

Question on notice no. 2

Portfolio question number: SBE24-223

2024-25 Supplementary budget estimates

Legal and Constitutional Affairs Committee, Attorney-General's Portfolio

Senator Nita Green: asked the Federal Court of Australia on 6 December 2024—

To the Federal Court of Australia:

In the 2024-25 Budget, the Government provided \$115.6 million over four years from 2024-25 (and an additional \$194.2 million from 2028-29 to 2035-36) to address extremely high migration backlogs in the federal courts, including through the establishment of two migration hubs dedicated to hearing migration and protection matters.

- a. Roughly six months on from the announcement of this funding, how is this work progressing?
- b. How many judges have been appointed to each of the Federal Court since 1 July 2024?
- c. Where exactly (by postcode) will the two migration hubs be located?
- d. How many courtrooms will each hub have?
- e. How many cases will they be able to hear each year?
- f. Have the design or construction of either hub gone out to tender? If so where has this been advertised? If not when will the tender process commence?
- g. What is the current backlog of migration appeals with the Federal Circuit and Family Court?
- h. How many pending migration appeals before the Federal Circuit and Family Court are

(i) less than 12 months from lodgement

(ii) 12-24 months from lodgement (iii) more than 24 months from lodgement?

i. When will the migration hubs be open and hearing cases?

Answer —

Please see the attached answer.

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO
SUPPLEMENTARY BUDGET ESTIMATES 2024-2025

PA-Federal Court of Australia

SBE24-223 - Migration backlogs in Federal Courts - Federal Court of Australia

Senator Nita Green asked the following question on 06 December 2024:

To the Federal Court of Australia:

In the 2024-25 Budget, the Government provided \$115.6 million over four years from 2024–25 (and an additional \$194.2 million from 2028–29 to 2035–36) to address extremely high migration backlogs in the federal courts, including through the establishment of two migration hubs dedicated to hearing migration and protection matters.

- a. Roughly six months on from the announcement of this funding, how is this work progressing?
- b. How many judges have been appointed to each of the Federal Court and Federal Circuit and Family Court of Australia since 1 July 2024?
- c. Where exactly (by postcode) will the two migration hubs be located?
- d. How many courtrooms will each hub have?
- e. How many cases will they be able to hear each year?
- f. Have the design or construction of either hub gone out to tender? If so where has this been advertised? If not when will the tender process commence?
- g. What is the current backlog of migration appeals with the Federal Circuit and Family Court?
- h. How many pending migration appeals before the Federal Circuit and Family Court are (i) less than 12 months from lodgement (ii) 12-24 months from lodgement (iii) more than 24 months from lodgement?
- i. When will the migration hubs be open and hearing cases?

The response to the senator's question is as follows:

- a. As to the funding for Budget Program 1.1 (Federal Court of Australia), the 2024–25 migration funding measure provided funding in anticipation of the significant increase in Federal Court proceedings that will arise from the increased capacity of other jurisdictions.

The funding enables the appointment of two judges (and Chambers staff to support the judges), as well as the recruitment of additional staff for the National Migration Team (being two Judicial Registrars, two National Registrars, a Lawyer, two Pro Bono Coordinators, a Cultural Liaison Officer, an Interpreter Liaison Officer and three Client Services Officers). The recruitment for certain positions has been completed; applications for other positions closed in early December (such as the Registrar, Lawyer and Pro Bono Coordinator positions); and recruitment for the remaining positions is being progressed.

As to the funding provided to support Budget Program 3.1 (Federal Circuit and Family Court of Australia (Division 2)), see that court's response to SBE24-241.

As to the funding provided to support Budget Programs 4.1 and 4.2 (Commonwealth Courts Corporate and Registry Services), see Answers (c), (d), (f) and (i) below.

- b. From 1 July 2024 to 31 December 2024, ten judges were appointed to the Federal Court. Two of these positions are supported by funding provided by the 2024–25 migration budget measure.
- c. Questions about where the migration hubs will be located should be directed to the Federal Circuit and Family Court of Australia (Division 2).
- d. The number of courtrooms and flexible hearing rooms in each hub will be confirmed through the tender and design process.
- e. It is not expected that any Federal Court proceedings will be listed for hearing in the migration hubs.
- f. On 18 December 2024, design and construction tenders were released through Austender.
- g. Questions about the workload of the Federal Circuit and Family Court of Australia (Division 2) should be directed to that court.
- h. Questions about the workload of the Federal Circuit and Family Court of Australia (Division 2) should be directed to that court.
- i. The Federal Court Listed Entity (the **Listed Entity**) provides, among other things, corporate services to the Federal Court of Australia and Federal Circuit and Family Court of Australia (Division 2). The Listed Entity is working towards the construction works for the hubs being completed early in the 2025–26 fiscal year.

Questions about the listing of proceedings in the Federal Circuit and Family Court of Australia (Division 2) should be directed to that court.