

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

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Question No. 9

Senator Ludwig asked the following question at the hearing on 24 May 2007:

For 2004-05, please provide the committee the number of vacancies and the average length of vacancies over that period.

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

There is no set number of judges of the Federal Court.

When a Federal Court judge retires or passes away, the Government gives consideration to whether another judicial appointment should be made. If the decision is to make a new appointment, the Government considers which court the new appointment should be made to, and which registry that position should be located in.

Justice Carr, who was located in Perth, retired on 31 July 2004. Justices Beaumont and Whitlam, both located in Sydney, retired on 10 February 2005 and 30 April 2005 respectively. Justice Cooper, who was located in Brisbane, passed away on 14 March 2005. Justice Selway, who was located in Adelaide, passed away on 10 April 2005.

Subsequent appointments in the same location were made for each of those judges. Justice Siopis was appointed in Perth on 14 April 2005. Justices Edmonds and Graham were appointed in Sydney registry on 5 May 2005 and 24 May 2005 respectively. Justice Greenwood took up his appointment in Brisbane on 4 August 2005, and Justice Besanko was appointed in Adelaide on 3 April 2006. With the exception of Adelaide, the average length of time between a judge retiring or passing away and another appointment being made in the same location was approximately 4 months.

Justice Young was appointed on 30 November 2005 and may be regarded as replacing a resource no longer available to the Court on a day to day basis, when Justice Goldberg, who continues to be a judge of the Federal Court, was appointed full time as the President of the Australian Competition Tribunal in late April 2005.