



Justices (General) Amendment (Fees) Regulation 2000

under the

Justices Act 1902

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to increase certain court fees set out in the *Justices (General) Regulation 1993* to be paid to a Clerk of a Local Court in respect of proceedings under the *Justices Act 1902*, and
- (b) to provide for the postponement or waiver of filing fees if the persons by whom or on whose behalf the documents are to be filed are persons receiving legal assistance through a community legal centre.

This Regulation is made under the *Justices Act 1902*, including section 154 (the general regulation-making power) and, in particular, section 154 (1) (a).

2000 No 293

Clause 1 Justices (General) Amendment (Fees) Regulation 2000

**Justices (General) Amendment (Fees)
Regulation 2000**

1 Name of Regulation

This Regulation is the *Justices (General) Amendment (Fees) Regulation 2000*.

2 Commencement

This Regulation commences on 1 July 2000.

3 Amendment of Justices (General) Regulation 1993

The *Justices (General) Regulation 1993* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 3)

[1] Clause 5A

Insert after clause 5:

5A Postponement of fees in certain other cases

- (1) The taking of any fee by a Clerk of a Local Court or governor of a correctional centre in respect of proceedings before any Justice or Justices involving a legally assisted party is, if the fee is payable by the legally assisted party, to be postponed until judgment has been given in the proceedings.
- (2) The fee is not to be taken at all, or if taken must be remitted, if:
 - (a) judgment in the proceedings is against the legally assisted party, or
 - (b) judgment is in favour of the legally assisted party, but costs are not awarded in his or her favour.
- (3) A Clerk of a Local Court must not refuse to file or issue any document relevant to proceedings merely because, in accordance with this clause, a fee in respect of proceedings before any Justice or Justices has not been taken on behalf of a legally assisted party to those proceedings.
- (4) For the purpose of this clause, a party to proceedings is a *legally assisted party* if he or she is receiving legal assistance through a community legal centre within the meaning of section 48H of the *Legal Profession Act 1987*.

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Schedule 1 Amendments

[2] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

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| 1 | Proceedings commenced by way of information, complaint (other than a complaint for an order under Part 15A (Apprehended violence) of the <i>Crimes Act 1900</i>), charge or court attendance notice, including the issue and service of summons if required | 56 |
| 2 | Complaint for an order under Part 15A (Apprehended violence) of the <i>Crimes Act 1900</i> or application for variation or revocation of such an order | Nil |
| 3 | Application of a kind not otherwise provided for in this Schedule (includes issue and service of notice of hearing if required) | 56 |
| 4 | For each additional respondent in relation to a matter to which item 3 relates | 36 |
| 5 | Issue of subpoena: for each witness to be served | 30 |
| 6 | Service of subpoena: for each witness to be served | 39 |
| 7 | Certificate of conviction, order or dismissal | 36 |
| 8 | Notice of appeal to District Court: one appellant | 67 |
| 9 | Further notices of appeal (by the same appellant) in respect of convictions or orders made or sentences imposed, together with the conviction, order or sentence to which a notice of appeal under item 8 relates | 36 |
| 10 | Copy of any deposition, transcript or diskette (unless otherwise provided for under any other Act): | |
| | (a) for each page (or equivalent), where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages or equivalent | 6.70 58) |
| | (b) for each page (or equivalent), where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages or equivalent | 7.70 68) |

Justices (General) Amendment (Fees) Regulation 2000

Amendments

Schedule 1

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| 11 | Copy of any document (other than a deposition, transcript or diskette), for each page (minimum fee | 2 10) |
| 12 | Duplicate tape recording of sound-recorded evidence, for each cassette | 31 |