

Court Procedures (Fees) Determination 2014

Disallowable instrument DI2014-112

made under the

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

EXPLANATORY STATEMENT

The Minister has power to determine fees for the purposes of this Act.

Fees in the 2014-15 Financial Year have been generally increased from fees in the previous Financial Year by an indexation of 4% and rounded to an appropriate value.

A number of existing court and tribunal fees have been increased beyond indexation and a number of new court and tribunal fees have been introduced, which are designed to ensure efficient use of court and tribunal resources and to reflect the true cost of providing the services.

Item numbers, included in the schedule, column 2, enable the comparison of past fees set under the Act with those set by this instrument.

Section 15 of the *Court Procedures Act 2004* provides that a determined fee may be remitted or refunded, or liability for its payment deferred, in accordance with the determination that determined the fee. In addition, this section provides for a number of exemptions from paying the determined fee.

In this instrument, corporation includes a body corporate or corporate (*Legislation Act 2001*, definition of 'corporation', dictionary, part 1). This includes companies, incorporated associations, owner corporations under the *Unit Titles Act 2011*, authorities incorporated by statute, corporations sole incorporated by statute, cooperatives etc. However, for items 1000 – 1317, '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,

but both of these are treated as individuals for these items.

Other fee changes include the following:

- Residential tenancies fees (Item 1002) have been staggered into tiered fees depending upon the amount of the claim, consistent with civil disputes.

- An application fee has been set for applications under the *Retirement Villages Act*, consistent with other civil disputes applications. This fee (Item 1000), along with applications under the *Unit Titles Act 2001* and *Unit Titles Management Act 2011*, and *Common Boundaries Act 1980*, all have the same flat fee. This is a reflection of the increased resources involved in these matters.
- An application fee for corporations (item 1004) has been set in relation to occupational regulation to correct an omission and to make these fees consistent with other ACAT fees.
- The time frames for the refund of hearing fees (Item 1008) have been shortened in consideration of the shorter time frames in the ACAT matters.
- Exemptions (previously granted under Item 1003) from application fees in administrative review matters have been removed. This relates to applications under Section 31C of the *Housing Assistance Act 2007* and the *Rates Act 2004*.
- A corporations fee (Item 1016) for subpoenas has been introduced in line with similar changes to fees in the Magistrates and Supreme Courts.
- Fees (Items 1107.1 and 1208.1) have been introduced in the Supreme and Magistrates Courts for lodging applications in proceedings. In the Supreme Court different fees apply depending on whether the application is to be heard by a judge or the registrar.
- A new fee (Item 1209.2) for the exemplification of a Grant of Probate by the Supreme Court has been introduced.
- A new item (No 1318 for fees payable under Items 1302 and 1305) has been included so that in some criminal matters Legal Aid ACT will be able to obtain a transcript of the proceeding free of charge.
- New fees (Items 1107.2 and 1210.1) have been introduced in the Supreme and Magistrates Courts for lodging applications to enforce judgments of the court and judgments registered in the court for enforcement. The fees apply to all enforcement action including applications for debt and earnings redirections, seizure and sale orders, orders for delivery of possession of land and for enforcement of non money orders.
- Items (1015 and 1017) of attempts to serve process and oral examination of debtors in the ACAT have been removed as the ACAT does not provide those services.

The instrument contains further explanatory notes about the fee for various items in the past Financial Year.