



PO Box 246 Wyong NSW 2259
Tel: (02) 4353 4988 ♦ Fax (02) 4353 4680
www.centralcoastclc.org.au
ABN 42 476 745 942

12 April 2013

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Sir/Madam

Impact of federal court fee increases since 2010 on access to justice in Australia

The Central Coast Community Legal Centre is an independent not for profit community organization that provides free non judgmental legal services to the most disadvantaged people living on the Central Coast of NSW.

Please find attached a case study that illustrates the impact the federal court fee increases have had on one of our clients.

Yours faithfully

Bronwyn Ambrogetti
Principal Solicitor

Case Study

Legal problem/Category: Family Law

Sub Category: Application for Divorce

1. Facts

Susan (not her real name), is separated and severely disabled due to serious health problems. Susan's health problems incur significant and unpredictable medical expenses in addition to normal day-to-day living expenses. Susan is in receipt of a Disability Pension and even though she tries to save for unexpected expenses she finds it hard to make ends meet when she needs extra medical attention and associated transport costs.

2. Issue

Susan was referred to the Central Coast Community Legal Centre by a social worker at the local hospital for assistance in filing an Application for Divorce. At the time that this application was made, the filing fee at the Federal Magistrates Court was \$800.00.

Susan's current fortnightly income is \$893.60. Her fortnightly day-to-day living expenses are \$836.00. Susan could not afford even the reduced filing fee and the CLC applied for a waiver due to her circumstances.

The Federal Magistrate's Court did not accept Susan's application for a complete waiver of the filing fee and she was instead required to pay a reduced filing fee of \$265.

Although this fee is significantly reduced, it is a substantial amount of money to Susan. In order to file the application she had no other option than to use her minimal savings, which she had set aside to cover unexpected medical costs.

Susan's divorce application was straightforward without any objections from her spouse. There are no children of the relationship and the proceedings would have taken little time in the Federal Magistrates Court.

4. Outcomes

The implications of this filing fee were very serious for Susan as she was forced to use her limited savings intended for medical expenses. The reduction in the filing fee by the Federal Magistrates Court was not proportionate to Susan's income or circumstances.

The impact of the Federal Court's increase of filing fees may have serious negative outcomes for persons in similar situations to Susan and ultimately may reduce access to justice. In order to remedy this deficiency there should be discretion for applicants with disabilities, or those who are in serious financial hardship to have filing fees waived or at the very least, further reduced.

The degree of reduction does not adequately reflect the income of many Australians on low incomes and in many cases would result in a barrier to access to justice for those who cannot afford to cover the costs of filing.

Student Law Clerk: Kaitlin Taylor