5 September 2018

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 2018, in accordance with Section 385 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 2018), 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 services and the financial statements are included as part of the Federal Court of Australia’s 2017–18 annual report. This is due to the Courts Administration Legislation Amendment Act 2016 which 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 29th annual report.

Yours sincerely,

The Hon. John H Pascoe, AC CVO
Chief Justice
# CONTENTS

Letter of transmittal ........................................................................................................ III
Reader’s guide ................................................................................................................ VIII
Acronyms and abbreviations ........................................................................................ IX
Glossary of court-specific terms ................................................................................ XI

## Part 1: Chief Justice’s year in review

- Purpose, vision, values and mission ........................................................................ 2
- Highlights .................................................................................................................. 3
- Appointments, retirements and honours ................................................................... 4
- Governance ............................................................................................................... 5
- Appeal Division ........................................................................................................ 5
- Australian Law Reform Commission review of the family law system ................... 5
- Family Court of Australia Reconciliation Action Plan 2018–2020 ....................... 6
- Family violence issues .............................................................................................. 6
- Court performance .................................................................................................... 6
- Conclusion .................................................................................................................. 7

## Part 2: Overview of the Court

- About the Court ...................................................................................................... 10
- Outcome and program .............................................................................................. 11
- Court service locations ............................................................................................ 12
- Access and inclusion ................................................................................................. 12
- Rewards and recognition ......................................................................................... 13
- Social media ............................................................................................................. 14
- Initiatives ................................................................................................................... 15
Part 7: Appendixes

Appendix 1: Outcome and program statement – Family Court of Australia 78
Appendix 2: Staffing profile – Family Court of Australia 79
Appendix 3: Committees 89
Appendix 4: Judicial activities 91
Appendix 5: External involvement 104
Appendix 6: International cooperation 105
Appendix 7: Contact details 109
Appendix 8: Information required by other legislation 113

Part 8: Indexes

List of requirements 116
Alphabetical index 126

List of tables

Table 3.1: Appeal caseload, 2013–14 to 2017–18 37
Table 4.1: All proceedings in appeal cases, 2013–14 to 2017–18 46
Table A1.1: Outcome 2 – Family Court of Australia 78
Table A2.1: Family Court of Australia: staffing overview by location 80
Table A2.2: Family Court of Australia: staffing by gender, classification and location 81
Table A2.3: Family Court of Australia: staffing by attendance status 82
Table A2.4: Family Court of Australia: Indigenous staff by location, gender and employment status 84
Table A2.5: Family Court of Australia: workforce turnover 84
Table A2.6: Family Court of Australia: Australian Workplace Agreement minimum salary ranges by classification 86
Table A2.7: Family Court of Australia: Senior Executive Service (as at 30 June 2018) 87
Table A2.8: Family Court of Australia: salary ranges by classification level under the Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement 2011–2014 or Determination (as at 30 June 2018) 88
List of figures

Figure 3.1: Summary of original jurisdiction workload by application type, 2017–18 21
Figure 3.2: Issues sought on final orders cases filed, 2017–18 22
Figure 3.3: Attrition and settlement trend in the Court’s caseload, 2013–14 to 2017–18 23
Figure 3.4: Cases finalised at first instance trial, 2013–14 to 2017–18 24
Figure 3.5: Final orders applications, 2013–14 to 2017–18 25
Figure 3.6: Applications in a case, 2013–14 to 2017–18 26
Figure 3.7: Consent orders applications, 2013–14 to 2017–18 27
Figure 3.8: All applications, 2013–14 to 2017–18 27
Figure 3.9: All applications, clearance rates, 2013–14 to 2017–18 28
Figure 3.10: Age of pending applications, 2013–14 to 2017–18 29
Figure 3.11: All applications, time pending, 2013–14 to 2017–18 29
Figure 3.12: Applications finalised within 12 months, 2013–14 to 2017–18 30
Figure 3.13: All applications, time to finalise, 2013–14 to 2017–18 30
Figure 3.14: Reserved judgments delivered within three months, 2013–14 to 2017–18 31
Figure 3.15: Time to deliver reserved judgments, 2013–14 to 2017–18 31
Figure 3.16: Representation of litigants’ finalised cases, 2013–14 to 2017–18 32
Figure 3.17: Representation of litigants at trials, 2013–14 to 2017–18 33
Figure 3.18: Notices of Child Abuse, Family Violence or Risk of Family Violence filed, 2013–14 to 2017–18 34
Figure 3.19: Proportion of final orders cases in which a Notice of Child Abuse, Family Violence or Risk of Family Violence is filed, 2013–14 to 2017–18 35
Figure 3.20: Magellan cases, 2013–14 to 2017–18 36
Figure 3.21: Total judicial services complaints, 2013–14 to 2017–18 38
Figure 4.1: Notice of appeals filed, finalised, pending, 2013–14 to 2017–18 44
Figure 4.2: Proportion of notices of appeal filed by jurisdiction, 2013–14 to 2017–18 45
Figure 4.3: Notice of appeals finalised by type of finalisation, 2013–14 to 2017–18 46
Figure 6.1: Organisational structure of the Family Court of Australia, 30 June 2018 61
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 2017–18 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, initiatives, planning and international cooperation.

PART 3: Report on 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 2017–18 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: Significant and noteworthy judgments—summaries of some of the important decisions made during 2017–18.

PART 6: Management and accountability—provides information on corporate governance and judicial and collaborative committees.

PART 7: Appendixes—outcome and program statement, staffing profile, committees, external involvement, judicial activities and contact details.

PART 8: Indexes – list of requirements and alphabetical index.

• Acronyms and abbreviations and a glossary of court-specific terminology are on pages IX–XI.

An electronic version of this annual report is available from the Family Court of Australia’s website at this link: www.familycourt.gov.au/annual-report.
# Acronyms and Abbreviations

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALRC</td>
<td>Australian Law Reform Commission</td>
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<td>AM</td>
<td>Member of the Order of Australia</td>
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<td>Officer of the Order of Australia</td>
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<td>Australian Public Service</td>
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<td>Australasian Legal Information Institute</td>
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<td>AWA</td>
<td>Australian Workplace Agreement</td>
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<td>CC</td>
<td>Creative Commons</td>
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<td>CEO</td>
<td>Chief Executive Officer</td>
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<td>CJ</td>
<td>Chief Justice</td>
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<td>CSO</td>
<td>(Indonesian) Community Service Organisations</td>
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<td>Cth</td>
<td>Commonwealth</td>
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<td>DCF</td>
<td>Digital Court File</td>
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<td>DPO</td>
<td>(Indonesian) Disabled Persons Organisations</td>
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<td>EL</td>
<td>Executive Level of the Australian Public Service</td>
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<td>FCA</td>
<td>Federal Court of Australia</td>
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<td>FCAC</td>
<td>Federal Costs Advisory Committee</td>
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<td>FCC</td>
<td>Federal Circuit Court of Australia</td>
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<td>FCoA</td>
<td>Family Court of Australia</td>
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<td>FOI</td>
<td>Freedom of Information</td>
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<td>J</td>
<td>Justice</td>
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<td>JJ</td>
<td>Justices</td>
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<td>MOU</td>
<td>Memorandum of Understanding</td>
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<td>Acronym</td>
<td>Description</td>
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<td>NEC</td>
<td>National Enquiry Centre</td>
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<td>OAM</td>
<td>Medal of the Order of Australia</td>
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<td>PGPA</td>
<td>Public Governance, Performance and Accountability</td>
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<td>RAP</td>
<td>Reconciliation Action Plan</td>
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<td>SES</td>
<td>Senior Executive Service of the Australian Public Service</td>
</tr>
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<td>SRL</td>
<td>Self-represented Litigant</td>
</tr>
</tbody>
</table>
GLOSSARY OF COURT-SPECIFIC TERMS

Casetrack—Casetrack is 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—means 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.

<table>
<thead>
<tr>
<th>SECTION HIGHLIGHTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PURPOSE, VISION, VALUES AND MISSION</td>
<td>2</td>
</tr>
<tr>
<td>HIGHLIGHTS</td>
<td>3</td>
</tr>
<tr>
<td>APPOINTMENTS, RETIREMENTS AND HONOURS</td>
<td>4</td>
</tr>
<tr>
<td>GOVERNANCE</td>
<td>5</td>
</tr>
<tr>
<td>APPEAL DIVISION</td>
<td>5</td>
</tr>
<tr>
<td>REVIEW OF THE FAMILY LAW SYSTEM</td>
<td>5</td>
</tr>
<tr>
<td>RECONCILIATION ACTION PLAN</td>
<td>6</td>
</tr>
<tr>
<td>FAMILY VIOLENCE ISSUES</td>
<td>6</td>
</tr>
<tr>
<td>COURT PERFORMANCE</td>
<td>6</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>7</td>
</tr>
</tbody>
</table>
PURPOSE

The purpose of the Court, as Australia’s superior court in family law, is to:

- determine cases with the most complex law, facts and parties
- cover specialised areas in family law
- provide national coverage as the appellate court in family law matters.

VISION

An internationally respected, specialist family court.

VALUES

- Innovative
- Impartial
- Respectful
- Efficient
- Accountable

MISSION

To assist Australian families in the determination of the most complex family law disputes domestically and internationally, consistent with the rule of law and procedural fairness.
HIGHLIGHTS

20,436 total applications filed

100% clearance rate

370 appeals finalised

50% of applications related to FINANCIAL only

93% of cases (applications) finalised within 12 months

13,962 consent orders finalised

75% of judgments delivered within three months

4282 Twitter followers

1170 first instance judgments published to AustLII
CHIEF JUSTICE’S YEAR IN REVIEW

I write this review, with five months remaining until my retirement in December 2018.

In doing so, I note the announcement made by the Attorney-General of the Commonwealth of Australia, the Honourable Christian Porter MP, of the Government’s intention to reform the structure of the federal courts (namely, the Federal Court of Australia [FCA], the Family Court of Australia [FCoA] and the Federal Circuit Court of Australia [FCC]).

The Government’s intention is to bring the FCoA and FCC closer together under the umbrella of a new court, named the Federal Circuit and Family Court of Australia, and to structure the two courts into two divisions: Division one being the current FCoA, and Division two being the current FCC. The FCA will remain unchanged except for the creation of a Family Law Appeal Division.

The three Heads of Jurisdiction were consulted prior to the announcement and there will be further consultation in relation to any proposed legislation. The proposed restructure of the courts is not related to the review of family law currently being conducted by the Australian Law Reform Commission (ALRC).

APPOINTMENTS, RETIREMENTS AND HONOURS

Justice William Alstergren was appointed a judge of the FCoA on 13 October 2017, and on 15 December 2017, he was appointed Deputy Chief Justice of the FCoA.

Justice Michael Baumann AM was appointed to the Brisbane registry of the Court in January 2018. His Honour was formerly a judge of the FCC.

Chief Justice Diana Bryant AO retired on 12 October 2017.

Justice Michelle May AM retired as a judge of the Court on 31 July 2017. Justice May led the Appeal Division of the Court and I thank her for her service.

Justice Victoria Bennett AO was appointed an Officer in the General Division of the Order of Australia for ‘distinguished service to the judiciary and to the law, to the improvement of the family law system and child protection, to legal education, and to improving access to justice for indigenous families.’
**GOVERNANCE**

Since 1 July 2016, the FCA has managed the Court appropriation and corporate services administration of all three federal courts, including the staff of the courts, under the *Public Governance, Performance and Accountability Act 2013*.

Ms Patricia Christie concluded her term as Chief Executive Officer (CEO) and Principal Registrar of the FCoA on 31 December 2017. I acknowledge her valuable contribution to the Court.

Mr Warwick Soden was appointed as acting CEO and Principal Registrar of the FCoA.

The Digital Court File (DCF) is still being designed and is expected to be in place by the end of 2018. The DCF aims to provide better case management for the courts, easier filing access for litigants, and digital storage facilities, and will move us closer to having ‘paperless’ chambers. The project is being managed by Ms Louise Anderson, the National Director of Court and Tribunal Services, who was appointed in April 2018.

The Court appointed two more family consultants, following a funds allotment in the 2017–18 Budget. Three FCoA registrars were also appointed.

**APPEAL DIVISION**

Following the retirement of Justice May, Justice Stephen Thackray assumed the administration of the Appeal Division of the Court until March 2018, when Deputy Chief Justice Alstergren assumed the responsibility.

Justice Thackray has given notice that he will relinquish his assignment to the Appeal Division in September 2018. His Honour remains a member of the General Division of the Court and Chief Judge of the Family Court of Western Australia. I thank Justice Thackray for his significant contribution to the Appeal Division.

Justice Garry Watts and Justice Stewart Austin were assigned to the Appeal Division in June 2018.

**AUSTRALIAN LAW REFORM COMMISSION REVIEW OF THE FAMILY LAW SYSTEM**

The ALRC announced terms of reference in September 2017, which largely relate to the operation of the *Family Law Act 1975* (not the structure of the courts) and its effects on Australian families. The review is to be completed by March 2019. The full terms of reference can be found on the ALRC’s website. Professor Helen Rhoades was appointed as the review’s lead Commissioner and is assisted by former Deputy Chief Justice of the FCoA, John Faulks, and Mr Geoffrey Sinclair. Justice Watts is a member of the review’s Advisory Committee.

Justice Steven Strickland is Chair of the Court’s ALRC Committee, which prepared the Court’s response to the ALRC’s Issues Paper in June 2018 and has an important liaison role.
FAMILY COURT OF AUSTRALIA RECONCILIATION ACTION PLAN 2018–2020

After several years of consultation and planning, the FCoA, in collaboration with Reconciliation Australia, has completed its Reconciliation Action Plan (RAP). I acknowledge the hard work of the Court’s Aboriginal and Torres Strait Islander Outreach Committee, chaired by Justice Robert Benjamin.

Justice Victoria Bennett, Justice Margaret Cleary, Justice Colin Forrest, Justice Peter Tree and Justice Garry Foster all worked very hard to achieve the RAP. The RAP is published on both the Court’s and Reconciliation Australia’s websites and was officially launched on 9 July 2018 at a ceremony in Melbourne.

FAMILY VIOLENCE ISSUES

The judges of the Court will undergo family violence training, as part of the National Judicial College of Australia’s government-supported training for judges, in November 2018.

In June 2018, the Attorney-General and the Minister for Women, the Honourable Kelly O’Dwyer MP, jointly introduced the Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018 into the House of Representatives. The Bill proposes that victims of serious family violence who are self-represented will be protected from having to directly cross-examine or be cross-examined by perpetrators of violence during family law proceedings. The Court (via Justice Strickland and Deputy Principal Registrar Virginia Wilson), along with representatives from the FCC, the Family Court of Western Australia, and various Legal Aid Commissions were involved in consultations on the Bill.

COURT PERFORMANCE

In 2017–18, there were a total of 2427 first instance final orders matters filed and 390 appeals filed. There were 2534 first instance matters finalised by judges, and 320 Full Court appeal and 50 single-judge appeal judgments published. There are 318 first instance final orders matters and 220 appeals pending. Despite this, the Court is operating at a 100 per cent clearance rate, which is pleasing. The Court’s judgments are published by the FCoA’s Judgments Publications Office, which also anonymises the matters, and the entire corpus of FCoA published judgments are available online.
CONCLUSION

There are a great many challenges ahead, both with proposed structural reform and recommendations from the ALRC family law review. A new Chief Justice will navigate the Court through the changes and I wish him or her every success.

I have had the great privilege of serving as Chief Justice of this Court, albeit for a limited period. It is a court that has forged a significant international reputation and developed many innovative ways of assisting families in dispute. It has been characterised by judges and staff who are truly caring about the welfare of the families who come before it. The judges are highly specialised in the dynamics of family law, and deal with many of the most problematic and challenging cases. It has been an honour to lead the Court at a time of change.

Over the years I have been a judge, I have seen a very significant rise in family violence and dysfunction. The number of self-represented litigants has grown sharply, as has the presence of mental illness and substance addiction. All of these factors put children at risk.

The family law system and the courts must continually evolve in order to meet the challenges of social change. However, courts cannot deal with these issues alone; rather, the whole community must be committed to working together to tackle the causes of violence and protect our children.

It is a sad fact that the spectre of violence and harm is present in the courts every day and adds a high level of stress to the work of the judges, who must be commended for their efforts to protect those who are vulnerable.

In conclusion, I want to thank the judges, registrars, associates, family consultants and staff of the Court who have worked with me during my time as Chief Justice. You have my admiration and my thanks. You are all to be congratulated for doing excellent work in difficult circumstances.

It is also appropriate for me to thank the judges and staff of the FCC, of which I was Chief Judge for many years. The FCC is the work-horse of the federal court system, and deals with the vast majority of filings. I have always been in awe of the contribution of its judges and staff, and I am very proud to have been the Chief Judge.

The Honourable John Pascoe AC CVO
Chief Justice
OVERVIEW OF THE COURT

ABOUT THE COURT

The Family Court of Australia (FCoA) 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.

OBJECTIVE

The Court’s objective is to determine the most complex family law disputes including in specialised areas of family law through effective judicial and non-judicial processes, while respecting the needs of separating families.

PURPOSE

As outlined in the Corporate Plan, the purpose of the 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.

JURISDICTION

The FCoA deals with more complex matters. These may include, for example:

- 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 the:

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

**OUTCOME AND PROGRAM**

Effective 1 July 2016, the FCoA and the Federal Circuit Court of Australia (FCC) were amalgamated with the Federal Court of Australia (FCA) into a single administrative body with a single appropriation and shared corporate services. The Courts Administration Legislation Amendment Act 2016 established the amalgamated body, 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 FCoA 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 FCoA 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 2017–18 can be found in Part 3 of this report (Report on court performance) on page 20. The Court’s annual performance statement can be found in the Federal Court of Australia’s 2017–18 annual report.
COURT SERVICE LOCATIONS
The FCC provides the FCoA with registry services at family law registries in all state and territory capital cities (except Western Australia) and also in regional and other centres.

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

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

ACCESS AND INCLUSION
The Court continues to develop and implement plans under its access and inclusion framework. The framework aims to ensure all parties, particularly parties who are vulnerable and disadvantaged, receive the assistance they need to access the Court.

The framework acknowledges that justice begins well before a party has their first court event, and that a party’s capacity to participate in court processes is significantly influenced by the quality of information and the level of administrative support they receive.

Linking to the International Framework for Court Excellence, the framework also takes a broader view across the shared infrastructure needed to support the delivery of accessible services (e.g. information technology, training and performance development) as well as identifying the links, approaches, synergies and principles that affect justice as a whole.

The current plans under the framework are:

- Multicultural Plan
- Family Violence Plan, and
- Reconciliation Action Plan.
REWARDS AND RECOGNITION

QUEEN’S BIRTHDAY HONOURS LIST

Justice Victoria Bennett AO was appointed as an Officer in the General Division of the Order of Australia, for ‘distinguished service to the judiciary and to the law, to the improvement of the family law system and child protection, to legal education, and to improving access to justice for indigenous families.’

Justice Bennett has been involved in family law for more than 30 years, firstly as a barrister, and for the last 13 years as a judge. Her Honour has been influential in the development of measures in domestic and international family law and procedures for the protection of children in Australia and internationally.

AUSTRALIA DAY ACHIEVEMENT MEDALLIONS

The following FCoA staff were recognised in this year’s Australia Day awards for excellence.

Cassie Absolom (Hobart)

Cassie has been with the Court for just over 12 years and is a Judicial Associate. Cassie commenced as an administrative associate to Justice Benjamin in the Hobart registry on his appointment to the Family Court. She is meticulous in her work and committed to ensuring work is up to date and orders are dispatched accurately and quickly. Judgments are generally delivered promptly and much of this has to do with the organisation and energy that Cassie brings to her work and chambers.

Phillip Cameron (Sydney)

Phillip has been with the Court for almost 20 years and is a Coordinating Registrar. Phillip is highly regarded by the judges and his colleagues for his resourceful, no-nonsense style of dealing with a heavy workload. Since taking over the Appeal Registry, he has put in place many measures to ensure the efficient running of the high volume of appeals in Sydney. It has been in no small part due to Phillip and his team in the Appeal Registry that the number of pending appeals in the Eastern Region has been reduced by almost two-thirds.

Paula Spain (Melbourne)

Paula has been with the Court for almost 23 years and is a Senior Client Service Officer. Paula has worked in Client Services as a Client Service Officer and also as one of the dedicated Case Coordinators. Paula has a significant workload that she is required to manage calmly and efficiently. She does this with a quiet and considered demeanour, demonstrating a flexibility that is required to enable the flow of matters within the Court as priorities change.
SOCIAL MEDIA

TWITTER

The FCoA’s Twitter account has been operating since October 2012. Twitter provides followers with timely, relevant and easy-to-access information about the Court and family law issues. Followers are predominately made up of legal professionals, law students, journalists and members of the general public.

During 2017–18 the Court:
• gained 636 followers, bringing the total number of followers to 4282
• sent 178 tweets, made up of 25 plain text tweets, 119 page links and 34 photo links – an average of over three tweets per week
• was re-tweeted 426 times, and
• received 752 mentions.

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

YOUTUBE

The FCoA’s YouTube channel has been operating since October 2013. There are 11 videos available to help litigants prepare for and understand court processes.

During 2017–18, some 1570 hours were watched and there were 27,278 views.

The top three videos were Mediation – what to expect; How to apply for divorce: serving divorce papers; and the Court Tour.

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

FAMILY LAW AMENDMENT (2018 MEASURES NO. 1) RULES 2018

The Family Law Amendment (2018 Measures No. 1) Rules 2018 introduced several significant procedural changes that came into effect on 1 March 2018.

- It is no longer necessary to file a Superannuation Information Form with an Application for Consent Orders, provided an alternative document is filed that allows the Court to determine the value of the superannuation interest.

- The Annexure for Proposed Consent Parenting Orders was incorporated as part of the Application for Consent Orders at Q25. When an Application for Consent Orders is filed seeking parenting orders, the application must certify whether the child (or children) concerned has been abused or is at risk of being abused and whether there has been, or there is a risk of, family violence by one of the parties.

- A new form – Notice of Child Abuse, Family Violence or Risk of Family Violence (Application for Consent Orders) – must be filed if a party ticks the box at the new Q25 in the Application for Consent Orders to say they do consider that a child concerned in the proposed orders has been or is at risk of being subjected to or exposed to abuse, neglect or family violence.

- The previous form Notice of Child Abuse, Family Violence or Risk of Family Violence was renamed Notice of Child Abuse, Family Violence or Risk of Family Violence (Current Case) and must only be used in ongoing proceedings for parenting orders other than consent orders.

- A new form – Submitting Notice – is to be used when a party has been served with an Initiating Application (Family Law) seeking final orders, a Response to an Initiating Application (Family Law), a Reply to a Response to an Initiating Application (Family Law), or a Notice of Appeal, and they do not want to contest the making of the orders sought.

- A new form – Notice of Contention – is to be used if a respondent does not seek to file a cross-appeal, but seeks to have the orders made affirmed by the appeal court on grounds other than were relied on by the first instance court because they believe that the appeal has merit but there is another reason why the decision of the trial judge should be upheld.

- Annexures or exhibits are to be identified in an affidavit, but not filed with the affidavit, in the FCoA only. There may be exceptions where court orders or the rules provide otherwise (e.g. r 15.62 in relation to expert reports). The annexures or exhibits should be tendered at the court event when the relevant affidavit is relied upon or as required. The annexures or exhibits referred to in the affidavit must be served with the affidavit on the other party/ies after filing.
FORM CHANGES TO SUPPORT SAME-SEX MARRIAGE

The Marriage Amendment (Definition and Religious Freedoms) Act 2017 commenced on 9 December 2017. This Act amended the Marriage Act 1961 to redefine marriage as ‘the union of two people to the exclusion of all others, voluntarily entered into for life’. Since that date, same-sex married couples (including those who married overseas prior to the commencement of the reforms) are treated the same as other married couples, and are able to divorce under Australian law if they meet the other requirements for divorce under the Family Law Act 1975.

These amendments, and the legislative changes that flowed from the amendments, necessitated updating of the court’s electronic filing system. Electronic filing of applications for divorce by same-sex couples was not able to be immediately accommodated, and as an interim measure, such applications were able to be filed in a paper format.

ELECTRONIC SIGNING AND SEALING OF ORDERS FOR FIRST INSTANCE MATTERS

As part of the FCoA’s and FCC’s commitment to the Government’s digital continuity policy, the courts have changed the way court orders are accessed. The move to completely digital court orders was rolled out in two stages and is now complete:

1. From 1 July 2017, the courts no longer posted hard copies of sealed orders by mail to legal representatives. All court orders (except consent and appeal) are now signed and sealed electronically and available to download from the Commonwealth Courts Portal (the Portal) – www.comcourts.gov.au.

2. From 1 January 2018 this was extended to all self-represented and other parties, meaning that all court orders can now only be downloaded from the Portal.

These changes provide for faster and more secure delivery of court orders. Other benefits include:

- instant access to complete court files and court orders online anytime via www.comcourts.gov.au
- safe and secure delivery of orders, and
- no cost to get copies of sealed orders. They will always be available to download from the Portal for free.
REGISTRAR INTERVENTION PROJECT

The Attorney-General’s Department provided funding to the Family Court to undertake an initiative that provides an opportunity for parties to resolve their legal proceedings or narrow the issues while awaiting a final hearing. The project aimed to evaluate whether additional registrar resources will improve the ability of the Court to manage proceedings involving family violence; alleviate workload pressures of judges; or otherwise improve the capacity of the Court to perform its key functions.

The initiative was conducted in the Brisbane, Melbourne and Sydney registries and targeted cases that have been waiting at least six months for a final hearing, including cases that have been transferred from the FCC. The registrars identified appropriate cases for a case conference to attempt to resolve the matter or narrow the issues between the parties.

Matters involving parenting issues were allocated to a conference with a Registrar and a Family Dispute Resolution Practitioner. Matters involving financial issues were listed before a Registrar only. Conferences were listed for up to a full day.

There was no loss of priority in the list of matters awaiting allocation to a judge for a final hearing for those cases that were not resolved.

As a result of the intervention project an estimated 239 trial days have been saved. Of the matters included in the project, 48 per cent were resolved and a further 33 per cent were partially resolved or otherwise progressed.

A final evaluation will be provided to the Department.
SECTION HIGHLIGHTS

THE WORK OF THE COURT IN 2017–18 20
ANALYSIS OF PERFORMANCE AGAINST PURPOSE, 2017–18 21
NATIONAL COVERAGE AS APPELLATE COURT 37
JUDICIAL SERVICES COMPLAINTS 38
FEEDBACK AND COMPLAINTS MANAGEMENT 39
REPORT ON COURT PERFORMANCE

THE WORK OF THE COURT IN 2017–18

The outcome of the Family Court of Australia (FCoA) is to:

*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.*

The Court has three targets under timely completion of cases:

- 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.

SNAPSHOT OF PERFORMANCE

<table>
<thead>
<tr>
<th>Timely completion of cases</th>
<th>Result 2017–18</th>
<th>Target status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clearance rate of 100 per cent</td>
<td>The clearance rate was 100 per cent</td>
<td>Target met</td>
</tr>
<tr>
<td>75 per cent of judgments to be delivered within three months</td>
<td>75 per cent of judgments were delivered within three months</td>
<td>Target met</td>
</tr>
<tr>
<td>75 per cent of cases pending conclusion to be less than 12 months old</td>
<td>67 per cent of cases pending conclusion were less than 12 months old</td>
<td>Target not met</td>
</tr>
</tbody>
</table>

In 2017–18, the FCoA achieved two targets under timely completion of cases and was unable to achieve one.

The annual performance statement for the FCoA is included as part of the Federal Court of Australia’s (FCA) 2017–18 annual report.
ANALYSIS OF PERFORMANCE AGAINST PURPOSE, 2017–18

The Court deals with the most complex and difficult family law cases. Figure 3.1 and Figure 3.2 show a summary of original jurisdiction caseload during 2017–18.

**Figure 3.1: Summary of original jurisdiction workload by application type, 2017–18**

<table>
<thead>
<tr>
<th>Application/case type</th>
<th>Filed</th>
<th>Finalised</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Final orders applications</td>
<td>2427</td>
<td>2534</td>
<td>3118</td>
</tr>
<tr>
<td>Application in a case (interim)</td>
<td>3400</td>
<td>3524</td>
<td>1677</td>
</tr>
<tr>
<td>Consent orders applications</td>
<td>14,295</td>
<td>13,962</td>
<td>1607</td>
</tr>
<tr>
<td>Other applications</td>
<td>314</td>
<td>357</td>
<td>203</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>20,436</strong></td>
<td><strong>20,377</strong></td>
<td><strong>6605</strong></td>
</tr>
</tbody>
</table>

Note: ‘Other’ includes Hague, contempt and contravention applications.

The Court continually conducts data quality activities on its electronic case data. This is done to ensure that our case management system, as best as it can, reflects the information that is contained on the paper-based file. Due to the complex nature of the data captured and the changing circumstances of the case, it is not unusual for data entries to be updated and refreshed. As a result of the activities in the past few years, the Court has decided to entirely refresh the historical data for the previous four years. This means that figures published in this report for historical years may not always be the same as those published in previous annual reports. Any changes in figures should be relatively insignificant.
Figure 3.2: Issues sought on final orders cases filed, 2017–18

<table>
<thead>
<tr>
<th>Issues sought on applications for final orders</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parenting only</td>
<td>33%</td>
</tr>
<tr>
<td>Financial only</td>
<td>50%</td>
</tr>
<tr>
<td>Parenting and financial</td>
<td>15%</td>
</tr>
<tr>
<td>Other</td>
<td>2%</td>
</tr>
</tbody>
</table>

Note: ‘Other’ includes validity, nullity and special medical procedures. Due to rounding, percentages may not always appear to add up to 100 per cent.
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 2017–18, including the percentage that proceeded to judgment.

Figure 3.3: Attrition and settlement trend in the Court’s caseload, 2013–14 to 2017–18
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, 2013–14 to 2017–18

![Bar chart showing cases finalised at first instance trial from 2013-14 to 2017-18](image-url)
NUMBER OF FINALISATIONS

During 2017–18, the Court finalised the following matters in its original jurisdiction:

- 2534 final orders cases
- 3524 applications in a case (interim)
- 13,962 consent orders applications, and
- 357 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 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.

Final orders

During 2017–18, 2534 applications for final orders were finalised – a reduction of 8 per cent from 2016–17. While various factors can contribute to such a reduction, judicial availability has a significant impact. Figure 3.5 displays the five-year trend in filings, finalisations and pending (active) final orders applications.

Figure 3.5: Final orders applications, 2013–14 to 2017–18
Applications in a case (interim applications)

Applications in a case (interim applications) are associated with an existing case. They can be complex and often there are multiple applications within one case. As shown in Figure 3.6, during 2017–18, 3524 applications in a case were finalised, an increase of 7.9 per cent from 2016–17.

Figure 3.6: Applications in a case, 2013–14 to 2017–18

Consent orders

During 2017–18, 13,962 consent orders applications were finalised – an increase of 43 (0.3 per cent) since 2016–17.

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 3.7 to Figure 3.10 display five-year trends in filings, finalisations and pending (active) applications.
Figure 3.7: Consent orders applications, 2013–14 to 2017–18

Figure 3.8: All applications, 2013–14 to 2017–18
CLEARANCE RATE

The Court aims to finalise at least the same number of cases that start in a year and, as such, is attempting 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 able to prevent an increase in its backlog of pending cases.

In 2017–18, the Court achieved a clearance rate of 100 per cent. Figure 3.9 shows the five-year trend in clearance rates.

Figure 3.9: All applications, clearance rates, 2013–14 to 2017–18

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 2018, 67 per cent of pending applications were less than 12 months old, compared with 68 per cent at 30 June 2017.

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. 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, 2013–14 to 2017–18

Figure 3.11: All applications, time pending, 2013–14 to 2017–18
**Age of finalised applications**

The Court aims to finalise cases in a timely manner, but is mindful that family law cases are particularly difficult and emotional and the FCoA’s decisions affect many lives, potentially for many years. 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.

In 2017–18, 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, 2013–14 to 2017–18**

![Figure 3.12](image1)

% finalised within 12 months  Target (75%)

**Figure 3.13: All applications, time to finalise, 2013–14 to 2017–18**

![Figure 3.13](image2)
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 2017–18, 782 (75 per cent) of the 1044 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 of this report (Appeals).

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, 2013–14 to 2017–18

Figure 3.15: Time to deliver reserved judgments, 2013–14 to 2017–18
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 and Figure 3.17 shows the proportion of litigants who had representation at the finalisation of their trial. The proportion of the Court’s cases and trials involving legal representation has remained relatively steady for the past five years.

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’ finalised cases, 2013–14 to 2017–18

Due to rounding, percentages may not always appear to add up to 100%.
Figure 3.17: Representation of litigants at trials, 2013–14 to 2017–18

Due to rounding, percentages may not always appear to add up to 100%.
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 requires 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 and Figure 3.19 show that in 2017–18, the number of Notices of Child Abuse, Family Violence or Risk of Family Violence filed continued to increase, adding workload to the Court. This 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 violence is an element in many of them.

Figure 3.18: Notices of Child Abuse, Family Violence or Risk of Family Violence filed, 2013–14 to 2017–18

<table>
<thead>
<tr>
<th>Year</th>
<th>Notices</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013–14</td>
<td>426</td>
</tr>
<tr>
<td>2014–15</td>
<td>470</td>
</tr>
<tr>
<td>2015–16</td>
<td>630</td>
</tr>
<tr>
<td>2016–17</td>
<td>653</td>
</tr>
<tr>
<td>2017–18</td>
<td>715</td>
</tr>
</tbody>
</table>
Figure 3.19: Proportion of final orders cases in which a Notice of Child Abuse, Family Violence or Risk of Family Violence is filed, 2013–14 to 2017–18
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 3.20 details the number of Magellan cases commenced and finalised in the past five years.

Figure 3.20: Magellan cases, 2013–14 to 2017–18
NATIONAL COVERAGE AS APPELLATE COURT

SUMMARY OF APPEAL CASELOAD

The Court’s Appeal Division deals with appeals including from decrees of the FCoA, the Family Court of Western Australia and the Federal Circuit Court of Australia (FCC). Table 3.1 summarises the appeals workload. More information can be found in Part 4 of this report [Appeals] on page 42.

Table 3.1: Appeal caseload, 2013–14 to 2017–18

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals filed</td>
<td>330</td>
<td>389</td>
<td>371</td>
<td>344</td>
<td>390</td>
</tr>
<tr>
<td>Appeals finalised</td>
<td>337</td>
<td>356</td>
<td>354</td>
<td>377</td>
<td>370</td>
</tr>
<tr>
<td>Appeals pending</td>
<td>256</td>
<td>289</td>
<td>270</td>
<td>208</td>
<td>220</td>
</tr>
</tbody>
</table>
JUDICIAL SERVICES 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 2017–18, the Court received 19 judicial services complaints, as follows:

- Judicial conduct – 10
- Delay in delivery of a judgment – 9

This represented 0.093 per cent of all applications filed (20,436), which is under the target of 1 per cent (when judicial complaints and administrative complaints are combined they total 0.206 per cent).

The number of judicial services complaints received by the Court in 2017–18 is shown in Figure 3.21, which also shows the breakdown between complaints about judicial conduct and complaints about delays.

Figure 3.21: Total judicial services complaints, 2013–14 to 2017–18
FEEDBACK AND COMPLAINTS MANAGEMENT

The FCoA is committed to responding effectively to feedback and complaints. Comprehensive information about how to give feedback and lodge complaints is available on the FCoA website [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 FCoA records all complaints made in relation to Family Court proceedings, although some complaints relate to services provided by the FCC, such as registry services and child dispute services, or other third parties.

In this reporting year the Court received the following complaints:

COMPLAINTS ABOUT FCOA SERVICES

- Administrative processes, 8
- Conduct of registrars, 5
- Privacy, 0
- **Total, 13**

COMPLAINTS ARISING FROM SERVICES PROVIDED BY THE FCC OR OTHER THIRD PARTIES AND RELATING TO FCOA MATTERS

- Conduct of administrative staff, 7
- Conduct of family consultants, 0
- Family reports, 1
- Security, 0
- **Total, 8**

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 FCoA matters (21) represented 0.10 per cent of all applications received. Combined with judicial complaints (19), the total number of complaints (40) represented 0.206 per cent of applications received, thus achieving the key performance indicator (KPI) for complaints to be no more than 1 per cent of applications received.
SECTION HIGHLIGHTS

APPEAL DIVISION 42
MEMBERS OF THE APPEAL DIVISION 42
APPEALS 43
FULL COURT SITTINGS AND ADMINISTRATION 43
APPEAL DIVISION PERFORMANCE 44
HIGH COURT 47
APPEALS

APPEAL DIVISION

The Appeal Division of the Family Court of Australia (FCoA) deals with 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, the Appeal Division is increasingly using electronic documents and, by Practice Direction 1 of 2017, requires that transcript be filed in electronic form only. Further, Practice Direction 2 of 2017 confirms the FCoA is moving to implement a Digital Court File for proceedings in the Court.

The composition of the bench of the Full Court of the FCoA hearing an appeal is made up of 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 2018, the judges assigned to the Appeal Division were as follows:

CHIEF JUSTICE

Chief Justice Pascoe AC CVO

DEPUTY CHIEF JUSTICE

Deputy Chief Justice Alstergren

MEMBERS OF APPEAL DIVISION

- Justice Thackray [Chief Judge of the Family Court of Western Australia]
- Justice Strickland
- Justice Ainslie-Wallace
- Justice Ryan
- Justice Murphy
- Justice Aldridge
- Justice Kent
- Justice Watts, and
- Justice Austin.
**APPEALS**

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

- the FCoA Trial Division
- the Family Court of Western Australia
- Supreme Courts of states and territories (single judge)
- Federal Circuit Court of Australia (FCC), 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 FCC 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 2017–18, the Full Court sat for 20 weeks and during eight 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.

Appeals are administered by the National Appeals Registrar, together with Regional Appeals 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.
**APPEAL DIVISION PERFORMANCE**

In 2017–18, 390 appeals were filed, a 13 per cent increase from the number of appeals filed in 2016–17 which was 344.

The Appeal Division delivered 265 judgments during 2017–18, compared to 279 judgments during 2016–17. At 30 June 2018, there were 27 appeal judgments outstanding compared with 46 judgments at 30 June 2017.

In 2017–18, 68 per cent of all judgments were delivered within three months. This figure has increased from 60 per cent of judgments being delivered within three months in 2012–13. Twenty-eight per cent of appeal judgments were delivered *ex tempore*.

A total of 370 appeals were finalised in 2017–18, leaving 220 pending (active) matters as at 30 June 2018.

**Figure 4.1: Notice of appeals filed, finalised, pending, 2013–14 to 2017–18**

The Court undertakes ongoing data quality review of the Court’s electronic case management system. Some statistics previously published have been updated. To ensure consistency with the data already published, the historical data has not been re-calculated or published. The statistics published in Figure 4.1 for the financial years 2015–16 and 2016–17 contain some discrepancy affecting the total number of cases pending.
Of the appeals filed, 201 were from decisions of the FCC or the Magistrates Court of Western Australia. In the reporting year, 189 appeals were filed from decisions of the FCoA.

Forty-eight appeals from the FCC or Magistrates Court of Western Australia in 2017–18 were dealt with by a single judge. Fifty per cent of all appeals finalised in 2017–18 were deemed abandoned or the appeal was withdrawn, generally without a hearing of the appeal.

**Figure 4.2: Proportion of notices of appeal filed by jurisdiction, 2013–14 to 2017–18**

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

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; 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, 2013–14 to 2017–18

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of notices of appeal filed</td>
<td>330</td>
<td>389</td>
<td>371</td>
<td>344</td>
<td>390</td>
</tr>
<tr>
<td>Application for extension of time</td>
<td>63</td>
<td>63</td>
<td>45</td>
<td>49</td>
<td>54</td>
</tr>
<tr>
<td>Application in an appeal</td>
<td>249</td>
<td>250</td>
<td>290</td>
<td>279</td>
<td>223</td>
</tr>
<tr>
<td>Notice of cross-appeal</td>
<td>11</td>
<td>14</td>
<td>11</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>Total appellate proceedings</td>
<td>653</td>
<td>716</td>
<td>717</td>
<td>681</td>
<td>678</td>
</tr>
</tbody>
</table>

Not all appeals require a hearing as they may be discontinued, abandoned or resolved by agreement. In 2017–18, 50 per cent of appeals finalised required a hearing (183 appeals). The number of appeals allowed increased from 69 in 2016–17 to 82 in 2017–18.

Figure 4.3: Notice of appeals finalised by type of finalisation, 2013–14 to 2017–18

Eighty-seven per cent of the appeals finalised in 2017–18 were finalised within 12 months, an increase from 75 per cent in 2016–17.

In 2017–18, 46 per cent of appellants were unrepresented. This figure has increased since 2013–14 when 38 per cent of appellants were unrepresented.
HIGH COURT

During 2017–18:

- 13 applications for special leave to appeal were filed in the High Court from judgments of the Family Court
- 17 applications for special leave were determined or disposed of by the High Court: 16 were refused and one was granted, and
- the one appeal heard by the High Court was allowed.
<table>
<thead>
<tr>
<th>SECTION HIGHLIGHTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANSON &amp; MEEK</td>
<td>51</td>
</tr>
<tr>
<td>CALVIN &amp; McTIER</td>
<td>53</td>
</tr>
<tr>
<td>RE: KELVIN</td>
<td>54</td>
</tr>
<tr>
<td>TOMARAS &amp; TOMARAS AND ANOR</td>
<td></td>
</tr>
<tr>
<td>AND COMMISSIONER OF TAXATION</td>
<td>56</td>
</tr>
</tbody>
</table>
SIGNIFICANT AND NOTEWORTHY JUDGMENTS
SIGNIFICANT AND NOTEWORTHY JUDGMENTS

In 2017–18, judges of the Family Court of Australia handed down judgments at both first instance and appellate levels. The decisions reflect the Court’s expansive jurisdiction, the wide variety of issues that it addresses and its position as a superior specialist federal court that deals with the most complex and serious family law cases.

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) (‘the Act’). 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.

Virtually all judgments, after anonymisation, are published in full text on the Australasian Legal Information Institute (AustLII) website. There is a link to the AustLII site from the Court’s website [www.familycourt.gov.au].

The Court’s website provides links to recent decisions: links to Full Court decisions are provided for two months and links to first instance decisions are provided for one month. In 2017–18, the Court published links to 1170 first instance and 262 Full Court judgments.
ANSON & MEEK

[2017] FamCAFC 257 (MURPHY, ALDRIDGE & CLEARY JJ)

Appeal—Short marriages—Property

The parties were married for five years, between April 2008 and March 2013. There were no children of the relationship. The primary asset was a farming property that the husband purchased for just over $1 million shortly before their marriage. The value of the property had increased significantly during their marriage and was valued at over $1.7 million at trial. The husband had other assets overseas which he kept separate, and, while taken into account, were not assessed in relation to the respective contributions of the parties. At the commencement of the relationship, the husband held 96.5 per cent of the property of the parties, and the wife 3.5 per cent. The nature of the parties’ respective interests did not change during their relationship.

While the parties had made equal contributions during their relationship, the trial judge found that the initial contribution in favour of the husband resulted in an overall split of the property with 80 per cent to the husband and 20 per cent to the wife. The trial judge then made an adjustment of 20 per cent in favour of the wife for s 75(2) factors, because of the significant impact the marriage had had on the wife’s earning capacity. Thus the property orders overall reflected a 60–40 split.

The husband appealed on the basis that the assessment was outside an acceptable range, given the short period of cohabitation and the overwhelming financial contribution of the husband. The husband also contended that the trial judge had erred in attributing the increased value of the property to their joint contributions during the short relationship, and further challenged the findings relating to the wife’s earning capacity.

Murphy J noted that the trial judge was entitled to take into account the increased value of the major asset, the farm, and the contributions of all types during the period of that increase. However, Murphy J noted that the trial judge only took into account the equal contributions that each party made during their relationship, but failed to take into account other relevant considerations. These relevant considerations included:

1. The contributions (both towards the property and more broadly) of the parties post-separation, a period that amounted to a third of the period between the marriage and the trial. The contributions to the value of the property post-separation greatly favoured the husband.
2. The role of market value, as the increased value was almost entirely attributable to the per hectare value of the land and not to any improvements on the land or to the house. Murphy J noted that it was the husband’s capital that permitted entry into the market, whose forces permitted the increase in value.

Thus the trial judge did make an error in identification of contributions.

Murphy J, in assessing s 75(2) factors, held that the trial judge was correct in finding that the marriage had a dramatic impact on the wife’s earning capacity. She had given up a well-paid position to move to East Asia and then again to return to Melbourne. The wife has been unable
to find such a good position since. However, Murphy J found that the trial judge fell into error in linking the findings about the effect on the wife’s earning capacity to calculations made in an attempt to quantify the s 75(2) factors. These calculations were a ‘cross-check’ rather than a calculation of compensation but risked being mistaken as such. Murphy J found that there were errors in the calculation itself but that, more broadly, the approach was flawed in that it attributes a dollar value to the loss and then uses that dollar value as a central part of the determination [94].

In examining whether the assessment of contributions fell outside of an acceptable range, Murphy J then analysed the ‘short marriage cases’ that the Court had been referred to. He emphasised that there is no error in failing to determine the case or its assessments by reference to comparable cases but that what was decided in these cases required consideration. While the trial judge referred to those cases and highlighted distinguishing characteristics, there was no further analysis of their similarities. Murphy J determined that failure to undertake a more thorough analysis was a failure to take account of relevant considerations.

The majority judgment of Aldridge and Cleary JJ agreed with Murphy J that the trial judge erred in failing to take into account the relevant matters of the parties’ respective post-separation contributions and the contributions made by the husband to the increase in value of the farm, and by taking into account irrelevant matters, such as the ‘cross-check’ and erroneous calculation of the wife’s projected loss of income. Their Honours did not, however, find any error in the trial judge’s approach to comparable cases. They confirmed that while comparable cases could be looked at to derive consistency in the application of principles of law, they were not helpful to the exercise of the Court’s discretion when making orders for property settlement. Aldridge and Cleary JJ considered the framing of the grounds to be wrong, in referring to an ‘acceptable range’, noting that it is in reality a complaint that the result is unreasonable or plainly unjust. Their Honours, in having regard to principles evident in comparable cases and general ideas of fairness, found that the result was disproportionate to the facts and the award made by the trial judge so unreasonable as to infer that the discretion miscarried and there was an error in the application of principle.
CALVIN & McTIER

[2017] FamCAFC 125 (BRYANT CJ, RYAN & ALDRIDGE JJ)

Appeal—Property—Post-separation inheritance

This case focused on an inheritance received post-separation. The parties were married in 2002, separated in 2010, divorced in 2011 and had one child together. Following separation, the child had spent equal time with the parties. The wife commenced the relationship with nominal assets, whereas the husband had more substantial assets including owning two real properties.

In 2014, the husband received a significant inheritance, $430,686 of which remained at trial and which made up approximately 32 per cent of the parties’ assets. The wife sought to include the inheritance in the pool for division but the husband wanted the inheritance excluded.

The trial judge divided the pool, including the inheritance, with 35 per cent to the wife and 65 per cent to the husband. The husband appealed on the basis that there was a lack of connection between the inheritance and the marriage, as the inheritance had been received four years after the relationship ended.

The Full Court noted that the Court does have the power to divide the inheritance [20] as the Court is entitled to make orders it considers appropriate in relation to all the property held by the parties at the time of the hearing before the Court.

Counsel for the husband relied upon Stanford v Stanford [2012] HCA 52 (‘Stanford’), and in particular the High Court’s statement in that case that the Court must have ‘a principled reason for interfering with the existing legal and equitable interests of the parties to the marriage’ to argue that the Court would have to be satisfied that there is a sufficient nexus between particular items of after-acquired property and the parties’ marriage before that property could be included for division between the parties [29]. The Full Court disagreed, noting that Stanford was concerned with the conditions to be satisfied before the Court should consider altering the parties’ interests in their property (i.e. to determine that it is just and equitable to do so). Stanford was concerned about whether there should be an order for property division at all, not with the nature of the actual order. Stanford does not require there be a principled reason to interfere with individual assets.

The Full Court dismissed the argument that there must be a separate and specific consideration for the inclusion of after-acquired property, instead stating that the Court is not obliged to include or to treat it separately, but retains a discretion as to how to approach its treatment. The Court confirmed that there is no requirement for a nexus between any specific asset owned by one of the parties and the marriage.
RE: KELVIN

[2017] FamCAFC 258 (THACKRAY, STRICKLAND, AINSLIE-WALLACE, RYAN & MURPHY JJ)

Case stated—Children—Gender dysphoria

The case concerns an application by the father of ‘Kelvin’ concerning administration of stage two medical treatment for gender dysphoria. Gender dysphoria is where the incongruence between the person’s gender identity and their sex assigned at birth causes significant distress. Stage one treatment involves puberty blocking treatment and stage two treatment involves gender affirming hormone treatment. Stage one is reversible when used for a limited time but stage two has some irreversible effects. Kelvin was assigned female at birth in 2000. Since he was nine years old, Kelvin has experienced all aspects of the criteria for diagnosis with gender dysphoria and has suffered significant anxiety, depression and self-harming behaviour. Kelvin’s parents support the commencement of stage two treatment for gender dysphoria, and the application was supported by his psychologist, psychiatrist and endocrinologist.

The case sought the opinion of the Full Court concerning the effect of its previous decision in Re: Jamie [2013] FLC 93-547 (‘Re Jamie’) and the role of the Court more generally in relation to stage two medical treatment for gender dysphoria and the determination of Gillick competence (Gillick v West Norfolk and Wisbech Area Health Authority [1986] AC 112).

The key questions for the Court were:

1. Does the Full Court confirm its decision in Re Jamie that stage two treatment requires the Court’s authorisation pursuant to s 67ZC of the Act unless the child is Gillick competent to give informed consent?

2. Is it mandatory to apply to the Court for a determination that the child is Gillick competent when stage two treatment is proposed, the child consents to the treatment, the treating medical practitioners agree that the child is Gillick competent and the parents do not object?

A number of further questions were dependent upon the answer to the second question and the Court did not ultimately need to consider them.

To answer the first question, the majority (Thackray, Strickland and Murphy JJ) first looked at whether there were any principles emerging from the decision of the High Court in Secretary, Department of Health and Community Services v JWB and SMB (1992) 175 CLR 218 (‘Marion’s Case’) that bound the Court in Re Jamie and the present Court. Marion’s Case examined the circumstances where medical treatment was taken outside the normal realm of parental consent for non-Gillick competent children and thus the treatment required court authorisation. Marion’s Case drew the distinction between therapeutic and non-therapeutic treatment and concerned non-therapeutic sterilisation. The majority found that it was not bound by Marion’s Case as treatment for gender dysphoria is therapeutic but noted that the obiter is still persuasive, including the need to weigh up the therapeutic benefits of the treatment against the risks where there is a significant risk of making a wrong decision and the consequences of a wrong decision are particularly grave.
The majority examined the decision in *Re Jamie* and the background to the case, including noting that it was an appeal and thus limited to the grounds of appeal, and was the first Full Court decision on the matter. In deciding to depart from *Re Jamie*, the Court noted that the generally accepted factual understanding, particularly in relation to medical knowledge, has changed since the decision in *Re Jamie*. A new addition of the Diagnostic and Statistical Manual of Mental Disorders was released that changed the diagnosis of those struggling with their gender identity from a disorder focused on the gender identity itself to a disorder concerned with the distress surrounding this identity. Standards of care for treatment of gender dysphoria have been developed and there is increased knowledge of the risks associated with not treating young people with gender dysphoria. Thus the Court found that the development in treatment and understanding of gender dysphoria allowed it to depart from the previous decision.

The Court held that ‘the risks involved and the consequences which arise out of the treatment being at least in some respects irreversible, can no longer be said to outweigh the therapeutic benefits of the treatment and court authorisation is not required’ [162] and that ‘the treatment can no longer be considered a medical procedure for which consent lies outside the bounds of parental authority and requires the imprimatur of the Court’ [164]. In deciding to depart from *Re Jamie*, the Court did not find that *Re Jamie* was ‘plainly wrong’ but that the new circumstances and a new factual understanding made a new rule desirable.

In *Re Jamie* the Court held that, as court authorisation is required where there is a significant risk of making the wrong decision and the consequences of a wrong decision are particularly grave, it was also necessary for the Court to determine whether the child was *Gillick* competent. As the Court had now determined that the nature of the treatment no longer requires court authorisation, it flowed that there is also no longer a basis for the Court to determine *Gillick* competence. Thus the answer to the second question was also no.

Ainslie-Wallace and Ryan JJ agreed that a child who is *Gillick* competent can consent to treatment without court authorisation and that, where a child is not *Gillick* competent, those with parental responsibility may provide consent without court authorisation. *Marion’s Case* concerned non-therapeutic sterilisation for a child who did not and would never have the capacity to consent and found that those circumstances were outside of the parental power to consent because of the invasive and irreversible nature of the surgery, the significant risk of making the wrong decision and the grave consequences of a wrong decision. By contrast, treatment of gender dysphoria is therapeutic, and ‘*Marion’s Case* does not stand for the proposition that consent to a therapeutic procedure which has grave or irreversible consequences is outside the scope of parental power or outside the consent of a competent child. Nor does it erect a free standing obligation to obtain a court finding that a child is *Gillick* competent before his or her consent can be given effect’ [189]. As such, *Re Jamie* misapplied the principles in *Marion’s Case* and thus *Re Jamie* was, in that respect, plainly wrong and should not be followed.
Appeal—Property—Whether s 90AE(1)-(2) of the Family Law Act 1975 (Cth) confers power to make an order substituting one party to a marriage for the other party in relation to a taxation debt

The parties married in 1992 and separated in 2009. During the marriage, the Commissioner of Taxation issued assessments against the wife with respect to income tax and Medicare levies and obtained default judgment against her in November 2009. In November 2013, the husband became bankrupt. The wife commenced proceedings in the Federal Circuit Court in December 2013, seeking an order for alteration of property interests under s 79 of the Act.

The wife sought to substitute her husband as the debtor for her tax liability so that he would be solely liable to the Commissioner under s 90AE(1)(b) of the Act. Under s 90AE(1), the Court may make an order that is binding on a third party, including to order a creditor of one party to the marriage to substitute the other party for that party in relation to the debt.

The Commissioner was granted leave to intervene in the proceedings in February 2016 and the matter was transferred to the Family Court and the Full Court was asked to consider whether or not the Court has the power to make an order under s 90AE that is binding on the Crown.

The Commissioner of Taxation argued that, in accordance with Bropho v State of Western Australia (1990) 171 CLR 1, it should be presumed that s 90AE does not apply to the Crown as the section is expressed in general terms. Thackray and Strickland JJ found that the presumption does not apply as the section does not impose an obligation or a restraint on the Commissioner.

The reasons that it could be argued s 90AE can only impose a benefit on the Crown are:

- instead of an impecunious taxpayer being responsible for a tax liability, his or her more wealthy spouse may be made solely responsible pursuant to s 90AE(1)(a), thereby increasing the prospects of recovery
- instead of one spouse being responsible for a tax liability, both spouses may be made liable pursuant to s 90AE(1)(b), thereby providing a remedy for recovery that otherwise would have been unavailable
- while an order might be made leaving the less wealthy spouse to meet a tax debt, such an order could not be made if it was foreseeable that the order would result in the debt not being paid (s 90AE(3)(b)), and
- the legislation permits the Court to make such order as it considers just for the payment of the reasonable expenses of the creditor incurred as a necessary result of the order (s 90AJ(2)). [17]
The Commissioner had made a number of other arguments on the basis that the presumption did apply, including that:

- a substitution order would not be reasonably necessary or appropriate and adapted to effect a property order, as required by s 90AE, where the debt was not associated with a specific item of property
- there is alternate provision in the Act to respond to circumstances where it is appropriate that one spouse be responsible for a tax liability incurred by the other, and
- the transfer of tax debts could not operate to transfer the rights of objection, review and appeal and would thus create absurdities.

Thackray and Strickland JJ considered these, dismissing the first argument on the basis that there was no sound basis for construing the section so narrowly [27] and that it would always be open to the Commissioner to argue against a proposed order in a particular case on that basis [28].

In relation to the third argument, Thackray and Strickland JJ noted that s 14ZL of the Taxation Administration Act 1953 (Cth) confers the right of objection on ‘a person who is dissatisfied with an assessment, determination, notice or decisions’. Given this, Thackray and Strickland JJ rejected the Commissioner’s argument as the wide range of people who have the right of objection means there is no restriction on the substituted spouse exercising those rights.

Aldridge J agreed with the majority on the outcome but considered that s 90AE does change the right of the Commissioner of Taxation at law and does potentially hinder the Crown. Further, Aldridge J was of the opinion that a substituted spouse may not be able to exercise all the rights of objection, review and appeal as s 175A of the Income Tax Assessment Act 1936 (Cth) confers those rights on the ‘taxpayer’, which is defined in s 6 of the same as ‘a person deriving income or deriving profits or gains of a capital nature’. Aldridge J found that as this identifies the person with the right to object as the earner of the income, it does not include a substituted spouse.

Special leave to appeal to the High Court of Australia was granted on 23 March 2018.
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 of Australia (FCoA) 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 of Australia (FCA), who is also currently the FCoA’s acting CEO and Principal Registrar.

Figure 6.1 shows the organisational structure of the Court.
Figure 6.1: Organisational structure of the Family Court of Australia, 30 June 2018

Services provided under memorandum of understanding arrangements

**Federal Court of Australia**
CORPORATE SERVICES
Executive Director, Corporate
Catherine Sullivan

**Federal Circuit Court of Australia**
CHILD DISPUTE SERVICES
Principal, Child Dispute Services
Janet Carmichael

**Federal Circuit Court of Australia**
REGISTRY OPERATIONS
Executive Director, Operations
Steve Agnew

Denotes professional responsibility
JUDICIAL OFFICERS

At 30 June 2018, 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 (s 21B Family Law Act) 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 Sydney registry. Chief Justice John Pascoe AC CVO was appointed Chief Justice of the FCoA on 13 October 2017.

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). Deputy Chief Justice William Alstergren was appointed on 15 December 2017. Deputy Chief Justice Alstergren is also the Chief Judge of the Federal Circuit Court of Australia (FCC).
### Judges Assigned to the Appeal Division

<table>
<thead>
<tr>
<th>Judge</th>
<th>Appointed to the Appeal Division</th>
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<tbody>
<tr>
<td>The Honourable Chief Justice John Pascoe AC CVO</td>
<td>13 October 2017</td>
</tr>
<tr>
<td>The Honourable Deputy Chief Justice William Alstergren</td>
<td>15 December 2017</td>
</tr>
<tr>
<td>The Honourable Justice Stephen Ernest Thackray</td>
<td>16 December 2006</td>
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<tr>
<td>Chief Judge of the Family Court of Western Australia</td>
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<tr>
<td>The Honourable Justice Steven Andrew Strickland</td>
<td>14 December 2009</td>
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<tr>
<td>The Honourable Justice Ann Margaret Ainslie-Wallace</td>
<td>9 July 2010</td>
</tr>
<tr>
<td>The Honourable Justice Judith Maureen Ryan</td>
<td>27 September 2012</td>
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<tr>
<td>The Honourable Justice Peter John Murphy</td>
<td>27 September 2012</td>
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<tr>
<td>The Honourable Justice Murray Robert Aldridge</td>
<td>12 March 2015</td>
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<tr>
<td>The Honourable Justice Michael Patrick Kent</td>
<td>10 December 2015</td>
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<tr>
<td>The Honourable Justice Garry Allan Watts</td>
<td>21 June 2018</td>
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<tr>
<td>The Honourable Justice Stewart Craig Austin</td>
<td>21 June 2018</td>
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</table>

### Family Court of Australia Judges – 30 June 2018

#### Adelaide
- The Honourable Justice Steven Andrew Strickland: 22 November 1999
- The Honourable Justice David Michael Berman: 18 July 2013

#### Brisbane
- The Honourable Justice Peter John Murphy: 11 October 2007
- 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
<table>
<thead>
<tr>
<th>Location</th>
<th>Justice Name</th>
<th>Date</th>
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<tbody>
<tr>
<td>Hobart</td>
<td>The Honourable Justice Robert James Charles Benjamin AM</td>
<td>19 August 2005</td>
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<td>Melbourne</td>
<td>The Honourable Deputy Chief Justice William Alstergren</td>
<td>13 October 2017</td>
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<td></td>
<td>The Honourable Justice Victoria Jane Bennett AO</td>
<td>30 November 2005</td>
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<td>The Honourable Justice Paul Joseph Cronin</td>
<td>20 December 2006</td>
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<td>The Honourable Justice Kirsty Marion Macmillan</td>
<td>14 December 2011</td>
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<td>The Honourable Justice Jennifer Ann Coate</td>
<td>31 January 2013</td>
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<td>The Honourable Justice Sharon Louise Johns</td>
<td>29 July 2013</td>
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<td>The Honourable Justice Christine Thornton</td>
<td>12 August 2013</td>
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<td>Newcastle</td>
<td>The Honourable Justice Stewart Craig Austin</td>
<td>13 July 2009</td>
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<td>The Honourable Justice Margaret Ann Cleary</td>
<td>8 July 2010</td>
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<td>Parramatta</td>
<td>The Honourable Justice Garry Frederick Foster</td>
<td>8 August 2013</td>
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<td>The Honourable Justice Hilary Rae Hannam</td>
<td>13 August 2013</td>
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<td>Sydney</td>
<td>The Honourable Chief Justice John Pascoe AC CVO</td>
<td>13 October 2017</td>
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<td></td>
<td>The Honourable Justice Ann Margaret Ainslie-Wallace</td>
<td>9 July 2010</td>
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<td>The Honourable Justice Judith Maureen Ryan</td>
<td>31 July 2006</td>
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<td></td>
<td>The Honourable Justice Murray Robert Aldridge</td>
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<td></td>
<td>The Honourable Justice Janine Patricia Hazelwood Stevenson</td>
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<td>The Honourable Justice Mark Frederick Le Poer Trench</td>
<td>10 October 2001</td>
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<td></td>
<td>The Honourable Justice Garry Allan Watts</td>
<td>14 April 2005</td>
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<td></td>
<td>The Honourable Justice William Philip Johnston</td>
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<td>The Honourable Justice Ian James Loughnan</td>
<td>12 July 2010</td>
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<td></td>
<td>The Honourable Justice Judith Anne Rees</td>
<td>15 December 2011</td>
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<td></td>
<td>The Honourable Justice Robert Bruce McClelland</td>
<td>16 June 2015</td>
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<tr>
<td>Townsville</td>
<td>The Honourable Justice Peter William Tree</td>
<td>14 January 2013</td>
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FAMILY COURT OF WESTERN AUSTRALIA

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

<table>
<thead>
<tr>
<th>Judge</th>
<th>Date of FCoA commission</th>
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<tbody>
<tr>
<td>Chief Judge The Honourable Justice Thackray</td>
<td>1 December 2004</td>
</tr>
<tr>
<td>The Honourable Justice Simon Moncrieff</td>
<td>31 August 2009</td>
</tr>
<tr>
<td>The Honourable Justice Susan Duncanson</td>
<td>6 December 2012</td>
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<tr>
<td>The Honourable Justice Richard O’Brien</td>
<td>12 April 2016</td>
</tr>
<tr>
<td>The Honourable Justice Gail Sutherland</td>
<td>12 February 2018</td>
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JUDGES APPOINTED TO THE ADMINISTRATIVE APPEALS TRIBUNAL

- The Honourable Justice Janine Stevenson
- The Honourable Justice Victoria Bennett AO
- The Honourable Justice Colin Forrest
- The Honourable Justice David Berman
- The Honourable Justice Robert James Charles Benjamin AM
APPOINTMENTS AND RETIREMENTS

JUDICIAL OFFICER APPOINTMENTS

• Chief Justice John Pascoe AC CVO was appointed to the Court on 13 October 2017.
• Justice Michael Baumann AM was appointed to the Court on 11 January 2018.
• Justice Gail Sutherland (Family Court of Western Australia) received a dual commission to the Court on 12 February 2018.
• Justice Garry Watts was appointed to the Appeal Division of the Court on 21 June 2018.
• Justice Stewart Austin was appointed to the Appeal Division of the Court on 21 June 2018.

JUDICIAL OFFICER RETIREMENTS

• The Honourable Chief Justice Diana Bryant AO retired on 12 October 2017.
• The Honourable Justice Michelle May AM retired on 31 July 2017.
SENior Executives

Chief Executive Officer and Principal Registrar

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)). Warwick Soden OAM was appointed acting CEO and Principal Registrar in January 2018.

Senior Registrar

This is the most senior quasi-judicial position in the Court and has been held by John FitzGibbon since 1999. John sits in court full-time, hearing and determining cases in both parenting and financial proceedings. Most of his court work concerns urgent and interim parenting applications, including all of Victoria’s Magellan cases involving serious allegations of child physical abuse and child sexual abuse and family violence. He assumed that responsibility in 2011 at the request of the Chief Justice. John is also a member of the Rules Committee and is regularly sought to assist in training lawyers.

Deputy Principal Registrar

The Deputy Principal Registrar is responsible for providing legal, policy and procedural advice and support to the Chief Justice, the CEO and Principal Registrar and the staff of the Court. Virginia Wilson commenced in the position in September 2017. Other responsibilities include the handling of complaints, managing compliance with privacy and freedom of information legislation and support to a number of judicial committees.

Judicial 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.

During 2017–18 members of the Policy Advisory Committee included:

- The Honourable Chief Justice John Pascoe AC CVO (Chair)
- The Honourable Deputy Chief Justice William Alstergren
- The Honourable Justice Judith Ryan
- The Honourable Justice Robert Benjamin AM
- The Honourable Justice Stewart Austin
- The Honourable Justice Robert McClelland
- The Honourable Justice Michael Baumann AM, and
- Acting CEO and Principal Registrar Warwick Soden.
FINANCE COMMITTEE

The Finance Committee’s principal focus is to:

- consider and define the full cost and budgetary requirements of the FCoA
- 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 FCoA 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.

During 2017–18 members of the Finance Committee included Justice Benjamin [Chair], 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 meets on a regular basis to consider proposed changes to the Family Law Rules 2004 (Cth) with a view to improving the efficiency, accessibility and cost effectiveness of the FCoA for its clients. The committee also undertakes detailed consideration of discrete issues as required.

During 2017–18, the Rules Committee met in person on one occasion – on 1 September 2017. Justice Rees is the Convenor of the committee and the members during the year were Justice Ryan, Justice Loughnan, Justice Berman, Magistrate Moroni, Senior Registrar FitzGibbon, Deputy Principal Registrar Wilson and Registrar Paxton.


COURT PERFORMANCE COMMITTEE

The Court Performance Committee is chaired by Justice Austin 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 2018 there were 143 active Magellan cases.

PROFESSIONAL DEVELOPMENT AND JUDICIAL WELFARE COMMITTEE

The aim of the Professional Development and Judicial Welfare 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 and welfare issues.

The committee, chaired by Justice Ainslie-Wallace, assists the Chief Justice in the dissemination of information Her 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 in Melbourne on 4–6 October 2017. Activities are also planned for the 2018 Judge’s Conference on 28–30 October 2018.

FAMILY LAW LITIGATION COSTS WORKING GROUP

This working group was established in March 2018 to examine the issue of costs (and delays) in family law litigation. It will include members of the legal profession and will operate only in the Court’s supervisory role in relation to costs, equivalent to the role of a superior court.

Preliminary meetings will be initially held in Sydney and Melbourne.

The working group will be chaired by Justice Stevenson and the initial membership is as follows:

- Justice Benjamin
- Justice Watts, and
- Justice McClelland.
AUSTRALIAN LAW REFORM COMMISSION FAMILY LAW REVIEW COMMITTEE

On 17 August 2017, the then Attorney-General, Senator the Hon George Brandis QC, asked the Australian Law Reform Commission (ALRC) to review the family law system, to report on 31 March 2019. The Court established a committee to advise the Chief Justice on matters pertaining to the review including the Court’s submission to the ALRC. The committee assisted in the preparation of the Chief Justice’s submission to the Issues Paper.

The committee is chaired by Justice Strickland (the judge responsible for matters of law reform). Other members include:

- Justice Ryan
- Justice Watts
- Justice Loughnan
- Justice Carew
- Justice O’Brien (Family Court of Western Australia), and
- Deputy Principal Registrar Wilson (Secretariat).

WORK OF THE SUB-COMMITTEES

CHILDREN’S COMMITTEE

The Children’s Committee, a joint initiative between the FCoA and FCC, meets regularly 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.

The committee has established and is building links with the Australian Children’s Contact Services Association.

Membership for 2017–18 included:

- Judge Cole (FCC)
- Justice Moncrieff (Family Court of Western Australia)
- Justice Forrest (FCoA)
- Janet Carmichael (Principal Child Dispute Services, FCC)
- Kylie Beckhouse (Legal Aid NSW)
- Alexandra Wearne (Independent Children’s Lawyer, NSW)
- Kate Bint (Independent Children’s Lawyer, Qld), 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 FCC, state courts and tribunals, the National Judicial College and relevant state judicial education authorities such as the Judicial Commission of NSW.

Committee Chair, Justice Benjamin, met with a large number of leaders of Indigenous communities during 2017 and 2018 to discuss issues arising from the intersection of family law and child protection law. Work was also undertaken in 2017–18 to produce a Reconciliation Action Plan for the FCoA. The plan was due to be officially launched in July 2018.

FAMILY VIOLENCE COMMITTEE

The Family Violence Committee is a joint committee of the FCoA and the FCC. 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 2018 was:

- Judge Hughes (Chair)
- Justice Stevenson
- Justice Ryan
- Justice Hannam
- Judge Brown
- Judge Spelleken
- Judge Terry
- Judge Bender
- Janet Carmichael
- Di Lojszczyk, and
- Melissa Buhagiar (Secretariat).

The committee’s major project was the continued implementation of the Family Violence Plan which forms part of the commitment both courts have made to addressing family violence, including the measures contained in the joint Family Violence Best Practice Principles.
COLLABORATIVE COMMITTEES

JOINT COSTS ADVISORY COMMITTEE

The committee comprises representatives of the four federal courts: the High Court of Australia, the FCA, the FCoA and the FCC.

Membership as at 30 June 2018 was:

- Justice Benjamin AM, FCoA (Chair)
- Philippa Lynch, CEO and Principal Registrar, High Court of Australia
- John Mathieson, Deputy Principal Registrar, FCA
- Adele Byrne, Deputy Principal Registrar, FCC, and
- Virginia Wilson, Deputy Principal Registrar.

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

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.

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, 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
Adelaide SA 5001

or emailed to clientfeedback@familycourt.gov.au.

Further advice on making Freedom of Information requests may be obtained by calling 08 8219 1641.

The Court received three Freedom of Information requests during 2017–18. At 30 June 2018, 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 FCA as the provider of the corporate services for the Court.

During the year, the Office of the Australian Information Commissioner conducted its 2018 Information Publication Scheme survey of Australian Government agencies. The purpose of the survey is to review the operation of the Information Publication Scheme within each Australian Government agency. The Court, as a prescribed agency subject to the Freedom of Information Act 1982, participated in this survey.

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/.

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], but in summary, in 2017–18, the Court received:

- 13 complaints about FCoA services
- 8 complaints arising from services provided by the FCC or other third parties and relating to FCoA matters
- 10 complaints about judicial conduct, and
- 9 complaints about the time taken in the delivery of a judgment.

EXTERNAL AND INTERNAL SCRUTINY

COMMONWEALTH OMBUDSMAN

The Commonwealth Ombudsman made no adverse report specific to the FCoA during 2017–18.

FREEDOM OF INFORMATION

The Court received three Freedom of Information requests during 2017–18.

ACTION IN DEFAMATION

There were no actions in defamation during 2017–18.

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 2017–18, 11 questions on notice were received and answered by the FCoA.

CORRECTION OF ERRORS IN THE 2016–17 ANNUAL REPORT

Page 3 of the 2016–17 annual report stated that the number of Full Court judgments published to AustLII during that reporting year was 216. This should have been 277.
<table>
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<th>APPENDIX</th>
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<tr>
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APPENDIX 1

OUTCOME AND PROGRAM STATEMENT – FAMILY COURT OF AUSTRALIA

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

<table>
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<tr>
<th>Program 2.1 – Family Court of Australia</th>
<th>Budget 2017–18 ($’000)</th>
<th>Actual 2017–18 ($’000)</th>
<th>Variation ($’000)</th>
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<td>Departmental appropriation</td>
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<td>31,057</td>
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<td>Expenses not requiring appropriation in the budget year</td>
<td>12,318</td>
<td>10,372</td>
<td>1,946</td>
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<td>Total for Program 2.1</td>
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<td>Total expenses for Outcome 2</td>
<td>44,683</td>
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Average staffing level (number) 107 81

The financial statements can be found in Appendix 1 of the Federal Court of Australia’s 2017–18 annual report.
APPENDIX 2

STAFFING PROFILE – FAMILY COURT OF AUSTRALIA

At 30 June 2018, the Family Court of Australia (FCoA) had a total workforce of 90 employees.

Of the Court’s 90 employees:

• 14 (16 per cent) were male and 76 (84 per cent) were female, and
• 56 (62 per cent) were ongoing employees and 34 (38 per cent) were non-ongoing employees, including casuals.
Table A2.1: Family Court of Australia: staffing overview by location (actual occupancy as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

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Note: Judicial officers and the CEO and Principal Registrar, who are holders of public office, are not included in this table.
Table A2.2: Family Court of Australia: staffing by gender, classification and location (as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

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Note: Judicial officers and the CEO and Principal Registrar, who are holders of public office, are not included in this table.
Table A2.3: Family Court of Australia: staffing by attendance status (as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

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INDIGENOUS EMPLOYMENT

At 30 June 2018, the Court had no employees who identified as Aboriginal or Torres Strait Islander.

Table A2.4: Family Court of Australia: Indigenous staff by location, gender and employment status

<table>
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<tr>
<th>Employment status</th>
<th>Gender</th>
<th>ACT</th>
<th>NSW</th>
<th>NT</th>
<th>QLD</th>
<th>SA</th>
<th>TAS</th>
<th>VIC</th>
<th>WA</th>
<th>Total</th>
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<td>Ongoing</td>
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<td>Male</td>
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<tr>
<td>Non-ongoing</td>
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<td>Male</td>
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JUDICIAL OFFICERS

At 30 June 2018, the Family Court had 33 judges, including the Chief Justice and Deputy Chief Justice; 13 female and 20 male.

The remuneration arrangements for all judicial officers and the Chief Executive Officer (CEO) and Principal Registrar are governed by enforceable determinations of the Remuneration Tribunal. Details, including relevant determinations, are available at www.remtribunal.gov.au.

See Part 6 of this report (Management and accountability) on page 60 for more information.

WORKFORCE TURNOVER

During 2017–18, 27 employees left the Court (14 were non-ongoing, 11 were ongoing and 2 were casual employees), representing an annual turnover rate of 30 per cent against total employee numbers at 30 June 2018.

Table A2.5: Family Court of Australia: workforce turnover

<table>
<thead>
<tr>
<th>Termination reason</th>
<th>Ongoing</th>
<th>Casual</th>
<th>Non-ongoing</th>
<th>Total</th>
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<tbody>
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<td>Expiration of contract</td>
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<td>Resign</td>
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<td>Retire – Age – 60 to 65 years</td>
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<tr>
<td>Retire – Age – under 60 years</td>
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<tr>
<td>Voluntary redundancy</td>
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<td>Total</td>
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**ENTERPRISE AGREEMENT**

The Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement 2011–2014 continued to operate during 2017–18. The Agreement has a nominal expiry date of 30 June 2014. Court management continued to hold negotiations with the Community and Public Sector Union and bargaining representatives for a replacement agreement to cover all employees of the Federal Court of Australia during the year.

On 5 June 2018, the proposed agreement was approved by employees through a voting process whereby 888 employees voted to approve the agreement out of 927 who cast a valid vote. A total of 1183 employees were eligible to vote. The agreement was consistent with the Australian Government Public Sector Workplace Bargaining Policy. The Court received approval of the new agreement from the Fair Work Commission on 31 July 2018 and the new agreement is due to commence on 7 August 2018.

At 30 June 2018, 86 FCoA employees were covered by the Enterprise Agreement.

**RELATIONSHIP BETWEEN AGREEMENTS**

Terms and conditions of employment in the Court were governed by one or more of the following industrial instruments:

- the Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement 2011–2014, covering all non-Senior Executive Service (SES) employees except those on Australian Workplace Agreements (AWAs)
- AWAs
- individual determinations under s 24(1) of the Public Service Act 1999, or
- individual common law contracts.

The Enterprise Agreement, like its predecessors, is a comprehensive agreement; however, for some employees, it may be supported by either an individual flexibility agreement, a determination under s 24(1) or a common law contract that provides additional terms and conditions.

AWAs may also be supported by individual determinations under s 24(1) or common law contracts.
OTHER AGREEMENTS

Offers of AWAs to court employees ceased from 13 February 2008, in accordance with government policy; however, at 30 June 2018, three employees had enforceable AWAs in place.

In some limited cases, the Family Court has used common law contracts and determination 24 instruments pursuant to the *Public Service Act 1999*, to build upon existing AWA arrangements.

Employees covered by other agreements

During the reporting period, the FCoA had a total of:

- three employees on AWAs
- two employees on common law contracts
- one employee on an individual flexibility agreement, and
- three SES employees on determination 24 arrangements.

Table A2.6: Family Court of Australia: Australian Workplace Agreement minimum salary ranges by classification

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<tr>
<td>APS 6</td>
<td>–</td>
</tr>
<tr>
<td>EL 1</td>
<td>–</td>
</tr>
<tr>
<td>EL 2</td>
<td>$140,260 to $188,665</td>
</tr>
<tr>
<td>SES 1</td>
<td>–</td>
</tr>
<tr>
<td>SES 2</td>
<td>$211,851</td>
</tr>
</tbody>
</table>
SENIOR EXECUTIVE SERVICE REMUNERATION

Terms and conditions for the Court’s SES employees are in common law contracts, AWAs and individual 24(1) determinations made by the CEO and Principal Registrar. SES salaries are benchmarked against other public sector agencies and take account of the Court’s budgetary position and the Government’s workplace bargaining policy.

Table A2.7: Family Court of Australia: Senior Executive Service (as at 30 June 2018)

<table>
<thead>
<tr>
<th>Location</th>
<th>Name</th>
<th>SES level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Victoria</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Registrar</td>
<td>John FITZGIBBON</td>
<td>SES Band 2</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deputy Principal Registrar</td>
<td>Virginia WILSON</td>
<td>SES Band 1</td>
</tr>
</tbody>
</table>

NON-SALARY BENEFITS

Non-salary benefits provided by the Court to employees include motor vehicles, car parking, superannuation, access to salary sacrificing arrangements, computers – including home-based computer access, membership of professional associations, mobile phones, study assistance, leave flexibilities, workplace responsibility allowances (e.g. first aid, chief and deputy fire warden, community language) and airline club memberships.

PERFORMANCE PAY ARRANGEMENTS

The Court’s industrial instruments do not include provision for performance-based pay to employees. No employees received performance pay during 2017–18.
**SALARY RANGES BY CLASSIFICATION LEVEL**

Table A2.8: Family Court of Australia: salary ranges by classification level under the *Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement 2011–2014* or Determination (as at 30 June 2018)

<table>
<thead>
<tr>
<th>Australian Public Service (APS) Classification</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>APS 1</td>
<td>$44,063</td>
</tr>
<tr>
<td></td>
<td>$47,118</td>
</tr>
<tr>
<td>APS 2</td>
<td>$48,247</td>
</tr>
<tr>
<td></td>
<td>$53,504</td>
</tr>
<tr>
<td>APS 3</td>
<td>$56,383</td>
</tr>
<tr>
<td></td>
<td>$59,310</td>
</tr>
<tr>
<td>APS 4</td>
<td>$63,197</td>
</tr>
<tr>
<td></td>
<td>$66,499</td>
</tr>
<tr>
<td>APS 5</td>
<td>$68,315</td>
</tr>
<tr>
<td></td>
<td>$72,440</td>
</tr>
<tr>
<td>APS 6</td>
<td>$74,198</td>
</tr>
<tr>
<td></td>
<td>$84,754</td>
</tr>
<tr>
<td>EL 1</td>
<td>$94,586</td>
</tr>
<tr>
<td></td>
<td>$102,136</td>
</tr>
<tr>
<td>EL 2</td>
<td>$111,677</td>
</tr>
<tr>
<td></td>
<td>$131,082</td>
</tr>
</tbody>
</table>

**Registrar positions**

| EL 2                                          | $128,152     |
|                                               | $133,702     |

**Senior Executive Service positions**

| SES 1                                         | $175,000     |
|                                               | $211,851     |
## COMMITTEES

### JUDICIAL COMMITTEES, 30 JUNE 2018

<table>
<thead>
<tr>
<th>Committee</th>
<th>Terms of reference</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Policy Advisory Committee</strong></td>
<td>• 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.</td>
</tr>
<tr>
<td>Chief Justice Pascoe (Chair)</td>
<td></td>
</tr>
<tr>
<td><strong>Finance Committee</strong></td>
<td>• To provide judicial input to the Court’s annual budget in relation to the funding and resourcing of judicial work.</td>
</tr>
<tr>
<td>Justice Benjamin (Chair)</td>
<td></td>
</tr>
<tr>
<td><strong>Rules Committee</strong></td>
<td>• To consider all necessary or proposed rule changes. Section 123 of the <em>Family Law Act 1975</em> provides that a majority of judges may make rules of court in relation to practices and procedures to be followed in the Family Court.</td>
</tr>
<tr>
<td>Justice Rees (Chair)</td>
<td></td>
</tr>
<tr>
<td><strong>Court Performance Committee</strong></td>
<td>• To ensure the implementation and maintenance of case management systems designed to achieve maximum efficiency in the discharge of the Court’s work.</td>
</tr>
<tr>
<td>Justice Austin (Chair)</td>
<td></td>
</tr>
<tr>
<td><strong>Professional Development and Judicial Welfare Committee</strong></td>
<td>• 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 and welfare issues.</td>
</tr>
<tr>
<td>Justice Ainslie-Wallace (Chair)</td>
<td></td>
</tr>
<tr>
<td><strong>Family Law Litigation Costs Working Group</strong></td>
<td>• To examine the issue of costs (and delays) in family law litigation.</td>
</tr>
<tr>
<td>Justice Stevenson (Chair)</td>
<td></td>
</tr>
<tr>
<td>Committee</td>
<td>Terms of reference</td>
</tr>
<tr>
<td>-------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Family Law Review Committee</td>
<td>• To advise the Chief Justice on matters pertaining to the review, including the Court’s submission to the Australian Law Reform Commission.</td>
</tr>
<tr>
<td>Justice Strickland (Chair)</td>
<td></td>
</tr>
<tr>
<td>Aboriginal and Torres Strait Islander Outreach Committee</td>
<td>• 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.</td>
</tr>
<tr>
<td>Justice Benjamin (Chair)</td>
<td></td>
</tr>
<tr>
<td>Family Violence Committee</td>
<td>• 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.</td>
</tr>
<tr>
<td>Judge Hughes (Chair)</td>
<td></td>
</tr>
<tr>
<td>Children’s Committee</td>
<td>• A joint committee 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.</td>
</tr>
<tr>
<td>Judge Cole (Chair)</td>
<td></td>
</tr>
<tr>
<td>Research and Ethics Committee</td>
<td>• To consider research proposals that are received by the Court on their merits and against ethical guidelines.</td>
</tr>
<tr>
<td>Justice Stevenson (Chair)</td>
<td></td>
</tr>
</tbody>
</table>
JUDICIAL ACTIVITIES

In addition to hearing and determining cases, the judges of the Family Court of Australia (FCoA) actively contribute to the development of the law and legal education, both in Australia and internationally.

This is achieved through attending conferences and seminars; membership of relevant bodies; presenting papers and lectures; addressing academic institutions, professional associations and community-based organisations; and meeting international delegations and liaising with judicial colleagues around the world.

Many judges also serve as members of organising committees for conferences as well as working in the community with a variety of legal and non-legal organisations.

A summary of conferences and seminars attended and papers delivered by the Chief Justice and FCoA judges during 2017–18, and other activities undertaken during that period, follows.

CHIEF JUSTICE JOHN PASCOE AC CVO

Ceremonial sittings for 2017–18

- 20 October 2017, joint swearing-in ceremonial of Chief Justice Pascoe and Chief Judge Alstergren
- 1 November 2017, Welcome NSW Silk Bows
- 30 November 2017, Welcome Victorian Silk Bows
- 11 January 2018, The Honourable Justice Michael Baumann AM

Professional and other memberships

- Judicial Conference of Australia
- LAWASIA Family Law and Family Rights Section
- International Association for Court Administration
- Association of International Family Judges
- Australian Academy of Law
- International Hague Network of Judges
Conferences attended and papers delivered*  

- 1–5 September 2017, 16th Australian Family Lawyers’ Conference, *Here we go again: The Family Law System 40 years on*  
- 11 October 2017, Welcome speech to delegates of the International Bar Association at the FCoA  
- 31 January–2 February 2018, International Social Service, Expert Consultation meeting, University of Zurich  
- 6 March 2018, side event, 37th session of the Human Rights Council, *Finding the truth – A Judge’s journey through surrogacy*  
- 17 April 2018, Hong Kong Family Law Association, Panel speaker on *The change of the face of international child abduction*  
- 18–20 April 2018, HCCH Global Conference, *HCCH 125 – Ways Forward: Challenges and Opportunities in an Increasingly Connected World*  
- 30 April 2018, Moderator, Australian Academy of Law, *Access to justice: The breadth of the concept of justice seminar*  
- 8 May 2018, Anglo-Australasian Lawyers Society, *Same old picture – New story*  
- 25 May 2018, Delegation of judges from the Supreme Court and other courts of Thailand, Sydney  
- 1 June 2018, Delegation of officials from the Supreme Court and other courts of Thailand, Sydney  
- 7 June 2018, 7th LAWASIA Family Law and Children’s Rights Conference, Keynote address: *Have we lost the battle on children’s rights?*  
- 8 June 2018, 7th LAWASIA Family Law and Children’s Rights Conference, Panellist: *Future world – Family law in the next decade*  
- 19 June 2018, International Social Service Working Group meeting, update on Principles  
- Attended quarterly meetings of the Council of Chief Justices of Australia and New Zealand

* Activities from Chief Justice Pascoe’s time as Chief Judge of the FCC have been included in this section.
ACTIVITIES OF JUDGES

THE HONOURABLE JUSTICE STRICKLAND

Professional and other memberships

- Law Society of South Australia
- Family Law Section of the Law Council of Australia
- Judicial Conference of Australia
- Association of Family and Conciliation Courts
- Australian Institute of Family Law Arbitrators and Mediators
- FCoA representative, Council of Chief Justices Rules Harmonisation Committee
- Director, Australian Institute of Family Law Arbitrators and Mediators
- President, Australian Chapter of the Association of Family and Conciliation Courts

Conferences or events attended during the year

- 17–19 August 2017, 4th Association of Family and Conciliation Courts, Australian Chapter Annual Conference, Melbourne
- 25 September 2017, presentation on the FCoA to the South Australian Bar Readers’ Course
- 26 May 2018, Law Society of South Australia and Adelaide Law School, Graduate Diploma of Legal Practice, Advocacy Coaching Clinics
- 6–9 June 2018, 55th Association of Family and Conciliation Courts Annual Conference, Washington DC

THE HONOURABLE JUSTICE AINSLIE-WALLACE

Professional and other memberships

- Australian Association of Women Judges
- International Bar Association
- NSW Bar Association
- Australian Institute of Judicial Administration
- National Judicial College of Australia
- Australian Academy of Law
- Master 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 (USA)
• 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 Achievers Mentoring Program mentor

Conferences or events attended during the year

• 1 July 2017, Commonwealth Director of Public Prosecutions, Workshop, Sydney
• 27 August–2 September 2017, Advanced Advocacy Training, UK Advocacy Training Council, Keble College, Oxford, United Kingdom
• 18 September 2017, University of Technology Sydney, Presentation: Law – Inspirational careers, Sydney
• 4–6 October 2017, NCJA, Education Conference, Dialogues on being a Judge (also a member of the organising committee)
• 13 October 2017, Australian Advocacy Institute, Family Law Workshop, Sydney
• 20 October 2017, Department of Human Services, Workshop, Sydney
• 22–27 October 2017, National Judicial Orientation Program Conference (and a member of the organising committee)
• 10 March 2018, Toongabbie Legal Centre presentation

THE HONOURABLE JUSTICE RYAN

Conferences or events attended during the year

• 18 November 2017, Legal Aid NSW, Child Representation Conference, Terrigal. Paper presented: Should I stay or should I go? Does the child’s lawyer have a role in appeals?
• 24 April 2018, Legal Aid NSW, National Independent Children’s Lawyers (ICL) Online Video Resources, Sydney. Paper presented: The role of the ICL
• 24 April 2018, University of Technology Sydney. Paper presented: Re Kelvin – Spot the differences
• 4 May 2018, FCoA, Australian Awards Leadership Forum: Improving Women’s and Children’s Access to the Formal Justice System, Melbourne. Paper presented: Official closing of the programme and recommendations for strengthening women’s and children’s access to justice in the Pacific in family law and violence cases
• 25 May 2018, FCoA, Thai Judicial Delegation visit, Sydney. Paper presented: *Family law and access to justice in Australia*
• 29 May 2018, National Judicial College of Australia, Family Violence in the Court Program, Brisbane. Paper presented: *Family violence in the Court program*
• 17–20 June 2018, Department of Foreign Affairs and Trade and the FCoA, Improving Women’s and Children’s Access to the Formal Justice System, Fiji. Paper presented: *The role of the lawyer for children and including children in the court process: Family violence and family law in Australia*

**THE HONOURABLE JUSTICE MURPHY**

**Professional and other memberships**

- Association of Family and Conciliation Courts
- Australasian Institute of Judicial Administration Incorporated
- Australian and New Zealand Association of Psychiatry, Psychology and Law
- Bar Association of Queensland
- International Association of Court Administration
- Judicial Conference of Australia
- Family Law Section of the Law Council of Australia
- Member, Family Law Section of the Law Council of Australia, National Advisory Council
- Member, National Judicial College of Australia, Judgment Writing Committee
- Member, World Congress on Family Law and Children’s Rights, Advisory Board
- Member, Judicial Conference of Australia, Governing Council Member
- Chair, Court Excellence Committee
- Chair, Papers Committee, National Family Law Conference 2018
- Member, International Society of Family Law

**Conferences or events attended during the year**

- 31 July 2017–2 August 2017, meeting with Indonesian Judiciary, Australian Indonesia Partnership for Justice, Melbourne
- 17 August 2017, University of the Sunshine Coast, Guest Lecture, Sunshine Coast. Paper presented: *Reflections from the Bench: There’s no fool like an old fool*
- 5–6 October 2017, Annual Judges Conference, Melbourne
THE HONOURABLE JUSTICE AUSTIN

Professional and other memberships

- Hunter Valley Family Law Practitioners Association
- Newcastle University Advisory Committee
- NSW Law Society Working Group
- Newcastle Bar Association

Conferences or events attended during the year

- 1 September 2017, Newcastle Bar Association, Annual dinner, Newcastle
- 8 September 2017, Sydney Bar Association, Annual dinner, Sydney
- 15 September 2017, Newcastle Bar Association, *Banter with the Bench*, Newcastle
- 3–5 October 2017, National Judicial College of Australia, Dialogues Conference, Hobart
- 23 and 25 October 2017, Newcastle University Law School, Mock Courts, Newcastle
- 20 November 2017, Newcastle University, Law School Advisory Meeting, Newcastle
- 18–20 June 2018, Department of Foreign Affairs and Trade, Judicial Workshop, Fiji. Paper presented: *Enforcement of orders and anonymised judgments*

THE HONOURABLE JUSTICE BENJAMIN AM

Professional and other memberships

- Part-time Deputy President, Administrative Appeal Tribunal
- Deputy Chair, Academic Committee of College of Law, including the continuing development of Master Qualifications for practitioners in Family Law
- Committee member, Law Society Indigenous Issues Committee (NSW)
- Committee member, National Judicial College
- Chair, Joint Courts Costs Committee
- Chair, Finance Committee
- Chair, Aboriginal and Torres Strait Islander Outreach Committee
Conferences or events attended during the year

- 23 August 2017, live radio interview (The Chat), University of Technology Sydney
- 10–13 October 2017, Triennial conference, New Zealand Family Law Judges, Christchurch
- 4 May 2018, Moot practice with law students, Centre for Legal Studies, Tasmanian Legal Practice Course
- 12 May 2018, Riverina Law Society, Annual meeting, Griffith
- 5 June 2018, National Judicial College of Australia, presentation for judicial officers, Melbourne

THE HONOURABLE JUSTICE BENNETT AO

Professional and other memberships

- Continuing Presidential Member, Administrative Appeals Tribunal
- Association of International Family Judges
- International Association of Women Judges
- Australian Association of Women Judges
- Association of International Judicial Administration
- LawAsia
- Australian Institute of Judicial Administration
- Victorian Bar Association
- Association of Family and Conciliation Courts (International and Australian Chapter)
- Judicial Officers Aboriginal Cultural Awareness Committee
- Magistrates Court of Victoria, Family Violence Taskforce
- Judicial Advisory Group on Family Violence
- Aboriginal and Torres Strait Islander Outreach Committee
- Court Education Committee (FCoA)

Conferences or events attended during the year

- 18 July 2017, Melbourne University Law School, lunch for new Japanese Consul-General, Mr Kazuyoshi Matsunaga
• 10 August 2017, Meet the Judges, Leo Cussen. Co-presenter with Judge Stewart of the Federal Circuit Court: What a Judge wants
• 17–19 August 2017, Association of Family and Conciliation Courts Conference, Melbourne
• 28 August 2017, moderator, the Role of the Family Court and family law policy in Australia, the best interests of the child, visit of the Philippines delegation
• 9 September 2017, Judicial College of Victoria, Koori Twilight Series, Lunch and tour of Worawa Aboriginal College
• 12 September 2017, Leo Cussen Family Law Conference, joint presentation with Judge Stewart of the Federal Circuit Court: Leniency and the self-represented litigant – How far should it extend?
• 6 October 2017, Judges Conference and Education Day, Melbourne
• 10 October 2017, Chair, Drafting Committee for Recommendations, 7th Hague Special Commission, The Hague, Netherlands
• 1 November 2017, Sir Zelman Cowan Centre Oration, Dame Hazel Genn
• 14 November 2017, Judicial College of Victoria, Koori Twilight Series, The experiences of Aboriginal lawyers
• 7–8 December 2017, Seminar on the 1980 Hague Convention in Asia Pacific, Tokyo, Japan. Paper presented: Court proceedings in Hague return matters
• 11 December 2017, Seminar, the 1980 Hague Convention in the Asia Pacific, Tokyo, Japan
• 27 February 2018, Judicial College of Victoria, Koori Twilight Series, Self-determination and treaty – The Victorian story
• 7 March 2018, International Arbitration procedure and the Courts, The Hon Justice John Middleton, Melbourne
• 22 March, 2018, Leo Cussen continuing professional development Marathon, Melbourne. Paper presented: Dealing with self-represented litigants (pre-court and at court)
• 15–20 April 2018, HCCH 125, Ways Forward Challenges and Opportunities in an Increasingly Connected World, Hong Kong
• 17 April 2018, Hong Kong Family Law Association. Paper presented: The changing of the face of the international child abduction
• 27 April 2018, Australia Awards Leadership Forum, Improving Women’s and Children’s access to the formal Justice system. Panelist: The best interests of the child
• 21 May 2018, visit to the Court by Commissioner Ro Allen, Victorian Commissioner for Gender and Sexuality, who gave a presentation to a gathering of some 26 judges from several jurisdictions on LGBTI inclusion, hosted by DCJ Alstergren
• 29 May 2018, information session for scholars of the China Legal Executive Program, Melbourne
• 31 May 2018, guest presenter, Graduation Ceremony, China Legal Executive Program, Melbourne
• 7 June 2018, Australian Intercultural Society, Iftar Ramadan home dinner
• 21 June 2018, co-hosted with International Social Service Australia and Victoria Legal Aid, a visit to the Court by consular representatives and a presentation on international parental child abduction, the 1980 Hague Convention and services available to assist clients
• 21 June 2018, paper presented: Applying family law – Parenting and property
• June 2018, article for the Judges’ Newsletter, HCCH: A better place for the child in return proceedings under the 1980 Convention – a perspective from Australia
• 4 June 2018, Victorian Parliament, Iftar dinner, hosted by the Hon Robin Scott MLA and Mrs Inga Peulich MLC, in conjunction with the Australian Intercultural Society

THE HONOURABLE JUSTICE FORREST

Conferences or events attended during the year
• 5–6 October 2017, FCoA, Judges’ Annual Conference, Melbourne
• 21 February 2017, Queensland Drug and Alcohol Court, Official Opening, Brisbane
• 9 April 2018, Brisbane Family Law Centre, Creativity and the Law (Fundraiser), Brisbane
• 25 May 2018, Legal Aid Hague Mediations Discussion, Brisbane

THE HONOURABLE JUSTICE HOGAN

Conferences or events attended during the year
• 2 March 2018, Bar Association of Queensland, 2018 Annual Conference, Family Law Stream, Brisbane. Group leader
• 25 May 2018, Legal Aid Hague Mediations Discussion, Brisbane
THE HONOURABLE JUSTICE THORNTON

Professional and other memberships
- Judicial Conference of Australia
- Australian Association of Women Judges

Conferences or events attended during the year
- 5–6 October 2017, FCoA, Annual Judges Conference, Melbourne

THE HONOURABLE JUSTICE HANNAM

Professional and other memberships
- Australasian Institute of Judicial Administration
- Judicial Conference of Australia
- Australian Association of Women Judges
- Board Member, Taldumande Youth Service

Conferences or events attended during the year
- 4–6 October 2017, Annual Judges Conference, Melbourne
- 7–8 October 2017, Judicial Conference of Australia, Colloquium, Hobart
- 29 November 2017, Westmead Hospital, NSW Department of Health, Youth Health Forum, Sydney. Paper presented: *Family breakup – Supporting young people through separation and conflict*
- 23 March 2018, College of Law, Judges Day continuing professional development, Sydney. Paper presented: *Supervising and suspending time ... precaution or overkill?*
- 3–4 May 2018, Australia Awards Leadership Forum, Improving Women’s & Children’s Access to the Formal Justice System, Melbourne

THE HONOURABLE JUSTICE MCCLELLAND

Conferences or events attended during the year
- 8 February 2018, Australian Disputes Centre, Opening address for 2018, Sydney. Paper presented: *Reasonableness: The foundation of all advocacy*
- 7 June 2018, Legal wise seminars, Family Law Conference, Sydney. Paper presented: *Opportunities to invoke the accrued jurisdiction of the Family Court*
THE HONOURABLE JUSTICE CAREW

Professional and other memberships
- Association of International Family Law Judges
- Judicial Conference of Australia
- Australian Law Reform Commission Committee
- Ethics Committee
- Court Policy Committee

Conferences or events attended during the year
- 13–15 July 2017, Queensland Law Society and Family Law Practitioners Association, Family Law Residential 2017, Gold Coast. Acted in the role of moderator in the Great Debate: I have the most important job in the family law system! Presenter of Tips from the Bench: 10 ways to improve your written evidence
- 5–6 October 2017, FCoA, National Judge’s Conference, Melbourne
- 29 November 2017, Land Court of Queensland, Concurrent evidence of experts, Brisbane
- 28 February 2018, Child Dispute Services, Children’s Memory, Brisbane
- 19–21 March 2018, National Judicial College of Australia, Writing Better Judgments, Perth
- 2 May 2018, Child Protection Practitioners Association of Queensland, Interviewing children and young people: Lessons from the Royal Commission into Institutional Responses to Child Sexual Abuse, Brisbane
- 8 May 2018, Child Dispute Services, Children’s Memory, Brisbane

THE HONOURABLE JUSTICE GILL

Conferences or events attended during the year
- 11–13 October 2017, Family Court for New Zealand, New Zealand Family Court Triennial Family Law Conference, Christchurch, New Zealand
- November 2017, ACT Supreme Court, Panel for the appointment of an ACT Supreme Court Judge, Canberra
- 6 March 2018, ACT Policing and Clinical Forensic Medical Services, 2018 Strangulation Prevention and Intervention dinner meeting, Canberra
- 4 April 2018, Domestic Violence Prevention Council, Domestic Violence Policy Committee, extraordinary meeting, Canberra
THE HONOURABLE JUSTICE BAUMANN AM

Professional and other memberships

• Treasurer, Judicial Conference of Australia

Conferences or events attended during the year

• 16 February 2018, Gold Coast District Law Association Inc., Meet the judiciary breakfast, Gold Coast
• 17 February 2018, Salvos Legal, Salvos Legal Humanitarian and Family Law Conference, Brisbane. Paper presented: How to survive as a family lawyer
• 24 May 2018, Australasian Institute of Judicial Administration, Forces of Change – Defining Future Justice Conference (oration only), Brisbane

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 from the Hobart registry continues to serve on the Academic Committee of College of Law, including the continuing development of Master qualifications for practitioners in family law. His Honour continues to be part of the Centre for Legal Studies Tasmanian Legal Practice Course and participated in a one-day moot in May 2018 with the students.

Justice Bennett from the Melbourne registry was appointed as an Officer in the General Division of the Order of Australia (AO), for “distinguished service to the judiciary and to the law, to the improvement of the family law system and child protection, to legal education, and to improving access to justice for indigenous families”. Justice Bennett 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 and Court Education Committee.

Justice Ainslie-Wallace from the Sydney registry is Master 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 Achievers 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 John Pascoe AC CVO and the Hon Deputy Chief Justice William Alstergren being the others.

During 2017–18, Justice Bennett undertook direct judicial communication with the following countries:

- Canada
- Germany
- Hong Kong
- Italy
- Japan
- Philippines, and
- Spain.

Justice Bennett also undertook the following general judicial network communications:

- Japan – response to query from Japanese academic in relation to Australian procedures.
- Italy – query in relation to a request from the Australian Central Authority as to progress of a matter.
- Canada – request for copy of Canadian Court Order in a parenting matter now in the FCoA.
- Finalised the coordinating project to prepare a photographic profile of all International Hague Network Judges for dissemination to the network judges ahead of the 2017 Special Commission. The profile was disseminated at the 2017 Special Commission to all attending Hague Network Judges and passed on to non-attendees through their country representatives.
APPENDIX 5

EXTERNAL INVOLVEMENT

The Family Court of Australia (FCoA) 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.

FAMILY LAW COUNCIL

The Family Law Council, established by the Attorney-General under s 115 of the Family Law Act 1975, confers with the Court in the course of its consideration of particular aspects of family law.

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 quarterly with the Family Law Section of the Law Council of Australia.
A memorandum of understanding (MOU) on judicial collaboration was signed between the Supreme Court of Indonesia, the Family Court of Australia (FCoA) and the Federal Court of Australia on 31 July 2017.

As part of the Australia Indonesia Partnership for Justice II (AIPJ2), funded by the Department of Foreign Affairs and Trade through Australia’s aid program, the FCoA, under the MOU, will engage with the Supreme Court of Indonesia and the jurisdictions it supervises in the following key areas:

- To support the Supreme Court Working Group on Women and Children to improve the quality of services and judicial decisions in cases affecting women and children.
- To support the improvement of the quality of services and outcomes in cases involving women and children in the Religious and General Courts related to:
  - domestic violence issues
  - marriage legalisation cases
  - disputes involving custody and maintenance of children, and
  - other family law and children’s matters.
- To support the Supreme Court to present trend data on access to justice and the quality of services and outcomes in Indonesia for women, children and people living with disability.
In March 2018, Justice Margaret Cleary, along with the Hon Takdir Rahmadi, Deputy Chief Justice of the Supreme Court of Indonesia, launched the publication *12 Years of Innovation in Women’s Access to the Family Courts of Indonesia* which highlights the successes of the cooperation between the courts over the past 12 years.

On International Women’s Day, Justice Cleary, along with the Hon Takdir Rahmadi, participated in a Jakarta workshop that saw the launch of the Supreme Court Practice Direction on *Women before the Law (PERMA 3/2017)* Handbook. This handbook is aimed at providing Indonesian judges with guidance on the principles to consider when hearing and deciding cases involving women before the law. Principles include the appreciation of human dignity; non-discrimination; gender equality; equality before the law; and justice and legal certainty. The Practice Direction also aims to assist judges in identifying instances of unequal treatment resulting in discrimination against women and the implementation of a judicial system that guarantees women’s right to equal access to justice.

In 2018–19, the FCoA, along with law and development partners, will continue to work with the Supreme Court and Indonesian community service organisations (CSOs) and disabled people’s organisations (DPOs) to facilitate national and regional consultations on the sex and disability disaggregated data that will be collected and analysed from cases before the courts in 2017. These consultations will allow women’s CSOs and DPOs to see how women and people living with disability are represented in cases coming before the Indonesian courts and to better understand the barriers and challenges that remain to be addressed. The activity will collect, present and analyse information in a way that has not previously occurred before and will provide new quantitative and qualitative insights into a range of civil and criminal cases involving women and girls.
AUSTRALIA AWARDS FELLOWSHIPS: IMPROVING WOMEN’S ACCESS TO THE FORMAL JUSTICE SYSTEM IN THE PACIFIC

The FCoA, under the Australia Awards Fellowships, hosted 15 judges, CSO lawyers and social workers from Fiji and Vanuatu in Melbourne from 22 April to 5 May 2018. The two-week program looked at improving women’s access to the formal justice system in family law and violence matters.

The Australia Awards Fellowship Improving Women’s Access to the Formal Justice System in the Pacific aims to strengthen the ability of key stakeholders in Fiji and Vanuatu to advocate for the development, effective budgeting and implementation of national strategies on increasing access to the formal justice system for women and girls to address their family law and violence matters.

The activities in the Fellowship are designed to address many of the recommendations from the research undertaken in 2016–17 in Fiji and Vanuatu in collaboration with key women’s organisations dedicated to ending violence against women.

For more information, see:


The Fellowship was supported by a two-day judicial training program in Suva which was chaired by the Hon Chief Justice Anthony Gates and attended by the Hon Justices Ryan and Austin and judges and magistrates from the Family Division of the Fiji Courts.

Some of the issues covered included:

- the provision of information to women on how to access the formal justice system for family law and violence matters
- access to legal advisory services through para-legal clinics, legal aid and pro-bono private legal services
- the physical environment for the hearing of family law and family violence matters to ensure the safety of all litigants, expert witnesses, court staff and judicial officers
- judgments in family law and gender-based violence cases and ways to reduce the influence of gender stereotypes and forms of cultural reconciliation in these cases and their impact on sentencing, and
- transparency through the collection of disaggregated data that will identify trends in women, vulnerable children and people living with disability being able to access the formal justice system.

The Hon Justice Hilary Hannam provided support to the Vanuatu Fellows with a visit to Port Villa where she met with the Vanuatu Supreme Court, as well as government and non-government organisations that support a range of essential services for women, vulnerable children and people with disability to gain a better understanding of the barriers women and children in Vanuatu face when seeking to access the formal justice system to address their family law and violence matters.

Viran Molisa Trief, Program Coordinator (Justice); Pacco Siri, Acting Director General; Justice Hilary Hannam, Family Court of Australia; and Leisha Lister, Law and Development Partners, at the Vanuatu Ministry of Justice and Community Service.
APPENDIX 7

CONTACT DETAILS

CHIEF JUSTICE’S CHAMBERS
Lionel Bowen Building
97-99 Goulburn Street
Sydney NSW 2001
[GPBox 9991, Sydney NSW 2001]

NATIONAL ENQUIRY CENTRE
The National Enquiry Centre (NEC) is the entry point for all telephone and email enquiries for Family Court of Australia and Federal Circuit Court of Australia matters. 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 8

## INFORMATION REQUIRED BY OTHER LEGISLATION

<table>
<thead>
<tr>
<th>Legislation</th>
<th>Page reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom of Information Act 1982</td>
<td>72–73, 74</td>
</tr>
<tr>
<td>Public Service Act 1999</td>
<td>60, 85, 86</td>
</tr>
<tr>
<td>Public Governance, Performance and Accountability Act 2013</td>
<td>5, 68</td>
</tr>
<tr>
<td>Family Law Act 1975</td>
<td>5, 10, 16, 34, 43, 50,</td>
</tr>
<tr>
<td></td>
<td>60, 67, 68, 73, 89, 104</td>
</tr>
<tr>
<td>Privacy Act 1988</td>
<td>74</td>
</tr>
<tr>
<td>Federal Court of Australia Act 1976</td>
<td>116</td>
</tr>
<tr>
<td>Courts Administration Legislation Amendment Act 2016</td>
<td>11</td>
</tr>
<tr>
<td>Courts Legislation Amendment (Judicial Complaints) Act 2012</td>
<td>39</td>
</tr>
</tbody>
</table>
INDEXES

LIST OF REQUIREMENTS 116
ALPHABETICAL INDEX 126
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 Act 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 of Australia 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 of Australia’s 2017–18 annual report, it is noted in the table below.

<table>
<thead>
<tr>
<th>PGPA Rule Reference</th>
<th>Description</th>
<th>Requirement</th>
<th>Page of this report</th>
</tr>
</thead>
<tbody>
<tr>
<td>17AD(g)</td>
<td>Letter of transmittal</td>
<td>Mandatory</td>
<td>III</td>
</tr>
<tr>
<td>17AI</td>
<td>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</td>
<td>Mandatory</td>
<td>III</td>
</tr>
<tr>
<td>17AD(h)</td>
<td>Aids to access</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17AJ(a)</td>
<td>Table of contents</td>
<td>Mandatory</td>
<td>IV</td>
</tr>
<tr>
<td>17AJ(b)</td>
<td>Alphabetical index</td>
<td>Mandatory</td>
<td>126</td>
</tr>
<tr>
<td>17AJ(c)</td>
<td>Glossary of abbreviations and acronyms</td>
<td>Mandatory</td>
<td>IX</td>
</tr>
<tr>
<td>17AJ(d)</td>
<td>List of requirements</td>
<td>Mandatory</td>
<td>116</td>
</tr>
<tr>
<td>17AJ(e)</td>
<td>Details of contact officer</td>
<td>Mandatory</td>
<td>II</td>
</tr>
<tr>
<td>17AJ(f)</td>
<td>Entity’s website address</td>
<td>Mandatory</td>
<td>II</td>
</tr>
<tr>
<td>17AJ(g)</td>
<td>Electronic address of report</td>
<td>Mandatory</td>
<td>II</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
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<td>---------------------</td>
</tr>
<tr>
<td>17AD(a)</td>
<td>Review by accountable authority</td>
<td>Mandatory</td>
<td>4</td>
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<tr>
<td>17AD(a)</td>
<td>A review by the accountable authority of the entity</td>
<td>Mandatory</td>
<td>4</td>
</tr>
<tr>
<td>17AD(b)</td>
<td>Overview of the entity</td>
<td>Mandatory</td>
<td>10</td>
</tr>
<tr>
<td>17AE(1)(a)(i)</td>
<td>A description of the role and functions of the entity</td>
<td>Mandatory</td>
<td>10</td>
</tr>
<tr>
<td>17AE(1)(a)(ii)</td>
<td>A description of the organisational structure of the entity</td>
<td>Mandatory</td>
<td>61</td>
</tr>
<tr>
<td>17AE(1)(a)(iii)</td>
<td>A description of the outcomes and programmes administered by the entity</td>
<td>Mandatory</td>
<td>11</td>
</tr>
<tr>
<td>17AE(1)(a)(iv)</td>
<td>A description of the purposes of the entity as included in corporate plan</td>
<td>Mandatory</td>
<td>10</td>
</tr>
<tr>
<td>17AE(1)(b)</td>
<td>An outline of the structure of the portfolio of the entity</td>
<td>Portfolio departments – Mandatory</td>
<td>N/A</td>
</tr>
<tr>
<td>17AE(2)</td>
<td>Where the outcomes and programmes 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</td>
<td>If applicable, Mandatory</td>
<td>N/A</td>
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<tr>
<td>17AD(c)</td>
<td>Report on the performance of the entity</td>
<td>Annual performance statements</td>
<td></td>
</tr>
<tr>
<td>17AD(c)(i); 16F</td>
<td>Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 216</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>17AD(c)(ii)</td>
<td><strong>Report on financial performance</strong></td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 55</td>
</tr>
<tr>
<td>17AF(1)[a]</td>
<td>A discussion and analysis of the entity’s financial performance</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 55</td>
</tr>
<tr>
<td>17AF(1)[b]</td>
<td>A table summarising the total resources and total payments of the entity</td>
<td>Mandatory</td>
<td>78</td>
</tr>
<tr>
<td>17AF(2)</td>
<td>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</td>
<td>If applicable, Mandatory</td>
<td>N/A</td>
</tr>
<tr>
<td>17AD(d)</td>
<td><strong>Management and accountability</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corporate governance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17AG(2)[a]</td>
<td>Information on compliance with section 10 (fraud systems)</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 56</td>
</tr>
<tr>
<td>17AG(2)[b][i]</td>
<td>A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 56</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
</tr>
<tr>
<td>---------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>17AG(2)(b)(ii)</td>
<td>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</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 56</td>
</tr>
<tr>
<td>17AG(2)(b)(iii)</td>
<td>A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 56</td>
</tr>
<tr>
<td>17AG(2)(c)</td>
<td>An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 52</td>
</tr>
<tr>
<td>17AG(2)(d) – (e)</td>
<td>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</td>
<td>If applicable, Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 57</td>
</tr>
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</table>

**External scrutiny**

<table>
<thead>
<tr>
<th>PGPA Rule Reference</th>
<th>Description</th>
<th>Requirement</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>17AG(3)</td>
<td>Information on the most significant developments in external scrutiny and the entity’s response to the scrutiny</td>
<td>Mandatory</td>
<td>75</td>
</tr>
<tr>
<td>17AG(3)(a)</td>
<td>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</td>
<td>If applicable, Mandatory</td>
<td>75</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>17AG(3)(b)</td>
<td>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</td>
<td>If applicable, Mandatory</td>
<td>75</td>
</tr>
<tr>
<td>17AG(3)(c)</td>
<td>Information on any capability reviews on the entity that were released during the period</td>
<td>If applicable, Mandatory</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Management of Human Resources**

<table>
<thead>
<tr>
<th>17AG(4)(a)</th>
<th>An assessment of the entity’s effectiveness in managing and developing employees to achieve entity objectives</th>
<th>Mandatory</th>
<th>Federal Court of Australia 2017–18 annual report: page 62</th>
</tr>
</thead>
<tbody>
<tr>
<td>17AG(4)(b)</td>
<td>Statistics on the entity’s APS employees on an ongoing and non-ongoing basis; including the following:</td>
<td>Mandatory</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>• Statistics on staffing classification level</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Statistics on full-time employees</td>
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<td>• Statistics on part-time employees</td>
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<tr>
<td></td>
<td>• Statistics on gender</td>
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<tr>
<td></td>
<td>• Statistics on staff location</td>
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<td></td>
<td>• Statistics on employees who identify as Indigenous</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17AG(4)(c)</td>
<td>Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the Public Service Act 1999</td>
<td>Mandatory</td>
<td>85</td>
</tr>
<tr>
<td>17AG(4)(c)(i)</td>
<td>Information on the number of SES and non-SES employees covered by agreements etc. identified in paragraph 17AD(4)(c)</td>
<td>Mandatory</td>
<td>87</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>17AG(4)(c)(ii)</td>
<td>The salary ranges available for APS employees by classification level</td>
<td>Mandatory</td>
<td>88</td>
</tr>
<tr>
<td>17AG(4)(c)(iii)</td>
<td>A description of non-salary benefits provided to employees</td>
<td>Mandatory</td>
<td>87</td>
</tr>
<tr>
<td>17AG(4)(d)(i)</td>
<td>Information on the number of employees at each classification level who received performance pay</td>
<td>If applicable, Mandatory</td>
<td>87</td>
</tr>
<tr>
<td>17AG(4)(d)(ii)</td>
<td>Information on aggregate amounts of performance pay at each classification level</td>
<td>If applicable, Mandatory</td>
<td>87</td>
</tr>
<tr>
<td>17AG(4)(d)(iii)</td>
<td>Information on the average amount of performance payment, and range of such payments, at each classification level</td>
<td>If applicable, Mandatory</td>
<td>N/A</td>
</tr>
<tr>
<td>17AG(4)(d)(iv)</td>
<td>Information on aggregate amount of performance payments</td>
<td>If applicable, Mandatory</td>
<td>N/A</td>
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<tr>
<td><strong>Assets management</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17AG(5)</td>
<td>An assessment of effectiveness of assets management where asset management is a significant part of the entity’s activities</td>
<td>If applicable, Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 58</td>
</tr>
<tr>
<td><strong>Purchasing</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
</tr>
<tr>
<td>--------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>17AG(7)(a)</td>
<td>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)</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 57</td>
</tr>
<tr>
<td>17AG(7)(b)</td>
<td>A statement that “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]”</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 57</td>
</tr>
<tr>
<td>17AG(7)(c)</td>
<td>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</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 57</td>
</tr>
<tr>
<td>17AG(7)(d)</td>
<td>A statement that “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.”</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 57</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td><strong>Australian National Audit Office Access Clauses</strong></td>
<td>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</td>
<td>If applicable, Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 58</td>
</tr>
<tr>
<td>17AG(8)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17AG(9)</td>
<td>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</td>
<td>If applicable, Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 58</td>
</tr>
<tr>
<td><strong>Exempt contracts</strong></td>
<td></td>
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</tr>
<tr>
<td>17AG(10)(a)</td>
<td>A statement that “[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.”</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 58</td>
</tr>
<tr>
<td>17AG(10)(b)</td>
<td>An outline of the ways in which the procurement practices of the entity support small and medium enterprises</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 58</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
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<tr>
<td>17AG(10)(c)</td>
<td>If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that “[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.”</td>
<td>If applicable, Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 58</td>
</tr>
<tr>
<td>17AD(e)</td>
<td>Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 90</td>
</tr>
<tr>
<td>17AD(f)</td>
<td>Other mandatory information</td>
<td></td>
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</tr>
<tr>
<td>17AH(1)(a)(i)</td>
<td>If the entity conducted advertising campaigns, a statement that “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.”</td>
<td>If applicable, Mandatory</td>
<td>N/A</td>
</tr>
<tr>
<td>17AH(1)(a)(ii)</td>
<td>If the entity did not conduct advertising campaigns, a statement to that effect</td>
<td>If applicable, Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 56</td>
</tr>
<tr>
<td>PGPA Rule Reference</td>
<td>Description</td>
<td>Requirement</td>
<td>Page of this report</td>
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<tr>
<td>17AH(1)(b)</td>
<td>A statement that “Information on grants awarded to [name of entity] during [reporting period] is available at [address of entity’s website].”</td>
<td>If applicable, Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 56</td>
</tr>
<tr>
<td>17AH(1)(c)</td>
<td>Outline of mechanisms of disability reporting, including reference to website for further information</td>
<td>Mandatory</td>
<td>Federal Court of Australia 2017–18 annual report: page 66</td>
</tr>
<tr>
<td>17AH(1)(d)</td>
<td>Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found</td>
<td>Mandatory</td>
<td>72</td>
</tr>
<tr>
<td>17AH(1)(e)</td>
<td>Correction of material errors in previous annual report</td>
<td>If applicable, Mandatory</td>
<td>75</td>
</tr>
<tr>
<td>17AH(2)</td>
<td>Information required by other legislation</td>
<td>Mandatory</td>
<td>113</td>
</tr>
</tbody>
</table>
ALPHABETICAL INDEX

A
Aboriginal and Torres Strait Islander Outreach Committee, 6, 71, 90
Absolom, Cassie, Australia Day award, 13
access and inclusion framework, 12
accountability, 60–75
acronyms and abbreviations, ix–x
actions in defamation, 75
Adelaide, judges based in, 63
Administrative Appeals Tribunal, 73
judges on, 65
age of finalised applications, 30
age of pending applications, 28–9
age of reserved judgments delivered, 31–2
Agnew, Steve, 61
Ainslie-Wallace, Ann Margaret
assigned to Appeal Division, 42, 63
based in Sydney, 64
community memberships, 69, 89
Kelvin judgment, 54–5
professional activities, 93–4
professional legal development, 102
Aldridge, Murray Robert
Anson & Meek judgment, 51–2
assigned to Appeal Division, 42, 63
based in Sydney, 64
Calvin & McTier judgment, 53
Tomaras & Tomaras and Anor and Commission of Taxation judgment, 56
Alstergren, William, 91
assigned to Appeal Division, 42, 63
based in Melbourne, 64
committee memberships, 67
as Deputy Chief Justice, 4, 61
as Hague Network Judge, 103
analysis of performance against purpose, 21–36
Anderson, Louise, 5
Annexure for Proposed Consent Parenting Orders, 15
annexures or exhibits (Family Law Amendment [2018 Measures no. 1] Rules 2018), 15
anonymity policy, 50
Anson & Meek judgment, 51–2
Appeal Division, 5, 42–7
administration of, 5
all proceedings in appeal cases, 46
Anson & Meek judgment, 51
Calvin & McTier judgment, 53
judges assigned to, 5, 42, 63
notice of appeals finalised by type of finalisation, 46
number of appeals filed, finalised, pending, 44
performance, 37, 44–7
proportion of notices of appeal filed by jurisdiction, 45
Tomaras & Tomaras and Anor and Commission of Taxation judgment, 56–7
Year in Review, 5
Application for Consent Orders, 15
applications to the Court, performance on, 6, 21–38
appointments of judicial officers, 4, 77
attendance status, staff by, 82–3
Attorney-General, iii, 6
planned amalgamation of FCA, FCa and FCC, 4
requests ALRC to review the family law system, 70
Attorney-General’s Department, funding for Registrar Intervention Project, 17
attrition and settlement of cases, performance on, 23
Austin, Stewart Craig, 66
assigned to Appeal Division, 5, 42, 63
based in Newcastle, 64
committee memberships, 67, 68, 89
professional activities, 96, 108
Australasian Legal Information Institute (AustLII), 50
2016–17 annual report error correction, 75
Australia Awards Fellowships, Improving Women’s Access to the Formal Justice System in the Pacific, 107–8
Australia Day Achievement Medallions, 13
Australia-Indonesia judicial cooperation, MOU, 105–6
Australian Children’s Contact Services Association, 70
Australian Government Agencies Privacy Code, 74
Australian Institute of Family Studies, 104
Australian Law Reform Commission, 4
Family Law Review Committee, 5, 70, 90
review of the family law system, 4, 5, 7
Australian Workplace Agreements, 85, 86
salary range by classification, 86
B

Bankruptcy Act 1966 [Cth], 11
Baumann, Michael, 4, 66, 91
  based in Brisbane, 63
  committee memberships, 67
  professional activities, 102
Beckhouse, Kylie, 70
Bender, Judge, on Family Violence Committee, 71
Benjamin, Robert James Charles
  on AAT, 65
  based in Hobart, 64
  committee memberships, 6, 67, 69, 71, 72, 89, 90
  professional activities, 96–7
  professional legal development, 102
Bennett, Victoria Jane, 6
  on AAT, 65
  awarded AO, 4, 13
  based in Melbourne, 64
  as Hague Network Judge, 103
  professional activities, 97–9, 103
  professional legal development, 102, 103
Berman, David Michael
  on AAT, 65
  based in Adelaide, 63
  committee memberships, 68
Bint, Kate, 70
Brandis, Senator the Hon George, 70
Brisbane, judges based in, 63
Brown, Judge, on Family Violence Committee, 71
Bryant, Diana
  Calvin & McTier judgment, 53
  retirement as Chief Justice, 4, 66
Buhagier, Melissa, 71
Byrne, Adele, 72

C

Calvin & McTier judgment, 53
Cameron, Phillip, Australia Day award, 13
Canberra
  family law registry, 110
  judges based in, 63
Carew, Catherine
  based in Brisbane, 63
  committee memberships, 70
  professional activities, 101
Carmichael, Janet, 61
  committee memberships, 70, 71
  case attrition, performance on, 23

Chief Executive Officer, 61
  responsibilities of, 60, 67
  see also Christie, Patricia
Chief Justice, 61
  contact details, 109
  judicial activities, 91–2
  Letter of Transmittal, iii
  responsibilities of, 60, 62
  Year in Review, 4–7
  see also Pascoe, John H
child abuse
  Magellan case management, 10, 36, 67, 69
  Notices of Child Abuse, Family Violence or Risk of Family Violence, 15, 34–5
  see also family violence issues
child dispute services provided by FCC, 61
Child Support (Assessment) Act 1989 [Cth], 11, 43
Child Support (Registration and Collection) Act 1988 [Cth], 11, 43
children, gender dysphoria, Kelvin judgment, 54–5
Children’s Committee, 70, 90
Christie, Patricia, 5
  clearance rates, 6, 20, 29–32
Cleary, Margaret Ann, 6
  Anson & Meek judgment, 51–2
  assists Australia-Indonesia judicial cooperation, 106
  based in Newcastle, 64
Coate, Jennifer Anne, based in Melbourne, 64
Cole, Judge, committee memberships, 70, 90
committees
  collaborative, 72
  judicial, 67–71, 89–90
Commonwealth Ombudsman, 75
complaints
  about FCoA services, 39, 75
  about judicial services, 38, 75
  arising from services provided by FCC or other third parties relating to FCoA matters, 39, 75
consent orders, performance on, 21, 26–7
consultants, 5
  contact details, 109–10
  corporate governance, 5, 60–1
  correction of errors in the 2016–17 annual report, 75
  costs, scales of, 72
  Court Performance Committee, 68–9, 89
  court service locations, 12, 63–5
  court-specific terms, xii
Courts Administration Legislation Amendment Act 2016 [Cth], iii, 11
Courts Legislation Amendment (Judicial Complaints) Act 2012 [Cth], 39
Cronin, Paul Joseph, based in Melbourne, 64
D
Data Breach Response Plan, 74
Deputy Chief Justice, 60, 62
Deputy Principal Registrar, responsibilities, 67
Digital Court File, 5
Duncanson, Susan Janet, based at FCWA, 65

E
Eastern Region (Appeals Registrar), 43
electronic signing and sealing of orders for first instance matters, 16
Enterprise Agreement, 85
relationship between agreements, 85
errors in the 2016–17 annual report, correction of, 75
external involvement, 104
external scrutiny, 75

F
Family Court of Australia (FCoA)
amalgamation with FCA and FCC, 4, 11
appeals filed from decisions of, 45
cases administered by, 43
categories of documents held, 73–4
committees, 67–71, 89–90
external involvement, 104
Full Court sittings and administration, 43
initiatives of, 15–17
judges of the FCWA holding FCoA commissions, 65
judicial activities, 91–102
Magellan case management, 10, 36, 67, 69
objective, 10
and privacy of documents, 74
purpose, 2, 10
Trial Division, 43
see also judges
Family Court of Western Australia, 6, 43
collaboration on Aboriginal and Torres Strait Islander Outreach Committee, 71
judges who hold commissions in the FCoA, 65
Family Law Act 1975 (Cth), iii, 10, 16, 34, 43, 67, 73
on composition of the Court, 60
and divorce for same-sex married couples, 16
judgments anonymised under, 50
Family Law Amendment (2018 Measures No. 1) Rules 2018 (Cth), 68
procedural changes, 15

Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2018, 6
Family Law Appeal Division, 4
Family Law Council, 104
Family Law Litigation Costs Working Group, 69, 89
Family Law registries, 110–12
categories of documents held, 73
Family Law Review Committee, 5, 70, 90
Family Law Rules 2004 (Cth), 34, 68, 73
Family Law Section of the Law Council of Australia, 104
family law system, ALRC Review, 4, 5, 7
family violence and abuse (risk)
FVOs filed, 34
Magellan case management, 10, 36, 67, 69
Notices of Child Abuse, Family Violence or Risk of Family Violence, 15, 34–5
Family Violence Best Practice Principles, 71
Family Violence Committee, 71, 90
family violence issues, 6
Family Violence Plan, 12, 71
family violence training course, 6
Faulks, John, 5
Federal Circuit Court of Australia (FCC), 6, 7
amalgamation with FCoA and FCC, 4, 11
as co-member of Family Violence Committee, 71
collaborates on Aboriginal and Torres Strait Islander Outreach Committee, 71
collaborates on Children’s Committee, 70
on Joint Costs Advisory Committee, 72
services provided to FCoA by, 61
Federal Circuit and Family Court of Australia (proposed), 4
Federal Court of Australia Act 1976 (Cth), 116
Federal Court of Australia (FCA)
amalgamation with FCoA and FCC, 4, 11
creation of, 11
on Joint Costs Advisory Committee, 72
MOU with Supreme Court of Indonesia and FCoA, 105–6
services provided to FCoA by, 61
federal courts, scales of costs, 72
Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement, 85
feedback and service improvement, 75
Fiji, improving women’s access to justice, 107
final order applications
age of and time to finalise, 30
Notices of Child Abuse, Family Violence or Risk of Family Violence, 35
performance on, 6, 21, 22, 25
Finance Committee, 67, 89
financial cases, 10, 17
financial orders, performance on, 22
first instance matters
electronic signing and sealing of orders, 16
performance on, 6, 24, 50
FitzGibbon, John DB, 87
on Rules Committee, 67, 68
as Senior Registrar, 61, 67
Forrest, Colin James, 6
on AAT, 65
based in Brisbane, 63
committee memberships, 70
professional activities, 99
Foster, Garry Frederick, 6
based in Parramatta, 64
Freedom of Information Act 1982 (Cth), 72–3, 74, 75
access to information outside of, 73
Full Court judgments, number published, 50
G
Gates, Hon Anthony, 108
gender dysphoria, Kelvin judgment, 54–5
gender of staff, 81
Gill, Shane Leslie
based in Canberra, 63
professional activities, 101
glossary of court-specific terms, xi
governance issues, 5, 60
H
Hannam, Hilary Rae
based in Parramatta, 64
committee membership, 71
professional activities, 100, 108
High Court of Australia
appeals to from Family Court, 47
on Joint Costs Advisory Committee, 72
highlights of 2017–18, 3
Hobart, judges based in, 64
Hogan, Jenny Deyell
based in Brisbane, 63
professional activities, 100
honours, 4, 13
Hughes, Judge, committee memberships, 71, 90
I
Improving Women’s Access to the Formal Justice System in the Pacific, 107–8
inclusion and access framework, 12
independent children’s lawyers, in Magellan cases, 36
Indigenous Australians, employed by the Court, 84
Indonesia–Australia judicial cooperation, 105–6
Information Publication Scheme, 72
Initiating Application (Family Law), 15
initiatives of the Family Court, 15–17
interim applications, performance on, 21, 26
internal scrutiny, 75
international cooperation, 105–8
International Framework for Court Excellence, 12
J
Johns, Sharon Louise, 64
Johnston, William Philip, based in Sydney, 64
Joint Costs Advisory Committee, 72
judges
appointments and retirements, 66
committee memberships, 67–71, 89–90
of the FCoA, 62–6
location of, 63–5
numbers of, 84
professional activities, 91–102, 106, 108
professional legal development, 102–3
Judge’s Conference, 69
judgments, significant and noteworthy, 50–7
Judgments Publications Office, 6
judicial committees, 67–71, 89–90
judicial officers of the FCoA see judges
judicial services complaints, 38, 75
jurisdiction of the Family Court, 10–11
K
Kelvin judgment, 54–5
Kent, Michael Patrick
assigned to Appeal Division, 42, 63
based in Brisbane, 63
L
Law Council of Australia, Family Law Section, 104
Le Poer Trench, Mark Frederick, based in Sydney, 64
Letter of Transmittal, iii
list of requirements, 116–25
Lister, Leisha, professional activities, 108
location
of court services, 12
of judges, 63–5
of staff, 80, 81
Lojszczyk, Di, on Family Violence Committee, 71
Loughnan, Ian James
based in Sydney, 64
committee membership, 68, 70
Lynch, Philippa, 72

M
McClelland, Robert Bruce
based in Sydney, 64
committee memberships, 67, 69
professional activities, 100
Macmillan, Kirsty Marion, based in Melbourne, 64
Magellan case management, 10, 36, 67, 69
Magistrates Court of Western Australia, 43
management and accountability, 60–75
Marriage Act 1961 [Cth], 11, 16
Marriage Amendment [Definition and Religious Freedoms] Act 2017 [Cth], 16
Matheson, John, 72
May, Michelle, retirement, 4, 5, 66
Melbourne, judges based in, 64
memorandum of understanding (MOU) on judicial collaboration with Supreme Court of Indonesia, 105–6
mission of the Court, 2
Moncrieff, Simon
based at FCWA, 65
committee memberships, 70
Moroni, Magistrate, on Rules Committee, 68
Multicultural Plan, 12
Murphy, Peter John
Anson & Meek judgment, 51–2
assigned to Appeal Division, 42, 63
based in Brisbane, 63
Kelvin judgment, 54–5
professional activities, 95

N
National Appeals Registrar, 43
National Enquiry Centre, 109
National Judicial College of Australia, 71, 103
family violence training course, 6
National Judicial Orientation Program, 103
New South Wales, family law registries, 110–11
Newcastle, judges based in, 64
non-salary benefits, 87
Northern Region (Appeal Registrar), 43
Northern Territory, family law registries, 111
noteworthy judgments, 50–7
Notice of Appeal [Family Law Amendment (2018 measures no. 1) Rules 2018], 15
Notice of Contention [Family Law Amendment (2018 measures no. 1) Rules 2018], 15
Notices of Child Abuse, Family Violence or Risk of Family Violence, 15, 34–5
number of finalisations, performance on, 25–7

O
O’Brien, Richard
based at FCWA, 65
committee memberships, 70
O’Dwyer, Hon Kelly, 6
Office of the Australian Information Commissioner, 74
online resources
AustLII website, 50
FCoA website, 39, 50, 74, 109
Twitter account, 14
organisational structure, 61
original jurisdiction workload, summary, by application type, 21
outcome and program statement, 11, 20, 78
performance criteria, 11
overview of the court, 10–17

P
Paramasivam, Gayathri, 70
parenting cases, 10, 17
parenting orders, 15
performance on, 22
Parramatta, judges based in, 64
Pascoe, John H, 61, 62, 66, 91
activities as Chief Justice, 91–2
assigned to Appeal Division, 42, 63
based in Sydney, 64
committee memberships, 67, 89
as Hague Network Judge, 103
Letter of Transmittal, iii
Year in Review, 4–7
see also Chief Justice
Paxton, Registrar, on Rules Committee, 68
pending applications, age of and time pending, 28–9
performance pay arrangements, 87
performance report, 6, 20–39
analysis of performance against purpose, 21–36
Appeal Division, 37, 44–7
Policy Advisory Committee, 67, 89
Porter, Hon Christian, iii, 4
post-separation inheritance, Calvin & McTier
judgment, 53
Principal Registrar, 61
responsibilities, 60, 67
Privacy Act 1988 (Cth), 74
Privacy Impact Assessment Policy, 74
Privacy Management Plan 2018–19, 74
professional activities of judges, 91–101, 106, 108
Professional Development and Judicial Welfare
Committee, 69, 89
professional legal development, 102–3
Program 2.1 - Family Court of Australia, 11, 78
property
and post-separation inheritance, Calvin & McTier judgment, 53
power to make an order substituting one party to
a marriage for the other party in relation to a
taxation debt, Tomaras & Tomaras and Anor
and Commissioner of Taxation judgment, 56–7
and short marriages, Anson & Meek judgment, 51–2
Public Governance, Performance and Accountability
Act 2013 (Cth), iii, 5, 68
Public Service Act 1999 (Cth), iii, 60
workplace agreements under, 85, 86
publications
12 Years of Innovation in Women’s Access to
the Family Courts of Indonesia, 106
Family Violence Best Practice Principles, 71
Information Publication Scheme, 72
see also online resources
purpose of the Court, 2, 10, 21

R
Rahmadi, Hon Takdir, 106
Reader’s Guide (to the report), viii
Reconciliation Action Plan, 6, 12, 71
Reconciliation Australia, 6
Rees, Judith Anne
based in Sydney, 64
committee memberships, 68, 89
Regional Appeals Registrar, 43
Registrar Intervention Project, 17
registry operations provided by FCC, 61
Religious Courts in Indonesia, 105
remuneration
by classification level, 88
Senior Executive Service, 87, 88
under AWAs, 86
Reply to a Response to an Initiating Application
(Family Law), 15
Research and Ethics Committee, 90
reserved judgments, age of and time to deliver, 31–2
Response to an Initiating Application (Family Law), 15
retirements of judicial officers, 4, 66
rewards and recognition, 13
Rhoades, Helen, 5
Rules Committee, 67, 68, 89
Ryan, Judith Maureen
assigned to Appeal Division, 42, 63
based in Sydney, 64
Calvin & McTier judgment, 53
committee memberships, 67, 70, 71
Kelvin judgment, 54–5
professional activities, 94–5, 108

S
salary ranges for staff, 87, 88
same-sex marriage, form changes to support, 16
Senate Estimates Hearings - Legal and
Constitutional Affairs Committee, 75
Senior Executive Service, 67
remuneration, 87
Senior Registrar, responsibilities of, 67
service locations, 12
settlement of cases, performance on, 23
sexual abuse see child abuse; family violence issues
short marriages and property issues, Anson & Meek
judgment, 51–2
significant and noteworthy judgments, 50–7
Sinclair, Geoffrey, 5
Siri, Pacco, 108
snapshot of performance, 20

Q
Queen’s Birthday Honours List, Justice Bennett
awarded AO, 13
Queensland, family law registries, 111

INDEXES
social media, 14
Soden, Warwick
   as acting CEO and Principal Registrar, 5, 61
   committee memberships, 67
South Australia, family law registry, 112
Southern Region [Appeals Registrar], 43
Spain, Paula, Australia Day award, 13
Spelleken, Judge, on Family Violence Committee, 71
   staff, 79
   by attendance status, 82–3
   by gender, classification and location, 81
   by location, 80
   enterprise agreements and AWAs, 85–6
   Indigenous, 84
   judicial officers, 84
   non-salary benefits, 87
   performance pay arrangements, 87
   salary ranges by classification level, 88
   workforce turnover, 84
   see also Senior Executive Service
Stevenson, Janine Patricia Hazelwood
   on AAT, 65
   based in Sydney, 64
   committee memberships, 69, 71, 89, 90
Strickland, Steven Andrew, 6
   assigned to Appeal Division, 48, 63
   based in Adelaide, 63
   committee memberships, 5, 70, 90
Kelvin judgment, 54–5
   professional activities, 93
   Tomaras & Tomaras and Anor and Commission of Taxation judgment, 56
Submitting Notice [Family Law Amendment (2018 Measures No. 1) Rules 2018], 15
Sullivan, Catherine, 61
Supreme Court of Indonesia, MOU with FCoA and FCA, 105–6
Supreme Courts, 43
Sutherland, Gail, 6
   based at FCWA, 75
Sydney, judges based in, 64
Thornton, Christine
   based in Melbourne, 64
   professional activities, 100
   timely completion of cases, 20
   Tomaras & Tomaras and Anor and Commission of Taxation judgment, 56
Townsville, judges based in, 64
Tree, Peter William, 6
   based in Townsville, 64
   12 Years of Innovation in Women’s Access to the Family Courts of Indonesia, 106
Twitter, 14
unrepresented litigants, 32–3
values of the Court, 2
Vanuatu, women and children’s access to the formal justice system in, 107
Victoria, family law registries, 112
violence see child abuse; family violence issues
vision of the Court, 2
Watts, Garry Allan, 66
   assigned to Appeal Division, 5, 42, 63
   based in Sydney, 63
   committee memberships, 5, 68, 69, 70
Wearne, Alexandra, 70
website resources, 39, 50, 74, 109
Western Australia
   administered by a FCWA registrar, 43
   family law registries, 112
FCWA judges holding FCoA commissions, 65
Wilson, Virginia, 6, 87
   committee membership, 68, 70, 72
   as Deputy Principal Registrar, 61
women
   access to the formal justice system in Fiji, 107
   access to the formal justice system in Vanuatu, 107
   children and people living with disability, and the Indonesian court system, 105–6
Women before the Law handbook (Indonesia), 106
workforce turnover, 84
Year in Review, 1–7
YouTube channel, 14