

Attorney General (Fees) Amendment Determination 2009 (No 2)

Disallowable instrument DI2009 - 99

made under the

Agents Act 2003, s 176 (Determination of fees)
Court Procedures Act 2004, s 13 (Determination of fees)

EXPLANATORY STATEMENT

The *Agents Act 2003* provides for fees to be set for the licensing of agents. The *Court Procedures Act 2004* provides for fees to be set in relation to tribunals. The *Attorney General (Fees) Determination 2008* is the instrument used to determine fees in relation to legislation in the Minister's portfolio. As a consequence of the establishment of the ACT Civil and Administrative Tribunal (ACAT), fees previously imposed under replaced jurisdictions were recast as ACAT fees earlier this year.

To assist readers in determining what fees are applicable in relation to enforcement action subsequent to obtaining an order in the ACAT, two notes have been added to the fees determination. These notes direct a reader interested in determining the appropriate fee for enforcement applications to item 178.16 of the fees. In general, no fee is applicable for enforcement action of an ACAT order (save under item 178.16, where a search or seizure action by a sheriff may be entailed – the fee in item 178.16 is the same applicable formerly in the Small Claims Court).

As a consequence of changes to the *Agents Act 2003* in 2008, it is expected that a number of conditional licenses will be issued under that act for people who manage body corporates. The determination sets the fee at the same rate as other persons holding conditional licenses under the Act.

The original fee determination instrument also contains additional explanatory details about each fee determination.