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Western Australia

**Attorney General Regulations Amendment
(Fees) Regulations 2016**

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Children's Court of Western Australia Act 1988
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District Court of Western Australia Act 1969
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Fines, Penalties and Infringement Notices Enforcement Act 1994
Magistrates Court Act 2004
State Administrative Tribunal Act 2004
Supreme Court Act 1935

Attorney General Regulations Amendment (Fees) Regulations 2016

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Attorney General Regulations Amendment (Fees) Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 4 July 2016.

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 2** Children's Court (Fees) Regulations 2005 amended**r. 3**

**Part 2 — Children's Court (Fees)
Regulations 2005 amended****3. Regulations amended**

This Part amends the *Children's Court (Fees) Regulations 2005*.

4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *Form*.
- (2) In regulation 3 insert in alphabetical order:

approved form means a form approved by the President;

eligible individual means an individual referred to in regulation 8(2);

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

5. Regulation 4 amended

After regulation 4(1) insert:

- (2A) 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.

Attorney General Regulations Amendment (Fees) Regulations 2016
Children's Court (Fees) Regulations 2005 amended **Part 2**

r. 6

6. Regulation 5 replaced

Delete regulation 5 and insert:

5. Exemptions

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

- (a) the matter is an application under the *Restraining Orders Act 1997* for a violence restraining order or to vary or cancel a violence restraining order; or
- (b) the matter is an application under the *Prohibited Behaviour Orders Act 2010* for a prohibited behaviour order or to vary or cancel a prohibited behaviour order; or
- (c) a written law provides that the person is not required to pay a fee in respect of a matter of that type; or
- (d) the person has not reached 18 years of age on the day the fee would otherwise be payable.

7. Regulations 8 and 9 replaced

Delete regulations 8 and 9 and insert:

8. Who is an eligible individual

- (1) In this regulation —
Centrelink means the Commonwealth agency known as Centrelink.

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 2** Children's Court (Fees) Regulations 2005 amended**r. 7**

- (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 9B(1)(b).

9A. Application to be recognised as eligible individual

- (1) A person may apply for a direction under regulation 9B(1) that the person is an eligible

Attorney General Regulations Amendment (Fees) Regulations 2016
Children's Court (Fees) Regulations 2005 amended **Part 2**

r. 7

individual in respect of a matter specified in Schedule 1.

- (2) An application is to be in the approved form and is to specify the matter in respect of which the individual is seeking to pay the eligible individual fee.
- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

9B. Recognition as eligible individual

- (1) The Court or a registrar may, on an application under regulation 9A(1) —
 - (a) direct that a person is an eligible individual described in regulation 8(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 8(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, before an application is determined, direct the applicant to provide to the registrar or the Court further information relating to the application.
- (3) 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.

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 2** Children's Court (Fees) Regulations 2005 amended**r. 7**

9C. False or misleading statements

- (1) A person who makes a statement or representation in an application made under these regulations, or provides further information in relation to an 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 revoke a direction made under regulation 9B(1) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).
- (3) If a direction is revoked under subregulation (2), the Court or registrar may —
 - (a) order that the person in respect of whom the direction was made pay the difference between the fee the person paid and the fee that would otherwise have been payable by the person; and
 - (b) make an order to enforce the order for the payment.
- (4) An order under subregulation (3)(b) may include orders relating to the future conduct of the matter to which the fees relate or the effect of anything that has been done in respect of the matter until the sum ordered to be paid has been paid.

9D. Refunds

- (1) A judge or magistrate 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.

Attorney General Regulations Amendment (Fees) Regulations 2016
Children's Court (Fees) Regulations 2005 amended **Part 2**

r. 8

- (2) A 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.

9. Waiving fee for copy of document or transcript

The Court or a registrar may waive a fee referred to in Schedule 1 Division 1 item 6(a) or 7 if the Court or registrar is satisfied that the waiving of the fee would assist in the efficient operation of the Court.

8. Regulation 10 amended

In regulation 10(2) delete "form of Form 2." and insert:

approved form.

Attorney General Regulations Amendment (Fees) Regulations 2016
Part 2 Children's Court (Fees) Regulations 2005 amended

r. 9

9. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 4]

Division 1 — General

Item	Matter	Column A	Column B
		Fee for individual	Fee for eligible individual
		\$	\$
1.	(a) for every order or conviction drawn up in the Court's criminal jurisdiction	16.10	4.85
	(b) issue of a duplicate document or order	16.10	4.85
2.	For the service of any application, summons, originating process, notice or order of the Court or any other process requiring service	70.50	70.50

NOTE

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

Attorney General Regulations Amendment (Fees) Regulations 2016
 Children's Court (Fees) Regulations 2005 amended **Part 2**

r. 9

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible individual \$
3.	If it is necessary to travel to execute a warrant or other process, or on service of a summons, order of the Court, other process or document, or on making an arrest or for all attempts, attendances and inspections, from the enforcement officer's office or nearest Police Station —		
	(a) for each kilometre travelled (one way) in the metropolitan area	1.80	1.80
	(b) for each kilometre travelled (one way) outside the metropolitan area	2.00	2.00
NOTE			
If more than one process or document is executed or served by an enforcement officer at the same time on the same person or on different persons at the same address, only one allowance for kilometres is chargeable.			
4.	(a) for searching any record or proceeding other than a search by or on behalf of a party to the proceedings in the Court's civil jurisdiction	40.70	12.20

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 2** Children's Court (Fees) Regulations 2005 amended**r. 9**

Item	Matter	Column A	Column B
		Fee for individual	Fee for eligible individual
		\$	\$
	(b) listening to or viewing any electronic recording that requires supervision by an officer of the Court, a search fee of	40.70	12.20
	and in addition to the search fee, for each hour of the officer's time	101.00	30.30
5.	(a) on an application or summons for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire	60.00	18.00
	(b) if an officer is required to attend at any court or place out of the Court building where the officer is based, the officer's reasonable expenses and, in addition for each hour when the officer is necessarily absent from his or her office	91.00	27.30
6.	(a) copies of documents or exhibits for each page or part of a page	1.65	0.50

Attorney General Regulations Amendment (Fees) Regulations 2016
 Children's Court (Fees) Regulations 2005 amended **Part 2**

r. 9

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible 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	14.15	4.30
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.80	0.55
	(c) for certifying that a document is a true copy, an additional fee of ..	19.60	5.90

NOTE

Fee under item 6(a) for a copy of an application is not payable where circumstances under regulation 6(4) exist.

7. (a) For a copy of a transcript, or part of a transcript —
- (i) provided within one day after the day on which the fee is paid; or
- | | |
|---------------|---------------|
| 18.75 plus | 5.60 plus |
| 7.70 per page | 2.30 per page |
- (ii) provided within 4 days after the day on which the fee is paid; or
- | | |
|---------------|---------------|
| 18.75 plus | 5.60 plus |
| 6.70 per page | 2.00 per page |

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 2** Children's Court (Fees) Regulations 2005 amended**r. 9**

Item	Matter	Column A	Column B
		Fee for individual	Fee for eligible individual
		\$	\$
	(iii) provided within 7 days after the day on which the fee is paid	18.75 plus 6.45 per page	5.60 plus 1.95 per page
	(b) For an additional copy of the transcript, or part of the transcript, provided under paragraph (a)		
	(i) in electronic format	19.60	5.90
	(ii) paper copy	1.90 per page	0.55 per page

NOTE

Fees under this item are payable in the case of an indictable offence dealt with summarily.

Division 2 — Civil jurisdiction

Item	Matter	Column A	Column B
		Fee for individual	Fee for eligible individual
		\$	\$
1.	On filing an application for a misconduct restraining order under the <i>Restraining Orders Act 1997</i>	117.00	35.10
2.	On the execution of an arrest warrant of any kind —		
	(a) for arresting the person	128.00	128.00

Attorney General Regulations Amendment (Fees) Regulations 2016
 Children's Court (Fees) Regulations 2005 amended **Part 2**

r. 9

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible individual \$
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	128.00	128.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until the person is conveyed to a court or a custodial place	33.90	33.90
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.		
3.	For an application for an extraordinary drivers licence	193.00	60.50

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 2** Children's Court (Fees) Regulations 2005 amended**r. 10****Division 3 — Criminal jurisdiction**

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible individual \$
1.	On filing —		
	(a) a prosecution notice	98.50	29.40
	(b) an application under the <i>Criminal Procedure Act 2004</i> section 71	98.50	29.40
2.	For the issue of a summons or court hearing notice to an accused	18.80	5.60
3.	For a warrant of any kind —		
	(a) issue of it	98.50	29.40
	(b) execution of it	128.00	128.00

10. Schedule 2 deleted

Delete Schedule 2.

Attorney General Regulations Amendment (Fees) Regulations 2016
Civil Judgments Enforcement Regulations 2005 amended **Part 3**

r. 11

**Part 3 — Civil Judgments Enforcement
Regulations 2005 amended**

11. Regulations amended

This Part amends the *Civil Judgments Enforcement Regulations 2005*.

12. Schedule 1 amended

Amend Schedule 1 item 1 as set out in the Table.

Table

Delete	Insert
88.50	98.50
133.00	148.00
143.50	159.50
216.00	240.00

13. Schedule 2 amended

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

Table

Item	Delete	Insert
Sch. 2 it. 1(a)	44.90	49.90
Sch. 2 it. 1(b)	63.50	70.50
Sch. 2 it. 1(c)	31.00	34.40
Sch. 2 it. 2	144.00	160.00

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 3** Civil Judgments Enforcement Regulations 2005.**r. 13**

Item	Delete	Insert
Sch. 2 it. 3	115.00	128.00
Sch. 2 it. 4	61.00	68.00
Sch. 2 it. 5	6.65	7.40
Sch. 2 it. 6(a)	1.60	1.80
Sch. 2 it. 6(b)	1.80	2.00
Sch. 2 it. 7	606.00	673.00
Sch. 2 it. 8	96.50	107.00
Sch. 2 it. 10 Note 1	\$316	\$351
Sch. 2 it. 11(a)	115.00	128.00
Sch. 2 it. 11(b)	115.00	128.00
Sch. 2 it. 11(c)	30.50	33.90
Sch. 2 it. 12	30.50	33.90
Sch. 2 it. 18	14.50	16.10
Sch. 2 it. 19(a)	1.50	1.65
Sch. 2 it. 19(b)	17.65	19.50

Attorney General Regulations Amendment (Fees) Regulations 2016
Civil Judgments Enforcement Regulations 2005. **Part 3**

r. 14

14. Schedule 3 amended

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

Table

Item	Delete	Insert
Sch. 3 it. 1	102.00	113.50
Sch. 3 it. 2	40.70	45.20
Sch. 3 it. 3	96.50	107.00
Sch. 3 it. 4	239.00	266.00
Sch. 3 it. 5	291.00	323.00
Sch. 3 it. 6	96.50	107.00
Sch. 3 it. 7	61.50	68.50
Sch. 3 it. 8	61.50	68.50
Sch. 3 it. 9	206.00	229.00
Sch. 3 it. 10	96.50	107.00
Sch. 3 it. 12(b)	61.00	68.00

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 4** Coroners Regulations 1997 amended**r. 15**

Part 4 — Coroners Regulations 1997 amended**15. Regulations amended**

This Part amends the *Coroners Regulations 1997*.

16. Regulation 3A amended

In regulation 3A insert in alphabetical order:

eligible individual means an individual referred to in regulation 23B(2);

eligible individual fee, in relation to a matter specified in an item in Schedule 3, means the fee, if any, shown in column B for that item;

17. Regulations 22 and 23 replaced

Delete regulations 22 and 23 and insert:

22. Other fees

- (1) The fees set out in Schedule 3 are payable in respect of the matters specified in that Schedule.
- (2) In relation to a matter specified in an item in Schedule 3 —
 - (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.

Attorney General Regulations Amendment (Fees) Regulations 2016
Coroners Regulations 1997 amended **Part 4**

r. 17

23A. Fee exemptions

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.

23B. Who is an eligible individual

- (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

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 4** Coroners Regulations 1997 amended**r. 17**

- (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 a coroner or a coroner's registrar has directed is an eligible individual under regulation 23D(1)(b).

23C. Application to be recognised as eligible individual

- (1) A person may apply for a direction under regulation 23D(1) that the person is an eligible individual in respect of a matter specified in Schedule 3.
- (2) An application is to be in the approved form and is to specify the matter in respect of which the individual is seeking to pay the eligible individual fee.
- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

23D. Recognition as eligible individual

- (1) A coroner or a coroner's registrar may, on an application under regulation 23C(1) —
 - (a) direct that a person is an eligible individual described in regulation 23B(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

Attorney General Regulations Amendment (Fees) Regulations 2016
Coroners Regulations 1997 amended **Part 4**

r. 17

- (b) direct that a person is an eligible individual described in regulation 23B(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) A coroner or a coroner's registrar may, before an application is determined, direct the applicant to provide to the coroner or the registrar further information relating to the application.
- (3) 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.

23E. False or misleading statements

- (1) A person who makes a statement or representation in an application made under these regulations, or provides further information in relation to an 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) A coroner or a coroner's registrar may revoke a direction made under regulation 23D(1) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 4** Coroners Regulations 1997 amended**r. 17**

- (3) If a direction is revoked under subregulation (2), the coroner or coroner's registrar may —
 - (a) order that the person in respect of whom the direction was made pay the difference between the fee the person paid and the fee that would otherwise have been payable by the person; and
 - (b) make an order to enforce the order for the payment.
- (4) An order under subregulation (3)(b) may include orders relating to the future conduct of the matter to which the fees relate or the effect of anything that has been done in respect of the matter until the sum ordered to be paid has been paid.

23. Refunds

- (1) A coroner or a coroner's 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) A coroner's registrar may direct the refund to a person of the amount of a fee, or part of a fee, paid by the person if the amount was paid in error.

23A. Waiving fee for copy of document or transcript

The Court or a registrar may waive a fee referred to in Schedule 3 item 1 or 4 if the Court or registrar is satisfied that the waiving of the fee would assist in the efficient operation of the Court.

Attorney General Regulations Amendment (Fees) Regulations 2016
Coroners Regulations 1997 amended **Part 4**

r. 18

18. Schedule 3 replaced

Delete Schedule 3 and insert:

Schedule 3 — Other fees

[r. 22]

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible individual \$
1.	Copy of document or exhibit, for each page or part of a page	1.65	0.50
2.	Copy of record of investigation into a death —		
	(a) for one copy on the request of a person who is an interested person under regulation 17(a) or (b)	Nil	Nil
	(b) for each additional copy on the request of a person who is an interested person under regulation 17(a) or (b), for each page or part of a page	1.40	0.45
	(c) for each copy on the request of any other person, for each page or part of a page	1.40	0.45
3.	Certifying under seal that a document is a true copy	19.60	5.90

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 4** Coroners Regulations 1997 amended**r. 18**

Item	Matter	Column A Fee for individual \$	Column B Fee for eligible individual \$
4.	Copy of transcript or notes of evidence, for each page or part of a page —		
	(a) provided within one day after the day on which the fee is paid; or	18.75 plus 7.70 per page	5.60 plus 2.30 per page
	(b) provided within 4 days after the day on which the fee is paid; or	18.75 plus 6.70 per page	5.60 plus 2.00 per page
	(c) provided within 7 days after the day on which the fee is paid	18.75 plus 6.45 per page	5.60 plus 1.95 per page
5.	Copy of transcript or notes of evidence in electronic format if a fee has been paid under item 4 by the applicant for a copy of the transcript or notes of evidence, for each day of transcript or notes of evidence	19.60	5.90
6.	Copy of transcript or notes of evidence not in electronic format if a fee has been paid under item 4 by the applicant for a copy of the transcript or notes of evidence, for each page or part of a page	1.90	0.55

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**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;

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(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).

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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

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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

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- (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

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- (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.

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- (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

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- (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).

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- (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.

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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).

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27. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Registry fees

[r. 4]

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

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible 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	302.00	520.00	90.50
	(d) an application for leave to appeal	0.00	0.00	0.00
	(e) any other application for which no fee has been provided in this Schedule	302.00	520.00	90.50
5.	On filing —			
	(a) an appeal notice	454.00	1 175.00	100.00
	(b) for each additional half day allocated for the hearing of the appeal	352.00	917.00	100.00

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$

Note 1:

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.

Note 2:

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.

Note 3:

Under the *District Court Rules 2005* 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.

6.	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	802.00	1 565.00	100.00
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Note:

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

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

See regulation 10.

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$

Note 2:

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

8.	Daily hearing fee before a court constituted by a judge	704.00	1 833.00	100.00
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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.

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.

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
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.			
10.	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.			

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$

Note:

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

11.	On an appointment to tax a bill of costs in a cause or matter or under the <i>Commercial Arbitration Act 2012</i> —			
(a)	lodgment fee	201.00	392.00	60.50
(b)	in addition to the lodgment fee, a taxing fee at the rate of	2.5%	2.5%	0.0%

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 11(b) of the amount found to be due on taxation.

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	Note 3:			
	If the parties agree on the bill of costs in a cause or matter or under 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%.			
12.	For searching any record or proceeding	40.70	40.70	12.20
	Note:			
	No fee is payable under item 12 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.			
13.	For provision of searchable information to approved recipients under regulation 11A —			
	(a) fee per action or matter provided to recipient	1.80	1.80	0.55
	(b) annual fee for information provided by email to approved recipient	1 845.00	1 845.00	100.00

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	Note:			
	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.			
14.	(a) On an application for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire	60.00	60.00	18.00
	(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	27.30
15.	(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	1.65	1.65	0.50

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible 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	14.15	14.15	4.20
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.80	1.80	0.55
(c)	for certifying under seal that a document is a true copy, an additional fee of	19.60	19.60	5.90
(d)	for a certificate under the hand of a registrar	38.50	38.50	11.60

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
16.	(a) For a copy of a transcript, or part of a transcript —			
	(i) provided within one day after the day on which the fee is paid	18.75 plus 7.70 per page	18.75 plus 15.45 per page	5.60 plus 2.30 per page
	(ii) provided within 4 days after the day on which the fee is paid	18.75 plus 6.70 per page	18.75 plus 13.45 per page	5.60 plus 2.00 per page
	(iii) provided within 7 days after the day on which the fee is paid	18.75 plus 6.45 per page	18.75 plus 12.85 per page	5.60 plus 1.95 per page
	(b) for an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —			
	(i) in electronic format	19.60 per copy	19.60 per copy	5.90 per copy

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(ii) paper copy	1.90 per page	1.90 per page	0.55 per page

28. Schedule 2 amended

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

Table

Item	Delete	Insert
Sch. 2 it. 1(a)	115.00	128.00
Sch. 2 it. 1(b)	115.00	128.00
Sch. 2 it. 1(c)	30.50	33.90
Sch. 2 it. 2	63.30	70.50
Sch. 2 it. 3(a)	1.60	1.80
Sch. 2 it. 3(b)	1.80	2.00
Sch. 2 it. 4	61.00	68.00
Sch. 2 it. 5	195.00	217.00

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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:

<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>
¹ <i>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;</i>
<i>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.</i>
² <i>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.</i>

- (3) Delete Schedule 3 Form 2 and insert:

Form 2	
Application to reduce fee	
In the District Court of Western Australia	No. of 2

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

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<i>Applicant's Signature</i>		Dated:	
<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			
FINANCIAL DETAILS: APPLICANT WHO IS AN INDIVIDUAL			
<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>			
Occupation:			
Employer:			
Employer's Address:			
Marital Status:	<input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> partner <input type="checkbox"/> de facto <input type="checkbox"/> separated		
Dependants:	<input type="checkbox"/> dependant wife/husband/partner/de facto _____ (number of) dependant children		
INCOME AND FINANCIAL ASSETS DETAILS			
Income / financial assets (net)	Self	Partner	Total
Wage / salary / benefit	\$	\$	\$
Money in financial institution	\$	\$	\$
Cash	\$	\$	\$
Income from investments	\$	\$	\$

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

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

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Time to Pay Order:		\$
TOTAL LIABILITIES		\$
FINANCIAL DETAIL: APPLICANT WHO IS NOT AN INDIVIDUAL		
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.		
Income		\$
Assets		\$
Liabilities		\$
TOTAL		\$

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

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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

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 Fines, Penalties and Infringement Notices Enforcement **Part 7**
 Regulations 1994 amended

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Part 7 — Fines, Penalties and Infringement Notices
Enforcement Regulations 1994 amended

32. Regulations amended

This Part amends the *Fines, Penalties and Infringement Notices Enforcement Regulations 1994*.

33. Schedule 2 amended

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

Table

Provision	Delete	Insert
Sch. 2 Div. 1 it. 1	\$16.40	\$18.20
Sch. 2 Div. 1 it. 2	\$13.95	\$15.50
Sch. 2 Div. 1 it. 3	\$52.00	\$58.00
Sch. 2 Div. 1 it. 4	\$34.60	\$38.40
Sch. 2 Div. 1 it. 5	\$163.00	\$181.00
Sch. 2 Div. 2 it. 1	\$34.60	\$38.40
Sch. 2 Div. 2 it. 2	\$163.00	\$181.00
Sch. 2 Div. 3 it. 1	\$72.00	\$80.00
Sch. 2 Div. 3 it. 3	\$48.60	\$54.00
Sch. 2 Div. 3 it. 4	\$52.00	\$58.00
Sch. 2 Div. 3 it. 5	\$34.60	\$38.40
Sch. 2 Div. 3 it. 8	\$171.50	\$190.50

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Part 7 Fines, Penalties and Infringement Notices Enforcement
Regulations 1994 amended

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Provision	Delete	Insert
Sch. 2 Div. 3 it. 10	\$77.50	\$86.00
Sch. 2 Div. 3 it. 11	\$171.50	\$190.50
Sch. 2 Div. 3 it. 12	\$24.60	\$27.30

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Magistrates Court (Fees) Regulations 2005 amended **Part 8**

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Part 8 — Magistrates Court (Fees)
Regulations 2005 amended

34. Regulations amended

This Part amends the *Magistrates Court (Fees) Regulations 2005*.

35. Regulation 3 amended

- (1) In regulation 3 insert in alphabetical order:

eligible entity means an entity referred to in regulation 8(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 8(2);

eligible individual fee, in relation to a matter specified in an item in Schedule 1 means the fee 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* delete paragraphs (b) and (c) 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;

(c) a co-operative as defined in the *Co-operatives Act 2009* that has less than 20 full-time

Attorney General Regulations Amendment (Fees) Regulations 2016
Part 8 Magistrates Court (Fees) Regulations 2005 amended

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equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees;

36. Regulation 4 amended

- (1) Delete regulation 4(2) and insert:
 - (2) In relation to a matter specified in an item in Schedule 1 Division 1 or Division 3 —
 - (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).

Note: The heading to amended regulation 4 is to read:

General fees

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37. Regulation 5A inserted

After regulation 4 insert:

5A. 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 2 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 fee that would otherwise be 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 matter to which the fees relate or the effect of anything that has been done

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in respect of the matter until the sum ordered to be paid has been paid.

38. Regulation 5 amended

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

(1) A fee

(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.

Note: The heading to amended regulation 5 is to read:

Exemptions

39. Regulations 8 and 9 replaced

Delete regulations 8 and 9 and insert:

8. Who is an eligible individual or eligible entity

(1) In this regulation —

Centrelink means the Commonwealth agency known as Centrelink.

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- (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 9B(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

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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 9B(2)(b).

9A. Application to be recognised as eligible individual or eligible entity

- (1) A person may apply for —
 - (a) a direction under regulation 9B(1) that the person is an eligible individual in respect of a matter specified in Schedule 1; or
 - (b) a direction under regulation 9B(2) that the person is an eligible entity in respect of a matter specified in Schedule 1.
- (2) An application is to be in a form approved by the Chief Magistrate and is to specify —
 - (a) for an individual — the matter in respect of which the individual is seeking to pay the eligible individual fee; or
 - (b) for an entity — 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).

9B. Recognition as eligible individual or eligible entity

- (1) The Court or a registrar may, on an application under regulation 9A(1)(a) —
 - (a) direct that a person is an eligible individual described in regulation 8(2)(a) to (e) in respect

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- 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 8(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 9A(1)(b) —
- (a) direct that a person is an eligible entity described in regulation 8(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 8(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) The Court or a registrar may, before an application is determined, direct the applicant to provide to the magistrate, 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.

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9C. 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 5A(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 9B(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.

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9D. Refunds

- (1) A judicial officer or 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) A 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.

40. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 4]

Division 1 — General

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
1.	(a) for every order or conviction drawn up in the Court's criminal jurisdiction	16.10	16.10	4.85
	(b) for issue of a duplicate document or order	16.10	16.10	4.85

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
2.	For the service of any application, summons, originating process, notice or order of the Court or any other process requiring service	70.50	70.50	70.50
	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 summons, order of the Court, other process or document, or on making an arrest or for all attempts, attendances and inspections, from the enforcement officer's office or nearest Police Station —			
	(a) for each kilometre travelled (one way) in the metropolitan area	1.80	1.80	1.80

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) for each kilometre travelled (one way) outside the metropolitan area	2.00	2.00	2.00
	Note If more than one process or document is executed or served by an enforcement officer at the same time on the same person or on different persons at the same address, only one allowance for kilometres is chargeable.			
4.	(a) for searching any record or proceeding other than a search by or on behalf of a party to the proceedings in the Court's civil jurisdiction	40.70	40.70	12.20
	(b) for listening to or viewing any electronic recording that requires supervision by an officer of the Court, a search fee of	40.70	40.70	12.20
	And in addition to the search fee, for each hour of the officer's time	101.00	101.00	30.30

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$

Note

Item 4(a) does not apply in relation to information provided under the *Magistrates Court (General) Rules 2005* rule 41A.

5.	For provision of information under the <i>Magistrates Court (General) Rules 2005</i> rule 41A —			
(a)	fee per case specified in the information	1.80	1.80	0.55
(b)	annual fee for information provided by email to approved recipient	58 554.00	58 554.00	58 554.00

Note

The fee under item 5(b) is payable on the date on which the recipient is approved by the Attorney General and on each anniversary of that date.

6.	(a) on an application or summons for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire	60.00	60.00	18.00
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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) if an officer is required to attend at any court or place out of the Court building where the officer is based, 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	27.30
7.	(a) for copies of documents or exhibits for each page or part of a page	1.65	1.65	0.50
	(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			

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	and for each copy in excess of one copy issued to a party to the proceedings	14.15	14.15	4.20
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.80	1.80	0.55
	(c) for certifying that a document is a true copy, an additional fee of	19.60	19.60	5.90
<p>Note Fee under item 7(a) for a copy of an application is not payable where circumstances under regulation 6(4) exist.</p>				
8.	(a) for a copy of a transcript, or part of a transcript —			
	(i) provided within one day after the day on which the fee is paid	18.75 plus 7.70 per page	18.75 plus 15.45 per page	5.60 plus 2.30 per page

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(ii) provided within 4 days after the day on which the fee is paid	18.75 plus 6.70 per page	18.75 plus 13.45 per page	5.60 plus 2.00 per page
	(iii) provided within 7 days after the day on which the fee is paid	18.75 plus 6.45 per page	18.75 plus 12.85 per page	5.60 plus 1.95 per page
	(b) for an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —			
	(i) in electronic format	19.60 per copy	19.60 per copy	5.90 per copy
	(ii) paper copy	1.90 per page	1.90 per page	0.55 per page

Note

Fees under this item are payable in the case of an indictable offence dealt with summarily.

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Division 2 — Civil jurisdiction

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
1.	On filing any claim or any originating process to commence proceedings in the Court —			
	(a) for a claim not exceeding \$10 000	118.00	229.00	35.30
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	410.00	584.00	90.00
	(c) for a claim exceeding \$50 000	477.00	927.00	100.00

Note

Not payable in respect of applications made under item 10 or 11.

2.	On filing a counterclaim, a set-off, a third party claim or any other application for which no fee has been provided in this Division —			
	(a) for a claim not exceeding \$10 000	76.00	149.00	22.80

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Magistrates Court (Fees) Regulations 2005 amended **Part 8**

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	139.50	231.00	41.80
	(c) for a claim exceeding \$50 000	222.00	371.00	66.50
3.	On commencing an appeal —			
	(a) for a claim not exceeding \$10 000	39.20	101.00	11.80
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	59.00	154.00	17.65
	(c) for a claim exceeding \$50 000	79.00	206.00	23.70
4.	Application for hearing —			
	(a) for a claim not exceeding \$10 000	186.00	361.00	55.50
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	339.00	653.00	100.00
	(c) for a claim exceeding \$50 000	376.00	729.00	100.00

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	Note 1			
	No fee is payable for applications for hearing of matters dealt with under the minor cases procedure, residential tenancies proceedings, applications under item 10 or 11 or for relisting a hearing, or if the proceedings are of an interlocutory nature only.			
	Note 2			
	No fee is payable in respect of listing an appeal for hearing.			
	Note 3			
	No fee is payable by the defendant for applications for hearing of a set-off or counterclaim providing this fee has been paid previously by the applicant.			
	Note 4			
	Includes pre-trial conference, mediation conference, directions hearing and listing conference.			
5.	For allocation of a date or dates of hearing of an application, appeal or proceedings, for each half day allocated —			
	(a) for a claim not exceeding \$10 000	107.00	280.00	32.10
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	188.50	489.00	56.50
	(c) for a claim exceeding \$50 000	269.00	697.00	80.50

Note 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	<p>Note 2 No fee is payable if the proceedings are of an interlocutory nature only.</p> <p>Note 3 The fee to be charged is to be determined on the basis that the days allocated for a hearing are the number of days determined by the Court at a listing conference.</p> <p>Note 4 The fee is to be refunded or transferred to a new allocated date or dates if the Court or registrar is satisfied that an adjournment was due to circumstances beyond the control of the parties. Otherwise the fee is non-refundable in respect of any allocated dates that are not required.</p> <p>Note 5 If written advice of settlement or written notice of intended adjournment is received by the Court not later than 35 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 75% of the fee is refundable. If written advice of settlement or written notice of intended adjournment is received by the Court no later than 21 days before the date allocated for the commencement of the hearing of the proceedings, an amount equal to 50% of the fee is refundable.</p>			
6.	Half daily hearing fee before the Court constituted by a magistrate —			
	(a) for a claim not exceeding \$10 000	107.00	280.00	32.10
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	188.50	489.00	56.50
	(c) for a claim exceeding \$50 000	269.00	697.00	80.50

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	Note 1 This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings, applications under item 10 or 11 or 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 or half days greater than the number of hearing days for which a fee has been paid under item 5.			
	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.			
	Note 4 The daily fee becomes payable on a day-to-day basis and is payable prior to the daily reconvening of the hearing.			
7.	On filing of an interlocutory application or application for assessment of damages or summary judgment that requires hearing before a magistrate or registrar —			
	(a) for a claim not exceeding \$10 000	98.50	190.50	29.40
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	118.50	229.00	35.40
	(c) for a claim exceeding \$50 000	159.50	312.00	47.80

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	Note 1 This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.			
	Note 2 This fee is inclusive of the hearing of the application and includes any adjournment of the hearing.			
	Note 3 This fee is not payable for matters dealt with in the absence of a party.			
8.	On an appointment to assess a bill of costs —			
	(a) for a claim not exceeding \$10 000	98.50 plus 2.5%	190.50 plus 2.5%	29.40 plus 0.0%
	(b) for a claim exceeding \$10 000 but not exceeding \$50 000	118.50 plus 2.5%	229.00 plus 2.5%	35.40 plus 0.0%
	(c) for a claim exceeding \$50 000	159.50 plus 2.5%	312.00 plus 2.5%	47.80 plus 0.0%

Note 1

This fee is not payable for matters dealt with under the minor cases procedure, residential tenancies proceedings or applications under item 10 or 11.

Note 2

The % rate is to be applied to the amount at which the bill is drawn.

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
Note 3				
If the parties agree on the bill of costs 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%.			
9.	On the execution of an arrest warrant of any kind —			
	(a) for arresting the person	128.00	128.00	128.00
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	128.00	128.00	128.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer is required to keep the person in custody until he or she is conveyed to a court or a custodial place	33.90	33.90	33.90

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
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.			
10.	For an application for an extraordinary drivers licence under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> section 27	193.00	N/A	58.00
11.	On filing —			
	(a) an application for a misconduct restraining order under the <i>Restraining Orders Act 1997</i>	117.00	117.00	35.10
	(b) an application under the <i>Disposal of Uncollected Goods Act 1970</i>	117.00	117.00	35.10

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Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
(c)	an application under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i> section 101, 101AA or 101A	117.00	117.00	35.10
(d)	an application under the <i>Dividing Fences Act 1961</i>	117.00	117.00	35.10
(e)	an application under the <i>Pawnbrokers and Second-hand Dealers Act 1994</i>	117.00	117.00	35.10

Division 3 — Criminal jurisdiction

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
1.	On filing —			
	(a) a prosecution notice	98.50	98.50	29.40

Attorney General Regulations Amendment (Fees) Regulations 2016
Magistrates Court (Fees) Regulations 2005 amended **Part 8**

r. 41

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity	Fee for entity	Fee for eligible individual
		\$	\$	\$
	(b) an application under the <i>Criminal Procedure Act 2004</i> section 71	98.50	98.50	29.40
2.	For the issue of a summons or court hearing notice to an accused	18.80	18.80	18.80
3.	For a warrant of any kind —			
	(a) issue of it	98.50	98.50	29.40
	(b) execution of it	128.00	128.00	128.00

41. Schedule 2 amended

- (1) Delete the reference after the heading to Schedule 2 and insert:

[r. 5A(1) and 13(2)]

Attorney General Regulations Amendment (Fees) Regulations 2016
Part 8 Magistrates Court (Fees) Regulations 2005 amended

r. 41

(2) In Schedule 2 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 Magistrates Court (Fees) Regulations 2005 regulation 9C(1).

¹ Under the Magistrates Court (Fees) Regulations 2005 regulation 3 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 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 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;

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 Magistrates Court (Fees) Regulations 2005 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.

Attorney General Regulations Amendment (Fees) Regulations 2016
State Administrative Tribunal Regulations 2004 amended **Part 9**

r. 42

**Part 9 — State Administrative
Tribunal Regulations 2004 amended**

42. Regulations amended

This Part amends the *State Administrative Tribunal Regulations 2004*.

43. Regulation 3 amended

In regulation 3 insert in alphabetical order:

eligible entity means an entity referred to in regulation 9A(3);

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

eligible individual means an individual referred to in regulation 9A(2);

eligible individual fee, in relation to a matter specified in a fee item, means the fee shown in column C of that item;

entity does not include an individual;

fee item means an item in —

- (a) a Table to a provision in Part 3; or
- (b) Schedule 20;

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;

person means an individual or an entity;

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 9** State Administrative Tribunal Regulations 2004 amended**r. 44**

44. Regulation 8 amended

- (1) In regulation 8(3) delete “paid or payment is waived or postponed under subregulation (4).” and insert:

paid.
- (2) Delete regulation 8(4) and insert:
 - (4) In relation to a matter specified a fee item —
 - (a) the fee payable by an individual who is not an eligible individual is the fee shown in column A of 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 of that item; or
 - (d) the fee payable by an eligible entity is the eligible entity fee for that item.
 - (5) 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.

Attorney General Regulations Amendment (Fees) Regulations 2016
State Administrative Tribunal Regulations 2004 amended **Part 9**

r. 45

45. Regulations 9A to 9F inserted

After regulation 8 insert:

9A. 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

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 9** State Administrative Tribunal Regulations 2004 amended**r. 45**

respect of the proceedings in relation to which a fee would otherwise be payable; or

- (f) an individual who the executive officer has directed is an eligible individual under regulation 9C(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 executive officer has directed is an eligible entity under regulation 9C(2)(b).

9B. Application to be recognised as eligible individual or eligible entity

- (1) A person may apply for —

- (a) a direction under regulation 9C(1) that the person is an eligible individual in respect of a matter specified in a fee item; or
- (b) a direction under regulation 9C(2) that the person is an eligible entity in respect of a matter specified in fee item.

- (2) An application is to be in the approved form and is to specify —

- (a) for an individual — the item in respect of which the individual is seeking to pay the eligible individual fee; or
- (b) for an entity — the item in respect of which the entity is seeking to pay the eligible entity fee.

Attorney General Regulations Amendment (Fees) Regulations 2016
State Administrative Tribunal Regulations 2004 amended **Part 9**

r. 45

- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

9C. Recognition as eligible individual or eligible entity

- (1) The executive officer may, on an application under regulation 9B(1)(a) —
- (a) direct that a person is an eligible individual described in regulation 9A(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 9A(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 executive officer may, on an application under regulation 9B(1)(b) —
- (a) direct that a person is an eligible entity described in regulation 9A(3)(a) in respect of the matter if satisfied that the person satisfies the requirements set out in that paragraph; or
 - (b) direct that a person is an eligible entity described in regulation 9A(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.

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 9** State Administrative Tribunal Regulations 2004 amended**r. 45**

- (3) The executive officer may, before an application is determined, direct the applicant to provide to the executive officer 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.

9D. False or misleading statements

- (1) A person who makes a statement or representation in an application made under regulation 9B(1), or provides further information in relation to an 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 executive officer may revoke a direction made under regulation 9C(1) or (2) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).
- (3) If a direction is revoked under subregulation (2), the executive officer may direct that the person in respect of whom the direction was made pay the difference between the fee the person paid and the fee that would otherwise have been payable by the person.

9E. Refunds

- (1) The executive officer may refund to a person the difference between the amount of a fee paid by a person in respect of the proceeding and the amount of

Attorney General Regulations Amendment (Fees) Regulations 2016
 State Administrative Tribunal Regulations 2004 amended **Part 9**

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the fee that the person was entitled to be charged under these regulations in respect of the proceedings.

- (2) The executive officer 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.

9F. Waiving fee for copy of document or transcript

The executive officer may waive a fee referred to in Schedule 20 item 2 or 5 if the executive officer is satisfied that the waiving of the fee would assist in the efficient operation of the Tribunal.

46. Regulation 9 amended

- (1) In regulation 9(1) delete the Table and insert:

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	1 522.00	1 522.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	1 522.00	1 522.00	100.00

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 9**

State Administrative Tribunal Regulations 2004 amended

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	Application for assessment of costs	284.00 plus assessment fee of 2.5% of the costs claimed in the application	424.00 plus assessment fee of 2.5% of the costs claimed in the application	85.50

(2) In regulation 9(2) delete the Table and insert:

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	556.00	1 014.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	508.00	658.00	100.00

Attorney General Regulations Amendment (Fees) Regulations 2016
 State Administrative Tribunal Regulations 2004 amended **Part 9**

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	Application for assessment of costs	201.00 plus assessment fee of 2.5% of the costs claimed in the application	302.00 plus assessment fee of 2.5% of the costs claimed in the application	60.00

(3) In regulation 9(4) delete the Table and insert:

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	101.50	101.50	30.40
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	202.00	202.00	60.50

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	Application for assessment of costs	98.50 plus assessment fee of 2.5% of the costs claimed in the application	146.50 plus assessment fee of 2.5% of the costs claimed in the application	29.50

47. Regulation 10 amended

- (1) In regulation 10(2) delete the Table and insert

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	556.00	556.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	508.00	508.00	100.00

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 State Administrative Tribunal Regulations 2004 amended **Part 9**

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	Application for assessment of costs	201.00 plus assessment fee of 2.5% of the costs claimed in the application	201.00 plus assessment fee of 2.5% of the costs claimed in the application	60.00

(2) In regulation 10(3) delete the Table and insert

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	1 014.00	1 014.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	658.00	658.00	100.00

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	Application for assessment of costs	302.00 plus assessment fee of 2.5% of the costs claimed in the application	302.00 plus assessment fee of 2.5% of the costs claimed in the application	90.50

48. Regulation 11B amended

In regulation 11B delete the Table and insert

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application	457.00	457.00	100.00
2.	Hearing fee (for each day or part of a day allocated, other than the first day)	457.00	457.00	100.00

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 State Administrative Tribunal Regulations 2004 amended **Part 9**

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
3.	Application for assessment of costs	158.00 plus assessment fee of 2.5% of the costs claimed in the application	240.00 plus assessment fee of 2.5% of the costs claimed in the application	47.50

49. Regulation 11 amended

In regulation 11(2) delete “item 5, 6 or 7 (as the case requires),” and insert:

item 5,

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 9**

State Administrative Tribunal Regulations 2004 amended

r. 50**50. Schedule 20 replaced**

Delete Schedule 20 and insert:

Schedule 20 — Other fees

[r. 27]

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	Application under section 22(1) of the Act	93.00	186.00	27.80
2.	For a copy of a document, for each page or part of a page	1.35	1.35	0.40
3.	For a copy of reasons for decision, for each page or part of a page —			
	(a) for one copy on the request of a party to the application	0.00	0.00	0.00
	(b) for each additional copy on the request of a party to the application ...	1.40	1.40	0.40
	(c) for each copy on the request of a person who is not a party to the application	1.40	1.40	0.40

Attorney General Regulations Amendment (Fees) Regulations 2016
 State Administrative Tribunal Regulations 2004 amended **Part 9**

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
4.	For certifying under a seal that a document is a true copy, an additional fee of	18.05	18.05	5.40
5.	(a) For a copy of a transcript, or part of a transcript — (i) provided to a party within one day after the day on which the fee is paid (ii) provided to a party within 4 days after the day on which the fee is paid	18.75 plus 7.70 per page	18.75 plus 15.45 per page	5.60 plus 2.30 per page
		18.75 plus 6.70 per page	18.75 plus 13.45 per page	5.60 plus 2.00 per page

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 9**

State Administrative Tribunal Regulations 2004 amended

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	<p>(iii) provided to a party within 7 days after the day on which the fee is paid</p> <p>(b) For an additional copy of the transcript, or part of the transcript, provided to a party under paragraph (a) —</p> <p>(i) in electronic format</p> <p>(ii) paper copy</p>	<p>18.75 plus 6.45 per page</p> <p>19.60 per copy</p> <p>1.90 per page</p>	<p>18.75 plus 12.85 per page</p> <p>1 9.60 per copy</p> <p>1.90 per page</p>	<p>5.60 plus 1.95 per page</p> <p>5.90 per copy</p> <p>0.55 per page</p>
6.	For searching the register of proceedings other than a search made by or on behalf of a party to the application of that part of the register applicable to the application.....	20.30	20.30	6.10

Attorney General Regulations Amendment (Fees) Regulations 2016
 State Administrative Tribunal Regulations 2004 amended **Part 9**

r. 50

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
7.	For searching any proceeding or record other than a search made by or on behalf of a party to the application.....	45.30	45.30	13.55
8.	For sealing a summons to a witness.....	37.30	37.30	11.20

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 10** Supreme Court (Fees) Regulations 2002 amended**r. 51**

**Part 10 — Supreme Court (Fees)
Regulations 2002 amended****51. Regulations amended**

This Part amends the *Supreme Court (Fees) Regulations 2002*.

52. 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; or

Attorney General Regulations Amendment (Fees) Regulations 2016
Supreme Court (Fees) Regulations 2002 amended **Part 10**

r. 53

(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; or

53. 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(7) to (13).

Note: The heading to amended regulation 4 is to read:

General fees

Attorney General Regulations Amendment (Fees) Regulations 2016
Part 10 Supreme Court (Fees) Regulations 2002 amended

r. 54

54. 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 4 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 be 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 matter to which the fees relate or the effect of anything that has been done

Attorney General Regulations Amendment (Fees) Regulations 2016
Supreme Court (Fees) Regulations 2002 amended **Part 10**

r. 55

in respect of the matter until the sum ordered to be paid
has been paid.

55. Regulation 5 amended

(1) At the beginning of regulation 5 insert:

(1) In this regulation —

bilateral convention means a convention —

- (a) entered into between Australia and another country; or
- (b) entered into between the United Kingdom and another country that is extended by way of notification to Australia;

evidence convention means the following conventions —

- (a) the Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters;
- (b) a bilateral convention that provides for evidence to be obtained in Australia on a request issued by a court or tribunal in a country that is a party to the convention.

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

(2) The

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 10** Supreme Court (Fees) Regulations 2002 amended**r. 56**

- (3) At the end of regulation 5 insert:
- (3) 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 matter is an application under the *Evidence Act 1906* section 116 in respect of a request issued by or on behalf of a court or tribunal exercising jurisdiction in a country that is a party to an evidence convention if the evidence convention provides that the request is to be executed without a fee being charged; or
 - (c) the person has not reached 18 years of age on the day the fee would otherwise be payable.

56. 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 or 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.

Attorney General Regulations Amendment (Fees) Regulations 2016
Supreme Court (Fees) Regulations 2002 amended **Part 10**

r. 57

57. 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

Attorney General Regulations Amendment (Fees) Regulations 2016
Part 10 Supreme Court (Fees) Regulations 2002 amended

r. 57

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 specified in Schedule 1; or
- (b) a direction under regulation 8A(2) that the person is an eligible entity in respect of a matter specified in Schedule 1.

- (2) An application is to be in the form of Schedule 4 Form 2 and is to specify —

- (a) for an individual — the matter in respect of which the individual is seeking to pay the eligible individual fee; or
- (b) for an entity — the matter in respect of which the entity is seeking to pay the eligible entity fee.

Attorney General Regulations Amendment (Fees) Regulations 2016
Supreme Court (Fees) Regulations 2002 amended **Part 10**

r. 57

- (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.

Attorney General Regulations Amendment (Fees) Regulations 2016**Part 10** Supreme Court (Fees) Regulations 2002 amended**r. 57**

- (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

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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 a provision listed in the Table if the Court or registrar is satisfied that the waiving of the fee would assist in the efficient operation of the Court.

Table

Item	Provision
1.	Schedule 1 Division 1 item 12(a)
2.	Schedule 1 Division 1 item 13

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Item	Provision
3.	Schedule 1 Division 2 item 9(a)
4.	Schedule 1 Division 2 item 10

58. Regulation 9 amended

- (1) In regulation 9(3) delete “The” and insert:

If a fee is payable for each day allocated, the

- (2) Delete regulation 9(5) and (6) and insert:

- (5) The following fees must be paid when the fee referred to in Schedule 1 Division 1 item 4 is paid —
- (a) for an eligible individual — the eligible individual fee;
 - (b) otherwise — a fee calculated on the basis of the number of days estimated for the hearing in the certificate of readiness.
- (6) The fee for any additional days allocated for a hearing at a directions hearing is to be paid immediately after the directions hearing.

59. Regulation 9A amended

- (1) In regulation 9A(1) in the definition of *fee* delete “item 5.” and insert:

item 6.

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- (2) In regulation 9A(3) delete “The” and insert:

If a fee is payable for each day allocated, the

- (3) Delete regulation 9A(5) and insert:

- (5) The following fees must be paid within 7 days of the *Supreme Court (Court of Appeal) Rules 2005* Form 15 being sent to the parties —

- (a) if the fee is an eligible individual fee — the eligible individual fee;
- (b) otherwise — a fee calculated on the basis of the number of days estimated under subregulation (3)(a).

- (6A) The fee for any additional days allocated for a hearing at a directions hearing is to be paid within 7 days of the directions hearing.

Note: The heading to amended regulation 9A is to read:

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

60. Regulation 10 amended

In regulation 10:

- (a) delete “Division 2 item 6” and insert:

Division 1 item 6

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- (b) delete “waived or reduced under regulation 7” and insert:

reduced under these regulations

Note: The heading to amended regulation 10 is to read:

Schedule 1 Division 1 item 6 or Division 2 item 7 fee

61. Schedule 1 replaced

Delete Schedule 1 and insert:

Schedule 1 — Fees

[r. 4 and 4A]

Division 1 — General Division fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	On filing —			
	(a) any originating process by which a cause, matter or other proceeding in the Court is commenced, other than proceedings of the kind referred to in item 2, 3 or 7	1 205.00	2 348.00	100.00
	(b) a notice of appeal (whether in draft form or not)	1 205.00	2 348.00	100.00

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
2.	On filing —			
	(a) a counterclaim	1 205.00	2 348.00	100.00
	(b) a third party notice or a notice under the Rules O. 19 r. 8	1 205.00	2 348.00	100.00
	(c) an application —			
	(i) to extend a period of time fixed by law, including an application to extend time before proceedings are commenced; or			
	(ii) to limit a period of time within which proceedings may be taken; or			
	(iii) for leave to serve a writ or notice of a writ out of jurisdiction; or			
	(iv) to swear to the death of a person; or			
	(v) for leave to appeal; or			

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
6.	Daily hearing fee before a Court constituted by a master or one or more judges NOTES: (1) No fee is payable if the proceedings are of an interlocutory nature. (2) The fee is to be paid in respect of any number of hearing days greater than the number of hearing days for which a fee has been paid under item 5. (3) The fee is payable for each additional day or part of a day that the hearing proceeds beyond the date or dates allocated referred to in item 5. (4) If the Court allocates a half-day or less for the continuation of the hearing, a fee equal to half the prescribed amount is payable for that period. (5) The daily fee becomes payable on a day-to-day basis and is payable before the daily reconvening of the hearing.	807.00	2 094.00	0.00

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
7.	(a) On filing an — (i) interlocutory application or summons returnable; or (ii) application for assessment of damages; or (iii) application for summary judgment, before a judge, master or registrar in chambers... (b) On an appointment before a judge, master or registrar — (i) on a reference for inquiry and report; or (ii) to pass accounts; or (iii) to settle the index of a transcript for use upon the hearing of an appeal; or (iv) on a reference to a registrar in admiralty proceedings	283.00	550.00	85.00
		283.00	550.00	85.00

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	<p>(c) On an appointment before a judge, master or registrar for mediation</p> <p>NOTES:</p> <p>(1) If the registrar is assisted by one or more assessors, the daily fee is payable for each assessor if the registrar considers that to be reasonable.</p> <p>(2) The fee payable to an assessor becomes payable on a day-to-day basis as the reference proceeds and is payable in the first instance by the claimant.</p> <p>(3) The fee includes the first day of the hearing of the application or summons and includes any adjournment of the hearing.</p> <p>(4) The fee is payable in respect of an application for liberty to apply to relist.</p>	283.00	550.00	0.00
8.	If the hearing of a matter to which item 7 applies is listed for more than one day and proceeds for more than the number of days listed, the fee prescribed in item 7 is payable for each additional day or part of a day of a hearing.			

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	NOTE: The daily fee becomes payable on a day-to-day basis and is payable before the daily reconvening of the hearing.			
9.	<p>On filing a bill of costs for taxation in a cause or matter or under the <i>Commercial Arbitration Act 2012</i>, or on filing an application for an assessment of a bill of costs under the <i>Legal Profession Act 2008</i> —</p> <p>(a) lodgment fee</p> <p>(b) on the setting of an appointment to tax a bill of costs, an additional fee at the rate of</p> <p>NOTES:</p> <p>(1) The % rate is to be applied to the amount at which the bill is drawn.</p> <p>(2) The taxing officer must allow against the person chargeable with the costs as taxed, taxing fees at the rate prescribed in item 9(b) of the amount found due on taxation.</p>	<p>391.00</p> <p>2.5%</p>	<p>759.00</p> <p>2.5%</p>	<p>100.00</p> <p>0.0%</p>

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	<p>(3) If the parties agree on the bill of costs in a cause or matter or under the <i>Legal Profession Act 2008</i>, the <i>Commercial Arbitration Act 1985</i> or the <i>Commercial Arbitration Act 2012</i> and the appointment is cancelled, the following percentage of the fee paid is to be refunded —</p> <p>(a) if the appointment is cancelled less than 3 days before the day of the appointment, nil;</p> <p>(b) if the appointment is cancelled 3 days or more and less than 10 days before the day of the appointment, 50%;</p> <p>(c) if the appointment is cancelled 10 or more days before the day of the appointment, 80%.</p>			
10.	<p>For searching any proceeding or record other than a search made by or on behalf of a party to the proceeding</p> <p>NOTE: But if the search is made by a recognised service approved by the Attorney General: \$1.80.</p>	40.70	40.70	12.20

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	copy issued to a party to the proceedings	14.15	14.15	4.20
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	1.80	1.80	0.55
	(c) For certifying under seal that a document is a true copy, an additional fee of	19.60	19.60	5.90
	(d) For a certificate under the hand of a registrar	38.50	38.50	11.60
	(e) For sealing a warrant of arrest release, commission for the appraisal or sale of property or for the appraisal or sale in admiralty proceedings	80.00	80.00	24.00
13.	(a) For a copy of a transcript, or part of a transcript — (i) provided within one day after the day on which the fee is paid	18.75 plus 7.70 per page	18.75 plus 15.45 per page	5.60 plus 2.30 per page

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	(ii) provided within 4 days after the day on which the fee is paid	18.75 plus 6.70 per page	18.75 plus 13.45 per page	5.60 plus 2.00 per page
	(iii) provided within 7 days after the day on which the fee is paid	18.75 plus 6.45 per page	18.75 plus 12.85 per page	5.60 plus 1.95 per page
	(b) For an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —			
	(i) in electronic format	19.60 per copy	19.60 per copy	5.90 per copy
	(ii) paper copy	1.90 per page	1.90 per page	0.55 per page
14.	On filing an application for admission as a practitioner	339.00	N/A	N/A

Division 2 — Court of Appeal fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	On filing an appeal notice	201.00	521.00	60.50

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
2.	On filing — (a) Appellant's case; or (b) Respondent's case	3 029.00	7 870.00	100.00
3.	On filing an application to transfer an appeal from the District Court to the Court of Appeal under the <i>Magistrates Court (Civil Proceedings) Act 2004</i> s. 41	402.00	787.00	100.00
4.	(a) On filing an application in an appeal for an interim order or to amend or cancel an interim order	283.00	550.00	85.00
	(b) On an appointment before a judge or registrar to settle the appeal book index	283.00	550.00	85.00
	(c) On an appointment before a registrar for mediation	283.00	550.00	0.00
	NOTES: (1) The fee includes the first day of the hearing of the matter and any adjournment of the matter.			

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	<p>(2) If the hearing of a matter is listed for more than one day and proceeds for more than the number of days listed, the fee prescribed by this item is payable for each additional day or part of a day of a hearing.</p> <p>(3) A fee payable in the circumstances referred to in Note 2 is payable on a day-to-day basis before the daily reconvening of the hearing.</p>			
5.	<p>Setting down fee</p> <p>NOTES:</p> <p>(1) This fee is payable when the appeal book is filed.</p> <p>(2) This fee includes the fee for the first day of hearing.</p>	1 010.00	1 964.00	100.00
6.	<p>Allocation of hearing date</p> <p>NOTE:</p> <p>This fee is payable on the number of days in excess of the first hearing day estimated for the hearing by the Court of Appeal Registrar.</p>	807.00 for each day estimated	2 094.00 for each day estimated	0.00

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Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
7.	Daily hearing fee NOTES: (1) This fee is not payable in relation to an application for, or to amend or cancel an interim order. (2) This fee is payable for each additional day or part day that a hearing proceeds beyond the number of days for which a fee has been paid. (3) If the Court allocates a half-day or less for the continuation of the hearing, a fee equal to half the prescribed amount is payable for that period. (4) The daily hearing fee is payable on a day-to-day basis and is payable before the daily reconvening of the hearing.	807.00	2 094.00	0.00
8.	For searching any proceeding or record other than a search made by or on behalf of a party to an appeal NOTE: But if the search is made by a recognised service approved by the Attorney General: \$1.80.	40.70	40.70	12.20

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62. Schedule 2 amended

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

Table

Item	Delete	Insert
Sch. 2 it. 1(a)	115.00	128.00
Sch. 2 it. 1(b)	115.00	128.00
Sch. 2 it. 1(c)	30.50	33.90
Sch. 2 it. 2	63.50	70.50
Sch. 2 it. 3(a)	1.60	1.80
Sch. 2 it. 3(b)	1.80	2.00
Sch. 2 it. 4	61.00	68.00
Sch. 2 it. 5(a)	195.50	217.00

63. Schedule 3 amended

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

Table

Item	Delete	Insert
Sch. 3 it. 1	304.00	338.00
Sch. 3 it. 2	72.00	80.00
Sch. 3 it. 3	72.00	80.00
Sch. 3 it. 4(a)	1.50	1.65

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Item	Delete	Insert
Sch. 3 it. 4(b)	17.65	19.60
Sch. 3 it. 5	91.00	101.00
Sch. 3 it. 6	36.60	40.70

64. Schedule 4 amended

- (1) Delete the reference after the heading to Schedule 4 and insert:

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

- (2) In Schedule 4 Form 1 delete the Note and insert:

<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 Supreme Court (Fees) Regulations 2002 regulation 8B(1).</i></p>
<p>¹ Under the Supreme Court (Fees) Regulations 2002 a small business is —</p> <p><i>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;</i></p> <p><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></p> <p><i>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</i></p> <p><i>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.</i></p>
<p>² Under the Supreme 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.</p>

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(3) Delete Schedule 4 Form 2 and insert:

Form 2			
APPLICATION TO REDUCE FEE			
In the Supreme Court of Western Australia		No. of 2	
Plaintiff/Appellant*: (*strike out word that is not applicable)			
Defendant/Respondent*: (*strike out word that is not applicable)			
Fee type for which request is made:			
<input type="checkbox"/> Application fee	<input type="checkbox"/> Hearing fee	<input type="checkbox"/> Transcription fee	<input type="checkbox"/> Other (please describe below)
Concession Card Holder: <input type="checkbox"/> Yes <input type="checkbox"/> No		Pension Concession Card No: _____	
		Health Care Card No: _____	
Grant of Legal Aid under a legal aid scheme or service <input type="checkbox"/> Yes <input type="checkbox"/> No			
Applicant Details:	Full Name: _____		
	Please indicate your party type: <input type="checkbox"/> Individual <input type="checkbox"/> Entity		
	Address: _____		
	Date of Birth: _____		
If you are applying for a fee reduction because of financial hardship or in the interests of justice, please give supporting reasons for your			

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request (attach a separate page if required). <u>If the reasons include financial hardship you must complete the information on the following pages.</u>			
I certify that the above information and disclosures in this form are true and correct.			
<i>Applicant's Signature</i>		Dated:	
* 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 Supreme Court (Fees) Regulations 2002 regulation 8B(1).			
COURT SEAL			
FINANCIAL DETAILS: APPLICANT WHO IS AN INDIVIDUAL			
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.			
Occupation:			
Employer:			
Employer's Address:			
Marital Status: <input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> partner <input type="checkbox"/> de facto <input type="checkbox"/> separated			
Dependants: <input type="checkbox"/> dependant wife/husband/partner/de facto _____ (number of) dependant children			
INCOME AND FINANCIAL ASSETS DETAILS			
Income / financial assets (net)	Self	Partner	Total
Wage / salary / benefit	\$ _____	\$ _____	\$ _____

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Money in financial institution	\$ _____	\$ _____	\$ _____
Cash	\$ _____	\$ _____	\$ _____
Income from investments	\$ _____	\$ _____	\$ _____
Other income	\$ _____	\$ _____	\$ _____
Money loaned and to be repaid	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____
EXPENDITURE DETAILS			
Expenditure	Self	Partner	Total
Rent / board	\$ _____	\$ _____	\$ _____
Mortgage payment	\$ _____	\$ _____	\$ _____
Maintenance for dependants	\$ _____	\$ _____	\$ _____
Food	\$ _____	\$ _____	\$ _____
Utilities (gas / electricity)	\$ _____	\$ _____	\$ _____
Telephone	\$ _____	\$ _____	\$ _____
Water	\$ _____	\$ _____	\$ _____
Rates and taxes	\$ _____	\$ _____	\$ _____
Court orders	\$ _____	\$ _____	\$ _____
Credit card/s	\$ _____	\$ _____	\$ _____
Other debts (provide details)	\$ _____	\$ _____	\$ _____
Total	\$ _____	\$ _____	\$ _____
TOTAL INCOME	\$ _____	TOTAL EXPENDITURE	\$ _____

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

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LIABILITIES		TOTAL
Mortgage to:		\$ _____
Other to:		\$ _____
Time to Pay Order:		\$ _____
TOTAL LIABILITIES		\$ _____
FINANCIAL DETAIL: APPLICANT WHO IS NOT AN INDIVIDUAL		
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.		
Income		\$ _____
Assets		\$ _____
Liabilities		\$ _____
TOTAL		\$ _____

R. KENNEDY, Clerk of the Executive Council.