

South Australia

Magistrates Court (Fees) Variation Regulations 2018

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 Substitution of Schedules 1 to 3
 - Schedule 1—Fees in Civil (General Claims) Division and Civil (Minor Claims) Division
 - Schedule 2—Fees in Criminal Division
 - Schedule 3—Fee in Petty Sessions Division
-

Part 1—Preliminary

1—Short title

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

2—Commencement

These regulations will come into operation on 1 July 2018.

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—Substitution of Schedules 1 to 3

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

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

- 1 On issuing a Final Notice of Claim under the rules
-

Magistrates Court (Fees) Variation Regulations 2018
Part 2—Variation of *Magistrates Court (Fees) Regulations 2004*

	(a)	in the case of a Notice of Claim filed using the online portal	\$21.60
	(b)	in any other case	\$52.00
2		On commencement of minor civil action	\$146.00
3		On lodging a counterclaim or a third party notice in a minor civil action	\$146.00
4		On filing a document to commence any other action under the <i>Magistrates Court Act 1991</i> —	
	(a)	where the claim is not for money—	
		(i) in the case of a prescribed corporation	\$538.00
		(ii) in any other case	\$318.00
	(b)	where the amount claimed, or the value of the property the subject of the claim, exceeds \$12 000.00 but does not exceed \$25 000.00—	
		(i) in the case of a prescribed corporation	\$538.00
		(ii) in any other case	\$318.00
	(c)	where the amount claimed, or the value of the property the subject of the claim, exceeds \$25 000.00 but does not exceed \$50 000.00—	
		(i) in the case of a prescribed corporation	\$767.00
		(ii) in any other case	\$409.00
	(d)	where the amount claimed, or the value of the property the subject of the claim, exceeds \$50 000.00—	
		(i) in the case of a prescribed corporation	\$1 124.00
		(ii) in any other case	\$767.00
5		On lodging a counterclaim or third party notice in any other action under the <i>Magistrates Court Act 1991</i> —	
	(a)	where the claim is not for money—	
		(i) in the case of a prescribed corporation	\$538.00
		(ii) in any other case	\$318.00
	(b)	where the amount claimed, or the value of the property the subject of the claim, exceeds \$12 000.00 but does not exceed \$25 000.00—	
		(i) in the case of a prescribed corporation	\$538.00
		(ii) in any other case	\$318.00
	(c)	where the amount claimed, or the value of the property the subject of the claim, exceeds \$25 000.00 but does not exceed \$50 000.00—	

Magistrates Court (Fees) Variation Regulations 2018
Variation of *Magistrates Court (Fees) Regulations 2004*—Part 2

	(i)	in the case of a prescribed corporation	\$767.00
	(ii)	in any other case	\$409.00
	(d)	where the amount claimed, or the value of the property the subject of the claim, exceeds \$50 000.00—	
	(i)	in the case of a prescribed corporation	\$1 124.00
	(ii)	in any other case	\$767.00
6		For issuing and administering an investigation or examination summons under the <i>Magistrates Court Act 1991</i>	\$55.50
7		On commencement of action under any other Act or issuing a summons on such action	\$146.00
8		On lodging a counterclaim or a third party notice in any action under any other Act	\$146.00
8A		On setting a date for trial	
	(a)	for a minor civil action—	
	(i)	where the amount claimed does not exceed \$4 000.00	\$204.00
	(ii)	in any other case	\$613.00
	(b)	for any other action under the <i>Magistrates Court Act 1991</i> —	
	(i)	in the case of a prescribed corporation	\$1 022.00
	(ii)	in any other case	\$767.00
9		For publishing an advertisement	actual costs reasonably incurred
10		For each request to search and inspect a record of the Court	\$24.10
11		For copy of evidence—	
	(a)	per page in electronic form	\$8.10
	(b)	per page in hard-copy form	\$10.40
12		For copy of reasons for judgment—per page	\$8.10
		Note—	
		1 copy will be supplied to a party to the proceedings free of charge.	
13		For copy of any other document—per page	\$4.90
14		For production of transcript at request of a party where the Court does not require the transcript—per page	\$16.40
15		Adjudication of costs: on lodging a bill of costs (other than in a minor civil action)	\$75.50

- | | | |
|----|--|------------|
| 16 | For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour | \$388.00 |
| 17 | For opening Court (or Court remaining open) after hours for urgent hearing—for each hour or part of an hour | \$1 169.00 |

Schedule 2—Fees in Criminal Division

- | | | |
|---|---|--|
| 1 | On commencement of proceedings for summary applications, summary offences, minor indictable offences or indictable offences | \$272.00 plus if the complaint or information alleges more than 1 offence—\$49.50 |
| 2 | For issuing a warrant of commitment | \$53.50 |
| 3 | For copy of evidence— | |
| | (a) per page in electronic form | \$8.10 |
| | (b) per page in hard-copy form | \$10.40 |
| 4 | For copy of reasons for judgment—per page | \$8.10 |

Note—

1 copy will be supplied to a party to the proceedings free of charge.

- | | | |
|---|---|---------|
| 5 | For copy of any other document—per page | \$4.90 |
| 6 | For production of transcript at request of a party where the Court does not require the transcript—per page | \$16.40 |
| 7 | For each request to search and inspect a record of the Court | \$24.10 |

Schedule 3—Fee in Petty Sessions Division

- | | | |
|---|---|---------|
| 1 | On lodging an appeal against an enforcement determination under section 14 of the <i>Expiation of Offences Act 1996</i> | \$55.50 |
|---|---|---------|

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 21 June 2018

No 86 of 2018

T&F18/018CS