Western Australia

Children's Court of Western Australia Act 1988
Magistrates Court Act 2004

Attorney General Regulations Amendment (Fees) Regulations 2024

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Children's Court of Western Australia Act 1988
Magistrates Court Act 2004

Attorney General Regulations Amendment (Fees) Regulations 2024

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Attorney General Regulations Amendment (Fees) Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on the day after that day.

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

3. Regulations amended

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

4. Regulation 6 amended

Delete regulation 6(4).

Note: The heading to amended regulation 6 is to read:

Certain fees subject to conditions

5. Regulation 6AA inserted

After regulation 6 insert:

6AA. Certain application and transcript fees must be waived

(1) In this regulation —

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 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 under the *Restraining Orders Act 1997*.

(2) Subregulation (3) applies in relation to an application for an FVRO or a VRO if —

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

(b) the 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 6(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) an interim order was made and the order —

(i) is still in force; or

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

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

Part 3 — *Magistrates Court (Fees) Regulations 2005* amended

6. Regulations amended

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

7. Regulation 6 amended

Delete regulation 6(4).

Note: The heading to amended regulation 6 is to read:

Certain fees subject to conditions

8. Regulation 6A replaced

Delete regulation 6A and insert:

6A. Certain application and transcript fees must be waived

(1) In this regulation —

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 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*.

(2) Subregulation (3) applies in relation to an application for an FVRO or a VRO if —

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

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

(i) is still in force; or

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

(5) A registrar must waive the fee under Schedule 1 Division 1 item 8(a) for a copy of the transcript of the hearing, or a part of the transcript, when requested by the applicant or the respondent if the applicant or respondent (as is relevant) has not previously obtained a copy of the transcript or part.

K. COLLERAN, Clerk of the Executive Council

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