

# **Federal Proceedings (Costs) Regulations 1991 No. 267**

## **EXPLANATORY STATEMENT**

### **Federal Proceedings (Costs) Regulations 1991**

#### **Statutory Rules 1991 No. 267**

Issued by the authority of the Minister for Justice and Consumer Affairs

#### Federal Proceedings (Costs) Act 1981

#### Federal Proceedings (Costs) Regulations

Section 22 of the Federal Proceedings (Costs) Act 1981, (the Act), empowers the Governor-General to make regulations, not inconsistent with the Act, prescribing, inter alia, matters which are convenient to be prescribed for giving effect to the Act.

Sections 6 to 9 of the Act provide for the Commonwealth to pay the costs of parties to an appeal from a Federal or Territory Court (other than a Court of the Northern Territory or Norfolk Island) where an appeal succeeds on a question of law or on the quantum of damages and the Court in its discretion issues a certificate.

The present maximum amounts payable are set out in the Schedule to the Act. They range from \$1,000-00 in the lower court of a Territory to \$5,000-00 in the High Court. Those limits have applied from 14 April 1981 when the Act came into operation.

They may be increased by regulation. The purpose of the proposed Regulations is to double the maximum amounts available for each court. The increase of 100% would apply to costs certificates granted in respect of appeals decided on and after the commencement of the Regulations.

Details of the proposed Regulations are at attachment A.