

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

Question No. 27

Senator Barnett asked the following question at the hearing on 19 October 2009:

What is the average waiting time from the conclusion of a trial to the handing down of a judgement? Provide relevant particulars concerning cases that have taken the longest period of time, from the conclusion of the trial to the handing down of the judgement.

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

Family law jurisdiction

In 2008-09, 15638 applications for final orders were finalised. Of those matters, 2232 judgments were delivered extempore, that is at the final hearing.

In 2008-09, 598 judgments regarding final orders were reserved after the final hearing. Of those reserved judgments, the average delay between final hearing and judgment delivery was 1.6 months. Seventy-five percent of reserved judgments were handed down within 3.7 months.

In 2008-09 the longest delay between a final hearing and the handing down of a judgment was 24 months. In this matter, the docketed Federal Magistrate had taken leave due to ill health. There had been an expectation that the Federal Magistrate would return to work; however, that did not eventuate.

In a number of matters where there appears to be a significant delay between the final hearing and the handing down of a judgment, costs applications were made orally at the final hearing. In these matters, the judgment date recorded in the Court's electronic case management system reflects the date a judgment regarding *costs* was handed down rather than the judgment regarding final orders. This is a data quality issue which the Court is attempting to resolve.

General federal law jurisdiction

Currently, the Court does not have details regarding the average waiting time from the conclusion of a trial to the handing down of a judgment in general federal law matters. However, the Court can advise that 79% of all general federal law applications are finalised within 6 months of filing.