

Questions on Notice – 6 November 2020

| Question | Senator | Transcript | Response |
|--|----------------|-------------------|--|
| For contested family law matters, what is the current average time taken from the date from which a matter is filed to the date on which judgment is delivered? | Carr | Pg 5 | For contested family law matters, the average time taken from filing to the date on which judgment is delivered for the FY19-20 financial year was 23.4 months in the Federal Circuit Court and 26.2 months in the Family Court. A proportion of final hearings which could have been undertaken but have not been due to COVID-19 is likely to have affected the above figures for the 2019-20 financial year. |
| Is there any way you could break that [number of matters in dockets] down in terms of the registries that those judges are located in? | Carr | Pg 5 | See the table below. It should be noted that, due to Registrar-run lists, such as the Discrete Property List and the PPP500, there are many matters that formally appear in a Judge's docket which are heard by Registrars or resolved through ADR that never require the intervention of the docket Judge. As such, the number of active matters in a Judge's docket will be lower the full docket numbers indicated in the below table. |
| I'm interested to know what you're doing to address health and safety issues for judicial officers. | Carr | Pg 6 | Answer to be provided. |
| 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? | Carr | Pg 6 | Answer to be provided. |
| It's just that at the previous Senate estimates on 19 February 2019, an Attorney-General's Department official told the Senate estimates committee that part of the \$4 million was spent on rules, signage, stationery and other changes to the IT system. I'm wondering how much of the \$4 million was allocated to each of the following: the rules harmonisation project, signage, stationery and IT changes? | Carr | Pg 7 | <p>The \$4m funding was provided as follow:</p> <ul style="list-style-type: none"> - Harmonisation of family law Rules project \$570k - Changing signage and stationary \$955k - IT Systems changes \$2.475m <p>To date the Courts have spent \$885k of the \$4m provided. This relates to \$570k for the Harmonisation of the family law Rules project and \$315k in relation to initial work performed in relation to IT Systems changes.</p> |
| How were the courts consulted before these bills were introduced to parliament? | Thorpe | Pg 8 | Answer to be provided. |
| I'd like the percentage of family law cases in the | Henderson | Pg 10 | In FY2019-20, the Family Court received 21,054 family law filings. This can be broken down |

Federal Circuit Court compared with in the Family Court—including, of course, parenting and property—so we can understand which court is doing most of the work.

into the following application types:

| | |
|---------------------------------|--------|
| Final orders applications | 2382 |
| Application in a case (Interim) | 3500 |
| Consent orders applications | 14,908 |
| Other applications | 264 |
| Total | 21,054 |

Of the final orders applications filed:

- 48% were seeking property orders only,
- 35% were seeking parenting orders only,
- 15% were seeking both parenting and property orders,
- 2% were seeking other final orders.

In FY2019-20, the Federal Circuit Court received 85,563 family law filings. This can be broken down into the following application types:

| | |
|---------------------------------|--------|
| Final Orders Applications | 16,455 |
| Application in a Case (Interim) | 21,775 |
| Divorce Orders Applications | 45,886 |
| Other Applications | 1447 |
| Total | 85,563 |

Of the final orders applications filed:

- 51% were seeking parenting orders only,
- 36% were seeking property orders only,
- 13% were seeking both parenting and property orders.

In FY19-20, the Family Court received 13% of all final orders applications filed, and the Federal Circuit Court received 87% of all final order applications filed. Out of the total of these final orders applications:

- the Family Court received 9% of all applications seeking parenting orders only, and the Federal Circuit Court received 91%.
- the Family Court received 16% of all applications seeking property orders only, and the Federal Circuit Court received 84%.

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| And can you also provide any information about the cost of engaging senior counsel, and barristers and solicitors generally, including in relation to disappointment fees—which, I understand, are particularly prevalent in Sydney? | Henderson | Pg 10 | The courts have checked but do not capture data about the lawyers’ fees charged in family law proceedings and therefore are not able to provide any information in this regard. There would be a number of judgments in both Courts commenting on fees charged which are publically available. The Courts understand that the Attorney-General’s Department answered questions on this topic on 6 November 2020. |
| Are you able to provide the appeal rates as well, please, between the Federal Circuit Court and the Family Court? | Henderson | Pg 11 | In FY19-20, there were 198 appeals filed against orders or decisions of the Family Court of Australia. As a percentage of all final orders applications and interim orders applications finalised, this is an appeal rate of 3.53%. In FY19-20, there were 247 appeals filed against orders or decisions of the Federal Circuit Court or Magistrates Court of Western Australia. As a percentage of all final orders applications and interim orders applications finalised by the Federal Circuit Court, this is an appeal rate of 0.68%. |
| 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? | Henderson | Pg 11 | Answer to be provided. |

| Registry | Docket sizes as at 6 November 2020 | | | | | Total Judges in each Registry |
|----------|------------------------------------|------------------|------------------|------------------|------------|-------------------------------|
| | 0 to 300 cases | 300 to 400 cases | 400 to 500 cases | 500 to 600 cases | 600+ cases | |
| Adelaide | | 2 | 3 | 1 | | 6 |
| Brisbane | 2 | 2 | 6 | 1 | 1 | 12 |
| Cairns | 1 | | | | | 1 |
| Canberra | | 2 | | | | 2 |

| | | | | | | |
|---|-----------|-----------|-----------|----------|----------|-----------|
| Darwin | 1 | | | | | 1 |
| Hobart | 1 | | | | | 1 |
| Launceston | | | 1 | | | 1 |
| Melbourne | 6 | 4 | 5 | 1 | | 16 |
| Newcastle | | | 3 | | | 3 |
| Parramatta | 2 | 1 | 2 | | | 5 |
| Perth | 2 | | | | | 2 |
| Rockhampton | | 1 | | | | 1 |
| Sydney | 7 | 5 | 1 | | | 13 |
| Wollongong | | | | | 1 | 1 |
| Total Judges in each docket size bracket | 22 | 17 | 21 | 3 | 2 | 65 |