



# District Court Amendment (Fees) Regulation 2003

under the

District Court Act 1973

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *District Court Act 1973*.

BOB DEBUS, M.P.,  
Attorney General

## Explanatory note

The object of this Regulation is to increase certain court fees, as set out in the *District Court Regulation 2000 (the Principal Regulation)*, to be paid to a registrar in respect of the business of the District Court under the *District Court Act 1973*. The fee increases are in line with movements in the Consumer Price Index.

Consistently with fees payable by corporations in respect of the business of the Supreme Court, this Regulation introduces certain fees at a corporate rate (being twice the individual rate). The corporate rate does not apply to transcript and copying fees or to the fee for referring matters for hearing to an arbitrator under the *Arbitration (Civil Actions) Act 1983*. This Regulation also contains several amendments to the Principal Regulation of a consequential nature.

This Regulation is made under the *District Court Act 1973*, including section 150 (Regulations: Court fees).

## **2003 No 387**

Clause 1            District Court Amendment (Fees) Regulation 2003

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### **District Court Amendment (Fees) Regulation 2003**

under the

District Court Act 1973

#### **1 Name of Regulation**

This Regulation is the *District Court Amendment (Fees) Regulation 2003*.

#### **2 Commencement**

This Regulation commences on 1 July 2003.

#### **3 Amendment of District Court Regulation 2000**

The *District Court Regulation 2000* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

### [1] Clause 3

Omit the clause. Insert instead:

#### 3 Interpretation

- (1) In this Regulation:  
*corporation* has the same meaning as in section 57A of the *Corporations Act 2001* of the Commonwealth.
- (2) Notes in the text of this Regulation do not form part of this Regulation.

### [2] Clause 4 Fees chargeable

Insert at the end of the clause:

- (2) However, a reference in that Schedule to a corporation does not include a reference to a corporation that produces evidence, satisfactory to a registrar:
  - (a) that its turnover, in the financial year of the corporation immediately preceding the financial year in which the fees are to be taken, was less than \$200,000, or
  - (b) if the corporation has not been in existence for a full financial year—that its turnover in its first financial year is likely to be less than \$200,000.

### [3] Clause 8 Persons by and to whom fees payable

Insert after clause 8 (2):

- (3) A reference in Schedule 1 to a fee payable in the case of a corporation is a reference to a corporation on whose behalf a request is made to file a document or render a service.

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Schedule 1 Amendments

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**[4] Schedule 1**

Omit the Schedule. Insert instead:

**Schedule 1 Court fees**

(Clause 4)

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1	(1) Filing a statement of claim or any other originating process (other than the filing of an originating process referred to in paragraph (2))	842.00 (in the case of a corporation) or 421.00 (in any other case)
	(2) Filing an originating process by way of a notice of appeal	348.00 (in the case of a corporation) or 174.00 (in any other case)
	(3) Filing a notice of cross-claim or third or subsequent party notice	842.00 (in the case of a corporation) or 421.00 (in any other case)
2	Filing notice of motion under Part 16 of the <i>District Court Rules 1973</i> (not being a filing referred to in item 1)	110.00 (in the case of a corporation) or 55.00 (in any other case)
3	(1) Filing a requisition for a civil trial by a jury (to be paid by the party requesting a jury)	1,440.00 (in the case of a corporation) or 720.00 (in any other case)

## District Court Amendment (Fees) Regulation 2003

## Amendments

## Schedule 1

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(2)	Daily retention fee (to be paid by the party requesting a jury for each day a jury is required after the first day of a civil trial)	654.00 (in the case of a corporation) or 327.00 (in any other case)
4	Making a copy of any document, for each page  (minimum fee of \$10.00)	2.00
5	Supply of duplicate tape recording of sound-recorded evidence, for each cassette	34.00
6	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 of \$62.00)	7.30
	(b) for each page, where the matter being transcribed is 3 months old or older  (minimum fee for 1 to 8 pages of \$72.00)	8.40
7	Service or attempted service of any process or other document, including service by post and preparation of an affidavit of service—for each address at which service of the process or other document is effected or attempted	84.00 (in the case of a corporation) or 42.00 (in any other case)
8	Execution or attempted execution of any writ or warrant—for each address at which execution of the writ or warrant is effected or attempted	106.00 (in the case of a corporation) or 53.00 (in any other case)

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9	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>
10	Levy on a writ of execution	
11	For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed	
12	The travelling expenses incurred by officers in conveying an arrested person to prison or to court	
13	Attending a view by a jury (to be paid by the party making the request)	
14	On referral for hearing by an arbitrator under the <i>Arbitration (Civil Actions) Act 1983</i> (to be paid equally between the parties)	536.00
15	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	818.00 (in the case of a corporation) or 409.00 (in any other case)
<p><b>Note:</b> This amount is subject to any provision of the <i>District Court Rules 1973</i> providing for the refund of the whole or any part of this amount.</p>		
16	(1) To issue a subpoena for production	106.00 (in the case of a corporation) or 53.00 (in any other case)
	(2) To issue a subpoena for production and to give evidence	106.00 (in the case of a corporation) or 53.00 (in any other case)

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	<b>\$</b>
(3) To issue a subpoena to give evidence	54.00 (in the case of a corporation) or 27.00 (in any other case)

BY AUTHORITY

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