



Western Australia

Evidence Act 1906

**Evidence (Video and Audio Links Fees and
Expenses) Regulations 1999**

As at 14 Jun 2016

Version 03-d0-00

Extract from www.slp.wa.gov.au, see that website for further information

Evidence (Video and Audio Links Fees and Expenses) Regulations 1999

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Evidence (Video and Audio Links Fees and Expenses) Regulations 1999

1. Citation

These regulations may be cited as the *Evidence (Video and Audio Links Fees and Expenses) Regulations 1999*¹.

2. Booking fee

- (1) Except as provided in subregulation (2), if, on an application by a party to a civil proceeding in or before a court, the court directs —

- (a) that the evidence of a witness called by the party be taken by a video link; or
- (b) that a submission on behalf of the party be received by a video link,

the party must pay to the court the relevant fee specified in item 1 of Schedule 1 to book that link.

- (2) If the same video link can be used by more than one party making an application, each of those parties must pay to the court an equal portion of the fee concerned.

[Regulation 2 amended in Gazette 9 Mar 2012 p. 931-2.]

3. Hourly fee

A party must, within 30 days after the use of a video link, pay to the court the fee specified in item 2 of Schedule 1 for each hour, or part of an hour, that the link was used —

- (a) to take the evidence of a witness called by the party; or
- (b) to receive a submission on behalf of the party.

[Regulation 3 amended in Gazette 9 Mar 2012 p. 932.]

4. Telecommunications charges

A party must, within 30 days after the use of a video link or audio link, pay to the court the expense of the telecommunications charges incurred by the court —

- (a) in taking the evidence of a witness called by the party;
or
- (b) in receiving a submission on behalf of the party.

5. Fees and expenses to be recoverable as debts due to the Crown

A fee or expense payable under these regulations is a debt due to the Crown and is recoverable in a court of competent jurisdiction.

6. Court may waive fees and expenses in a particular case

A court may, in a particular case, waive a fee or expense payable under these regulations.

Schedule 1 — Fees

[r. 2 and 3]

[Heading inserted in Gazette 19 Jun 2015 p. 2122.]

1. Booking fee

- | | |
|---------------------------------------|----------|
| (a) Intrastate link | \$97.00 |
| (b) Interstate or overseas link | \$144.50 |

[Clause 1 inserted in Gazette 19 Jun 2015 p. 2122.]

2. Hourly fee

Per hour or part of an hour	\$76.00
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[Clause 2 inserted in Gazette 19 Jun 2015 p. 2123.]

Notes

¹ This is a compilation of the *Evidence (Video and Audio Links Fees and Expenses) Regulations 1999* 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>Evidence (Video and Audio Links Fees and Expenses) Regulations 1999</i>	7 Dec 1999 p. 5995-6	7 Dec 1999
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2003</i>	30 Dec 2003 p. 5718	1 Jan 2004 (see r. 2)
Reprint 1: The Evidence (Video and Audio Links Fees and Expenses) Regulations 1999 as at 6 Aug 2004 (includes amendments listed above)		
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2005</i>	23 Jun 2005 p. 2689	1 Jul 2005 (see r. 2)
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2006</i>	23 Jun 2006 p. 2190	1 Jul 2006 (see r. 2)
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2007</i>	26 Jun 2007 p. 3030-1	r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2008</i>	27 Jun 2008 p. 3072-3	r. 1 and 2: 27 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
Reprint 2: The Evidence (Video and Audio Links Fees and Expenses) Regulations 1999 as at 7 Nov 2008 (includes amendments listed above)		
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2009</i>	4 Sep 2009 p. 3494	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))
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2011</i>	8 Mar 2011 p. 798-9	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))

Evidence (Video and Audio Links Fees and Expenses) Regulations 1999

Citation	Gazettal	Commencement
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2011</i>	20 Dec 2011 p. 5395-6	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>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2012</i>	9 Mar 2012 p. 931-2	r. 1 and 2: 9 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Mar 2012 (see r. 2(b))
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations (No. 2) 2012</i>	30 Nov 2012 p. 5800	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>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2013</i>	15 Nov 2013 p. 5256	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))
Reprint 3: The Evidence (Video and Audio Links Fees and Expenses) Regulations 1999 as at 14 Feb 2014 (includes amendments listed above)		
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2014</i>	27 Jun 2014 p. 2341	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))
<i>Evidence (Video and Audio Links Fees and Expenses) Amendment Regulations 2015</i>	19 Jun 2015 p. 2122-3	r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i))

^{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>Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 6²</i>	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))

² On the date as at which this compilation was prepared, the *Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 6* had not come into operation. It reads as follows:

Part 6 — Evidence (Video and Audio Links Fees and Expenses) Regulations 1999 amended

30. Regulations amended

This Part amends the *Evidence (Video and Audio Links Fees and Expenses) Regulations 1999*.

31. Schedule 1 amended

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

Table

Provision	Delete	Insert
Sch. 1 it. 1(a)	\$97.00	\$108.00
Sch. 1 it. 1(b)	\$144.50	\$160.50
Sch. 1 it. 2	\$76.00	\$84.50