

**WESTERN
AUSTRALIAN
GOVERNMENT
Gazette**

6583



PERTH, THURSDAY, 27 DECEMBER 2001 No. 253 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.30 PM

© STATE OF WESTERN AUSTRALIA

SUPREME COURT ACT 1935

**SUPREME COURT (FEES)
REGULATIONS 2002**

Western Australia

Supreme Court (Fees) Regulations 2002

CONTENTS

1. Citation
2. Commencement
3. Interpretation
4. Fees and poundage to be charged
5. Exemptions
6. Fees to be paid before documents etc. filed
7. Court or Registrar may remit fees or poundage
8. Conventions
9. Schedule 1 item 6 fee
10. Schedule 1 item 7 fee
11. *Supreme Court (Fees) Regulations 2001* repealed
12. Transitional

Schedule 1 — Fees to be taken in the Central Office

Schedule 2 — Fees to be taken by the sheriff or the Marshal in Admiralty

Schedule 3 — Fees to be taken in the Probate Office

Schedule 4 — Forms

Supreme Court Act 1935

Supreme Court (Fees) Regulations 2002

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Supreme Court (Fees) Regulations 2002*.

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;

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

“**small business**” means —

- (a) a society, club, institution, or body that is not for the purpose of trading or securing pecuniary profit for its members from its transactions;
- (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;

Supreme Court (Fees) Regulations 2002**r. 4**

- (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.

4. Fees and poundage to be charged

- (1) Subject to the provisions of these regulations, the fees and poundage 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

Supreme Court (Fees) Regulations 2002

r. 4

- (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.
- (7) On the lodgement of a declaration in the form of Schedule 4 Form 1, a person that is a small business 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.

Supreme Court (Fees) Regulations 2002**r. 4**

- (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.
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.
- (11) If a person is charged a fee under subregulation (7) when the person was not a small business, 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.

Supreme Court (Fees) Regulations 2002

r. 5**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 Part VIII of the *Justices Act 1902*;
- (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; or
- (g) returns and copies of, or searches for, returns under *The Newspaper Libel and Registration Act 1884*.

6. Fees to be paid before documents etc. filed

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 or poundage

- (1) The Court or a Registrar may, in a particular case for special reasons, including financial hardship, direct —
 - (a) that a fee or poundage be waived or reduced;

Supreme Court (Fees) Regulations 2002**r. 8**

- (b) that the whole or part of the fee or poundage be refunded; or
 - (c) that the payment of the whole or a part of a fee or poundage be deferred until such time, and upon such conditions, if any, as the Court or Registrar thinks fit.
- (2) An application for a fee or poundage 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.
- (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 the fee or poundage payable by a person is waived, reduced, refunded or deferred and 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, so much of the fee or poundage as was waived, reduced, refunded or deferred may be recovered by the Principal Registrar in a court of competent jurisdiction as a debt due by the person to the Crown and any sum so recovered must be paid into the Consolidated Fund.

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 be taken in respect of those proceedings.

9. Schedule 1 item 6 fee

- (1) The fee referred to in Schedule 1 item 6 or so much of it as has not been waived or reduced under regulation 7 must be paid at

Supreme Court (Fees) Regulations 2002

r. 10

the same time that the fee charged under Schedule 1 item 5 is paid.

- (2) If at a directions hearing the number of days allocated for a hearing is greater than the days estimated for the hearing in the certificate of readiness, a fee for the extra days must be paid immediately in accordance with Schedule 1 item 6.

10. Schedule 1 item 7 fee

If a fee is to be paid under Schedule 1 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.

11. *Supreme Court (Fees) Regulations 2001 repealed*

The *Supreme Court (Fees) Regulations 2001* are repealed.

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.

Supreme Court (Fees) Regulations 2002**Schedule 1** Fees to be taken in the Central Office**Schedule 1 — Fees to be taken in the Central Office**

Item	Matter	[r. 4]	
		Fee for individual \$	Fee for person other than an individual \$
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;		
	(b) a notice of appeal (whether in draft form or not); or		
	(c) a cross appeal	530.00	795.00
2.	On filing —		
	(a) a counterclaim;		
	(b) a third party notice or a notice under Order 19 rule 8 of the <i>Rules of the Supreme Court 1971</i> ;		
	(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;		
	(iv) to swear to the death of a person;		
	(v) for leave to appeal;		

Supreme Court (Fees) Regulations 2002**Fees to be taken in the Central Office Schedule 1**

Item	Matter	Fee for individual \$	Fee for person other than an individual \$
	(vi) to remove a local court appeal into the Full Court;		
	(vii) for inclusion in the Expedited list of the Court;		
	(viii) in a pending cause or matter in Admiralty whether by summons or on motion, other than an application by the Marshal;		
	or		
	(d) any other application for which no fee has been provided in this Schedule	200.00	300.00
3.	Commencing an appeal to which Order 60A rule 4 of the <i>Rules of the Supreme Court 1971</i> applies	400.00	600.00
4.	Registering a certificate or judgment in proceedings under the <i>Service and Execution of Process Act 1992</i> of the Commonwealth	80.00	120.00
5.	Entering for hearing a cause or matter	400.00	600.00
6.	For allocation of a date or dates of hearing of the proceedings, for each day allocated	400.00	800.00
	NOTES:		
	(1) No fee is payable if the proceedings are of an interlocutory nature.		
	(2) The fee is to be determined on the basis that the days allocated for a hearing are the number of days estimated for the hearing in the certificate of readiness.		

Supreme Court (Fees) Regulations 2002**Schedule 1** Fees to be taken in the Central Office

Item	Matter	Fee for individual \$	Fee for person other than an individual \$
(3)	If a hearing date allocated by the Court is a half day or less, a fee equal to half the daily prescribed amount is payable for that date.		
(4)	The fee is to be refunded or applied to a new allocated date or dates if the Court or a Registrar is satisfied that an adjournment was due to circumstances beyond the control of the parties. Otherwise the fee is not refundable in respect of any allocated dates that are not required.		
(5)	If written advice of a settlement or an intended adjournment is received by the Court not later than 42 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 75% of the fee is refundable. If written advice of a settlement or an intended adjournment is received by the Court not later than 28 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 50% of the fee is refundable.		
7.	Daily hearing fee before a Court constituted by a Master or one or more Judges	400.00	800.00

Supreme Court (Fees) Regulations 2002**Fees to be taken in the Central Office Schedule 1**

Item	Matter	Fee for individual \$	Fee for person other than an individual \$
-------------	---------------	--------------------------------------	---

NOTES:

- (1) No fee is payable if the proceedings are of an interlocutory nature.
 - (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 the filing of an interlocutory application or summons returnable before a Judge, Master or Registrar in Chambers; or

Supreme Court (Fees) Regulations 2002**Schedule 1** Fees to be taken in the Central Office

Item	Matter	Fee for individual \$	Fee for person other than an individual \$
(b)	On an appointment before a Judge, Master or Registrar —		
	(i) on a reference for inquiry and report;		
	(ii) to pass accounts;		
	(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	140.00	210.00

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.

Supreme Court (Fees) Regulations 2002**Fees to be taken in the Central Office Schedule 1**

Item	Matter	Fee for individual \$	Fee for person other than an individual \$
9.	If the hearing of an interlocutory application, summons or reference before a Judge, Master or Registrar proceeds for more than one day, 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.		
10.	On an appointment to tax a bill of costs in a cause or matter under the <i>Legal Practitioners Act 1893</i> or the <i>Commercial Arbitration Act 1985</i> —		
	(a) lodgment fee	140.00	210.00
	(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.		
11.	For searching any proceeding or record other than a search made by or on behalf of a party to the proceeding	20.00	20.00
	NOTE: But if the search is made by a recognised service approved by the Attorney General: \$1.00.		

Supreme Court (Fees) Regulations 2002**Schedule 1** Fees to be taken in the Central Office

Item	Matter	Fee for individual \$	Fee for person other than an individual \$
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	30.00	30.00
	(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	50.00	50.00
13.	(a) For a photographic 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 photographic 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 proceedings and for each copy in excess of one copy issued to a party to the proceedings	7.00	7.00
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.00	1.00
	(c) For certifying under seal that a document is a true copy, an additional fee of	10.00	10.00

Supreme Court (Fees) Regulations 2002**Fees to be taken in the Central Office Schedule 1**

Item	Matter	Fee for individual \$	Fee for person other than an individual \$
(d)	For a certificate under the hand of a Registrar	40.00	40.00
(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	40.00	40.00
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	200.00	N/A

Supreme Court (Fees) Regulations 2002**Schedule 2** Fees to be taken by the sheriff or the Marshal in Admiralty**Schedule 2 — Fees to be taken by the sheriff or the
Marshal in Admiralty**

[r. 4]

Fees to be taken by the sheriff

Item	Matter	Fee \$
1.	(a) For receiving and entering a writ or order for execution including issuing warrant and statement under Order 47 rule 11 of the <i>Rules of the Supreme Court 1971</i>	56.00
	(b) For receiving and entering a writ or other process for service	22.50
2.	For service of a writ of summons or other process or document (including the execution of any affidavit of such service)	33.00
	(a) For attempted Service: If after reasonable inquiry the process or other document cannot be served (in addition to an allowance for kilometres travelled)	23.50
	(b) If the process or document is subsequently served at another address, for attempted service in the discretion of the Registrar or sheriff (in addition to an allowance for kilometres travelled)	23.50
	NOTE: If a person is or could have been served with more than one document at the one time, one fee only must be allowed.	
3.	(a) For executing a writ or other process or for an arrest or for each seizure of goods	52.50
	(b) For the release from arrest of any person	33.00
	(c) For inquiries concerning judgment debtor's property or for attempted execution (if item 3(a) is not payable)	33.00

Supreme Court (Fees) Regulations 2002**Fees to be taken by the sheriff or the Marshal in Admiralty Schedule 2**

Item	Matter	Fee \$
4.	For kilometres travelled on execution of a warrant or other process. Or on service of a writ, summons, other process, or document, or on making an arrest or attending a view, from the sheriff's office or the office of the officer engaged by the sheriff —	
(a)	For each kilometre travelled (one way) in the metropolitan area	0.85
(b)	For each kilometre travelled (one way) outside the metropolitan area	0.95
		or such higher fee as the sheriff may allow.
	NOTE: If more than one process or document is executed or served at the same time on the same person or on different persons at the same address, only one allowance for kilometres travelled is chargeable.	
5.	(a) Poundage on executing a writ of fieri facias or other process under or by reason of which money is received by the sheriff or by the judgment creditor, after seizure —	
	For amounts up to and including \$13 000, a fee at the rate of	5%
	For the balance over \$13 000	2.5%
(b)	Poundage on a sale of land, interest in land, or goods or chattels conducted by a licensed auctioneer instructed by the sheriff —	
	For amounts up to and including \$13 000, a fee at the rate of	2.5%
	For the balance over \$13 000	1.25%

Supreme Court (Fees) Regulations 2002**Schedule 2** Fees to be taken by the sheriff or the Marshal in Admiralty

Item	Matter	Fee \$
	NOTE: For the purposes of this item —	
	(a) with respect to land, or an interest in land, the service of the writ of fieri facias on the Registrar of Titles under section 133 of the <i>Transfer of Land Act 1893</i> ;	
	(b) the seizure of chattels in the possession or apparent possession of the judgment debtor; or	
	(c) the seizure of books of account in the possession of the judgment debtor,	
	is to be taken to be “seizure”.	
6.	Poundage on the proceeds of a sale conducted by the sheriff or a sheriff’s officer, whether by public auction or otherwise, without the intervention of an auctioneer or agent (in addition to that prescribed by item 5(a) of this Schedule —	
	For amounts only up to and including \$13 000, a fee at the rate of	1%
7.	(a) Poundage on executing a writ of possession: on the annual rental value of property as fixed by the sheriff —	
	For amounts up to and including \$13 000, a fee at the rate of	5%
	For the balance over \$13 000	2.5%
	(b) Poundage on executing a writ of delivery on the value of the property delivered, as fixed by the sheriff —	
	For amounts up to and including \$13 000, a fee at the rate of	5%
	For the balance over \$13 000 a fee at the rate of ..	2.5%

Supreme Court (Fees) Regulations 2002**Fees to be taken by the sheriff or the Marshal in Admiralty****Schedule 2**

Item	Matter	Fee \$
8.	For auctioneer's or agent's commission, advertising, and sundry expenses on account of sale by auction or otherwise of goods or chattels or land or any interest in land, whether a sale does or does not take place.	A fee fixed in accordance with the recognised scale of charges for auctioneers and agents in the State of Western Australia, or such other fee as the sheriff may allow.
9.	When a sale takes place by auction or private contract, or when no sale takes place —	
	(a) for advertising and giving publicity to any sale, or intended sale, printing catalogues and bills and distributing and posting the same	As to
	(b) for labour (if any) employed in lotting and showing goods or chattels, preparing catalogues and if a sale takes place by auction attending the sale and superintending the removal of goods or chattels by purchaser	paragraphs (a), (b) and (c), the sums actually and reasonably paid.
	(c) travelling expenses	
10.	(a) for each hour and part of an hour it is necessary that an officer engaged by the sheriff is left in possession	33.00
	(b) for leaving a person in possession	
	(c) for assistants required to execute a writ of possession	
	(d) for out of pocket expenses incurred by the sheriff or officer while executing any process including postage, telegraphic, and telephonic messages, and travelling expenses of the sheriff and assistants	

Supreme Court (Fees) Regulations 2002**Schedule 2** Fees to be taken by the sheriff or the Marshal in Admiralty

Item	Matter	Fee \$
	(e) clerical assistance when necessary	
	(f) for warehousing or storage of goods or vehicles which are being or are about to be, or have been removed, and insurance for them against fire, damage, and in the case of motor vehicles, accident and third party risk	As to paragraphs (b), (c), (d), (e), (f), (g), and (h), the sums actually and reasonably paid.
	(g) for removal or cartage expenses	
	(h) if animals or other livestock have been seized — for taking charge of same and for their keep while in custody of the sheriff whether before or after removal	
11.	For the preparation of the sale of real or personal property including drawing advertisements and particulars and conditions of sale but excluding actual disbursements (see items 8, 9 and 10)	147.50
12.	For attendance at sale	52.50
13.	If an officer is required to attend Court in charge of any person including a prisoner ordered to attend for examination pursuant to a Judge's order, or to lodge any person in a lock up —	
	(a) for travelling and other expenses of the officer and the prisoner	A sum that the sheriff may reasonably allow.
	(b) for each hour or part of an hour when the officer is necessarily engaged in respect to and in addition to (a) above	33.00
14.	If the sheriff, a sheriff's officer, or other person employed under the sheriff is necessarily put to and incurs extra trouble and expense in the discharge of any duty incidental to his or her office or employment or for any duty or service not herein provided	A sum or additional sum that the sheriff may reasonably allow.

Supreme Court (Fees) Regulations 2002**Fees to be taken by the sheriff or the Marshal in Admiralty Schedule 2**

Item	Matter	Fee \$
15.	Fee to the sheriff for attending a view — per hour or part of an hour	33.00
16.	(a) For striking a jury and preparing jury panel	112.00
	(b) For attendance of sheriff's officer at hearing (per day or part of a day)	The sum actually and reasonably paid.
Fees to be taken by the Marshal in Admiralty		
17.	For receiving and entering a warrant or release	56.00
18.	For receiving and entering a writ of summons, decree, order, commission, or other instrument under the seal of the Court	22.50
19.	For service of writ of summons	52.50
20.	For executing a warrant for the arrest of a ship or other property	130.00
21.	For service of a writ of summons at the same time as a warrant of arrest is executed, in lieu of items 19 and 20 ..	158.00
22.	For the execution of an attachment —for each person	52.50
23.	For the release from arrest of a vessel, goods, or person .	33.00
24.	For attending the discharge of cargo, or removal of a vessel or goods, per hour	33.00
25.	For the execution of a commission of appraisement or sale, or appraisement and sale, in addition to the fees paid to the appraiser or auctioneer	112.00
26.	For the execution of a decree or order, commission, or other instrument other than those herein provided	52.50
27.	Poundage on the gross proceeds of a vessel or goods, etc., sold —	
	For amounts up to and including \$60 000 a fee at the rate of	4%
	For the balance over \$60 000 a fee at the rate of	2%

Supreme Court (Fees) Regulations 2002**Schedule 2** Fees to be taken by the sheriff or the Marshal in Admiralty

Item	Matter	Fee \$
28.	(a) For retaining possession of a vessel with or without cargo, or of a cargo without a vessel, the expenses per day actually paid in respect of a shipkeeper or shipkeepers	The sum actually and reasonably paid.
	(b) For each day or part of a day that the Marshal retains possession of a vessel with or without cargo, or of a cargo without a vessel, in addition to (a) above	33.00
	NOTE: If the possession is for a lengthy period, this fee may be reduced at the discretion of the Marshal.	
	(c) For the safe custody of property under arrest	The sum actually and reasonably paid.
	NOTE: No fee is payable for the custody and possession of property under arrest if it consists of money in a bank, or of goods stored in a bonded warehouse, or if it is in the custody of a customs house officer, or other authorised person.	
29.	If the Marshal or any of his or her officers is required to travel for the purpose of discharging his or her duty, in addition to the above fees.	Reasonable expenses for travelling, board, and maintenance.
30.	For any duty or service not provided for in this Schedule, or if the fee prescribed is insufficient having regard to the circumstances of the case, such sum, or such additional sum, as the Marshal, upon special application, may allow.	

Supreme Court (Fees) Regulations 2002**Fees to be taken by the sheriff or the Marshal in Admiralty** **Schedule 2**

Item	Matter	Fee \$
-------------	---------------	-------------------------

NOTE: The Marshal may require a deposit of money on account of the fees applicable to any proceedings before the proceedings are commenced. The Marshal may also require an undertaking in writing to pay any further fees or charges which may become payable beyond the amount so deposited.

Supreme Court (Fees) Regulations 2002**Schedule 3** Fees to be taken in the Probate Office**Schedule 3 — Fees to be taken in the Probate Office**

[r. 4]

Item	Matter	Fee \$
	NOTE: In this Schedule, “ grant ” 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 does not exceed \$10 000	125.00
	(b) if the gross value of the estate exceeds \$10 000 but does not exceed \$100 000	250.00
	(c) if the gross value of the estate exceeds \$100 000	500.00
	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)	40.00
3.	(a) For the supply of photographic 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	10.00
4.	(a) For an exemplification of a grant (in addition to the fee payable under item 3(a));	

Supreme Court (Fees) Regulations 2002

Fees to be taken in the Probate Office Schedule 3

Item	Matter	Fee \$
	(b) For settling and sealing a citation or a subpoena	50.00
5.	For a search for and inspection of a document or file of documents	20.00

Supreme Court (Fees) Regulations 2002**Schedule 4** Forms**Schedule 4 — Forms**

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

Form 1	
Declaration that a person is a small business	
In the Supreme Court of Western Australia	No. of 2
Plaintiff:	
Defendant:	
Applicant: 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 ¹ within the meaning of that term in the <i>Supreme Court (Fees) Regulations 2002</i> .	
Signature of applicant:	
Date:	
<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>	
¹ Under regulation 3 of the <i>Supreme Court (Fees) Regulations 2002</i> a small business 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; 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.	

Supreme Court (Fees) Regulations 2002

Forms **Schedule 4**

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.

Form 2	
Application to remit fees	
In the Supreme Court of Western Australia	No. of 2
Plaintiff:	
Defendant:	
Applicant:
	Full name

	Address
.....
Date of birth	MDL No.
<p>The following reasons are my special reasons for applying to have the fees and poundage in relation to the above matter waived/ reduced/ refunded/ deferred*.</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>	
* <i>Strike out those that are not applicable.</i>	
If the special reasons include financial hardship the information required in the following part of this form must be provided by the applicant.	
I am employed as a by *	
Their business address is *	

Supreme Court (Fees) Regulations 2002**Schedule 4** Forms

I am unemployed/ a pensioner* and registered with the Department of Social Security at			
I am single/ married/ separated.*			
I have/ do not have* a dependant wife/ husband/ de facto spouse* 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	\$	Food	\$
Total	\$	Electricity/gas	\$
Money in bank or other financial institution		Telephone	\$
Self	\$	Water	\$
Spouse	\$	Rates and taxes	\$
De facto	\$	Court orders	\$
Total	\$	Lease or other (give details)	\$
Income from investments	\$	Other debts owing (give details)	\$
Other income	\$		

Supreme Court (Fees) Regulations 2002Forms **Schedule 4**

Money owed to me	\$		
TOTAL		TOTAL	
ASSETS		VALUE	
		\$	
My assets and liabilities are as follows —			
House or other real property (give addresses)			
.....		
.....		
TOTAL			
Motor vehicles (car, utility, motor cycle, truck, etc.)			
Make and model		Reg. No	
TOTAL			
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			

Supreme Court (Fees) Regulations 2002**Schedule 4** Forms

Other assets	
TOTAL	
LIABILITIES	
Mortgage to for \$	
Other to for \$	
Time to pay order for \$	
TOTAL	
Signature of applicant:	
Date:	
<p>* <i>Strike out words that are not applicable.</i></p> <p><i>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.</i></p>	

By Command of the Lieutenant-Governor
and deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

