

# Court Procedures (Fees) Determination 2013

## Disallowable instrument DI2013-107

made under the

**Court Procedures Act 2004, s 13 (Determination of fees)**

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### **1 Name of instrument**

This instrument is the Court Procedures (Fees) Determination 2013.

### **2 Commencement**

This instrument commences on 1 July 2013.

### **3 Determination of fees**

- (1) The fee payable for a matter stated in an item in the schedule, column 2 is the fee stated in the schedule, column 3 for that matter.
- (2) The fee for a matter stated in an item in the schedule, column 2 is payable by the person requesting the service.

### **4 Payment of fees**

The fee payable for a matter stated in an item in the schedule, column 2 is payable to the Territory.

### **5 Definition –Corporation**

- (1) For the purposes of items 1000 - 1317 in the schedule, “corporation” does not include a corporation which:
  - (a) is incorporated as a not-for-profit corporation; or
  - (b) had a turnover of less than \$200,000 in the previous financial year.
- (2) For the purposes of items 1000 – 1317 in the schedule, “natural person” includes a corporation which:
  - (a) is incorporated as a not-for-profit corporation; or
  - (b) had a turnover of less than \$200,000 in the previous financial year.

Simon Corbell MLA  
Attorney General

6.6.13

## SCHEDULE - FEES AND CHARGES TO BE PAID

Column 1	Column 2	Column 3
Item	Matter in respect of which fee or charge is payable	Amount Payable

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

#### ***PART A: Commencement***

1000	<p><u>Civil Disputes</u></p> <p>On institution of civil proceedings:</p> <p>(i) where the amount in dispute is more than \$10,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(ii) where the amount in dispute is \$10,000 or less, or for a determination under the <i>Common Boundaries Act 1981</i>, or for proceedings under the <i>Unit Titles Act 2001</i> where no amount is in dispute</p> <p>for a natural person</p> <p>for a corporation</p> <p>(iii) where the amount in dispute is \$2,000 or less, or where no amount is in dispute (other than proceedings under the <i>Unit Titles Act 2001</i>)</p> <p>for a natural person</p> <p>for a corporation</p> <p>(iv) for any other application</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year fees were \$449.00, \$127.00, \$47.00 and \$47.00 respectively for a natural person and \$898.00, \$254.00, \$94.00 and \$94.00 respectively for a corporation.</i></p>	<p>\$462.00</p> <p>\$924.00</p> <p>\$130.00</p> <p>\$260.00</p> <p>\$48.00</p> <p>\$96.00</p> <p>\$48.00</p> <p>\$96.00</p> <p>(GST is not applicable to any fees for Item 1000)</p>
1001	<p>For lodging a cross-claim or counter-claim to a civil claim:</p> <p>(i) where the amount is more than \$10,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(ii) where the amount is \$10,000 or less</p> <p>for a natural person</p> <p>for a corporation</p> <p>(iii) where the amount in dispute is \$2,000 or less or where no amount is in dispute</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last financial year fees were \$449.00, \$127.00 and \$47.00 for a natural person and \$898.00, \$254.00 and \$94.00 for a corporation.</i></p>	<p>\$462.00</p> <p>\$924.00</p> <p>\$130.00</p> <p>\$260.00</p> <p>\$48.00</p> <p>\$96.00</p> <p>(GST is not applicable to any fees for Item 1001)</p>
1002	<p>On lodging an application for relief under the <i>Residential Tenancies Act 1997</i>:</p> <p>(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</p> <p>for a natural person</p> <p>for a corporation</p> <p>(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</p> <p>for a natural person</p>	<p>\$130.00</p> <p>\$260.00</p> <p>\$252.00</p>

	for a corporation	\$504.00
	(iii) for endorsement of a tenancy agreement under section 10 of the <i>Residential Tenancies Act 1997</i>	
	for a natural person	Nil
	for a corporation	Nil
	(iv) where the amount in dispute is \$1000 or less or in any other case	
	for a natural person	\$64.00
	for a corporation	\$128.00
	Where the application involves more than one of the above matters, the fee payable is the higher of the fees.	( GST is not applicable to any fees for Item 1002)
	<i>Explanatory Note: Last financial year fees were \$127.00, \$245.00 and \$63.00 for a natural person and \$254.00, \$490.00 and \$126.00 for a corporation.</i>	
1003	<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 31C 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) any other enactment	
	for a natural person	\$290.0 (GST is not applicable)
	for a corporation	\$580.00 (GST is not applicable)
	<i>Explanatory Note: Last financial year fee was \$273.00 for item (iv).</i>	
1004	<u>Occupational Discipline</u>	
	On lodging an application in relation to occupational licensing or discipline	\$290.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$282.00.</i>	
1005	<u>Appeals</u>	
	On lodging 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.	
	for a natural person	\$462.00 (GST is not applicable)
	for a corporation	\$924.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$449.00 for a natural person and \$898.00 for a corporation.</i>	
1006	On lodging of an appeal under section 416 of the <i>Legal Profession Act 2006</i> .	
	for a natural person	\$290.00 (GST is not applicable)
	for a corporation	\$580.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$282.00 for a natural person and \$564.00 for a corporation.</i>	
1007	On lodging an application for a matter to be removed from the ACAT to the Supreme Court, including for appeals transferred.	
	for a natural person	\$952.00 (GST is not applicable)

for a corporation \$1,904.00 (GST is not applicable)

*Explanatory Note: Last Financial Year the fee was \$925.00 for a natural person and \$1,850.00 for a corporation.*

1008 Hearing Fees

The hearing fee (for estimated or actual hearing days) is:

(a) for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> hearing day;

for a natural person

\$128.00 for each day

for a corporation

\$256.00 for each day

(b) for the 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> hearing day;

for a natural person

\$257.00 for each day

for a corporation

\$514.00 for each day

(c) for the 10<sup>th</sup> or later hearing day;

for a natural person

\$324.00 for each day

for a corporation

\$648.00 for each day  
(GST is not applicable to  
any fees for Item 1008)

The total fee payable is calculated by adding the hearing fee for each estimated or actual hearing day.

The person liable to pay the total fee unless the tribunal orders otherwise is the plaintiff, applicant or appellant. The person liable to pay the fee must pay the fee within 7 days of the tribunal setting the hearing date.

Where a hearing is commenced and takes more days than estimated unless otherwise ordered the party originally liable to pay this fee shall pay for the additional days at the appropriate rate. In such a case, the fee for the additional days is payable immediately after the tribunal allocates the additional hearing days or the end of the hearing (whichever occurs first).

If the Tribunal receives written advice of settlement or written notice of intended adjournment 56 days or more before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received 28 days or more before that date, 50% of the fee paid is refundable.

If the hearing is adjourned before the first date allocated for the hearing, and the Tribunal or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the whole of the fee is to be refunded or transferred to a new allocated date or dates for the adjourned hearing.

In other circumstances, if the adjournment occurs 56 days or more before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs 28 days or more before that date, 50% is refundable.

A hearing fee is not payable if a matter is exempt from the payment of an application fee.

If the hearing is adjourned after it has commenced and the Tribunal or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*Explanatory Note: This fee is payable in cases which may or do extend beyond a single hearing day. For example, where the tribunal sets down a case for 5 hearing days, the plaintiff will be required to pay a total fee (\$ 641) composed of the hearing fee for the 2nd day (\$128), the 3rd day (\$128), the 4th day (\$128) and the 5th day (\$ 257) derived from the list of hearing fees.*

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

1009 Provision of a document or a copy of a document where the request for the document or copy requires the preparation of the document. \$38.00 (GST is not applicable)

*Explanatory Note: Last Financial Year the fee was \$37.00.*

1010	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: Last Financial Year fees were the same.</i>	\$2.50 (GST is not applicable) \$1.20 (GST is not applicable)
1011	For an inspection of or a search in relation to a record of a tribunal (including a request to determine whether or not a named person is involved in litigation, the viewing of material held by the court, or a request to determine whether information is held by a court).  <i>Explanatory Note: Last financial year fee was \$145.00 per hour.</i>	\$149.00 per hour of time in which a registry staff is involved. The minimum charge is 10 minutes. An estimate of the fee must be paid prior to the search or inspection being undertaken. (GST is not applicable)
1012	For the supply of a disk containing a record of a proceeding or of part of a proceeding or of a matter incidental to a proceeding.  <i>Explanatory Note: Last Financial Year the fee was \$38.00.</i>	\$39.00 (per DVD or CD-Rom) (GST is not applicable)
1013	Provision of a transcript of proceedings where the request for the transcript requires the preparation of the document.  <i>Explanatory Note: Last Financial Year the fees were \$34.00, \$13.00, \$12.20, \$11.20, \$11.10 and \$10.50 respectively.</i>  <i>The contract price may only be varied in accordance with increases to the consumer price index during the Contract period. It is the responsibility of the Contractor to request price variations. The Contractor must justify all requests for price variation.</i>	\$35.00 minimum fee plus:  \$13.00 same day \$12.20 per page next day \$11.20 per page 2-3 days \$11.10 per page 3-5 days  \$10.50 per page within 20 days (GST is not applicable to any fees for Item 1013)
1014	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: Last Financial Year the fee was \$0.25.</i>	\$0.30 (GST is not applicable)

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

1015	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 \$86.00.</i>	\$88.00 (GST is not applicable)
1016	Subject to the paragraph below, for the issue of a subpoena:  (i) to give evidence; (ii) for production and to give evidence; (iii) for production.  No fee is payable under this item if no fee for filing a document in the proceeding is payable. <i>Explanatory Note: Last year fees were \$19.00, \$37.00 and \$37.00.</i>	\$19.00 \$38.00 \$38.00
1017	For the tribunal undertaking the oral examination of a debtor.	\$71.00 (GST is not applicable)

*Explanatory Note: Last Financial Year the fee was \$69.00.*

1018 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

*Explanatory Note: This power remains similar to that in previous determinations.*

1019 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

*Explanatory Note: This power remains similar to that in previous determinations.*

1020 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

*Explanatory Note: This power remains similar to that in previous determinations.*

## **PROCEEDINGS IN THE MAGISTRATES COURT**

1100 On laying information for an offence. \$71.00 (GST is not applicable)  
*Explanatory Note: Information may be laid before a Magistrate where a person has committed, or is suspected of having committed, an offence. Last Financial Year the fee was \$69.00.*

1101 On institution of proceedings under the *Magistrates Court Act 1930*:  
(a) where the amount in dispute is \$100,000 or more, or for unspecified damages  
for a natural person \$566.00  
for a corporation \$1,132.00  
(b) where the amount in dispute is \$50,000 or more, but less than \$100,000, or for lodging an application under the *Leases (Commercial and Retail) Act 2001*  
for a natural person \$462.00  
for a corporation \$924.00  
(c) where the amount in dispute is less than \$50,000, or where no amount is in dispute (other than proceedings relating to applications under the *Leases (Commercial and Retail) Act 2001*)  
for a natural person \$130.00  
for a corporation \$260.00

1101.1 On filing an application for arbitration under the *Workers Compensation Act 1951* or the *Workers Compensation Regulation 2002* No fee  
*Explanatory Note: Last Financial Year fees were \$550.00, \$449.00 and \$127.00 for a natural person and \$1,100.00, \$898.00 and \$254.00 for a corporation respectively.* (GST is not applicable to any fees for Item 1101)

1102 Registration of a judgment of another court, excluding ACAT  
for a natural person \$71.00 (GST is not applicable)  
for a corporation \$142.00 (GST is not applicable)

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

*Explanatory Note: Last Financial Year fees were \$69.00 for a natural person and \$138.00 for a corporation.*

1103	On filing a certificate of readiness (or an application to fix a date for the hearing of a proceeding, however described, other than an interlocutory or incidental proceeding) or on the setting down of a matter for hearing without a certificate of readiness being filed or an application being made:	
	for a natural person	\$633.00 (GST is not applicable)
	for a corporation	\$1,266.00 (GST is not applicable)

The person liable to pay this fee is the party filing the document or if no document is filed the plaintiff or the applicant unless the court otherwise orders. Subsequently, the Court (which for the purposes of this determination includes the Registrar and the Deputy Registrar) may order another party to contribute to the payment of the fee in such proportion ordered.

*Explanatory Note: Last Financial Year the fee was \$615.00 for a natural person and \$1,230.00 for a corporation.*

1104	<b>Hearing Fees</b> The hearing fee (for estimated or actual hearing days) is:	
	(a) for the 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> hearing day;	
	for a natural person	\$463.00
	for a corporation	\$926.00
	(b) for the 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> and 9 <sup>th</sup> hearing day;	
	for a natural person	\$834.00
	for a corporation	\$1,668.00
	(c) for the 10 <sup>th</sup> or later hearing day;	
	for a natural person	\$1,622.00
	for a corporation	\$3,244.00
	The total fee payable is calculated by adding the hearing fee for each estimated or actual hearing day.	(GST is not applicable to any fees for Item 1104)

The person liable to pay the total fee unless the court orders otherwise is:

- (a) Where a certificate of readiness is filed the party filing the certificate of readiness; or
- (b) Where no certificate of readiness is filed the plaintiff, applicant or appellant.

The person liable to pay the fee must pay the fee either:

- (a) When the certificate of readiness is filed; or
- (b) If a certificate of readiness is not required at least two business days before the court is to set the hearing date e.g. two days before the call-over in which the matter is to be given a hearing date.

The fee to be paid will be calculated on the basis of the paying party's estimate of hearing days.

If the court allocates more days for the hearing of a matter than estimated in the certificate of readiness or nominated by the party paying the fee, unless otherwise ordered, the party originally liable to pay the fee must pay the additional fees within 7 days of the matter being set down. Where a hearing is commenced and takes more days than estimated unless otherwise ordered the party originally liable to pay this fee shall pay for the additional days at the appropriate rate. In such a case, the fee for the additional days is payable immediately after the court allocates the additional hearing days or the end of the hearing (whichever occurs first).

Hearing fees under this item are not payable in criminal matters or where the matter is exempt from the payment of an application fee.

If the Court receives written advice of settlement or written notice of intended adjournment 56 days or more before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received 42 days or more before that date, 50% of the fee paid is refundable.

If the hearing is adjourned before the first date allocated for the hearing, and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the whole of the fee is to be refunded or transferred to a new allocated date or dates for the adjourned hearing.

In other circumstances, if the adjournment occurs 56 days or more before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs 42 days or more before that date, 50% is refundable.

This fee also applies to hearing days in arbitral proceedings under the *Workers Compensation Act 1951* subject to regulation 57 of the *Workers Compensation Regulation 2002*.

If the hearing is adjourned after it has commenced and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

Otherwise the fee is non-refundable in respect of any allocated dates that are not required.

*Explanatory Note: This fee is payable in cases which may or do extend beyond a single hearing day. For example, where a plaintiff (a natural person) estimates that the case will take 5 hearing days, the plaintiff will be required to pay a hearing fee (\$2,223) composed of the hearing fee for the 2nd day (\$463), the 3rd day (\$463), the 4th day (\$463) and the 5th day (\$834) derived from the list of fees. The amount payable under this item may change as a result of a greater allocation of days, or according to how many hearing days it takes to hear the matter.*

1105	<p>On an application for the review of an order, direction or other act of the Registrar of the Magistrates Court</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$127.00 for a natural person and \$254.00 for a corporation.</i></p>	<p>\$130.00 (GST is not applicable)</p> <p>\$260.00 (GST is not applicable)</p>
1106	BLANK	
1107	<p>For lodging a cross-claim or counter-claim under the <i>Magistrates Court Act 1930</i>:</p> <p>(a) where the amount is \$100,000 or more</p> <p>for a natural person</p> <p>for a corporation</p> <p>(b) where the amount is \$50,000 or more, but less than \$100,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(c) where the amount is \$10,000 or more, but less than \$50,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(d) where the amount is \$2,000 or more, but less than \$10,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(e) where the amount in dispute is less than \$2,000 or where no amount is in dispute</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: This item sets the fees for instituting a proceeding before the Magistrates Court (including proceedings instituted by way of cross-claim). Last Financial Year the fees were \$550.00, \$449.00, \$127.00 and \$47.00 for a natural person and \$1,100.00, \$898.00, \$254.00 and \$94.00 for a corporation.</i></p>	<p>\$566.00</p> <p>\$1,132.00</p> <p>\$462.00</p> <p>\$924.00</p> <p>\$400.00</p> <p>\$800.00</p> <p>\$130.00</p> <p>\$260.00</p> <p>\$48.00</p> <p>\$96.00</p> <p>(GST is not applicable to any fees for Item 1107)</p>
1108	No fee 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>Parentage Act 2004</i> .	Nil



*Explanatory Note: Last Financial Year this exemption was the same.*

1109	For the purposes of section 116G of the <i>Crimes (Sentence Administration) Act 2005</i> . <i>Explanatory Note: Last Financial Year the fee was \$86.00.</i>	\$88.00 (GST is not applicable)
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## ***PROCEEDINGS IN THE SUPREME COURT***

1200	On lodging for filing a document to commence a proceeding in the Court other than  (a) in respect of a matter referred to in an item listed below in respect of which a commencement fee is set; or  (b) an interlocutory or incidental proceeding in the course of, or in connection with, a proceeding  for a natural person  for a corporation	    \$952.00 (GST is not applicable) \$1,904.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$925.00 for a natural person and \$1,850.00 for a corporation.</i>	

1201	On filing a certificate of readiness (or on lodging an application to fix a date for the hearing of a proceeding, however described, other than an interlocutory or incidental proceeding)(or an application to fix a date for the hearing of a proceeding, however described, other than an interlocutory or incidental proceeding) or on the setting down of a matter for hearing without a certificate of readiness being filed or an application being made: (a) in a proceeding under the <i>Victims of Crimes (Financial Assistance) Act 1983</i> ;  (b) in any other proceeding  for a natural person  for a corporation	    \$130.00  \$845.00 \$1,690.00
	The person liable to pay this fee is the party filing the document or if no document is filed the plaintiff or the applicant unless the court otherwise orders. Subsequently, the Court (which for the purposes of this determination includes the Registrar and the Deputy Registrar) may order another party to contribute to the payment of the fee in such proportion ordered. <i>Explanatory Note: Last Financial Year the fees were \$127.00, \$821.00 and \$1,642.00 respectively. The description of the fee has been amended to provide that the fee is payable at the time a certificate of readiness (or its equivalent) is filed. It also omits a reference to waivers and exemptions - a party seeking a waiver of this fee must seek this separately.</i>	(GST is not applicable to any fees for Item 1201)

1202	<u>Hearing Fees</u> The hearing fee (for estimated or actual hearing days) (in the Supreme Court or the Court of Appeal) is: (a) for the 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> hearing day;  for a natural person  for a corporation  (b) for the 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> and 9 <sup>th</sup> hearing day;  for a natural person  for a corporation  (c) for the 10 <sup>th</sup> , 11 <sup>th</sup> , 12 <sup>th</sup> and 13 <sup>th</sup> hearing day;  for a natural person  for a corporation  (d) for the 14 <sup>th</sup> or later hearing day;  for a natural person  for a corporation	    \$758.00 \$1,516.00   \$1,261.00 \$2,522.00  \$2,538.00 \$5,076.00  \$3,301.00 \$6,602.00
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The total fee payable is calculated by adding the hearing fee for each estimated or actual hearing day.

(GST is not applicable to any fees for Item 1202)

The person liable to pay the total fee unless the court orders otherwise is:

- (a) Where a certificate of readiness is filed the party filing the certificate of readiness; or
- (b) Where no certificate of readiness is filed the plaintiff, applicant or appellant.

The person liable to pay the fee must pay the fee either:

- (a) When the certificate of readiness is filed; or
- (b) If a certificate of readiness is not required at least two business days before the court is to set the hearing date e.g. two days before the listing hearing or appeal index in which the matter is to be given a hearing date.
- (c) If the matter is set down for hearing without the fee having been paid, within 7 days of the matter being set down for hearing or if the hearing is within 7 days of the date it is set down it must be paid 2 business days before the date of the hearing.

The fee to be paid will be calculated on the basis of the paying party's estimate of hearing days.

If the court allocates more days for the hearing of a matter than estimated in the certificate of readiness or nominated by the party paying the fee, unless otherwise ordered, the party originally liable to pay the fee must pay the additional fees within 7 days of the matter being set down. Where a hearing is commenced and takes more days than estimated unless otherwise ordered the party originally liable to pay this fee shall pay for the additional days at the appropriate rate. In such a case, the fee for the additional days is payable immediately after the court allocates the additional hearing days or the end of the hearing (whichever occurs first).

Hearing fees under this item are not payable in criminal matters or where the matter is exempt from the payment of an application fee.

If the Court receives written advice of settlement or written notice of intended adjournment 56 days or more before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received 42 days or more before that date, 50% of the fee paid is refundable.

If the hearing is adjourned before the first date allocated for the hearing, and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the whole of the fee is to be refunded or transferred to a new allocated date or dates for the adjourned hearing.

In other circumstances, if the adjournment occurs 56 days or more before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs 42 days or more before that date, 50% is refundable.

If the hearing is adjourned after it has commenced and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*Explanatory Note: It is payable in cases which may or do extend beyond a single hearing day. For example, where a plaintiff (a natural person) estimates that the case will take 5 hearing days, the plaintiff will be required to pay a hearing fee (\$3,535) composed of the hearing fee for the 2nd day (\$758), the 3rd day (\$758), the 4th day (\$758) and the 5th day (\$1,261) derived from the list of hearing fees. The amount payable under this item may change as a result of a greater allocation of days, or according to how many hearing days it takes to hear the matter.*

1203 On lodging for filing an application for probate, grant of letters of administration or reseal of probate, in respect of an estate the gross sworn value of which is:

- (a) less than \$50,000;
- (b) \$50,000 or more, but less than \$250,000; \$757.00
- (c) \$250,000 or more, but less than \$500,000; \$956.00
- (d) \$500,000 or more, but less than \$1,000,000; \$1,444.00
- (e) \$1,000,000 or more \$1,921.00

(GST is not applicable to any fees for Item 1203)

*Explanatory Note: Last Financial Year fees were \$735.00, \$929.00, \$1,402.00 and \$1,866.00 respectively.*

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1204	<p>On filing a cross claim, counter claim or cross appeal in any proceeding for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$776.00 for a natural person and \$1,552.00 for a corporation.</i></p>	<p>\$799.00 (GST is not applicable)</p> <p>\$1,598.00 (GST is not applicable)</p>
1205	<p>On lodging for filing a document to commence an appeal from the Master or the Registrar in an interlocutory proceeding.</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$171.00 for a natural person and \$342.00 for a corporation.</i></p>	<p>\$176.00 (GST is not applicable)</p> <p>\$352.00 (GST is not applicable)</p>
1206	<p>On lodging for filing a document to commence an appeal from the Registrar in a proceeding other than an interlocutory proceeding.</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$776.00 for a natural person and \$1,552.00 for a corporation.</i></p>	<p>\$799.00 (GST is not applicable)</p> <p>\$1,598.00 (GST is not applicable)</p>
1207	<p>On lodging:</p> <p>(a) an application for admission to practice or for enrolment under the <i>Legal Profession Act 2006</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 \$346.00.</i></p>	<p>\$356.00 (GST is not applicable)</p>
1208	<p>On lodging an application or notice under the preceding item.</p> <p><i>Explanatory Note: Last Financial Year the fee was \$157.00.</i></p>	<p>\$161.00 (GST is not applicable)</p>
1209	<p>On lodging for the entry of judgment or consent order under part 2.16 of the <i>Court Procedures Rules 2006</i>.</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$69.00 for a natural person and \$138.00 for a corporation.</i></p>	<p>\$71.00 (GST is not applicable)</p> <p>\$142.00 (GST is not applicable)</p>
1209.1	<p>Fee for depositing and extracting wills</p> <p>for depositing (and storing) the will</p> <p>for extracting a will</p> <p><i>Explanatory Note: This is a new fee. It applies when a person deposits a will with the Supreme Court under section 32 of the wills Act 1969 and when a person uplifts a will from the court which was deposited under section 32.</i></p>	<p>\$100.00 (GST is not applicable)</p> <p>\$40.00 (GST is not applicable)</p>
1210	<p>On lodging 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 Courts.</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$376.00 for a natural person and \$752.00 for a corporation.</i></p>	<p>\$387.00 (GST is not applicable)</p> <p>\$774.00 (GST is not applicable)</p>

- 1211 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 *Birth (Equality of Status) Act 1988*.  
*Explanatory Note: See section 15 of the Court Procedures Act 2004 in relation to waivers and exemptions. This exemption is the same as previously provided.*
- 1212 On lodging for filing a document to commence a proceeding in the Court of Appeal (this includes a cross appeal - fees are not payable in criminal proceedings)
- for a natural person \$2,100.00 (GST is not applicable)  
for a corporation \$4,200.00 (GST is not applicable)  
*Explanatory Note: Last Financial Year the fee was \$1,386.00 for a natural person and \$2,772.00 for a corporation.*
- 1213 In relation to the fixing of a date for a hearing in the Court of Appeal (other than interlocutory hearings) - Note: This fee is payable by the appellant prior to the matter being allocated a hearing date
- for a natural person \$2,100.00 (GST is not applicable)  
for a corporation \$4,200.00 (GST is not applicable)  
*Explanatory Note: Last Financial Year the fee was \$1,109.00 for a natural person and \$2,218.00 for a corporation*

### ***PART E: Registry Fees: Magistrates Court, Supreme Court and Court of Appeal***

- 1300 Provision of a document or a copy of a document under subsection 143(2) of the *Magistrates Court Act 1930* or sections 144(1)(a), (c) or (d) of the *Magistrates Court Act 1930* where the request for the document or copy requires the preparation of the document or copy requires the preparation of the document. \$38.00 (GST is not applicable)  
*Explanatory Note: Last Financial Year the fee was \$37.00.*
- 1301 For the certification of (or the provision of certified copy of):
- (a) a judgment, certificate of enrolment or registration; or \$56.00 (GST is not applicable)  
(b) other documents. \$29.00 (GST is not applicable)  
*Explanatory Note: Last Financial Year the fees were \$55.00 and \$29.00, respectively. This fee previously applied to the Supreme Court - it now applies to all courts.*
- 1302 Provision of a transcript of proceedings in the Magistrates Court or the Supreme Court where the request for the transcript requires the preparation of the document. \$35.00 minimum fee plus:
- \$13.00 same day  
\$12.20 per page next day  
\$11.20 per page 2-3 days  
\$11.10 per page 3-5 days  
\$10.50 per page within 20 days  
(GST is not applicable to any fees for Item 1302)  
*Explanatory Note: Last Financial Year the fees were \$34.00, \$13.00, \$12.20, \$11.20, \$11.10 and \$10.50 respectively.*
- The contract price may only be varied in accordance with increases to the consumer price index during the Contract period. It is the responsibility of the Contractor to request price variations. The Contractor must justify all requests for price variation.*

1303	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:	
	(a) in respect of the application for a copy;	\$2.50 (GST is not applicable)
	(b) for each page of copy provided.	\$1.20 (GST is not applicable)
	<i>Explanatory Note: This item determines the fees payable for the provision of a copy of a document, where all that is required in order to provide the copy is to photocopy an existing document (eg, such as a transcript, certificate or a certified copy of a judgment or order or a document filed in proceedings). Last Financial Year the fees were \$2.50 and \$1.20 respectively.</i>	
1304	For an inspection of or a search in relation to a record of a court (including a request to determine whether or not a named person is involved in litigation, the viewing of material held by the court, or a request to determine whether information is held by a court).	\$149.00 per hour of time in which a registry involved. The minimum charge is 10 minutes. estimate of the fee must be paid prior to the start of inspection being undertaken. (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$145.00 per hour.</i>	
1305	For the supply of a disk containing a record of a proceeding or of part of a proceeding or of a matter incidental to a proceeding.	\$39.00 (per DVD or CD-Rom) (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$38.00.</i>	
1306	For each page of copy of a document or documents copied by a person, other than an officer of the Magistrates Court, using a Court photocopier.	\$0.30 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$0.25.</i>	
1307	For up to 3 attempts to execute process at the same address, whether or not the execution is successful.	\$296.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$288.00.</i>	
1308	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.	The amount of the expenses
	<i>Explanatory Note: Last Financial Year the fee was the same.</i>	
1309	Subject to the paragraph below, for the issue of a subpoena in any civil proceedings in the Magistrates Court:	
	(a) to give evidence;	
	for a natural person	\$19.00
	for a corporation	\$38.00
	(b) for production and to give evidence;	
	for a natural person	\$38.00

	for a corporation	\$76.00
	(c) for production.	
	for a natural person	\$38.00
	for a corporation	\$76.00
	No fee is payable under this item if no fee for filing a document in the proceeding is payable, such as under item 1108.	(GST is not applicable to any fees for Item 1309)
	<i>Explanatory Note: Last Financial Year the fees were \$19.00, \$37.00 and \$37.00 respectively.</i>	
1309.1	Fee for applications for a request to the registrar to obtain production of documents under rule 6613 in the Magistrates Court:	
	for a natural person	\$38.00
	for a corporation	(GST is not applicable) \$76.00
	<i>Explanatory Note: This is a new fee.</i>	(GST is not applicable)
1310	For the court undertaking an enforcement hearing examination.	\$71.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$69.00.</i>	
1311	Subject to the paragraph below, for the issue of a subpoena in any civil proceedings in the Supreme Court or the Court of Appeal:	
	(a) to give evidence;	
	for a natural person	\$38.00
	for a corporation	\$76.00
	(b) for production and to give evidence;	
	for a natural person	\$71.00
	for a corporation	\$142.00
	(c) for production.	
	for a natural person	\$71.00
	for a corporation	\$142.00
	No fee is payable under this item if no fee for filing a document in relation to the proceeding is payable, such as under item 1211.	(GST is not applicable to any fees for Item 1311)
	<i>Explanatory Note: Last Financial Year the fees were \$37.00, \$69.00 and \$69.00 respectively.</i>	
1311.1	Fee for applications for a request to the registrar to obtain production of documents under rule 6613 in the Supreme Court:	
	for a natural person	\$71.00 (GST is not applicable)
	for a corporation	\$142.00 (GST is not applicable)
	<i>Explanatory Note: This is a new fee.</i>	
1312	For the issuing of a notice of non-party production.	\$39.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$38.00.</i>	
1313	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 any 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 a specified period as necessary or appropriate in the interests of justice) after making of the request.	Nil
	<i>Explanatory Note: This is the similar to previous determinations.</i>	

1314	<p>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.</p> <p><i>Explanatory Note: This is the similar to previous determinations.</i></p>	Nil
1315	<p>The Registrar may impose a minimum filing fee on a person. If the Registrar imposes a minimum filing fee, the person must pay the lower of the prescribed filing fee and the minimum fee. The minimum fee is:</p> <p>(a) in the Supreme Court</p> <p>(b) in the Magistrates Court</p> <p><i>Explanatory Note: Last Financial Year the fees were \$100.00 and \$50.00 respectively.</i></p>	<p>\$103.00 (GST is not applicable)</p> <p>\$51.00 (GST is not applicable)</p>
1316	<p>For opening the offices of a court -</p> <p>(a) between 4.30 pm and 5.00 pm on a day other than a Saturday, Sunday or public holiday;</p> <p>(b) at any time -</p> <p>(i) on a Saturday, Sunday or public holiday; or</p> <p>(ii) outside the hours of 8:30 am to 5.00 pm on a day of the week other than a day referred to in subparagraph (b)(i).</p> <p><i>Explanatory Note: Last Financial Year the fees were \$86.00 and \$178.00 respectively.</i></p>	<p>\$88.00 (GST is not applicable)</p> <p>\$500 for up to 3 hours and \$200 for each hour thereof after that (GST is not applicable)</p>
1317	<p>On lodging for assessment a bill of costs as between party and party (any amount)</p> <p>for a natural person</p> <p>for a corporation</p> <p>In addition to the lodgment fee, a taxing fee at the rate of 5% of the bill as drawn is payable at the time of lodgment.</p> <p>The taxing officer must allow against the person chargeable with the costs as taxed, the taxing fee of 5% of the amount found due on taxation.</p> <p>If the parties agree on the bill of costs and the appointment is cancelled 10 or more days before the day of the appointment, 80% of the fees paid (both the filing fee and the fee based on 5% of the drawn amount) are to be refunded. If the appointment is cancelled more than 3 days but less than 10 days before the day of the appointment, 50% is to be refunded. If the appointment is cancelled less than 3 days before the day of the appointment, the fees are not refundable.</p> <p><i>Explanatory Note: Last Financial Year the fee was \$200.00 for a natural person and \$400.00 for a corporation.</i></p>	<p>\$206.00 (GST is not applicable)</p> <p>\$412.00 (GST is not applicable)</p>