

Court Procedures (Fees) Determination 2023

Disallowable instrument DI2023–176

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.

The new determination sets the fees that will apply beginning on 1 July 2023 and repeals the *Court Procedures (Fees) Determination 2022 (No 2) DI2022-105*. In most cases, it provides for fee increases in line with annual adjustments to the Wages Price Index (WPI) of 3.75%, rounded down to the nearest dollar for most fees, with the exception of fees that have been consecutively rounded down in previous years by more than \$1.00 which have been rounded up to the nearest dollar.

This approach aligns with the 2022 Treasury Guidelines for Fees and Charges.

Explanatory notes in the determination list the fees previously determined to enable comparison.

Updates to the instrument

The fee item 1210 has been amended to increase the fee for transferring cases from the Magistrates Court to the Supreme Court for the sole purpose of processing a consent judgment that awards an amount of damages that exceeds the Magistrates Court jurisdiction. The increased fee ensures Plaintiffs pay the equivalent of the Supreme Court filing fee when a matter is transferred.

Shane Rattenbury MLA
Attorney-General
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