

Supreme Court of Victoria - Court of Appeal Fees

Effective from 1 July 2023



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
	Commencement			
1.1	Commencement of an appeal or an application for leave to appeal	\$4,846.30	\$2,423.20	\$329.10
1.2	Commencement of an application for an extension of time	\$2,819.10	\$1,410.30	\$329.10
	Case Management			
1.3	Filing an interlocutory application within an appeal (<i>other than an appeal from the Commercial Court</i>)	\$1,373.80	\$686.90	\$329.10
1.4	Filing an interlocutory application within an appeal from the Commercial Court	\$1,974.80	\$987.40	\$329.10
1.5	Mediation (<i>other than in an appeal from the Commercial Court - per day or part of a day</i>)	\$1,373.80	\$686.90	\$329.10
1.6	Mediation in an appeal from the Commercial Court (<i>per day or part of a day</i>)	\$1,974.80	\$987.40	\$329.10
	Setting down and Hearing			
1.7	Setting down for hearing of an appeal (<i>other than an appeal from the Commercial Court - excludes first day hearing fee</i>)	\$2,994.00	\$1,497.80	\$329.10
1.8	Setting down for hearing of an appeal from the Commercial Court (<i>excludes first day hearing fee</i>)	\$3,843.00	\$1,922.30	\$329.10
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>)	\$1,795.10	\$896.80	\$329.10
1.10	For each day of hearing of an appeal from the Commercial Court (<i>includes first day hearing fee</i>)	\$2,257.80	\$1,128.90	\$329.10
MISCELLANEOUS COURT FEES				
Item no.	Item Description	Corporate	Standard	Concession
	Late Filing Fees			
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	\$85.90 \$1,717.20	\$42.90 \$858.60	\$20.70 \$329.10
6.2	Subpoenas Issuing a subpoena (<i>with leave of the Court</i>)	\$125.60	\$63.60	\$31.80
	Searching a Court file or record			
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	\$77.90	\$38.20	\$19.10
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	\$35.00	\$17.50	\$15.90
6.5	For photocopying or printing any document (<i>per page</i>)		\$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.

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.