



# **Federal Court and Federal Circuit Court Regulation 2012**

**Select Legislative Instrument No. 280, 2012 as amended**

made under the

*Federal Court of Australia Act 1976 and the Federal Circuit Court of  
Australia Act 1999*

**Compilation start date:** 11 October 2013

**Includes amendments up to:** SLI No. 51, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### **This compilation**

This is a compilation of the *Federal Court and Federal Circuit Court Regulation 2012* as in force on 11 October 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 11 October 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

### **Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

### **Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

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## **Part 1—Preliminary**

### **1.01 Name of regulation**

This regulation is the *Federal Court and Federal Circuit Court Regulation 2012*.

### **1.02 Commencement**

This regulation commences on 1 January 2013.

### **1.03 Definitions**

In this regulation:

***applicant***, in relation to a proceeding, means the person who commences the proceeding.

***authorised officer***, in relation to a power or function, means:

- (a) in relation to the Federal Court—an officer of that court who is authorised by the Registrar of that court to exercise the power or carry out the function; and
- (b) in relation to the Federal Circuit Court—the following:
  - (i) an officer of that court authorised by the Chief Executive Officer of that court to exercise the power or carry out the function;
  - (ii) an officer of another court performing the function under an arrangement under section 90 of the Federal Circuit Court Act;
  - (iii) an employee of an agency or organisation performing the function under an arrangement under section 91 of that Act.

***corporation***: see section 1.04.

***Federal Circuit Court*** means the Federal Circuit Court of Australia.

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***Federal Circuit Court Act*** means the *Federal Circuit Court of Australia Act 1999*.

***Federal Circuit Court Rules*** means the rules made under section 81 of the Federal Circuit Court Act.

***Federal Court*** means the Federal Court of Australia.

***Federal Court Act*** means the *Federal Court of Australia Act 1976*.

***Federal Court Rules*** means the rules made under section 59 of the Federal Court Act.

***filing fee*** means a fee mentioned in any of items 101 to 115C and 201 to 214A of Schedule 1.

***general federal law proceeding*** means the following:

- (a) a proceeding in the Federal Court;
- (b) a proceeding in the Federal Circuit Court that is not a proceeding under the *Family Law Act 1975*.

***hearing fee*** means a fee mentioned in any of items 117 to 122 and 216 to 218 of Schedule 1.

***interlocutory application*** means an application, other than a cross-claim, in a proceeding that has already commenced.

***liable person***, in relation to a fee, means the person who is required to pay the fee under section 2.03.

***mediation fee*** means a fee mentioned in item 132 or 224 of Schedule 1.

***publicly listed company*** means a company that is listed on a stock exchange or financial market in any country.

***Registrar***:

- (a) of the Federal Court—means:
  - (i) the Registrar appointed under section 18C of the Federal Court Act; and
  - (ii) an acting Registrar appointed under section 18M of that Act; and

- (iii) a Deputy Registrar, a District Registrar or a Deputy District Registrar appointed under section 18N of that Act; and
- (b) of the Federal Circuit Court—has the same meaning as in the Federal Circuit Court Act.

**relevant court**, in relation to a proceeding, means:

- (a) if the proceeding is in the Federal Court—that court; and
- (b) if the proceeding is in the Federal Circuit Court—that court.

**setting down fee** means a fee mentioned in item 116 or 215 of Schedule 1.

**small claims proceeding** means a proceeding for which the applicant wants the small claims procedure in section 548 of the *Fair Work Act 2009*, or section 199 of the *National Consumer Credit Protection Act 2009*, to apply.

#### 1.04 Meaning of *corporation*

- (1) In this regulation, **corporation** includes the following:
  - (a) a company;
  - (b) a body corporate;
  - (c) an unincorporated body that, under the law of the place where the body is formed, may:
    - (i) sue or be sued; or
    - (ii) hold property in the name of the secretary of the body or an office holder of the body appointed for that purpose;
  - (d) a public authority;
  - (e) a corporation registered under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*;
  - (f) a trade union.
- (2) However, **corporation** does not include the following:
  - (a) a corporation sole that is not a public authority;
  - (b) a small business;
  - (c) an unincorporated not-for-profit association.

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- (3) A corporation is not required to be subject to the *Corporations Act 2001* to be a corporation for this regulation.
- (4) In this section:

***not-for-profit association*** means a society, club, institution or body that is not formed for the purpose of trading or securing pecuniary profit from its transactions for its members.

***public authority*** means the following:

- (a) a body or authority of the Commonwealth or of a State or Territory, including the following:
- (i) a Department of the Commonwealth or of a State or Territory;
  - (ii) a Department of the Parliament established under the *Parliamentary Service Act 1999*, a Department of the Parliament of a State or a Department of the legislature of a Territory;
  - (iii) a prescribed Agency under the *Financial Management and Accountability Act 1997*;
- (b) a person representing a body or authority of the Commonwealth or of a State or Territory;
- (c) a Minister for the Commonwealth or for a State or Territory;
- (d) a statutory office holder.

***small business*** means a business with:

- (a) no more than 19 employees; and
- (b) a total turnover of less than \$2 million each year.

**1.05 Application—Parts 1 and 2**

- (1) Parts 1 and 2 apply to a fee for a service that is requested, or for the filing of a document that is lodged, on or after 1 January 2013 in relation to a general federal law proceeding.
- (2) However, if a service was requested before 1 January 2013:
- (a) payment of the fee for the service may be deferred under section 2.15 (regardless of whether the fee was also deferred before 1 January 2013); and



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- (b) subsection 2.19(9) applies to any hearing days that were fixed for 1 January 2013 or after; and
- (c) subsection 2.19(10) applies to any mediation that was scheduled for 1 January 2013 or after.

Note 1: This regulation does not apply on or after 1 January 2013 in relation to a proceeding under the *Family Law Act 1975* in the Federal Circuit Court. See the *Family Law (Fees) Regulation 2012* for information about fees in relation to those proceedings.

Note 2: See also Part 5 in relation to services requested before 1 January 2013.

## **Part 2—Fees**

### **Division 2.1—Fees—general**

#### **2.01 Purpose of Part**

For section 60 of the Federal Court Act, and section 120 of the Federal Circuit Court Act, this Part sets out matters relating to fees.

#### **2.02 Fees**

- (1) Schedule 1 sets out the fees payable for the following:
  - (a) the filing of a document;
  - (b) a service provided in relation to a proceeding by:
    - (i) the relevant court; or
    - (ii) an officer of the relevant court; or
    - (iii) another person acting on behalf of the relevant court.

Note 1: Fees are subject to increase under section 2.20.

Note 2: Fees are not payable in some circumstances: see Division 2.4.

- (2) If the person liable to pay a fee mentioned in an item in Schedule 1 is a corporation, the fee payable is:
  - (a) if the corporation is a publicly listed company—the fee mentioned in the item for a publicly listed company; and
  - (b) if the corporation is not a publicly listed company—the fee mentioned in the item for a corporation; and
  - (c) if no fee is mentioned in the item specifically for a corporation or a publicly listed company—the fee mentioned in the item.
- (3) However, if:
  - (a) under section 2.03, a particular fee mentioned in an item in Schedule 1 is payable by more than one person; and
  - (b) the item mentions different fees for a publicly listed company, another corporation and another person (the *different persons*); and

(c) at least 2 of the persons mentioned in paragraph (a) are different persons;  
the only fee that is payable in relation to that particular fee is the highest fee that applies to any of those persons.

## Division 2.2—Liability to pay fee

### 2.03 Persons liable to pay fee

- (1) A fee in relation to a proceeding is payable as set out in this section, unless the relevant court for a proceeding, or a Judge or Registrar of that court, directs otherwise.

#### *Filing fee*

- (2) A filing fee is payable by the person for whom the document is filed.

#### *Hearing fee and setting down fee*

- (3) A hearing fee or a setting down fee is payable by:
- (a) if the hearing is for a cross-claim or cross-appeal only—the cross-claimant or cross-appellant; or
  - (b) if the hearing is for an interlocutory application—the person who made the interlocutory application; or
  - (c) in any other case—the applicant (other than a cross-applicant) or appellant (other than a cross-appellant).
- (4) If 2 or more proceedings are set down for hearing together and the hearings are not consolidated:
- (a) only one setting down fee and one hearing fee is payable for all the proceedings; and
  - (b) the amount of each of the setting down fee and the hearing fee is apportioned equally between the liable persons for the fee.

#### *Mediation fee*

- (5) A mediation fee is payable by the applicant in the proceeding to which the mediation relates.

#### *Fee for taxation of bill of costs—Federal Court*

- (6) If:
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- (a) a fee mentioned in any of items 128 to 131 of Schedule 1 (taxation of a bill of costs in relation to proceedings in the Federal Court) is payable for a bill of costs in relation to a proceeding; and
  - (b) the bill of costs is subject to an estimate, or has been provisionally taxed, under the Federal Court Rules; and
  - (c) a party to the proceeding objects to the estimate, or requires a full taxation of the bill of costs, in accordance with those Rules;
- the fee is payable by the party mentioned in paragraph (c).
- (7) If more than one party objects to the estimate, or requires a full taxation of the bill of costs, the fee is apportioned between those parties as determined by the Registrar of the Federal Court.

*Fee for other service*

- (8) A fee for a service:
- (a) mentioned in an item in Schedule 1; and
  - (b) not otherwise mentioned in this section;
- is payable by the person for whom the service is provided.

**2.04 Fee for producing file and copying document**

- (1) Despite Divisions 2.3 and 2.4, the fee mentioned in item 123 or 219 of Schedule 1 (the *photocopying fee*) is payable in all proceedings.
- (2) However, the photocopying fee in relation to a proceeding is not payable if:
- (a) either:
    - (i) apart from subsection (1), the liable person would be exempt from paying the fee under section 2.05; or
    - (ii) the liable person was exempt under section 2.06 from paying the most recent fee payable in relation to the proceeding; and
  - (b) the copy of the document requested:

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**Division 2.2** Liability to pay fee

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- (i) is the first copy of that document that the person has requested; or
- (ii) is required for the preparation of appeal papers.

## **Division 2.3—Exemptions from liability to pay fee**

### **2.05 Persons exempt from paying fee—general**

- (1) A person is exempt from paying a fee mentioned in Schedule 1 (other than the fee mentioned in item 115C or 214A of Schedule 1) if, at the time the fee is payable, one or more of the following apply:
- (a) the person has been granted legal aid under a legal aid scheme or service:
    - (i) established under a law of the Commonwealth or of a State or Territory; or
    - (ii) approved by the Attorney-General;for the proceeding for which the fee would otherwise be payable;
  - (b) the person is the holder of any of the following cards issued by the Commonwealth:
    - (i) a health care card;
    - (ii) a pensioner concession card;
    - (iii) a Commonwealth seniors health card;
    - (iv) any other card that certifies the holder's entitlement to Commonwealth health concessions;
  - (c) the person is serving a sentence of imprisonment or is otherwise detained in a public institution;
  - (d) the person is younger than 18;
  - (e) the person is receiving youth allowance or Austudy payments under the *Social Security Act 1991* or benefits under the ABSTUDY Scheme;
  - (f) the person has been granted assistance under Part 11 of the *Native Title Act 1993* by:
    - (i) a representative body within the meaning given by section 253 of that Act; or
    - (ii) a person or body to whom funding has been granted under section 203FE of that Act;

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for the proceeding for which the fee would otherwise be payable.

- (2) For paragraph (1)(b), the *holder* of a card does not include a dependant of the person who is issued the card.

**2.06 Persons exempt from paying fee—financial hardship**

- (1) If:
- (a) a fee mentioned in Schedule 1 (other than the fee mentioned in item 115C or 214A of Schedule 1) is payable by an individual in relation to a proceeding; and
  - (b) in the opinion of the Registrar or authorised officer of the relevant court at the time the fee is payable, the payment of the fee would cause financial hardship to the individual;
- the Registrar or authorised officer may exempt the individual from paying the fee.
- (2) In considering whether payment of a fee would cause financial hardship to an individual, the Registrar or authorised officer must consider the individual's income, day-to-day living expenses, liabilities and assets.

Note: A decision of the Registrar or authorised officer under this section is reviewable by the AAT: see section 2.21.



## **Division 2.4—When fee is not payable**

### **2.07 Fee not payable by liable person if already paid**

A fee mentioned in Schedule 1 is not payable by the liable person if another person has paid the fee.

### **2.08 Fee not payable in Federal Court proceeding**

- (1) This section applies to proceedings in the Federal Court.
- (2) A fee mentioned in Schedule 1 is not payable in relation to the following proceedings:
  - (a) an appeal from a judgement in relation to an application under section 46PO or 46PP of the *Australian Human Rights Commission Act 1986*;
  - (b) an appeal from a judgement in relation to an application made by a person under section 539 of the *Fair Work Act 2009* in either of the following circumstances:
    - (i) the person has been dismissed from employment in alleged contravention of Part 3-1 of that Act;
    - (ii) the person alleges a breach of section 351 of that Act;
  - (c) an appeal from a judgement in relation to an application made by a person under section 539 of the *Fair Work Act 2009* if the person has been dismissed from employment in alleged contravention of section 772 of that Act;
  - (d) the trying of an election petition under the *Aboriginal and Torres Strait Islander Act 2005*;
  - (e) an application by a person to set aside a subpoena;
  - (f) a proceeding under the *Child Support (Registration and Collection) Act 1988*;
  - (g) a proceeding for which an international convention to which Australia is party provides that no fee is to be payable.

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**Division 2.4** When fee is not payable

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*Taxation proceedings*

- (3) A fee mentioned in Schedule 1 is not payable in relation to any of the following kinds of proceedings in the circumstances set out in subsection (4):
- (a) an appeal under section 14ZZ of the *Taxation Administration Act 1953*;
  - (b) an appeal from a decision of the Taxation Appeals Division of the Administrative Appeals Tribunal;
  - (c) an appeal from a single judge to the Full Court in relation to an appeal under section 14ZZ of the *Taxation Administration Act 1953*.
- (4) The circumstances are that a Registrar or authorised officer of the Federal Court is satisfied that:
- (a) the person lodging the appeal has lodged with the court another appeal for which the fee mentioned in Schedule 1 has been paid; and
  - (b) both appeals are the same kind of proceeding under subsection (3); and
  - (c) the appeal concerns an issue (other than a procedural issue) that is substantially the same as an issue of concern in the other appeal.

Note: A decision of the Registrar or authorised officer under subsection (4) is reviewable by the AAT: see section 2.21.

**2.09 Fee not payable in Federal Circuit Court proceeding**

- (1) This section applies to proceedings in the Federal Circuit Court.
- (2) A fee mentioned in Schedule 1 is not payable in relation to the following proceedings:
- (a) an application for an extension of the time within which a proceeding may be commenced;
  - (b) a proceeding for which an international convention to which Australia is a party provides that no fee is to be payable;
  - (c) an application by a person to set aside a subpoena;

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- (d) a proceeding under the *Child Support (Assessment) Act 1989* or the *Child Support (Registration and Collection) Act 1988*.
- (3) A fee mentioned in Schedule 1 is not payable in relation to an objection to a subpoenaed document being inspected or copied.

**2.10 When only filing fee is payable**

- (1) A fee mentioned in Schedule 1 (other than the fee mentioned in item 102 or 202 of Schedule 1) is not payable in relation to an application under section 46PO or 46PP of the *Australian Human Rights Commission Act 1986*.
- (2) A fee mentioned in Schedule 1 (other than the fee mentioned in item 103 or 209 of Schedule 1) is not payable in relation to an application under section 539 of the *Fair Work Act 2009* in either of the following circumstances:
- (a) the applicant has been dismissed from employment in alleged contravention of Part 3-1 of that Act;
  - (b) the applicant alleges a breach of section 351 of that Act.
- (3) A fee mentioned in Schedule 1 (other than the fee mentioned in item 104 or 210 of Schedule 1) is not payable in relation to an application under section 539 of the *Fair Work Act 2009* if the applicant has been dismissed from employment in alleged contravention of section 772 of that Act.
- (4) A fee mentioned in Schedule 1 (other than the fee mentioned in any of items 211 to 214) is not payable in relation to a small claims proceeding in the Federal Circuit Court.

**2.11 When filing fee is not payable**

*Federal Court*

- (1) A filing fee (other than the fee mentioned in item 115C of Schedule 1) is not payable in relation to the following proceedings in the Federal Court:

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- (a) a proceeding in relation to a matter remitted to the Federal Court by the High Court under section 44 of the *Judiciary Act 1903*;
- (b) a proceeding in relation to a matter referred to the Federal Court by the High Court under subsection 354(1) of the *Commonwealth Electoral Act 1918*;
- (c) a proceeding in relation to a criminal matter;
- (d) a proceeding in relation to a case stated, or a question reserved, for the consideration or opinion of the Federal Court;
- (e) a proceeding in relation to a referral to the Federal Court of a question of law by a tribunal or body that, under a law of the Commonwealth, may refer questions of law to the Federal Court;
- (f) an application to the Federal Court for an extension of time within which a particular proceeding may be commenced.

*Federal Circuit Court*

- (2) A filing fee (other than the fee mentioned in item 214A of Schedule 1) is not payable in relation to a proceeding in the Federal Circuit Court if:
  - (a) the proceeding is in relation to a matter that:
    - (i) was remitted by the High Court to the Federal Court under section 44 of the *Judiciary Act 1903*; and
    - (ii) was subsequently transferred by the Federal Court to the Federal Circuit Court under section 32AB of the Federal Court Act; or
  - (b) the proceeding is in relation to a matter remitted by the High Court to the Federal Circuit Court under section 44 of the *Judiciary Act 1903*.

Note: Other fees may be payable in relation to a proceeding mentioned in this section.

## 2.12 When setting down fee is not payable

### *Federal Court*

- (1) A setting down fee is not payable in relation to a proceeding in the Federal Court if:
- (a) the proceeding is only an interlocutory application; or
  - (b) in relation to an application or appeal:
    - (i) a setting down fee has already been paid for the application or appeal; or
    - (ii) a fee for setting down under another law of the Commonwealth has already been paid for the application or appeal;
- and the fee has not been refunded; or
- (c) the proceeding is an application for admission to practice as a barrister, solicitor, or barrister and solicitor; or
  - (d) the proceeding is in relation to a matter that was remitted to the Federal Court by the High Court under section 44 of the *Judiciary Act 1903*, and:
    - (i) it was commenced in the High Court before 1 November 2004; or
    - (ii) it was remitted by the High Court in its appellate jurisdiction for re-hearing by the Federal Court; or
  - (e) the proceeding is an exercise by the Federal Court of its original jurisdiction under the *Bankruptcy Act 1966*; or
  - (f) the proceeding is in relation to a criminal matter; or
  - (g) the proceeding is in relation to a case stated, or a question reserved, for the consideration or opinion of the Federal Court; or
  - (h) the proceeding is in relation to a referral to the Federal Court of a question of law by a tribunal or body that, under a law of the Commonwealth, may refer questions of law to the Federal Court; or
  - (i) the proceeding is an application to the Federal Court for an extension of time within which a particular proceeding may be commenced.

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*Federal Circuit Court*

- (2) A setting down fee is not payable in relation to a proceeding in the Federal Circuit Court if:
- (a) the proceeding is in relation to a matter that:
    - (i) was remitted by the High Court, in the exercise of its appellate jurisdiction, for re-hearing by the Federal Court under section 44 of the *Judiciary Act 1903*; and
    - (ii) was subsequently transferred by the Federal Court to the Federal Circuit Court under section 32AB of the Federal Court Act; or
  - (b) the proceeding is in relation to a matter remitted by the High Court, in the exercise of its appellate jurisdiction, for re-hearing by the Federal Circuit Court under section 44 of the *Judiciary Act 1903*.

Note: Other fees may be payable in relation to a proceeding mentioned in this section.

**2.13 When hearing fee is not payable**

*Federal Court*

- (1) A hearing fee is not payable in relation to a proceeding in the Federal Court if:
- (a) the hearing is cancelled before the fee is paid; or
  - (b) the sole purpose of the hearing is the delivery of a reserved judgement; or
  - (c) in relation to an application or appeal:
    - (i) a hearing fee has already been paid for the application or appeal; or
    - (ii) a fee for the hearing under another law of the Commonwealth has already been paid for the application or appeal;and the fee has not been refunded; or
  - (d) the proceeding is an application for admission to practice as a barrister, solicitor or barrister and solicitor; or

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- (e) the proceeding is in relation to a matter that was remitted to the Federal Court by the High Court under section 44 of the *Judiciary Act 1903*, and:
  - (i) it was commenced in the High Court before 1 November 2004; or
  - (ii) it was remitted by the High Court in its appellate jurisdiction for re-hearing by the Federal Court; or
- (f) the proceeding is an exercise by the Federal Court of its original jurisdiction under the *Bankruptcy Act 1966*; or
- (g) the proceeding is in relation to a criminal matter; or
- (h) the proceeding is in relation to a case stated, or a question reserved, for the consideration or opinion of the Federal Court; or
- (i) the proceeding is in relation to a referral to the Federal Court of a question of law by a tribunal or body that, under a law of the Commonwealth, may refer questions of law to the Federal Court; or
- (j) the proceeding is an application to the Federal Court for an extension of time within which a particular proceeding may be commenced.

*Federal Circuit Court*

- (2) A hearing fee is not payable in relation to a proceeding in the Federal Circuit Court if:
  - (a) the proceeding is in relation to a matter that:
    - (i) was remitted by the High Court, in the exercise of its appellate jurisdiction, for re-hearing by the Federal Court under section 44 of the *Judiciary Act 1903*; and
    - (ii) was subsequently transferred by the Federal Court to the Federal Circuit Court under section 32AB of the Federal Court Act; or
  - (b) the proceeding is in relation to a matter remitted by the High Court, in the exercise of its appellate jurisdiction, for re-hearing by the Federal Circuit Court under section 44 of the *Judiciary Act 1903*.

Note: Other fees may be payable in relation to a proceeding mentioned in this section.

## Division 2.5—Payment of fees

### 2.14 When fee must be paid

#### *Filing fee*

- (1) A filing fee for a document must be paid before the document is filed.

#### *Setting down fee*

- (2) A setting down fee for a hearing in relation to a proceeding must be paid as follows:
  - (a) if the hearing day is within 28 days after the day when the hearing day is fixed—within the period, or at the time, approved by the Registrar or authorised officer of the relevant court for the payment of that fee;
  - (b) in any other case—no later than 28 days before the hearing day.

#### *Hearing fee*

- (3) A hearing fee for a hearing in relation to a proceeding must be paid as follows:
  - (a) if the hearing day is more than 2 business days after the day when the hearing day is fixed—no later than close of business for the relevant court on the day that is 2 business days before the hearing day;
  - (b) in any other case—no later than 9.30 am on the hearing day.

#### *Fee for service or execution of process, or seizure and sale of goods*

- (4) A fee mentioned in any of items 124, 125, 220 and 221 of Schedule 1 must be paid in relation to a proceeding within the period, or at the time, approved by the Registrar or an authorised officer of the relevant court for the payment of that fee.



Section 2.15

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*Fee for other service*

- (5) A fee for a service:
- (a) mentioned in an item in Schedule 1; and
  - (b) not otherwise mentioned in this section;
- must be paid before the service is provided.

**2.15 Deferral of payment of fees**

- (1) Section 2.14 does not apply to a fee payable in relation to a proceeding if the Registrar or an authorised officer of the relevant court defers the payment of the fee.
- (2) The Registrar or authorised officer may defer the payment of a fee under subsection (1) if the fee is not a fee mentioned in any of items 123 to 125 and 219 to 221 of Schedule 1 and:
- (a) in the opinion of the Registrar or authorised officer:
    - (i) for a filing fee for a document—the need to file the document is so urgent that it overrides the requirement to pay the filing fee before the document is filed; or
    - (ii) considering the financial circumstances of the person liable to pay the fee, it would be oppressive or otherwise unreasonable to require payment of the fee in accordance with section 2.14; or
  - (b) the person liable to pay the fee in relation to the proceeding is represented by a lawyer who is not charging the person in relation to the proceeding.
- (3) If the payment of a fee is deferred, the fee must be paid:
- (a) within 28 days after the day the payment is deferred; or
  - (b) within another period approved, in writing, by the Registrar or authorised officer for the payment of that fee.

Note: If a setting down fee in relation to a hearing is deferred and the hearing does not occur, the setting down fee is still payable in accordance with this subsection.

- (4) A fee may be deferred more than once.

Section 2.16

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- (5) The Registrar or authorised officer may impose conditions on the deferral of the payment of a fee.

Note: A decision of the Registrar or authorised officer under this section is reviewable by the AAT: see section 2.21.

**2.16 Payment of fee on invoice**

- (1) Section 2.14 does not apply to a person liable to pay a fee mentioned in Schedule 1 in relation to a proceeding if, at the time the fee would be payable under section 2.14, the liable person:
- (a) is an approved user of court services in relation to the relevant court; or
  - (b) is represented by a lawyer who is an approved user of court services in relation to the relevant court.
- (2) If the liable person has not paid the fee, the relevant court may:
- (a) if paragraph (1)(a) applies—invoice the person for the fee; or
  - (b) if paragraph (1)(b) applies—invoice the person, or the lawyer representing the person, for the fee.
- (3) The approved user of court services must pay the fee within 30 days after the approved user, or the person represented by the approved user, receives the invoice.

*Approval of user of court services*

- (4) A person or a lawyer is an **approved user of court services** in relation to the relevant court if the Registrar of that court has approved the person or lawyer for this section.
- (5) In deciding whether to approve a person or lawyer for this section, the Registrar must consider the following:
- (a) the person or lawyer's financial history with the court, including the frequency of dealings with the court and whether fees have been paid;
  - (b) whether the person or lawyer provides a guarantee;
  - (c) whether the person or lawyer is, or is likely to be, a regular user of the services of the court;
  - (d) the financial circumstances of the person or lawyer;

- (e) any other matter the Registrar considers relevant.
- (6) The Registrar may impose conditions on the approval of the person or lawyer.

### **2.17 Payment of fee in advance**

- (1) A person may pay an amount to the Federal Court or Federal Circuit Court on account if:
  - (a) the person is an approved user of court services in relation to that court under subsection 2.16(4); and
  - (b) the person expects to become liable to pay a fee mentioned in Schedule 1 in relation to a proceeding in that court; and
  - (c) the Registrar of that court authorises the person to pay fees in advance.
- (2) If an amount is paid under subsection (1), any fees payable by the person must be charged against that amount until the amount is exhausted.
- (3) The Registrar may impose written conditions on the authorisation of a person for this section.

### **2.18 What happens if fee is not paid**

- (1) This section applies if the payment of a fee:
  - (a) is not deferred under section 2.15; and
  - (b) cannot be invoiced under section 2.16.
- (2) If a person is required to pay a fee mentioned in Schedule 1 in relation to a proceeding before, or at the time of, the filing of a document or the provision of a service for which the fee is payable, the document must not be filed or the service must not be provided until the whole fee is paid.
- (3) However, the relevant court for the proceeding, or a Judge or Registrar of that court, may allow the document to be filed or the service to be provided despite the fee, or part of the fee, not being paid.

**Part 2** Fees

**Division 2.5** Payment of fees

**Section 2.18**

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- (4) If a setting down fee or a hearing fee, or part of that fee, for a hearing is not paid in relation to a proceeding:
- (a) the relevant court, or a Judge or Registrar of that court, may order that no proceeding, or no proceeding other than a specified proceeding, is to take place except by leave; and
  - (b) a person other than the person liable to pay the fee may pay the fee without affecting any power of the relevant court, or of a Judge or Registrar of that court, to make an order for costs for the fee; and
  - (c) the relevant court, or a Judge or Registrar of that court, may vacate the hearing day.

## **Division 2.6—Miscellaneous**

### **2.19 Refund of fees**

#### *General*

- (1) A person is entitled to a refund of an amount in relation to the payment of a fee mentioned in Schedule 1 if the person pays more than the person is required to pay for the fee under this regulation.
- (2) The amount to be refunded is the difference between the amount paid by the person and the amount that the person is required to pay for the fee.
- (3) A person is entitled to the refund of the amount paid by the person as a fee mentioned in Schedule 1 if:
  - (a) the fee had already been paid by another person; or
  - (b) the fee was not payable under this regulation.

#### *Setting down fee*

- (4) A person is not entitled to the refund of the amount paid by the person as a setting down fee for a hearing in relation to a proceeding if the first hearing day fixed by the setting down, or a hearing day fixed in place of the first hearing day, does not occur.

#### *Hearing fees—hearings not commenced*

- (5) A person is entitled to the refund of the amount paid by the person as a hearing fee for a hearing that has not commenced in relation to a proceeding if:
  - (a) the person notifies the Registrar or an authorised officer of the relevant court, in accordance with subsection (6), that the hearing will not occur or will occur only for the purpose of making formal orders; and
  - (b) the hearing does not occur or occurs only for the purpose of making formal orders.

Section 2.19

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- (6) The person must notify the Registrar or authorised officer in writing:
- (a) if the hearing day was fixed less than 10 business days before the hearing day—at least 2 business days before the hearing day; and
  - (b) in any other case—at least 10 business days before the hearing day.
- (7) Despite subsection (5), a Registrar or authorised officer may refund a hearing fee for a hearing that has not commenced if:
- (a) the person who paid the hearing fee has not notified the Registrar or authorised officer in accordance with paragraph (5)(a) and subsection (6); and
  - (b) the Registrar or authorised officer is satisfied that the reason the person has not notified the Registrar or authorised officer is not the fault of the person; and
  - (c) the hearing does not occur or occurs only for the purpose of making formal orders.
- (8) For subsections (5) and (7), **formal orders** means orders finalising the proceedings that were to be the subject of the hearing.

*Hearing fees—hearings commenced*

- (9) A person is entitled to the refund of the amount paid by the person as a hearing fee for a hearing day for a hearing that has commenced if:
- (a) the proceeding is settled or discontinued before the hearing day; or
  - (b) the hearing day does not proceed for some other reason.

Example: If a person pays hearing fees in advance for 20 hearing days, but the proceeding finishes after 10 hearing days, a person is entitled to a refund of the hearing fees paid for the unused hearing days.

*Mediation fee*

- (10) A person is entitled to the refund of the amount paid by the person as a mediation fee in relation to a proceeding if:

Section 2.20

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- (a) the mediation does not proceed on the occasion for which the fee was paid; and
- (b) the relevant court, or a Judge or Registrar of that court, orders a refund of the fee.

Note: A decision of the Registrar or authorised officer under subsection (7) is reviewable by the AAT: see section 2.21.

## 2.20 Biennial increase in fees

- (1) The amount of each fee mentioned in Schedule 1, other than the fees mentioned in any of items 102 to 104, 124, 202, 209, 210 and 220, is increased on 1 July 2014, and on each second 1 July following that day.
- (2) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, the fee is increased, on 1 July immediately following the end of the period, in accordance with the formula:

$$\frac{\text{fee} \times \text{latest CPI number}}{\text{earlier CPI number}}$$

where:

**earlier CPI number** is the CPI number for the last March quarter before the start of the relevant period.

**fee** is the fee in force at the end of the relevant period.

**latest CPI number** is the CPI number for the last March quarter before the end of the relevant period.

- (3) The amount of the fee worked out under subsection (2) is to be rounded to an amount of dollars and cents and then further rounded as follows:
  - (a) if the amount is \$50 or more—the amount is to be rounded to the nearest amount that is a multiple of \$5;
  - (b) if the amount is less than \$50—the amount is to be rounded to the nearest whole dollar;
  - (c) if the amount to be rounded is 50 cents, the amount is to be rounded down.

Section 2.21

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- (4) If the Australian Statistician publishes for a particular March quarter a CPI number in substitution for a CPI number previously published by the Australian Statistician for that quarter, the publication of the later CPI number is disregarded for this section.
- (5) However, if the Australian Statistician changes the reference base for the Consumer Price Index, then for the application of this section after the change is made, regard must be had only to CPI numbers published in terms of the new reference base.
- (6) In this section:

***CPI number*** means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

***March quarter*** means a period of 3 months ending at the end of March.

***relevant period*** means a 2 year period beginning on 1 July 2012 or each second 1 July following that day.

### 2.21 Notice of decision and AAT review

- (1) A Registrar or an authorised officer must give a person liable to pay a fee mentioned in Schedule 1 a notice in accordance with this section if the Registrar or authorised officer makes a decision about the payment of the fee under:
  - (a) section 2.06 or 2.15; or
  - (b) subsection 2.08(4) or 2.19(7).
- (2) The Registrar or authorised officer must give the notice to the liable person within 28 days after making the decision.
- (3) The notice must set out:
  - (a) the decision; and
  - (b) a statement that the liable person may apply to the Administrative Appeals Tribunal for review of the decision; and
  - (c) reasons for the decision.



Section 2.22

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- (4) Paragraphs (3)(b) and (c) only apply if the decision is:
  - (a) to not exempt a person from paying a fee; or
  - (b) to not defer the payment of a fee; or
  - (c) to not refund a fee that has been paid.
- (5) The liable person may apply to the Administrative Appeals Tribunal for review of the decision.
- (6) Failure to comply with paragraph (3)(b) does not affect the validity of the decision.

**2.22 Debt due to Commonwealth**

Any fee mentioned in Schedule 1 that is not paid in accordance with this regulation is recoverable by the Commonwealth as a debt due to the Commonwealth.

Section 3.01

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## **Part 3—Remuneration and allowances for jurors and potential jurors—Federal Court**

### **3.01 Purpose of Part**

For section 23EH of the Federal Court Act, this Part provides for remuneration and allowances to be payable to jurors and potential jurors in relation to proceedings in the Federal Court.

### **3.02 Remuneration**

- (1) Schedule 2 sets out the remuneration that is payable to jurors and potential jurors.

Note: Remuneration is subject to increase under section 3.04.

- (2) The amounts mentioned in Schedule 2 are payable:
  - (a) for each day that a juror or potential juror attends court; and
  - (b) for each day, to a maximum of 5 days, that a juror or potential juror is not required to attend court.

### **3.03 Allowances**

- (1) The amounts mentioned in Schedule 2 include travel and refreshment allowances.
- (2) However, if a juror or potential juror is required to travel more than 30 km (by the shortest practical route) from his or her usual place of residence to the Federal Court, the juror or potential juror may apply to the Sheriff of the Federal Court for reimbursement of reasonable travel costs.
- (3) The Sheriff of the Federal Court may approve:
  - (a) when the claim for reimbursement of travel costs may be submitted; and
  - (b) the form of the claim; and

- (c) the information or documents that must be submitted with the claim.
- (4) If the Sheriff of the Federal Court does not, under paragraph (3)(a), approve when the claim may be submitted, a claim for reimbursement of travel costs may be submitted within 5 days of the juror or potential juror incurring the travel costs.

### 3.04 Biennial increase in juror's remuneration

- (1) The amount of remuneration set out in Schedule 2 is increased on 1 July 2014, and on each second 1 July following that day.
- (2) If, in a relevant period, the latest CPI number is greater than the earlier CPI number, the remuneration increases, on 1 July immediately following the end of the period, in accordance with the formula:

$$\frac{\text{remuneration} \times \text{latest CPI number}}{\text{earlier CPI number}}$$

where:

**earlier CPI number** is the CPI number for the last March quarter before the start of the relevant period.

**latest CPI number** is the CPI number for the last March quarter before the end of the relevant period.

**remuneration** is the amount of remuneration in force at the end of the relevant period.

- (3) If, apart from this clause, remuneration increased under subsection (2) would be an amount of dollars and cents, the amount is taken to be rounded to the nearest whole dollar and, if the amount to be rounded is 50 cents, rounded down.
- (4) If the Australian Statistician publishes for a particular March quarter a CPI number in substitution for a CPI number previously published by the Australian Statistician for that quarter, the publication of the later CPI number is disregarded for this section.

Section 3.04

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(5) However, if the Australian Statistician changes the reference base for the Consumer Price Index, then for the application of this section after the change is made, regard must be had only to CPI numbers published in terms of the new reference base.

(6) In this section:

***CPI number*** means the All Groups Consumer Price Index number (being the weighted average of the 8 Australian capital cities) published by the Australian Statistician.

***March quarter*** means a period of 3 months ending at the end of March.

***relevant period*** means a 2 year period beginning on 1 July 2012 or on each second 1 July following that day.

## **Part 4—Miscellaneous**

### **4.01 Prescribed contract limit—Federal Court**

For subsection 18A(4) of the Federal Court Act, the amount of \$1 million is prescribed.

### **4.02 Modification of *Legislative Instruments Act 2003*—Federal Circuit Court**

For subsection 120(4) of the Federal Circuit Court Act, paragraph 14(1)(a) of the *Legislative Instruments Act 2003* applies in relation to the Federal Circuit Court as if that paragraph were modified by omitting ‘Act, or of any disallowable legislative instrument,’ and inserting ‘Act, any disallowable instrument or any rules of court,’.

## Part 5—Repeal and transitional

### 5.01 *Federal Court of Australia Regulations 2004*

- (1) The following regulations are repealed:
  - (a) the *Federal Court of Australia Regulations 2004* (Statutory Rules 2004 No. 291);
  - (b) the *Federal Court of Australia Amendment Regulations 2006 (No. 1)* (Select Legislative Instrument (**SLI**) 2006 No. 64);
  - (c) the *Federal Court of Australia Amendment Regulations 2006 (No. 2)* (SLI 2006 No. 234);
  - (d) the *Federal Court of Australia Amendment Regulations 2006 (No. 3)* (SLI 2006 No. 309);
  - (e) the *Federal Court of Australia Amendment Regulations 2009 (No. 1)* (SLI 2009 No. 128);
  - (f) the *Federal Court of Australia Amendment Regulations 2009 (No. 2)* (SLI 2009 No. 189);
  - (g) the *Federal Court of Australia Amendment Regulations 2009 (No. 3)* (SLI 2009 No. 358);
  - (h) the *Federal Court of Australia Amendment Regulations 2010 (No. 1)* (SLI 2010 No. 166);
  - (i) the *Federal Court of Australia Amendment Regulations 2010 (No. 2)* (SLI 2010 No. 243);
  - (j) the *Federal Court of Australia Amendment Regulations 2011 (No. 1)* (SLI 2011 No. 37).
- (2) Despite the repeal of the *Federal Court of Australia Regulations 2004* by subsection (1), those Regulations, as in force immediately before 1 January 2013, (the **old Regulations**) continue to apply to a fee for a service requested under the old Regulations before 1 January 2013.
- (3) However, subregulation 15(1) of the old Regulations continues to apply to a setting-down requested before 1 January 2013 only if the setting-down fee (within the meaning given by the old Regulations) was paid before 1 January 2013.

**5.02 Federal Magistrates Regulations 2000**

- (1) The following regulations are repealed:
- (a) the *Federal Magistrates Regulations 2000* (Statutory Rules (**SR**) 2000 No. 102);
  - (b) the *Federal Magistrates Amendment Regulations 2000 (No. 1)* (SR 2000 No. 245);
  - (c) the *Federal Magistrates Amendment Regulations 2000 (No. 2)* (SR 2000 No. 255);
  - (d) the *Federal Magistrates Amendment Regulations 2004 (No. 1)* (SR 2004 No. 292);
  - (e) the *Federal Magistrates Amendment Regulations 2004 (No. 2)* (SR 2004 No. 320);
  - (f) the *Federal Magistrates Amendment Regulations 2005 (No. 1)* (Select Legislative Instrument (**SLI**) 2005 No. 109);
  - (g) the *Federal Magistrates Amendment Regulations 2006 (No. 1)* (SLI 2006 No. 81);
  - (h) the *Federal Magistrates Amendment Regulations 2006 (No. 2)* (SLI 2006 No. 129);
  - (i) the *Federal Magistrates Amendment Regulations 2006 (No. 3)* (SLI 2006 No. 235);
  - (j) the *Federal Magistrates Amendment Regulations 2007 (No. 1)* (SLI 2007 No. 294);
  - (k) the *Federal Magistrates Amendment Regulations 2009 (No. 1)* (SLI 2009 No. 129);
  - (l) the *Federal Magistrates Amendment Regulations 2009 (No. 2)* (SLI 2009 No. 190);
  - (m) the *Federal Magistrates Amendment Regulations 2010 (No. 1)* (SLI 2010 No. 167);
  - (n) the *Federal Magistrates Amendment Regulations 2010 (No. 2)* (SLI 2010 No. 244);
  - (o) the *Federal Magistrates Amendment Regulations 2011 (No. 1)* (SLI 2011 No. 38);
  - (p) the *Federal Magistrates Amendment Regulations 2012 (No. 1)* (SLI 2012 No. 62).

Section 5.02

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- (2) Despite the repeal of the *Federal Magistrates Regulations 2000* by subsection (1):
  - (a) those Regulations, as in force immediately before 1 January 2013, (the *old Regulations*) continue to apply to a fee for a service requested under the old Regulations before 1 January 2013; and
  - (b) regulation 8 of those Regulations, as in force on 31 October 2010, continues to apply to proceedings commenced before 1 November 2010.
- (3) However, subregulations 12(1) and (2) of the old Regulations continue to apply to a setting down requested before 1 January 2013 only if the setting down fee (within the meaning given by the old Regulations) was paid before 1 January 2013.



## Schedule 1—Fees

(section 2.02)

### Part 1—Fees for proceedings in Federal Court

Item	Document or service	Fee
101	<p>Filing of a document by which a proceeding in the Federal Court is commenced, other than:</p> <p>(a) a proceeding or application mentioned in item 102 to 104, 112, 113 or 115 to 115B; or</p> <p>(b) an appeal from a judgement of a court; or</p> <p>(c) an application for leave or special leave to appeal; or</p> <p>(d) an incidental proceeding in the course of, or in connection with, a proceeding; or</p> <p>(e) an application under the <i>Trans-Tasman Proceedings Act 2010</i></p>	<p>(a) for a publicly listed company—\$4,720</p> <p>(b) for a corporation—\$3,145</p> <p>(c) in any other case—\$1,080</p>
102	<p>Filing of an application under section 46PO or 46PP of the <i>Australian Human Rights Commission Act 1986</i></p>	<p>\$55</p>
103	<p>Filing of an application under section 539 of the <i>Fair Work Act 2009</i> in either of the following circumstances:</p> <p>(a) the applicant has been dismissed from employment in alleged contravention of Part 3-1 of that Act;</p> <p>(b) the applicant alleges a breach of section 351 of that Act</p>	<p>The fee prescribed under subsection 395(2) of the <i>Fair Work Act 2009</i> for the filing of the application</p>
104	<p>Filing of an application under section 539 of the <i>Fair Work Act 2009</i> if the applicant has been dismissed from employment in alleged contravention of section 772 of that Act</p>	<p>The fee prescribed under subsection 395(2) of the <i>Fair Work Act 2009</i> for the filing of the application</p>
105	<p>Filing of a bill of costs</p>	<p>\$350</p>

**Schedule 1 Fees****Part 1 Fees for proceedings in Federal Court**

<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
106	Filing of an affidavit or other document originating an application for leave or special leave to appeal	(a) for a publicly listed company—\$4,705 (b) for a corporation—\$3,135 (c) in any other case—\$1,450
107	Filing of a notice of appeal commencing an appeal from a judgement of a court if no fee has been paid under item 106	(a) for a publicly listed company—\$11,760 (b) for a corporation—\$7,840 (c) in any other case—\$3,630
108	Filing of a notice of appeal commencing an appeal from a decision of the Administrative Appeals Tribunal	(a) for a publicly listed company—\$11,760 (b) for a corporation—\$7,840 (c) in any other case—\$3,630
109	Filing of a notice of appeal in a proceeding in relation to which a fee has been paid under item 106	(a) for a publicly listed company—\$7,060 (b) for a corporation—\$4,705 (c) in any other case—\$2,180
110	Filing of an application to review a decision of the Registrar of the Federal Court under subsection 35A(5) of the Federal Court Act	(a) for a publicly listed company—\$1,920 (b) for a corporation—\$1,280 (c) in any other case—\$525
111	Filing of: (a) an interlocutory application, other than an interlocutory application mentioned in another item; or (b) an application under the <i>Trans-Tasman Proceedings Act 2010</i> , other than an application mentioned in item 115C	(a) for a publicly listed company—\$1,450 (b) for a corporation—\$965 (c) in any other case—\$395
112	Filing of a document by which a proceeding in the Federal Court under the <i>Bankruptcy Act 1966</i> is commenced	(a) for a publicly listed company—\$4,375 (b) for a corporation—\$2,915 (c) in any other case—\$1,215
113	Filing of an application for an order for substituted service of a bankruptcy notice	(a) for a publicly listed company—\$970 (b) for a corporation—\$645 (c) in any other case—\$265

Fees **Schedule 1**  
Fees for proceedings in Federal Court **Part 1**

Item	Document or service	Fee
114	Filing of a cross-claim	(a) for a publicly listed company—\$4,720 (b) for a corporation—\$3,145 (c) in any other case—\$1,080
115	Filing of an urgent application without notice, by a person (the <i>prospective applicant</i> ) who intends to commence a proceeding, for any of the following: (a) if the proceeding relates to property—an order: (i) for the detention, custody, preservation or inspection of property; or (ii) to authorise a person to enter land, or do an act or thing, to give effect to the order; (b) if the proceeding relates to the right of the prospective applicant to an amount in a fund—an order that the amount in the fund be paid into the Federal Court or otherwise secured	(a) for a publicly listed company—\$8,250 (b) for a corporation—\$5,500 (c) in any other case—\$2,000
115A	Filing of an application, including an interlocutory application, for an order: (a) restraining a person from removing, disposing of, dealing with, or diminishing the value of, assets; or (b) for the purpose of preventing the frustration or inhibition of the Court's process by seeking to meet a danger that a judgement or prospective judgement of the Court will be wholly or partly unsatisfied	(a) for a publicly listed company—\$8,250 (b) for a corporation—\$5,500 (c) in any other case—\$2,000
115B	Filing of an application, including an interlocutory application, for an order for the purpose of securing or preserving evidence and requiring a person to permit other persons to enter premises for the purpose of securing the preservation of evidence that is, or may be, relevant to an issue in a proceeding or anticipated proceeding	(a) for a publicly listed company—\$8,250 (b) for a corporation—\$5,500 (c) in any other case—\$2,000

**Schedule 1 Fees****Part 1 Fees for proceedings in Federal Court**

<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
115C	Filing of an application to register a New Zealand judgement under the <i>Trans-Tasman Proceedings Act 2010</i>	\$95
116	Setting down for hearing a proceeding (including an application, appeal, cross-claim or cross-appeal) or an issue in question in a proceeding	(a) for a publicly listed company—\$7,870 (b) for a corporation—\$5,245 (c) in any other case—\$2,155
117	For the hearing of an application (including a cross-claim) under subsection 35A(5) of the Federal Court Act—for each day or part of a day	(a) for a publicly listed company—\$3,135 (b) for a corporation—\$2,090 (c) in any other case—\$860
118	For the hearing of an application (including a cross-claim) other than: (a) an application mentioned in item 117; or (b) an issue or question in such an application; or (c) an appeal (including a cross-appeal); for the 2nd, 3rd and 4th days, or part of those days	(a) for a publicly listed company—\$3,150 (b) for a corporation—\$2,100 (c) in any other case—\$860
119	For the hearing of an application (including a cross-claim) other than: (a) an application mentioned in item 117; or (b) an issue or question in such an application; or (c) an appeal (including a cross-appeal); for the 5th, 6th, 7th, 8th and 9th days, or part of those days	(a) for a publicly listed company—\$5,665 (b) for a corporation—\$3,775 (c) in any other case—\$1,430
120	For the hearing of an application (including a cross-claim) other than: (a) an application mentioned in item 117; or (b) an issue or question in such an application; or (c) an appeal (including a cross-appeal); for the 10th, 11th, 12th, 13th and 14th days, or part of those days	(a) for a publicly listed company—\$11,175 (b) for a corporation—\$7,450 (c) in any other case—\$2,875

Fees **Schedule 1**  
Fees for proceedings in Federal Court **Part 1**

Item	Document or service	Fee
121	For the hearing of an application (including a cross-claim) other than: (a) an application mentioned in item 117; or (b) an issue or question in such an application; or (c) an appeal (including a cross-appeal); for the 15th and subsequent days, or part of the 15th and subsequent days	(a) for a publicly listed company—\$16,765 (b) for a corporation—\$11,175 (c) in any other case—\$4,315
122	For the hearing for an examination by a Registrar of the Federal Court under: (a) section 50 or 81 of the <i>Bankruptcy Act 1966</i> ; or (b) Division 1 of Part 5.9 of the <i>Corporations Act 2001</i> ; for each day or part of a day	(a) for a publicly listed company—\$3,150 (b) for a corporation—\$2,100 (c) in any other case—\$860
123	On request, production of file of the Federal Court and the making of a copy or copies of a document or documents in the file (regardless of the number of documents to which the request relates)	(a) for the production of the file—\$43 (b) for each page included in a copy made in accordance with the request—\$1
124	For each service or execution, or attempted service or execution, of process of the Federal Court by an officer of the Federal Court	An amount equal to: (a) the amount of any expenses reasonably incurred by the officer in the service or execution, or attempted service or execution, of the process; and (b) a charge worked out at the hourly rate of salary payable to the officer for the time involved in the service or execution, or attempted service or execution
125	For the seizure and sale of goods by an officer of the Federal Court in the execution of process of the court (except in relation to a proceeding under the <i>Admiralty Act 1988</i> )	\$940

**Schedule 1 Fees****Part 1 Fees for proceedings in Federal Court**

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<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
126	For issuing a subpoena	(a) for a publicly listed company—\$270 (b) for a corporation—\$180 (c) in any other case—\$90
127	For issuing a summons to a person, under section 50 or 81 of the <i>Bankruptcy Act 1966</i> , to attend examination about a debtor's examinable affairs	(a) for a publicly listed company—\$600 (b) for a corporation—\$400 (c) in any other case—\$200
128	For taxation of a bill of costs in which the amount claimed in the bill is \$10,000 or less	\$1,025
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	\$3,500
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	\$4,000
131	For taxation of a bill of costs in which the amount claimed in the bill is more than \$500,000	\$4,500
132	For mediation by an officer of the Federal Court—for each attendance at the mediation	(a) for a publicly listed company—\$2,460 (b) for a corporation—\$1,640 (c) in any other case—\$700

Note: The fees mentioned in this Part (other than the fees mentioned in items 102, 103, 104 and 124) are subject to biennial increase under section 2.20.

## Part 2—Fees for proceedings in Federal Circuit Court

Item	Document or service	Fee
201	Filing of a document by which a proceeding in the Federal Circuit Court of Australia seeking final orders is commenced, other than: (a) a proceeding mentioned in any of items 202, 204 to 206 and 208 to 214; or (b) an application under the <i>Trans-Tasman Proceedings Act 2010</i>	(a) for a publicly listed company—\$1,870 (b) for a corporation—\$1,245 (c) in any other case—\$515
202	Filing of an application under section 46PO or 46PP of the <i>Australian Human Rights Commission Act 1986</i>	\$55
203	Filing of a bill of costs	\$200
204	Filing of: (a) a document seeking interlocutory, interim or procedural orders (other than a proceeding mentioned in item 202); or (b) an application under the <i>Trans-Tasman Proceedings Act 2010</i> , other than an application mentioned in item 214A	(a) for a publicly listed company—\$1,125 (b) for a corporation—\$750 (c) in any other case—\$305
205	Filing of an application to review an exercise of power by the Registrar of the Federal Circuit Court under subsection 104(2) of the <i>Federal Circuit Court Act</i>	(a) for a publicly listed company—\$1,125 (b) for a corporation—\$750 (c) in any other case—\$305
206	Filing of a document by which a proceeding in the Federal Circuit Court under the <i>Bankruptcy Act 1966</i> is commenced	(a) for a publicly listed company—\$4,375 (b) for a corporation—\$2,915 (c) in any other case—\$1,215
207	Filing, by a person other than the applicant, of a document seeking the making of final orders different from those sought by the applicant (other than in a proceeding mentioned in item 202)	(a) for a publicly listed company—\$1,870 (b) for a corporation—\$1,245 (c) in any other case—\$515

**Schedule 1 Fees****Part 2 Fees for proceedings in Federal Circuit Court**

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<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
208	Filing of an application for an order for substituted service of a bankruptcy notice	(a) for a publicly listed company—\$490 (b) for a corporation—\$325 (c) in any other case—\$130
209	Filing of an application under section 539 of the <i>Fair Work Act 2009</i> in either of the following circumstances: (a) the applicant has been dismissed from employment in alleged contravention of Part 3-1 of that Act; (b) the applicant alleges a breach of section 351 of that Act	The fee prescribed under subsection 395(2) of the <i>Fair Work Act 2009</i>
210	Filing of an application under section 539 of the <i>Fair Work Act 2009</i> if the applicant has been dismissed from employment in alleged contravention of section 772 of that Act	The fee prescribed under subsection 395(2) of the <i>Fair Work Act 2009</i>
211	Filing of an application under section 539 of the <i>Fair Work Act 2009</i> 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	\$180
212	Filing of an application under section 539 of the <i>Fair Work Act 2009</i> 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	\$300
213	Filing of an application under the <i>National Consumer Credit Protection Act 2009</i> 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	\$180

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Fees **Schedule 1**  
Fees for proceedings in Federal Circuit Court **Part 2**

Item	Document or service	Fee
214	Filing of an application under the <i>National Consumer Credit Protection Act 2009</i> 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	\$300
214A	Filing of an application to register a New Zealand judgement under the <i>Trans-Tasman Proceedings Act 2010</i>	\$95
215	Setting down for hearing for final orders of a proceeding or an issue in question in a proceeding (other than a proceeding under the <i>Bankruptcy Act 1966</i> or a proceeding mentioned in item 202)	(a) for a publicly listed company—\$2,245 (b) for a corporation—\$1,495 (c) in any other case—\$615
216	For hearing for final orders of a proceeding or an issue in question in a proceeding (other than a proceeding under the <i>Bankruptcy Act 1966</i> or a proceeding mentioned in item 202)—for each hearing day or part of a hearing day (other than the first hearing day)	(a) for a publicly listed company—\$2,245 (b) for a corporation—\$1,495 (c) in any other case—\$615
217	For the hearing for an examination by a Registrar of the Federal Circuit Court under section 50 or 81 of the <i>Bankruptcy Act 1966</i> —for each day or part of a day	(a) for a publicly listed company—\$2,245 (b) for a corporation—\$1,495 (c) in any other case—\$615
218	For the hearing of an application (including a cross-claim) under subsection 10(3) of the Federal Circuit Court Act—for each day or part of a day	(a) for a publicly listed company—\$2,245 (b) for a corporation—\$1,495 (c) in any other case—\$610
219	On request, production of a file of the Federal Circuit Court and the making of a copy or copies of a document or documents in the file (regardless of the number of documents to which the request relates)	(a) for the production of the file—\$43 (b) for each page included in a copy made in accordance with the request—\$1

**Schedule 1 Fees**

**Part 2 Fees for proceedings in Federal Circuit Court**

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<b>Item</b>	<b>Document or service</b>	<b>Fee</b>
220	Each service or execution, or attempted service or execution, of the process of the Federal Circuit Court by an officer of the court (other than in a proceeding mentioned in item 202)	An amount equal to: (a) the amount of any expenses reasonably incurred by the officer in the service or execution, or attempted service or execution, of the process; and (b) a charge worked out at the hourly rate of salary payable to the officer for the time involved in the service or execution, or attempted service or execution
221	Seizure and sale of goods by an officer of the Federal Circuit Court in the execution of the process of the court (other than in relation to a proceeding under the <i>Admiralty Act 1988</i> or a proceeding mentioned in item 202)	\$470
222	For issuing a subpoena	(a) for a publicly listed company—\$180 (b) for a corporation—\$120 (c) in any other case—\$60
223	For issuing a summons to a person, under section 50 or 81 of the <i>Bankruptcy Act 1966</i> , to attend examination about a debtor's examinable affairs	(a) for a publicly listed company—\$600 (b) for a corporation—\$400 (c) in any other case—\$200
224	Mediation by an officer of the Federal Circuit Court (other than in a proceeding mentioned in item 202)—for each attendance at the mediation	\$410
Note:	The fees mentioned in this Schedule (other than the fees mentioned in items 202, 209, 210 and 220) are subject to biennial increase under section 2.20.	

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## Schedule 2—Remuneration and allowances

(section 3.02)

<b>Item</b>	<b>Matter for which payment is made</b>	<b>Amount payable</b>
1	Attendance on the first day of a trial: (a) for 4 hours or less; or (b) for more than 4 hours	Half the amount mentioned in item 2 The amount mentioned in item 2
2	Attendance on each day of a trial for days 2, 3, 4 and 5	\$100
3	Attendance on each day of a trial for days 6, 7, 8, 9 and 10	\$110
4	Attendance on each day of a trial after day 10	\$122
5	Attendance on the last day of a trial, if required to serve for more than 8 hours (excluding adjournments for meals): (a) for an additional period of up to 4 hours; or (b) for an additional period of more than 4 hours	The amount mentioned for the day in another item plus half the amount mentioned for that day Double the amount mentioned for the day in another item

## Endnotes

Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

- Endnote 1—About the endnotes
- Endnote 2—Abbreviation key
- Endnote 3—Legislation history
- Endnote 4—Amendment history
- Endnote 5—Uncommenced amendments
- Endnote 6—Modifications
- Endnote 7—Misdescribed amendments
- Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

### Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

**Uncommenced amendments—Endnote 5**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

## Endnote 3—Legislation history

**Endnote 3—Legislation history**

<b>Number and year</b>	<b>FRLI registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
280, 2012	11 Dec 2012 ( <i>see</i> F2012L02411)	1 Jan 2013	
284, 2012	11 Dec 2012 ( <i>see</i> F2012L02412)	Sch 2: ( <i>see</i> s 2)	—
51, 2013	11 Apr 2013 ( <i>see</i> F2013L00649)	Sch 1 (items 59–65): ( <i>a</i> ) Sch 2 (item 1): ( <i>a</i> )	—

- (a) Section 2 (item 2) of the *Federal Circuit Court of Australia Legislation (Consequential Amendments) Regulation 2013 (No. 1)* provides as follows:  
Each provision of this regulation 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.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
2. Schedule 1	Immediately after the commencement of Schedules 1 and 2 to the <i>Federal Circuit Court of Australia Legislation Amendment Act 2012</i> .	12 April 2013 ( <i>see</i> F2013L00643)
3. Schedule 2	Immediately after the commencement of the <i>Trans-Tasman Proceedings Legislation Amendment Regulation 2012 (No. 2)</i> .	11 October 2013 ( <i>see</i> F2013L01445)

## Endnotes

### Endnote 4—Amendment history

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#### Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
<b>Part 1</b>	
s. 1.01 .....	am. No. 51, 2013
s. 1.03 .....	am. No. 284, 2012; No 51, 2013
Note 1 to s. 1.05 .....	am. No. 51, 2013
<b>Part 2</b>	
<b>Division 2.1</b>	
s. 2.01 .....	am. No. 51, 2013
<b>Division 2.2</b>	
s. 2.03 .....	am. No. 51, 2013
<b>Div 2.3</b>	
s. 2.05 .....	am. No. 284, 2012
s. 2.06 .....	am. No. 284, 2012
<b>Division 2.4</b>	
Heading. to s. 2.09 .....	am. No. 51, 2013
s. 2.09 .....	am. No. 51, 2013
s. 2.10 .....	am. No. 51, 2013
Subhead. to s. 2.11(2) .....	am. No. 51, 2013
s. 2.11 .....	am. No. 284, 2012; No 51, 2013
Subhead. to s. 2.12(2) .....	am. No. 51, 2013
s. 2.12 .....	am. No. 51, 2013
Subhead. to s. 2.13(2) .....	am. No. 51, 2013
s. 2.13 .....	am. No. 51, 2013
<b>Division 2.5</b>	
s. 2.17 .....	am. No. 51, 2013
s. 2.18 .....	am. No. 51, 2013
<b>Division 2.6</b>	
s. 2.19 .....	am. No. 51, 2013
<b>Part 4</b>	
Heading to s. 4.02 .....	am. No. 51, 2013

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Endnote 4—Amendment history

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<b>Provision affected</b>	<b>How affected</b>
s. 4.02 .....	am. No. 51, 2013
<b>Schedule 1</b>	
Schedule 1 .....	am. No. 284, 2012; No 51, 2013

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**Endnotes**

Endnote 5—Uncommenced amendments [none]

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**Endnote 5—Uncommenced amendments [none]**

**Endnote 6—Modifications [none]**

**Endnote 7—Misdescribed amendments [none]**

**Endnote 8—Miscellaneous [none]**