

# Supreme Court of Victoria - Court of Appeal Fees

Effective from 30 September 2018



Filing fees and services prescribed by Schedule 1 of the *Supreme Court (Fees) Regulations 2018* (herein referred to as the "Regulations") payable to the Court of Appeal Registry.

Generally, fees will increase annually.

Explanatory notes are contained within the attached schedule. The item numbers listed align with those described in the *Regulations*.

COURT OF APPEAL FEES				
Item no.	Item Description	Corporate	Standard	Concession
<b>Commencement</b>				
1.1	Commencement of an appeal or an application for leave to appeal	\$4,404.40	\$2,202.20	\$299.10
1.2	Commencement of an application for an extension of time	\$2,562.00	\$1,281.70	\$299.10
<b>Case Management</b>				
1.3	Filing an interlocutory application within an appeal ( <i>other than an appeal from the Commercial Court</i> )	\$1,248.50	\$624.20	\$299.10
1.4	Filing an interlocutory application within an appeal from the Commercial Court	\$1,794.70	\$897.30	\$299.10
1.5	Mediation ( <i>other than in an appeal from the Commercial Court - per day or part of a day</i> )	\$1,248.50	\$624.20	\$299.10
1.6	Mediation in an appeal from the Commercial Court ( <i>per day or part of a day</i> )	\$1,794.70	\$897.30	\$299.10
<b>Setting down and Hearing</b>				
1.7	Setting down for hearing of an appeal ( <i>other than an appeal from the Commercial Court - excludes first day hearing fee</i> )	\$2,720.90	\$1,361.20	\$299.10
1.8	Setting down for hearing of an appeal from the Commercial Court ( <i>excludes first day hearing fee</i> )	\$3,492.60	\$1,747.00	\$299.10
1.9	For each day of hearing of an appeal ( <i>other than an appeal from the Commercial Court - includes first day hearing fee</i> )	\$1,631.40	\$815.00	\$299.10
1.10	For each day of hearing of an appeal from the Commercial Court ( <i>includes first day hearing fee</i> )	\$2,051.90	\$1,026.00	\$299.10
MISCELLANEOUS COURT FEES				
Item no.	Item Description	Corporate	Standard	Concession
<b>Late Filing Fees</b>				
6.1	If an office of the Court is opened to provide a service outside the hours of 9.30am to 4.00pm - (a) Within half an hour before the prescribed opening time or within half an hour after the prescribed closing time; (b) At any other time, other than ordinary opening hours	\$78.00 \$1,560.00	\$39.00 \$780.30	\$18.80 \$299.10
<b>Subpoenas</b>				
6.2	Issuing a subpoena ( <i>with leave of the Court</i> )	\$114.20	\$57.80	\$28.90
<b>Searching a Court file or record</b>				
6.3	Searching a database or register, retrieving a document or accessing any material lodged, produced to or held by the Court, for each request	\$70.80	\$34.70	\$17.30
6.4	If the search, retrieval or accessing of material referred to above involves the retrieval of files held offsite, an additional fee per file of	\$31.80	\$15.90	\$8.70
6.5	For photocopying or printing any document		\$0.60	

## SCHEDULE

### FEE CATEGORIES

A **standard fee payer** means (a) a natural person other than a natural person acting in the capacity of statutory office holder; (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; (c) any entity that has a turnover of less than \$200,000 in the financial year before the financial year in which a fee needs to be paid; (d) the executor or administrator of a deceased estate.

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

A **corporate fee payer** means an entity other than a standard fee payer or a concession fee payer.

Note, where a fee is sought to be paid by or on behalf of **two or more** applicants, then - (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.

#### Evidence requirements:

If the party is a **standard fee payer** (aside from a natural person, per section (a), above) or a **concession fee payer**, the applicant (or their authorised legal representative) will be required to complete an '**Application for standard or concession court fees**'. A copy of this form may be obtained from the Court of Appeal Registry or downloaded from [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au).

### FEE EXEMPTIONS (section 6 of the Regulations)

No fee is payable under the *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*);
  - (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 (*adoption*); (g) an appeal from the Family Division of the Children's Court; (h) an appeal from a question of law under section 148 of the *Victorian 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*.

Despite these exemptions, the applicable fee described in item 6.1, 6.3, 6.4 or 6.5 is payable.

### WAIVER OF FEES (section 14 of the Regulations)

A fee may be 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, the Law Institute of Victoria or Justice Connect; (b) is legally represented in the proceeding on a pro bono basis by a member of the Federation of Community Legal Centres; (c) has been granted legal aid for the proceeding; (d) is serving a sentence of imprisonment or is otherwise detained in a detention facility; (e) is a person under the age of 18 years.

A fee under item 6.1, 6.3, 6.4 or 6.5 is not waived, unless it is waived in accordance with section 129(3) of the *Supreme Court Act 1986*.

#### Evidence requirements:

If the party wishes to apply for a waiver of fees, based on the above or on the alternate grounds of financial hardship pursuant to section 129(3) of the *Supreme Court Act 1986* the applicant (or their authorised legal representative) will be required to complete an '**Application for waiver of court fees**'. A copy of this form may be obtained from the Court of Appeal Registry or downloaded from [www.supremecourt.vic.gov.au](http://www.supremecourt.vic.gov.au).