



Western Australia

Justices Act (Courts of Petty Sessions Fees) Regulations

Reprinted as at 22 October 1999



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Reprinted under the
Reprints Act 1984 as
at 22 October 1999

Justices Act 1902

Justices Act (Courts of Petty Sessions Fees) Regulations

1. Citation

These regulations may be cited as the *Justices Act (Courts of Petty Sessions Fees) Regulations*, and shall come into operation on the 30th consecutive day after the date of their publication in the *Government Gazette*¹.

1A. Interpretation

In these regulations, unless the contrary intention appears —

“disadvantaged person” means —

- (a) a person who produces, or in respect of whom there is produced, to the clerk, evidence to the satisfaction of the clerk showing that the person holds —
 - (i) a Health Care Card;
 - (ii) a Health Benefit Card; or
 - (iii) a Pensioners Health Benefit Card,issued by the Department of Social Security or the Department of Veteran’s Affairs of the Government of the Commonwealth; or

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- (b) a person who satisfies the clerk that he is, by reason of his financial circumstances, unable to pay the prescribed fees.

[Regulation 1A inserted in Gazette 28 June 1985 p.2299.]

2. Fees

- (1) Subject to subregulation (2), on and after the coming into operation of these regulations the fees prescribed in the First Schedule to these regulations shall be the fees to be taken in Courts of Petty Sessions.
- (2) No fee shall be taken on the lodgement under the *Restraining Orders Act 1997* of —
 - (a) an application for a violence restraining order; or
 - (b) an application to vary or cancel a restraining order made by a person referred to in section 45(1)(a) to (d) of that Act.

[Regulation 2 amended in Gazette 25 November 1977 p.4360; 12 September 1997 pp.5156-7.]

3. Fees subject to conditions or waiver

- (1) Where —
 - (a) proceedings are instituted or taken —
 - (i) by a member of the police force; or
 - (ii) by an officer of a State Department on behalf of that department;
 - (b) a member of the State Crown Law Department² acts or appears on behalf of a board or other body;
 - (ba) proceedings are instituted or taken by a legal practitioner, who is not an officer of the State Public Service, for or on behalf of a board or other body specified in the Second Schedule to these regulations;

- (c) the Court, on being satisfied that the complainant or applicant is without means and has a *prima facie* case concerning the status or maintenance of a married woman or of a child, endorses the complaint or application “*in forma pauperis*”; or
- (d) proceedings are instituted or taken —
 - (i) pursuant to the provisions of Part VIA of the *Justices Act 1902*³; or
 - (ii) pursuant to the provisions of Part II of the *Road Maintenance (Contribution) Act 1965*,⁴

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

- (2) Subject to the provisions of subregulations (1), (2a) and (3) of this regulation, no document or step in respect of which a fee is so prescribed shall be accepted or taken in a Court of Petty Sessions unless that fee is paid.
- (2a) The Clerk of Petty Sessions shall, in the case where —
 - (a) a defendant or respondent requests a copy of a complaint or application, either personally or by counsel or solicitor;
 - (b) the Court has not made a decision in relation to the application or each charge in the complaint that applies to the defendant or respondent; and
 - (c) the defendant or respondent has not previously obtained a copy of the complaint or application under this subregulation,

waive the fee for a copy of the complaint or application.

- (3) In the case of a disadvantaged person the Clerk of Petty Sessions —
 - (a) shall waive any fees payable in relation to a matter under the *Restraining Orders Act 1997*; and

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- (b) may waive, reduce, defer or refund any fees payable or paid in relation to any other matter.

[Regulation 3 amended in Gazette 25 November 1977 p.4360; 30 March 1979 p.863; 28 June 1985 p.2299; 7 March 1997 p.1408; 12 September 1997 p.5157.]

4. Revocation

[Omitted under the Reprints Act 1984 s.7(4)(f).]

First Schedule

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1. For every complaint or application other than an application set out in item 11.....	38.00
2. For every summons to defendant.....	6.00
3. For every order or conviction drawn up.....	12.00
4. For every copy of an order, conviction, complaint or application (at any stage of proceedings).....	6.40
Note:	
(a) Where an order, conviction, complaint or application has several matters alleged, the fee is \$6.40 PLUS \$1.00 for a copy of each annexure. (No additional fee for certification of “AND FURTHER” is required)	
(b) Fee for copy of complaint is not payable where circumstances under regulation 3(2a) exist	
5. For every search in the records.....	10.00
6. For every summons to witness.....	6.00
7. For service of summons or order of court.....	13.50
8. For a warrant of any kind —	
(a) issue thereof.....	22.00
(b) execution thereof.....	30.00
9. Travelling fee on service of a summons or order of Court or on execution of a warrant — for each kilometre (one way only).....	0.75
10. For copies of documents —	
(a) depositions, transcripts, or a Magistrate’s notes of evidence — for each page.....	4.00
(b) second or subsequent copies of documents referred to in paragraph (a) — for each page.....	1.00
But in either case a minimum fee of \$13.00 is to be paid.	

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First Schedule

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(c) other than documents referred to in item 3 or 4 — for each page.....	1.00
<i>(Note: Fees under this item are not payable in cases of indictable offences)</i>	
11. For an application for an extraordinary drivers licence (under section 76 of the <i>Road Traffic Act 1974</i>	90.00
12. For certifying that a document, including a document referred to in item 3 or 4, is a true copy — in addition to any other fee.....	5.00

*[First Schedule inserted in Gazette 28 August 1998 pp.4750-1;
amended in Gazette 15 January 1999 p.114.]*

Second Schedule

Commissioner of Transport⁵

[Second Schedule inserted in Gazette 25 November 1977 p.4360.]



Notes

- ¹ This reprint is a compilation as at 22 October 1999 of the *Justices Act (Courts of Petty Sessions Fees) Regulations* and includes the amendments included in the reprint of 28 September 1982 and amendments effected by the other regulations referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Justices Act (Courts of Petty Sessions Fees) Regulations</i>	9 April 1957 pp.1079-80	8 May 1957 (see regulation 1)	
(Regulations effecting amendments included in the previous reprint are not referred to in this Table)	28 September 1982 pp.3881-4		Previous reprint as at 28 September 1982
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1983</i>	14 October 1983 p.4154	14 October 1983	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1985</i>	28 June 1985 p.2299	28 June 1985	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations (No. 2) 1985</i>	2 August 1985 p.2690	2 August 1985	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1986</i>	5 September 1986 p.3271	5 September 1986	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1987</i>	31 December 1987 p.4571	1 January 1988 (see regulation 2)	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1988</i>	7 October 1988 p.4105	7 October 1988 (see regulation 2)	

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Citation	Gazettal	Commencement	Miscellaneous
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1989</i>	4 August 1989 p.2495	5 September 1989 (see regulation 2)	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1990</i>	29 June 1990 pp.3143-44	1 July 1990 (see regulation 2)	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1991</i>	15 February 1991 p.685	15 February 1991	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations (No. 2) 1991</i>	27 September 1991 pp.4982-83	1 October 1991 (see regulation 2)	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1992</i>	28 July 1992 p.3675	1 August 1992 (see regulation 2)	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1995</i>	1 September 1995 pp.4106-7	1 September 1995	Correction: <i>Gazette</i> 8 September 1995 p.4207
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1996</i>	25 June 1996 p.2929	1 July 1996 (see regulation 2)	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1997</i>	7 March 1997 p.1408	7 March 1997	
<i>Justices (Restraining Orders) Amendment and Repeal Regulations 1997</i>	12 September 1997 pp.5156-8	15 September 1997 (see regulation 2 and <i>Gazette</i> 12 September 1997 p.5149)	

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Citation	Gazettal	Commencement	Miscellaneous
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations 1998</i>	28 August 1998 pp.4749-51	28 August 1998	
<i>Justices Act (Courts of Petty Sessions Fees) Amendment Regulations (No. 2) 1998</i>	15 January 1999 p.114	15 January 1999	

² Under section 69 of the *Acts Amendment (Ministry of Justice) Act 1993* (No. 31 of 1993), a reference, however expressed, to the former Crown Law Department is to be read as a reference to the Ministry of Justice.

³ *Justices Act 1902* Part VIA was repealed by No. 92 of 1994 s.20.

⁴ *Road Maintenance (Contribution) Act 1965* repealed by No. 9 of 1979 s.3.

⁵ This office was formerly constituted under the *Transport Co-ordination Act 1966* but no longer exists.