

South Australia

Magistrates Court (Fees) Variation Regulations 2011

under the *Magistrates Court Act 1991*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 3—Interpretation
 - 5 Substitution of Schedules 1 and 2
 - Schedule 1—Fees in Civil (General Claims) Division and Civil (Minor Claims) Division
 - Schedule 2—Fees in Criminal Division
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Magistrates 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 *Magistrates 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;

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 and 2

Schedules 1 and 2—delete the Schedules and substitute:

Schedule 1—Fees in Civil (General Claims) Division and Civil (Minor Claims) Division

1	For issuing a <i>Final Notice of Claim</i> under the rules	\$18.10
2	On commencement of minor civil action	\$123.00
3	On lodging a counterclaim or a third party notice in a minor civil action	\$123.00
4	On commencement of any other action under the <i>Magistrates Court Act 1991</i> —	
	(a) in the case of a prescribed corporation	\$452.00
	(b) in any other case	\$267.00
5	On lodging a counterclaim or a third party notice in any other action under the <i>Magistrates Court Act 1991</i> —	
	(a) in the case of a prescribed corporation	\$452.00
	(b) in any other case	\$267.00
6	For issuing and administering an investigation or examination summons under the <i>Magistrates Court Act 1991</i>	\$47.25
7	On commencement of action under any other Act or issuing a summons on such action	\$123.00
8	On lodging a counterclaim or a third party notice in any action under any other Act	\$123.00
9	For publishing an advertisement	actual costs reasonably incurred
10	For each request to search and inspect a record of the Court	\$17.40
11	For copy of evidence—per page	\$6.80
12	For copy of reasons for judgment—per page	\$6.80
	(1 copy will be supplied to a party to the proceedings free of charge.)	

13	For copy of any other document—per page	\$4.20
14	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
15	For production of transcript at request of a party where the Court does not require the transcript—per page	\$13.70
16	Taxation of costs: on lodging a bill of costs (other than in a minor civil action)	\$64.00
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	On commencement of proceedings for summary applications, summary offences, minor indictable offences or indictable offences	\$207.00 plus if the complaint or information alleges more than 1 offence—\$41.75
2	For making an enforcement order under the <i>Expiation of Offences Act 1996</i>	\$207.00
3	For issuing a warrant of commitment	\$45.25
4	For copy of evidence—per page	\$6.80
5	For copy of reasons for judgment—per page (1 copy will be supplied to a party to the proceedings free of charge.)	\$6.80
6	For copy of any other document—per page	\$4.20
7	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
8	For production of transcript at request of a party where the Court does not require the transcript—per page	\$13.70
9	For each request to search and inspect a record of the Court	\$17.40

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 146 of 2011

AGO0170/11CS