

Western Australia

## **Supreme Court (Fees) Regulations 2002**

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## Supreme Court (Fees) Regulations 2002

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**Schedule 1 — Fees**

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## Supreme Court (Fees) Regulations 2002

### 1. Citation

These regulations may be cited as the *Supreme Court (Fees) Regulations 2002*<sup>1</sup>.

### 2. Commencement

These regulations come into operation on 1 January 2002.

### 3. Interpretation

In these regulations unless the contrary intention appears —

“**corporation**” has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth;

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

“**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;

“**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;

“**Rules**” means the *Rules of the Supreme Court 1971*;

“**small business**” means —

*[(a) deleted]*

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- (b) 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;
- (c) 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;
- (d) 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; or
- (e) 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 same meaning as it has in the *Corporations Act 2001* of the Commonwealth.

[Regulation 3 amended in Gazette 30 Dec 2003 p. 5693; 23 Jun 2006 p. 2184.]

**4. Fees to be charged**

- (1) Subject to the provisions of these regulations, the fees specified in Schedules 1, 2, and 3 are to be charged in respect of the

matters referred to in section 171(1) of the Act in relation to which they are specified.

- (2) In relation to a matter specified in column 2 of Schedule 1, the fee shown opposite the matter —
  - (a) in column 3 applies if an individual is required to pay the fee; or
  - (b) in column 4 applies if a person other than an individual is required to pay the fee,as the case requires.
- (3) Except as provided in Schedule 1 or 3, a fee must not be charged in respect of any of the following —
  - (a) filing an affidavit;
  - (b) filing a pleading;
  - (c) search by a party;
  - (d) sealing a copy of a document;
  - (e) drawing up, settling or signing a judgment, order, or decree;
  - (f) amending a pleading;
  - (g) making a request under the Rules;
  - (h) filing, depositing, giving, issuing, or serving any other document required or permitted by the Rules to be filed, deposited, given, issued, or served in connection with proceedings in the Court.
- (4) A note to an item in Schedule 1, 2, or 3 has effect according to its tenor as if it were a provision of these regulations.
- (5) No fee is to be charged in respect of any attendance in chambers if the attendance is required by an order of the Court made on its own motion.
- (6) No fee is to be charged on the appointment of an associate to be a Commissioner for Affidavits where that appointment is for the period during which the appointee holds office as an associate.

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- (7) On the lodgment of a declaration in the form of Schedule 4 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.
- (8) Subregulation (7) 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.
- (9) A person who has lodged a declaration under subregulation (7) must immediately advise the Principal Registrar if the person ceases to be a small business or a non-profit association.  
Penalty: \$1 000.
- (10) Whether or not the person has complied with subregulation (9), 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.
- (11) If a person is charged a fee under subregulation (7) 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.
- (12) An order under subregulation (11)(b) may provide that —
  - (a) a pleading, 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 pleading, 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.

- (13) A person who makes a statement or representation in a declaration under subregulation (7) that the person knows or has reason to believe is false or misleading in a material particular commits an offence.

Penalty: \$1 000.

[Regulation 4 amended in Gazette 30 Dec 2003 p. 5693-4; 28 Apr 2005 p. 1758.]

## 5. Exemptions

The provisions of these regulations apply to all proceedings in the Supreme Court in any jurisdiction inherent in or conferred on the Court or a judge other than —

- (a) criminal proceedings, or appeals under the *Criminal Appeals Act 2004*;
- (b) proceedings under the *Bankruptcy Act 1966* of the Commonwealth;
- (c) proceedings under the *Surveillance Devices Act 1998*;
- (d) proceedings under the *Witness Protection (Western Australia) Act 1996*;
- (e) proceedings in the Court of Disputed Returns;
- (f) applications for appointment as public notaries;
- (g) returns and copies of, or searches for, returns under *The Newspaper Libel and Registration Act 1884*<sup>2</sup>; or
- (h) proceedings under the *Civil Judgments Enforcement Act 2004*.

[Regulation 5 amended in Gazette 28 Apr 2005 p. 1758; 23 Jun 2005 p. 2693.]

**5A. Disputes regarding fees**

- (1) An application for a determination under section 171(3) of the Act is to be in the form of Schedule 4 Form 3.
- (2) Despite the provisions of these regulations, a fee is not to be charged in respect of an application referred to in subregulation (1).

*[Regulation 5A inserted in Gazette 28 Apr 2005 p. 1759.]*

**6. Fees to be paid before documents filed or other things done**

Subject to the provisions of these regulations —

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

**7. Court or registrar may remit fees**

- (1) The Court or a registrar may, in a particular case for special reasons direct —
  - (a) that a fee or fees be waived or reduced;
  - (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.

- (1a) In subregulation (1) —

**“special reasons”** includes —

  - (a) financial hardship;

- (b) that an important right or obligation affecting the community or a significant part of the community will be determined; or
  - (c) that the development of the law generally will be affected so as to reduce the need for further litigation.
- (1aa) This regulation does not apply to fees specified in Schedule 2.
- (1b) 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.
- (1c) 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 pleading, 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.
- (1d) The payment of a filing fee listed in Schedule 1 is to 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.
- (2) An application for a fee or fees to be waived, reduced, refunded or deferred must be in the form of Schedule 4 Form 2.
- (3) Schedule 4 Form 2 must be completed in accordance with the directions specified in it.
- (3a) If an application under subregulation (1) 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.
- (3b) A fee, payment of which has been deferred until an event occurs, becomes payable when that event occurs.
- (4) A person who makes a statement or representation in an application under subregulation (2) that the person knows or has reason to believe is false or misleading in a material particular commits an offence.  
Penalty: \$1 000.
- (5) If a fee payable by a person is waived, reduced, refunded or deferred in accordance with a direction under subregulation (1) 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 (2) 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 11.

- (6) Despite the provisions of these regulations, a fee is not to be charged in respect of an application under subregulation (1).
- (7) An application can be made to the trial judge under subregulation (1) on a ground referred to in paragraph (b) or (c) of the definition of “special reasons” in subregulation (1a) notwithstanding that an application on that ground has previously been refused by a registrar.

*[Regulation 7 amended in Gazette 30 Dec 2003 p. 5694-6;  
28 Apr 2005 p. 1759.]*

## **8. 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.

## **9. Allocation of hearing date — Schedule 1 Division 1 item 6**

- (1) In this regulation —  
“**fee**” means the fee referred to in Schedule 1 Division 1 item 6.
- (2) The fee is not payable in relation to interlocutory proceedings.
- (3) The number of days for which the fee is payable is —
  - (a) the number of days estimated for the hearing in the certificate of readiness; or
  - (b) if at a directions hearing a greater number of days is allocated for the hearing, the number of days allocated for the hearing at the directions hearing.

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- (4) If the number of days for which the fee is payable is half a day or less, the fee is reduced by half.
- (5) The fee, calculated on the basis of the number of days estimated for the hearing in the certificate of readiness, must be paid when the fee referred to in Schedule 1 Division 1 item 5 is paid.
- (6) If, at a directions hearing after the cause or matter has been entered for hearing, the number of days allocated for the hearing is increased, the fee for the additional days is to be paid immediately after the directions hearing.
- (7) The fee paid is not refundable except as provided in subregulations (8), (9) and (10).
- (8) If the cause or matter is settled and the Court receives written notice of the settlement the following percentage of the fee paid is to be refunded —
  - (a) if notice is received 42 days or more before the first date allocated for the hearing date, 75%;
  - (b) if notice is received 28 days or more before that date, 50%.
- (9) If the hearing is adjourned before the first date allocated for the hearing the following percentage of the fee paid is to be refunded or transferred to the date or dates allocated for the adjourned hearing —
  - (a) if the Court or registrar is satisfied the reason for the adjournment is beyond the control of the parties, 100%;
  - (b) otherwise, if the adjournment occurs —
    - (i) 42 days or more before the first date allocated for the hearing, 75%; or
    - (ii) 28 days or more before that date, 50%.
- (10) If the hearing is adjourned after it has commenced and the Court or registrar is satisfied the reason for the adjournment is beyond the control of the parties, the fee paid in respect of dates after

the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*[Regulation 9 inserted in Gazette 28 Apr 2005 p. 1760-1; amended in Gazette 23 Jun 2005 p. 2693.]*

**9A. Court of Appeal allocation of hearing date — Schedule 1 Division 2 item 6**

- (1) In this regulation —  
“**fee**” means the fee referred to in Schedule 1 Division 2 item 6.
- (2) The fee is not payable in relation to an application for an interim order or to amend or cancel an interim order.
- (3) The number of days for which the fee is payable is —
  - (a) the number of days in excess of the first hearing day estimated for the hearing by the Court of Appeal Registrar; or
  - (b) if at a directions hearing a greater number of days than those estimated by the registrar is allocated for the hearing, the number of days in excess of the first hearing day allocated at a directions hearing.
- (4) If the number of days for which the fee is payable is half a day or less, the fee is reduced by half.
- (5) The fee, calculated on the basis of the number of days for which the fee is payable under subregulation (3), must be paid within 7 days —
  - (a) of the *Supreme Court (Court of Appeal) Rules 2005* Form 15 being sent to the parties; or
  - (b) if a greater number of days is allocated at a directions hearing, of the allocation of those days.
- (6) The fee paid is not refundable except as provided in subregulations (7), (8) and (9).

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- (7) If the appeal is settled and the Court of Appeal Office receives written notice of the settlement the following percentage of the fee paid is to be refunded —
- (a) if notice is received 42 days or more before the first date allocated for the hearing date, 75%;
  - (b) if notice is received 28 days or more before that date, 50%.
- (8) If the hearing of the appeal is adjourned before the first date allocated for the hearing the following percentage of the fee paid is to be refunded or transferred to the date or dates allocated for the adjourned hearing —
- (a) if the Court or Court of Appeal Registrar is satisfied that the reason for the adjournment is beyond the control of the parties, 100%;
  - (b) otherwise, if the adjournment occurs —
    - (i) 42 days or more before the first date allocated for the hearing, 75%; or
    - (ii) 28 days or more before that date, 50%.
- (9) If the hearing is adjourned after it has commenced and the Court or Court of Appeal Registrar is satisfied that the reason for the adjournment is beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*[Regulation 9A inserted in Gazette 23 Jun 2005 p. 2693-5.]*

**10. Schedule 1 Division 1 item 7 or Division 2 item 7 fee**

If a fee is to be paid under Schedule 1 Division 1 item 7 or Division 2 item 7, the hearing is not to be reconvened until that fee or so much of it as has not been waived or reduced under regulation 7 has been paid.

*[Regulation 10 amended in Gazette 23 Jun 2005 p. 2695.]*



**11. Recovery of unpaid fees**

Any unpaid fee is a debt due to the State and may be recovered by action in a court of competent jurisdiction.

*[Regulation 11 inserted in Gazette 28 Apr 2005 p. 1761.]*

**12. Transitional**

A fee is not to be charged under Schedule 1 item 6 or item 7 in respect of days allocated for a hearing or hearing days if —

- (a) the matter was part heard before 1 January 2002;
- (b) the matter is one for which hearing days had been allocated before 1 January 2002; or
- (c) dates for a hearing were allocated before 1 January 2002, the hearing did not proceed on those dates on the Court's own motion, and the Court has allocated other hearing dates on or after 1 January 2002.

**Schedule 1 — Fees**

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[Heading inserted in Gazette 23 Jun 2005 p. 2695.]

**Division 1 — General Division fees**

[Heading inserted in Gazette 23 Jun 2005 p. 2695.]

<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
1.	On filing —		
	(a) any originating process by which a cause, matter or other proceeding in the Court is commenced, other than proceedings of the kind referred to in item 2, 3, or 8; or		
	(b) a notice of appeal (whether in draft form or not) .....	713.00	1 071.00
2.	On filing —		
	(a) a counterclaim .....	713.00	1 071.00
	(b) a third party notice or a notice under Order 19 rule 8 of the <i>Rules of the Supreme Court 1971</i> .....	713.00	1 071.00
	(c) an application —		
	(i) to extend a period of time fixed by law, including an application to extend time before proceedings are commenced;		
	(ii) to limit a period of time within which proceedings may be taken;		
	(iii) for leave to serve a writ or notice of a writ out of jurisdiction;		

**Supreme Court (Fees) Regulations 2002**

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

<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
	(iv) to swear to the death of a person;		
	(v) for leave to appeal;		
	(vi) for inclusion in the Expedited list of the Court; or		
	(vii) in a pending cause or matter in admiralty whether by summons or motion, other than an application by the Marshal .....	238.00	358.00
	(d) any other application for which no fee has been provided in this Division .....	238.00	358.00
3.	Commencing an appeal to which Order 60A rule 4 of the <i>Rules of the Supreme Court 1971</i> applies .....	477.00	716.00
[4.	<i>deleted</i> ]		
5.	Entry for hearing a cause or matter or notice of an appointment to hear an originating summons .....	713.00	1 071.00
6.	Allocation of hearing date, for each day allocated .....	477.00	955.00
	NOTE: See regulation 9.		
7.	Daily hearing fee before a Court constituted by a master or one or more judges .....	477.00	955.00
	NOTES:		
	(1) No fee is payable if the proceedings are of an interlocutory nature.		

**Supreme Court (Fees) Regulations 2002**

**Schedule 1** Fees

**Division 1** General Division fees

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<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
(2)	The fee is to be paid in respect of any number of hearing days greater than the number of hearing days for which a fee has been paid under item 6.		
(3)	The fee is payable for each additional day or part of a day that the hearing proceeds beyond the date or dates allocated referred to in item 6.		
(4)	If the Court allocates a half day or less for the continuation of the hearing, a fee equal to half the prescribed amount is payable for that period.		
(5)	The daily fee becomes payable on a day to day basis and is payable before the daily reconvening of the hearing.		
8.	(a) On filing an —		
	(i) interlocutory application or summons returnable;		
	(ii) application for assessment of damages; or		
	(iii) application for summary judgment, before a judge, master or registrar in chambers; or		
	(b) On an appointment before a judge, master or registrar —		
	(i) on a reference for inquiry and report;		
	(ii) to pass accounts;		

**Supreme Court (Fees) Regulations 2002**

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

<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
	(iii) to settle the index of a transcript for use upon the hearing of an appeal;		
	(iv) for mediation; or		
	(v) on a reference to a registrar in admiralty proceedings .....	167.50	250.00

NOTES:

- (1) If the registrar is assisted by one or more assessors, the daily fee is payable for each assessor if the registrar considers that to be reasonable.
  - (2) The fee payable to an assessor becomes payable on a day to day basis as the reference proceeds and is payable in the first instance by the claimant.
  - (3) The fee includes the first day of the hearing of the application or summons and includes any adjournment of the hearing.
  - (4) The fee is payable in respect of an application for liberty to apply to relist.
9. If the hearing of a matter to which item 8 applies is listed for more than one day and proceeds for more than the number of days listed, the fee prescribed in item 8 is payable for each additional day or part of a day of a hearing.

NOTE: The daily fee becomes payable on a day to day basis and is payable before the daily reconvening of the hearing.

**Supreme Court (Fees) Regulations 2002**

**Schedule 1** Fees

**Division 1** General Division fees

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<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
10.	On an appointment to tax a bill of costs in a cause or matter or under the <i>Legal Practice Act 2003</i> or the <i>Commercial Arbitration Act 1985</i> —		
(a)	lodgment fee .....	167.50	250.00
(b)	in addition to the lodgment fee, a taxing fee at the rate of .....	2.5%	2.5%

NOTES:

- (1) The % rate is to be applied to the amount at which the bill is drawn.
- (2) The taxing officer must allow against the person chargeable with the costs as taxed, taxing fees at the rate prescribed in item 10(b) of the amount found due on taxation.
- (3) If the parties agree on the bill of costs in a cause or matter or under the *Legal Practice Act 2003* or the *Commercial Arbitration Act 1985* 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%;

**Supreme Court (Fees) Regulations 2002**

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

<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
	(c) if the appointment is cancelled 10 or more days before the day of the appointment, 80%.		
11.	For searching any proceeding or record other than a search made by or on behalf of a party to the proceeding .....	24.00	24.00
	NOTE: But if the search is made by a recognised service approved by the Attorney General: \$1.00.		
12.	(a) On an application for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire .....	35.50	35.50
	(b) If an officer is required to attend at any court or place out of the Supreme Court building, the officer's reasonable expenses and, in addition, for each hour or part of an hour when the officer is necessarily absent from his or her office .....	59.50	59.50
13.	(a) For a copy of a document of any kind or an exhibit, including marking as an office copy if required, for each page or part of a page .....	3.00	3.00
	(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		

**Supreme Court (Fees) Regulations 2002**

**Schedule 1** Fees

**Division 1** General Division fees

<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
	proceedings and for each copy in excess of one copy issued to a party to the proceedings .....	8.35	8.35
	(ii) for each copy consisting of 10 or more pages an additional fee per page of .....	1.05	1.05
(c)	For certifying under seal that a document is a true copy, an additional fee of .....	11.50	11.50
(d)	For a certificate under the hand of a registrar .....	48.00	48.00
(e)	For sealing a warrant of arrest release, commission for the appraisalment or sale of property or for the appraisalment or sale in admiralty proceedings .....	48.00	48.00
13A. (a)	For a copy of a transcript, for each page or part of a page .....	4.70	4.70
(b)	For each copy of a transcript 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	11.50	11.50
(c)	For each copy of a transcript not in electronic format if a fee has been paid under paragraph (a) by the applicant for a copy of the transcript, for each page or part of a page .....	1.50	1.50



**Supreme Court (Fees) Regulations 2002**

Fees      **Schedule 1**  
Court of Appeal fees      **Division 2**

<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
14.	On filing an application —		
	(a) for the commission to take affidavits or for sealing any other commission, unless otherwise prescribed; or		
	(b) for admission as a practitioner .....	238.00	N/A
	<i>[Division 1 amended in Gazette 15 Feb 2002 p. 643; 30 Dec 2003 p. 5696-8; 28 Apr 2005 p. 1761-2; 23 Jun 2005 p. 2695-7; 23 Jun 2006 p. 2184-5; 26 Jun 2007 p. 3042-3.]</i>		

**Division 2 — Court of Appeal fees**

[r. 4]

*[Heading inserted in Gazette 23 Jun 2005 p. 2697.]*

<b>Item</b>	<b>Matter</b>	<b>Fee for individual</b>	<b>Fee for person other than an individual</b>
		<b>\$</b>	<b>\$</b>
1.	On filing an appeal notice .....	119.00	238.00
2.	On filing —		
	(a) Appellant’s case; or		
	(b) Respondent’s answer .....	1 792.00	3 584.00
3.	On filing an application to transfer an appeal from the District Court to the Court of Appeal under section 41 of the <i>Magistrates Court (Civil Proceedings) Act 2004</i> .....	238.00	358.00
4.	(a) On filing an application in an appeal for an interim order or to amend or cancel an interim order; or		

**Supreme Court (Fees) Regulations 2002**

**Schedule 1** Fees

**Division 2** Court of Appeal fees

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<b>Item</b>	<b>Matter</b>	<b>Fee for individual \$</b>	<b>Fee for person other than an individual \$</b>
(b)	On an appointment before —		
	(i) a judge or registrar to settle the appeal book index; or		
	(ii) a registrar for mediation .....	167.50	250.00
	NOTES:		
	(1) The fee includes the first day of the hearing of the matter and any adjournment of the matter.		
	(2) If the hearing of a matter is listed for more than one day and proceeds for more than the number of days listed, the fee prescribed by this item is payable for each additional day or part of a day of a hearing.		
	(3) A fee payable in the circumstances referred to in Note 2 is payable on a day to day basis before the daily reconvening of the hearing.		
5.	Setting down fee .....	597.00	896.00
	NOTES:		
	(1) This fee is payable when the appeal book is filed.		
	(2) This fee includes the fee for the first day of hearing.		
6.	Allocation of hearing date, for each day estimated .....	477.00	955.00
	NOTE:		
	This fee is payable on the number of days in excess of the first hearing day estimated for the hearing by the Court of Appeal Registrar.		

**Supreme Court (Fees) Regulations 2002**

Fees      **Schedule 1**  
Court of Appeal fees      **Division 2**

<b>Item</b>	<b>Matter</b>	<b>Fee for individual \$</b>	<b>Fee for person other than an individual \$</b>
7.	Daily hearing fee .....	477.00	955.00
	NOTES:		
	(1) This fee is not payable in relation to an application for, or to amend or cancel an interim order.		
	(2) This fee is payable for each additional day or part day that a hearing proceeds beyond the number of days for which a fee has been paid.		
	(3) If the Court allocates a half day or less for the continuation of the hearing, a fee equal to half the prescribed amount is payable for that period.		
	(4) The daily hearing fee is payable on a day to day basis and is payable before the daily reconvening of the hearing.		
8.	For searching any proceeding or record other than a search made by or on behalf of a party to an appeal .....	24.00	24.00
	NOTE: But if the search is made by a recognised service approved by Attorney General: \$1.00.		
9.	(a) For a copy of a document of any kind or an exhibit, including marking as an office copy if required, for each page or part thereof .....	3.00	3.00

**Supreme Court (Fees) Regulations 2002**

**Schedule 1** Fees

**Division 2** Court of Appeal fees

<b>Item</b>	<b>Matter</b>	<b>Fee for individual \$</b>	<b>Fee for person other than an individual \$</b>
	(b) For a copy of reasons for judgment —		
	(i) for each copy consisting of 10 pages or less issued to a person not a party to the appeal and for each copy in excess of one copy issued to a party to the appeal .....	8.35	8.35
	(ii) for each copy consisting of more than 10 pages an additional fee per page of.....	1.05	1.05
	(c) For certifying under seal that a document is a true copy, an additional fee of .....	11.50	11.50
	(d) For a certificate under the hand of a registrar .....	48.00	48.00
10.	(a) For a copy of a transcript, for each page or part of a page .....	4.70	4.70
	(b) For each copy of a transcript 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 .....	11.50	11.50
	(c) For each copy of a transcript not in electronic format if a fee has been paid under paragraph (a) by the applicant for a copy of the transcript, for each page or part of a page .....	1.50	1.50

*[Division 2 inserted in Gazette 23 Jun 2005 p. 2697-9; amended in Gazette 23 Jun 2006 p. 2185-6; 26 Jun 2007 p. 3043.]*

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**Schedule 2 — Sheriff's fees**

[r. 4]

*[Heading inserted in Gazette 28 Apr 2005 p. 1762; amended in  
Gazette 23 Jun 2005 p. 2699.]*

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<b>Item</b>	<b>Matter</b>	<b>Fee</b>
		<b>\$</b>
1.	On the execution of an arrest warrant of any kind —	
	(a) for arresting the person .....	75.50
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody .....	75.50
	(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	20.00

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.

- |    |   |       |
|----|---|-------|
| 2. | For the service of any writ, application, summons,<br>originating process, notice or order of the Court or any<br>other process requiring service ..... | 41.00 |
|----|---|-------|

NOTE

The fee is payable whether or not the service is successful and covers up to 3 attempts at service at the same address.

**Supreme Court (Fees) Regulations 2002**  
**Schedule 2** Sheriff's fees

Item	Matter	Fee \$
3.	If it is necessary to travel to execute a warrant or other process, or on service of a writ, summons, order of the Court, other process or document, or on making an arrest or for all attempts, attendances and inspections, from the sheriff's office or nearest bailiff's office —	
	(a) for each kilometre travelled (one way) in the metropolitan area .....	1.05
	(b) for each kilometre travelled (one way) outside the metropolitan area .....	1.15
NOTE		
If more than one process or document is executed or served by the sheriff or a bailiff at the same time on the same person or on different persons at the same address, only one allowance for kilometres is chargeable.		
4.	Fee to the sheriff for attending a view — per hour or part of an hour .....	40.00
5.	(a) For striking a jury and preparing jury panel .....	128.50
	(b) For attendance of sheriff's officer at hearing (per day or part of a day) .....	The sum actually and reasonably paid.

*[Schedule 2 inserted in Gazette 28 Apr 2005 p. 1762; amended in Gazette 23 Jun 2005 p. 2699; 23 Jun 2006 p. 2186-7; 26 Jun 2007 p. 3043-4.]*

**Schedule 3 — Probate fees**

[r. 4]

*[Heading amended in Gazette 23 Jun 2005 p. 2700.]*

<b>Item</b>	<b>Matter</b>	<b>Fee \$</b>
	NOTE: In this Schedule, “ <b>grant</b> ” means a grant of probate or administration with or without the will, or an order to administer.	
1.	On filing an application for an original grant or, for a second subsequent grant in relation to the same deceased, or to reseal a foreign grant —	
	(a) if the gross value of the estate the subject of the application does not exceed \$10 000 .....	148.50
	(b) if the gross value of the estate the subject of the application exceeds \$10 000 but does not exceed \$100 000 .....	297.00
	(c) if the gross value of the estate the subject of the application exceeds \$100 000 .....	595.00
	NOTES: This fee covers:	
	(a) all documents filed in support of the application;	
	(b) preparation of the necessary photographic copies of documents including will (if any) required for the grant and Court files; and	
	(c) the issue of the grant.	
2.	For depositing a will of a deceased person in the Registry, (including renunciation of executor) .....	48.00
3.	(a) For the supply of copies of a will or other document, including marking as an office copy if required — for each page .....	3.00
	(b) For certifying under seal that a copy of a document is a true copy — an additional fee of .....	11.50
4.	(a) For an exemplification of a grant (in addition to the fee payable under item 3(a));	

**Supreme Court (Fees) Regulations 2002**  
**Schedule 3**      Probate fees

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<b>Item</b>	<b>Matter</b>	<b>Fee</b> <b>\$</b>
	(b) For settling and sealing a citation or a subpoena .....	59.50
5.	For a search for and inspection of a document or file of documents .....	24.00

*[Schedule 3 amended in Gazette 30 Dec 2003 p. 5699; 23 Jun 2005 p. 2700; 23 Jun 2006 p. 2187; 26 Jun 2007 p. 3044.]*



**Schedule 4 — Forms**

[r. 4(7), 7(2)]

<b>Form 1</b>	
<b>Declaration that a person is a small business or a non-profit association</b>	
In the Supreme Court of Western Australia	No.        of 2
<b>Plaintiff/Appellant*:</b> .....	
(*strike out word that is not applicable)	
<b>Defendant/Respondent*:</b> .....	
(*strike out word that is not applicable)	
<b>Applicant:</b>	.....
	Full name
	.....
	Address
	.....
	Name of person in respect of which application made
	.....
	Position held by applicant
I declare that the person in respect of which the application is made is a small business <sup>1</sup> or a non-profit association <sup>2</sup> within the meaning of that term in the <i>Supreme Court (Fees) Regulations 2002</i> .	
<b>Signature of applicant:</b>	
<b>Date:</b>	
<i>Note: It is an offence under regulation 4(13) of the Supreme Court (Fees) Regulations 2002 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>	
<sup>1</sup> Under regulation 3 of the Supreme Court (Fees) Regulations 2002 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; or*

*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.*

<sup>2</sup> *Under regulation 3 of the Supreme Court (Fees) Regulations 2002 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.*

*[Form 1 amended in Gazette 30 Dec 2003 p. 5700; 23 Jun 2005 p. 2700.]*

<b>Form 2</b>	
<b>Application to remit fees</b>	
In the Supreme Court of Western Australia	No.      of 2
<b>Plaintiff/Appellant*:</b> .....	
(*strike out word that is not applicable)	
<b>Defendant/Respondent*:</b> .....	
(*strike out word that is not applicable)	
<b>Applicant:</b>	.....
	Full name
	.....
	Address
.....	.....
Date of birth	MDL No.
<p>The following reasons are the special reasons for applying to have the fees in relation to the above matter waived/ reduced/ refunded/ deferred*.</p> ..... ..... ..... ..... .....	
<p>*      <i>Strike out those that are not applicable.</i></p>	
<p>If the special reasons include that an important right or obligation affecting the community or a significant part of the community will be determined, what is the right or obligation? <i>[Give details of each right or obligation, and explain why it affects the community or a significant part of the community.]</i></p> ..... ..... ..... ..... .....	

If the special reasons include that the development of the law generally will be affected so as to reduce the need for further litigation, what law will be developed generally? *[Give details of how a determination in relation to that law will reduce the need for further litigation.]*

.....

.....

.....

.....

.....

If the special reasons include financial hardship the information required in the following part of this form must be provided by the applicant if the applicant is a natural person.

I am employed as a ..... by .....\*

Their business address is .....\*

I am unemployed/ a pensioner\* and registered with the Department of Social Security at .....

I am single/ married/ in a de facto relationship/ separated.\*

I have/ do not have\* a dependant wife/ husband/ de facto partner\* and ..... dependant children.

My weekly/ fortnightly\* income and expenditure is as follows (in whole dollars) —

Income		Expenditure	
Wage/salary/benefit (net)		Rent/board	\$
Self	\$	Mortgage payment	\$
Spouse	\$	Maintenance for dependants	\$
De facto partner	\$	Food	\$
Total	\$	Electricity/gas	\$
Money in bank or other financial institution		Telephone	\$
Self	\$	Water	\$

Spouse	\$	Rates and taxes	\$
De facto partner	\$	Court orders	\$
Total	\$	Lease or other (give details)	\$
Income from investments	\$	Other debts owing (give details)	\$
Other income	\$		
Money owed to me	\$		
<b>TOTAL</b>		<b>TOTAL</b>	
<b>ASSETS</b>		<b>VALUE</b>	
		\$	
My assets and liabilities are as follows —			
House or other real property (give addresses)			
.....			.....
.....			.....
<b>TOTAL</b>			
Motor vehicles (car, utility, motor cycle, truck, etc.)			
Make and model	Reg. No		
<b>TOTAL</b>			
Home contents			
Television	yes / no		

Video recorder	yes / no	
Stereo system	yes / no	
Furniture	yes / no	
Dishwasher	yes / no	
Microwave oven	yes / no	
Collection of coins, stamps, etc		
Other collectables		
Interest in business or company		
Other assets		
TOTAL		
LIABILITIES		
Mortgage to ..... for \$		
Other to ..... for \$		
Time to pay order ..... for \$		
TOTAL		
If the special reasons include financial hardship the information required in the following part of this form must be provided by the applicant if the applicant is a corporation or incorporated association.		
INCOME		\$
LIABILITIES		\$
ASSETS		VALUE
		\$
Signature of applicant:		
Date:		

\*     *Strike out words that are not applicable.*

*Note: It is an offence under regulation 7(4) of the Supreme Court (Fees) Regulations 2002 for a person to make a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular. The maximum fine is \$1 000.*

*[Form 2 amended in Gazette 30 Jun 2003 p. 2633; 30 Dec 2003 p. 5700-1; 28 Apr 2005 p. 1763; 23 Jun 2005 p. 2700.]*

<b>Form 3</b>	
<b>Application for determination of dispute about fees</b>	
In the Supreme Court of Western Australia	No.      of      20
<b>Plaintiff/Appellant*:</b> .....	
(*strike out word that is not applicable)	
<b>Defendant/Respondent*:</b> .....	
(*strike out word that is not applicable)	
<b>Application:</b>	To the Principal Registrar for a determination under s. 171(3) of the <i>Supreme Court Act 1935</i> of a question regarding fees.
<b>Applicant:</b>	..... Full name
	..... Address
	.....      .....
	Date of birth      MDL No.
<b>Disputed fee:</b>	The disputed fee is for .....
	.....
	.....
	Payable under the <i>Supreme Court (Fees) Regulations 2002</i> —
	<input type="checkbox"/> Schedule 1 item .....
	<input type="checkbox"/> Schedule 2 item .....
	<input type="checkbox"/> Schedule 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 .....	
.....	
.....	
.....	
.....	
<b>Signature of applicant:</b>	.....
<b>Date:</b>	/ /20

*[Form 3 inserted in Gazette 28 Apr 2005 p. 1763; amended in Gazette 23 Jun 2005 p. 2701.]*

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### Notes

- <sup>1</sup> This is a compilation of the *Supreme Court (Fees) Regulations 2002* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Supreme Court (Fees) Regulations 2002</i>	27 Dec 2001 p. 6583-616	1 Jan 2002 (see r. 2)
<i>Supreme Court (Fees) Amendment Regulations 2002</i>	15 Feb 2002 p. 643	15 Feb 2002
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 38</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Supreme Court (Fees) Amendment Regulations 2003</i>	30 Dec 2003 p. 5693-701	1 Jan 2004 (see r. 2)
<i>Supreme Court (Fees) Amendment Regulations 2005</i>	28 Apr 2005 p. 1758-63	1 May 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2005</i>	23 Jun 2005 p. 2693-701	1 Jul 2005 (see r. 2)
<i>Supreme Court (Fees) Amendment Regulations 2006</i>	23 Jun 2006 p. 2184-7	1 Jul 2006 (see r. 2)
<b>Reprint 1: The Supreme Court (Fees) Regulations 2002 as at 18 Aug 2006</b> (includes amendments listed above)		
<i>Supreme Court (Fees) Amendment Regulations 2007</i>	26 Jun 2007 p. 3042-4	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))

- <sup>2</sup> Repealed by the *Defamation Act 2005*.