

South Australia

Supreme Court (Fees) Variation Regulations 2017

under the *Supreme Court Act 1935*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Supreme Court (Fees) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on 1 July 2017.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Supreme Court Regulations 2005*

4—Substitution of Schedules 1 and 2

Schedules 1 and 2—delete the Schedules and substitute:

Schedule 1—Fees in general jurisdiction

Part 1—General

General Fees

- 1 On filing an application for disclosure of documents before the commencement of a proceeding
 - (a) for a prescribed corporation \$595.00
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	(b) for any other person	\$420.00
2	On filing a document to commence a proceeding in the Supreme Court—	
	(a) in the case where a fee has previously been paid for filing an application for disclosure of documents relating to the subject-matter of the proceeding—	
	(i) for a prescribed corporation	\$2 894.00
	(ii) for any other person	\$2 052.00
	(b) in any other case—	
	(i) for a prescribed corporation	\$3 489.00
	(ii) for any other person	\$2 472.00
3	On filing a counterclaim or third party action	
	(a) for a prescribed corporation	\$3 489.00
	(b) for any other person	\$2 472.00
4	On transferring an action commenced in another court to the Supreme Court	
	(a) in the case of a prescribed corporation	\$3 489.00 less the file commencement fees already paid in respect of the action in the other court
	(b) in any other case	\$2 472.00 less the file commencement fees already paid in respect of the action in the other court
5	On filing a summons for permission to appeal	
	(a) for a prescribed corporation	\$595.00
	(b) for any other person	\$420.00
6	On filing a notice of appeal for which permission to appeal is required	
	(a) for a prescribed corporation	\$2 894.00
	(b) for any other person	\$2 052.00
7	On transferring a counterclaim or third party action commenced in another court to the Supreme Court	

(a)	in the case of a prescribed corporation	\$3 489.00 less the counterclaim or third party action fees already paid in respect of the action in the other court
(b)	in any other case	\$2 472.00 less the counterclaim or third party action fees already paid in respect of the action in the other court
8	On filing a notice of appeal in respect of an appeal as of right	
(a)	for a prescribed corporation	\$3 489.00
(b)	for any other person	\$2 472.00
	Note—	
	No further fee is payable for filing pleadings or particulars or for any interlocutory application, interlocutory motion, application for directions or application for immediate relief, for signing judgment or for any necessary affidavit or document.	
9	On filing a notice of appeal to the Supreme Court against a decision of the Magistrates Court pursuant to section 42 of the <i>Magistrates Court Act 1991</i>	\$232.00
10	On—	
(a)	filing or lodging an application, notice or other document that does not relate to a proceeding for which a fee has been paid under any of the previous clauses	\$74.00
(b)	sealing a certificate	\$74.00
(c)	certifying under seal that a document is a true copy	\$74.00
11	For each request to search and/or inspect a record of the court, other than a Divorce or Matrimonial Causes record	\$23.60
	Note—	
	No fee is payable under this clause for a request made in respect of a record relating to criminal proceedings by or on behalf of the defendant or the victim of the offence that is the subject of those proceedings.	
12	For a copy of a document (other than a copy of evidence)—per page	\$4.80
13	For a copy of evidence	
(a)	per page in electronic form	\$7.90
(b)	per page in hard-copy form	\$10.20

- 14 For a copy of the reasons for judgment—per page \$7.90

Note—

1 copy will be supplied to a party to the proceedings free of charge.

- 15 For production of a transcript on the request of a party where the court does not require the transcript—per page \$16.00

- 16 Trial fee—for each day or part of a day on which the trial is heard by the court—

- (a) for a prescribed corporation \$3 489.00
(b) for any other person \$2 472.00

Note—

The fee for a trial is the fee that is in force under this clause as on the day on which the trial commenced and is payable by the plaintiff or appellant in the proceedings. However, if the court or Registrar so orders, the fee is payable by another party to the proceedings or by the parties to the proceedings in the proportions ordered.

Suitors' Funds

- 17 On interest collected on funds in court or credited to an account, payable from time to time or prior to the payment or transfer of interest out of any fund or money in court—

- (a) if the interest is \$10.00 or less no fee
(b) in any other case 3% of amount of interest

Fees Payable on Adjudication of Costs

- 18 On filing—

- (a) an itemised schedule of costs \$74.00
(b) an application for adjudication of legal costs \$74.00

- 19 For adjudicating an itemised schedule of costs 5% of amount allowed on adjudication (to nearest dollar)

Miscellaneous

- 20 For opening the Registry (or the Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour \$380.00

- 21 For opening the court (or the court remaining open) after hours for urgent hearing—for each hour or part of an hour \$1 144.00

Part 2—Fees payable under rules regulating admission of practitioners

- 22 On application for admission or re-admission as a practitioner \$586.00

Part 3—Fees to be taken in marshal's office

- 23 Receiving and entering a writ of summons, warrant of release, decree, order, commission or other instrument under the seal of the court \$61.00

24	For—	
	(a)	service of a writ of summons \$50.50
	(b)	execution of a warrant of arrest—for each person \$105.00
		but, if a writ is served and a warrant executed on a person at the same time \$136.00
25	For execution of a warrant for the seizure of a ship, cargo or other goods	\$105.00
26	For the release of any ship, goods or person from seizure or arrest	\$50.50
27	For the execution of a commission of appraisal or sale	\$105.00
28	For the execution of any decree, order, commission or instrument other than 1 otherwise specified in this Part	\$105.00
29	For delivery of a ship or goods to a purchaser	\$105.00
30	For attending the discharge of cargo or removal of a ship or goods—payable per day or part of a day	\$105.00
31	For opening office (or office remaining open) after hours for urgent execution of process—payable per hour or part of an hour	\$380.00
32	On the gross proceeds of any ship or goods sold—	
	(a)	for every \$200 or part of \$200, up to \$20 000 \$20.70
	(b)	for each additional \$200 or part of \$200 \$12.60
33	For retaining possession of a ship (with or without cargo) or of a ship's cargo—for each day or part of a day	\$61.00

Note—

No fee is payable under this Part for the custody and possession of property seized if it consists of money with an ADI, or goods stored in a bonded warehouse, or if it is in the custody of a customs officer or other authorised person.

Schedule 2—Fees in probate jurisdiction

1	On lodging an application for a grant of probate or administration in respect of a deceased estate the gross value of which—	
	(a)	is \$200 000 or less \$780.00
	(b)	is more than \$200 000 but less than or equal to \$500 000 \$1 560.00
	(c)	is more than \$500 000 but less than or equal to \$1 million \$2 079.00
	(d)	is more than \$1 million \$3 118.00
2	On lodging an application for the sealing of a grant under section 17 of the <i>Administration and Probate Act 1919</i> in respect of a deceased estate the gross value of which—	
	(a)	is \$200 000 or less \$780.00
	(b)	is more than \$200 000 but less than or equal to \$500 000 \$1 560.00

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	(c) is more than \$500 000 but less than or equal to \$1 million	\$2 079.00
	(d) is more than \$1 million	\$3 118.00
3	On lodging an application for an order under section 9 of the <i>Public Trustee Act 1995</i> in respect of a deceased estate the gross value of which—	
	(a) is \$200 000 or less	\$780.00
	(b) is more than \$200 000 but less than or equal to \$500 000	\$1 560.00
	(c) is more than \$500 000 but less than or equal to \$1 million	\$2 079.00
	(d) is more than \$1 million	\$3 118.00

Note—

The fees under the preceding clauses cover—

- (a) photocopies required of the will or other document (if any) for the grant and record or other purposes; and
- (b) preparing and sealing any probate or letters of administration, with or without the will annexed, and any order to the Public Trustee to administer; and
- (c) sealing any probate or letters of administration, with or without the will annexed, exemplification or other document under section 17 of the *Administration and Probate Act 1919*.

4	For the entry or withdrawal of a caveat, for a warning to a caveat or for service of a warning to a caveat sent by the Registrar through the post	\$35.00
5	On entering an appearance—for 1 or more persons	\$61.00
6	For sealing a citation or a subpoena	\$35.00
7	For a search for a will or other document filed in the Registry and the issue of a search copy (inclusive fee)	\$20.70
	and, in addition, for handling a search by post—in respect of each will or other document	\$2.30
8	For depositing the will of a deceased person in the Registry—	
	(a) for safe custody on renunciation of executor (inclusive fee)	\$35.00
	(b) under the <i>Crown Lands Act 1929</i> (inclusive fee)	\$35.00
9	For depositing the will or codicil of a living person for safe custody in the Registry under section 13 of the <i>Administration and Probate Act 1919</i> (inclusive fee)	\$117.00

Note—

This fee is not payable on an application under section 16 of the *Administration and Probate Act 1919*.

10	On sealing a summons without notice or an inter partes summons	\$295.00
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11 On sealing any other summons \$57.00

Note—

The fee under clause 10 or 11 is not payable where a fee under clause 1 is payable.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 22 June 2017

No 157 of 2017

T&F17/008CS