

Discussion Paper

Review of bailiff fees - *Uniform Civil Procedure (Fees) Regulation 2019* (UCPFR)

January 2024

Background

The Queensland court system is pivotal in administering justice throughout Queensland. Court Services Queensland (CSQ) is committed to inspiring confidence in the justice system by delivering responsive, accessible and timely services which meet the needs of court users.

Bailiffs (also known as enforcement officers) are key stakeholders in the Queensland court system, and critical to the delivery of responsive, accessible and timely services in civil proceedings.

Bailiffs are appointed pursuant to section 3C of the *Magistrates Court Act (Qld) 1921*, section 41 of the *District Court of Queensland Act 1967* (Qld) and section 73(2) of the *Supreme Court of Queensland Act 1991* (Qld), and perform the following service and enforcement functions:

- serving documents on people or corporations, including service of foreign legal processes,
- executing enforcement warrants including seizure and sale of property,
- executing enforcement hearing warrants including apprehension of persons with police assistance, and
- facilitating the service and execution of other processes, judgments, and orders according to the law.

Bailiffs claim fees prescribed in [Schedule 1](#) and [Schedule 2, Part 2](#) of the [Uniform Civil Procedure \(Fees\) Regulation 2019](#) (UCPFR) for out-of-court service and enforcement functions.

In the Supreme and District Courts, most bailiffs are appointed as full-time or part-time public service employees and perform out-of-court functions outside of normal working hours in addition to their full-time or part-time employment. For these bailiffs, the prescribed fees are retained in addition to the wage or salary they receive in relation to their primary employment. Some Supreme and District Court bailiffs, and all Magistrates Court bailiffs perform only out-of-court functions and, as a result, the prescribed fees are their only source of income for bailiff functions performed on behalf of the court.

All claims by a bailiff to recover prescribed fees for service and enforcement are administered by a court registrar to ensure fees are appropriately claimed and paid in line with the UCPFR. All fees are paid by the parties to the proceeding, typically from a security deposit or proceeds of enforcement action.

Current fee structures

Concerns have been raised that due to rising costs of living including fuel prices, and increasing complexities associated with discharging bailiff functions, existing fees particularly within the Magistrates Court jurisdiction are insufficient and result in financial deficit for some bailiffs performing out-of-court service and enforcement functions. Furthermore, UCPFR fees:

- are comparatively lower than fees charged by private agents (private process servers) for similar services,
- are for some Magistrates Court fees, comparatively lower than similar fees in other Australian jurisdictions, and
- Magistrates Court fees are comparatively lower than Supreme and District Court fees.

The prescribed fees were last reviewed in 2019 and the quantum of fees did not substantially change. The fees increase on 1 July each year in accordance with indexation, with the most recent increase of 3.4% occurring on 1 July 2023. Since the last review in 2019, prescribed fees have increased by approximately 10%, while inflation estimates indicate the costs of goods and services have increased by approximately 21% (11% gap).

Objectives of review

CSQ is conducting a review of bailiff fees to ensure existing fee structures:

- adequately reflect the costs and complexities associated with discharging bailiff functions, and promote consistency across Supreme, District and Magistrates Court jurisdictions (where appropriate),
- appropriately balance costs to court users and access to justice, with the financial viability and sustainability of bailiff services across Queensland, and
- are fit-for-purpose to deliver responsive, accessible and timely services that promote confidence in the justice system.

CSQ encourages stakeholders to have regard to the objectives of this review when providing feedback.

Scope

This review is limited to only those fees that may be retained by the bailiff. Further information regarding the fees within scope of this review are outlined in *Bailiff Fee Review - Summary of Scope*. Further information about current fees is also available on the [Court Services Queensland website](#).

Consultation

CSQ is consulting broadly with stakeholders to identify appropriate options to address the objectives of this review and understand the impacts to stakeholders of any change to prescribed fees. Feedback received from this consultation will support the review and inform proposed options for changes to prescribed fees.



CSQ notes that increasing existing fees would also increase costs to court users and could impact access to justice through Queensland courts. Access to justice means Queenslanders can use the justice system and related court services to resolve their disputes in a fair, timely and affordable manner. CSQ is committed to facilitating access to justice, which is vital to upholding the rule of law and protecting human rights.

Court users and other stakeholders are invited to provide feedback on proposed options to ensure potential benefits and impacts are considered prior to recommending any proposed changes to the fees.

This Discussion Paper provides an overview of existing fees and reform options to inform stakeholder feedback. Stakeholders may provide feedback:

- by completing the survey at the following link – [Bailiff Fee Review Survey](#), or
- in writing to CSQEnforcement@justice.qld.gov.au.

If you have any questions about the survey or scope of this review, please contact us by email to CSQEnforcement@justice.qld.gov.au.

Options for reform

1. Service and execution fees

Magistrates Courts	<p>Bailiffs can claim \$56.60 for service or attempted service of a document. This amount can be claimed for each person served and includes up to 12 kilometers (km) travelled from the registry.</p> <p>Bailiffs can claim \$82.55 for enforcement or attempted enforcement of a warrant. This amount includes up to 12km travelled from the registry.</p>
Supreme and District Courts	<p>Service and execution functions attract the same fee.</p> <p>SDC bailiffs can claim \$118.70 for service, or attempted service, or enforcement or attempted enforcement of a document or warrant. This fee can be claimed for each person or ship served or enforced and includes up to 8 kilometers (km) travelled from the registry.</p> <p>SDC bailiffs can also claim \$21.35 for each additional document served or warrant enforced ('additional service/enforcement fee') in the following circumstances –</p> <ul style="list-style-type: none"> • multiple documents are served or enforced simultaneously against the same person, • the same document is served or enforced against multiple people, or the same proceeding is enforced against them, or



- multiple proceedings are enforced at the same time at the one address.

The base service and execution fees for Supreme Court, District Court and Magistrates Court jurisdictions include payment for the first hour of work performed (additional fee is claimable after the first hour) and the first 8km or 12km travelled, respectively.

The UCPFR provides that the fee can be claimed for each attempted and successful service or enforcement. Bailiffs are required to seek approval from the registrar following the first attempt before any further attempts are made. This is to ensure any additional attempts are reasonable and necessary, and to minimise costs to parties.

Increasing fees in the Magistrates Court jurisdiction to match Supreme and District Court fees will:

- promote consistency and simplicity in the administration of service and execution fees,
- ensure fees in the Magistrates Court jurisdiction better reflect costs involved in the performance of these functions, and
- ensure fees in the Magistrates Court jurisdiction better reflect the complexity and value of work performed, which is not significantly different from work performed in the Supreme Court and District Court jurisdictions.

However, increasing fees may impact affordability and access to justice for some parties, particularly in the Magistrates Court jurisdiction, if some parties are unable to afford the increased fees (or if fees exceed the value of the judgment debt) and therefore unable to access bailiff services necessary to enforce a court order.

Options	
Option 1:	Maintain the current fees for service and execution with no change.
Option 2:	Increase the fees in the Supreme, District and Magistrates Court jurisdictions to match estimated inflation since the last review (i.e. approximate 11% increase).
Option 3:	Uplift both the fees for service (\$56.60) and execution (\$82.55) in the Magistrates Court jurisdiction to match Supreme Court and District Court fees.
Option 4:	Introduce the 'additional service/enforcement fee' in the MC jurisdiction to match Supreme Court and District Court fees.
Feedback	
Question 1(a):	Which option/s are preferable, having regard to the objectives of this review, and why?
Question 1(b):	What impacts could these options have on court users?

Question 1(c): Are there alternative options that you believe should be considered? If so, what benefit would the alternative pose, having regard to the objectives of this review?

2. Additional hours

Magistrates Courts	Bailiffs can claim \$26.80 per hour, or part of an hour, for time spent on enforcement or attempted enforcement of a warrant, apprehension or attempted apprehension. This additional hour fee can only be claimed after the first hour spent on the enforcement.
Supreme and District Courts	Bailiffs can claim \$37.20 per hour, or part of an hour, for time spent on service, attempted service, enforcement or attempted enforcement of a warrant, process or document, or arranging or conducting an auction. This additional hour fee can only be claimed after the first hour.

The base service and execution fees for Supreme Court, District Court and Magistrates Court jurisdictions include payment for the first hour of work performed. The additional hourly rate is claimable to ensure bailiffs receive payment for additional time spent after the first hour of work performed on a matter. However, in the Magistrates Court jurisdiction, the hourly rate is only claimable after the first hour for enforcement or attempted enforcement, and bailiffs are unable to claim additional payment for time spent after the first hour for service or attempted service. Meanwhile the additional hourly rate is claimable for both enforcement and service in the Supreme Court and District Court jurisdictions.

As of 1 July 2023, the National Minimum Wage prescribed under the *Fair Work Act 2009* (Cth) is \$23.23 per hour for full time and part time workers, or \$29.04 per hour for casual workers (inclusive of a 25% casual loading). Compensation data tools indicate average hourly rates for process servers in Australia range between \$28.00 and \$32.00 per hour, however the role of bailiffs is generally more specialised, involves a greater scope of responsibilities, risk and complexity particularly in relation to enforcement, and exercise statutory functions under a statutory appointment. Hourly award rates for public service officers for classifications that may be considered comparable range from \$29.63 per hour (entry level AO2 role) to \$55.26 per hour (AO5.4 role). By comparison, while additional hourly fees in other jurisdictions are not directly comparable, in South Australia an additional hourly fee of \$56.00 is charged in some circumstances,¹ and an additional hourly fee of \$48.60 is charged in some circumstances in Western Australia.²

Increasing the fee in the Magistrates Court jurisdiction to match Supreme Court and District Court fees may:

- promote consistency and simplicity in the administration of service and execution fees,
- ensure fees better reflect costs involved in the performance of these functions, and

¹ *Sheriff's Act 1978* (SA), summary available at <https://www.courts.sa.gov.au/rules-forms-fees/fees/sheriffs-office-fees/>.

² *Civil Judgments Enforcement Regulations 2005* (WA), available at https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s36894.html.

- ensure fees better reflect the complexity and value of work performed by bailiffs.

However, as noted above, increasing fees including the additional hourly rate payable to bailiffs may impact access to justice for some parties, particularly in the Magistrates Court jurisdiction, if this results in some parties being unable to afford the increased fees.

Options	
Option 1:	Maintain the current additional hourly fee with no change.
Option 2:	Uplift the hourly fee in the Magistrates Court jurisdiction to match Supreme Court and District Court fees.
Option 3:	Increase the fees in the Supreme, District and Magistrates Court jurisdictions to match estimated inflation since the last review (i.e. approximate 11% increase).
Option 4:	Increase the fees in the Supreme, District and Magistrates Court jurisdictions by an amount greater than inflation, to match comparable rates of public service employees and comparable rates in other jurisdictions.
Option 5:	Clarify Magistrates Court fees such that bailiffs can claim the additional hour fee for service or attempted service in addition to enforcement, to match Supreme Court and District Court fees.
Feedback	
Question 2(a):	Which option/s are preferable, having regard to the objectives of this review, and why?
Question 2(b):	What impacts could these options have on court users?
Question 2(c):	Are there alternative options that you believe should be considered? If so, what benefit would the alternative pose, having regard to the objectives of this review?

3. Travel fees (including mileage)

Magistrates Courts	Bailiffs can claim \$4.20 per km travelled, or part of a km travelled, from the registry to the place of service or enforcement. This mileage fee can only be claimed one way (from the issuing registry) after the first 12km travelled from that registry.
Supreme and District Courts	Bailiffs can claim \$4.20 per km travelled, or part of a km travelled, from the registry to the place of service or enforcement. This mileage fee can only be claimed one way (from the issuing registry) after the first 8km travelled from that registry.



The base service and execution fees for Supreme Court and District Court jurisdictions include payment for the first 8km of travel from the issuing registry. In the Magistrates Court jurisdiction, the base service and execution fees include payment for the first 12km of travel from the issuing registry.

A bailiff may be appointed to cover multiple locations across a broad geographical area due to lower volumes of matters in regional and remote locations. As a result, bailiffs travel significant distances to execute bailiff functions in some instances and may only recover travel costs from the issuing registry to the location of service or enforcement as prescribed under the UCPFR. For example, a bailiff may be based in Toowoomba, but travel to Charleville Courthouse to collect a warrant, in which case the bailiff is only able to recover costs of travel from Charleville Courthouse to the place of enforcement, but not for travel between Toowoomba and Charleville. In these circumstances, bailiffs are not able to recover money towards fuel and other travel related costs for a large portion of their journey, indicating they experience personal financial deficit when providing services to the Queensland community, particularly when travelling to regional or remote locations. However, the current arrangements ensure that costs to court users are minimised, and that significant costs of travel to regional or remote locations do not impact a court user's ability to afford the costs of bailiff services in these locations.

The UCPFR permits a registrar to allow reasonable costs of miscellaneous expenses, including travelling expenses in the Magistrates Court, and board, lodging and travelling expenses in the Supreme Court and District Court jurisdictions. Consideration is being given to amending the UCPFR to promote consistency in the types of travel expenses that can be claimed across each jurisdiction, and the circumstances in which travelling costs to regional and remote locations is reasonable noting that such costs could be significant in some instances.

A bailiff may serve or execute more than one matter during a single trip, particularly when travelling to regional and remote locations. For example, a bailiff may collect several warrants from a single issuing registry and execute or attempt to execute each in one round trip before returning. Consideration is being given to amending the UCPFR to clarify what a bailiff can claim in such instances.

Consideration is being given to whether the fee should be available to *and from* the location of service or enforcement, rather than just one way to the location, to ensure full costs of travel are covered, and consistent with public service standards for motor vehicle allowances.³

Consideration is also being given to amending the UCPFR to ensure the travel fee is consistent across each jurisdiction, for example, being claimable after the first 8km of travel or for the entire distance of travel in each jurisdiction. It is arguable that this fee should be equal across each jurisdiction given the nature of work performed by bailiffs does not significantly differ between jurisdictions.

Options

³ See e.g. Motor Vehicle Allowances Directive 20/16, available at < <https://www.forgov.qld.gov.au/employment-policy-career-and-wellbeing/directives-policies-circulars-and-guidelines/motor-vehicle-allowances-directive-2016>>.

Option 1:	Maintain the current fees for travel with no change.
Option 2:	Amend the Magistrates Court fee to be consistent with the Supreme Court and District Court fee item so that the additional mileage rate can be claimed after the first 8km in all jurisdictions.
Option 3:	Amend the fees so that the per km rate can be claimed from the beginning of a journey, in addition to the base service or execution fee, rather than after the first 8 or 12 km.
Option 4:	Amend the fees so that the per km rate can be claimed to <i>and from</i> the location of service or enforcement, rather than just one way to the location.
Option 5:	Amend the fees so that a bailiff may claim for each kilometer or part of a kilometer necessarily travelled from the registry <i>or from the last place of service or enforcement</i> if closer than the issuing registry.
Feedback	
Question 3(a):	Which option/s are preferable, having regard to the objectives of this review, and why?
Question 3(b):	What impacts could these options have on court users, including if costs of travel to regional and remote locations are claimable by bailiffs?
Question 3(c):	Are there alternative options that you believe should be considered? If so, what benefit would the alternative pose, having regard to the objectives of this review?

4. Poundage

Magistrates Courts	A portion of poundage is paid directly to the bailiff. A bailiff is entitled to receive 5% on the first \$200 obtained and 2.5% on the remaining, or a minimum amount of \$77.33. No more than \$200 is paid to the bailiff, and any poundage in excess of \$200 is paid into Consolidated Revenue.
Supreme and District Courts	In the Supreme and District Courts, bailiffs are not entitled to a proportion of poundage. Poundage is paid into Consolidated Revenue. The amount of poundage to be paid is either 2.5% of the amount of money received, or a minimum amount of \$171.93, whichever is greater.



For a warrant of possession, the poundage payable is 2.5% of the annual rent or market value of the annual rent, or the minimum amount of \$171.93, whichever is greater.

Poundage is a historical term with origins in English law. Historically, poundage has referred to a fee payable to an officer of the court, or to the public revenue, in respect of services performed by the officer, so called because it was calculated at a prescribed rate per pound sterling of the amount that the officer dealt with on executing a *fiery facias* (writ for executing a judgment and seizing property of a judgment debtor).⁴ Historically, poundage was paid in part to offset costs associated with seizing and storing seized goods. Poundage has remained in current fee structures despite other fee items having been introduced to cover costs associated with seizing and storing seized goods.

Under the UCPFR, poundage is a levy payable to an officer of the court, including a bailiff, or into public revenue. Poundage is payable as a prescribed percentage of the amount received in satisfaction of a warrant, where goods have been seized and monies received under the enforcement warrant. Where proceeds of sale exceed the amount recoverable under the warrant, poundage is calculated on the amount necessary to satisfy the warrant.

Consideration is being given to whether poundage remains necessary or appropriate. Poundage may no longer be necessary to ensure bailiffs recover costs associated with bailiff functions, particularly if other fees are increased. Removing poundage would reduce cost implications for court users where property is seized and sold to satisfy a judgment debt, and would offset higher costs if other fees are increased. However, some bailiffs have indicated that the poundage they receive compensates them for the work they undertake to ensure the best possible outcome for the enforcement creditor throughout the enforcement process, while respecting the rights of the enforcement debtor. Removing poundage may impact the value retained by bailiffs or disincentivise delivery of responsive, accessible and timely services which meet the needs of court users, especially if other fees are not increased. Removing poundage would also reduce amounts paid into the public revenue and diminish flow-on benefits across the community.

If poundage is maintained, consideration is also being given to whether the proportion of poundage that bailiffs can claim should be changed. Such changes are not expected to directly impact court users as the total quantum of poundage payable into court would not change, only the proportion claimable by bailiffs.

Options	
Option 1:	Maintain the current poundage fees with no change.
Option 2:	Remove the poundage fee from the UCPFR.
Option 3:	Allow bailiffs to claim a portion of poundage in the Supreme Court and District Court, consistent with the portion claimable in the Magistrates Court.
Option 4:	Increase the portion of poundage claimable by bailiffs in the Magistrates Court.

⁴ Refer e.g. *Sheriffs Act 1887* (UK).

Feedback	
Question 4(a):	Which option/s are preferable, having regard to the objectives of this review, and why?
Question 4(b):	What impacts could these options have on court users?
Question 4(c):	Are there alternative options that you believe should be considered? If so, what benefit would the alternative pose, having regard to the objectives of this review?

5. Miscellaneous fees

Bailiffs can claim reimbursements of out-of-pocket expenses reasonably and necessarily incurred as part of the enforcement process.⁵ This fee item does not prescribe a specific fee unit and allows for cost recovery of expenses actually incurred by the bailiff during the enforcement process. Out-of-pocket expenses include telephone calls, stationery items, transport hire costs, printing, or other minor office consumables.

Since February 2023, bailiffs in the Magistrates Court jurisdiction have been permitted to claim a base fee of \$26.80 to cover miscellaneous costs generally incurred for each executed warrant, without needing to produce evidence (such as a receipt) to substantiate costs. This also assists bailiffs to recover expenses that may be difficult to produce evidence of or that are incurred in bulk, such as costs of envelopes, printing and other general office or administrative costs. Currently this is available only in the Magistrates Court jurisdiction, and only for executed warrants. Apart from this flat fee, bailiffs must produce receipts or other evidence for all other miscellaneous costs claimed whilst undertaking enforcement action if they seek to recover additional expenses. Approval of these expenses is at the discretion of the registrar.

Consideration is being given to implementing a base miscellaneous fee to be claimable across the Magistrates Court jurisdiction, and the Supreme Court and District Court jurisdictions. This fee would be claimable for both executed warrants and unexecuted warrants, to reimburse expenses usually incurred without requiring evidence of actual costs. Allowing this flat fee would reduce the administrative burden on both CSQ and the bailiff when processing bailiff claims following an enforcement action, particularly when the claims relate to expenses where it is difficult to produce evidence of costs.

Bailiffs would be able to claim this fee for unexecuted warrants so they are reimbursed for expenses incurred in preparing a warrant for execution, even if the warrant is not executed. Allowing the fee across all jurisdictions would promote consistency and ensure bailiffs are reimbursed for out-of-pocket expenses in a fair, consistent and efficient manner.

Options	
Option 1:	Maintain the current miscellaneous fees with no change.

⁵ [UCPFR Schedule 1 Item 18](#) (Supreme Court and District Court); [UCPFR Schedule 2 Part 2 Item 9\(c\)](#) (Magistrates Court).



Option 2:	Introduce a base miscellaneous fee across each jurisdiction claimable for each executed or unexecuted warrant without a requirement to produce evidence of the expense.
Option 3:	Further increase the base service and execution fees to include an additional amount reflective of a base miscellaneous fee.
Feedback	
Question 5(a):	Which option/s are preferable, having regard to the objectives of this review, and why?
Question 5(b):	What impacts could these options have on court users?
Question 5(c):	Are there alternative options that you believe should be considered? If so, what benefit would the alternative pose, having regard to the objectives of this review?



Summary of Scope

This document describes the fees under the *Uniform Civil Procedure (Fees) Regulation 2019* that are in scope of the Bailiff Fee Review.

The fees that are subject to the review are limited to the fees that are retained by the bailiff **only**. Fees retained by the Court Registry or other officer such as the marshal are not in scope.

The following fees are in scope of the Fee Review.

The following **Magistrates Court fees** under Schedule 2 Magistrates Courts fees:

Reg	Fee
7	<p>Poundage</p> <p>(1) Poundage if an enforcement officer enforces an enforcement warrant or other process under or because of which money is received by the bailiff or the enforcement creditor—the greater amount of—</p> <ul style="list-style-type: none"> (a) 5% on the first \$200 and 2.5% on the balance; or (b) the minimum amount <p>(2) The first \$200 of the fee under subitem (1) is to be paid to the bailiff.</p>
<p>All Magistrates Court Bailiff's fees prescribed under Schedule 2, Part 2 of the Uniform Civil Procedure (Fees) Regulation 2019.</p>	

The following **Supreme Court and District Court fees** under [Schedule 1 Supreme Court and District Court Fees](#):

Reg	Fee
19(1)	<p>Poundage</p> <p>Poundage if an enforcement officer enforces an enforcement warrant or other process under or because of which an amount is received by a registrar, sheriff or the enforcement creditor—the greater of the following amounts—</p> <ul style="list-style-type: none"> a) 2.5% of the amount received b) minimum amount
(2)	<p>Poundage on enforcing an enforcement warrant for possession under the <i>Uniform Civil Procedure Rules 1999</i>, rule 915—the greater of the following amounts—</p> <ul style="list-style-type: none"> a) 2.5% of annual rent or, if the property is not tenanted, the market value of annual rent



Reg	Fee
(3)	<p>b) minimum amount</p> <p>No fee is payable on the sale of a ship or goods sold by a marshal under a judgment or order of the court</p>
<p>20(1)</p> <p>(2)</p> <p>21(1)</p> <p>(2)</p> <p>22(1)</p> <p>(2)</p> <p>23(1)</p>	<p>Fees payable to enforcement officer, marshal or marshal's officer for service and enforcement</p> <p>Service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document—</p> <ul style="list-style-type: none"> a) on each person or ship served or enforced b) for each additional warrant, process or document served or enforced if— <ul style="list-style-type: none"> i. 2 or more warrants, processes or documents lodged at the same time against the same person or ship are served or enforced at the same time; or ii. 2 or more persons or ships are served with the same warrant, process or document, the same proceedings are enforced against them, or proceedings are enforced at the same time and at the same address <p>In addition to the fee payable under subitem (1), the reasonable cost, allowed by a registrar or the marshal of the Supreme Court, of travelling and other expenses reasonably incurred by the officer is also payable.</p> <p>Travelling fee for service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document—for each kilometre or part of a kilometre necessarily travelled from the registry to the place of service or enforcement, 1 way in excess of 8km from the registry</p> <p>Only 1 travelling fee may be charged if—</p> <ul style="list-style-type: none"> a) 2 or more warrants, processes or documents lodged at the same time against the same person or ship are served or enforced at the same time; or b) 2 or more persons or ships are served with the same warrant, process or document, the same proceedings are enforced against them, or proceedings are enforced at the same time and at the same address <p>Taking a person to prison or a place of detention from the place of arrest—for each kilometre</p> <p>In addition to the fee payable under subitem (1), the reasonable cost, allowed by a registrar, of other expenses reasonably incurred in taking a person to prison or a place of detention is also payable</p> <p>For time necessarily spent after the first hour, for each hour or part of an hour, on—</p> <ul style="list-style-type: none"> a) service or attempted service, or enforcement or attempted enforcement, of a warrant, process or document; or b) arranging or conducting an auction



Reg	Fee
(2)	If the enforcement officer performing a duty mentioned in subitem (1) is a full-time or part-time officer of the public service and performs the duty during the officer's normal working hours, the fee is to be paid to the court.



Jurisdictional Comparison

Queensland Bailiffs are appointed to the Supreme, District and Magistrates Courts to serve and execute the process, judgments and orders authorised by law, including the enforcement of civil debts. Bailiffs are remunerated in accordance with fees prescribed under Schedule 1 and Schedule 2, Part 2 of the [Uniform Civil Procedure \(Fees\) Regulation 2019](#) (QLD Regulation).

CSQ is reviewing the fees payable for out-of-court service and enforcement functions performed by a bailiff. The following information provides a comparison of relevant provisions in other Australian jurisdictions across three fee categories relating to service, enforcement and travel. Fee amounts listed in the following tables are actual fee amounts, not fee units prescribed under relevant fee regulations.

Where available and appropriate, the comparison also includes commercial rates (e.g. private process servers).

Limitations of this comparison

Bailiff functions are performed and remunerated differently in each jurisdiction. In some jurisdictions bailiffs are departmental officers and in others these are contracted services. Each jurisdiction prescribes different fee structures for bailiff functions and may implement different policy instruments or procedures for administering these fees. Consequently, any comparison with Queensland fees is an indication only.

All fees are current as of 1 July 2023.

Not all jurisdictions' fees are included in the following tables. Only jurisdictions with prescribed fees which allow a meaningful comparison to Queensland fees are included.



Service Fees

Service or attempted service of a claim, application, subpoena, process or other document⁶

	Queensland Magistrates Court ⁷	Queensland Supreme and District Courts ⁸	New South Wales Local, Supreme and District Courts ⁹	Victoria Magistrates Court ¹⁰	Western Australia Magistrates Courts ¹¹	Western Australia Supreme and District Courts ¹²	South Australia Magistrates, District and Supreme Courts ¹⁴	Commercial rates (private process servers)
Fee Amount	\$56.60	\$118.70	\$78.00	\$56.00	\$101.00	\$103.50	\$53.00	\$90.00+

⁶ [Schedule 2, Part 2, Uniform Civil Procedure \(Fees\) Regulation 2019 \(QLD Regulation\)](#)

⁷ [Schedule 2, Part 2, QLD Regulation](#)

⁸ [Schedule 1, QLD Regulation](#)

⁹ [Schedule 2, Civil Procedure Regulation 2017 \(NSW Regulation\)](#)

¹⁰ [Magistrates Court of Victoria Fees and Costs](#),. Not prescribed under [Sheriff Regulations 2019 \(VIC Regulation\)](#).

¹¹ [Schedule 2, Civil Judgments Enforcement Regulation 2005 \(WA Regulation\)](#)

¹² [Schedule 2 Sheriff's Fees, Supreme Court \(Fees\) Regulation 2002 \(WA SC Regulation\)](#)

¹³ [Schedule 2 Sheriff's Fees, District Court \(Fees\) Regulation 2002 \(WA DC Regulation\)](#)

¹⁴ [South Australia Sheriff's \(Fees\) Notice 2022 \(SA Regulation\)](#).

Fee Description	Fee can be claimed for each person served and within 12km of the registry.	Fee can be claimed for each person served. \$37.20 per hour can be claimed after the first hour for time spent on service/enforcement (see Regulation for details). \$21.35 can be claimed for each additional warrant, process or document served (see Regulation for details).	Fee claimed for each address and for each occasion. Fee includes preparation of affidavit of service. This fee can also be claimed for service by post.	Service by post \$14.00.	Fee covers up to 3 attempts at the same address – successful or not. Fee includes printing and any certificates produced. \$74.00 - fee for ordinary service (see Regulation for explanation). \$49.40 – fee for service by post.	Fee covers up to 3 attempts at the same address – successful or not. Fee includes any receiving and printing processes.	Fee claimed per copy. Fee when a report is not required for preparation of affidavit of service - \$44.75. Fee for receiving and entering a document for service (other than proceeding in the magistrates court) - \$48.00.	Rate varies depending on location and service requirements.
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Observations:

- Queensland Magistrates Court service fees are:
 - similar to fees prescribed in Victoria and South Australia.
 - lower than similar fees prescribed in New South Wales.
 - lower than similar fees prescribed in Western Australia, however the WA fee covers up to 3 attempts at the same address, while the Qld fee is for each service or attempted service (if necessary and reasonable).
- Queensland Supreme and District Court service fees are higher than other jurisdictions.

Enforcement Fees

Enforcement or attempted enforcement of a warrant¹⁵

	Queensland Magistrates Court¹⁶	Queensland Supreme and District Courts¹⁷	New South Wales Local, District and Supreme Courts¹⁸	Victoria Magistrates Court¹⁹	Victoria Supreme and County Court²⁰	Western Australia Magistrates, Supreme and District Courts²¹	South Australia Magistrates District and Supreme Courts²²
Fee Amount	\$82.55	\$118.70	\$100.00	\$218.00	\$228.20	\$369.50	\$99.50

¹⁵ [Schedule 2, Part 2, QLD Regulation.](#)

¹⁶ [Schedule 2, Part 2, QLD Regulation.](#)

¹⁷ [Schedule 1, QLD Regulation.](#)

¹⁸ [Schedule 2, NSW Regulation.](#)

¹⁹ [Part 2 Sheriff's Fees, Sheriff Regulations 2019 \(Vic\) \(VIC Regulation\).](#) Amounts are approximate calculations of fee amounts converted from prescribed fee units.

²⁰ [Part 2 Sheriff's Fees, VIC Regulation.](#) Amounts are approximate calculations of fee amounts converted from prescribed fee units.

²¹ [Schedule 2, WA Regulation.](#)

²² [SA Regulation.](#)

Fee Description	<p>Fee for enforcement, or attempted enforcement of a warrant within 12km of the registry.</p> <p>For each service/enforcement or attempt if necessary and reasonable in the circumstances.</p> <p>\$26.80 per hour can be claimed after the first hour for time spent on enforcement (see Regulation for details).</p>	<p>Fee claimed for each person or ship.</p> <p>For each service/enforcement or attempt if necessary and reasonable in the circumstances.</p> <p>\$37.20 per hour can be claimed after the first hour for time spent on service/enforcement (see Regulation for details).</p> <p>\$21.35 can be claimed for each additional warrant, process or document served (see Regulation for details).</p>	<p>Fee claimed for each address and for each occasion.</p> <p>\$100.00 claimed for arrest warrant and writs of delivery and levy of property.</p> <p>\$407.00 claimed for writs of possession and execution of any other court process.</p>	<p>Fee covers first 4 attempts.</p> <p>\$67.89 is claimed for each further 2 attempts.</p> <p>\$166.15 additional can be claimed when warrant specifies more than 1 address, warrant is reissued, execution address is changed, status of warrant is changed (see Regulation for details).</p>	<p>Fee covers first 2 attempts.</p> <p>\$196.52 is claimed for each further 2 attempts.</p> <p>\$166.15 additional can be claimed when warrant specifies more than 1 address, warrant is reissued, execution address is changed, status of warrant is changed (see Regulation for details).</p> <p>If warrant of possession is executed with another</p>	<p>Fee includes up to 3 attempts, and any printing, inquiries, notices, reports.</p> <p>Fee includes arresting a person and conveying them to a place of custody.</p> <p>\$48.60 additional can be claimed every 30 minutes after 2 hours and 30 minutes for keeping the person in custody until they can be conveyed to court.</p> <p>\$231.00 – enforcing seizure and sale order (3 attempts – see</p>	<p>Fee for executing a warrant or other process of execution or making an arrest.</p> <p>Can also claim a fee of \$53.00 for any necessary inquiries conducted.</p> <p>Fee of \$56.00 per hour or part hour after the first hour if sheriff's attendance to execute an enforcement process is required.</p> <p>\$70.50 for receiving and entering a warrant (including a summons when issued as a joint process)</p>
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					civil warrant, amount claimed is \$278.73.	Regulation for details) \$185.50 – enforcing seizure and delivery order (3 attempts – see Regulation for details).	or other process of execution. \$99.50 additional fee if property is seized and processed (see Regulation for details).
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Observations:

- Queensland Magistrates Court fees are:
 - Slightly lower than fees prescribed in NSW and South Australia. These jurisdictions are comparable in that they also allow the fee to be claimed for each attempt.
 - Significantly lower than fees prescribed in other jurisdictions. However unlike Queensland, the prescribed fee in these jurisdictions covers the first 2-4 attempts.
- Queensland Supreme and District Court fees are:
 - Slightly higher than fees prescribed in NSW, and slightly lower than fees in South Australia. These jurisdictions are comparable in that they also allow the fee to be claimed for each attempt.
 - Significantly lower than fees prescribed in Victoria and Western Australia, however unlike Queensland, the prescribed fee in these jurisdictions covers the first 2-4 attempts.
- There are some other notable differences that impact comparisons. In Queensland, there is an additional allowance per hour after the first hour. In Victoria, the initial fee covers the first four attempts, and then an additional fee is claimable following the first four attempts.
- Notably, NSW has different execution and enforcement fees for different types of actions – i.e. a tiered scale of fees.



Mileage

Travelling fee for service or attempted service, enforcement, or attempted enforcement²³.

	Queensland Magistrates Court ²⁴	Queensland Supreme and District Courts ²⁵	Victoria Magistrates Court ²⁶	Western Australia Magistrates, Supreme and District Courts ²⁷	South Australia Magistrates, Supreme and District Courts ²⁸
Fee Type	\$4.20	\$4.20	\$0.76	\$2.50 (metropolitan areas) \$2.80 (outside metropolitan areas)	\$1.70
Fee Description	Per KM, one way, from the registry to place of service/enforcement in excess of 12km.	Per KM, one way, from the registry to place of service/enforcement in excess of 8km.	Per KM.	Per KM, one way, from the nearest sheriff's office.	Per KM, after 50KMs.

Observations:

- Mileage fees in Queensland are higher than other jurisdictions where a mileage rate is prescribed.
- While the rates in South Australia and Victoria are substantially lower, the relevant regulations do not state the start and end point of travel for which the rate may be claimed.

²³ [Schedule 2, Part 2, QLD Regulation.](#)

²⁴ [Schedule 2, Part 2, QLD Regulation.](#)

²⁵ [Schedule 1, QLD Regulation.](#)

²⁶ [Magistrates Court of Victoria Fees and Costs.](#) Not prescribed under [VIC Regulation.](#)

²⁷ [Schedule 2, WA Regulation.](#)

²⁸ [SA Regulation.](#)