

Opening statement given by Mr David Pringle, CEO and Principal Registrar of the Family Court of Australia and Federal Circuit Court of Australia

Good evening Senators, and thank you for accommodating the Courts' request to appear remotely in light of the unfolding COVID-19 situation in Victoria.

While the Courts last appeared before the Committee in March this year, we thought it would be an opportune time to briefly update the Committee on the Courts' operations and initiatives, which remain focussed on three key themes: risk, responsiveness and modernisation. I will be limited in my comments given the detailed update provided in March, and these are, of course, comments made from an operational and administrative perspective.

The Courts are very pleased to have received \$100 million in additional resourcing across the forward estimates, which we understand may be the largest injection of funding the Courts have received. This is important structural funding for both family law and general federal law, which, together with the funding received in the last October budget, boosts our judicial resources across both courts to 111, representing an approximate 10% increase in judicial resources, which will make a very real difference, particularly with our family law and migration caseload. The funding also increased our family law registrar resources by over one-third. Importantly, it also provides for a further 10 family consultants, funding for a registrar-support team, judicial support positions, and Indigenous Liaison Officers to assist litigants and families who identify as Aboriginal or Torres Strait Islander. We are also pleased to note that our small claims property pilot (known as the PPP500) has been extended for another 18 months through Government funding as part of the Women's Economic Security Package, which allows a highly successful pilot protecting people with smaller asset pools, to continue to quickly and inexpensively resolve 75% of these matters without the need for judicial intervention.

This landmark funding outcome will provide a platform for the Courts to significantly scale-up our reform agenda, speed up the litigation pathway for family law, set up innovative and effective registrar-led lists to hear categories of cases quickly, such as contravention applications, and to focus on responding to family violence and other risks more effectively at each stage of the case management pathway.

In terms of key reforms, the planning for the new court structure under the legislative amendments coming into effect on 1 September, is proceeding well. Careful modelling and case planning for judicial, registrar and family consultant work is in train to adjust our case management pathways, rules and related practice directions and websites across family law, migration and general federal law. At the heart of all of the planning in family law is a focus on risk and safety. With the changes being developed, we seek to support our extremely hard-working judges with their heavy workload. We will have a clear focus on safe dispute resolution and finalising matters quickly and inexpensively, and we also want to ensure that we maximise access to justice for rural and regional Australia.

The Courts will shortly undergo a process of engagement with internal stakeholders and key external stakeholders in the lead-up to 1 September. Also, as part of the preparation for 1 September, the Chief Justice is planning a new and much larger Case Management Campaign, which will target assessing, and if possible resolving, hundreds of cases in readiness for the new Court arrangements, including through case management by judges, and highly trained registrars and family consultants undertaking safe dispute resolution.

No doubt this Committee is aware of the many reform projects the Courts are undertaking in family law, but of particular note is the Joint Rules Harmonisation Project. I am pleased to report that the Joint-Court Committee met for the final time on Monday and the harmonised draft rules are essentially completed. Subject to any further changes which may arise from further feedback and the parliamentary drafters' process, the final draft will be circulated for final consideration and voting by the judges, in sufficient time to allow for a 1 September commencement. This momentous reform represents the first time in the Courts' history that our two Courts' family law rules will be harmonised, and readies our Courts for the important legislative changes due on 1 September.

Family violence and other risks remain a very real challenge which the Courts continue to face in family law on a daily basis. As I mentioned in my opening statement in March, the Courts now have reliable data drawn from our new, electronic harmonised Notice of Risk. This updated data is now showing us that 65% of

parties allege that they have experienced family violence, and 57% allege that a child has experienced family violence. Similarly, data from the Lighthouse Project is showing that 64% of parenting matters are being screened as 'high risk'. We know, from the Notice of Risk that nearly 80% of matters allege at least one risk factor, such as family violence, child abuse, substance abuse and mental health factors; and almost 60% have 3 or more of these risk factors.

This risk profile remains of tremendous concern to the Courts. Notably, the additional funding recently allocated through the Information Sharing funding will assist in Court officers engaging in two-way information sharing between Commonwealth and State/Territory systems, helping the Courts to proactively seek relevant information where there are family violence concerns, and respond to information requests from State and Territory agencies. We are also continuing our discussions with Government regarding appropriate additional funding to enhance our family violence-related initiatives.

The final initiative to update on is the progress of our Joint-Court Judicial Conduct Committee, chaired by Judge Kendall, which has been set up to develop Court policies that respond efficiently and appropriately to any complaints regarding any inappropriate conduct across the Courts, including as to judicial conduct. The committee has met on a number of occasions, and has essentially finalised a draft internal policy which will soon be distributed for internal consultation, before it is finalised and published. We expect this policy process will be finalised within a matter of weeks. We have also, through the Chief Justice's initiatives, enhanced our judicial induction and education programs, including bringing in world-leading expert Professor Catharine MacKinnon to assist with judicial education. The Courts are committed to a zero tolerance policy for sexual harassment and other inappropriate conduct, regardless of who may be subject to a complaint, and we are committed to ensuring that our workplaces are safe and supportive for all who operate within and with them.

This is an exciting time for the Courts as we tackle many important challenges, from addressing family violence and creating safe workplaces, to tackling large and complex workloads to reduce backlogs, and supporting litigants and families safely, speedily and cost-effectively through the litigation and dispute resolution process.