Western Australia

Children's Court of Western Australia Act 1988

Children's Court (Fees) Regulations 2005

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Western Australia

Children's Court (Fees) Regulations 2005

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Defined terms

Children's Court (Fees) Regulations 2005

1. Citation

These regulations are the *Children's Court (Fees) Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which the *Courts Legislation Amendment and Repeal Act 2004* Part 7 comes into operation or on the day of their publication in the *Gazette*, whichever is the later.

3. Terms used

In these regulations unless the contrary intention appears —

approved form means a form approved by the President;

civil jurisdiction means the Court's jurisdiction other than criminal jurisdiction;

criminal jurisdiction means the Court's jurisdiction under the Act section 19;

deputy registrar means a deputy registrar appointed under the Act section 16(1);

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, if any, shown in column B for that item;

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

prosecution notice has the meaning given to that term in the *Criminal Procedure Act 2004* section 3(1).

[Regulation 3 amended: Gazette 23 Jun 2006 p. 2182; 14 Jun 2016 p. 1856.]

4. Fees to be charged (Act s. 53)

(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 53 in relation to which they are applicable.

(2A) In relation to a matter specified in an item in Schedule 1 —

(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.

(2) A note to an item in Schedule 1 has effect according to its tenor as if it were a provision of these regulations.

[Regulation 4 amended: Gazette 14 Jun 2016 p. 1856.]

5. Exemptions

A person is not required to pay a fee in respect of the following —

(a) an application under the *Restraining Orders Act 1997* for a family violence restraining order or violence restraining order or to vary or cancel a family violence restraining order or violence restraining order;

(b) an application under the *Prohibited Behaviour Orders Act 2010* for a prohibited behaviour order or to vary or cancel a prohibited behaviour order;

(c) civil proceedings under the *Criminal Law (Mental Impairment) Act 2023*;

(d) a matter if —

(i) a written law provides that the person is not required to pay a fee in respect of a matter of that type; or

(ii) the person has not reached 18 years of age on the day the fee would otherwise be payable.

[Regulation 5 inserted: SL 2024/174 r. 4.]

6. Certain fees subject to conditions

(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) deleted]

[Regulation 6 amended: SL 2024/254 r. 4.]

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.

[Regulation 6AA inserted: SL 2024/254 r. 5.]

6A. Certain application fees may be waived

A registrar may waive the fee for an application under the *Criminal Procedure Act 2004* section 71(2)(a) or (b) for an order to set aside a decision if the registrar is satisfied that the reason for the failure to appear is a clerical error by the Court.

[Regulation 6A inserted: SL 2022/145 r. 4.]

7. Fees to be paid before documents etc. filed in civil cases

(1) This regulation applies to proceedings in the Court's civil jurisdiction.

(2) Subject to the provisions of these regulations —

(a) an 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 application or other document or upon or in respect of the doing of that matter or thing, has been paid.

8. Who is an eligible individual

(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).

[Regulation 8 inserted: Gazette 14 Jun 2016 p. 1857-8; amended: Gazette 20 Jul 2018 p. 2621.]

9A. Application to be recognised as eligible individual

(1) A person may apply for a direction under regulation 9B(1) that, in respect of a matter specified in Schedule 1, the person is an eligible individual described in regulation 8(2)(f).

(2) An application is to be in the approved form and is to specify the matter in respect of which the individual is seeking to pay the eligible individual fee.

(3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

[Regulation 9A inserted: Gazette 14 Jun 2016 p. 1858-9; amended: Gazette 20 Jul 2018 p. 2622.]

9B. Recognition as eligible individual

(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.

(2) The Court or a registrar may, before an application is determined, direct the applicant to provide to the registrar or the Court further information relating to the application.

(3) 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.

[Regulation 9B inserted: Gazette 14 Jun 2016 p. 1859; amended: Gazette 20 Jul 2018 p. 2622.]

9C. False or misleading statements

(1) A person who makes a statement or representation in an application made under these regulations, or provides further information in relation to an 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 revoke a direction made under regulation 9B(1) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).

(3) If a direction is revoked under subregulation (2), the Court or registrar may —

(a) order that the person in respect of whom the direction was made pay the difference between the fee the person paid and the fee that would otherwise have been payable by the person; and

(b) make an order to enforce the order for the payment.

(4) An order under subregulation (3)(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.

[Regulation 9C inserted: Gazette 14 Jun 2016 p. 1860.]

9D. Refunds

(1) A judge or magistrate 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.

[Regulation 9D inserted: Gazette 14 Jun 2016 p. 1860-1.]

9. Waiving fee for copy of document or transcript

The Court or a registrar may waive a fee referred to in Schedule 1 Division 1 item 6(a) or 7 if the Court or registrar is satisfied that the waiving of the fee would assist in the efficient operation of the Court.

[Regulation 9 inserted: Gazette 14 Jun 2016 p. 1861.]

10. 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 a registrar.

(2) An application for a determination under subregulation (1) is to be in the approved form.

(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).

[Regulation 10 amended: Gazette 14 Jun 2016 p. 1861.]

11. 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.

Schedule 1 — Fees

[r. 4]

[Heading inserted: SL 2025/111 r. 6.]

Division 1 — General

[Heading inserted: SL 2025/111 r. 6.]

Item	Matter	Column A Fee for individual $	Column B Fee for eligible individual $
1.	(a) For every order or conviction drawn up in the Court's criminal jurisdiction	26.10	7.85
	(b) Issue of a duplicate document or order	26.10	7.85
2.	For the service of an application, summons, originating process, notice or order of the Court or another process requiring service	114.50	114.50
	Note for this item: 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 serve a summons, order of the Court, other process or document, or make an arrest or for all attempts, attendances and inspections, from the enforcement officer's office or nearest police station —		
	(a) for each kilometre travelled (1 way) in a metropolitan area	2.65	2.65

Item		Matter	Column A Fee for individual $	Column B Fee for eligible individual $
	(b)	for each kilometre travelled (1 way) outside a metropolitan area	3.00	3.00
	Note for this item:			
		If more than 1 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 1 fee for kilometres travelled is chargeable.		
4.	(a)	For searching a record or proceeding (other than a search by or on behalf of a party to the proceedings in the Court's civil jurisdiction)	66.50	19.95
	(b)	For listening to or viewing an electronic recording that requires supervision by an officer of the Court —		
		(i) a search fee	66.50	19.95
		(ii) in addition to the search fee, for each hour of the officer's time	161.50	48.40
5.	(a)	On an application or summons for the production of records or documents that are required to be produced to a court, tribunal, arbitrator or umpire	97.00	29.10

Item		Matter	Column A Fee for individual $	Column B Fee for eligible individual $
	(b)	If an officer is required to attend at a court or place out of the Court building where the officer is based	The officer's reasonable expenses approved by the Registrar plus 146.50 for each hour the officer is necessarily absent from the officer's office	The officer's reasonable expenses approved by the Registrar plus 43.90 for each hour the officer is necessarily absent from the officer's office
6.	(a)	Copies of documents or exhibits, for each page or part of a page	2.75	0.85
	(b)	For a copy of reasons for judgment —		
		(i) for each copy issued to a person, other than a party to the proceedings	23.00	6.90
		(ii) for each copy in excess of 1 copy issued to a party to the proceedings	23.00	6.90
		(iii) for each copy consisting of 10 or more pages, an additional fee per page	2.95	0.90

Item		Matter	Column A Fee for individual $	Column B Fee for eligible individual $
	(c)	Additional fee for certifying that a document is a true copy	30.30	9.10
	Note for this item: The fee under paragraph (a) for a copy of an application is not payable if circumstances under regulation 6(4) exist.			
7.	(a)	For providing a transcript, or part of a transcript —		
		(i) provided within 1 day after the day on which the fee is paid	30.50 plus 12.60 per page	9.15 plus 3.80 per page
		(ii) provided within 2 days after the day on which the fee is paid	30.50 plus 11.55 per page	9.15 plus 3.45 per page
		(iii) provided within 4 days after the day on which the fee is paid	30.50 plus 10.90 per page	9.15 plus 3.25 per page
		(iv) provided within 7 days after the day on which the fee is paid	30.50 plus 10.55 per page	9.15 plus 3.15 per page
		(v) provided within 14 days after the day on which the fee is paid	30.50 plus 8.90 per page	9.15 plus 2.65 per page
		(vi) provided on a running basis (i.e. periodically throughout or following the day of the proceedings)	30.50 plus 13.35 per page	9.15 plus 4.00 per page

Item	Matter	Column A Fee for individual $	Column B Fee for eligible individual $
	(b) For providing a copy of a transcript, or part of a transcript, if the transcript or part has been provided to the person requesting the copy —		
	(i) electronic format	31.90 per copy	9.55 per copy
	(ii) paper copy	3.20 per page	0.95 per page
	Note for this item: Fees under this item are payable in the case of an indictable offence dealt with summarily.		

[Division 1 inserted: SL 2025/111 r. 6.]

Division 2 — Civil jurisdiction

[Heading inserted: SL 2025/111 r. 6.]

Item	Matter	Column A Fee for individual $	Column B Fee for eligible individual $
1.	On filing an application for a misconduct restraining order under the *Restraining Orders Act 1997*	190.50	57.00
2.	On the execution of an arrest warrant of any kind —		
	(a) for arresting the person	211.00	211.00

Item	Matter	Column A Fee for individual $	Column B Fee for eligible individual $
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	209.00	209.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until the person is conveyed to a court or a custodial place	55.00	55.00
	Notes for this item: 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. 2. The fee under paragraph (a) includes the costs of — (a) receiving and printing the warrant; and (b) attendances and inquiries before attempting arrest; and (c) giving any notice; and (d) making any report.		
3.	On filing an application for an extraordinary licence under the *Road Traffic (Authorisation to Drive) Act 2008* section 27	255.00	76.50

[Division 2 inserted: SL 2025/111 r. 6.]

Division 3 — Criminal jurisdiction

[Heading inserted: SL 2025/111 r. 6.]

Item	Matter	Column A Fee for individual $	Column B Fee for eligible individual $
1.	On filing —		
	(a) a prosecution notice	160.50	48.10
	(b) an application under the *Criminal Procedure Act 2004* section 71	160.50	48.10
2.	For the issue of a summons or court hearing notice to an accused	30.80	9.25
3.	For a warrant of any kind —		
	(a) issue of warrant	160.50	48.10
	(b) execution of warrant	209.00	209.00

[Division 3 inserted: SL 2025/111 r. 6.]

Notes

This is a compilation of the *Children's Court (Fees) Regulations 2005* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Citation	Published	Commencement
Children's Court (Fees) Regulations 2005	28 Apr 2005 p. 1415-33	1 May 2005 (see r. 2 and *Gazette* 31 Dec 2004 p. 7128)
Children's Court (Fees) Amendment Regulations 2005	30 Aug 2005 p. 4054	30 Aug 2005
Children's Court (Fees) Amendment Regulations 2006	23 Jun 2006 p. 2181-3	1 Jul 2006 (see r. 2)
Children's Court (Fees) Amendment Regulations 2007	26 Jun 2007 p. 3040-1	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))
Children's Court (Fees) Amendment Regulations 2008	11 Mar 2008 p. 817	r. 1 and 2: 11 Mar 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Mar 2008 (see r. 2(b))
Children's Court (Fees) Amendment Regulations (No. 2) 2008	27 Jun 2008 p. 3070-2	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))
Reprint 1: The *Children's Court (Fees) Regulations 2005* as at 5 Sep 2008 (includes amendments listed above)		
Children's Court (Fees) Amendment Regulations 2009	9 Jun 2009 p. 1925	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))
Children's Court (Fees) Amendment Regulations (No. 2) 2009	4 Sep 2009 p. 3483-5	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))
Children's Court (Fees) Amendment Regulations 2011	8 Mar 2011 p. 791-2	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))

Citation	Published	Commencement
Children's Court (Fees) Amendment Regulations (No. 2) 2011	20 Dec 2011 p. 5390-2	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))
Children's Court (Fees) Amendment Regulations 2012	27 Mar 2012 p. 1505	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 *Children's Court (Fees) Regulations 2005* as at 15 Jun 2012 (includes amendments listed above)		
Children's Court (Fees) Amendment Regulations (No. 2) 2012	30 Nov 2012 p. 5794-5	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))
Children's Court (Fees) Amendment Regulations 2013	15 Nov 2013 p. 5250-2	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))
Children's Court (Fees) Amendment Regulations (No. 2) 2014	27 Jun 2014 p. 2333-4	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))
Children's Court (Fees) Amendment Regulations 2015	19 Jun 2015 p. 2114-15	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))
Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 2	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))
Attorney General Regulations Amendment (Family Violence Restraining Orders) Regulations 2017 Pt. 3	27 Jun 2017 p. 3432-5	1 Jul 2017 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 2	7 Jul 2017 p. 3721-98	8 Jul 2017 (see r. 2(b)(ii))
Attorney General Regulations Amendment (Bailiff Fees) Regulations 2018 Pt. 2	9 Feb 2018 p. 401-5	10 Feb 2018 (see r. 2(b))

Citation	Published	Commencement
Attorney General Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 2	15 Jun 2018 p. 1963-2049	1 Jul 2018 (see r. 2(b))
Justice Regulations Amendment (Fee Relief) Regulations 2018 Pt. 2	20 Jul 2018 p. 2621-30	21 Jul 2018 (see r. 2(b))
Reprint 3: The *Children's Court (Fees) Regulations 2005* as at 28 Sep 2018 (includes amendments listed above)		
Attorney General Regulations Amendment (Transcript Fees) Regulations 2018 Pt. 2	7 Dec 2018 p. 4667-74	18 Dec 2018 (see r. 2(b)(i))
Attorney General Regulations Amendment (Transcript Fees) Regulations 2019 Pt. 2	12 Mar 2019 p. 666-9	13 Mar 2019 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 3	28 Jun 2019 p. 2553-642	1 Jul 2019 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2020 Pt. 2	SL 2020/124 31 Jul 2020	1 Aug 2020 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 3	SL 2021/101 29 Jun 2021	1 Jul 2021 (see r. 2(b))
Attorney General Regulations Amendment (Fees) Regulations 2021 Pt. 2	SL 2021/155 10 Sep 2021	11 Sep 2021 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 3	SL 2022/111 30 June 2022	1 Jul 2022 (see r. 2(b))
Attorney General Regulations Amendment (Fee Waiver) Regulations 2022 Pt. 2	SL 2022/145 26 Aug 2022	27 Aug 2022 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 3	SL 2023/120 2 Aug 2023	3 Aug 2023 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 3	SL 2024/113 26 Jun 2024	1 Jul 2024 (see r. 2(b))
Court Fees Regulation Amendment Regulations 2024 Pt. 2	SL 2024/174 21 Aug 2024	1 Sep 2024 (see r. 2(b))

Citation	Published	Commencement
Attorney General Regulations Amendment (Fees) Regulations 2024 Pt. 2	SL 2024/254 11 Dec 2024	12 Dec 2024 (see r. 2(b))
Attorney General Regulations Amendment (Fees and Charges) Regulations 2025 Pt. 3	SL 2025/111 25 Jun 2025	1 Jul 2025 (see r. 2(b))

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)
applicant	6AA(1)
approved form	3
Centrelink	8(1)
civil jurisdiction	3
criminal jurisdiction	3
deputy registrar	3
eligible individual	3
eligible individual fee	3
enforcement officer	3
FVRO	6AA(1)
interim order	6AA(1)
prosecution notice	3
respondent	6(2), 6AA(1)
VRO	6AA(1)

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