

Australian Capital Territory

# Attorney General (Fees) Amendment Determination 2009 (No 1)

Disallowable instrument DI2009- 5

made under the

Agents Act 2003, s 176 (Determination of fees)  
Consumer Credit (Administration) Act 1996, s 140 (Determination of fees)  
Court Procedures Act 2004, s 13 (Determination of fees)  
Liquor Act 1975, s 179 (Determination of fees)

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## 1 Name of instrument

This instrument is the *Attorney General (Fees) Amendment Determination 2009 (No 1)*.

## 2 Commencement

This instrument takes effect on 2 February 2009.

## 3 Amendments

This instrument amends the Attorney General (Fees) Determination 2008 (DI2008-145) by:

- (a) Deleting the fees in items 175 – 178.1, and 201 in Schedule 2;
- (b) Adding the fees in Attachment ‘A’ to this instrument to Schedule 2; and
- (c) Replacing the fees in Attachment ‘B’ to this instrument in Schedule 2.

Simon Corbell MLA  
Attorney General  
23/1/09

## Attachment 'A'

### Court Procedures Act 2004

#### PROCEEDINGS IN THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL

##### PART A: Commencement

178.2	<u>Civil Disputes</u>	
	On institution of civil proceedings:	
	(i) where the amount in dispute is more than \$10,000;	\$ 393.00
	(ii) where the amount in dispute is \$10,000 or less or for a determination under the <i>Common Boundaries Act 1981</i> ;	\$ 112.00
	(iii) where the amount in dispute is \$2,000 or less or where no amount is in dispute.	\$ 43.00
	<i>Explanatory Note:</i> This is the same fee under previous determinations. Note that item (iii) deals with an application for directions.	
178.3	For a cross-claim or counter-claim to a civil claim:	
	(i) where the amount is more than \$10,000;	\$ 393.00
	(ii) where the amount is \$10,000 or less;	\$ 112.00
	(iii) where the amount in dispute is \$2,000 or less or where no amount is in dispute.	\$ 43.00
	<i>Explanatory Note:</i> This is the same fee under the previous determination.	
178.4	On lodging of an application for relief under the <i>Consumer Credit (Administration) Act 1996</i> .	\$ 247.00
	<i>Explanatory Note:</i> This is the same fee under the previous determination.	
178.5	On lodging an application for relief under the <i>Residential Tenancies Act 1997</i> :	
	(i) where the amount in dispute is more than \$1000 or for a termination and possession order pursuant to Part IV of the <i>Residential Tenancies Act 1997</i> where a bond has been deposited with the Territory in relation to the tenancy;	\$ 112.00
	(ii) for a termination and possession order pursuant to Part IV of the <i>Residential Tenancies Act 1997</i> where a bond has not been deposited with the Territory in relation to the tenancy;	\$ 214.00
	(iii) for endorsement of a tenancy agreement under section 10 of the <i>Residential Tenancies Act 1997</i> ;	Nil
	(iv) where the amount in dispute is \$1000 or less or in any other case.	\$ 56.00
	Where the application involves more than one of the above matters, the fee payable is the higher of the fees.	
	<i>Explanatory Note:</i> This is the same fee under the previous determination.	
178.6	<u>Review of Administrative Decisions</u>	
	On lodging an application for the review of an administrative decision (or applying to become a party to such proceedings) under:	
	(i) section 26 of the <i>Housing Assistance Act 2007</i> ;	Nil
	(ii) the <i>Rates Act 2004</i> ;	Nil
	(iii) section 60 of the <i>Freedom of Information Act 1989</i> , being a decision made in relation to a document that relates to a decision specified in (i) or (ii);	Nil
	(iv) the <i>Planning and Development Act 2007</i> ;	\$ 172.00
	(v) any other enactment other than the review of a decision.	\$ 247 .00
	<i>Explanatory Note:</i> This is equivalent to the previous determined fee with the following exception: item (v) will now apply to review previously considered under the <i>Consumer and Trader Tribunal Act 2003</i> , which was subject to a variable fee determined on a formula based on the licence fee.	

178.7	<u>Occupational Discipline</u> On making an application for occupational discipline. <i>Explanatory Note: This new fee, payable by regulatory agencies making an application for an occupational discipline order, is fixed at the same level of an ordinary administrative review.</i>	\$ 247.00
178.8	<u>Appeals</u> On an application for the referral of a question of law within the ACAT, a correction to an order of the ACAT or an appeal within the ACAT. <i>Explanatory Note: This new fee has been set at the same rate as a \$10,000+ civil dispute, to send an appropriate but not excessive cost signal to the applicant.</i>	\$ 393.00
178.9	On lodging of an appeal under s416 of the <i>Legal Profession Act 2006</i> . <i>Explanatory Note: This is the same fee under the previous determination.</i>	\$ 247.00
178.10	On lodging for enforcement a judgment obtained in another court or tribunal. <i>Explanatory Note: This is the same fee under the previous determination.</i>	\$ 61.00

***PART B: Certificates, copies, inspections and transcripts in civil matters***

178.11	Provision of a document or a copy of a document where the request for the document or copy requires the preparation of the document.	\$ 33.00
178.12	Provision of a copy of a document where a copy or a certified copy can be provided by photocopying another document already in existence and, where necessary, certifying the photocopy: (i) in respect of the application for a copy; (ii) for each page of copy provided. <i>Explanatory Note: This is the same fee under the previous determination.</i>	\$ 2.20 \$ 1.10
178.13	For an inspection of: (i) a civil record of the Tribunal that contains particulars of a judgment that has been entered; (ii) a civil record of the Tribunal that contains particulars of the setting aside of such a judgment; (iii) a civil record of the Tribunal that contains particulars of a Default Judgment (including a Judgement entered previously in the Small Claims Court or a Restoration Order setting aside such a judgment) or (iv) any other record of the Tribunal by a person, not being a party to those proceedings, provided that the Registrar is satisfied that the applicant has a good reason for carrying out such search. <i>Explanatory Note: This is the same fee under the previous determination.</i>	\$ 17.00 per item or \$ 132.00 per hour of search time carried out by registry staff on behalf of the applicant \$ 17.00 per item or \$ 132.00 per hour of search time carried out by registry staff on behalf of the applicant \$ 17.00 per item or \$ 132.00 per hour of search time carried out by registry staff on behalf of the applicant \$ 17.00 per item or \$ 132.00 per hour of search time carried out by registry staff on behalf of the applicant
178.14	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: This is the same fee under the previous determination.</i>	\$ 16.00 (per disk) \$ 32.00 (per CD-Rom)
178.15	For each page of copy of a document or documents copied by a person, other than an officer of the Tribunal, using a Tribunal photocopier. <i>Explanatory Note: This is the same fee under the previous determination.</i>	\$ 0.20

***PART C: Service, execution and examinations in civil matters***

178.16	For up to 3 attempts to execute process at the same address, whether or not the execution is successful: <i>Explanatory Note: This is the same fee under the previous determination.</i>	\$ 77.00
178.17	Subject to the paragraph below, for the issue of a subpoena in any civil proceedings or in relation to an administrative review: (i) to give evidence; (ii) for production and to give evidence; (iii) for production.	\$ 17.00 \$ 33.00 \$ 33.00

No fee is payable under this item if no fee for filing a document in the proceeding is payable.

	<i>Explanatory Note:</i> This is the same fee under the previous determination.	
178.18	For the tribunal undertaking the oral examination of a debtor.	\$ 61.00
	<i>Explanatory Note:</i> This is the same fee under the previous determination.	
178.19	A Registrar of the tribunal 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 (or any longer period as necessary or appropriate in the interests of justice) 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 (or any longer period as necessary or appropriate in the interests of justice) after the making of the request.	Nil
	<i>Explanatory Note:</i> This power remains similar to that in previous determinations.	
178.20	A Registrar of the tribunal may remit or refund a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, where the circumstances warrant and it is in the interests of justice to do so.	Nil
	<i>Explanatory Note:</i> This power remains similar to that in previous determinations.	
178.21	In relation to an application made to the Tribunal, a single application fee is payable in respect of 2 or more applications which relate to the same applicant (or where one of the applicants is the same) and which, in the opinion of a Registrar, may be conveniently heard together by the Tribunal. Where an application fee in respect of each or some of those applications has been paid, the Registrar may refund all but the first of those application fees.	Nil
	<i>Explanatory Note:</i> This power remains similar to that in previous determinations	

## Attachment 'B'

180	On institution of proceedings under the <i>Magistrates Court Act 1930</i> :	
	(i) where an amount is in dispute;	\$ 393.00
	(ii) where no amount is in dispute.	\$ 112.00

*Explanatory Note:* This is the same as previous fees (other than the omission of small claims matters).

182	On an application for the review of an order, direction or other act of the Registrar of the Magistrates Court.	\$ 112.00
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*Explanatory Note:* This is the same as previous fees (other than the omission of small claims matters).

183	On filing for assessment a bill of costs as between party and party that, as filed, exceeds \$2,000.	\$ 296.00
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*Explanatory Note:* This is the same as previous fees (other than the omission of a reference to small claims matters).

### **PART C: Service, execution and examinations**

196	For up to 3 attempts to execute process at the same address, whether or not the execution is successful:	\$ 253.00
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*Explanatory Note:* This is the same as previous fees (other than the omission of small claims matters).

197	Subject to the paragraph below, for the issue of a subpoena in any civil proceedings:	
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|  | (i) to give evidence;                     | \$ 17.00 |
|  | (ii) for production and to give evidence; | \$ 33.00 |
|  | (iii) for production.                     | \$ 33.00 |

No fee is payable under this item if no fee for filing a document in the proceeding is payable.

*Explanatory Note:* This is the same as previous fees (other than the omission of a reference to the AAT).

### **PART D: Miscellaneous**

200	The Registrar of a 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 (or any longer period as necessary or appropriate in the interests of justice) 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 (or any longer period as necessary or appropriate in the interests of justice) after the making of the request.	Nil
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*Explanatory Note:* This is the same as previous determinations (other than the omission of tribunal matters).

200.1	The Registrar of a court may remit or refund a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, where the circumstances warrant and it is in the interests of justice to do so.	Nil
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*Explanatory Note:* This is the same as previous determinations (other than the omission of tribunal matters).