



Western Australia

District Court (Fees) Regulations 2002

Compare between:

[01 Jul 2015, 03-d0-01] and [14 Jun 2016, 03-e0-00]

District Court (Fees) Regulations 2002

1. Citation

These regulations may be cited as the *District Court (Fees) Regulations 2002*¹.

2. Commencement

These regulations come into operation on 1 January 2002.

3. Terms used

In these regulations unless the contrary intention appears —
corporation has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth;

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 *District Court Rules 1996*² or the rules applicable to the District Court under section 87 of the Act;

small business means —

[(a) deleted]

- (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*³ 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;
- (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. 5702.]

4. Fees to be charged

- (1) Subject to the provisions of these regulations, the fees specified in Schedules 1 and 2 are to be charged in respect of the matters referred to in section 89A of the Act in relation to which they are applicable.

- (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 if a fee is to be paid in relation to an action for personal injury; or
 - (b) in column 4 applies if a person other than an individual is required to pay the fee (other than a fee relating to an action for personal injury),
- as the case requires.
- (3) A note to an item in Schedule 1 or 2 has effect according to its tenor as if it were a provision of these regulations.
- (4) Except as provided in Schedule 1, 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 District Court.
- (5) No fee is to be charged in respect of any attendance in chambers if the attendance is required by an order of the District Court made on its own motion.
- (6) On the lodgement of a declaration in the form of Schedule 3 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.

- (7) Subregulation (6) 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.
- (8) A person who has lodged a declaration under subregulation (6) must immediately advise the Principal Registrar if the person ceases to be a small business or a non-profit association.
Penalty: \$1 000.
- (9) Whether or not the person has complied with subregulation (8), 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.
- (10) If a person is charged a fee under subregulation (6) when the person was not a small business or a non-profit association, the District 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.
- (11) An order under subregulation (10)(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 District 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 District 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.

- (12) A person who makes a statement or representation in a declaration under subregulation (6) 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. 5702-3; 28 Apr 2005 p. 1751.]

5. Exemptions

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

- (a) criminal proceedings;
- (b) proceedings under the *Civil Judgments Enforcement Act 2004*;
- (c) an application under the *Prohibited Behaviour Orders Act 2010* for a prohibited behaviour order or to vary or cancel a prohibited behaviour order.

[Regulation 5 amended in Gazette 28 Apr 2005 p. 1751; 27 Mar 2012 p. 1506.]

5A. Disputes regarding fees

- (1) An application for a determination under section 89A(3) of the Act is to be in the form of Schedule 3 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. 1751-2.]

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 District 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 District Court or a registrar may, in a particular case for special reasons direct —
 - (a) that a fee or fees be waived or reduced; or
 - (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; or
 - (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) Except as otherwise directed by a registrar, an application for a fee or fees to be waived, reduced, refunded or deferred must be in the form of Schedule 3 Form 2.

- (3) Schedule 3 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 District 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 District 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. 5703-5;
28 Apr 2005 p. 1752; 8 Mar 2011 p. 785.]*

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 item 6

- (1) In this regulation —
fee means the fee referred to in Schedule 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 the number of days the District Court determines are to be allocated for the hearing.
- (4) If the Court determines that half a day or less is to be allocated for the hearing, the fee is reduced by half.
- (5) The proceeding is not to be listed for hearing until the fee has been paid or has been waived or deferred under regulation 7.
- (6) The fee paid is not refundable except as provided in subregulations (7), (8) and (9).
- (7) If the 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%.
- (8) 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%.
- (9) 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. 1752-3; amended in Gazette 20 Dec 2011 p. 5380.]

10. Schedule 1 item 7 fee

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

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. 1753.]

11A. Searchable information

- (1) In this regulation and Schedule 1 items 11 and 11A —
 - approved recipient*** means a person who is approved in writing by the Attorney General as a person entitled to receive searchable information;
 - searchable information***, in relation to an action or matter, means —
 - (a) the names and addresses of the parties; and
 - (b) the amount and nature of the claim; and
 - (c) the amount of any judgment entered; and

- (d) whether the action or matter has been discontinued.
- (2) Except as provided in subregulation (4), the Principal Registrar must on each working day provide an approved recipient with such searchable information that has not already been provided to the recipient in relation to each action or matter in the District Court.
- (3) An approved recipient to whom information has been provided under subregulation (2) is liable to a fee in the amount referred to in Schedule 1 item 11A(a) for each action or matter specified in the information.
- (4) If suitable facilities exist at the Court to enable searchable information to be provided by email, then the information must not be provided except by email to an approved recipient who has paid the annual fee referred to in Schedule 1 item 11A(b).

[Regulation 11A inserted in Gazette 28 Apr 2005 p. 1754.]

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 appeal or hearing days if —

- (a) the matter was part heard before 1 January 2002; or
- (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 District Court's own motion, and the Court has allocated other hearing dates on or after 1 January 2002.

Schedule 1 — Registry fees

[r. 4]

[Heading amended in Gazette 23 Jun 2005 p. 2690.]

Item	Matter	Fee for individuals/ personal injury \$	Fee for person other than an individual \$
1.	On filing 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 2A, 2B, 2, 3 or 8	722.00	1 409.00
2A.	On filing an application under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> section 24(1) for the removal of a disqualification or under section 27 of that Act for an extraordinary licence	182.00	N/A
2B.	On filing an application for an order made under the <i>Spent Convictions Act 1988</i> , section 6(1)	105.50	N/A
2.	On filing —		
	(a) a counterclaim	722.00	1 409.00
	(b) a third party notice	722.00	1 409.00
	(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	272.00	468.00

Item	Matter	Fee for individuals/ personal injury \$	Fee for person other than an individual \$
	jurisdiction;		
	(iv) for leave to appeal		
	(d) any other application for which no fee has been provided in this Schedule	272.00	468.00
3.	(a) On filing an appeal notice	409.00	1 058.00
	(b) For each additional half day allocated for the hearing of the appeal	317.00	825.00

NOTE 1:

The fee in item 3(a) includes any directions hearings and the first half day allocated by the District Court for the hearing of the appeal.

NOTE 2:

The fee in item 3(b) is payable for each half day, allocated by the District Court for the hearing of the appeal, that is additional to the first half day of hearing.

NOTE 3:

Under the District Court Rules 2005 rule 56A, if the fee payable under item 3(b) is not paid or waived within 14 days after the date on which the hearing date is set, the appeal may be dismissed for want of prosecution.

[4. *deleted*]

Item	Matter	Fee for individuals/ personal injury \$	Fee for person other than an individual \$
5.	Entry for hearing a cause or matter (including the assessment of damages in an action for personal injury) or notice of an appointment to hear an originating summons	722.00	1 409.00
	NOTE: This item does not apply to entering an appeal for hearing.		
6.	Allocation of hearing date, for each day allocated	634.00	1 650.00
	NOTE 1: See regulation 9. NOTE 2: This item does not apply to the allocation of a hearing date for an appeal.		
7.	Daily hearing fee before a court constituted by a judge	634.00	1 650.00
	NOTE 1: No fee is payable if the proceedings are of an interlocutory nature only. NOTE 2: The fee to be charged 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 3 or 6.		

Item	Matter	Fee for individuals/ personal injury	Fee for person other than an individual
		\$	\$

NOTE 3:

This fee is payable for each additional day or part day that a hearing proceeds beyond the date or dates allocated in item 3 or 6.

NOTE 4:

If the Court only allocates a half day or less for the continuation of the hearing then a fee equal to half the prescribed amount is payable for that period.

NOTE 5:

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

8. On filing an —

- (i) interlocutory application or summons or motion returnable; or
- (ii) application for assessment of damages other than in an action for personal injury; or
- (iii) application for summary judgment,

before a judge or registrar in chambers	181.00	353.00
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NOTE 1:

This fee includes the first day of hearing of the application or summons and includes any adjournment of the hearing.

Item	Matter	Fee for individuals/ personal injury \$	Fee for person other than an individual \$
	NOTE 2: This fee is payable in respect of any application exercising 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 day of hearing.		
	NOTE: The daily fee becomes payable on a day to day basis and is payable prior to the daily reconvening of the hearing.		
10.	On an appointment to tax a bill of costs in a cause or matter or under the <i>Commercial Arbitration Act 1985</i> ⁴ or the <i>Commercial Arbitration Act 2012</i> —		
	(a) lodgement fee	181.00	353.00
	(b) in addition to the lodgement fee, a taxing fee at the rate of	2.5%	2.5%
	NOTE 1: The % rate is to be applied to the amount at which the bill is drawn.		

Item	Matter	Fee for individuals/ personal injury \$	Fee for person other than an individual \$
	NOTE 2: The taxing officer must allow, against the person chargeable with the costs as taxed, taxing fees at the rate indicated in item 10(b) of the amount found to be due on taxation.		
	NOTE 3: If the parties agree on the bill of costs in a cause or matter or under the <i>Commercial Arbitration Act 1985</i> ⁴ or the <i>Commercial Arbitration Act 2012</i> 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%;		
	(c) if the appointment is cancelled 10 or more days before the day of the appointment, 80%.		
11.	For searching any record or proceeding	36.60	36.60

NOTE:

No fee is payable under item 11 for a search made —

- (a) by or on behalf of a party to the proceedings; or

District Court (Fees) Regulations 2002

Schedule 1 Registry fees

Item	Matter	Fee for individuals/ personal injury \$	Fee for person other than an individual \$
	(b) by an approved recipient of searchable information provided to it under regulation 11A.		
11A.	For provision of searchable information to approved recipients under regulation 11A —		
	(a) fee per action or matter provided to recipient	1.60	1.60
	(b) annual fee for information provided by email to approved recipient	1 661.00	1 661.00
	NOTE: The fee under item 11A(b) is payable on the date on which the recipient is approved by the Attorney General and on each anniversary of that date.		
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	54.00	54.00
	(b) If an officer is required to attend at any court or place out of the District Court building, the officer's reasonable expenses and, in addition for each hour when the officer is necessarily absent from his or her office	91.00	91.00
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 thereof	1.50	1.50

Item	Matter	Fee for individuals/ personal injury \$	Fee for person other than an individual \$
	(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 proceedings and for each copy in excess of one copy issued to a party to the proceedings	12.75	12.75
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.60	1.60
	(c) For certifying under seal that a document is a true copy, an additional fee of	17.65	17.65
	(d) For a certificate under the hand of a registrar	38.10	38.10
14.	(a) For a copy of a transcript, for each page or part of a page	7.10	7.10
	(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	17.65	17.65
	(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

District Court (Fees) Regulations 2002

Schedule 1 Registry fees

[Schedule 1 amended in Gazette 30 Dec 2003 p. 5705-7; 28 Apr 2005 p. 1754-5; 23 Jun 2005 p. 2690-1; 23 Jun 2006 p. 2188; 26 Jun 2007 p. 3036; 27 Jun 2008 p. 3063; 9 Jun 2009 p. 1923; 4 Sep 2009 p. 3488-90; 30 Jul 2010 p. 3498; 8 Mar 2011 p. 785-7; 20 Dec 2011 p. 5380-3; 30 Nov 2012 p. 5789-90; 19 Jul 2013 p. 3268; 15 Nov 2013 p. 5243-4; 27 Jun 2014 p. 2338-40; 10 Feb 2015 p. 607; 19 Jun 2015 p. 2120-1.]

Schedule 2 — Sheriff's fees

[r. 4]

[Heading amended in Gazette 23 Jun 2005 p. 2691.]

Item	Matter	Fee
		\$
1.	On the execution of an arrest warrant of any kind —	
	(a) for arresting the person	115.00
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	115.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer, as defined in the <i>Civil Judgments Enforcement Act 2004</i> section 3, is required to keep the person in custody until he or she is conveyed to a court or a custodial place	30.50

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.

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|----|---|-------|
| 2. | For the service of any writ, application, summons, originating process, notice or order of the Court or any other process requiring service | 63.30 |
|----|---|-------|

NOTE:

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

District 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	1.60
	(b) for each kilometre travelled (one way) outside the metropolitan area	1.80
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	61.00
5.	(a) For striking a jury and preparing jury panel	195.00
	(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. 1756; amended in Gazette 23 Jun 2005 p. 2691-2; 23 Jun 2006 p. 2189; 26 Jun 2007 p. 3037; 27 Jun 2008 p. 3063-4; 4 Sep 2009 p. 3490; 8 Mar 2011 p. 787; 20 Dec 2011 p. 5383; 30 Nov 2012 p. 5790; 15 Nov 2013 p. 5245; 27 Jun 2014 p. 2340; 19 Jun 2015 p. 2121-2.]

Schedule 3 — Forms

[r. 4(6), 7(2)]

Form 1	
Declaration that a person is a small business or a non-profit association	
In the District Court of Western Australia	No. of 2
Plaintiff:	
Defendant:	
Applicant: Full name
 Address
 Name of small business
 Position held by applicant in the small business
I declare that the person in respect of which the application is made is a small business ¹ or a non-profit association ² within the meaning of that term in the <i>District Court (Fees) Regulations 2002</i> .	
Signature of applicant:	
Date:	
<i>Note: It is an offence under regulation 4(12) of the District 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>District Court (Fees) Regulations 2002</i> 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 <i>Companies (Co-operative) Act 1943</i> ³ 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	

District Court (Fees) Regulations 2002
Schedule 3 Forms

Form 1

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.

² *Under regulation 3 of the District 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. 5707-8.]

Form 2

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.]*

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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/ 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	\$		
TOTAL		TOTAL	
ASSETS		VALUE	
		\$	
My assets and liabilities are as follows —			
House or other real property (give addresses)			
.....		
.....		
TOTAL			

Form 2

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		
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:	
<p>* <i>Strike out words that are not applicable.</i></p> <p><i>Note: It is an offence under regulation 7(4) of the District 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>	

[Form 2 amended in Gazette 30 Jun 2003 p. 2601; 30 Dec 2003 p. 5708-9; 28 Apr 2005 p. 1757.]

Form 3

Form 3 Application for determination of dispute about fees	
In the District Court of Western Australia	No. of 20
Plaintiff:	
Defendant:	
Application:	To the Principal Registrar for a determination under s. 89A(3) of the <i>District Court of Western Australia Act 1969</i> of a question regarding fees.
Applicant: Full name
 Address
 Date of birth
Disputed fee:	The disputed fee is for

Payable under the <i>District Court (Fees) Regulations 2002</i> Schedule 1 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	
.....	
.....	
.....	

Signature of applicant:	
Date:	/ /20

[Form 3 inserted in Gazette 28 Apr 2005 p. 1757.]



Notes

¹ This is a compilation of the *District Court (Fees) Regulations 2002* and includes the amendments made by the other written laws referred to in the following table^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>District Court (Fees) Regulations 2002</i>	27 Dec 2001 p. 6617-43	1 Jan 2002 (see r. 2)
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 11</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>District Court (Fees) Amendment Regulations 2003</i>	30 Dec 2003 p. 5702-9	1 Jan 2004 (see r. 2)
<i>District Court (Fees) Amendment Regulations 2005</i> ⁵	28 Apr 2005 p. 1751-7	1 May 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>District Court (Fees) Amendment Regulations (No. 2) 2005</i>	23 Jun 2005 p. 2690-2	1 Jul 2005 (see r. 2)
<i>District Court (Fees) Amendment Regulations 2006</i>	23 Jun 2006 p. 2187-9	1 Jul 2006 (see r. 2)
Reprint 1: The District Court (Fees) Regulations 2002 as at 8 Dec 2006 (includes amendments listed above)		
<i>District Court (Fees) Amendment Regulations 2007</i>	26 Jun 2007 p. 3035-7	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>District Court (Fees) Amendment Regulations 2008</i>	27 Jun 2008 p. 3062-4	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))
<i>District Court (Fees) Amendment Regulations 2009</i>	9 Jun 2009 p. 1923	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))
<i>District Court (Fees) Amendment Regulations (No. 2) 2009</i>	4 Sep 2009 p. 3488-90	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))
Reprint 2: The District Court (Fees) Regulations 2002 as at 25 Sep 2009 (includes amendments listed above)		

Citation	Gazettal	Commencement
<i>District Court (Fees) Amendment Regulations 2010</i>	30 Jul 2010 p. 3497-8	r. 1 and 2: 30 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Jul 2010 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations 2011</i>	8 Mar 2011 p. 784-7	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))
<i>District Court (Fees) Amendment Regulations (No. 2) 2011</i>	20 Dec 2011 p. 5380-3	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))
<i>District Court (Fees) Amendment Regulations 2012</i>	27 Mar 2012 p. 1506	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))
<i>District Court (Fees) Amendment Regulations (No. 3) 2012</i>	30 Nov 2012 p. 5788-90	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))
<i>District Court (Fees) Amendment Regulations 2013</i>	19 Jul 2013 p. 3267-8	r. 1 and 2: 19 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Aug 2013 (see r. 2(b) and <i>Gazette</i> 6 Aug 2013 p. 3677)
<i>District Court (Fees) Amendment Regulations (No. 2) 2013</i>	15 Nov 2013 p. 5243-5	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))
<i>District Court (Fees) Amendment Regulations (No. 3) 2014</i>	27 Jun 2014 p. 2338-40	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))
Reprint 3: The District Court (Fees) Regulations 2002 as at 7 Nov 2014 (includes amendments listed above)		
<i>District Court (Fees) Amendment Regulations 2015</i>	10 Feb 2015 p. 607	r. 1 and 2: 10 Feb 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>District Court (Fees) Amendment Regulations (No. 2) 2015</i>	19 Jun 2015 p. 2119-22	r. 1 and 2: 19 Jun 2015 (see r. 2(a));

Citation	Gazettal	Commencement
		Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i))

^{1a} [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

Provisions that have not come into operation

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 5⁶	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))

² Repealed by the *District Court Rules 2005*.

³ Repealed by the *Co-operatives Act 2009*.

⁴ Repealed by the *Commercial Arbitration Act 2012*.

⁵ The *District Court (Fees) Amendment Regulations 2005* r. 13 reads as follows:

13. Transitional: recognised reporting services

A recognised reporting service approved by the Attorney General immediately before the date on which these regulations commenced is taken to have been approved as a person entitled to receive searchable information on that date.

⁶ [On the date as at which this compilation was prepared, the *Attorney General Regulations Amendment \(Fees\) Regulations 2016 Pt. 5* had not come into operation. It reads as follows:](#)

Part 5 — District Court (Fees) Regulations 2002 amended

19. Regulations amended

[This Part amends the *District Court \(Fees\) Regulations 2002*.](#)

20. Regulation 3 amended

[\(1\) In regulation 3 insert in alphabetical order:](#)

eligible entity means an entity referred to in regulation 7(3);

eligible entity fee, in relation to a matter specified in an item in Schedule 1, means the fee shown in column A for that item;

eligible individual means an individual referred to in regulation 7(2);

eligible individual fee, in relation to a matter specified in an item in Schedule 1, means the fee, if any, shown in column C for that item;

entity does not include an individual;

person means an individual or an entity;

(2) In regulation 3 in the definition of *small business*:

(a) delete paragraph (b) and insert:

(b) a business undertaking that is wholly owned and operated by an individual or individuals in partnership and has less than 20 full-time equivalent employees or partners;

(b) delete paragraph (d) and insert:

(d) a co-operative as defined in the *Co-operatives Act 2009* that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees;

21. Regulation 4 amended

(1) Delete regulation 4(2) and insert:

(2) 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; or

(c) the fee payable by an entity that is not an eligible entity is the fee shown in column B for that item; or

(d) the fee payable by an eligible entity is the eligible entity fee for that item.

(2) Delete regulation 4(6) to (12).

22. Regulation 4A inserted

After regulation 4 insert:

4A. Fees for small businesses and non-profit associations

- (1) An entity that is a small business or a non-profit association may lodge a declaration in the form of Schedule 3 Form 1.
- (2) On the lodgment of a declaration the entity is to be charged fees as if it were an eligible entity.
- (3) Subregulation (2) does not apply to fees payable by joint parties unless each party is a small business or non-profit association.
- (4) An entity that has lodged a declaration under subregulation (1) must immediately advise the Principal Registrar if the entity ceases to be a small business or non-profit association as the case requires.
Penalty for this subregulation: a fine of \$1 000.
- (5) If an entity is charged a fee under subregulation (2) when the entity was not a small business or a non-profit association, the Court may —
 - (a) order that the entity pay the difference between the amount of the fee the entity paid and the amount of the fee that would otherwise have been payable by the entity; and
 - (b) make orders to enforce the order for the payment.
- (6) An order under subregulation (5)(b) may include orders relating to the future conduct of the proceedings to which the fees relate or the effect of anything that has been done in respect of the proceedings until the sum ordered to be paid has been paid.

23. Regulation 5 amended

(1) In regulation 5 delete “The” and insert:

(1) The

(2) At the end of regulation 5 insert:

(2) A person is not required to pay a fee in respect of a matter if —

- (a) a written law provides that the person is not required to pay a fee in respect of a matter of that type; or
- (b) the person has not reached 18 years of age on the day the fee would otherwise be payable.

24. Regulation 6 amended

- (1) In regulation 6 delete “Subject” and insert:
 - (1) Subject
 - (2) At the end of regulation 6 insert:
 - (2) The Court or a registrar may direct that the payment of the whole or a part of a fee or fees in respect of a claim for personal injuries be deferred —
 - (a) to a time specified by the Court or registrar; and
 - (b) on any conditions specified by the Court or registrar.

25. Regulations 7 and 8 replaced

Delete regulations 7 and 8 and insert:

7. Who is an eligible individual or eligible entity

- (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 8A(1)(b).
- (3) An eligible entity is —
- (a) an entity that 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
 - (b) an entity that the Court or a registrar has directed is an eligible entity under regulation 8A(2)(b).

8. Application to be recognised as eligible individual or eligible entity

- (1) A person may apply for —
- (a) a direction under regulation 8A(1) that the person is an eligible individual in respect of a matter referred to in Schedule 1; or
 - (b) a direction under regulation 8A(2) that the person is an eligible entity in respect of a matter referred to in Schedule 1.
- (2) An application is to be in the form of Schedule 3 Form 2 and is to specify —
- (a) for an individual — the item or the matter in respect of which the individual is seeking to pay the eligible individual fee; or
 - (b) for an entity — the item or the matter in respect of which the entity is seeking to pay the eligible entity fee.
- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

8A. Recognition as eligible individual or eligible entity

- (1) The Court or a registrar may, on an application under regulation 8(1)(a) —

 - (a) direct that a person is an eligible individual described in regulation 7(2)(a) to (e) in respect of the matter if satisfied that the person meets one or more of the requirements set out in those paragraphs; or
 - (b) direct that a person is an eligible individual described in regulation 7(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 —

 - (i) financial hardship;
 - (ii) the interests of justice.
- (2) The Court or a registrar may, on an application under regulation 8(1)(b) —

 - (a) direct that a person is an eligible entity described in regulation 7(3)(a) in respect of the matter if satisfied that the person meets the requirements set out in that paragraph; or
 - (b) direct that a person is an eligible entity described in regulation 7(3)(b) if satisfied that the person should be required to pay only the eligible entity fee in respect of the matter for either, or both, of the following reasons —

 - (i) financial hardship;
 - (ii) the interests of justice.
- (3) A judge or a registrar may, before an application is determined, direct the applicant to provide to the judge, the registrar or the Court further information relating to the application.
- (4) 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.

8B. False or misleading statements

- (1) A person who makes a statement or representation in a declaration or application made under these regulations or provides further information in relation to a declaration or 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 make an order that the declaration lodged by a person under regulation 4A(1) is invalid if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).
- (3) The Court or a registrar may revoke a direction made under regulation 8A(1) or (2) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).
- (4) If a declaration is declared invalid under subregulation (2) or a direction is revoked under subregulation (3), the Court may —

 - (a) order that the person in respect of whom the declaration or direction was made pay the difference between the fee the person paid and the fee that would otherwise be payable by the person; and
 - (b) make an order to enforce the order for the payment.
- (5) An order under subregulation (4)(b) may include orders relating to the future conduct of the proceedings to which the fees relate or the effect of anything that has been done in respect of the proceedings until the sum ordered to be paid has been paid.

8C. Refunds

- (1) A judicial officer or legally qualified registrar 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) The Principal 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.

8D. Waiving fee for copy of document or transcript

The Court or a registrar may waive a fee referred to in Schedule 1 item 15(a) or 16 if the Court or registrar is satisfied that the waiving of the fee would assist in the efficient operation of the Court.

26. Regulation 11A amended

- (1) In regulation 11A(1) delete “11A —” and insert:

13 —

(2) In regulation 11A(3) delete “11A(a)” and insert:

13(a)

(3) In regulation 11A(3) delete “11A(b).” and insert:

13(b).

27. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Registry fees

[r. 4]

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>1.</u>	<u>On filing 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, 4, 5 or 9</u>	<u>802.00</u>	<u>1 565.00</u>	<u>100.00</u>
<u>2.</u>	<u>On filing an application for an extraordinary licence under the Road Traffic (Authorisation to Drive) Act 2008 section 27</u>	<u>193.00</u>	<u>N/A</u>	<u>58.00</u>
<u>3.</u>	<u>On filing an application for an order made under the Spent Convictions Act 1988 section 6(1)</u>	<u>117.00</u>	<u>N/A</u>	<u>35.10</u>

<u>Item</u>	<u>Matter</u>	<u>Column A</u> <u>Fee for</u> <u>individual</u> <u>or eligible</u> <u>entity</u> \$	<u>Column B</u> <u>Fee for</u> <u>entity</u> \$	<u>Column C</u> <u>Fee for</u> <u>eligible</u> <u>individual</u> \$
4.	<u>On filing —</u>			
	<u>(a) a counterclaim</u>	<u>802.00</u>	<u>1 565.00</u>	<u>100.00</u>
	<u>(b) a third party notice</u>	<u>802.00</u>	<u>1 565.00</u>	<u>100.00</u>
	<u>(c) an application —</u>			
	<u> (i) to extend a</u> <u> period of time</u> <u> fixed by law,</u> <u> including an</u> <u> application to</u> <u> extend time</u> <u> before</u> <u> proceedings are</u> <u> commenced</u>			
	<u> (ii) to limit a period</u> <u> of time within</u> <u> which</u> <u> proceedings</u> <u> may be taken</u>			
	<u> (iii) for leave to</u> <u> serve a writ or</u> <u> notice of a writ</u> <u> out of</u> <u> jurisdiction</u>	<u>302.00</u>	<u>520.00</u>	<u>90.50</u>
	<u>(d) an application for</u> <u> leave to appeal</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	<u>(e) any other application</u> <u> for which no fee has</u> <u> been provided in this</u> <u> Schedule</u>	<u>302.00</u>	<u>520.00</u>	<u>90.50</u>

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>5.</u>	<u>On filing —</u>			
	<u>(a) an appeal notice</u>	<u>454.00</u>	<u>1 175.00</u>	<u>100.00</u>
	<u>(b) for each additional half day allocated for the hearing of the appeal</u>	<u>352.00</u>	<u>917.00</u>	<u>100.00</u>
	<u>Note 1:</u>			
	<u>The fee in item 5(a) includes any directions hearings and the first half day allocated by the District Court for the hearing of the appeal.</u>			
	<u>Note 2:</u>			
	<u>The fee in item 5(b) is payable for each half day, allocated by the District Court for the hearing of the appeal, that is additional to the first half day of hearing.</u>			
	<u>Note 3:</u>			
	<u>Under the <i>District Court Rules 2005</i> rule 56A, if the fee payable under item 5(b) is not paid or waived within 14 days after the date on which the hearing date is set, the appeal may be dismissed for want of prosecution.</u>			
<u>6.</u>	<u>Entry for hearing a cause or matter (including the assessment of damages in an action for personal injury) or notice of an appointment to hear an originating summons</u>	<u>802.00</u>	<u>1 565.00</u>	<u>100.00</u>

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		\$	\$	\$

Note:

This item does not apply to entering an appeal for hearing.

<u>7.</u>	<u>Allocation of hearing date, for each day allocated</u>	<u>704.00</u>	<u>1 833.00</u>	<u>100.00</u>
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Note 1:

See regulation 10.

Note 2:

This item does not apply to the allocation of a hearing date for an appeal.

<u>8.</u>	<u>Daily hearing fee before a court constituted by a judge</u>	<u>704.00</u>	<u>1 833.00</u>	<u>100.00</u>
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Note 1:

No fee is payable if the proceedings are of an interlocutory nature only.

Note 2:

The fee to be charged 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 5 or 7.

Note 3:

This fee is payable for each additional day or part day that a hearing proceeds beyond the date or dates allocated in item 5 or 7.

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		\$	\$	\$

Note 4:

If the Court only allocates a half day or less for the continuation of the hearing then a fee equal to half the prescribed amount is payable for that period.

Note 5:

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

9. On filing, before a judge or registrar in chambers —

(a) an interlocutory application or summons or motion returnable

201.00

392.00

60.50

(b) an application for assessment of damages other than in an action for personal injury

201.00

392.00

60.50

(c) an application for summary judgment

201.00

392.00

60.50

Note 1:

This fee includes the first day of hearing of the application or summons and includes any adjournment of the hearing.

Note 2:

This fee is payable in respect of any application exercising liberty to apply to relist.

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>10.</u>	<u>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 9 is payable for each additional day or part day of hearing.</u>			
	<u>Note:</u>			
	<u>The daily fee becomes payable on a day to day basis and is payable prior to the daily reconvening of the hearing.</u>			
<u>11.</u>	<u>On an appointment to tax a bill of costs in a cause or matter or under the <i>Commercial Arbitration Act 2012</i> —</u>			
	<u>(a) lodgment fee</u>	<u>201.00</u>	<u>392.00</u>	<u>60.50</u>
	<u>(b) in addition to the lodgment fee, a taxing fee at the rate of</u>	<u>2.5%</u>	<u>2.5%</u>	<u>0.0%</u>
	<u>Note 1:</u>			
	<u>The % rate is to be applied to the amount at which the bill is drawn.</u>			
	<u>Note 2:</u>			
	<u>The taxing officer must allow, against the person chargeable with the costs as taxed, taxing fees at the rate indicated in item 11(b) of the amount found to be due on taxation.</u>			

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		\$	\$	\$
	<u>Note 3:</u>			
	<u>If the parties agree on the bill of costs in a cause or matter or under the Commercial Arbitration Act 2012 and the appointment is cancelled, the following percentage of the fee paid is to be refunded —</u>			
	<u>(a) if the appointment is cancelled less than 3 days before the day of the appointment, nil;</u>			
	<u>(b) if the appointment is cancelled 3 days or more and less than 10 days before the day of the appointment, 50%;</u>			
	<u>(c) if the appointment is cancelled 10 or more days before the day of the appointment, 80%.</u>			
<u>12.</u>	<u>For searching any record or proceeding</u>	<u>40.70</u>	<u>40.70</u>	<u>12.20</u>
	<u>Note:</u>			
	<u>No fee is payable under item 12 for a search made —</u>			
	<u>(a) by or on behalf of a party to the proceedings; or</u>			
	<u>(b) by an approved recipient of searchable information provided to it under regulation 11A.</u>			
<u>13.</u>	<u>For provision of searchable information to approved recipients under regulation 11A —</u>			
	<u>(a) fee per action or matter provided to recipient</u>	<u>1.80</u>	<u>1.80</u>	<u>0.55</u>

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>(b) annual fee for information provided by email to approved recipient</u>	<u>1 845.00</u>	<u>1 845.00</u>	<u>100.00</u>
	<u>Note:</u>			
	<u>The fee under item 13(b) is payable on the date on which the recipient is approved by the Attorney General and on each anniversary of that date.</u>			
<u>14.</u>	<u>(a) On an application for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire</u>	<u>60.00</u>	<u>60.00</u>	<u>18.00</u>
	<u>(b) if an officer is required to attend at any court or place out of the District Court building, the officer's reasonable expenses and, in addition for each hour when the officer is necessarily absent from his or her office</u>	<u>91.00</u>	<u>91.00</u>	<u>27.30</u>

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		<u>\$</u>	<u>\$</u>	<u>\$</u>
<u>15.</u>	<u>(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</u>	<u>1.65</u>	<u>1.65</u>	<u>0.50</u>
	<u>(b) for a copy of reasons for judgment —</u>			
	<u>(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</u>	<u>14.15</u>	<u>14.15</u>	<u>4.20</u>
	<u>(ii) for each copy consisting of 10 or more pages an additional fee per page of</u>	<u>1.80</u>	<u>1.80</u>	<u>0.55</u>

<u>Item</u>	<u>Matter</u>	<u>Column A</u>	<u>Column B</u>	<u>Column C</u>
		<u>Fee for individual or eligible entity</u>	<u>Fee for entity</u>	<u>Fee for eligible individual</u>
		<u>\$</u>	<u>\$</u>	<u>\$</u>
	<u>(c) for certifying under seal that a document is a true copy, an additional fee of</u>	<u>19.60</u>	<u>19.60</u>	<u>5.90</u>
	<u>(d) for a certificate under the hand of a registrar</u>	<u>38.50</u>	<u>38.50</u>	<u>11.60</u>
<u>16.</u>	<u>(a) For a copy of a transcript, or part of a transcript —</u>			
	<u>(i) provided within one day after the day on which the fee is paid</u>	<u>18.75 plus 7.70 per page</u>	<u>18.75 plus 15.45 per page</u>	<u>5.60 plus 2.30 per page</u>
	<u>(ii) provided within 4 days after the day on which the fee is paid</u>	<u>18.75 plus 6.70 per page</u>	<u>18.75 plus 13.45 per page</u>	<u>5.60 plus 2.00 per page</u>
	<u>(iii) provided within 7 days after the day on which the fee is paid</u>	<u>18.75 plus 6.45 per page</u>	<u>18.75 plus 12.85 per page</u>	<u>5.60 plus 1.95 per page</u>

<u>Item</u>	<u>Matter</u>	<u>Column A</u> <u>Fee for</u> <u>individual</u> <u>or eligible</u> <u>entity</u> <u>\$</u>	<u>Column B</u> <u>Fee for</u> <u>entity</u> <u>\$</u>	<u>Column C</u> <u>Fee for</u> <u>eligible</u> <u>individual</u> <u>\$</u>
	(b) <u>for an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —</u>			
	<u>(i) in electronic format</u>	<u>19.60 per copy</u>	<u>19.60 per copy</u>	<u>5.90 per copy</u>
	<u>(ii) paper copy</u>	<u>1.90 per page</u>	<u>1.90 per page</u>	<u>0.55 per page</u>

28. Schedule 2 amended

Amend the provisions listed in the Table as set out in the Table.

Table

<u>Item</u>	<u>Delete</u>	<u>Insert</u>
<u>Sch. 2 it. 1(a)</u>	<u>115.00</u>	<u>128.00</u>
<u>Sch. 2 it. 1(b)</u>	<u>115.00</u>	<u>128.00</u>
<u>Sch. 2 it. 1(c)</u>	<u>30.50</u>	<u>33.90</u>
<u>Sch. 2 it. 2</u>	<u>63.30</u>	<u>70.50</u>
<u>Sch. 2 it. 3(a)</u>	<u>1.60</u>	<u>1.80</u>
<u>Sch. 2 it. 3(b)</u>	<u>1.80</u>	<u>2.00</u>
<u>Sch. 2 it. 4</u>	<u>61.00</u>	<u>68.00</u>

<u>Item</u>	<u>Delete</u>	<u>Insert</u>
<u>Sch. 2 it. 5</u>	<u>195.00</u>	<u>217.00</u>

29. Schedule 3 amended

(1) Delete the reference after the heading to Schedule 3 and insert:

[r. 4A(1) and 8(2)]

(2) In Schedule 3 Form 1 delete the Note and insert:

Note: A person who makes a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular commits an offence under the District Court (Fees) Regulations 2002 regulation 8B(1).

*1 Under the District Court (Fees) Regulations 2002 regulation 3 a small business is —
a business undertaking that is wholly owned and operated by an individual or individuals in partnership and 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 co-operative as defined in the Co-operatives Act 2009 that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative 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 (Commonwealth) applies, of a corporation within the meaning of the Corporations Act 2001 (Commonwealth) or the Statutory Corporations (Liability of Directors) Act 1996 that has 20 or more full-time equivalent employees.*

2 Under the District Court (Fees) Regulations 2002 regulation 3 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.

(3) Delete Schedule 3 Form 2 and insert:

<u>Form 2</u>	
<u>Application to reduce fee</u>	
<u>In the District Court of Western</u>	<u>No. _____ of 2</u>

<u>Australia</u>			
<u>Plaintiff/Appellant*:</u>			
(*strike out word that is not applicable)			
<u>Defendant/Respondent*:</u>			
(*strike out word that is not applicable)			
<u>Fee type for which request is made:</u>			
<input type="checkbox"/> <u>Application fee</u>	<input type="checkbox"/> <u>Hearing fee</u>	<input type="checkbox"/> <u>Transcription fee</u>	<input type="checkbox"/> <u>Other (please describe below)</u>
<u>Concession Card Holder:</u> <input type="checkbox"/> Yes <input type="checkbox"/> No		<u>Pension Concession Card No:</u>	
		<u>Health Care Card No:</u>	
<u>Grant of Legal Aid under a legal aid scheme or service</u> <input type="checkbox"/> Yes <input type="checkbox"/> No			
<u>Applicant Details:</u>	<u>Full Name:</u>		
	<u>Please indicate your party type:</u> <input type="checkbox"/> Individual <input type="checkbox"/> Entity		
	<u>Address:</u>		
	<u>Date of Birth:</u>		
<u>If you are applying for a fee reduction because of financial hardship or in the interests of justice, please give supporting reasons for your request (attach a separate page if required). If the reasons include financial hardship you must complete the information on the following pages.</u>			
<u>I certify that the above information and disclosures in this form are true and correct.</u>			

<u>Applicant's Signature</u>		<u>Dated:</u>	
<p><i>*Note: A person who makes a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular commits an offence under the District Court (Fees) Regulations 2002 regulation 8B(1).</i></p>			
COURT SEAL			
<u>FINANCIAL DETAILS: APPLICANT WHO IS AN INDIVIDUAL</u>			
<p>If the reasons for application include financial hardship, the following sections of the form must be completed by the applicant if the applicant is an individual.</p>			
<u>Occupation:</u>			
<u>Employer:</u>			
<u>Employer's Address:</u>			
<u>Marital Status:</u>	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> partner <input type="checkbox"/> de facto <input type="checkbox"/> separated		
<u>Dependants:</u>	<input type="checkbox"/> dependant wife/husband/partner/de facto (number of) dependant children		
<u>INCOME AND FINANCIAL ASSETS DETAILS</u>			
<u>Income / financial assets (net)</u>	<u>Self</u>	<u>Partner</u>	<u>Total</u>
<u>Wage / salary / benefit</u>	\$	\$	\$
<u>Money in financial institution</u>	\$	\$	\$
<u>Cash</u>	\$	\$	\$
<u>Income from investments</u>	\$	\$	\$

<u>Other income</u>	\$	\$	\$
<u>Money loaned and to be repaid</u>	\$	\$	\$
<u>Total</u>	\$	\$	\$
<u>EXPENDITURE DETAILS</u>			
<u>Expenditure</u>	<u>Self</u>	<u>Partner</u>	<u>Total</u>
<u>Rent / board</u>	\$	\$	\$
<u>Mortgage payment</u>	\$	\$	\$
<u>Maintenance for dependants</u>	\$	\$	\$
<u>Food</u>	\$	\$	\$
<u>Utilities (gas / electricity)</u>	\$	\$	\$
<u>Telephone</u>	\$	\$	\$
<u>Water</u>	\$	\$	\$
<u>Rates and taxes</u>	\$	\$	\$
<u>Court orders</u>	\$	\$	\$
<u>Credit card/s</u>	\$	\$	\$
<u>Other debts (provide details)</u>			
	\$	\$	\$
<u>Total</u>	\$	\$	\$
<u>TOTAL INCOME</u>	\$	<u>TOTAL EXPENDITURE</u>	\$
<u>ASSETS</u>			<u>VALUE</u>
<u>House or other property (provide addresses)</u>			
			\$

District Court (Fees) Regulations 2002

<u>Motor Vehicles</u> (car, utility, motorcycle, truck etc.)	<u>1</u>	<u>Year:</u>				
		<u>Make:</u>				
		<u>Model:</u>				
		<u>Registration Number:</u>				\$
	<u>2</u>	<u>Year:</u>				
		<u>Make:</u>				
		<u>Model:</u>				
		<u>Registration Number:</u>				\$
<u>Other assets (provide details)</u>						\$
<u>TOTAL ASSET VALUE</u>						\$
<u>HOME CONTENTS</u> (please complete appropriate box where applicable)						
<u>Television</u>	<u>DVD player</u>	<u>Computers</u>	<u>Other electronic devices</u>	<u>Dishwasher</u>	<u>Micro wave</u>	
\$	\$	\$	\$	\$	\$	
<u>Furniture</u>	<u>Collection of coins, stamps etc.</u>	<u>Other collectables</u>	<u>Other assets</u>	<u>Interests in business or company</u>		
\$	\$	\$	\$	\$		
<u>LIABILITIES</u>					<u>TOTAL</u>	
<u>Mortgage to:</u>						\$

<u>Other to:</u>		\$
<u>Time to Pay Order:</u>		\$
<u>TOTAL LIABILITIES</u>		\$
<u>FINANCIAL DETAIL: APPLICANT WHO IS NOT AN INDIVIDUAL</u>		
<u>If the reasons for application include financial hardship, the following sections of the form must be completed by the applicant if the applicant is an entity.</u>		
<u>Income</u>		\$
<u>Assets</u>		\$
<u>Liabilities</u>		\$
<u>TOTAL</u>		\$