

CW302

LOCAL COURTS ACT 1904

LOCAL COURT AMENDMENT RULES (No. 4) 1990

Made by the Lieutenant-Governor and Deputy of the Governor in Executive Council.

Citation

1. These rules may be cited as the *Local Court Amendment Rules (No. 4) 1990*.

Commencement

2. These rules shall take effect on the day that is one month after the day that these rules are published in the *Gazette*.

Appendix amended

3. The Appendix to the *Local Court Rules 1961** is amended in Part II by deleting the table headed Table of Court Fees and substituting the following table—

Table of Court Fees				
Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
1.	For entering any plaint: excluding service fee, but including—			
	(a) any re-issue of summons;			
	(b) postage of any process issued for service by bailiff of foreign court;			
	(c) any summons for recovery of possession;			
	(d) any originating summons not otherwise specified;			
	(e) any application ancillary to entry of plaint (but prior to entry of defence) including for substituted service, extension of time, addition of parties or appointment of guardian;			
	(f) entry of judgment by default, or under S. 47A;			
	(g) issue of certificate of judgment,			
	in the Small Disputes Division—			
	financially disadvantaged persons.....	\$24.50	—	
	other persons.....	\$32.50	—	
	in other than the Small Disputes Division.....	\$40.50	\$57.00	
2.	Defence, set-off or counterclaim on filing notice of defence: including—	\$21.00	\$34.50	1. Subject to Order 10 rule 1A.
	(a) filing all necessary applications and affidavits including applications in Chambers, interrogatories or discovery (including replies thereto);			2. Only one fee payable irrespective of number of defendants.
	(b) all necessary witness summonses;			
	(c) appointment to tax costs (but not including taxing fee payable on amount of Bill filed for taxation),			
	and where set off or counterclaim involved, the hearing fee, and entry of judgment on set-off or counterclaim.			

Table of Court Fees—continued

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
3.	<p>Trial—Hearing fee: (Payable, where the action is not an action for a small debt, upon application to list for trial or other application consequential upon filing of defence) including—</p> <p>(a) filing all necessary applications and affidavits including applications in Chambers, interrogatories or discovery (including replies thereto) and proceedings under s. 47A;</p> <p>(b) pretrial conference, trial of defended action, or assessment of damages;</p> <p>(c) hearing of recovery of possession applications;</p> <p>(d) application for new trial;</p> <p>(e) appointment to tax costs (but not including taxing fee payable on amount of Bill filed).</p>	\$48.00	\$74.00	
4.	<p>Enforcement proceeding of any kind: including—</p> <p>(a) filing certificates of judgments in any Local Court;</p> <p>(b) issue of any judgment summons, any warrant of execution or possession, order of commitment, garnishee proceedings, or other enforcement action and including any necessary re-issue of such process (one fee only is payable for issue of any one or more of above processes).</p>	\$21.00	\$34.50	
5.	<p>Interpleader Proceedings (fees to prepaid by claimant) for issue of summons and hearing fee.....</p>	\$21.00	\$34.50	
6.	Search.....	\$5.00	\$5.00	But where search made by recognised reporting service approved by the Attorney General \$0.70.
7.	<p>Service of summons authorized by post, inclusive of cost of postage.....</p>	\$12.00	\$12.00	
8.	<p>For issuing any duplicate warrant, summons, order or other document under Order 38 Rule 21 or 22—.....</p>	\$10.00	\$10.00	

Table of Court Fees—continued

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
9.	Examination of witnesses <i>de bene esse</i> before Clerk—			
	for the first hour or part thereof.....	\$12.00	\$24.00	
	and for every subsequent hour or part thereof.....	\$10.00	\$19.00	
10.	Copies of transcript of proceedings or notes of evidence supplied to a party to the proceedings—			
	per page.....	\$3.50	\$3.50	
	second and subsequent copies per page.....	60c	60c	When supplied to the same applicant
	minimum charge.....	\$7.00	\$14.00	
	Photocopies of other documents—per page....	80c	80c	Min. charge \$4.00
	For certifying that a document is a true copy—an additional fee of \$4.00 is payable.			
11.	Taxing costs, \$0.05 in each amount of \$1.00 on amount of filed bill, any less amount than \$1.00 to be disregarded—provided that where the bill exceeds \$500 the fee is reduced to \$0.025 in the \$1.00 for the excess—minimum charge \$6.00.			
12.	(1) For an application for the production of records or documents that are required to be produced to any court or tribunal (including an umpire or arbitrator).....	\$7.00	\$14.00	
	(2) If an officer is required to attend at any court or place out of the court building—			
	(a) for each hour or part of an hour during which he is necessarily absent from his office; and, in addition,.....	\$12.00	\$21.00	
	(b) his reasonable expenses.			
13.	Fees payable in proceedings under the <i>Metropolitan Water Supply, Sewerage, and Drainage Act 1909</i> , Part VIII (6) (iii), in respect of—			Includes filing of certificate of rates unpaid, advertisement in <i>Government Gazette</i> , issue of notices and service by registered post.
	(a) each lot or parcel of land.....	\$35.00	\$35.00	
	(b) warrant of execution.....	\$21.00	\$21.00	

Table of Court Fees—continued

Item	Service	Fee		Notes
		Claim not exceeding \$4 000	Claim exceeding \$4 000	
14.	Fees payable in connection with an appeal, motion, application or proceeding under any statute now or hereafter in force, where the matter is not otherwise specifically provided for in the Act or these Rules—			Includes hearing fee, summons to witness, and issue of order.
	(a) on lodging notice of appeal, notice of motion, application or other document initiating proceedings.....	\$40.00	\$40.00	
	(b) stating case for Supreme Court.....	\$70.00	\$70.00	"

[*Reprinted in the Gazette of 17 November 1976 at pp. 4329-4560. For amendments to 11 September 1990 see pp. 289-90 of 1989 Index to Legislation of Western Australia and Gazette of 4 May 1990.]

By Command of the Lieutenant-Governor and Deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Council.