

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
FAMILY COURT OF AUSTRALIA

**Question No. 27**

**Senator Brandis asked the following question at the hearing on 12 February 2013:**

**Senator BRANDIS:** What percentage of litigants in respectively the Family Court and the Federal Magistrates Court dealing with family law matters are the beneficiaries of fee waivers? Mr Foster, do you know?

**Mr Foster:** I think it is a bit early to determine that. The fees have only been in since 1 January. And I am not sure we are actually recording that.

**Senator BRANDIS:** Have you budgeted for it?

**Mr Foster:** We are on track to collect the fees we have budgeted for.

**Senator BRANDIS:** You must have made an estimate as to what percentage of the filings would be waived. What percentage would it be?]

**Mr Foster:** I cannot answer that off the top of my head. Can I take that on notice?

**Senator BRANDIS:** Is it less than five per cent?

**Mr Foster:** I do not know the answer.

**Senator Ludwig:** He has asked to take it on notice.

**Senator BRANDIS:** Would you take it on notice, then, if you do not know.

**The answer to the honourable senator's question is as follows:**

Please see the tables attached

Family Court of Australia 1 January to 31 January 2013

Fee type	Fee type	Fee Type Payable	Exempted from Payment (#)	Legal Aid Exemptions (#)	Payments Waived (#)	Payments (#)
Collect Hearing Fee Notice	Collect Hearing Fee Notice	Full Fee	.	.	.	3
	Collect Hearing Fee Notice	Reduced Fee \$0	4	2	.	.
<b>Collect Hearing Fee Notice</b>			<b>4</b>	<b>2</b>	<b>0</b>	<b>3</b>
Application Consent Orders	Application Consent Orders	Full Fee	.	.	.	617
	Application Consent Orders	No Fee	19	.	.	.
<b>Application Consent Orders</b>			<b>19</b>	<b>0</b>	<b>0</b>	<b>617</b>
Subpoena	Subpoena	Full Fee	.	.	.	420
	Subpoena	No Fee	49	1	.	.
	Subpoena	Reduced Fee \$0	27	9	.	.
<b>Subpoena</b>			<b>76</b>	<b>10</b>	<b>0</b>	<b>420</b>
Response to Final Orders	Response to Final Orders	Full Fee	.	.	.	99
	Response to Final Orders	No Fee	16	2	.	.
	Response to Final Orders	Reduced Fee	1	.	.	.
	Response to Final Orders	Reduced Fee \$0	19	4	1	.
<b>Response to Final Orders</b>			<b>36</b>	<b>6</b>	<b>1</b>	<b>99</b>
Application for Final Orders	Application for Final Orders	Full Fee	.	.	.	95
	Application for Final Orders	No Fee	28	.	.	.
	Application for Final Orders	Reduced Fee	.	1	.	.
	Application for Final Orders	Reduced Fee \$0	20	5	1	.
<b>Application for Final Orders</b>			<b>48</b>	<b>6</b>	<b>1</b>	<b>95</b>
Application for Final Orders Validity/Nullity	Application for Final Orders Validity/Nullity	Full Fee	.	.	.	2
Application in a Case	Application in a Case	Full Fee	.	.	.	83
	Application in a Case	No Fee	13	.	.	.
	Application in a Case	Reduced Fee \$0	16	7	2	.
<b>Application in a Case</b>			<b>29</b>	<b>7</b>	<b>2</b>	<b>83</b>
Collect CMF Fee Notice	Collect CMF Fee Notice	Full Fee	.	.	.	.
	Collect CMF Fee Notice	No Fee	1	.	.	.
<b>Collect CMF Fee Notice</b>			<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
Collect Setting Down Fee	Collect Setting Down Fee	Full Fee	.	.	.	2
	Collect Setting Down Fee	No Fee	1	.	.	.
	Collect Setting Down Fee	Reduced Fee \$0	1	.	.	.
<b>Collect Setting Down Fee</b>			<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>
Response to Application for Final Orders	Response to Application for Final Orders	Full Fee	.	.	.	16
	Response to Application for Final Orders	No Fee	8	.	.	.
<b>Response to Application for Final Orders</b>			<b>8</b>	<b>0</b>	<b>0</b>	<b>16</b>
<b>Grand Total - FCoA</b>			<b>223</b>	<b>31</b>	<b>4</b>	<b>1,337</b>
<b>Percent %</b>			<b>14.0%</b>	<b>1.9%</b>	<b>0.3%</b>	<b>83.8%</b>

Federal Magistrates Court – 1 January to 31 January 2013

Fee type	Fee type	Fee Type Payable	Exempted from Payment (#)	Legal Aid Exemptions (#)	Payments Waived (#)	Payments (#)
<b>Collect Setting Down Fee Notice</b>	Collect Setting Down Fee Notice	Full Fee	.	.	.	10
	Collect Setting Down Fee Notice	No Fee	1	5	.	.
	Collect Setting Down Fee Notice	Reduced Fee \$0	2	.	2	.
<b>Collect Setting Down Fee Notice</b>			<b>3</b>	<b>5</b>	<b>2</b>	<b>10</b>
<b>Response to Final Orders</b>	<b>Response to Final Orders</b>	<b>Full Fee</b>	.	.	.	<b>3</b>
<b>Collect CMF Fee Notice</b>	Collect CMF Fee Notice	Full Fee	.	.	.	1
	Collect CMF Fee Notice	No Fee	1	.	.	.
<b>Collect CMF Fee Notice</b>			<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>Collect FMC Hearing Fee</b>	Collect FMC Hearing Fee	Full Fee	.	.	.	10
	Collect FMC Hearing Fee	No Fee	2	3	.	.
	Collect FMC Hearing Fee	Reduced Fee \$0	1	.	2	.
<b>Collect FMC Hearing Fee</b>			<b>3</b>	<b>3</b>	<b>2</b>	<b>10</b>
<b>Subpoena</b>	Subpoena	Full Fee	.	.	.	1,157
	Subpoena	No Fee	170	92	.	.
	Subpoena	Reduced Fee \$0	66	95	10	.
<b>Subpoena</b>			<b>236</b>	<b>187</b>	<b>10</b>	<b>1,157</b>
<b>FMC Application in a Case</b>	FMC Application in a Case	Full Fee	.	.	.	83
	FMC Application in a Case	No Fee	17	.	.	.
	FMC Application in a Case	Reduced Fee \$0	27	7	3	.
<b>FMC Application in a Case</b>			<b>44</b>	<b>7</b>	<b>3</b>	<b>83</b>
<b>Response to Application for Final Orders</b>	Response to Application for Final Orders	Full Fee	.	.	.	400
	Response to Application for Final Orders	No Fee	83	2	.	.
	Response to Application for Final Orders	Reduced Fee	2	3	.	.
	Response to Application for Final Orders	Reduced Fee \$0	133	83	7	.
<b>Response to Application for Final Orders</b>			<b>218</b>	<b>88</b>	<b>7</b>	<b>400</b>
<b>Application for Final Orders</b>	Application for Final Orders	Full Fee	.	.	.	471
	Application for Final Orders	No Fee	108	5	.	.
	Application for Final Orders	Reduced Fee	11	7	.	.
	Application for Final Orders	Reduced Fee \$0	246	109	24	.
<b>Application for Final Orders</b>			<b>365</b>	<b>121</b>	<b>24</b>	<b>471</b>
<b>Application for Interim Orders</b>	Application for Interim Orders	Full Fee	.	.	.	358
	Application for Interim Orders	No Fee	52	5	.	.
	Application for Interim Orders	Reduced Fee \$0	219	112	30	.
<b>Application for Interim Orders</b>			<b>271</b>	<b>117</b>	<b>30</b>	<b>358</b>
<b>Application for Divorce</b>	Application for Divorce	Full Fee	.	.	.	1,944
	Application for Divorce	Reduced Fee	714	2	51	.
<b>Application for Divorce</b>			<b>714</b>	<b>2</b>	<b>51</b>	<b>1,944</b>
<b>Grand Total - FMC</b>			<b>1,855</b>	<b>530</b>	<b>129</b>	<b>4,437</b>
<b>Percent %</b>			<b>26.7%</b>	<b>7.6%</b>	<b>1.9%</b>	<b>63.8%</b>