

Court Procedures (Fees) Determination 2018

Disallowable instrument DI 2018-209

made under the

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

EXPLANATORY STATEMENT

Section 13 of the *Court Procedures Act 2004* (the Act) provides that the Minister may determine fees under the Act for a number of purposes, including—

- proceedings in a court or the ACT Civil and Administrative Tribunal (the ACAT) and matters incidental to the proceedings;
- facilities and services provided by the court or the ACAT; and
- the service and execution of the process of a court of the Commonwealth, a State, another Territory or a foreign country.

A determination may provide for—

- exempting people from liability to pay determined fees, completely or partly, in all or particular circumstances;
- remitting, refunding or waiving, by a registrar of a court or the ACAT, determined fees, completely or partly, in particular circumstances;
- deferring by a registrar of a court or the ACAT, liability to pay determined fees, completely or partly, in particular circumstances.

This instrument increases fees for matters in respect of which fees or charges are payable under the Act. Fees in the 2018-19 financial year have been generally increased from fees in the previous financial year by indexation of 4 percent and rounded down to the nearest dollar. Explanatory notes in the Determination list the fees previously determined to enable comparison.

The Determination includes fee changes to better reflect the thresholds around ACAT processes in the civil disputes and residential tenancies jurisdictions. The changes increase the filing fees for larger claims and decrease the filing fees for smaller claims.

The Determination includes changes to simplify the fee structure for applications made in civil proceedings in the Supreme Court by prescribing the same filing fee for such applications regardless of whether the application is heard by a judicial officer or a registrar. It is difficult to determine at the time of lodgement if an application will be heard by a registrar or judicial officer and the previous fee caused complexity and administrative burden.

The Determination changes the headings for Part B and Part C. The previous headings limited the part to applying to “certificates, copies, inspections and transcripts in civil matters” and “service, execution and examinations in civil matters”. All ACAT matters are civil matters and removal of the reference “civil matters” from the headings will avoid confusion in these parts.

The instrument repeals the *Court Procedures (Fees) Determination 2017 (No 3)* DI2017-110.