

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

Sub Program 1.1.1

Question No. 121

Senator Ludlam asked the following question at the hearing on 27 May 2009:

'The restructuring of the Federal Courts, merging the Federal Magistrates Court back into the Federal and Family Courts will result in there being 6 less judges in the system overall. What measures will be taken to ensure that this decrease in the number of judges does not result in delay and inhibit access to justice? How will the lower tiers of both courts be made more accessible?'

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

The Government's decision not to appoint 6 judicial officers is not related to the Government's decision to restructure the federal courts.

During 2007-08, the workloads of the Federal Court, Family Court and Federal Magistrates Court decreased. As part of the 2009-10 Budget, the Government made a decision not to appoint two replacement judges in the Federal Court, two judges in the Family Court (one replacement and one new position) and two Federal Magistrates in the FMC (both new positions). The Government is confident this decision will not impact on the ability of courts to carry out their current workloads.

The Government is also pursuing measures to ensure that disputes are resolved quickly and efficiently by courts. The *Access to Justice (Civil Litigation Reforms) Amendment Bill 2009* was introduced into the House of Representatives on 22 June 2009. A key objective of that Bill is to clarify and strengthen the case management powers of the Federal Court to ensure more efficient civil litigation.

The restructure of the courts will provide increased accessibility to the federal courts in a number of ways, including through ensuring matters are dealt with at the appropriate level and thus saving litigants time and money, through adoption of simpler procedures, through better integration of courts and dispute resolution services, and through additional front-end support for users, particularly in the family law system. Federal Magistrates who accept appointment to the Federal Court and Family Court will continue to deal with less complex matters, using simple and informal procedures – as they do now.