

Court Procedures (Fees) Determination 2015

Disallowable instrument DI2015–137

made under the

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

EXPLANATORY STATEMENT

The Minister has power to determine fees for the purposes of this Act.

Fees in the 2015-16 Financial Year have been generally increased from fees in the previous Financial Year by an indexation of 4% and rounded to an appropriate value.

Item numbers, included in the schedule, column 2, assist to compare past fees set under the Act with those set by this instrument.

Section 15 of the *Court Procedures Act 2004* provides that a determined fee may be remitted or refunded, or liability for its payment deferred, in accordance with the determination that determined the fee. In addition, this section provides for a number of exemptions from paying the determined fee.

In this instrument, corporation includes a body corporate or corporate (*Legislation Act 2001*, definition of 'corporation', dictionary, part 1). This includes companies, incorporated associations, owner corporations under the *Unit Titles Act 2011*, authorities incorporated by statute, corporations sole incorporated by statute, cooperatives etc. However, for items 1000 – 1317, 'corporation' does not include a corporation which:

(a) is incorporated as a not for profit corporation; or

(b) had a turnover of less than \$200,000 in the previous financial year, but both of these are treated as individuals for these items.

Lodgment fee increases for Magistrates Court and Supreme Court civil proceedings

The lodgment fees to initiate civil proceedings in the Magistrates Court (item 1101) and to initiate civil proceedings in the Supreme Court (item 1200) in the 2015-2016 Financial Year for individuals have been increased from fees in the previous Financial Year by an indexation of 4% and then increased by an additional 50% and rounded to an appropriate value.

The lodgment fees for corporations for items 1101 and 1200 for the 2015-2016 Financial Year are twice the amount payable by individuals for the 2015-2016 Financial Year.

The additional revenue to Government from the increases in civil lodgment fees will offset important ACT justice initiatives, the 'Restorative Justice Scheme – Phase 2' and the 'A Fair, Just and Equitable Society – High Density Housing Program'. Both initiatives play an important part in reducing the impact of crime on the community.

The instrument contains further explanatory notes about the fee for various items in the past Financial Year.