

South Australia

## **District Court (Fees) Variation Regulations 2017**

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 2017*.

#### **2—Commencement**

These regulations will come into operation on 1 July 2017.

#### **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—Substitution of Schedules 1 to 3**

Schedules 1, 2 and 3—delete the Schedules and substitute:

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

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	(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
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	

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	(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
	per page in hard-copy form		\$10.20
13	For copy of reasons for judgment—per page		\$7.90
	<b>Note—</b>		
	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
	<b>Note—</b>		
	The fee for a trial is the fee fixed under this clause 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.		
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

**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 22 June 2017

No 156 of 2017

T&F17/008CS