

South Australia

## District Court (Fees) Regulations 2004

under the *District Court Act 1991*

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### 1—Short title

These regulations may be cited as the *District Court (Fees) Regulations 2004*.

### 3—Interpretation

In these regulations—

*Act* means the *District Court Act 1991*;

*corporation* has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

*National Credit Code* means the *National Credit Code* in Schedule 1 of the *National Consumer Credit Protection Act 2009* of the Commonwealth;

*not-for-profit organisation* means a corporation that is not for the purpose of trading or securing a pecuniary profit for its members from its transactions;

*prescribed corporation* means a corporation other than—

- (a) a small business; or
- (b) a not-for-profit organisation;

*small business* means a corporation that—

- (a) has less than 20 full-time equivalent employees; and
- (b) is not a subsidiary of a corporation that has 20 or more full-time employees;

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

#### 4—Fees

- (1) The fees set out in Schedule 1 are payable to the Court in relation to proceedings in the Civil Division.
- (2) The fees set out in Schedule 2 are payable to the Court in relation to proceedings in the Criminal Division.
- (3) The fees set out in Schedule 3 are payable to the Court in relation to proceedings in the Criminal Injuries Division.
- (4) The fees to be charged by the Court for inspection or copying of material under section 54 of the Act are the appropriate fees set out in the Schedules.
- (5) The Court may require a non-refundable deposit as security for the payment of fees for the production of a transcript of the hearing of a case at the request of a party where the Court does not require the transcript.

#### Schedule 1—Fees in civil division

|   |   |            |
|---|---|------------|
| 1 | On filing an application for disclosure of documents before the commencement of a proceeding  |            |
|   | (a) for a prescribed corporation  | \$215.00   |
|   | (b) for any other person  | \$154.00   |
| 2 | Summons fee—on filing a document by which a proceeding (other than a proceeding specified in clause 3 or 4) is commenced  |            |
|   | (a) for a prescribed corporation  | \$1 679.00 |
|   | (b) for any other person  | \$1 192.00 |
| 3 | Summons fee—on filing a document by which a proceeding is commenced where a fee has previously been paid for filing an application for disclosure of documents relating to the subject-matter of the proceeding |            |
|   | (a) for a prescribed corporation  | \$1 464.00 |
|   | (b) for any other person  | \$1 038.00 |
| 4 | On filing an application under the <i>National Credit Code</i>  | \$236.00   |
| 5 | On filing a counterclaim or third party action  |            |
|   | (a) for a prescribed corporation  | \$1 679.00 |
|   | (b) for any other person  | \$1 192.00 |
| 6 | On filing or lodging an application, notice or other document that does not relate to a proceeding for which a fee has been paid under any of the preceding clauses   |            |
|   | (a) for a prescribed corporation  | \$215.00   |
|   | (b) for any other person  | \$154.00   |
| 7 | For sealing a certificate or certifying under seal that a document is a true copy   | \$71.50    |
| 8 | For each request to search and/or inspect a record of the Court   | \$22.70    |
| 9 | For copy of evidence—per page   | \$7.60     |

|    |   |  |
|----|---|--|
| 10 | For copy of reasons for judgment—per page   | \$7.60   |
|    | <b>Note—</b>  |  |
|    | 1 copy will be supplied to a party to the proceedings free of charge  |  |
| 11 | For copy of any other document—per page   | \$4.60   |
| 12 | The fee for a data storage device containing a record of court proceedings (including reasons for judgment) is the fee that would be payable under these regulations for a printed copy of the record of the proceedings <b>plus</b> for each day or part of a day on which the proceedings were recorded   | \$121.00   |
| 13 | For production of transcript at request of a party where the Court does not require the transcript—per page   | \$15.40  |
| 14 | Trial fee—for each day or part of a day on which the trial is heard by the Court  |  |
|    | (a) for a prescribed corporation  | \$1 679.00   |
|    | (b) for any other person  | \$1 192.00   |
|    | <b>Note—</b>  |  |
|    | The fee for a trial is the fee fixed under clause 14 as in force on the day on which the trial commenced and is payable by the plaintiff or appellant in the proceedings. However, if the Court or a registrar so orders, the fee is payable by another party to the proceedings or by the parties to the proceedings in the proportions ordered. |  |
| 15 | Suitors' Fund—on interest collected on funds in Court or credited to an account, payable on transfer of interest out of the fund or account or at such earlier time or times as required by the Court   |  |
|    | (a) if the interest is \$10.00 or less  | no fee   |
|    | (b) in any other case   | 3% of amount of interest                                 |
| 16 | Adjudication of costs   |  |
|    | (a) on filing an itemised schedule of costs   | \$71.50  |
|    | (b) on filing an application for adjudication of legal costs  | \$71.50  |
|    | (c) for adjudicating an itemised schedule of costs  | 5% of amount allowed on adjudication (to nearest dollar) |
| 17 | For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour  | \$366.00   |
| 18 | For opening Court (or Court remaining open) after hours for urgent hearing—for each hour or part of an hour   | \$1 100.00   |

## **Schedule 2—Fees in criminal division**

|   |  |         |
|---|--|---------|
| 1 | (1) For each request to search and/or inspect a record of the Court  | \$22.70 |
|   | (2) A fee is not payable under subclause (1) for a request by or on behalf of a person accused or a victim of an offence that is the subject of proceedings before the Court |         |
| 2 | For sealing a certificate or certifying under seal that a document is a true copy  | \$71.50 |

**District Court (Fees) Regulations 2004—1.7.2015 to 30.6.2016**Schedule 2—Fees in criminal division

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|---|---|--------|
| 3 | For copy of evidence—per page             | \$7.60 |
| 4 | For copy of reasons for judgment—per page | \$7.60 |

**Note—**

1 copy will be supplied to a party to the proceedings free of charge.

- |   |   |          |
|---|---|----------|
| 5 | For copy of any other document—per page   | \$4.60   |
| 6 | The fee for a data storage device containing a record of court proceedings (including reasons for judgment) is the fee that would be payable under these regulations for a printed copy of the record of the proceedings <b>plus</b> for each day or part of a day on which the proceedings were recorded | \$121.00 |

**Schedule 3—Fees in criminal injuries division**

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|---|--|----------|
| 1 | Summons fee—on filing a document by which a proceeding is commenced  |          |
|   | (a) for a prescribed corporation   | \$215.00 |
|   | (b) for any other person   | \$154.00 |
| 2 | (1) For each request to search and/or inspect a record of the Court  | \$22.70  |
|   | (2) A fee is not payable under subclause (1) for a request by or on behalf of a person accused or a victim of an offence that is the subject of proceedings before the Court |          |

- |   |   |        |
|---|---|--------|
| 3 | For copy of evidence—per page             | \$7.60 |
| 4 | For copy of reasons for judgment—per page | \$7.60 |

**Note—**

1 copy will be supplied to a party to the proceedings free of charge.

- |    |   |  |
|----|---|--|
| 5  | For copy of any other document—per page   | \$4.60   |
| 6  | The fee for a data storage device containing a record of court proceedings (including reasons for judgment) is the fee that would be payable under these regulations for a printed copy of the record of the proceedings <b>plus</b> for each day or part of a day on which the proceedings were recorded | \$121.00   |
| 7  | For production of transcript at request of a party where the Court does not require the transcript—per page   | \$15.40  |
| 8  | Adjudication of costs   |  |
|    | (a) on filing an itemised schedule of costs   | \$71.50  |
|    | (b) on filing an application for adjudication of legal costs  | \$71.50  |
|    | (c) for adjudicating an itemised schedule of costs  | 5% of amount allowed on adjudication (to nearest dollar) |
| 9  | For opening Registry (or Registry remaining open) after hours for urgent execution of process—per hour or part of an hour   | \$366.00   |
| 10 | For opening Court (or Court remaining open) after hours for urgent hearing—per hour or part of an hour  | \$1 100.00   |

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *District Court (Fees) Regulations 2004* revoked the following:

*District Court (Fees) Regulations 1992*

### Principal regulations and variations

New entries appear in bold.

| Year        | No        | Reference                             | Commencement                                |
|-------------|-----------|---------------------------------------|---|
| 2004        | 208       | <i>Gazette 23.9.2004 p3731</i>        | 23.9.2004: r 2                              |
| 2005        | 107       | <i>Gazette 26.5.2005 p1557</i>        | 1.7.2005: r 2                               |
| 2006        | 145       | <i>Gazette 15.6.2006 p1897</i>        | 1.7.2006: r 2                               |
| 2007        | 96        | <i>Gazette 7.6.2007 p2406</i>         | 1.7.2007: r 2                               |
| 2008        | 84        | <i>Gazette 5.6.2008 p2004</i>         | 1.7.2008: r 2                               |
| 2009        | 101       | <i>Gazette 4.6.2009 p2512</i>         | 1.7.2009: r 2                               |
| 2010        | 130       | <i>Gazette 10.6.2010 p2953</i>        | 1.7.2010: r 2                               |
| 2011        | 144       | <i>Gazette 9.6.2011 p2386</i>         | 1.7.2011: r 2                               |
| 2012        | 143       | <i>Gazette 31.5.2012 p2524</i>        | 1.7.2012: r 2                               |
| 2013        | 117       | <i>Gazette 6.6.2013 p2277</i>         | 1.7.2013: r 2                               |
| 2014        | 124       | <i>Gazette 19.6.2014 p2623</i>        | 1.7.2014: r 2                               |
| <b>2015</b> | <b>74</b> | <b><i>Gazette 18.6.2015 p2584</i></b> | <b>1.7.2015: r 2</b>                        |
| 2016        | 149       | <i>Gazette 23.6.2016 p2392</i>        | 1.7.2016 except Pt 3 (rr 5—7)—1.9.2016: r 2 |

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied   | Commencement |
|-----------|--|--------------|
| r 2       | <i>omitted under the Legislation Revision and Publication Act 2002</i> | 1.7.2005     |
| r 3       |  |              |

## District Court (Fees) Regulations 2004—1.7.2015 to 30.6.2016

### Legislative history

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|                             |  |                 |
|-----------------------------|--|-----------------|
| corporation                 | inserted by 144/2011 r 4   | 1.7.2011        |
| National Credit Code        | inserted by 144/2011 r 4   | 1.7.2011        |
| not-for-profit organisation | inserted by 144/2011 r 4   | 1.7.2011        |
| prescribed corporation      | inserted by 144/2011 r 4   | 1.7.2011        |
| small business              | inserted by 144/2011 r 4   | 1.7.2011        |
| subsidiary                  | inserted by 144/2011 r 4   | 1.7.2011        |
| Schs 1—3                    | substituted by 107/2005 r 4  | 1.7.2005        |
|                             | substituted by 145/2006 r 4  | 1.7.2006        |
|                             | substituted by 96/2007 r 4   | 1.7.2007        |
|                             | substituted by 84/2008 r 4   | 1.7.2008        |
|                             | substituted by 101/2009 r 4  | 1.7.2009        |
|                             | substituted by 130/2010 r 4  | 1.7.2010        |
|                             | substituted by 144/2011 r 5  | 1.7.2011        |
|                             | substituted by 143/2012 r 4  | 1.7.2012        |
|                             | substituted by 117/2013 r 4  | 1.7.2013        |
|                             | substituted by 124/2014 r 4  | 1.7.2014        |
|                             | <b>substituted by 74/2015 r 4</b>                                      | <b>1.7.2015</b> |
| <i>Sch 4</i>                | <i>omitted under the Legislation Revision and Publication Act 2002</i> | <i>1.7.2005</i> |

### Historical versions

1.7.2005  
1.7.2006  
1.7.2007  
1.7.2008  
1.7.2009  
1.7.2010  
1.7.2011  
1.7.2012  
1.7.2013  
1.7.2014