



Western Australia

Supreme Court Act 1935

Supreme Court (Fees) Regulations 2002

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Supreme Court (Fees) Regulations 2002

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Defined terms

Supreme Court (Fees) Regulations 2002

1. Citation

These regulations may be cited as the *Supreme Court (Fees) Regulations 2002*¹.

2. Commencement

These regulations come into operation on 1 January 2002.

3. Terms used

In these regulations unless the contrary intention appears —
corporation has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth;

eligible entity means an entity referred to in regulation 7(3);

eligible entity fee, in relation to a matter specified in an item in Schedule 1, means the fee shown in column A for that item;

eligible individual means an individual referred to in regulation 7(2);

eligible individual fee, in relation to a matter specified in an item in Schedule 1, means the fee, if any, shown in column C for that item;

enforcement officer has the meaning given to that term in the *Civil Judgments Enforcement Act 2004* section 3;

entity does not include an individual;

individual does not include a public officer of the Commonwealth, of this State or any other State, or of any Territory acting in the course of his or her duties as such an officer;

non-profit association means a society, club, institution, or body that is not for the purpose of trading or securing pecuniary profit for its members from its transactions;

person means an individual or an entity;

Rules means the *Rules of the Supreme Court 1971*;

small business means —

[(a) deleted]

- (b) a business undertaking that is wholly owned and operated by an individual or individuals in partnership and has less than 20 full-time equivalent employees or partners; or
- (c) a corporation that has less than 20 full-time equivalent employees and that is not a subsidiary of a corporation that has 20 or more full-time equivalent employees; or
- (d) a co-operative as defined in the *Co-operatives Act 2009* that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees; or
- (e) a corporation within the meaning of the *Statutory Corporations (Liability of Directors) Act 1996* that has less than 20 full-time equivalent employees and that is not a body that would be a subsidiary, if the corporation were a corporation to which the *Corporations Act 2001* of the Commonwealth applies, of a corporation within the meaning of the *Corporations Act 2001* of the Commonwealth or the *Statutory Corporations (Liability of Directors) Act 1996* that has 20 or more full-time equivalent employees;

subsidiary has the same meaning as it has in the *Corporations Act 2001* of the Commonwealth.

[Regulation 3 amended in Gazette 30 Dec 2003 p. 5693;
23 Jun 2006 p. 2184; 14 Jun 2016 p. 1952-3.]

4. General fees

- (1) Subject to the provisions of these regulations, the fees specified in Schedules 1, 2, and 3 are to be charged in respect of the matters referred to in section 171(1) of the Act in relation to which they are specified.
- (2) In relation to a matter specified in an item in Schedule 1 —
 - (a) the fee payable by an individual who is not an eligible individual is the fee shown in column A for that item; or
 - (b) the fee payable by an eligible individual is the eligible individual fee for that item; or
 - (c) the fee payable by an entity that is not an eligible entity is the fee shown in column B for that item; or
 - (d) the fee payable by an eligible entity is the eligible entity fee for that item.
- (3) Except as provided in Schedule 1 or 3, a fee must not be charged in respect of any of the following —
 - (a) filing an affidavit;
 - (b) filing a pleading;
 - (c) search by a party;
 - (d) sealing a copy of a document;
 - (e) drawing up, settling or signing a judgment, order, or decree;
 - (f) amending a pleading;
 - (g) making a request under the Rules;
 - (h) filing, depositing, giving, issuing, or serving any other document required or permitted by the Rules to be filed,

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deposited, given, issued, or served in connection with proceedings in the Court.

- (4) A note to an item in Schedule 1, 2, or 3 has effect according to its tenor as if it were a provision of these regulations.
- (5) No fee is to be charged in respect of any attendance in chambers if the attendance is required by an order of the Court made on its own motion.

[(6) deleted]

[(7)-(13) deleted]

[Regulation 4 amended in Gazette 30 Dec 2003 p. 5693-4; 28 Apr 2005 p. 1758; 4 Sep 2009 p. 3461; 14 Jun 2016 p. 1953.]

4A. Fees for small businesses and non-profit associations

- (1) An entity that is a small business or a non-profit association may lodge a declaration in the form of Schedule 4 Form 1.
- (2) On the lodgment of a declaration the entity is to be charged fees as if it were an eligible entity.
- (3) Subregulation (2) does not apply to fees payable by joint parties unless each party is a small business or non-profit association.
- (4) An entity that has lodged a declaration under subregulation (1) must immediately advise the Principal Registrar if the entity ceases to be a small business or non-profit association as the case requires.

Penalty for this subregulation: a fine of \$1 000.

- (5) If an entity is charged a fee under subregulation (2) when the entity was not a small business or a non-profit association, the Court may —
 - (a) order that the entity pay the difference between the amount of the fee the entity paid and the amount of the fee that would otherwise be payable by the entity; and

- (b) make orders to enforce the order for the payment.
- (6) An order under subregulation (5)(b) may include orders relating to the future conduct of the matter to which the fees relate or the effect of anything that has been done in respect of the matter until the sum ordered to be paid has been paid.

[Regulation 4A inserted in Gazette 14 Jun 2016 p. 1954-5.]

5. Exemptions

- (1) In this regulation —

bilateral convention means a convention —

- (a) entered into between Australia and another country; or
- (b) entered into between the United Kingdom and another country that is extended by way of notification to Australia;

evidence convention means the following conventions —

- (a) the Hague Convention on the Taking of Evidence Abroad in Civil and Commercial Matters;
- (b) a bilateral convention that provides for evidence to be obtained in Australia on a request issued by a court or tribunal in a country that is a party to the convention.

- (2) The provisions of these regulations apply to all proceedings in the Supreme Court in any jurisdiction inherent in or conferred on the Court or a judge other than —

- (a) criminal proceedings, or appeals under the *Criminal Appeals Act 2004*; or
- (b) proceedings under the *Bankruptcy Act 1966* of the Commonwealth; or
- (c) proceedings under the *Surveillance Devices Act 1998*; or
- (d) proceedings under the *Witness Protection (Western Australia) Act 1996*; or
- (e) proceedings in the Court of Disputed Returns; or
- (f) applications for appointment as public notaries; or

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- (g) an application under the *Prohibited Behaviour Orders Act 2010* for a prohibited behaviour order or to vary or cancel a prohibited behaviour order; or
 - (h) proceedings under the *Civil Judgments Enforcement Act 2004*; or
 - (i) an application under the *Terrorism (Extraordinary Powers) Act 2005*; or
 - (j) proceedings under the *Terrorism (Preventative Detention) Act 2006*.
- (3) A person is not required to pay a fee in respect of a matter if —
- (a) a written law provides that the person is not required to pay a fee in respect of a matter of that type; or
 - (b) the matter is an application under the *Evidence Act 1906* section 116 in respect of a request issued by or on behalf of a court or tribunal exercising jurisdiction in a country that is a party to an evidence convention if the evidence convention provides that the request is to be executed without a fee being charged; or
 - (c) the person has not reached 18 years of age on the day the fee would otherwise be payable.

[Regulation 5 amended in Gazette 28 Apr 2005 p. 1758; 23 Jun 2005 p. 2693; 27 Jun 2008 p. 3060; 4 Sep 2009 p. 3461; 27 Mar 2012 p. 1508; 14 Jun 2016 p. 1955-6.]

5A. Disputes regarding fees

- (1) An application for a determination under section 171(3) of the Act is to be in the form of Schedule 4 Form 3.
- (2) Despite the provisions of these regulations, a fee is not to be charged in respect of an application referred to in subregulation (1).

[Regulation 5A inserted in Gazette 28 Apr 2005 p. 1759.]

6. Fees to be paid before documents filed or other things done

- (1) Subject to the provisions of these regulations —
- (a) a pleading, application, or other document must not be filed, issued, or otherwise dealt with; and
 - (b) no other matter or thing is to be done in the Court or by an officer of the Court,

unless the fee (if any) payable upon or in respect of filing, sealing, issuing, or otherwise dealing with that pleading, application, or other document or upon or in respect of the doing of that matter or thing, has been paid.

- (2) The Court or a registrar may direct that the payment of the whole or a part or a fee or fees in respect of a claim for personal injuries be deferred —
- (a) to a time specified by the Court or registrar; and
 - (b) on any conditions specified by the Court or registrar.

[Regulation 6 amended in Gazette 14 Jun 2016 p. 1956.]

7. Who is an eligible individual or eligible entity

- (1) In this regulation —
- Centrelink** means the Commonwealth agency known as Centrelink.
- (2) An eligible individual is —
- (a) an individual who holds one or more of the following cards issued by Centrelink —
 - (i) a health care card;
 - (ii) a health benefit card;
 - (iii) a pensioner concession card;
 - (iv) a Commonwealth seniors health card;or
 - (b) an individual who holds any other card issued by Centrelink or the Department of Veterans' Affairs of the

- Commonwealth that certifies entitlement to Commonwealth health concessions; or
- (c) an individual who is in receipt of a youth training allowance, or an AUSTUDY allowance, as defined in the *Social Security Act 1991* (Commonwealth) section 23(1); or
 - (d) an individual who is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme; or
 - (e) an individual who has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or
 - (f) an individual who the Court or a registrar has directed is an eligible individual under regulation 8A(1)(b).
- (3) An eligible entity is —
- (a) an entity that has been granted legal aid under the *Legal Aid Commission Act 1976* or a legal aid scheme or service established under a Commonwealth, State or Territory law in respect of the proceedings in relation to which a fee would otherwise be payable; or
 - (b) an entity that the Court or a registrar has directed is an eligible entity under regulation 8A(2)(b).

[Regulation 7 inserted in Gazette 14 Jun 2016 p. 1957-8.]

8. Application to be recognised as eligible individual or eligible entity

- (1) A person may apply for —
- (a) a direction under regulation 8A(1) that the person is an eligible individual in respect of a matter specified in Schedule 1; or

- (b) a direction under regulation 8A(2) that the person is an eligible entity in respect of a matter specified in Schedule 1.
- (2) An application is to be in the form of Schedule 4 Form 2 and is to specify —
 - (a) for an individual — the matter in respect of which the individual is seeking to pay the eligible individual fee; or
 - (b) for an entity — the matter in respect of which the entity is seeking to pay the eligible entity fee.
- (3) Despite anything else in these regulations, a fee is not to be charged in respect of an application under subregulation (1).

[Regulation 8 inserted in Gazette 14 Jun 2016 p. 1958-9.]

8A. Recognition as eligible individual or eligible entity

- (1) The Court or a registrar may, on an application under regulation 8(1)(a) —
 - (a) direct that a person is an eligible individual described in regulation 7(2)(a) to (e) in respect of the matter if satisfied that the person meets one or more of the requirements set out in those paragraphs; or
 - (b) direct that a person is an eligible individual described in regulation 7(2)(f) if satisfied that the person should be required to pay only an eligible individual fee in respect of the matter for either, or both, of the following reasons —
 - (i) financial hardship;
 - (ii) the interests of justice.
- (2) The Court or a registrar may, on an application under regulation 8(1)(b) —
 - (a) direct that a person is an eligible entity described in regulation 7(3)(a) in respect of the matter if satisfied that

the person meets the requirements set out in that paragraph; or

- (b) direct that a person is an eligible entity described in regulation 7(3)(b) if satisfied that the person should be required to pay only the eligible entity fee in respect of the matter for either, or both, of the following reasons —
 - (i) financial hardship;
 - (ii) the interests of justice.
- (3) A judge or a registrar may, before an application is determined, direct the applicant to provide to the judge, the registrar or the Court further information relating to the application.
- (4) A direction to provide further information —
 - (a) may be made in writing or orally; and
 - (b) may require that the information is provided either in writing or orally.

[Regulation 8A inserted in Gazette 14 Jun 2016 p. 1959-60.]

8B. False or misleading statements

- (1) A person who makes a statement or representation in a declaration or application made under these regulations, or provides further information in relation to a declaration or application, that the person knows or has reason to believe is false or misleading in a material particular commits an offence.
Penalty for this subregulation: a fine of \$1 000.
- (2) The Court or a registrar may make an order that the declaration lodged by a person under regulation 4A(1) is invalid if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).
- (3) The Court or a registrar may revoke a direction made under regulation 8A(1) or (2) if satisfied, having given the person an opportunity to make a written submission, that the person has contravened subregulation (1).

- (4) If a declaration is declared invalid under subregulation (2) or a direction is revoked under subregulation (3), the Court may —
 - (a) order that the person in respect of whom the declaration or direction was made pay the difference between the fee the person paid and the fee that would otherwise be payable by the person; and
 - (b) make an order to enforce the order for the payment.
- (5) An order under subregulation (4)(b) may include orders relating to the future conduct of the proceedings to which the fees relate or the effect of anything that has been done in respect of the proceedings until the sum ordered to be paid has been paid.

[Regulation 8B inserted in Gazette 14 Jun 2016 p. 1960-1.]

8C. Refunds

- (1) A judicial officer or legally qualified registrar presiding in a proceeding may order the refund of the difference between the amount of a fee paid by a person in respect of the proceeding and the amount of the fee that the person was entitled to be charged under these regulations in respect of the proceedings.
- (2) The Principal Registrar may refund to a person the amount of a fee, or part of a fee, paid by the person if the amount was paid in error.

[Regulation 8C inserted in Gazette 14 Jun 2016 p. 1961.]

8D. Waiving fee for copy of document or transcript

The Court or a registrar may waive a fee referred to in a provision listed in the Table if the Court or registrar is satisfied that the waiving of the fee would assist in the efficient operation of the Court.

Table

Item	Provision
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Item	Provision
1.	Schedule 1 Division 1 item 12(a)
2.	Schedule 1 Division 1 item 13
3.	Schedule 1 Division 2 item 9(a)
4.	Schedule 1 Division 2 item 10

[Regulation 8D inserted in Gazette 14 Jun 2016 p. 1961-2.]

9. Allocation of hearing date — Schedule 1 Division 1 item 5

- (1) In this regulation —
fee means the fee referred to in Schedule 1 Division 1 item 5.
- (2) The fee is not payable in relation to interlocutory proceedings.
- (3) If a fee is payable for each day allocated, the number of days for which the fee is payable is —
 - (a) the number of days estimated for the hearing in the certificate of readiness; or
 - (b) if at a directions hearing a greater number of days is allocated for the hearing, the number of days allocated for the hearing at the directions hearing.
- (4) If the number of days for which the fee is payable is half a day or less, the fee is reduced by half.
- (5) The following fees must be paid when the fee referred to in Schedule 1 Division 1 item 4 is paid —
 - (a) for an eligible individual — the eligible individual fee;
 - (b) otherwise — a fee calculated on the basis of the number of days estimated for the hearing in the certificate of readiness.

- (6) The fee for any additional days allocated for a hearing at a directions hearing is to be paid immediately after the directions hearing.
- (7) The fee paid is not refundable except as provided in subregulations (8), (9) and (10).
- (8) If the cause or matter is settled and the Court receives written notice of the settlement the following percentage of the fee paid is to be refunded —
 - (a) if notice is received 42 days or more before the first date allocated for the hearing date, 75%;
 - (b) if notice is received 28 days or more before that date, 50%.
- (9) If the hearing is adjourned before the first date allocated for the hearing the following percentage of the fee paid is to be refunded or transferred to the date or dates allocated for the adjourned hearing —
 - (a) if the Court or registrar is satisfied the reason for the adjournment is beyond the control of the parties, 100%;
 - (b) otherwise, if the adjournment occurs —
 - (i) 42 days or more before the first date allocated for the hearing, 75%; or
 - (ii) 28 days or more before that date, 50%.
- (10) If the hearing is adjourned after it has commenced and the Court or registrar is satisfied the reason for the adjournment is beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

[Regulation 9 inserted in Gazette 28 Apr 2005 p. 1760-1; amended in Gazette 23 Jun 2005 p. 2693; 4 Sep 2009 p. 3461-2; 14 Jun 2016 p. 1962.]

**9A. Court of Appeal allocation of hearing date — Schedule 1
Division 2 item 6**

- (1) In this regulation —
fee means the fee referred to in Schedule 1 Division 2 item 6.
- (2) The fee is not payable in relation to an application for an interim order or to amend or cancel an interim order.
- (3) If a fee is payable for each day allocated, the number of days for which the fee is payable is —
 - (a) the number of days in excess of the first hearing day estimated for the hearing by the Court of Appeal Registrar; or
 - (b) if at a directions hearing a greater number of days than those estimated by the registrar is allocated for the hearing, the number of days in excess of the first hearing day allocated at a directions hearing.
- (4) If the number of days for which the fee is payable is half a day or less, the fee is reduced by half.
- (5) The following fees must be paid within 7 days of the *Supreme Court (Court of Appeal) Rules 2005* Form 15 being sent to the parties —
 - (a) if the fee is an eligible individual fee — the eligible individual fee;
 - (b) otherwise — a fee calculated on the basis of the number of days estimated under subregulation (3)(a).
- (6A) The fee for any additional days allocated for a hearing at a directions hearing is to be paid within 7 days of the directions hearing.
- (6) The fee paid is not refundable except as provided in subregulations (7), (8) and (9).

- (7) If the appeal is settled and the Court of Appeal Office receives written notice of the settlement the following percentage of the fee paid is to be refunded —
- (a) if notice is received 42 days or more before the first date allocated for the hearing date, 75%;
 - (b) if notice is received 28 days or more before that date, 50%.
- (8) If the hearing of the appeal is adjourned before the first date allocated for the hearing the following percentage of the fee paid is to be refunded or transferred to the date or dates allocated for the adjourned hearing —
- (a) if the Court or Court of Appeal Registrar is satisfied that the reason for the adjournment is beyond the control of the parties, 100%;
 - (b) otherwise, if the adjournment occurs —
 - (i) 42 days or more before the first date allocated for the hearing, 75%; or
 - (ii) 28 days or more before that date, 50%.
- (9) If the hearing is adjourned after it has commenced and the Court or Court of Appeal Registrar is satisfied that the reason for the adjournment is beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

[Regulation 9A inserted in Gazette 23 Jun 2005 p. 2693-5; amended in Gazette 4 Sep 2009 p. 3462; 14 Jun 2016 p. 1962-3.]

10. Schedule 1 Division 1 item 6 or Division 2 item 7 fee

If a fee is to be paid under Schedule 1 Division 1 item 6 or Division 2 item 7, the hearing is not to be reconvened until that fee or so much of it as has not been reduced under these regulations has been paid.

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*[Regulation 10 amended in Gazette 23 Jun 2005 p. 2695;
4 Sep 2009 p. 3462; 14 Jun 2016 p. 1963-4.]*

11. Recovery of unpaid fees

Any unpaid fee is a debt due to the State and may be recovered by action in a court of competent jurisdiction.

[Regulation 11 inserted in Gazette 28 Apr 2005 p. 1761.]

[12. Deleted in Gazette 4 Sep 2009 p. 3462.]

Schedule 1 — Fees

[r. 4 and 4A]

[Heading inserted in Gazette 7 Jul 2017 p. 3781.]

Division 1 — General Division fees

[Heading inserted in Gazette 7 Jul 2017 p. 3781.]

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	On filing —			
	(a) any originating process by which a cause, matter or other proceeding in the Court is commenced, other than proceedings of the kind referred to in item 2, 3 or 7; or	1 226.00	2 389.00	100.00
	(b) a notice of appeal (whether in draft form or not)	1 226.00	2 389.00	100.00
2.	On filing —			
	(a) a counterclaim	1 226.00	2 389.00	100.00
	(b) a third party notice or a notice under the Rules O. 19 r. 8	1 226.00	2 389.00	100.00

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Schedule 1 Fees

Division 1 General Division fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	(c) an application — (i) to extend a period of time fixed by law, including an application to extend time before proceedings are commenced; or (ii) to limit a period of time within which proceedings may be taken; or (iii) for leave to serve a writ or notice of a writ out of jurisdiction; or (iv) to swear to the death of a person; or (v) for leave to appeal; or			

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Schedule 1 Fees

Division 1 General Division fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
6.	<p>Daily hearing fee before a Court constituted by a master or 1 or more judges</p> <p>NOTES:</p> <p>(1) No fee is payable if the proceedings are of an interlocutory nature.</p> <p>(2) The fee is to be paid in respect of any number of hearing days greater than the number of hearing days for which a fee has been paid under item 5.</p> <p>(3) The fee is payable for each additional day or part of a day that the hearing proceeds beyond the date or dates allocated referred to in item 5.</p> <p>(4) If the Court allocates a half-day or less for the continuation of the hearing, a fee equal to half the prescribed amount is payable for that period.</p> <p>(5) The daily fee becomes payable on a day-to-day basis and is payable before the daily reconvening of the hearing.</p>	821.00	2 131.00	0.00

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Fees **Schedule 1**
General Division fees **Division 1**

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
7.	<p>(a) On filing an —</p> <p>(i) interlocutory application or summons returnable; or</p> <p>(ii) application for assessment of damages; or</p> <p>(iii) application for summary judgment, before a judge, master or registrar in chambers ..</p>	288.00	560.00	86.50
	<p>(b) On an appointment before a judge, master or registrar —</p> <p>(i) on a reference for inquiry and report; or</p> <p>(ii) to pass accounts; or</p> <p>(iii) to settle the index of a transcript for use upon the hearing of an appeal; or</p> <p>(iv) on a reference to a registrar in admiralty proceedings</p>	288.00	560.00	86.50

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Schedule 1 Fees

Division 1 General Division fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	<p>(c) On an appointment before a judge, master or registrar for mediation</p> <p>NOTES:</p> <p>(1) If the registrar is assisted by 1 or more assessors, the daily fee is payable for each assessor if the registrar considers that to be reasonable.</p> <p>(2) The fee payable to an assessor becomes payable on a day-to-day basis as the reference proceeds and is payable in the first instance by the claimant.</p> <p>(3) The fee includes the first day of the hearing of the application or summons and includes any adjournment of the hearing.</p> <p>(4) The fee is payable in respect of an application for liberty to apply to relist.</p>	288.00	560.00	0.00
8.	If the hearing of a matter to which item 7 applies is listed for more than 1 day and proceeds for more than the number of days listed, the fee prescribed in item 7 is payable for each additional day or part of a day of a hearing.			

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Fees **Schedule 1**
 General Division fees **Division 1**

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	NOTE: The daily fee becomes payable on a day-to-day basis and is payable before the daily reconvening of the hearing.			
9.	On filing a bill of costs for taxation in a cause or matter or under the <i>Commercial Arbitration Act 2012</i> , or on filing an application for an assessment of a bill of costs under the <i>Legal Profession Act 2008</i> — (a) lodgment fee 398.00 (b) on the setting of an appointment to tax a bill of costs, an additional fee at the rate of 2.5% NOTES: (1) The % rate is to be applied to the amount at which the bill is drawn. (2) The taxing officer must allow against the person chargeable with the costs as taxed, taxing fees at the rate prescribed in item 9(b) of the amount found due on taxation.	398.00	772.00	100.00
		2.5%	2.5%	0.0%

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Schedule 1 Fees

Division 1 General Division fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	<p>(3) If the parties agree on the bill of costs in a cause or matter or under the <i>Legal Profession Act 2008</i>, the <i>Commercial Arbitration Act 1985</i> or the <i>Commercial Arbitration Act 2012</i> and the appointment is cancelled, the following percentage of the fee paid is to be refunded —</p> <p>(a) if the appointment is cancelled less than 3 days before the day of the appointment, nil;</p> <p>(b) if the appointment is cancelled 3 days or more and less than 10 days before the day of the appointment, 50%;</p> <p>(c) if the appointment is cancelled 10 or more days before the day of the appointment, 80%.</p>			
10.	<p>For searching any proceeding or record other than a search made by or on behalf of a party to the proceeding</p> <p>NOTE: But if the search is made by a recognised service approved by the Attorney General: \$1.85.</p>	41.40	41.40	12.40

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Fees **Schedule 1**
 General Division fees **Division 1**

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
11.	(a) On an application for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire	61.00	61.00	18.25
	(b) If an officer is required to attend at any court or place out of the Supreme Court building, the officer's reasonable expenses and, in addition, for each hour or part of an hour when the officer is necessarily absent from the officer's office	101.00	101.00	30.30
12.	(a) For a copy of a document of any kind or an exhibit, including marking as an office copy if required, for each page or part of a page	1.70	1.70	0.50

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Fees **Schedule 1**
 General Division fees **Division 1**

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
13.	(a) For a copy of a transcript, or part of a transcript — <ul style="list-style-type: none"> (i) provided within 1 day after the day on which the fee is paid (ii) provided within 4 days after the day on which the fee is paid (iii) provided within 7 days after the day on which the fee is paid (b) For an additional copy of the transcript, or part of the transcript, provided under paragraph (a) — <ul style="list-style-type: none"> (i) in electronic format (ii) paper copy 	19.10 plus 7.85 per page 19.10 plus 6.80 per page 19.10 plus 6.55 per page 19.95 per copy 1.95 per page	19.10 plus 15.70 per page 19.10 plus 13.70 per page 19.10 plus 13.05 per page 19.95 per copy 1.95 per page	5.70 plus 2.35 per page 5.70 plus 2.05 per page 5.70 plus 2.00 per page 6.00 per copy 0.55 per page
14.	On filing an application for admission as a practitioner	345.00	N/A	N/A

[Division 1 inserted in Gazette 7 Jul 2017 p. 3781-91.]

Supreme Court (Fees) Regulations 2002

Schedule 1 Fees

Division 2 Court of Appeal fees

Division 2 — Court of Appeal fees

[Heading inserted in Gazette 7 Jul 2017 p. 3792.]

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
1.	On filing an appeal notice	205.00	530.00	61.50
2.	On filing — (a) Appellant’s case; or (b) Respondent’s case	3 082.00	8 008.00	100.00
3.	On filing an application to transfer an appeal from the District Court to the Court of Appeal under the <i>Magistrates Court (Civil Proceedings) Act 2004</i> s. 41	409.00	801.00	100.00
4.	(a) On filing an application in an appeal for an interim order or to amend or cancel an interim order	288.00	560.00	86.50
	(b) On an appointment before a judge or registrar to settle the appeal book index	288.00	560.00	86.50
	(c) On an appointment before a registrar for mediation	288.00	560.00	0.00
	NOTES: (1) The fee includes the first day of the hearing of the matter and any adjournment of the matter.			

Supreme Court (Fees) Regulations 2002

Fees **Schedule 1**
 Court of Appeal fees **Division 2**

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
	(2) If the hearing of a matter is listed for more than 1 day and proceeds for more than the number of days listed, the fee prescribed by this item is payable for each additional day or part of a day of a hearing. (3) A fee payable in the circumstances referred to in Note 2 is payable on a day-to-day basis before the daily reconvening of the hearing.			
5.	Setting down fee NOTES: (1) This fee is payable when the appeal book is filed. (2) This fee includes the fee for the first day of hearing.	1 028.00	1 998.00	100.00
6.	Allocation of hearing date NOTE: This fee is payable on the number of days in excess of the first hearing day estimated for the hearing by the Court of Appeal Registrar.	821.00 for each day estimated	2 131.00 for each day estimated	0.00

Supreme Court (Fees) Regulations 2002

Schedule 1 Fees

Division 2 Court of Appeal fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
7.	Daily hearing fee NOTES: (1) This fee is not payable in relation to an application for, or to amend or cancel an interim order. (2) This fee is payable for each additional day or part day that a hearing proceeds beyond the number of days for which a fee has been paid. (3) If the Court allocates a half-day or less for the continuation of the hearing, a fee equal to half the prescribed amount is payable for that period. (4) The daily hearing fee is payable on a day-to-day basis and is payable before the daily reconvening of the hearing.	821.00	2 131.00	0.00
8.	For searching any proceeding or record other than a search made by or on behalf of a party to an appeal NOTE: But if the search is made by a recognised service approved by the Attorney General: \$1.85.	41.40	41.40	12.40

Supreme Court (Fees) Regulations 2002

Fees **Schedule 1**
 Court of Appeal fees **Division 2**

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
9.	(a) For a copy of a document of any kind or an exhibit, including marking as an office copy if required, for each page or part thereof	1.70	1.70	0.50
	(b) For a copy of reasons for judgment —			
	(i) for each copy consisting of 10 pages or less issued to a person not a party to the appeal and for each copy in excess of 1 copy issued to a party to the appeal	14.45	14.45	4.40
	(ii) for each copy consisting of more than 10 pages an additional fee per page of	1.85	1.85	0.55
	(c) For certifying under seal that a document is a true copy, an additional fee of	19.95	19.95	6.00
	(d) For a certificate under the hand of a registrar	39.20	39.20	11.80

Supreme Court (Fees) Regulations 2002

Schedule 1 Fees

Division 2 Court of Appeal fees

Item	Matter	Column A Fee for individual or eligible entity \$	Column B Fee for entity \$	Column C Fee for eligible individual \$
10.	<p>(a) For a copy of a transcript, or part of a transcript —</p> <p>(i) provided within 1 day after the day on which the fee is paid</p> <p>(ii) provided within 4 days after the day on which the fee is paid</p> <p>(iii) provided within 7 days after the day on which the fee is paid</p> <p>(b) For an additional copy of the transcript, or part of the transcript, provided under paragraph (a) —</p> <p>(i) in electronic format</p> <p>(ii) paper copy</p>	<p>19.10 plus 7.85 per page</p> <p>19.10 plus 6.80 per page</p> <p>19.10 plus 6.55 per page</p> <p>19.95</p> <p>1.95</p>	<p>19.10 plus 15.70 per page</p> <p>19.10 plus 13.70 per page</p> <p>19.10 plus 13.05 per page</p> <p>19.95</p> <p>1.95</p>	<p>5.70 plus 2.35 per page</p> <p>5.70 plus 2.05 per page</p> <p>5.70 plus 2.00 per page</p> <p>6.00</p> <p>0.55</p>

[Division 2 inserted in Gazette 7 Jul 2017 p. 3792-6.]

Supreme Court (Fees) Regulations 2002
Schedule 2 Sheriff's fees

Item	Matter	Fee \$
3.	<p>If it is necessary to travel to execute a warrant or other process, or on service of a writ, summons, order of the Court, other process or document, or on making an arrest or for all attempts, attendances and inspections, from the sheriff's office or nearest bailiff's office —</p> <p>(a) for each kilometre travelled (one way) in the metropolitan area</p> <p>(b) for each kilometre travelled (one way) outside the metropolitan area</p> <p>NOTE: If more than one process or document is executed or served by the sheriff or a bailiff at the same time on the same person or on different persons at the same address, only one allowance for kilometres is chargeable.</p>	<p>1.85</p> <p>2.05</p>
4.	Fee to the sheriff for attending a view — per hour or part of an hour	69.00
5.	<p>(a) For striking a jury and preparing jury panel</p> <p>(b) For attendance of sheriff's officer at hearing (per day or part of a day)</p>	<p>221.00</p> <p>The sum actually and reasonably paid</p>

[Schedule 2 inserted in Gazette 4 Sep 2009 p. 3470-1; amended in Gazette 8 Mar 2011 p. 784; 20 Dec 2011 p. 5379; 30 Nov 2012 p. 5787; 15 Nov 2013 p. 5242; 27 Jun 2014 p. 2350; 19 Jun 2015 p. 2133; 14 Jun 2016 p. 1980; 7 Jul 2017 p. 3797.]

Schedule 3 — Probate fees

[r. 4]

[Heading inserted in Gazette 4 Sep 2009 p. 3471.]

Item	Matter	Fee \$
	NOTE: In this Schedule, <i>grant</i> means a grant of probate or administration with or without the will, or an order to administer.	
1.	On filing an application for an original grant or, for a second subsequent grant in relation to the same deceased, or to reseal a foreign grant NOTES: This fee covers — (a) all documents filed in support of the application; and (b) preparation of the necessary photographic copies of documents including will (if any) required for the grant and Court files; and (c) the issue of the grant.	344.00
2.	For depositing a will of a deceased person in the Registry (including renunciation of executor)	81.50
3.	For depositing a will or instrument under the <i>Wills Act 1970</i> s. 44(1)	81.50
4.	(a) For the supply of copies of a will or other document, including marking as an office copy if required — for each page	1.70
	(b) For certifying under seal that a copy of a document is a true copy — an additional fee of	19.95

Supreme Court (Fees) Regulations 2002

Schedule 3 Probate fees

Item	Matter	Fee \$
5.	(a) For an exemplification of a grant (in addition to the fee payable under item 4(a)); (b) For settling and sealing a citation or a subpoena	103.00
6.	For a search for and inspection of a document or file of documents	41.40

[Schedule 3 inserted in Gazette 4 Sep 2009 p. 3471-2; amended in Gazette 8 Mar 2011 p. 784; 20 Dec 2011 p. 5379; 30 Nov 2012 p. 5787-8; 15 Nov 2013 p. 5242; 27 Jun 2014 p. 2350; 19 Jun 2015 p. 2134; 14 Jun 2016 p. 1980-1; 7 Jul 2017 p. 3797-8.]

Schedule 4 — Forms

[r. 4A(1) and 8(2)]

[Heading amended in Gazette 14 Jun 2016 p. 1981.]

Form 1	
Declaration that a person is a small business or a non-profit association	
In the Supreme Court of Western Australia	No. of 2
Plaintiff/Appellant*:	
(*strike out word that is not applicable)	
Defendant/Respondent*:	
(*strike out word that is not applicable)	
Applicant: Full name
 Address
 Name of person in respect of which application made
 Position held by applicant
I declare that the person in respect of which the application is made is a small business ¹ or a non-profit association ² within the meaning of that term in the <i>Supreme Court (Fees) Regulations 2002</i> .	
Signature of applicant:	
Date:	
<i>Note: A person who makes a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular commits an offence under the Supreme Court (Fees) Regulations 2002 regulation 8B(1).</i>	
¹ Under the <i>Supreme Court (Fees) Regulations 2002</i> a small business is — <i>a business undertaking that is wholly owned and operated by an individual or individuals in partnership and has less than 20 full-time equivalent employees and partners;</i> <i>a corporation that has less than 20 full-time equivalent employees and that is not a subsidiary of a corporation that has 20 or more full-time equivalent employees;</i>	

Supreme Court (Fees) Regulations 2002
Schedule 4 Forms

Form 1

a co-operative as defined in the Co-operatives Act 2009 that has less than 20 full-time equivalent employees and that is not a subsidiary of another co-operative or corporation that has 20 or more full-time equivalent employees; or

a corporation within the meaning of the Statutory Corporations (Liability of Directors) Act 1996 that has less than 20 full-time equivalent employees and that is not a body that would be a subsidiary, if the corporation were a corporation to which the Corporations Act 2001 of the Commonwealth applies, of a corporation within the meaning of the Corporations Act 2001 of the Commonwealth or the Statutory Corporations (Liability of Directors) Act 1996 that has 20 or more full-time equivalent employees.

² *Under the Supreme Court (Fees) Regulations 2002 regulation 3 a non-profit association is a society, club, institution, or body that is not for the purpose of trading or securing pecuniary profit for its members from its transactions.*

[Form 1 amended in Gazette 30 Dec 2003 p. 5700; 23 Jun 2005 p. 2700; 14 Jun 2016 p. 1981.]

Form 2			
APPLICATION TO REDUCE FEE			
In the Supreme Court of Western Australia		No. of 2	
Plaintiff/Appellant*: (*strike out word that is not applicable)			
Defendant/Respondent*: (*strike out word that is not applicable)			
Fee type for which request is made:			
<input type="checkbox"/> Application fee	<input type="checkbox"/> Hearing fee	<input type="checkbox"/> Transcription fee	<input type="checkbox"/> Other (please describe below)
Concession Card Holder: <input type="checkbox"/> Yes <input type="checkbox"/> No		Pension Concession Card No: _____	
		Health Care Card No: _____	
Grant of Legal Aid under a legal aid scheme or service <input type="checkbox"/> Yes <input type="checkbox"/> No			
Applicant Details:		Full Name:	

Please indicate your party type:	
<input type="checkbox"/> Individual <input type="checkbox"/> Entity	
Address:	
Date of Birth:	
<p>If you are applying for a fee reduction because of financial hardship or in the interests of justice, please give supporting reasons for your request (attach a separate page if required). <u>If the reasons include financial hardship you must complete the information on the following pages.</u></p>	
<p>I certify that the above information and disclosures in this form are true and correct.</p>	
<i>Applicant's Signature</i>	Dated:
<p><i>*Note: A person who makes a statement or representation in this application that the person knows or has reason to believe is false or misleading in a material particular commits an offence under the Supreme Court (Fees) Regulations 2002 regulation 8B(1).</i></p>	
COURT SEAL	
FINANCIAL DETAILS: APPLICANT WHO IS AN INDIVIDUAL	
<p>If the reasons for application include financial hardship, the following sections of the form must be completed by the applicant if the applicant is an individual.</p>	
Occupation:	
Employer:	
Employer's Address:	
Marital Status: <input type="checkbox"/> single <input type="checkbox"/> married <input type="checkbox"/> partner <input type="checkbox"/> de facto <input type="checkbox"/> separated	

Other debts (provide details)		\$ _____	\$ _____	\$ _____	
Total		\$ _____	\$ _____	\$ _____	
TOTAL INCOME	\$ _____	TOTAL EXPENDITURE	\$ _____		
ASSETS				VALUE	
House or other property (provide addresses)				\$ _____	
Motor Vehicles (car, utility, motorcycle, truck etc.)	1	Year: Make: Model: Registration Number:		\$ _____	
	2	Year: Make: Model: Registration Number:		\$ _____	
Other assets (provide details)				\$ _____	
TOTAL ASSET VALUE				\$ _____	
HOME CONTENTS (please complete appropriate box where applicable)					
Television	DVD player	Computers	Other electronic devices	Dishwasher	Micro wave
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Form 1

Furniture	Collection of coins, stamps etc.	Other collectables	Other assets	Interests in business or company
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
LIABILITIES				TOTAL
Mortgage to:				\$ _____
Other to:				\$ _____
Time to Pay Order:				\$ _____
TOTAL LIABILITIES				\$ _____
FINANCIAL DETAIL: APPLICANT WHO IS NOT AN INDIVIDUAL				
If the reasons for application include financial hardship, the following sections of the form must be completed by the applicant if the applicant is an entity.				
Income				\$ _____
Assets				\$ _____
Liabilities				\$ _____
TOTAL				\$ _____

[Form 2 inserted in Gazette 14 Jun 2016 p. 1982-6.]

Form 3	
Application for determination of dispute about fees	
In the Supreme Court of Western Australia	No. of 20
Plaintiff/Appellant*:	
(*strike out word that is not applicable)	
Defendant/Respondent*:	
(*strike out word that is not applicable)	
Application:	To the Principal Registrar for a determination under s. 171(3) of the <i>Supreme Court Act 1935</i> of a question regarding fees.
Applicant: Full name
 Address
 Date of birth
 MDL No.
Disputed fee:	The disputed fee is for

	Payable under the <i>Supreme Court (Fees)</i> <i>Regulations 2002</i> —
	<input type="checkbox"/> Schedule 1 item
	<input type="checkbox"/> Schedule 2 item
	<input type="checkbox"/> Schedule 3 item
	I dispute —
	<input type="checkbox"/> that the fee is payable
	<input type="checkbox"/> the amount of the fee
	<input type="checkbox"/> other [give details]

Form 3

I dispute the fee because	
.....	
.....	
.....	
.....	
.....	
Signature of applicant:
Date:	/ /20

[Form 3 inserted in Gazette 28 Apr 2005 p. 1763; amended in Gazette 23 Jun 2005 p. 2701.]



Notes

- ¹ This is a compilation of the *Supreme Court (Fees) Regulations 2002* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Supreme Court (Fees) Regulations 2002</i>	27 Dec 2001 p. 6583-616	1 Jan 2002 (see r. 2)
<i>Supreme Court (Fees) Amendment Regulations 2002</i>	15 Feb 2002 p. 643	15 Feb 2002
<i>Equality of Status Subsidiary Legislation Amendment Regulations 2003 Pt. 38</i>	30 Jun 2003 p. 2581-638	1 Jul 2003 (see r. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Supreme Court (Fees) Amendment Regulations 2003</i>	30 Dec 2003 p. 5693-701	1 Jan 2004 (see r. 2)
<i>Supreme Court (Fees) Amendment Regulations 2005</i>	28 Apr 2005 p. 1758-63	1 May 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2005</i>	23 Jun 2005 p. 2693-701	1 Jul 2005 (see r. 2)
<i>Supreme Court (Fees) Amendment Regulations 2006</i>	23 Jun 2006 p. 2184-7	1 Jul 2006 (see r. 2)
Reprint 1: The Supreme Court (Fees) Regulations 2002 as at 18 Aug 2006 (includes amendments listed above)		
<i>Supreme Court (Fees) Amendment Regulations 2007</i>	26 Jun 2007 p. 3042-4	r. 1 and 2: 26 Jun 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2007 (see r. 2(b)(i))
<i>Supreme Court (Fees) Amendment Regulations 2008</i>	8 Feb 2008 p. 313-14	r. 1 and 2: 8 Feb 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Feb 2008 (see r. 2(b) and <i>Gazette</i> 8 Feb 2008 p. 313)
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2008</i>	27 Jun 2008 p. 3059-62	r. 1 and 2: 27 Jun 2008 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2008 (see r. 2(b))
<i>Supreme Court (Fees) Amendment Regulations 2009</i>	9 Jun 2009 p. 1921-2	r. 1 and 2: 9 Jun 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 10 Jun 2009 (see r. 2(b))

Supreme Court (Fees) Regulations 2002

Citation	Gazettal	Commencement
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2009</i>	4 Sep 2009 p. 3461-72	r. 1 and 2: 4 Sep 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Sep 2009 (see r. 2(b))
Reprint 2: The Supreme Court (Fees) Regulations 2002 as at 13 Nov 2009 (includes amendments listed above)		
<i>Supreme Court (Fees) Amendment Regulations 2010</i>	30 Jul 2010 p. 3496-7	r. 1 and 2: 30 Jul 2010 (see r. 2(a)); Regulations other than r. 1 and 2: 31 Jul 2010 (see r. 2(b))
<i>Supreme Court (Fees) Amendment Regulations 2011</i>	8 Mar 2011 p. 781-4	r. 1 and 2: 8 Mar 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 9 Mar 2011 (see r. 2(b))
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2011</i>	20 Dec 2011 p. 5376-9	r. 1 and 2: 20 Dec 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Dec 2011 (see r. 2(b))
<i>Supreme Court (Fees) Amendment Regulations 2012</i>	27 Mar 2012 p. 1508	r. 1 and 2: 27 Mar 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 28 Mar 2012 (see r. 2(b))
<i>Supreme Court (Fees) Amendment Regulations (No. 3) 2012</i>	30 Nov 2012 p. 5784-8	r. 1 and 2: 30 Nov 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Dec 2012 (see r. 2(b))
<i>Supreme Court (Fees) Amendment Regulations 2013</i>	19 Jul 2013 p. 3268-9	r. 1 and 2: 19 Jul 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 7 Aug 2013 (see r. 2(b) and <i>Gazette</i> 6 Aug 2013 p. 3677)
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2013</i>	15 Nov 2013 p. 5239-42	r. 1 and 2: 15 Nov 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 16 Nov 2013 (see r. 2(b))
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2014</i>	27 Jun 2014 p. 2347-50	r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2014 (see r. 2(b)(i))

Citation	Gazettal	Commencement
<i>Supreme Court (Fees) Amendment Regulations (No. 3) 2014</i>	11 Jul 2014 p. 2437-8	r. 1 and 2: 11 Jul 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 12 Jul 2014 (see r. 2(b)(ii))
Reprint 3: The Supreme Court (Fees) Regulations 2002 as at 1 Aug 2014 (includes amendments listed above)		
<i>Supreme Court (Fees) Amendment Regulations (No. 2) 2015</i>	19 Jun 2015 p. 2130-4	r. 1 and 2: 19 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b)(i))
<i>Attorney General Regulations Amendment (Fees) Regulations 2016 Pt. 10</i>	14 Jun 2016 p. 1849-986	4 Jul 2016 (see r. 2(b))
<i>Attorney General Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 10</i>	7 Jul 2017 p. 3721-98	8 Jul 2017 (see r. 2(b)(ii))

² Repealed by the *Co-operatives Act 2009*.

³ Repealed by the *Commercial Arbitration Act 2012*.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
bilateral convention.....	5(1)
Centrelink	7(1)
corporation	3
eligible entity	3
eligible individual	3
eligible individual fee	3
enforcement officer	3
evidence convention	5(1)
fee	9(1), 9A(1)
grant	Sch. 3
individual	3
non-profit association	3
Rules	3
small business	3
subsidiary	3