

Australian Capital Territory

Court Procedures (Fees) Determination 2017 (No 1)

Disallowable instrument DI2017–20

made under the

Court Procedures Act 2004 s13 (Determination of fees)

EXPLANATORY STATEMENT

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

This instrument revokes DI2016-294, the *Court Procedures (Fees) Determination 2016 (No 3)*. This instrument differs from DI2016-294 as it:

1. amends the wording of items 1102 and 1107.2 in the section Proceedings in the Magistrates Court;
2. adds new item 1214 in the section Proceedings in the Supreme Court; and
3. amends the wording of item 1210.1 in the section Proceedings in the Supreme Court.

Item 1102

Item 1102 set a fee for registering the judgment of another court, excluding ACAT, in the Magistrates Court. This wording was unnecessarily restrictive, as it did not cover the registering of documents such as adjudication certificates obtained under the *Building and Construction Industry (Security of Payment) Act 2009*. While documents such as these cannot be defined as the judgment of another court, they are documents of a very similar nature and effect obtained through an alternative dispute resolution process. The registration of such documents will now be subject to the fees in item 1102.

Item 1214

The gap in the Magistrates Court fee structure, noted in the section above, applied more broadly within the Supreme Court fee structure. Not only was there no fee covering adjudication certificates or similar documents, there was no fee set for registering the judgment of another court.

This has been rectified by the insertion of the new item 1214, which sets a specific fee for the registering of the judgment of another court or of documents of similar nature and effect. The level of fee set is \$156 for a natural person and \$312 for a

corporation. This level of fee is double the level of fee set in item 1102. This represents the same fee ratio between Magistrates Court and Supreme Court fees as between item 1107.2 (applying to enforce a judgment in the Magistrates Court) and item 1210.1 (applying to enforce a judgment in the Supreme Court).

Items 1107.2 and 1210.1

These items set fees for taking actions to enforce judgments in the Magistrates and Supreme Courts respectively. The wording of the items has been amended to ensure consistency with the wording in items 1102 and 1214.