

#### **4. Fees and poundage to be charged**

- (1) Subject to the provisions of these regulations, the fees and poundage specified in Schedules 1, 2, and 3 are to be charged in respect of the matters referred to in section 171(1) of the Act in relation to which they are specified.
- (2) In relation to a matter specified in column 2 of Schedule 1, the fee shown opposite the matter —
  - (a) in column 3 applies if an individual is required to pay the fee; or
  - (b) in column 4 applies if a person other than an individual is required to pay the fee,as the case requires.
- (3) Except as provided in Schedule 1 or 3, a fee must not be charged in respect of any of the following —
  - (a) filing an affidavit;
  - (b) filing a pleading;
  - (c) search by a party;
  - (d) sealing a copy of a document;
  - (e) drawing up, settling or signing a judgment, order, or decree;
  - (f) amending a pleading;
  - (g) making a request under the Rules;
  - (h) filing, depositing, giving, issuing, or serving any other document required or permitted by the Rules to be filed, deposited, given, issued, or served in connection with proceedings in the Court.
- (4) A note to an item in Schedule 1, 2, or 3 has effect according to its tenor as if it were a provision of these regulations.
- (5) No fee is to be charged in respect of any attendance in chambers if the attendance is required by an order of the Court made on its own motion.
- (6) No fee is to be charged on the appointment of an associate to be a Commissioner for Affidavits where that appointment is for the period during which the appointee holds office as an associate.
- (7) On the lodgement of a declaration in the form of Schedule 4 Form 1, a person that is a small business or a non-profit association is to be charged fees specified in Schedule 1 as if the person were an individual.
- (8) Subregulation (7) does not apply to fees payable by joint parties if at least one of the parties is not a small business or a non-profit association.
- (9) A person who has lodged a declaration under subregulation (7) must immediately advise the Principal Registrar if the person ceases to be a small business or a non-profit association.  
Penalty: \$1 000.
- (10) Whether or not the person has complied with subregulation (9), a person is not entitled to be charged fees as if the person were an individual if the person is not a small business or a non-profit association.

- (11) If a person is charged a fee under subregulation (7) when the person was not a small business or a non-profit association, the Court may —
- (a) order that the person pay the difference between the fee the person paid and the fee that the person would otherwise have been required to pay; and
  - (b) make orders to enforce the order for the payment.
- (12) An order under subregulation (11)(b) may provide that —
- (a) a pleading, application, or other document must not be filed, issued, or otherwise dealt with on the request of the person or that no other matter or thing is be done in the Court or by an officer of the Court for the benefit of the person until the sum ordered to be paid is paid; and
  - (b) a pleading, application, or other document filed, issued, or otherwise dealt with on the request of the person or any other matter or thing done in the Court or by an officer of the Court for the benefit of the person is of no effect until the sum ordered to be paid is paid.
- (13) A person who makes a statement or representation in a declaration under subregulation (7) that the person knows or has reason to believe is false or misleading in a material particular commits an offence.

Penalty: \$1 000.

*[Regulation 4 amended in Gazette 30 Dec 2003 p. 5693-4.]*