

Senate Legal and Constitutional Affairs Committee – FCFA Bills inquiry

A. OUTSTANDING - Questions on Notice 6 November 2020

Question	Senator	Transcript	Response
<p>I'm interested to know what you're doing to address health and safety issues for judicial officers.</p>	<p>Carr</p>	<p>Pg 6</p>	<p>The Court refers to its evidence given at the hearing on 6 November 2019 at pages 6-7 of the Transcript:</p> <p>Senator KIM CARR: What I'm trying to get to here is whether or not the workload is such that it is actually affecting the health and safety of our judges. The workload is actually too great if you've got these sorts of numbers—</p> <p>Mr Pringle: No-one's saying that the workload of FCC judges—that's what you're focusing in on—is anything other than very, very busy. I said that in my opening statement. I think the difficulty, though, in answering your question effectively is that it really does vary on the individual judge as to what's affecting how they're operating or performing at any given time. Sometimes that can be related in part to the number of cases or the issues playing out in their case load. But there are all sorts of other issues, such as personal matters on the home front and health related issues, that can impact on a judge's ability to deal with matters. So we obviously work very closely with the judges, through the case management judges, to make sure that that is being assessed all of the time. We also have judicial wellbeing committees in each court whose job it is to make sure that fellow judges are looked after.</p> <p>Senator KIM CARR: Can I ask you to take that on notice. If you think that's a difficult question and you don't want to answer that at this point, can you take that on notice and consider ways in which you can answer it. I'm interested to know what you're doing to address health and safety issues for judicial officers.</p> <p>Mr Pringle: I'm happy to do that. If you're happy for me to take it on notice in a general sense, as opposed to delving into the specific matters—</p> <p>Senator KIM CARR: Yes. I want to get to that question about the relationship between the workload and the effects on health and safety. As of 1 January, you would obviously have insurer issues and possible claims against the courts relating to workplace health and safety, sexual harassment or bullying claims. Those things would have to be registered statistically, wouldn't they?</p>

			<p>Mr Pringle: Again, these are the sorts of matters that I would have to take on notice and see how I could—</p> <p>Senator KIM CARR: Alright. I probably asked a question to that effect. I'm looking at 2018-19, 2019-20 and 2020-21 through to today. Could you provide any possible details. Are any of the Federal Circuit Court judges on indefinite leave?</p> <p>Mr Pringle: Again, matters to do with judges' leave is on their private wellbeing, which I think will be very difficult to answer specifically. I'm happy to look at the general workload issue that—</p> <p>Senator KIM CARR: Because time is so precious, I'm just looking at how we can get a better understanding of the effects of workload pressures and stress pressures on judges and whether or not that's measured through leave questions. I'm interested to know if Family Court judges are on indefinite leave, illness leave or leave of a type that might give us some indication of the difficulties on that front.</p> <p>Mr Pringle: I think what I can do is take on notice this broad question about workload and the interrelation between that and how judges are. Once we get into matters of why people are taking leave or private health considerations, it will be difficult for the court to be able to go into specifics.</p> <p>In addition, the Courts provide the following:</p> <p>Since the appointment of the Chief Justice of the Family Court of Australia and the Chief Judge of the Federal Circuit Court of Australia, the Hon. Justice William Alstergren, the Court has introduced substantial measures to support and assist judicial officers in performing their duties.</p> <p>This includes a much more in-depth and relevant induction for new judges, a formal program of mentoring and a number of different levels of monitoring to assist the Courts to manage the quality of judgments. The Court has also introduced an informal counselling process with judges of the superior courts and holds monthly national judicial education sessions. Specific Judicial Committees, including the Judicial Wellbeing Committee and the Judicial Education Committee, provide ongoing, regular judicial support and education. The Court has also introduced a counselling process with judges of the superior courts for judges who may need some additional support.</p>
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<p>As of 1 January, you would obviously have insurer issues and possible claims against the courts relating to workplace health and safety, sexual harassment or bullying claims. Those things would have to be registered statistically, wouldn't they?</p>	<p>Carr</p>	<p>Pg 6</p>	<p>We understand that there is no single register detailing all possible work health and safety, sexual harassment or bullying claims, however some statutory mechanisms have reporting requirements which the Court complies with.</p>
<p>How were the courts consulted before these bills were introduced to parliament?</p>	<p>Thorpe</p>	<p>Pg 8</p>	<p>The Court refers to its evidence given at the hearing on 6 November 2019 at pages 8-9 of the Transcript:</p> <p>Senator THORPE: How were the courts consulted before these bills were introduced to parliament?</p> <p>Mr Pringle: Given that I've been appointed CEO and principal registrar relatively recently, I might throw that question across to my colleague Virginia Wilson to see if it can be answered. Otherwise, we could take it on notice and give you some clarification.</p> <p>Ms Wilson: Senator Thorpe, can I just clarify that you are talking about the current version of the bills, the 2019 version.</p>

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<p>Are you aware of any judge or anyone working for any judge who has sought any sort of data from you as to the performance of the courts, including matters such as the time to trial, in the last couple of weeks or so?</p>	<p>Henderson</p>	<p>Pg 11</p>	<p>There are commonly internal requests for data by Judges, such as Case Management Judges, for a variety of purposes, including to assist Judges operationally and in the performance of their duties. In relation to the specifics of any individual request by a judge for data, such requests are matters pertaining to the business of the Court and/or the management of judicial workload, which is the responsibility of the Chief Justice, and are not considered appropriate for public dissemination.</p>