

9. Allocation of hearing date — Schedule 1 Division 1 item 6

- (1) In this regulation —
“**fee**” means the fee referred to in Schedule 1 Division 1 item 6.
- (2) The fee is not payable in relation to interlocutory proceedings.
- (3) The number of days for which the fee is payable is —
 - (a) the number of days estimated for the hearing in the certificate of readiness; or
 - (b) if at a directions hearing a greater number of days is allocated for the hearing, the number of days allocated for the hearing at the directions hearing.
- (4) If the number of days for which the fee is payable is half a day or less, the fee is reduced by half.
- (5) The fee, calculated on the basis of the number of days estimated for the hearing in the certificate of readiness, must be paid when the fee referred to in Schedule 1 Division 1 item 5 is paid.
- (6) If, at a directions hearing after the cause or matter has been entered for hearing, the number of days allocated for the hearing is increased, the fee for the additional days is to be paid immediately after the directions hearing.
- (7) The fee paid is not refundable except as provided in subregulations (8), (9) and (10).
- (8) If the cause or matter is settled and the Court receives written notice of the settlement the following percentage of the fee paid is to be refunded —
 - (a) if notice is received 42 days or more before the first date allocated for the hearing date, 75%;
 - (b) if notice is received 28 days or more before that date, 50%.
- (9) If the hearing is adjourned before the first date allocated for the hearing the following percentage of the fee paid is to be refunded or transferred to the date or dates allocated for the adjourned hearing —
 - (a) if the Court or Registrar is satisfied the reason for the adjournment is beyond the control of the parties, 100%;
 - (b) otherwise, if the adjournment occurs —
 - (i) 42 days or more before the first date allocated for the hearing, 75%; or
 - (ii) 28 days or more before that date, 50%.
- (10) If the hearing is adjourned after it has commenced and the Court or Registrar is satisfied the reason for the adjournment is beyond the control of the parties, the fee paid in respect of dates after the date of the adjournment is to be refunded or transferred to the date or dates allocated for the adjourned hearing.

[Regulation 9 inserted in Gazette 28 Apr 2005 p. 1760-1; amended in Gazette 23 Jun 2005 p. 2693.]