

Supreme Court of Victoria - Prothonotary's Office 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 Prothonotary's Office. Generally, fees will increase annually.

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

COMMON LAW DIVISION				
Item no.	Item Description	Corporate	Standard	Concession
Commencement				
2.1	Commencing a proceeding or an appeal (<i>other than an appeal from an Associate Judge or Judicial Registrar</i>)	\$1,447.90	\$723.90	\$299.10
2.2	Commencing a Counterclaim or Third Party proceeding (<i>or a claim by a third or subsequent party under Order 11 of Chapter I</i>)	\$1,447.90	\$723.90	\$299.10
6.8(a)	Registration of an interstate judgment or judgment under the <i>Trans-Tasman Proceedings Act 2010</i>	\$70.80	\$34.70	\$17.30
6.8(b)	Filing a Certificate under section 86(4) of the <i>County Court Act 1958</i>	\$70.80	\$34.70	\$17.30
6.8(c)	Filing a Certificate under section 112(2) of the <i>Magistrates Court Act 1989</i>	\$70.80	\$34.70	\$17.30
Case Management (<i>includes first day of hearing, where applicable</i>)				
2.5	Filing an interlocutory application (<i>note, there is no fee to file a summons for directions</i>)	\$1,122.80	\$562.10	\$280.30
2.6	Filing an appeal from a decision of an Associate Judge or Judicial Registrar	\$1,122.80	\$562.10	\$280.30
2.7	Mediation (<i>per half day or part of a half day</i>)	\$596.80	\$299.10	\$148.80
2.8	Case Management Conference (<i>per day or part of a day</i>)	\$596.80	\$299.10	\$148.80
2.9	Pre-trial Conference (<i>per day or part of a day</i>)	\$271.70	\$135.80	\$67.90
Setting down and Hearing				
2.10	Setting down for hearing of a trial or an appeal (<i>excludes the first day hearing fee</i>)	\$1,631.40	\$815.00	\$299.10
2.11(a)	For hearing a trial or an appeal - for the first day (<i>per day or part of a day</i>)	\$1,196.50	\$598.20	\$299.10
2.11(b)	For hearing a trial or an appeal - for days 2 to 4 (<i>per day or part of a day</i>)	\$1,631.40	\$815.00	\$299.10
2.11(c)	For hearing a trial or an appeal - for days 5 to 9 (<i>per day or part of a day</i>)	\$2,538.90	\$1,270.20	\$299.10
2.11(d)	For hearing a trial or an appeal - for day 10 and subsequent days (<i>per day or part of a day</i>)	\$3,627.00	\$1,813.50	\$299.10
	For hearing a trial by jury - for the first day (<i>exclusive of the setting down and first day hearing fees</i>)		\$784.60	
	For hearing a trial by jury - for days 2 to 6 (<i>for 6 jury members, alternatively, \$93.90 per jury member</i>)		\$563.40	
	For hearing a trial by jury - for day 7 and subsequent days (<i>for 6 jury members, alternatively, \$93.90 per jury member</i>)		\$1,118.40	
2.12	For hearing an interlocutory application or other application - for day 2 and subsequent days (<i>per day or part of a day</i>)	\$1,196.50	\$598.20	\$299.10

COMMERCIAL COURT				
Item no.	Item Description	Corporate	Standard	Concession
	Commencement			
3.1	Commencing a proceeding in a Judge-managed List of the Commercial Court (<i>other than an appeal</i>)	\$4,231.00	\$2,115.50	\$299.10
3.2	Commencing a proceeding in a non Judge-managed List of the Commercial Court (<i>other than an appeal or winding up proceeding</i>)	\$2,242.60	\$1,121.30	\$299.10
3.3	Commencing a winding up in insolvency proceeding in the Corporations List (<i>under section 5.4 of the Corporations Act 2001</i>)	\$826.50	\$826.50	\$299.10
3.5	Commencing an appeal in a Judge-managed List of the Commercial Court	\$4,231.00	\$2,115.50	\$299.10
3.4	Commencing a Counterclaim or Third Party proceeding (<i>or a claim by a third or subsequent party under Order 11 of Chapter I</i>)	\$2,242.60	\$1,121.30	\$299.10
6.11	Nomination of a registered liquidator by the Prothonotary under Chapter V	\$78.00	\$39.00	\$18.80
	Case Management (<i>includes first day of hearing, where applicable</i>)			
3.6	Entry of a proceeding into a Judge-managed List of the Commercial Court (<i>where the proceeding commenced in a non-Judge managed List</i>)	\$1,988.30	\$994.20	\$299.10
3.7	Filing an interlocutory application (<i>note, there is no fee to file a summons for directions</i>)	\$1,794.70	\$897.30	\$299.10
3.8	Filing an interlocutory application for hearing on an urgent basis	\$2,242.60	\$1,121.30	\$299.10
3.9	Filing an appeal from an Associate Judge or Judicial Registrar	\$2,242.60	\$1,121.30	\$299.10
3.10	Mediation (<i>per day or part of a day</i>)	\$1,794.70	\$897.30	\$299.10
3.11	Case Management Conference or Discovery Conference (<i>per day or part of a day</i>)	\$1,241.30	\$621.40	\$299.10
	Setting down and Hearing			
3.12	Setting down a proceeding for trial (<i>excludes the first day hearing fee</i>)	\$2,051.90	\$1,027.40	\$299.10
3.13(a)	For hearing a trial - for the first day (<i>per day or part of a day</i>)	\$1,398.80	\$699.40	\$299.10
3.13(b)	For hearing a trial - for days 2 to 4 (<i>per day or part of a day</i>)	\$2,051.90	\$1,026.00	\$299.10
3.13(c)	For hearing a trial - for days 5 to 9 (<i>per day or part of a day</i>)	\$3,077.90	\$1,538.90	\$299.10
3.13(d)	For hearing a trial - for days 10 to 14 (<i>per day or part of a day</i>)	\$4,663.00	\$2,330.80	\$299.10
3.13(e)	For hearing a trial - for day 15 subsequent days (<i>per day or part of a day</i>)	\$6,761.20	\$3,381.30	\$299.10
3.14	For hearing a public examination under Chapter V - for day 2 and subsequent days (<i>per day or part of a day</i>)	\$1,794.70	\$897.30	\$299.10
3.15	For hearing an interlocutory application, other application or appeal - for day 2 and subsequent days (<i>per day or part of a day</i>)	\$1,794.70	\$897.30	\$299.10

COSTS COURT				
Item no.	Item Description	Corporate	Standard	Concession
5.1	Commencement <i>(includes the initial listing for costs assessment, mediation or taxation)</i>			
	Commencing a proceeding for an assessment of costs awarded to a party, whereby -			
	(a) the costs claimed are less than \$50,000	\$391.60	\$196.50	\$98.30
	(b) the costs claimed \$50,000 or more but less than \$150,000	\$533.20	\$265.90	\$132.90
5.2	(c) the costs claimed are over \$150,000	\$635.80	\$317.90	\$159.00
	Commencing a proceeding by a client liable to pay solicitor costs, whereby -			
	(a) the costs claimed are less than \$50,000	\$670.50	\$335.20	\$167.60
	(b) the costs claimed \$50,000 or more but less than \$150,000	\$838.10	\$419.10	\$209.50
5.3	(c) the costs claimed are over \$150,000	\$1,004.30	\$502.90	\$251.40
	Commencing a proceeding by a lawyer or law practice (" <i>law practice applicant</i> ") under legal professional legislation for a costs assessment		\$1,339.50	
5.4	Case Management <i>(subsequent to the initial listing for assessment, mediation or taxation)</i>			
	Filing an interlocutory application <i>(other than one referred to in item 5.5)</i>	\$596.80	\$299.10	\$148.80
	Filing an interlocutory application by a law practice applicant		\$1,122.80	
	Mediation <i>(other than one referred to in item 5.7 - per day or part of a day)</i>	\$596.80	\$299.10	\$148.80
	Mediation within a proceeding commenced by a law practice applicant <i>(per day or part of a day)</i>		\$596.80	
	Taxation hearings or assessments <i>(other than one referred to in item 5.9 - per day or part of a day)</i>	\$596.80	\$299.10	\$148.80
	Taxation hearings or assessments within a proceeding commenced by a law practice applicant <i>(per day or part of a day)</i>		\$1,122.80	
5.10	Review or Reconsideration			
	Filing a review or reconsideration of an order of the Costs Court <i>(other than one referred to in item 5.11)</i>	\$596.80	\$299.10	\$148.80
5.11	Filing a review or reconsideration of an order of the Costs Court by a law practice applicant in a proceeding commenced under item 5.3		\$1,122.80	

MISCELLANEOUS COURT FEES				
Item no.	Item Description	Corporate	Standard	Concession
6.1	Late filing fee 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
6.2	Subpoenas Issuing a subpoena	\$114.20	\$57.80	\$28.90
6.3	Searching or accessing a subpoenaed record at the office of the Court, for each request	\$70.80	\$34.70	\$17.30
6.3	Searching a Court file or record 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	
6.6	Enforcement Filing an application for examination of a debtor under Rule 67.02 of Chapter I	\$70.80	\$34.70	\$17.30
6.7	Filing an application under section 6 or 8 of the <i>Judgment Debt Recovery Act 1984</i>	\$70.80	\$34.70	\$17.30
6.9	Warrants (<i>note, there is no fee to file a Judgment in Default of Appearance or Defence</i>) Issuing a warrant of apprehension of disobedience of summons	\$255.80	\$128.60	\$63.60
6.10	Issuing a warrant of possession, a warrant of seizure and sale or a warrant of delivery	\$134.40	\$67.90	\$33.20
6.14	Admission to the Australian Legal Profession Admission as an Australian Lawyer and authentication of order		\$202.30	
6.15	Certificate of Good Standing		\$160.40	
6.16	Duplicate certificate of admission		\$131.50	
6.17	Appointment of Public Notaries Application for admission as a public notary		\$724.00	
6.18	Authentication of an order of appointment as a public notary		\$589.60	

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 Prothonotary's office or downloaded from 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 authorised legal representative, if appropriate) will be required to complete an '**Application for waiver of court fees**'. A copy of this form may be obtained from the Prothonotary's office or downloaded from www.supremecourt.vic.gov.au.