

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
FAMILY COURT OF AUSTRALIA

Question No. 121

Senator Barnett asked the following question at the hearing on 24 May 2007:

- a) Please provide the number of judgments delivered within three months, from 3-6 months and more than six months.
- b) For judgments that took more than six months to be delivered please explain the reasons for the delay.

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

- a) Table 1 shows the timeliness to the delivery of reserved judgments for the past 3 completed financial years, and the current financial year to 30 April 2007.

Table 1

1st Instance reserved judgments delivered only (Final Judgments), excludes extempore judgments

Financial YTD:	Jun-04	Jun-05	Jun-06	YTD April 2007
Between 0 & 3 months	382	442	407	213
Between 3 & 6 months	87	73	82	45
More than 6 months	70	62	70	39
Total (Delivered)	539	577	559	297
<i>Number of 1st Instance Judges</i>	37	36	33	32

Additionally, the FCoA made the following extempore judgments on Final Orders applications (Table 2). These extempore judgments were either made at the completion of trial or another Court hearing by a Judicial Officer.

Table 2.

1st Instance Extempore judgments on Final Orders applications

Financial YTD:	Jun-04	Jun-05	Jun-06	YTD April 2007
Extempore Judgments*	3926	3702	3549	3441

Source: Casetrack as at 2 May 2007. Extempore Judgments also include matters where final orders are made where the applications is dismissed, Struckout, Transferred to FMC.

Therefore, typically in the FCoA more than **98%** of all judgments are delivered within 6 months of the last hearing.

- b) There are many reasons why a judge might take more than 6 months to deliver a reserved judgment, the major factors include:

1. very complex cases which requires significant and careful deliberation e.g. complex financial cases; complex superannuation issues, complex children cases where

family violence and/or abuse may be a factor; relocation of children (interstate/international), multiple expert witnesses etc

2. complex cases which require written submissions that have large volumes of material submitted
3. judicial illness