

**Annexure 2: Sample documents**

**(a) File Index**

Name of Ship:

Date and time of Arrest:

Berth Location:

Name of matter:

File No:

**FILE INDEX**

|               |   |
|---------------|---|
| <b>Tab 1</b>  | <b>Contact details</b>  |
| <b>Tab 2</b>  | <b>Initiating documents</b> <ul style="list-style-type: none"><li>• originating process</li><li>• application for warrant</li><li>• warrant of arrest</li><li>• supporting affidavits</li></ul> |
| <b>Tab 3</b>  | <b>Other court documents</b> <ul style="list-style-type: none"><li>• applications</li><li>• affidavits</li><li>• orders</li></ul>   |
| <b>Tab 4</b>  | <b>Marshal's Time and Record Log</b>  |
| <b>Tab 5</b>  | <b>Insurance</b>  |
| <b>Tab 6</b>  | <b>Demands for funds</b>  |
| <b>Tab 7</b>  | <b>Receipts and invoices</b>  |
| <b>Tab 8</b>  | <b>Correspondence</b>   |
| <b>Tab 9</b>  | <b>Marshal's Receipts and Expenditure Record</b>  |
| <b>Tab 10</b> | <b>Finance One code structure</b>   |
| <b>Tab 11</b> | <b>Project Code ledger and Project Code balances</b>  |
| <b>Tab 12</b> | <b>Reconciliations</b>  |
| <b>Tab 13</b> | <b>Signed Check Lists</b>   |
| <b>Tab 14</b> | <b>Signed Control Sheet</b>   |
| <b>Tab 15</b> | <b>Ship specifications and photographs</b>  |
| <b>Tab 16</b> | <b>Ship's certificates</b>  |

**(b) Sample time and record log**

| DATE      | TIME |      | ACTION   | COSTS INCURRED | * SW TIME | * SW COST | * GH TIME | * GH COST | 20% ADMIN CHARGE | TOTAL COST |
|-----------|------|------|--|----------------|-----------|-----------|-----------|-----------|------------------|------------|
|           | FROM | TO   |  |                |           |           |           |           |                  |            |
| 30-Jan-04 | 1500 | 1700 | Preparation of documents, faxing of documents, service of warrant and writ   |                | 2.00      | \$107.80  |           | \$0.00    | \$21.56          | \$129.36   |
| 3-Feb-04  | 1701 | 1710 | Phone calls  |                | 0.15      | \$8.62    |           | \$0.00    | \$1.72           | \$10.35    |
| 4-Feb-04  | 1720 | 1729 | Phone calls  |                | 0.15      | \$8.62    |           | \$0.00    | \$1.72           | \$10.35    |
| 5-Feb-04  | 1730 | 1739 | Phone calls  |                | 0.15      | \$8.62    |           | \$0.00    | \$1.72           | \$10.35    |
| 6-Feb-04  | 1754 | 1806 | Preparation and sending faxes and phone calls  |                | 0.20      | \$4.31    |           | \$0.00    | \$0.86           | \$5.17     |
| 8-Feb-04  | 0930 | 0948 | security visit to vessel – car hire  | \$65.00        | 0.30      | \$17.79   |           | \$0.00    | \$3.56           | \$21.34    |
| 9-Feb-04  | 1100 | 1109 | Phone calls  |                | 0.15      | \$8.62    |           | \$0.00    | \$1.72           | \$10.35    |
| 9-Feb-04  | 1400 | 1600 | Visit vessel, discussion with engineer, photographs  | \$65.00        | 2.00      | \$107.80  | 2.00      | \$107.80  | \$43.12          | \$258.72   |
| 11-Feb-04 | 1130 | 1300 | phone calls re additional keys, Marine Safety Victoria enquiries, research on costs for alternative manning arrangements if engineer departs |                |           | \$0.00    | 1.50      | \$80.85   | \$16.17          | \$97.02    |
| 12-Feb-04 | 0915 | 1030 | Visit and discussions with Marine Safety Victoria ref vessel issues and seaworthiness – Court car  |                |           | \$0.00    | 1.25      | \$67.38   | \$13.48          | \$80.85    |
| 12-Feb-04 | 1400 | 1430 | phone calls and file maintenance   |                |           | \$0.00    | 0.50      | \$26.95   | \$5.39           | \$32.34    |
| 13-Feb-04 | 1530 | 1624 | phone calls and faxes re future engineering and security regimes   |                |           | \$0.00    | 0.90      | \$48.51   | \$9.70           | \$58.21    |
| 13-Feb-04 | 1630 | 1700 | consideration of supplier quotations & proposals for new security and engineering arrangements   |                |           | \$0.00    | 0.50      | \$26.95   | \$5.39           | \$32.34    |
| 16-Feb-04 | 0850 | 0859 | phone calls  |                |           | \$0.00    | 0.15      | \$8.62    | \$1.72           | \$10.35    |

\* the letters appearing in this box are the initials of a marshal

| DATE      | TIME |      | ACTION  | COSTS INCURRED | SW TIME | SW COST | GH TIME | GH COST | 20% ADMIN CHARGE | TOTAL COST |
|-----------|------|------|---|----------------|---------|---------|---------|---------|------------------|------------|
|           | FROM | TO   |   |                |         |         |         |         |                  |            |
| 16-Feb-04 | 0930 | 1045 | ship visit - introduction of new engineer, discussion with plaintiff solicitor and plaintiff regarding new engineering and security regimes | \$65.00        | 1.75    | \$94.33 | 1.75    | \$94.33 | \$37.73          | \$226.38   |
| 17-Feb-04 | 0920 | 0940 | consideration of plaintiff's proposals for new security and engineering arrangements  |                | 0.33    | \$17.79 | 0.33    | \$17.79 | \$7.11           | \$42.69    |
| 17-Feb-04 | 0950 | 0959 | discussion with plaintiff solicitor re agreement to plaintiff's proposal  |                | 0.15    | \$8.62  | 0.16    | \$8.62  | \$3.45           | \$20.70    |
| 17-Feb-04 | 1000 | 1030 | preparation of expenditure breakdown and demand for interim payment of funds  |                |         | \$0.00  | 0.50    | \$26.95 | \$5.39           | \$32.34    |
| 18-Feb-04 | 0830 | 0915 | ship visit - security check   | \$65.00        | 0.75    | \$40.43 | 0.75    | \$40.43 | \$16.17          | \$97.02    |
| 23-Feb-04 | 1409 | 1418 | Dealing with phone enquiry from Marine Safety regarding engineer's request to them for permission to move vessel in event of any emergency  |                |         | \$0.00  | 0.15    | \$8.62  | \$1.72           | \$10.35    |
| 23-Feb-04 | 1430 | 1530 | ship visit - security check – Court car   |                | 1.00    | \$53.90 | 1.00    | \$53.90 | \$21.56          | \$129.36   |
| 26-Feb-04 | 1100 | 1115 | Discussion with engineer re arrangements for MTU staff to visit vessel and inspect engines  |                | 0.25    | \$13.48 |         | \$0.00  | \$2.70           | \$16.17    |
| 27-Feb-04 | 0910 | 0940 | preparation of expenditure breakdown and demand for interim payment of funds  |                |         | \$0.00  | 0.50    | \$26.95 | \$5.39           | \$32.34    |
| 1-Mar-04  | 1400 | 1415 | review of application for release by owner  |                |         | \$0.00  | 0.25    | \$13.48 | \$2.70           | \$16.17    |
| 9-Mar-04  | 1215 | 1245 | Discussions with MIRVAC regarding request by them for removal of vessel from Beacon Cove  |                |         | \$0.00  | 0.50    | \$26.95 | \$5.39           | \$32.34    |
| 10-Mar-04 | 0950 | 1050 | Discussions with MIRVAC, plaintiff solicitor and Harbour Master regarding relocation of vessel  |                |         | \$0.00  | 1.00    | \$53.90 | \$10.78          | \$64.68    |

| DATE      | TIME |      | ACTION  | COSTS INCURRED | SW TIME     | SW COST         | GH TIME      | GH COST         | 20% ADMIN CHARGE | TOTAL COST        |
|-----------|------|------|---|----------------|-------------|-----------------|--------------|-----------------|------------------|-------------------|
|           | FROM | TO   |   |                |             |                 |              |                 |                  |                   |
| 12-Mar-04 | 0815 | 0845 | Preparation of 3 <sup>rd</sup> interim demand for funds and expenditure breakdown                                 |                |             | \$0.00          | 0.50         | \$26.95         | \$5.39           | \$32.34           |
| 15-Mar-04 | 1210 | 1225 | Discussion with plaintiff solicitor and engineer ref removal of shore power and progress on settlement            |                |             | \$0.00          | 0.25         | \$13.48         | \$2.70           | \$16.17           |
| 16-Mar-04 | 1320 | 1450 | Attend vessel to execute release from arrest  | \$65.00        |             | \$0.00          | 1.50         | \$80.85         | \$16.17          | \$97.02           |
| 16-Mar-04 | 1500 | 1530 | Phone calls and faxes regarding release from arrest   |                |             | \$0.00          | 0.50         | \$26.95         | \$5.39           | \$32.34           |
| 19-Mar-04 | 1000 | 1100 | Preparation of final statement for plaintiff solicitor, finalisation of accounts, finalisation of log and records |                |             | \$0.00          | 1.00         | \$53.90         | \$10.78          | \$64.68           |
|           |      |      | <b>TOTALS</b>   |                | <b>9.29</b> | <b>\$500.73</b> | <b>17.46</b> | <b>\$941.09</b> | <b>\$288.37</b>  | <b>\$1,730.19</b> |

## (c) Sample vehicle log

## Sample vehicle log

| DATE      | TIME |      | REASON FOR TRIP   | VEHICLE   |          |          | RATE/KM | COST           |
|-----------|------|------|---|-----------|----------|----------|---------|----------------|
|           | FROM | TO   |   | SPI 811   | RRL 779  | ESH 986  |         |                |
| 30-Jan-04 | 1600 | 1800 | Service of warrant and writ   | 10        |          |          | \$0.60  | \$6.00         |
| 8-Feb-04  | 0900 | 1000 | Security check on vessel  | 10        |          |          | \$0.60  | \$6.00         |
| 9-Feb-04  | 1420 | 1535 | Security check on vessel and discussion with engineer   | 10        |          |          | \$0.60  | \$6.00         |
| 16-Feb-04 | 0830 | 0920 | Introduction of new engineer, discussion with plaintiff's solicitor and plaintiff regarding future engineering and security regimes | 10        |          |          | \$0.60  | \$6.00         |
| 18-Feb-04 | 1530 | 1630 | Security check on vessel  | 10        |          |          | \$0.60  | \$6.00         |
| 23-Feb-04 | 1200 | 1310 | Security check on vessel  | 10        |          |          | \$0.60  | \$6.00         |
| 16-Mar-04 | 1120 | 1200 | Attend vessel - execute release from arrest   | 10        |          |          | \$0.60  | \$6.00         |
|           |      |      |   |           |          |          |         |                |
|           |      |      | <b>TOTALS</b>   | <b>70</b> | <b>0</b> | <b>0</b> |         | <b>\$42.00</b> |

## (d) Sample Marshal's Receipt and Expenditure Record

| <b>Sample<br/>Marshal's Receipt and Expenditure Record</b>   |   |                   |                    |  |                               |                                      |                       |                                     |                                 |
|--|---|-------------------|--------------------|--|-------------------------------|--------------------------------------|-----------------------|-------------------------------------|---------------------------------|
| <b>Ship 'Arafura Sea' – NSD 261 /2007 - Date of Arrest 16 January 2007 - Yamba – Finance Project Code 2973</b> |   |                   |                    |  |                               |                                      |                       |                                     |                                 |
| <b>RECEIPTS</b>  |   |                   | <b>EXPENDITURE</b> |  |                               |                                      |                       |                                     |                                 |
| <b>Date</b>  | <b>Details</b>                            | <b>Amount</b>     | <b>Date</b>        | <b>Details</b>   | <b>Invoice No</b>             | <b>GST<br/>Exclusive<br/>Amount*</b> | <b>GST<br/>Amount</b> | <b>GST<br/>Inclusive<br/>Amount</b> | <b>Progressive<br/>Balance*</b> |
| 25.1.07  | Ebsworth & Ebsworth cheque Demand 24.1.07 | \$3,983.47        | 16.1.07            | Qantas Airways Ltd – Return air fare Sydney Ballina Sydney Rex Air (to arrest vessel at Yamba) | FCA Credit Card Ref: 6329 012 | \$348.45                             | \$34.85               | \$383.30                            | \$348.45                        |
|  |   |                   | 16.1.07            | Budget Rent A Car Australia Pty Ltd – travel Ballina Yamba & return                            | P384515703                    | \$66.44                              | \$6.64                | \$73.08                             | \$414.89                        |
|  |   |                   | 17.1.07            | Petty cash – Woolworths Ballina purchase petrol  |                               | \$18.18                              | \$1.82                | \$20.00                             | \$433.07                        |
|  |   |                   | 23.1.07            | Gault Armstrong Kemble Pty Ltd insurance 16.1.07 to 16.2.07                                    | I00597004                     | \$740.22                             | \$10.00               | \$750.22                            | \$1,173.29                      |
|  |   |                   | 24.1.07            | Qantas Airways Ltd – Return air fare Sydney Ballina Sydney Rex Air (to arrest vessel at Yamba) | FCA Credit Card Ref: 6329 013 | \$348.45                             | \$34.85               | \$383.30                            | \$1,521.74                      |
|  |   |                   | 24.1.07            | Mansfield's Boatharbour Marine, Yamba – switch, pump etc                                       | 84                            | \$464.41                             | \$46.44               | \$510.85                            | \$1,986.15                      |
|  | Balance c/f (credit)                      |                   |                    |  |                               | \$1,997.32                           |                       |                                     |                                 |
|  | <b>Total</b>                              | <b>\$3,983.47</b> |                    |  |                               | <b>\$3,983.47</b>                    |                       |                                     |                                 |

**Sample  
Marshal's Receipt and Expenditure Record (Continued)**

Ship 'Arafura Sea' – NSD 261 /2007 - Date of Arrest 16 January 2007 - Yamba – Finance Project Code 2973

| RECEIPTS |                      |            | EXPENDITURE |   |            |                       |            |                      |                      |
|----------|----------------------|------------|-------------|---|------------|-----------------------|------------|----------------------|----------------------|
| Date     | Details              | Amount     | Date        | Details   | Invoice No | GST Exclusive Amount* | GST Amount | GST Inclusive Amount | Progressive Balance* |
|          | Balance b/d (credit) | \$1,997.32 |             |   |            |                       |            |                      |                      |
|          |                      |            | 1.2.07      | Budget Rent A Car Australia Pty Ltd – travel Ballina Yamba & return 1 & 2/12/06   | P384516156 | \$137.36              | \$13.74    | \$151.10             | \$2,123.51           |
|          |                      |            | 4.2.07      | Donovan's Auto Electrics – supply 2 batteries                                     | 7642       | \$227.27              | \$22.73    | \$250.00             | \$2,350.78           |
|          |                      |            | 4.2.07      | Petty cash – purchase train ticket return travel to airport at Ballina            |            | \$20.00               | \$2.00     | \$22.00              | \$2,370.78           |
|          |                      |            | 13.2.07     | Mark Turner – install pumps, batteries, maintenance etc                           | 100        | \$574.50              | Nil        | \$574.50             | \$2,945.28           |
|          |                      |            | 13.2.07     | Mark Turner – daily attendance at vessel 19 days @\$20 pd 22.11.06 to 10.12.06    | 101        | \$380.00              | Nil        | \$380.00             | \$3,325.28           |
|          |                      |            | 17.2.07     | Budget Rent A Car Australia Pty Ltd – travel Ballina Yamba & return 17 & 18/12/06 | P384516484 | \$114.27              | \$11.43    | \$125.70             | \$3,439.55           |
|          | Balance c/f (credit) |            |             |   |            | \$543.92              |            |                      |                      |
|          | <b>TOTAL</b>         | \$1,997.32 |             |   |            | \$1,997.32            |            |                      |                      |

**Sample  
Marshal's Receipt and Expenditure Record (Continued)**

**Ship 'Arafura Sea' – NSD 261 /2007 - Date of Arrest 16 January 2007 - Yamba – Finance Project Code 2973**

| RECEIPTS |                      |                 | EXPENDITURE |   |  |                       |            |                      |                      |
|----------|----------------------|-----------------|-------------|---|--|-----------------------|------------|----------------------|----------------------|
| Date     | Details              | Amount          | Date        | Details   | Invoice No                               | GST Exclusive Amount* | GST Amount | GST Inclusive Amount | Progressive Balance* |
|          | Balance b/d (credit) | \$543.92        |             |   |  |                       |            |                      |                      |
|          |                      |                 | 8.3.07      | Gault Armstrong Kemble Pty Ltd insurance 16.2.07 to 28.2.07<br>Vessel released 28.02.07 | I00597373<br>&<br>I00597590<br>Adj. Note | \$256.09              | Nil        | \$256.09             | \$3,695.64           |
|          |                      |                 | 15.3.07     | Ebsworth & Ebsworth – surplus funds returned to plaintiff's solicitor                   |  | \$287.83              |            |                      | \$3,983.47           |
|          | <b>TOTAL</b>         | <b>\$543.92</b> |             |   |  | <b>\$543.92</b>       |            |                      |                      |

## Notes:

1. \*From 1 January 2007 all Marshal's costs and expenses under rules 41 and 69 of the *Admiralty Rules 1988* are exempt from GST. When demanding funds pursuant to an undertaking the Marshal should demand the GST exclusive amount. The progressive balance includes only the GST exclusive amounts (see paras 8.4 and 8.5).
2. Only the GST exclusive amount on an invoice should be paid from the Project Code. Any GST amount included in an invoice will be paid by the Court. The claimant will be paid the full amount of an invoice. The GST amount paid by the Court will be recovered from the ATO as an input tax credit.
3. The Marshal is required to reconcile on a monthly basis his/her Marshal's Receipt and Expenditure Record with the Court's Project Code Ledger. A copy of the Project Code balances should also be obtained as at the same date. Where the duration of the arrest is less than one month or if the vessel is released or sold a reconciliation should be carried out at that time.
4. The Marshal is required to complete and sign the form of reconciliation and have it countersigned by a senior officer. A copy of both monthly and final project code ledgers are to be retained with the reconciliation form.

**(e) Form of Reconciliation**

**Form of Reconciliation**

**Name of Matter:**

**File No:**

**Project Code:**

**Period of Reconciliation:**

**(For example:**

**Reconciliation for the Period  
1 January to 31 January 2007)**

Balance of the Marshal's Receipts and Expenditure Record (credit) \$1,997.32

**Add**

17.1.07 Petty cash – petrol (charged to Court funds) \$ 18.18

24.1.07 Qantas Airways Ltd (charged to Court funds) \$348,45

\$ 366.63

Balance as per Project Code ledger balance (credit) \$2,363.95

.....  
Marshal – Signature

.....  
Reviewing Officer -Signature

Date:

Date:

**Commentary**

1. Both payments have been added in the reconciliation to the Marshal's Receipts and Expenditure Record balance as they did not appear on the Project Code ledger. They were charged to Departmental (Court) funds and have not been deducted from the Marshal's bank account. Alternatively the entries may appear on the ledger but as both entries were coded incorrectly they were charged to Departmental (Court) funds. The outcome is the same.
2. After completing the reconciliation and the signing off by the reviewing officer the Marshal should prepare a memorandum to the Finance staff in the Registry giving details of the payments; explaining how it was processed and requesting that the payments be made against the project code (Marshal's account) for that ship and the funds be transferred to the Court.