



Western Australia

District Court of Western Australia Act 1969

District Court (Fees) Regulations 2002

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District Court (Fees) Regulations 2002

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Defined Terms

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]

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- (b) an individual or individuals in partnership who wholly own and operate a business undertaking that has less than 20 full-time equivalent employees and partners;
- (c) a corporation that has less than 20 full-time equivalent employees and that is not a subsidiary of a corporation that has 20 or more full-time equivalent employees;
- (d) a company within the meaning of the *Companies (Co-operative) Act 1943* that has less than 20 full-time equivalent employees and that is not, under section 130(1) of that Act, deemed to be a subsidiary company of another company or corporation that has 20 or more full-time equivalent employees;
- (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

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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 —

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- (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;
 - (b) that the whole or part of the fee or fees be refunded; or
 - (c) that the payment of the whole or a part of a fee or fees be deferred until such time, and upon such conditions, if any, as the Court or registrar thinks fit.
- (1a) In subregulation (1) —
special reasons includes —
 - (a) financial hardship;
 - (b) that an important right or obligation affecting the community or a significant part of the community will be determined; or
 - (c) that the development of the law generally will be affected so as to reduce the need for further litigation.
- (1aa) This regulation does not apply to fees specified in Schedule 2.
- (1b) For the purpose of assessing financial hardship, the Court or a registrar is to have regard to —
 - (a) in the case of an individual, the income, day to day living expenses, liabilities and assets of the individual;

- (b) in the case of a corporation or incorporated association, the income, liabilities and assets of the corporation or incorporated association.
- (1c) The Court or a registrar may direct that the payment of the whole or a part of a fee in relation to the filing of a pleading, application or other document be deferred until such time, and upon such conditions, if any, as the Court or registrar thinks fit if the filing is attended by urgency that overrides the requirement of payment of the fee at the time of filing.
- (1d) The payment of a filing fee listed in Schedule 1 is to be waived in relation to the following persons —
 - (a) the holder of one of the following cards issued by the Department of Social Security of the Commonwealth —
 - (i) a health care card;
 - (ii) a health benefit card;
 - (iii) a pensioner concession card;
 - (iv) a Commonwealth seniors health card;
 - (b) the holder of any other card issued by the Department of Social Security or the Department of Veterans' Affairs of the Commonwealth that certifies entitlement to Commonwealth health concessions;
 - (c) a prisoner or person lawfully detained in a public institution;
 - (d) a person under 18 years of age;
 - (e) a person in receipt of a youth training allowance, or an austudy allowance, as defined in section 23(1) of the *Social Security Act 1991* of the Commonwealth;
 - (f) a person in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme;
 - (g) a person granted legal aid in respect of the proceedings in relation to which the fee would otherwise be payable.

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- (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%.

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- (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;
 - (b) the amount and nature of the claim;
 - (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;

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- (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 | 554.00 | 1 079.00 |
| 2A. | On filing an application for an extraordinary licence under the <i>Road Traffic Act 1974</i> , section 76(1) or 78(1) .. | 158.50 | N/A |
| 2B. | On filing an application for an order made under the <i>Spent Convictions Act 1988</i> , section 6(1) | 80.50 | N/A |
| 2. | On filing — | | |
| | (a) a counterclaim | 554.00 | 1 079.00 |
| | (b) a third party notice | 554.00 | 1 079.00 |

| Item | Matter | Fee for individuals/ personal injury \$ | Fee for person other than an individual \$ |
|-------------|--|---|--|
| | (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) for leave to appeal | 209.00 | 358.00 |
| | (d) any other application for which no fee has been provided in this Schedule | 209.00 | 358.00 |
| 3. | (a) On filing an appeal notice | 313.00 | 811.00 |
| | (b) For each additional half day allocated for the hearing of the appeal | 243.00 | 632.00 |

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:

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

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*]

| | | | |
|----|---|--------|----------|
| 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 | 554.00 | 1 079.00 |
|----|---|--------|----------|

NOTE:

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

| | | | |
|----|--|--------|----------|
| 6. | Allocation of hearing date, for each day allocated | 486.00 | 1 264.00 |
|----|--|--------|----------|

NOTE 1:

See regulation 9.

NOTE 2:

| Item | Matter | Fee for individuals/ personal injury | Fee for person other than an individual |
|-------------|--|---|--|
| | | \$ | \$ |
| | 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 | 486.00 | 1 264.00 |
| | 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. | | |
| | 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 — | | |

| Item | Matter | Fee for individuals/ personal injury \$ | Fee for person other than an individual \$ |
|-------------|--|---|--|
| (i) | interlocutory application or summons or motion returnable; | | |
| (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 | 138.50 | 270.00 |
| | 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. | | |
| 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> — | | |

| Item | Matter | Fee for individuals/ personal injury | Fee for person other than an individual |
|-------------|--|---|--|
| | | \$ | \$ |
| (a) | lodgement fee | 138.50 | 270.00 |
| (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.

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 *Commercial Arbitration Act 1985* and the appointment is cancelled, the following percentage of the fee paid is to be refunded —

- (a) if the appointment is cancelled less than 3 days before the day of the appointment, nil;
- (b) if the appointment is cancelled 3 days or more and less than 10 days before the day of the appointment, 50%;
- (c) if the appointment is cancelled 10 or more days before the day of the appointment, 80%.

| Item | Matter | Fee for individuals/ personal injury | Fee for person other than an individual |
|-------------|---|---|--|
| | | \$ | \$ |
| 11. | For searching any record or proceeding | 28.10 | 28.10 |
| | NOTE: | | |
| | No fee is payable under item 11 for a search made — | | |
| | (a) by or on behalf of a party to the proceedings; or | | |
| | (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 | 1.25 | 1.25 |
| | (b) annual fee for information provided by email to approved recipient | 1 272.00 | 1 272.00 |
| | 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 . | 41.30 | 41.30 |

District Court (Fees) Regulations 2002
Schedule 1 Registry fees

| Item | Matter | Fee for individuals/ personal injury \$ | Fee for person other than an individual \$ |
|-------------|--|---|--|
| | (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 | 69.50 | 69.50 |
| 13. | (a) For a copy of a document of any kind or an exhibit, including marking as an office copy if required, for each page or part thereof | 1.50 | 1.50 |
| | (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 | 9.75 | 9.75 |
| | (ii) for each copy consisting of 10 or more pages an additional fee per page of | 1.25 | 1.25 |
| | (c) For certifying under seal that a document is a true copy, an additional fee of | 13.50 | 13.50 |
| | (d) For a certificate under the hand of a registrar | 29.10 | 29.10 |
| 14. | (a) For a copy of a transcript, for each page or part of a page | 5.45 | 5.45 |

| Item | Matter | Fee for individuals/ personal injury | Fee for person other than an individual |
|-------------|--|---|--|
| | | \$ | \$ |
| (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 | 13.50 | 13.50 |
| (c) | For each copy of a transcript not in electronic format if a fee has been paid under paragraph (a) by the applicant for a copy of the transcript, for each page or part of a page | 1.50 | 1.50 |

[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.]

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 | 88.00 |
| | (b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody | 88.00 |
| | (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 | 23.30 |
| NOTE 1: | | |
| The fee under paragraph (a) is payable whether or not the sheriff's functions under the warrant are performed and includes up to 3 attempts to perform the functions at the same address. | | |
| NOTE 2: | | |
| The fee under paragraph (a) includes — | | |
| | (a) receipt of the warrant; and | |
| | (b) attendances and inquiries before attempting arrest; and | |
| | (c) giving any notice; and | |
| | (d) making any report. | |
| 2. | For the service of any writ, application, summons, originating process, notice or order of the Court or any other process requiring service | 48.20 |

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

NOTE:

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

- | | | |
|----|---|------|
| 3. | If it is necessary to travel to execute a warrant or other process, or 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 | 1.25 |
| | (b) for each kilometre travelled (one way) outside the metropolitan area | 1.35 |

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 | 46.60 |
| 5. | (a) For striking a jury and preparing jury panel | 149.50 |
| | (b) For attendance of sheriff's officer at hearing (per day or part of a day) | The sum actually and reasonably paid. |

[Schedule 2 inserted in Gazette 28 Apr 2005 p. 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.]

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 — <i>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;</i> <i>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;</i> | |

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.

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

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

.....

.....

.....

.....

.....

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

I am employed as a by *
Their business address is *

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

I am single/ married/ 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 | \$ |

District Court (Fees) Regulations 2002
Schedule 3 Forms

| | | | |
|---|----|----------------------------------|----|
| 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 | | | |
| 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 | | \$ |

District Court (Fees) Regulations 2002
Schedule 3 Forms

| | |
|---|-------------|
| 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 | |
| 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 |
| | MDL No. |
| 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 <i>[give details]</i> |
| 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> ³ | 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) | | |

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| 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)) |

^{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

| Citation | Gazettal | Commencement |
|---|--------------------------|---|
| <i>District Court (Fees) Amendment Regulations 2013</i> r. 3-4 ⁴ | 19 Jul 2013 p. 3267-8 | On commencement of the <i>Commercial Arbitration Act 2012</i> s. 44 (see r. 2(b)) |

² Repealed by the *District Court Rules 2005* r. 72.

³ 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.

⁴ On the date as at which this compilation was prepared, the *District Court (Fees) Amendment Regulations 2013* r. 3-4 had not come into operation. They read as follows:

3. Regulations amended

These regulations amend the *District Court (Fees) Regulations 2002*.

4. Schedule 1 amended

In Schedule 1 item 10:

- (a) delete “*Commercial Arbitration Act 1985* — ” and insert:

Commercial Arbitration Act 1985 or the
Commercial Arbitration Act 2012 —

- (b) in Note 3 after “*Commercial Arbitration Act 1985*” insert:

or the *Commercial Arbitration Act 2012*

Defined Terms

Defined Terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

| Defined Term | Provision(s) |
|-----------------------------|---------------------|
| approved recipient..... | 11A(1) |
| corporation..... | 3 |
| fee..... | 9(1) |
| individual..... | 3 |
| non-profit association..... | 3 |
| Rules..... | 3 |
| searchable information..... | 11A(1) |
| small business..... | 3 |
| special reasons..... | 7(1a) |
| subsidiary..... | 3 |