



Australian Government
Department of Immigration and Citizenship

ACTING SECRETARY

17 April 2013

Julie Dennett
Committee Secretary
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Ms Dennett

Inquiry into the impact of the federal court fee increases since 2010 on access to justice in Australia – second submission

I refer to phone discussions that officers of my Department undertook with you last Friday 12 April 2013. In those discussions, the Department agreed to provide an updated submission to the Committee regarding our approach to federal court fee increases since 2010.

Following discussions with the Commonwealth Attorney General's Department, we note that amendments contained within the *Federal Court and Federal Magistrates Court Regulations 2012* have effectively reverted back to arrangements prior to 1 November 2010, where persons detained in a public institution are exempt from liability to pay court fees.

The reversion to fee exemptions has occurred in the broader context of the 11 November 2010 decision of the High Court of Australia in *Plaintiff M61/2010E v Commonwealth of Australia*, which provided that Independent Merits Reviews of Refugee Status Assessments under the offshore processing regime were subject to the *Migration Act 1958* (Cth).

Thank you for the opportunity to bring this to the Committee's attention.

Yours sincerely

Elizabeth Cosson AM CSC

Acting Secretary

people our business