

HIGH COURT OF AUSTRALIA

Contact: Registry (Sydney)
Address: Level 19, Law Courts Building
Queens Square
Sydney NSW 2000
Telephone: 02 9230 8369
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Website: <http://www.highcourt.gov.au>

Fee Exemption: Yes. Categories detailed below.

Fee Waiver: Yes. Financial hardship

Fees of the High Court

Regulations 6 and 7 of the *High Court of Australia (Fees) Regulations 2004* sets out the fees payable in the High Court including filing and hearing fees.

Fees Not Payable

Regulation 8 of the *High Court of Australia (Fees) Regulations 2004* sets out circumstances in which a fee is not payable. The regulation should be checked prior to paying fees.

Fee Exemption

The circumstances in which a person is exempt from paying a fee is set out in regulation 9 of the *High Court of Australia (Fees) Regulations 2004*.

In general, exemption applies if the person:

- is the holder of a Health Care Card, Health Benefit Card, Pensioner Concession Card, Commonwealth Seniors Health Card or any other card issued by Centrelink or the Department of Veterans' Affairs that entitles the holder to a Commonwealth health concession, or
- is receiving Legal Aid, Youth Allowance, Austudy or Abstudy payment, or
- is a child under 18 or an inmate of a prison or otherwise legally detained in a public institution.

Fee Waiver/Postponement

Under regulation 10 of the *High Court of Australia (Fees) Regulations 2004*, a fee may be waived if the income, day-to-day living expenses, liabilities and assets of a person are at such a level that payment would cause financial hardship.

Regulation 11 of the *High Court of Australia (Fees) Regulations 2004* also allows for the deferral of payment of a fee if there is an urgency that overrides the requirement to pay the fee.

Procedure

All parties requesting waiver or postponement must complete an Application form. The Application form is attached (2 pages) and can be downloaded from:

<http://www.highcourt.gov.au/Registry/Application%20for%20Waiver%20of%20Fees%20Form.pdf>

Additional documentary evidence will be required to support the application. The form must be forwarded to the Registrar for decision.

Review

Under regulation 15 of the *High Court of Australia (Fees) Regulations 2004*, an application may be made to the Administrative Appeals Tribunal for review of the decision not to waive a fee.

To update this manual:

Visit 'Filing Documents' on the Court's website. Select 'High Court of Australia fees'.

http://www.highcourt.gov.au/filing_03.html



**HIGH COURT OF AUSTRALIA
(FEES REGULATIONS) 2004
APPLICATION FOR WAIVER OF FILING FEES & HEARING FEES**

CASE NAME:.....

.....**FILE No:**.....

Application is made by the **APPLICANT:**.....

(Name)

for a waiver of the filing fee and/or hearing fees in this matter on the following ground:

(tick appropriate box)

1. The applicant has been granted legal aid for the High Court proceedings (**attach letter of confirmation**). (Subregulation 9(1)(a))

2. The applicant is:

(a) the holder of one of the following cards issued by Centrelink (**attach photocopy of card**):

(i) a health care card;

(ii) a pensioner concession card;

(iii) a seniors health card;

(iv) a Commonwealth seniors health care card; or

(b) the holder of any other card issued by Centrelink or the Department of Veterans' Affairs that certifies entitlements to Commonwealth health concessions (**attach photocopy of card**). (Subregulation 9(1)(b)(i))

(Note "holder" of a concession card does not include a dependant of the holder of the card).

- 3. The applicant is an inmate of a prison or is otherwise lawfully held in a public institution (**attach letter of confirmation**). (Subregulation 9(1)(b)(ii))
- 4. The applicant is a child under the age of 18 (**attach photocopy of birth certificate or extract**). (Subregulation 9(1)(b)(iii))
- 5. The applicant is in receipt of youth allowance, or an austudy payment, within the meaning of the *Social Security Act 1991* (**attach evidence of receipt of youth allowance or austudy payment**). (Subregulation 9(1)(b)(iv))
- 6. The applicant is in receipt of benefits under the Commonwealth student assistance scheme known as the ABSTUDY Scheme (**attach evidence of receipt of ABSTUDY payment**). (Subregulation 9(1)(b)(v))
- 7. The Registrar is of the opinion that payment of the fee would cause the applicant financial hardship (**attach completed statement of affairs**). (Subregulation 10)

Signature of Applicant
or legal representative:

Date:

Application granted
Amount Waived \$.....

Application refused
(Reasons for refusal attached)

Signed:.....
(Registrar)

Date: