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AUSTRALIAN CAPITAL TERRITORY SUPREME COURT AMENDMENT BILL 1977

Date Introduced: 2 November 1977
House: House of Representatives
Presented by: Hon. J.W. Howard, M.P.,
Minister representing the Attorney-General

Short Digest of Bill

Purpose

To enable the making of regulations setting fees to be charged in the Supreme Court of the A.C.T.

Background

Until now A.C.T. Supreme Court fees have been set by Rules of Court made by the Judges. As pointed out in the Minister's Second Reading Speech, in line with the policy of the Labor Government generally not to charge court fees, the Judges amended the Rules to abolish most fees. The present Government favours the imposition of fees. This difference has introduced a political element into the matter, so it has been decided to remove it from judicial control and make it a question for executive decision by regulation.

Provisions

Section 28 of the Principal Act gives the Judges power to make Rules of Court on a number of matters, which could include fees, so long as they are not inconsistent with the Act or any other Commonwealth Act or any A.C.T. Ordinance. Clause 3 adds to that list regulations made under the Australian Capital Territory Supreme Court Act or any other Commonwealth Act, thereby ensuring that once fees are prescribed by regulation Rules prescribing fees cannot be made, as they would be inconsistent with the regulations.

Clause 4 adds a new section 29 giving the Governor-General power to make regulations setting fees or other payments in connection with the various Court processes and also for their collection or remission.

3 November 1977

Law and Government Group
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*Australian Capital Territory Supreme Court Amendment Bill 1977 (Bills Digest 132, 1977)
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