

Court Procedures (Fees) Determination 2017 (No 3)

Disallowable instrument DI2017–110

made under the

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

EXPLANATORY STATEMENT

Section 13 of the *Court Procedures Act 2004* (the Act) provides that the Minister may determine fees under the Act for a number of purposes, including—

- proceedings in a court or the ACT Civil and Administrative Appeals Tribunal (the ACAT) and matters incidental to the proceedings;
- facilities and services provided by the court or the ACAT; and
- the service and execution of the process of a court of the Commonwealth, a State, another Territory or a foreign country.

A determination may provide for—

- exempting people from liability to pay determined fees, completely or partly, in all or particular circumstances;
- remitting, refunding or waiving, by a registrar of a court or the ACAT, determined fees, completely or partly, in particular circumstances;
- deferring, by a registrar of a court or the ACAT, liability to pay determined fees, completely or partly, in particular circumstances.

This instrument increases fees for matters in respect of which fees or charges are payable under the Act. Fees in the 2017–18 financial year have been generally increased from fees in the previous financial year by indexation of 4% and rounded to an appropriate value. Explanatory notes in the Determination list the fees previously determined to enable comparison.

The Determination also substitutes a reference to the repealed *Domestic Violence and Protection Orders Act 2008* with the *Family Violence Act 2016* and the *Personal Violence Act 2016* at Item 1101.2, since this is the legislation under which an application would be filed. There is no charge to file an application under either Act. While this Determination updates the legislative authority, the exemption is not new.

The Determination corrects a technical error at Item 1205, removing an incorrect reference to the Master. Item 1206 determines the amount payable on lodging for

filing a document to commence an appeal from the Registrar in a proceeding *other than* an interlocutory proceeding. Item 1205 determines the amount payable on lodging for filing a document to commence an appeal from the Registrar in a proceeding *in* an interlocutory proceeding.

Section 7 repeals the *Court Procedures (Fees) Determination 2017 (No 2)* DI2017-93 retrospectively to correct an administrative error in relation to the commencement as the fees should have commenced on 1 July 2017. This repeal means that DI2017-93 was never effective. This is a non-prejudicial provision as the fees under DI2017-20 are less than the fees that would have applied under DI2017-93.

Section 8 repeals the *Court Procedures (Fees) Determination 2017 (No 1)* DI2017-20 on 1 July 2017.