

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
ATTORNEY-GENERAL'S DEPARTMENT

**Group 2**

**Program 1.1**

**Question No. 63**

**Senator Brandis asked the following question at the hearing on 30 May 2013:**

**Senator BRANDIS:** ... There is one last thing. I want to ask some questions about the waiver of court filing fees for irregular maritime arrivals. Is that in this outcome?

**Mr Wilkins:** Tell me what the question is, Senator, and I will try and figure out—

**Senator BRANDIS:** What I want to find out about is the cost of the waiver of court filing fees in relation to review applications for IMAs. I should have asked that of Mr Foster.

**Mr Wilkins:** Whether we know what it is? I do not know what impact it has, Senator—that is the question.

**Senator BRANDIS:** Perhaps you could take this on notice. I would just be interested in knowing what the cost that would otherwise be recouped by the Commonwealth is as a result of the government's decision to waive filing fees in federal courts for IMAs seeking judicial review of their matters.

**Mr Wilkins:** Okay.

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

There is no specific court fee exemption for a person arriving in Australia as an irregular maritime arrival. Like any other person, a person classed as an irregular maritime arrival seeking an exemption would need to satisfy the criteria set out in the *Federal Court and Federal Circuit Court Regulation 2012* (sections 2.05 and 2.06). Consistent with this approach, the number of fee exemption applications made by persons classed as irregular maritime arrivals is not recorded by the Federal Court and Federal Circuit Court separately to the number of fee exemption applications generally.