

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

## Disallowable instrument DI2009 - 5

made under the

**Agents Act 2003, s 176 (Determination of fees)**

**Consumer Credit (Administration) Act 1996, s 140 (Determination of fees)**

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

**Liquor Act 1975, s 179 (Determination of fees)**

## EXPLANATORY STATEMENT

The *Court Procedures Act 2004* provides for fees to be set in relation to tribunals. The *Attorney General (Fees) Determination 2008* is the instrument used to determine fees in relation to legislation in the Minister's portfolio.

As a consequence of the establishment of the ACT Civil and Administrative Tribunal (ACAT), fees previously imposed under replaced jurisdictions have been recast as ACAT fees. In addition, references to replaced jurisdictions in the *Attorney General (Fees) Determination 2008* have been removed. This has been accomplished by repeal or replacement of the relevant provision.

In general, fees have remained at the same rate as previously set in the *Attorney General (Fees) Determination 2008*, despite the change in jurisdiction. The establishment of ACAT has meant that a number of new fees have been determined. These are:

- Item 178.7: This fee is payable by a regulatory agency (such as the Commissioner for Fair Trading) for an application for an occupational discipline order to the ACAT. The fee has been set at the default administrative review level.
- Item 178.8: This fee is payable by a person appealing from a decision of the ACAT to the appellate jurisdiction of ACAT. The fee has been set at the same level as a civil application in the Magistrates Court to send the appropriate cost signal to applicants about the risk involved in such appeals. It should be noted that the Registrar may defer, remit or refund such a fee in the appropriate cases under items 178.19 and 178.20.

In addition, administrative review application fees under the *Consumer and Trader Tribunal Act 2003* varied from case to case, according to a formula based on the licence fee. No basis exists for differentiating such application fees from general administrative review costs, and accordingly the fee has been rolled into item 178.6(v).

The instrument contains explanatory details about each fee determination.