

# AUSTRALIAN CAPITAL TERRITORY

## *Supreme Court Act 1933*

### DETERMINATION OF FEES AND CHARGES APPLICABLE IN THE SUPREME COURT

NO. 105 OF 1997

#### EXPLANATORY STATEMENT

Subsection 37(1) of the *Supreme Court Act 1933* (the Act) provides that the Attorney-General may, by notice in writing published in the *Gazette*, determine fees and charges for any of the following purposes:

- (a) proceedings in the Court, and matters incidental to such proceedings, including -
  - (i) the admission and enrolment of barristers and solicitors;
  - (ii) the service and execution of the process of the Court; and
  - (iii) the taxation of costs by officers of the Court;
- (b) facilities and services provided by the Court, including the service and execution of the process of any court of the Commonwealth, a State or another Territory, or of any court of a foreign country;
- (c) the general purposes of the Act, the Regulations or the Rules of Court.

Subsection 37(2) of the Act provides that a determination made under subsection 37(1) may provide for matters such as the exemption from liability to pay certain fees, in whole or in part, and for the remission or refund and the deferral of liability for the payment of fees and charges, in whole or in part, by the Registrar in particular circumstances.

#### **Commencement of Determination**

This Determination comes into effect on 1 July 1997 and upon its coming into effect Determination No 165 of 1996 will cease to have effect

#### **Overview of increases in fees and charges and new fees**

Fees have generally been increased by 1.75% and rounded up to the nearest whole dollar. Fees for the copying of documents and for transcripts have not been increased.

#### **Revenue/cost implications**

The increases in fees and charges will result in about \$13,600 per year in additional revenue.

#### **Details**

These are set out in the attachment

Circulated by authority of  
Gary Humphries MLA  
Attorney-General

**SCHEDULE - FEES AND CHARGES TO BE PAID**

Item	Matter in respect of which fee is payable	Fee Payable \$
1.	On filing a document to commence a proceeding in the Court, including a proceeding relating to probate, (other than in respect of a matter referred to in item 2, 3 or 13 or an interlocutory or incidental proceeding in the course of, or in connection with, a proceeding)	494.00
2.	On filing a document to commence an appeal from the Master or the Registrar in an interlocutory proceeding	109.00
3.	On filing a document to commence an appeal from the Master or the Registrar in a proceeding other than an interlocutory proceeding	494.00
4.	For each request for a copy or copies of a document or documents (regardless of the number of documents to which the request relates)	2.00
5.	For each page of copy provided in accordance with a request referred to in item 4	1.00
6.	For each page of copy of a document or documents copied by a person, other than an officer of the Court, using a Court photocopier	0.20
7.	For the issue under Order 39 Rule 25 of the Supreme Court Rules of a subpoena in a civil proceeding:	
	(a) to give evidence	23.00
	(a) for production and to give evidence	45.00
	(b) for production	45.00
	No fee is payable under this item if no fee for filing a document in relation to the proceeding is payable.	
8.	On filing for taxation a bill of costs as between party and party that, as filed, exceeds \$2,000	218.00
9.	For up to 3 attempts to serve process at the same address, whether or not the service is successful	57.00

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Attorney-General's Initials

**SCHEDULE - FEES AND CHARGES TO BE PAID**

Item	Matter in respect of which fee is payable	Fee Payable \$
10.	For up to 3 attempts to execute process at the same address, whether or not the execution is successful	183.00
11.	For expenses reasonably incurred by the Court in the execution of process or attempted execution of process for which a fee is payable under item 10	The amount of the expenses
12.	For opening the offices of the Court -	
	(a) between 9.00 am and 9.15 am or between 4.15 pm and 5.00 pm on a day other than a Saturday, Sunday or public holiday	57.00
	(b) at any time -	
	(i) on a Saturday, Sunday or public holiday; or	
	(ii) outside the hours of 9.00 am to 5.00 pm on a day of the week other than a day referred to in subparagraph 12(b)(i)	112.00
13.	On filing a notice of motion for admission to practise or for enrolment under the <i>Legal Practitioners Act 1970</i> or on lodging a notice seeking registration under the <i>Mutual Recognition (Australian Capital Territory) Act 1992</i>	224.00
14.	For the supply of each certificate of enrolment additional to a certificate provided on the admission, enrolment or registration referred to in item 13	34.00

**EXEMPTION FROM LIABILITY FOR PAYMENT**

No fee for filing a document or fee for the service or execution of process is payable in relation to proceedings under the *Birth (Equality of Status) Act 1988*.

**Note:** other exemptions from the payment of fees are set out in section 37B of the Supreme Court Act.

**DEFERRAL OF LIABILITY FOR PAYMENT**

The Registrar of the Supreme Court may defer liability for the payment of a fee or charge for the performance of a function or the provision of a facility or service, in whole or in part, for a period not in excess of 14 days if, in the Registrar's opinion, payment cannot be made at the time of the request for the function, facility or service but payment could be made within 14 days after the making of the request.

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