



Western Australia

Magistrates Court Act 2004

Magistrates Court (Fees) Regulations 2005

As at 14 Jun 2016

Version 03-b0-00

Extract from www.slp.wa.gov.au, see that website for further information

Magistrates Court (Fees) Regulations 2005

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Magistrates Court (Fees) Regulations 2005

1. Citation

These regulations are the *Magistrates Court (Fees) Regulations 2005*¹.

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 later¹.

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);

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

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;

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);

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 corporation that has less than 20 full-time equivalent employees and that is not a subsidiary of a corporation that has 20 or more full-time equivalent employees;
- (c) a company within the meaning of the *Companies (Co-operative) Act 1943*² that has less than 20 full-time equivalent employees and that is not, under section 130(1) of that Act, deemed to be a subsidiary company of another company 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 in Gazette 23 Jun 2006 p. 2178.]

4. Fees to be charged (Act s. 42)

- (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 Schedule 1 Division 2 column 2 that has 8 columns, the fee shown opposite the matter —
 - (a) in column 3, 5 or 7 applies if an individual is required to pay the fee; or
 - (b) in column 4, 6 or 8 applies if a person other an individual is required to pay the fee,as the case requires.
- (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) On the lodgment of Form 1, a person that is a small business or a non-profit association is to be charged fees specified in Schedule 1 as if the person were an individual.
- (7) Subregulation (6) does not apply to fees payable by joint parties if at least one of the parties is not a small business or a non-profit association.
- (8) A person who has lodged a declaration under subregulation (6) must immediately advise a registrar if the person ceases to be a small business or a non-profit association.
Penalty: \$1 000.
- (9) Whether or not the person has complied with subregulation (8), a person is not entitled to be charged fees as if the person were an individual if the person is not a small business or a non-profit association.
- (10) If a person is charged a fee under subregulation (6) when the person was not a small business or a non-profit association, the Court may —
- (a) order that the person pay the difference between the fee the person paid and the fee that the person would otherwise have been required to pay; and
 - (b) make orders to enforce the order for the payment.
- (11) An order under subregulation (10)(b) may provide that —

- (a) a claim, case statement, application or other document must not be filed, issued or otherwise dealt with on the request of the person or that no other matter or thing is to be done in the Court or by an officer of the Court for the benefit of the person until the sum ordered to be paid is paid; and
 - (b) a claim, case statement, application or other document filed, issued or otherwise dealt with on the request of the person or any other matter or thing done in the Court or by an officer of the Court for the benefit of the person is of no effect until the sum ordered to be paid is paid.
- (12) A person who makes a statement or representation in a declaration under subregulation (6) that the person knows or has reason to believe is false or misleading in a material particular commits an offence.
- Penalty: \$1 000.

5. *Restraining Orders Act 1997 and Prohibited Behaviour Orders Act 2010, certain applications under exempt from fees*

A fee is not to be charged in respect of —

- (a) an application under the *Restraining Orders Act 1997* for a 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.

[Regulation 5 inserted in Gazette 27 Mar 2012 p. 1507.]

6. Some 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 counsel or solicitor; 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.

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. Financial hardship etc., waiving etc. fees in cases of

- (1) This regulation does not apply to a fee referred to in Schedule 1 Division 1 items 2 and 3 and Division 2 item 9.
- (2) The Court or a registrar may, in a particular case for financial hardship or if it is in the interests of justice to do so, direct —
 - (a) that a fee or fees be waived or reduced; or
 - (b) that the whole or part of the fee or fees be refunded; or
 - (c) that the payment of the whole or a part of a fee or fees be deferred until such time, and upon such conditions, if any, as the Court or registrar thinks fit.
- (3) For the purpose of assessing financial hardship, the Court or a registrar is to have regard to —
 - (a) in the case of an individual, the income, day to day living expenses, liabilities and assets of the individual;
 - (b) in the case of a corporation or incorporated association, the income, liabilities and assets of the corporation or incorporated association.

- (4) The Court or a registrar may direct that the payment of the whole or a part of a fee in relation to the filing of a claim, application or other document be deferred until such time, and upon such conditions, if any, as the Court or registrar thinks fit if the filing is attended by urgency that overrides the requirement of payment of the fee at the time of filing.
- (5) The payment of a fee referred to in Schedule 1 Division 2 items 1-3, 7, 10 and 11 and Division 3 items 1 and 2 must be waived in relation to the following persons —
 - (a) the holder of one of the following cards issued by the Department of Social Security of the Commonwealth —
 - (i) a health care card;
 - (ii) a health benefit card;
 - (iii) a pensioner concession card;
 - (iv) a Commonwealth seniors health card;
 - (b) the holder of any other card issued by the Department of Social Security or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions;
 - (c) a prisoner or person lawfully detained in a public institution;
 - (d) a person under 18 years of age;
 - (e) a person in receipt of a youth training allowance, or an AUSTUDY allowance, as defined in section 23(1) of the *Social Security Act 1991* of the Commonwealth;
 - (f) a person in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme;
 - (g) a person granted legal aid in respect of the proceedings in relation to which the fee would otherwise be payable.
- (6) Except as otherwise directed by a registrar, an application for a fee or fees to be waived, reduced, refunded or deferred must be in a form approved by the Chief Magistrate.

[(7) deleted]

- (8) If an application under subregulation (2) is dealt with by a registrar, the registrar may, before determining the application, require the applicant to provide the registrar with such further information as the registrar requires either in writing or orally.
- (9) A fee, payment of which has been deferred until an event occurs, becomes payable when that event occurs.
- (10) A person who makes a statement or representation in an application under subregulation (6) that the person knows or has reason to believe is false or misleading in a material particular commits an offence.
Penalty: \$1 000.
- (11) If a fee payable by a person is waived, reduced, refunded or deferred in accordance with a direction under subregulation (2) and the Court or a registrar is satisfied, having given the person an opportunity to make a written submission, that the person has made a statement or representation in an application under subregulation (6) that the person knows or has reason to believe is false or misleading in a material particular, the Court or registrar may revoke the direction and so much of the fee as was waived, reduced, refunded or deferred is to be paid by the person within 5 days of being given notice of the revocation of the direction and, if it is not so paid, is recoverable as an unpaid fee under regulation 14.
- (12) Despite the provisions of these regulations, a fee is not to be charged in respect of an application under subregulation (2).

*[Regulation 8 amended in Gazette 8 Mar 2011 p. 788;
4 Sep 2015 p. 3695.]*

9. Conventions

If, by a Convention that applies to the State, it is provided that a fee is not required to be paid in respect of specified proceedings,

the fees referred to in regulation 4 are not to be taken in respect of those proceedings.

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 or reduced under regulation 8 must be paid immediately after the Court determines the number of days to be allocated for the hearing.

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 or reduced under regulation 8 has been paid.

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 in 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]

[Heading inserted in Gazette 4 Sep 2009 p. 3473.]

Division 1 — General

[Heading inserted in Gazette 4 Sep 2009 p. 3473.]

Item	Matter	\$
1.	(a) for every order or conviction drawn up in the Court's criminal jurisdiction;	
	(b) issue of a duplicate document or order	14.50
2.	For the service of any application, summons, originating process, notice or order of the Court or any other process requiring service	63.50
NOTE		
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 all attempts, attendances and inspections, from the enforcement officer's office or nearest Police Station —	
	(a) for each kilometre travelled (one way) in the metropolitan area;	1.60
	(b) for each kilometre travelled (one way) outside the metropolitan area.	1.80
NOTE		
If more than one 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 one allowance for kilometres is chargeable.		
4.	(a) for searching any record or proceeding other than a search by or on behalf of a party to the proceedings in the Court's civil jurisdiction	36.60

Magistrates Court (Fees) Regulations 2005

Fees **Schedule 1**
General **Division 1**

Item	Matter	\$
	(b) listening to or viewing any electronic recording that requires supervision by an officer of the Court, a search fee of	36.60
	And in addition to the search fee, for each hour of the officer's time	91.00
NOTE		
Item 4(a) does not apply in relation to information provided under the <i>Magistrates Court (General) Rules 2005</i> rule 41A.		
5.	For provision of information under the <i>Magistrates Court (General) Rules 2005</i> rule 41A —	
	(a) fee per case specified in the information	1.60
	(b) annual fee for information provided by email to approved recipient	52 704.00
NOTE		
The fee under item 5(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 any court, tribunal, arbitrator or umpire	54.00
	(b) if an officer is required to attend at any court or place out of the Court building where the officer is based, the officer's reasonable expenses and, in addition for each hour when the officer is necessarily absent from his or her office	91.00
7.	(a) copies of documents or exhibits for each page or part of a page	1.50

Magistrates Court (Fees) Regulations 2005

Schedule 1 Fees

Division 1 General

Item	Matter	\$
	(b) for a copy of reasons for judgment —	
	(i) for each copy consisting of not more than 10 pages issued to a person not a party to the proceedings and for each copy in excess of one copy issued to a party to the proceedings	12.75
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.60
	(c) for certifying that a document is a true copy, an additional fee of	17.65

NOTE

Fee under item 7(a) for a copy of an application is not payable where circumstances under regulation 6(4) exist.

8.	(a) for a copy of a transcript or notes of evidence, for each page or part of a page	7.10
	(b) for each copy of a transcript or notes of evidence in electronic format if a fee has been paid under paragraph (a) by the applicant for a copy of the transcript, for each day of transcript	17.65
	(c) for each copy of a transcript or notes of evidence not in electronic format if a fee has been paid under paragraph (a) by the applicant for a copy of the transcript or notes, for each page or part of a page	1.50

NOTE 1

A minimum fee of \$25.30 is payable under item 8(a).

NOTE 2

Fees under this item are payable in the case of an indictable offence dealt with summarily.

[Division 1 inserted in Gazette 4 Sep 2009 p. 3473-5; amended in Gazette 8 Mar 2011 p. 788; 20 Dec 2011 p. 5388; 30 Nov 2012 p. 5791-2; 15 Nov 2013 p. 5248-9; 27 Jun 2014 p. 2342-3; 19 Jun 2015 p. 2125.]

Division 2 — Civil jurisdiction

[Heading inserted in Gazette 4 Sep 2009 p. 3475.]

Item	Matter	Claim not exceeding \$10 000		Claim exceeding \$10 000 but not exceeding \$50 000		Claim exceeding \$50 000	
		Individual \$	Person other than individual \$	Individual \$	Person other than individual \$	Individual \$	Person other than individual \$
1.	On filing any claim or any originating process to commence proceedings in the Court	106.00	206.00	269.00	526.00	429.00	834.00
NOTE							
Not payable in respect of applications made under item 10 or 11.							
2.	On filing —						
	(a) a counterclaim or a set-off;						
	(b) a third party claim;						
	(c) any other application for which no fee has been provided for in this Division	68.50	134.00	125.50	208.00	200.00	334.00
3.	On commencing an appeal	35.30	90.70	53.00	138.50	71.00	185.50
4.	Application for hearing	167.50	325.00	305.00	588.00	338.00	656.00

NOTE 1

No fee is payable for applications for hearing of matters dealt with under the minor cases procedure, residential tenancies proceedings, applications under item 10 or 11 or for relisting a hearing, or if the proceedings are of an interlocutory nature only.

NOTE 2

No fee is payable in respect of listing an appeal for hearing.

Magistrates Court (Fees) Regulations 2005

Schedule 1 Fees

Division 2 Civil jurisdiction

Item	Matter	Claim not exceeding \$10 000		Claim exceeding \$10 000 but not exceeding \$50 000		Claim exceeding \$50 000	
		Individual \$	Person other than individual \$	Individual \$	Person other than individual \$	Individual \$	Person other than individual \$

NOTE 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.

NOTE 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	96.50	252.00	169.50	440.00	242.00	627.00
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NOTE 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

NOTE 2

No fee is payable if the proceedings are of an interlocutory nature only.

NOTE 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.

NOTE 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.

NOTE 5

If written advice of settlement or written notice of intended adjournment is received by the Court not 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.

Magistrates Court (Fees) Regulations 2005

Fees **Schedule 1**
Civil jurisdiction **Division 2**

Item	Matter	Claim not exceeding \$10 000		Claim exceeding \$10 000 but not exceeding \$50 000		Claim exceeding \$50 000	
		Individual \$	Person other than individual \$	Individual \$	Person other than individual \$	Individual \$	Person other than individual \$
6.	Half daily hearing fee before the Court constituted by a magistrate	96.50	252.00	169.50	440.00	242.00	627.00

NOTE 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings, applications under item 10 or 11 or if the proceedings are of an interlocutory nature only.

NOTE 2

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.

NOTE 3

This fee is payable for each additional day or part day that a hearing proceeds beyond the date or dates allocated in item 5.

NOTE 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	88.50	171.50	106.50	206.00	143.50	281.00
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NOTE 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

NOTE 2

This fee is inclusive of the hearing of the application and includes any adjournment of the hearing.

NOTE 3

This fee is not payable for matters dealt with in the absence of a party.

Magistrates Court (Fees) Regulations 2005

Schedule 1 Fees

Division 2 Civil jurisdiction

Item	Matter	Claim not exceeding \$10 000		Claim exceeding \$10 000 but not exceeding \$50 000		Claim exceeding \$50 000	
		Individual \$	Person other than individual \$	Individual \$	Person other than individual \$	Individual \$	Person other than individual \$
8.	On an appointment to assess a bill of costs —						
	(a) lodgment fee	88.50	171.50	106.50	206.00	143.50	281.00
	(b) in addition to the lodgment fee, an assessment fee at the rate per annum of	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%

NOTE 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

NOTE 2

The % rate is to be applied to the amount at which the bill is drawn.

NOTE 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 or more days before the day of the appointment, 80%.

Item	Matter	\$
9.	On the execution of an arrest warrant of any kind —	
	(a) for arresting the person	115.00
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	115.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until he or she is conveyed to a court or a custodial place	30.50

Magistrates Court (Fees) Regulations 2005

Fees **Schedule 1**
Criminal jurisdiction **Division 3**

Item	Matter	\$
NOTE 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.		
NOTE 2 The fee under paragraph (a) includes —		
(a)	receipt of the warrant; and	
(b)	attendances and inquiries before attempting arrest; and	
(c)	giving any notice; and	
(d)	making any report.	
10.	For an application for an extraordinary drivers licence under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> section 27	182.00
11.	On filing —	
(a)	an application for a misconduct restraining order under the <i>Restraining Orders Act 1997</i> ;	
(b)	an application under the <i>Disposal of Uncollected Goods Act 1970</i> ;	
(c)	an application under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 101, 101AA or 101A;	
(d)	an application under the <i>Dividing Fences Act 1961</i> ;	
(e)	an application under the <i>Pawnbrokers and Second-hand Dealers Act 1994</i> .	105.50

[Division 2 inserted in Gazette 4 Sep 2009 p. 3475-8; amended in Gazette 30 Jul 2010 p. 3499-500; 8 Mar 2011 p. 788-90; 17 Jan 2012 p. 464-5; 30 Nov 2012 p. 5792-3; 20 Aug 2013 p. 3816; 15 Nov 2013 p. 5249-50; 27 Jun 2014 p. 2343-4; 10 Feb 2015 p. 613; 19 Jun 2015 p. 2126-7.]

Division 3 — Criminal jurisdiction

[Heading inserted in Gazette 19 Jun 2015 p. 2127.]

Item	Matter	\$
1.	On filing —	
(a)	a prosecution notice;	88.50
(b)	an application under the <i>Criminal Procedure Act 2004</i> section 71	88.50

Magistrates Court (Fees) Regulations 2005

Schedule 1 Fees

Division 3 Criminal jurisdiction

Item	Matter	\$
2.	For the issue of a summons or court hearing notice to an accused	16.90
3.	For a warrant of any kind —	
	(a) issue of it	88.50
	(b) execution of it	115.00

[Division 3 inserted in Gazette 19 Jun 2015 p. 2127.]

Schedule 2 — Forms

[r. 4(6), 8(6), 13(2)]

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

<p>Form 1 Magistrates Court (Fees) Regulations 2005 (Regulation 4) Declaration that a person is a small business or a non-profit association</p>	
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 <i>Magistrates Court (Fees) Regulations 2005</i> .	
Signature of applicant:	
Date:	
<i>Note: It is an offence under Magistrates Court (Fees) Regulations 2005 regulation 4(12) for a person to make a statement or representation in this declaration that the person knows or has reason to believe is false or misleading in a material particular. The maximum fine is \$1 000.</i>	

Magistrates Court (Fees) Regulations 2005

Schedule 2 Forms

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 corporation that has less than 20 full-time equivalent employees and that is not a subsidiary of a corporation that has 20 or more full-time equivalent employees;
a company within the meaning of the Companies (Co-operative) Act 1943 that has less than 20 full-time equivalent employees and that is not, under section 130(1) of that Act, deemed to be a subsidiary company of another company 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 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.

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.

* Strike out the words that are not applicable.

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

3. Application for determination of dispute about fees

Form 3	
Application for determination of dispute about fees	
In the Magistrates Court of Western Australia	No. of 20
Claimant/ Applicant:	
Defendant:	
Application:	To the Principal Registrar for a determination under the <i>Magistrates Court (Fees) Regulations 2005</i> regulation 13(1) of a question regarding fees.
Applicant: Full name
 Address

Date of birth	MDL No.
Disputed fee:	The disputed fee is for

Payable under the <i>Magistrates Court (Fees) Regulations 2005</i> Schedule 1 Division 1/2/3* item ...	
I dispute —	
<input type="checkbox"/> that the fee is payable	
<input type="checkbox"/> the amount of the fee	
<input type="checkbox"/> other [give details]	
.....	
I dispute the fee because	
.....	
.....	
.....	
.....	
Signature of applicant:
Date:/...../20.....
* <i>Strike out numbers that are not applicable.</i>	

Notes

¹ This is a compilation of the *Magistrates Court (Fees) Regulations 2005* and includes the amendments made by the other written laws referred to in the following table^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Magistrates Court (Fees) Regulations 2005</i>	28 Apr 2005 p. 1573-603	1 May 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7127)
<i>Magistrates Court (Fees) Amendment Regulations 2006</i>	23 Jun 2006 p. 2178-81	1 Jul 2006 (see r. 2)
<i>Magistrates Court (Fees) Amendment Regulations 2007</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations 2008</i>	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 <i>Gazette</i> 11 Jul 2008 p. 3253)
<i>Magistrates Court (Fees) Amendment Regulations (No. 2) 2008</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations (No. 3) 2008</i>	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 <i>Gazette</i> 11 Jul 2008 p. 3253)
<i>Magistrates Court (Fees) Amendment Regulations (No. 4) 2008</i>	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)		
<i>Magistrates Court (Fees) Amendment Regulations 2009</i>	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))

Magistrates Court (Fees) Regulations 2005

Citation	Gazettal	Commencement
<i>Magistrates Court (Fees) Amendment Regulations (No. 2) 2009</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations 2010</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations 2011</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations (No. 2) 2011</i> ³	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))
<i>Magistrates Court (Fees) Amendment Regulations 2012</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations (No. 2) 2012</i>	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)		
<i>Magistrates Court (Fees) Amendment Regulations (No. 3) 2012</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations 2013</i>	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 <i>Gazette</i> 20 Aug 2013 p. 3815)
<i>Magistrates Court (Fees) Amendment Regulations (No. 2) 2013</i>	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))

Magistrates Court (Fees) Regulations 2005

Citation	Gazettal	Commencement
<i>Magistrates Court (Fees) Amendment Regulations (No. 3) 2014</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations 2015</i>	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 <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Magistrates Court (Fees) Amendment Regulations (No. 2) 2015</i>	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))
<i>Magistrates Court (Fees) Amendment Regulations (No. 3) 2015</i>	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)

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 8</i> ⁴	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))

² The *Companies (Co-operative) Act 1943* was repealed by the *Co-operatives Act 2009*.

³ 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.

⁴ On the date as at which this compilation was prepared, the *Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 8* had not come into operation. It reads as follows:

**Part 8 — Magistrates Court (Fees)
Regulations 2005 amended**

34. Regulations amended

This Part amends the *Magistrates Court (Fees) Regulations 2005*.

35. Regulation 3 amended

- (1) In regulation 3 insert in alphabetical order:

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;

entity does not include an individual;

person means an individual or an entity;

- (2) In regulation 3 in the definition of *small business* delete paragraphs (b) and (c) and insert:

(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;

36. Regulation 4 amended

- (1) Delete regulation 4(2) and insert:

- (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.

- (2) Delete regulation 4(6) to (12).

Note: The heading to amended regulation 4 is to read:

General fees

37. Regulation 5A inserted

After regulation 4 insert:

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.

38. Regulation 5 amended

- (1) In regulation 5 delete “A fee” and insert:

- (1) A fee
- (2) At the end of regulation 5 insert:
- (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.

Note: The heading to amended regulation 5 is to read:
Exemptions

39. Regulations 8 and 9 replaced

Delete regulations 8 and 9 and insert:

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)(b).
- (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)(b).

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 the person is an eligible individual in respect of a matter specified in Schedule 1; or
 - (b) a direction under regulation 9B(2) that the person is an eligible entity in respect of a matter specified in Schedule 1.
- (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).

9B. Recognition as eligible individual or eligible entity

- (1) The Court or a registrar may, on an application under regulation 9A(1)(a) —
- (a) direct that a person is an eligible individual described in regulation 8(2)(a) to (e) in respect of the matter if satisfied that the person meets one or more of the requirements set out in those paragraphs; or
 - (b) 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 —

- (i) financial hardship;
 - (ii) the interests of justice.
- (2) The Court or a registrar may, on an application under regulation 9A(1)(b) —
- (a) direct that a person is an eligible entity described in regulation 8(3)(a) in respect of the matter if satisfied that the person meets the requirements set out in that paragraph; or
 - (b) 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 the eligible entity fee in respect of the matter for either, or both, of the following reasons —
 - (i) financial hardship;
 - (ii) 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.

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.

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.

40. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 4]

Division 1 — General

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
1.	(a) for every order or conviction drawn up in the Court's criminal jurisdiction	16.10	16.10	4.85

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) for issue of a duplicate document or order	16.10	16.10	4.85
2.	For the service of any application, summons, originating process, notice or order of the Court or any other process requiring service	70.50	70.50	70.50
<p>Note The fee is payable whether or not the service is successful and covers up to 3 attempts at service at the same address.</p>				
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 all attempts, attendances and inspections, from the enforcement officer's office or nearest Police Station —			
	(a) for each kilometre travelled (one way) in the metropolitan area	1.80	1.80	1.80

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) for each kilometre travelled (one way) outside the metropolitan area	2.00	2.00	2.00
	<p>Note</p> <p>If more than one 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 one allowance for kilometres is chargeable.</p>			
4.	(a) for searching any record or proceeding other than a search by or on behalf of a party to the proceedings in the Court's civil jurisdiction	40.70	40.70	12.20
	(b) for listening to or viewing any electronic recording that requires supervision by an officer of the Court, a search fee of	40.70	40.70	12.20
	And in addition to the search fee, for each hour of the officer's time	101.00	101.00	30.30

Note
Item 4(a) does not apply in relation to information provided under the *Magistrates Court (General) Rules 2005* rule 41A.

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
5.	For provision of information under the <i>Magistrates Court (General) Rules 2005</i> rule 41A —			
	(a) fee per case specified in the information	1.80	1.80	0.55
	(b) annual fee for information provided by email to approved recipient	58 554.00	58 554.00	58 554.00
	Note			
	The fee under item 5(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 any court, tribunal, arbitrator or umpire	60.00	60.00	18.00

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) if an officer is required to attend at any court or place out of the Court building where the officer is based, the officer's reasonable expenses and, in addition for each hour when the officer is necessarily absent from his or her office	91.00	91.00	27.30
7.	(a) for copies of documents or exhibits for each page or part of a page	1.65	1.65	0.50
	(b) for a copy of reasons for judgment —			

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(i) for each copy consisting of not more than 10 pages issued to a person not a party to the proceedings and for each copy in excess of one copy issued to a party to the proceedings	14.15	14.15	4.20
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.80	1.80	0.55
	(c) for certifying that a document is a true copy, an additional fee of	19.60	19.60	5.90

Note

Fee under item 7(a) for a copy of an application is not payable where circumstances under regulation 6(4) exist.

8. (a) for a copy of a transcript, or part of a transcript —

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(i) provided within one day after the day on which the fee is paid	18.75 plus 7.70 per page	18.75 plus 15.45 per page	5.60 plus 2.30 per page
	(ii) provided within 4 days after the day on which the fee is paid	18.75 plus 6.70 per page	18.75 plus 13.45 per page	5.60 plus 2.00 per page
	(iii) provided within 7 days after the day on which the fee is paid	18.75 plus 6.45 per page	18.75 plus 12.85 per page	5.60 plus 1.95 per page

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) for an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —			
	(i) in electronic format	19.60 per copy	19.60 per copy	5.90 per copy
	(ii) paper copy	1.90 per page	1.90 per page	0.55 per page

Note

Fees under this item are payable in the case of an indictable offence dealt with summarily.

Division 2 — Civil jurisdiction

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

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
1.	On filing any claim or any originating process to commence proceedings in the Court —			
	(a) for a claim not exceeding \$10 000	118.00	229.00	35.30
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	410.00	584.00	90.00
	(c) for a claim exceeding \$50 000	477.00	927.00	100.00

Note

Note payable in respect of applications made under item 10 or 11.

2.	On filing a counterclaim, a set-off, a third party claim or any other application for which no fee has been provided in this Division —			
	(a) for a claim not exceeding \$10 000	76.00	149.00	22.80
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	139.50	231.00	41.80
	(c) for a claim exceeding \$50 000	222.00	371.00	66.50

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
3.	On commencing an appeal —			
	(a) for a claim not exceeding \$10 000	39.20	101.00	11.80
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	59.00	154.00	17.65
	(c) for a claim exceeding \$50 000	79.00	206.00	23.70
4.	Application for hearing —			
	(a) for a claim not exceeding \$10 000	186.00	361.00	55.50
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	339.00	653.00	100.00
	(c) for a claim exceeding \$50 000	376.00	729.00	100.00

Note 1

No fee is payable for applications for hearing of matters dealt with under the minor cases procedure, residential tenancies proceedings, applications under item 10 or 11 or for relisting a hearing, or if the proceedings are of an interlocutory nature only.

Note 2

No fee is payable in respect of listing an appeal for hearing.

Note 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.

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	Note 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	107.00	280.00	32.10
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	188.50	489.00	56.50
	(c) for a claim exceeding \$50 000	269.00	697.00	80.50

Note 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

Note 2

No fee is payable if the proceedings are of an interlocutory nature only.

Note 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.

Note 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.

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

Note 5

If written advice of settlement or written notice of intended adjournment is received by the Court not 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	107.00	280.00	32.10
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	188.50	489.00	56.50
	(c) for a claim exceeding \$50 000	269.00	697.00	80.50

Note 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings, applications under item 10 or 11 or if the proceedings are of an interlocutory nature only.

Note 2

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.

Note 3

This fee is payable for each additional day or part day that a hearing proceeds beyond the date or dates allocated in item 5.

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

Note 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	98.50	190.50	29.40
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	118.50	229.00	35.40
	(c) for a claim exceeding \$50 000	159.50	312.00	47.80

Note 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

Note 2

This fee is inclusive of the hearing of the application and includes any adjournment of the hearing.

Note 3

This fee is not payable for matters dealt with in the absence of a party.

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
8.	On an appointment to assess a bill of costs —			
	(a) for a claim not exceeding \$10 000	98.50 plus 2.5%	190.50 plus 2.5%	29.40 plus 0.0%
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	118.50 plus 2.5%	229.00 plus 2.5%	35.40 plus 0.0%
	(c) for a claim exceeding \$50 000	159.50 plus 2.5%	312.00 plus 2.5%	47.80 plus 0.0%

Note 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

Note 2

The % rate is to be applied to the amount at which the bill is drawn.

Note 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 or more days before the day of the appointment, 80%.

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
9.	On the execution of an arrest warrant of any kind —			
	(a) for arresting the person	128.00	128.00	128.00
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	128.00	128.00	128.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until he or she is conveyed to a court or a custodial place	33.90	33.90	33.90

Note 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.

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
Note 2 The fee under paragraph (a) includes —				
	(a) receipt of the warrant; and			
	(b) attendances and inquiries before attempting arrest; and			
	(c) giving any notice; and			
	(d) making any report.			
10.	For an application for an extraordinary drivers licence under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> section 27	193.00	N/A	58.00
11.	On filing —			
	(a) an application for a misconduct restraining order under the <i>Restraining Orders Act 1997</i>	117.00	117.00	35.10
	(b) an application under the <i>Disposal of Uncollected Goods Act 1970</i>	117.00	117.00	35.10

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
(c)	an application under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 101, 101AA or 101A	117.00	117.00	35.10
(d)	an application under the <i>Dividing Fences Act 1961</i>	117.00	117.00	35.10
(e)	an application under the <i>Pawnbrokers and Second-hand Dealers Act 1994</i>	117.00	117.00	35.10

Division 3 — Criminal jurisdiction

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	98.50	98.50	29.40
(b)	an application under the <i>Criminal Procedure Act 2004</i> section 71	98.50	98.50	29.40

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
2.	For the issue of a summons or court hearing notice to an accused	18.80	18.80	18.80
3.	For a warrant of any kind —			
	(a) issue of it	98.50	98.50	29.40
	(b) execution of it	128.00	128.00	128.00

41. Schedule 2 amended

(1) Delete the reference after the heading to Schedule 2 and insert:

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

(2) In Schedule 2 Form 1 delete the Note and insert:

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).

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.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
case statement	3
claim	3
claimant.....	3
commencement day	15(1)
corporation	3
counterclaim	3
enforcement officer.....	3
Form.....	3
individual	3
minor cases procedure	3
non-profit association	3
party	3
prosecution notice	3
respondent.....	6(2)
small business	3
subsidiary	3