



AUSTRALIAN CAPITAL TERRITORY

Supreme Court Act 1933

DETERMINATION OF FEES AND CHARGES APPLICABLE IN THE SUPREME COURT

INSTRUMENT No. 96 of 1998

Under subsection 37(1) of the *Supreme Court Act 1933*, with effect from 1 July 1998, I **REVOKE** Determination No. 22 of 1998 and, with effect from 1 July 1998, I **DETERMINE** the fees and charges set out in the Schedule to this Determination to be the fees and charges payable under section 37A of that Act, subject to the provisions for the exemption and deferral of liability and the remission or refund of a fee or charge set out in the Schedule.

Dated: 10th June 1998

A handwritten signature in cursive script, appearing to read 'Kate Carnell'.

KATE CARNELL
Acting Attorney-General

Item	Matter in respect of which fee or charge is payable	Amount Payable
The previous fee is set out in brackets immediately under each item.		
1.	On lodging for filing a document to commence a proceeding in the Court, including a proceeding relating to probate, other than:	
	(a) in respect of a matter referred to in item 2, 3, 13 or 15; or	
	(b) an interlocutory or incidental proceeding in the course of, or in connection with, a proceeding	\$503.00 (\$494.00)
2.	On lodging for filing a document to commence an appeal from the Master or the Registrar in an interlocutory proceeding	\$111.00 (\$109.00)
3.	On lodging for filing a document to commence an appeal from the Master or the Registrar in a proceeding other than an interlocutory proceeding	\$503.00 (\$494.00)
4.	For each request for a copy or copies of a document or documents (regardless of the number of documents to which the request relates)	\$2.00 (\$2.00)
	This item does not apply to a request for the supply of a transcript or a copy thereof of proceedings in the Court.	
5.	For each page of copy provided in accordance with a request referred to in item 4	\$1.00 (\$1.00)
6.	For each page of copy of a document or documents copied by a person, other than an officer of the Court, using a Court photocopier	20¢ (20¢)

7. For the issue under Order 39 Rule 25 of the Supreme Court Rules of a subpoena in a civil proceeding:
- | | |
|---|----------------------|
| (a) to give evidence | \$24.00
(\$23.00) |
| (b) for production and to give evidence | \$46.00
(\$45.00) |
| (c) for production | \$46.00
(\$45.00) |
- No fee is payable under this item if no fee for filing a document in relation to the proceeding is payable
8. On lodging for taxation a bill of costs as between party and party that, as lodged, exceeds \$2,000
- | | |
|--|------------------------|
| | \$222.00
(\$218.00) |
|--|------------------------|
9. For up to 3 attempts to serve process at the same address, whether or not the service is successful
- | | |
|--|----------------------|
| | \$58.00
(\$57.00) |
|--|----------------------|
10. For up to 3 attempts to execute process at the same address, whether or not the execution is successful
- | | |
|--|------------------------|
| | \$186.00
(\$183.00) |
|--|------------------------|
11. For expenses reasonably incurred by the Court in the execution of process or attempted execution of process for which a fee is payable under item 10
- | | |
|--|--------------------------------------|
| | The
amount of
the
expenses. |
|--|--------------------------------------|
12. For opening the offices of the Court -
- | | |
|---|------------------------|
| (a) between 9.00 am and 9.15 am or between 4.15 pm and 5.00 pm on a day other than a Saturday, Sunday or public holiday | \$58.00
(\$57.00) |
| (b) at any time - | |
| (i) on a Saturday, Sunday or public holiday; or | |
| (ii) outside the hours of 9.00 am to 5.00 pm on a day of the week other than a day referred to in subparagraph 12(b)(i) | \$114.00
(\$112.00) |

- | | |
|--|------------------------|
| 13. On lodging a notice of motion for admission to practise or for enrolment under the <i>Legal Practitioners Act 1970</i> or on lodging a notice seeking registration under the Mutual Recognition Scheme | \$228.00
(\$224.00) |
| 14. For the supply of each certificate of enrolment additional to a certificate provided on the admission, enrolment or registration referred to in item 13 | \$35.00
(\$34.00) |
| 15. For the making of an application for the removal or transfer to the Supreme Court of proceedings commenced in the Magistrates Court | \$255.00
(\$250.00) |

The Registrar shall remit or refund the fee, as appropriate, where no filing fee was payable for the commencement of the proceedings in the Magistrates Court.

EXEMPTION FROM LIABILITY FOR PAYMENT

The Determination provides an exemption from payment of a filing fee or fee for the service or execution of process by any person in relation to proceedings under the *Birth (Equality of Status) Act 1988*. Other exemptions from payment are set out in section 37B of the *Supreme Court Act 1933*.

DEFERRAL OF LIABILITY FOR PAYMENT

Paragraph 37(2)(d) of the *Supreme Court Act 1933* provides that a determination may provide for the deferral of liability by the Registrar for the payment of fees and charges, in whole or in part, in particular circumstances. The Determination provides that the Registrar of the Supreme Court may defer liability for payment for a period not in excess of 14 days if, in the Registrar's opinion, payment cannot be made at the time that a request is made for the performance of a function or the provision of a facility or service but payment could be made within 14 days after the request being made. The Registrar will be able to defer payment, for example, where a person wishes to institute proceedings but has not brought sufficient funds with him or her.