

Court and Tribunal Fee Waiver Guide

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**Legal
Services**
Commission
South Australia

Table of Contents

FOREWORD	3
INTRODUCTION.....	3
TERMINOLOGY	4
STATE COURTS	6
CIVIL MATTERS.....	9
CRIMINAL MATTERS.....	10
MATTERS PURSUANT TO THE <i>UNIFORM SPECIAL STATUTORY RULES 2022</i>	11
STATE TRIBUNALS	14
SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL.....	14
SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL	15
FEDERAL COURTS AND TRIBUNALS	18
FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA.....	18
FEDERAL COURT OF AUSTRALIA.....	21
HIGH COURT OF AUSTRALIA	25
ADMINISTRATIVE APPEALS TRIBUNAL.....	27
AAT: MIGRATION AND REFUGEE DIVISION	30
FAIR WORK COMMISSION	32
NATIONAL NATIVE TITLE TRIBUNAL.....	34

COURT AND TRIBUNAL FEE WAIVER GUIDE

SOUTH AUSTRALIA

Foreword

The fees which are levied by courts and tribunals on the parties who come before them are an important source of government revenue and offset, in small part, the high cost to the community of maintaining its judicial and administrative machinery.

However, those fees present a substantial obstacle to the most financially disadvantaged in our community who seek access to those bodies. For that reason, a power to remit the fees in whole or in part is then provided. The Legal Services Commission, the Law Society and JusticeNet SA are to be commended for noticing the need to inform the community of the availability of that relief and how to apply for it. The Court and Tribunal Fee Waiver Guide conveniently assembles that information from across a range of courts and tribunals in one user friendly booklet.

I am sure that the community joins with me in thanking the Legal Services Commission, the Law Society and JusticeNet for their efforts and the commitment of their resources to this project.

The Honourable Christopher Kourakis
Chief Justice of South Australia

Introduction

Court and tribunal fees and charges can make it difficult for many people, particularly those on low income, to access the legal system.

Every court and tribunal operating in South Australia has different fees and procedures that apply. In many cases, a person can obtain a waiver (exemption or remission) or reduction of fees on the basis of personal or financial circumstances. Each court and tribunal have different procedures for obtaining waivers or reductions of fees and charges. In some cases, payment of fees can also be postponed.

This guide provides basic information regarding:

- The types of cases or persons exempt from court or tribunal fees.

- The criteria which are applied by the court or tribunal to claims for waivers from the various fees.
- How you apply for a waiver or reduction of fees.

The guide covers the major Federal and State courts and tribunals in South Australia.

This edition has been updated and published by the Legal Services Commission and incorporates the *Uniform Civil Rules 2020 (SA)*, the *Joint Criminal Rules 2022 (SA)* and the *Uniform Special Statutory Rules 2022 (SA)*. The first edition was produced by the Law Society of South Australia, JusticeNet and the Legal Services Commission.

Terminology

The courts and tribunals use different terms for applications which have the same effect. In this guide:

- Waiver, exemption and remission mean that the fee is not payable.
- Reduction and partial remission mean that a reduced fee is payable.
- Defer and postpone mean that the fee (or a reduced fee) is payable at a later time.

Acknowledgements

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Disclaimer

The legislation, regulations and practice directions of courts and tribunals regarding fees, waivers and reductions can change over time. It is recommended that you contact the relevant court or tribunal and/or their website before making an application for fee waiver or reduction.

This document provides general information only. Every effort has been made to ensure the accuracy of the information in this guide. However, no responsibility is accepted for any loss, damage or injury, financial or otherwise, suffered by any person or organisation acting or relying on this information or anything omitted from it.

STATE COURTS

Following the commencement of the *Uniform Civil Rules 2020 (SA)*, the *Joint Criminal Rules 2022 (SA)* and the *Uniform Special Statutory Rules 2022 (SA)*, the application forms for fee waiver are now the same across the South Australian Courts:

- Magistrates Court
- Youth Court
- Environment, Resources and Development Court
- District Court
- Supreme Court (including Court of Appeal).

The forms differ depending on whether the application is made in the civil jurisdiction, the criminal jurisdiction or matters governed by the *Uniform Special Statutory Rules 2022 (SA)* (see page 11).

Fees

Each of the South Australian courts have fees payable which vary depending on the matter and application type.

The [Courts Administration Authority website](http://www.courts.sa.gov.au) has a list of fees payable in the South Australian courts (www.courts.sa.gov.au).

When lodging a Notice of Appeal, you should liaise with the Registry to confirm whether any application for a waiver or reduction of fees must be considered and determined before the time limit for lodging your appeal or applying for an extension of time to appeal. A Legal Services Commission fee remission certificate can be lodged at the time the Appeal is filed.

Criteria for waiver or reduction of fees

The South Australian courts may cancel or reduce a fee because of your financial circumstances or for any other 'proper reason'.

Further information

Magistrates Court

Fees apply in most matters before the Magistrates Court. There is no fee for a private application for an intervention order where domestic abuse is alleged.

[Magistrates Court Act 1991 \(SA\)](#) section 50(2)
[Magistrates Court \(Fees\) \(No 2\) Notice 2022 \(SA\)](#)

Adelaide Registry:
260 – 280 Victoria Square, Adelaide SA 5000
Telephone: 08 8204 2444
Email: AMCregistry@courts.sa.gov.au

Youth Court

Fees apply to applications for adoption orders (*Adoption Act 1988 (SA)*) and enforcement orders (*Expiation of Offences Act 1996 (SA)*). Fees are also payable for requests for copies of evidence, reasons for judgment or any other court document.

[Youth Court Act 1993 \(SA\)](#) section 33(2)
[Youth Court \(Fees\) Notice \(No 2\) 2022 \(SA\)](#)

Registry:
75 Wright Street, Adelaide SA 5000
Telephone: 08 8204 0331
Email: youthcourt@courts.sa.gov.au

Environment, Resources and Development Court

Fees apply in civil and criminal matters, as well as Native Title matters. Fees are relatively small and unless you are suffering extreme financial hardship, a fee reduction or waiver is unlikely.

[Environment, Resources and Development Court Act 1993 \(SA\)](#) section 45(2)
[Environment, Resources and Development Court \(Fees\) Notice 2022 \(SA\)](#)
[Environment Resources and Development Court Rules 2003 \(SA\)](#) rule 1.3.5
[Joint Criminal Rules 2022 \(SA\)](#) rule 1.6

Registry:

Sir Samuel Way Building, 241-259 Victoria Square, Adelaide SA 5000

Telephone: 08 8204 0289

Email: erdcourt@courts.sa.gov.au

District Court

Fees apply in and criminal matters, as well as criminal injuries compensation matters.

[District Court Act 1991 \(SA\)](#) section 53(2)

[District Court \(Fees\) Notice 2022 \(SA\)](#)

Registry:

Sir Samuel Way Building, 241-259 Victoria Square, Adelaide SA 5000

Telephone: 08 8204 0289

Civil email: district.civil@courts.sa.gov.au

Criminal email: ccrcs@courts.sa.gov.au

Supreme Court

Fees apply in civil and criminal matters, probate matters, and land and valuation matters.

If you are seeking a waiver or reduction of fees in relation to probate or land and valuation matters, you must show why it is not possible to pay the fee out of the estate.

[Supreme Court Act 1935 \(SA\)](#) section 130(2)

[Supreme Court \(Fees\) Notice 2022 \(SA\)](#)

Registry:

Sir Samuel Way Building, 241-259 Victoria Square, Adelaide SA 5000

Telephone: 08 8204 0289

Civil email: supreme.registry@courts.sa.gov.au

Criminal email: ccrcs@courts.sa.gov.au

How to apply

- Complete a Form 76A Application to Registrar for Reduction/Remission of Court Fees.
- The form includes a questionnaire which requires you to give details of your income, expenditure, assets and debts. You may need to exhibit documents requested in the form.
- Take the relevant form and questionnaire to a Justice of the Peace who will witness your signature and ask you to swear or affirm that the information in the form and the questionnaire is true and correct.
- Lodge the form at the Registry of the court (at the time of preparing this publication, the form cannot be lodged on the CourtSA portal).

Form 76A can be obtained from the Registry or downloaded from the [Courts Administration Authority website \(www.courts.sa.gov.au\)](http://www.courts.sa.gov.au).

What happens next

The Registrar may request further information or evidence to support your application. You will be informed whether the fee has been waived or reduced, or whether your application has been refused.

If the Registrar is uncertain as to whether to waive or reduce a fee, the Registrar can refer the application to the court. The court, usually a Master, will assess the application, and may either provide direction to the Registrar as to how to proceed, or the court may assume control of the application and make the decision.

The Registrar (or the court) may impose conditions about how and when any payment should be made.

If you do not agree with the Registrar's decision, you can seek a review of the decision but you must apply within 7 days of receiving the Registrar's notice of decision. The court will then review that decision and may confirm, vary or reverse the Registrar's decision.

To commence an application for review of the Registrar's decision:

- If the fee relates to an originating document such as a Claim – file a Form 182 Notice of Review with the respondent showing as the Registrar.
- If the fee relates to an existing matter – file a Form 77 Interlocutory Application supported by a Form 12 Affidavit.

Further information

[Uniform Civil Rules 2020 \(SA\)](#) rules 13.3, 13.4, 13.11, 102.1, 214.2

CRIMINAL MATTERS

How to apply

- Complete a Form 91A Application for Reduction/Remission of Fee.
- The form includes a questionnaire which requires you to give details of your income, expenditure, assets and debts. You may need to exhibit documents requested in the form.
- Take the relevant form and questionnaire to a Justice of the Peace who will witness your signature and ask you to swear or affirm that the information in the form and the questionnaire is true and correct.
- Lodge the form at the Registry of the court or on the CourtSA portal as a secondary document together with the main application.

Form 91A can be obtained from the Registry or downloaded from the [Courts Administration Authority website \(www.courts.sa.gov.au\)](#).

What happens next

The Registrar may request further information or evidence to support your application. You will be informed whether the fee has been waived or reduced, or whether your application has been refused. Applications lodged on the CourtSA portal will receive a response on the portal and by email.

If the Registrar is uncertain as to whether to waive or reduce a fee, the Registrar can refer the application to the court. The court, usually a Master, will assess the

application, and may either provide direction to the Registrar as to how to proceed, or the court may assume control of the application and make the decision.

The Registrar (or the court) may impose conditions about how and when any payment should be made.

If you do not agree with the Registrar's decision, you can seek a review of the decision but you must apply within 7 days of receiving the Registrar's notice of decision. The court will then review that decision and may confirm, vary or reverse the Registrar's decision.

To commence an application for review of the Registrar's decision, file a Form 92 Interlocutory Application supported by a Form 93 Affidavit.

Further information

[Joint Criminal Rules 2022 \(SA\)](#) rules 16.3, 16.4, 19.1, 39.1

MATTERS PURSUANT TO THE *UNIFORM SPECIAL STATUTORY RULES 2022*

When these Rules apply

The *Uniform Special Statutory Rules 2022 (SA)* apply to a wide variety of matters, including but not limited to some applications pursuant to the:

- *Interventions Orders (Prevention of Abuse) Act 2009 (SA)*
- *Children and Young People (Safety) Act 2017 (SA)*
- *Adoption Act 2017 (SA) and Surrogacy Act 2019 (SA)*
- *Controlled Substances Act 1984 (SA)*
- *Firearms Act 2015 (SA)*
- *Criminal Procedure Act 1921 (SA)*
- *Fines Enforcement and Debt Recovery Act 2017 (SA)*
- *Problem Gambling Family Protection Orders Act 2004 (SA)*
- *Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007 (SA)*
- *Spent Convictions Act 2009 (SA).*

If you are unsure whether a fee is payable under these Rules, contact the Registry.

How to apply

- Complete a Form 62A Application to Registrar for Remission or Reduction of Court Fees.
- The form includes a questionnaire which requires you to give details of your income, expenditure, assets and debts. You may need to exhibit documents requested in the form.
- Take the relevant form and questionnaire to a Justice of the Peace who will witness your signature and ask you to swear or affirm that the information in the form and the questionnaire is true and correct.
- Lodge the form at the Registry of the court or on the CourtSA portal as a secondary document together with the main application.

Form 62A can be obtained from the Registry or downloaded from the Courts Administration Authority [website \(www.courts.sa.gov.au\)](http://www.courts.sa.gov.au).

What happens next

The Registrar may request further information or evidence to support your application. You will be informed whether the fee has been waived or reduced, or whether your application has been refused. Applications lodged on the CourtSA portal will receive a response on the portal and by email.

If the Registrar is uncertain as to whether to waive or reduce a fee, the Registrar can refer the application to the court. The court, usually a Master, will assess the application, and may either provide direction to the Registrar as to how to proceed, or the court may assume control of the application and make the decision.

The Registrar (or the court) may impose conditions about how and when any payment should be made.

If you do not agree with the Registrar's decision, you can seek a review of the decision but you must apply within 7 days of receiving the Registrar's notice of decision. The court will then review that decision and may confirm, vary or reverse the Registrar's decision.

To commence an application for review of the Registrar's decision, either:

- If the fee relates to an originating document such as a Claim – file a Form 182 Notice of Review with the respondent showing as the Registrar.
- If the fee relates to an existing matter – file a Form 77 Interlocutory Application supported by a Form 12 Affidavit.

Further information

[Uniform Special Statutory Rules 2022](#) (SA) rules 3.1, 5.2(12)

[Uniform Civil Rules 2020 \(SA\)](#) rules 13.3, 13.4, 102.1, 214.2

STATE TRIBUNALS

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

The South Australian Employment Tribunal (SAET) has jurisdiction over a wide variety of matters, including but not limited to applications pursuant to the:

- *Return to Work Act 2014 (SA)* – workers compensation
- Industrial awards, agreements and registers in certain industries
- *Work Health and Safety Act 2012 (SA)*
- *Equal Opportunity Act 1984 (SA)*
- *Dust Diseases Act 2005 (SA)*
- *Fair Work Act 1994 (SA)*
- *Public Sector Act 2009 (SA)*
- *Training and Skills Development Act 2009 (SA)*
- *Long Service Leave Act 1987 (SA)*.

There are no application fees to commence most actions in the SAET, but fees may be payable for actions commenced pursuant to:

- the *Dust Diseases Act 2005 (SA)*
- part 5 of the *Return to Work Act 2014 (SA)*
- section 10 of the *Fair Work Act 1994 (SA)* (excluding monetary claims)
- section 6A of the *South Australian Employment Tribunal Act 2014 (SA)* (criminal matters).

The Registrar may also set fees for the following obtaining a transcript, use of an interpreter, copying documents and witness fees.

The [SAET website](http://www.saet.sa.gov.au) has a list of fees payable in the SAET (www.saet.sa.gov.au).

Criteria for waiver or reduction of fees

The Registrar can decide to waive, reduce or postpone the payment of the whole or part of a fee where it is fair and appropriate to do so in the circumstances.

How to apply

To apply to waive or reduce a fee in the South Australian Employment Tribunal (SAET) you must complete and lodge a Form P16 Application to Waive Fee available on the [SAET Forms](#) webpage.

Further information

[South Australian Employment Tribunal Regulations 2015 \(SA\)](#) reg 10(1b)
[South Australian Employment Tribunal Rules 2022 \(SA\)](#) rule 214

Contact

South Australian Employment Tribunal Registry
Level 6 Riverside Centre, North Terrace, Adelaide SA 5000
PO Box 3636, Rundle Mall SA 5000
Telephone: (08) 8207 0999
Email: SAET@sa.gov.au

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The South Australian Civil and Administrative Tribunal (SACAT) has fees payable in the following areas:

- Application fee to commence proceedings
- Request review of a SACAT decision
- Service requests such as the provision of transcripts, and to inspect and take copies of records and documents.

SACAT application fees must be paid or waived for an application to be active.

There are no application fees for matters about:

- guardianship
- administration
- mental health
- consent to treatment and advance care directives

Fees may apply in these areas for reviews of SACAT decisions (internal review) if you are not the person that the order is about.

The [SACAT website](http://www.sacat.sa.gov.au) has a list of fees payable in SACAT (www.sacat.sa.gov.au).

Criteria for waiver or reduction of fees

The Registrar can waive, reduce, refund or defer the payment of the whole or part of a fee where, on the ground of financial hardship, it is in the interests of justice to do so in the circumstances. A Tribunal Member can also waive, reduce, refund or defer the payment of the whole or part of a fee where the Member considers it is in the interests of justice to do so.

Some users may be eligible for a reduced fee, or a fee waiver, in certain circumstances. Fees may be reduced if you are Asylum seekers receiving SRSS payments from the Department of Home Affairs or are the holder of a:

- Pensioner Concession Card
- Health Care Card
- Commonwealth Seniors Health Card
- Department of Veterans Affairs Gold Card
- student identification card (full-time students only).

Fees may be waived if you:

- have been granted legal aid within the last 3 months and were only required to pay the minimum contribution towards their aid
- are under 18 years of age
- are in prison or detention
- cannot afford, in the opinion of a financial counsellor, to pay the fee without experiencing financial hardship
- are making an application to terminate a residential tenancy based on domestic abuse pursuant to section 89A of the *Residential Tenancies Act 1995* (SA).

If none of the above applies, and you would like to apply to have your application fee reduced or waived on the basis of financial hardship or special circumstances, you can contact SACAT to apply.

The SACAT webpage [Fee waivers and exemptions](#) provides additional information.

How to apply

Applications to SACAT are generally lodged online, although they can be made by telephone or through a public kiosk at SACAT. During the application process (either online or with the assistance of SACAT staff), you will be asked information regarding the payment of any associated fee. The answers to these questions will generate the fee waiver or reduction application process.

If you would like to have the fees reduced, you will need to provide concession information in your online application and/or supporting documentation (if applicable).

If you are applying to have the fees waived on the basis of financial hardship or special circumstances, you must provide SACAT with copies of bank statements and evidence of income (including Centrelink income and assets statements), together with evidence of any outstanding bills, if relevant.

What happens next

The Registrar or Deputy Registrar will advise whether the fee has been reduced, waived, postponed or refunded, or whether your application has been refused.

Further information

[South Australian Civil and Administrative Tribunal Regulations 2015 \(SA\)](#) reg 14
[South Australian Civil and Administrative Tribunal \(Fees\) Notice 2022 \(SA\)](#)

Contact

South Australian Civil and Administrative Tribunal
Level 4, 100 Pirie Street, Adelaide 5000
GPO Box 2361 Adelaide SA 5001
Telephone: 1800 723 767
Email: sacat@sacat.sa.gov.au

FEDERAL COURTS AND TRIBUNALS

FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

The Federal Circuit and Family Court has fees payable in both family law and general federal law matters. The Court's website has a list of the fees payable (www.fcfcqa.gov.au):

- Fees for [family law matters](#)
- Fees for [general federal law matters](#)

The criteria and application process for fee waiver and reduction in general federal law matters in the Federal Circuit and Family Court are the same as those that apply in the Federal Court of Australia. For these, see Federal Court of Australia on page 21.

Criteria for waiver or reduction of fees (family law matters)

You can apply for a reduced fee for an application for divorce or decree of nullity.

For all other family law matters, you can apply for a waiver of fees if you:

- have been granted Legal Aid
- hold a Health Care Card, Pensioner Concession Card or Commonwealth Seniors Health Card
- hold another card issued by the Department of Human Services or the Department of Veterans' Affairs that certifies your entitlement to Commonwealth health concessions
- are an inmate of a prison or are otherwise lawfully detained in a public institution
- are under the age of 18 years
- are receiving Youth Allowance, Austudy or ABSTUDY payments.

If you do not meet the criteria for a general waiver or reduction from fees, you may apply for an waiver or reduction on the grounds of financial hardship. The Registrar will consider the following grounds:

- income;
- assets (e.g. property); and

- day-to-day living expenses and liabilities (e.g., bills, debts).

The Registrar must be satisfied that payment of the court fees would cause you financial hardship.

A financial hardship waiver is only available to an individual in family law matters. If you have already had fees waived, you must make a new application to have further fees which may apply waived (if they arise, such as hearing fees).

The Court website provides [Guidelines for exemption of court fees \(Family Law\)](#) and [Guidelines for reduced fee – divorce and decree of nullity application](#).

Criteria for deferral of fees (family law matters)

A Registrar or an authorised officer can defer the time for payment of a fee (other than for production of a court file and copying of documents, service or execution of process or seizure and sale of goods), where in their opinion:

- the need to file the document is so urgent that it overrides the requirement to pay the filing fee before the document is filed; or
- considering the financial circumstances of the person liable to pay the fee, it would be oppressive or otherwise unreasonable to require payment of the fee upfront.

How to apply (family law matters)

To apply for a waiver of fees in a family law matter:

- based on eligibility criteria – complete an [Application for exemption from fees – general](#) and attach evidence of your eligibility (such a photocopy of your Health Care Card)
- based on financial hardship – complete an [Application for exemption from fees – financial hardship](#) and attach the relevant documents to the application (if required).

To apply for a reduction of fees for an Application of Divorce or Decree of Nullity Application:

- based on eligibility criteria – complete an [Application for reduction of payment of divorce or decree of nullity – general](#) form and attach evidence of your eligibility (such a photocopy of your Health Care Card)
- based on financial hardship – complete an [Application for reduction of payment of divorce or decree of nullity - financial hardship](#) and attach the relevant documents to the application (if required).

To apply to have a fee deferred in a Family Law matter, complete a [Request for deferral of court fees](#) form.

All forms can be obtained from the Registry or downloaded from the Court's [website \(https://www.fccoa.gov.au\)](https://www.fccoa.gov.au).

Lodge your relevant application form and supporting evidence with the Federal Circuit and Family Court Registry, either in person, by post, or electronically using the Court's eLodgment service on the Commonwealth Courts Portal.

What happens next (family law matters)

The Registrar will inform you whether you have been granted the waiver or reduction.

If you have successfully applied to defer a fee, the fee must be paid within 28 days from the date of the deferral, or within any other period specified by the Registrar.

If a financial hardship or deferral application is refused, you will be given written reasons for the decision. If you do not agree with the Registrar's decision you may apply to the Administrative Appeals Tribunal for a review of the decision. The application to the Tribunal must be made within 28 days of the decision.

Further information

[Family Law \(Fees\) Regulation 2012 \(Cth\)](#)

[Annual federal courts and tribunals fee increases from 1 July 2022 \(Cth\)](#)

Contact

Federal Circuit and Family Court of Australia Registry
Roma Mitchell Commonwealth Law Courts Building

3 Angas Street, Adelaide SA 5000
Telephone: 1300 352 000 (National Enquiry Centre)
Email: enquiries@fcfcoa.gov.au (all matter types)

FEDERAL COURT OF AUSTRALIA

A list of the [fees payable in the Federal Court](#) can be found on the Court's website (www.fedcourt.gov.au).

Some types of proceedings do not attract fees.

Fees are not payable for:

- an appeal from a judgment in relation to an application under section 46PO or 46PP of the *Australian Human Rights Commission Act 1986*
- an appeal from a judgment in relation an application made by a person under section 539 of the *Fair Work Act 2009* where either:
 - the person has been dismissed from employment in alleged contravention of Part 3-1 of that Act
 - the person alleges a breach of section 351 of that Act
- an appeal from a judgment in relation an application made by a person under section 539 of the *Fair Work Act 2009* if the person has been dismissed from employment in alleged contravention of section 772 of that Act
- the trying of an election petition under the *Aboriginal and Torres Strait Islander Act 2005*
- an application by a person to set aside a subpoena
- a proceeding under the *Child Support (Registration and Collection) Act 1988*
- an appeal on a question of law from a decision of the Administrative Appeals Tribunal in a child support first review under subsection 44(1) of the *Administrative Appeals Tribunal Act 1975* (Cth)
- a proceeding for which an international convention to which Australian is party provides that no fee is to be payable
- an application under section 23 of the *International Arbitration Act 1974* for the issue of a subpoena
- specific taxation appeals under the *Taxation Administration Act 1953*.

In addition, filing fees, setting down fees and hearing fees are not payable for:

- a proceeding in relation to a criminal matter
- a proceeding in relation to a case stated, or a question reserved, for the consideration or opinion of the Federal Court
- a proceeding in relation to a referral to the Federal Court of a question of law by a tribunal or body that, under a law of the Commonwealth, may refer questions of law to the Court
- an application to the Federal Court for an extension of time within which a particular proceeding may be commenced.

The Federal Court webpage [Exemption From Payment Court Fees](#) provides additional information.

Criteria for waiver or reduction of fees

You are eligible for an waiver from paying court fees if you:

- have been granted Legal Aid
- hold a Health Care Card, Pensioner Concession Card or Commonwealth Seniors Health Card
- hold another card issued by the Department of Human Services or the Department of Veterans' Affairs that certifies your entitlement to Commonwealth health concessions
- are an inmate of a prison or are otherwise lawfully detained in a public institution
- are under the age of 18 years
- are receiving Youth Allowance, Austudy or ABSTUDY payments
- have been granted assistance under the *Native Title Act 1993* to bring proceedings in the Federal Court.

If you are not eligible for a general waiver, you may still be eligible for waiver or reduction of a fee because of your financial circumstances.

The Registrar or an authorised officer may grant an waiver or reduction to an individual if satisfied that payment of the full fee would cause you financial hardship. The Registrar or authorised officer must consider your income, assets, day to day living expenses and liabilities in making their decision.

If you have already had fees waived on the basis of financial hardship, you must make a new application to have further fees which may apply waived (if they arise, such as hearing fees).

Criteria for deferral of fees

A Registrar or an authorised officer can defer the time for payment of a fee (other than for production of a court file and copying of documents, service or execution of process or seizure and sale of goods), where in their opinion, either:

- the need to file the document is so urgent that it overrides the requirement to pay the filing fee before the document is filed
- considering the financial circumstances of the person liable to pay the fee, it would be oppressive or otherwise unreasonable to require payment of the fee upfront
- the person liable to pay the fee is represented by a lawyer who is not charging the person for work done in relation to the proceeding.

How to apply

If you are seeking general waiver, you must complete an [Application for Exemption from Paying Court Fees – General](#) and attach evidence of your eligibility (such a photocopy of your Health Care Card).

If you are seeking a waiver on the basis of financial hardship, you must complete an [Application for Exemption from Paying Court Fees – Financial Hardship](#) and attach evidence of your income, day to day living expenses, liabilities and assets. The application includes an affidavit that must be signed by you in the presence of a qualified witness (such as a Justice of the Peace or a lawyer). The qualified witness will ask you to swear or affirm that the affidavit is true.

A person or corporation seeking deferral of payment of court fees must complete an [Application for Deferral of Payment of Court Fees](#). If a lawyer is representing the person in the proceedings without charge, the lawyer must certify this on the form or provide a separate certificate. To assist a person or a corporation seeking deferral of payment of court fees on the basis that immediate payment would be oppressive or otherwise unreasonable, [Statement of Financial Circumstances – Individual](#) and [Statement of Financial Circumstances – Corporation](#) forms are also available.

All forms can be obtained from the Registry or downloaded from the Court's [website](http://www.fedcourt.gov.au) (www.fedcourt.gov.au).

Lodge the application and supporting evidence with the General Federal Law Registry, either in person, by post, fax or electronically using the Court's eLodgment service on the Commonwealth Courts Portal.

What happens next

Once a general waiver is established it continues until the proceeding is finalised, provided that there is no change in circumstances that alters the continued entitlement to that waiver. A person granted a general waiver must notify the Court if there is any change in circumstances which could alter that entitlement.

If you have applied to defer a fee and your application is successful, the fee must be paid within 28 days from the date of the deferral, or within any other period specified by the Registrar.

If a financial hardship or deferral application is refused, you will be given written reasons for the decision. If you do not agree with the Registrar's decision you, may apply to the Administrative Appeals Tribunal for a review of the decision. The application to the Tribunal must be made within 28 days of the decision.

Further information

[Federal Court and Federal Circuit and Family Court Regulations 2022 \(Cth\)](#)
[Annual federal courts and tribunals fee increases from 1 July 2022 \(Cth\)](#)

Contact

Federal Court Registry
Level 5, Roma Mitchell Commonwealth Law Courts Building
3 Angas Street, Adelaide SA 5000
GPO Box 1350, Adelaide SA 5001
Telephone: 1300 720 980
Email: sareg@fedcourt.gov.au

HIGH COURT OF AUSTRALIA

The High Court of Australia has fees payable for filing, hearings and obtaining a document or a service.

A list of the [fees payable in the High Court](#) can be found on the Court's website. Fees for civil law matters are set at higher levels for corporations and publicly listed corporations.

Fees are not payable under the following circumstances:

- where another person has paid the fee
- where a convention to which Australia is party provides that no fee is to be paid
- where the fee would apply to an interlocutory proceeding in criminal appeals
- if the sole purpose of the hearing is the delivery of a reserved judgment.

An waiver or reduction of fees is only applicable for filing and hearing fees. Fees for obtaining a document or service (such as transcript charges) cannot be waived or reduced.

Criteria for waiver or reduction of fees

You can apply for waiver of paying filing and hearing fees if you:

- have been granted Legal Aid
- hold a Health Care Card, Pensioner Concession Card or Commonwealth Seniors Health Card
- hold another card issued by the Department of Human Services or the Department of Veterans' Affairs that certifies your entitlement to Commonwealth health concessions
- are an inmate of a prison or are otherwise lawfully detained in a public institution
- are under the age of 18 years
- are receiving Youth Allowance, Austudy or ABSTUDY payments
- have been granted assistance under the *Native Title Act 1993* to bring proceedings in the High Court.

An individual may be eligible to pay a reduced fee (called the "financial hardship fee") if you can demonstrate to the Registrar that your income, assets, day-to-day living

expenses and liabilities are such that payment of the full fee would cause you financial hardship.

Criteria for deferral of fees

The Registrar may defer the payment of a filing fee or hearing fee if in the Registrar's opinion the need to file a document or hear the proceeding is so urgent that it overrides the requirement to pay the fee when the fee would be otherwise payable. A deferred fee must be paid within 28 days after the deferral or within another period approved, in writing, by the Registrar for the payment of that fee. Under section 13 of the [High Court of Australia \(Fees\) Regulation 2012 \(Cth\)](#), a fee can be deferred only once.

How to apply

To apply for waiver from paying fees, complete an [Application for Exemption from Paying Filing and Hearing Fees](#) and attach evidence of your eligibility.

To apply for a financial hardship fee you need to complete an [Application to Pay the Financial Hardship Fee](#). The application includes an affidavit that must be signed by you in the presence of a qualified witness (such as a Justice of the Peace or a lawyer). The qualified witness will ask you to swear or affirm that the affidavit is true.

In considering your financial hardship application, the Registrar may ask you to provide additional documentary evidence to support your claims. In that case, your application will be returned to you with instructions in the 'Notice of request for more information' on page 6 of the application.

Contact the Court Registry if you wish to apply to defer a fee.

All forms can be obtained from the High Court Registry or downloaded from the Court's [website \(www.hcourt.gov.au\)](http://www.hcourt.gov.au). Lodge the application and supporting evidence with the High Court Registry.

What happens next

The Registrar will inform you (in writing) whether or not your application has been successful.

If your application to pay the financial hardship fee is refused, the Registrar will provide written reasons for the refusal. If you do not agree with the Registrar's decision you may apply to the Administrative Appeals Tribunal for a review of the decision. The application to the Tribunal must be made within 28 days of the decision.

Further information

[High Court of Australia \(Fees\) Regulation 2012 \(Cth\)](#)

[Annual federal courts and tribunals fee increases from 1 July 2022](#) (Cth)

Contact

High Court Registry – Adelaide

Located within the Federal Court of Australia

Level 5, Commonwealth Law Courts, 3 Angas Street, Adelaide, SA, 5000

Telephone: 02 6270 6800

Email: Melbourne.registry@hcourt.gov.au (for Adelaide) or enquiries@hcourt.gov.au

ADMINISTRATIVE APPEALS TRIBUNAL

The Administrative Appeals Tribunal ('AAT') has several divisions.

The criteria and application process for fee waiver and reduction in the migration and refugee division is different, see AAT: Migration and Refugee Division on page 30.

In many cases, there is no application fee for matters at the AAT. You do not have to pay an application fee to review decisions made under the legislation listed in regulation 22 of the *Administrative Appeals Tribunal Regulation 2015* (Cth).

There is no fee payable for the following common review decisions:

- Centrelink decisions: A reviewable decision made by Centrelink, except for second reviews of decisions relating to paid parental leave
- Child Support decisions: A reviewable decisions made by Child Support
- Commonwealth workers' compensation decisions: A reviewable decision under the *Safety Rehabilitation and Compensation Act 1988*, *Safety, Rehabilitation and*

Compensation (Defence-related Claims) Act 1988 or Seafarers Rehabilitation and Compensation Act 1992

- Freedom of information decisions: A decision about a document that relates to a decision that does not attract a fee when applying to the AAT for a review
- Military compensation decisions: A reviewable decision under the *Military Rehabilitation and Compensation Act 2004*
- NDIS decisions: A reviewable decision under the *National Disability Insurance Scheme Act 2013*
- Veterans' entitlements decisions: A reviewable decision under the *Veterans' Entitlements Act 1986*.

For most other applications, the standard application fee is \$1,011 (increasing on 1 July each year). However, if you meet the concessional requirements listed below, this fee can be reduced to \$100 ('the concessional fee').

A lower application fee also of \$100 is payable for the review of the following taxation decisions:

- the amount of tax in dispute is less than \$5,000 confirmed in writing by you
- the Tax Office has refused your request to be released from paying a tax debt (regardless of the amount involved)
- the Tax Office has refused to extend the time for you to lodge a taxation objection.

The lower application fee increases on 1 July each year and can only be reduced to the concessional fee amount if those circumstances are met (at 1 July 2022 the concessional fee is also \$100).

There is also a set fee to review certain small business taxation decisions (\$543, increasing 1 July each year).

In some cases, if you are successful, you might be entitled to a partial refund of the application fee.

Criteria for waiver or reduction of fees

You are entitled to pay a reduced fee of \$100 if you:

- have been granted Legal Aid

- hold a Health Care Card, Pensioner Concession Card or Commonwealth Seniors Health Card
- hold another card issued by the Department of Human Services or the Department of Veterans' Affairs that certifies your entitlement to Commonwealth health concessions
- are an inmate of a prison or are otherwise lawfully detained in a public institution
- are under the age of 18 years
- are receiving Youth Allowance, Austudy or ABSTUDY payments.

You may also be eligible to pay reduced fees because of your financial circumstances.

How to apply

If you meet the criteria for a concessional fee, you should inform the Registrar and provide proof of your eligibility as soon as possible. Contact the Registrar about what type of proof you should provide.

To apply for a reduced fee on the basis of financial circumstances, you must complete a [Request for Fee Reduction Form](#) and provide AAT all the information about your financial circumstances asked for in the form. The form is available from the AAT's website (www.aat.gov.au) or at any AAT registry.

Send AAT the form with your application for review of a decision. You can send your form by email, post, or fax, or deliver it to a registry.

What happens next

The Registrar will inform you whether or not your application has been successful.

If your application is refused, the Registrar will provide written reasons for the refusal. If you do not agree with the Registrar's decision you may apply to the AAT for a review of the decision. The application must be made within 28 days of the decision.

If you do not appeal within 28 days or if you do appeal and it is unsuccessful, you must pay the application fee if you want your application for review to be heard by the AAT.

Further information

[Administrative Appeals Tribunal Regulation 2015 \(Cth\)](#) Part 6
[Annual federal courts and tribunals fee increases from 1 July 2022](#) (Cth)

Contact

Administrative Appeals Tribunal Registry
Level 2, 1 King William St, ADELAIDE SA 5000
GPO Box 9955, Adelaide SA 5001
Telephone: 1800 228 333
Centrelink review email: sscsdivision@aat.gov.au
General review email: generalreviews@aat.gov.au

AAT: MIGRATION AND REFUGEE DIVISION

The [Migration Act 1958 \(Cth\)](#) and the [Migration Regulations 1994 \(Cth\)](#) set out which decisions the Tribunal can review, who can make applications and how, and where fees are payable.

Refugee fees

A decision to refuse or cancel a protection visa, or a decision that a protection finding would no longer be made about a person, can be reviewed by the AAT. No fee is payable at the time of lodging an application for review of a refugee decision, but if the application for review is unsuccessful the full fee of \$1,940 (increasing on 1 July each year) will become payable within 7 days.

In limited circumstances, such as where the Minister subsequently substitutes a decision of the Tribunal with a decision more favourable to the applicant, this fee can be waived or refunded.

This fee cannot otherwise be reduced.

For more information, see the [Refugee fees](#) page on the AAT website.

Migration fees

The standard application fee for a review of most migration decisions is \$3,153 (increasing on 1 July each year).

There is no fee for review of a bridging visa decision that resulted in a person being placed in immigration detention or in relation to the requirement of a security bond.

For more information, see the [Migration fees](#) page on the AAT website.

Criteria for waiver or reduction of fees (migration fees)

The migration review fee may be reduced by 50% if the Registrar is satisfied that payment of the fee has caused, or is likely to cause you, severe financial hardship.

The Registrar or a delegate will make the fee reduction based on the information you provide. They may also refer to other information in the AAT's possession such as statements you have made to the Australian government regarding your income and financial situation.

If you withdraw your application, the Tribunal can only refund your application fee in very limited circumstances.

The AAT will refund 50% of the full application fee if you receive a favorable decision on any migration case. If the AAT decide that an application is invalid, the entire fee paid will be refunded.

How to apply (migration fees)

To request a fee reduction, you should lodge a [M11 Request for fee reduction form](#) with supporting evidence attached. The form is available on the AAT's website or at any AAT registry (www.aat.gov.au).

Lodge the Form M11 form with your application for review of a decision by email, post, and fax or by taking it to a Registry. If applying online, you can upload the completed form with your application.

If an application is lodged online the full fee must be paid as an online payment at the time the application for review is lodged and before the deadline for lodging the

application. Any request for fee reduction will be considered after lodgment. If you are deemed to be eligible for a fee reduction, you will be refunded the appropriate amount.

If lodging the application in person or by email, provided that the Form M11 is attached to the application with the supporting evidence, payment of one half of the fee can be made on lodgment.

What happens next (migration fees)

The Registrar will inform you whether or not your application has been successful.

If your request for reduction is not granted, you will need to pay the full application fee (if not already paid) for your application for review to be processed.

Further information

[Guidelines on reduction of review application fees](#)

[Migration Act 1958 \(Cth\)](#)

[Migration Regulations 1994 \(Cth\)](#) regs 4.13-4.14, 4.31B-4.31C

Contact

Administrative Appeals Tribunal - Migration and Refugee Division

Level 2, 1 King William St, ADELAIDE SA 5000

GPO Box 9955, Adelaide SA 5001

Telephone: 1800 228 333

Email: mrdivision@aat.gov.au

FAIR WORK COMMISSION

Employees must pay a filing fee to the Fair Work Commission (FWC) with applications for:

- unfair dismissal remedy
- bullying stop orders

- the Commission to deal with a general protections dispute
- the Commission to deal with an unlawful termination dispute.

The current application fee is \$77.80 (increasing on 1 July each year).

Criteria for waiver or reduction of fees

The application fee can be waived in cases of serious financial hardship.

How to apply

If you believe paying the FWC fee may cause you serious financial hardship, you should complete a [Form F80 – Waiver of application fee](#) and lodge it together with your application in person, by post, fax or email. The form can be obtained from the FWC [website](#) or at any FWC office (www.fwc.gov.au).

You must complete all the sections of the form to help FWC make an informed decision about waiving your application fee. If you do not complete all sections, your application for a waiver may be refused.

What happens next

FWC considers completed fee waiver applications as a matter of priority. You will be advised verbally of the decision. If verbal advice cannot be given, FWC will advise you of their decision in writing.

If your application is unsuccessful, you must pay the filing fee before the matter can proceed.

Further information

[Fair Work Act 2009 \(Cth\)](#)

[Fair Work Regulations 2009 \(Cth\)](#) reg 3.02, 3.03, 3.07, 6.05, 6.07A

Contact

Fair Work Commission

Level 6, Riverside Centre, North Terrace, Adelaide SA 5000

Telephone: 1300 799 675

Email: adelaide@fwc.gov.au

NATIONAL NATIVE TITLE TRIBUNAL

Applications to the National Native Title Tribunal (the Tribunal) are made through the relevant state office of the Tribunal.

Fees apply to some Native Title future act applications, namely Future Act Determination Applications and Expedited Procedure Objections.

Fee and application information is available on the Tribunal's website under [Future Act Determinations](#) and [Expedited Procedure Objections](#). The fee is currently \$936 (increasing on 1 July each year).

Criteria for waiver or reduction of fees

You may be entitled to fee waiver if you (or another applicant):

- have been granted Legal Aid
- are assisted by a representative Aboriginal/Torres Strait Islander body
- hold a Health Care Card, Pensioner Concession Card or Commonwealth Seniors Health Card
- hold another card issued by the Department of Human Services or the Department of Veterans' Affairs that certifies your entitlement to Commonwealth health concessions
- are an inmate of a prison or are otherwise lawfully detained in a public institution
- are under the age of 18 years
- are receiving Youth Allowance, Austudy or ABSTUDY payments

You may also be eligible to pay reduced fees because of your financial circumstances.

How to apply

See the links above. See also [How to apply for fee waiver on the grounds of financial hardship factsheet](#).

What happens next

If an application for waiver of a fee is refused, you will be given written reasons for the decision. If you do not agree with the decision you, may apply to the Administrative Appeals Tribunal for a review of the decision. The application to the Tribunal must be made within 28 days of the decision.

Further information

[Native Title \(Tribunal\) Regulations 1993 \(Cth\)](#) regs 8, 8A

Contact

The Tribunal has five offices across Australia – located in Perth, Melbourne, Sydney, Brisbane and Cairns. The President, Members, Native Title Registrar and staff, perform functions and provide services including assistance, from each office.

The Sydney Office serves clients in New South Wales, South Australia and the Australian Capital Territory.

Sydney Office

Level 17, Commonwealth Law Courts Building

Queens Square, Sydney NSW 2000

PO Box 12440, George Street Post Shop, Brisbane QLD 4003 (for Sydney Registry)

Telephone: (02) 8099 8500

Email: enquiries@nntt.gov.au