

Appendix 10

ANNUAL PERFORMANCE STATEMENT

Introductory statement

I, Warwick Soden, as the accountable authority of the Federal Court of Australia, present the 2018-19 annual performance statements for the entity, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

In my opinion, these annual performance statements are based on properly maintained records, accurately reflect the performance of the entity, and comply with subsection 39(2) of the PGPA Act.



Warwick Soden

Chief Executive Officer and Principal Registrar
Federal Court of Australia

Outcome 1

Program 1.1: Federal Court of Australia

Apply and uphold the rule of law for litigants in the Federal Court of Australia and parties in the National Native Title Tribunal through the resolution of matters according to law and through the effective management of the administrative affairs of the Court and Tribunal.

Outcome 2

Program 2.1: Family Court of Australia

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.

Outcome 3

Program 3.1: Federal Circuit Court of Australia

Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court.

Outcome 4

Program 4.1: Commonwealth Courts Corporate Services

Improved administration and support of the resolution of matters according to law for litigants in the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate services.

FEDERAL COURT OF AUSTRALIA

The relationship between the Federal Court's Portfolio Budget Statements, corporate plan and annual performance statement

	OUTCOME 1	OUTCOME 2	OUTCOME 3	OUTCOME 4
PORTFOLIO BUDGET STATEMENTS	<p>Apply and uphold the rule of law for litigants in the Federal Court of Australia and parties in the National Native Title Tribunal through the resolution of matters according to law and through the effective management of the administrative affairs of the Court and Tribunal.</p> <p>→</p> <p>Program 1.1 Federal Court of Australia</p> <p>→</p> <p>Timely completion of cases</p> <ul style="list-style-type: none"> 85% of cases completed within 18 months of commencement Judgments to be delivered within three months 	<p>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.</p> <p>→</p> <p>Program 2.1 Family Court of Australia</p> <p>→</p> <p>Timely completion of cases</p> <ul style="list-style-type: none"> Clearance rate of 100% 75% of judgments to be delivered within three months 75% of cases pending conclusion to be less than 12 months old 	<p>Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court.</p> <p>→</p> <p>Program 3.1 Federal Circuit Court of Australia</p> <p>→</p> <p>Timely completion of cases</p> <ul style="list-style-type: none"> 90% of final order applications disposed of within 12 months 90% of all other applications disposed of within six months 70% of matters resolved prior to trial <p>Timely registry services</p> <ul style="list-style-type: none"> 75% of counter enquiries served within 20 minutes 80% of National Enquiry Centre telephone enquiries answered within 90 seconds 80% of email enquiries responded to within two working days 75% of applications lodged processed within two working days 	<p>Improved administration and support of the resolution of matters according to law for litigants in the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate services.</p> <p>→</p> <p>Program 4.1 Commonwealth Courts Corporate Service</p> <p>→</p> <p>Efficient and effective corporate services</p> <p>Corporate services to be provided within the agreed funding</p>
CORPORATE PLAN PURPOSE	<p>Decide disputes according to the law as quickly, inexpensively and efficiently as possible</p> <p>→</p>	<p>Help Australians resolve their most complex family disputes by deciding matters according to the law, promptly, courteously and effectively</p> <p>→</p>	<p>Provide a simple and accessible alternative to litigation in the Family Court and Federal Circuit Court</p> <p>Provide efficient and effective registry services to assist the respective courts to achieve their stated purpose</p> <p>→</p>	<p>Provide efficient and effective corporate services to the Commonwealth courts and the National Native Title Tribunal</p> <p>→</p>
ANNUAL PERFORMANCE STATEMENT	<p>Analysis of performance</p> <p>Federal Court annual report: page 18-46; 49-64, 66-77, and 196-202</p> <p>→</p>	<p>Analysis of performance</p> <p>Federal Court annual report: page 196-202</p> <p>Family Court annual report: page 16-35</p> <p>→</p>	<p>Analysis of performance</p> <p>Federal Circuit Court annual report: page 26-56</p> <p>→</p>	<p>Analysis of performance</p> <p>Federal Court annual report: page 49-64, and 196-202</p> <p>→</p>

OUTCOME 1

Program 1.1: Federal Court of Australia

Purpose

Decide disputes according to the law as quickly, inexpensively and efficiently as possible.

Delivery

- Exercising the jurisdiction of the Federal Court of Australia.
- Supporting the operations of the National Native Title Tribunal.

Performance criterion

Timely completion of cases

- 85 per cent of cases completed within 18 months of commencement.
- Judgments to be delivered within three months.

Criterion source

- Table 2.3: Performance criteria for Outcome 1, *Federal Court of Australia Portfolio Budget Statements 2018–19*.
- *Federal Court of Australia Corporate Plan 2018–19*.

The Court met both targets in relation to timely completion of cases:

- **85 per cent of cases completed within 18 months of commencement**

The Court disposed of 93.1 per cent of cases within 18 months of commencement. This figure includes appeals and related actions and excludes native title cases. This is well above the target rate of 85 per cent.

- **Judgments to be delivered within three months**

The Court has a goal of delivering reserved judgments within a period of three months. Success in meeting this goal depends upon the complexity of the case and the pressure of other business upon the Court.

During 2018–19, the Court handed down 2267 judgments for 2128 court files (some files involve more than one judgment being delivered, e.g. interlocutory decisions and sometimes, one judgment will cover multiple files).

This is an increase of 239 judgments from last financial year. The data indicates that 85 per cent of appeals (both full court and single judge) were delivered within three months and 80 per cent of judgments at first instance were delivered within three months of the date of being reserved.

A detailed analysis on the performance of the Federal Court can be found in Part 3 (*The work of the Court in 2018–19*) and Appendix 5 (*Workload statistics*) of this report.

Results

TIMELY COMPLETION OF CASES		
TARGET	RESULT 2018–19	TARGET STATUS
85 per cent of cases completed within 18 months of commencement	93.1 per cent of cases were completed within 18 months of commencement	TARGET MET
Judgments to be delivered within three months	85 per cent of judgments were delivered in three months	TARGET MET

OUTCOME 2

Program 2.1: Family Court of Australia

Purpose

To help Australians resolve their most complex family disputes by deciding matters according to the law, promptly, courteously and effectively.

Delivery

- Exercising the jurisdiction of the Family Court of Australia.

The Family Court of Australia is a separate Chapter III court under the Australian Constitution and the performance criteria applicable to the Court is identified in the *2018–19 Federal Court of Australia Portfolio Budget Statements* and in the *Federal Court of Australia Corporate Plan 2018–2019*.

Performance criterion

Timely completion of cases

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

Results

TIMELY COMPLETION OF CASES

TARGET	RESULT 2018–19	TARGET STATUS
Clearance rate of 100 per cent	The clearance rate was 102 per cent	TARGET MET
75 per cent of judgments to be delivered within three months	79 per cent of judgments were delivered within three months	TARGET MET
75 per cent of cases pending conclusion to be less than 12 months old	62 per cent of cases pending conclusion were less than 12 months old	TARGET NOT MET

Criterion source

- Table 2.5: Performance criteria for Outcome 2, *Federal Court of Australia Portfolio Budget Statements 2018–19*
- *Federal Court of Australia Corporate Plan 2018–19*.

In 2018–19, the Family Court achieved two targets and was unable to achieve one.

The Court achieved a clearance rate of 102 per cent for all application types, improving on the clearance rate of 100 per cent in 2017–18. The clearance rate for final order applications was 107.6 per cent.

The Family Court aims to deliver 75 per cent of reserved judgments within three months of completion of a trial. In 2018–19, 79 per cent of the 819 reserved original jurisdiction judgments (excluding judgments on appeal cases) were delivered within that timeframe.

The Family Court aims to have more than 75 per cent of its pending applications less than 12 months old. At 30 June 2019, 62 per cent of pending applications were less than 12 months old, compared with 67 per cent at 30 June 2018. The capacity to finalise some of the pending applications older than 12 months old was impacted by judicial vacancies in 2018–19, particularly in the Melbourne and Sydney registries.

A detailed analysis on the performance of the Family Court of Australia can be found in Part 3 (*Report on court performance*) of the *Family Court of Australia's 2018–19 Annual Report*.

OUTCOME 3

Program 3.1: Federal Circuit Court of Australia

Purpose

To provide a simple and accessible alternative to litigation in the Family Court and Federal Court.

To provide efficient and effective registry services to assist the respective courts to achieve their stated purpose.

Delivery

- Exercising the jurisdiction of the Federal Circuit Court of Australia.
- Providing an efficient and effective registry service to the public.

The Federal Circuit Court of Australia remains a separate Chapter III court under the Australian Constitution and the performance criteria applicable to the Court is identified in the *2018-19 Federal Court of Australia Portfolio Budget Statements* and in the *Federal Court Corporate Plan 2018-2019*.

Performance criterion

Timely completion of cases

- 90 per cent of final order applications disposed of within 12 months.
- 90 per cent of all other applications disposed of within six months.
- 70 per cent of matters resolved prior to trial.

Timely registry services

- 75 per cent of counter enquiries served within 20 minutes.
- 80 per cent of National Enquiry Centre telephone enquiries answered within 90 seconds.
- 80 per cent of email enquiries responded to within two working days.
- 75 per cent of applications lodged processed within two working days.

Results

TIMELY COMPLETION OF CASES		
TARGET	RESULT 2018-19	TARGET STATUS
90 per cent of final order applications disposed of within 12 months	62 per cent of final order applications were disposed of within 12 months	TARGET NOT MET
90 per cent of all other applications disposed of within six months	92 per cent of all other applications were disposed of within six months	TARGET MET
70 per cent of matters resolved prior to trial	72 per cent of matters were resolved prior to trial	TARGET MET

TIMELY REGISTRY SERVICES

TARGET	RESULT 2018–19	TARGET STATUS
75 per cent of counter enquiries served within 20 minutes	90 per cent of counter enquiries were served within 20 minutes	TARGET MET
80 per cent of National Enquiry Centre telephone enquiries answered within 90 seconds	10 per cent of National Enquiry Centre telephone enquiries were answered within 90 seconds	TARGET NOT MET
80 per cent of email enquiries responded to within two working days	100 per cent of email enquiries were responded to within two working days	TARGET MET
75 per cent of applications lodged processed within two working days	98 per cent of applications lodged were processed within two working days	TARGET MET

Criterion source

- Table 2.7: Performance criteria for Outcome 3, *Federal Court of Australia Portfolio Budget Statements 2018–19*.
- *Federal Court of Australia Corporate Plan 2018–19*.

In 2018–19, the Federal Circuit Court achieved two targets under timely completion of cases and was unable to achieve one. This is consistent with last financial year.

In the area of timely registry services, the Federal Circuit Court achieved three targets and was unable to achieve one. The National Enquiry Centre answered 10 per cent of phone calls in 90 seconds – a decline of 8 per cent from 2017–18. This can be attributed to increases in the average call time (from five minutes 45 seconds in 2017–18 to six minutes 24 seconds in 2018–19) as a result of more complex enquiries.

A detailed analysis on the performance of the Federal Circuit Court can be found in Part 3 of the *Federal Circuit Court of Australia's 2018–19 Annual Report*.

From 2019–20, the registry services functions for the Federal Court, Family Court and the Federal Circuit Court will be amalgamated into a separate program under Outcome 4: Commonwealth Courts Corporate Services. This initiative will provide the courts with the opportunity to shape the delivery of administrative services across all federal courts in a more innovative and efficient manner. A focus on maximising registry operational effectiveness through streamlined structures and digital innovations will significantly contribute to the future financial sustainability of the courts.

OUTCOME 4

Program 4.1: Commonwealth Courts Corporate Services

Purpose

To provide efficient and effective corporate services to the Commonwealth courts and the National Native Title Tribunal.

Delivery

Providing efficient and effective corporate services for the Commonwealth courts and the National Native Title Tribunal.

Performance criterion

Efficient and effective corporate services

- Corporate services to be provided within the agreed funding.

Criterion source

- Table 2.9: Performance criteria for Outcome 4, *Federal Court of Australia Portfolio Budget Statements 2018–19*.
- *Federal Court of Australia Corporate Plan 2018–19*.

The key outcome measure for Corporate Services is improved administration and support for the resolution of matters according to law for litigants in the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia and parties in the National Native Title Tribunal, through efficient and effective provision of shared corporate services.

The intent of the merger of the courts' corporate services is to deliver short-term savings and place the courts on a sustainable funding footing over the longer term, ensuring they are better placed to deliver services to litigants. The ability of Corporate Services to meet budget and projected average staffing numbers are the metrics that will be used to measure performance.

A detailed analysis on the performance of Corporate Services can be found in Part 4 (*Management of the Court*).

Results

EFFICIENT AND EFFECTIVE CORPORATE SERVICES		
TARGET	RESULT 2018–19	TARGET STATUS
Corporate services to be provided within the agreed funding	This target has been achieved	TARGET MET