



FAMILY COURT
OF AUSTRALIA

ANNUAL REPORT 2019 2020

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Alternative format

This annual report is available electronically at:
www.familycourt.gov.au/annual-report

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14 September 2020

The Honourable Christian Porter MP
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney-General,

I am pleased to present the annual report on the operations of the Family Court of Australia for the financial year ending 30 June 2020, in accordance with Section 38S of the *Family Law Act 1975*.

This report has been prepared in accordance with the Department of Finance's *Resource Management Guide No. 135: annual reports for non-corporate Commonwealth entities* (May 2020), but adjusted to reflect the changes in structure brought about by the *Courts Administration Legislation Amendment Act 2016*.

A report on the provision of corporate and registry services and the financial statements are included as part of the Federal Court of Australia's 2019–20 annual report. This is due to the *Courts Administration Legislation Amendment Act 2016* that amended a number of Acts in order to adjust the Courts' governance structures to support shared services and bring the Courts into a single administrative entity under the *Public Governance, Performance and Accountability Act 2013* and a single statutory agency under the *Public Service Act 1999*.

This is the Court's 31st annual report.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'W. Alstergren'.

The Honourable William Alstergren
Chief Justice

Reader's guide

The purpose of this report is to inform the Attorney-General, the Parliament, Court clients and the general public about the performance of the Family Court of Australia in the 2019–20 reporting year.

Prepared according to parliamentary reporting requirements, this report outlines the goals stated in the Court's Portfolio Budget Statements and Corporate Plan and relates them to the results achieved during the year.

Part 1: The year in review

The Chief Justice's overview highlighting significant issues and initiatives the Court has undertaken during the reporting year.

Part 2: Overview of the Court

Information about the Court, including its role, functions, powers, governance, organisational structure and initiatives.

Part 3: Report on Court performance

How the Court performed during the period against the outcome and related program. The performance reports are based on the outcome and program framework and performance information in the 2019–20 Portfolio Budget Statements and the Court's Corporate Plan.

Part 4: Appeals

Information about the Appeal Division, trends in appeals and appeals to the High Court.

Part 5: Management and accountability

Provides information on corporate governance and judicial and collaborative committees.

Part 6: Appendices

Outcome and program statement, committees, external involvement, judicial activities, information required by other legislation and contact details.

Part 7: Indexes

List of requirements and alphabetical index.

Acronyms and abbreviations and a glossary of Court-specific terminology are on pages iii–iv.

An electronic version of this annual report is available from the Court's website at www.familycourt.gov.au/annual-report.

Acronyms and abbreviations

ADR	Alternative Dispute Resolution
ALRC	Australian Law Reform Commission
AM	Member of the Order of Australia
AO	Officer of the Order of Australia
APS	Australian Public Service
AustLII	Australasian Legal Information Institute
CC	Creative Commons
CEO	Chief Executive Officer
CJ	Chief Justice
Cth	Commonwealth
DCF	Digital Court File
DCP	Digital Court Program
FCAC	Federal Costs Advisory Committee
FCC	Federal Circuit Court of Australia
FOI	Freedom of Information
ICL	Independent Children's Lawyer
J	Justice
JJ	Justices
MOU	Memorandum of Understanding
NEC	National Enquiry Centre
OAM	Medal of the Order of Australia
PGPA	Public Governance, Performance and Accountability
PILON	Pacific Islands Law Officers' Network
RAP	Reconciliation Action Plan
SES	Senior Executive Service of the Australian Public Service

Glossary of Court-specific terms

Casetrack

The case management system used by the Family Court, including the Appeal Division, and the Federal Circuit Court of Australia.

Child dispute services

The family consultant services of the Courts. Family consultants are Court experts who specialise in child and family issues after separation and divorce. They provide the Courts and families with expert advice regarding children's best interests; help parties resolve their dispute where possible; write and produce family reports; and advise the Courts and families about the services provided to families and children by government, community and other agencies.

The Court

The Family Court of Australia.

Family consultant

A psychologist and/or social worker who specialises in child and family issues that may occur after separation and divorce.

Family law registry

A public area at a family law court where people can obtain information about the Courts and their processes and where parties file documents in relation to their case.

Interim proceedings

Proceedings for orders pending a final determination of the issues in dispute.

Interlocutory proceedings

Proceedings taken during the course of, and incidental to, a trial.

Magellan

Cases that come to the Family Court that involve allegations of sexual abuse and/or serious physical abuse of a child go into the Court's Magellan program.

Registrar

A Court lawyer who has been delegated power to perform certain tasks; for example, grant divorces, sign consent orders and decide the next step in a case.

Registry

How the Courts' offices are known. For example, the Melbourne registry is in the Commonwealth Law Courts building on William Street.

Reserved judgments delivery time

The time between the hearing and the delivery of the judgment concerned.

Rules

A set of directions that outlines Court procedures and guidelines. The rules of the Family Court of Australia are the *Family Law Rules 2004* and the rules of the Federal Circuit Court of Australia are the *Federal Circuit Court Rules 2001*.

**FAMILY
COURT OF
AUSTRALIA
ANNUAL
REPORT
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DIGITAL COURT
FILE
ESTABLISHED
FOR FAMILY LAW



21,054
APPLICATIONS
FILED (HIGHEST
IN FIVE YEARS)



445
APPEALS FILED
UP 11% FROM
2018-19



470
APPLICATIONS
CALLED OVER IN THE
SUMMER CAMPAIGN



14,946
CONSENT ORDERS
APPLICATIONS
FINALISED



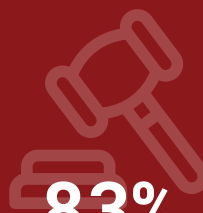
49%
OF FINAL ORDER
APPLICATIONS
SOUGHT ONLY
FINANCIAL ORDERS



**29 APRIL
2020**
COVID-19 LIST
ESTABLISHED TO
HANDLE INCREASE
IN URGENT FAMILY
LAW APPLICATIONS



93%
OF ALL
APPLICATIONS
FINALISED WITHIN
12 MONTHS



83%
OF JUDGMENTS
DELIVERED WITHIN
3 MONTHS



5,014
TWITTER
FOLLOWERS

PART 1

The year in review

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The year in review

The past 12 months have seen rapid change for the Family Court's operations. Through the advent of improved use of technology, the Court has been able to transform itself into a truly national and modern Court, while ensuring that it continues to provide an essential service for the Australian people.

In 2019–20, the Court received in excess of 21,000 applications, the most applications the Court has received in the past five financial years. The Family Court has continued to hear the most complex family law disputes, often involving serious allegations of risk and family violence, complex financial arrangements, and disputes arising under the regulations implementing the Hague Convention on the Civil Aspects of International Child Abduction.

Response to the COVID-19 pandemic and a digital transformation

Like many Courts nationally and internationally, the Court's operations have been impacted by the COVID-19 global pandemic. However, given the essential service the Court provides to Australian families, it was simply never an option for the Court to close or reduce its operations beyond what was absolutely necessary. The Court was quick to issue face-to-face protocols for hearings and other Court events, and update these as required as the situation evolved. It is a testament to the judges and staff of the Court that they

responded quickly and flexibly to the rapidly changing uncertainties of the early stages of the pandemic.

Within a number of weeks of the pandemic emerging, the Court had undergone a significant digital transformation. Microsoft Teams was introduced Court-wide to facilitate virtual hearings by video conferencing, as well as options for hearings by telephone. The Appellate Division of the Court embraced electronic appeals with enthusiasm, and were the first appeal Court in the country to begin hearing Full Court appeals with a bench of three judges all sitting remotely, sometimes from three different locations around Australia.

The Court issued *Special Measures Information Note (SMIN-1 FCoA Appeals) – Special Measures in response to COVID-19* to facilitate the continued operation of the Appellate Division by implementing a variety of electronic processes, to supplement the electronic practices that were already in place.

Shortly after this, registrars were trained to conduct electronic alternative dispute resolution (ADR) using Microsoft Teams and *immediation*. By mid-April, the Court had fast tracked the introduction of the Digital Court File, so that all new applications had a fully digital court file and could be accessed remotely from any location around the country, including by those working from home. In addition, *Joint Practice Direction 2 of 2020: Special Measures in relation to COVID-19* was issued in the Family Court and Federal Circuit Court to deal with issues in relation to electronic filing, viewing of subpoenas, electronic signatures, witnessing documents and affidavits, and the payment of fees. The Court's Child Dispute Services team quickly modified its operations and implemented guidelines so as to continue to interview families and children for the preparation of section 11F memorandums and section 62G family reports using technology.

Staff at all levels and across all aspects of the Court's operations stepped up to ensure that the core business of the Court continued to be discharged, and for that they have my sincere gratitude. The Court is constituted by many hard working judges and staff who appreciate the importance of what we do, and it is the motivation and commitment of these individuals that makes the Court effective, dynamic and responsive.

COVID-19 List

A prime example of the responsiveness of the Court is the establishment of the COVID-19 List. By mid-April it became apparent that the Court was receiving an increased number of urgent applications. The COVID-19 List was implemented to deal with any urgent applications filed as a direct result of the COVID-19 pandemic. All applications have been given a first Court date within three business days of being considered by a registrar. The List is the Court's first national electronic list, and has ensured that litigants could access urgent family law assistance from anywhere around the country.

Improvements to access to justice and safety for vulnerable litigants

The Court is determined to find positive learnings out of the pandemic, and it has also been an opportunity for the Court to modernise and showcase its adaptability. While operating in a near fully electronic environment has presented some challenges, it has also improved the administration of justice, both in terms of accessibility and safety. For some litigants and practitioners who live in rural or regional Australia, hearings by video conferencing have saved them the time and expense of travelling into capital cities or regional centres. This is a modernisation that

will be used to supplement face-to-face hearings going forward, particularly for the hearing of urgent applications, general case management, and electronic ADR. Additionally, and critical to the Court's focus on managing safety and risk, video conferencing provides an alternative way for vulnerable parties or witnesses to attend Court when they may have safety concerns about coming into a registry or coming into contact with another party in the proceeding. The Court will be closely considering how to make the best use of technology to benefit litigants moving forward, and to continue the journey toward being a modernised Court at the forefront of innovation amongst justice systems both nationally and internationally. These are serious ambitions, but Australians and their families deserve no less.

Harmonisation

Despite the significant impact of the COVID-19 pandemic, the Court has continued to progress a number of important projects that will fundamentally change the way the Court system operates. In the family law jurisdiction, many of these projects involve both the Family Court and the Federal Circuit Court. The process of harmonisation to recast the family law system into a system that meets the needs of Australian families in a clear and consistent way is at the forefront of our operations.

Joint Practice Direction 1 of 2020

As an initial step towards reconciling the case management procedures in family law across the two Courts, in January this year I issued the first Joint Practice Direction, *Joint Practice Direction 1 of 2020 – Core Principles in the Case Management of Family Law Matters*. The practice direction contains a statement of ten core principles that underpin the exercise

of the family law jurisdiction of both Courts. The practice direction includes principles in relation to prioritising safety and handling risk, achieving the overarching purpose of the just, safe, efficient and timely resolution of matters and the importance of ADR. The core principles also remind parties and practitioners of their responsibilities in relation to identifying and narrowing issues in dispute, being prepared for hearings, and incurring costs only as are fair, reasonable and proportionate to the issues that are genuinely in dispute.

Harmonisation of the *Family Law Rules 2004* and the *Federal Circuit Court Rules 2001*

Over the past 12 months, the Joint Rules Harmonisation Working Group met regularly to progress the harmonisation of the Family Law Rules and the Federal Circuit Court Rules in so far as they apply in the family law jurisdiction of the Court, so as to create a single, harmonised set of rules. This is a project that has required the focus and dedication of judges and staff of both Courts, overseen by an independent Chair, the Honourable Dr Chris Jessup QC, and ably assisted by two barristers, Emma Poole and Chris Lum. The Working Group's efforts have produced a complete draft of the harmonised rules, which has been distributed to all judges for consultation, and will thereafter be distributed to the profession and other stakeholders for external consultation in the second half of 2020. While there is still some way to go before the rules, forms and case management practices across the Courts are harmonised, compiling a draft of the harmonised rules is a significant achievement which had not been able to be accomplished in the past 20 years. My thanks go to those judges of the Family Court who have worked diligently as part of the Joint Rules Harmonisation

Working Group, including Justice Ryan, Justice Watts, Justice Rees, Justice Williams and Justice Hartnett.

Harmonisation of the Notice of Risk and Registrar Delegations

As a precursor to formal rules harmonisation, the Courts are accelerating the harmonisation of two important aspects of the Courts' practice and procedure that are currently divergent. The first is the redesign of each Court's form used for risk notification, which are being harmonised into a comprehensive notice to be called the *Notice of Child Abuse, Family Violence or Risk*. It will also become mandatory to file the notice with every Initiating Application, Response and Application for Consent Orders seeking Part VII orders. This aligns with the Court's focus on early risk identification to prioritise the safety of litigants and ensure informed decisions can be made in the best interests of the child.

The second area being harmonised and expanded as a priority is the rules that delegate judicial power to registrars in the family law jurisdiction. This will allow registrars to provide greater support to judges by assisting with case management work and free up judicial time so that judges can focus on determining the most complex matters and hearing trials.

Initiatives in family law case management

Summer Campaign

In February 2020, the Court commenced the Summer Campaign involving the listing of almost 500 family law cases in the Family

Court that had been in the Court system for more than two years. A key objective of the campaign is to provide families with an opportunity to resolve their long-term family law dispute, preferably through the use of ADR. Prior to attending Court, parties involved in this campaign were sent an electronic questionnaire to assist the Court to assess suitability for ADR and to understand how best to progress the case. During the week of the callover, parties had the opportunity to attend an ADR case conference with a registrar, or if appropriate in parenting matters, with a registrar and family consultant, or otherwise were referred to private mediation, family dispute resolution or arbitration. The Summer Campaign was a success in Melbourne and Sydney, assisting with the resolution of a number of older pending family law matters. Unfortunately the onset of the COVID-19 pandemic necessitated the suspension of the Summer Campaign in other locations, but it will recommence electronically in the second half of 2020.

National Arbitration List

In April 2020, a specialist National Arbitration List was established in both the Family Court and the Federal Circuit Court. The Lists were established to support the development and promotion of arbitration for property matters in family law, furthering the Courts' emphasis on the importance of ADR. The List operates electronically on a national basis, with a dedicated judge assigned to the List in each Court to ensure that matters sent to arbitration are closely managed, and any applications arising out of an arbitration can be determined promptly.

Appointments and retirements

In September 2019, the Court farewelled the Honourable Justice Bill Johnston who served as a judge of the Trial Division for nine years. Prior to this, Justice Johnston served the Court as a judicial registrar for 20 years, and also held positions as a deputy registrar and principal registrar. Justice Johnston's period of service to the Court spans an extraordinary four decades, and the Court is indebted to him for his steadfast commitment to the administration of justice.

In September 2019, I was pleased to welcome Mr David Pringle as Acting Chief Executive Officer (CEO) and Principal Registrar of the Family Court of Australia and the Federal Circuit Court of Australia. David's appointment as CEO and Principal Registrar was formalised in April this year for a term of five years. David has commenced his role with enthusiasm and determination, and I look forward to continuing to work closely with him on the many exciting projects we are undertaking. I would also like to take this opportunity to thank Ms Virginia Wilson for acting in the role of CEO and Principal Registrar for much of 2019 and into the 2019–20 financial year, and for the substantial assistance she provided the Court in that position.

Lastly, I would like to reiterate my gratitude to all judges and staff for their hard work during the 2019–20 financial year. It has been a busy year, and continuing to provide an essential service during a pandemic has called upon our flexibility and our resilience. My thanks also to the profession who have supported the Court during this time, and I look forward to working closely with the profession and other stakeholders over the coming year.



The Honourable William Alstergren
Chief Justice

PART 2

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Overview of the Court

About the Court

The Family Court of Australia (Family Court) is a superior Court of record established by Parliament in 1975 under Chapter III of the Constitution. The Court operates under the *Family Law Act 1975* (Cth) and, through its specialist judges and staff, helps Australians to resolve their most complex family disputes.

Purpose

As outlined in the Corporate Plan, the purpose of the Family Court, as Australia's superior Court in family law, is to help Australians resolve their most complex family disputes by deciding matters according to the law, promptly, courteously and effectively.

Outcome and program

From 1 July 2016, the Family Court and the Federal Circuit Court, together with the Federal Court of Australia were designated a single administrative entity under the *Public Governance, Performance and Accountability Act 2013* and a single statutory agency under the *Public Service Act 1999*; with shared corporate services.

The Courts Administration Legislation Amendment Act 2016 established the single administrative entity, known as the Federal Court of Australia. This approach preserves the

Courts' functional and judicial independence while improving their financial sustainability.

Outcome 2

The outcome of the Court is to apply and uphold the rule of law for litigants in the Family Court through the resolution of family law matters according to law, particularly more complex family law matters, and through the effective management of the administrative affairs of the Court.

Program 2.1

The Family Court has a single program under which all services are provided: Family Court of Australia.

Performance criteria

- Clearance rate of 100 per cent
- 75 per cent of judgments to be delivered within three months, and
- 75 per cent of cases pending conclusion to be less than 12 months old.

Details of the Court's performance in 2019–20 can be found in Part 3 (*Report on Court performance*) on page 16. The Court's annual performance statement can be found in the Federal Court's 2019–20 annual report.

Jurisdiction

The Family Court exercises original and appellate jurisdiction in family law, including in a number of highly specialised areas.

At first instance, the Court determines cases with the most complex law, facts and parties, and hears cases arising under the regulations implementing the Hague Convention on the Civil Aspects of International Child Abduction.

It provides national coverage as the appellate court in family law matters, including hearing appeals from decisions of single judges of the Court and from judges of the Federal Circuit Court in family law matters and from the Family Court of Western Australia.

The Family Court has jurisdiction under all aspects of the *Family Law Act 1975* (Cth). The types of cases the Family Court deals with include:

- Parenting cases involving a child welfare agency and/or allegations of sexual abuse or serious physical abuse of a child (Magellan cases); family violence and/or mental health issues with other complexities; multiple parties; cases where orders sought would have the effect of preventing a parent from communicating with or spending time with a child; multiple expert witnesses; complex questions of law and/or special jurisdictional issues; international child abduction under the Hague Convention; special medical procedures; and/or international relocation.

- Financial cases that involve multiple parties, valuation of complex interests in trust or corporate structures, including minority interests, multiple expert witnesses, complex questions of law and/or jurisdictional issues or complex issues concerning superannuation.

The Court also has original jurisdiction under certain Commonwealth Acts, including:

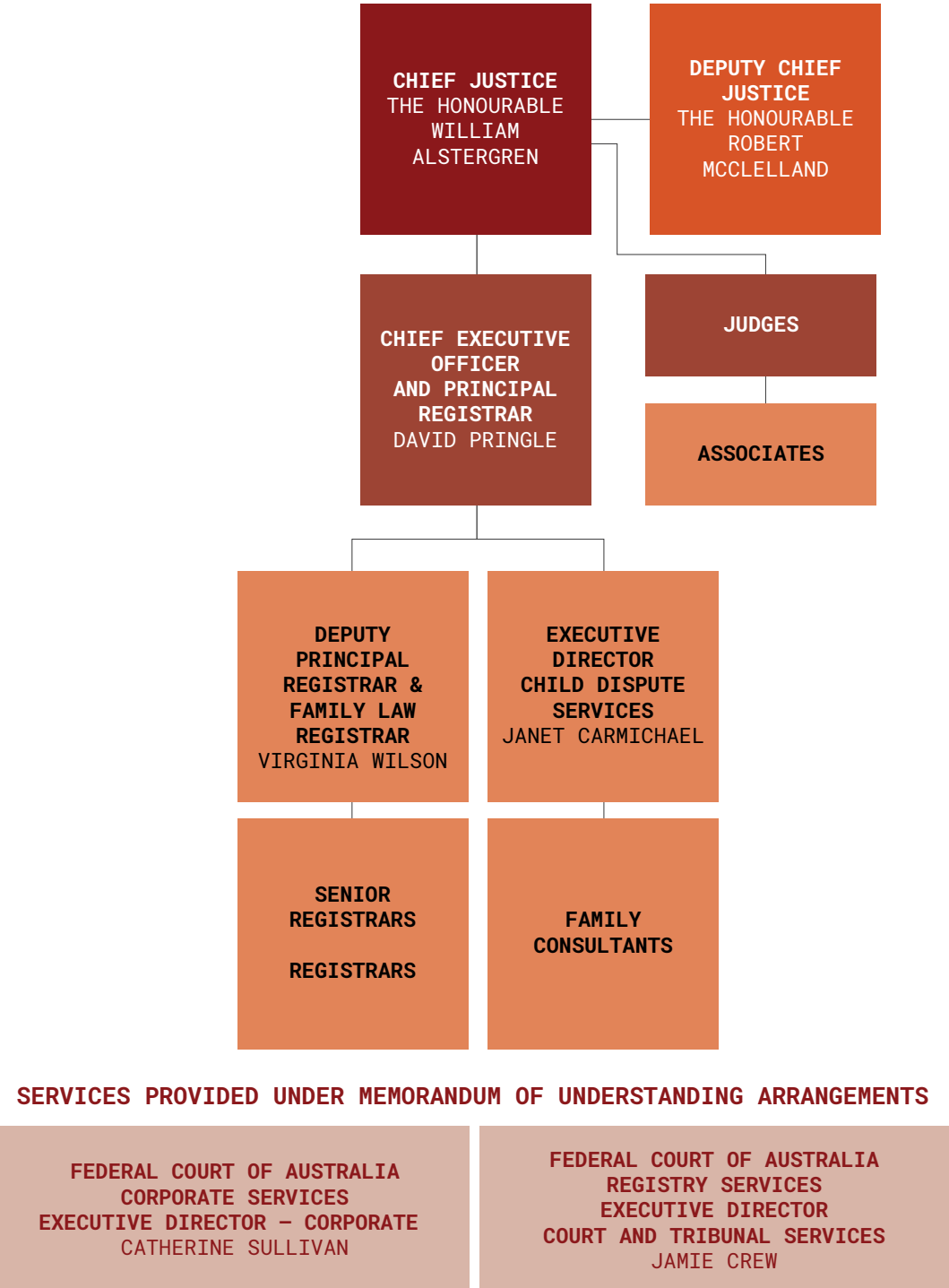
- *Marriage Act 1961*
- *Child Support (Registration and Collection) Act 1988*
- *Child Support (Assessment) Act 1989*, and
- *Bankruptcy Act 1966*.

Changes to the Court's jurisdiction in 2019–20

There were no changes to the Court's jurisdiction in 2019–20.

Organisational chart

Figure 2.1: Organisational Chart



Judicial officers

At 30 June 2020, there were 33 judicial positions in the Court, including the Chief Justice and Deputy Chief Justice.



Chief Justice

The Chief Justice is responsible for ensuring the effective, orderly and expeditious discharge of the business of the Court

(section 21B of the *Family Law Act 1975* (Cth)) and for managing its administrative affairs (s 38A). The Chief Justice is assisted in judicial responsibilities by the Deputy Chief Justice (s 21B) and in administrative responsibilities by the CEO and Principal Registrar (s 38B). The Chief Justice's chambers are located in the Melbourne registry. The Honourable William Alstergren was appointed Chief Justice of the Family Court on 10 December 2018.



Deputy Chief Justice

The Deputy Chief Justice assists the Chief Justice in the judicial administration of the Court. Particular

responsibilities include case management, complaints about judges, the collection and strategic assessment of statistics, pastoral care and oversight of the Court's committees. In the absence of the Chief Justice, the Deputy Chief Justice performs and exercises the powers of the Chief Justice (s 24). The Honourable Robert McClelland was appointed as Deputy Chief Justice on 10 December 2018.

Judges assigned to the Appeal Division – 30 June 2020

Table 2.1: Judges assigned to the Appeal Division, 30 June 2020

JUDGE	APPOINTED TO THE APPEAL DIVISION
The Honourable Chief Justice William Alstergren	10 December 2018
The Honourable Deputy Chief Justice Robert McClelland	10 December 2018
The Honourable Justice Steven Andrew Strickland	14 December 2009
The Honourable Justice Ann Margaret Ainslie-Wallace	9 July 2010
The Honourable Justice Judith Maureen Ryan	27 September 2012
The Honourable Justice Murray Robert Aldridge	12 March 2015
The Honourable Justice Michael Patrick Kent	10 December 2015
The Honourable Justice Garry Allan Watts	21 June 2018
The Honourable Justice Stewart Craig Austin	21 June 2018
The Honourable Justice Peter William Tree	22 March 2019

Family Court of Australia Judges – 30 June 2020

Table 2.2: Family Court of Australia judges, 30 June 2020

JUDGE	APPOINTED
Adelaide	
The Honourable Justice Steven Andrew Strickland	22 November 1999
The Honourable Justice David Michael Berman	18 July 2013
The Honourable Justice Christine Mead	25 March 2019
Brisbane	
The Honourable Justice Colin James Forrest	1 February 2011
The Honourable Justice Michael Patrick Kent	12 July 2011
The Honourable Justice Jenny Deyell Hogan	14 January 2013
The Honourable Justice Catherine Carew	7 March 2016
The Honourable Justice Michael Baumann AM	11 January 2018
Canberra	
The Honourable Justice Shane Leslie Gill	16 May 2016
Hobart	
The Honourable Justice Robert James Charles Benjamin AM	19 August 2005
Melbourne	
The Honourable Chief Justice William Alstergren	13 October 2017
The Honourable Justice Victoria Jane Bennett AO	30 November 2005
The Honourable Justice Kirsty Marion Macmillan	14 December 2011
The Honourable Justice Sharon Louise Johns	29 July 2013
The Honourable Justice Jillian Williams	8 February 2019
The Honourable Justice Joshua Wilson	11 March 2019
The Honourable Justice Norah Hartnett	25 March 2019
The Honourable Justice Timothy McEvoy	27 March 2019
Newcastle	
The Honourable Justice Stewart Craig Austin	13 July 2009
The Honourable Justice Margaret Ann Cleary	8 July 2010
Parramatta	
The Honourable Justice Garry Frederick Foster	8 August 2013
The Honourable Justice Hilary Rae Hannam	13 August 2013
Sydney	
The Honourable Deputy Chief Justice Robert Bruce McClelland	16 June 2015
The Honourable Justice Ann Margaret Ainslie-Wallace	9 July 2010

JUDGE	APPOINTED
The Honourable Justice Judith Maureen Ryan	31 July 2006
The Honourable Justice Murray Robert Aldridge	13 December 2012
The Honourable Justice Janine Patricia Hazelwood Stevenson	18 May 2001
The Honourable Justice Garry Allan Watts	14 April 2005
The Honourable Justice Ian James Loughnan	12 July 2010
The Honourable Justice Judith Anne Rees	15 December 2011
The Honourable Justice Louise Henderson	8 February 2019
The Honourable Justice Robert Harper	11 March 2019
Townsville	
The Honourable Justice Peter William Tree	14 January 2013

Family Court of Western Australia

The following judges of the Family Court of Western Australia also hold commissions in the Family Court of Australia.

Table 2.3: Family Court of Western Australia judges, 30 June 2020

JUDGE	DATE OF FAMILY COURT COMMISSION
Chief Judge The Honourable Justice Gail Sutherland	16 March 2018
The Honourable Justice Simon Moncrieff	31 August 2009
The Honourable Justice Susan Janet Duncanson	6 December 2012
The Honourable Justice Richard O'Brien	12 April 2016
The Honourable Justice Ciara Tyson	22 February 2019

Judges appointed to the Administrative Appeals Tribunal

- The Honourable Justice Janine Stevenson
- The Honourable Justice Victoria Bennett AO
- The Honourable Justice David Berman
- The Honourable Justice Robert James Charles Benjamin AM
- The Honourable Timothy McEvoy.

Judicial appointments

There were no judicial appointments in 2019–20.

Judicial retirements



There was one judicial retirement in 2019–20. Justice Johnstone retired on 4 September 2019.

Court service locations

Judges and registrars of the Court are located at the following registries:

- Adelaide
- Brisbane
- Canberra
- Hobart
- Melbourne
- Newcastle
- Parramatta
- Sydney, and
- Townsville.

PART 3

Report on Court performance

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Report on Court performance

Impact of COVID-19 pandemic

While the COVID-19 pandemic evolved largely in the last quarter of the 2019–20 financial year, it has had a significant impact on the operations of the Family Court as recorded in this Annual Report.

There was a period of significant upheaval and adjustment at the end of March and beginning of April, during which the Court shifted to electronic hearings. The presence of COVID-19 also necessitated the postponement of the Summer Campaign, aimed at finalising long-term family law cases through a series of callovers and enhanced ADR.

The Court has used its best endeavours to continue finalising as many cases as possible, and, to the credit of judges and staff,

has maintained a clearance rate of 99 per cent across all applications.

Despite this, there are certain hearings, such as trials in particularly complicated matters, that have not been able to proceed. This is due to the inherent nature of conducting proceedings electronically, including the unpredictability of the technology and internet connection of the parties and witnesses, the added difficulties for some unrepresented litigants or those parties requiring interpreters, the impact of stay at home restrictions and the additional time consumed to conduct an electronic hearing compared to a face-to-face hearing. These effects will continue to be felt into the 2020–21 financial year.

Snapshot of performance

Table 3.1: Snapshot of Court performance against targets, 2019–20

TIMELY COMPLETION OF CASES		
Target	Result 2019–20	Target status
Clearance rate of 100 per cent	The clearance rate was 99 per cent	Not met
75 per cent of judgments to be delivered within three months	83 per cent of judgments were delivered within three months	Met
75 per cent of cases pending conclusion to be less than 12 months old	65 per cent of cases pending conclusion were less than 12 months old	Not met

In 2019–20, the Family Court achieved one target under timely completion of cases and was unable to achieve two. However it is noted

that, but for the impacts of the COVID-19 pandemic, the Court is likely to have met the 100 per cent clearance rate target.

The annual performance statement for the Family Court is included as part of the Federal Court of Australia’s 2019–20 annual report.

Analysis of performance in 2019–20

The Family Court deals with the most complex and difficult family law cases. Table 3.2 and Table 3.3, and Figure 3.1 and Figure 3.2, show a summary of the applications filed in the original jurisdiction of the Court in 2019–20.

The Court received a 7 per cent increase in the number of Final Order Applications filed, an 8.2 per cent increase in the number of Applications in a Case filed and a 7.5 per cent increase in the number of Applications for Consent Orders filed during 2019–20 compared to 2018–19.

Table 3.2: Summary of original jurisdiction workload by application type, 2019–20

APPLICATION/ CASE TYPE	FILED	FINALISED	PENDING
Consent orders applications	14,908	14,946	1,318
Applications in a case (interim)	3,500	3,216	1,860
Final orders applications	2,382	2,394	2,952
Other applications	264	231	217
Total	21,054	20,787	6,347

Table 3.3: Issues sought on final orders cases filed, 2019–20

ISSUES SOUGHT ON APPLICATIONS FOR FINAL ORDERS	
Financial only	49%
Parenting only	35%
Parenting and financial	14%
Other	2%

Figure 3.1: Percentage of applications filed, 2019–20

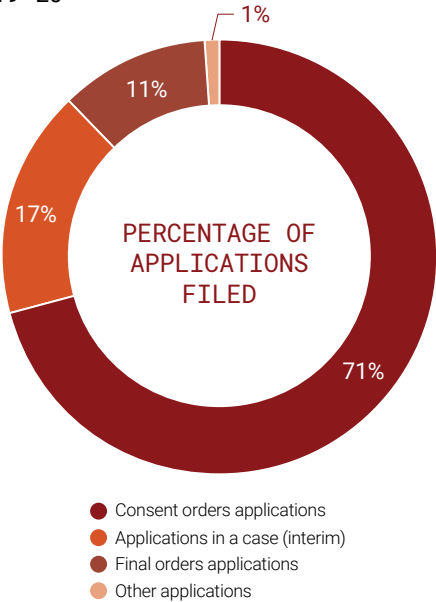
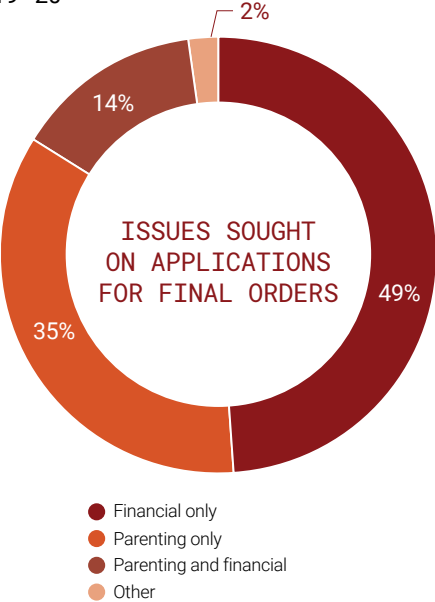


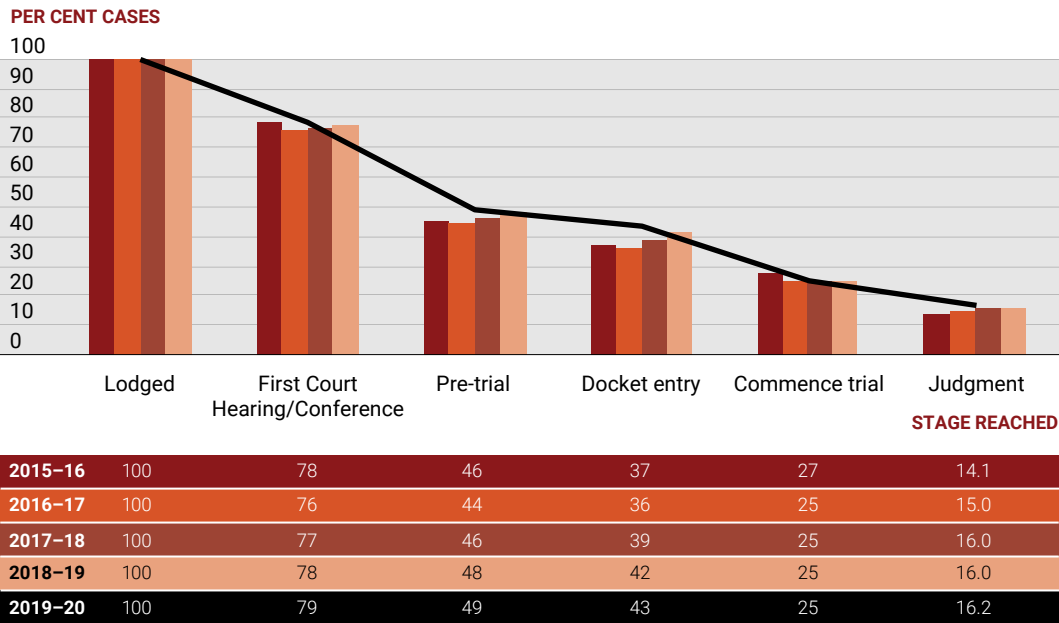
Figure 3.2: Issues sought on final orders, 2019–20



Case attrition

The Court’s cases are made up of complex matters that often involve multiple parenting or financial issues with high levels of conflict between the parties. This is reflected in the consistent percentage of cases proceeding to judgment. Figure 3.3 displays the five-year attrition and settlement trend in the Court’s caseload, and shows the stage reached by matters finalised in 2019-20, including the percentage that proceeded to judgment.

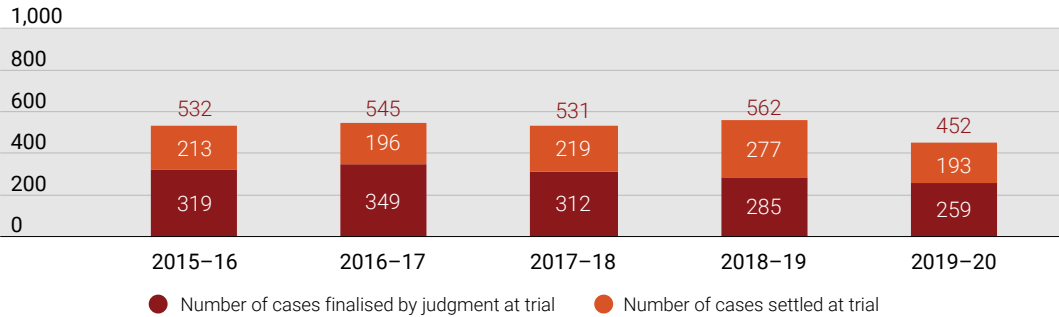
Figure 3.3: Attrition and settlement trend in the Court’s caseload, 2015-16 to 2019-20



First instance trials

Parties who are unable to settle their dispute require a judge to make a decision after a trial, although frequently parties reach an agreement during the trial process. Figure 3.4 provides the number of cases that are finalised at first instance trial.

Figure 3.4: Cases finalised at first instance trial, 2015-16 to 2019-20



Number of finalisations of all applications

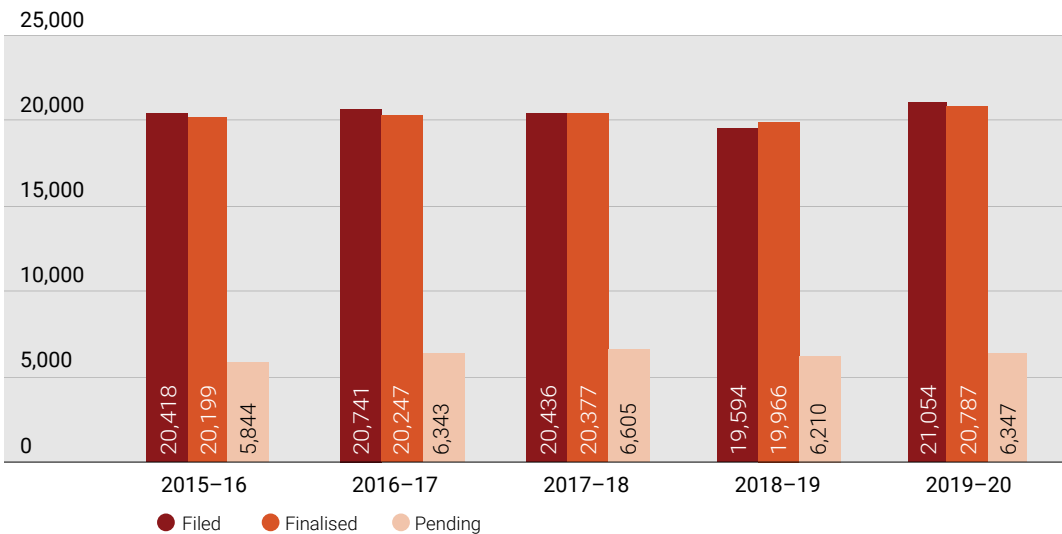
During 2019–20, the Court finalised the following matters in its original jurisdiction:

- 2,394 final orders applications
- 3,216 applications in a case (interim)
- 14,946 consent orders applications, and
- 231 other orders applications (including Hague, contempt and contravention applications).

Each application type requires a different amount of Court resource effort to resolve. For example, final orders applications and associated interim applications require more judicial effort and registrar and family consultant involvement to resolve, whereas consent orders applications result from parties agreeing terms prior to filing and are considered by registrars.

The Court also deals with discrete applications, such as contravention and contempt applications, and applications made pursuant to the Hague Convention on the Civil Aspects of International Child Abduction.

Figure 3.5: All applications, 2015–16 to 2019–20

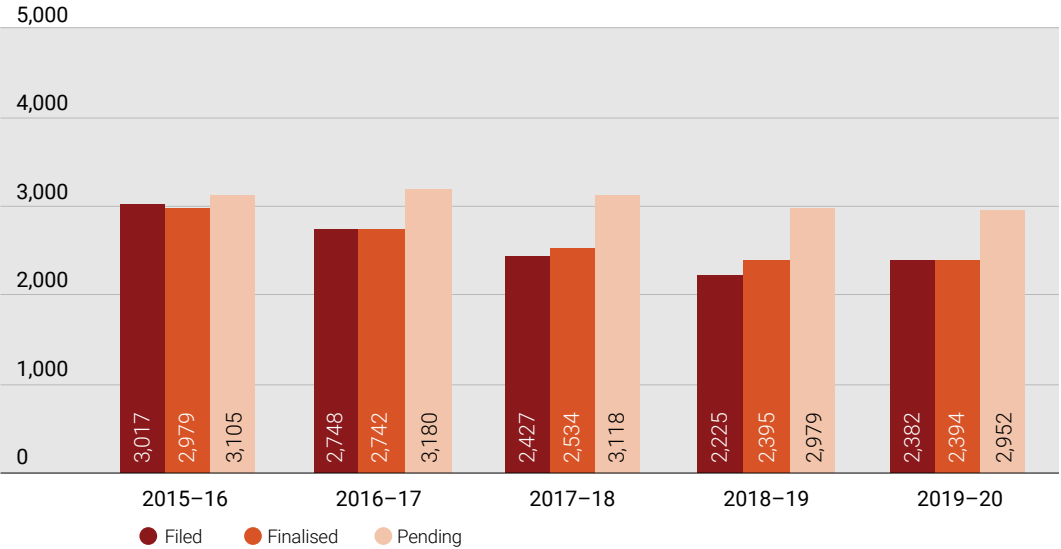


Final order applications

During 2019–20, 2,394 applications for final orders were finalised – one less than in 2018–19. The Court received an increased number of filings of applications for final orders in 2019–20 compared to 2018–19, an increase of 7.1 per cent. The majority of final order applications filed seek financial orders (49 per cent), followed by parenting orders (35 per cent) and both financial and parenting orders (14 per cent).

Figure 3.5 displays the five-year trend in filings, finalisations and pending (active) final orders applications. There is a continuing increase in the percentage of cases where there are allegations of child abuse or risk of child abuse, or family violence or risk of family violence involving a child or a member of the child’s family (see figures 3.18 and 3.19).

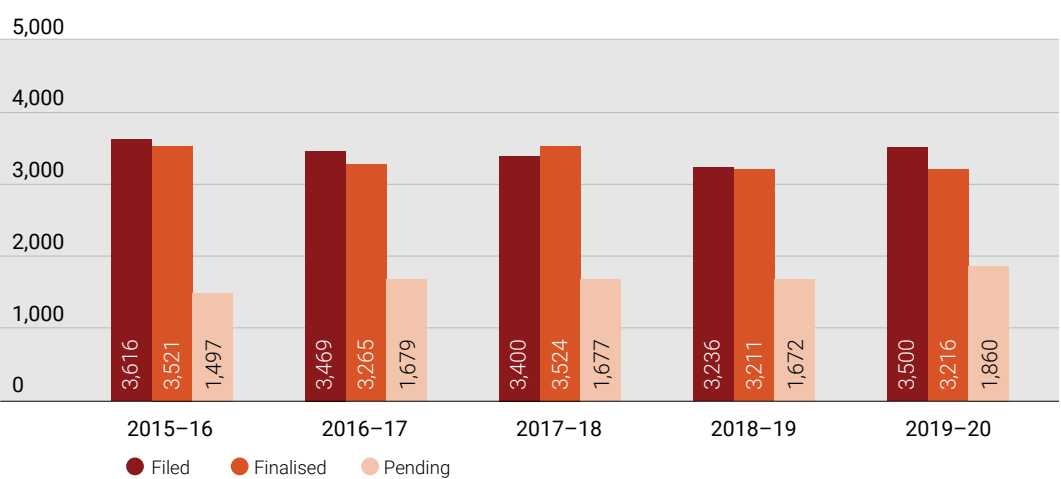
Figure 3.6: Final orders applications, 2015–16 to 2019–20



Applications in a case (interim applications)

Applications in a case (interim applications) are associated with an existing case. Often a party will file an application in a case seeking orders for interim parenting arrangements or interim financial arrangements, or procedural orders to facilitate the progression of the case. These orders may be sought on a urgent basis if there is an issue that requires the Court’s immediate attention. They can be complex and often there are multiple applications within one case. As shown in Figure 3.7, during 2019–20, 3,216 applications in a case were finalised, a slight increase from 2018–19.

Figure 3.7: Applications in a case, 2015–16 to 2019–20

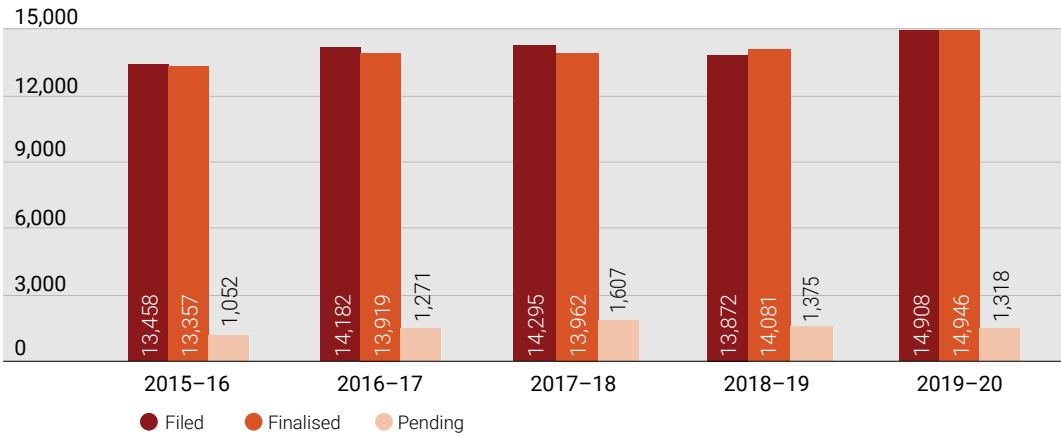


Consent orders

During 2019–20, 14,946 consent orders applications were finalised – an increase of 865 (6.1 per cent) since 2018–19. These applications vary in complexity and are presented to the Court as an agreement between the parties. The applications are considered by a registrar, and where appropriate orders are made encompassing that agreement.

Figure 3.8 to Figure 3.10 display five-year trends in filings, finalisations and pending (active) applications.

Figure 3.8: Consent orders applications, 2015–16 to 2019–20

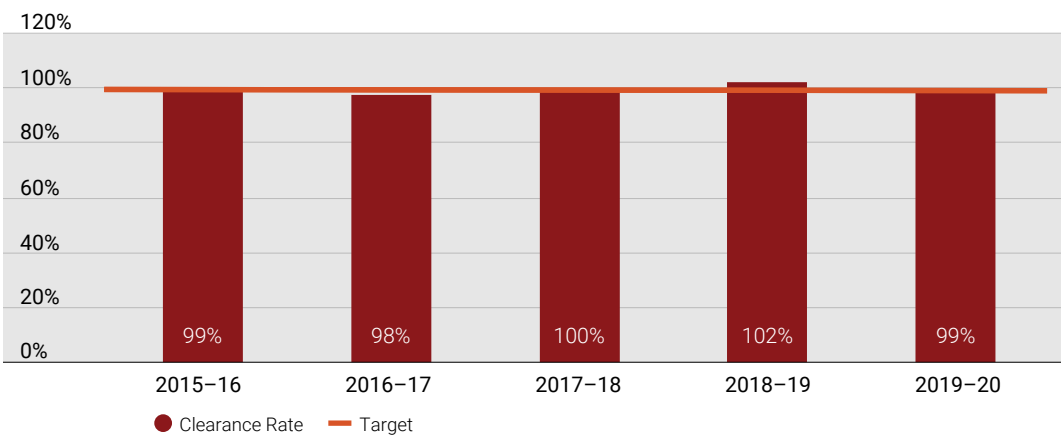


Clearance rate

The Court aims to finalise at least the same number of cases that start in a year and, as such, aims to achieve a clearance rate of at least 100 per cent. A clearance rate of 100 per cent or higher indicates that the Court is reducing the backlog of pending cases.

In 2019–20, the Court achieved a clearance rate of 99 per cent for all application types and 101 per cent for final order applications. As stated above, it is likely that the Court would have achieved at least a 100 per cent clearance rate across all applications were it not for the impact of COVID-19. Figure 3.9 shows the five-year trend in the clearance rate for all applications.

Figure 3.9: All applications, clearance rates, 2015–16 to 2019–20



Age of pending applications

The Court aims to have more than 75 per cent of its pending applications less than 12 months old. At 30 June 2020, 65 per cent of pending applications were less than 12 months old, an improvement compared with 62 per cent at 30 June 2019.

The Court regularly reviews its oldest active cases to better understand the causes of their delay and to determine ways in which the older cases can be managed. In February and March 2020, the Court was undertaking the Summer Campaign to clear aging pending final order applications nationally across the Court through referrals to both internal and external ADR, including where appropriate, family dispute resolution (FDR) with both a registrar and family consultant. This was successful in resolving a number of matters, however the Summer Campaign was postponed after completion in only two registries due to COVID-19. Figure 3.10 and Figure 3.11 show the five-year trend in the age distribution of applications.

Figure 3.10: Age of pending applications, 2015–16 to 2019–20

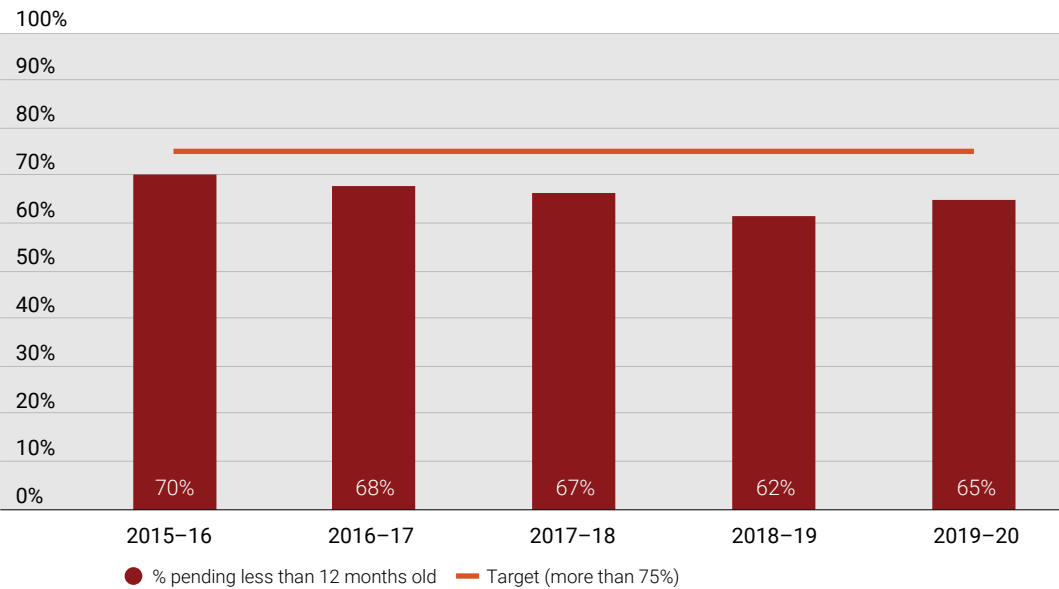
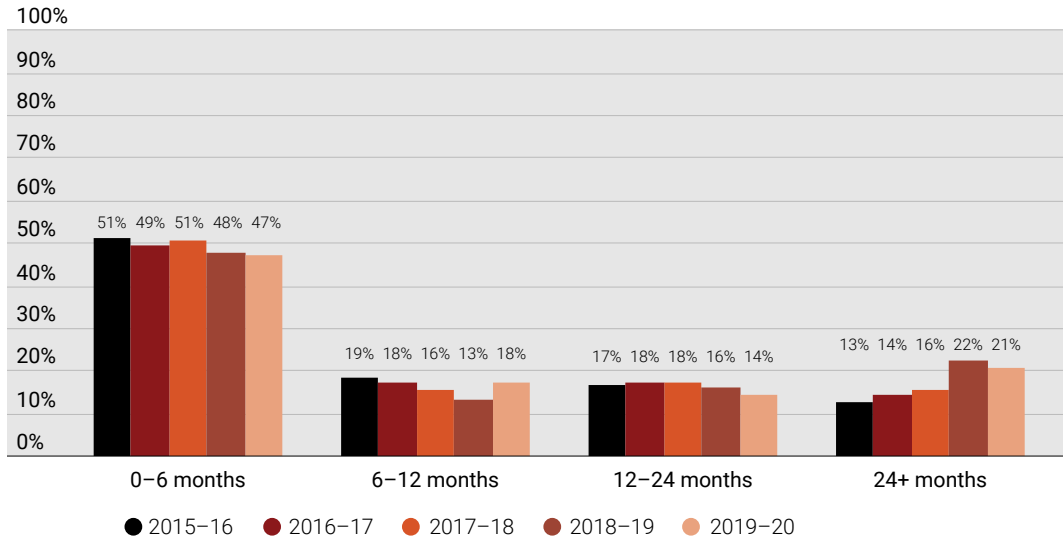


Figure 3.11: All applications, time pending, 2015–16 to 2019–20



Age of finalised applications

The Court aims to finalise cases in a timely manner, noting the importance of family law decisions to the parties and their children, and the need to minimise the emotional and financial impact of family law litigation as far as possible. It is difficult to set and achieve a blanket timeliness target because the number of variables affecting the parties involved in each case has multiple impacts on its progress towards a decision. With this in mind, the Court aims to finalise 75 per cent of cases within 12 months. The other 25 per cent are the most complex cases, which may depend on factors outside the Court's control such as the availability of expert reports or valuations, access to supervised contact centres, parenting courses or behavioural change programs, or other therapeutic interventions.

In 2019–20, of the cases finalised by the Court, about 93 per cent were finalised within 12 months. Figure 3.12 and Figure 3.13 show the five-year trend in the age distribution of applications finalised.

Figure 3.12: Applications finalised within 12 months, 2015-16 to 2019-20

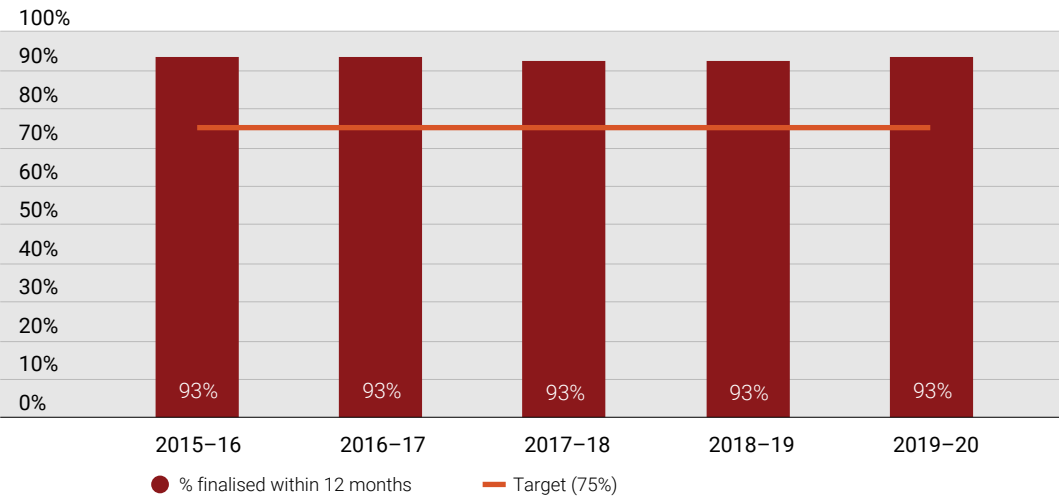
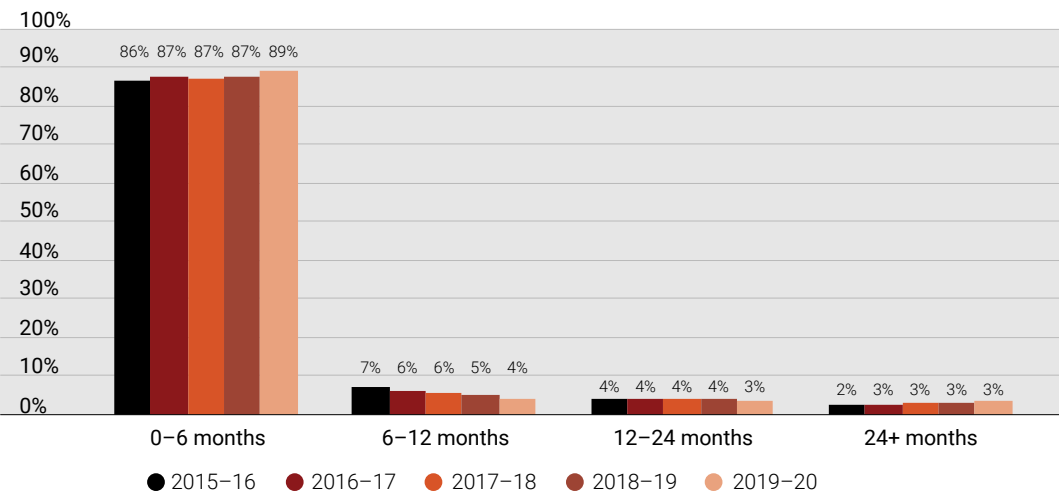


Figure 3.13: All applications, time to finalise, 2015-16 to 2019-20



Age of reserved judgments delivered

The Court aims to deliver 75 per cent of reserved judgments within three months of completion of a trial. In 2019–20, 777 (83 per cent) of the 939 reserved original jurisdiction judgments (excluding judgments on appeal cases) were delivered within that timeframe. Information on the performance of the Appeal Division can be found in Part 4 (*Appeals*) of this report.

Figure 3.14 shows the five-year trend of reserved judgments delivered within three months and Figure 3.15 shows the breakdown of time to deliver reserved judgments.

Figure 3.14: Reserved judgments delivered within three months, 2015–16 to 2019–20

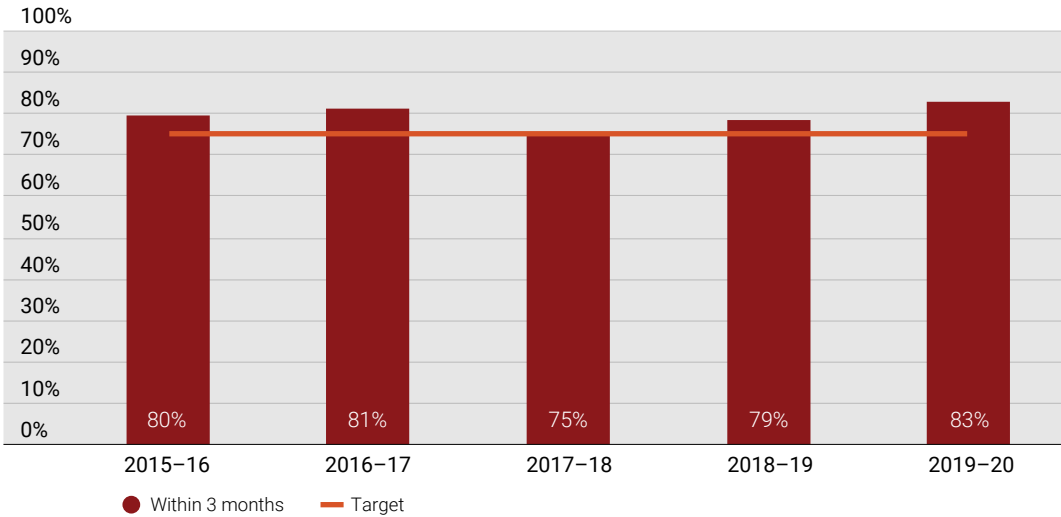
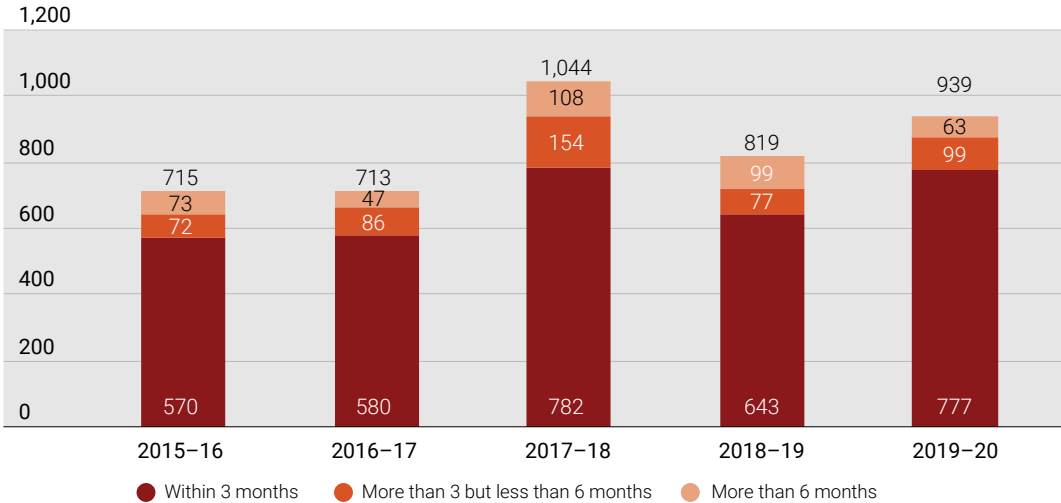


Figure 3.15: Time to deliver reserved judgments, 2015–16 to 2019–20



Unrepresented litigants

The Court monitors the proportion of unrepresented litigants as one measure of the complexity of its caseload. Unrepresented litigants present a layer of complexity because they need more assistance to navigate the Court system and require additional help and guidance to abide by the Family Law Rules and procedures.

Figure 3.16 shows litigants who had representation at some point in their proceedings. It is important to note that this graph does not describe the length of time for which a party retained legal representation. A litigant who was unrepresented from filing until the trial but engages legal representation at the trial stage is recorded the same as a litigant who had legal representation for the entirety of the proceeding. Figure 3.17 shows the proportion of litigants who had representation at the finalisation of their trial. There has been a small increase in matters involving one or both parties not having representation at some point in their proceedings, from 20 per cent in 2018-19 to 21 per cent in 2019-20. There has been a decrease in trials where both parties are unrepresented from 22 per cent in 2018-19 to 18 per cent in 2019-20.

Note: The Court has revised its counting rule for these figures and as such the values in this section differ from those published in previous reports. The figures now exclude cases that did not have a first Court event (i.e. withdrew or discontinued before appearing at Court) and so they had not proceeded beyond filing. The information about legal representation in these cases was often incomplete as the parties had not provided this information at the time of filing.

Figure 3.16: Representation of litigants in final order applications at some stage in the proceedings, 2015-16 to 2019-20

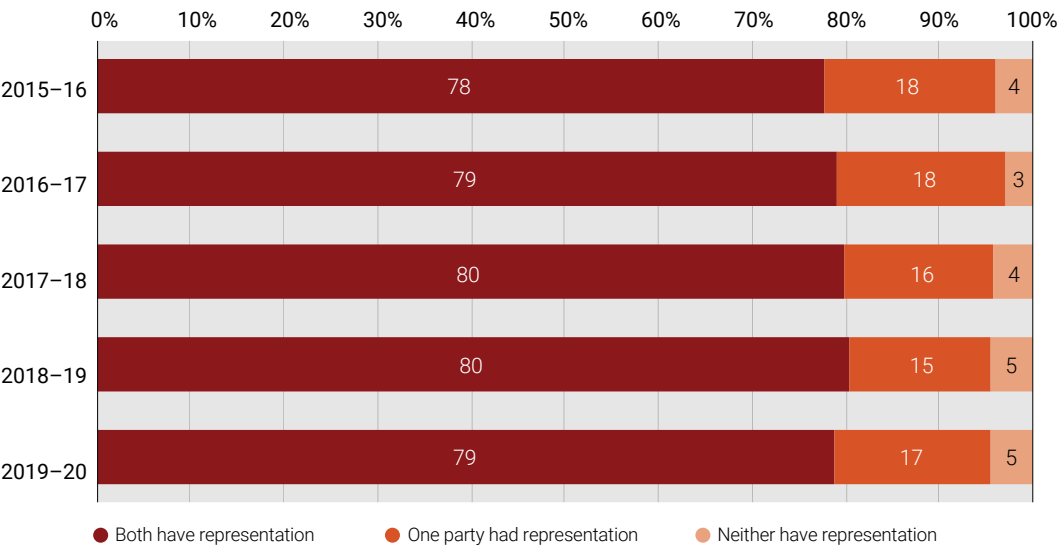
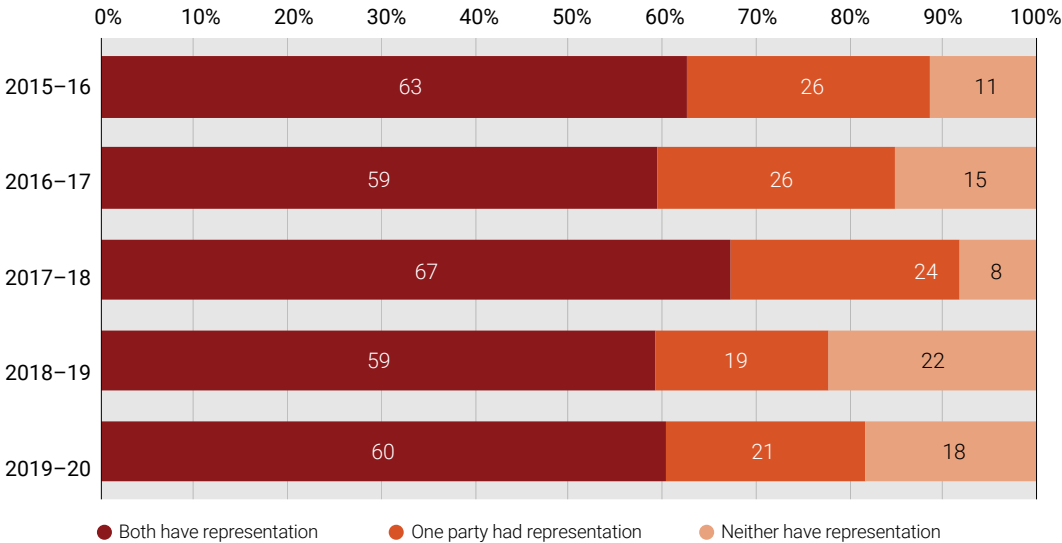


Figure 3.17: Representation of litigants at trials, 2015–16 to 2019–20



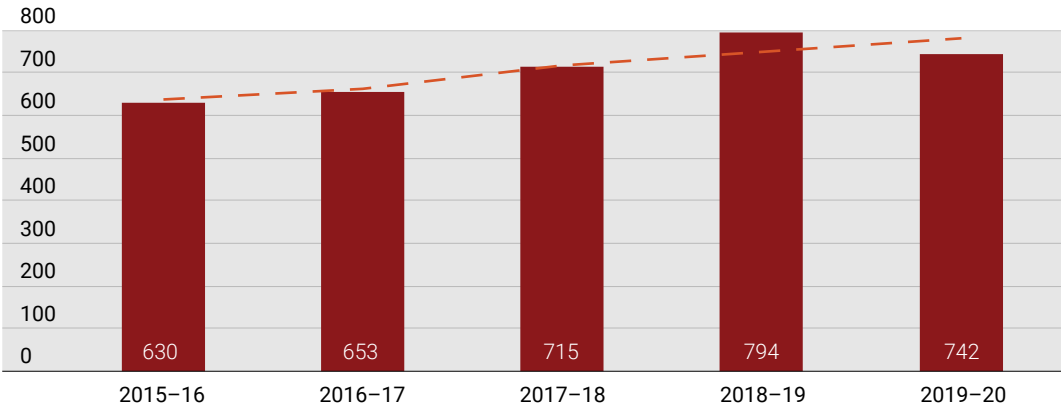
Family violence and abuse (or risk)

Section 67Z and s 67ZBA of the *Family Law Act 1975* and Part 2.3 of the *Family Law Rules 2004* require a *Notice of Child Abuse, Family Violence or Risk of Family Violence* to be filed in cases in which it is alleged that a child to a proceeding has been abused or is at risk of abuse, or where there is an allegation of family violence or risk of family violence involving a child or a member of the child’s family. Once filed, the notice must be sent to a prescribed child welfare authority.

The proportion of matters in which a Notice of Child Abuse, Family Violence or Risk of Family Violence has been filed does not reflect all the cases in which family violence is raised or is an issue. Allegations of abuse or risk of abuse and family violence or risk of family violence are also raised by parties in other ways; for example, in affidavits filed in the proceedings and by the filing of a Family Violence Order (Rule 2.05 *Family Law Rules 2004*).

Figure 3.18 shows that in 2019–20, the number of Notices of Child Abuse, Family Violence or Risk of Family Violence filed were sustained at a high level, indicating the complexity of the caseload before the Court. There is an upward trend in the number of Notices of Child Abuse, Family Violence or Risk of Family Violence filed each year, indicated by the trendline shown in Figure 3.18. This reflects the Court’s understanding of the prevalence of family violence in family law proceedings. It also reflects the growing awareness of family violence within the community and the need for litigants to raise family violence in conformity with the 2012 amendments. It also reflects the increasing complexity of the Court’s cases and the extent to which child abuse and/or family violence is an element in many of them.

Figure 3.18: Notices of Child Abuse, Family Violence or Risk of Family Violence filed, 2015-16 to 2019-20

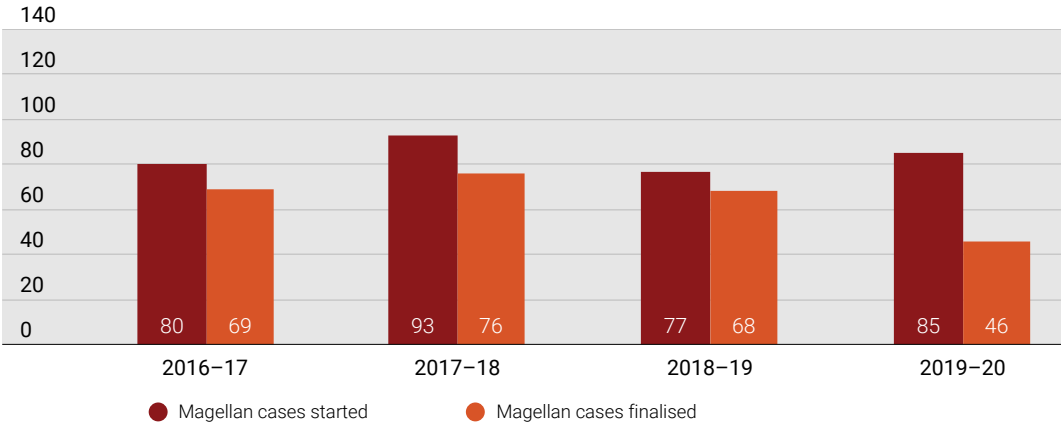


Magellan cases

Magellan cases involve serious allegations of physical abuse and/or sexual abuse of a child and undergo special case management. When a Magellan case is identified, it is managed by a small team consisting of a judge, a registrar and a family consultant. Magellan case management relies on collaborative and highly coordinated processes and procedures. A crucial aspect is strong interagency coordination, in particular with state and territory child protection agencies. This ensures that problems are dealt with efficiently and that high-quality information is shared. An independent children’s lawyer is appointed in every Magellan case.

Typically, a Magellan case is one where a notice of abuse or family violence is filed, although not all notices will necessarily result in the case being classified as a Magellan matter. The Court assesses and determines, from the issues raised, the matters that are managed under the Magellan program. Figure 3.19 details the number of Magellan cases commenced and finalised in the past five years.

Figure 3.19: Magellan cases, 2016-17 to 2019-20



Complaints

Judges are accountable through the public nature of their work, the requirement that they give reasons for their decisions, and the scrutiny of their decisions on appeal.

Judicial services complaints are complaints about the conduct of judges or delays in the delivery of a judgment. These figures do not include complaints about registrars (these are included under 'feedback and complaints management' below). Complaints about judgments or orders can only be dealt with on appeal.

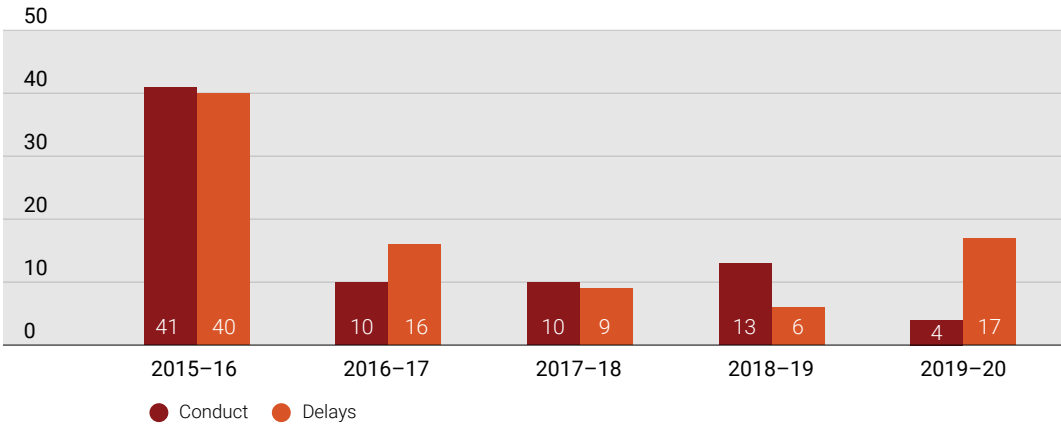
In 2019–20, the Court received 21 judicial services complaints, as follows:

- Judicial conduct – 4
- Delay in delivery of a judgment – 17

This represented 0.099 per cent of all applications filed (21,054), which is under the target of 1 per cent (when judicial complaints and administrative complaints are combined they total 0.163 per cent).

The number of judicial services complaints received by the Court in 2019–20 is shown in Figure 3.20, which also shows the breakdown between complaints about judicial conduct and complaints about delays.

Figure 3.20: Total judicial services complaints, 2015–16 to 2019–20



Feedback and complaints management

The Family Court is committed to responding effectively to feedback and complaints.

Comprehensive information about how to give feedback and lodge complaints is available on the Court's website at www.familycourt.gov.au.

The judicial complaints procedure is also published on the website. That procedure is in line with the provisions inserted by the *Courts Legislation Amendment (Judicial Complaints) Act 2012*. It is also in line with the procedures of other federal courts.

The Court records all complaints made in relation to Family Court proceedings, although some complaints relate to services provided by the Federal Court, such as registry services or other third parties.

In this reporting year, the Court received the following complaints:

Complaints about Family Court services

Administrative processes – 5

Conduct of registrars – 3

Privacy – 2

Total – 10

Complaints arising from services provided by the Federal Court or other third parties and relating to Family Court matters

Conduct of administrative staff – 4

Conduct of family consultants – 7

Total – 11

These figures do not include complaints about judicial outcomes, which can be dealt with through the appeal process; matters that are in other courts, such as the Family Court of Western Australia; or complaints about family law legislation, which is a matter for the Government.

The total number of complaints regarding Family Court matters (11) represented 0.05 per cent of all applications received. Combined with judicial complaints (21), the total number of complaints (32) represented 0.163 per cent of applications received, thus achieving the key performance indicator for complaints to be no more than 1 per cent of applications received.

Initiatives in family law

COVID-19 List

The Family Court and the Federal Circuit Court have each established a Court list dedicated to dealing exclusively with urgent family law disputes that have arisen as a direct result of the COVID-19 pandemic. The Lists were established in response to an increase in the number of urgent applications filed in the Courts from the beginning of the COVID-19 pandemic. The Lists commenced on 29 April 2020.

The operation of the COVID-19 Lists is set out in *Joint Practice Direction 3 of 2020*: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/rules-and-legislation/practice-directions/2020/jpd032020>

The COVID-19 Lists are administered by the National COVID-19 List registrars. The national registrars consider the urgency of the applications filed and triage them to judges in each Court who have been assigned to the COVID-19 Lists. Applications that meet the COVID-19 criteria are given a first return date before a national registrar or a judge within three business days of being considered by the national registrar, or less if assessed as critically urgent.

The COVID-19 Lists operate electronically, meaning that the application may be heard by a judge from any registry. The COVID-19 List judge will hear the discrete COVID-19 application, or put interim arrangements in place to deal with the circumstances of urgency. Once that issue is dealt with, the remainder of the matter will be case managed by the docket judge or a registrar as appropriate.

From commencement of the Lists on 29 April 2020 to 30 June 2020, 214 applications for the COVID-19 List were received. All applications accepted into the Lists were given a first Court date within three business days.

National Arbitration List

Section 13E of the Family Law Act provides for the Court to refer Part VIII or Part VIIIAB proceedings, or aspects of those proceedings to arbitration. This can only be done with the consent of all parties. To support the development and promotion of arbitration for property matters in family law, in April 2020, the Family Court and the Federal Circuit Court each established a new specialist list – the National Arbitration List. Justice Wilson is the National Arbitration Judge for the Family Court.

The list operates as a national electronic list and includes the following features:

- whenever a matter is referred to arbitration that case will be placed into the National Arbitration List
- any application for interim orders sought by an arbitrator or one of the parties will be dealt with by the National Arbitration Judge electronically
- any applications relating to the registering of the arbitration award, objection to an award being registered or an application for review will be conducted by either the National Arbitration Judge or a nominated judge assigned by the Chief Justice or Chief Judge, and
- any appeal from a decision of the National Arbitration Judge or other nominated judge will be managed by Justice Strickland as the Coordinating Arbitration Appeal Division Judge.

Further information on the National Arbitration List can be found in the Information Notice *The National Arbitration List* available on the Court's website at: <http://www.familycourt.gov.au/wps/wcm/connect/fcoaweb/about/news/arbitration-list>

Co-location of state and territory child welfare authorities and police

In early 2020, state and territory child welfare officials and police were co-located in the busiest family law registries of the Family Court and Federal Circuit Court as part of a co-location initiative announced by the Federal Government. The co-location initiative is intended to improve the sharing of information between the state and territory police and child welfare authorities and the family courts, and ensure that this information is available to judges and registrars at the earliest opportunity. It is anticipated that the co-location initiative will lead to a more cohesive response to identifying and managing family safety and child protection issues across the family law, family violence and child welfare systems.

Greater information sharing between agencies can provide a clearer picture of the nature, frequency and severity of violence or other risks to children occurring within a family and trigger earlier intervention or a more robust system response. It is anticipated that improved information sharing can improve the Courts' ability to assess risk, triage and prioritise cases, and make orders which protect children and victims of family violence to the greatest extent possible.

The co-location of state and territory child welfare officials in the Courts' family law registries follows the co-location of an officer from the Department of Health and Human Services in Victoria, which has operated successfully and proven a valuable resource for judges and registrars. The process has provided additional benefits including:

- early information for the triage of urgent cases
- reduction in the number of subpoenas and orders pursuant to section 91B of the *Family Law Act 1975*, and
- information flow between the Courts and the child welfare authority has improved the understanding within each entity of the other's role.

Child welfare officials are co-located in most registries save for the Northern Territory. Police officials are co-located in most registries save for the Northern Territory and Victoria.

Information sought from co-located police officers may include information in relation to current or previous family violence orders, firearms licences, criminal convictions or pending criminal proceedings.

Harmonisation of the *Family Law Rules 2004* and the *Federal Circuit Court Rules 2001*

The Courts are progressing the harmonisation of the Family Law Rules and the Federal Circuit Court Rules in so far as they apply in the family law jurisdiction of the Court, so as to create a single, harmonised set of rules. The Courts' aim is to promote consistency of practice in the family law jurisdiction, and ensure as far as possible that there is a single set of rules that are clear and accessible for all users of the family law system. This is a project that has required the focus and dedication of judges and staff of both Courts, overseen by an independent Chair, the Honourable Dr Chris Jessup QC, and ably assisted by two barristers, Emma Poole and Chris Lum.

The Working Group's efforts have produced a complete draft of the harmonised rules, which has been distributed to all judges for consultation, and will thereafter be distributed to the profession and other stakeholders for external consultation in the second half of 2020. While there is still some way to go before the rules, forms and case management practices across the Courts are harmonised, compiling a draft of the harmonised rules is a significant achievement which had not been able to be accomplished in the past 20 years.

PART 4

Appeals

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Appeal Division

The Appeal Division of the Family Court hears the appeals from decisions of both federal and state courts. The members of the Appeal Division, with support from members of the Trial Division, hear appeals throughout the year in the five mainland capital cities and other locations as necessary. To facilitate access to litigants in regional cities and throughout Australia, some appeals are conducted by video link and other electronic means.

As part of the Court's commitment to the Government's digital continuity policy, all appeal documents including appeal books and transcript are filed in electronic form and used in that form by the Appeal Division. Practice Direction 2 of 2017 confirms the Family Court is moving to implement a Digital Court File for all proceedings in the Court.

The composition of the bench of the Full Court of the Family Court hearing an appeal is three or more judges of the Court, the majority of whom must be members of the Appeal Division.

Members of the Appeal Division

At 30 June 2020, the judges assigned to the Appeal Division were as follows:

Chief Justice

Chief Justice William Alstergren

Deputy Chief Justice

Deputy Chief Justice Robert McClelland

Other Members of Appeal Division

- Justice Strickland
- Justice Ainslie-Wallace
- Justice Ryan
- Justice Aldridge
- Justice Kent
- Justice Watts
- Justice Austin
- Justice Tree.

Appeals

An appeal lies to the Full Court of the Family Court (and, in certain cases, only with leave) from a decree of:

- the Family Court Trial Division
- the Family Court of Western Australia
- Supreme Courts of states and territories (single judge)
- Federal Circuit Court of Australia (Federal Circuit Court), and
- Magistrates Court of Western Australia (family law magistrate)

exercising jurisdiction under the *Family Law Act 1975* (Cth) or in some instances under the *Child Support (Registration and Collection) Act 1988* (Cth) or the *Child Support (Assessment) Act 1989* (Cth).

If the appeal is from a decree of the Federal Circuit Court or the Magistrates Court of Western Australia, pursuant to s 94AAA(3) of the *Family Law Act 1975* (Cth), the Chief Justice may direct that the appeal be heard by a single judge rather than the Full Court.

Full Court sittings and administration

During 2019–20, the Full Court sat for 22 weeks and during four of those sitting weeks, the Court sat in two locations concurrently.

Judges of the Appeal Division hear appeals and associated interlocutory applications as a single judge during other weeks of the year.

In addition, the Full Court conducts special sittings as required, for example to hear urgent appeals.

All appeal sitting weeks and hearings have continued throughout the COVID-19 pandemic in 2020 with hearings conducted by video and teleconferencing.

Appeals are administered by the National Appeal Registrar, together with Regional Appeal Registrars in three regions:

Northern – Queensland, northern New South Wales and the Northern Territory

Eastern – balance of New South Wales and the Australian Capital Territory, and

Southern – Victoria, South Australia and Tasmania.

Western Australia is administered by a registrar of the Family Court of Western Australia, currently the Principal Registrar.

Appeal Division performance

In 2019–20, 445 appeals were filed, an 11 per cent increase from the number of appeals filed in 2018–19, which was 400.

The Appeal Division delivered 304 judgments during 2019–20, compared to 257 judgments during 2018–19. At 30 June 2020, there were 29 appeal judgments outstanding, compared with 36 judgments at 30 June 2019.

In 2019–20, over two thirds of appeal judgments were delivered within three months. 16 per cent of appeal judgments were delivered ex tempore compared to 22 per cent in 2018–19.

A total of 448 appeals were finalised in 2019–20, leaving 213 pending (active) matters as at 30 June 2020.

Of the appeals filed, 247 were from decisions of the Federal Circuit Court or the Magistrates Court of Western Australia. In the reporting year, 198 appeals were filed from decisions of the Family Court.

Efficiencies created from electronic appeal hearings

During 2019–20, the Appeal Division finalised 448 appeals, an 18 per cent increase in the number of appeals finalised compared to 2018–19. With the impact of COVID-19, this was only possible due to the Appeal Division's adoption of electronic hearings conducted by video and teleconference. This included where the judges on the Full Court were appearing from different locations to hear the appeal, generating time and cost efficiencies.

Figure 4.1: Notices of appeal filed, finalised, pending, 2015-16 to 2019-20

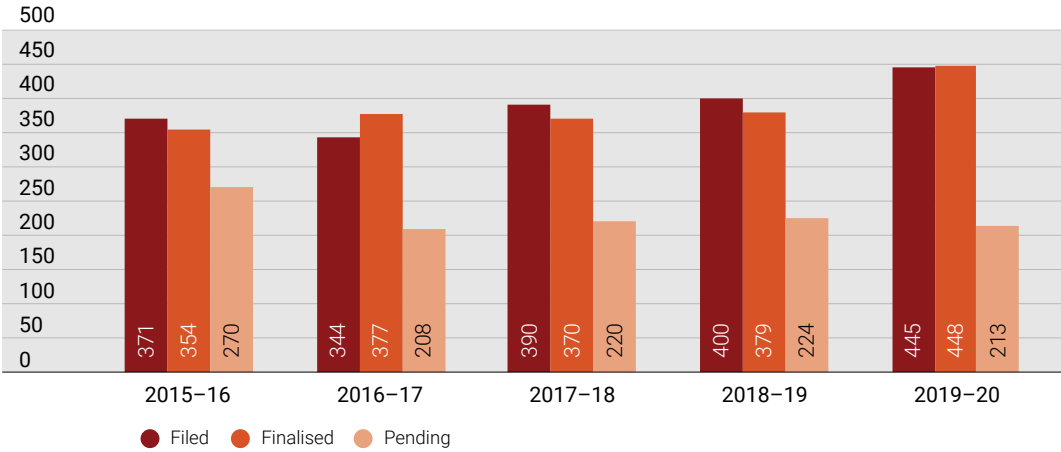
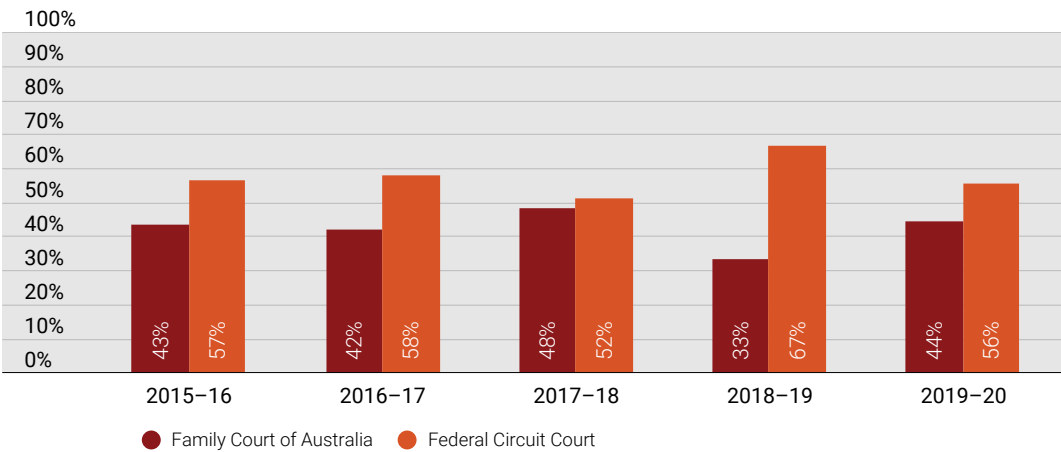


Figure 4.2: Proportion of notices of appeal filed by jurisdiction, 2015-16 to 2019-20



Forty-eight appeals from the Federal Circuit Court or Magistrates Court of Western Australia in 2019-20 were dealt with by a single judge. Thirty-nine per cent of all appeals finalised in 2019-20 were deemed abandoned or the appeal was withdrawn, generally without a hearing of the appeal.

Appeals from the Family Court of Western Australia have been counted with appeals from the Family Court of Australia. Appeals from family law magistrates in Western Australia have been counted with appeals from the Federal Circuit Court.

As well as the Notice of Appeal, Notices of Cross-Appeal and a number of other applications seeking orders directly relating to the appeal are commonly filed.

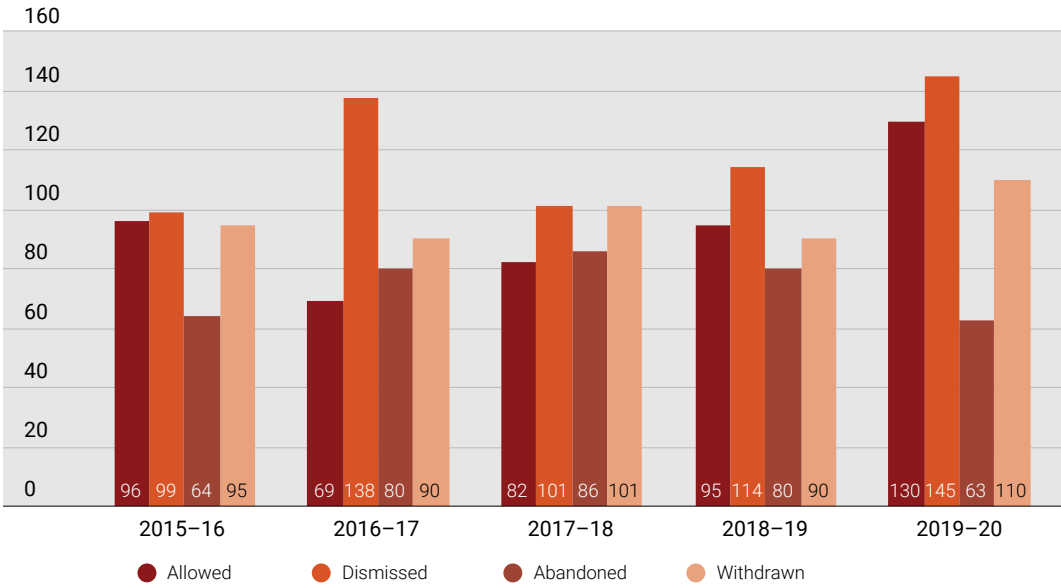
The orders sought in the applications in an appeal include an extension of time to appeal, reinstate, expedite, stay or summarily dismiss appeals; security for costs; purchase of transcript; leave to issue subpoenas or receive further evidence. Such applications often require interlocutory hearings and judgments.

Table 4.1 shows the number of these additional applications.

Table 4.1: All proceedings in appeal cases, 2015–16 to 2019–20

FILED	2015–16	2016–17	2017–18	2018–19	2019–20
Number of notices of appeal filed	371	344	390	360	377
Application for extension of time	45	49	54	53	46
Other applications in an appeal	290	279	223	247	302
Notice of cross-appeal	11	9	11	7	6
Total appellate proceedings	717	681	678	667	731

Figure 4.3: Notices of appeal finalised by type of finalisation, 2015–16 to 2019–20



Not all appeals require a hearing as they may be discontinued, abandoned or resolved by agreement. In 2019–20, 62 per cent of appeals finalised required a hearing (275 appeals). The number of appeals allowed increased from 95 in 2018–19, to 130 in 2019–20.

Eighty-nine per cent of the appeals finalised in 2019–20 were finalised within 12 months, compared to 92 per cent in 2018–19.

In 2019–20, 36 per cent of appellants were unrepresented, a decrease from 43 per cent in 2018–19.

High Court

During 2019–20:

- 11 applications for special leave to appeal were filed in the High Court from judgments of the Family Court
- 14 applications for special leave were determined or disposed of by the High Court: 12 were refused and two were granted, and
- there were no appeals heard by the High Court.

PART 5

Management and accountability

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Management and accountability

Corporate governance

The Chief Justice, assisted by the Chief Executive Officer (CEO) and Principal Registrar, is responsible for managing the administrative affairs of the Court.

Under the Constitution, judicial power is vested in judges who administer that power in Court. The *Family Law Act 1975* (Cth) states that the Court shall consist of a Chief Justice, a Deputy Chief Justice and senior judges and other judges. By delegation from the Chief Justice, case management judges assist in administering judicial functions in particular areas, such as case management. The judges' committee structure facilitates collegiate involvement of the judges of the Court.

The Family Court is autonomously governed; that is, the Chief Justice has the responsibility for the administration of the Court. To enable the effective and efficient administration of justice, the judiciary needs support to deal with its workload. Non-judicial Court employees, who are public servants, provide that support. In addition, there are arrangements in place with other Courts for the supply of services.

The CEO and Principal Registrar is subject to directions from the Chief Justice. The agency head under the *Public Service Act 1999* is the CEO and Principal Registrar of the Federal Court.

Senior executives

Chief Executive Officer and Principal Registrar



David Pringle

The CEO and Principal Registrar is appointed to assist the Chief Justice to administer the Court. The CEO and Principal Registrar's powers are broad (s 38D *Family Law Act*

1975), although subject to directions from the Chief Justice (s 38D(3)). David Pringle was appointed the CEO and Principal Registrar on 17 April 2020.

Deputy Principal Registrar and National Family Law Registrar



Virginia Wilson

Deputy Principal Registrar and National Family Law Registrar undertakes the national management of registrars, including building a consistent practice,

oversight of the nature of their casework and workload and leadership in respect of professional development; liaises with internal and external stakeholders in areas of registrar practice; and engages with judges to identify critical work to be undertaken by registrars in support of judges for the effective case management and disposition of proceedings.

Executive Director, Child Dispute Services



Janet Carmichael

The Executive Director, Child Dispute Services has national responsibility for the professional requirements of child dispute services in the Family Court

and the Federal Circuit Court. The Executive Director provides strategic advice to the Chief Justice, the Chief Judge, and CEO and Principal Registrar in relation to the effective and efficient operation of child dispute services, with particular attention to the achievement of best practice standards in policy, practices and service delivery. The Executive Director works closely with external child and family dispute resolution bodies, as well as relevant tertiary institutions, which are important to the development and ongoing maintenance of high-quality child dispute services, quality assurance and accreditation processes.

Committees

Policy Advisory Committee

At the strategic level, this committee is the peak policymaking body within the Court. The committee's role is to support the Chief Justice in the administration of the Court and to provide strategic advice and policy direction, particularly in relation to legislative, procedural and administrative changes likely to affect the Court and its users.

As at 30 June 2020 members of the Policy Advisory Committee were:

- The Honourable Chief Justice William Alstergren (Chair)
- The Honourable Deputy Chief Justice Robert McClelland
- The Honourable Justice Stewart Austin
- The Honourable Justice Janine Stevenson
- The Honourable Justice Robert Benjamin AM
- The Honourable Justice Kirsty Macmillan
- The Honourable Justice Shane Gill
- The Honourable Justice Michael Baumann AM
- The Honourable Justice Jillian Williams, and
- CEO and Principal Registrar David Pringle.

Finance Committee

The Finance Committee's principal focus is to:

- consider and define the full cost and budgetary requirements of the Family Court
- consider spending and budgetary priorities that affect core judicial work
- discuss budgetary priorities and the allocation of financial resources

- consider the budgetary requirements of the Court following the changes to the administration of the Family Court pursuant to the *Public Governance, Performance and Accountability Act 2013*, and
- ensure transparency in respect of expenditure and the setting of budgetary priorities that affect core judicial work.

The Finance Committee is chaired by Justice Benjamin and includes Justice Watts and Justice Austin.

Rules Committee

The Rules Committee is established in contemplation of s 123 of the *Family Law Act 1975* (Cth), which provides that a majority of judges may make rules of Court in relation to practices and procedures to be followed in the Court. The Rules Committee considers proposed changes to the *Family Law Rules 2004* (Cth) with a view to improving the efficiency, accessibility and cost effectiveness of the Family Court for its clients. The committee also undertakes detailed consideration of discrete issues as required.

Court Performance Committee

The Court Performance Committee is chaired by Deputy Chief Justice McClelland and its membership comprises all registry case management and Magellan judges.

Case management

The principles devised in 2015 to guide the operation of the Court's 'trial docket' system of case management have been implemented in all registries, enhancing consistency across the Court in the way it manages its case-flow. The system envisages that only those cases that cannot be consensually resolved by intervention of registrars are allocated to judicial dockets for procedural management by judges to final trial.

Magellan

The Magellan protocol is a discrete case management pathway designed to ensure that cases involving allegations of sexual abuse or serious physical abuse of children are heard within six months of such allegations being raised in the litigation before the Court. Due to the increasing vigilance of the registry Magellan teams, cases are not categorised so easily as ‘Magellan’, which means the truly deserving cases are getting closer and faster attention. As at 30 June 2020, there were 144 active Magellan cases.

Judicial Education and Professional Development Committee

The aim of the Judicial Education and Professional Development Committee is to develop, implement and oversee judicial education in the Court by formulating a comprehensive plan for ongoing and extensive judicial education and to provide advice to the Chief Justice on judicial education issues.

The committee, chaired by Justice Macmillan, assists the Chief Justice in the dissemination of information his Honour considers should be brought to the attention of the judges.

The committee also develops education programs and puts in place mechanisms to support judges to maintain resilience and to provide orientation for new appointments.

Activities were conducted as part of the annual judge’s conference on 9 September 2020.

Judicial Welfare Committee

The aim of the Judicial Welfare Committee is to develop and implement judicial wellbeing initiatives in the Court and to provide advice to the Chief Justice on judicial wellbeing issues. The committee is chaired by Justice Gill and includes Justices Macmillan, Forrest and Stevenson.

Work of the sub-committees

Children’s Committee

The Children’s Committee, a joint initiative between the Family Court and the Federal Circuit Court, meets to explore the work to be undertaken with respect to the involvement of children in parenting proceedings and improving the experiences of children in the family law system.

Membership for 2019–20 included:

- Judge Cole OAM (Federal Circuit Court) Chair
- Justice Moncrieff (Family Court of Western Australia)
- Justice Forrest (Family Court)
- Janet Carmichael (Family Court/ Federal Circuit Court)
- Kylie Beckhouse (Legal Aid, New South Wales)
- Alexandra Wearne (Independent Children’s Lawyer, New South Wales)
- Kate Bint (Independent Children’s Lawyer, Queensland), and
- Gayathri Paramasivam (Victoria Legal Aid).

Aboriginal and Torres Strait Islander Outreach Committee

The Aboriginal and Torres Strait Islander Outreach Committee continues the long history of the Court in promoting and improving access to justice for Indigenous families, by ensuring the Court’s administration and judiciary work together to enable and facilitate the participation of Indigenous Australians in the Court’s operations and processes.

The committee continues to undertake work to:

- develop a Court protocol for Acknowledgement of Country at Court events
- examine the potential for a resource of information relevant to Aboriginal and Torres Strait Islander outreach issues to be available for general access
- establish and build a link between the Court's registries and local Indigenous leaders, and
- collaborate with the Family Court of Western Australia, the Federal Circuit Court, state courts and tribunals, the National Judicial College and relevant state judicial education authorities such as the Judicial Commission of New South Wales.

Family Violence Committee

The Family Violence Committee is a joint committee of the Family Court and the Federal Circuit Court. The committee's principal responsibility is to provide advice to the Chief Justice, the Chief Judge and the CEO and Principal Registrar of both Courts on the issue of family violence.

In discharging this responsibility, the committee reviews and updates the Courts' Family Violence Plan and Family Violence Best Practice Principles, as well as undertaking discrete projects.

Membership of the committee at 30 June 2020 was:

- Judge Hughes (Chair)
- Justice Benjamin AM
- Justice Gill
- Justice Baumann AM
- Judge Spelleken
- Judge Terry
- Judge Bender
- David Pringle (CEO and Principal Registrar)

- Janet Carmichael
- Virginia Wilson
- Steve Fewster
- Di Lojszczyk
- Lisa O'Neill, and
- Melissa Buhagiar (Secretariat).

The committee's focus during the year was on a number of initiatives including implementing safety at Court policies and establishing the co-location of state and territory child welfare officials in the Courts' family law registries. In early 2020, state and territory child welfare officials and police were co-located in the busiest family law registries of the Family Court and Federal Circuit Court as part of a co-location initiative announced by the Federal Government. The co-location initiative is intended to improve the sharing of information between the state and territory police and child welfare authorities and the family courts, and ensure that this information is available to judges and registrars at the earliest opportunity. Child welfare officials are co-located in most registries save for the Northern Territory. Police officials are co-located in most registries save for the Northern Territory and Victoria.

Collaborative committees

Joint Costs Advisory Committee

The committee comprises representatives of the four federal courts: the High Court of Australia, the Federal Court, the Family Court and the Federal Circuit Court.

Membership as at 30 June 2020 was:

- Justice Benjamin AM, Family Court (Chair)
- Philippa Lynch, CEO and Principal Registrar, High Court of Australia

- Scott Tredwell, Acting Deputy Principal Registrar, Federal Court
- Virginia Wilson, Deputy Principal Registrar, Family Court/ Federal Circuit Court, and
- Amanda Morris, Family Court/ Federal Circuit Court.

Scales of costs

The current cost scales for each of the federal courts are provided for in the following legislation:

- *High Court Rules 2004* Schedule 2
- *Federal Court Rules 2011* Schedule 3
- *Family Law Rules 2004* Schedule 3, and
- *Federal Circuit Court Rules 2001* Schedule 1.

Joint Rules Harmonisation Working Group

The Rules Harmonisation Working Group is a joint committee of the Family Court and the Federal Circuit Court, comprising judges of both Courts, responsible for developing a common set of rules, forms and case management in the Courts.

The working group is chaired by the Honourable Dr Chris Jessup QC. Dr Jessup is also assisted by two barristers, Ms Emma Poole and Mr Christopher Lum. Members of the group are working closely with the judges to draft the common rules and forms and aid the development of a consistent approach to case management.

Members of the working group for 2019–20 included:

- Dr Chris Jessup QC (Chair)
- Chief Justice Alstergren
- Deputy Chief Justice McClelland (Family Court)
- Justice Ryan (Family Court)
- Justice Watts (Family Court)

- Justice Rees (Family Court)
- Justice Williams (Family Court)
- Justice Hartnett (Family Court)
- Judge Driver (Federal Circuit Court)
- Judge Hughes (Federal Circuit Court)
- Judge Harland (Federal Circuit Court)
- David Pringle
- Virginia Wilson
- Emma Poole
- Christopher Lum, and
- Jordan Di Carlo.

Research and Ethics Committee

The Research and Ethics Committee is a joint committee established to consider and advise on research proposals that are received by the Courts on their merits and against ethical guidelines.

Membership of the committee comprises:

- Justice Stevenson (Chair)
- Justice Gill
- Judge M. Neville
- Virginia Wilson
- Manuela Galvao, and
- Michael Raine (Secretariat).

External and internal scrutiny

Commonwealth Ombudsman

The Commonwealth Ombudsman made no adverse report specific to the Family Court during 2019–20.

Freedom of information

The Court received nine freedom of information requests during 2019–20.

Action in defamation

There were no actions in defamation during 2019–20.

Senate estimates hearings – Legal and Constitutional Affairs Committee

Senior Executive Service staff of the Court attend estimates committee hearings to answer questions about the Court's activities. In 2019–20, seven questions on notice were received and answered by the Family Court.

Media and stakeholder management

The Court's National Manager, Media and Public Affairs is responsible for the management of all media requests and inquiries received by the Court. These inquiries may relate to specific cases, judgments for cases or more broadly on issues relating to family law. The Court is frequently asked to provide public comment on topics relating to the work of the Court and its jurisdiction.

During 2019–20, the Court disseminated 14 media releases and provided many statements to individual journalists upon request.

Engaging with the media is an important part of communicating the work of the Court to the Australian public. The Chief Justice is committed to open justice and in line with that commitment, his Honour participated in a significant number of interviews with journalists during the reporting year and provided many statements to the media.

This engagement became particularly important during the COVID-19 pandemic in the first half of 2020. Circumstances arising from the crisis led to separated and divorced parents questioning how to adhere to parenting orders or manage shared-parenting arrangements in situations where travel across state borders was restricted, schools and contact centres were closed, and parents were concerned for the safety and welfare of their children.

To provide some guidance for parents and the community at large, the Chief Justice undertook the unorthodox step of making a public statement outlining the Court's expectations in regard to court orders and offering general advice as to the options available to parents in seeking support and assistance. Of great importance to the Court during this time was communicating to the public that the Court was available to deal with cases, and if an urgent hearing was required due to circumstances arising from the pandemic, parents could apply to have their dispute dealt with as part of the Court's COVID-19 urgent list.

To promote this information, the Chief Justice participated in interviews with the following media outlets:

- ABC TV – The Drum
- ABC Radio National
- ABC radio – The Law Report
- Triple M radio – Melbourne
- 3AW radio – Melbourne
- 97.3 FM radio – Brisbane
- The Age newspaper
- The Australian newspaper.

During the reporting year, the Chief Justice also participated in several webinars hosted by the Law Institute of Victoria, the Family Law Section of the Law Council of Australia and other organisations. For more information, see Appendix 7 (*Judge activities*).

In addition to the media activities relating to the pandemic, the Chief Justice provided interviews or articles for several law journals including:

- *Proctor* – Queensland Law Society
- *Victorian Bar News*
- *Law Institute Journal* – Law Institute of Victoria
- *Law Society Journal* – New South Wales Law Society
- *The Bulletin* – Law Society of South Australia
- *Australian Family Lawyer*.

Direct communication with stakeholders is of significant importance to the Court. In 2019–20, the Court established a series of meetings to hear from various groups that have involvement in or interest in family law and the Court. Some of those groups included Women's Legal Services, Relationships Australia, Legal Aid, Law Societies and Bar Associations, Men's Referral Services, Men's Rights Agency, Lone Fathers Association, Women's Safety NSW and No to Violence.

Social media

The Court uses social media to communicate in real time with Court users and the profession.

Twitter

Twitter provides followers with timely, relevant and easy access to information about the Court and family law issues. Followers are predominately legal professionals, law students, journalists and members of the general public.

Tweets include:

- Judgments, reports, publications and factsheets
- Legislative news – changes to rules, practice directions, forms or fee updates
- Commonwealth Courts Portal news, and
- Media releases and statements.

During the pandemic, Twitter was an effective tool for quickly distributing information to the profession and Court users.

2019–20 Twitter statistics at a glance



The Court's Twitter address is
www.twitter.com/FamilyCourtAU

TOP TWEET 26 MARCH 2020



YouTube

The Court's YouTube channel provides a range of videos to help litigants prepare for and understand Court processes.

During 2019–20, the Court's channel had 762 subscribers and a total of 24,727 views, with 1,183 hours watched.

The most viewed videos were 'How to apply for a divorce: serving divorce papers', which provides a step-by-step guide to serving divorce papers in Australia and 'Mediation – what to expect', which features a re-enactment of the mediation process between a separated couple deciding on parenting arrangements.

During the COVID-19 pandemic, Chief Justice Alstergren participated in a number of media interviews to help inform the community about Court operations and managing parenting arrangements. One of these radio interviews with Triple M Melbourne was also published on YouTube.

The Court's YouTube channel is at www.youtube.com/user/familycourtAU.

Correction of errors in the 2018–19 annual report

Figure 3.16 on page 26 contains the wrong data in the bar for 2018–19. It should read as follows:

- 80% (both represented),
15% (one party represented), and
5% (neither have representation).

PART 6

Appendices

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Appendix 1

Outcome and program statement: Family Court of Australia

Table A1.1: Outcome 2: Family Court of Australia

OUTCOME 2: APPLY AND UPHOLD THE RULE OF LAW FOR LITIGANTS IN THE FAMILY COURT OF AUSTRALIA THROUGH THE RESOLUTION OF FAMILY LAW MATTERS ACCORDING TO LAW, PARTICULARLY MORE COMPLEX FAMILY LAW MATTERS AND THROUGH THE EFFECTIVE MANAGEMENT OF THE ADMINISTRATIVE AFFAIRS OF THE COURT.	BUDGET	ACTUAL	VARIATION
	2019–20 (\$'000)	2019–20 (\$'000)	(\$'000)
Program 2.1 – Family Court of Australia			
Administered expenses			
Special appropriations	100	24	76
Departmental expenses			
Departmental appropriation ¹	34,244	31,884	2,360
Expenses not requiring appropriation in the budget year	11,906	14,212	-2,306
Total for Program 2.1	46,250	46,120	130
Total expenses for outcome 2	46,250	46,120	130
Average staffing level (number)	93	87	

¹ Departmental appropriation combines ordinary annual services (Appropriation Act Nos 1 and 3) and retained revenue receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013*.

Appendix 2

Staffing profile: Family Court of Australia

From 1 July 2016, the *Courts Administration Legislation Amendment Act 2016* designated the Family Court and the Federal Circuit Court, together with the Federal Court of Australia, a single statutory agency for the purposes of the *Public Service Act 1999*.

Heads of jurisdiction continue to be responsible for managing the administrative affairs of their respective Courts (excluding corporate services), with assistance from a CEO and Principal Registrar.

All staff are employed by the Federal Court entity under the *Public Service Act 1999*, regardless of which Court or Tribunal they work for or provide services to.

The total staffing number for the combined entity (Federal Court, Family Court, Federal Circuit Court and the National Native Title Tribunal), as at 30 June 2020, was 1091 employees. This includes 758 ongoing and 333 non-ongoing employees.

Staff providing direct support to the Family Court (numbers of which are included in the total number above) include:

- 65 judicial support staff providing support to justices of the Family Court
- 42 registrars providing support to the Family Court and Federal Circuit Court, and
- 90 family consultants providing support to the Family Court and Federal Circuit Court.

At 30 June 2020, there were 33 judicial positions in the Family Court, including the Chief Justice and Deputy Chief Justice. Judges' numbers are not included in the overall entity staffing number.

For more information about staffing see Part 4 (*Management and accountability*) and Appendix 9 (*Staffing profile*) of the Federal Court of Australia's 2019–20 annual report.

Appendix 3

Significant and noteworthy judgments

A selection of significant and noteworthy judgments are published in this report.

The Court recognises that the accessibility of its judgments to the public is important. It commits the resources required to ensure that every final judgment delivered is anonymised and published consistent with s 121 of the *Family Law Act 1975* (Cth). This policy has enabled the Court to better respond to community interest and concerns about particular cases highlighted in the media and demonstrates the commitment of the Court to being open and accountable for its decisions.

Judgments, after anonymisation, are made available in full text on the Australasian Legal Information Institute (AustLII) website and provided to legal publishers. There is a link to the AustLII site from the Court's website at www.familycourt.gov.au.

The Court's website provides links to recent decisions on AustLII. Links to Full Court decisions are provided for two months and links to first instance decisions are provided for one month.

In 2019–20, the Court provided access to 1225 first instance judgments and 309 Full Court/Appellate jurisdiction judgments.

Walpole & Secretary, Department of Communities and Justice

(2020) FLC 93-950; [2020]
FamCAFC 65 (Ryan, Aldridge &
Watts JJ)

Appeal—Child abduction—Hague Convention—Mother removed the children from their country of habitual residence—Grave risk—Family violence—Discretion of the Central Authority to refuse to act on a request made by a left behind parent—Model Litigant Guidelines—State or Agency should not require a person to prove something that the State/Agency knows to be true

This was an appeal brought by the mother of two young children against a decision of the Family Court of Australia to grant an application made by the Secretary, Department of Communities and Justice (the Central Authority) for the return of the children to New Zealand, their country of residence.

The father had an extensive criminal history including offences committed in New Zealand and Australia. The father's record included domestic violence offences against the mother yet the only offence disclosed by the application relied on by the Central Authority was a driving offence for which he was sentenced to a term

of imprisonment in Australia. He was deported to New Zealand and banned from re-entering Australia. The mother, who was pregnant with their second child, travelled with the first child to New Zealand to live with the father. New Zealand Police recorded numerous Police interventions concerning violence by the father against the mother. With the assistance of New Zealand Police, the mother and children returned to Australia.

Central to the appeal was the approach to the 'grave risk' defence. The mother sought and was given leave to adduce evidence on appeal of the father's history of violence in Australia. Equipped with this additional evidence, the mother was also given leave to raise 'intolerable situation'. The majority found that the case was exceptional, given the serious issues concerning the welfare of young children and that the violence was categorised by the family consultant as 'potentially the most dangerous in terms of possible lethality and physical harm'.

In discussing the defences, the majority applied *DP v Commonwealth Central Authority* (2001) 206 CLR 401, that the discretion requires consideration of 'not only that there will be judicial proceedings in the country of return but also that there will be suitable interim arrangements for the child'. Their Honours referred to *TB v JB (Abduction: grave risk of harm)* [2001] 2 FLR 515 as authority for the proposition that 'the risks in question are those faced by the children, not by the parent', however consideration of whether the primary carer of the children will face severe difficulties in properly attending the children's needs is relevant.

The extensive evidence given by the family consultant as to the severity of the father's family violence, compelled the conclusion that it would be intolerable for the children to return to New Zealand. A complicating factor was the parents' history of separation and reconciliation, which informed the Court that should the mother return to New Zealand with the children, there was a real possibility that the parents would again live together and the risk of violence would escalate. All three limbs of reg 16(3)(b) of the Family Law (Child Abduction) Regulations 1986 (Cth) (the Abduction Regulations) were made out.

The majority (Ryan & Aldridge JJ) discussed adherence to the Model Litigant Guidelines by the Central Authority and observed that these Guidelines require the Central Authority to act with complete propriety and in accordance with the highest professional standards. However, it appeared that no attempt was made by the Central Authority to make the father's history of violence and other crimes known to the Court, nor the involvement of various child protection agencies. Instead, this task was left to the mother and the Independent Children's Lawyer. Fortunately, the mother was granted legal aid, but their Honours questioned what would have happened if she was not. The majority went on to consider whether requesting and central authorities have a discretion to refuse to act on a request of a left behind parent. It was considered that this is likely so, as Reg 14 of the Abduction Regulations states that a Central Authority 'may' apply to the Court. The majority encouraged the Commonwealth and Special Commissions who oversee the Abduction Convention to give this further consideration.

Oswin & Oswin

(2019) FLC 93-916; [2019]
FamCAFC 164 (Kent, Watts &
Tree JJ)

Appeal—Parenting—Contravention of parenting orders—Mother sentenced to seven days of imprisonment suspended for two years—Primary judge failed to give reasons for finding that no other penalty was appropriate—Procedural fairness—Mother was self-represented with no legal training—Primary judge failed to sufficiently explain to the mother the relevant law and procedure

This case involved an appeal against orders that the mother of three children be sentenced to a term of imprisonment of seven days, suspended for two years, upon being found guilty of three contraventions of parenting orders without reasonable excuse. These included that the mother failed to consult the father prior to enrolling the children at a school, applied for a scholarship and failed to renew the children's passports.

The Full Court found that the primary judge was incorrect in finding that the mother had contravened the orders, incorrectly treated the contravention allegations as a more serious disregard of orders and denied the mother procedural fairness.

Before a sentence of imprisonment can be imposed in contravention proceedings, the Court must be satisfied beyond reasonable doubt of all factual matters relating to the alleged contravention, that the contravention is a 'more serious contravention' to which the more punitive powers apply and of the inappropriateness of all other available sanctions. Subdivision E of Division 13A of the *Family Law Act 1975* (Cth) apply for less serious contraventions and those powers do not extend to ordering a sentence of imprisonment.

Subdivision F includes power to impose a sanction of imprisonment, but is reserved for contraventions that are more serious.

In this case, the parties were not given any opportunity to make submissions on the point of whether the contraventions ought to be treated as less serious pursuant to Subdivision E or more serious under Subdivision F and the difference between the two approaches was not explained to the mother. A final complicating factor, which heightened the obligations of the primary judge in respect to procedural fairness, was that the sentence of imprisonment was ordered on the Court's own motion.

Grange & Grange

[2019] FamCAFC 205 (Strickland,
Ainslie-Wallace & Aldridge JJ)

Appeal—Trusts and gifts—Whether retention of proceeds of sale by third party was unconscionable—Where not being fully informed is insufficient to meet the standard of a special disadvantage—Evidence does not support unconscionability

This was an appeal against property settlement orders between the former husband and wife and the husband's mother, as well as other parties who were not relevant to the appeal. The primary judge found that the only property held by the husband and wife was the proceeds of sale of a business licence in the sum of just over \$1 million. This sum was received by the husband's mother more than 10 years ago. The primary judge concluded that the transfer of the funds to the husband's mother was unconscionable as it occurred without the wife's 'fully informed consent' and thus, the husband's mother held those funds as trustee for the husband and wife. An order was made for the funds to be divided equally between the husband and wife. Whilst the primary judge did not specify what kind of trust was found to have

been established, the Full Court inferred that it was a constructive trust.

Upon the sale of the business license, the husband and the wife each executed a document headed 'Authority' directed to their solicitors as to how the proceeds of sale were to be paid. The cheques for the purchase price were directed to be paid to the husband's mother. The wife also signed an additional document, stating that she was aware of the sale agreement and agreed to it.

On appeal, the husband argued that there were no circumstances justifying the finding that the husband's mother held the funds on trust for the husband and the wife, but rather, the evidence before the Court indicated that the funds were given to the husband's mother as a gift.

The Full Court disagreed with the primary judge's conclusion that the transfer of the funds to the husband's mother was unconscionable. The findings that the wife's understanding of the legal effect of the matter was 'unlikely to have been complete' or that the documents were not signed with her 'full knowledge... of the facts or her legal position' and that the direction did not occur with her 'fully informed consent' were considered by the Full Court as insufficient to establish unconscionability. There was no evidence that the wife was of poor mentality or weak will and thus, not only was there no basis for finding unconscionability pursuant to *Commercial Bank of Australia Ltd v Amadio* (1983) 151 CLR 447, but findings of duress or coercion were similarly precluded. The proposition that not being 'fully informed' of the legal effect of the matter could establish a special disadvantage was ultimately rejected by the Full Court.

Goldsmith & Stinson and Ors

(2019) FLC 93-930; [2019] FamCAFC 230 (Strickland, Ryan & Austin JJ)

Appeal—Property settlement—Failure to hear and determine an application for declaratory relief—Duty to exercise jurisdiction once invoked by an application—Adequacy of reasons—Failure to give adequate weight to contributions

This case involved property settlement proceedings between parties who had been married for some 12 years. The wife sought a declaration that the husband's father held the land upon which the parties' home was built, on trust for her and the husband in equal shares. The wife's case was that essentially, the husband and wife had constructed their family home on land to which the husband's father held exclusive legal title following promises by him of their eventual proprietary entitlement to the land. The husband's father passed away prior to the final orders being made and the husband received an inheritance, which included the land upon which the family home was built.

The land apparently was comprised of three separate parcels. The husband's position was that he retain exclusive legal title to all three parcels and the wife sought orders conferring her with exclusive legal title to at least two of the parcels, including the one on which the family home stood. The primary judge determined all parcels of land should be retained by the husband.

The Full Court found that while the primary judge was correct that it was not necessary to decide whether the husband's late father held the family home as constructive trustee for the spouses given that at that stage the husband

owned the family home exclusively, the wife's application for the declaration of her equitable interest in the family home ought to have been heard and determined.

The husband submitted that the permissive language of s 78 of the *Family Law Act 1975* (Cth), providing that a Court *may* make such a declaration, enabled the primary judge to take the approach that her Honour did. The Full Court rejected that submission and observed that such language 'is no more than statutory recognition of the wide power to either grant or decline declaratory relief' [17] (see *Forster v Jododex Australia Pty Ltd* (1972) 127 CLR 421 at 435). The primary judge was vested with the discretion to refuse the remedy sought by the wife, but not discretion to refuse the exercise of jurisdiction. For the application to be dismissed, it had to first be heard and considered.

Their Honours observed that there is no reason in principle why, in an appropriate case, declarations as to property rights cannot be made. Whether or not such a declaration is necessary is a different question. The Full Court observed that it will usually be unnecessary to complicate s 79 proceedings with such a resolution to equity claims between spouses.

Their Honours found that the primary judge was obliged to give proper consideration to the evidence proffered by the wife in relation to her proportional entitlement to the property. The wife's contention that the primary judge failed to properly consider this evidence was made out. The Full Court drew the inference that upon the primary judge refusing to determine the wife's equity claim, that disregard influenced the way in which the parties' contributions were evaluated.

Caulfield & Read and Anor

[2020] FamCAFC 127 (Ainslie-Wallace, Aldridge & Watts JJ)

Appeal—Property—Whether a registered mortgage is subject to s 24 of the Limitation of Actions Act 1974 (Qld) —Whether the appellant's rights under his mortgage over the husband and the wife's property have been extinguished—Tension between s 24 of the Limitation of Actions Act 1974 (Qld) and the Land Title Act 1994 (Qld)

In this case, the appellant contended that a registered mortgage which he held over three properties owned by the husband and the wife was not subject to s 24 of the *Limitation of Actions Act 1974* (Cth) (the Limitation Act) because that section specifically exempts registered interests under the *Land Title Act 1994* (Qld) (the Land Title Act) (the successor to the *Real Property Act 1861* (Qld) (repealed)) from its operation. For context, s 24(1) of the Limitation Act provides for the extinction of title after the expiration of the limitation period prescribed by the Limitation Act, 'subject to... the Real Property Act 1861'. Pursuant to s 26 of the Limitation Act, the appellant's right to recover the principal sum under the mortgage and interest owing was barred from July 2012 and July 2006 respectively.

The issue was of significance to the husband and the wife because the mortgaged properties formed a significant portion of the property available for division between them in their property settlement proceedings. The primary judge found that the appellant's interest as a mortgagee had been extinguished and so his Honour went on to determine the appropriate division of the husband and the wife's property including the three properties. The husband filed a Notice of Cross Appeal challenging the primary judge's division of property, which was dismissed.

Thus, the appeal primarily concerned the proper construction of s 24 of the Limitation Act. More specifically, what did the words ‘subject to ... the Real Property Act 1861’ mean? And was the appellant’s relief under the mortgage barred or extinguished by operation of the Limitation Act?

The appellant’s contention that his rights under the registered mortgage had not been extinguished effectively meant that s 24 of the Limitation Act only applies to unregistered dealings, despite registered dealings being the usual way of dealing with land in Queensland. This view highlighted a tension between the Limitation Act and the Land Title Act, or statutes of limitation and the indefeasibility of titles. The Full Court found that the fact that a title may be infeasible, does not mean that it is permanent because the purpose of statutes of limitations was obvious; to ensure that a person or entity who has a right to land, which requires steps to be taken to enforce the title, does so within a reasonable time or loses their right to do so.

Having regard to the origin of the Limitation Act, a comparison of the counterparts in the legislation of other jurisdictions upon which s 24 of the Limitation Act was based, an analysis of relevant parliamentary materials and a review of provisions of the Land Title Act, the Full Court found that it was sufficient to find that the words ‘subject to... the Real Property Act 1861’ did not mean what the appellant contended it to mean and that the appellant’s title was extinguished by s 24 of the Limitation Act.

The point had not been the subject of any previous decision, which is not surprising since the counterparts of s 24 of the Limitation Act in other Australian states, New Zealand and the United Kingdom, are not subject to the local equivalent of the Land Title Act.

Salvage & Fosse

[2020] FamCAFC 144 (Ryan, Aldridge & Watts JJ)

Appeal—Litigation funding order made in relation to application to set aside financial agreement—Whether the case to be raised is sufficient, in all of the circumstances, as to its nature and prospects, to justify and interim order for costs—Failure to evaluate the likely result of any property division and consider the costs to the parties—Interim spousal maintenance

This case involved consideration of a litigation funding order of \$100,000 in relation to an application by the de facto wife (the respondent) to set aside a Cohabitation Agreement. The primary judge also made an order sought by the respondent for interim spousal maintenance in the amount of \$516.06 per week.

The parties’ relationship spanned about 14 years, which involved a period of separation of about two years part way through. When the relationship resumed, the parties made a Cohabitation Agreement pursuant to ss 264 and 266 of the *Property Law Act 1974* (Qld) which, if found to be binding, excluded the making of orders under Pt VIIIAB of the *Family Law Act 1975* (Cth) (the Act).

The majority (Ryan & Aldridge JJ) allowed the appeal against the interim costs order for the respondent’s litigation expenses. Their Honours found that the primary judge failed to evaluate the nature and quality of the respondent’s claim to set aside the Cohabitation Agreement and achieve property settlement under the *Family Law Act 1975* (Cth) (the Act). The majority observed that the purpose of making interim costs orders for litigation expenses would be lost if the likely final orders in relation to the substantive case would not justify the expenditure. The question to be answered is whether an interim costs order is justified in all of the circumstances.

In this case, not only did the respondent need to persuade the Court that her claim that the Cohabitation Agreement ought to be set aside had merit, but that in the subsequent property application she would receive sufficient settlement orders to justify that course.

The majority found that a judge is required to evaluate the quality and nature of the applicant's claim and the likely result and that without this evaluation, it could not be determined that an interim costs order is justified in all of the circumstances.

In partial dissent, Watts J found that the appeal ought to be dismissed in its entirety. His Honour concluded that the test is contained in *Strahan & Strahan (Interim Property Orders)* (2011) FLC 93-466 adopting the considerations referred to in *Paris King Investments Pty Ltd v Rayhill* [2006] NSWSC 578; that an applicant for a litigation funding order must have 'at least an arguable case'. His Honour determined that the primary judge was satisfied that the respondent had met this threshold and that no other considerations needed to be fulfilled.

Appendix 4

Information Publication Scheme

Entities subject to the *Freedom of Information Act 1982* (FOI Act) are required to publish information to the public as part of the Information Publication Scheme. This requirement, in Part II of the FOI Act, has replaced the former requirement to publish a Section 8 statement in an annual report.

An agency plan showing what information is published in accordance with the Information Publication Scheme requirements is accessible from agency websites.

The freedom of information and the Information Publication Scheme agency plan for the Family Court can be found at www.familycourt.gov.au/wps/wcm/connect/fcoaweb/contact-us/freedom-of-information-and-information-publication-scheme/foi-ips-plan.

Access to information outside the Freedom of Information Act

Rule 24.13 of the *Family Law Rules 2004* provides that a search of the Court's records may be undertaken by the Attorney-General, a party, a lawyer for a party, a child representative, a child welfare authority if the case affects, or may affect, the welfare of a child, or a person granted leave by the Court or a registrar. Leave may be granted if a proper interest is shown and may be subject to conditions, or for a person researching the Court record.

There are other legislative provisions that limit publication in various proceedings; for example, s 121 *Family Law Act 1975*. In addition, Part XIA of the *Family Law Act 1975* gives the Court general power to suppress/prohibit publication of evidence.

Enquiries concerning access to documents or freedom of information matters generally should be directed to:

Chief Executive Officer and Principal Registrar
Family Court of Australia
GPO Box 9991
Melbourne VIC 3000

or emailed to clientfeedback@familycourt.gov.au.

Further advice on making freedom of information requests may be obtained by calling (02) 9893 5748.

The Court received nine freedom of information requests during 2019–20. At 30 June 2020, there were no matters outstanding before the Administrative Appeals Tribunal.

Categories of documents

The Family Court registries maintain the following categories of documents on behalf of the Court:

- documents relating to matters heard by the Court including applications, affidavits, transcripts, orders and copies of judgments
- registers and indexes of matters coming to the Court, and
- general correspondence.

The Family Court maintains the following categories of documents:

- general correspondence
- documents concerning the development and implementation of policy, guidelines and procedures, and
- documents concerning the Court's administrative operations.

Other documents

The Court holds and makes available on request a range of documents including brochures, fact sheets and general information leaflets. These are available on the Court's website at www.familycourt.gov.au.

Privacy

The Court holds personal information for two purposes:

- to help resolve and, if necessary, determine matters before the Court (the judicial purpose), and/or
- to assist in administration (the administrative purpose).

Information used for judicial purposes is held in case files and the case management computer system. This information is exempt from the *Privacy Act 1988* and *Freedom of Information Act 1982*. Other statutory provisions

and non-publication powers of the Court, designed to protect parties and their children, are applicable to this information.

Information used for administrative purposes is collected as part of the day-to-day running of the Court. Many documents for administrative purposes are held by the Federal Court as the provider of the corporate services for the Court.

The Australian Government Agencies Privacy Code came into force on 1 July 2018.

Agencies are required to take reasonable steps to implement practices, procedures and systems to ensure compliance with the code. Consistent with these requirements, the Court has the following in place:

- Privacy Management Plan 2018–19
- Privacy Impact Assessment Policy, and
- Data Breach Response Plan.

These documents can be accessed on the Court's website at www.familycourt.gov.au/wps/wcm/connect/fcoaweb/contact-us/privacy/.

During 2018–19, a Privacy Awareness eLearning module was released to be completed by all staff. Completion of this module continued throughout 2019–20.

In addition, the Court has a designated Privacy Champion and Privacy Officer.

Feedback and service improvements

Feedback helps to drive service improvement and the Court invites feedback, including suggestions and complaints, about administrative matters such as privacy, security, a Court policy, or the way correspondence has been handled.

Full details about feedback and complaints are contained in Part 3 of this report (*Report on Court performance*).

Appendix 5

External involvement

The Family Court has a number of strategies for strengthening its partnerships with clients and other stakeholders within the family law system, such as legal practitioners, non-government organisations, and government agencies and departments.

External stakeholders at the strategic level influence, either directly or indirectly, the direction of the family law system within Australia.

They include:

- the Attorney-General's Department
- other government departments and agencies
- child welfare authorities
- the Department of Human Services
- legal services commissions and community legal centres
- law societies and the Law Council of Australia
- community-based and non-government organisations, and
- the Australian Federal Police.

Relationships with these groups are managed either by the Chief Justice, other judges or the Chief Executive Officer and Principal Registrar on behalf of the Chief Justice.

There are several established channels through which external stakeholders can inform the Court and affect its processes and client service delivery, including the following:

Australian Institute of Family Studies

The Australian Institute of Family Studies was established under s 114B of the Family Law Act and is a forum for exchange of information and research.

Family Law Section of the Law Council of Australia

The Chief Justice meets regularly with the Family Law Section of the Law Council of Australia and the family law and general federal law committees of state, territory and regional Bars and Law Societies.

Appendix 6

Committees

Table A6.1: Judicial committees, 30 June 2020

COMMITTEE	TERMS OF REFERENCE
Policy Advisory Committee <i>Chair: Chief Justice Alstergren</i>	To support the Chief Justice in the administration of the Court and to provide strategic advice and policy direction, particularly in relation to legislative, procedural and administrative changes likely to affect the Family Court and its users.
Finance Committee <i>Chair: Justice Benjamin</i>	To provide judicial input to the Court's annual budget in relation to the funding and resourcing of judicial work.
Rules Committee <i>Chair: Justice Rees</i>	To consider all necessary or proposed rule changes. Section 123 of the <i>Family Law Act 1975</i> provides that a majority of judges may make rules of Court in relation to practices and procedures to be followed in the Family Court.
Court Performance Committee <i>Chair: Deputy Chief Justice McClelland</i>	To ensure the implementation and maintenance of case management systems designed to achieve maximum efficiency in the discharge of the Court's work.
Judicial Education and Professional Development Committee <i>Chair: Justice Macmillan</i>	To develop, implement and oversee judicial education in the Court by formulating a comprehensive plan for ongoing and extensive judicial education and to provide advice to the Chief Justice on judicial education issues.
Judicial Welfare Committee <i>Chair: Justice Gill</i>	To develop and implement judicial wellbeing initiatives in the Court and to provide advice to the Chief Justice on judicial wellbeing issues.
Legislation and Law Reform Committee <i>Chair: Justice Strickland</i>	To advise the Chief Justice on matters pertaining to legislation and law reform.
Aboriginal and Torres Strait Islander Outreach Committee <i>Chair: Justice Benjamin</i>	To promote and improve access to justice for Indigenous families, by ensuring the Court's administration and judiciary work together to enable and facilitate the participation of Indigenous Australians in the Court's operations and processes.
Family Violence Committee <i>Chair: Judge Hughes</i>	To provide advice to the Chief Justice, the Chief Judge and the Chief Executive Officer and Principal Registrar of both Courts on the issue of family violence.
<i>* joint committee</i>	

COMMITTEE	TERMS OF REFERENCE
<p>Children's Committee</p> <p><i>Chair: Judge Cole OAM</i></p> <p><i>* joint committee</i></p>	<p>To explore the work to be undertaken with respect to the involvement of children in parenting proceedings and improving the experiences of children in the family law system.</p>
<p>Research and Ethics Committee</p> <p><i>Chair: Justice Stevenson</i></p> <p><i>* joint committee</i></p>	<p>To consider research proposals that are received by the Court on their merits and against ethical guidelines.</p>
<p>Joint Rules Harmonisation Working Group</p> <p><i>Chair: The Honourable Dr Chris Jessup QC</i></p> <p><i>* joint committee</i></p>	<p>Responsible for developing a common set of rules, forms and case management in the courts.</p>
<p>Joint Costs Advisory Committee</p> <p><i>Chair: Justice Benjamin AM</i></p>	<p>To inquire into, and make recommendations on, any variations in the quantum of costs (including expenses and fees for witnesses) allowable to legal practitioners which should be contained in the scales of costs in the Rules of the respective courts.</p>
<p>Audit and Risk Management Committee</p> <p><i>Chair: Mr Ian Govey, External Member</i></p>	<p>The Audit Committee is established in accordance with s 45 of the <i>Public Governance, Performance and Accountability Act 2013</i>. The CEO must establish and maintain an Audit Committee, with the functions and responsibilities required by s 17 of the <i>Public Governance, Performance and Accountability Rule 2014</i>.</p>
<p>Digital Court Program Steering Group</p>	<p>To oversee the introduction of the Digital Court File and document management system and associated case management.</p>
<p>Federal Court Security Committee</p> <p><i>Chair: Justice Logan (Federal Court)</i></p> <p><i>* joint committee</i></p>	<p>Considers issues of security across the Federal Courts with cross-jurisdictional representation, supporting the overarching security issues across the entity.</p>

Appendix 7

Judge activities

Chief Justice Alstergren

Professional and other memberships

- National Judicial College of Australia
- Law Institute of Victoria
- Victorian Bar
- Judicial Conference of Australia
- International Hague Network of Judges

Conferences or events attended during the year

- 3 July 2019, The International Centre for Family Law, Policy and Practice, University of Westminster Law School, Gender, Inclusivity and Protecting the 21st Century Family Conference, Westminster, United Kingdom, Plenary Session Chair.
- 2 August 2019, Hunter Valley Family Law Practitioners Association and Newcastle registry of the Family Court of Australia and Federal Circuit Court of Australia, Hunter Valley Family Law Conference, Hunter Valley, New South Wales, keynote speaker.
- 5–8 August 2019, Family Court and Federal Circuit Court, Annual Judges' Plenary, Sydney.
- 31 October 2019, Law Institute of Victoria, Young Lawyers Function, Melbourne, welcome speech.
- 20 November 2019, The Victorian Bar, Meet the Judges, Melbourne.
- 9 December 2019, Family Court and Federal Circuit Court, Indonesian Delegation, Sydney, welcome speech.

- 7 February 2020, Australian Institute of Family Law Arbitrators and Mediators, Arbitration Seminar, Melbourne. Presented: *Arbitration in Family Law Property*.
- 10 February 2020, Law Institute of Victoria, Inaugural Law Institute of Victoria State of the Profession Briefing 2020, Melbourne. Presented: *The Challenges and Opportunities in the Court for 2020*.
- 5 March 2020, Law Council of Australia, Immigration Conference, Melbourne, welcome speech.
- 6 March 2020, Australian Bar Association and Bar Association of Queensland, Annual Conference, Brisbane, Plenary session Chair.
- 29 April 2020, Victorian Bar, In Conversation with His Honour, Will Alstergren, Chief Justice of the Family Court and Chief Judge of the Federal Circuit Court and Geoffrey Dickson, QC, webinar guest speaker.
- 7 May 2020, Victorian Law Foundation, Law Week Webinar: Domestic Violence in the Age of COVID-19, webinar guest speaker.
- 21 May 2020, Family Law Section of the Law Council of Australia, Webinar: COVID-19 List Panel Discussion, panellist.

Deputy Chief Justice Robert McClelland

Professional and other memberships

- Law Society of New South Wales
- New South Wales Bar Association

Conferences or events attended during the year

- 2 August 2019, Hunter Valley Family Law Practitioners Association, Hunter Valley Family Law Conference, Hunter Valley. Presented: *The Court and the Profession – Partners in Achieving the Just, Timely and Cost Effective Resolution of Disputes*.
- 23 August 2019, NSW Legal Aid, Family Law Conference Awards, Sydney.
- 31 October 2019, National Judicial College, Judicial Officers with Leadership Responsibilities, Manly.
- 16 November 2019, Toongabbie Legal Centre, Toongabbie Legal Centre 12th Annual Community Fundraising Dinner, Toongabbie.
- 29 November 2019, The Australian Institute of Family Law Arbitrators and Mediators, Arbitration for the Family Law, Sydney.
- 9 February 2020, Law Council of Australia, Family Law Intensive 2020, Sydney. Presented: *Update on some significant initiatives*.
- 13 February 2020, Family Court of Australia, Judicial Delegation of Japan, Sydney.
- 7 March 2020, Toongabbie Legal Centre, Family Law Centre, Toongabbie. Presented: *The assessment of liabilities in family law cases*.

Justice Steven Strickland

Professional and other memberships

- Law Society of South Australia
- Family Law Section Law Council of Australia
- Judicial Conference of Australia
- Association of Family and Conciliation Courts
- Australian institute of Family Law Arbitrators and Mediators

Conferences or events attended during the year

- 6–7 September 2019, The Australian Institute of Family Law Arbitrators and Mediators Arbitration training, Adelaide.
- 23 October 2019, Family Court and Federal Circuit Court, Appeals Training, Melbourne.
- Intermittent, Law Society of South Australia and Law School, Graduate Diploma of Legal Practice Advocacy Coaching Clinics.
- Note: Justice Strickland's involvement in continuing legal development – all conferences and events attendances cancelled due to COVID-19 restrictions.

Justice Robert Benjamin AM

Professional and other memberships

- Law Society Indigenous Issues Committee (New South Wales)
- National Judicial College of Australia
- Deputy President of the Administrative Appeals Tribunal (part-time)
- Chair, College of Law: Coordination of Scholarships
- Deputy President of the Academic Committee of the College of Law
- Law Society of the Northern Territory
- Centre for Legal Studies Tasmanian Legal Practice Course
- St George-Sutherland, The Law Society of New South Wales

Conferences or events attended during the year

- 13–15 September 2019, Eastern Suburbs Family Law Practice Group Inc, Eastern Suburbs Family Law Practice Annual Conference, Carrington.
- 16 October 2019, University of Sydney, Diploma in Law Alumni, Parliament House, Sydney.
- 24 October 2019, Law Society of New South Wales, Annual dinner, Town Hall Sydney.
- 7 November 2019, Legal Aid Commission of New South Wales, 40th Anniversary Legal Aid Commission Dinner, Parliament House, Sydney.
- 9–10 November 2019, Riverina Law Society, Annual Conference, Griffith.

Justice Victoria Bennett AO

Professional and other memberships

- Administrative Appeals Tribunal, Continuing Presidential Member
- Co-chair, Association of International Family Judges
- Judicial Officers Aboriginal Cultural Awareness Committee
- International Association of Women Judges
- Australian Association of Women Judges
- Association of International Judicial Administration
- Australasian Institute of Judicial Administration
- Victorian Bar Association
- Association of Family and Conciliation Courts (International and Australian Chapter)
- Member, Magistrates Court of Victoria, Family Violence Taskforce

- Member, Judicial Advisory Group on Family Violence
- Member, Asian Law Centre Review, University of Melbourne
- Fellow, International Association of Family Lawyers

Conferences or events attended during the year

- 5 July 2019, The University of Westminster, London, Gender, Inclusivity and Protecting the 21st Century, London. Presented: *Voice not a Choice – the voice of the child domestically and in international child abduction cases under the 1980 Convention*.
- 20–22 September 2019, Family Law Practitioners Association of Western Australia, weekend conference, Perth. Presented: *The 1996 Child Protection Convention and How it Works*.
- 31 October 2019, Law Institute of Victoria, Family Court and Federal Circuit Court panel discussion and networking evening, Melbourne.
- 19 November 2019, Global Affairs Canada in conjunction with the Supreme Judge Department of the Hashemite Kingdom of Jordan and HccH, Seminar on Child Rights in International Family Disputes, Amman, Jordan. Presented: *Australia's experience of mediation under the 1980 Convention and its relevance to mediation of international family disputes without international legal frameworks in place*.
- 22–24 January 2020, Law Society of the Northern Territory, Start at the Top Family Law Conference 2020, Darwin. Presented: *Preparation for International Relocation Cases*.

- 12 March 2020, Judicial College of Victoria, Koori Twilight – Voice, Treaty, Truth, Warren Learning Centre, Judicial College of Victoria. Chairperson of presentation by Professor Megan Davis *The Long Road to Recognition*.
- 27 May 2020, Law Institute of Victoria, Family Law Implications of COVID-19, via Microsoft Teams. Presented: *Family Law Implications of COVID-19 – Your Questions answered*.
- 11 June 2020, United Kingdom and Australian Hague Network Judges, meeting of International Hague Network Judges for the European Region, via Microsoft Teams. Presented: *International Perspective of Hague Network Judges during and in the aftermath of COVID-19 restrictions*.
- 19 June 2020, United Kingdom and Australian Hague Network Judges, Meeting of International Hague Network Judges for the Americas Region, via Microsoft Teams. Presented: *International Perspective of Hague Network Judges during and in the aftermath of COVID-19 restrictions*.
- 9 August 2019, Law Society of New South Wales, Specialist Accreditation Conference, Sydney. Panel discussion: Meet the Judges – how to work with them.
- 23–25 September 2019, Family Court, Malaysian judicial delegation, An overview of the Family Law in Australia, Sydney.
- 22 November 2019, Australian National University, End of Year Workshop, Canberra. Presented: *Law and Justice Development Community of Practice*.
- 9–13 December 2019, Family Court, Religious Courts of Indonesia Delegation, Sydney. Presented: *Voice of the Child in Family Law Proceedings*.
- 31 January 2020, Family Court, Meeting of High Religious Courts of Indonesia, via teleconference. Presented: *Overview of recent Indonesia Judicial delegation visit*.
- 13 February 2020, Family Court, visit from Justice Yuko Miyazaki, Supreme Court Japan and delegation, Sydney. Presented: *Family Court use of technology and electronic appeals*.
- 16 April 2020, Family Court, Presentation to Religious Courts of Indonesia, via Zoom. Presented: *Keeping Family Courts open during COVID-19*.
- 21 May 2020, UNICEF webinar, Access to Justice for Children and COVID-19: Webinar #2, via Zoom. Presented: *Keeping Family Courts open during COVID-19*.
- 8 June 2020, University of Technology Sydney, Family Law Lecture, via Zoom. Presented: *Re Kelvin: Gender Dysphoria – UTS Family Law*.

Justice Judith Ryan

Professional and other memberships

- International Association of Women Judges
- National Judicial Conference of Australia, Family Violence Committee

Conferences or events attended during the year

- 2–3 August 2019, Hunter Valley Family Law Practitioners Association Annual Conference, Pokolbin. Presented: *Latest and Greatest cases: a review of recent important cases*.
- 8 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney. Presented: *Reasons for Judgment*.

Justice Stewart Austin

Professional and other memberships

- New South Wales Bar Association

Conferences or events attended during the year

- 2 August 2019, Hunter Valley Family Law Practitioners Association, Annual Conference, Hunter Valley. Presented: *You Be the Judge*.
- 16 August 2019, Newcastle Bar Association, Bar Association Dinner, Newcastle.
- 23–25 October 2019, University of Newcastle, University Moots, Family Court, Newcastle registry.
- 1 November 2019, Newcastle Law Society, annual dinner, Newcastle.
- 6 December 2019, Hunter Valley Law Society, Seminar, Imperial Hotel, Maitland. Presented: *The Desirable Simplicity of Litigation*.
- 3 February 2020, Newcastle Law Society, Cocktail Reception for Opening of Law Term, Newcastle.
- 2 June 2020, Kurri Kurri High School, via Zoom. Presented to Legal Studies students about a future career in family law.

Justice Margaret Cleary

Professional and other memberships

- Association of Family and Conciliation Courts
- Aboriginal and Torres Strait Islander Outreach Committee
- Australian Institute of Company Directors
- Law School Advisory Board, Newcastle University
- Australia Indonesia Partnership for Justice

Conferences or events attended during the year

- 2–3 August 2019, Hunter Valley Family Law Practitioners Association, annual conference, Hunter Valley. Presented: *Preparation and Presentations – Affidavits and Advocacy; You be the Judge*.
- 5–7 August 2019, Family Court, Annual Judges' Plenary, Sydney.
- 16–17 August 2019, Association of Family and Conciliation Courts, 6th Annual Conference, Plenary and Workshops, Ethics: Duties and Dilemmas in Family Law, Sydney. Presented: *Psychologists – superhero or supervillain?*
- 1 October 2019, Hunter Valley Family Law Practitioners Association, Lunchtime Seminar, Newcastle registry. Presented: *All Ready for Trial*.
- 14, 15 and 28 October 2019, Newcastle University, Moots – mock trials, Newcastle registry.
- 1 November 2019, Newcastle Law Society, Annual Members' Dinner, Newcastle.
- 3 February 2020, Newcastle Law Society, Opening of the Law Term, Newcastle State Courts.

Justice Ann Ainslie-Wallace

Professional and other memberships

- Australian Association of Women Judges
- International Bar Association
- New South Wales Bar Association
- Australian Institute of Judicial Administration
- National Judicial College of Australia
- Australian Academy of Law
- Honorary Doctorate of Law, University of Technology Sydney

- Master Benchers of the Honourable Society of the Inner Temple London
- Fellow Australian Academy of Law
- Chair, College of Law Master of Applied Law [Family Law] Advisory Committee
- Adjunct Professor of Law, University of Technology, Sydney
- Chair, Australian Advocacy Institute
- Chair, Australian Advocacy Institute Management Committee
- Visiting Faculty Member National Institute for Trial Advocacy (United States of America)
- Council Member, National Judicial College of Australia
- Committee Member, National Judicial College of Australia Dialogues Program
- Steering Committee Member, National Judicial College of Australia, Family Violence Training Program
- University of Technology Sydney, High Achiever program Mentor

Conferences or events attended during the year

- 10–15 November 2019, National Judicial Orientation Program, Brisbane, Presenter and member of organising committee.
- 2–6 February 2020, National Judicial Orientation Program, Sydney, Presenter and member of organising committee.
- 3 July 2019, Australian Advocacy Institute, New South Wales Department of Public Prosecutions, General Advocacy Skills.
- 7 August 2019, National Judicial College of Australia, Federal Circuit Court Judgment writing session.
- 9 August 2019, The Law Society of New South Wales, Specialist Accreditation Conference, Meet the Judges Panel.

- 21 September 2019, Australian Advocacy Institute New South Wales Legal Aid, Case Theory Family Law.
- 26 October 2019, Australian Advocacy Institute Sydney General Skills.
- 8–9 November 2019, Australian Advocacy Institute New South Wales Bar Association General Skills.
- 16 November 2019, Australian Advocacy Institute New South Wales Law Society General Skills.
- 7–8 February 2020, Australian Advocacy Institute Advocacy Skills Teacher Training.
- 13 March 2020, Queensland Law Society Family Law Symposium.

Justice Colin Forrest

Professional and other memberships

- Queensland Bar Association
- Family Law Practitioners Association of Queensland
- Family Law Section of the Law Council of Australia
- National Judicial Conference of Australia
- Hellenic Australian Lawyers Association
- Australian Institute of International Affairs, Queensland Chapter

Conferences or events attended during the year

- 14 October 2019, Australian Institute of International Affairs, Annual Conference, Canberra.
- 31 October 2019, Australian Academy of Law, Patron's Address, Brisbane.
- 1 November 2019, Family Law Practitioners' Association of Queensland, FLPA in the Tropics, Cairns. Presented: *Latest and Greatest Family Law Cases*.

- 14 November 2019, White Ribbon Day Legal Profession Breakfast, Brisbane.
- 14 November 2019, Family Law Section, Law Council of Australia, Young Practitioners, Family Lawyers Event, Brisbane.
- 22 November 2019, Hellenic Australian Lawyers' Association, Alex Freeleagus Oration, Brisbane.
- 13 March 2020, Queensland Law Society, Symposium, Brisbane. Presented: *Latest and Greatest Case Law and Legislative Developments*.

Justice Kirsty Macmillan

Professional and other memberships

- National Judicial College of Australia
- Association of Family and Conciliation Courts
- World Congress on Family Law and Children's Rights

Conferences or events attended during the year

- 30 August 2019, Tasmanian Bar, Dinner, Hobart.
- 5–7 August 2019, Family Court, Annual Judges' Plenary, Sydney.

Justice Murray Aldridge

Professional and other memberships

- Board and Council Member of the Australian Institute of Judicial Administration

Conferences or events attended during the year

- 8–9 November 2019, AIJA, Youth Justice Conference, Melbourne.
- 8 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney. Presented: *Case Summaries – Justice Murray Aldridge*.

Justice David Berman

Professional and other memberships

- Judicial Council on Cultural Diversity

Conferences or events attended during the year

- 16–18 August 2019, Association of Family and Conciliation Courts conference, Sydney. Presented: *The Confusion of Tongues: Rebuilding the Tower of Babel; and Ethics, Duties and Dilemmas in the Family Law*.
- 21 August 2019, Darwin Practitioners, Darwin Legal Aid. Presented: *Affidavits – some further thought*.
- 23 September 2019, 2019 South Australian Bar Association, Bar Reader's Course, Adelaide. Presented: *The Family Court*.
- 23 January 2020, Start at the Top Family Law Conference, Darwin. Presented: *Divvying up the Debt*.

Justice Hilary Hannam

Professional and other memberships

- Judicial Conference of Australia
- Australian Association of Women Judges
- Taulumande Youth Service – Board Member

Conferences or events attended during the year

- 5–6 August 2019, Family Court, Annual Judges' Plenary, Sydney.

Justice Catherine Carew

Professional and other memberships

- Association of International Family Law Judges
- Judicial Conference of Australia

Conferences or events attended during the year

- 10–11 August 2019, Samuel Griffith Society, Annual Conference (2019), Melbourne.
- 22 October 2019, Queensland University of Technology Law Founders' Scholarships Breakfast, Brisbane.
- 31 October 2019, Supreme Court of Queensland, Australian Academy of Law Patron's Address, Brisbane.
- 14 November 2019, Family Law Section conference, Brisbane.
- 11 December 2019, Supreme Court of Queensland, Supreme Court Greetings, Brisbane.
- 12 December 2019, Federal Court of Australia, Silk Bows, Brisbane.
- 6 March 2020, Attorney General of Queensland, International Women's Day function, Brisbane.

Justice Shane Gill

Conferences or events attended during the year

- 1–3 August 2019, Hunter Valley Family Law Practitioners Association, Family Law Conference, Pokolbin.
- 5–7 August 2019, Family Court of Australia, Annual Judges' Plenary, Sydney.
- 15 August 2019, Federal Court of Australia, Resilience Training, Canberra.
- 10 October 2019, High Court of Australia, Artificial Intelligence, Canberra.
- 25 November 2019, Family Court of Australia, Policy Advisory Committee Meeting, Melbourne.
- 29 February–1 March 2020, Sentencing conference, Canberra.

Justice Joshua Wilson

Professional and other memberships

- Association of International Family Judges
- Australasian Institute of Judicial Administration
- General Council, International Association of Judges
- Asian, North American and Oceanian group of the International Association of Judges
- Family Law Section, Law Council of Australia
- Australian Bar Association
- Judicial Conference of Australia
- 4 New Square, Lincoln's Inn, London
- Professor of Law, Deakin University
- Vice Chairman, International Advocacy Training Council (London and Hong Kong)
- Professorial Advisory Board, Professorial Advisory Board, Deakin University
- Australian Calabrese Cultural Association
- Hellenic Australian Lawyers

Conferences or events attended during the year

- 13 August 2019, Melbourne University, Beyond Law School: Paths to Associateship Panel, Melbourne Law School, Carlton.
- 2 September 2019, Family Court, Monash University Law School – Moot, Melbourne.
- 9 September 2019, Family Court, Victorian Bar Competition, Melbourne.
- 10 September 2019, Family Court, Deakin University Law School – Moot, Melbourne.
- 15–19 September 2019, International Association of Judges, International Association of Judges Annual Meeting, Nur-Sultan, Kazakhstan. Presented: *Harassment, in a Broad Sense – Moral and Sexual – and its Consequences on*

*Labour Relations; and Judicial Stress—
An Australian Perspective.*

- 21–24 September 2019, Australian Calabrese Cultural Association, International Conference, Calabria, Italy. Presented: *Contributions of the Calabrese Community in Australia.*
- 29 October 2019, Deakin University, Deakin Law School Appreciation Evening, Melbourne.
- 31 October 2019–1 November 2019, National Judicial College of Australia, Judicial Officers with Leadership Responsibilities, Manly.
- 3 December 2019, Deakin University, Melbourne. Presented: *The Australian Judiciary in the Spotlight.*
- 20–24 January 2020, Australian Bar Association Advocacy Training Council, Advanced Trial Advocacy Intensive 2020, Melbourne. Presented: *Masterclass on Final Addresses – My Top Five Tips.*
- 21 April 2020, Deakin University, Twilight Lecture, Melbourne. Presented: *Judges on Ethics.*
- 21 May 2020, Family Court and Federal Circuit Court, National Arbitration List Information Session, via Microsoft Teams.
- 10 June 2020, Swinburne University Law School, webinar – Effective Communication, via Zoom.
- 27 June 2020, hosted by Mr Oba Nsugbe QC, SAN of Pump Court Chambers, London, United Kingdom, webinar – Judging and Advocacy in Virtual Court Hearings – An International Experience, via Zoom.

Justice Timothy McEvoy

Professional and other memberships

- The American Law Institute
- Visiting Professor, The University of Virginia School of Law

- Judicial Conference of Australia
- Australasian Institute of Judicial Administration
- The Victorian Bar Inc.
- The Tasmanian Bar
- Family Law Section, Law Council of Australia
- The Medico-Legal Society of Victoria

Conferences or events attended during the year

- 30 August 2019, Tasmanian Bar, Dinner, Hobart.
- 10 September 2019, Melbourne Law School, Academy of Social Sciences in Australia Fay Gale Lecture: 'The Two University Freedoms: Academic Freedom and Freedom of Speech' address by Professor Adrienne Stone, Melbourne.
- 18 October 2019, Dever List, Victorian Bar, Dever List Dinner, Melbourne.
- 6 November 2019, Allens Linklaters, Melbourne Law School Breakfast with Baron Patten of Barnes, CH, PC, Melbourne.
- 13 November 2019, Women's Legal Service Victoria, Annual Women's Legal Breakfast, Melbourne.
- 28 January 2020, The Victorian Bar, Red Mass for the opening of the legal year, St Patrick's Cathedral, Melbourne.
- 1–6 February 2020, National Judicial College of Australia, National Judicial Orientation Program, Sydney.
- 5 March 2020, Melbourne Law School, International Women's Day Breakfast with Ms Wendy Harris, President of the Victorian Bar, Melbourne.
- 19–27 March 2020, University of Virginia School of Law, Globalisation and private dispute resolution, JD/LLM course, online from Melbourne.

Professional legal development

The Court's judges contribute to professional legal development through their membership of, and participation in, professional and research-based associations.

Justice Benjamin AM from the Hobart registry is a part-time Deputy President of the Administrative Appeals Tribunal and Deputy Chair of the Academic Committee of the College of Law. His Honour also continues to assist the Centre for Legal Studies' Tasmanian Legal Practice Course and supports the legal practice students at their various functions interacting with the profession.

Justice Strickland from the Adelaide registry is the judge responsible for advising the Chief Justice on matters of law reform.

Justice Strickland is also a Director of AIFLAM, and is the longest serving Director on that body; the Judge representing the Family Court on the Council of Chief Justices Rules Harmonisation Committee; the President of the Australian Chapter of the Association of Family and Conciliation Courts; the Judge representing the Family Court on the *Family Law Amendment (Family Violence and Cross-examination of Parties) Act 2018* Steering Committee; and the Judge responsible for the Family Court's submission to the Issues Paper and the Discussion Paper of the Australian Law Reform Commission review into the family law system.

Justice Bennett AO from the Melbourne registry is a Continuing Presidential Member of the Administrative Appeals Tribunal; member of the Judicial Officers' Aboriginal Cultural Awareness Committee; member of the Magistrates Court of Victoria, Family Violence Taskforce; member of the Judicial Advisory Group on Family Violence; and member of the Court's Aboriginal and

Torres Strait Islander Outreach Committee.

Justice Ainslie-Wallace from the Sydney registry is Master Benchers of the Honourable Society of the Inner Temple London; Fellow of the Australian Academy of Law; Chair, College of Law Master of Applied Law (Family Law) Advisory Committee; Adjunct Professor of Law, University of Technology Sydney; Chair of the Australian Advocacy Institute; Chair of the Australian Advocacy Institute Management Committee; Visiting Faculty Member, National Institute for Trial Advocacy (USA); Committee Member, National Judicial College of Australia Dialogues Program; Steering Committee Member, National Judicial College of Australia Family Violence Training Program; Council Member, National Judicial College of Australia; and University of Technology Sydney High Achiever Mentoring Program mentor.

Judges are also involved in the development and conduct of the National Judicial Orientation Program, delivered through the National Judicial College, and teaching for other judicial education bodies throughout Australia.

Judges regularly present to law societies and bar associations in their respective jurisdictions, as well as holding informal meetings with members of the legal profession and participating in stakeholder meetings. Judges are often asked to speak at secondary schools and lecture at law schools about particular topics and their work generally.

Justice Bennett from the Melbourne registry is one of the Hague Network Judges for Australia, Chief Justice the Honourable William Alstergren and the Honourable Justice Jillian Williams being the others.

During 2019–20, Justice Bennett undertook direct judicial communication with the following countries:

- Brazil
- United Kingdom/Scotland
- New Zealand
- Turkey
- United States of America
- Norway, and
- Singapore.

Appendix 8

International cooperation

In 2019–20, the Family Court continued its commitment to the exchange of ideas and capacity building with other Courts internationally. The COVID-19 pandemic disrupted planned activities and meant that from early 2020 a number of scheduled international delegations were deferred, however the Courts have since developed other ways to meet and share information and there has been considerable engagement with others internationally using remote access technology.

Malaysia

In September 2019, the Family Court hosted a delegation from Malaysia led by the Hon. Dato' Dr. Haji Mohd Na'im bin Haji Mokhtar, Chief Justice and Director General of the Syariah Courts of Malaysia, Department of Syariah Judiciary Malaysia. The delegation was based in Sydney and over three days, delegates met with judges of the Family Court, the District Court of New South Wales and the New South Wales Local Court. Issues around trial process, vulnerable witnesses, family violence and the needs of children following separation were explored. Spousal maintenance and child support were discussed and officers of the Child Support Agency presented on the Australian Child Support Scheme. Since then, the Family Court and Malaysian Syariah Court, in conjunction with Cate Sumner and Leisha Lister of Law and Development Partners, have established an important dialogue in relation to family law generally, the challenges to Courts and the community of continuing to provide access to the Courts during the pandemic and matters of interest in the region.

Japan

On 13 February 2020, the Family Court hosted a delegation from the Supreme Court of Japan; including Justice Yuko Miyazaki and Judge Masayuki Sakaniwa. The meeting with the Family Court was part of a larger schedule of consultation between the delegation and Australian Courts. The meeting focused on private family law in Australia and the use of technology for trials and appeals. Opportunities for the use of artificial intelligence in the resolution of financial disputes were also explored. A demonstration was given of electronic appeal books and how the Full Court has established an entirely electronic appeal process.

Indonesia

The Family Court continued its collaboration with the Supreme Court of Indonesia and the Religious Courts. The Family Court of Australia was the first foreign Court to engage with the family courts for Muslim citizens in Indonesia. That relationship commenced in 2004 and is underpinned by a Memorandum of Understanding with the Supreme Court of Indonesia.

The relationship is supported through the Australia Indonesia Partnership for Justice (AIPJ2) and builds on the strong relationships formed between the Courts and civil society organisations for more than a decade.

In December 2019, the Family Court hosted a delegation led by Dr. H. Aco Nur, S.H., M.H., the Director General of Badilag. Badilag is the administrative agency that oversees the 400 plus Religious Courts and 29 High Religious Courts across Indonesia. The delegation included judges of the Religious Courts from

Jakarta, Surabaya and Aceh, and from the Supreme Court. The National Planning and Development Agency, BAPPENAS, was also represented. The visit objectives were to deepen the Religious Courts of Indonesia's understanding of:

- family law processes and the role of the Family Court
- the application of the best interest of the child in family law cases
- the voice of the child in family law cases
- family violence and the protection of women and children
- special measures provided to vulnerable litigants (disability inclusive Courts)
- the implementation of eFiling through Commonwealth Courts Portal and the harmonised application forms
- child support and spousal maintenance
- enforcement of judgments in divorce cases, and
- the establishment of a connection with a university or research centre for future cooperation.

The delegation was primarily based at the Lionel Bowen Building in Sydney and spent a day at the Family Court at Parramatta, including the National Enquiry Centre.

Access to Justice was a pervasive theme for the discussions and an analysis of data collated by AIPJ informed proposals for changes to the Court fee waiver program. Guidelines for hearing applications for maintenance, child custody and marriage dispensation cases were explored.

In a first for regional judicial cooperation, a number of Religious Courts across Indonesia, the Family Court and the Chief Justice of the Malaysia Syariah Court met to discuss standard operating procedures developed for the Department of Syariah Judiciary in Malaysia to improve enforcements of child and spousal maintenance orders.

Since the delegation returned to Indonesia, there have been ongoing meetings between the Family Court and Badilag; including in relation to the development of eFiling and online forms.

Presentations have been given by the Family Court (Ryan J) to Indonesia remotely, including in January 2020, to a meeting of the Appeal Court judges in Bali when the Director-General of Badilag launched the Unified Application Form and in April 2020, to discuss key issues for keeping family courts open and safe during the pandemic.

Building on the example of the National Enquiry Centre, in April 2020, Badilag launched an integrated one-stop service (known as PTSP) with a chat-bot and telephone number for clients to ring the service. In May 2020, Ryan J was invited to continue a conversation with The Hon. Rosmarwardani S.H., M.H. following her appointment as the first female Chief Judge of the Mahkamah Syar'iyah Aceh.

UNICEF

In May 2020, Justice Ryan also participated in an online webinar for the United Nations Children's Fund (UNICEF) about the 'Continued functioning of the Court system for children and women' which focused on how high income countries have successfully managed the disruption to the justice system and maintained continuity of child justice services during the pandemic. The webinar was a part of a series of online events with the International Association of Youth and Family Judges and Magistrates and included child justice experts and senior officials from Government and Courts from Albania, Argentina, Australia, Brazil, Canada, Indonesia, Japan, Switzerland, and the USA. The event had 177 participants from 63 countries across the globe.



Indonesian delegation with Family Court judges



Indonesian delegation



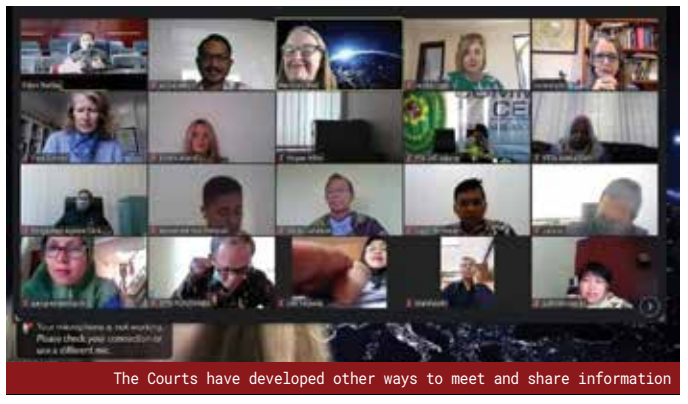
Justice Ryan (centre) with two Indonesian judges



Chief Justice of the Syariah Courts of Malaysia and Justice Ryan



The Courts have developed other ways to meet and share information



The Courts have developed other ways to meet and share information



Indonesian delegation



Indonesian delegation

Appendix 9

Contact details

Chief Justice's Chambers

Owen Dixon Commonwealth Law Courts
305 William Street
Melbourne VIC 3000
(GPO Box 9991, Melbourne VIC 3001)

National Enquiry Centre

The National Enquiry Centre (NEC) is the entry point for all family law telephone and email enquiries for the Family Court of Australia and Federal Circuit Court of Australia.

The NEC provides information and procedural advice, forms and brochures, and referrals to community and support services. NEC staff cannot provide legal advice. The NEC is open from 8.30am to 5.00pm Monday to Friday.

PO Box 9991
Parramatta NSW 2124

Phone: 1300 352 000

TTY/voice calls: Contact the National Relay Service on 133 677 or for Speak and Listen calls contact 1300 555 727

International: +61 2 8892 8590
Email: enquiries@familylawcourts.gov.au
Family Court website: www.familycourt.gov.au
Twitter: @FamilyCourtAU
YouTube: www.youtube.com/user/familycourtAU

Family law registries

Australian Capital Territory

Canberra

Nigel Bowen Commonwealth Law Courts
Cnr University Ave and Childers Street
Canberra ACT 2600
(GPO Box 9991, Canberra ACT 2601)

New South Wales

Albury

Level 1, 463 Kiewa Street
Albury NSW 2640
(PO Box 914, Albury NSW 2640)

Dubbo

Cnr Macquarie and Wingewarra Streets
Dubbo NSW 2830
(PO Box 1567, Dubbo NSW 2830)

Lismore

Level 2, 29–31 Molesworth Street
Lismore NSW 2480
(PO Box 9, Lismore NSW 2480)

Newcastle

61 Bolton Street
Newcastle NSW 2300
(PO Box 9991, Newcastle NSW 2300)

Parramatta

Garfield Barwick Commonwealth Law Courts
1–3 George Street
Parramatta NSW 2124
(PO Box 9991, Parramatta NSW 2124)

Sydney

Lionel Bowen Commonwealth Law Courts
97–99 Goulburn Street
Sydney NSW 2000
(GPO Box 9991, Sydney NSW 2001)

Wollongong

Level 1, 43 Burelli Street
 Wollongong NSW 2500
 (PO Box 825, Wollongong NSW 2500)

Northern Territory**Alice Springs**

Westpoint Building
 Cnr Railway Terrace and Stott Terrace
 Alice Springs NT 0870
 (GPO Box 9991, Darwin NT 0801)

Darwin

Supreme Court Building
 State Square
 Darwin NT 0800
 (GPO Box 9991, Darwin NT 0801)

Queensland**Brisbane**

Harry Gibbs Commonwealth Law Courts
 119 North Quay
 Brisbane QLD 4000
 (GPO Box 9991, Brisbane QLD 4001)

Cairns

Commonwealth Government Centre
 Level 3 and 4
 104 Grafton Street
 Cairns QLD 4870
 (PO Box 9991, Cairns QLD 4870)

Rockhampton

Virgil Power Building
 Ground Floor
 46 East Street (Cnr Fitzroy Street)
 Rockhampton QLD 4700
 (PO Box 9991, Rockhampton QLD 4700)

Townsville

Level 2, Commonwealth Centre
 143 Walker Street
 Townsville QLD 4810
 (PO Box 9991, Townsville QLD 4810)

South Australia**Adelaide**

Roma Mitchell Commonwealth Law Courts
 3 Angas Street
 Adelaide SA 5000
 (GPO Box 9991, Adelaide SA 5001)

Tasmania**Hobart**

Edward Braddon Commonwealth Law Courts
 39–41 Davey Street
 Hobart TAS 7000
 (GPO Box 9991, Hobart TAS 7001)

Launceston

Level 3, ANZ Building
 Cnr Brisbane and George Streets
 Launceston TAS 7250
 (PO Box 9991, Launceston TAS 7250)

Victoria**Dandenong**

53–55 Robinson Street
 Dandenong VIC 3175
 (PO Box 9991, Dandenong VIC 3175)

Melbourne

Owen Dixon Commonwealth Law Courts
 305 William Street
 Melbourne VIC 3000
 (GPO Box 9991, Melbourne VIC 3001)

Western Australia**Perth**

Family Court of Western Australia
 Peter Durack Commonwealth Law Courts
 150 Terrace Road Perth WA 6000
 (GPO Box 9991, Perth WA 6848)

Appendix 10

Information required by other legislation

Table A10.1: Information required by other legislation

LEGISLATION	PAGE
<i>Courts Administration Legislation Amendment Act 2016</i>	i, 8, 53
<i>Courts Legislation Amendment (Judicial Complaints) Act 2012</i>	30
<i>Family Law Act 1975</i>	i, 8, 9, 11, 27, 32, 37, 42, 43, 44, 54, 56, 58, 59, 61, 64, 84
<i>Freedom of Information Act 1982</i>	61, 62
<i>Privacy Act 1988</i>	62
<i>Public Governance, Performance and Accountability Act 2013</i>	i, 8, 44, 52, 65, 84
<i>Public Service Act 1999</i>	i, 8, 42, 53

PART 7

Indexes

List of Requirements	84
Alphabetical index	91

List of Requirements

The annual reporting requirements (as set out by Section 46 of the *Public Governance, Performance and Accountability Act 2013* and Sections 17AA – 17AJ of the *Public Governance, Performance and Accountability Rule 2014*) only apply to the non-corporate Commonwealth entity known as the Federal Court of Australia, as defined in the *Federal Court of Australia Act 1976*. Although the Family Court has prepared a separate annual report, as required under s 38S of the *Family Law Act 1975*, this report is not required to individually meet these requirements. Where information is contained in the Federal Court's 2019–20 annual report, it is cross-referenced in the table below.

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AD(g)	Letter of transmittal		
17AI	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report	Mandatory	i
17AD(h)	Aids to access		
17AJ(a)	Table of contents	Mandatory	vi
17AJ(b)	Alphabetical index	Mandatory	91
17AJ(c)	Glossary of abbreviations and acronyms	Mandatory	iii–iv
17AJ(d)	List of requirements	Mandatory	84
17AJ(e)	Details of contact officer	Mandatory	Inside front cover
17AJ(f)	Entity's website address	Mandatory	Inside front cover
17AJ(g)	Electronic address of report	Mandatory	Inside front cover
17AD(a)	Review by accountable authority		
17AD(a)	A review by the accountable authority of the entity	Mandatory	2; Federal Court 2019–20 annual report p 10
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	A description of the role and functions of the entity	Mandatory	8
17AE(1)(a)(ii)	A description of the organisational structure of the entity	Mandatory	10

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity	Mandatory	Federal Court 2019–20 annual report p2–3
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan	Mandatory	8
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	Mandatory	Federal Court 2019–20 annual report p188
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	Mandatory	Federal Court 2019–20 annual report p188
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory	Federal Court 2019–20 annual report p188
17AE(1)(b)	An outline of the structure of the portfolio of the entity	Portfolio departments - mandatory	N/A
17AE(2)	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change	If applicable, Mandatory	N/A
17AD(c)	Report on the Performance of the entity		
	Annual Performance Statements		
17AD(c)(i); 16F	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule	Mandatory	Federal Court 2019–20 annual report p189
17AD(c)(ii)	Report on Financial Performance		
17AF(1)(a)	A discussion and analysis of the entity's financial performance	Mandatory	Federal Court 2019–20 annual report p13; 41–42
17AF(1)(b)	A table summarising the total resources and total payments of the entity	Mandatory	52; Federal Court 2019–20 annual report p122
17AF(2)	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results	If applicable, Mandatory.	N/A

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AD(d)	Management and Accountability		
	Corporate Governance		
17AG(2)(a)	Information on compliance with section 10 (fraud systems)	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(b)(i)	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(b)(ii)	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(b)(iii)	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(d) – (e)	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance	If applicable, Mandatory	Federal Court 2019–20 annual report p42
	Audit Committee		
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p47
17AG(2A)(b)	The name of each member of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p43–47
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p43–47
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings	Mandatory	Federal Court 2019–20 annual report p43–47
17AG(2A)(e)	The remuneration of each member of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p43–47
	External Scrutiny		
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny	Mandatory	47

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AG(3)(a)	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity	If applicable, Mandatory	48
17AG(3)(b)	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman	If applicable, Mandatory	48
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period	If applicable, Mandatory	N/A
Management of Human Resources			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives	Mandatory	Federal Court 2019–20 annual report p53
17AG(4)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees (b) statistics on part-time employees (c) statistics on gender (d) statistics on staff location	Mandatory	Federal Court 2019–20 annual report p181–188
17AG(4)(b)	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: - Statistics on staffing classification level - Statistics on full-time employees - Statistics on part-time employees - Statistics on gender - Statistics on staff location - Statistics on employees who identify as Indigenous	Mandatory	Federal Court 2019–20 annual report p181–188
17AG(4)(c)	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i>	Mandatory	Federal Court 2019–20 annual report p187
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c)	Mandatory	Federal Court 2019–20 annual report p181–188
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level	Mandatory	Federal Court 2019–20 annual report p188
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees	Mandatory	Federal Court 2019–20 annual report p54

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay	If applicable, Mandatory	Federal Court 2019–20 annual report p54; 188
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level	If applicable, Mandatory	Federal Court 2019–20 annual report p188
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level	If applicable, Mandatory	Federal Court 2019–20 annual report p188
17AG(4)(d)(iv)	Information on aggregate amount of performance payments	If applicable, Mandatory	Federal Court 2019–20 annual report p188
Assets Management			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory	Federal Court 2019–20 annual report p49
Purchasing			
17AG(6)	An assessment of entity performance against the Commonwealth Procurement Rules	Mandatory	Federal Court 2019–20 annual report p48
Consultants			
17AG(7)(a)	A summary statement detailing the number of new contracts engaging consultants entered into during the period; the total actual expenditure on all new consultancy contracts entered into during the period (inclusive of GST); the number of ongoing consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST)	Mandatory	Federal Court 2019–20 annual report p48
17AG(7)(b)	A statement that <i>"During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]"</i>	Mandatory	Federal Court 2019–20 annual report p48
17AG(7)(c)	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged	Mandatory	Federal Court 2019–20 annual report p48

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AG(7)(d)	A statement that <i>"Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website."</i>	Mandatory	Federal Court 2019–20 annual report p48
Australian National Audit Office Access Clauses			
17AG(8)	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract	If applicable, Mandatory	Federal Court 2019–20 annual report p48
Exempt contracts			
17AG(9)	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters	If applicable, Mandatory	Federal Court 2019–20 annual report p48
Small business			
17AG(10)(a)	A statement that <i>"[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance's website."</i>	Mandatory	Federal Court 2019–20 annual report p48
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises	Mandatory	Federal Court 2019–20 annual report p48
17AG(10)(c)	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that <i>"[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website."</i>	If applicable, Mandatory	Federal Court 2019–20 annual report p49
Financial Statements			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act	Mandatory	Federal Court 2019–20 annual report p82

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
Executive Remuneration			
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2–3 of the Rule	Mandatory	Federal Court 2019–20 annual report p199
17AD(f) Other Mandatory Information			
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that <i>"During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website."</i>	If applicable, Mandatory	N/A
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect	If applicable, Mandatory	Federal Court 2019–20 annual report p42
17AH(1)(b)	A statement that <i>"Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website]."</i>	If applicable, Mandatory	Federal Court 2019–20 annual report p42
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information	Mandatory	Federal Court 2019–20 annual report p53
17AH(1)(d)	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found	Mandatory	61
17AH(1)(e)	Correction of material errors in previous annual report	If applicable, mandatory	50
17AH(2)	Information required by other legislation	Mandatory	82

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