

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Family Court of Australia

Question No. SBE16/047

Senator Waters asked the following question at the hearing on 18 October 2016:

Senator WATERS: In relation to the length of time for family court cases—obviously I understand that every case is different—are they taking longer in recent times or is the court getting more efficient? How long is a piece of string when it comes to an average family court case where there are domestic violence issues?

Mr FitzGibbon: There is a comparative table and the CEO can give you an answer about that aspect.

Mr Brocklehurst: In terms of the timing, filing to the first day of trial is 16.7 months, of those that go to trial. Filing to finalisation is 12.3 months.

Senator WATERS: What is finalisation if it is before the trial?

Mr Brocklehurst: The reason for the 12.3 months is smaller is that many of them settle before trial.

Senator WATERS: What is the period of time from filing to judgment date? Or the time from the trial to the judgment?

Mr Brocklehurst: I might take that final one on notice. I do not have that.

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

The Family Court of Australia deals with the most complex of family law cases. A total of 3,017 Applications for Final Orders were filed in the Family Court during 2015/2016. See page 47 of the Court's Annual Report.

Of the 3,017 Applications for Final Orders filed, 27% of cases commenced trial and 14% proceeded to a judgment.

In 2015/16, 532 cases were finalised at first instance trial. Of these 532 cases, 213 were settled during the trial and 319 proceeded to a judgment.

Only a small number of cases that are filed proceed to judgment. Data in relation to the average time from the conclusion of the hearing to judgment is not readily available. However, this time depends on a number of factors including the complexity of the issues and the other caseload pressures on the judge.