Western Australia

Children's Court of Western Australia Act 1988
Magistrates Court Act 2004

Court Fees Legislation Amendment (Retail Barring Orders) Regulations 2026

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Court Fees Legislation Amendment (Retail Barring Orders) Regulations 2026

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Children's Court of Western Australia Act 1988
Magistrates Court Act 2004

Court Fees Legislation Amendment (Retail Barring Orders) Regulations 2026

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Court Fees Legislation Amendment (Retail Barring Orders) Regulations 2026*.

2. Commencement

These regulations come into operation as follows —

(a) Part 1 — on the day on which these regulations are published on the WA legislation website;

(b) the rest of the regulations — on 3 December 2026.

Published 25 Nov 2026 on www.legislation.wa.gov.au

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 "In these" and insert:

(1) In these

(2) In regulation 3 delete the definition of ***eligible individual fee***.

(3) In regulation 3 insert in alphabetical order:

corporation has the meaning given in the *Corporations Act 2001* (Cth) section 57A;

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 Division 1 Subdivision 2 or Division 2 Subdivision 2, means the fee shown in column A for that item;

eligible individual fee —

(a) in relation to a matter specified in an item in Schedule 1 Division 1 Subdivision 1, Division 2 Subdivision 1 or Division 3 means the fee shown in column B for that item; or

(b) in relation to a matter specified in an item in Schedule 1 Division 2 Subdivision 2, means the fee shown in column C for that item;

entity does not include an individual;

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;

publicly listed fee entity means —

(a) an entity (a ***publicly listed entity***) that is listed on the ASX operated by ASX Limited; or

(b) an entity that is a subsidiary of a publicly listed entity;

small business means —

(a) 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; or

(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

(c) a co-operative as defined in the *Co-operatives Act 2009* section 4(1) that has less than 20 full-time equivalent employees and is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees; or

(d) a corporation as defined in the *Statutory Corporations (Liability of Directors) Act 1996* that has less than 20 full-time equivalent employees and is not a body that would be a subsidiary, if the corporation were a corporation to which the *Corporations Act 2001* (Cth) applies, of a corporation as defined in the *Corporations Act 2001* (Cth) section 57A or the *Statutory Corporations*

(Liability of Directors) Act 1996 that has 20 or more full-time equivalent employees;

subsidiary means an entity that is a subsidiary of another entity under subregulation (2) or (3).

(4) In regulation 3 in the definition of ***prosecution notice*** delete "3(1)." and insert:

3(1);

(5) At the end of regulation 3 insert:

(2) The *Corporations Act 2001* (Cth) Chapter 1 Part 1.2 Division 6 applies for the purpose of determining whether 1 entity is a subsidiary of another.

(3) An entity (***entity B***) is a subsidiary of another entity (***entity A***) if —

(a) entity A or entity B or both are unit trusts; and

(b) entity A or a subsidiary (under subregulation (2) or this subregulation) of entity A has an interest in, or other rights in connection with, entity B entitling entity A or the subsidiary of entity A to —

(i) control the composition of the governing body of entity B; or

(ii) cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of entity B; or

(iii) control the business affairs of entity B.

5. Regulation 4 amended

(1) In regulation 4(2A) delete "Schedule 1—" and insert:

Schedule 1 (other than an item in Schedule 1 Division 1 Subdivision 2) —

(2) After regulation 4(2A) insert:

(2B) In relation to a matter specified in an item in Schedule 1 Division 1 Subdivision 2 that relates to proceedings in the Court's civil jurisdiction under the *Retail Barring Orders Act 2026* —

(a) the fee payable by an entity that is not an eligible entity is the fee shown in column B for that item; or

(b) the fee payable by an eligible entity is the eligible entity fee for that item.

(2C) In relation to a matter specified in Schedule 1 Division 2 Subdivision 2 item 1 —

(a) the fee payable by an entity that is not an eligible entity is the fee shown in column B for that item that is applicable to the entity; or

(b) the fee payable by an eligible entity is the eligible entity fee for that item.

Note for this subregulation:

Schedule 1 Division 2 Subdivision 2 item 1 sets out the fees on filing an application for a retail barring order under the *Retail Barring Orders Act 2026* section 8.

6. Regulation 4A inserted

After regulation 4 insert:

4A. Fees for small businesses and non-profit associations

(1) A person who 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 person is to be charged fees as if they 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) A person who has lodged a declaration under subregulation (1) must immediately advise a registrar if the person 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 a person is charged a fee under subregulation (2) when the person was not a small business or a non-profit association, the Court may —

(a) order that the person pay the difference between the amount of the fee the person paid and the fee that would otherwise be payable by the person; 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

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

7. Regulation 5 amended

After regulation 5(c) insert:

(ca) an application that is —

(i) a set aside application (as defined in the *Retail Barring Orders Act 2026* section 38(1) and (2)); or

(ii) an application under the *Retail Barring Orders Act 2026* section 43 to vary or cancel a retail barring order; or

(iii) an application for an order authorising substituted service under the *Retail Barring Orders Act 2026* section 67(1);

8. Regulation 6AA amended

(1) In regulation 6AA(1) delete the definition of ***respondent***.

(2) In regulation 6AA(1) insert in alphabetical order:

RBO application has the meaning given in the *Retail Barring Orders Act 2026* section 8(1);

respondent —

(a) in relation to an application for an FVRO or a VRO — has the meaning given in the *Restraining Orders Act 1997* section 3(1); or

(b) in relation to an RBO application — has the meaning given in the *Retail Barring Orders Act 2026* section 5;

(3) In regulation 6AA(3) after "Division 1" insert:

Subdivision 1

(4) After regulation 6AA(3) insert:

(3A) A registrar must waive the fee under Schedule 1 Division 1 Subdivision 1 item 6(a) for a copy of an RBO application, or a copy of the supporting affidavit lodged with an RBO application, when requested by the respondent if the respondent has not previously obtained a copy of the document the subject of the request.

(5) In regulation 6AA(5) after "Division 1" insert:

Subdivision 1

(6) After regulation 6AA(5) insert:

(6) If the first hearing of an RBO application has been fixed under the *Retail Barring Orders Act 2026* section 10(4), a registrar must waive the fee under Schedule 1 Division 1 Subdivision 1 item 7(a) for a copy of the transcript of the first hearing, or a part of the transcript, when requested by the respondent if the respondent has not previously obtained a copy of the transcript or part.

9. Regulation 8 amended

After regulation 8(2) insert:

(3) An eligible entity is an entity that the Court or a registrar has directed is an eligible entity under regulation 9B(1A).

Note: The heading to amended regulation 8 is to read:
Who is an eligible individual or eligible entity

10. Regulation 9A amended

(1) In regulation 9A(1) delete "Schedule 1," and insert:

Schedule 1 (other than a matter specified in Schedule 1 Division 1 Subdivision 2),

(2) After regulation 9A(1) insert:

(1A) An entity may apply for a direction under regulation 9B(1A) that, in respect of a matter specified in Schedule 1 Division 1 Subdivision 2 or Division 2 Subdivision 2, the entity is an eligible entity described in regulation 8(3).

(3) Delete regulation 9A(2) and insert:

(2) An application must be in the approved form and must 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.

(4) In regulation 9A(3) delete "(1)." and insert:

(1) or (1A).

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

Application to be recognised as eligible individual or eligible entity

11. Regulation 9B amended

After regulation 9B(1) insert:

(1A) On an application under regulation 9A(1A) the Court or a registrar may direct that an entity is an eligible entity described in regulation 8(3) if satisfied that the entity 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.

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

Recognition as eligible individual or eligible entity

12. Regulation 9C amended

(1) After regulation 9C(1) insert:

(1A) 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).

(2) In regulation 9C(2) after "9B(1)" insert:

or (1A)

(3) In regulation 9C(3):

(a) after "If a" insert:

declaration is declared invalid under subregulation (1A) or a

(b) in paragraph (a) after "whom the" insert:

declaration or

13. Regulation 9 amended

In regulation 9 delete "item 6(a) or 7" and insert:

Subdivision 1 item 6(a) or 7 or Subdivision 2 item 6(a) or 7

14. Schedule 1 Division 1 Subdivision 1 heading inserted

At the beginning of Schedule 1 Division 1 insert:

Subdivision 1 — Fees for individuals and eligible individuals

15. Schedule 1 Division 1 Subdivision 2 inserted

At the end of Schedule 1 Division 1 insert:

Subdivision 2 — Fees for entities and eligible entities: proceedings in Court's civil jurisdiction under *Retail Barring Orders Act 2026*

Item	Matter	Column A Fee for eligible entity $	Column B Fee for entity $
1.	Issue of a duplicate document or order	26.80	26.80
2.	For the service of an application, summons, originating process, notice or order of the Court or another process requiring service	117.50	117.50
	Note for this item: 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 serve a summons, order of the Court, other process or document, or make an arrest or for all attempts, attendances and inspections, from the enforcement officer's office or nearest police station —		
	(a) for each kilometre travelled (1 way) in a metropolitan area	2.70	2.70
	(b) for each kilometre travelled (1 way) outside a metropolitan area	3.10	3.10

Item		Matter	Column A Fee for eligible entity $	Column B Fee for entity $
	Note for this item: If more than 1 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 1 fee for kilometres travelled is chargeable.			
4.	(a)	For searching a record or proceeding (other than a search by or on behalf of a party to the proceedings in the Court's civil jurisdiction)	68.00	68.00
	(b)	For listening to or viewing an electronic recording that requires supervision by an officer of the Court —		
		(i) a search fee	68.00	68.00
		(ii) in addition to the search fee, for each hour of the officer's time	165.50	165.50
5.	(a)	On an application or summons for the production of records or documents that are required to be produced to a court, tribunal, arbitrator or umpire	99.50	99.50

Item		Matter	Column A Fee for eligible entity $	Column B Fee for entity $
	(b)	If an officer is required to attend at a court or place out of the Court building where the officer is based	The officer's reasonable expenses approved by the registrar plus 150.00 for each hour the officer is necessarily absent from the officer's office	The officer's reasonable expenses approved by the registrar plus 150.00 for each hour the officer is necessarily absent from the officer's office
6.	(a)	Copies of documents or exhibits, for each page or part of a page	2.80	2.80
	(b)	For a copy of reasons for judgment —		
		(i) for each copy issued to a person, other than a party to the proceedings	23.60	23.60
		(ii) for each copy in excess of 1 copy issued to a party to the proceedings	23.60	23.60
		(iii) for each copy consisting of 10 or more pages, an additional fee per page	3.00	3.00
	(c)	Additional fee for certifying that a document is a true copy	31.10	31.10

Item		Matter		Column A Fee for eligible entity $	Column B Fee for entity $
7.	(a)	For providing a transcript, or part of a transcript —			
		(i)	provided within 1 day after the day on which the fee is paid	31.30 plus 12.90 per page	31.30 plus 25.80 per page
		(ii)	provided within 2 days after the day on which the fee is paid	31.30 plus 11.85 per page	31.30 plus 23.60 per page
		(iii)	provided within 4 days after the day on which the fee is paid	31.30 plus 11.15 per page	31.30 plus 22.60 per page
		(iv)	provided within 7 days after the day on which the fee is paid	31.30 plus 10.80 per page	31.30 plus 21.50 per page
		(v)	provided within 14 days after the day on which the fee is paid	31.30 plus 9.10 per page	31.30 plus 18.30 per page
		(vi)	provided on a running basis (i.e. periodically throughout or following the day of the proceedings)	31.30 plus 13.70 per page	31.30 plus 27.40 per page
	(b)	For providing a copy of a transcript, or part of a transcript, if the transcript or part has been provided to the person requesting the copy —			
		(i)	electronic format	32.70 per copy	32.70 per copy

Item	Matter	Column A Fee for eligible entity $	Column B Fee for entity $
	(ii) paper copy	3.30 per page	3.30 per page

16. Schedule 1 Division 2 Subdivision 1 heading inserted

At the beginning of Schedule 1 Division 2 insert:

Subdivision 1 — Fees for various matters

17. Schedule 1 Division 2 Subdivision 2 inserted

At the end of Schedule 1 Division 2 insert:

Subdivision 2 — Fees for application under *Retail Barring Orders Act 2026* s. 8

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 application for a retail barring order under the *Retail Barring Orders Act 2026* section 8	195.50	754.50 for a publicly listed fee entity 381.00 for any other entity	58.50

18. Schedule 2 inserted

After Schedule 1 insert:

Schedule 2 — Form of declaration that a person is a small business or a non-profit association

[r. 4A]

1. Declaration that a person is a small business or a non-profit association

Form 1 ***Children's Court (Fees) Regulations 2005*** **(Regulation 4A)** **Declaration that a person is a small business or a non-profit association**	
In the Children's Court of Western Australia	No. of 2
Applicant:	..... Full name
	..... Address
	..... Name of small business/non-profit association*
	..... Position held by applicant in the small business/non-profit association*
I declare that the person in respect of which the application is made is a small business [1] or a non-profit association [2] as defined in the *Children's Court (Fees) Regulations 2005*.	
Signature of applicant:	
Date:	

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 Children's Court (Fees) Regulations 2005 regulation 9C(1).

[1] *Under the Children's Court (Fees) Regulations 2005 regulation 3(1) 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 or partners;

a co-operative as defined in the Co-operatives Act 2009 section 4(1) that has less than 20 full-time equivalent employees and is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees;

a corporation as defined in the Statutory Corporations (Liability of Directors) Act 1996 that has less than 20 full-time equivalent employees and is not a body that would be a subsidiary, if the corporation were a corporation to which the Corporations Act 2001 (Cth) applies, of a corporation as defined in the Corporations Act 2001 (Cth) section 57A or the Statutory Corporations (Liability of Directors) Act 1996 that has 20 or more full-time equivalent employees;

[2] *Under the Children's Court (Fees) Regulations 2005 regulation 3(1) 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.*

Part 3 — *Magistrates Court (Fees) Regulations 2005* amended

19. Regulations amended

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

20. Regulation 3 amended

(1) In regulation 3 delete "In these" and insert:

(1) In these

(2) In regulation 3 delete the definition of ***subsidiary***.

(3) In regulation 3 insert in alphabetical order:

publicly listed fee entity means —

(a) an entity (a ***publicly listed entity***) that is listed on the ASX operated by ASX Limited; or

(b) an entity that is a subsidiary of a publicly listed entity;

subsidiary means an entity that is a subsidiary of another entity under subregulation (2) or (3).

(4) At the end of regulation 3 insert:

(2) The *Corporations Act 2001* (Cth) Chapter 1 Part 1.2 Division 6 applies for the purpose of determining whether 1 entity is a subsidiary of another.

(3) An entity (***entity B***) is a subsidiary of another entity (***entity A***) if —

(a) entity A or entity B or both are unit trusts; and

(b) entity A or a subsidiary (under subregulation (2) or this subregulation) of entity A has an interest in, or other rights in connection with, entity B entitling entity A or the subsidiary of entity A to —

(i) control the composition of the governing body of entity B; or

(ii) cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of entity B; or

(iii) control the business affairs of entity B.

21. Regulation 4 amended

(1) In regulation 4(2):

(a) delete "Schedule 1 Division 1 or Division 3 —" and insert:

Schedule 1 —

(b) delete paragraph (c) and insert:

(c) the fee payable by an entity that is not an eligible entity —

(i) in the case of Schedule 1 Division 2 item 11(i), is the fee shown in column B for that item that is applicable to the entity; or

(ii) in any other case, is the fee shown in column B for that item;

or

(2) At the end of regulation 4(2) insert:

Note for this subregulation:

For the purposes of paragraph (c), Schedule 1 Division 2 item 11(i) sets out the fees on filing an application for a retail barring order under the *Retail Barring Orders Act 2026* section 8.

22. Regulation 5A amended

(1) In regulation 5A(1) delete "An entity" and insert:

A person

(2) In regulation 5A(2):

(a) delete "the entity" and insert:

the person

(b) delete "it" and insert:

they

(3) In regulation 5A(4):

(a) delete "An entity" and insert:

A person

(b) delete "the entity" and insert:

the person

(4) In regulation 5A(5):

(a) delete "an entity" and insert:

a person

(b) delete "the entity" (1st occurrence) and insert:

the person

(c) in paragraph (a) delete "the entity" (1st and 2nd occurrences) and insert:

the person

(d) in paragraph (a) delete "the entity; and" and insert:

the person; and

23. Regulation 5 amended

In regulation 5(1):

(a) in paragraph (d) delete "item 8." and insert:

item 8; or

(b) after paragraph (d) insert:

(e) an application that is —

(i) a set aside application (as defined in the *Retail Barring Orders Act 2026* section 38(1) and (2)); or

(ii) an application under the *Retail Barring Orders Act 2026* section 43 to vary or cancel a retail barring order; or

(iii) an application for an order authorising substituted service under the *Retail Barring Orders Act 2026* section 67(1).

24. Regulation 6A amended

(1) In regulation 6A(1) delete the definition of ***respondent***.

(2) In regulation 6A(1) insert in alphabetical order:

RBO application has the meaning given in the *Retail Barring Orders Act 2026* section 8(1);

respondent —

(a) in relation to an application for an FVRO or a VRO — has the meaning given in the *Restraining Orders Act 1997* section 3(1); or

(b) in relation to an RBO application — has the meaning given in the *Retail Barring Orders Act 2026* section 5;

(3) After regulation 6A(3) insert:

(3A) A registrar must waive the fee under Schedule 1 Division 1 item 7(a) for a copy of an RBO application,

or a copy of the supporting affidavit lodged with an RBO application, when requested by the respondent if the respondent has not previously obtained a copy of the document the subject of the request.

(4) After regulation 6A(5) insert:

(6) If the first hearing of an RBO application has been fixed under the *Retail Barring Orders Act 2026* section 10(4), a registrar must waive the fee under Schedule 1 Division 1 item 8(a) for a copy of the transcript of the first hearing, or a part of the transcript, when requested by the respondent if the respondent has not previously obtained a copy of the transcript or part.

25. Schedule 1 Division 2 amended

After Schedule 1 Division 2 item 11(h) insert:

(i) an application for a retail barring order under the *Retail Barring Orders Act 2026* section 8		754.50 for a publicly listed fee entity	
	195.50	381.00 for any other entity	58.50

26. Schedule 2 amended

In Schedule 2 Form 1 delete "*regulation 3*" (each occurrence) and insert:

regulation 3(1)

A. O'SULLIVAN, Clerk of the Executive Council

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