



## AUSTRALIAN CAPITAL TERRITORY

### *Supreme Court Act 1933*

## DETERMINATION OF FEES AND CHARGES APPLICABLE IN THE SUPREME COURT

### INSTRUMENT No. 196 of 2000

1. This determination comes into operation on 1 July 2000.
2. Under subsection 37(1) of the *Supreme Court Act 1933*, I **REVOKE** Determination No. 150 of 1999 and 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.
3. The payment of the fee or charge is exempted or may be deferred in accordance with the Schedule.
4. Explanatory notes (including the previous years fee) are included in the Schedule in italic text. General explanatory notes are included at the end of the Schedule in italic text. Headings in the Schedule, explanatory notes in italic text in the Schedule and general explanatory notes in italic text in the Schedule do not form part of the determination. (For example, the following twelve words, if included in the Schedule, would not form part of the determination: [*Explanatory note: explanatory notes and general explanatory notes are in italic text*]).

Dated: 19<sup>th</sup> June 2000

**GARY HUMPHRIES**  
Attorney-General

**SCHEDULE - FEES AND CHARGES TO BE PAID**

Item	Matter in respect of which fee or charge is payable	Amount payable
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**PART A: Proceedings**

1.	<p>On lodging for filing a document to commence a proceeding in the Court, including an application for probate, other than:</p> <p>(a) In respect of a matter referred to in item 3, 4, 5, 6, 7, 8 or 9; or</p> <p>(b) an interlocutory or incidental proceeding in the course of, or in connection with, a proceeding.</p> <p><i>[Explanatory note: Last financial year the fee was \$520]</i></p>	\$535
2.	<p>On the fixing of a date for the hearing of a proceeding (other than an interlocutory or incidental proceeding):</p> <p>(a) in a proceeding under the <i>Criminal Injuries Compensation Act 1983</i>;</p> <p>(b) in any other proceeding.</p> <p>The person liable to pay the fee is the plaintiff, the appellant or such other party to the application as is ordered by the Court (which for the purposes of this determination includes the Registrar and the Deputy Registrar) in such proportion ordered.</p> <p>Where the filing fee in respect of the proceedings has been waived or the person commencing the proceedings is exempt from payment of a filing fee (other than in respect of a proceeding under the <i>Criminal Injuries Compensation Act 1983</i>), no fee is payable under this item.</p> <p><i>[Explanatory note: See section 37B of the Supreme Court Act 1933 in relation to waivers, and exemptions. Last financial year the fees were \$88 and \$550 respectively]</i></p>	\$90 \$565
3.	<p>On filing a cross claim or counter claim in any proceeding.</p> <p><i>[Explanatory note: Last financial year the fee was \$520]</i></p>	\$535
4.	<p>On lodging for filing a document to commence an appeal from the Master or the Registrar in an interlocutory proceeding.</p> <p><i>[Explanatory note: Last financial year the fee was \$120]</i></p>	\$120
5.	<p>On lodging for filing a document to commence an appeal from the Master or the Registrar in a proceeding other than an interlocutory proceeding.</p> <p><i>[Explanatory note: Last financial year the fee was \$520]</i></p>	\$535
6.	<p>On lodging for taxation a bill of costs as between party and party that, as lodged, exceeds \$2,000.</p> <p><i>[Explanatory note: Last financial year the fee was \$230]</i></p>	\$235
7.	<p>On lodging:</p> <p>(a) an application for admission to practice or for enrolment under the <i>Legal Practitioners Act 1970</i>; or</p> <p>(b) a notice seeking registration in an occupation under the Mutual Recognition Scheme.</p> <p><i>[Explanatory note: Note that registration in an occupation under the Mutual Recognition Scheme would include registration as a notary public under that scheme. Last financial year the fee was \$235]</i></p>	\$240
8.	<p>On lodging for the entry of judgment or consent order under order 42 of the <i>Supreme Court Rules</i>.</p> <p><i>[Explanatory note: Last financial year the fee was the same]</i></p>	\$50

**SCHEDULE - FEES AND CHARGES TO BE PAID**

Item	Matter in respect of which fee or charge is payable	Amount payable
9.	On making an application for the removal or transfer to the Supreme Court of proceedings commenced in the Magistrates Court. No fee is payable in the Supreme Court where no filing fee was payable for the commencement of the proceedings in the Magistrates Court. <i>[Explanatory note: Last financial year the fee was \$265]</i>	\$270

**PART B: Certificates, copies, searches and transcripts**

10.	For the certification of (or the provision of certified copy of): (a) a judgment, certificate of enrolment or registration; or (b) other documents. <i>[Explanatory note: Last financial year the fee was the same]</i>	\$40 \$20
11.	For each request for a copy or copies of a document or documents (regardless of the number of documents to which the request relates). <i>[Explanatory note: Last financial year the fee was the same]</i>	\$2.00
12.	For a copy provided in accordance with a request referred to in the previous item. <i>[Explanatory note: Last financial year the fee was the same]</i>	\$1.00 (per page)
13.	For undertaking a registry search (other than by a party to the proceedings to which the search relates). <i>[Explanatory note: Last financial year the fee was the same]</i>	\$20
14.	Provision of a transcript of proceedings where the request for the transcript requires the preparation of the document. <i>[Explanatory note: The provision of transcripts is now made through the Magistrates Court Registry. Last financial year the fee charged by the supplier was \$8.25 per page. The fees have been extensively revised based on the cost of producing urgent transcripts (and are similar to those provided in the Magistrates Court, with the exception of a category for same-day delivery). Copies are provided under a following item.]</i>	\$9.45 (per page for same day) \$8.95 (per page for next day) \$8.50 (per page within 2-3 days) \$8.25 (per page within 3-5 days) \$7.80 (per page after 5 days)
15.	For the supply of a duplicate audio tape recording of a proceeding or of part of a proceeding or of a matter incidental to a proceeding. <i>[Explanatory note: Adopted from the Magistrates Court – in that jurisdiction, last financial year, the fee was the same.]</i>	\$35 (per cassette)
16.	For the supply of a duplicate video tape recording of a proceeding or of part of a proceeding or of a matter incidental to a proceeding. <i>[Explanatory note: Adopted from the Magistrates Court – in that jurisdiction, last financial year, the fee was the same.]</i>	\$45 (per tape)

**SCHEDULE - FEES AND CHARGES TO BE PAID**

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17.	For the supply of a computer disk containing a record of a proceeding or of part of a proceeding or of a matter incidental to a proceeding. <i>[Explanatory note: Adopted from the Magistrates Court – in that jurisdiction, last financial year, the fee for a computer disk was the same. This year the provision of this information by CD-Rom is also included]</i>	\$15 (per disk) \$25.00 (per CD-Rom)
18.	For each page of copy of a document or documents copied by a person, other than an officer of the Supreme Court, using a Court photocopier <i>[Explanatory note: Last financial year the charge was the same.]</i>	\$0.20

**PART C: Subpoenas, service, and execution**

19.	For the issue under Order 39 Rule 25 of the <i>Supreme Court Rules</i> of a subpoena in a civil proceeding: (a) to give evidence; (b) for production and to give evidence; (c) for production. No fee is payable under this item if no fee for filing a document in relation to the proceeding is payable. <i>[Explanatory note: Last financial year the fees were the same]</i>	\$25 \$50 \$50
20.	For up to 3 attempts to serve process at the same address, whether or not the service is successful. <i>[Explanatory note: Last financial year the fee was the same]</i>	\$60
21.	For up to 3 attempts to execute process at the same address, whether or not the execution is successful. <i>[Explanatory note: Last financial year the fee was \$195]</i>	\$200
22.	For expenses reasonably incurred by the Court in the execution of process or attempted execution of process for which a fee is payable under the previous item. <i>[Explanatory note: Last financial year the fee was the same]</i>	The amount of the expenses.
23.	For non-party production under order 34B of the <i>Supreme Court Rules</i> . <i>[Explanatory note: Last financial year the fee was the same]</i>	\$26

**PART D: Opening the Court**

24.	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; (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 (b)(i). <i>[Explanatory note: Last financial year the fees were \$60 and \$120 respectively]</i>	\$60 \$125
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**SCHEDULE - FEES AND CHARGES TO BE PAID**

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**PART D: Exemption and deferrals**

25.	<p>No fee for lodging for filing a document or fee for the service or execution of process is payable by any person in relation to proceedings under the <i>Birth (Equality of Status) Act 1988</i>.</p> <p><i>[Explanatory note: See section 37B of the Supreme Court Act 1933 in relation to waivers, and exemptions. This exemption is the same as previously provided.]</i></p>	
26.	<p>The Registrar of the Supreme Court may defer liability for the payment of a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, for a period not in excess of 14 days if, in the Registrar's opinion, payment cannot be made at the time of the request for the function, facility or service but payment could be made within 14 days after the making of the request.</p> <p><i>[Explanatory note: See section 37B of the Supreme Court Act 1933 in relation to waivers, and exemptions. This deferral is the same as previously provided.]</i></p>	

### **General Explanatory Notes**

Subsection 37(1) of the Supreme Court Act 1933 (the Act) provides that the Attorney-General may, by notice in writing published in the Gazette, determine fees and charges for any of the following purposes:

- (a) proceedings in the Court, and matters incidental to such proceedings, including -
  - (i) the admission and enrolment of legal practitioners;
  - (ii) the service and execution of the process of the Court; and
  - (iii) the taxation of costs by officers of the Court;
- (b) facilities and services provided by the Court, including the service and execution of the process of any court of the Commonwealth, a State or another Territory, or of any court of a foreign country;
- (c) the general purposes of the Act, the Regulations or the Rules of Court.

Subsection 37(2) of the Act provides that a Determination made under subsection 37(1) may provide for matters such as the exemption from liability to pay certain fees, in whole or in part, and for the remission or refund and the deferral of liability for the payment of fees and charges, in whole or in part, by the Registrar in particular circumstances.

#### **Overview of increases in fees and charges**

Fees have generally been increased by 2.5% and rounded to a five dollar multiple. For this reason, some fees will not increase this year (but may in future years).

Fees imposed in this instrument are exempted from GST by the "A New Tax System (Goods and Services Tax) (Exempt Taxes, Fees and Charges) Determination 2000" made by the Commonwealth Treasurer under Division 81 of the A New Tax System (Goods and Services Tax) Act 1999.

#### **Commencement of Determination**

This Determination comes into effect on 1 July 2000 and upon its coming into effect Determination No. 150 of 1999 will cease to have effect.

#### **Revenue/cost implications**

Additional revenue of about \$25,000 in a full year.