

AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT ACT 1930

DETERMINATION OF FEES

NO. 28 OF 1993

EXPLANATORY STATEMENT

Section 257 of the *Magistrates Court Act 1930* (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. 95 of 1992 and Determination No. 18 of 1993 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. Some fees have not been altered since they were last determined but have, nevertheless, been re-determined, and included in this instrument, for the purpose of clarity.

ITEM	MATTER IN RESPECT OF WHICH A FEE IS PAYABLE	FEE PAYABLE (IN \$)
1.	For the laying of an information under section 26	26.00 (26.00)

Persons brought before the Magistrates Court, whether as a result of the issue of a summons, the laying of an information, on arrest or by voluntary agreement to attend Court under the VATAC scheme will, on conviction and when the determined fee for the laying of the information has not been paid by the informant, become liable to pay an amount equal to the amount of the fee. Previously, a fee was payable, in basically similar circumstances, on the issue of a summons only under section 37 of the Act.

ITEM	MATTER IN RESPECT OF WHICH A FEE IS PAYABLE	FEE PAYABLE (IN \$)
2.	(a) Subject to item 2(b), for the purposes of subsection 144(1)	19.60 (19.60)
	(b) Where, for the purposes of subsection 144(1), a copy can be provided by the photocopying of another document -	
	(i) in respect of the application	2.00 (19.60)
	(ii) for each page included in a copy furnished in accordance with the application referred to in item 2(b)(i)	1.00 total)

Section 144 of the Act allows the Registrar of the Court, on application by a person and upon payment of the determined fee, to provide a copy of an information, conviction or order etc. Previously, all such copies attracted a fee of \$19.60. That fee is now applied only where the copy cannot be made merely by photocopying another document. Where a photocopy can be supplied, only the normal photocopying charges of the Court will apply.

3.	For the purposes of section 147(2C)	50.00 (50.00)
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Section 147 of the Act provides, among other things, for the issue of a warrant of execution to commit to prison a person who is in default of the provisions of a conviction or order. In default, a person also becomes liable to pay the determined fee of \$50.00. This provision does not apply in respect of a judgment or an order in respect of a claim or relating to a payment under the *Maintenance Act 1968* or the *Lunacy Act 1898* (NSW) in its application in the Territory.

4.	In respect of each request, not being an application under subsection 255C(1) -	
	(a) for each request for a copy or copies of a document or documents (regardless of the number of documents to which the request relates)	2.00 (0.65)
	(b) for each page included in a copy furnished in accordance with a request referred to in item 4(a)	1.00 (0.25)

ITEM	MATTER IN RESPECT OF WHICH A FEE IS PAYABLE	FEE PAYABLE (IN \$)
5.	For each page of a document or documents copied by a person, other than an officer of the Court, using a Court photocopier	0.20 (0.25)

Items 4 and 5 determine the fees applicable in respect of photocopying requested of the Court or done by persons using the Court's photocopying machines.

6.	For the purposes of subsection 255C(3), the fees are -	
	(a) for each page of a transcript	8.25 (8.25)
	(b) for each page of a copy of the transcript	1.00 (0.15)

Subsection 255C(1) provides that a person may make application to the Registrar for a copy or a transcript of a record of proceedings in the Court. Subsection 255C(3) provides that a copy shall be delivered to the applicant upon payment of the determined fee. Item 6 sets out the fees applicable.

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Terry Connolly, Attorney General