

Escalating court fees erode access to justice

The Law Council of Australia is concerned the increase in filing fees in the High Court, Federal Court, Family Court and Federal Circuit Court will further undermine access to justice.

The Law Council President, Mr Duncan McConnel, said the fee increases were unwarranted and unfair.

“Just two years ago, federal court filing fees were tripled. Now, court users are having even greater taxes imposed on them while little is given back to the justice system,” Mr McConnel said.

The fee changes are expected to raise \$87.4 million, of which just \$24 million will be reinvested in the justice system. Since 2010, court users have been subject to additional taxes worth \$256 million. Of this, just \$66.2 million has been provided to legal assistance services and just \$60 million has been given in urgently needed funding to the courts.

Separating families will be particularly affected, with the divorce fee in the Federal Circuit Court increasing by \$350, to \$1,195.

The Chair of the Law Council’s Family Law Section, Mr Rick O’Brien, said the fee changes impose yet another burden on separating families and particularly those fleeing domestic violence, including women and children.

“The changes to family law fees are particularly cynical when there is no option for divorcing parties other than to apply to the court, and even when they reach an agreement there is a fee imposed for consent orders. The fact that the revenue raised is not being fully invested back into the underfunded Family Courts simply makes it worse,” Mr O’Brien said.

At the Access to Justice and Pro Bono Conference tomorrow, the Hon. Chief Justice Tom Bathurst AC will lead an expert panel to discuss the concept of valuing justice, including why the justice system should not be seen as another agency of the Government.

In 2013, a Senate Committee delivered a [report](#) on changes to filing fees in the federal courts since 2010. None of its recommendations have been implemented, including that there be consultation prior to any further fee changes.

“This is a heavy blow to access to justice in this country and a continuation of an unfortunate failure to acknowledge the damage to the justice system of excessive court fees, or to consult effectively with the courts and the legal profession. Many people on middle-to-low incomes may now find it simply too expensive to enforce their rights through the courts, which will undermine the rule of law and the proper administration of justice,” Mr McConnel said.

“The Law Council calls for the reversal of these fee changes in the interests of access to justice,” Mr McConnel concluded.

Karuna Gurung, Acting Director of Communications

P. 02 6246 3715 // M. 0439 978 429 // E. karuna.gurung@lawcouncil.asn.au // www.lawcouncil.asn.au