

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
FAMILY COURT OF AUSTRALIA

**Question No. 18**

**Senator Barnett asked the following question at the hearing on 23 February 2009:**

Provide details of the ten hearings (cases) that have taken the longest length of time to be heard, whether they have been determined or otherwise, for this financial year.

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

Case	Duration (Months)	Initiating Filing Date	Finalised Date	Comments/Explanation
1	<b>196</b>	16-Sep-92	.	The initiating date of 16/9/1992 was for the initial Family Law dispute. Application was finalised after a 14 day hearing before Hase J on 13/9/1996. Orders were appealed by the Husband. The Full Court delivered Judgment on 14/11/1996 remitting matter back for re-trial. The re-trial was heard before Morgan J and judgment delivered on 2/2/1998. A Costs dispute commenced in 2000. In 2001 preliminary issues determined – decision appealed – appeal deemed abandoned. In 2003 – Final hearing – 11 days of trial June 2004 – judgment delivered and the papers of the case referred to Attorney-General for investigation of possible conspiracy to mislead the Court – decision appealed. Appeal determined April 2006. Taxation of costs dispute commenced, failure to respond, cost certificate issued in default. Application to set aside default costs certificate heard 2006/2007, determined 2007. Parties did not comply. During this period there were also applications in the State Supreme Court and the State Civil and Administrative Tribunal. 2008 – request to recommence taxation – taxation is currently part heard.
2	<b>189</b>	14-Dec-92	11-Sep-08	Consent orders in relation to parenting issues made in September 1993. At that time, the financial aspects of the matter were adjourned to 2015 pursuant to s 79(5) having regard to superannuation interests. The case was subsequently discontinued in September 2008 <sup>1</sup> .
3	<b>184</b>	25-Mar-93	23-Jul-08	In February 1995 the matter was adjourned to 2007 pursuant to s 79(5) having regard to superannuation interests. The case reopened in October 2006.
4	<b>181</b>	24-Dec-93	.	This case was struck out in March 1994 with liberty to relist. After 14 years the parties relisted the matter in 2008.
5	<b>149</b>	30-Aug-96	.	In 1996, by order of the Court and with consent of both parties, the matter was adjourned to 2013 pursuant to s 79(5) having regard to superannuation interests <sup>2</sup> .

<sup>1</sup> The types of cases adjourned for these reasons are those cases where the financial assets or financial resources, excluding the superannuation entitlements, are insufficient for there to be a just and equitable division of assets. Accordingly the application is adjourned pending the vesting of the superannuation.

<sup>2</sup> As above

<b>Case</b>	<b>Duration (Months)</b>	<b>Initiating Filing Date</b>	<b>Finalised Date</b>	<b>Comments/Explanation</b>
6	<b>142</b>	4-Mar-97	.	This is a complex case involving multiple parties and applications. It involves overseas properties and multiple Full Court and High Court appeals. A final hearing was held in 2007. Judgement was reserved.
7	<b>134</b>	11-Jul-97	26-Sep-08	This matter settled by consent in 1999. The Court gave parties the liberty to restore. The parties returned to court in 2007 after 8 years.
8	<b>133</b>	11-Dec-97	19-Jan-09	Application was dismissed in 2000 with liberty to relist. The matter was relisted in 2005 after 5 years.
9	<b>129</b>	22-Apr-98	2-Jan-09	Final Orders made in March 1999. The Court ordered post orders reviews by Family Consultant to occur yearly for a period of 10 years.
10	<b>113</b>	17-Aug-99	.	In 1999 by consent of both parties the matter was adjourned to 2017 pursuant to s 79(5) having regard to superannuation interests.