

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
FAMILY COURT OF AUSTRALIA

Question No. 21

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

In relation to judicial complaints not being referred to the relevant judge whilst the matter is ongoing (paragraph three in the response to Question on Notice 22 from Budget Estimates 2009), does the Court have a formal policy in relation to this practice, if so, what is it?

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

The Court's practice is to advise a complainant that while their concerns will be investigated a response must await the finalisation of the particular proceedings through all court and appeal processes. This practice ensures that judicial discretion, at both first instance and subsequent appeal proceedings, remain unfettered.