



Department of the Attorney General
Government of Western Australia

MAGISTRATES COURT FEES

Effective From 1 July 2007

Table of Content

CIVIL PROCEEDINGS	3
GENERAL / MINOR CASES PROCEDURES	3
CLAIM FOR RECOVERY OF POSSESSION OF REAL PROPERTY	5
RESIDENTIAL TENANCIES	6
PROCESS RELATING TO COUNTERCLAIM, SET-OFF AND THIRD PARTY CLAIM OR OTHER APPLICATION ...	7
APPLICATION FOR DEFAULT JUDGMENT AND REQUEST FOR CERTIFICATE OF JUDGMENT	7
PROCESS RELATING TO TRIAL	8
APPLICATIONS	9
SUMMONS TO WITNESS	9
WARRANT TO ARREST WITNESS	10
BILL OF COSTS	10
COMMENCING AN APPEAL - AGAINST DECISIONS OF A REGISTRAR	10
CIVIL JUDGMENTS ENFORCEMENT	11
FEES RELATING TO ENFORCEMENT PROCEEDINGS	11
REGISTERING A CERTIFICATE	12
SERVICE FEE	12
BAILIFF FEE	13
OTHER STATUTORY APPLICATIONS	14
EXTRAORDINARY DRIVERS LICENCE	14
MISCONDUCT RESTRAINING ORDER	14
DIVIDING FENCES ACT 1961	14
DISPOSAL OF UNCOLLECTED GOODS 1970	14
RESTRAINT OF DEBTORS ACT 1984	15
CRIMINAL	16
RECORDS	17
COPIES OF DOCUMENTS OR EXHIBITS	17
TRANSCRIPT	17
SEARCH	18
PRODUCTION OF RECORDS OR DOCUMENTS	18

CIVIL PROCEEDINGS

General / Minor Cases Procedures

Form 3 General Procedure Claim

Form 4 Minor Cases Procedure Claim

Form 6 Consumer/Trader Claim Minor Case

Form 7 Consumer/Trader Claim General Procedure Claim

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$69.00	\$104.50	\$177.00	\$266.00	\$282.00	\$424.00
Suitor's Fund fee	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
Bailiff/Claimant Service fee (plus travelling fee)	\$41.00	\$41.00	\$41.00	\$41.00	\$41.00	\$41.00
Bailiff Service fee (GST payable) (plus travelling fee)	\$45.10	\$45.10	\$45.10	\$45.10	\$45.10	\$45.10

Item 1 *Magistrates Court Civil Jurisdiction Scale of Costs 2006*

	Claim not exceeding \$7,500	Claim over \$7,500 to \$50,000
	Letter of Demand	Nil

Item 2 *Magistrates Court Civil Jurisdiction Scale of Costs 2006*

	Claim not exceeding \$7,500	Claim over \$7,500 to \$50,000
	Lawyer's costs	Nil

Service

Description of Process	Fee
Service of any process when personal service is not required under the Act	\$29.50
Service of any process when personal service is required by the Act	\$41.00
Service by post, including postage	\$20.50

Travelling

The fee is payable whether or not the service is successful and covers up to 3 attempts at service at the same address.

- a) For each kilometre travelled (one way) in the metropolitan area \$1.05
- b) For each kilometre travelled (one way) outside the metropolitan area \$1.15

If more than one process or document is executed or served by 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.

Claim For Recovery Of Possession Of Real Property

Form 5

Description of Process	Gross Annual Value of Rent not exceeding \$7,500		Gross Annual Value of Rent Over \$7,500 and not exceeding \$25,000		Gross Annual Value of Rent exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$69.00	\$104.50	\$177.00	\$266.00	\$282.00	\$424.00
Suitor's Fund fee	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
Bailiff/Claimant Service fee (plus travelling fee)	\$41.00	\$41.00	\$41.00	\$41.00	\$41.00	\$41.00
Bailiff Service fee (GST payable) (plus travelling fee)	\$45.10	\$45.10	\$45.10	\$45.10	\$45.10	\$45.10
Application for hearing	\$110.00	\$165.00	\$199.00	\$298.00	\$222.00	\$333.00

Item 2 *Magistrates Court Civil Jurisdiction Scale of Costs 2006*

	Claim not exceeding \$7,500	Claim over \$7,500 to \$50,000
	Lawyer's costs	Nil

Residential Tenancies

Applications

Form 6

Form 12

Form 16

	Claim not exceeding \$10,000
Description of Process	
Filing fee	\$26.50
Filing fee (Financially disadvantaged person)	\$19.50
Suitor's Fund fee	\$0.20

Dispute

	Claim not exceeding \$10,000
Description of Process	
Dispute filing fee	\$18.00

- ❖ Review by magistrate of order made by registrar

Process Relating To Counterclaim, Set-Off and Third Party Claim or Other Application

Form 8 Counter Claim

Form 8 Third Party Claim

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$45.00	\$67.50	\$82.00	\$106.00	\$131.00	\$169.00
Bailiff/Claimant Service fee (plus travelling fee)	\$41.00	\$41.00	\$41.00	\$41.00	\$41.00	\$41.00
Bailiff Service fee (GST payable) (plus travelling fee)	\$45.10	\$45.10	\$45.10	\$45.10	\$45.10	\$45.10

Application For Default Judgment

Form 13

Item 12

Magistrates Court Civil Jurisdiction Scale of Costs 2006

	Claim not exceeding \$7,500	Claim over \$7,500 to \$50,000
Lawyer's costs	Nil	Fixed amount \$99.00

Request for Certificate of Judgment

Form 55

Item 18(b)

Magistrates Court Civil Jurisdiction Scale of Costs 2006

	0 - \$50,000
Lawyer's costs	Fixed amount \$99.00

Process Relating To Trial

Application For Hearing - General Procedures

Form 28

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee Includes: <ul style="list-style-type: none"> • Pre trial conference • Mediation conference • Direction hearings • Listing conference 	\$110.00	\$165.00	\$199.00	\$298.00	\$222.00	\$333.00

No fees payable:

- ❖ Minor cases procedure or residential tenancies
- ❖ Listing an appeal for hearing
- ❖ Application for hearing a counterclaim or set-off

Allocation of a date or dates of hearing for each half-day allocated

Form 33

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Allocation fee	\$63.50	\$127.50	\$111.00	\$222.00	\$159.00	\$318.00

No fees payable:

- ❖ Minor cases procedure or residential tenancies
- ❖ Interlocutory proceedings or assessment of damages
- ❖ The fee will be determined on the basis that the days allocated for a hearing are the number of days determined by the magistrate at a listings conference
- ❖ *Written requests for refunding or transferring fees are to be approved by the Registrar*

Additional Half-Day Hearing

Form 33

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$63.50	\$127.50	\$111.00	\$222.00	\$159.00	\$318.00

- ❖ This fee is payable for each additional day or part day that a hearing proceeds beyond the date or dates allocated.
- ❖ The daily fee becomes payable on a day to day basis and is payable prior to the daily reconvening of the hearing.

Applications

On filing an interlocutory application or application for assessment of damages or summary judgment **Form 23**

Assessment Of Damages (application for default judgment) **Form 13**

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$58.00	\$86.50	\$70.00	\$105.00	\$94.50	\$142.50
Bailiff/Claimant service fee (plus travelling fee)	\$29.50	\$29.50	\$29.50	\$29.50	\$29.50	\$29.50
Bailiff Service fee (plus travelling fee) (GST payable)	\$32.45	\$32.45	\$32.45	\$32.45	\$32.45	\$32.45

No fees payable:

- ❖ Minor cases procedure or Residential Tenancies
- ❖ The fee is inclusive of the hearing of the application or summons and includes any adjournment of the hearing.
- ❖ This fee is not payable for matters dealt with in the absence of a party.

Summons To Witness

Form 46 Incoming

	0 - \$50,000
Description of Process	
Bailiff/Claimant Service fee (plus travelling fee)	\$41.00
Bailiff Service fee (plus travelling fee) (GST payable)	\$45.10

Warrant To Arrest Witness

	Bailiff fees	Bailiff fees (GST payable)
Warrant for arrest *The fee for conveying the person will be held in trust by the court and paid to the sheriff upon performing this service, otherwise if the sheriff is not entitled to the fee it should be refunded to the judgment creditor.	\$151.00 Includes (a) \$75.50 for arresting the person (b) \$75.50 for conveying the person to a court or a custodial place and releasing the person from arrest or custody	\$166.10 Includes (a) \$83.05 for arresting the person (b) \$83.05 for conveying the person to a court or a custodial place and releasing the person from arrest or custody

Bill Of Costs

Appointment To Assess A Bill Of Costs

Forms 50

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Lodgement fee	\$58.00	\$86.50	\$70.00	\$105.00	\$94.50	\$142.50
Assessment fee	2.5%	2.5%	2.5%	2.5%	2.5%	2.5%

- ❖ This fee is not payable for matters dealt with under the minor cases procedures, residential tenancies proceedings.

Commencing An Appeal - against decisions of a Registrar

Form 9 Magistrates Court (General Rules) 2005

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$23.00	\$46.00	\$35.00	\$70.00	\$47.00	\$94.00

CIVIL JUDGMENTS ENFORCEMENT

Fees Relating To Enforcement Proceedings

Form 6

Description of Process	Minor Cases or judgment not exceeding \$7,500		All other jurisdictions	
	Individual	Other than Individual	Individual	Other than Individual
Application for enforcing a judgment	\$58.00	\$86.50	\$94.50	\$142.00

Item 19

Magistrates Court Civil Jurisdiction Scale of Costs 2006

	Magistrates Court Jurisdiction \$0 to \$50,000
Lawyer's costs (Note – This does not apply to request for means inquiry, default inquiry and other application or request under the <i>Civil Judgment Enforcement Act 2004</i>)	(a) Fixed amount \$154.00 for enforcement application in relation to execution (ie Property (seizure & sale) order, Property (seizure & delivery) order, Warrant for Arrest and Warrant for imprisonment on default) (b) If against land an additional 3 hours - \$627.00

- ❖ The fee shall only be payable once upon the first application or request brought by a judgment creditor.

No fee payable:

- ❖ In respect of any application or request brought by a party other than a judgment creditor
- ❖ Interpleader proceedings.
- ❖ For registering a judgment or order of a court or tribunal of the State of Western Australia for the purposes of enforcement.

Registering A Certificate

Description of Process	Judgment not Exceeding \$7,500		All other Judgments	
	Individual	Other than Individual	Individual	Other than Individual
Judgment Registration	\$71.50	\$95.50	\$71.50	\$95.50

Item 21

Magistrates Court Civil Jurisdiction Scale of Costs 2006

	Magistrates Court Jurisdiction \$0 to \$50,000
Lawyer's costs	Fixed amount \$154.00

- ❖ Payable on eastern states registrations
- ❖ Court fee "below" also payable upon application to enforce

Service Fee

Description of Process	Fee
Service of any process when personal service is not required under the Act	\$29.50
Service of any process when personal service is required by the Act	\$41.00
Service by post, including postage	\$20.50

Bailiff Fee

Note: Travelling fees to be included

	0 - \$50,000	
Description of Process	Bailiff service	Bailiff service (GST payable)
Means inquiry	\$41.00	\$45.10
Default inquiry	\$41.00	\$45.10
Earnings Appropriation order	\$29.50	\$32.45
Debt Appropriation order	\$29.50	\$32.45
Property (seizure & sale) order	\$75.50	\$83.05
Warrant for arrest <i>*The fee for conveying the person will be held in trust by the court and paid to the sheriff upon performing this service, otherwise if the sheriff is not entitled to the fee it should be refunded to the judgment creditor.</i>	\$151.00 Includes (a) \$75.50 for arresting the person (b) \$75.50 for conveying the person to a court or a custodial place and releasing the person from arrest or custody	\$166.10 Includes (a) \$83.05 for arresting the person (b) \$83.05 for conveying the person to a court or a custodial place and releasing the person from arrest or custody
Warrant for imprisonment on default on SIO <i>*The fee for conveying the person will be held in trust by the court and paid to the sheriff upon performing this service, otherwise if the sheriff is not entitled to the fee it should be refunded to the judgment creditor.</i>	\$151.00 Includes (a) \$75.50 for arresting the person (b) \$75.50 for conveying the person to a court or a custodial place and releasing the person from arrest or custody	\$166.10 Includes (a) \$83.05 for arresting the person (b) \$83.05 for conveying the person to a court or a custodial place and releasing the person from arrest or custody
Property (seizure & delivery) order	\$75.50	\$83.05
Commission for real property	\$208.00	\$228.80
Commission for personal property For amounts up to and including \$13,500 a fee at the rate of: For the <u>balance</u> over \$13,500 a fee at the rate of:		5.00% or 5.50% if GST payable 2.50% or 2.75% if GST payable

OTHER STATUTORY APPLICATIONS

Extraordinary Drivers Licence

Application Fee	\$177.00
-----------------	----------

Misconduct Restraining Order

Application Fee	\$69.00
-----------------	---------

Dividing Fences Act 1961

Application Fee	\$69.00
Suitor's Fund fee	\$0.20

Item 2 *Magistrates Court Civil Jurisdiction Scale of Costs 2006*

	Claim not exceeding \$7,500	Claim over \$7,500 to \$50,000
Lawyer's costs	Nil	Fixed amount \$297.00 \$33 for each additional defendant

Disposal of Uncollected Goods 1970

Application Fee	\$69.00
-----------------	---------

Restraint Of Debtors Act 1984

Description of Process	Claim not exceeding \$7,500		Over \$7,500 and not exceeding \$25,000		Claim exceeding \$25,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Originating filing fee	\$45.00	\$67.50	\$82.00	\$106.00	\$131.00	\$169.00
Execution of Arrest Warrant fee	\$75.50	\$75.50	\$75.50	\$75.50	\$75.50	\$75.50

CRIMINAL

Magistrates Court (Fees) Regulations 2005 Division 1 and Division 3	Fee
Description of Process	
Prosecution Notice.	\$58.00
For the issue of a summons or court hearing notice to an accused.	\$11.00
Suitor's Fund Fee	\$0.20
Application under Section 71 <i>Criminal Procedure Act 2004</i>	\$58.00
Warrant of any kind. Issue	\$58.00
Execution	\$75.50
Service Fee Includes: <ul style="list-style-type: none"> • Application • Summons • Originating Process • Notice or Order of Court 	\$41.00

Consolidated fees	Fee
Description of Process	
Prosecution Notice only.	\$58.00
Prosecution Notice attached to a Summons or Court Hearing Notice. (Court or Police to arrange service)	\$110.20
Prosecution Notice attached to a Summons or Court Hearing Notice. (Prosecutor to arrange service)	\$69.20
Application under Section 71 <i>Criminal Procedure Act 2004</i>	\$58.00
Issue and execution of a warrant of any kind	\$133.50

(Please note that the suitors fund fee is applied on the issue of a summons or a court hearing notice only.)

RECORDS

Copies Of Documents Or Exhibits

	0 - \$50,000
Description of Process	
Copies of documents or exhibits	\$1.50 per page
Copy of reasons for judgment	
(i) For each copy consisting of not more than 10 pages issued to a person not a party to the proceedings and for each copy in excess of one copy issued to a party to the proceedings	\$8.35
(ii) For each copy consisting of 10 or more pages an additional fee	\$1.05 per page
For certifying that a document is a true copy	\$11.50

Transcript

	0 - \$50,000
Description of Process	
Copy of a transcript or notes of evidence for each page or part of a page	\$4.70 per page
❖ Minimum fee	\$16.70
For each copy of a transcript or notes of evidence in electronic format if a fee has been paid as above by the applicant	\$11.50 each day
For each copy of a transcript not in electronic format if a fee has been paid by the applicant for a copy of the transcript	\$1.50 per page

Search

	0 - \$50,000
Description of Process	
For searching any record or proceeding other than a search by or on behalf of a party to the proceedings in the court's civil jurisdiction.	\$24.00
Listening to or viewing any electronic recordings that require supervision by an officer of the Court.	\$24.00
An additional search fee, for each hour of the officer's time.	\$59.50

Production Of Records Or Documents

	0 - \$50,000
Description of Process	
On an application for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire.	\$35.50
If an officer is required to attend at any court or place out of the court building where the officer is based, the officer's reasonable expenses and, in addition for each hour when the officer is necessarily absent from his or her office	\$59.50