

AUSTRALIAN CAPITAL TERRITORY

SUPREME COURT ACT 1933

DETERMINATION OF FEES AND CHARGES APPLICABLE IN THE
SUPREME COURT

NO. 33 OF 1994

EXPLANATORY STATEMENT

The *Supreme Court Act 1933* (the Act) was amended by the *Supreme Court (Amendment) Act 1994* which inserted a general fees and charges determining power - see subsection 37(1) of the Act. That subsection provides that the Attorney-General may, by notice in writing published in the *Gazette*, determine fees and charges for any of the following purposes:

- (a) proceedings in the Court, and matters incidental to such proceedings, including -
 - (i) the admission and enrolment of barristers and solicitors;
 - (ii) the service and execution of the process of the Court; and
 - (iii) the taxation of costs by officers of the Court,
- (b) facilities and services provided by the Court, including the service and execution of the process of any court of the Commonwealth, a State or another Territory, or of any court of a foreign country;
- (c) the general purposes of the Act, the Regulations or the Rules of Court.

Subsection 37(2) of the Act provides that a determination made under subsection 37(1) may provide for matters such as the exemption from liability to pay certain fees, in whole or in part, and for the remission or refund and the deferral of liability for the

payment of fees and charges, in whole or in part, by the Registrar in particular circumstances

Fees and charges have previously been prescribed by regulation and set out in the Supreme Court (Fees) Regulations (the Fees Regulations). Upon this Determination coming into effect on 1 July 1994, the Fees Regulations will cease to have effect - see section 5 of the *Supreme Court (Amendment) Act 1994*.

The Fees Regulations contain a number of provisions relating to exemption from payment of fees. A determination may provide for exemption, in certain instances, while the amendments to the Act also provide, generally, for the types of exemptions currently set out in the Fees Regulations.

The fees determined are set out below with the previously prescribed fees shown in brackets. Some fees are the same as those previously prescribed. Where fees have been increased, they have been increased by 3% (the expected increase in the Consumer Price Index for 1993/94) and rounded up.

ITEM	MATTER IN RESPECT OF WHICH A FEE IS PAYABLE	FEE PAYABLE (\$)
1.	On filing a document to commence a proceeding in the Court (other than in respect of a matter referred to in item 2, 3 or 4 or an interlocutory or incidental proceeding in the course of, or in connection with, a proceeding)	400 (400)
2	On filing a document to commence an appeal from the Master or the Registrar in an interlocutory proceeding	100 (100)
3	On filing a document to commence an appeal from the Master or the Registrar in a proceeding other than an interlocutory proceeding	400 (400)
4	On filing a notice of motion for admission to practise or for enrolment under the <i>Legal Practitioners Act 1970</i> or on lodging a notice seeking registration under the <i>Mutual Recognition (Australian Capital Territory) Act 1992</i>	206 (200)

5.	For the supply of each certificate of enrolment additional to a certificate provided on the admission, enrolment or registration referred to in item 4	31 (30)
6.	On filing for taxation a bill of costs as between party and party that, as filed, exceeds \$2,000	200 (200)
7.	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 (2)
8	For each page of copy provided in accordance with a request referred to in item 7	1 (1)
9	For each page of copy of a document or documents copied by a person, other than an officer of the Court, using a Court photocopier	0.20 (0.20)
10.	For up to 3 attempts to serve process at the same address, whether or not the service is successful	52 (50)
11	For up to 3 attempts to execute process at the same address, whether or not the execution is successful	52 (50)
12	For expenses reasonably incurred by the Court in the execution of process or attempted execution of process for which a fee is payable under item 11	The amount of the expenses (the amount of the expenses)
13	For opening the offices of the Court -	
	(a) between 9.00 a m. and 9.15 a m. or between 4 15 p m and 5 00 p m on a day other than a Saturday, Sunday or public holiday	52 (50)

13.

(b) at any time -

103 (100)

(i) on a Saturday, Sunday or public holiday; or

(ii) outside the hours of 9 00 a.m. to 5.00 p.m. on a day of the week other than a day referred to in subparagraph 13(b)(i);

EXEMPTION FROM LIABILITY FOR PAYMENT

The Determination provides exemptions from payment of a filing fee or fee for the service and execution of process, in relation to proceedings under the *Infants' Custody and Settlements Act 1956*, the *Birth (Equality of Status) Act 1988* and Part VIII of the *Legal Practitioners Act 1970*. The Act, as amended, will provide, on commencement of the Determination, for an exemption in respect of matters under Part V of the *Legal Practitioners Act* and a similarly expressed exemption to that in the Act is provided for by the Supreme Court (Fees) Regulations. The *Legal Practitioners Act* was recently renumbered and Part V became Part VIII. To avoid a gap in the coverage of the relevant exemption once the Fees Regulations lapse and until the Act is amended, the Determination provides for an exemption in respect of Part VIII matters.

DEFERRAL OF LIABILITY FOR PAYMENT

Paragraph 37(2)(d) of the Act provides that a determination may provide for the deferral of liability by the Registrar for the payment of fees and charges, in whole or in part, in particular circumstances. The Determination provides that the Registrar may defer liability for payment for a period not in excess of 14 days if, in the Registrar's opinion, payment cannot be made at the time that a request is made for the performance of a function or the provision of a facility or service but payment could be made within 14 days after the request being made. The Registrar will be able to defer payment, for example, where a person wishes to file an initiating process but has not brought sufficient funds with them.

Revenue/cost implications

The increase in fees and charges will result in about \$3,300 in additional revenue in a full year

Circulated by authority of
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