a) a corporation sole;
 - (b) an unincorporated not-for-profit association.

- (4) A corporation is not required to be subject to the *Corporations Act 2001* of the Commonwealth to be a corporation for these Rules of Court.

5. Exemption from paying fees

The following authorities are exempt from paying fees under these Rules of Court:

- (a) a body or authority of a State or Territory or of the Commonwealth;
- (b) a person representing a body or authority of a State or Territory or of the Commonwealth;
- (c) a Minister for a State or Territory or for the Commonwealth;
- (d) a statutory office holder.

6. Fees

- (1) Subject to these Rules of Court, the fees and percentages set out in Schedule 1 are prescribed as the fees and percentages that are payable under the Act in respect of the cause or matter to which they relate, regardless of the registry of the Court in which the cause or matter was commenced.
- (2) For the calculation of fees and percentages in Part 1 of Schedule 1, an originating process in respect of a cause or matter includes all other proceedings in respect of that cause or matter.

7. Application of fees

- (1) A person seeking to pay the fee or percentage applicable to a small corporation or a medium corporation in relation to a cause or matter must provide to the Registrar a certificate, in a form approved by the Registrar, specifying the annual gross income of the corporation to which the cause or matter relates.
- (2) Any question arising as to the application of an item in Schedule 1 in a particular case is to be determined by the Registrar.
- (3) A person aggrieved by a determination under subrule (2) may have the determination reviewed by a judge in a summary manner.

8. Cases of hardship

The Registrar may –

- (a) reduce or waive a fee or percentage payable by a person under the Act; or
- (b) allow time for a person to pay a fee or percentage –

if it appears to the Registrar that the payment of the full fee or percentage would result in undue hardship to the person due to the exceptional circumstances of the particular cause or matter to which the fee or percentage pertains.

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9. Half-fees

In an action in which the only claims endorsed on the writ –

(a) are for the recovery of –

- (i) a sum of money, whether by way of debt, liquidated demand or unliquidated damages; or
- (ii) land; or
- (iii) a chattel; or
- (iv) any 2 or more of the claims set out in subparagraphs (i), (ii) and (iii); and

(b) involve a total sum of money and value of property not exceeding \$50 000 –

any fees and percentages payable in respect of the action are to be reduced to one-half of those specified in Schedule 1.

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SCHEDULE 1 – FEES AND PERCENTAGES

Rules 5, 6 and 9

PART 1 – PROCEEDINGS

	Item	Fee (fee units) or percentage
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 (b) if the plaintiff or applicant is a small corporation (c) if the plaintiff or applicant is a medium corporation (d) if the plaintiff or applicant is a large corporation	 580 580 1 290 1 935
2.	On commencement of proceedings for admission to the legal profession	277
3.	On the filing of an application seeking relief under section 146 of the <i>Land Titles Act 1980</i>	580
4.	On the filing of an interlocutory application for injunctive relief or a freezing order –	

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	(a) if the applicant is an individual	168
	(b) if the applicant is a corporation	271
5.	On the issuing of a subpoena –	
	(a) if the applicant is an individual	38
	(b) if the applicant is a small corporation	38
	(c) if the applicant is a medium corporation	45
	(d) if the applicant is a large corporation	51
6.	On the filing of a bill for taxation	161
7.	On the taxation for a bill of costs	4% of the amount taxed, or such lesser amount as the taxing officer, in the officer's discretion, allows
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
	(b) if the appellant or applicant is a small corporation	580

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	(c) if the appellant or applicant is a medium corporation	1 290
	(d) if the appellant or applicant is a large corporation	1 935
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
	(b) if the appellant or applicant is a small corporation	580
	(c) if the appellant or applicant is a medium corporation	1 290
	(d) if the appellant or applicant is a large corporation	1 935
10.	On filing a writ of execution in respect of –	
	(a) a debt not exceeding \$20 000	64
	(b) a debt exceeding \$20 000	129
11.	On the appointment of a mediator who is an employee of, or otherwise engaged by, the Court	483

PART 2 – ADMINISTRATION

	Item	Fee (fee units)

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1.	Transcripts	
	(a) for the initial copy, supplied to a party, of a transcript that is required to be transcribed	5
	(b) for a copy of a transcript that has already been transcribed	2
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
3.	For a copy of a document	1 (per page)
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

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A. M. BLOW
Chief Justice

H. M. WOOD
Puisne Judge

S. P. ESTCOURT
Puisne Judge

R. W. PEARCE
Puisne Judge

M. J. BRETT
Puisne Judge

G. P. GEASON
Puisne Judge

Countersigned,

J. A. CONNOLLY
Registrar

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 20 December 2017.

EXPLANATORY NOTE

(This note is not part of the Rules of Court)

These Rules of Court –

- (a) set out the scale of fees and percentages payable by individuals and corporations in relation to certain causes and matters filed or commenced in the Court; and
- (b) provide for the Registrar to determine the application of, or reduce, waive or extend time in relation to, those fees and percentages.