



Australian Capital Territory

# Motor Accident Injuries (ACAT Costs Orders) Regulation 2020

Subordinate Law SL2020-10

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The Australian Capital Territory Executive makes the following regulation under the *Motor Accident Injuries Act 2019*.

Dated 18 March 2020.

ANDREW BARR  
Minister

GORDON RAMSAY  
Minister

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made under the

[Motor Accident Injuries Act 2019](#)

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J2019-1545

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**1 Name of regulation**

This regulation is the *Motor Accident Injuries (ACAT Costs Orders) Regulation 2020*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

**5 Indexation day—Act, s 18, def *AWE indexed*, par (b)**

The indexation day for the amount mentioned in section 6 (3) that is to be AWE indexed is 1 October.

**6 External review—costs of proceedings—Act, s 198 (4)**

- (1) At any time during a proceeding before the ACAT on an application for external review of an ACAT reviewable decision, a party to the proceeding (the *requesting party*) may ask the ACAT to order the other party to the proceeding to pay the requesting party's costs arising from the application for external review (a *costs order*).
- (2) The ACAT may make a costs order if—
  - (a) the requesting party gives the ACAT itemised details of the costs within the time the ACAT considers appropriate; and
  - (b) the ACAT is satisfied on reasonable grounds that—
    - (i) the itemised details show the costs were reasonably incurred; and
    - (ii) the costs relate only to the preparation of, and appearances in relation to, the application for external review of the ACAT reviewable decision; and
    - (iii) if a costs order has previously been made in relation to the application—the total of all costs orders for the application do not exceed the maximum amount mentioned in subsection (3); and
    - (iv) it is appropriate to make the order.
- (3) The maximum amount that the ACAT can order for costs is—

\$2 000 AWE indexed + ACAT filing fee

*ACAT filing fee*—

  - (a) includes the fee for filing an application; but
  - (b) does not include the fee for additional hearing days.
- (4) The maximum amount mentioned in subsection (3) includes any GST payable in relation to the work done for or in the proceeding.

(5) However, the costs payable to the requesting party are reduced by the amount of any input tax credit for GST to which the requesting party is entitled in relation to the party's costs.

(6) In this section:

**costs** means the fees, disbursements and expenses that the ACAT considers necessary for the preparation of, and appearances in relation to, an application for external review of an ACAT reviewable decision.

**input tax credit**—see the *A New Tax System (Goods and Services Tax) Act 1999* (Cwlth), section 195-1 (Dictionary).

**itemised details**, of the costs, means details of—

- (a) the legal costs (clearly identifying costs that are legal fees and costs that are disbursements) payable by the party to the party's lawyer; and
- (b) other fees or expenses incurred by the party in relation to the application for external review of an ACAT reviewable decision.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- GST
- proceeding.

*Note 3* Terms used in this regulation have the same meaning that they have in the [Motor Accident Injuries Act 2019](#) (see [Legislation Act](#), s 148). For example, the following term is defined in the [Motor Accident Injuries Act 2019](#), dict:

- ACAT reviewable decision
- AWE indexed.

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## Endnotes

### 1 Notification

Notified under the [Legislation Act](#) on 26 March 2020.

### 2 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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