

EXPLANATORY MEMORANDUM
(JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION)

District Court of Western Australia Act 1969

District Court (Fees) Regulations 2002

- **The date of publication of the instrument in the *Government Gazette*.**

30 November 2012

- **The title of the subsidiary legislation.**

District Court (Fees) Amendment Regulations (no. 3) 2012

- **Identification of the section(s) of the statute(s) under which the subsidiary legislation is made.**

District Court of Western Australia Act 1969 section 89A

- **A description of the purpose and effect of, and justification for, the subsidiary legislation (or any amendments to or repeals of it).**

The District Court (Fees) Amendment Regulations (No. 3) 2012 made under the *District Court of Western Australia Act 1969* have been gazetted and are provided for your consideration. Amendments include:

- an increase in fees of 2.8%. The Department has determined that costs have broadly moved in accordance with the CPI rate of 2.8% and hence most fees were increased by CPI the day following gazettal.

Specific amendments are as follows:

Regulation 4 ***Schedule 1 amended***

These Schedule 1 fees relate to fees taken by the Registry. With the exception of items 2A, 13(a), and 14(c) (relating to the application for an extraordinary drivers licence and copying services that remain unchanged), all fee items have been increased by 2.8% to match CPI movements as determined by the Department. These applied from the day following gazettal.

Type of fee	Date last updated Increase/ Decrease	Old Fee* (\$)	New Fee* (\$)	Increase/ Decrease (%) ∞
1. Filing originating process / Commence Proceedings	21.12.11	539 (I)	554 (I)	2.8
	Increase	1,050 (C)	1,079 (C)	2.8
2A Filing for an extraordinary licence under the <i>Road Traffic Act 1974</i>	08.03.11 Increase	158.50	158.50	NIL
2B Filing for an order under the <i>Spent Convictions Act 1988</i>	21.12.11 Increase	78.50	80.50	2.5

Type of fee	Date last updated Increase/ Decrease	Old Fee* (\$)	New Fee* (\$)	Increase/ Decrease (%) [∞]
2(a). Filing counterclaim	21.12.11	539 (I)	554 (I)	2.8
2(b). Filing third party notice	Increase	1,050 (C)	1,079 (C)	2.8
2(c) and (d). Other applications	21.12.11	203 (I)	209 (I)	3.0
	Increase	348 (C)	358 (C)	2.9
3 (a) Filing an appeal	21.12.11	304 (I)	313 (I)	3.0
	Increase	789 (C)	811 (C)	2.8
(b) For each additional half day allocated for hearing the appeal	21.12.11	236 (I)	243 (I)	3.0
	Increase	615 (C)	632 (C)	2.8
5. Entry for hearing	21.12.11	539 (I)	554 (I)	2.8
	Increase	1,050 (C)	1,079 (C)	2.8
6. Allocation of hearing date	21.12.11	473 (I)	486 (I)	2.7
	Increase	1,230 (C)	1,264 (C)	2.8
7. Daily hearing fees	21.12.11	473 (I)	486 (I)	2.7
	Increase	1,230 (C)	1,264 (C)	2.8
8. Filing Chamber matters	21.12.11	134.50 (I)	138.50 (I)	3.0
	Increase	263 (C)	270 (C)	2.7
10(a). Appointment to tax lodgement fee	21.12.11	134.50 (I)	138.50 (I)	3.0
	Increase	263 (C)	270 (C)	2.7
11. Search records	21.12.11	27.30	28.10	2.9
	Increase			
11A. Electronic Searches	21.12.11			
(a) Fee per action	Increase	1.20	1.25	4.2
11A. Electronic Searches	21.12.11			
(b) Annual fee	Increase	1,237	1,272	2.8
12(a). Produce records	21.12.11	40.20	41.30	2.7
	Increase			
12(b). Hourly Attendance	21.12.11	67.50	69.50	3.0
	Increase			
13(a). Copy of document	10.06.09	1.50	1.50	Nil
	Decrease ^			
13(b)(i). Copy reasons for judgment	21.12.11	9.50	9.75	2.6
	Increase			
13(b)(ii). Additional copies	21.12.11	1.20	1.25	4.2
	Increase			

Type of fee	Date last updated Increase/ Decrease	Old Fee* (\$)	New Fee* (\$)	Increase/ Decrease (%) [∞]
13(c). Certification fee	21.12.11 Increase	13.15	13.50	2.7
13(d). Registrar's Certificate	21.12.11 Increase	28.30	29.10	2.8
14(a). Copy transcript per page	21.12.11 Increase	5.30	5.45	2.8
14(b). Electronic transcript per day	21.12.11 Increase	13.15	13.50	2.7
14(c). Additional copy per page	01.01.04 Increase	1.50	1.50	Nil

* I = Individual, C = person other than an individual (corporate)

^ Decrease made to address the concerns raised by the Joint Standing Committee on Delegated Legislation as outlined in its Report number 32.

∞ Fees were rounded as follows:

- less than or equal to \$20 - round to the nearest 5c
- greater than \$21 less than \$50 - round to the nearest 10c
- greater than \$51 less than \$200 - round to the nearest 50c
- greater than \$200 - round to the nearest dollar

The rounding has resulted in variations to the 2.8% CPI increase

Regulation 4 Schedule 2 amended

These Schedule 2 fees relate to services provided by the Sheriff. All fee items have been increased by 2.8% to match CPI movements as determined by the Department. These applied from the day following gazettal.

Type of fee	Date last updated Increase/ Decrease	Old Fee (\$)	New Fee (\$)	Increase/ Decrease (%) [∞]
1. Execution Arrest Warrant				
(a) Arrest	21.12.11 Increase	85.50	88.00	2.9
(b) Custody/Convey		85.50	88.00	2.9
(c) Half Hourly Rate		22.70	23.30	2.6
2. Service of process	21.12.11 Increase	46.90	48.20	2.8
3. Travel per kilometre				
a) Metropolitan	21.12.11 Increase	1.20	1.25	4.2
b) Country	21.12.11 Increase	1.30	1.35	3.8

Type of fee	Date last updated Increase/ Decrease	Old Fee (\$)	New Fee (\$)	Increase/ Decrease (%) [∞]
4. Sheriff attending view per hour	21.12.11 Increase	45.30	46.60	2.9
5(a). Jury Panel	21.12.11 Increase	145.50	149.50	2.7

[∞] Fees were rounded as follows:

- less than or equal to \$20 - round to the nearest 5c
- greater than \$21 less than \$50 - round to the nearest 10c
- greater than \$51 less than \$200 - round to the nearest 50c
- greater than \$200 - round to the nearest dollar

The rounding has resulted in variations to the 2.8% CPI increase

- **Identification of any unusual or controversial provisions, having particular regard to the matters set out in item 3.6 of the Joint Standing Committee's terms of reference.**

NIL

- **Details of consultations undertaken including a list of the business and community groups consulted, a précis of their comments and the response to any suggestions put forward.**

NIL

- **If applicable, reasons justifying any change in fees, charges and penalties and details of the amount of the fee, charge or penalty before the change.**

In accordance with Department of Treasury instructions the Department reviews its fees on an annual basis to determine whether an increase in some or all of its fees are required.

Legal advice with respect to the current fee increases has been sought from the State Solicitors Office. This advice suggests all fees in the amendments stipulated in the Supreme Court (Fees) Amendment Regulations (No. 3) 2012 are legally valid.

- **The name, email address, telephone number and direct fax number of a person whom the Committee can contact regarding the subsidiary legislation.**

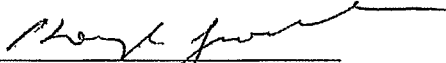
Please contact Mark Hainsworth, Manager Advisory Services, Department of the Attorney General with any queries on 9264-1371 fax number 9264-1121 or mark.hainsworth@justice.wa.gov.au

- **Where relevant, confirmation that a National Competition Policy Review has been conducted and the outcome of that review.**

Not relevant

Disclaimer

This explanatory memorandum has been prepared as an aid and must not be substituted for the subsidiary legislation or other instrument gazetted, or made available to the public in any way.



Cheryl Gwilliam
DIRECTOR GENERAL
Department of the Attorney General



Hon Michael Mischin MLC
ATTORNEY GENERAL