

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 2

Program: Other Agency

Question No. SBE14/028

Senator Wright asked the following question at the hearing on 20 November 2014:

Senator WRIGHT: I am not personally suggesting that anything wrong has gone on in terms of the court. This is a Magellan list matter, supposedly to be expedited and for the complex issues to be dealt with expeditiously. Clearly, the consequences of long, drawn-out hearings and matters are bad for everyone, including the child. To what extent do the resources of the court affect the speed with which, for instance, family reports can be done? In evidence previously at estimates, I have been told that a lack of resources means there are not as many family report writers. There are delays as a result of under-resourcing. Is that right?

Mr Foster: I am not specifically aware of any lengthy delays in relation to family reports anywhere. There was a problem in Parramatta in the Federal Circuit Court in getting family reports at one stage, but I understand that has been addressed. We use not only in-house family consultants, of which we have 60-odd, off the top of my head, but we also spend several millions of dollars on report writers that we contract in—reg 7 report writers. The spend on family reports is pretty significant.

I will take it on notice, but I am not aware of any significant delays in obtaining family reports, especially in Magellan matters, because it is recognised that these are the most difficult, entrenched cases but they will necessarily take some time to deal with. In many cases these are allegations, and the judges have to make some pretty significant decisions about what those allegations mean.

So it is long and complex but by the nature of those cases they are long and complex. I do not believe it is a resourcing issue, certainly not in relation to judicial time. I would need to follow up on your specific question about family reports, but to my knowledge that is not a serious issue in relation to Magellan.

The answer to the honourable senator's question is as follows:

The Court is not aware of any lengthy delays in relation to family reports. The Court uses in-house Family Consultants of which there are 71.62 FTE. When these report writers are unavailable the Court contracts in Regulation-7 report writers.