

Court Procedures (Fees) Determination 2016

Disallowable instrument DI2016–35

made under the

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

1 Name of instrument

This instrument is the *Court Procedures (Fees) Determination 2016*.

2 Commencement

This instrument commences 28 days after the day it is notified.

3 Application

Sections 7(1)(c), 7(2)(c) and 8 only apply to a proceeding commenced on or after the instrument's commencement day.

4 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.

5 Payment of fees

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

6 Revocation

This instrument revokes DI2015-137, the *Court Procedures (Fees) Determination 2015*.

7 Definition—Corporation

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

Note Under the *Legislation Act 2001*, Dictionary, **housing commissioner** means the Commissioner for Social Housing under the *Housing Assistance Act 2007*.

8 Fee exemption

For the purposes of items 1000 to 1317 in the schedule, a person is exempt from paying a fee under section 15(2)(a)(i) if the person is named on a current Commonwealth-issued:

- (1) Health Care Card;
- (2) Low Income Health Care Card; or
- (3) Pensioner Concession Card.

Simon Corbell MLA
Attorney-General
19 April 2016

SCHEDULE - FEES AND CHARGES TO BE PAID

Column 1 Item	Column 2 Matter in respect of which fee or charge is payable	Column 3 Amount Payable
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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 more than \$2,000 but no more than \$10,000, or for a determination under the <i>Common Boundaries Act 1981</i>, or for proceedings under the <i>Unit Titles Act 2001</i>, <i>Unit Titles (Management) Act 2011</i>; or <i>Retirement Villages Act 2012</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</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 \$480.00, \$135.00, \$66.00 and \$66.00 respectively for a natural person and \$960.00, \$270.00, \$132.00 and \$132.00 respectively for a corporation.</i></p>	<p>\$499.00</p> <p>\$998.00</p> <p>\$140.00</p> <p>\$280.00</p> <p>\$68.00</p> <p>\$136.00</p> <p>\$68.00</p> <p>\$136.00</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 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 more than \$2,000 but no more than \$10,000</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 \$480.00, \$135.00 and \$66.00 respectively for a natural person and \$960.00, \$270.00 and \$132.00 respectively for a corporation.</i></p>	<p>\$499.00</p> <p>\$998.00</p> <p>\$140.00</p> <p>\$280.00</p> <p>\$68.00</p> <p>\$136.00</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 \$10,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(ii) where the amount in dispute is more than \$2,000 but no more than \$10,000</p> <p>for a natural person</p>	<p>\$499.00</p> <p>\$998.00</p> <p>\$140.00</p>

for a corporation	\$280.00
(iii) where the amount in dispute is \$2,000 or less, or where no amount is in dispute	
for a natural person	\$68.00
for a corporation	\$136.00
(iv) for any other application	
for a natural person	\$68.00
for a corporation	\$136.00
For lodging a cross-claim or counter-claim to a residential tenancy claim:	
(i) where the amount in dispute is more than \$10,000	
for a natural person	\$499.00
for a corporation	\$998.00
(ii) where the amount in dispute is more than \$2,000 but no more than \$10,000	
for a natural person	\$140.00
for a corporation	\$280.00
(iii) where the amount in dispute is \$2,000 or less or where no amount is in dispute	
for a natural person	\$68.00
for a corporation	\$136.00
For a termination and possession order pursuant to Part IV of the <i>Residential Tenancies Act 1997</i>	
(i) where a bond has been deposited with the Territory in relation to the tenancy	
for a natural person	\$140.00
for a corporation	\$280.00
(ii) where a bond has not been deposited with the Territory in relation to the tenancy	
for a natural person	\$272.00
for a corporation	\$544.00
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
For any other application	
for a natural person	\$68.00
for a corporation	\$136.00
(GST is not applicable to any fees for Item 1002)	
Where the application involves more than one of the above matters, the fee payable is the higher of the fees.	
<i>Explanatory Note: Last financial year fees were \$480.00, \$135.00, \$66.00 and \$262.00 respectively for a natural person and \$960.00, \$270.00 and \$132.00 and \$524.00 respectively for a corporation.</i>	

1003 Review of Administrative Decisions

On lodging an application for the review of an administrative decision (or applying to become a party to such proceedings) under any authorising law

for a natural person \$313.00 (GST is not applicable)

for a corporation \$626.00 (GST is not applicable)

Explanatory Note: Last Financial Year the fee was \$301.00 for a natural person and \$602.00 for a corporation.

1004	<p><u>Occupational Discipline</u></p> <p>On lodging an application in relation to occupational licensing or discipline</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$301.00 for a natural person and \$602.00 for a corporation.</i></p>	<p>\$313.00 (GST is not applicable)</p> <p>\$626.00 (GST is not applicable)</p>
1005	<p><u>Appeals</u></p> <p>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.</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$480.00 for a natural person and \$960.00 for a corporation.</i></p>	<p>\$499.00 (GST is not applicable)</p> <p>\$998.00 (GST is not applicable)</p>
1006	<p>On lodging of an appeal under section 416 of the <i>Legal Profession Act 2006</i>.</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$301.00 for a natural person and \$602.00 for a corporation.</i></p>	<p>\$313.00 (GST is not applicable)</p> <p>\$626.00 (GST is not applicable)</p>
1007	<p>On lodging an application for a matter to be removed from the ACAT to the Supreme Court, including for appeals transferred.</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$990.00 for a natural person and \$1,980.00 for a corporation.</i></p>	<p>\$1,029.00 (GST is not applicable)</p> <p>\$2,058.00 (GST is not applicable)</p>
1008	<p><u>Hearing Fees</u></p> <p>The hearing fee (for estimated or actual hearing days) is:</p> <p>(a) for the 2nd, 3rd and 4th hearing day;</p> <p>for a natural person</p> <p>for a corporation</p> <p>(b) for the 5th, 6th, 7th, 8th and 9th hearing day;</p> <p>for a natural person</p> <p>for a corporation</p> <p>(c) for the 10th or later hearing day;</p> <p>for a natural person</p> <p>for a corporation</p>	<p>\$138.00 for each day</p> <p>\$276.00 for each day</p> <p>\$277.00 for each day</p> <p>\$554.00 for each day</p> <p>\$349.00 for each day</p> <p>\$698.00 for each day</p>
	<p>The total fee payable is calculated by adding the hearing fee for each estimated or actual hearing day.</p> <p>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.</p> <p>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).</p> <p>If the Tribunal receives written advice of settlement or written notice of intended adjournment 28 days or more before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received 14 days or more before that date, 50% of the fee paid is refundable.</p>	<p>(GST is not applicable to any fees for Item 1008)</p>

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 28 days or more before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs 14 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 a natural person) for 5 hearing days, the plaintiff will be required to pay a total fee (\$691) composed of the hearing fee for the 2nd day (\$138), the 3rd day (\$138), the 4th day (\$138) and the 5th day (\$277) 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. <i>Explanatory Note: Last Financial Year the fee was \$39.00.</i>	\$40.00 (GST is not applicable)
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 \$2.60 and \$1.30 respectively.</i>	\$2.70 (GST is not applicable) \$1.35 (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 tribunal, or a request to determine whether information is held by the tribunal). <i>Explanatory Note: Last financial year fee was \$154.00 per hour.</i>	\$160.00 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 fees were \$25.00 and \$104.00 respectively.</i>	\$26.00 per DVD or CD-Rom A minimum fee of \$108.00 per transcript applies when the total order does not exceed the minimum fee. (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 \$5.05, \$4.60, \$3.59, \$3.55 and \$104.00 minimum fee respectively. Per folio means per 100 words</i>	\$5.25 per folio for same day delivery \$4.78 per folio for next business day delivery \$3.73 per folio for delivery within 5 business days \$3.69 per folio for delivery within 7 business days A minimum fee of \$108.00 per transcript applies when the total order does not exceed the minimum fee. (GST is not applicable to any fees for Item 1013)

1014	For each page of a copy of a document or documents copied by an officer of the Tribunal, using a Tribunal photocopier. <i>Explanatory Note: This fee was \$0.31 in the Court Procedures (Fees) Determination 2015.</i>	\$0.30 (GST is not applicable)
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PART C: Service, execution and examinations in civil matters

1015	BLANK <i>Explanatory Note: This fee is removed from 1 July 2014, as the ACAT does not provide these services.</i>	
1016	Subject to the paragraph below, for the issue of a subpoena: (i) to give evidence; for a natural person for a corporation (ii) for production and to give evidence; for a natural person for a corporation (iii) for production. for a natural person for a corporation No fee is payable under this item if no fee for filing a document in the proceeding is payable. <i>Explanatory Note: Last Financial Year the fees were \$20.00, \$39.00 and \$39.00 respectively for a natural person and \$40.00, \$78.00 and \$78.00 respectively for a corporation.</i>	\$20.00 \$40.00 \$40.00 \$80.00 \$40.00 \$80.00 (GST is not applicable to any fees for Item 1016)
1017	BLANK	
1018	The 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 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 (or any longer period as necessary or appropriate in the interests of justice) after making of the request. <i>Explanatory Note: This power remains the same as that in previous determination.</i>	Nil
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. <i>Explanatory Note: This power remains the same as that in previous determination.</i>	Nil
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. <i>Explanatory Note: This power remains the same as that in previous determination.</i>	Nil

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 under items 1103, 1103.1 and 1103.2 was \$658.00 for a natural person and \$1,316.00 for a corporation.

1104

Hearing Fees

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

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

for a natural person

\$500.00

for a corporation

\$1,000.00

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

for a natural person

\$901.00

for a corporation

\$1,802.00

(c) for the 10th or later hearing day;

for a natural person

\$1,753.00

for a corporation

\$3,506.00

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 the plaintiff, applicant or appellant.

The person liable to pay the fee must pay the fee either upon filing of the Listing Hearing Questionnaire or, if a Listing Hearing Questionnaire is not required:

- (a) at least 7 days before the listing hearing however described (e.g. call-over, listing hearing, directions hearing);
- (b) at least 7 days before the hearing of an application to fix a date for a hearing of a proceeding however described (other than an interlocutory or incidental proceeding); or
- (c) where the matter is set down for hearing without a listing hearing, within 7 days of the hearing date being allocated, or

by the day of the hearing, whichever comes first.

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 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 a matter settles at mediation or other alternate dispute resolution (ADR) before the first date allocated for the hearing, and the court receives written advice of settlement within 14 days of settlement but no later than 7 days prior to the first date allocated for the hearing, 90% of the fee paid is refundable.

Where no mediation or other ADR is conducted and the court receives notice of settlement at least 42 days before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received at least 35 days before the first date allocated for the hearing, 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 at least 42 days before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs at least 35 days 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 (\$2,401) composed of the hearing fee for the 2nd day (\$500), the 3rd day (\$500), the 4th day (\$500) and the 5th day (\$901) 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	On an application for the review of an order, direction or other act of the Registrar of the Magistrates Court	
	for a natural person	\$140.00 (GST is not applicable)
	for a corporation	\$280.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$135.00 for a natural person and \$270.00 for a corporation.</i>	
1106	BLANK	
1107	For lodging a cross-claim or counter-claim:	
	(a) where the amount is \$100,000 or more	
	for a natural person	\$611.00
	for a corporation	\$1,222.00
	(b) where the amount is \$50,000 or more, but less than \$100,000	
	for a natural person	\$499.00
	for a corporation	\$998.00
	(c) where the amount is \$10,000 or more, but less than \$50,000	
	for a natural person	\$432.00
	for a corporation	\$864.00
	(d) where the amount is \$2,000 or more, but less than \$10,000	
	for a natural person	\$140.00
	for a corporation	\$280.00
	(e) where the amount in dispute is less than \$2,000 or where no amount is in dispute	
	for a natural person	\$50.00
	for a corporation	\$100.00
	<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 \$588.00, \$480.00, \$416.00, \$135.00 and \$49.00 for a natural person and \$1,176.00, \$960.00, \$832.00, \$270.00 and \$98.00 for a corporation.</i>	
	(GST is not applicable to any fees for Item 1107)	
1107.1	For lodging an application in proceeding other than in matters where no fee is payable for commencing a proceeding	
	for a natural person	\$78.00 (GST is not applicable)
	for a corporation	\$156.00 (GST is not applicable)
	<i>Explanatory note: Last Financial Year the fees were \$75.00 and \$150.00 respectively.</i>	
1107.2	For lodging an application to enforce a judgment including a judgment of the ACAT or of a court of another jurisdiction	
	for a natural person	\$130.00 (GST is not applicable)
	for corporation	\$260.00 (GST is not applicable)
	<i>Explanatory note: Last Financial Year the fees were \$125.00 and \$250.00 respectively.</i>	
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
	<i>Explanatory Note: Last Financial Year this exemption was the same.</i>	

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 \$91.00.</i>	\$94.00 (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 <i>Explanatory Note: Last Financial Year the fee was \$990.00 for a natural person and \$1,980.00 for a corporation.</i>	\$1,544.00 \$3,088.00 (GST is not applicable to any fees for Item 1200)
1201	On filing a Listing Hearing Questionnaire in a proceeding under the <i>Victims of Crimes (Financial Assistance) Act 1983</i> in any other proceeding for a natural person for a corporation	\$140.00 \$913.00 \$1,826.00 (GST is not applicable to any fees for Item 1201)
1201.1	If a Listing Hearing Questionnaire is not required (a) at least 7 days before the listing hearing however described (e.g. call-over, listing hearing, directions hearing); or (b) at least 7 days before the hearing of an application to fix a date for a hearing of a proceeding however described (other than an interlocutory or incidental proceeding) in a proceeding under the <i>Victims of Crimes (Financial Assistance) Act 1983</i> in any other proceeding for a natural person for a corporation	\$140.00 \$913.00 \$1,826.00 (GST is not applicable to any fees for Item 1201.1)
1201.2	If a Listing Hearing Questionnaire is not required and the matter is set down for hearing without a listing hearing, within 7 days of the hearing date being allocated or by the day of the hearing, whichever comes first, or as otherwise ordered by the Court in a proceeding under the <i>Victims of Crimes (Financial Assistance) Act 1983</i> in any other proceeding for a natural person for a corporation The person liable to pay the fee under items 1201, 1201.1 and 1201.2 is the plaintiff or the applicant unless the court otherwise orders. Subsequently, the Court (which for the purpose 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 under items 1201, 1201.1 and 1201.2 were \$135.00, \$878.00 and \$1,756.00 respectively.</i>	\$140.00 \$913.00 \$1,826.00 (GST is not applicable to any fees for Item 1201.2)
1202	Hearing Fees The hearing fee (for estimated or actual hearing days) (in the Supreme Court or the Court of Appeal) is:	

(a) for the 2 nd , 3 rd and 4 th hearing day;	
for a natural person	\$819.00
for a corporation	\$1,638.00
(b) for the 5 th , 6 th , 7 th , 8 th and 9 th hearing day;	
for a natural person	\$1,363.00
for a corporation	\$2,726.00
(c) for the 10 th , 11 th , 12 th and 13 th hearing day;	
for a natural person	\$2,744.00
for a corporation	\$5,488.00
(d) for the 14 th or later hearing day;	
for a natural person	\$3,570.00
for a corporation	\$7,140.00

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 1202)

The person liable to pay the total fee unless the court orders otherwise is the plaintiff, applicant or appellant.

The person liable to pay the fee must pay the fee either upon filing of the Listing Hearing Questionnaire or, if a Listing Hearing Questionnaire is not required:

- (a) at least 7 days before the listing hearing however described (e.g. call-over, listing hearing, directions hearing);
- (b) at least 7 days before the hearing of an application to fix a date for a hearing of a proceeding however described (other than an interlocutory or incidental proceeding); or
- (c) where the matter is set down for hearing without a listing hearing, within 7 days of the hearing date being allocated, or

by the day of the hearing, whichever comes first.

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 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 a matter settles at mediation or other alternate dispute resolution (ADR) before the first date allocated for the hearing, and the court receives written advice of settlement within 14 days of settlement but no later than 7 days prior to the first date allocated for the hearing, 90% of the fee paid is refundable.

Where no mediation or other ADR is conducted and the court receives notice of settlement at least 42 days before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received at least 35 days before the first date allocated for the hearing, 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 at least 42 days before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs at least 35 days 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 (\$3,820) composed of the hearing fee for the 2nd day (\$819), the 3rd day (\$819), the 4th day (\$819) and the 5th day (\$1,363) 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;	Nil
	(b) \$50,000 or more, but less than \$250,000;	\$818.00
	(c) \$250,000 or more, but less than \$500,000;	\$1,033.00
	(d) \$500,000 or more, but less than \$1,000,000;	\$1,561.00
	(e) \$1,000,000 or more	\$2,076.00
	<i>Explanatory Note: Last Financial Year fees were \$787.00, \$994.00, \$1,501.00 and \$1,997.00 respectively.</i>	(GST is not applicable to any fees for Item 1203)
1204	On filing a cross claim, counter claim or cross appeal in any proceeding	
	for a natural person	\$863.00 (GST is not applicable)
	for a corporation	\$1,726.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$830.00 for a natural person and \$1,660.00 for a corporation.</i>	
1205	On lodging for filing a document to commence an appeal from the Master or the Registrar in an interlocutory proceeding.	
	for a natural person	\$190.00 (GST is not applicable)
	for a corporation	\$380.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$183.00 for a natural person and \$366.00 for a corporation.</i>	
1206	On lodging for filing a document to commence an appeal from the Registrar in a proceeding other than an interlocutory proceeding.	
	for a natural person	\$863.00 (GST is not applicable)
	for a corporation	\$1,726.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$830.00 for a natural person and \$1,660.00 for a corporation.</i>	
1207	On lodging:	\$384.00 (GST is not applicable)
	(a) an application for admission to practice or for enrolment under the <i>Legal Profession Act 2006</i> ; or	
	(b) a notice seeking registration in an occupation under the Mutual Recognition Scheme.	
	<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 \$370.00.</i>	
1208	On lodging an application or notice under the preceding item.	\$173.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$167.00.</i>	
1208.1	On lodging an application in proceedings	
	For hearing by the registrar	
	for a natural person	\$156.00 (GST is not applicable)
	for a corporation	\$312.00 (GST is not applicable)
	For hearing by a judge or the Master	
	for a natural person	\$260.00 (GST is not applicable)
	for a corporation	\$520.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fees were \$150.00 and \$250.00 respectively for a natural person and \$300.00 and \$500.00 for a corporation.</i>	

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 \$73.00 for a natural person and \$146.00 for a corporation.</i></p>	<p>\$75.00 (GST is not applicable)</p> <p>\$150.00 (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: Last Financial Year the fees were \$104.00 and \$41.00. This fee 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>\$108.00 (GST is not applicable)</p> <p>\$42.00 (GST is not applicable)</p>
1209.2	<p>Fee for exemplification of a grant of probate or letters of administration</p> <p><i>Explanatory Note: Last Financial Year the fee was \$100.00.</i></p>	<p>\$104.00 (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 \$402.00 for a natural person and \$804.00 for a corporation.</i></p>	<p>\$418.00 (GST is not applicable)</p> <p>\$836.00 (GST is not applicable)</p>
1210.1	<p>For lodging an application to enforce a judgment including a judgment of the Magistrates Court, Court of Appeal or of a court of another jurisdiction</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory note: Last Financial Year the fee was \$250.00 for a natural person and \$500.00 for a corporation.</i></p>	<p>\$260.00 (GST is not applicable)</p> <p>\$520.00 (GST is not applicable)</p>
1211	<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 15 of the Court Procedures Act 2004 in relation to waivers and exemptions. This exemption is the same as previously provided.</i></p>	
1212	<p>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)</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$2,184.00 for a natural person and \$4,368.00 for a corporation.</i></p>	<p>\$2,271.00 (GST is not applicable)</p> <p>\$4,542.00 (GST is not applicable)</p>
1213	<p>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</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year the fee was \$2,184.00 for a natural person and \$4,368.00 for a corporation</i></p>	<p>\$2,271.00 (GST is not applicable)</p> <p>\$4,542.00 (GST is not applicable)</p>

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 <i>Magistrates Court Act 1930</i> or sections 144(1)(a), (c) or (d) of the <i>Magistrates Court Act 1930</i> where the request for the document or copy requires the preparation of the document or copy requires the preparation of the document. <i>Explanatory Note: Last Financial Year the fee was \$39.00.</i>	\$40.00 (GST is not applicable)
1301	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 fees were \$58.00 and \$31.00 respectively.</i>	\$60.00 (GST is not applicable) \$32.00 (GST is not applicable)
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. <i>Explanatory Note: Last Financial Year the fees were \$5.05, \$4.60, \$3.59, \$3.55 and \$104.00 minimum fee respectively.</i> <i>Per folio means per 100 words.</i>	\$5.25 per folio for same day delivery \$4.78 per folio for next business day delivery \$3.73 per folio for delivery within 2-3 business days \$3.69 per folio for delivery within 3-5 business days A minimum fee of \$108.00 per transcript applies when the total order does not exceed the minimum fee. (GST is not applicable to any fees for Item 1302)
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; (b) for each page of copy provided. <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 \$2.60 and \$1.30 respectively.</i>	\$2.70 (GST is not applicable) \$1.35 (GST is not applicable)
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). <i>Explanatory Note: Last Financial Year the fee was \$154.00 per hour.</i>	\$160.00 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)
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. <i>Explanatory Note: Last Financial Year the fee was \$25.00 and \$104.00 respectively.</i>	\$26.00 per DVD or CD-Rom A minimum fee of \$108.00 per transcript applies when the total order does not exceed the minimum fee. (GST is not applicable)
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. <i>Explanatory Note: This fee was \$0.31 in the Court Procedures (Fees) Determination 2015.</i>	\$0.30 (GST is not applicable)

1307	For up to 3 attempts to execute process at the same address, whether or not the execution is successful.	\$319.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$307.00.</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	\$20.00
	for a corporation	\$40.00
	(b) for production and to give evidence;	
	for a natural person	\$40.00
	for a corporation	\$80.00
	(c) for production	
	for a natural person	\$40.00
	For a corporation	\$80.00
	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 \$20.00, \$39.00 and \$39.00 for a natural person and \$40.00, \$78.00 and \$78.00 for a corporation.</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	\$40.00 (GST is not applicable)
	for a corporation	\$80.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$39.00 for a natural person and \$78.00 for a corporation.</i>	
1310	For the court undertaking an enforcement hearing examination.	\$75.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$73.00.</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	\$40.00
	for a corporation	\$80.00
	(b) for production and to give evidence;	
	for a natural person	\$75.00
	for a corporation	\$150.00
	(c) for production.	
	for a natural person	\$75.00
	for a corporation	\$150.00
	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 fee for Item 1311)
	<i>Explanatory Note: Last Financial Year the fees were \$39.00, \$73.00 and \$73.00 for a natural person and \$78.00, \$146.00 and \$146.00 for a corporation.</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	\$75.00 (GST is not applicable)
	for a corporation	\$150.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$73.00 for a natural person and \$146.00 for a corporation.</i>	
1312	For the issuing of a notice of non-party production.	\$41.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fee was \$40.00.</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 (or any longer period as necessary or appropriate in the interests of justice) after making of the request.	Nil
	<i>Explanatory Note: This is the same as previous determination.</i>	
1314	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
	<i>Explanatory Note: This is the same as previous determination.</i>	
1315	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:	
	(a) in the Supreme Court	\$111.00 (GST is not applicable)
	(b) in the Magistrates Court	\$55.00 (GST is not applicable)
	<i>Explanatory Note: Last Financial Year the fees were \$107.00 and \$53.00 respectively.</i>	
1316	For opening the offices of a court -	
	(a) between 4.30 pm and 5.00 pm on a day other than a Saturday, Sunday or public holiday;	\$94.00 (GST is not applicable)
	(b) at any time -	\$540.00 for up to 3 hours and \$216.00 for each hour or part thereof after that (GST is not applicable)
	(i) on a Saturday, Sunday or public holiday; or	
	(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).	
	<i>Explanatory Note: Last Financial Year the fees were \$91.00, \$520.00 and \$208.00 respectively.</i>	
1317	On lodging for assessment a bill of costs as between party and party (any amount)	
	for a natural person	\$222.00 (GST is not applicable)
	for a corporation	\$444.00 (GST is not applicable)
	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.	
	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.	
	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.	
	<i>Explanatory Note: Last Financial Year the fee was \$214.00 for a natural person and \$428.00 for a corporation.</i>	

1318 No fee is payable under items 1302 or 1305 by Legal Aid ACT in respect of:

(a) The daily transcript of a Supreme Court trial of a person with a grant of legal assistance from Legal Aid ACT, during the course of that trial.

(b) The transcript of a Magistrate or Supreme Court trial or sentence where there is an appeal to the Supreme Court or Court of Appeal against conviction or sentence in relation to a person with a grant of legal assistance from Legal Aid ACT.

(c) Any other transcript of a criminal proceeding against a person, or civil proceeding involving a person, with a grant of legal assistance from Legal Aid ACT, where that transcript has been ordered by the presiding judge or magistrate

Explanatory Note: This is the same as previous determination.