

South Australia

## Magistrates Court (Fees) Regulations 2019

under the *Magistrates Court Act 1991*

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### 1—Short title

These regulations may be cited as the *Magistrates Court (Fees) Regulations 2019*.

### 2—Commencement

These regulations come into operation on 1 July 2019.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

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

*corporation* has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

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

*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)*;

**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 following provisions apply to the listing fees set out in Schedule 1 clause 9:
  - (a) except where the Court or a registrar otherwise directs, the fee—
    - (i) is payable by the plaintiff; and
    - (ii) must be paid within the period of 14 days after the day on which the trial date is set;
  - (b) if there is more than 1 plaintiff, the Court or a registrar may direct that the fee is to be paid in equal portions by each of the plaintiffs;
  - (c) the trial will not proceed on the day set for that purpose unless the fee has been paid in accordance with this subregulation.
- (3) If an attempt to settle an action by mediation under section 27 of the Act has been made, the fee payable under Schedule 1 clause 9 may, if the mediator so certifies, be discounted by 50%.
- (4) 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.

#### 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—Fee in Petty Sessions Division**

The fee set out in Schedule 3 is payable to the Court in relation to proceedings in the Petty Sessions Division.

### **7—Fee in Commonwealth Fair Work Act 2009 jurisdiction**

The fee set out in Schedule 4 is payable to the Court in relation to proceedings under the *Fair Work Act 2009* of the Commonwealth.

### **8—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.

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

1	On issuing a Final Notice of Claim under the rules—	
	(a) in the case of a Notice of Claim filed using the online portal	\$22.70
	(b) in any other case	\$54.50
2	On commencement of minor civil action	\$153.00
3	On lodging a counterclaim or a third party notice in a minor civil action	\$153.00
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	\$565.00
	(ii) in any other case	\$334.00
	(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	\$565.00

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

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	(ii) in any other case	\$334.00
(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	\$805.00
	(ii) in any other case	\$429.00
(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	\$1 180.00
	(ii) in any other case	\$805.00
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	\$565.00
	(ii) in any other case	\$334.00
(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	\$565.00
	(ii) in any other case	\$334.00
(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	\$805.00
	(ii) in any other case	\$429.00
(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	\$1 180.00
	(ii) in any other case	\$805.00
6	For issuing and administering an investigation or examination summons under the <i>Magistrates Court Act 1991</i>	\$58.50
7	On commencement of action under any other Act or issuing a summons on such action	\$153.00
8	On lodging a counterclaim or a third party notice in any action under any other Act	\$153.00
9	On setting a date for trial—	
(a)	for a minor civil action—	
	(i) where the amount claimed does not exceed \$4 000.00	\$214.00
	(ii) in any other case	\$644.00
(b)	for any other action under the <i>Magistrates Court Act 1991</i> —	
	(i) in the case of a prescribed corporation	\$1 073.00

	(ii) in any other case	\$805.00
10	For publishing an advertisement	actual costs reasonably incurred
11	For each request to search and inspect a record of the Court	\$25.30
12	For copy of evidence—	
	(a) per page in electronic form	\$8.50
	(b) per page in hard-copy form	\$10.90
13	For copy of reasons for judgment—per page	\$8.50
	<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	\$5.10
15	For production of transcript at request of a party where the Court does not require the transcript—per page	\$17.20
16	Adjudication of costs: on lodging a bill of costs (other than in a minor civil action)	\$79.50
17	For opening Registry (or Registry remaining open) after hours for urgent execution of process—for each hour or part of an hour	\$407.00
18	For opening Court (or Court remaining open) after hours for urgent hearing—for each hour or part of an hour	\$1 227.00

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

1	On commencement of proceedings for summary applications, summary offences, minor indictable offences or indictable offences	\$286.00 <b>plus</b> if the complaint or information alleges more than 1 offence—\$52.00
2	For copy of evidence—	
	(a) per page in electronic form	\$8.50
	(b) per page in hard-copy form	\$10.90
3	For copy of reasons for judgment—per page	\$8.50
	<b>Note—</b>	
	1 copy will be supplied to a party to the proceedings free of charge.	
4	For copy of any other document—per page	\$5.10
5	For production of transcript at request of a party where the Court does not require the transcript—per page	\$17.20
6	For each request to search and inspect a record of the Court	\$25.30

## **Schedule 3—Fee in Petty Sessions Division**

1	On an application under section 23 of the <i>Fines Enforcement and Debt Recovery Act 2017</i> for a review of a decision to refuse to revoke an enforcement determination	\$58.50
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## **Schedule 4—Fee in Commonwealth *Fair Work Act 2009* jurisdiction**

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

## **Schedule 5—Revocation of *Magistrates Court (Fees) Regulations 2004***

The *Magistrates Court (Fees) Regulations 2004* are revoked.

## Legislative history

### Notes

- 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).

### Principal regulations

Year	No	Reference	Commencement
2019	101	<i>Gazette 13.6.2019 p1943</i>	1.7.2019: r 2