



Local Courts (Civil Claims) Amendment (Fees) Regulation 2003

under the

Local Courts (Civil Claims) Act 1970

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

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to increase certain court fees (as set out in the *Local Courts (Civil Claims) Regulation 2000*) to be paid to a registrar in respect of the business of a Local Court under the *Local Courts (Civil Claims) Act 1970*. The fee increases are in line with movements in the Consumer Price Index.

This Regulation also introduces a new fee of \$55 for filing an application or notice of motion in the General Division of a Local Court to set aside a decision made in the filing party's absence (the party having failed to act within the prescribed time or in the prescribed manner, or in compliance with directions).

This Regulation also omits a now unnecessary fee for filing a certificate of readiness.

This Regulation is made under the *Local Courts (Civil Claims) Act 1970*, including section 85 (Regulations—court fees).

2003 No 401

Clause 1 Local Courts (Civil Claims) Amendment (Fees) Regulation 2003

Local Courts (Civil Claims) Amendment (Fees) Regulation 2003

under the

Local Courts (Civil Claims) Act 1970

1 Name of Regulation

This Regulation is the *Local Courts (Civil Claims) Amendment (Fees) Regulation 2003*.

2 Commencement

This Regulation commences on 1 July 2003.

3 Amendment of Local Courts (Civil Claims) Regulation 2000

The *Local Courts (Civil Claims) Regulation 2000* is amended as set out in Schedule 1.

Schedule 1 Amendment

(Clause 3)

Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Court fees

(Clause 4)

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1	Filing a statement of claim:	
	(a) in respect of a claim for an amount not exceeding \$3,000	61.00
	(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	80.00
	(c) in respect of a claim for an amount exceeding \$10,000	152.00
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	61.00
	(b) in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	80.00
	(c) in respect of a claim for an amount exceeding \$10,000	152.00
3	Filing an application or notice of motion in the General Division to set aside a decision made in the filing party's absence (the party having failed to act within the prescribed time or in the prescribed manner, or in compliance with directions)	55.00
4	Filing a certificate or certified copy of conviction or order	61.00
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	269.00

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Schedule 1 Amendment

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6 Making a copy of any document or part of a document, other than as prescribed by Item 8, for each page (minimum fee of \$10.00)	2.00
7 Supply of duplicate tape recording of sound-recorded evidence, for each cassette	34.00
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 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
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	42.00
10 Service or attempted service of a statement of claim by post, for each address at which service is effected or attempted	27.00
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)	11.00
12 (a) To issue a subpoena for production	27.00
(b) To issue a subpoena for production and to give evidence	27.00
(c) To issue a subpoena to give evidence	11.00
13 Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor	53.00

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| 14 Disbursements in executing or attempting to execute a writ of execution, including a fee for keeping possession | } | As |
| 15 Levy on writ of execution | | prescribed |
| 16 For work undertaken in preparing for a sale of land on instructions from a judgment creditor—if sale does not proceed | | by the
scale of
fees under
the <i>Sheriff</i>
<i>Act 1900</i> |
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