

Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 21 June 2018

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Christian Porter

Attorney‑General

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1 Name

This instrument is the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018*.

2 Commencement

(1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | 1 July 2018. | 1 July 2018 |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

(2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

(a) the *Administrative Appeals Tribunal Act 1975*;

(b) the *Family Law Act 1975*;

(c) the *Federal Circuit Court of Australia Act 1999*;

(d) the *Federal Court of Australia Act 1976*;

(e) the *Judiciary Act 1903*;

(f) the *Migration Act 1958*;

(g) the *Native Title Act 1993*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Administrative Appeals Tribunal Regulation 2015

1 Subsection 20(1)

Omit “$861”, substitute “$920”.

2 Subsection 20(2)

Omit “$85”, substitute “$91”.

3 Subparagraphs 20(2)(a)(i) and (ii)

Omit “$5 000”, substitute “$5,000”.

4 Section 25 (heading)

Omit “**$5 000**”, substitute “**$5,000**”.

5 Paragraphs 25(1)(a) and (b)

Omit “$5 000”, substitute “$5,000”.

6 Section 27 (heading)

Omit “**Biennial**”, substitute “**Annual**”.

7 Subsection 27(1)

Omit “1 July 2016 and each second”, substitute “1 July 2019 and each”.

8 Subsection 27(2)

Omit “indexation year”, substitute “indexation day”.

9 Subsection 27(2) (definition of *base quarter*)

Omit “2 years”, substitute “1 year”.

10 In the appropriate position in Part 8

Insert:

33 Application provision in relation to the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018*

Despite the amendments of section 20 made by Schedule 1 to the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018*, that section, as in force immediately before the commencement of that Schedule, continues to apply in relation to an application made before 1 July 2018.

Family Law (Fees) Regulation 2012

11 Section 2.13 (heading)

Omit “**Biennial**”, substitute “**Annual**”.

12 Subsection 2.13(1)

Omit “1 July 2014, and on each second”, substitute “1 July 2019, and on each”.

13 Subsection 2.13(9) (definition of *relevant period*)

Repeal the definition, substitute:

***relevant period*** means a financial year starting on or after 1 July 2018.

14 After Part 2

Insert:

Part 3—Application, saving and transitional provisions

3.01 Application provision in relation to the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018*

The amendments of Schedule 1 made by the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018* apply in relation to the liability of a person to pay any of the following fees:

(a) a filing fee for filing a document on or after 1 July 2018;

(b) a setting down fee for a hearing if the hearing day is fixed on or after 1 July 2018;

(c) a hearing fee for a day, or a part of a day, if the day (or part of the day) is fixed on or after 1 July 2018;

(d) a conciliation conference fee for a conference fixed on or after 1 July 2018;

(e) any other fee under this regulation for a service provided on or after 1 July 2018.

15 Schedule 1 (cell at table item 1, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) general fee—$1,275  (b) reduced fee—$425 |

16 Schedule 1 (cell at table item 2, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) general fee—$900  (b) reduced fee—$300 |

17 Schedule 1 (table item 3, column headed “Fee”)

Omit “$1,135”, substitute “$1,275”.

18 Schedule 1 (table items 4 and 5, column headed “Fee”)

Omit “$305”, substitute “$345”.

19 Schedule 1 (table item 6, column headed “Fee”)

Omit “$145”, substitute “$165”.

20 Schedule 1 (table items 7 and 8, column headed “Fee”)

Omit “$1,205”, substitute “$1,360”.

21 Schedule 1 (table item 9, column headed “Fee”)

Omit “$105”, substitute “$120”.

22 Schedule 1 (table item 10, column headed “Fee”)

Omit “$500”, substitute “$565”.

23 Schedule 1 (table item 10A)

Repeal the item, substitute:

|  |  |  |
| --- | --- | --- |
| 10A | Filing an application to register a New Zealand judgment under the *Trans‑Tasman Proceedings Act 2010* | $110 |

24 Schedule 1 (cells at table items 11 to 13, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for hearing before a judge—$860  (b) for hearing before a magistrate—$630 |

25 Schedule 1 (table item 14, column headed “Fee”)

Omit “$765”, substitute “$860”.

26 Schedule 1 (cells at table items 15 to 17, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for hearing before a judge—$860  (b) for hearing before a magistrate—$630 |

27 Schedule 1 (table item 18, column headed “Fee”)

Omit “$765”, substitute “$860”.

28 Schedule 1 (table item 19, column headed “Fee”)

Omit “$50”, substitute “$55”.

29 Schedule 1 (table item 20, column headed “Fee”)

Omit “$350”, substitute “$395”.

Federal Court and Federal Circuit Court Regulation 2012

30 Section 1.03

Insert:

***relevant period*** means a financial year starting on or after 1 July 2018.

31 Paragraphs 2.08(2)(a) to (c)

Omit “judgement”, substitute “judgment”.

32 Paragraph 2.13(1)(b)

Omit “judgement”, substitute “judgment”.

33 Section 2.20 (heading)

Omit “**Biennial**”, substitute “**Annual**”.

34 Subsection 2.20(1)

Omit “1 July 2016, and on each second”, substitute “1 July 2019, and on each”.

35 Subsection 2.20(6) (definition of *relevant period*)

Repeal the definition.

36 Section 3.04 (heading)

Omit “**Biennial**”, substitute “**Annual**”.

37 Subsection 3.04(1)

Omit “1 July 2014, and on each second”, substitute “1 July 2019, and on each”.

38 Subsection 3.04(6) (definition of *relevant period*)

Repeal the definition.

39 In the appropriate position in Part 5

Insert:

5.04 Application provision in relation to the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018*

The amendments of Schedule 1 made by the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018* apply in relation to the liability of a person to pay any of the following fees:

(a) a filing fee for filing a document on or after 1 July 2018;

(b) a setting down fee for a hearing if the hearing day is fixed on or after 1 July 2018;

(c) a hearing fee for a day, or a part of a day, if the day (or part of the day) is fixed on or after 1 July 2018;

(d) a mediation fee for an attendance fixed on or after 1 July 2018;

(e) any other fee under this regulation for a service provided on or after 1 July 2018.

40 Part 1 of Schedule 1 (cell at table item 101, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$4,045  (b) in any other case—$1,390 |

41 Part 1 of Schedule 1 (table item 105, column headed “Fee”)

Omit “$405”, substitute “$445”.

42 Part 1 of Schedule 1 (cell at table item 106, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$4,035  (b) in any other case—$1,870 |

43 Part 1 of Schedule 1 (cell at table item 108, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$10,095  (b) in any other case—$4,675 |

44 Part 1 of Schedule 1 (cell at table item 109, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$6,065  (b) in any other case—$2,805 |

45 Part 1 of Schedule 1 (cell at table item 110, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$1,645  (b) in any other case—$675 |

46 Part 1 of Schedule 1 (cell at table item 111, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$1,240  (b) in any other case—$505 |

47 Part 1 of Schedule 1 (cell at table item 112, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$5,630  (b) for a corporation—$3,755  (c) for a public authority—$3,755  (d) in any other case—$1,565 |

48 Part 1 of Schedule 1 (cell at table item 113, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$1,250  (b) for a corporation—$830  (c) for a public authority—$830  (d) in any other case—$350 |

49 Part 1 of Schedule 1 (cell at table item 114, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$4,045  (b) in any other case—$1,390 |

50 Part 1 of Schedule 1 (cells at table items 115 to 115B, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for a corporation—$7,085  (b) in any other case—$2,570 |

51 Part 1 of Schedule 1 (table item 115C, column headed “Fee”)

Omit “$110”, substitute “$125”.

52 Part 1 of Schedule 1 (cell at table item 116, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$6,760  (b) in any other case—$2,780 |

53 Part 1 of Schedule 1 (cells at table items 117 and 118, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for a corporation—$2,700  (b) in any other case—$1,100 |

54 Part 1 of Schedule 1 (cell at table item 119, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$4,870  (b) in any other case—$1,845 |

55 Part 1 of Schedule 1 (cell at table item 120, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$9,595  (b) in any other case—$3,710 |

56 Part 1 of Schedule 1 (cell at table item 121, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$14,395  (b) in any other case—$5,565 |

57 Part 1 of Schedule 1 (cell at table item 121A, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$4,060  (b) for a corporation—$2,700  (c) for a public authority—$2,700  (d) in any other case—$1,100 |

58 Part 1 of Schedule 1 (cell at table item 122, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$2,700  (b) in any other case—$1,100 |

59 Part 1 of Schedule 1 (table item 125, column headed “Fee”)

Omit “$1 090”, substitute “$1,210”.

60 Part 1 of Schedule 1 (cell at table item 126, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$235  (b) in any other case—$120 |

61 Part 1 of Schedule 1 (cell at table item 127, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$780  (b) for a corporation—$510  (c) for a public authority—$510  (d) in any other case—$255 |

62 Part 1 of Schedule 1 (table items 128 to 131)

Repeal the items, substitute:

|  |  |  |
| --- | --- | --- |
| 128 | For taxation of a bill of costs in which the amount claimed in the bill is $10,000 or less | $1,320 |
| 129 | For taxation of a bill of costs in which the amount claimed in the bill is more than $10,000 and no more than $100,000 | $4,515 |
| 130 | For taxation of a bill of costs in which the amount claimed in the bill is more than $100,000 and no more than $500,000 | $5,155 |
| 131 | For taxation of a bill of costs in which the amount claimed in the bill is more than $500,000 | $5,805 |

63 Part 1 of Schedule 1 (cell at table item 132, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$2,115  (b) in any other case—$905 |

64 Part 1 of Schedule 1 (note)

Omit “biennial”, substitute “annual”.

65 Part 2 of Schedule 1 (cell at table item 201, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$1,605  (b) in any other case—$665 |

66 Part 2 of Schedule 1 (table item 203, column headed “Fee”)

Omit “$230”, substitute “$255”.

67 Part 2 of Schedule 1 (cells at table items 204 and 205, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for a corporation—$965  (b) in any other case—$390 |

68 Part 2 of Schedule 1 (cell at table item 206, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$5,630  (b) for a corporation—$3,755  (c) for a public authority—$3,755  (d) in any other case—$1,565 |

69 Part 2 of Schedule 1 (cell at table item 207, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$1,605  (b) in any other case—$655 |

70 Part 2 of Schedule 1 (cell at table item 208, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$630  (b) for a corporation—$420  (c) for a public authority—$420  (d) in any other case—$165 |

71 Part 2 of Schedule 1 (table items 211 to 214)

Repeal the items, substitute:

|  |  |  |
| --- | --- | --- |
| 211 | Filing of an application under section 539 of the *Fair Work Act 2009* if the applicant indicates that the applicant wants the small claims procedure under section 548 of that Act to apply and the claim is less than $10,000 | $235 |
| 212 | Filing of an application under section 539 of the *Fair Work Act 2009* if the applicant indicates that the applicant wants the small claims procedure under section 548 of that Act to apply and the claim is between $10,000 and $20,000 | $385 |
| 213 | Filing of an application under the *National Consumer Credit Protection Act 2009* if the applicant indicates that the applicant wants the small claims procedure under section 199 of that Act to apply and the claim is less than $10,000 | $235 |
| 214 | Filing of an application under the *National Consumer Credit Protection Act 2009* if the applicant indicates that the applicant wants the small claims procedure under section 199 of that Act to apply and the claim is between $10,000 and $20,000 | $385 |

72 Part 2 of Schedule 1 (table item 214A, column headed “Fee”)

Omit “$110”, substitute “$125”.

73 Part 2 of Schedule 1 (cells at table items 215 and 216, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for a corporation—$1,920  (b) in any other case—$795 |

74 Part 2 of Schedule 1 (cell at table item 217, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$2,895  (b) for a corporation—$1,920  (c) for a public authority—$1,920  (d) in any other case—$795 |

75 Part 2 of Schedule 1 (cell at table item 218, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$1,920  (b) in any other case—$795 |

76 Part 2 of Schedule 1 (table item 221, column headed “Fee”)

Omit “$545”, substitute “$610”.

77 Part 2 of Schedule 1 (cell at table item 222, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a corporation—$155  (b) in any other case—$80 |

78 Part 2 of Schedule 1 (cell at table item 223, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$780  (b) for a corporation—$510  (c) for a public authority—$510  (d) in any other case—$255 |

79 Part 2 of Schedule 1 (table item 224, column headed “Fee”)

Omit “$480”, substitute “$535”.

80 Part 2 of Schedule 1 (note)

Omit “biennial”, substitute “annual”.

81 Schedule 2 (table item 2, column headed “Amount payable”)

Omit “$100”, substitute “$113”.

82 Schedule 2 (table item 3, column headed “Amount payable”)

Omit “$110”, substitute “$124”.

83 Schedule 2 (table item 4, column headed “Amount payable”)

Omit “$122”, substitute “$137”.

High Court of Australia (Fees) Regulation 2012

84 Subsection 10(4)

Omit “judgement”, substitute “judgment”.

85 Section 16 (heading)

Omit “**Biennial**”, substitute “**Annual**”.

86 Subsection 16(1)

Omit “1 July 2014, and on each second”, substitute “1 July 2019, and on each”.

87 Subsection 16(9) (definition of *relevant period*)

Repeal the definition, substitute:

***relevant period*** means a financial year starting on or after 1 July 2018.

88 In the appropriate position in Part 3

Insert:

20 Application provision in relation to the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018*

The amendments of Schedule 1 made by the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018* apply in relation to the liability of a person to pay any of the following fees:

(a) a filing fee for filing a document on or after 1 July 2018;

(b) a hearing fee for a hearing, a day or a part of a day, if the hearing, day or part of the day is fixed on or after 1 July 2018;

(c) a fee (other than a fee mentioned in item 204 of Schedule 1) for obtaining a document on or after 1 July 2018;

(d) a fee mentioned in item 204 of Schedule 1 for a service requested on or after 1 July 2018;

(e) any other fee under this regulation for a service provided on or after 1 July 2018.

89 Part 1 of Schedule 1 (cells at table items 101 to 103, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for a publicly listed company—$15,035  (b) for a corporation—$10,015  (c) in any other case—$3,320  (d) financial hardship fee—$1,105 |

90 Part 1 of Schedule 1 (cell at table item 104, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) general fee—$140  (b) financial hardship fee—$45 |

91 Part 1 of Schedule 1 (cells at table items 105 and 106, column headed “Fee”)

Repeal the cells, substitute:

|  |
| --- |
| (a) for a publicly listed company—$15,035  (b) for a corporation—$10,015  (c) in any other case—$3,320  (d) financial hardship fee—$1,105 |

92 Part 1 of Schedule 1 (cell at table item 107, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) general fee—$795  (b) financial hardship fee—$265 |

93 Part 1 of Schedule 1 (cell at table item 108, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) general fee—$1,330  (b) financial hardship fee—$440 |

94 Part 1 of Schedule 1 (cell at table item 109, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$20,400  (b) for a corporation—$13,595  (c) in any other case—$5,580  (d) financial hardship fee—$1,860 |

95 Part 1 of Schedule 1 (cell at table item 110, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$6,790  (b) for a corporation—$4,530  (c) in any other case—$1,855  (d) financial hardship fee—$615 |

96 Part 1 of Schedule 1 (cell at table item 111, column headed “Fee”)

Repeal the cell, substitute:

|  |
| --- |
| (a) for a publicly listed company—$2,270  (b) for a corporation—$1,510  (c) in any other case—$625  (d) financial hardship fee—$205 |

97 Part 2 of Schedule 1 (table item 201, column headed “Fee”)

Omit “$20”, substitute “$27”.

98 Part 2 of Schedule 1 (table item 202, column headed “Fee”)

Omit “$3”, substitute “$4”.

99 Part 2 of Schedule 1 (table items 203 and 204)

Repeal the items, substitute:

|  |  |  |
| --- | --- | --- |
| 203 | Copy of reasons for judgment: |  |
|  | (a) for each copy issued to a person not a party to the proceedings; and | $4 |
|  | (b) for each copy after the first copy issued to a party to the proceeding; and | $4 |
|  | (c) in relation to each copy issued: |  |
|  | (i) for each page in excess of 10 pages; or | $1 |
|  | (ii) maximum per copy | $60 |
| 204 | Annual subscription for copies of reasons for judgments | $1,070 |

100 Part 2 of Schedule 1 (table item 205, column headed “Fee”)

Omit “$12”, substitute “$16”.

101 Part 2 of Schedule 1 (table item 206, column headed “Fee”)

Omit “$65”, substitute “$90”.

102 Part 2 of Schedule 1 (table item 207, column headed “Fee”)

Omit “$15”, substitute “$20”.

103 Part 2 of Schedule 1 (table item 208, column headed “Fee”)

Omit “$20”, substitute “$27”.

Migration Regulations 1994

104 Subregulation 4.13(1)

Omit “$1,540”, substitute “$1,764”.

105 Regulation 4.13A (heading)

Omit “**Biennial**”, substitute “**Annual**”.

106 Regulation 4.13A

Omit “biennial anniversary of 1 July 2011”, substitute “1 July, starting on 1 July 2019”.

107 Subregulation 4.13B(5) (definition of *relevant period*)

Repeal the definition, substitute:

***relevant period*** means a financial year starting on or after 1 July 2018.

108 Subregulation 4.14(1) (table items 1, 5 and 6, column headed “the amount to be refunded is …”)

Omit “mentioned in subregulation 4.13(1)”, substitute “the applicant was required to pay by regulation 4.13”.

109 Paragraph 4.31B(1)(c)

Omit “$1,540”, substitute “$1,764”.

110 Regulation 4.31BA (heading)

Omit “**Biennial**”, substitute “**Annual**”.

111 Regulation 4.31BA

Omit “biennial anniversary of 1 July 2011”, substitute “1 July, starting on 1 July 2019”.

112 Subregulation 4.31BB(5) (definition of *relevant period*)

Repeal the definition, substitute:

***relevant period*** means a financial year starting on or after 1 July 2018.

113 In the appropriate position in Schedule 13

Insert:

Part 74—Amendments made by the Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018

7401 Operation of Schedule 1

The amendments of regulations 4.13 and 4.31B made by Schedule 1 to the *Court and Tribunal Legislation Amendment (Fees and Juror Remuneration) Regulations 2018* apply in relation to an application for review made on or after 1 July 2018.

Native Title (Tribunal) Regulations 1993

114 Regulation 7

Omit “$719”, substitute “$851”.

115 Regulation 16 (heading)

Omit “**Biennial**”, substitute “**Annual**”.

116 Regulation 16

Omit “biennial anniversary of 1 July 1996”, substitute “1 July, starting on 1 July 2019”.

117 Subregulation 17(1) (definition of *relevant period*)

Repeal the definition, substitute:

***relevant period*** means a financial year starting on or after 1 July 2018.