



Western Australia

District Court of Western Australia Act 1969

District Court (Fees) Regulations 2002

District Court (Fees) Regulations 2002

Contents

1.	Citation	1
2.	Commencement	1
3.	Terms used	1
4.	Fees to be charged	3
4A.	Fees for small businesses and non-profit associations	4
5.	Exemptions	5
5A.	Disputes regarding fees	5
6.	Fees to be paid before documents etc. filed	5
7.	Who is an eligible individual or eligible entity	6
8.	Application to be recognised as eligible individual or eligible entity	7
8A.	Recognition as eligible individual or eligible entity	8
8B.	False or misleading statements	9
8C.	Refunds	10
8D.	Waiving fee for copy of document or transcript	10
8E.	Conventions	10
9.	Allocation of hearing date — Schedule 1 item 6	10
10.	Schedule 1 item 7 fee	12
11.	Recovery of unpaid fees	12
11A.	Searchable information	12
12.	Transitional	13

Contents

Schedule 1 — Registry fees

Schedule 2 — Sheriff's fees

Schedule 3 — Forms

Notes

Compilation table	34
Provisions that have not come into operation	36

Defined terms

District Court (Fees) Regulations 2002

1. Citation

These regulations may be cited as the *District Court (Fees) Regulations 2002*¹.

2. Commencement

These regulations come into operation on 1 January 2002.

3. Terms used

In these regulations unless the contrary intention appears —
corporation has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth;

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;

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;

non-profit association means a society, club, institution, or body that is not for the purpose of trading or securing pecuniary profit for its members from its transactions;

person means an individual or an entity;

Rules means the *District Court Rules 1996*² or the rules applicable to the District Court under section 87 of the Act;

small business means —

[(a) deleted]

- (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 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;
- (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;
- (e) 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;

subsidiary has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth.

*[Regulation 3 amended in Gazette 30 Dec 2003 p. 5702;
14 Jun 2016 p. 1879-80.]*

4. Fees to be charged

- (1) Subject to the provisions of these regulations, the fees specified in Schedules 1 and 2 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) 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.
- (3) A note to an item in Schedule 1 or 2 has effect according to its tenor as if it were a provision of these regulations.
- (4) Except as provided in Schedule 1, 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,

r. 4A

deposited, given, issued, or served in connection with proceedings in the District Court.

- (5) No fee is to be charged in respect of any attendance in chambers if the attendance is required by an order of the District Court made on its own motion.

[(6)-(12) deleted]

[Regulation 4 amended in Gazette 30 Dec 2003 p. 5702-3; 28 Apr 2005 p. 1751; 14 Jun 2016 p. 1880.]

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

[Regulation 4A inserted in Gazette 14 Jun 2016 p. 1881-2.]

5. Exemptions

- (1) 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 —
 - (a) criminal proceedings;
 - (b) proceedings under the *Civil Judgments Enforcement Act 2004*;
 - (c) an application under the *Prohibited Behaviour Orders Act 2010* for a prohibited behaviour order or to vary or cancel a prohibited behaviour order.
- (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.

[Regulation 5 amended in Gazette 28 Apr 2005 p. 1751; 27 Mar 2012 p. 1506; 14 Jun 2016 p. 1882.]

5A. Disputes regarding fees

- (1) An application for a determination under section 89A(3) of the Act is to be in the form of Schedule 3 Form 3.
- (2) Despite the provisions of these regulations, a fee is not to be charged in respect of an application referred to in subregulation (1).

[Regulation 5A inserted in Gazette 28 Apr 2005 p. 1751-2.]

6. Fees to be paid before documents etc. filed

- (1) Subject to the provisions of these regulations —

r. 7

- (a) a pleading, application, or other document must not be filed, issued, or otherwise dealt with; and
- (b) no other matter or thing is to 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.

- (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
 - (b) on any conditions specified by the Court or registrar.

[Regulation 6 amended in Gazette 14 Jun 2016 p. 1882-3.]

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 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).
- (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).

*[Regulation 7 inserted in Gazette 14 Jun 2016 p. 1883-4;
amended in Gazette 20 Jul 2018 p. 2624-5.]*

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, in respect of a matter referred to in Schedule 1, the person is an eligible individual described in regulation 7(2)(f); or
 - (b) a direction under regulation 8A(2) that, in respect of a matter referred to in Schedule 1, the person is an eligible entity described in regulation 7(3)(b).

r. 8A

- (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).

[Regulation 8 inserted in Gazette 14 Jun 2016 p. 1884-5; amended in Gazette 20 Jul 2018 p. 2625.]

8A. Recognition as eligible individual or eligible entity

- (1) On an application under regulation 8(1)(a) the Court or a registrar may 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 —
 - (a) financial hardship;
 - (b) the interests of justice.
- (2) On an application under regulation 8(1)(b) the Court or a registrar may 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 an eligible entity fee in respect of the matter for either, or both, of the following reasons —
 - (a) financial hardship;
 - (b) 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.

[Regulation 8A inserted in Gazette 14 Jun 2016 p. 1885-6; amended in Gazette 20 Jul 2018 p. 2625.]

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 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.

[Regulation 8B inserted in Gazette 14 Jun 2016 p. 1886-7.]

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.

[Regulation 8C inserted in Gazette 14 Jun 2016 p. 1887.]

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.

[Regulation 8D inserted in Gazette 14 Jun 2016 p. 1887-8.]

8E. 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.

[Regulation 8E inserted in Gazette 14 Jul 2017 p. 3949.]

9. Allocation of hearing date — Schedule 1 item 6

- (1) In this regulation —
fee means the fee referred to in Schedule 1 item 6.
- (2) The fee is not payable in relation to interlocutory proceedings.
- (3) The number of days for which the fee is payable is the number of days the District Court determines are to be allocated for the hearing.

- (4) If the Court determines that half a day or less is to be allocated for the hearing, the fee is reduced by half.
- (5) The proceeding is not to be listed for hearing until the fee has been paid or has been deferred under regulation 6(2).
- (6) The fee paid is not refundable except as provided in subregulations (7), (8) and (9).
- (7) If the matter is settled and the Court receives written notice of the settlement the following percentage of the fee paid is to be refunded —
 - (a) if notice is received 42 days or more before the first date allocated for the hearing date, 75%;
 - (b) if notice is received 28 days or more before that date, 50%.
- (8) If the hearing is adjourned before the first date allocated for the hearing the following percentage of the fee paid is to be refunded or transferred to the date or dates allocated for the adjourned hearing —
 - (a) if the Court or registrar is satisfied the reason for the adjournment is beyond the control of the parties, 100%;
 - (b) otherwise, if the adjournment occurs —
 - (i) 42 days or more before the first date allocated for the hearing, 75%; or
 - (ii) 28 days or more before that date, 50%.
- (9) If the hearing is adjourned after it has commenced and the Court or registrar is satisfied the reason for the adjournment is beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*[Regulation 9 inserted in Gazette 28 Apr 2005 p. 1752-3;
amended in Gazette 20 Dec 2011 p. 5380; 14 Jul 2017 p. 3950;
20 Jul 2018 p. 2626.]*

10. Schedule 1 item 7 fee

If a fee is to be paid under Schedule 1 item 7, the hearing or appeal is not to be reconvened until that fee has been paid or so much of it as has not been waived or reduced under regulation 7 has been paid.

11. Recovery of unpaid fees

Any unpaid fee is a debt due to the State and may be recovered by action in a court of competent jurisdiction.

[Regulation 11 inserted in Gazette 28 Apr 2005 p. 1753.]

11A. Searchable information

- (1) In this regulation and Schedule 1 items 11 and 13 —

approved recipient means a person who is approved in writing by the Attorney General as a person entitled to receive searchable information;

searchable information, in relation to an action or matter, means —

- (a) the names and addresses of the parties; and
 - (b) the amount and nature of the claim; and
 - (c) the amount of any judgment entered; and
 - (d) whether the action or matter has been discontinued.
- (2) Except as provided in subregulation (4), the Principal Registrar must on each working day provide an approved recipient with such searchable information that has not already been provided to the recipient in relation to each action or matter in the District Court.
- (3) An approved recipient to whom information has been provided under subregulation (2) is liable to a fee in the amount referred to in Schedule 1 item 13(a) for each action or matter specified in the information.

- (4) If suitable facilities exist at the Court to enable searchable information to be provided by email, then the information must not be provided except by email to an approved recipient who has paid the annual fee referred to in Schedule 1 item 13(b).

[Regulation 11A inserted in Gazette 28 Apr 2005 p. 1754; amended in Gazette 14 Jun 2016 p. 1888; 9 Sep 2016 p. 3886.]

12. Transitional

A fee is not to be charged under Schedule 1 item 6 or item 7 in respect of days allocated for a hearing or appeal or hearing days if—

- (a) the matter was part heard before 1 January 2002; or
- (b) the matter is one for which hearing days had been allocated before 1 January 2002; or
- (c) dates for a hearing were allocated before 1 January 2002, the hearing did not proceed on those dates on the District Court's own motion, and the Court has allocated other hearing dates on or after 1 January 2002.

Schedule 1 — Registry fees

[r. 4]

[Heading inserted in Gazette 15 Jun 2018 p. 1986.]

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 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	877.00	1 711.00	100.00
2.	On filing an application for an extraordinary licence under the <i>Road Traffic (Authorisation to Drive) Act 2008</i> section 27	211.00	N/A	63.50
3.	On filing an application for an order made under the <i>Spent Convictions Act 1988</i> section 6(1)	128.00	N/A	38.40
4.	On filing —			
	(a) a counterclaim	877.00	1 711.00	100.00
	(b) a third party notice	877.00	1 711.00	100.00

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	330.00	569.00	99.00
	(ii) to limit a period of time within which proceedings may be taken	330.00	569.00	99.00
	(iii) for leave to serve a writ or notice of a writ out of jurisdiction	330.00	569.00	99.00
(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	330.00	569.00	99.00

District Court (Fees) Regulations 2002
Schedule 1 Registry fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
5.	On filing —			
	(a) an appeal notice	497.00	1 286.00	100.00
	(b) for each additional half day allocated for the hearing of the appeal	385.00	1 003.00	100.00

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	877.00	1 711.00	100.00
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Note:

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

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

7.	Allocation of hearing date, for each day allocated	770.00	2 005.00	100.00
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Note 1:
See regulation 10.

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	770.00	2 005.00	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 or half days greater than the number of hearing days for which a fee has been paid under item 5 or 7.

Note 3:
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 4:
The daily fee becomes payable on a day to day basis and is payable prior to the daily reconvening of the hearing.

District Court (Fees) Regulations 2002
Schedule 1 Registry fees

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	220.00	429.00	66.00
	(b) an application for assessment of damages other than in an action for personal injury	220.00	429.00	66.00
	(c) an application for summary judgment	220.00	429.00	66.00
	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 9 applies is listed for more than 1 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			

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	220.00	429.00	66.00
	(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.

Note 3:

If the parties agree on the bill of costs in a cause or matter or under the *Commercial Arbitration Act 2012* 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 days or more before the day of the appointment, 80%.

District Court (Fees) Regulations 2002
Schedule 1 Registry fees

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
12.	For searching any record or proceeding	44.50	44.50	13.35
	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	2.00	2.00	0.60
	(b) annual fee for information provided by email to approved recipient	2 018.00	2 018.00	100.00
	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.			

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
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	65.50	65.50	19.65
	(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 the officer's office	98.00	98.00	29.30
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	1.85	1.85	0.55

District Court (Fees) Regulations 2002
Schedule 1 Registry fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	(b) For a copy of reasons for judgment —			
	(i) for each copy issued to a person not a party to the proceedings and for each copy in excess of 1 copy issued to a party to the proceedings	15.50	15.50	4.55
	(ii) for each copy consisting of 10 or more pages an additional fee per page of	2.00	2.00	0.60
	(c) For certifying under seal that a document is a true copy, an additional fee of	21.40	21.40	6.45
	(d) For a certificate under the hand of a registrar	42.10	42.10	12.70
16.	(a) For a copy of a transcript, or part of a transcript —			

Item	Matter	Column A	Column B	Column C
		Fee for individual or eligible entity \$	Fee for entity \$	Fee for eligible individual \$
	(i) provided within 1 day after the day on which the fee is paid	20.50 plus 8.45 per page	20.50 plus 16.90 per page	6.15 plus 2.55 per page
	(ii) provided within 4 days after the day on which the fee is paid	20.50 plus 7.30 per page	20.50 plus 14.75 per page	6.15 plus 2.20 per page
	(iii) provided within 7 days after the day on which the fee is paid	20.50 plus 7.05 per page	20.50 plus 14.05 per page	6.15 plus 2.15 per page
(b)	For an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —			
	(i) in electronic format	21.40 per copy	21.40 per copy	6.45 per copy
	(ii) paper copy	2.10 per page	2.10 per page	0.60 per page

[Schedule 1 inserted in Gazette 15 Jun 2018 p. 1986-95.]

Schedule 2 — Sheriff's fees

[r. 4]

[Heading inserted in Gazette 15 Jun 2018 p. 1996.]

Item	Matter	Fee \$
1.	On the execution of an arrest warrant of any kind —	
	(a) for arresting the person	141.50
	(b) for conveying the person to a court or a custodial place and releasing the person from arrest or custody	140.00
	(c) for each 30 minutes after 2 hours and 30 minutes that an enforcement officer, as defined in the <i>Civil Judgments Enforcement Act 2004</i> section 3, is required to keep the person in custody until the person is conveyed to a court or a custodial place	37.10
	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 the costs of —	
	(a) receiving and printing the warrant; and	
	(b) attendances and inquiries before attempting arrest; and	
	(c) giving any notice; and	
	(d) making any report.	
2.	For the service of any writ, application, summons, originating process, notice or order of the Court or any other process requiring service	78.50
	Note 1: The fee is payable whether or not the service is successful and covers up to 3 attempts at service at the same address.	

Item	Matter	Fee \$
	Note 2: The fee includes the costs of receiving and printing the process.	
3.	If it is necessary to travel to execute a warrant or other process, or on service of a writ, summons, order of the Court, other process or document, or on making an arrest or for all attempts, attendances and inspections, from the sheriff's office or nearest bailiff's office —	
	(a) for each kilometre travelled (1 way) in the metropolitan area	2.00
	(b) for each kilometre travelled (1 way) outside the metropolitan area	2.20
	Note: If more than 1 process or document is executed or served by the sheriff or a bailiff at the same time on the same person or on different persons at the same address, only 1 allowance for kilometres is chargeable.	
4.	Fee to the sheriff for attending a view — per hour or part of an hour	74.00
5.	(a) For striking a jury and preparing jury panel	238.00
	(b) For attendance of sheriff's officer at hearing (per day or part of a day)	The sum actually and reasonably paid

[Schedule 2 inserted in Gazette 15 Jun 2018 p. 1996-7.]

Form 1

Schedule 3 — Forms

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

[Heading amended in Gazette 14 Jun 2016 p. 1900.]

Form 1	
Declaration that a person is a small business or a non-profit association	
In the District Court of Western Australia	No. of 2
Plaintiff:	
Defendant:	
Applicant: Full name
 Address
 Name of small business
 Position held by applicant in the small business
I declare that the person in respect of which the application is made is a small business ¹ or a non-profit association ² within the meaning of that term in the <i>District Court (Fees) Regulations 2002</i> .	
Signature of applicant:	
Date:	
<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 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;	

<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 (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></p>
<p>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></p>

[Form 1 amended in Gazette 30 Dec 2003 p. 5707-8; 14 Jun 2016 p. 1900.]

Form 2			
Application to reduce fee			
In the District 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:		

District Court (Fees) Regulations 2002
Schedule 3 Forms

Form 1

Please indicate your party type:			
<input type="checkbox"/> Individual <input type="checkbox"/> Entity			
Address:			
Date of Birth:			
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.			
<i>Applicant's Signature</i>		Dated:	
* <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>			
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	\$	\$	\$

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	\$
ASSETS			VALUE
House or other property (provide addresses)			

District Court (Fees) Regulations 2002

Schedule 3 Forms

Form 1

						\$
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:					\$	

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		\$

[Form 2 inserted in Gazette 14 Jun 2016 p. 1900-5; amended in Gazette 20 Jul 2018 p. 2626.]

Form 3

Form 3 Application for determination of dispute about fees	
In the District Court of Western Australia	No. of 20
Plaintiff:	
Defendant:	
Application:	To the Principal Registrar for a determination under s. 89A(3) of the <i>District Court of Western Australia Act 1969</i> of a question regarding fees.
Applicant: Full name
 Address
 Date of birth
Disputed fee:	The disputed fee is for

Payable under the <i>District Court (Fees) Regulations 2002</i> Schedule 1 item	
I dispute —	
<input type="checkbox"/> that the fee is payable	
<input type="checkbox"/> the amount of the fee	
<input type="checkbox"/> other [give details]	
.....	
I dispute the fee because	
.....	
.....	
.....	

Signature of applicant:	
Date:	/ /20

[Form 3 inserted in Gazette 28 Apr 2005 p. 1757.]



Notes

¹ This is a compilation of the *District Court (Fees) Regulations 2002* and includes the amendments made by the other written laws referred to in the following table ^{1a}. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>District Court (Fees) Regulations 2002</i>	27 Dec 2001 p. 6617-43	1 Jan 2002 (see r. 2)
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 11</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>District Court (Fees) Amendment Regulations 2003</i>	30 Dec 2003 p. 5702-9	1 Jan 2004 (see r. 2)
<i>District Court (Fees) Amendment Regulations 2005⁵</i>	28 Apr 2005 p. 1751-7	1 May 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>District Court (Fees) Amendment Regulations (No. 2) 2005</i>	23 Jun 2005 p. 2690-2	1 Jul 2005 (see r. 2)
<i>District Court (Fees) Amendment Regulations 2006</i>	23 Jun 2006 p. 2187-9	1 Jul 2006 (see r. 2)
Reprint 1: The District Court (Fees) Regulations 2002 as at 8 Dec 2006 (includes amendments listed above)		
<i>District Court (Fees) Amendment Regulations 2007</i>	26 Jun 2007 p. 3035-7	r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations 2008</i>	27 Jun 2008 p. 3062-4	r. 1 and 2: 27 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations 2009</i>	9 Jun 2009 p. 1923	r. 1 and 2: 9 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Jun 2009 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations (No. 2) 2009</i>	4 Sep 2009 p. 3488-90	r. 1 and 2: 4 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2009 (see r. 2(b))
Reprint 2: The District Court (Fees) Regulations 2002 as at 25 Sep 2009 (includes amendments listed above)		

Citation	Gazettal	Commencement
<i>District Court (Fees) Amendment Regulations 2010</i>	30 Jul 2010 p. 3497-8	r. 1 and 2: 30 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Jul 2010 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations 2011</i>	8 Mar 2011 p. 784-7	r. 1 and 2: 8 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Mar 2011 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations (No. 2) 2011</i>	20 Dec 2011 p. 5380-3	r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2011 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations 2012</i>	27 Mar 2012 p. 1506	r. 1 and 2: 27 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2012 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations (No. 3) 2012</i>	30 Nov 2012 p. 5788-90	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2012 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations 2013</i>	19 Jul 2013 p. 3267-8	r. 1 and 2: 19 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Aug 2013 (see r. 2(b) and <i>Gazette</i> 6 Aug 2013 p. 3677)
<i>District Court (Fees) Amendment Regulations (No. 2) 2013</i>	15 Nov 2013 p. 5243-5	r. 1 and 2: 15 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2013 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations (No. 3) 2014</i>	27 Jun 2014 p. 2338-40	r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)(i))
Reprint 3: The District Court (Fees) Regulations 2002 as at 7 Nov 2014 (includes amendments listed above)		
<i>District Court (Fees) Amendment Regulations 2015</i>	10 Feb 2015 p. 607	r. 1 and 2: 10 Feb 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 27 Apr 2015 (see r. 2(b) and <i>Gazette</i> 17 Apr 2015 p. 1371)

District Court (Fees) Regulations 2002

Citation	Gazettal	Commencement
<i>District Court (Fees) Amendment Regulations (No. 2) 2015</i>	19 Jun 2015 p. 2119-22	r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i))
<i>Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 5</i>	14 Jun 2016 p. 1849-986 (as amended in <i>Gazette</i> 9 Sep 2016 p. 3886)	4 Jul 2016 (see r. 2(b))
<i>District Court (Fees) Amendment Regulations (No. 2) 2016 Pt. 2</i>	9 Sep 2016 p. 3886	10 Sep 2016 (see r. 2(b))
<i>Attorney General Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 5</i>	7 Jul 2017 p. 3721-98	8 Jul 2017 (see r. 2(b)(ii))
<i>District Court (Fees) Amendment Regulations 2017</i>	14 Jul 2017 p. 3949-50	r. 1 and 2: 14 Jul 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 15 Jul 2017 (see r. 2(b))
<i>Attorney General Regulations Amendment (Bailiff Fees) Regulations 2018 Pt. 4</i>	9 Feb 2018 p. 401-5	10 Feb 2018 (see r. 2(b))
<i>Attorney General Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 5</i>	15 Jun 2018 p. 1963-2049	1 Jul 2018 (see r. 2(b))
<i>Justice Regulations Amendment (Fee Relief) Regulations 2018 Pt. 5</i>	20 Jul 2018 p. 2621-30	21 Jul 2018 (see r. 2(b))

^{1a} On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Citation	Gazettal	Commencement
<i>Attorney General Regulations Amendment (Transcript Fees) Regulations 2018 Pt. 4</i> ⁶	7 Dec 2018 p. 4667-74	18 Dec 2018 (see r. 2(b)(i))

² Repealed by the *District Court Rules 2005*.

³ Repealed by the *Co-operatives Act 2009*.

⁴ Repealed by the *Commercial Arbitration Act 2012*.

⁵ The *District Court (Fees) Amendment Regulations 2005* r. 13 reads as follows:

13. Transitional: recognised reporting services

A recognised reporting service approved by the Attorney General immediately before the date on which these regulations commenced is taken to have been approved as a person entitled to receive searchable information on that date.

⁶ On the date at which this compilation was prepared, the *Attorney General Regulations Amendment (Transcript Fees) Regulations 2018* Pt. 4 had not come into operation. It reads as follows:

**Part 4 — District Court (Fees) Regulations 2002
amended**

7. Regulations amended

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

8. Schedule 1 amended

Delete Schedule 1 item 16 and insert:

16.	(a)	For the preparation of a transcript, or part of a transcript —			
	(i)	provided within 1 day after the day on which the fee is paid	20.50 plus 8.45 per page	20.50 plus 16.90 per page	6.15 plus 2.55 per page
	(ii)	provided within 2 days after the day on which the fee is paid	20.50 plus 7.75 per page	20.50 plus 15.50 per page	6.15 plus 2.35 per page
	(iii)	provided within 4 days after the day on which the fee is paid	20.50 plus 7.30 per page	20.50 plus 14.75 per page	6.15 plus 2.20 per page

- | | | | | |
|------|--|--------------------------|---------------------------|-------------------------|
| (iv) | provided within 7 days after the day on which the fee is paid | 20.50 plus 7.05 per page | 20.50 plus 14.05 per page | 6.15 plus 2.15 per page |
| (v) | provided within 14 days after the day on which the fee is paid | 20.50 plus 6.00 per page | 20.50 plus 12.00 per page | 6.15 plus 2.00 per page |
| (vi) | provided on a running basis (i.e. periodically throughout or following the day of the proceedings) | 20.50 plus 9.00 per page | 20.50 plus 18.00 per page | 6.15 plus 3.00 per page |
- (b) For a copy of a transcript, or part of a transcript, that has already been prepared —
- | | | | | |
|------|-------------------|----------------|----------------|---------------|
| (i) | electronic format | 21.40 per copy | 21.40 per copy | 6.45 per copy |
| (ii) | paper copy | 2.10 per page | 2.10 per page | 0.60 per page |

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
approved recipient.....	11A(1)
Centrelink	7(1)
corporation	3
eligible entity	3
eligible entity fee	3
eligible individual	3
eligible individual fee	3
entity	3
fee	9(1)
individual	3
non-profit association	3
person.....	3
Rules	3
searchable information.....	11A(1)
small business	3
subsidiary	3