

# Court Procedures (Fees) Determination 2022\*

## Disallowable instrument DI2022-1

made under the

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

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### 1 Name of instrument

This instrument is the *Court Procedures (Fees) Determination 2022*.

### 2 Commencement

This instrument commences on 1 March 2022.

### 3 Determination of fees

(1) The fee payable for a matter stated in an item in the schedule, column 2 is the fee stated in the schedule, column 3 for that matter.

(2) The fee for a matter stated in an item in the schedule, column 2 is payable by the person requesting the service.

### 4 Payment of fees

The fee payable for a matter stated in an item in the schedule, column 2 is payable to the Territory by the person requesting the service.

### 5 Definition—Corporation

(1) For the purposes of items 1000 to 1317 in the schedule, **corporation** does not include:

- (a) a corporation incorporated as a not-for-profit corporation; or
- (b) a corporation with a turnover of less than \$200,000 in the previous financial year; or
- (c) the housing commissioner.

(2) For the purposes of items 1000 to 1317 in the schedule, **natural person** includes:

- (a) a corporation incorporated as a not-for-profit corporation; and
- (b) a corporation with a turnover of less than \$200,000 in the previous financial year; and
- (c) the housing commissioner.

*Note:* Under the *Legislation Act 2001*, dictionary, **housing commissioner** means the Commissioner for Social Housing under the *Housing Assistance Act 2007*.

\*Name amended under Legislation Act, s 60

**6 Fee exemption**

For the purposes of items 1000 to 1317 in the schedule, a person is exempt from paying a fee under section 15(2)(a)(i) of the *Court Procedures Act 2004* if the person is named on a current Commonwealth-issued:

- (1) Health Care Card;
- (2) Low Income Health Care Card; or
- (3) Pensioner Concession Card.

**7 Revocation—DI2021–154**

This instrument revokes the *Court Procedures (Fees) Determination 2021 DI2021–154*.

Shane Rattenbury MLA  
Attorney-General

6 January 2022

## SCHEDULE – FEES AND CHARGES TO BE PAID

| Column 1 | Column 2  | Column 3       |
|----------|---|----------------|
| Item     | Matter in respect of which fee or charge is payable | Amount Payable |

### ***PROCEEDINGS IN THE ACT CIVIL AND ADMINISTRATIVE TRIBUNAL***

#### ***PART A: Commencement***

|      |  |  |
|------|--|--|
| 1000 | <p><u>Civil Disputes</u></p> <p>On institution of civil proceedings:</p> <p>(i) where the amount in dispute is more than \$15,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(ii) where the amount in dispute is more than \$3,000 but no more than \$15,000, or for a determination under the <i>Common Boundaries Act 1981</i>, or for proceedings under the <i>Unit Titles Act 2001</i>, <i>Unit Titles (Management) Act 2011</i>; or <i>Retirement Villages Act 2012</i></p> <p>for a natural person</p> <p>for a corporation</p> <p>(iii) where the amount in dispute is \$3,000 or less, or where no amount is in dispute</p> <p>for a natural person</p> <p>for a corporation</p> <p>(iv) for any other application</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year fees were \$583.50, \$162.50, \$77.00 and \$77.00 respectively for a natural person and \$1,167.00, \$325.00, \$154.00 and \$154.00 respectively for a corporation.</i></p> | <p>\$593.00</p> <p>\$1,186.00</p> <p>\$165.00</p> <p>\$330.00</p> <p>\$78.00</p> <p>\$156.00</p> <p>\$78.00</p> <p>\$156.00</p> <p>(GST is not applicable to any fees for Item 1000)</p> |
| 1001 | <p>For lodging a cross-claim or counter-claim to a civil claim:</p> <p>(i) where the amount in dispute is more than \$15,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(ii) where the amount in dispute is more than \$3,000 but no more than \$15,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(iii) where the amount in dispute is \$3,000 or less or where no amount is in dispute</p> <p>for a natural person</p> <p>for a corporation</p> <p><i>Explanatory Note: Last Financial Year fees were \$583.50, \$162.50 and \$77.00 respectively for a natural person and \$1,167.00, \$325.00 and \$154.00 respectively for a corporation.</i></p>   | <p>\$593.00</p> <p>\$1,186.00</p> <p>\$165.00</p> <p>\$330.00</p> <p>\$78.00</p> <p>\$156.00</p> <p>(GST is not applicable to any fees for Item 1001)</p>                                |
| 1002 | <p>On lodging an application for relief under the <i>Residential Tenancies Act 1997</i></p> <p>(i) where the amount in dispute is more than \$15,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(ii) where the amount in dispute is more than \$3,000 but no more than \$15,000</p> <p>for a natural person</p> <p>for a corporation</p> <p>(iii) where the amount in dispute is \$3,000 or less, or where no amount is in dispute</p>  | <p>\$593.00</p> <p>\$1,186.00</p> <p>\$165.00</p> <p>\$330.00</p>  |

|   |            |
|---|------------|
| for a natural person  | \$78.00    |
| for a corporation   | \$156.00   |
| (iv) for any other application  |            |
| for a natural person  | \$78.00    |
| for a corporation   | \$156.00   |
| For lodging a cross-claim or counter-claim to a residential tenancy claim:                                    |            |
| (i) where the amount in dispute is more than \$15,000   |            |
| for a natural person  | \$593.00   |
| for a corporation   | \$1,186.00 |
| (ii) where the amount in dispute is more than \$3,000 but no more than \$15,000                               |            |
| for a natural person  | \$165.00   |
| for a corporation   | \$330.00   |
| (iii) where the amount in dispute is \$3,000 or less or where no amount is in dispute                         |            |
| for a natural person  | \$78.00    |
| for a corporation   | \$156.00   |
| For a termination and possession order pursuant to Part IV of the <i>Residential Tenancies Act 1997</i>       |            |
| (i) where a bond has been deposited with the Territory in relation to the tenancy                             |            |
| for a natural person  | \$165.00   |
| for a corporation   | \$330.00   |
| (ii) where a bond has not been deposited with the Territory in relation to the tenancy                        |            |
| for a natural person  | \$323.00   |
| for a corporation   | \$646.00   |
| For endorsement of a tenancy agreement under section 10 of the <i>Residential Tenancies Act 1997</i>          |            |
| for a natural person  | Nil        |
| for a corporation   | Nil        |
| For any other application   |            |
| for a natural person  | \$78.00    |
| for a corporation   | \$156.00   |
| (GST is not applicable to any fees for Item 1002)   |            |
| Where the application involves more than one of the above matters, the fee payable is the higher of the fees. |            |

*Explanatory Note: Last financial year fees were \$583.50, \$162.50, \$77.00, \$77.00, \$583.50, \$162.50, \$77.00, \$162.50, \$317.50 and \$77.00 respectively for a natural person and \$1,167.00, \$325.00, \$154.00, \$154.00, \$1,167.00, \$325.00, \$154.00, \$325.00, \$635.00 and \$154.00 respectively for a corporation.*

External review of an ACAT reviewable decisions under the *Motor Accident Injuries Act 2019* – Division 2.10.3

|        |   |                                  |
|--------|---|----------------------------------|
| 1002.1 | On lodging an application for an ACAT reviewable decision in accordance with Schedule 1, part 1.2, or as prescribed by regulation, of the <i>Motor Accident Injuries Act 2019</i> , for the review of a decision made by a Motor Accident Injuries insurer  | \$278.00 (GST is not applicable) |
|        | <i>Explanatory note: Last financial year the fee was \$274.00. An application for external review is for a review of an ACAT reviewable decision made by a Motor Accident Injuries insurer or an internally reviewable decision where an insurer has not made an internal review decision within the time required.</i> |                                  |
|        | <u>Motor Accident Injuries Act, other matters</u>   |                                  |
| 1002.2 | On lodging an application for an order for the payment of a death benefit.  | Nil.                             |
|        | <i>Explanatory note: Last financial year the fee was Nil. A death benefit application can only be made by a Motor Accident Injuries insurer</i>   |                                  |



(GST is not applicable to any fees for Item 1008)

The total fee payable is calculated by adding the hearing fee for each estimated or actual hearing day.

The person liable to pay the total fee unless the tribunal orders otherwise is the plaintiff, applicant or appellant. The person liable to pay the fee must pay the fee within 7 days of the tribunal setting the hearing date.

Where a hearing is commenced and takes more days than estimated unless otherwise ordered the party originally liable to pay this fee shall pay for the additional days at the appropriate rate. In such a case, the fee for the additional days is payable immediately after the tribunal allocates the additional hearing days or the end of the hearing (whichever occurs first).

If the Tribunal receives written advice of settlement or written notice of intended adjournment 28 days or more before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received 14 days or more before that date, 50% of the fee paid is refundable.

If the hearing is adjourned before the first date allocated for the hearing, and the Tribunal or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the whole of the fee is to be refunded or transferred to a new allocated date or dates for the adjourned hearing.

In other circumstances, if the adjournment occurs 28 days or more before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs 14 days or more before that date, 50% is refundable.

A hearing fee is not payable if a matter is exempt from the payment of an application fee.

If the hearing is adjourned after it has commenced and the Tribunal or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*Explanatory Note: Last Financial Year the fee was \$159.50, \$323.50 and \$408.50 respectively, for a natural person, and \$319.00, \$647.00 and \$817.00 respectively, for a corporation. This fee is payable in cases which may or do extend beyond a single hearing day. For example, where the tribunal sets down a case (for a natural person) for 5 hearing days, the plaintiff will be required to pay a total fee (\$815) composed of the hearing fee for the 2nd day (\$162.00), the 3rd day (\$162.00), the 4th day (\$162.00) and the 5th day (\$329.00) derived from the list of hearing fees.*

## ***PART B: Certificates, copies and inspections***

- |      |   |  |
|------|---|--|
| 1009 | Provision of a document or a copy of a document where the request for the document or copy requires the preparation of the document.<br><i>Explanatory Note: Last Financial Year the fee was \$44.50.</i>   | \$45.00 (GST is not applicable)  |
| 1010 | Provision of a copy of a document where a copy or a certified copy can be provided by photocopying another document already in existence and, where necessary, certifying the photocopy:<br>(i) in respect of the application for a copy;<br>(ii) for each page of copy provided.<br><i>Explanatory Note: Last Financial Year fees were \$3.00 and \$1.50 respectively.</i> | \$3.00 (GST is not applicable)<br>\$1.50 (GST is not applicable)   |
| 1011 | For an inspection of or a search in relation to a record of a tribunal (including a request to determine whether or not a named person is involved in litigation, the viewing of material held by the tribunal, or a request to determine whether information is held by the tribunal).<br><br><i>Explanatory Note: Last Financial Year fee was \$185.00 per hour.</i>      | \$188.00 per hour of time in which a registry staff is involved. The minimum charge is 10 minutes.<br>An estimate of the fee must be paid prior to the search or inspection being undertaken.<br>(GST is not applicable) |
| 1012 | For the supply of a disk containing a record of a proceeding or of part of a proceeding or of a matter incidental to a proceeding.<br><i>Explanatory Note: Last Financial Year the fee was \$29.00.</i>   | \$30.00 per DVD or CD-Rom<br>(GST is not applicable)   |

|      |  |                                |
|------|--|--------------------------------|
| 1013 | BLANK  |                                |
|      | <i>Explanatory Note: This fee is removed from 1 July 2019, as this service is provided by an external transcript provider.</i> |                                |
| 1014 | For each page of a copy of a document or documents copied by an officer of the Tribunal, using a Tribunal photocopier.         | \$0.35 (GST is not applicable) |
|      | <i>Explanatory Note: Last Financial Year the fee was \$0.35.</i>   |                                |

### ***PART C: Service, execution and examinations***

|      |  |   |
|------|--|---|
| 1015 | BLANK  |   |
|      | <i>Explanatory Note: This fee is removed from 1 July 2014, as the ACAT does not provide these services.</i>  |   |
| 1016 | Subject to the paragraph below, for the issue of a subpoena:   |   |
|      | (i) to give evidence;  |   |
|      | for a natural person   | \$22.00   |
|      | for a corporation  | \$44.00   |
|      | (ii) for production and to give evidence;  |   |
|      | for a natural person   | \$45.00   |
|      | for a corporation  | \$90.00   |
|      | (iii) for production.  |   |
|      | for a natural person   | \$45.00   |
|      | for a corporation  | \$90.00   |
|      |  | (GST is not applicable to any fees for Item 1016) |
|      | No fee is payable under this item if no fee for filing a document in the proceeding is payable.  |   |
|      | <i>Explanatory Note: Last Financial Year the fees were \$21.50, \$44.50 and \$44.50 respectively for a natural person and \$43.00, \$89.00 and \$89.00 respectively for a corporation.</i>   |   |
| 1017 | BLANK  |   |
| 1018 | The Registrar of the tribunal may defer liability for the payment of a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, for any period as necessary or appropriate in the interests of justice if, in the Registrar's opinion, payment cannot be made at the time of the request for the function, facility or service, but payment could be made within a specified period as necessary or appropriate in the interests of justice (or any longer period as necessary or appropriate in the interests of justice) after making of the request. | Nil   |
|      | <i>Explanatory Note: This power remains the same as that in previous determination.</i>  |   |
| 1019 | A Registrar of the tribunal may remit or refund a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, where the circumstances warrant and it is in the interests of justice to do so.  | Nil   |
|      | <i>Explanatory Note: This power remains the same as that in previous determination.</i>  |   |
| 1020 | In relation to an application made to the Tribunal, a single application fee is payable in respect of 2 or more applications which relate to the same applicant (or where one of the applicants is the same) and which, in the opinion of a Registrar, may be conveniently heard together by the Tribunal. Where an application fee in respect of each or some of those applications has been paid, the Registrar may refund all but the first of those application fees.  | Nil   |

*Explanatory Note: This power remains the same as that in previous determination.*

## **PROCEEDINGS IN THE MAGISTRATES COURT**

|        |  |   |
|--------|--|---|
| 1100   | On laying an information for an offence.<br><i>Explanatory Note: Information may be laid before a Magistrate where a person has committed, or is suspected of having committed, an offence. Last Financial Year the fee was \$87.00.</i>   | \$88.00 (GST is not applicable)   |
| 1101   | On lodging for filing a document to commence a proceeding in the Court other than in respect of a matter referred to in an item listed below in respect of which a commencement fee is set<br>(a) where the amount in dispute is \$100,000 or more, or for unspecified damages<br><br>for a natural person<br>for a corporation<br><br>(b) where the amount in dispute is \$50,000 or more, but less than \$100,000, or for lodging an application under the <i>Leases (Commercial and Retail) Act 2001</i><br><br>for a natural person<br>for a corporation<br><br>(c) where the amount in dispute is less than \$50,000, or where no amount is in dispute (other than proceedings relating to applications under the <i>Leases (Commercial and Retail) Act 2001</i> )<br><br>for a natural person<br>for a corporation<br><br><i>Explanatory Note: Last Financial Year the fees were \$1,076.50, \$878.00 and \$245.00 respectively for a natural person and \$2,153.00, \$1,756.00 and \$490.00 respectively for a corporation.</i> | \$1,095.00<br>\$2,190.00<br><br>\$893.00<br>\$1,786.00<br><br>\$249.00<br>\$498.00<br><br>(GST is not applicable to any fees for Item 1101) |
| 1101.1 | On filing an application for arbitration under the <i>Workers Compensation Act 1951</i> or the <i>Workers Compensation Regulation 2002</i><br><br><i>Explanatory Note: Last Financial Year this exemption was the same.</i>  | Nil   |
| 1101.2 | On filing an application under the <i>Family Violence Act 2016</i> or the <i>Personal Violence Act 2016</i> .<br><br><i>Explanatory Note: Last Financial Year this exemption was the same.</i>   | Nil   |
| 1101.3 | On filing an application under the <i>Victims of Crime (Financial Assistance) Act 2016</i><br><br><i>Explanatory Note: Last Financial Year this exemption was the same.</i>  | Nil   |
| 1101.4 | On filing an application under the Fair Work Act 2009 (Cwlth) where the applicant has indicated that they want the small claims procedure to apply<br>for a natural person<br><br>for a corporation<br><i>Explanatory Note: Last Financial Year the fees were \$159.50 and \$319.00</i>  | \$162.00<br>\$324.00  |
| 1102   | Registration of a judgment of another court or tribunal (excluding ACAT) or the registration of an adjudication or decision under a law of the Territory (however described) for enforcement by the Court<br>for a natural person<br>for a corporation<br><br><i>Explanatory Note: Last Financial Year fee was \$87.50 for a natural person and \$175.00 for a corporation.</i>  | \$89.00 (GST is not applicable)<br>\$178.00 (GST is not applicable)   |
| 1103   | On filing a Listing Hearing Questionnaire by the plaintiff<br><br>for a natural person<br><br>for a corporation  | \$816.00 (GST is not applicable)<br>\$1,632.00 (GST is not applicable)  |
| 1103.1 | If a Listing Hearing Questionnaire is not required<br><br>(a) at least 7 days before the listing hearing however described (e.g. call-over, listing hearing, directions hearing); or<br><br>(b) at least 7 days before the hearing of an application to fix a date for a hearing of a proceeding however described (other than an interlocutory or incidental proceeding)  |   |



|        |  |   |
|--------|--|---|
|        | for a natural person   | \$816.00 (GST is not applicable)                  |
|        | for a corporation  | \$1,632.00 (GST is not applicable)                |
| 1103.2 | If a Listing Hearing Questionnaire is not required and the matter is set down for hearing without a listing hearing, within 7 days of the hearing date being allocated or by the day of the hearing, whichever comes first, or as otherwise ordered by the Court   |   |
|        | for a natural person   | \$816.00(GST is not applicable)                   |
|        | for a corporation  | \$1,632.00 (GST is not applicable)                |
|        | The person liable to pay the fee under items 1103, 1103.1 and 1103.2 is the plaintiff or the applicant unless the court otherwise orders. Subsequently, the Court (which for the purposes of this determination includes the Registrar and the Deputy Registrar) may order another party to contribute to the payment of the fee in such proportion ordered.                     |   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$802.50 for a natural person and \$1,605.00 for a corporation.</i>   |   |
| 1104   | <u>Hearing Fees</u>  |   |
|        | The hearing fee (for estimated or actual hearing days) is:   |   |
|        | (a) for the 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> hearing day;   |   |
|        | for a natural person   | \$596.00  |
|        | for a corporation  | \$1,192.00  |
|        | (b) for the 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> and 9 <sup>th</sup> hearing day;   |   |
|        | for a natural person   | \$1,076.00  |
|        | for a corporation  | \$2,152.00  |
|        | (c) for the 10 <sup>th</sup> or later hearing day;   |   |
|        | for a natural person   | \$2,095.00  |
|        | for a corporation  | \$4,190.00  |
|        | The party/parties liable to pay the total fee unless the court orders otherwise is the plaintiff, applicant or appellant.  | (GST is not applicable to any fees for Item 1104) |
|        | The party/parties liable to pay the fee must pay the fee at least 6 weeks prior to the first date allocated for the hearing or, if the period of time between the day the court allocates the hearing date and the first date allocated for the hearing is less than 6 weeks, the hearing fee is payable immediately.  |   |
|        | The fee to be paid will be calculated on the basis of the time allocated by the court for the hearing of the matter.   |   |
|        | Where a hearing is commenced and takes more days than estimated unless otherwise ordered the party originally liable to pay this fee shall pay for the additional days at the appropriate rate. In such a case, the fee for the additional days is payable immediately after the court allocates the additional hearing days or the end of the hearing (whichever occurs first). |   |
|        | Hearing fees under this item are not payable in criminal matters or where the matter is exempt from the payment of an application fee.   |   |
|        | If a matter settles following mediation or other alternate dispute resolution before the first date allocated for the hearing, and the court receives written advice of settlement within 14 days of settlement but no later than 7 days prior to the first date allocated for the hearing, 90% of the fee paid is refundable.   |   |
|        | Where no mediation or other alternative dispute resolution process is conducted and the court receives notice of settlement at least 42 days before the first date allocated for the hearing, 75% of the fee paid is refundable. If notice is received at least 35 days before the first date allocated for the hearing, 50% of the fee paid is refundable.                      |   |
|        | If the hearing is adjourned before the first date allocated for the hearing, and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the whole of the fee is to be refunded or transferred to a new allocated date or dates for the adjourned hearing.   |   |
|        | In other circumstances, if the adjournment occurs at least 42 days before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs at least 35 days before that date, 50% is refundable.  |   |

This fee also applies to hearing days in arbitral proceedings under the Workers Compensation Act 1951 subject to regulation 57 of the Workers Compensation Regulation 2002.

If the hearing is adjourned after it has commenced and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

Otherwise the fee is non-refundable in respect of any allocated dates that are not required.

*Explanatory Note: Last Financial Year the fee was \$586.50, \$1,057.50 and \$2,059.00 respectively, for a natural person and \$1,173.00, \$2,115.00 and \$4,118.00 respectively, for a corporation. This fee is payable in cases which may or do extend beyond a single hearing day. For example, where a plaintiff (a natural person) estimates that the case will take 5 hearing days, the plaintiff will be required to pay a hearing fee (\$2,864.) composed of the hearing fee for the 2nd day (\$596.00), the 3rd day (\$596.00), the 4th day (\$596.00) and the 5th day (\$1,076.00) derived from the list of fees. The amount payable under this item may change as a result of a greater allocation of days, or according to how many hearing days it takes to hear the matter.*

|        |  |                                  |
|--------|--|----------------------------------|
| 1105   | On an application for the review of an order, direction or other act of the Registrar of the Magistrates Court   |                                  |
|        | for a natural person   | \$165.00 (GST is not applicable) |
|        | for a corporation  | \$330.00 (GST is not applicable) |
|        | <i>Explanatory Note: Last Financial Year the fee was \$162.50 for a natural person and \$325.00 for a corporation.</i>   |                                  |
| 1106   | BLANK  |                                  |
| 1107   | For lodging a cross-claim or counter-claim:  |                                  |
|        | (a) where the amount in dispute is \$100,000 or more, or for unspecified damages   |                                  |
|        | for a natural person   | \$729.00                         |
|        | for a corporation  | \$1,458.00                       |
|        | (b) where the amount is \$50,000 or more, but less than \$100,000  |                                  |
|        | for a natural person   | \$593.00                         |
|        | for a corporation  | \$1,186.00                       |
|        | (c) where the amount is \$25,000 or more, but less than \$50,000   |                                  |
|        | for a natural person   | \$514.00                         |
|        | for a corporation  | \$1,028.00                       |
|        | (d) where the amount is \$2,000 or more, but less than \$25,000  |                                  |
|        | for a natural person   | \$165.00                         |
|        | for a corporation  | \$330.00                         |
|        | (e) where the amount in dispute is less than \$2,000 or where no amount is in dispute  |                                  |
|        | for a natural person   | \$59.00                          |
|        | for a corporation  | \$118.00                         |
|        | <i>Explanatory Note: This item sets the fees for instituting a proceeding before the Magistrates Court (including proceedings instituted by way of cross-claim). Last Financial Year the fees were \$717.00, \$583.50, \$505.50, \$162.50 and \$58.00 for a natural person and \$1,434.00, \$1,167.00, \$1011.00, \$325.00 and \$116.00 for a corporation.</i> |                                  |
| 1107.1 | For lodging an application in proceeding other than in matters where no fee is payable for commencing a proceeding   |                                  |
|        | for a natural person   | \$92.00 (GST is not applicable)  |
|        | for a corporation  | \$184.00 (GST is not applicable) |
|        | <i>Explanatory note: Last Financial Year the fees were \$90.50 and \$181.00 respectively.</i>  |                                  |
| 1107.2 | For lodging an application to enforce a judgment including a judgment of the ACAT or of a court of another jurisdiction or of an adjudication or decision under a law of the Territory (however described)   |                                  |
|        | for a natural person   | \$153.00 (GST is not applicable) |

|      |   |                                  |
|------|---|----------------------------------|
|      | for corporation   | \$306.00 (GST is not applicable) |
|      | <i>Explanatory note: Last Financial Year the fees were \$151.00 and \$302.00 respectively.</i>  |                                  |
| 1108 | No fee for filing a document or fee for the service or execution of process is payable by any person in relation to proceedings under the <i>Parentage Act 2004</i> | Nil                              |
|      | <i>Explanatory Note: Last Financial Year this exemption was the same.</i>   |                                  |
| 1109 | For the purposes of section 116G of the <i>Crimes (Sentence Administration) Act 2005</i>  | \$109.00 (GST is not applicable) |
|      | <i>Explanatory Note: Last Financial Year the fee was \$108.00.</i>  |                                  |

## ***PROCEEDINGS IN THE SUPREME COURT***

|        |  |  |
|--------|--|--|
| 1200   | On lodging for filing a document to commence a proceeding in the Court other than<br>(a) in respect of a matter referred to in an item listed below in respect of which a commencement fee is set; or<br>(b) an interlocutory or incidental proceeding in the course of, or in connection with, a proceeding<br>for a natural person<br>for a corporation  | \$1,845.00<br>\$3,690.00   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$1,813.50 for a natural person and \$3,627.00 for a corporation.</i>   |  |
| 1201   | On filing a Listing Hearing Questionnaire by the plaintiff<br>for a natural person<br>for a corporation  | \$1,090.00<br>\$2,180.00   |
|        | (GST is not applicable to any fees for Item 1200)  |  |
| 1201.1 | If a Listing Hearing Questionnaire is not required<br>(a) at least 7 days before the listing hearing however described (e.g. call-over, listing hearing, directions hearing); or<br>(b) at least 7 days before the hearing of an application to fix a date for a hearing of a proceeding however described (other than an interlocutory or incidental proceeding)<br>for a natural person<br>for a corporation   | \$1,090.00<br>\$2,180.00   |
|        | (GST is not applicable to any fees for Item 1201)  |  |
| 1201.2 | If a Listing Hearing Questionnaire is not required and the matter is set down for hearing without a listing hearing, within 7 days of the hearing date being allocated or by the day of the hearing, whichever comes first, or as otherwise ordered by the Court<br>for a natural person<br>for a corporation  | \$1,090.00<br>\$2,180.00   |
|        | The person liable to pay the fee under items 1201, 1201.1 and 1201.2 is the plaintiff or The applicant unless the court otherwise orders. Subsequently, the Court (which for the purpose of this determination includes the Registrar and the Deputy Registrar) may order another party to contribute to the payment of the fee in such proportion ordered.  |  |
|        | <i>Explanatory Note: Last Financial Year the fees under items 1201, 1201.1 and 1201.2 were \$1,071.50 and \$2,143.00 respectively.</i>   |  |
| 1202   | <b>Hearing Fees</b><br>The hearing fee (for estimated or actual hearing days) (in the Supreme Court or the Court of Appeal) is:<br>(a) for the 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> hearing day;<br>for a natural person<br>for a corporation<br>(b) for the 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> and 9 <sup>th</sup> hearing day;<br>for a natural person<br>for a corporation<br>(c) for the 10 <sup>th</sup> , 11 <sup>th</sup> , 12 <sup>th</sup> and 13 <sup>th</sup> hearing day;<br>for a natural person<br>for a corporation | \$978.00<br>\$1,956.00<br>\$1,628.00<br>\$3,256.00<br>\$3,281.00<br>\$6,562.00 |

(d) for the 14<sup>th</sup> or later hearing day;  
 for a natural person \$4,269.00  
 for a corporation \$8,538.00  
 The party/parties liable to pay the total fee unless the court orders otherwise is the plaintiff, applicant or appellant. (GST is not applicable to any fees for Item 1202)

The party/parties liable to pay the fee must pay the fee at least 6 weeks prior to the first date allocated for the hearing or, if the period of time between the day the court allocates the hearing date and the first date allocated for the hearing is less than 6 weeks, the hearing fee is payable immediately.

The fee to be paid will be calculated on the basis of the time allocated by the court for the hearing of the matter.

Where a hearing is commenced and takes more days than estimated unless otherwise ordered the party originally liable to pay this fee shall pay for the additional days at the appropriate rate. In such a case, the fee for the additional days is payable immediately after the court allocates the additional hearing days or the end of the hearing (whichever occurs first).

Hearing fees under this item are not payable in criminal matters or where the matter is exempt from the payment of an application fee.

If a matter settles following mediation or other alternate dispute resolution before the first date allocated for the hearing, and the court receives written advice of settlement within 14 days of settlement but no later than 7 days prior to the first date allocated for the hearing, 90% of the fee paid is refundable.

If the hearing is adjourned before the first date allocated for the hearing, and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the whole of the fee is to be refunded or transferred to a new allocated date or dates for the adjourned hearing.

In other circumstances, if the adjournment occurs at least 42 days before the first date allocated for the hearing, 75% of the fee is refundable. If the adjournment occurs at least 35 days before that date, 50% is refundable.

If the hearing is adjourned after it has commenced and the Court or Registrar is satisfied that the reason for the adjournment was due to circumstances beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

*Explanatory Note: Last Financial Year the fee for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> hearing day was \$961.50 for a natural person and \$1,923.00 for a corporation. For the 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> hearing day, the fee was \$1,600.00 for a natural person and \$3,200.00 for a corporation. For the 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup> and 13<sup>th</sup> hearing day, the fee was \$3,225.00 for a natural person and \$6,450.00 for a corporation. For the 14<sup>th</sup> or later hearing day, the fee was \$4,196.00 for a natural person and \$8,392.00 for a corporation. It is payable in cases which may or do extend beyond a single hearing day. For example, where a plaintiff (a natural person) estimates that the case will take 5 hearing days, the plaintiff will be required to pay a hearing fee (\$4,562.00) composed of the hearing fee for the 2<sup>nd</sup> day (\$978.00), the 3<sup>rd</sup> day (\$978.00), the 4<sup>th</sup> day (\$978.00) and the 5<sup>th</sup> day (\$1,628.00) derived from the list of hearing fees. The amount payable under this item may change as a result of a greater allocation of days, or according to how many hearing days it takes to hear the matter.*

- 1203 On lodging for filing an application for probate, grant of letters of administration or reseal of probate, in respect of an estate the gross sworn value of which is:
- |   |            |
|---|------------|
| (a) less than \$50,000;                           | Nil        |
| (b) \$50,000 or more, but less than \$250,000;    | \$976.00   |
| (c) \$250,000 or more, but less than \$500,000;   | \$1,233.00 |
| (d) \$500,000 or more, but less than \$1,000,000; | \$1,864.00 |
| (e) \$1,000,000 or more                           | \$2,481.00 |
- Explanatory Note: Last Financial Year fees were \$959.50, \$1,212.00, \$1,832.00 and \$2,439.00 respectively.* (GST is not applicable to any fees for Item 1203)
- 1204 On filing a cross claim, counter claim or cross appeal in any proceeding
- |                      |                                    |
|----------------------|------------------------------------|
| for a natural person | \$1,030.00 (GST is not applicable) |
| for a corporation    | \$2,060.00 (GST is not applicable) |

|        |   |                                    |
|--------|---|------------------------------------|
|        | <i>Explanatory Note: Last Financial Year the fee was \$1012.50 for a natural person and \$2,025.00 for a corporation.</i>   |                                    |
| 1205   | On lodging for filing a document to commence an appeal from the Registrar in an interlocutory proceeding.   |                                    |
|        | for a natural person  | \$224.00 (GST is not applicable)   |
|        | for a corporation   | \$448.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$221.00 for a natural person and \$442.00 for a corporation.</i>  |                                    |
| 1206   | On lodging for filing a document to commence an appeal from the Registrar in a proceeding other than an interlocutory proceeding.   |                                    |
|        | for a natural person  | \$1,030.00 (GST is not applicable) |
|        | for a corporation   | \$2,060.00 (GST is not applicable) |
|        | <i>Explanatory Note: Last Financial Year the fee was \$1012.50 for a natural person and \$2,025.00 for a corporation.</i>   |                                    |
| 1207   | On lodging:   | \$455.00 (GST is not applicable)   |
|        | (a) an application for admission to practice or for enrolment under the <i>Legal Profession Act 2006</i> ; or   |                                    |
|        | (b) a notice seeking registration in an occupation under the Mutual Recognition Scheme.   |                                    |
|        | <i>Explanatory Note: Note that registration in an occupation under the Mutual Recognition Scheme would include registration as a notary public under that scheme. Last Financial Year the fee was \$448.00.</i>   |                                    |
| 1208   | On lodging an application or notice under the preceding item.   | \$203.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$200.00.</i>  |                                    |
| 1208.1 | On lodging an application in proceedings  |                                    |
|        | For hearing by a judge, the Master or the registrar   |                                    |
|        | for a natural person  | \$308.00 (GST is not applicable)   |
|        | for a corporation   | \$616.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fees were \$303.50 respectively for a natural person and \$607.00 for a corporation.</i>   |                                    |
| 1209   | On lodging for the entry of judgment or consent order under part 2.16 of the <i>Court Procedures Rules 2006</i> .   |                                    |
|        | for a natural person  | \$89.00 (GST is not applicable)    |
|        | for a corporation   | \$178.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$87.50 for a natural person and \$175.00 for a corporation.</i>   |                                    |
| 1209.1 | Fee for depositing and extracting wills   |                                    |
|        | for depositing (and storing) the will   | \$127.00 (GST is not applicable)   |
|        | for extracting a will   | \$47.00 (GST is not applicable)    |
|        | <i>Explanatory Note: Last Financial Year the fees were \$125.00 and \$46.00. This fee applies when a person deposits a will with the Supreme Court under section 32 of the Wills Act 1969 and when a person uplifts a will from the court which was deposited under section 32.</i> |                                    |
| 1209.2 | Fee for exemplification of a grant of probate or letters of administration  | \$122.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$120.00.</i>  |                                    |
| 1209.3 | Fee for publication of notice of intention to apply for a grant of probate, letters of administration (with will), letters of administration (no will) and reseal of a foreign grant  | \$55.00 (GST is not applicable)    |
|        | <i>Explanatory Note: This is a new fee.</i>   |                                    |
| 1209.4 | Fee for amending or republishing a notice of intention to apply for a grant of probate, letters of administration (with will), letters of administration (no will) and reseal of a foreign grant  | \$20.00 (GST is not applicable)    |
|        | <i>Explanatory Note: This is a new fee</i>  |                                    |

|        |   |                                    |
|--------|---|------------------------------------|
| 1210   | On lodging an application for the removal or transfer to the Supreme Court of proceedings commenced in the Magistrates Court. No fee is payable in the Supreme Court where no filing fee was payable for the commencement of the proceedings in the Magistrates Courts. |                                    |
|        | for a natural person  | \$498.00 (GST is not applicable)   |
|        | for a corporation   | \$996.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$490.00 for a natural person and \$980.00 for a corporation.</i>  |                                    |
| 1210.1 | For lodging an application to enforce a judgment including a judgment of the Magistrates Court, Court of Appeal or of a court of another jurisdiction or of an adjudication or decision under a law of the Territory (however described)                                |                                    |
|        | for a natural person  | \$308.00 (GST is not applicable)   |
|        | for a corporation   | \$616.00 (GST is not applicable)   |
|        | <i>Explanatory note: Last Financial Year the fee was \$303.50 for a natural person and \$607.00 for a corporation.</i>  |                                    |
| 1211   | No fee for lodging for filing a document or fee for the service or execution of process is payable by any person in relation to proceedings under the <i>Birth (Equality of Status) Act 1988</i> .  | Nil                                |
|        | <i>Explanatory Note: See section 15 of the Court Procedures Act 2004 in relation to waivers and exemptions. This exemption is the same as previously provided.</i>  |                                    |
| 1212   | On lodging for filing a document to commence a proceeding in the Court of Appeal (this includes a cross appeal - fees are not payable in criminal proceedings)  |                                    |
|        | for a natural person  | \$2,715.00 (GST is not applicable) |
|        | for a corporation   | \$5,430.00 (GST is not applicable) |
|        | <i>Explanatory Note: Last Financial Year the fee was \$2,668.50 for a natural person and \$5,337.00 for a corporation.</i>  |                                    |
| 1213   | In relation to the fixing of a date for a hearing in the Court of Appeal (other than interlocutory hearings) - Note: This fee is payable by the appellant prior to the matter being allocated a hearing date  |                                    |
|        | for a natural person  | \$2,715.00 (GST is not applicable) |
|        | for a corporation   | \$5,430.00 (GST is not applicable) |
|        | <i>Explanatory Note: Last Financial Year the fee was \$2,668.50 for a natural person and \$5,337.00 for a corporation.</i>  |                                    |
| 1214   | Registration of a judgment of another court (including the Magistrates Court) or of a tribunal (excluding ACAT), or the registration of an adjudication or decision under a Territory law (however described) for enforcement by the Court.                             |                                    |
|        | for a natural person  | \$178.00 (GST is not applicable)   |
|        | for a corporation   | \$356.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$175.00 for a natural person and \$350.00 for a corporation.</i>  |                                    |

### ***PART E: Registry Fees: Magistrates Court, Supreme Court and Court of Appeal***

|      |   |                                 |
|------|---|---------------------------------|
| 1300 | Provision of a document or a copy of a document under subsection 143(2) of the <i>Magistrates Court Act 1930</i> or sections 144(1)(a), (c) or (d) of the <i>Magistrates Court Act 1930</i> where the request for the document or copy requires the preparation of the document or copy requires the preparation of the document. | \$45.00 (GST is not applicable) |
|      | <i>Explanatory Note: Last Financial Year the fee was \$44.00.</i>   |                                 |
| 1301 | For the certification of (or the provision of certified copy of):   |                                 |
|      | (a) a judgment, certificate of enrolment or registration; or  | \$69.00 (GST is not applicable) |
|      | (b) other documents.  | \$36.00 (GST is not applicable) |
|      | <i>Explanatory Note: Last Financial Year the fees were \$68.00 and \$35.50 respectively.</i>  |                                 |
| 1302 | BLANK   |                                 |
|      | <i>Explanatory Note: This fee is removed from 1 July 2019, as this service is provided by an external transcript provider.</i>  |                                 |
| 1303 | Provision of a copy of a document where a copy or a certified copy can be provided by photocopying another document already in existence and, where necessary, certifying the photocopy:  |                                 |
|      | (a) in respect of the application for a copy;   | \$3.00 (GST is not applicable)  |

|        |   |  |
|--------|---|--|
|        | (b) for each page of copy provided.   | \$1.50 (GST is not applicable)   |
|        | <i>Explanatory Note: This item determines the fees payable for the provision of a copy of a document, where all that is required in order to provide the copy is to photocopy an existing document (e.g., a transcript, certificate or a certified copy of a judgment or order or a document filed in proceedings). Last Financial Year the fees were \$3.00 and \$1.50 respectively.</i> |  |
| 1304   | For an inspection of or a search in relation to a record of a court (including a request to determine whether or not a named person is involved in litigation, the viewing of material held by the court, or a request to determine whether information is held by a court).  | \$188.00 per hour of time in which a registry staff is involved. The minimum charge is 10 minutes. An estimate of the fee must be paid prior to the search or inspection being undertaken. (GST is not applicable) |
|        | <i>Explanatory Note: Last Financial Year the fee was \$185.00 per hour.</i>   |  |
| 1305   | For the supply of a disk containing a record of a proceeding or of part of a proceeding or of a matter incidental to a proceeding.  | \$30.00 per DVD or CD-Rom (GST is not applicable)  |
|        | <i>Explanatory Note: Last Financial Year the fee was \$29.00.</i>   |  |
| 1306   | For each page of copy of a document or documents copied by a person, other than an officer of the Magistrates Court, using a Court photocopier.   | \$0.35 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$0.35.</i>  |  |
| 1307   | For up to 3 attempts to execute process at the same address, whether or not the execution is successful.  | \$378.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$372.00.</i>  |  |
| 1308   | For expenses reasonably incurred by the Court in the execution of process or attempted execution of process for which a fee is payable under the previous item.   | The amount of the expenses   |
|        | <i>Explanatory Note: Last Financial Year the fee was the same.</i>  |  |
| 1309   | Subject to the paragraph below, for the issue of a subpoena in any civil proceedings in the Magistrates Court:  |  |
|        | (a) to give evidence;   |  |
|        | for a natural person  | \$22.00  |
|        | for a corporation   | \$44.00  |
|        | (b) for production and to give evidence;  |  |
|        | for a natural person  | \$45.00  |
|        | for a corporation   | \$90.00  |
|        | (c) for production  |  |
|        | for a natural person  | \$45.00  |
|        | For a corporation   | \$90.00  |
|        | No fee is payable under this item if no fee for filing a document in the proceeding is payable, such as under item 1108.  | (GST is not applicable to any fees for Item 1309)  |
|        | <i>Explanatory Note: Last Financial Year the fees were \$21.50, \$44.50 and \$44.50 for a natural person and \$43.00, \$89.00 and \$89.00 for a corporation.</i>  |  |
| 1309.1 | Fee for applications for a request to the registrar to obtain production of documents under rule 6613 in the Magistrates Court:   |  |
|        | for a natural person  | \$45.00 (GST is not applicable)  |
|        | for a corporation   | \$90.00 (GST is not applicable)  |
|        | <i>Explanatory Note: Last Financial Year the fee was \$44.50 for a natural person and \$89.00 for a corporation.</i>  |  |
| 1310   | For the court undertaking an enforcement hearing examination.   | \$88.00 (GST is not applicable)  |
|        | <i>Explanatory Note: Last Financial Year the fee was \$87.00.</i>   |  |
| 1311   | Subject to the paragraph below, for the issue of a subpoena in any civil proceedings in the Supreme Court or the Court of Appeal:   |  |
|        | (a) to give evidence;   |  |

|        |   |  |
|--------|---|--|
|        | for a natural person  | \$45.00  |
|        | for a corporation   | \$90.00  |
|        | (b) for production and to give evidence;  |  |
|        | for a natural person  | \$89.00  |
|        | for a corporation   | \$178.00   |
|        | (c) for production.   |  |
|        | for a natural person  | \$89.00  |
|        | for a corporation   | \$178.00   |
|        | No fee is payable under this item if no fee for filing a document in relation to the proceeding is payable, such as under item 1211.  | (GST is not applicable to any fee for Item 1311)   |
|        | <i>Explanatory Note: Last Financial Year the fees were \$44.50, \$87.50 and \$87.50 for a natural person and \$89.00, \$175.00 and \$175.00 for a corporation.</i>  |  |
| 1311.1 | Fee for applications for a request to the registrar to obtain production of documents under rule 6613 in the Supreme Court:   |  |
|        | for a natural person  | \$89.00 (GST is not applicable)  |
|        | for a corporation   | \$178.00 (GST is not applicable)   |
|        | <i>Explanatory Note: Last Financial Year the fee was \$87.50 for a natural person and \$175.00 for a corporation.</i>   |  |
| 1312   | For the issuing of a notice of non-party production.  | \$46.00 (GST is not applicable)  |
|        | <i>Explanatory Note: Last Financial Year the fee was \$45.00.</i>   |  |
| 1313   | The Registrar of a court may defer liability for the payment of a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, for any period as necessary or appropriate in the interests of justice if, in the Registrar's opinion, payment cannot be made at the time of the request for the function, facility or service, but payment could be made within a specified period as necessary or appropriate in the interests of justice (or any longer period as necessary or appropriate in the interests of justice) after making of the request. | Nil  |
|        | <i>Explanatory Note: This is the same as previous determination.</i>  |  |
| 1314   | The Registrar of a court may remit or refund a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, where the circumstances warrant and it is in the interests of justice to do so.  | Nil  |
|        | <i>Explanatory Note: This is the same as previous determination.</i>  |  |
| 1315   | The Registrar may impose a minimum filing fee on a person. If the Registrar imposes a minimum filing fee, the person must pay the lower of the prescribed filing fee and the minimum fee. The minimum fee is:   |  |
|        | (a) in the Supreme Court  | \$130.00 (GST is not applicable)   |
|        | (b) in the Magistrates Court  | \$64.00 (GST is not applicable)  |
|        | <i>Explanatory Note: Last Financial Year the fees were \$128.00 and \$63.00 respectively.</i>   |  |
| 1316   | For opening the offices of a court -  |  |
|        | (a) between 4.30 pm and 5.00 pm on a day other than a Saturday, Sunday, public holiday or other closed day;   | \$109.00 (GST is not applicable)   |
|        | (b) at any time -   | \$644.00 for up to 3 hours and \$255.00 for each hour or part thereof after that (GST is not applicable) |
|        | (i) on a Saturday, Sunday, public holiday or other closed day; or   |  |
|        | (ii) outside the hours of 8:30 am to 5.00 pm on a day of the week other than a day referred to in subparagraph (b)(i).  |  |
|        | <i>Explanatory Note: Last Financial Year the fees were \$108.00, \$633.00 and \$251.00 respectively.</i>  |  |
| 1317   | On lodging for assessment a bill of costs as between party and party (any amount)   |  |
|        | for a natural person  | \$263.00 (GST is not applicable)   |
|        | for a corporation   | \$526.00 (GST is not applicable)   |



In addition to the lodgment fee, a taxing fee at the rate of 5% of the bill as drawn is payable at the time of lodgment.

The taxing officer must allow against the person chargeable with the costs as taxed, the taxing fee of 5% of the amount found due on taxation.

If the parties agree on the bill of costs and the appointment is cancelled 10 or more days before the day of the appointment, 80% of the fees paid (both the filing fee and the fee based on 5% of the drawn amount) are to be refunded. If the appointment is cancelled more than 3 days but less than 10 days before the day of the appointment, 50% is to be refunded.

If the appointment is cancelled less than 3 days before the day of the appointment, the fees are not refundable.

*Explanatory Note: Last Financial Year the fee was \$259.00 for a natural person and \$518.00 for a corporation.*

1318 No fee is payable under items 1302 or 1305 by Legal Aid ACT in respect of:

(a) The daily transcript of a Supreme Court trial of a person with a grant of legal assistance from Legal Aid ACT, during the course of that trial.

(b) The transcript of a Magistrate or Supreme Court trial or sentence where there is an appeal to the Supreme Court or Court of Appeal against conviction or sentence in relation to a person with a grant of legal assistance from Legal Aid ACT.

(c) Any other transcript of a criminal proceeding against a person, or civil proceeding involving a person, with a grant of legal assistance from Legal Aid ACT, where that transcript has been ordered by the presiding judge or magistrate

*Explanatory Note: This is the same as previous determination.*