



Cairns Community Legal Centre Inc

Our Ref: RA
Your Ref:

25 March 2013

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Via email: legcon.sen@aph.gov.au

IMPACT OF FEDERAL COURT FEE INCREASES SINCE 2010 ON ACCESS TO JUSTICE

We refer to the invitation to bring submissions to the Committee in this matter.

Background and Experience of the Cairns Community Legal Centre Inc.

The Cairns Community Legal Centre Inc (the Centre) is a not for profit community organisation. The Centre, which has been operating since approximately 1991, is funded by Commonwealth and State governments.

The Centre provides legal services for the benefit of socially and financially disadvantaged members of the community in Far North Queensland.

The objects of the Centre include the provision of free and accessible legal services.

The Centre operates 5 service programs:

- Core (General) Service
- Disability Discrimination Legal Service (DDLS)
- Seniors Legal and Support Service (SLASS)
- Family Law Service (FLS)
- Consumer Law Service (CLS) – pilot

The activities undertaken by the Centre include legal advice, information, referrals, casework, law reform and social policy work, and community legal education.

Submission

We recall the previous effects of the fee increases to the Federal Magistrates Court where client's (even those on Centrelink payments or with health care cards) still had to pay \$60.00 for the filing fee for divorce.

Even this amount was an issue for many of our clients who would need to put extra money aside and often delay filing their court documents so they could 'save' to go to court.

We note that with the court increases on 1 January 2013, the reduced filing fee for a divorce is \$265.00- which is over four times the previous amount.

We note that the 'full' fee for divorce is now \$800.00- an amount we believe would be very difficult to pay by persons even on a modest income but do not qualify for the fee reduction.

We note that an application for a matter involving children and property is now \$500.00 while an application for children or property is \$305.00.

Again our clients will greatly struggle to be able to simply enter the court system let alone have the matter set down for a hearing.

Our concerns at these significant fee increases are these:-

- It may force already disadvantaged clients to resolve their matters on less favourable or unjust terms as legal recourse to the courts is no longer a realistic option;
- Gives unfair advantage to the other party who has greater access to financial resources;
- May cause delays in couples applying for divorce and hence there being no formal end to financial affairs or commitments due to the fee increases;
- Adds financial stress to litigants forced to save or borrow to pay the court fees in circumstances where their money should be going towards their living expenses.

In short we believe the fee increases should return to the pre-January 2013 levels. Further, there should be full fee waivers for persons under financial hardship- eg low income earners and those with Centrelink/health care cards.

Thank you for taking the time to consider our views.

Yours faithfully

CAIRNS COMMUNITY LEGAL CENTRE INC

Robert Apps

Principal Solicitor