



New South Wales

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).

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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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[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)

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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

BY AUTHORITY