



Local Courts (Transitional Fees) Regulation 2004

under the

Local Courts Act 1982

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Courts Act 1982*.

BOB DEBUS, M.P.,
Attorney General

Explanatory note

The object of this Regulation is to replace the existing provisions with respect to fees chargeable under the *Local Courts Act 1982* with a new transitional regulation, to have effect for the period between 1 July 2004 and 30 June 2005, that increases current fees by approximately 4 per cent. The current fees are regulated by provisions of the *Justices (General) Regulation 2000* that, following the repeal of the *Justices Act 1902*, have been continued in force by clause 16 of Schedule 1 to the *Local Courts Act 1982*.

This Regulation is made under the *Local Courts Act 1982*, including section 28 (the general power to make regulations) and clause 16 of Schedule 1.

This Regulation is of a transitional nature.

2004 No 363

Clause 1 Local Courts (Transitional Fees) Regulation 2004

Local Courts (Transitional Fees) Regulation 2004

under the

Local Courts Act 1982

1 Name of Regulation

This Regulation is the *Local Courts (Transitional Fees) Regulation 2004*.

2 Commencement and expiry

This Regulation commences on 1 July 2004 and expires on 30 June 2005.

3 Object of Regulation

The object of this Regulation is to replace the fee regime that currently applies by virtue of clause 16 of Schedule 1 to the *Local Courts Act 1982* with a new regime that increases the fees chargeable in respect of certain proceedings before a Local Court or a Magistrate for the period between 1 July 2004 and 30 June 2005.

4 Fees

The fees payable to a registrar of a Local Court in respect of proceedings before a Local Court or a Magistrate are as set out in Schedule 1.

5 Remission or postponement of fees

- (1) A registrar of a Local Court, or governor of a correctional centre, who is satisfied that a person is unable, for any reason, to pay a fee payable under this Regulation may, conditionally or unconditionally, remit or postpone the fee.
- (2) The power of a registrar of a Local Court under this clause may also be exercised by a person holding office as, or appointed to act temporarily as, a registrar of the Children's Court.

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- (3) A registrar of a Local Court or registrar of the Children's Court:
- (a) may delegate the power to remit or postpone a fee to a deputy registrar of the Local Court or a deputy registrar of the Children's Court, and
 - (b) may delegate the power to postpone a fee to a public servant who is a grade 3/4 administrative or clerical officer or above.

6 Postponement of fees in certain other cases

- (1) The taking of any fee by a registrar of a Local Court or governor of a correctional centre in respect of 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.
- (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 registrar of a Local Court must not refuse to file or issue any document relevant to the proceedings merely because a fee has not been taken in respect of the proceedings on behalf of the legally assisted party.
- (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*.

7 Fee lists to be shown to public on request

The list of fees set out in Schedule 1 must be kept at each Local Court and shown to members of the public on request.

8 Continued provisions cease to have effect

Part 2 and Schedule 1 of the *Justices (General) Regulation 2000*, as continued in force by clause 16 of Schedule 1 to the *Local Courts Act 1982*, cease to have effect.

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Schedule 1 Court fees

Schedule 1 Court fees

(Clause 4)

	\$
1 Application notice under Part 6 of the <i>Local Courts Act 1982</i> (includes issue and service of notice if required)	63.00
2 Court attendance notice under Chapter 4 of the <i>Criminal Procedure Act 1986</i>	63.00
3 Complaint under Part 15A of the <i>Crimes Act 1900</i> , or application for variation or revocation of an order under that Part	Nil
4 Application of a kind not otherwise provided for in this Schedule (includes issue and service of notice of hearing if required)	63.00
5 For each additional respondent in relation to a matter to which item 4 relates	41.00
6 Issue of subpoena: for each witness to be served	34.00
7 Service of subpoena: for each witness to be served	44.00
8 Certificate of conviction, order or dismissal	41.00
9 Notice of appeal to District Court: one appellant	76.00
10 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 9 relates	41.00
11 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	7.60
(minimum fee for 1 to 8 pages (or equivalent) of \$64.00)	

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Court fees

Schedule 1

		\$
(b)	for each page (or equivalent), where the matter being transcribed is 3 months old or older	8.70
	(minimum fee for 1 to 8 pages (or equivalent) of \$75.00)	
12	Copy of any document (other than a deposition, transcript or diskette), for each page	2.00
	(minimum fee of \$10.00)	
13	Duplicate tape recording of sound-recorded evidence, for each cassette	35.00

BY AUTHORITY