

South Australia

## **Supreme Court (Fees) Variation Regulations 2020**

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 2020*.

#### **2—Commencement**

These regulations come into operation on 27 April 2020.

#### **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 2018***

#### **4—Variation of regulation 3—Interpretation**

- (1) Regulation 3—after the definition of *Crown* insert:

*Electronic System* means the system made available by the Court that enables the electronic management of Court processes including the creation, filing and issue of Court documents;

- (2) Regulation 3, definition of *Registrar*, (a)—delete "court" and substitute:

Court

## **5—Variation of regulation 5—Fees in general jurisdiction**

- (1) Regulation 5(1)—delete "court's" and substitute:

Court's

- (2) Regulation 5(2)—delete "clause 8" and substitute:

clause 11

- (3) Regulation 5(2)(a)—delete "court" and substitute:

Court

- (4) Regulation 5(2)(a)(i)—delete "plaintiff" and substitute:

applicant

- (5) Regulation 5(3)—delete "clause 17" wherever occurring and substitute in each case:

clause 20

- (6) Regulation 5(3)(b)—delete "clause 8" and substitute:

clause 11

- (7) Regulation 5(3)(c)—delete "plaintiff or appellant" and substitute:

applicant

- (8) Regulation 5(3)(d)—delete "court" and substitute:

Court

- (9) Regulation 5(3)(d)—delete "proceedings" wherever occurring and substitute in each case:

proceeding

- (10) Regulation 5(4)—delete "proceedings" and substitute:

proceeding

## **6—Variation of regulation 6—Fees in probate jurisdiction**

- Regulation 6(1)—delete "court's" and substitute:

Court's

## **7—Variation of regulation 7—Exemption for government agencies from certain fees**

- Regulation 7(1)(a)—delete "court's" and substitute:

Court's

## 8—Substitution of Schedule 1

Schedule 1—delete the Schedule and substitute:

### **Schedule 1—Fees in general jurisdiction**

#### **Part 1—General**

- |   |   |  |
|---|---|--|
| 1 | On filing a final notice of claim—  |  |
|   | (a) in the case of a notice of claim filed using the Electronic System  | \$22.70  |
|   | (b) in any other case   | \$54.50  |
| 2 | On filing an application for discovery of documents before the commencement of a proceeding—  |  |
|   | (a) for a prescribed corporation  | \$638.00   |
|   | (b) for any other person  | \$450.00   |
| 3 | 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 discovery of documents relating to the subject-matter of the proceeding— |  |
|   | (i) for a prescribed corporation  | \$3 106.00   |
|   | (ii) for any other person   | \$2 202.00   |
|   | (b) in any other case—  |  |
|   | (i) for a prescribed corporation  | \$3 744.00   |
|   | (ii) for any other person   | \$2 652.00   |
| 4 | On filing a cross action in the nature of a counter claim or third party claim—   |  |
|   | (a) for a prescribed corporation  | \$3 744.00   |
|   | (b) for any other person  | \$2 652.00   |
| 5 | On transferring a proceeding commenced in another court to the Supreme Court—   |  |
|   | (a) in the case of a prescribed corporation   | \$3 744.00 less<br>the file<br>commencement<br>fees already<br>paid in respect<br>of the<br>proceeding in<br>the other court |
|   | (b) in any other case   | \$2 652.00 less<br>the file<br>commencement<br>fees already<br>paid in respect<br>of the<br>proceeding in<br>the other court |

**Supreme Court (Fees) Variation Regulations 2020**  
Part 2—Variation of *Supreme Court Regulations 2018*

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6	On filing a notice of appeal or notice of cross appeal for which permission to appeal is required—	
	(a) for a prescribed corporation	\$638.00
	(b) for any other person	\$450.00
7	On the Court granting permission to appeal or cross appeal—	
	(a) for a prescribed corporation	\$3 106.00
	(b) for any other person	\$2 202.00
8	On filing a notice of appeal or notice of cross appeal in respect of an appeal as of right—	
	(a) for a prescribed corporation	\$3 744.00
	(b) for any other person	\$2 652.00
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>	\$249.00
10	On transferring a cross action in the nature of a counter claim or third party claim commenced in another court to the Supreme Court—	
	(a) in the case of a prescribed corporation	\$3 744.00 less the fees already paid in respect of the cross action in the other court
	(b) in any other case	\$2 652.00 less the fees already paid in respect of the cross action in the other court
11	On setting a date for trial—	
	(a) for a prescribed corporation	\$3 744.00
	(b) for any other person	\$2 652.00
12	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	\$79.50
	(b) sealing a certificate	\$79.50
	(c) certifying under seal that a document is a true copy	\$79.50
13	For each request to search and/or inspect a record of the Court, other than a Divorce or Matrimonial Causes record	\$25.30
14	For an unsealed copy of the record of the Court	\$25.30
15	For a sealed copy of the record of the Court	\$79.50

**Note—**

No fee is payable under clauses 13, 14 or 15 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.

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| 16 | For a copy of evidence—                         |         |
|    | (a) per page in electronic form                 | \$8.50  |
|    | (b) per page in hard-copy form                  | \$10.90 |
| 17 | For a copy of the reasons for judgment—per page | \$8.50  |

**Note—**

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

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| 18   | For a copy of a document (other than a copy of evidence)—per page   | \$5.10   |
| 19   | For production of transcript at request of a party where the Court does not require the transcript—per page   | \$17.20  |
| 20   | Trial fee—for each day or part of a day on which the trial is heard by the Court—   |  |
|  | (a) for a prescribed corporation  | \$3 744.00   |
|  | (b) for any other person  | \$2 652.00   |
| 21   | Suitors' Fund—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                             |
| 22   | Taxation of costs—  |  |
|  | (a) on filing a claim for costs in an existing proceeding   | \$79.50  |
|  | (b) on filing an originating application for taxation of legal costs  | \$79.50  |
|  | (c) for taxing an itemised claim for costs  | 5% of amount allowed on taxation (to nearest dollar) |
| 23   | For opening the Registry (or the Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour  | \$407.00   |
| 24   | For opening the Court (or the Court remaining open) after hours for urgent hearing—for each hour or part of an hour   | \$1 227.00   |
| <b>Part 2—Fees payable under rules regulating admission of practitioners</b> |   |  |
| 25   | On application for admission or re-admission as a practitioner  | \$629.00   |

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

26	Receiving and entering a writ of summons, warrant of release, decree, order, commission or other instrument under the seal of the Court	\$65.50
27	For—	
	(a) service of a writ of summons	\$54.00
	(b) execution of a warrant of arrest—for each person	\$112.00
	but, if a writ is served and a warrant executed on a person at the same time	\$146.00
28	For execution of a warrant for the seizure of a ship, cargo or other goods	\$112.00
29	For the release of any ship, goods or person from seizure or arrest	\$54.00
30	For the execution of a commission of appraisalment or sale	\$112.00
31	For the execution of any decree, order, commission or instrument other than 1 otherwise specified in this Part	\$112.00
32	For delivery of a ship or goods to a purchaser	\$112.00
33	For attending the discharge of cargo or removal of a ship or goods—payable per day or part of a day	\$112.00
34	For opening office (or office remaining open) after hours for urgent execution of process—payable per hour or part of an hour	\$407.00
35	On the gross proceeds of any ship or goods sold—	
	(a) for every \$200 or part of \$200, up to \$20 000	\$22.30
	(b) for each additional \$200 or part of \$200	\$13.50
36	For retaining possession of a ship (with or without cargo) or of a ship's cargo—for each day or part of a day	\$65.50

**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.

**9—Variation of Schedule 2—Fees in probate jurisdiction**

- (1) Schedule 2, table, item 11—delete "court" and substitute:

Court

- (2) Schedule 2, table, item 12—delete "court" and substitute:

Court

**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 2 April 2020

No 29 of 2020