

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

FEDERAL COURT OF AUSTRALIA

Question No. 5

Senator Brandis asked the following question at the hearing on 25 May 2011:

Senator BRANDIS: When you say 'for so long', over how many months and years has this project [new Federal Court rules] been underway?

Mr Soden: I will have to take that on notice, but I think I could say it has probably been on the books for about a decade.

Senator BRANDIS: The committee of judges who were responsible for the actual rewrite—under Justice Lander was it?—

Mr Soden: Ultimately Justice Lander, yes.

Senator BRANDIS: when did that committee commenced its work?

Mr Soden: I will take that on notice, but it would be at least two years ago.

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

Work on the new Federal Court rules was undertaken in two phases.

The need to re-write the Federal Court Rules was initially identified in 1998 and work was subsequently undertaken to develop the process for re-writing the Rules.

Justice Lander assumed Convenorship of the Rules Revision Committee and responsibility for this project in early 2005. The second phase to re-write the Rules has been under way for approximately 6 years. The resources available to the Court to undertake a major project of this nature (both internal and through the Office of Legislative Drafting and Publishing) have dictated the time the Court has taken in its revision of Rules. This work has been undertaken concurrently with full-time judicial commitments.