



Australian Government
Attorney-General's Department

Social Inclusion Division

ASSESSMENT POLICY

FEDERAL PROCEEDINGS (COSTS) ACT 1981 — s 6, 7, 7A, 8, 9 & 10A CERTIFICATES

The Attorney-General's Department administers the payment of costs certificates issued by federal courts under the *Federal Proceedings (Costs) Act 1981* (the Act).

Costs and disbursements covered by a certificate are paid on a party and party basis. Section 18 provides that the Attorney-General is unable to authorise payment of an amount that exceeds the prescribed maximum amount for the court that heard the appeal or new trial. The current prescribed maximum amounts are as set out under regulation 4 of the Federal Proceedings (Costs) Regulations and are as follows:

- | | |
|-----------------------------------|----------|
| • Administrative Appeals Tribunal | \$2,000 |
| • Family Court | \$4,000 |
| • Federal Court | \$6,000 |
| • High Court | \$10,000 |

In addition, matters heard by the Federal Circuit Court (previously the Federal Magistrates Court) are subject to a \$4,000 limit.

Our preference is for applications to be completed online via the department's website:
<http://www.ag.gov.au>.

Only complete applications will be accepted and processed by the department. In order to complete your application, you will need:

- a copy of the costs certificate, marked with the court's seal,
- a copy of the court orders which granted the certificate,
- copies of itemised accounts for any legal fees recoverable under the costs certificate, and
- copies of receipts for any expenses recoverable under the costs certificate.

If the recipient of payment is registered for GST, a tax invoice addressed to the 'Attorney-General's Department' is also required.

Please note

Costs will be assessed in accordance with the relevant scale for the applicable court at the time the work was undertaken.

For section 8 costs certificates, costs relating to a re-trial will include the cost of settling a matter without trial.

Contact us

You can contact the Financial Assistance Section between 8:30am and 5:00pm EST, Monday to Friday.

You should expect to receive a response to email enquiries on the next working day.

Phone: (02) 6141 4770

Email: finass@ag.gov.au.