

JM305*

Local Courts Act 1904

Local Court Amendment Rules (No. 3) 1998

Made by the Governor in Executive Council.

1. Citation

These rules may be cited as the *Local Court Amendment Rules (No. 3) 1998*.

2. Commencement

These rules take effect one month after their publication in the *Government Gazette*.

3. The rules amended

The amendments in these rules are to the *Local Court Rules 1961**.

[* Reprinted 26 February 1996.

For amendments to 4 August 1998 see 1997 Index to Legislation of Western Australia, Table 4, p. 168.]

4. Appendix, Part II amended

The division of Part II of the Appendix headed "Table of Court Fees" is deleted and the following division is inserted instead —

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Table of Court Fees

Service	Claim not exceeding \$5 000	Claim exceeding \$5 000 but not exceeding \$10 000	Claim exceeding \$10 000
1. For entering any plaint, including an action for a small debt;	\$44.00	\$90.00	178.00
For commencing proceedings under the MWSS&D Act Part VIII (6)(iii), for each parcel of land; or	\$44.00	\$90.00	178.00
For filing any originating summons	\$44.00	\$90.00	178.00

2.	Defence, set-off or counter-claim; (one fee payable irrespective of number of defendants) or Chambers Application filed by a defendant	\$34.00 (irrespective of value of claim)		
		\$34.00 (irrespective of value of claim)		
3.	Hearing fee, including trial fee, or hearing in Chambers, or on any matter listed (not payable for small debts or residential tenancies proceedings or hearing of set-off or counter-claim) (Payable only where the person applying is the plaintiff) Garnishee proceedings where hearing fee not previously collected	\$55.00	\$111.00	\$189.00
		\$55.00	\$111.00	\$189.00
4.	Application for summary judgment (s. 47A)	\$44.00	\$89.00	\$133.00
5.	Enforcement proceedings of any kind, including warrant under the MWSS&D Act or Restraint of Debtors Act (only one fee is payable for the issue of any one or more processes)	\$22.00	\$44.00	\$89.00
6.	Examination of witness <i>de bene esse</i> before a clerk – for the first hour or part thereof for every subsequent hour or part thereof	\$16.00 \$10.00	\$31.00 \$21.00	\$47.00 \$31.00
7.	Appeal motion, application or proceeding within jurisdiction that is not specifically provided for (includes hearing fee, summons to witness and issue of order) Stating case for Supreme Court	\$55.00 \$84.00 irrespective of value of claim	\$111.00	\$189.00
8.	Miscellaneous fees to be paid irrespective of value of claim —			
(a)	Search	\$10.00 (but where search made by recognized reporting service \$1.00)		
(b)	Service of summons authorized by post, inclusive of postage	\$16.00		
(c)	Issue of any duplicate document or order under O. 38 r. 21 or r. 22	\$12.00		
(d)	Issue of any photocopies of other documents	\$1.00 per page (an additional fee of \$5.00 is to be paid per document for certifying that the document is a true copy)		

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| (e) | Copies of transcript of proceedings or notes of evidence supplied to a party to the proceedings | \$4.00 per page, and where second or subsequent copies are provided to the same applicant ... \$1.00 per page
<i>(Minimum fee of \$13.00 is payable)</i> |
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| 9. | Taxing Costs | For the first \$1 000 of a bill —
\$0.05 for each \$1.00 of the amount of the filed bill
<i>(amounts of less than \$1.00 to be disregarded);</i>
For any part of a bill exceeding \$1 000 —
\$0.025 for each \$1.00 in excess of \$1 000.
<i>(Minimum fee of \$10.00 is payable regardless of amount of bill)</i> |
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By Command of the Governor,

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