



## **Application to postpone, remit or waive payment of a court fee**

You must complete this form each time you are unable to pay a court fee. A registrar will then determine if your fee should be postponed, remitted or waived. The registrar will determine your application in accordance with the Attorney General's Guidelines on Fee Waiver. Some key aspects of the Guidelines are summarised below for your convenience. If you want to read the Guidelines in full, you may download a copy from the Publications section of [www.lawlink.nsw.gov.au/ucpr](http://www.lawlink.nsw.gov.au/ucpr), or you may ask registry staff for a copy. You will be notified of the registrar's decision and his/her reasons in writing.

### **What matters do registrars commonly take into account when considering an application?**

The registrar may consider any relevant matter including (but not limited to) the following:

- any orders or recommendations made by the court e.g. orders in relation to vexatious litigants and recommendations to remit fees
- whether paying the fee will cause the applicant undue financial hardship
- the reason why the service is required
- the need for procedural fairness for litigants in person
- whether the person is under 18 years of age, if the fees relate to criminal proceedings
- whether the person is in custody
- any compassionate grounds
- whether a viable alternative exists for providing the service e.g. the applicant can view the documents or transcripts at the registry.

### **When will a registrar generally grant an application?**

The registrar will generally grant applications if:

- the applicant depends on social security payments and lacks sufficient income and capital to pay the fee, or obtain credit on reasonable terms
- the applicant is otherwise indebted to an extent that he/she is incapable of obtaining credit on reasonable terms to pay a fee
- the applicant has been granted legal aid.

### **When will a registrar refuse an application?**

The registrar will generally refuse applications where:

- the applicant has, in the registrar's opinion, the ability to pay the fee or obtain credit on reasonable terms to pay the fee
- the applicant is a corporation
- the applicant has, without a reasonable excuse, defaulted in paying a previously postponed fee
- the applicant makes false or misleading statements or omissions in an application or in discussions with court staff in relation to an application
- the applicant has, in the preceding 12 months, been granted a postponement or a waiver of a fee to initiate proceedings, and the registrar is not satisfied that special factors exist to warrant another postponement or waiver of fees.

When considering an application from a person who has made numerous applications to postpone, remit or waive fees, the registrar:

- may consider whether special factors apply to warrant another postponement, remission or waiver of fees
- must recognise the need to protect the integrity of the court's process and the applicant's right to access justice.

An application may also be refused where the fee in question does not relate to an essential step in the proceedings.

**All questions must be completed. False statements in this application or a failure to fully disclose your income, assets and liabilities may result in legal proceedings against you**

## Applicant

Full name:

Date of birth:

**I apply for the postponement or waiver of the court fee on the following grounds:** (tick one box)

I am legally assisted by a lawyer who works for **Legal Aid/ALS**, on a pro bono basis or who is working with a community legal centre like **Shopfront**.

Lawyer's name:

I am on a pension and have a Commonwealth health concessions card (Note; Registrar or delegate must sight either the original or copy of the card)

I am unable to pay the court fee because of financial hardship (complete attached financial statement)

I rely on the following other grounds (e.g. victim of crime or other compassionate grounds)

Type of fee:

Amount of fee: \$

**Description of case the fee relates to:**

Court file number (if known):

Type of proceedings:

**If postponement is approved, I ask for these terms of payment:** (tick one box)

Pay by instalments of \$            per            first payment on (date):

Pay the whole amount when the case is finalised.

I seek a full waiver of the fee because it is unlikely I will ever be able to afford to pay it.

I seek a partial waiver of the fee

To be paid after judgment unless otherwise waived (pro bono/legally aided applicant).

## Overdue fees

**If you are applying to waive, or reduce, or pay by instalments, any overdue fee(s) tick one of the following boxes:**

I am not aware of any legal proceedings against me, my solicitor (if applicable), or any other person to recover these overdue fees.

Legal proceedings have been commenced against (name) to recover these fees. Those proceedings are at the following stage:

**Signature of applicant:**

**Signature of lawyer:**

**Name:**

**Date:**

**Date:**

I certify that I am providing legal services on a pro bono/legal aid basis or through a community legal centre.

The following information is **NOT** required from **PRO BONO** or **LEGALLY ASSISTED** applicants

### **Statutory declaration of financial circumstances and previous applications to postpone, remit or waive payment of a court fee**

I (name) \_\_\_\_\_ of (address) \_\_\_\_\_ solemnly and sincerely declare:

1. The statement of my financial circumstances and any previous applications to postpone, remit or waive payment of a court fee outlined below is correct to the best of my knowledge and belief.
2. I make this solemn declaration conscientiously believing it to be true and by virtue of the Oaths Act 1900.

Declared this (date): \_\_\_\_\_

At (suburb or town): \_\_\_\_\_

Signature of applicant: \_\_\_\_\_

#### **(Authorised witness to fill in below)**

I (name of authorised witness) \_\_\_\_\_, a (qualification of authorised witness) \_\_\_\_\_, certify the following matters concerning the making of this statutory declaration by the person who made it: (cross out the below text that does not apply)

- I saw the face of the person OR I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification for not removing the covering, and
- I have known the person for at least 12 months OR I have confirmed the person's identity using an identification document and the document I relied on was (describe the identification document)

### **My Household**

(If there is insufficient space to complete any question, then attach a separate page)

I (Tick one box below)

- pay rent
- pay board
- own my home
- paying a mortgage

### **My Family**

(Tick and complete all items that apply):

- I have a spouse/partner living with me (married or de facto relationship)
- I live alone
- I live with a parent or friend/s
- I have (number) \_\_\_\_\_ dependent children and their ages are:

## My Assets

I own, co-own or am paying off:

My home at:

The market value of my home is \$

A vehicle or vehicles - make & model number/s                      market value \$

Household furniture which I estimate to be worth \$

Electrical goods which I estimate to be worth \$

Real estate other than my home (specify the type, location and value):

Savings and investments (specify name of financial institution, account numbers and balances):

Other property (give details):

## My Income

My household income includes (Tick and complete all items that apply):

- Centrelink payments of \$                      per fortnight
- I receive salary, wages or contract payments (after tax) of \$                      per fortnight
- Other household income (eg partner/spouse/investments) \$                      per fortnight

## My liabilities

Normal household expenses (mortgage and other debts – see below)	Fortnightly cost	Other expenses	Fortnightly cost
Mortgage details are set out in the table below			\$
Rent/board payments	\$		\$
Food	\$		\$
Energy – electricity and gas	\$		\$
Telephone	\$		\$
Clothing	\$		\$
Child support for children not living with me	\$		\$
Child education costs	\$		\$
Insurance – home building, contents, motor vehicle	\$		\$
Motor vehicle petrol/service costs	\$		\$

<b>Normal household expenses (mortgage and other debts – see below)</b>	Fortnightly cost	<b>Other expenses</b>	Fortnightly cost
Entertainment	\$		\$
Health Insurance Contribution	\$		\$
Medical	\$		\$
Total fortnightly cost	\$	Total fortnightly cost	\$

### Previous applications to postpone, remit or waive payment of a court fee

(Tick if relevant)

I have been granted a postponement or waiver of a fee to initiate proceedings in the preceding 12 months. (Give details and reasons why you think you should be granted another postponement or waiver of fees, if relevant.)

I have defaulted in paying a previously postponed fee. (Give details and information about why the fee was not paid, if relevant.)

#### Office Use Only:

Approved/Not Approved/Varied as follows:

Reasons: Commonwealth Health Card sighted (circle): Yes/No

Print name:

Date:

Position:

Signature: