



Local Courts (Civil Claims) Amendment (Court 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 amend the *Local Courts (Civil Claims) Regulation 2000* in order:

- (a) to introduce a corporate rate (being twice the individual rate) for certain fees payable in relation to proceedings in the Local Court, and
- (b) to introduce a fee of \$100 (in the case of a corporation) or \$50 (in any other case) for the examination of a judgment debtor by a registrar, and
- (c) to introduce a fee of \$110 (in the case of a corporation) or \$55 (in any other case) for filing a notice of motion under Part 15 of the *Local Courts (Civil Claims) Rules 1988* in respect of an action commenced in the General Division, and
- (d) to remove a fee for filing an application or notice of motion to set aside a decision made in the filing party's absence, and
- (e) to clarify that certain fees for service or execution are payable for each address at which the service or execution is effected or attempted.

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

2003 No 708

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

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

under the

Local Courts (Civil Claims) Act 1970

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 October 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 Amendments

(Clause 3)

[1] Clause 3

Omit the clause. Insert instead:

3 Definitions

In this Regulation:

corporation has the same meaning as in section 57A of the *Corporations Act 2001* of the Commonwealth.

the Act means the *Local Courts (Civil Claims) Act 1970*.

[2] Clause 4 Fees

Insert after clause 4 (1):

- (1A) 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.
- (1B) 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

[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	122.00 (in the case of a corporation) or 61.00 (in any other case)
(b)	in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	160.00 (in the case of a corporation) or 80.00 (in any other case)
(c)	in respect of a claim for an amount exceeding \$10,000	304.00 (in the case of a corporation) or 152.00 (in any other case)
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	122.00 (in the case of a corporation) or 61.00 (in any other case)
(b)	in respect of a claim for an amount exceeding \$3,000 but not exceeding \$10,000	160.00 (in the case of a corporation) or 80.00 (in any other case)
(c)	in respect of a claim for an amount exceeding \$10,000	304.00 (in the case of a corporation) or 152.00 (in any other case)
3	Filing a notice of motion under Part 15 of the <i>Local Courts (Civil Claims) Rules 1988</i> in respect of an action commenced in the General Division	110.00 (in the case of a corporation) or 55.00 (in any other case)

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Amendments

Schedule 1

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4 Filing a certificate or certified copy of conviction or order	122.00 (in the case of a corporation) or 61.00 (in any other case)
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	538.00 (in the case of a corporation) or 269.00 (in any other case)
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—for each address at which service of the process or other document is effected or attempted	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

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Schedule 1 Amendments

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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)	22.00 (in the case of a corporation) or 11.00 (in any other case)
12 (a) To issue a subpoena for production	54.00 (in the case of a corporation) or 27.00 (in any other case)
(b) To issue a subpoena for production and to give evidence	54.00 (in the case of a corporation) or 27.00 (in any other case)
(c) To issue a subpoena to give evidence	22.00 (in the case of a corporation) or 11.00 (in any other case)
13 Execution or attempted execution of a writ of execution or warrant to apprehend a judgment debtor—for each address at which execution of the writ or warrant is effected or attempted	53.00
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	
17 Examination of a judgment debtor by a registrar	100.00 (in the case of a corporation) or 50.00 (in any other case)

BY AUTHORITY