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Western Australia

## **District Court (Fees) Regulations 2001**

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### CONTENTS

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1. Citation
2. Commencement
3. Interpretation
4. Fees and poundage to be charged
5. Exemptions
6. Fees to be paid before documents etc., filed
7. Court or Registrar may remit fees or poundage
8. Conventions

### **Schedule 1 — Fees**

#### **Division 1 — Appeals**



District Court of Western Australia Act 1969

## District Court (Fees) Regulations 2001

Made by the Governor in Executive Council.

### 1. Citation

These regulations may be cited as the *District Court (Fees) Regulations 2001*.

### 2. Commencement

These regulations come into operation on 28 July 2001.

### 3. Interpretation

In these regulations unless the contrary intention appears —  
“**Rules**” means the rules applicable to the District Court under section 87 of the Act.

### 4. Fees and poundage to be charged

- (1) Subject to the provisions of these regulations, the fees and poundage specified in Schedule 1 of the *Supreme Court (Fees) Regulations 2001* are to be charged in respect of the matters referred to in section 89A of the Act in relation to which they are applicable.
- (2) The fees to be taken for the filing of a document in an appeal to the District Court are to be charged in accordance with the scale of fees set out in Schedule 1.
- (3) A note to an item in Schedule 1 of the *Supreme Court (Fees) Regulations 2001* has effect according to its tenor as if it were a provision of these regulations.
- (4) Except as provided in Schedule 1 or Schedule 1 of the *Supreme Court (Fees) Regulations 2001*, a fee must not be charged in respect of any of the following —
  - (a) filing an affidavit;
  - (b) filing a pleading;
  - (c) search by a party;
  - (d) sealing a copy of a document;
  - (e) drawing up, settling or signing a judgment, order, or decree;
  - (f) amending a pleading;
  - (g) making a request under the Rules;

- (h) filing, depositing, giving, issuing, or serving any other document required or permitted by the Rules to be filed, deposited, given, issued, or served in connection with proceedings in the District Court.

**5. Exemptions**

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

**6. Fees to be paid before documents etc., filed**

Subject to the provisions of these regulations —

- (a) a pleading, application, or other document must not be filed, issued, or otherwise dealt with; and
- (b) no other matter or thing shall be done in the District Court or by an officer of the Court,

unless the fee (if any) payable upon or in respect of filing, sealing, issuing, or otherwise dealing with that pleading, application, or other document or upon or in respect of the doing of that matter or thing, has been paid.

**7. Court or Registrar may remit fees or poundage**

The District Court or a Registrar may, in a particular case for special reasons, direct —

- (a) that a fee or poundage be waived or reduced;
- (b) that the whole or part of the fee or poundage be refunded; or
- (c) that the payment of the whole or a part of a fee or poundage be deferred until such time, and upon such conditions, if any, as the Court or Registrar thinks fit.

**8. Conventions**

If, by a Convention that applies to the State, it is provided that a fee is not required to be paid in respect of specified proceedings, the fees referred to in regulation 4 are not to be taken in respect of those proceedings.

**Schedule 1 — Fees**

**Division 1 — Appeals**

[r. 4]

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1. Filing notice of appeal	36.00
2. Filing notice of intention to appear	12.00
3. Filing an answer of the description referred to in Rule 10	18.00
4. Entering appeal for hearing	18.00
5. Filing summons to Chambers	12.00

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6. Photocopies of any document — \$1.80 per page	
7. Filing a bill of costs for taxation —	
(a) where the amount claimed is under \$100	1.00
(b) where the amount claimed is \$100 or more — for every \$4 or part thereof for which the bill is drawn — 10 cents.	

By Command of the Governor,

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

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