



**MAGISTRATES COURT OF WESTERN AUSTRALIA**

# **COURT FEES**

**Effective from 1 December 2012**

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

# Table of Content

<b>COURT FEES</b> .....	<b>1</b>
EFFECTIVE FROM 1 DECEMBER 2012 .....	1
<b>CIVIL PROCEEDINGS</b> .....	<b>3</b>
GENERAL / MINOR CASE 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 .....	7
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
<b>CIVIL JUDGMENTS ENFORCEMENT</b> .....	<b>11</b>
FEES RELATING TO ENFORCEMENT PROCEEDINGS .....	11
REGISTERING A CERTIFICATE .....	12
SERVICE FEE.....	12
BAILIFF FEE.....	13
<b>OTHER STATUTORY APPLICATIONS</b> .....	<b>14</b>
EXTRAORDINARY DRIVERS LICENCE .....	14
MISCONDUCT RESTRAINING ORDER .....	14
APPLICATION UNDER CONFERRING ACT - FORM 53 .....	14
DISPOSAL OF UNCOLLECTED GOODS 1970 .....	14
RESTRAINT OF DEBTORS ACT 1984 .....	14
<b>CRIMINAL</b> .....	<b>15</b>
<b>RECORDS</b> .....	<b>16</b>
COPIES OF DOCUMENTS OR EXHIBITS .....	16
TRANSCRIPT .....	16
SEARCH .....	17
PRODUCTION OF RECORDS OR DOCUMENTS .....	17
<b>METHOD OF PAYMENT</b> .....	<b>18</b>
ONLINE FORMS: .....	18
BY MAIL:.....	18
IN PERSON:.....	18
MASTER VISA .....	19

# 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	\$81.00	\$158.00	\$206.00	\$403.00	\$328.00	\$639.00
Suitor's Fund fee	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
Bailiff/Claimant Service fee <i>(plus travelling fee)</i>	\$48.20	\$48.20	\$48.20	\$48.20	\$48.20	\$48.20
Bailiff Service fee <b>(GST payable)</b> <i>(plus travelling fee)</i>	\$53.02	\$53.02	\$53.02	\$53.02	\$53.02	\$53.02

### **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	\$48.20
Service by post, including postage	\$23.80

## 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 \$1.25
- b) For each kilometre travelled (one way) outside the metropolitan area \$1.35

*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	\$81.00	\$158.00	\$206.00	\$403.00	\$328.00	\$639.00
Suitor's Fund fee	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20
Bailiff/Claimant Service fee (plus travelling fee)	\$48.20	\$48.20	\$48.20	\$48.20	\$48.20	\$48.20
Bailiff Service fee (GST payable) (plus travelling fee)	\$53.02	\$53.02	\$53.02	\$53.02	\$53.02	\$53.02
Application for hearing	\$128.00	\$249.00	\$233.00	\$451.00	\$259.00	\$503.00

### 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	\$52.50	\$102.50	\$96.00	\$160.00	\$153.00	\$255.00
Bailiff/Claimant Service fee (plus travelling fee)	\$48.20	\$48.20	\$48.20	\$48.20	\$48.20	\$48.20
Bailiff Service fee (GST payable) (plus travelling fee)	\$53.02	\$53.02	\$53.02	\$53.02	\$53.02	\$53.02

**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	\$128.00	\$249.00	\$233.00	\$451.00	\$259.00	\$503.00

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	\$74.00	\$193.00	\$130.00	\$337.00	\$185.50	\$481.00

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	\$74.00	\$193.00	\$130.00	\$337.00	\$185.50	\$481.00

- ❖ 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	\$68.00	\$131.00	\$82.00	\$158.00	\$109.50	\$216.00
Bailiff/Claimant service fee (plus travelling fee)	\$34.40	\$34.40	\$34.40	\$34.40	\$34.40	\$34.40
Bailiff Service fee (plus travelling fee) <b>(GST payable)</b>	\$37.84	\$37.84	\$37.84	\$37.84	\$37.84	\$37.84

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)	\$48.20
Bailiff Service fee (plus travelling fee) <b>(GST payable)</b>	\$53.02

## Warrant to Arrest Witness

	Bailiff fees	Bailiff fees (GST payable)
<b>Warrant for arrest</b> *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.	<b>\$176.00</b> Includes (a) \$88.00 for arresting the person (b) \$88.00 for conveying the person to a court or a custodial place and releasing the person from arrest or custody	<b>\$193.60</b> Includes (a) \$96.80 for arresting the person (b) \$96.80 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	\$68.00	\$131.00	\$82.00	\$158.00	\$109.50	\$216.00
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	\$27.00	\$69.50	\$40.80	\$106.00	\$54.50	\$142.00

- ❖ 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

Description of Process	Judgment not exceeding \$10,000		All other jurisdictions	
	Individual	Other than Individual	Individual	Other than Individual
Application for enforcing a judgment	\$68.00	\$101.50	\$109.00	\$165.00

- ❖ 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.

### 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

Description of Process	Judgment not Exceeding \$10,000		All other Judgments	
	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	<b>\$48.20</b>
Service by post, including postage	<b>\$23.80</b>

## Bailiff Fee

*Note: Travelling fees to be added*

	<b>0 - \$75,000</b>	
<b>Description of Process</b>	<b>Bailiff service</b>	<b>Bailiff service (GST payable)</b>
Means inquiry	\$48.20	\$53.02
Default inquiry	\$48.20	\$53.02
Earnings Appropriation order	\$34.40	\$37.84
Debt Appropriation order	\$34.40	\$37.84
Property (seizure & sale) order	\$110.00	\$121.00
<b>Warrant for arrest</b> <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>	<b>\$176.00</b> Includes (a) \$88.00 for arresting the person (b) \$88.00 for conveying the person to a court or a custodial place and releasing the person from arrest or custody	<b>\$193.60</b> Includes (a) \$96.80 for arresting the person (b) \$96.80 for conveying the person to a court or a custodial place and releasing the person from arrest or custody
<b>Warrant for imprisonment on default on SIO</b> <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>	<b>\$176.00</b> Includes (a) \$88.00 for arresting the person (b) \$88.00 for conveying the person to a court or a custodial place and releasing the person from arrest or custody	<b>\$193.60</b> Includes (a) \$96.80 for arresting the person (b) \$96.80 for conveying the person to a court or a custodial place and releasing the person from arrest or custody
Property (seizure & delivery) order	\$88.00	\$96.80
Commission for real property	\$242.00	\$266.20
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:		<b>5.00% or 5.50% if GST payable</b>  <b>2.50% or 2.75% if GST payable</b>

# OTHER STATUTORY APPLICATIONS

## Extraordinary Drivers Licence

Application Fee	\$158.50
-----------------	----------

## Misconduct Restraining Order

Application Fee	\$80.50
-----------------	---------

## Application Under Conferring Act - **Form 53**

Application Fee	\$80.50
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	\$80.50
-----------------	---------

## 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	\$52.50	\$102.50	\$96.00	\$160.00	\$153.00	\$255.00
Execution of Arrest Warrant fee	\$88.00	\$88.00	\$88.00	\$88.00	\$88.00	\$88.00

# CRIMINAL

<b>Magistrates Court (Fees) Regulations 2005 Division 1 and Division 3</b>	<b>Fee</b>
<b>Description of Process</b>	
Prosecution Notice.	\$68.00
For the issue of a summons or court hearing notice to an accused.	\$12.95
Suitor's Fund Fee	\$0.20
Application under Section 71 <i>Criminal Procedure Act 2004</i>	\$68.00
Warrant of any kind.    Issue	\$68.00
Execution	\$88.00
Service Fee Includes: <ul style="list-style-type: none"> <li>• Application</li> <li>• Summons</li> <li>• Originating Process</li> <li>• Notice or Order of Court</li> </ul>	\$48.20

<b>Consolidated fees</b>	<b>Fee</b>
<b>Description of Process</b>	
Prosecution Notice only.	\$68.00
Prosecution Notice attached to a Summons or Court Hearing Notice. (Court or Police to arrange service)	\$129.35
Prosecution Notice attached to a Summons or Court Hearing Notice (Prosecutor to arrange service)	\$81.15
Application under Section 71 <i>Criminal Procedure Act 2004</i>	\$68.00
Issue and execution of a warrant of any kind	\$156.00

*(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	
(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	\$9.75
(ii) For each copy consisting of 10 or more pages an additional fee	\$1.25 per page
For certifying that a document is a true copy	\$13.50
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	\$5.45 per page
❖ Minimum fee	\$19.40
For each copy of a transcript or notes of evidence in electronic format if a fee has been paid as above by the applicant	\$13.50 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

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.	\$28.10
Listening to or viewing any electronic recording that requires supervision by an officer of the Court, a search fee of	\$28.10
And in addition to the search fee, for each hour of the officer's time.	\$69.50

## 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.	\$41.30
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	\$69.50

# METHOD 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](http://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  MASTER  VISA

CARD NUMBER \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

EXPIRY DATE \_\_\_\_ / \_\_\_\_\_

CARD HOLDER NAME \_\_\_\_\_

CARD HOLDER CONTACT PHONE NUMBER: \_\_\_\_\_

### PAYMENT DETAILS

PARTIES DETAILS	
-----------------	--

VS

PARTIES DETAILS	
CASE NUMBER	

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

CARD HOLDER SIGNATURE	
-----------------------	--

---

#### INTERNAL USE ONLY

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