

Chapter 1

Introduction

Purpose of the Bill

1.1 On 25 June 2009, the Senate referred the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009 (Bill) to the Senate Legal and Constitutional Affairs Legislation Committee for inquiry and report by 17 September 2009.

1.2 The Bill amends the *Federal Court of Australia Act 1976*, the *Family Law Act 1975* and the *Federal Magistrates Act 1999*, and makes related amendments to the *Administrative Decisions (Judicial Review) Act 1977*.

1.3 The purpose of the Bill is threefold: to amend the *Federal Court of Australia Act 1976* to strengthen and clarify the case management powers of the Federal Court of Australia (Federal Court), ensuring more efficient civil litigation; to streamline the Federal Court's appeals pathways for civil proceedings; and to clarify the powers of judicial officers in the Federal Court, the Family Court of Australia and the Federal Magistrates Court.

1.4 A key objective of the reforms, as stated in the Explanatory Memorandum, is to effect a cultural change in the conduct of litigation, so that, in addition to the just resolution of disputes, the following considerations are prominent:

- focussing the Federal Court, parties and their lawyers' attention on resolving disputes as quickly and cheaply as possible;
- reducing the costs of litigation;
- allocating resources in proportion to the complexity of the issues in dispute;
- avoiding unnecessary delays; and
- management of the Federal Court's judicial and administrative resources as efficiently as possible.¹

Conduct of the inquiry

1.5 The committee advertised its inquiry in *The Australian* on 30 June 2009 and 1 July 2009, and details of the inquiry, the Bill and associated documents were placed on the committee's website from 27 June 2009. The committee also wrote to 74 organisations and individuals inviting written submissions by 31 July 2009.

1.6 The committee received 6 submissions, which are listed in Appendix 1 and available online at http://www.apf.gov.au/senate/committee/legcon_ctte/index.htm.

1.7 The committee held a public hearing in Melbourne on 27 August 2009.

1 Explanatory Memorandum, p. 3.

1.8 A list of witnesses who appeared at the hearing is at Appendix 2, and copies of the Hansard transcript are available through the internet at <http://www.aph.gov.au/hansard>.

Acknowledgement

1.9 The committee thanks those organisations and individuals who made submissions and gave evidence at the public hearings.

Scope of the report

1.10 Chapter 2 provides an overview of the Bill. Chapter 3 discusses the key issues raised in submissions and evidence.

Notes on references

1.11 References in this report are to individual submissions as received by the committee, not to a bound volume. References to Committee Hansard are to the proof Hansard: page numbers may vary between the proof and the official Hansard.