



CHIEF JUSTICE'S
YEAR IN REVIEW





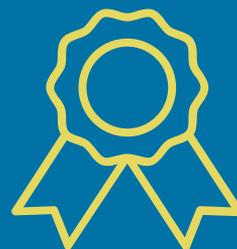
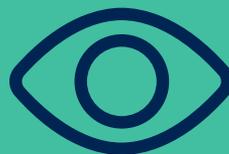
PURPOSE

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, and
- provide national coverage as the appellate court in family law matters.

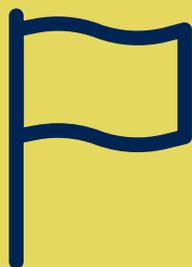
VISION

An internationally respected, specialist family court.



VALUES

Innovative
Impartial
Respectful
Efficient
Accountable



MISSION

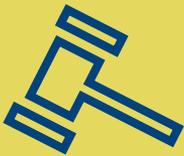
To assist Australian families in the determination of the most complex family law disputes domestically and internationally, consistent with the rule of law and procedural fairness.

HIGHLIGHTS



20,741

total applications filed



216

full court judgments
published

1106



first instance
judgments published

377

appeals
finalised

13,919



consent orders
finalised



93%

of cases
(applications)
finalised within
12 months

3646



Twitter followers

CHIEF JUSTICE'S YEAR IN REVIEW

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Although my tenure as Chief Justice does not conclude until midnight on 12 October 2017, this is the last Annual Report for which I will be responsible.

Governance

As foreshadowed in last year's Annual Report, on 1 July 2016 the *Courts Administration Legislation Amendment Act 2016* (Cth) came into effect, bringing significant change to the management of the Court. The Federal Court of Australia has taken over responsibility for the appropriation to the courts, and under

the *Public Governance, Performance and Accountability Act 2013*, responsibility for all staff of the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia. Most significantly, the Federal Court of Australia is responsible for the provision of corporate services to all three courts.

The assumption of responsibility by the Federal Court of Australia for corporate services has meant that many of the Family Court workforce located in the National Support Office in Canberra have retired or moved to other positions. Inevitably this has been a time of disruption and the exiting and continuing corporate staff have done their best to support the Court.

In addition, from 1 July 2016, funding has been provided to the Federal Circuit Court to manage the family law registries and the National Enquiry Centre and to provide registry and related services to the Family Court.

As a result, the past 12 months have been very much a busy transitional period. The retirement of the long standing Chief Executive Officer of the Family Court, Mr Richard Foster PSM, and the Principal Registrar, Ms Angela Filippello, and the creation of a new legislative position incorporating the role of Chief Executive Officer and Principal Registrar in the Family Court, saw a recruitment process undertaken by the Court culminating in the appointment of Ms Patricia Christie on 14 November 2016.

We are now looking to a more settled but still busy period of integration. My focus in the past 12 months has been to see the Court through this transition period with the intent that my successor will come into a relatively settled environment.

One of the most important and innovative projects currently underway is the move to the Digital Court File. In addition, considerable progress has been made in the Appeal Division which is moving to fully electronic appeals. The age of technology is definitely upon us and courts must embrace new technologies if they are to remain relevant and efficient.

I want to take this opportunity to thank the staff occupied in all aspects of the Court's work for their dedication, hard work and professionalism which has been so apparent to me over the past 13 years.

The work of family consultants and registrars is challenging and we have a very well trained and qualified workforce whose role is to assist the judges to determine difficult cases involving families with complex dynamics and issues. They often receive an unfair amount of criticism from those who do not adequately understand their role.

I was pleased to see that after a long period in which I have been agitating for more resources, the Government announced in the May Budget, funding for an increase in the number of family consultants for the Family Court and Federal Circuit Court, and a little later funded three registrars (two for the Family Court) for a period of one year. Specific functions have been identified for the new registrar positions aimed at interventions in identified cases awaiting final hearing, in an attempt to reduce issues in dispute.

Australian Law Reform Commission review of the family law system

The Attorney-General, noting that it has now been over 40 years since the framework of the family law system was established under the *Family Law Act 1975*, announced a comprehensive review to be conducted by the Australian Law Reform Commission, with a view to making necessary reforms to ensure the family law system meets the contemporary needs of families and effectively addresses family violence. The review is expected to report by May 2019 and interim reports may be delivered on key issues. At the time of this report, the Terms of Reference are not yet available but, as the Attorney-General has indicated, it will clearly be a comprehensive report. There have been many societal changes and amendments to the Act, as well as structural changes to the federal judicial system in the past 40 years which make this a timely and important review.

Appeal Division

During the year and anticipating the retirement on 31 July 2017 of Justice May, Chief Judge Thackray accepted responsibility for the administration of the Family Court of Australia Appeal Division. Significant progress has been made in establishing electronic filing of appeals, data sharing and the acquisition of electronic transcript. The division is working rapidly towards full electronic appeals. Some appeals are already being dealt with entirely electronically.

Appointments and retirements

No judicial appointments have been made in the last 12 months. On 31 October 2016 Deputy Chief Justice John Faulks retired after 22 years on the bench. His period as Deputy Chief Justice coincided with my term as Chief Justice and he assumed responsibility for many tasks, alleviating the burden on me. His contribution to the Court and support to me was unequivocal and I want to pay particular tribute to him.

In March 2017, after 20 years on the bench of the Family Court, Justice Christine Dawe of the Adelaide registry, retired.

With the retirement of Justice May happening on 31 July 2017, there are three judicial positions (as well as the Chief Justice) that require filling. Delay in making appointments affects the capacity of the Court to get through its workload and leads to longer waiting times for hearings, directly adversely affecting litigants.

Family violence issues

Following the publication of the National Domestic and Family Violence Bench Book, the Government funded the National Judicial College of Australia to develop a family violence training course for all judges including those from the Family Court and Federal Circuit Court. I am chairing the committee responsible for the development of the training and the workshops will be rolled out across Australia over the next 18 months.

Transparency

In 2016–17 there were 1106 first instance and 216 full court judgments published. In my first Annual Report in 2004–05, I identified as a challenge, the need for the Court to increase community awareness of its judicial decisions. Since that time the Court has established the Judgments Publications Office which is responsible for the anonymisation of all judgments for publication on the AustLII site and in hard copy publications. This culminated in June 2017 in the addition of the Family Court case law from 1976–1988 to the AustLII site, completing the Australian family law authority on AustLII and making the judgments of the Family Court all searchable online. See www.austlii.edu.au

Conclusion

Since 5 July 2004 when I was appointed Chief Justice, there have been many changes to the Court in workload, case management, robes, administration and public interface. The Court is now a much smaller entity, no longer having responsibility for corporate services and registry services which now repose in the Federal Court and the Federal Circuit Court respectively. This brings with it challenges, but I am confident that the standard of service throughout the organisation, particularly to the litigants who come to the Court for family law matters, can continue to reflect the high standards of training and service that have been provided by the Family Court over the past 13 years.

I want to take this opportunity to thank the judges and the staff of the Family Court who have worked with me over the past 13 years. The work in this area is challenging and it has been a great privilege and honour to be Chief Justice of the Family Court and to have led the Court over this period.

I wish my successor, whoever that may be, every success.



Chief Justice Bryant at her swearing in ceremony on 2 August 2004