

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

Group: 2

Program: Other Agency

Question No. BE15/038

Senator Collins asked the following question at the hearing on 27 and 28 May 2015:

Senator JACINTA COLLINS: What percentage of litigants appearing in the Family Court and the Federal Circuit Court are unrepresented?

Mr Foster: It is a bit of a moving target and it can vary depending on what stage the process is up to, but it is around about just under 50 per cent, at some stage in the process, that someone is self-represented.

Senator JACINTA COLLINS: Fifty per cent at some stage?

Mr Foster: At some stage—because people buy advice in for particular events and then come on their own. It just varies a little bit. If you ask the question about how many people are self-represented from go to whoa, that is a very different question than one about how many people are self-represented.

Senator JACINTA COLLINS: I understand that, so I am going to ask you that next question.

Mr Foster: I would like to take that on notice if I could.

Senator JACINTA COLLINS: Because, as you say—

Mr Foster: It is a moving target.

Senator JACINTA COLLINS: It is going to depend on the nature of the matters too, presumably.

Mr Foster: Exactly.

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

Family Court of Australia					
	2009-10	2010-11	2011-12	2012-13	2013-14
Final orders finalised	3,935	3,795	3,334	3,067	2,890
BE15/038: Cases with unrepresented litigant (Note 1)	21%	20%	21%	21%	21%
BE15/039: Cases with legal aid (Note 2)	5%	3%	3%	2%	2%
BE15/040: Parenting cases with unrepresented litigant (Note 3)	26%	24%	26%	27%	27%
Federal Circuit Court					
	2009-10	2010-11	2011-12	2012-13	2013-14
Final orders finalised	15,407	16,552	16,785	16,936	16,931
BE15/038: Cases with unrepresented litigant (Note 1)	33%	30%	29%	30%	30%
BE15/039: Cases with legal aid (Note 2)	16%	15%	14%	13%	13%
BE15/040: Parenting cases with unrepresented litigant (Note 3)	36%	34%	32%	33%	34%
<p>Note 1: Count of cases where one or more parties had no legal representative at any time during the case duration. Not counted are those where a party had no representation for a part of the case duration.</p> <p>Note 2: Count of cases where one or more parties were eligible for a fee exemption on the basis of legal aid.</p> <p>Note 3: Count of parenting cases where one or more parties had no legal representative at any time during the case duration. Includes both parenting and parenting and financial cases</p> <p>Note 4: General note about the data:</p> <ul style="list-style-type: none"> • Counts may differ from the Annual Report as cases ending before their first court date have been excluded. • Cases with no respondent are counted as having an unrepresented party. 					
Source: Casetrack as of 1 June 2015 Ref: R1382					