



# FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

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## Senate Estimates: Opening Statement

*Federal Circuit and Family Court of Australia*

Good evening Senators, I appear on behalf of both Divisions of the Federal Circuit and Family Court of Australia together with the following witnesses:

- Virginia Wilson, Deputy Principal Registrar;
- Anne-Marie Rice, Senior Judicial Registrar and Executive Director of Dispute Resolution;
- Lisa O'Neill, Senior Judicial Registrar and Family Violence/Risk Specialist; and
- Janet Carmichael, Executive Director of the Court Children's Service.

Given the limited time, the two topics I intend to cover in my brief opening statement are a short update on the implementation of the Courts' amalgamated structure and case management reforms, and the Lighthouse Project and family violence. My comments are made from an administrative and operational perspective.

### **Reforms and New Court structure – FCFCOA**

Although only a handful of months into operation since its inception on 1 September, I am pleased to report that the reformed structure of the Courts is showing promising early signs of successful implementation. These reforms included a legislated single point of entry for the filing of cases in family law, a redesigned and efficient case management pathway and the shifting of significant work to registrars to support judges and hear family law cases earlier.

Since 1 September, registrars have undertaken no less than 13,000 court hearings, including busy Duty Lists and Interim Defended Hearings. This is work that would otherwise have been undertaken by judges, who have therefore been able to focus more on their core work, including trials.

As a result, average judicial docket sizes for Division 2 judges have dropped dramatically. When I appeared before the committee in May last year, their average docket size was 330 matters. When I was before you in October it had dropped to 265 matters, and as of today, it has dropped to an average of 193 matters. This reduction in docket numbers has also been assisted by the significant number of appointments of judges in recent times. Allowing for replacement of retiring judges and newly funded judicial positions, the Courts have welcomed the appointment of 29 judges in 2021; 9 in Division 1 and 20 in Division 2, as well as two Judges appointed to the positions of Deputy Chief Judge in Division 2. This, coupled with the boost in registrar resources, has also enhanced the Courts' ability to conduct more court hearings and provide greater access to justice for rural and regional Australia, including through the highly successful electronic and registrar-lead National Contravention List.

Registrars and Court Child Experts are also helping to resolve cases safely and efficiently utilising their mediation skills as part of the Courts' unique dispute resolution program. In fact, over 7,500 dispute resolution conferences have been conducted in the last 16 months, with more than 50% resolving, saving costs and trauma for parties, and freeing up the Courts' pathway for more cases to be heard quickly and effectively.

The data suggests that, for a variety of reasons, including the Chief Justice's reforms and the new case management structure, significant inroads are being made into the very large backlog of family law cases in the system. Already, the pending caseload has reduced by 12% since 1 September, many of which are cases that have been in the Courts' system for years. Our clearance rate for final order applications across both Courts is also, despite the significant drag-effect of Covid-19, at 133%. Further, the pools of cases awaiting trial in Division 1 have substantially reduced from 200-300 in the largest registries, to around 50 cases. These are significant results. Older cases are being determined by judges, or are being resolved through dispute resolution, freeing up resources to deal more quickly with new filings, with our core aim being to cut litigation timeframes by half, and finalise 90% of all cases within 12 months.

I would like to also note that in 2022 the Chief Justice is requiring that the FCFCOA Division 2 focus considerable time and resources to the important areas of General Federal Law and migration, where the Court intends to review its rules, practice directions and case management procedures so as to improve support for judges and achieve similar efficiencies to those made in the family law area. We will report on that in more detail at our next appearance.

### **Family Violence, Risk and the Lighthouse Project**

Lastly, but perhaps most significantly, we continue to remain focused on risk, responsiveness and the early identification of high risk matters, including cases involving family violence. At the forefront of our continued reform agenda is the need to ensure that tailored responses to family violence are appropriately embedded into everything that we do. Notwithstanding the improvements arising from the new Court structure, it should be remembered that there remain very substantial challenges in relation to family violence. Data from the Lighthouse Project highlights that more than 60% of our parenting disputes continue to screen as high risk. Our Notice of Risk data indicates that in 8 out of every 10 matters, parties allege at least one serious risk factor, such as family violence, child abuse, compromised mental health or substance abuse, with nearly half of our cases indicating four or more of these risk factors.

The key to addressing this complex caseload and helping children and vulnerable parties in our Court system, is not just the continuation of the ground-breaking and universally acknowledged Lighthouse Project in three Court registries, but the expansion of that model to all registries, including for those in rural and regional Australia. Funding for the project itself is due to lapse in around 4 months. We remain hopeful that our requests made to Government will realise not just the continuation of the project, but the roll-out of the Lighthouse model nationally as part of a new, permanently embedded and world-leading case management system to deal with violence against vulnerable Australians and to support Aboriginal and Torres Strait Islander families. We are hopeful that we will hear positive news from Government soon, and that related services that support the Court system, such as Legal Aid who fund legal support for otherwise unrepresented parties and Independent Children's Lawyers, will be similarly supported through additional funding.

**David Pringle**

Chief Executive Officer and Principal Registrar

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