



Australian Capital Territory

# **Motor Accident Injuries (ACAT Costs Orders) Regulation 2020**

**SL2020-10**

made under the

**Motor Accident Injuries Act 2019**

**Republication No 1**

**Effective: 27 March 2020**

Republication date: 27 March 2020

Regulation not amended

## About this republication

### The republished law

This is a republication of the *Motor Accident Injuries (ACAT Costs Orders) Regulation 2020*, made under the *Motor Accident Injuries Act 2019* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 27 March 2020. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



Australian Capital Territory

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made under the

**Motor Accident Injuries Act 2019**

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R1  
27/03/20

Motor Accident Injuries (ACAT Costs Orders)  
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Australian Capital Territory

# Motor Accident Injuries (ACAT Costs Orders) Regulation 2020

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**1 Name of regulation**

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

**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.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 **Legislation history**

#### **Motor Accident Injuries (ACAT Costs Orders) Regulation 2020 SL2020-10**

notified LR 26 March 2020

s 1, s 2 commenced 26 March 2020 (LA s 75 (1))

remainder commenced 27 March 2020 (s 2)

### 4 **Amendment history**

#### **Commencement**

s 2 om LA s 89 (4)

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