



## Federal Court of Australia

# Paying Court Fees by Invoice

### Introduction

Under regulation 12 of the Federal Court of Australia Regulations 2004, the Registrar may allow a litigant or legal representative to be an approved user who may be invoiced for filing and other fees at the end of the month in which those fees were incurred.

### Who can be an approved user?

The Regulations provide that an approved user may be a litigant or a legal practitioner who is approved by the Registrar having regard to the following criteria.

- The litigant's or legal practitioner's financial history with the Court, including frequency of dealings and whether fees have been paid or not.
- Whether the litigant or legal practitioner is willing and able to provide a guarantee for payment of fees.
- Whether the litigant or legal practitioner is, or is likely to be, a regular user of the court services.
- The financial circumstances of the litigant or legal practitioner.
- The credit worthiness of the litigant or legal practitioner.
- Any other matter the Registrar considers relevant.

### What are the usual terms and conditions?

Regulation 12(7) provides that an approval may be subject to conditions specified in the approval. The usual terms and conditions specified in the approval are set out below.

1. Court fees will be charged for the items and in the amounts prescribed by Schedule 1 to the Regulations (as adjusted from time to time in accordance with regulation 8).
2. Court fees are GST exempt.
3. The Court will issue an invoice/statement to an approved user within 5 working days of the end of each month showing all fee transactions charged to the approved user's account during the month.
4. Fees are due and payable within 30 days from the date of the invoice/statement.
5. Fees not received within 30 days from the invoice/statement date will be considered to be overdue.
6. An approved user who is a litigant is responsible for and guarantees the payment within the time specified in paragraph 4 above of all fees charged to their account.

7. An approved user who is a legal practitioner is responsible for and guarantees the payment within the time specified in paragraph 4 above of all fees incurred by their clients and which are charged to the approved user's account.
8. An approved user whose account is not paid within 30 days from the date of the invoice/statement will cease to be an approved user (in accordance with subregulation 12(4)), have their account suspended and must pay future Court fees in accordance with regulation 9.
9. Under subregulation 14 (4), any unpaid fees are a debt due to the Commonwealth and will be subject to such recovery action as may be necessary.
10. An approved user's credit worthiness will be reviewed annually to ascertain whether there has been any change in the user's circumstances that may require the cessation of, or a change in the conditions applying to, the approval.
11. The amount of fees that an approved user may incur in any month will be subject to the credit limit specified in the notice of approval.
12. Accounts are to be paid by direct transfer into the bank account of the Federal Court of Australia stipulated in the notice of approval.
13. The Court may withdraw the provision of credit facilities to an approved user upon giving 28 days notice of its intention to do so.
14. An approved user may write to the Court giving 28 days notice that the approved user wishes the approval to be revoked.

### **Ceasing to be an approved user**

A litigant or legal representative will cease to be an approved user if:

- Any invoiced fees payable by the litigant or legal representative are not paid within 30 days from the date of the invoice/statement.
- The litigant or legal representative writes to the Court asking that the approval be revoked.
- The Court revokes the approval upon giving the litigant or legal representative 28 days written notice of its intention to do so.

### **Application form and further information**

A litigant or legal practitioner who is, or likely to be, a regular user of the Court may apply to become an approved user by completing the Credit Account Application Form and returning it to:

Finance Section  
Federal Court of Australia  
Locked Bag A6000  
Sydney South NSW 1235

For further information, please contact Colm Ryan at [Colm.Ryan@fedcourt.gov.au](mailto:Colm.Ryan@fedcourt.gov.au)