

## High Court of Australia — Fee changes

The *High Court of Australia (Fees) Regulations 2004* provide for a biennial increase in fees that is next due to take effect on 1 July 2010. New measures in the 2010-2011 Budget also provide for fee increases and other changes to fees. The proposed new amounts and arrangements are set out below.

<i>Item</i>	<i>Document or service</i>		<i>Fee</i>
101	Application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeas corpus or an order for production, a writ of prohibition or an information of quo warranto or like relief	(a) for a corporation	\$5,148
		(b) in any other case	\$2,074
102	Writ of summons or petition	(a) for a corporation	\$5,148
		(b) in any other case	\$1,074
103	Civil leave or civil special leave application	(a) for a corporation	\$5,148
		(b) in any other case	\$2,074
104	Criminal special leave application		\$97
105	Application initiating a proceeding (including removals under section 40 of the Act, but not including an application referred to in another item of this Schedule)	(a) for a corporation	\$5,148
		(b) in any other case	\$2,074
106	Civil notice of appeal	(a) for a corporation	\$5,148
		(b) in any other case	\$2,074
107	Criminal notice of appeal		\$570
108	Certificate of the Registrar other than a certificate of taxation		\$55
109	Taxing a bill of costs: for every \$100 or part of \$100		\$11
201	Searching or inspecting a document mentioned in rule 4.07.4 of the Rules - for each hour or part of an hour		\$18
202	Making a photocopy or office copy of any document - for each page		\$3
203(a)	Copy of reasons for judgment: for each copy in excess of one copy issued to a party to the proceeding; and		\$3

## High Court of Australia — Fee changes (continued)

<i>Item</i>	<i>Document or service</i>	<i>Fee</i>
203(b)	Copy of reasons for judgment: for each copy in excess of one copy of reasons issued to a party to the proceedings; and	\$3
203(c)(i)	Copy of reasons for judgment: in respect of each copy issued for each page in excess of 10 pages; or	\$1
203(c)(ii)	Copy of reasons for judgment: in respect of each copy issued – maximum per copy	\$39
204	Annual subscription for copies of reasons for judgments	\$667
205	Copy of transcript of proceedings prepared by the Court Reporting Service: for each page	\$10
301	For the hearing before the Full Court of a notice of appeal in a criminal proceeding	\$955
302(a)-(c)	For the hearing before the Full Court of: a notice of appeal in relation to a civil proceeding; a petition; or a writ of summons	(a) for a corporation \$4,657 (b) in any other case \$2,328
303(a)-(d)	For the hearing before a single Justice of: an application for an order to show cause in relation to a writ of certiorari, a writ of mandamus, a writ of habeas corpus or an order for production, a writ of prohibition or an information of quo warranto or like relief; or a petition; or a writ of summons; or a summons (other than a summons for directions or a summons mentioned in rule 25.03.1 of the <i>High Court Rules 2004</i> ); for each half day or part of a half day	(a) for a corporation \$777 (b) in any other case \$388
304	For the hearing of a proceeding before the Full Court, (other than an application for leave or special leave to appeal or a criminal appeal or an application for removal under section 40 of the Act) for each day or part of a day (including the first day of the hearing), in addition to any fee payable under item 302	(a) for a corporation \$2,328 (b) in any other case \$1,164

The item numbers above describe items as they currently appear in the Regulations. Item numbers may change when the regulations are amended on 1 July 2010.

### **New fees**

In addition to these increases, the 2010-11 budget provides that certain applications (and other items) that were previously eligible for fee exemptions will be replaced by a flat fee of \$100.

The new fee arrangements are to take effect from 1 July 2010, with the exception of the new fees replacing fee waivers and exemptions which will take effect from 1 September 2010.

## Federal Court of Australia — Fee changes

The *Federal Court of Australia Regulations 2004*, provide for a biennial increase of fees that is next due to take effect on 1 July 2010. New measures in the 2010-2011 Budget also provide for fee increases and other changes to fees. The new fee amounts and arrangements are set out below.

<i>Item</i>	<i>Document or service</i>		<i>Fee</i>
1(a)-(d)	Filing of a document by which a proceeding in the Court is commenced, except: a proceeding or application in item 2, 3, 11; or an appeal from a judgment of the Court or of another court; or an application for leave or special leave to appeal; or an incidental proceeding in the course of, or in connection with, a proceeding	(a) for a corporation (b) in any other case	\$2,142 \$894
2	Filing of an application under section 46PO or 46PP of the <i>Australian Human Rights Commission Act 1986</i>		\$54
4	Filing of an election petition under Schedule 4 to the <i>Aboriginal and Torres Strait Islander Commission Act 1989</i>		\$36
5	Filing of an affidavit or other document originating an application for leave or special leave to appeal	(a) for a corporation (b) in any other case	\$2,134 \$1,203
6	Filing of a notice of appeal instituting an appeal from a judgment of the Court or another court where no fee has been paid under item 5	(a) for a corporation (b) in any other case	\$5,334 \$3,007
7	Filing of a notice of appeal instituting an appeal from a decision of the Administrative Appeals Tribunal	(a) for a corporation (b) in any other case	\$5,334 \$3,007
8	Filing of a notice of appeal in a proceeding in relation to which a fee has been paid under item 5	(a) for a corporation (b) in any other case	\$3,200 \$1,804
9	Filing of an application to review a decision of the Registrar, under subsection 35A(5) of the Act	(a) for a corporation (b) in any other case	\$873 \$436
10	Filing of a notice of motion	(a) for a corporation (b) in any other case	\$657 \$328
11	Filing of an application for an order for substituted service of a bankruptcy notice	(a) for a corporation (b) in any other case	\$438 \$220
12	Filing of a cross-claim	(a) for a corporation (b) in any other case	\$2,142 \$894

## Federal Court of Australia — Fee changes (continued)

<i>Item</i>	<i>Document or service</i>		<i>Fee</i>
13	Setting down for hearing of a proceeding (including an application, appeal, cross-claim or cross-appeal) or an issue in question in a proceeding	(a) for a corporation	\$3,569
		(b) in any other case	\$1,786
14	For the hearing of an application (including a cross-claim) under subsection 35A(5) of the Act - for each half day or part of a half day	(a) for a corporation	\$713
		(b) in any other case	\$356
15	For the hearing of an application (including a cross-claim) other than an application mentioned in item 14, an issue or question in such an application or an appeal (including a cross-appeal) - for each day or part of a day, other than the first day of hearing	(a) for a corporation	\$1,428
		(b) in any other case	\$712
16(a)-(b)	On request, making of a copy or copies of a document or documents filed in, lodged with, or produced to, the Court (regardless of the number of documents to which the request relates)	(a) for the request	\$3
		(b) for each page included in a copy made in accordance with the request	\$1
18	For the seizure and sale of goods by an officer of the Court in the execution of the process of the Court (except in relation to proceedings under the <i>Admiralty Act 1988</i> )		\$777
19	For issuing a subpoena to produce or give evidence		\$73
20	For taxation of a bill of costs in which the amount claimed in the bill is \$10,000 or less		\$848
21	For taxation of a bill of costs in which the amount claimed in the bill is more than \$10,000		\$2,036
22	For mediation by a court officer: for the first attendance at the mediation	(a) for a corporation	\$894
		(b) in any other case	\$446
23	On request, production of files of the Court relating to a proceeding or purported proceeding (unless the request is by, or on behalf of, a party to the proceeding or purported proceeding) for search and inspection		\$35

The item numbers above describe items as they currently appear in the Regulations. Item numbers may change when the regulations are amended on 1 July 2010.

Note that regulation 8 excludes the fees mentioned in items 2, 3 and 17 in Schedule 1 from the application of the biennial increase in fees.

## Federal Court of Australia — Fee changes (continued)

### New fee items

- The 2010-11 Budget provides that certain applications (and other items) that were previously eligible for fee exemptions will be replaced by a flat fee of \$100. In addition, all fee waivers will be replaced by a flat fee of \$100.
- A new system of tiered hearing fees will be introduced for fees listed in item 15 in the Regulations. The fees will be:
  - for the 2nd, 3rd and 4th days, or part of a day – \$1,428 for a corporation and \$712 in any other case
  - for the 5th, 6th, 7th, 8th and 9th days, or part of a day – \$2,568 for a corporation and \$1,184 in any other case, and
  - for the 10th and subsequent days, or part of a day – \$5,068 for a corporation and \$2,384 in any other case.
- A specific fee item will be added for filing a document by which a proceeding under the *Bankruptcy Act 1966* is commenced. This fee will be \$1,983 for a corporation and \$828 in any other case.

### Commencement

The new fee arrangements are to take effect from 1 July 2010, with the exception of the new fees replacing fee waivers and exemptions which will take effect from 1 September 2010.

## Family Court of Australia and other courts provided for by the Family Law Regulations 1984 — Fee changes

The *Family Law Regulations 1984* provide for a biennial increase of fees that is next due to take effect on 1 July 2010. New measures in the 2010-2011 Budget also provide for fee increases and other changes to fees. The new fee amounts and arrangements are set out below.

<i>Prescribing regulation</i>	<i>Document or service</i>	<i>Fee</i>
Reg. 11(1)(a)(i)	Filing fee for a divorce order in relation to a marriage or a decree of nullity of marriage	\$777
Reg. 11(1)(a)(ii)	Hearing fee (if the proceedings are defended): a divorce order in relation to a marriage or a decree of nullity of marriage	\$466
Reg. 11(1)(b)(i)	Filing fee for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage	\$777
Reg. 11(1)(b)(ii)	Hearing fee (if the proceedings are defended) - for a declaration as to the validity of a marriage, a divorce or the annulment of a marriage	\$466
Reg. 11(1)(c)(i)	Filing fee for an Application for Final Orders or a Response to an application for Final orders (in relation to financial or Part VII proceedings)	\$232
Reg. 11(1)(c)(ii)	Hearing fee (if the proceedings are defended) – for an Application for Final Orders (in relation to financial or Part VII proceedings)	\$466
Reg. 11(1)(d)	Hearing fee for an appeal under section 96 of the <i>Family Law Act 1975</i> from a decree of a court of summary jurisdiction	\$466
Reg. 11(1AA)(a)(i)	Filing fee for an application for a divorce order in relation to a marriage or decree of nullity of marriage	\$777
Reg. 11(1AA)(a)(ii)	Hearing fee (if the proceedings are defended) - a divorce order in relation to a marriage or a decree nullity of marriage	\$608
Reg. 11(1AA)(b)(i)	Filing fee for a declaration as to the validity of a marriage or a divorce order or annulment of a marriage	\$777
Reg. 11(1AA)(b)(ii)	Hearing fee (if the proceedings are defended) - a declaration as to the validity of a marriage, a divorce order or annulment of a marriage	\$608
Reg. 11(1AA)(c)(i)	Filing fee for an application for final orders (in relation to financial or Part VII proceedings)	\$243
Reg. 11(1AA)(c)(i)	Filing fee for an application for a response to an application for final orders (in relation to financial or Part VII proceedings)	\$176

## Family Court of Australia and other courts— Fee changes (continued)

Reg. 11(1AA)(c)(ii)	Hearing fee (if the proceedings are defended) - an application for final orders (in relation to financial or Part VII proceedings)	\$608
Reg. 11(1AA)(d)	Hearing fee for an appeal under section 96 of the <i>Family Law Act 1975</i> from a decree of a court of summary jurisdiction	\$608
Reg. 11(1A)	Filing fee for a divorce order in relation to a marriage if instituted in, or transferred to, a prescribed court under paragraph 10A(a) or (c) of the <i>Family Law Regulations 1984</i> or instituted in another court for transfer to a prescribed court in 10A(a) or (c)	\$492
Reg. 16(1)	Court fee for an appeal under section 94 or 94AAA of the <i>Family Law Act 1975</i>	\$956

The item numbers above describe items as they currently appear in the Regulations. Item numbers may change when the regulations are amended on 1 July 2010.

### **New fees**

- The 2010-11 Budget provides that certain applications (and other items) that were previously eligible for fee exemptions will be replaced by a flat fees of \$60. In addition, all fee waivers will be replaced by a flat fee of \$60.
- A fee of \$80 will be introduced for applications for consent orders.
- A new fee will be introduced for each hearing day beyond the first day of hearing, to apply in all hearings. This fee is to be \$608 in the Family Court of Australia and \$466 in proceedings other than proceedings in the Family Court of Australia or the Federal Magistrates Court.
- The Regulations will also be restructured so that all fees will be clearly listed in a schedule to the Regulations.

### **Commencement**

The new fee arrangements are to take effect from 1 July 2010, with the exception of the new fees replacing fee waivers and exemptions which will take effect from 1 September 2010.

## Federal Magistrates Court —Increase in fees

The *Federal Magistrates Regulations 2000* provide for a biennial increase of fees that is next due to take effect on 1 July 2010. New measures in the 2010-2011 Budget also provide for fee increases and other changes to fees. The new fee amounts and arrangements are set out below.

<i>Item</i>	<i>Document or service</i>		<i>Fee</i>
1	Filing a document by which a proceeding in the Federal Magistrates Court (other than a proceeding mentioned in items 2, 2A or 3) seeking final orders is commenced	(a) for a corporation (b) in any other case	\$848 \$426
2	Filing an application under section 46PO or 46PP of the <i>Australian Human Rights Commission Act 1986</i>		\$54
2A	Filing a document by which a proceeding in the Federal Magistrates Court under the <i>Family Law Act 1975</i> for a divorce order is commenced		\$550
3	Filing a document by which a proceeding in the Federal Magistrates Court under the <i>Family Law Act 1975</i> about a financial matter or a matter under Part VII is commenced		\$243
4	Filing a document seeking interlocutory, interim or procedural orders (other than a proceeding under the <i>Family Law Act 1975</i> or a proceeding mentioned in item 2)	(a) for a corporation (b) in any other case	\$509 \$254
4A	Filing an application to review an exercise of power by the Registrar, under subsection 104(2) of the Act (other than in relation to family law or child support proceedings)	(a) for a corporation (b) in any other case	\$509 \$254
5	Setting down for hearing of final orders of a proceeding or an issue in question in a proceeding (other than a proceeding under the <i>Bankruptcy Act 1966</i> or a proceeding mentioned in item 2 or 5A)	(a) for a corporation (b) in any other case	\$1,018 \$509
5A	Setting down fee for hearing for final orders of a proceeding or issue in question in proceeding under the <i>Family Law Act 1975</i> (other than an undefended proceeding)		\$444
6	Filing, by a person other than the applicant, a document seeking the making of final orders different from those sought by the applicant (otherwise than in a proceeding under the <i>Family Law Act 1975</i> or a proceeding mentioned in item 2)	(a) for a corporation (b) in any other case	\$848 \$426

## Federal Magistrates Court — Increase in fees (continued)

7	Filing, by a person other than the applicant, a document seeking the making of final orders different from those sought by the applicant in a proceeding under the <i>Family Law Act 1975</i> about a financial matter or under Part VII	\$176				
8	Mediation by a court officer of the Federal Magistrates Court (otherwise than in a proceeding under the <i>Family Law Act 1975</i> or a proceeding mentioned in item 2): for the first attendance at the mediation	\$338				
10	Seizure and sale of goods by an officer of the Federal Magistrates Court in the execution of the process of the Court (in a proceeding other than a proceeding under the <i>Admiralty Act 1988</i> or the <i>Family Law Act 1975</i> or a proceeding mentioned in item 2)	\$388				
11	Filing of an application for an order for substituted service of a bankruptcy notice	<table border="0" style="margin-left: 20px;"> <tr> <td style="padding-right: 10px;">(a) for a corporation</td> <td style="text-align: right;">\$221</td> </tr> <tr> <td style="padding-right: 10px;">(b) in any other case</td> <td style="text-align: right;">\$110</td> </tr> </table>	(a) for a corporation	\$221	(b) in any other case	\$110
(a) for a corporation	\$221					
(b) in any other case	\$110					

Note that regulation 14 of the *Federal Magistrates Regulations 2000* excludes the fees mentioned in item 2, 9 and 12 of Schedule 1 from the application of the biennial increase in fees.

The item numbers above describe items as they currently appear in the Regulations. Item numbers may change when the regulations are amended on 1 July 2010.

### **New fees**

- The 2010-11 Budget provides that certain applications (and other items) that were previously eligible for fee exemptions will be replaced by flat fees of \$60 for family law matters and \$100 for general law matters.
- In addition, all fee waivers will be replaced by flat fees of \$60 for family law matters and \$100 for general law matters.
- A new fee will be introduced for each hearing day beyond the first day of hearing, to apply in all hearings. This fee will be:
  - For general matters – \$1,018 for a corporation and \$509 in any other case, and
  - For a proceeding under the *Family Law Act 1975* – \$444.
- A specific fee item will be added for filing a document by which a proceeding under the *Bankruptcy Act 1966* is commenced. This fee will be \$1,983 for a corporation and \$828 in any other case.

### **Commencement**

The new fee arrangements are to take effect from 1 July 2010, with the exception of the new fees replacing fee waivers and exemptions which will take effect from 1 September 2010.

## **Administrative Appeals Tribunal — Increase in fees**

The *Administrative Appeals Tribunal Regulations 1976* provide for a biennial increase of fees that is next due to take effect on 1 July 2010. New measures in the 2010-2011 Budget also provide for fee increases and other changes to fees. The new fee amounts and arrangements are set out below.

<i>Prescribing regulation</i>	<i>Description</i>	<i>Fee</i>
Reg. 19(1)	Standard application fee	\$777
Reg. 19AA(2)(a)	Lower application fee	\$77
Reg. 19AA(2)(b)	Standard application fee	\$777

### **New fee items**

- The 2010-11 Budget provides that certain applications (and other items) that were previously eligible for fee exemptions will be replaced by a flat fee of \$100. In addition, all fee waivers will be replaced by a flat fee of \$100. The \$100 flat fee will not apply to applications which are exempt due to the operation of Schedule 3 of the *Administrative Appeals Tribunal Regulations 1976*.
- A discretionary fee of \$2500 may be imposed on agencies where;
  - an application is made to the AAT by the individual(s)/parties affected by a decision or an application is made by the decision-maker; and
  - the AAT reviews the decision and makes a decision which is adverse to the decision-maker.

In deciding whether or not to impose the fee, the AAT may consider relevant factors including whether the matter involved a genuine dispute about an issue of law on which reasonable minds could differ; whether the person who made the decision had made reasonable efforts to achieve settlement that were not accepted; and whether new information was brought before the Tribunal that was not available to the person who made the decision.

### **Commencement**

The new application fees are to take effect from 1 July 2010, with the exception of the new fees replacing fee waivers and exemptions which will take effect from 1 September 2010. The commencement date for the discretionary fee of \$2500 is still to be determined.

## **National Native Title Tribunal — Biennial increase in fees**

The *Native Title (Tribunal) Regulations 1993* provide for a biennial increase of fees that is next due to take effect on 1 July 2010.

<i>Prescribing regulation</i>	<i>Document or service</i>	<i>Fee</i>
Reg. 7	Application fee	\$719

### **Commencement**

The new fee arrangements are to take effect from 1 July 2010.