

3 March 2020

Dr Adam Tomison
Director General
Office of the Director General
Department of Justice
GPO Box F317
PERTH WA 6841

By email: LegPolicy@justicewa.wa.gov.au

Dear Dr Tomison

SUITORS' FUND LEVY

Thank you for your letter dated 6 January 2020.

The Law Society of Western Australia has for many years been concerned that the amounts prescribed under the *Suitors' Fund Act 1964* have become so inadequate that they fail to achieve the purposes of the Act. The Law Society welcomes the proposal to amend regulation 15 (not amended since 1980) but is concerned that regulation 14 (not amended since 1970) was not addressed at the same time.

The Law Society does not have the benefit of the modelling you have presumably relied upon to determine the figure of \$3. In order to fund a proper adjustment of regulation 14, the Law Society could also support higher levies, such as:

- A \$3 levy on minor case claims in the Magistrates Court;
- A \$5 levy on general procedure claims in the Magistrates Court;
- A \$10-20 levy on all originating applications (not just writs) in the District Court; and
- A \$10-20 levy on all originating applications (not just writs) in the Supreme Court. The higher fee should be paid by corporations. The lower fee paid by individuals or small businesses.

In all cases, waiver of the levy should be automatic where the filing fee is waived by the Court.

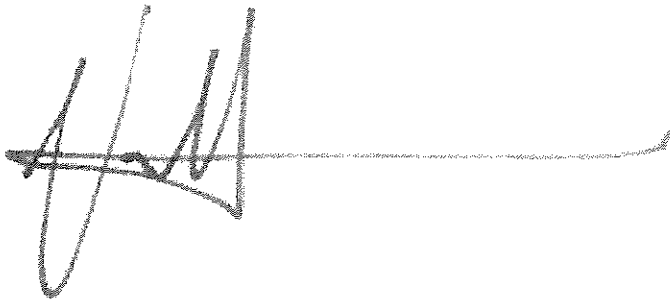
This approach would see those who can most afford a higher levy and who are most likely to be raising issues of law that could give rise to the issue of certificates, making the highest contribution.

The proposal that a fee also be charged on criminal proceedings might amount to a cost shifting exercise onto WA Police. In many cases, where an accused is convicted summarily, he or she may be ordered to pay the costs to WA Police. Of course that does not guarantee recovery by WA Police.

The Law Society looks forward to the upcoming comprehensive review of the Act and Regulations.

If you have any queries please contact Mary Woodford, General Manager Advocacy on 9324 8646 or mwoodford@lawsocietywa.asn.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'N. van Hattem', followed by a long horizontal line extending to the right.

Nicholas van Hattem
President