



New South Wales

Supreme Court (Fees and Percentages) Amendment (Reduction and Waiver) Regulation 2000

under the

Supreme Court Act 1970

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Supreme Court Act 1970*.

J. W. SHAW, Q.C., M.L.C.,
Attorney General

Explanatory note

The objects of this Regulation are:

- (a) to provide that a reference to a corporation in Schedule 1 to the *Supreme Court (Fees and Percentages) Regulation 1993 (the Regulation)* does not include a reference to a corporation whose turnover in a particular financial year was less than \$200,000, and
- (b) to provide for the postponement or waiver of filing fees in the Supreme Court if the persons by or on whose behalf the documents are to be filed are holders of a card issued by the Commonwealth Government that entitles the holder to Commonwealth health concessions, and
- (c) to provide that the fee payable by an applicant that is not a corporation for filing, in the Supreme Court, an application for an order referring an action to arbitration is half of the fee currently payable, and
- (d) to omit an unnecessary definition.

Schedule 1 to the Regulation sets out the fees to be taken in respect of the business of the Supreme Court (except fees chargeable in the Sheriff's Office). The provision referred to in objective (a) is of significance because some of the

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fees set out in Schedule 1 are double the amount that they would be if the person liable to pay the fees were not a corporation.

The provision referred to in objective (b) is similar to a provision that currently applies to a person who is being represented under a pro bono scheme. However, while the provision relating to pro bono matters is limited to certain fees, the new provision extends to all fees payable in respect of the business of the Court.

The provision referred to in objective (c) retains the higher fee for applicants that are corporations.

This Regulation is made under the *Supreme Court Act 1970*, and, in particular, under section 130 (Fees and percentages).

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1 Name of Regulation

This Regulation is the *Supreme Court (Fees and Percentages) Amendment (Reduction and Waiver) Regulation 2000*.

2 Amendment of Supreme Court (Fees and Percentages) Regulation 1993

The *Supreme Court (Fees and Percentages) Regulation 1993* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

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(Clause 2)

[1] **Clause 1 Definitions**

Omit the definition of *agent*.

[2] **Clause 3 Fees chargeable**

Insert at the end of clause 3:

- (2) However, a reference in that Schedule to a corporation does not include a reference to a corporation that produces evidence, satisfactory to a registrar:
 - (a) that its turnover, in the financial year of the corporation immediately preceding the financial year in which the fees are to be taken, was less than \$200,000, or
 - (b) if the corporation has not been in existence for a full financial year—that its turnover in its first financial year is likely to be less than \$200,000.

[3] **Clause 4B**

Insert after clause 4A:

4B Postponement of fees in certain other cases

- (1) The taking of any fee in respect of the business of the Court in relation to proceedings involving a pensioner party is, if the fee is payable by the pensioner party, to be postponed until judgment has been given in the proceedings.
- (2) The fee is not to be taken at all, or if taken must be remitted, if:
 - (a) judgment in the proceedings is against the pensioner party, or
 - (b) judgment is in favour of the pensioner party, but damages are not awarded (or only nominal damages

are awarded) in his or her favour and costs are not awarded in his or her favour.

- (3) A registrar or clerk must not refuse to file or issue any document relevant to proceedings merely because, in accordance with this clause, a fee in respect of any business of the Court has not been taken on behalf of a pensioner party to those proceedings.
- (4) Despite clause 7A, the Court must not refuse to allocate a date for hearing proceedings merely because, in accordance with this clause, a hearing allocation fee has not been taken on behalf of a pensioner party to those proceedings.
- (5) For the purpose of this clause, a party to proceedings is a ***pensioner party*** if he or she is the holder of any card issued by the Commonwealth Government that entitles the holder to Commonwealth health concessions.

[4] Schedule 1 Court Fees

Insert “(in the case of corporation) or 297.50 (in any other case)” after “595” in item 5.