

Legislative Council Parliamentary Question 4748 [Tabled Paper No.4056]

(3)(a)-(c)

3(a) Fees over recovered	Cost Recovery				3(c) Reason for over recovering
	2009-10 Review	2010-11 Review	2011-12 Review	3(b) Amount above cost recovery	
Schedule 1 Division 1 fees under the Fines, Penalties and Infringement Notices Enforcement Regulations 1994	298%	304%	363%	263%	These fees are intended to cover the cost of enforcement activities. They also act as an incentive to pay unpaid infringements on time and also as a penalty for late payment. These fees have not been increased over the last three years. These fees are to be addressed by reform to the <i>Fines, Penalties and Infringement Notices Enforcement Act (1994)</i>
Supreme Court (Fees) Regulations - Probate fees (probate office)	251%	105%	100%	Nil	The over recovery was driven by three fees for the application for a grant of probate. The 2009-10 review confirmed that higher value estates did not incur higher costs for the court. Taking these factors into account, the fees were reduced to achieve 100% cost recovery.
Supreme Court (Fees) Regulations - Certificate under the hand of the Registrar - Supreme Court	183%	99%	94%	Nil	This fee is charged for the issue of a certificate signed by a Court Registrar and is almost exclusively charged in the Supreme Court for the issue of a certificate certifying that a person is a registered legal practitioner in Western Australia. This fee was reduced following the 2009-2010 fee review to achieve 100% cost recovery.
Supreme Court (Fees) Regulations - Application for admission as a practitioner - Supreme Court	115%	61%	86%	Nil	This fee is charged for admission as a legal practitioner in Western Australia and is administered by the Supreme Court. The fee was reduced following the 2009-10 review to correct the current level of over recovery and to ensure that the fee is set at no more than 100% of cost.
Extraordinary Drivers Licence application - Magistrates Court and Children's Court	119%	97%	100%	Nil	This fee is charged for the application and hearing of a request for an extraordinary licence. The application fee was reduced following the 2009-10 fee review.
Auctioneer Licencing	341%	335%	343%	243%	The Magistrates Court receives and grants applications for auctioneer's licences in Western Australia. The Magistrates Court collects a fee for this service but is not responsible for setting these fees which are prescribed by the <i>Auction Sales Act 1973</i> which is the responsibility of the Minister for Consumer Protection and the Department of Commerce. The cost determined excludes any cost incurred by the Department of Commerce thus preventing a true cost recovery percentage from being determined. It is expected that this fee will be addressed as part of a legislative reform that is initiated by the Department of Commerce.