

Attorney-General

SENATE QUESTION

46th Parliament

Question No. 2482

Senator the Hon. K. J. Carr asked the Attorney-General on 12 January 2021:

With respect to the Federal Circuit Court Australia, and noting that I asked the Chief Executive Officer and Principal Registrar, Mr David Pringle, many of these questions – on notice – during the Legal and Constitutional Affairs Legislation Committee’s inquiry into the Federal Circuit and Family Court of Australia Bill 2019; despite Mr Pringle telling the Committee on 6 November 2020 that the operational and administrative section of the Court had “already started working on them and looking at them in earnest”, the Court never answered the vast majority of my questions on notice; and there are no areas in connection with the expenditure of public funds where any person has a discretion to withhold details or explanations from the Parliament unless the Parliament has expressly provided otherwise, could the Federal Circuit Court of Australia please provide direct and detailed responses to the following questions:

1. As at 1 July 2015:
 - a. what was the recommended delivery time – or benchmark – for reserved interim judgments. Note: By “delivery time” I mean the time it takes between a judgment being reserved and a judgment being delivered; and
 - b. what was the recommended delivery time – or benchmark – for reserved final judgments.
2. As at 1 July 2016:
 - a. what was the recommended delivery time – or benchmark – for reserved interim judgments; and
 - b. what was the recommended delivery time – or benchmark – for reserved final judgments.
3. As at 1 July 2017:
 - a. what was the recommended delivery time – or benchmark – for reserved interim judgments; and
 - b. what was the recommended delivery time – or benchmark – for reserved final judgments.
4. As at 1 July 2018:
 - a. what was the recommended delivery time – or benchmark – for reserved interim judgments; and

- b. what was the recommended delivery time – or benchmark – for reserved final judgments.
5. As at 1 July 2019:
 - a. what was the recommended delivery time – or benchmark – for reserved interim judgments; and
 - b. what was the recommended delivery time – or benchmark – for reserved final judgments.
6. As at 1 July 2020:
 - a. what was the recommended delivery time – or benchmark – for reserved interim judgments; and
 - b. what was the recommended delivery time – or benchmark – for reserved final judgments.
7. Currently:
 - a. what is the recommended delivery time – or benchmark – for reserved interim judgments; and
 - b. what is the recommended delivery time – or benchmark – for reserved final judgments.
8. As at 1 July 2015:
 - a. what was the average actual delivery time – or benchmark – for reserved interim judgments in each registry; and
 - b. what was the average actual delivery time – or benchmark – for reserved final judgments.
9. As at 1 July 2016:
 - a. what was the average actual delivery time – or benchmark – for reserved interim judgments in each registry; and
 - b. what was the average actual delivery time – or benchmark – for reserved final judgments.
10. As at 1 July 2017:
 - a. what was the average actual delivery time – or benchmark – for reserved interim judgments in each registry; and
 - b. what was the average actual delivery time – or benchmark – for reserved final judgments.
11. As at 1 July 2018:
 - a. what was the average actual delivery time – or benchmark – for reserved interim judgments in each registry; and
 - b. what was the average actual delivery time – or benchmark – for reserved final judgments.
12. As at 1 July 2019:
 - a. what was the average actual delivery time – or benchmark – for reserved interim judgments in each registry; and
 - b. what was the average actual delivery time – or benchmark – for reserved final judgments.
13. As at 1 July 2020:
 - a. what was the average actual delivery time – or benchmark – for reserved interim judgments in each registry; and
 - b. what was the average actual delivery time – or benchmark – for reserved final judgments.
14. Currently:

- a. what is the average actual delivery time – or benchmark – for reserved interim judgments in each registry; and
 - b. what is the average actual delivery time – or benchmark – for reserved final judgments.
15. As at 1 July 2015, and in respect of each registry of the Federal Circuit Court, please provide the following information, broken down by registry:
 - a. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which a judgment was delivered; and
 - b. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which the trial commenced.
16. As at 1 July 2016, and in respect of each registry of the Federal Circuit Court, please provide the following information, broken down by registry:
 - a. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which a judgment was delivered; and
 - b. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which the trial commenced.
17. As at 1 July 2017, and in respect of each registry of the Federal Circuit Court, please provide the following information, broken down by registry:
 - a. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which a judgment was delivered; and
 - b. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which the trial commenced.
18. As at 1 July 2018, and in respect of each registry of the Federal Circuit Court, please provide the following information, broken down by registry:
 - a. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which a judgment was delivered; and
 - b. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which the trial commenced.
19. As at 1 July 2019, and in respect of each registry of the Federal Circuit Court, please provide the following information, broken down by registry:
 - a. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which a judgment was delivered; and
 - b. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which the trial commenced.
20. As at 1 July 2020, and in respect of each registry of the Federal Circuit Court, please provide the following information, broken down by registry:

- a. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which a judgment was delivered; and
 - b. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter was filed to the date on which the trial commenced.
21. Currently, and in respect of each registry of the Federal Circuit Court, please provide the following information, broken down by registry:
 - a. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter is filed to the date on which a judgment is delivered; and
 - b. for contested family law matters (i.e. matters that go to trial) , the average time taken from the date that a matter is filed to the date on which the trial commences.
22. Currently, broken down by registry:
 - a. how many outstanding judgments have been reserved for longer than 1 year;
 - b. how many outstanding judgments have been reserved for longer than 2 years;
 - c. how many outstanding judgments have been reserved for longer than 3 years;
 - d. how many outstanding judgments have been reserved for longer than 4 years; and
 - e. how many outstanding judgments have been reserved for longer than 5 years.
23. Are records maintained in the Federal Circuit Court of the number of applications in which interim orders are sought; if so, what are the benchmark targets set by the Federal Circuit Court for:
 - a. the listing of interim matters (for directions and or management) ;
 - b. the hearing of those interim applications; and
 - c. if judgment is reserved, the time frame for delivery of the reserved interim judgment.
24. Did the Federal Circuit Court meet those targets for the listing, hearing and determination (judgment) of interim proceedings in 2014-15, 2015-16, 2016-17, 2017-18, 2018-19 and 2019-20 in each registry:
 - a. if not, what was the performance (actual time frame) of each registry of the Federal Circuit Court in meeting those targets in 2014-15, 2015-16, 2016-17, 2017-18, 2018-19 and 2019-20.
25. Does the Federal Circuit Court maintain records relating to the number of interim applications that are given an expedited first court listing as a result of asserted urgency:
 - a. if not, why not; and
 - b. if so, how many applications, as a percentage of all interim applications, were given an expedited or priority first return date in 2014-15, 2015-16, 2016-17, 2017-18, 2018-19 and 2019-20 and 2020-21 (to date) ;
 - i. of those matters, what proportion were heard and determined on the first return date, and

- ii. of those that were not heard and determined on that first return date, how may subsequent court events occurred – on average – before the urgent interim application was determined, and what was the average actual time frame from the date of the expedited first return date to the date the application was actually determined.
26. In respect of contested interim applications in each registry, how many interim disputes are currently being heard and determined:
 - a. within 3 months from the date of filing;
 - b. within 6 months from the date of filing;
 - c. within 9 months from the date of filing;
 - d. within 12 months from the date of filing; and
 - e. after 12 months from the date of filing.
27. As at 1 December 2020, what is the average number of cases on a duty list.
28. In respect of duty lists, what is the maximum number of matters that is considered appropriate for the proper conduct and management of a list.
29. Has the Federal Circuit Court analysed the time which is available to judges in these circumstances to hear and determine these competing applications; if so, please provide details.
30. What is the average number of cases that individual Federal Circuit Court judges currently have in their dockets.
31. How many Federal Circuit Court judges currently have more than 300 cases in their dockets; please indicate the registries those judges are located in.
32. How many Federal Circuit Court judges currently have more than 400 cases in their dockets; please indicate the registries those judges are located in.
33. How many Federal Circuit Court judges currently have more than 500 cases in their dockets; please indicate the registries those judges are located in.
34. How many Federal Circuit Court judges currently have more than 600 cases in their dockets; please indicate the registries those judges are located in.
35. What is the highest number of cases that an individual Federal Circuit Court judge currently has in his or her docket, and which registry is this judge located in.
36. What was the highest number of cases that a Federal Circuit Court judge had in his or her docket as at 1 February 2020 (ie prior to the impacts of the COVID-19 pandemic) .
37. Has the Federal Circuit Court undertaken any studies or analysis of what is the maximum number, or most appropriate number of cases, that individual Federal Circuit Court judges should have in their dockets at any one time:
 - a. if so, provide details and a copy of that study/analysis; and
 - b. if not, why not.
38. Since 1 January 2017, has the Federal Circuit Court, including its CEO, received any notifications or advices from any sitting judicial officer, as to concerns about the health and safety of any individual judge or judges of the Federal Circuit Court, arising from the level of their workload; if so, how many and in what month / year were the notifications or advices received. Note: I am not asking you to identify individual judges – I am asking for figures. On no reasonable view could the disclosure of the high-level statistics about how many judges have raised concerns about health and safety issues compromise the privacy of any individual.

39. Did the Federal Circuit Court notify/disclose to its insurer or insurers any possible claims against the Court relating to workplace health and safety, sexual harassment or bullying during 2014-15, 2015-16, 2016-17, 2017-18, 2018-19 and 2019-20 and 2020-21 (to date) ; if so, how many. Note: I am not asking you to identify individuals or to provide details of any actual or potential claim against the Court – I am asking for figures. On no reasonable view could the disclosure of this information compromise the privacy of any individual.
40. How many Federal Circuit Court judges are currently on indefinite leave. For each case, please indicate the reason or the leave (in general terms – e.g. “stress leave”) . Note: For privacy reasons, I am not asking you to identify individual judges or specific registries. On no reasonable view could the disclosure of this information compromise the privacy of any individual:
 - a. is it more than 1;
 - b. is it more than 3; and
 - c. is it more than 5.