Western Australia

Magistrates Court (Fees) Regulations 2005

Compare between:

[01 Sep 2024, 03-v0-00] and [12 Dec 2024, 03-w0-00]

Magistrates Court (Fees) Regulations 2005

1. Citation

These regulations are the *Magistrates Court (Fees) Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which the *Magistrates Court Act 2004* comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. Terms used

In these regulations unless the contrary intention appears —

case statement has the meaning given to that term in the *Magistrates Court (Civil Proceedings) Act 2004* section 3(1);

claim has the meaning given to that term in the *Magistrates Court (Civil Proceedings) Act 2004* section 3(1);

claimant means a person who commences a case as defined in the *Magistrates Court (Civil Proceedings) Act 2004* section 3(1);

corporation has the meaning given by section 57A of the *Corporations Act 2001* of the Commonwealth;

counterclaim has the meaning given to that term in the *Magistrates Court (Civil Proceedings) Act 2004* section 9(1);

eligible entity means an entity referred to in regulation 8(3);

eligible entity fee, in relation to a matter specified in an item in Schedule 1, means the fee shown in column A for that item;

eligible individual means an individual referred to in regulation 8(2);

eligible individual fee, in relation to a matter specified in an item in Schedule 1 means the fee shown in column C for that item;

enforcement officer has the meaning given to that term in the *Civil Judgments Enforcement Act 2004* section 3;

entity does not include an individual;

Form, if followed by a number, means the form of that number in Schedule 2 completed in accordance with these regulations;

individual does not include a public officer of the Commonwealth, of this State or any other State, or of any Territory acting in the course of his or her duties as such an officer;

metropolitan region has the meaning given in the *Planning and Development Act 2005* section 4(1);

minor cases procedure has the meaning given to that term in the *Magistrates Court (Civil Proceedings) Act 2004* section 3(1);

non-profit association means a society, club, institution or body that is not for the purpose of trading or securing pecuniary profit for its members from its transactions;

party means a party to a case as defined in the *Magistrates Court (Civil Proceedings) Act 2004* section 3(1);

person means an individual or an entity;

prosecution notice has the meaning given to that term in the *Criminal Procedure Act 2004* section 3(1);

small business means —

(a) an individual or individuals in partnership who wholly own and operate a business undertaking that has less than 20 full-time equivalent employees and partners;

(b) a business undertaking that is wholly owned and operated by an individual or individuals in partnership

and has less than 20 full-time equivalent employees or partners;

(c) a co-operative as defined in the *Co-operatives Act 2009* that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees;

(d) a corporation within the meaning of the *Statutory Corporations (Liability of Directors) Act 1996* that has less than 20 full-time equivalent employees and that is not a body that would be a subsidiary, if the corporation were a corporation to which the *Corporations Act 2001* of the Commonwealth applies, of a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth or the *Statutory Corporations (Liability of Directors) Act 1996* that has 20 or more full-time equivalent employees;

subsidiary has the meaning given to that term in section 9 of the *Corporations Act 2001* of the Commonwealth.

[Regulation 3 amended: Gazette 23 Jun 2006 p. 2178; 14 Jun 2016 p. 1909-10; SL 2021/119 r. 4; SL 2022/114 r. 9; SL 2023/120 r. 27.]

4. General fees

(1) Subject to the provisions of these regulations, the fees specified in Schedule 1 are to be charged in respect of the matters referred to in the Act section 42 in relation to which they are applicable.

(2) In relation to a matter specified in an item in Schedule 1 Division 1 or Division 3 —

(a) the fee payable by an individual who is not an eligible individual — is the fee shown in column A for that item; or

(b) the fee payable by an eligible individual — is the eligible individual fee for that item; or

(c) the fee payable by an entity that is not an eligible entity — is the fee shown in column B for that item; or

(d) the fee payable by an eligible entity — is the eligible entity fee for that item.

(3) A note to an item in Schedule 1 has effect according to its tenor as if it were a provision of these regulations.

(4) Except as provided in Schedule 1 a fee must not be charged in respect of any of the following —

(a) filing an affidavit;

(b) filing a case statement;

(c) search by a party;

(d) sealing a copy of a document;

(e) drawing up, settling or signing a judgment or order;

(f) amending or supplementing a case statement;

(g) making a request under the rules of court;

(h) filing, depositing, giving, issuing or serving any other document required or permitted by the rules of court to be filed, deposited, given, issued or served in connection with proceedings in the Court.

(5) No fee is to be charged in respect of any attendance in court if the attendance is required by an order of the Court made on its own motion.

[(6)-(12) deleted]

[Regulation 4 amended: Gazette 14 Jun 2016 p. 1910.]

5A. Fees for small businesses and non-profit associations

(1) An entity that is a small business or a non-profit association may lodge a declaration in the form of Schedule 2 Form 1.

(2) On the lodgment of a declaration the entity is to be charged fees as if it were an eligible entity.

(3) Subregulation (2) does not apply to fees payable by joint parties unless each party is a small business or non-profit association.

(4) An entity that has lodged a declaration under subregulation (1) must immediately advise the Principal Registrar if the entity ceases to be a small business or non-profit association as the case requires.

Penalty for this subregulation: a fine of $1 000.

(5) If an entity is charged a fee under subregulation (2) when the entity was not a small business or a non-profit association, the Court may —

(a) order that the entity pay the difference between the amount of the fee the entity paid and the fee that would otherwise be payable by the entity; and

(b) make orders to enforce the order for the payment.

(6) An order under subregulation (5)(b) may include orders relating to the future conduct of the matter to which the fees relate or the effect of anything that has been done in respect of the matter until the sum ordered to be paid has been paid.

[Regulation 5A inserted: Gazette 14 Jun 2016 p. 1911-12.]

5. Exemptions

(1) A fee is not to be charged in respect of —

(a) an application under the *Restraining Orders Act 1997* for a family violence restraining order or violence restraining order or to vary or cancel a restraining order; or

(b) an application under *Prohibited Behaviour Orders Act 2010* for a prohibited behaviour order or to vary or cancel a prohibited behaviour order; or

(c) an application under the *Mandatory Testing (Infectious Diseases) Act 2014* for a disease test order or to vary or revoke a disease test order; or

(d) civil proceedings under the *Criminal Law (Mental Impairment) Act 2023*, other than a fee referred to in Schedule 1 Division 1 item 8.

(2) A person is not required to pay a fee in respect of a matter if —

(a) a written law provides that the person is not required to pay a fee in respect of a matter of that type; or

(b) the person has not reached 18 years of age on the day the fee would otherwise be payable.

[Regulation 5 inserted: Gazette 27 Mar 2012 p. 1507; amended: Gazette 14 Jun 2016 p. 1912; 27 Jun 2017 p. 3435; SL 2021/119 r. 5; SL 2024/174 r. 8.]

6. ~~Some~~Certain fees subject to conditions ~~or must be waived~~

(1) This regulation applies to —

(a) proceedings in the Court's criminal jurisdiction; and

(b) proceedings under the *Restraining Orders Act 1997*.

(2) In this regulation —

respondent has the meaning given to that term in the *Restraining Orders Act 1997* section 3.

(3) If —

(a) proceedings are instituted or taken —

(i) by a police officer; or

(ii) by an officer of a department as defined in the *Public Sector Management Act 1994* section 3(1) on behalf of that department;

or

(b) a member of the State Solicitor's Office acts or appears on behalf of a board or other body,

the appropriate prescribed fees are payable only upon conviction of and recovery from the accused or the making of a restraining order and recovery from the respondent.

~~(4) A registrar must, in the case where —~~

~~(a) a respondent requests a copy of an application, either personally or by legal practitioner; and~~

~~(b) the Court has not made a decision in relation to the application; and~~

~~(c) the respondent has not previously obtained a copy of the application under this subregulation,~~

~~waive the fee for a copy of the application.~~

[(4) deleted]

[Regulation 6 amended: SL 2021/119 r. ~~6~~6; SL 2024/254 r. 7.]

6A. Certain application and transcript fees must be waived

(1) In this regulation —

~~***interim order*** means~~ ***applicant***, in relation to an application for an FVRO or a VRO —

(a) means the person who made the application; and

(b) if the application was made on behalf of another person — includes that person;

FVRO means a family violence restraining order ~~or~~made under the *Restraining Orders Act 1997*;

interim order means an FVRO or a VRO made under the *Restraining Orders Act 1997* section 29(1)(a), the duration of which is more than 72 hours;

respondent, in relation to an application for an FVRO or a VRO, has the meaning given in the *Restraining Orders Act 1997* section 3(1);

VRO means a violence restraining order made under the *Restraining Orders Act 1997* ~~section 29(1)(a) the duration of which is more than 72 hours~~.

(2) ~~A registrar must waive the fee under Schedule 1 Division 1 item 8(a)~~Subregulation (3) applies in relation to an application

for ~~the provision of a transcript,~~an FVRO or a ~~part of a transcript,~~VRO if —

(a) no decision has been made on the ~~transcript,~~application; or

(b) the ~~part of the transcript, is of a hearing at which~~ application was dismissed; or

(c) an interim order was made~~;~~ and the order is still in force.

(3) A registrar must waive the fee under Schedule 1 Division 1 item 7(a) for a copy of the application when requested by the applicant or the respondent if the applicant or respondent (as is relevant) has not previously obtained a copy of the application.

(4) Subregulation (5) applies in relation to the hearing of an application for an FVRO or a VRO at which —

(a) the application was dismissed; or

(b) ~~the~~an interim order~~ —~~ was made and the order —

(i) is still in force ~~under the *Restraining Orders Act 1997*~~; or

(ii) has become a final order under the *Restraining Orders Act 1997* section 32(2~~);~~).

~~and~~

~~(c)~~ (5) A registrar must waive the ~~person bound by the interim or final order (the ***interim order respondent***) requests the provision~~fee under Schedule 1 Division 1 item 8(a) for a copy of the transcript of the hearing, or ~~the~~a part of the transcript, ~~either personally~~when requested by the applicant or the respondent if the applicant or ~~by legal practitioner; and~~

~~(d) the interim order~~ respondent (as is relevant) has not previously obtained a copy of the transcript~~,~~ or ~~the part of the transcript, under this subregulation.~~ part.

[Regulation ~~6~~ 6A inserted: SL ~~2021/119~~2024/254 r. ~~7~~8.]

6B. Certain application fees may be waived

(1) A registrar may waive the fee for an application under the *Criminal Procedure Act 2004* section 71(2)(a) or (b) for an order to set aside a decision if the registrar is satisfied that the reason for the failure to appear is a clerical error by the Court.

(2) A registrar may waive the fee for an application under the *Magistrates Court (Civil Proceedings) Act 2004* section 19(3) to set aside a judgment given under the *Magistrates Court (Civil Proceedings) Act 2004* section 19(2)(b) if the registrar is satisfied that the reason for the failure to comply is a clerical error by the Court.

[Regulation 6B inserted: SL 2022/145 r. 6.]

7. Fees to be paid before documents etc. filed

(1) This regulation applies to proceedings in the Court's civil jurisdiction.

(2) Subject to the provisions of these regulations —

(a) a claim, application or other document must not be filed, issued or otherwise dealt with; and

(b) no other matter or thing is to be done in the Court or by an officer of the Court,

unless the fee, if any, payable upon or in respect of filing, sealing, issuing or otherwise dealing with that claim, application or other document or upon or in respect of the doing of that matter or thing, has been paid.

8. Who is an eligible individual or eligible entity

(1) In this regulation —

Centrelink means the Commonwealth agency known as Centrelink.

(2) An eligible individual is —

(a) an individual who holds one or more of the following cards issued by Centrelink —

(i) a health care card;

(ii) a health benefit card;

(iii) a pensioner concession card;

(iv) a Commonwealth seniors health card;

or

(b) an individual who holds any other card issued by Centrelink or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions; or

(c) an individual who is in receipt of a youth training allowance, or an AUSTUDY allowance, as defined in the *Social Security Act 1991* (Commonwealth) section 23(1); or

(d) an individual who is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or

(e) an individual who has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or

(f) an individual who the Court or a registrar has directed is an eligible individual under regulation 9B(1).

(3) An eligible entity is —

(a) an entity that has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or

(b) an entity that the Court or a registrar has directed is an eligible entity under regulation 9B(2).

[Regulation 8 inserted: Gazette 14 Jun 2016 p. 1912-14; amended: Gazette 20 Jul 2018 p. 2626.]

9A. Application to be recognised as eligible individual or eligible entity

(1) A person may apply for —

(a) a direction under regulation 9B(1) that, in respect of a matter specified in Schedule 1, the person is an eligible individual described in regulation 8(2)(f); or

(b) a direction under regulation 9B(2) that, in respect of a matter specified in Schedule 1, the person is an eligible entity described in regulation 8(3)(b).

(2) An application is to be in a form approved by the Chief Magistrate and is to specify —

(a) for an individual — the matter in respect of which the individual is seeking to pay the eligible individual fee; or

(b) for an entity — the matter in respect of which the entity is seeking to pay the eligible entity fee.

(3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

[Regulation 9A inserted: Gazette 14 Jun 2016 p. 1914; amended: Gazette 20 Jul 2018 p. 2626-7.]

9B. Recognition as eligible individual or eligible entity

(1) On an application under regulation 9A(1)(a) the Court or a registrar may direct that a person is an eligible individual described in regulation 8(2)(f) if satisfied that the person should be required to pay only an eligible individual fee in respect of the matter for either, or both, of the following reasons —

(a) financial hardship;

(b) the interests of justice.

(2) On an application under regulation 9A(1)(b) the Court or a registrar may direct that a person is an eligible entity described in regulation 8(3)(b) if satisfied that the person should be required to pay only an eligible entity fee in respect of the matter for either, or both, of the following reasons —

(a) financial hardship;

(b) the interests of justice.

(3) The Court or a registrar may, before an application is determined, direct the applicant to provide to the magistrate, the registrar or the Court further information relating to the application.

(4) A direction to provide further information —

(a) may be made in writing or orally; and

(b) may require that the information is provided either in writing or orally.

[Regulation 9B inserted: Gazette 14 Jun 2016 p. 1914-15; amended: Gazette 20 Jul 2018 p. 2627.]

9C. False or misleading statements

(1) A person who makes a statement or representation in a declaration or application made under these regulations or provides further information in relation to a declaration or application, that the person knows or has reason to believe is false or misleading in a material particular commits an offence.

Penalty for this subregulation: a fine of $1 000.

(2) The Court or a registrar may make an order that the declaration lodged by a person under regulation 5A(1) is invalid if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).

(3) The Court or a registrar may revoke a direction made under regulation 9B(1) or (2) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).

(4) If a declaration is declared invalid under subregulation (2) or a direction is revoked under subregulation (3), the Court may —

(a) order that the person in respect of whom the declaration or direction was made pay the difference between the fee the person paid and the fee that would otherwise be payable by the person; and

(b) make an order to enforce the order for the payment.

(5) An order under subregulation (4)(b) may include orders relating to the future conduct of the proceedings to which the fees relate or the effect of anything that has been done in respect of the proceedings until the sum ordered to be paid has been paid.

[Regulation 9C inserted: Gazette 14 Jun 2016 p. 1916.]

9D. Refunds

(1) A judicial officer or registrar presiding in a proceeding may order the refund of the difference between the amount of a fee paid by a person in respect of the proceeding and the amount of the fee that the person was entitled to be charged under these regulations in respect of the proceedings.

(2) A registrar may refund to a person the amount of a fee, or part of a fee, paid by the person if the amount was paid in error.

[Regulation 9D inserted: Gazette 14 Jun 2016 p. 1917.]

*[**9.** Deleted: Gazette 14 Jun 2016 p. 1912.]*

10. Fee for allocation of hearing dates etc. (Sch. 1 Div. 2 it. 5), when to be paid

The fee referred to in Schedule 1 Division 2 item 5 or so much of it as has not been waived under regulation 6 must be paid

immediately after the Court determines the number of days to be allocated for the hearing.

[Regulation 10 amended: Gazette 20 Jul 2018 p. 2627.]

11. Half daily hearing fee (Sch. 1 Div. 2 it. 6)

If a fee is to be paid under Schedule 1 Division 2 item 6, the hearing is not to be reconvened until that fee has been paid or so much of it as has not been waived under regulation 6 has been paid.

[Regulation 11 amended: Gazette 20 Jul 2018 p. 2627.]

12. Court information, fees for

A person to whom information is provided under the *Magistrates Court (General) Rules 2005* rule 41A is liable to —

(a) if the information is not provided by email — a fee in the amount referred to in Schedule 1 Division 1 item 5(a) for each case specified in the information;

(b) if the information is provided by email — an annual fee in the amount referred to in Schedule 1 Division 1 item 5(b) for all information provided in the relevant year.

[Regulation 12 inserted: Gazette 22 Aug 2008 p. 3670.]

13. Disputes as to fees, determination of

(1) If a question arises as to the fee payable or applicable in a particular case, that question is to be determined by the Principal Registrar of the Court.

(2) An application for a determination under subregulation (1) is to be in the form of Form 3.

(3) Any person affected by the determination under subregulation (1) may have it reviewed by the Court in a summary manner.

(4) Despite the provisions of these regulations, no fee is payable in relation to the determination of a question under subregulation (1) or a review under subregulation (3).

14. Unpaid fees, recovery of

Any unpaid fee is a debt due to the State and may be recovered by action in a court of competent jurisdiction.

15. Transitional provisions

(1) In this regulation —

commencement day means the day on which these regulations come into operation.

(2) A fee is not to be charged under Schedule 1 Division 2 item 5 or 6 in respect of days allocated for a hearing if —

(a) the case was part heard before the commencement day; or

(b) the case is one for which hearing days had been allocated before the commencement day; or

(c) dates for a hearing were allocated before the commencement day, the hearing did not proceed on those dates on a Local Court's or the Court's own motion, and the Court has allocated other hearing dates on or after the commencement day.

Schedule 1 — Fees

[r. 4 and 12]

[Heading inserted: SL 2024/113 r. 21.]

Division 1 — General

[Heading inserted: SL 2024/113 r. 21.]

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
1.	(a) For every order or conviction drawn up in the Court's criminal jurisdiction	25.40	25.40	7.60
	(b) For issue of a duplicate document or order	25.40	25.40	7.60
2.	For the service of an application, summons, originating process, notice or order of the Court or other process requiring service	111.50	111.50	111.50
	Note for this item: The fee is payable whether or not the service is successful and covers up to 3 attempts at service at the same address.			
3.	If it is necessary to travel to execute a warrant or other process, or on service of a summons, order of the Court, other process or document, or on making an arrest or for			

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	all attempts, attendances and inspections, from the enforcement officer's office or nearest police station —			
	(a) for each kilometre travelled (1 way) in the metropolitan region	2.60	2.60	2.60
	(b) for each kilometre travelled (1 way) outside the metropolitan region	2.90	2.90	2.90
	Note for this item: If more than 1 process or document is executed or served by an enforcement officer at the same time on the same person, or on different persons at the same address, only 1 fee for kilometres travelled is chargeable.			
4.	(a) For searching a record or proceeding (other than a search by or on behalf of a party to the proceedings) in the Court's civil jurisdiction	64.50	64.50	19.35
	(b) For listening to or viewing an electronic recording that requires supervision by an officer of the Court —			
	(i) a search fee	64.50	64.50	19.35

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(ii) in addition to the search fee, for each hour of the officer's time	157.00	157.00	47.10
	Note for this item: Paragraph (a) does not apply in relation to information provided under the *Magistrates Court (General) Rules 2005* rule 41A.			
5.	For provision of information under the *Magistrates Court (General) Rules 2005* rule 41A —			
	(a) fee per case specified in the information	2.85	2.85	0.85
	(b) annual fee for information provided by email to approved recipient	92 723.00	92 723.00	92 723.00
	Note for this item: The fee under paragraph (b) is payable on the date on which the recipient is approved by the Attorney General and on each anniversary of that date.			
6.	(a) On an application or summons for the production of records or documents that are required to be produced to a court, tribunal, arbitrator or umpire	94.50	94.50	28.30

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(b) If an officer is required to attend at a court or place out of the Court building where the officer is based —			
	(i) the officer's reasonable expenses			
	(ii) in addition, for each hour the officer is necessarily absent from the officer's office	135.50	135.50	40.60
7.	(a) For copies of documents or exhibits, for each page or part of a page	2.70	2.70	0.80
	(b) For a copy of reasons for judgment —			
	(i) for each copy issued to a person who is not a party to the proceedings	22.40	22.40	6.70

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(ii) for each copy in excess of 1 copy issued to a party to the proceedings	22.40	22.40	6.70
	(iii) for each copy consisting of 10 or more pages, an additional fee per page	2.85	2.85	0.85
	(c) For certifying that a document is a true copy — an additional fee	29.50	29.50	8.85
	Note for this item: The fee under paragraph (a) for a copy of an application is not payable if circumstances under regulation 6(4) exist.			
8.	(a) For the provision of a transcript, or part of a transcript —			
	(i) provided within 1 day after the day on which the fee is paid	29.70 plus 12.25 per page	29.70 plus 24.50 per page	8.90 plus 3.65 per page
	(ii) provided within 2 days after the day on which the fee is paid	29.70 plus 11.25 per page	29.70 plus 22.40 per page	8.90 plus 3.40 per page

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(iii) provided within 4 days after the day on which the fee is paid	29.70 plus 10.60 per page	29.70 plus 21.40 per page	8.90 plus 3.20 per page
	(iv) provided within 7 days after the day on which the fee is paid	29.70 plus 10.25 per page	29.70 plus 20.40 per page	8.90 plus 3.05 per page
	(v) provided within 14 days after the day on which the fee is paid	29.70 plus 8.65 per page	29.70 plus 17.35 per page	8.90 plus 2.60 per page
	(vi) provided on a running basis (i.e. periodically throughout or following the day of the proceedings)	29.70 plus 13.00 per page	29.70 plus 26.00 per page	8.90 plus 3.90 per page
	(b) For the provision of a copy of a transcript, or part of a transcript, if the transcript or part has already been provided to the person requesting the copy —			
	(i) electronic format, per copy	31.00	31.00	9.30

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(ii) paper copy, per page	3.10	3.10	0.95
	Note for this item: Fees under this item are payable in the case of an indictable offence dealt with summarily.			

[Division 1 inserted: SL 2024/113 r. 21.]

Division 2 — Civil jurisdiction

[Heading inserted: SL 2024/113 r. 21.]

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
1.	On filing a claim or originating process to commence proceedings in the Court —			
	(a) for a claim not exceeding $10 000	186.50	362.00	56.00
	(b) for a claim exceeding $10 000 but not exceeding $50 000	474.00	924.00	100.00

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(c) for a claim exceeding $50 000	754.00	1 468.00	100.00
	Note for this item: The fee is not payable in respect of applications referred to in item 10 or 11.			
2.	On filing a counterclaim, a set-off, a third party claim or other application for which no fee has been provided in this Division —			
	(a) for a claim not exceeding $10 000	121.00	236.00	36.30
	(b) for a claim exceeding $10 000 but not exceeding $50 000	222.00	365.00	66.50
	(c) for a claim exceeding $50 000	352.00	588.00	105.50
3.	On commencing an appeal —			
	(a) for a claim not exceeding $10 000	62.50	160.00	18.75
	(b) for a claim exceeding $10 000 but not exceeding $50 000	93.00	244.00	27.90
	(c) for a claim exceeding $50 000	124.50	328.00	37.40

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
4.	Application for hearing —			
	(a) for a claim not exceeding $10 000	293.00	572.00	88.00
	(b) for a claim exceeding $10 000 but not exceeding $50 000	536.00	1 035.00	100.00
	(c) for a claim exceeding $50 000	596.00	1 156.00	100.00
	Notes for this item: 1. The fee is not payable for applications for hearing matters dealt with under the minor cases procedure, residential tenancies proceedings, applications referred to in item 10 or 11 or for relisting a hearing, or if the proceedings are of an interlocutory nature only. 2. No fee is payable in respect of listing an appeal for hearing. 3. No fee is payable by the defendant for applications for hearing of a set-off or counterclaim providing this fee has been paid previously by the applicant. 4. Includes pre-trial conference, mediation conference, directions hearing and listing conference.			
5.	For allocation of a date or dates of hearing of an application, appeal or proceedings, for each half day allocated —			
	(a) for a claim not exceeding $10 000	169.50	445.00	51.00
	(b) for a claim exceeding $10 000 but not exceeding $50 000	300.00	774.00	90.00

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(c) for a claim exceeding $50 000	428.00	1 103.00	100.00

Notes for this item:

1. The fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications referred to in item 10 or 11.
2. No fee is payable if the proceedings are of an interlocutory nature only.
3. The fee to be charged is to be determined on the basis that the days allocated for a hearing are the number of days determined by the Court at a listing conference.
4. The fee is to be refunded or transferred to a new allocated date or dates if the Court or registrar is satisfied that an adjournment was due to circumstances beyond the control of the parties. Otherwise the fee is non-refundable in respect of any allocated dates that are not required.
5. If written advice of settlement or written notice of intended adjournment is received by the Court no later than 35 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 75% of the fee is refundable. If written advice of settlement or written notice of intended adjournment is received by the Court no later than 21 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 50% of the fee is refundable.

6.	Half daily hearing fee before the Court constituted by a magistrate —			
	(a) for a claim not exceeding $10 000	169.50	445.00	51.00
	(b) for a claim exceeding $10 000 but not exceeding $50 000	300.00	774.00	90.00

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
	(c) for a claim exceeding $50 000	428.00	1 103.00	100.00
	Notes for this item: 1. The fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications referred to in item 10 or 11. 2. No fee is payable if the proceedings are of an interlocutory nature only. 3. The fee to be charged is to be paid in respect of any number of hearing days or half days greater than the number of hearing days for which a fee has been paid under item 5. 4. The daily fee becomes payable on a day-to-day basis and is payable prior to the daily reconvening of the hearing.			
7.	On filing of an interlocutory application or application for assessment of damages or summary judgment that requires hearing before a magistrate or registrar —			
	(a) for a claim not exceeding $10 000	156.00	303.00	46.80
	(b) for a claim exceeding $10 000 but not exceeding $50 000	187.50	362.00	56.50
	(c) for a claim exceeding $50 000	251.00	494.00	75.50

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $

Notes for this item:

1. The fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications referred to in item 10 or 11.
2. The fee is inclusive of the hearing of the application and includes an adjournment of the hearing.
3. The fee is not payable for matters dealt with in the absence of a party.

8.	On an appointment to assess a bill of costs —			
	(a) for a claim not exceeding $10 000	156.00 plus 2.5%	303.00 plus 2.5%	46.80
	(b) for a claim exceeding $10 000 but not exceeding $50 000	187.50 plus 2.5%	362.00 plus 2.5%	56.50
	(c) for a claim exceeding $50 000	251.00 plus 2.5%	494.00 plus 2.5%	75.50

Notes for this item:

1. The fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications referred to in item 10 or 11.
2. The % rate is to be applied to the amount at which the bill is drawn.
3. If the parties agree on the bill of costs and the appointment is cancelled, the following percentage of the fee paid is to be refunded —
   (a) if the appointment is cancelled less than 3 days before the day of the appointment — nil;
   (b) if the appointment is cancelled 3 days or more and less than 10 days before the day of the appointment — 50%;
   (c) if the appointment is cancelled 10 days or more before the day of the appointment — 80%.

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
9.	On the execution of an arrest warrant —			
	(a) for arresting the person	205.00	205.00	205.00
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	203.00	203.00	203.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until the person is conveyed to a court or a custodial place	53.50	53.50	53.50

Notes for this item:

1. The fee under paragraph (a) is payable whether or not the Sheriff's functions under the warrant are performed and includes up to 3 attempts to perform the functions at the same address.
2. The fee under paragraph (a) includes the costs of —
   (a) receiving and printing the warrant; and
   (b) attendances and inquiries before attempting arrest; and
   (c) giving any notice; and
   (d) making any report.

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
10.	For an application for an extraordinary licence under the *Road Traffic (Authorisation to Drive) Act 2008* section 27	255.00	N/A	76.50
11.	On filing —			
	(a) an application for a misconduct restraining order under the *Restraining Orders Act 1997*	185.50	185.50	55.50
	(b) an application under the *Disposal of Uncollected Goods Act 1970*	185.50	185.50	55.50
	(c) an application under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 101, 101AA or 101A	185.50	185.50	55.50
	(d) an application under the *Dividing Fences Act 1961*	185.50	185.50	55.50
	(e) an application under the *Pawnbrokers and Second-hand Dealers Act 1994*	185.50	185.50	55.50

[Division 2 inserted: SL 2024/113 r. 21.]

Division 3 — Criminal jurisdiction

[Heading inserted: SL 2024/113 r. 21.]

Item	Matter	Column A Fee for individual or eligible entity $	Column B Fee for entity $	Column C Fee for eligible individual $
1.	On filing —			
	(a) a prosecution notice	156.00	156.00	46.80
	(b) an application under the *Criminal Procedure Act 2004* section 71	156.00	156.00	46.80
2.	For the issue of a summons or court hearing notice to an accused	30.00	30.00	9.00
3.	For a warrant —			
	(a) issue of warrant	156.00	156.00	46.80
	(b) execution of warrant	203.00	203.00	203.00

[Division 3 inserted: SL 2024/113 r. 21.]

Schedule 2 — Forms

[r. 5A(1) and 13(2)]

[Heading amended: Gazette 14 Jun 2016 p. 1933.]

1. Declaration that a person is a small business or a non-profit association

Form 1 ***Magistrates Court (Fees) Regulations 2005*** **(Regulation 4)** **Declaration that a person is a small business or a non-profit association**	
In the Magistrates Court of Western Australia	No. of 2
Applicant:	..... Full name
	..... Address
	..... Name of small business/non-profit association*
	..... Position held by applicant in the small business/non-profit association*
I declare that the person in respect of which the application is made is a small business[1] or a non-profit association[2] within the meaning of that term in the *Magistrates Court (Fees) Regulations 2005*.	
Signature of applicant:	
Date:	
Note: A person who makes a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular commits an offence under the Magistrates Court (Fees) Regulations 2005 regulation 9C(1).	

Form **1**

[1] Under the Magistrates Court (Fees) Regulations 2005 regulation 3 a small business is —

an individual or individuals in partnership who wholly own and operate a business undertaking that has less than 20 full-time equivalent employees and partners;

a business undertaking that is wholly owned and operated by an individual or individuals in partnership and has less than 20 full-time equivalent employees and partners;

a co-operative as defined in the Co-operatives Act 2009 that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees;

a corporation within the meaning of the Statutory Corporations (Liability of Directors) Act 1996 that has less than 20 full-time equivalent employees and that is not a body that would be a subsidiary, if the corporation were a corporation to which the Corporations Act 2001 (Commonwealth) applies, of a corporation within the meaning of the Corporations Act 2001 (Commonwealth) or the Statutory Corporations (Liability of Directors) Act 1996 that has 20 or more full-time equivalent employees;

[2] Under the Magistrates Court (Fees) Regulations 2005 regulation 3 a non-profit association is a society, club, institution, or body that is not for the purpose of trading or securing pecuniary profit for its members from its transactions.

[Form 1 amended: Gazette 14 Jun 2016 p. 1934.]

[Form 2 deleted: Gazette 4 Sep 2015 p. 3695.]

3. Application for determination of dispute about fees

<table>
<tr><th colspan="3">Form 3
Application for determination of dispute about fees</th></tr>
<tr><td colspan="2">In the Magistrates Court of Western Australia</td><td>No. of 20</td></tr>
<tr><td colspan="3">Claimant/ Applicant: .....</td></tr>
<tr><td colspan="3">Defendant: .....</td></tr>
<tr><td>Application:</td><td colspan="2">To the Principal Registrar for a determination under the Magistrates Court (Fees) Regulations 2005 regulation 13(1) of a question regarding fees.</td></tr>
<tr><td rowspan="3">Applicant:</td><td colspan="2">.....
Full name</td></tr>
<tr><td colspan="2">.....
Address</td></tr>
<tr><td>.....
Date of birth</td><td>.....
MDL No.</td></tr>
<tr><td rowspan="3">Disputed fee:</td><td colspan="2">The disputed fee is for .....
.....
.....</td></tr>
<tr><td colspan="2">Payable under the Magistrates Court (Fees) Regulations 2005 Schedule 1 Division 1/2/3* item …</td></tr>
<tr><td colspan="2">I dispute —
☐ that the fee is payable
☐ the amount of the fee
☐ other [give details] .....
.....</td></tr>
<tr><td colspan="3">I dispute the fee because .....
.....
.....
.....
.....</td></tr>
<tr><td>Signature of applicant:</td><td colspan="2">.....</td></tr>
<tr><td>Date:</td><td colspan="2">...../ ...../20.....</td></tr>
<tr><td colspan="3">* Strike out numbers that are not applicable.</td></tr>
</table>

Notes

This is a compilation of the *Magistrates Court (Fees) Regulations 2005* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Magistrates Court (Fees) Regulations 2005	28 Apr 2005 p. 1573-603	1 May 2005 (see r. 2 and *Gazette* 31 Dec 2004 p. 7127)
Magistrates Court (Fees) Amendment Regulations 2006	23 Jun 2006 p. 2178-81	1 Jul 2006 (see r. 2)
Magistrates Court (Fees) Amendment Regulations 2007	26 Jun 2007 p. 3033-5	r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations 2008	16 May 2008 p. 1910-11	r. 1 and 2: 16 May 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Sep 2008 (see r. 2(b) and *Gazette* 11 Jul 2008 p. 3253)
Magistrates Court (Fees) Amendment Regulations (No. 2) 2008	27 Jun 2008 p. 3068-70	r. 1 and 2: 27 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations (No. 3) 2008	22 Aug 2008 p. 3669-70	r. 1 and 2: 22 Aug 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 30 Sep 2008 (see r. 2(b) and *Gazette* 11 Jul 2008 p. 3253)
Magistrates Court (Fees) Amendment Regulations (No. 4) 2008	23 Dec 2008 p. 5472-3	r. 1 and 2: 23 Dec 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2009 (see r. 2(b))
Reprint 1: The *Magistrates Court (Fees) Regulations 2005* as at 13 Feb 2009 (includes amendments listed above)		
Magistrates Court (Fees) Amendment Regulations 2009	9 Jun 2009 p. 1924	r. 1 and 2: 9 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Jun 2009 (see r. 2(b))

Citation	Published	Commencement
Magistrates Court (Fees) Amendment Regulations (No. 2) 2009	4 Sep 2009 p. 3472-9	r. 1 and 2: 4 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2009 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations 2010	30 Jul 2010 p. 3499-500	r. 1 and 2: 30 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Jul 2010 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations 2011	8 Mar 2011 p. 787-90	r. 1 and 2: 8 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Mar 2011 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations (No. 2) 2011 [1]	20 Dec 2011 p. 5387-90	r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2011 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations 2012	17 Jan 2012 p. 463-5	r. 1 and 2: 17 Jan 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 18 Jan 2012 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations (No. 2) 2012	27 Mar 2012 p. 1507	r. 1 and 2: 27 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2012 (see r. 2(b))
Reprint 2: The *Magistrates Court (Fees) Regulations 2005* as at 6 Apr 2012 (includes amendments listed above)		
Magistrates Court (Fees) Amendment Regulations (No. 3) 2012	30 Nov 2012 p. 5791-3	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2012 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations 2013	20 Aug 2013 p. 3815-16	r. 1 and 2: 20 Aug 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Aug 2013 (see r. 2(b) and *Gazette* 20 Aug 2013 p. 3815)
Magistrates Court (Fees) Amendment Regulations (No. 2) 2013	15 Nov 2013 p. 5248-50	r. 1 and 2: 15 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2013 (see r. 2(b))

Citation	Published	Commencement
Magistrates Court (Fees) Amendment Regulations (No. 3) 2014	27 Jun 2014 p. 2342-4	r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)(i))
Magistrates Court (Fees) Amendment Regulations 2015	10 Feb 2015 p. 613	r. 1 and 2: 10 Feb 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Magistrates Court (Fees) Amendment Regulations (No. 2) 2015	19 Jun 2015 p. 2124-7	r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i))
Magistrates Court (Fees) Amendment Regulations (No. 3) 2015	4 Sep 2015 p. 3695	r. 1 and 2: 4 Sep 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2015 (see r. 2(b))
Reprint 3: The *Magistrates Court (Fees) Regulations 2005* as at 3 Dec 2015 (includes amendments listed above)		
Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 8	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations (No. 2) 2016	1 Jul 2016 p. 2747-8	r. 1 and 2: 1 Jul 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 4 Jul 2016 (see r. 2(b) and *Gazette* 14 Jun 2016 p. 1855)
Attorney General Regulations Amendment (Family Violence Restraining Orders) Regulations 2017 Pt. 7	27 Jun 2017 p. 3432-5	1 Jul 2017 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 8	7 Jul 2017 p. 3721-98	8 Jul 2017 (see r. 2(b)(ii))
Attorney General Regulations Amendment (Bailiff Fees) Regulations 2018 Pt. 5	9 Feb 2018 p. 401-5	10 Feb 2018 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 8	15 Jun 2018 p. 1963-2049	1 Jul 2018 (see r. 2(b))

Citation	Published	Commencement
Justice Regulations Amendment (Fee Relief) Regulations 2018 Pt. 6	20 Jul 2018 p. 2621-30	21 Jul 2018 (see r. 2(b))
Attorney General Regulations Amendment (Transcript Fees) Regulations 2018 Pt. 5	7 Dec 2018 p. 4667-74	18 Dec 2018 (see r. 2(b)(i))
Attorney General Regulations Amendment (Transcript Fees) Regulations 2019 Pt. 5	12 Mar 2019 p. 666-9	13 Mar 2019 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 10	28 Jun 2019 p. 2553-642	1 Jul 2019 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2020 Pt. 8	SL 2020/124 31 Jul 2020	1 Aug 2020 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 9	SL 2021/101 29 Jun 2021	1 Jul 2021 (see r. 2(b))
Magistrates Court (Fees) Amendment Regulations 2021	SL 2021/119 2 Jul 2021	r. 1 and 2: 2 Jul 2021 (see r. 2(a)); Regulations other than r. 1 and 2: 3 Jul 2021 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 10	SL 2022/111 30 Jun 2022	1 Jul 2022 (see r. 2(b))
Attorney General Regulations Amendment (Legal Profession) Regulations 2022 Pt. 4	SL 2022/114 30 Jun 2022	1 Jul 2022 (see r. 2(d) and SL 2022/113 cl. 2)
Attorney General Regulations Amendment (Fee Waiver) Regulations 2022 Pt. 3	SL 2022/145 26 Aug 2022	27 Aug 2022 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 10	SL 2023/120 2 Aug 2023	3 Aug 2023 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 10	SL 2024/113 26 Jun 2023	1 Jul 2024 (see. r 2(b))
Court Fees Regulation Amendment Regulations 2024 Pt. 4	SL 2024/174 21 Aug 2024	1 Sep 2024 (see r. 2(b))

Citation	Published	Commencement
Attorney General Regulations Amendment (Fees) Regulations 2024 Pt. 3	SL 2024/254 11 Dec 2024	12 Dec 2024 (see r. 2(b))

Other notes

1 The Table to r. 4 of the *Magistrates Court (Fees) Amendment Regulations (No. 2) 2011* included amendments to Schedule 1 Divisions 2 and 3. These amendments are not included because the instruction in r. 4 referred only to Schedule 1 Division 1.

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