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Submission to the Senate Legal and Constitutional Affairs Legislation Committee's Inquiry into the Courts and Tribunals Legislation Amendment (Administration) Bill 2012

About Care Inc. and the Consumer Law Centre of the ACT

Care Financial Counselling Service (Care) has been the main provider of financial counselling and related services to low to moderate income and vulnerable consumers in the ACT since 1983. Care's core service activities include the provision of information, counselling and advocacy to consumers experiencing problems with credit and debt. Care also has a Community Development and Education Program, makes policy and comments on issues of importance to its client group and has operated the ACT's No Interest Loans Scheme since 1997.

In late 2002, Care was selected as the host agency for the Consumer Law Centre of the ACT (CLC). The CLC was officially opened in January 2003. The CLC offers legal assistance in the area of credit and debt, consumer protection and fair trading. In addition to casework, the CLC advocates and provides policy comment on local, territory and national issues to improve legal protection, raise awareness and promote an understanding of consumers' rights in the ACT.

Across Care's service delivery programs, the agency responds to over 2000 new requests for assistance every year.

Our Submission

The CLC thanks the Senate Legal and Constitutional Affairs Legislation Committee for the opportunity to make a submission on the Courts and Tribunals Legislation Amendment (Administration) Bill 2012 ("the Bill").

The amendments in Schedule 1, which apply to the Native Title Review Tribunal, are not relevant to our work, and so our comments are restricted to Schedule 2, which deal with the Family Court of Australia and the Federal Magistrates Court of Australia.

Care and the CLC are generally supportive of measures that promote greater efficiency in the operations of the Family Court and the Federal Magistrates

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Court. However, there are three issues of concern to us with the proposal to merge the administrative functions of these Courts.

First, the Courts must maintain their accessibility, particularly to the more vulnerable middle and low-income earners that make up our clientele. This means that any fees and charges imposed by the Courts must remain affordable, and that the procedures involved in commencing and conducting proceedings remain as straightforward as possible.

Secondly, both Courts must maintain their current functions and jurisdiction to ensure that available avenues for legal redress are not unduly closed off.

Thirdly, administrative and counter staff must be given adequate training regarding the procedures of both Courts so that they will be able to assist unrepresented litigants with filing and responding to claims.

With appropriate safeguards in place to ensure vulnerable people are not disadvantaged, the federal justice system will remain fair to all.

Thank you for taking the time to read our submission and we look forward to reading your report from this inquiry.

Yours sincerely,

Dara McDaniel
Principal Solicitor

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