



Local Courts (Civil Claims) Amendment (Fees) Regulation 2000

under the

Local Courts (Civil Claims) Act 1970

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Courts (Civil Claims) Act 1970*.

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 Rule 2 (5) of Part 2 of the *Local Courts (Civil Claims) Rules 1988* to be paid to a registrar in respect of the business of a Local Court under the *Local Courts (Civil Claims) Act 1970*, and
- (b) to provide for the postponement or waiver of filing fees in a Local Court 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 *Local Courts (Civil Claims) Act 1970*, including section 85 (Regulations—court fees).

2000 No 297

Clause 1 Local Courts (Civil Claims) Amendment (Fees) Regulation 2000

**Local Courts (Civil Claims) Amendment (Fees)
Regulation 2000**

1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Amendment (Fees) Regulation 2000*.

2 Commencement

This Regulation commences on 1 July 2000.

3 Amendment of Local Courts (Civil Claims) Rules 1988

Rule 2 of Part 2 of the *Local Courts (Civil Claims) Rules 1988* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 3)

Part 2, Rule 2 Fees

Omit Rule 2 (5). Insert instead:

- (5) The fees to be paid to the registrar in respect of the business of the court are as follows:

	\$
1 Filing a statement of claim:	
(a) in respect of a claim for an amount not exceeding \$3,000	56
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	74
(c) in respect of a claim for an amount exceeding \$10,000	140
2 Filing a notice of cross-claim or a third or subsequent party notice:	
(a) in respect of a claim for an amount not exceeding \$3,000	56
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	74
(c) in respect of a claim for an amount exceeding \$10,000	140
3 Filing a certificate or certified copy of conviction or order	56

2000 No 297

Local Courts (Civil Claims) Amendment (Fees) Regulation 2000

Schedule 1 Amendment

	\$
4 Filing a certificate of readiness:	
(a) in respect of a claim for an amount not exceeding \$3,000	Nil
(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	103
(c) in respect of a claim for an amount exceeding \$10,000	174
5 Filing an application for an order under section 18A (1) of the <i>Arbitration (Civil Actions) Act 1983</i> for the rehearing of an action referred for arbitration. This amount is subject to any rules providing for the refund of the whole or any part of the amount	248
6 Making a copy of any document or part of a document, other than as prescribed by Item 7, for each page (minimum fee)	2 10)
7 Supply of duplicate tape recording of sound-recorded evidence, for each cassette	31
8 For each copy of the transcript of any proceedings:	
(a) for each page, where the matter being transcribed is under 3 months old (minimum fee for 1 to 8 pages)	6.70 58)
(b) for each page, where the matter being transcribed is 3 months old or older (minimum fee for 1 to 8 pages)	7.70 68)
9 Except as provided by Item 10, service or attempted service by an officer of the Sheriff of any process or other document, including service by post and preparation of affidavit of service	39
10 Service or attempted service of a statement of claim by post, for each address at which service is effected or attempted	26

	\$
11 Filing an application for a certificate of judgment (otherwise than pursuant to the <i>Service and Execution of Process Act 1992</i> of the Commonwealth)	11
12 (a) To issue a subpoena for production	24
(b) To issue a subpoena for production and to give evidence	24
(c) To issue a subpoena to give evidence	11
13 Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor	49
14 Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession	} As prescribed by the Scale of fees under the <i>Sheriff Act 1900</i>
15 Levy on writ of execution	
16 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	
<p>(6) The taking of any fee in respect of the business of the court in relation to proceedings 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.</p> <p>(7) The fee is not to be taken at all, or if taken must be remitted, if:</p> <p>(a) judgment in the proceedings is against the legally assisted party, or</p> <p>(b) judgment is in favour of the legally assisted party, but damages are not awarded (or only nominal damages are awarded) in his or her favour and costs are not awarded in his or her favour.</p> <p>(8) A registrar must not refuse to file or issue any document relevant to proceedings merely because, in accordance with this rule, a fee in respect of any business of the court has not been taken on behalf of a legally assisted party to those proceedings.</p>	

2000 No 297

Local Courts (Civil Claims) Amendment (Fees) Regulation 2000

Schedule 1 Amendment

- (9) For the purpose of this rule, 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*.

BY AUTHORITY