
JUSTICE

JU301

Magistrates Court Act 2004

**Magistrates Court (Fees) Amendment
Regulations 2021****SL 2021/119**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Magistrates Court (Fees) Amendment Regulations 2021*.

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.

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3 insert in alphabetical order:

legal practitioner means an Australian legal practitioner as defined in the *Legal Profession Act 2008* section 3;

5. Regulation 5 amended

In regulation 5(1):

- (a) in paragraph (b) delete “order.” and insert:

order; or

- (b) after paragraph (b) insert:
 - (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.

6. Regulation 6 amended

In regulation 6(4)(a) delete “counsel or solicitor; and” and insert:

legal practitioner; and

7. Regulation 6A inserted

After regulation 6 insert:

6A. Certain transcript fees must be waived

- (1) In this regulation —
 - interim order* means a family violence restraining order or 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) for the provision of a transcript, or a part of a transcript, if —
 - (a) the transcript, or the part of the transcript, is of a hearing at which an interim order was made; and
 - (b) the interim 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) the person bound by the interim or final order (the *interim order respondent*) requests the provision of the transcript, or the part of the transcript, either personally or by legal practitioner; and
 - (d) the interim order respondent has not previously obtained the transcript, or the part of the transcript, under this subregulation.