



DISTRICT COURT
OF WESTERN
AUSTRALIA
500 Hay Street
PERTH WA 6000
Tel: (08) 9425 2230
Fax: (08) 9425 2268

NOTICE TO PRACTITIONERS – RECOVERY OF DEFERRED FEES

Practitioners should be aware that the Court has a policy of briefing the State Solicitors Officer (“SSO”) to recover outstanding court fees. One area in which a number of matters have been referred to the SSO in recent months is to recover trial hearing fees which had been deferred pursuant to *District Court (Fees) Regulations (WA) reg 7*.

The usual deferral order made by the Court is in the following terms:

Pursuant to Regulation 7 of the District Court (Fees) Regulations 2005, the payment of the listing fee and any additional daily hearing fees in this matter is deferred until the earlier of the following events:

- (a) judgment being handed down following a trial of the matter;
- (b) the trial dates allocated being vacated;
- (c) the Court being advised of the finalisation of the matter; or
- (d) 12 months from the date of the order.

In one instance, the taxed bill of costs included the deferred trial hearing fees. The bill of costs was paid, but the deferred fees were not paid to the Court. The matter was referred to the SSO for recovery action.

It is open to practitioners to make a second application in relation to the trial hearing fees to waive the fees which had previously been deferred. This may be appropriate where a plaintiff who holds a DSS health care card initially has their fees deferred but loses at trial, and has a costs order made against them.

Where a person who has had their trial hearing fees deferred, wins at trial with costs or settles prior to trial with costs, the Court’s expectation is that the deferred hearing fees will be included in any costs estimates or bill of costs, and will be paid out of the costs recovered.

Michael Gething
Principal Registrar

11 June 2009