

**AUSTRALIAN CAPITAL TERRITORY**

**MAGISTRATES COURT (CIVIL JURISDICTION) ACT 1982**

**DETERMINATION OF FEES**

**NO. 29 OF 1993**

**EXPLANATORY STATEMENT**

Section 307B of the *Magistrates Court (Civil Jurisdiction) Act 1982* (the Act) provides that the Minister may, by notice in writing published in the *Gazette*, determine fees for the purposes of the Act.

This Determination revokes, with effect on and from 1 April 1993, Determination No. 96 of 1992 which previously determined fees for the purposes of the Act and determines the fees to be payable on and from 1 April 1993. The fees determined are set out below with the previously determined fees shown in brackets.

ITEM	MATTER IN RESPECT OF WHICH A FEE IS PAYABLE	FEE PAYABLE (IN \$)
1.	For the purposes of the institution of proceedings -	
	(a) where the amount in dispute is less than \$10,000:	70.00 (57.00)
	(b) where the amount in dispute is \$10,000 or more	250.00 (227.00)
	(c) for an application to the Court where no amount of money is in dispute	70.00 (57.00)
	(d) for an application under subsection 13A(1) of the <i>Motor Traffic Act 1936</i> or under subsection 36(2) or 40(1) of the <i>Motor Traffic (Alcohol and Drugs) Act 1977</i>	70.00 (57.00)

This item sets the fees for instituting a proceeding before or making an application in the Court.

ITEM	MATTER IN RESPECT OF WHICH A FEE IS PAYABLE	FEE PAYABLE (IN \$)
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| 2. | For serving, and for each attempt to serve, originating process by post under section 22 | 10.00 (5.70) |
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Under subsection 22(1) of the Act, a plaintiff in proceedings may apply for postal service of an originating process. On payment of the determined fee, the Registrar may serve the process by post on the defendant. The above is the determined fee for the purposes of that provision.

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| 3. | For -<br><br>(a) each service, otherwise than by post, including up to 2 attempts to serve, of originating process, a summons, a notice or other process issued under the Act; or<br><br>(b) up to 3 attempts to serve, otherwise than by post, an originating process, a summons, a notice or other process issued under the Act | 50.00 (26.00) |
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Where the Court arranges service of an originating process etc for a plaintiff other than by post the above fee is chargeable for that service. The fee covers up to three attempts at service.

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| 4. | For -<br><br>(a) each execution of process of the Court, including up to 2 attempts to execute at the same address as the execution; or<br><br>(b) up to 3 attempts to execute process of the Court at one address; | 50.00 (26.00) |
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The *Magistrates Court Act 1930* provides for the costs actually incurred in effecting a sale of seized goods and chattels, when executing a warrant of execution, to be deducted from the sale price. The above fees relate to the administrative expenses of officers of the Court involved in the execution. The fee for execution of process covers up to three attempts at execution at the one address.

ITEM	MATTER IN RESPECT OF WHICH A FEE IS PAYABLE	FEE PAYABLE (IN \$)
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| 5. | <p>For the purposes of subsection 306(1) -</p> <p>(a) in respect of an application (regardless of the number of documents to which the application relates)</p> <p style="text-align: right;">2.00 (0.65)</p> <p>(b) for each page included in a copy furnished in accordance with an application referred to in item 5(a)</p> <p style="text-align: right;">1.00 (0.25)</p> |  |
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This item determines the fees applicable in respect of copying of documents requested of the Court under section 306 of the Act relating to judgments, orders or other documents filed with the Court.

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| 6. | <p>For the entitlement to inspect, under section 306A,</p> <p>(a) a register of the Court that contains particulars of:-</p> <p style="padding-left: 40px;">(i) judgments that have been entered pursuant to section 41; or</p> <p style="padding-left: 40px;">(ii) the setting aside of any such judgments ordered pursuant to section 219, or</p> <p>(b) the document or documents in such a register that contains or contain particulars of such a judgment or the setting aside of such a judgment</p> <p style="text-align: right;">10.00 (5.70)</p> |  |
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Any person may, upon payment of the determined fee, inspect a register of the Court containing particulars of judgments entered in default in special claims or where such judgment has been set aside. This item sets the fee for each such inspection. Previously, a person could pay an annual fee to inspect a register at any time but this fee has been discontinued.

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**Terry Connolly, Attorney General**

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