

## 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

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.

### **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.