



CHIEF JUSTICE'S CHAMBERS
FEDERAL COURT OF AUSTRALIA
305 WILLIAM STREET
MELBOURNE VIC 3000

24 July 2009

Mr Peter Hallahan
Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600



Dear Mr Hallahan

Inquiry into the Access to Justice (Civil Litigation Reforms) Amendment Bill 2009

I am writing in response to the Committee's invitation for submissions to its inquiry into the *Access to Justice (Civil Litigation Reforms) Bill 2009* that was introduced in the Parliament on 22 June 2009.

The Court supports the amendments to the *Federal Court of Australia Act 1976* set out in Schedules 1 and 2 to the Bill. These amendments will help achieve the Court's goal of an effective and accessible system of justice where people are able to resolve their disputes quickly, efficiently and fairly.

The amendments set out in Schedule 1 will enhance the Court's capacity to manage actively the conduct of proceedings before it. They also provide welcome legislative support to the principles set out in the *Notice to Practitioners and Litigants* issued by the Chief Justice – *Case Management and the Individual Docket System* that I issued in May 2008, a copy of which is enclosed.

The amendments in Schedule 2 will streamline the appeals process by removing the inconsistencies that exist in the current provisions dealing with how appeals may be brought to and from the Federal Court. These inconsistencies, and the associated uncertainty of some of these provisions, has from time to time led to unnecessary litigation, unrelated to the resolution of the substantive issues between the parties. The amendments will also support the efficient conduct of appeals by allowing a greater role for single judges in the resolution of interlocutory matters that may arise in the course of an appeal.

Yours sincerely

M E J BLACK
Chief Justice