

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

Question No. 165

Senator Evans asked the following question at the hearing on 31 October 2006:

Please indicate:

- (a) The number of FTE magistrates assigned to family law matters in 2004-05 and 2005-06.
- (b) The number of decisions handed down on family law matters in 2004-05 and 2005-06.
- (c) The average period between an application on a family law matter and the handing down of the final decision.
- (d) The average period between the final hearing on a family law matter and the handing down of the final decision.

The answer to the Honourable Senator's question is as follows:

a) The number of FTE magistrates assigned to the Court in 2004-05 and 2005-06

The Federal Magistrates Court (FMC) comprises the Chief Federal Magistrate and such Federal Magistrates as are appointed from time to time. In addition to the Chief Federal Magistrate, at 30 June 2005 there were 30 Federal Magistrates and at 30 June 2006 there were 34 Federal Magistrates. The Federal Magistrates Court shares jurisdiction with the Family Court of Australia and the Federal Court of Australia and therefore has jurisdiction in both family law and some general federal law matters. Federal Magistrates may exercise the entire jurisdiction of the FMC. However, some Federal Magistrates hear exclusively or predominantly family law matters and others hear exclusively or predominantly general federal law matters.

It is estimated that approximately 18 full-time equivalent (FTE) Federal Magistrates handled family law matters as at 30 June 2005 and approximately 23 FTEs handled family law matters as at 30 June 2006.

b) The number of decisions handed down on family law matters in 2004-05 and 2005-06

The FMC finalised 70,729 family law applications in 2004-05 and 73,793 family law applications in 2005-06. Judgments in the vast majority of family law applications which are decided by Federal Magistrates are delivered orally at the hearing or shortly afterwards. Other judgments are reserved and delivered at a later date. The FMC delivered 658 reserved judgments in family law matters during 2004-05 and 591 reserved judgments in such matters during 2005-06.

(c) Period between an application in a family law matter and the handing down of final decision

Of all family law cases finalised by the FMC, the time between filing of the application and finalisation was:

- during 2004-05, 4.9 months on average with:
 - 85% finalised in 6 months or less;
 - a further 7% finalised within 6 to 12 months; and
 - the remaining 8% finalised beyond 12 months.
- during 2005-06, 4.7 months on average with:
 - 89% finalised in 6 months or less;
 - a further 8% finalised within 6 to 12 months; and
 - the remaining 2% finalised beyond 12 months.

(d) Period between the final hearing and the handing down of the final decision in family law matters

Of the reserved judgments in family law matters delivered by the FMC, the time between the final hearing and delivery of the reserved judgment was:

- during 2004-05, 1.6 months on average with:
 - 92% given in 6 months or less;
 - a further 7% given within 6 to 12 months; and
 - the remaining 1% given beyond 12 months.
- during 2005-06, 1 month on average with:
 - 97% given in 6 months or less;
 - a further 2% given within 6 to 12 months; and
 - the remaining 1% given beyond 12 months.