

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

Question No. 151

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

In 2005-06, 94% of judgments were handed down within three months and 89% within the first instance. Please advise the Committee about the other 11% and 6% that do not get dealt with, particularly the nature of the cases involved and the length of time they take to finalise.

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

According to the Court's case management system (Casetrack) the breakdown of judgments in appeals (both full court and single judge) which were delivered outside of the 3 month benchmark is as follows:

Appeals (Full Court & Single Judge)	Judgments delivered by age over 3 months				
	3 <= 6mths	6 <= 9mths	9 <= 12mths	=>12 mths	Total
ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999	1	1			2
EXTRADITION ACT 1988	1	3			4
FAIR TRADING ACT	2				2
FEDERAL COURT OF AUSTRALIA ACT	2				2
A NEW TAX SYSTEM (GOODS & SERVICES TAX) ACT 1999		2			2
HEALTH INSURANCE ACT	3				3
INCOME TAX ASSESSMENT ACT 1936	5	3			8
INSURANCE CONTRACTS ACT	1				1
MIGRATION ACT	24	8	2	1	35
NATIVE TITLE ACT	2	2			4
NORFOLK ISLAND ACT 1979	1				1
PATENTS ACT	2	3			5
SAFETY REHABILITATION ACT 1988	2				2
SEX DISCRIMINATION ACT	1				1
SOCIAL SECURITY ACT 1991	1				1
SUPERANNUATION ACT 1976	1				1
TRADE PRACTICE ACT (NON PT IV)	6	3			9
TRADE MARKS ACT	1		1		2
VETERANS' ENTITLEMENTS ACT 1986	1				1
WORKPLACE RELATIONS ACT	3	2			5
Total	60	27	3	1	91

According to the Court's case management system (Casetrack) the breakdown of judgments in first instance matters which were delivered outside of the 3 month benchmark is as follows:

First Instance matters	Judgments delivered by age over 3 months				
	3 <= 6mths	6 <= 9mths	9 <= 12mths	=>12 mths	Total
AUSTRALIAN CRIME COMMISSION ACT 2002	1				1
BANKRUPTCY ACT	4	2			6
CIVIL AVIATION ACT 1988				1	1
COPYRIGHT ACT	1	1			2
CORPORATIONS ACT	4	2		1	7
CUSTOMS ACT		1			1
DESIGNS ACT	1			1	2
ENVIRONMENT PROTECTION & BIODIVERSITY CONSERVATION ACT 1999		1			1
EXTRADITION ACT 1988				1	1
FEDERAL COURT OF AUSTRALIA ACT	1	1			2
FINANCIAL M'MENT AND ACCOUNTABILITY ACT 1997	1				1
FREEDOM OF INFORMATION ACT 1982	1				1
A NEW TAX SYSTEM (GOODS & SERVICES TAX) ACT 1999	1				1
HEALTH INSURANCE ACT 1973	2				2
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION ACT 1986		2			2
INCOME TAX ASSESSMENT ACT 1936	2				2
INDUSTRIAL RELATIONS ACT			1		1
MIGRATION ACT	12	7	1		20
NATIVE TITLE ACT	1			16	17
PATENTS ACT				1	1
TRADE PRACTICE ACT (NON PT IV)				1	1
TAXATION ADMINISTRATION ACT 1953				2	2
Act (Not Stated)	1				1
Total	33	17	2	24	76