



MAGISTRATES COURT OF WESTERN AUSTRALIA

COURT FEES

Effective from 16 November 2013

*** Lawyer's costs effective 1 November 2012**

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CIVIL PROCEEDINGS

General / Minor Case 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 \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	92.00	179.50	\$234.00	\$458.00	\$373.00	\$726.00
Suitor's Fund fee	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
Bailiff/Claimant Service fee (plus travelling fee)	\$55.00	\$55.00	\$55.00	\$55.00	\$55.00	\$55.00

Item 1 *Magistrates Court Civil Jurisdiction Scale of Costs 2010*

	Claim not exceeding \$10,000	Claim over \$10,000 to \$75,000
Letter of Demand	Nil	Fixed amount \$66.00

Item 2 *Magistrates Court Civil Jurisdiction Scale of Costs 2010*

	Claim not exceeding \$10,000	Claim over \$10,000 to \$75,000
Lawyer's costs	Nil	Fixed amount \$374.00 \$55.00 for each additional defendant

Service

Description of Process	Fee
Service of any process when personal service is required by the Act	\$55.00
Service by post, including postage	\$27.00

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 \$1.40
- b) For each kilometre travelled (one way) outside the metropolitan area \$1.55

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 \$10,000		Gross Annual Value of Rent Over \$10,000 and not exceeding \$50,000		Gross Annual Value of Rent exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$92.00	\$179.50	\$234.00	\$458.00	\$373.00	\$726.00
Suitor's Fund fee	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
Bailiff/Claimant Service fee (plus travelling fee)	\$55.00	\$55.00	\$55.00	\$55.00	\$55.00	\$55.00
Application for hearing	\$145.50	\$283.00	\$265.00	\$512.00	\$294.00	\$571.00

Item 2

Magistrates Court Civil Jurisdiction Scale of Costs 2010

	Claim not exceeding \$10,000	Claim over \$10,000 to \$75,000
Lawyer's costs	Nil	Fixed amount \$374.00 \$55.00 for each additional defendant

Residential Tenancies

Applications

RSTN Form 6

RSTN Form 11

RSTN Form 12

RSTN Form 16

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

Dispute

RSTN Form 5

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

Review by magistrate of an order made by registrar, see page 10 under the section **Commencing An Appeal - Against Decisions of a Registrar - Form 1B Magistrates Court (General Rules) 2005** for filing fees.

Process relating to Counterclaim, Set-Off and Third Party Claim or other Application

Form 8 Counter Claim

Form 9 Third Party Claim

Description of Process	Claim not exceeding \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$59.50	\$116.50	\$109.00	\$181.50	\$174.00	\$290.00
Bailiff/Claimant Service fee (plus travelling fee)	\$55.00	\$55.00	\$55.00	\$55.00	\$55.00	\$55.00

Application for Default Judgment

Form 13

Item 12

Magistrates Court Civil Jurisdiction Scale of Costs 2010

	Claim not exceeding \$10,000	Claim over \$10,000 to \$75,000
Lawyer's costs	Nil	Fixed amount \$132.00

Request for Certificate of Judgment

Form 55

Item 18(b)

Magistrates Court Civil Jurisdiction Scale of Costs 2010

	0 - \$75,000
Lawyer's costs	Fixed amount \$132.00

Process relating to Trial

Application for Hearing - General Procedures

Form 28

Description of Process	Claim not exceeding \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee Includes: • Pre trial conference • Mediation conference • Direction hearings • Listing conference	\$145.50	\$283.00	\$265.00	\$512.00	\$294.00	\$571.00

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 \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Allocation fee	\$84.00	\$219.00	\$147.50	\$383.00	\$211.00	\$546.00

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 \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$84.00	\$219.00	\$147.50	\$383.00	\$211.00	\$546.00

- ❖ 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 \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$77.00	\$149.00	\$93.00	\$179.50	\$124.50	\$245.00
Bailiff/Claimant service fee (plus travelling fee)	\$39.10	\$39.10	\$39.10	\$39.10	\$39.10	\$39.10

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

Description of Process	0 - \$75,000
Bailiff/Claimant Service fee (plus travelling fee)	\$55.00

Warrant to Arrest Witness

	Bailiff fees
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.	\$200.00 Includes (a) \$100.00 for arresting the person (b) \$100.00 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

Form 50

Description of Process	Claim not exceeding \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Lodgement fee	\$77.00	\$149.00	\$93.00	\$179.50	\$124.50	\$245.00
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 1B Magistrates Court (General Rules) 2005

Description of Process	Claim not exceeding \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Filing fee	\$30.70	\$79.00	\$46.30	\$120.50	\$62.00	\$161.50

- ❖ This fee is payable for all matters including minor cases procedures and residential tenancies proceedings.

Civil Judgments Enforcement

Fees relating to Enforcement Proceedings

CJE Form 6

	Judgment not exceeding \$10,000		All other jurisdictions	
Description of Process	Individual	Other than Individual	Individual	Other than Individual
Application for enforcing a judgment	\$77.00	\$115.50	\$124.50	\$187.50

- ❖ 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.

Item 19 *Magistrates Court Civil Jurisdiction Scale of Costs 2010*

	Magistrates Court Jurisdiction \$0 to \$75,000
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 \$187.00 for enforcement application in relation to execution (i.e. 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 - \$825.00

Registering a Certificate

	Judgment not Exceeding \$10,000		All other Judgments	
Description of Process	Individual	Other than Individual	Individual	Other than Individual
Judgment Registration	\$83.50	\$110.50	\$83.50	\$110.50

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

Item 21**Magistrates Court Civil Jurisdiction Scale of Costs 2010**

	Magistrates Court Jurisdiction \$0 to \$75,000
Lawyer's costs	Fixed amount \$187.00

Service Fee

Description of Process	Fee
Service of any process when personal service is required by the Act	\$55.00
Service by post, including postage	\$27.00

Bailiff Fee

Note: Travelling fees to be added

Description of Process	0 - \$75,000
	Bailiff service
Means inquiry	\$55.00
Default inquiry	\$55.00
Earnings Appropriation order	\$39.10
Debt Appropriation order	\$39.10
Property (seizure & sale) order	\$125.00
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>	\$200.00 Includes (a) \$100.00 for arresting the person (b) \$100.00 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>	\$200.00 Includes (a) \$100.00 for arresting the person (b) \$100.00 for conveying the person to a court or a custodial place and releasing the person from arrest or custody
Property (seizure & delivery) order	\$100.00
Commission for real property	\$275.00
Commission for personal property For amounts up to and including \$13,500 a fee at the rate of: 5% For the <u>balance</u> over \$13,500 a fee at the rate of: 2.5%	

Other Statutory Applications

Extraordinary Drivers Licence

Application Fee	\$158.50
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Misconduct Restraining Order

Application Fee	\$91.50
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Application Under Conferring Act - Form 53

Application Fee	\$91.50
Suitor's Fund fee	\$0.20

Item 2 Magistrates Court Civil Jurisdiction Scale of Costs 2010

	Claim not exceeding \$10,000	Claim over \$10,000 to \$75,000
Lawyer's costs	Nil	Fixed amount \$374.00 \$55.00 for each additional defendant

Disposal of Uncollected Goods 1970

Application Fee	\$91.50
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Restraint of Debtors Act 1984

Description of Process	Claim not exceeding \$10,000		Over \$10,000 and not exceeding \$50,000		Claim exceeding \$50,000	
	Individual	Other than individual	Individual	Other than individual	Individual	Other than individual
Originating filing fee	\$59.50	\$116.50	\$109.00	\$181.50	\$174.00	\$290.00
Execution of Arrest Warrant fee	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00

CRIMINAL

Magistrates Court (Fees) Regulations 2005 Division 1 and Division 3

Description of Process	Fee
Prosecution Notice.	\$77.00
For the issue of a summons or court hearing notice to an accused.	\$14.70
Suitor's Fund Fee	\$0.20
Application under Section 71 <i>Criminal Procedure Act 2004</i>	\$77.00
Warrant of any kind. Issue	\$77.00
Execution	\$100.00
Service Fee Includes: <ul style="list-style-type: none"> • Application • Summons • Originating Process Notice or Order of Court	\$55.00

Consolidated fees

Description of Process	Fee
Prosecution Notice only.	\$77.00
Prosecution Notice attached to a Summons or Court Hearing Notice. (Court or Police to arrange service)	\$146.90
Prosecution Notice attached to a Summons or Court Hearing Notice (Prosecutor to arrange service)	\$91.90
Application under Section 71 <i>Criminal Procedure Act 2004</i>	\$77.00
Issue and execution of a warrant of any kind	\$177.00

(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

Description of Process	0 - \$75,000
Copies of documents or exhibits	\$1.50 per page
Copy of reasons for judgment	\$11.10
(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	\$1.40 per page
(ii) For each copy consisting of 10 or more pages an additional fee	
For certifying that a document is a true copy	\$15.35
For issuing a duplicate order	\$14.50

Transcript

Description of Process	0 - \$75,000
Copy of a transcript or notes of evidence for each page or part of a page ❖ Minimum fee	\$6.20 per page \$22.00
For each copy of a transcript or notes of evidence in electronic format if a fee has been paid as above by the applicant	\$15.35 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

Description of Process	0 - \$75,000
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.	\$31.90
Listening to or viewing any electronic recording that requires supervision by an officer of the Court, a search fee of	\$31.90
And in addition to the search fee, for each hour of the officer's time.	\$79.00

Production of Records or Documents

Description of Process	0 - \$75,000
On an application for the production of records or documents that are required to be produced to any court, tribunal, arbitrator or umpire.	\$46.90
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	\$79.00

METHODS OF PAYMENT

Online forms:

Credit Card – Master Card or Visa Card

By mail:

Credit Card – Master Card or Visa Card

Cheque / Bank Cheque

Money Order

All Cheques payable to 'Magistrates Court of WA'

When sending payment and documents by mail, please ensure that you mail to the correct Registry location. The address details for each registry can be located on the website: www.magistratescourt.wa.gov.au.

In person:

Cash

EFTPOS facilities available

Credit Card – Master Card or Visa Card

Cheque / Bank Cheque

Money Order

All Cheques payable to 'Magistrates Court of WA'

MAGISTRATES COURT OF WA CREDIT CARD AUTHORITY

CARD TYPE	<input type="checkbox"/> MASTER <input type="checkbox"/> VISA
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CARD NUMBER	_____ / _____ / _____ / _____
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EXPIRY DATE	____ / _____
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CARD HOLDER NAME	_____
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CARD HOLDER CONTACT PHONE NUMBER:	_____
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PAYMENT DETAILS

PARTIES DETAILS	_____
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VS

PARTIES DETAILS	_____
CASE NUMBER	_____

TOTAL AMOUNT	\$ _____	Receipt Required	<input type="checkbox"/> Yes <input type="checkbox"/> No
Receipt to be mailed to:	_____		

CARD HOLDER SIGNATURE	_____
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INTERNAL USE ONLY

EFTPOS Processed By	<i>Cashier Print Name</i>	<i>Attach Terminal Receipts</i>
EFTPOS Transaction Number:	_____	
Cashier Signature:	_____	