

South Australia

District Court (Fees) Regulations 2004

under the *District Court Act 1991*

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Legislative history

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*;

ADD means the Administrative and Disciplinary Division of the Court;

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.
- (1a) The following provisions apply to the listing fees set out in clause 7A of Schedule 1:
 - (a) except where the Court or a registrar directs otherwise, the fee—
 - (i) is payable by the plaintiff; and
 - (ii) must be paid within the period of 14 days before the date fixed for trial;
 - (b) the trial will not proceed on the day fixed for that purpose unless the fee has been paid in accordance with paragraph (a).
- (1b) The following provisions apply to the trial fees set out in clause 16 of Schedule 1:
 - (a) the fee for a trial is the fee prescribed under clause 16 of the Schedule as in force on the day on which the trial commences;
 - (b) the fee is not payable for the first day of trial if the listing fee set out in clause 7A of the Schedule has been paid;
 - (c) subject to paragraph (d), the fee is payable by the plaintiff or appellant in the proceedings;
 - (d) if the Court or a registrar so directs, the fee is payable by another party to the proceedings or by the parties to the proceedings in the proportions directed.
- (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	\$224.00
	(b) for any other person	\$160.00
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	\$1 746.00
	(b) for any other person	\$1 239.00
3	On transferring an action commenced in the Magistrates Court to the Court	

(a)	in the case of a prescribed corporation	\$1 746.00 less the fees already paid in respect of the action in the Magistrates Court
(b)	in any other case	\$1 239.00 less the fees already paid in respect of the action in the Magistrates Court
4	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	\$1 522.00
(b)	for any other person	\$1 079.00
5	On filing an application under the <i>National Credit Code</i>	\$245.00
6	On filing a counterclaim or third party action	
(a)	for a prescribed corporation	\$1 746.00
(b)	for any other person	\$1 239.00
7	On transferring a counterclaim or third party action commenced in the Magistrates Court to the Court	
(a)	in the case of a prescribed corporation	\$1 746.00 less the fees already paid in respect of the action in the Magistrates Court
(b)	in any other case	\$1 239.00 less the fees already paid in respect of the action in the Magistrates Court
7A	On fixing a date for trial	
(a)	for a prescribed corporation	\$1 746.00
(b)	for any other person	\$1 239.00
8	On filing a notice of appeal to the Court constituted of a Judge (other than a notice of appeal to the ADD)	
(a)	for a prescribed corporation	\$1 746.00
(b)	for any other person	\$1 239.00
9	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	\$224.00
(b)	for any other person	\$160.00
10	For sealing a certificate or certifying under seal that a document is a true copy	\$74.00
11	For each request to search and/or inspect a record of the Court	\$23.60
12	For copy of evidence	
	per page in electronic form	\$7.90

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 Schedule 1—Fees in civil division

	per page in hard-copy form	\$10.20
13	For copy of reasons for judgment—per page	\$7.90
	Note—	
	1 copy will be supplied to a party to the proceedings free of charge	
14	For copy of any other document—per page	\$4.80
15	For production of transcript at request of a party where the Court does not require the transcript—per page	\$16.00
16	Trial fee—for each day or part of a day on which the trial is heard by the Court	
	(a) for a prescribed corporation	\$1 746.00
	(b) for any other person	\$1 239.00
17	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
18	Adjudication of costs	
	(a) on filing an itemised schedule of costs	\$74.00
	(b) on filing an application for adjudication of legal costs	\$74.00
	(c) for adjudicating an itemised schedule of costs	5% of amount allowed on adjudication (to nearest dollar)
19	For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour	\$380.00
20	For opening Court (or Court remaining open) after hours for urgent hearing—for each hour or part of an hour	\$1 144.00

Schedule 2—Fees in criminal division

1	(1) For each request to search and/or inspect a record of the Court	\$23.60
	(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	\$74.00
3	For copy of evidence	
	per page in electronic form	\$7.90
	per page in hard-copy form	\$10.20
4	For copy of reasons for judgment—per page	\$7.90
	Note—	
	1 copy will be supplied to a party to the proceedings free of charge.	

5 For copy of any other document—per page \$4.80

Schedule 3—Fees in criminal injuries division

1	Summons fee—on filing a document by which a proceeding is commenced	
	(a) for a prescribed corporation	\$224.00
	(b) for any other person	\$160.00
2	(1) For each request to search and/or inspect a record of the Court	\$23.60
	(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 in electronic form	\$7.90
	per page in hard-copy form	\$10.20
4	For copy of reasons for judgment—per page	\$7.90
	Note—	
	1 copy will be supplied to a party to the proceedings free of charge.	
5	For copy of any other document—per page	\$4.80
6	For production of transcript at request of a party where the Court does not require the transcript—per page	\$16.00
7	Adjudication of costs	
	(a) on filing an itemised schedule of costs	\$74.00
	(b) on filing an application for adjudication of legal costs	\$74.00
	(c) for adjudicating an itemised schedule of costs	5% of amount allowed on adjudication (to nearest dollar)
8	For opening Registry (or Registry remaining open) after hours for urgent execution of process—per hour or part of an hour	\$380.00
9	For opening Court (or Court remaining open) after hours for urgent hearing—per hour or part of an hour	\$1 144.00

Legislative history

Notes

- 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.

Revocation of regulations

The *District Court (Fees) Regulations 2004* were revoked by Sch 5 of the *District Court Regulations 2018* on 13.2.2018.

Legislation revoked by principal regulations

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

District Court (Fees) Regulations 1992

Principal regulations and variations

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
2015	74	<i>Gazette 18.6.2015 p2584</i>	1.7.2015: r 2
2016	149	<i>Gazette 23.6.2016 p2392</i>	1.7.2016 except Pt 3 (rr 5—7)—1.9.2016: r 2
2016	271	<i>Gazette 1.12.2016 p4584</i>	4.12.2016: r 2
2017	156	<i>Gazette 22.6.2017 p2417</i>	1.7.2017: r 2
2017	270	<i>Gazette 12.9.2017 p4004</i>	1.10.2017: r 2

Provisions varied

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

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>1.7.2005</i>
r 3		
ADD	inserted by 271/2016 r 4	4.12.2016
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
r 4		
r 4(1a) and (1b)	inserted by 270/2017 r 4	1.10.2017
Sch 1	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
	substituted by 74/2015 r 4	1.7.2015
	substituted by 149/2016 r 4	1.7.2016
	substituted by 156/2017 r 4	1.7.2017
Sch 1	varied by 149/2016 r 5	1.9.2016
	varied by 271/2016 r 5(1), (2)	4.12.2016
	varied by 270/2017 r 5(1), (2)	1.10.2017
Sch 2	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
	substituted by 74/2015 r 4	1.7.2015
	substituted by 149/2016 r 4	1.7.2016
	substituted by 156/2017 r 4	1.7.2017
Sch 2	varied by 149/2016 r 6	1.9.2016
Sch 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
	substituted by 74/2015 r 4	1.7.2015
	substituted by 149/2016 r 4	1.7.2016
	substituted by 156/2017 r 4	1.7.2017
Sch 3	varied by 149/2016 r 7	1.9.2016
Sch 4	<i>omitted under the Legislation Revision and Publication Act 2002</i>	1.7.2005

Historical versions

1.7.2005
1.7.2006
1.7.2007
1.7.2008
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1.7.2012
1.7.2013
1.7.2014
1.7.2015
1.7.2016
1.9.2016
4.12.2016
1.7.2017