

South Australia

District Court (Fees) Variation Regulations 2011

under the *District Court Act 1991*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *District Court (Fees) Variation Regulations 2011*.

2—Commencement

These regulations will come into operation on 1 July 2011.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *District Court (Fees) Regulations 2004*

4—Variation of regulation 3—Interpretation

Regulation 3—after the definition of *Act* insert:

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.

5—Substitution of Schedules 1 to 3

Schedules 1 to 3 (inclusive)—delete the Schedules and substitute:

Schedule 1—Fees in civil division

1	Summons fee—on filing a document by which application is made for disclosure of documents before the commencement of a proceeding	
	(a) for a prescribed corporation	\$193.00
	(b) for any other person	\$137.00
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	\$1 500.00
	(b) for any other person	\$1 064.00
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	\$1 307.00
	(b) for any other person	\$927.00
4	On filing an application under the <i>National Credit Code</i>	\$210.00
5	On filing a counterclaim or third party notice	
	(a) for a prescribed corporation	\$1 500.00
	(b) for any other person	\$1 064.00
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	\$193.00
	(b) for any other person	\$137.00
7	For sealing a certificate or certifying under seal that a document is a true copy	\$64.00

District Court (Fees) Variation Regulations 2011
Variation of *District Court (Fees) Regulations 2004*—Part 2

8	For each request to search and inspect a record of the Court	\$17.40
9	For copy of evidence—per page	\$6.80
10	For copy of reasons for judgment—per page	\$6.80
	Note—	
	1 copy will be supplied to a party to the proceedings free of charge	
11	For copy of any other document—per page	\$4.20
12	The fee for a computer disc 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 plus for each day or part of a day on which the proceedings were recorded	\$108.00
13	For production of transcript at request of a party where the Court does not require the transcript—per page	\$13.70
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	\$1 500.00
	(b) for any other person	\$1 064.00
	Note—	
	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	Taxation of costs—	
	(a) on lodging a bill of costs	\$64.00
	(b) for taxing a bill of costs	5% of amount allowed on taxation (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	\$327.00
18	For opening Court (or Court remaining open) after hours for urgent hearing—for each hour or part of an hour	\$984.00

Schedule 2—Fees in criminal division

1	(1) For each request to search and inspect a record of the Court	\$17.40
	(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	\$64.00
3	For copy of evidence—per page	\$6.80
4	For copy of reasons for judgment—per page	\$6.80
	Note—	
	1 copy will be supplied to a party to the proceedings free of charge.	
5	For copy of any other document—per page	\$4.20
6	The fee for a computer disc 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 plus for each day or part of a day on which the proceedings were recorded	\$108.00

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	\$193.00
	(b) for any other person	\$137.00
2	(1) For each request to search and inspect a record of the Court	\$17.40
	(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	\$6.80
4	For copy of reasons for judgment—per page	\$6.80
	Note—	
	1 copy will be supplied to a party to the proceedings free of charge.	
5	For copy of any other document—per page	\$4.20
6	The fee for a computer disc 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 plus for each day or part of a day on which the proceedings were recorded	\$108.00
7	For production of transcript at request of a party where the Court does not require the transcript—per page	\$13.70

8	Taxation of costs—	
	(a) on lodging a bill of costs	\$64.00
	(b) for taxing a bill of costs	5% of amount allowed on taxation (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	\$327.00
10	For opening Court (or Court remaining open) after hours for urgent hearing—per hour or part of an hour	\$984.00

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council

on 9 June 2011

No 144 of 2011

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