



Australian Government
Attorney-General's Department

Access to Justice Division

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Changes to court and tribunal fees

A significant injection of resources will be directed towards legal assistance services as a result of this year's Federal Budget. To offset the injection of funds into legal assistance services, it is proposed that the structure and amount of federal court and tribunal fees will change. All changes are subject to the approval of the Governor-General in Council.

The proposed fee increases will take account of the ability of parties to pay. Increases for corporations will be more significant than for individuals. Parties facing financial hardship will pay a modest fee to make an application. This will be significantly lower than normal fees. The aim is to encourage parties to resolve matters without resorting to hearing and to ensure that they make a contribution to the service provided. There will also be increases to fees for long trials. The aim is to provide incentives to take steps to identify the real issues in dispute so as to minimise the length of hearing. It is appropriate that parties involved in long trials, which take up significant resources, should make a greater contribution.

The changes will involve:

- specific increases in application fees for divorce, family law matters, bankruptcy, Federal Court appeals and for applications in the High Court as well as an 8% increase in court and Administrative Appeals Tribunal fees that are not subject to specific increases
- introduction of an additional hearing fee for matters which go beyond one day's hearing in the Family Court and Federal Magistrates Court
- introduction of a staged increase in hearing fees in the Federal Court so that higher fees are payable in longer cases
- introduction of a fee in the AAT for agencies that are deemed 'unsuccessful' (that is, their decisions are substituted or substantially varied) by the AAT. These fees are to support better primary decision-making, and
- introduction of a new flat fee to replace certain applications (and other items) that were previously eligible for fee waivers and exemptions. The flat fee will be \$100 for general law matters and \$60 for family law matters.

With the exception of the new flat fee, the changes will commence on 1 July 2010. In addition, various court and tribunal regulations provide for a biennial increase in fees. The next increase is due to take place on 1 July 2010. It is proposed that the new flat fee will commence on 1 September 2010.

I enclose for your information a document containing the proposed new fees and commencement dates for each affected court and tribunal.

You may wish to bring this information to the attention of your members and stakeholders. The action officer for this matter is Bernadette Radford who can be contacted on (02) 6141 3102.

Kelly Williams
Assistant Secretary
Federal Courts Branch