

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET ESTIMATES 2017

Federal Circuit Court of Australia

Question No. BE17-187

Senator Pratt asked the following question on 28 August 2017:

1. Newcastle's Federal Circuit Court has been down a judge for six months, although I understand an announcement is pending. Whenever the Attorney-General has been asked about this vacancy, he says it is 'under active consideration'. What is causing the delay?
2. What does 'active consideration' means? What processes or steps were involved in finding the replacement judge? What is the average judicial replacement timeframe? What contributed to this one taking six months?
3. Data prepared by Chief Judge Pascoe showed that Newcastle's Federal Circuit Court judges have workloads twice the size of the national average and court wait times have blown out to 19 months due to the ongoing judicial vacancy. Is this acceptable? Is this putting families at risk?

The response to the honourable Senator's question is as follows:

1. Judge Jane Costigan was appointed to the Newcastle Registry of the Federal Circuit Court of Australia on 7 September 2017.
2. A replacement judge has been appointed. The Government takes many factors into account when making recommendations to the Governor-General about suitable and appropriately qualified persons for appointments to the Judiciary.
3. This question is asking for an expression of an opinion.