

South Australia

# **Magistrates Court (Fees) (Exemptions) Variation Regulations 2018**

under the *Magistrates Court Act 1991*

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Magistrates Court (Fees) (Exemptions) Variation Regulations 2018*.

### **2—Commencement**

These regulations come into operation on the day on which they are made.

### **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 *corporation* insert:

*Crown* means the Crown in right of this State;

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**government agency** includes—

- (a) a Minister, instrumentality or agency of the Crown; or
- (b) a body or person subject to control or direction by the Governor, a Minister of the Crown or other instrumentality or agency of the Crown;
- (c) South Australia Police; or
- (d) the National Heavy Vehicle Regulator established under the *Heavy Vehicle National Law (South Australia)*;

### **5—Variation of regulation 4—Fees in Civil (General Claims) Division and Civil (Minor Claims) Division**

Regulation 4(2) to (4)—delete subregulations (2) to (4) (inclusive) and substitute:

- (2) Section 15 of the *Crown Proceedings Act 1992* makes provision in relation to the Crown's liability for fees and charges in civil proceedings in the Court.

### **6—Insertion of regulations 5 and 6**

After regulation 4 insert:

#### **5—Fees in Criminal Division**

- (1) The fees set out in Schedule 2 are payable to the Court in relation to proceedings in the Criminal Division.
- (2) A government agency is not required to pay any fee or charge—
  - (a) for commencing, or taking any step in, proceedings in the Criminal Division; or
  - (b) for obtaining a transcript of any such proceedings to which it is a party; or
  - (c) for obtaining a copy of evidence in any such proceedings to which it is a party.
- (3) Any costs to which a government agency is entitled will be calculated as if the government agency were liable to pay, and had in fact paid, fees and charges from which it is exempt under subregulation (2).

#### **6—Fees generally**

- (1) The fees to be charged by the Court for inspection or copying of material under section 51 of the Act are the appropriate fees set out in each of the Schedules.
- (2) 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.

## 7—Insertion of Schedule 4

After Schedule 3 insert:

### **Schedule 4—Fee in Commonwealth *Fair Work Act 2009* jurisdiction**

- |   |   |        |
|---|---|--------|
| 1 | An application in relation to the jurisdiction of the Court under the <i>Fair Work Act 2009</i> of the Commonwealth | no fee |
|---|---|--------|

#### **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 13 February 2018

No 34 of 2018

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