

RECOMMENDATIONS

Recommendation 1

4.16 The committee recommends that the Australian Government commission or undertake research to develop quantitative data and qualitative evidence on the effect of federal court fee settings on the behaviour of disputants and on broader access to justice issues, in order to better inform policy development in this area.

Recommendation 2

4.17 The committee recommends that, prior to any future changes to federal court fee settings, and keeping in mind that budgetary decisions are ultimately a matter for government, relevant stakeholders from the courts and the legal profession should be given adequate opportunity to present their views on these matters to the Australian Government. These stakeholders should include:

- the High Court of Australia, the Federal Court of Australia, the Federal Circuit Court of Australia, and the Family Court of Australia;
- the Law Council of Australia;
- National Legal Aid;
- National Association of Community Legal Centres;
- representatives from the pro bono legal sector in Australia; and
- other relevant legal experts.

Recommendation 3

4.27 The committee recommends that the qualifying threshold for financial hardship exemptions under the *Guidelines for exemption of court fees* be reviewed. If necessary, the guidelines should be amended in order to ensure that the threshold for financial hardship exemptions does not inhibit the ability of individuals to access redress through the courts.

Recommendation 4

4.30 The committee recommends that consideration be given to appropriately amending the application form for exemption from paying court fees used in the Federal Court of Australia and the Federal Circuit Court of Australia, to remove any ambiguity concerning the ability of clients of Community Legal Centres prescribed under the Legal Aid Schemes and Services Approval 2013 to access a fee exemption.

Recommendation 5

4.31 The committee recommends that the Australian Government undertake a review of the schemes and services listed in the Legal Aid Schemes and Services Approval 2013, and update the Approval as necessary, to ensure that all eligible legal aid providers are appropriately listed under the Approval.