

MEDIA RELEASE

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For Immediate Release

COMMONWEALTH GOVERNMENT BLOW TO SEPARATING FAMILIES

(Statement by Athol Opas, President, ACT Law Society)

The Law Society strongly objects to the Commonwealth Government's Family Court Fee hikes. These increased and new fees are imposed on separating families at a time of great hardship.

The Commonwealth Government has, by Regulation, increased fees payable by parties in Family Court proceedings and introduced new court fees.

The Law Society strongly objects to the new fees and to the increase in existing fees by more than the Consumer Price Index.

Many separating families have very limited access to liquid funds – the assets of most separating families are tied up in their homes, car and superannuation, with little available cash.

Often a separating couple will not have equal access to income and any savings that might exist. One spouse may be working full time but the other spouse may not be. One may hold the family savings while the other may have none.

People who are in financial hardship or simply have limited income and no liquid assets have no practical means of paying court fees unless they are lucky enough to receive the limited legal aid now available. For those people any court fee, no matter how small, can represent a real impediment to seeking help from a family court.

It is unfair to make separating families pay more at a time of great stress and turmoil in their lives.

The Law Society expresses its strong disappointment at the Commonwealth Government's approach to increasing fees and calls upon it to withdraw the increase in fees in the Family Court.

For the information of media representatives the fees are set out below:

1. **New \$80 fee on application for Consent Orders.**

The process of collecting and paying this new fee is likely to be as great as the fee itself.

2. **New \$60 fee on persons who satisfy the Court's financial hardship test.**

3. **Differential filing fees to be paid by applicants and respondents.**

Applicants will pay \$243 on filing an application (an increase of 64% on \$155) and respondents will pay \$176. There is no logical reason to support a different fee.

4. **New fees for each day of the hearing.**

Charge a daily fee of \$466 for each day of a hearing in the Federal Magistrates Court and \$608 for each day of a hearing in the Family Court of Australia. There are very few working parents and even fewer non-working parents who could, for example, find a \$2,000 cash payment to go to court.

END

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