



12 April 2013

Ms Julie Dennett
Committee Secretary
Senate Standing Committee on Legal and Constitutional Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Ms Dennett

CHANGES TO FAMILY COURT AND FEDERAL MAGISTRATES COURT FEES

I take the opportunity to write to you in relation to the filing fee changes in the Family Court and Federal Magistrates Court.

We support and endorse the letter from Women's Law Centre WA Inc. (WLCWA) expressing concerns over increases in filing fees.

The Southern Communities Advocacy, Legal and Education Service Inc. (SCALES) is a not-for-profit community legal centre funded by the Commonwealth Attorney General's Department to provide free legal services to low income, disadvantaged and vulnerable people from Western Australia's south west metropolitan region of Kwinana and Rockingham.

SCALES also hosts the Murdoch University Law Clinic where law students enrolled in Clinical Legal Education units attend the community legal centre for a semester and work as part of the legal team, taking instructions, preparing court documents, negotiating, managing files under the close supervision of our experienced legal practitioners.

We have identified a number of highly vulnerable groups within our community such as people with disabilities, Aboriginal and Torres Strait Islander people, women and children experiencing family and domestic violence, tenants, young people, refugees and people from culturally and linguistically diverse backgrounds. Many of these people have very low and in some cases, no income. Fees relating to arrangements for children and divorce in the Family Court can be major barriers in formalising arrangements following separation for both children and Divorce.

In the calendar year of 2012, SCALES provided advice to over 800 people with 279 files opened for further and more comprehensive assistance and advocacy. Over 50% of our work is family law related, almost 30% of these clients have experienced or are experiencing family and domestic violence.

The matters these clients come to SCALES for assistance are often highly complex with interlocking issues impacting on their ability to resolve their matters without assistance, whether initial advice or more intensive ongoing support. Due to distance and limited resources we are not able to represent clients in Family Court matters or assist with court fee costs.

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Poverty is a key factor in many of our clients' circumstances. Filing fees of \$80 to \$145 for consent orders or \$265 for divorce would be prohibitive for many of our clients and quite likely to be a barrier that prevents them from proceeding with their matter to appropriate, safe and satisfactory resolution.

We hope that you will consider the impact of and disincentive to parties to formalise agreements reached out of court and the likelihood of continued control and abuse with risks to children's safety and wellbeing.

I am happy to be contacted to provide further information or discuss this letter.

Yours sincerely

Gai Walker
Managing Director