



FEDERAL CIRCUIT AND FAMILY COURT OF AUSTRALIA

Office of the Chief Executive Officer and Principal Registrar

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Good afternoon Senators.

While we remain focused on risk, responsiveness and modernisation, the period since we last appeared before you in May, has been a truly momentous time for our Courts.

Amalgamation of the Family Court of Australia & the Federal Circuit Court of Australia

On 1 September, the amalgamation of the Family Court and the Federal Circuit Court took place, creating a new Court structure – the Federal Circuit and Family Court of Australia, otherwise known as the FCFCOA. To our understanding, we are now the largest Court in the country, with around 120,000 filings per annum, and over one hundred judges. We have an exceptional team of judges, judicial registrars, court child experts and staff, servicing litigants across 43 locations, many in regional Australia, and covering a wide variety of important areas of law, including family law, migration, workplace, bankruptcy, and consumer law.

This reform of the Courts took effect in a relatively short 6-month period, thanks to the hard work of our judges and staff, and the leadership and vision of Chief Justice Alstergren. In that time, the entirety of both Courts' family law rules were finalised into one harmonised set of rules - the first time in 20 years that this has occurred. These rules were extensively consulted on, and have been widely supported. We also revamped our entire set of Practice Directions, with new Central Practice Directions for each of our family, migration and general federal areas of law. Every Form for filing was rebuilt, and our two old websites were discontinued, replaced with one modern website with easy to navigate pages and new tools, such as informative videos. Much of these changes were only possible due to the dedication and skill of the Federal Court entity staff who provide many of our technical and corporate resources.

It must be noted that the Court undertook these reforms, whilst calling-over some 7,000 family law cases for special case management hearings and maintaining a 96% clearance rate, notwithstanding the impact of COVID-19, which required us to repeatedly adapt to changing restrictions and lockdowns in different locations, to ensure that access to justice remained available to all Australians.

New Case Management System and Resourcing

In the same period, made possible by the funding from Government provided in the May budget, the FCFCOA expanded its judicial registrar cohort, including those in the senior group, by approximately one-third; with a similar growth in our Court Child Experts. Two Deputy Chief Judges have been appointed to Division 2 to help manage family law and general federal law respectively. There have also been the appointment of 19 family law or general federal law judges over the last 6 months, including new judicial positions. These judicial and registrar resources have covered many areas, including cities such as Sydney, Hobart and Adelaide, and regional locations such as Newcastle,

Lismore and North Queensland; and have underpinned the Courts' transformation, providing the specialised skills necessary to support these significant reforms, the centrepiece of which is the Chief Justice's new family law case management pathway.

Under that new pathway, the heavy workload of judges is being alleviated, to allow judges more time to focus on trials and judgments and to list their hearings sooner. Already, less than 8 weeks into the reforms, average docket numbers have reduced considerably. This has been achieved by our skilled body of family law registrars taking on new categories of work, including busy Duty Lists and many interim defended hearings, as well as through a significant growth in safe, court-based dispute resolution, minimising costly and stressful litigation. Additional Court Child Experts, Indigenous Liaison Officers and support staff are also providing critical support for the new case management pathway.

With these resources, other important initiatives have also been implemented. This includes the expansion of the Covid-19 List, which allows for an initial electronic hearing before a Judicial Registrar within days of an application being filed; and the creation of a new national Contravention List to deal with non-compliance with family law parenting arrangements and other Court orders. Previously, contravention applications took many months to be heard, and they can now receive an initial electronic hearing soon after 14 days, in all locations. We have also continued the incredibly successful pilot projects in family law, the Lighthouse Project and the small property claims PPP500 project.

In general federal law and migration, we will now commence a thorough review of our rules and practice directions. Recent judicial and registrar resourcing will also assist in tackling the growing backlog in migration cases.

Briefly, I should address two very important other areas, the first relating to ensuring a safe and respectful workplace environment within the Courts.

Safe and Respectful Workplace Environment

In June last year, the Chief Justice appointed a number of judges, registrars, senior staff and a former Judge (The Hon Jennifer Coate AO) to a Judicial Conduct Committee. The Committee's mandate was to review the Courts' judicial complaints procedures, policies and educational strategies.

I am pleased to confirm that additional training has been undertaken, and two new complaints and workplace conduct policies were released on 9 June 2021, which are victim-focused, and adopt a 'no wrong door' approach with regard to making complaints of inappropriate behaviour about any person. These policies also set out the process for making any complaint about a Judge, and reflect the Courts' zero-tolerance approach to inappropriate behaviour, to ensure a safe and supportive working environment for all.

Family Violence and Other Risks

Finally, and notwithstanding all these successes, it must be remembered that there remains significant challenges for the FCFCOA, including in the area of family violence. The Lighthouse Project demonstrates that more than 60% of our parenting disputes screen as high risk. Data from over 12,000 electronic Notices of Risk filed in parenting disputes, shows that nearly 80% of our matters involve at least one major risk factor (including child abuse, family violence, mental health issues, alcoholism or other substance abuse), and nearly one half of such matters have 4 or more of those risk factors in them.

Now, with the bedrock of a new and more effective case management system in place, the immediate challenge for the FCFCOA is to ensure that these complex cases receive careful and nuanced case management tailored to fit the needs of each case regardless of where those cases arise – in our cities, or our regions, and importantly for our Aboriginal and Torres Strait Islander peoples. Naturally, in order to support vulnerable people and deal with complex risk scenarios, additional resources will be needed, including for the expansion of the Lighthouse and PPP500 projects; and we welcome ongoing discussions with Government in that regard.

This is indeed an exciting and momentous time for the FCFCOA, one filled with not only steely determination to meet the challenges that lie ahead, but great hope and optimism arising from the ongoing, and effective, transformation of our policies and case management practices in all areas of law.

David Pringle

Chief Executive Officer & Principal Registrar

26 October 2021