

South Australia

## Magistrates Court (Fees) Regulations 2004

under the *Magistrates Court Act 1991*

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### 1—Short title

These regulations may be cited as the *Magistrates Court (Fees) Regulations 2004*.

### 3—Interpretation

In these regulations—

*Act* means the *Magistrates Court Act 1991*;

*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.

#### 4—Fees

- (1) The fees set out in Schedule 1 are payable to the Court in relation to proceedings in—
  - (a) the Civil (General Claims) Division; or
  - (b) the Civil (Minor Claims) Division; or
  - (c) the Civil (Consumer and Business) Division.
- (2) The fees set out in Schedule 2 are payable to the Court in relation to proceedings in the Criminal Division.
- (3) The fees payable for inspection or copying of material under section 51 of the Act are the appropriate fees set out in the Schedules.
- (4) 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.

### 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   | \$19.30                          |
| 2  | On commencement of minor civil action  | \$131.00                         |
| 3  | On lodging a counterclaim or a third party notice in a minor civil action  | \$131.00                         |
| 4  | On commencement of any other action under the <i>Magistrates Court Act 1991</i> —                                    |                                  |
|    | (a) in the case of a prescribed corporation  | \$481.00                         |
|    | (b) in any other case  | \$284.00                         |
| 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  | \$481.00                         |
|    | (b) in any other case  | \$284.00                         |
| 6  | For issuing and administering an investigation or examination summons under the <i>Magistrates Court Act 1991</i>    | \$50.00                          |
| 7  | On commencement of action under any other Act or issuing a summons on such action                                    | \$131.00                         |
| 8  | On lodging a counterclaim or a third party notice in any action under any other Act                                  | \$131.00                         |
| 9  | For publishing an advertisement  | actual costs reasonably incurred |
| 10 | For each request to search and inspect a record of the Court   | \$21.60                          |
| 11 | For copy of evidence—per page  | \$7.20                           |
| 12 | For copy of reasons for judgment—per page<br>(1 copy will be supplied to a party to the proceedings free of charge.) | \$7.20                           |
| 13 | For copy of any other document—per page  | \$4.40                           |

|    |  |            |
|----|--|------------|
| 14 | The fee for a data storage device 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 <b>plus</b> —for each day or part of a day on which the proceedings were recorded | \$115.00   |
| 15 | For production of transcript at request of a party where the Court does not require the transcript—per page  | \$14.60    |
| 16 | Taxation of costs: on lodging a bill of costs (other than in a minor civil action)   | \$68.00    |
| 17 | For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour   | \$348.00   |
| 18 | For opening Court (or Court remaining open) after hours for urgent hearing—for each hour or part of an hour  | \$1 046.00 |

## **Schedule 2—Fees in Criminal Division**

|   |  |  |
|---|--|--|
| 1 | On commencement of proceedings for summary applications, summary offences, minor indictable offences or indictable offences  | \$243.00 <b>plus</b> if the complaint or information alleges more than 1 offence—\$44.50 |
| 2 | For making an enforcement order under the <i>Expiation of Offences Act 1996</i>  | \$243.00   |
| 3 | For issuing a warrant of commitment  | \$48.25  |
| 4 | For copy of evidence—per page  | \$7.20   |
| 5 | For copy of reasons for judgment—per page<br>(1 copy will be supplied to a party to the proceedings free of charge.)   | \$7.20   |
| 6 | For copy of any other document—per page  | \$4.40   |
| 7 | The fee for a data storage device 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 <b>plus</b> —for each day or part of a day on which the proceedings were recorded | \$115.00   |
| 8 | For production of transcript at request of a party where the Court does not require the transcript—per page  | \$14.60  |
| 9 | For each request to search and inspect a record of the Court   | \$21.60  |

## **Schedule 3—Fees 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> | \$50.00 |
|---|---|---------|

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Magistrates Court (Fees) Regulations 2004* revoked the following:

*Magistrates Court (Fees) Regulations 1992*

### Principal regulations and variations

New entries appear in bold.

| Year        | No        | Reference  | Commencement         |
|-------------|-----------|--|----------------------|
| 2004        | 51        | <i>Gazette 27.5.2004 p1447</i>                                   | 1.7.2004: r 2        |
| 2005        | 127       | <i>Gazette 26.5.2005 p1609 (Erratum Gazette 16.6.2005 p1830)</i> | 1.7.2005: r 2        |
| 2006        | 146       | <i>Gazette 15.6.2006 p1902</i>                                   | 1.7.2006: r 2        |
| 2007        | 97        | <i>Gazette 7.6.2007 p2411</i>                                    | 1.7.2007: r 2        |
| 2008        | 86        | <i>Gazette 5.6.2008 p2013</i>                                    | 1.7.2008: r 2        |
| 2009        | 103       | <i>Gazette 4.6.2009 p2521</i>                                    | 1.7.2009: r 2        |
| 2010        | 132       | <i>Gazette 10.6.2010 p2965</i>                                   | 1.7.2010: r 2        |
| 2011        | 146       | <i>Gazette 9.6.2011 p2399</i>                                    | 1.7.2011: r 2        |
| 2012        | 145       | <i>Gazette 31.5.2012 p2535</i>                                   | 1.7.2012: r 2        |
| 2013        | 7         | <i>Gazette 7.2.2013 p265</i>                                     | 7.2.2013: r 2        |
| 2013        | 119       | <i>Gazette 6.6.2013 p2288</i>                                    | 1.7.2013: r 2        |
| <b>2014</b> | <b>30</b> | <b><i>Gazette 30.1.2014 p462</i></b>                             | <b>3.2.2014: r 2</b> |
| 2014        | 127       | <i>Gazette 19.6.2014 p2633</i>                                   | 1.7.2014: r 2        |

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision  | How varied   | Commencement    |
|------------|--|-----------------|
| <i>r 2</i> | <i>omitted under the Legislation Revision and Publication Act 2002</i> | <i>1.7.2005</i> |

|                             |  |                 |
|-----------------------------|--|-----------------|
| r 3                         |  |                 |
| corporation                 | inserted by 146/2011 r 4   | 1.7.2011        |
| not-for-profit organisation | inserted by 146/2011 r 4   | 1.7.2011        |
| prescribed corporation      | inserted by 146/2011 r 4   | 1.7.2011        |
| small business              | inserted by 146/2011 r 4   | 1.7.2011        |
| subsidiary                  | inserted by 146/2011 r 4   | 1.7.2011        |
| Sch 1                       | substituted by 127/2005 r 4  | 1.7.2005        |
|                             | substituted by 146/2006 r 4  | 1.7.2006        |
|                             | substituted by 97/2007 r 4   | 1.7.2007        |
|                             | substituted by 86/2008 r 4   | 1.7.2008        |
|                             | substituted by 103/2009 r 4  | 1.7.2009        |
|                             | substituted by 132/2010 r 4  | 1.7.2010        |
|                             | substituted by 146/2011 r 5  | 1.7.2011        |
|                             | substituted by 145/2012 r 4  | 1.7.2012        |
|                             | substituted by 119/2013 r 4  | 1.7.2013        |
| Sch 2                       | substituted by 127/2005 r 4  | 1.7.2005        |
|                             | substituted by 146/2006 r 4  | 1.7.2006        |
|                             | substituted by 97/2007 r 4   | 1.7.2007        |
|                             | substituted by 86/2008 r 4   | 1.7.2008        |
|                             | substituted by 103/2009 r 4  | 1.7.2009        |
|                             | substituted by 132/2010 r 4  | 1.7.2010        |
|                             | substituted by 146/2011 r 5  | 1.7.2011        |
|                             | substituted by 145/2012 r 4  | 1.7.2012        |
|                             | varied by 7/2013 r 4(1), (2)   | 7.2.2013        |
|                             | substituted by 119/2013 r 4  | 1.7.2013        |
| Sch 3                       | omitted under the <i>Legislation Revision and Publication Act 2002</i> | 1.7.2005        |
|                             | <b>inserted by 30/2014 r 4</b>   | <b>3.2.2014</b> |

## Historical versions

1.7.2005  
 1.7.2006  
 1.7.2007  
 1.7.2008  
 1.7.2009  
 1.7.2010  
 1.7.2011  
 1.7.2012  
 7.2.2013  
 1.7.2013