
JUSTICE

JU301

Children's Court of Western Australia Act 1988
Civil Judgments Enforcement Act 2004
Coroners Act 1996
District Court of Western Australia Act 1969
Magistrates Court Act 2004
State Administrative Tribunal Act 2004
Supreme Court Act 1935

Justice Regulations Amendment (Fee Relief) Regulations 2018

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Justice Regulations Amendment (Fee Relief) Regulations 2018*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

Part 2 — *Children's Court (Fees) Regulations 2005* amended

3. Regulations amended

This Part amends the *Children's Court (Fees) Regulations 2005*.

4. Regulation 8 amended

In regulation 8(2)(f) delete “regulation 9B(1)(b).” and insert:

regulation 9B(1).

5. Regulation 9A amended

In regulation 9A(1) delete “that the person is an eligible individual in respect of a matter specified in Schedule 1.” and insert:

that, in respect of a matter specified in Schedule 1, the person is an eligible individual described in regulation 8(2)(f).

6. Regulation 9B amended

Delete regulation 9B(1) and insert:

- (1) On an application under regulation 9A(1) 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.

Part 3 — *Civil Judgments Enforcement Regulations 2005* amended**7. Regulations amended**

This Part amends the *Civil Judgments Enforcement Regulations 2005*.

8. Regulation 107C amended

- (1) In regulation 107C(2)(f) delete “regulation 107E(1)(b).” and insert:

regulation 107E(1).

- (2) In regulation 107C(3)(b) delete “regulation 107E(2)(b).” and insert:

regulation 107E(2).

9. Regulation 107D amended

In regulation 107D(1):

- (a) in paragraph (a) delete “that the person is an eligible individual in respect of a matter specified in Schedule 1; or” and insert:

that, in respect of a matter specified in Schedule 1, the person is an eligible individual described in regulation 107C(2)(f); or

- (b) in paragraph (b) delete “that the person is an eligible entity in respect of a matter specified in Schedule 1.” and insert:

that, in respect of a matter specified in Schedule 1, the person is an eligible entity described in regulation 107C(3)(b).

10. Regulation 107E amended

Delete regulation 107E(1) and (2) and insert:

- (1) On an application under regulation 107D(1)(a) the court or a registrar of the court may direct that a person is an eligible individual described in regulation 107C(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 107D(1)(b) the court or a registrar of the court may direct that a person is an eligible entity described in regulation 107C(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.

11. Schedule 4 amended

In Schedule 4 in Form 4 delete “If you are applying for a fee reduction because of financial hardship or in the interests of justice, please” and insert:

Please

Part 4 — Coroners Regulations 1997 amended**12. Regulations amended**

This Part amends the *Coroners Regulations 1997*.

13. Regulation 23B amended

In regulation 23B(2)(f) delete “regulation 23D(1)(b).” and insert:

regulation 23D(1).

14. Regulation 23C amended

In regulation 23C(1) delete “that the person is an eligible individual in respect of a matter specified in Schedule 3.” and insert:

that, in respect of a matter specified in Schedule 3, the person is an eligible individual described in regulation 23B(2)(f).

15. Regulation 23D amended

Delete regulation 23D(1) and insert:

- (1) On an application under regulation 23C(1) a coroner or a coroner’s registrar may direct that a person is an eligible individual described in regulation 23B(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.

Part 5 — District Court (Fees) Regulations 2002 amended**16. Regulations amended**

This Part amends the *District Court (Fees) Regulations 2002*.

17. Regulation 7 amended

- (1) In regulation 7(2)(f) delete “regulation 8A(1)(b).” and insert:

regulation 8A(1).

- (2) In regulation 7(3)(b) delete “regulation 8A(2)(b).” and insert:
regulation 8A(2).

18. Regulation 8 amended

In regulation 8(1):

- (a) in paragraph (a) delete “that the person is an eligible individual in respect of a matter referred to in Schedule 1; or” and insert:

that, in respect of a matter referred to in Schedule 1, the person is an eligible individual described in regulation 7(2)(f); or

- (b) in paragraph (b) delete “that the person is an eligible entity in respect of a matter referred to in Schedule 1.” and insert:

that, in respect of a matter referred to in Schedule 1, the person is an eligible entity described in regulation 7(3)(b).

19. Regulation 8A amended

Delete regulation 8A(1) and (2) and insert:

- (1) On an application under regulation 8(1)(a) the Court or a registrar may direct that a person is an eligible individual described in regulation 7(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 8(1)(b) the Court or a registrar may direct that a person is an eligible entity described in regulation 7(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.

20. Regulation 9 amended

In regulation 9(5) delete “waived or deferred under regulation 8A.” and insert:

deferred under regulation 6(2).

21. Schedule 3 amended

In Schedule 3 in Form 2 delete “If you are applying for a fee reduction because of financial hardship or in the interests of justice, please” and insert:

Please

**Part 6 — *Magistrates Court (Fees) Regulations 2005*
amended****22. Regulations amended**

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

23. Regulation 8 amended

- (1) In regulation 8(2)(f) delete “regulation 9B(1)(b).” and insert:

regulation 9B(1).

- (2) In regulation 8(3)(b) delete “regulation 9B(2)(b).” and insert:

regulation 9B(2).

24. Regulation 9A amended

In regulation 9A(1):

- (a) in paragraph (a) delete “that the person is an eligible individual in respect of a matter specified in Schedule 1; or” and insert:

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

- (b) in paragraph (b) delete “that the person is an eligible entity in respect of a matter specified in Schedule 1.” and insert:

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

25. Regulation 9B amended

Delete regulation 9B(1) and (2) and insert:

- (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.

26. Regulation 10 amended

In regulation 10 delete “waived or reduced under regulation 8” and insert:

waived under regulation 6

27. Regulation 11 amended

In regulation 11 delete “waived or reduced under regulation 8” and insert:

waived under regulation 6

**Part 7 — *State Administrative Tribunal
Regulations 2004* amended**

28. Regulations amended

This Part amends the *State Administrative Tribunal Regulations 2004*.

29. Regulation 9A amended

- (1) In regulation 9A(2)(f) delete “regulation 9C(1)(b).” and insert:

regulation 9C(1).

- (2) In regulation 9A(3)(b) delete “regulation 9C(2)(b).” and insert:

regulation 9C(2).

30. Regulation 9B amended

In regulation 9B(1):

- (a) in paragraph (a) delete “that the person is an eligible individual in respect of a matter specified in a fee item; or” and insert:

that, in respect of a matter specified in a fee item, the person is an eligible individual described in regulation 9A(2)(f); or

- (b) in paragraph (b) delete “that the person is an eligible entity in respect of a matter specified in fee item.” and insert:

that, in respect of a matter specified in a fee item, the person is an eligible entity described in regulation 9A(3)(b).

31. Regulation 9C amended

Delete regulation 9C(1) and (2) and insert:

- (1) On an application under regulation 9B(1)(a) the executive officer may direct that a person is an eligible individual described in regulation 9A(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 9B(1)(b) the executive officer may direct that a person is an eligible entity described in regulation 9A(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.

Part 8 — *Supreme Court (Fees) Regulations 2002* amended

32. Regulations amended

This Part amends the *Supreme Court (Fees) Regulations 2002*.

33. Regulation 7 amended

- (1) In regulation 7(2)(f) delete “regulation 8A(1)(b).” and insert:
regulation 8A(1).
- (2) In regulation 7(3)(b) delete “regulation 8A(2)(b).” and insert:
regulation 8A(2).

34. Regulation 8 amended

In regulation 8(1):

- (a) in paragraph (a) delete “that the person is an eligible individual in respect of a matter specified in Schedule 1; or” and insert:

that, in respect of a matter specified in Schedule 1, the person is an eligible individual described in regulation 7(2)(f); or

- (b) in paragraph (b) delete “that the person is an eligible entity in respect of a matter specified in Schedule 1.” and insert:

that, in respect of a matter specified in Schedule 1, the person is an eligible entity described in regulation 7(3)(b).

35. Regulation 8A amended

Delete regulation 8A(1) and (2) and insert:

- (1) On an application under regulation 8(1)(a) the Court or a registrar may direct that a person is an eligible individual described in regulation 7(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 8(1)(b) the Court or a registrar may direct that a person is an eligible entity described in regulation 7(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.

36. Schedule 4 amended

In Schedule 4 in Form 2 delete “If you are applying for a fee reduction because of financial hardship or in the interests of justice, please” and insert:

Please

R. NEILSON, Clerk of the Executive Council.