



Australian Capital Territory

Supreme Court (Fees) Regulations¹ (Amendment)

Subordinate Law No. 13 of 1993²

The Australian Capital Territory Executive makes the following Regulations under the *Supreme Court Act 1933*.

Dated 26 March 1993.

ROSEMARY FOLLETT
Minister

TERRY CONNOLLY
Minister

Commencement

1. (1) These Regulations, other than regulation 6, commence on 1 April 1993.

(2) Regulation 6 commences on a day fixed by the Minister by notice in the *Gazette*.

Principal Regulations

2. In these Regulations, “Principal Regulations” means the Supreme Court (Fees) Regulations.

Citation

3. Regulation 1 of the Principal Regulations is amended by omitting “Australian Capital Territory”.

Fees

4. Regulation 2 of the Principal Regulations is amended—

(a) by omitting from subregulation (1) “this regulation” and substituting “these Regulations”;

(b) by omitting from subregulation (2) “this regulation” and substituting “these Regulations”;

(c) by omitting paragraph (2) (a) and substituting the following paragraphs:

“(a) an appeal in relation to a matter under the *Children’s Services Act 1986* or the *Mental Health Act 1983*;

(aa) an application under section 35 or 36 of the *Coroners Act 1956*”;

(d) by omitting from paragraph (2) (b) all the words after “decision of” and substituting “the Guardianship and Management of Property Tribunal”;

(e) by omitting paragraphs (2) (c) and (d) and substituting the following paragraphs:

“(c) a proceeding under the *Children’s Services Act 1986*, the *Criminal Injuries Compensation Act 1983*, the *Domestic Violence Act 1986*, the *Guardianship and Management of Property Act 1991*, the *Maintenance Act 1968*, the *Mental Health Act 1983* or Part X of the *Magistrates Court Act 1930*;

(d) adoption proceedings or proceedings under the *Testamentary Guardianship Act 1984*”;

- (f) by omitting paragraph (2) (g) and substituting the following paragraph:
 - “(g) an appeal or other proceeding in respect of a criminal matter;”;
- (g) by omitting from paragraph (2) (h) “or”;
- (h) by omitting from paragraph (2) (i) “subregulation (4)” and substituting “regulation 5”;
- (j) by adding at the end of subregulation (2) the following word and paragraph:
 - “; or (j) an application to the Court for an extension of the time within which a proceeding may be commenced”; and
- (k) by omitting subregulation (4).

Repeal

5. Regulation 3 of the Principal Regulations is repealed and the following regulations are substituted:

Hearing fees

“3. (1) When a date is fixed for the hearing of a matter for which a filing fee is payable, other than a notice of motion for admission to practise under the *Legal Practitioners Act 1970*, the person who initiated the proceedings shall pay a hearing fee unless the Court or Registrar orders that another party to the proceedings pay the fee.

“(2) A person who has paid a hearing fee is entitled to a refund of an amount equal to \$50 less than the fee paid if the Registrar is notified, not later than 10 days (excluding Saturdays, Sundays and public holidays) before the date fixed for the hearing, that the hearing will not proceed, and—

- (a) the hearing does not proceed; or
- (b) the hearing is conducted for the purpose of making consent orders only.

“(3) For the purposes of this regulation, the hearing fee is \$500.

Execution of process

“4. The fee for—

- (a) each execution of process, including up to 2 attempts to execute at the same address as the execution; or

(b) up to 3 attempts to execute process at one address;
is \$50 plus an amount equal to the amount of any expenses reasonably incurred by an officer of the Court in the execution or attempts to execute.

Hardship

“5. A fee that, but for this regulation, would be payable under these Regulations is not payable if the Registrar issues a certificate to the person who would otherwise be required to pay the fee certifying—

- (a) that the person is—
 - (i) a legally assisted person within the meaning of the *Legal Aid Act 1977*; or
 - (ii) a person to whom legal aid has been granted from a legal aid scheme or service approved by the Attorney-General; or
- (b) that the payment of the fee would impose hardship on that person.”.

Addition

6. The Schedule to the Principal Regulations is amended by adding at the end the following item:

“11. For opening the offices of the Court—

- (a) between 9.00 a.m. and 9.15 a.m. or between 4.15 p.m. and 50
5.00 p.m. on a day other than a Saturday, Sunday or public
holiday; or
- (b) at any time— 100”.
 - (i) on a Saturday, Sunday or public holiday; or
 - (ii) outside the hours of 9.00 a.m. to 5.00 p.m. on a day of
the week other than a day referred to in
subparagraph (i)

Substitution

7. The Schedule to the Principal Regulations is repealed and the following Schedule substituted:

SCHEDULE

Regulation 2

FEES TO BE TAKEN BY OFFICERS OF THE COURT

	\$
1. On filing a document whereby a proceeding in the Court (other than a motion referred to in item 4 or an interlocutory or incidental proceeding in the course of, or in connection with, a proceeding) is commenced	330
2. On filing a document to commence an appeal from the Master or the Registrar in an interlocutory proceeding	100
3. On filing a document to commence an appeal from the Master or the Registrar in a proceeding other than an interlocutory proceeding	330
4. On filing a notice of motion for admission to practise or for enrolment, or on lodging an application for registration, under the <i>Legal Practitioners Act 1970</i>	200
5. For the supply of each certificate of enrolment additional to a certificate of enrolment provided on such admission, enrolment or registration	30
6. On filing for taxation a solicitor's bill of costs as between party and party that, as filed, exceeds \$2,000	200
7. 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
8. For each page included in a copy furnished in accordance with a request referred to in item 7	1
9. For each page copied by a person, other than an officer of the Court, using a photocopier at the offices of the Court	0.20
10. For—	50
(a) each service of process, including up to 2 attempts to serve; or	
(b) up to 3 attempts to serve process	

NOTES

1. Statutory Rules 1980 No. 63 of the Commonwealth. See also Commonwealth Statutory Rules 1982 No. 246; 1987 No. 55; 1988 No. 170; 1989 No. 156.
2. Notified in the ACT Gazette on 30 March 1993

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