

The background of the entire page is a photograph of a mountain range with layers of hills receding into the distance, shrouded in a light mist or fog. The color palette is dominated by various shades of teal and blue. On the left side, there are vertical design elements: a dark teal bar at the top, a lighter teal bar below it, and a small rectangular inset at the bottom left corner showing a closer view of the mountain landscape.

PART 4

The work of the Federal Court in practice

In this part, the Report explains the work of the Federal Court by bringing together high-level data about the Court's workload, detailed reporting on the nine National Practice Areas (NPAs) and information about the work undertaken by judges and judicial registrars. In doing so, it moves beyond a statistical record to give a clearer account of the scale, complexity and diversity of the Federal Court's work. That context is essential to understanding the factors that influence filings and timeliness, and the way the Court manages its responsibilities within and beyond its direct control.

The Federal Court's work in 2025–26

During 2025–26, the Federal Court managed a larger and more varied national caseload. Filings increased by 9 per cent compared with the previous reporting period, while finalisations increased by 15 per cent. As filings continued to exceed finalisations, current proceedings increased by 11 per cent. The changes were not uniform, with different patterns across NPAs and registries.

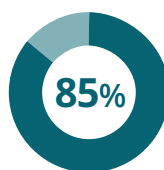
These figures need to be read in context. Each proceeding before the Federal Court is unique and may vary significantly in its factual and evidentiary matrix, and in the legal issues requiring determination. Differences in volume, distribution and complexity, as well as the extent of party representation and familiarity with the Federal Court's practices and procedures, can affect listing practices, hearing time, judgment preparation and the allocation of judicial, registrar and registry resources.

In reporting on the Federal Court's business, it is generally convenient to organise the caseload into three categories:

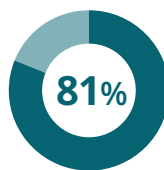
- original jurisdiction proceedings,
- appellate proceedings, and
- registrar proceedings.

The workload statistics in the later NPA reports focus on original jurisdiction and appellate proceedings, being the proceedings allocated to judges.

The statistics indicate that in 2025–26 the Federal Court continues to perform at a high standard against its time goals:



the Court set a time goal of 85 per cent of proceedings are to be disposed of within 18 months from commencement: in 2025–26, 85 per cent of proceedings were completed within 18 months of commencement; and



the Court set the period of three months as the goal within which reserved judgments will be delivered: in 2025–26, 81 per cent of judgments were delivered in less than three months from the date of being reserved. The degree to which the Court can meet this goal depends on the complexity of proceedings and the pressure of other business upon the Court.

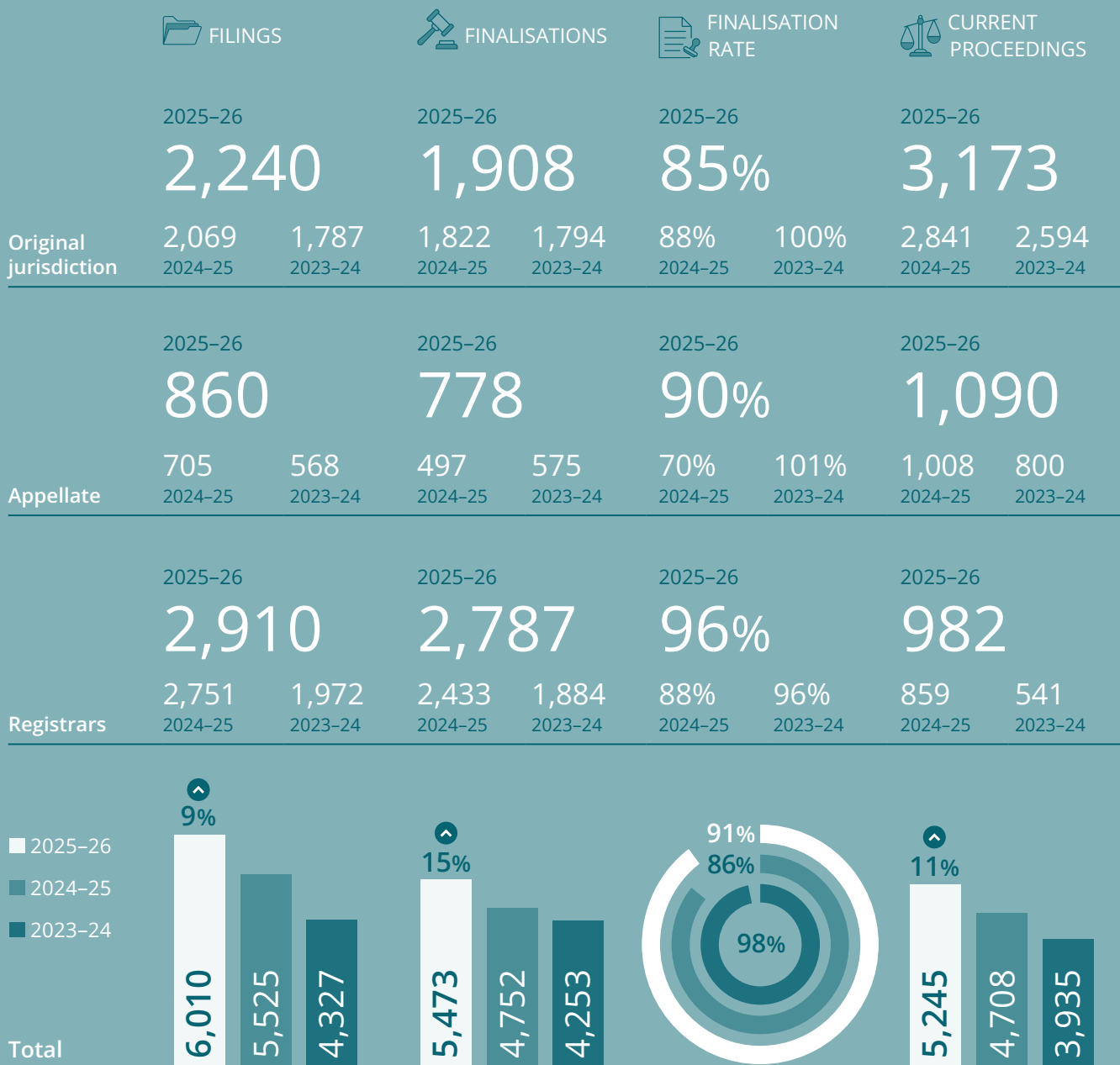
However, high-level quantitative data provides limited insight into the Federal Court's work¹. Proceedings vary in factual and legal complexity, and the resources required for their just resolution, including judicial time, depend on their circumstances. They are therefore not necessarily comparable, even within the same practice area².

¹ See Chief Justice James Allsop, 'Courts as (Living) Institutions and Workplaces' (2019) 93(5) Australian Law Journal 375.

² For example, on 21 February 2025, a judge delivered a 1,750-paragraph judgment in a shareholder class action heard over 24 days and involving expert evidence from multiple disciplines: *Davis v Wilson* [2025] FCA 108. On these statistics, that proceeding counts as one filing, one finalisation and one judgment, as would a comparatively straightforward corporations application resolved at one hearing by an 'ex tempore' judgment.

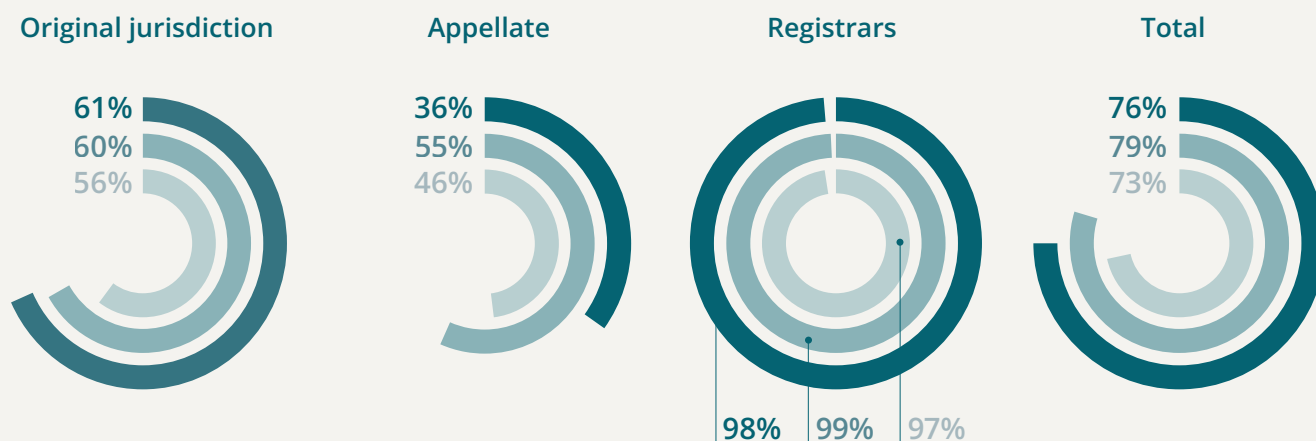
Statistical overview

Caseload of the Federal Court

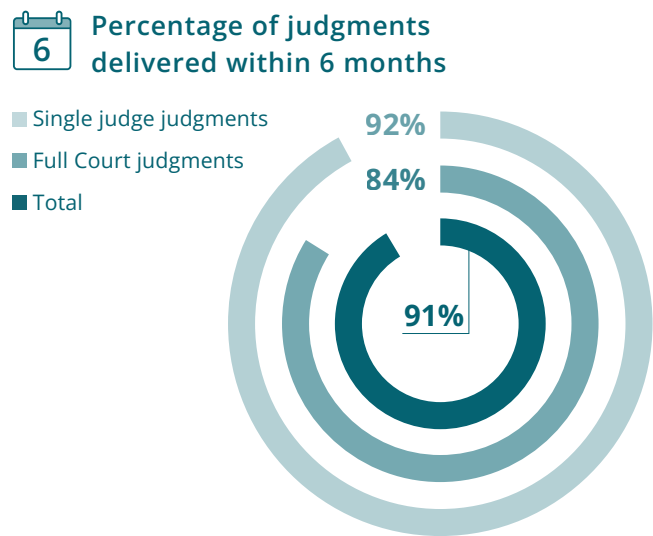
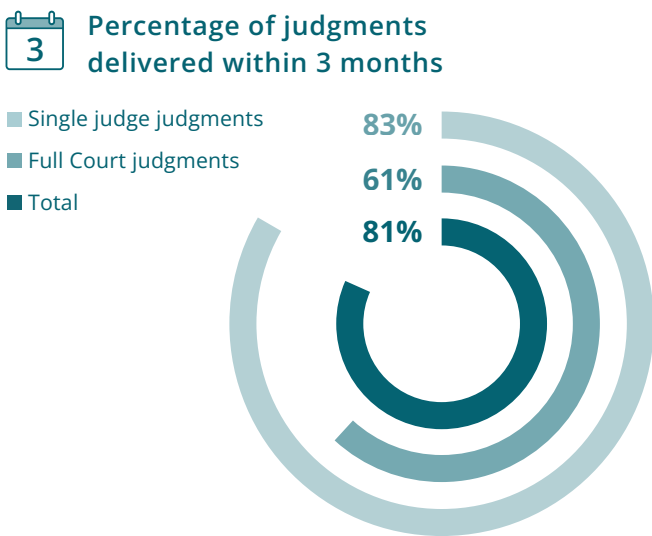
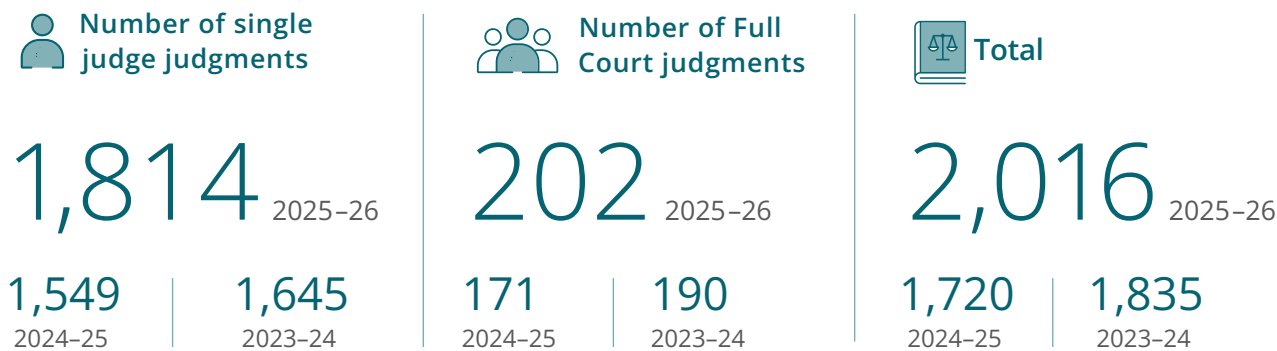


Time to finalisation: percentage of proceedings finalised within 12 months of filing

■ 2025-26 ■ 2024-2025 ■ 2023-2024



Judgment delivery



Explanatory notes

In this part of the report:

1. Data reflect the Federal Court’s records at a point in time. Records will sometimes change according to the Federal Court’s processes and reflecting the nature of litigation (such as ‘finalised’ proceedings being reopened). Data may not always align with previous annual reports or future reports, as they were generated by the Federal Court’s case management system in early July 2026.
2. ‘Original jurisdiction’ proceedings generally include all proceedings heard and determined by a single judge in the Federal Court’s original jurisdiction.
3. ‘Appellate’ proceedings generally include all proceedings heard and determined by a Full Court in the Federal Court’s appellate jurisdiction, or a single judge sitting in the appellate jurisdiction¹. Occasionally, a Full Court will determine a matter in the original jurisdiction². These Full Court cases are counted as ‘appellate’, notwithstanding it is not the correct legal characterisation.
4. The finalisation rate (or ‘clearance rate’) is a measure for understanding if a court is finalising proceedings at the rate that new proceedings are filed.
5. ‘Judgments’ refer to written reasons for decisions published by the Federal Court. ‘Judgments’ do not include reasons for decision given *ex tempore* (‘on the spot’), unless those reasons are transcribed, settled by the judge, certified by chambers staff, and published in written form. Judges often deliver *ex tempore* reasons on procedural issues, evidentiary rulings, applications for costs, and where an urgent decision is required or an application is not contested. In the interests of efficiency and economy, these reasons are recorded on transcript and not published, and so are not counted in the Federal Court’s statistics.

¹ See, eg, Federal Court Act section 25(1AA).

² See, eg, Federal Court Act section 20(1A).

Judicial work across all NPAs

Before turning to work within individual NPAs this section highlights Federal Court-wide initiatives that support the effective management and delivery of the Federal Court's jurisdiction. Priorities such as access to justice, technology, case management and consistency of practice extend across all practice areas, requiring judges to contribute collectively to reforms and guidance that strengthen the administration of the Federal Court as a whole.

This cross-practice work includes the Federal Court's management of class actions, as well as the development of three new General Practice Notes and one new NPA sub-area Practice Note, and revisions to several existing practice notes. For more about practice notes generally, see **Part 3**.

New practice notes

- **Litigants in Person (GPN-LIP)** (5 March 2026): This practice note explains, in plain language, the responsibilities of litigants in person, the scope and limitations of the Federal Court's role, and where to access information and support to navigate Federal Court procedures. It serves an important function improving accessibility for litigants in person, who are increasingly involved in proceedings before the Federal Court, with translated copies on the Federal Court's website (<https://www.fedcourt.gov.au/law-and-practice/practice-documents/practice-notes/gpn-lip>) in the more commonly spoken non-English languages of litigants in the Court: Mandarin, Punjabi, Malay, Tamil, Urdu, Vietnamese, Arabic and Persian. Every litigant in person is provided with the practice note and are required to confirm they have read it.
- **Use of Generative Artificial Intelligence (GPN-AI)** (16 April 2026): This practice note sets out the Federal Court's expectations regarding the use of 'generative artificial intelligence' in connection with proceedings, following extensive consultation with the community and profession. It balances recognition for both potential benefits for efficiency, cost reduction and access to justice, and potential risks arising from use of generative artificial intelligence, emphasising parties' responsibility to comply with legal and professional obligations.
- **Livestreaming Practice Note (GPN-LS)** (12 June 2026): This provides guidance to practitioners, parties, media organisations and other court users on the livestreaming of hearings in the Federal Court. It explains the circumstances in which livestreaming may occur and the discretionary approach taken by judges when determining whether it is appropriate for a given proceedings, or part of a proceedings, to be livestreamed, including how concerns or objections may be raised.
- **Intellectual Property Practice Note–Standard Directions for Australian Patent Proceedings (IP-2)** (8 August 2025): This practice note implements a nationally consistent approach to managing patent proceedings through the use of standard directions and streamlined expert evidence. It is intended to support early resolution of issues, promote efficiency and assist in managing complex proceedings.

Revised practice notes

- **Case management of Full Court and Appellate Matters (APP-1)** (21 July 2025): Updated to clarify procedures for managing proceedings before the Full Court, which, as described in **Part 3**, includes appellate but also original jurisdiction proceedings.
- **eBooks Practice Note (GPN-eBOOKS)** (1 December 2025): Updated to require more detailed indexing and bookmarking of documents within electronic bundles of documents, reducing handling time for the Federal Court and parties.
- **Content of Appeal Books and Preparation for Hearing (APP-2)** (1 December 2025): Updated to provide additional guidance on referencing evidence in submissions.
- **Employment and Industrial Relations Practice Note (E&IR-1)** (18 March 2026): Updated to reflect the incorporation of the National General Protections List into standard Federal Court practice, as discussed in the following Employment NPA report.

These new and revised practice notes provide parties with clear expectations and procedural guidance. They ensure the Federal Court can keep pace with contemporary pressures and trends by constructively adapting to emerging technologies in litigation practices.

Class Actions in the Federal Court

Representative proceedings, commonly known as class actions, are brought under Part IVA of the *Federal Court of Australia Act 1976* (Cth) and are an important part of the Federal Court's work across many of the NPAS. Their management is guided by the Court's **Class Actions Practice Note (GPN-CA)**.

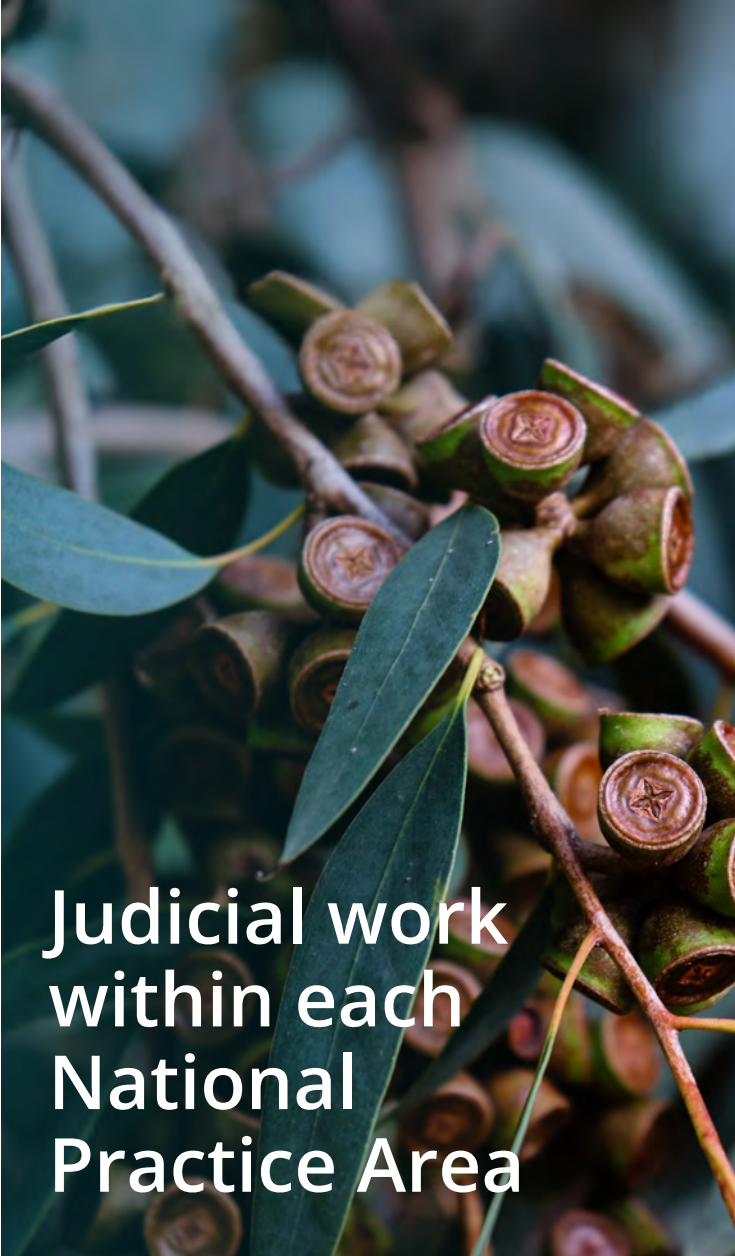
Class actions enable claims raising common issues of law or fact to be determined together, providing an effective means of resolving disputes that may affect large numbers of people. This promotes access to justice, avoids the duplication of individual proceedings and supports the consistent determination of common issues.

The Federal Court manages class actions within the NCF and allocates them to judges with relevant subject-matter and class action expertise.

Tailored case management is used to identify the issues in dispute at an early stage, address the particular needs of each proceeding and limit unnecessary interlocutory disputes.

This supports the fair, efficient and timely resolution of proceedings that are often large, complex and of significant public and commercial importance.

Together, these arrangements ensure that class actions are managed in a way that promotes access to justice and the effective use of the Federal Court's resources.



Judicial work within each National Practice Area

The following part of the Annual Report presents the reports prepared by the National Coordinating Judges and National Coordinating Registrars for each NPA. These reports explain why the work matters, the types of proceedings that come before the Federal Court and how that work is managed. They also provide statistical overviews, highlight key characteristics and procedural developments, identify factors shaping the Federal Court's work, and consider what may lie ahead in each practice area.

Administrative and Constitutional Law and Human Rights

Why this work matters

Administrative law, constitutional law and human rights (ACLHR) are all central to the rule of law in Australia. Proceedings filed in these areas are a significant part of the Federal Court's jurisdiction and often involve issues of public importance. The Federal Court's work in these areas ensures there are checks on government power and decision-making, as well as ensuring there are human rights protections for individuals and groups who face discrimination.

The foundation of the rule of law is that no one is above the law. Administrative law puts this into practice by ensuring that the government and its agencies are accountable for their decisions and that people can seek review of these decisions. In administrative law, the Federal Court is looking at whether government action and decision-making have been undertaken in accordance with the law and through fair process, rather than making or replacing a decision for government. Migration law is a sub-area within administrative law that is dealt with separately.

The Federal Court's constitutional law work focuses on deciding issues arising under the *Australian Constitution*, which is the core legal document that governs how Australia is run, including the different ways that public power is shared in Australia. The Federal Court's work in this area includes interpretation of the *Australian Constitution*.

The Federal Court's human rights work concerns laws that make it unlawful to discriminate against someone on grounds such as their sex, disability, race or age. The Federal Court may decide that a person or organisation who has engaged in discrimination must take certain actions to fix the discrimination and may decide that compensation needs to be paid to the person due to the discrimination they have experienced.



Justice Stewart



Justice Kennett

National Coordinating Judges

Judges aligned with the NPA under the NCF

NSW & ACT	Justice Perram	Justice Burley	Justice Raper	
	Justice Wigney	Justice Lee	Justice Kennett +	Justice Owens
	Justice Perry	Justice Thawley	Justice Jackman	Justice Stellios
	Justice Markovic	Justice Stewart +	Justice Shariff	Justice Younan
	Justice Bromwich	Justice Abraham	Justice Needham	Justice Lenehan
VIC & TAS	Justice Murphy	Justice Snaden	Justice Hespe	
	Justice Beach	Justice Anderson	Justice Button	Justice Dowling
	Justice Moshinsky	Justice McElwaine	Justice Horan	Justice Bennett
	Justice Wheelahan	Justice McEvoy	Justice Neskovicin	Justice Hill
QLD	Justice Collier	Justice Sarah C Derrington		
	Justice Rangiah	Justice Meagher	Justice Longbottom	Justice Wheatley
SA & NT	Justice Charlesworth	Justice O'Sullivan	Justice McDonald	
WA	Justice Banks-Smith	Justice Jackson		
	Justice Colvin	Justice Feutrill	Justice Vandongen	

National Coordinating Registrars: Claire Hammerton Cole, Ann Daniel, Renee Krikorian

(+) indicates the National Coordinating Judge (NCJ). This applies to all of the NPA tables in each of the NPA reports in this Annual Report.

ACLHR workload snapshot: Original jurisdiction and appellate proceedings



FILINGS

329 ↑ up **23%**
from last year



FINALISATIONS

260 ↑ up **13%**
from last year



CURRENT PROCEEDINGS

356 ↑ up **24%**
from last year



Total judgments delivered

238 ↗ up **34%**
from last year



Total judgments delivered within 6 months

209 ↗ up **24%**
from last year

Filings by state and territory

Northern Territory

2

2024–25 | 2

Western Australia

37

2024–25 | 27

South Australia

19

2024–25 | 15

Tasmania

2

2024–25 | 4

Queensland

57

2024–25 | 2

New South Wales

136

2024–25 | 27

Australian Capital Territory

7

2024–25 | 15

Victoria

69

2024–25 | 4

(*) Explanatory note: There were four additional proceedings filed in the 2025–26 reporting period which were managed by judicial registrars. These have not been included in these figures, as these figures relate to judge original jurisdiction and appellate proceedings.

What kinds of proceedings come before the Federal Court

The Federal Court's ACLHR NPA is diverse. The proceedings range from reviews of ministerial decisions about environmental protection, to questions about the way elections are run, to racial discrimination and its interplay with freedom of political communication.

In 2025–26, filings in the ACLHR practice area (excluding migration proceedings) rose by 23 per cent, which was largely driven by a significant increase in the number of litigants in person commencing ACLHR claims. Almost all the ACLHR proceedings filed in the Federal Court in 2025–26 were within the sub-areas of administrative law and human rights, with constitutional law proceedings making up only a small percentage of the Federal Court's ACLHR work.

Administrative law proceedings continue to be a major portion of the Federal Court's work in the ACLHR practice area. However, 2025–26 saw a record number of human rights proceedings filed in the Federal Court, which now matches the volume of administrative law proceedings. The greatest increase in human rights claims was disability discrimination claims, in which the Federal Court received nearly 5 times the number of filings in 2025–26 compared to the 2024–25 reporting period. Sex discrimination, including sexual harassment claims, made up a large number of the ACLHR filings; however, in the 2025–26 period, disability discrimination filings become the largest overall portion of human rights claims in the Federal Court.

Examples of proceedings that the Federal Court hears in the ACLHR practice area are:

- **Administrative law**
Appeals on questions of law from the Administrative Review Tribunal (ART) concerning the National Disability Insurance Scheme and social security entitlements; judicial review of decisions under environmental legislation, Aboriginal land rights and heritage legislation, pharmaceutical benefits scheme and civil aviation safety regulations; judicial review of decisions concerning freedom of information and privacy legislation; judicial review of administrative decisions made by judicial registrars in relation to the filing of documents.
- **Human rights**
Sexual harassment in the workplace, disability discrimination claims on behalf of minors in the education system, racial abuse in the workplace, discrimination on the basis of sexual orientation, disability discrimination regarding access to public spaces, class actions concerning racial discrimination against First Nations peoples, age discrimination regarding termination of employment.
- **Constitutional law**
Acquisition of property on just terms, passports and separation of powers, constitutional validity of statutory provisions, implied freedom of political communication.



Justice Kennett presenting on the 'Limits of State Power and Judicial Power' at the University of New South Wales Gilbert + Tobin Centre of Public Law's Constitutional Law Conference, Sydney, on 6 February 2026

There were several significant judgments published in the ACLHR practice area in 2025–26, including some that attracted widespread public attention.

These included the Full Court’s decision in *Giggle for Girls Pty Ltd v Tickle* [2026] FCAFC 64, in which the Federal Court provided clarity on the meaning of ‘gender identity’ and held that transgender woman Roxanne Tickle had been directly discriminated against on the basis of her gender identity in relation to access to the Giggle App. In *Wertheim v Haddad* [2025] FCA 720, the Court determined that an Islamic preacher had racially vilified Jewish people in Australia under the *Racial Discrimination Act 1975* in a series of lectures he had given and ordered that publication of the lectures be removed.

In administrative law, the Full Court’s decision in *Brett Cattle Company Pty Ltd v Minister for Agriculture, Fisheries and Forestry* [2026] FCAFC 63 upheld an earlier decision of this Court regarding the setting of quotas in relation to the widely-publicised and controversial export of beef livestock to Indonesia. In *Friends of Nyah Vinifera Park Inc v Minister for Environment and Water* [2026] FCA 584, the Federal Court determined that no legal errors were made by the Minister for Environment and Water in approving a project in the Murray River floodplains that would result in the destruction of the habitat of a threatened species.

How this work is managed

When ACLHR applications are filed in the Federal Court, they are allocated in rotation to a judge in the ACLHR practice area. Judges are allocated to this practice area based on subject-matter experience, workload balance and the fair distribution of proceedings across the Federal Court.

Under the Federal Court’s individual docket system, the role of the judge is to case manage the proceeding from start to finish. This includes ensuring there is clarity at the outset as to what the proceeding is about, considering whether mediation could assist in resolving the proceeding, making decisions on smaller disputes that arise within the bigger dispute, timetabling procedural steps such as evidence being filed, hearing the trial, and issuing a final judgment in the proceeding.

For human rights claims, it is very common for proceedings to be referred to a judicial registrar for mediation to see whether the proceedings can be resolved by agreement between the parties. If parties attend a mediation, they have an obligation to the Federal Court to cooperate with the mediator and try to resolve the proceedings by agreement. Due to the more limited nature of administrative and constitutional law proceedings, it is unusual for these proceedings to be referred to mediation, although it is still possible for these proceedings to settle by agreement between the parties.

In ACLHR proceedings involving litigants in person, judicial registrars will often assist judges through active case management, conferences with parties and determining interlocutory processes.

Migration matters within ACLHR

Migration Liaison Judges

Justice Horan

Justice McDonald

Judges aligned with the NPA under the NCF

All judges

National Coordinating Registrar

Simon Haag

Why this work matters

Australian migration law concerns the regulation of people who are not Australian citizens in relation to whether they can enter and remain in Australia. The two key sources of Australian migration law are the *Migration Act 1958* (Cth) and the *Migration Regulations 1994* (Cth).

The Federal Court has both original and appellate jurisdiction to hear and determine migration proceedings. These form a sub-area of the Federal Court’s ACLHR practice area, which is reflective of the distinctive characteristics of migration proceedings and the high volume.

The Federal Court’s jurisdiction is very limited in migration proceedings, as the Federal Court does not have the power decide if a visa should be granted or cancelled. The Federal Court can only consider whether a legal mistake has been made by the decision-maker and decide whether there has been a ‘jurisdictional error’ (for example, the decision-maker identified a wrong issue or incorrectly interpreted or applied the law).

MIG workload snapshot: Original jurisdiction and appellate proceedings



FILINGS

829 ↑ up **9%**
from last year



FINALISATIONS

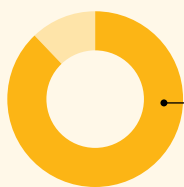
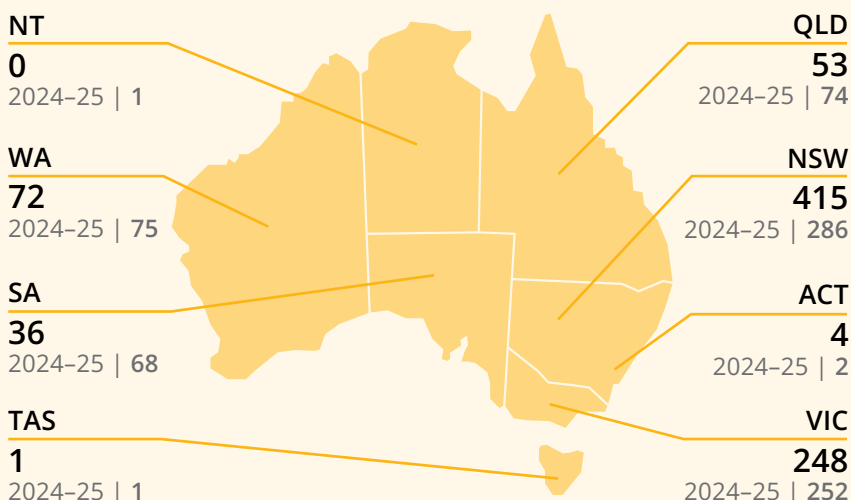
740 ↑ up **73%**
from last year



CURRENT PROCEEDINGS

1,187 ↑ up **8%**
from last year

Filings by state and territory



89%

Finalisation
rate



392 Judgments
delivered

↑ up **44%** from last year



6 Judgments delivered
in 6 months

364 ↑ up **47%**
from last year

What kinds of proceedings come before the Federal Court

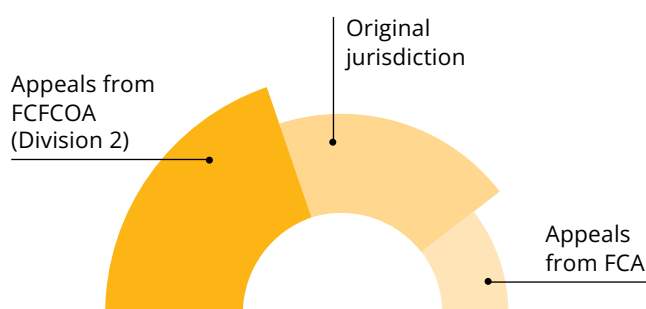
In 2025-26, 63 per cent of all appellate filings were migration proceedings, while 13 per cent of all judge (as opposed to judicial registrar) original jurisdiction filings were migration proceedings.

In the appellate jurisdiction of the Federal Court, these proceedings involve:

- appeals and applications for leave to appeal or extensions of time to appeal from decisions of the FCFCOA (Division 2) (which are usually heard by a single judge), and
- appeals from decisions of the Federal Court in original jurisdiction migration proceedings (which are heard by a Full Court).

Most migration appeals involve judicial review of decisions of the FCFCOA (Division 2), and the volume flows from that Court's output. Typically, only 10-12 per cent of migration appeals are from decisions of judges of the Federal Court.

Migration filings



In 2025-26, migration proceedings filed in the original jurisdiction of the Federal Court involved:

- Judicial review of decisions of the ART or the Minister to refuse or cancel a visa on character grounds or relating to the removal of non-citizens sentenced for 12 months or more for a criminal offence.
- Requests for a writ of habeas corpus (i.e. seeking release from immigration detention).

- Challenges to the Third Country Reception Arrangement entered into by the Australian Government with the Government of Nauru to facilitate the removal from Australia to Nauru of non-citizens affected by the High Court decision in *NZYQ v Minister for Immigration Citizenship and Multicultural Affairs & Anor*. Applicants in these proceedings are also seeking to prevent their removal from Australia.
- Claims for negligence and damages relating to treatment in immigration detention or in relation to Bridging Visa R conditions following the High Court decisions in *NZYQ*, *YBFZ v Minister for Immigration, Citizenship and Multicultural Affairs & Anor* and, most recently, *EGH19 v Commonwealth of Australia*. Occasionally, these claims are referred by the judge to mediation before a registrar.
- Claims relating to ministerial intervention (e.g. where applicants are seeking orders for their request for the Minister to intervene and grant them a visa be referred to the Minister).

The nature of proceedings filed in the original jurisdiction (i.e. often challenging visa cancellation, refusal or seeking to prevent removal) means that most applicants are in detention or incarcerated at the time of filing (approximately 67 per cent). This provides a challenge to the way in which these proceedings are managed in terms of urgency and practicality.

How this work is managed

Parties in immigration detention

Proceedings involving a party in immigration detention are allocated for hearing as expeditiously as possible to avoid undue delay. The Federal Court's general policy is that detainees who are unrepresented are referred for pro bono legal assistance in accordance with r 4.12 of the Federal Court Rules.

The Migration Practice Note – Removal from Australia of Immigration Detainees who have Proceedings before the Court (MIG-2) applies to detainees with litigation before the Federal Court.

Detainees should not be removed from Australia unless the Commonwealth is able to demonstrate that the detainee was informed of the contents of the Practice Note (MIG-2) and given a reasonable and practical opportunity to communicate with the Federal Court.

Initial triage of proceedings

Upon filing, migration proceedings undergo an initial triage before they are allocated to a judge.

This triage process will typically consider what documents have been filed, whether there are interlocutory applications or requests for expedition or adjournment; whether the applicant is detained; whether a party is represented; and other proceedings before the Federal Court, or other courts, that may be relevant to how the proceeding should be case managed.

Substantive allocation and case management

Following the initial triage process, original jurisdiction proceedings are allocated to judges' dockets. The judge will then case manage the proceeding, occasionally with the assistance of a judicial registrar.

Migration appeals are allocated to either a Full Court or single judge by the Chief Justice, following consultation with the Migration Liaison Judges. Pending formal allocation for a substantive hearing, an appeal may be case managed by a judicial registrar where, for example, there are no issues that require a judge's attention. Appeals may also be allocated to judges' dockets for case management, for example where an interlocutory application requires determination by a judge prior to the final substantive hearing.

Where the triaging judicial registrar considers that a proceedings may be of appropriate for inclusion in the list of proceedings to be heard by a Full Court in the next available Full Court and appellate sitting period, the judicial registrar will contact the parties regarding case management and availability. All decisions relating to the listing of proceedings before a Full Court are made by the Chief Justice.



From left to right: Senior Judicial Registrar Simon Haag and Justice Bennett presenting at the Law Council of Australia's Immigration Law Conference in Brisbane on 20 March 2026

Factors shaping the Federal Court's work

The key factors shaping the Federal Court's work in the reporting year in the ACLHR practice area, including the migration sub-area, were the high portion of unrepresented litigants, the significant increase in human rights claims, the complex needs and vulnerabilities of litigants in this practice area, and time sensitivities of certain types of proceedings.

The ACLHR practice area has significantly more litigants in person than any of the Federal Court's other practice areas. In 2025–26, approximately 72 per cent of all proceedings brought by litigants in person in the Federal Court and allocated to judges (excluding Full Court proceedings) were in the ACLHR practice area. About 54 per cent of the total volume of ACLHR judge filings in 2025–26 involved an unrepresented party. However some of these litigants in person are referred by a judge or judicial registrar to pro bono legal assistance, particularly in the migration sub-area, meaning that they do not remain unrepresented as the proceeding progresses.

As set out above, the increase in human rights filings in 2025–26 also affected the nature of the Federal Court's work in the ACLHR practice area. Compared to sub-areas like administrative law and migration law in which the Federal Court's jurisdiction is more confined, human rights claims can be lengthy and involve complex factual circumstances and a significant amount of evidence and number of witnesses. This can pose particular challenges for litigants in person in their ability to plead their claims and adequately prepare their evidence, as well as considerable challenges for the Federal Court in case managing these proceedings expeditiously.

There are also a high number of litigants in the ACLHR practice area that face one or more vulnerabilities, such as litigants with limited English who require interpreters or litigants in person with disabilities who require adjustments to access the Federal Court and participate in hearings. As outlined earlier, a very high portion of migration litigants are in detention or incarcerated at the time of filing their claim. This creates difficulties with what might ordinarily be seen as routine aspects of litigation, such as communicating with the Federal Court and filing documents. This can mean a more tailored, hands-on approach is required by the Federal Court in these proceedings, including more active judicial registrar assistance.

Applications in the ACLHR practice area are also often time sensitive, such as urgent migration applications regarding deportation, applications for injunctions under section 46PP of the *Australian Human Rights Commission Act 1986*, and short statutory timeframes within which to file a review or appeal application.

The compounding of time sensitivities, vulnerabilities and a lack of legal representation typically result in litigants in the ACLHR practice area requiring greater assistance from the Federal Court to file documents and undertake other procedural steps.

Looking ahead

The trend of increased filings within the ACLHR practice area is likely to continue, including the rising numbers of claims brought by unrepresented litigants. In relation to the migration sub-area, as with previous years, filings of migration proceedings are expected to remain strong. Factors that will impact on the overall ACLHR workload of the Federal Court include the output of the Administrative Review Tribunal and FCFCOA (Division 2), as well as any legislative changes that are introduced in the coming year.

Looking ahead, to address the expanding volume and complexity of ACLHR proceedings, the Federal Court will focus efforts on expeditious triaging and case management of proceedings, including strengthened judicial registrar assistance. In relation to litigants in person, the Federal Court will have a particular concentration on early intervention procedures, more tailored pro bono and support coordination, and identification of emerging issues and cohorts of litigants.



Judicial Registrar Christine Cody attending the World Conference of the International Association of Refugee and Migration Judges in Nairobi, Kenya, from 17 to 21 November 2025



Why this work matters

The Admiralty and Maritime NPA reflects Australia's role as a maritime nation engaged as an international trading partner in the export and import of raw materials and products. It supports the orderly conduct of maritime operations within federal jurisdiction dealing with admiralty and maritime disputes arising from maritime activity, including shipping and logistics, navigation, marine insurance, cargo claims, limitation proceedings, commerce and related trade activities.

The Federal Court's role is to apply admiralty and maritime law according to statute and established legal principles. It determines disputes between private entities and sometimes between private entities and public authorities, arising out of maritime activity. The Federal Court does not regulate shipping or maritime industries; its function is to resolve disputes brought before it according to law.

For parties involved in maritime commerce, proceedings in this practice area can have immediate practical consequences, including the detention and release of vessels and the resolution of competing claims to maritime property. Timely and predictable judicial processes are essential.



Justice Sarah C Derrington



Justice Feutrill

National Coordinating Judges

Judges aligned with the NPA under the NCF

A&M List

NSW & ACT	Justice Markovic (*)	Justice Burley	Justice Halley	Justice Stewart
VIC & TAS	Justice Moshinsky	Justice McEvoy		Justice Sarah C Derrington with Justice O'Callaghan
QLD	Justice Derrington	Justice Sarah C Derrington +		Justice Sarah C Derrington
SA & NT	Justice O'Sullivan			Justice Feutrill
WA	Justice Feutrill +			Justice Feutrill

National Coordinating Registrars: Paul Farrell, Jacinta Ellis, Russell Trott

* For insolvency related Admiralty and Maritime proceedings

A&M workload snapshot: Original jurisdiction and appellate proceedings



FILINGS

31 ↑ up 19%
from last year



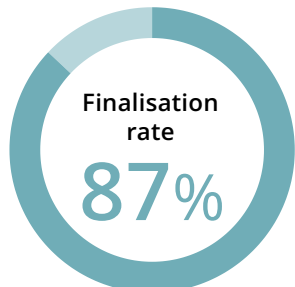
FINALISATIONS

27 ↓ down 36%
from last year



CURRENT PROCEEDINGS

43 ↑ up 10%
from last year



Total judgments delivered

3 ✓ down 57%
from last year



Total judgments delivered within 6 months

3 ✓ down 57%
from last year

Filings by state and territory

Northern Territory

1

2024-25 | 0

Western Australia

1

2024-25 | 5

South Australia

0

2024-25 | 0

Tasmania

0

2024-25 | 0

Queensland

9

2024-25 | 0

New South Wales

19

2024-25 | 18

Australian Capital Territory

0

2024-25 | 0

Victoria

1

2024-25 | 3

What kinds of proceedings come before the Federal Court

Proceedings within the Admiralty and Maritime NPA arise under the *Admiralty Act 1988* (Cth) and other Commonwealth legislation regulating maritime and associated activity. Proceedings may include claims relating to:

- ownership or possession of ships,
- maritime liens and charges,
- damage done by or to ships, cargo, ports and maritime infrastructure,
- salvage, towage and freight disputes,
- vessel collisions, allisions and other navigational incidents.

A distinctive feature of this practice area is the availability of proceedings in rem, where an action is brought against a ship or maritime property itself, rather than solely against a person or entity.

How this work is managed

Admiralty and maritime proceedings are managed within the NCF and the individual docket system. A single judge is ordinarily responsible for overseeing the proceeding from commencement to resolution.

This practice area involves procedural features that differ from most other jurisdictions. These include applications for the arrest and judicial sale of vessels, urgent interlocutory hearings, and issues involving international parties and foreign law. Proceedings may arise at short notice, particularly where vessels are only in a particular location for a limited period.

Judges and judicial registrars manage these proceedings to:

- respond promptly to urgent applications, including during after hours,
- ensure compliance with procedural safeguards governing in rem actions,
- balance the need for speed with fairness to all parties.

Judicial registrar involvement is often critical at early stages, particularly in processing arrest applications and managing urgent interlocutory steps.

! What this means: Tailored procedural responses allow the Federal Court to deal effectively with time sensitive maritime disputes while applying consistent legal standards.

Pressures, trends and constraints

Admiralty and maritime work can vary significantly from year-to-year. The number and timing of proceedings will depend on international trade patterns and shipping movements, commercial shipping activity and unanticipated maritime incidents. The Federal Court does not control when or why such disputes arise.

Many will involve foreign parties, foreign law, or overlapping proceedings in overseas courts. This can add complexity and require careful coordination, including consideration of jurisdictional issues and service of process outside Australia.

Urgency is a recurring pressure, particularly where ships are detained or commercial operations are disrupted or there is potential for this to occur. These demands are managed within finite judicial and registry resources.

Arrests in 2025–26 (to 9 June 2026)

There were five arrests carried out by Marshals of the Court in 2025–26 with two vessels remaining under arrest: Broadbill III and Candice.

Table 4.1 Vessel arrests for the reporting period

	Vessel	Date of arrest	Location	File number	Arresting registry	Date of release
1	Carpe Diem	July 2025	Airlie Beach, QLD	QUD428/2025	NSW	August 2025
2	Jane Virgo	December 2025	Hudson Creek, NT	QUD724/2025	QLD—Australian Border Force	November 2025
3	Silver Fern	December 2025	Sydney, NSW	NSD2295/2025	NSW	December 2025
4	Broadbill III	April 2026	Paradise Pt, Gold Coast, QLD	QUD195/2026	NSW/QLD	N/A
5	Candice	May 2026	Duck Pond, Darwin, NT	NTD13/2026	NSW—Australian Border Force	N/A

None of the five arrests were conducted in a port. Four were at a marina and one at a private residence.



Arrest of yacht Carpe Diem

Activities

Admiralty & Maritime Users' Group meeting held in the NSW Registry on 17 November 2025.

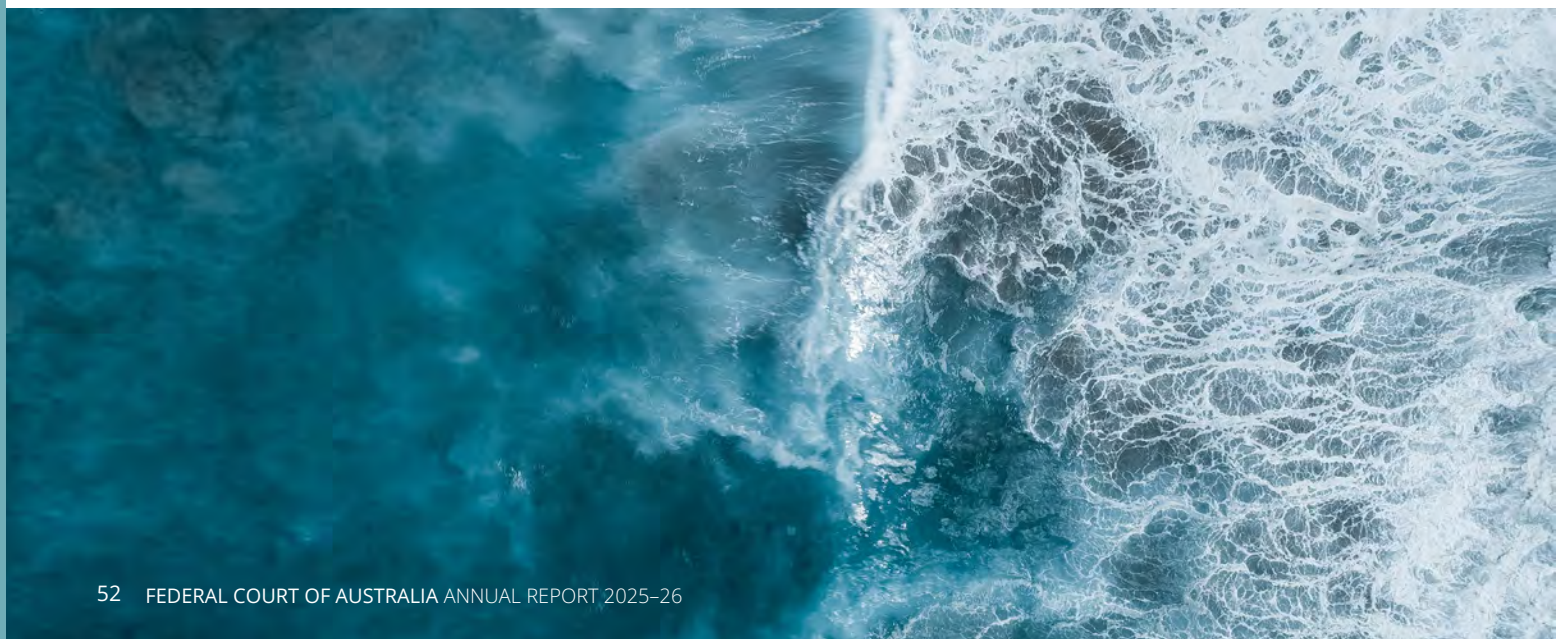
Looking ahead

Australia's continued reliance on maritime trade means that the admiralty and maritime jurisdiction will remain an important component of the Federal Court's work. Fluctuations in global trade patterns and shipping activity are likely to continue influencing the nature and timing of disputes.

The Federal Court will continue to manage this jurisdiction through proportionate and responsive case management, maintaining fairness, consistency and transparency while operating within its statutory and constitutional role.



Arrest of fishing vessel Candice





Why this work matters

Commercial and corporations law underpins confidence in Australia's economic and regulatory systems. The work of the Federal Court in this practice area resolves disputes that affect markets, corporate governance, access to finance, consumer protection and regulatory compliance.

Proceedings often involve substantial commercial interests, complex statutory frameworks and multiple parties. While many disputes are between private entities, others concern the exercise of regulatory power or the operation of national economic policy.

The Federal Court's role is not to manage markets or corporate behaviour but to determine disputes according to law when they are brought before it.

This work matters because it provides an independent forum for resolving commercial disputes, clarifying legal obligations and testing the lawful exercise of power in economically significant contexts.

National Coordinating Judges



Justice Markovic

Justice Halley

Justice Downes

Justice Neskovic

National Coordinating Registrar: Tim Luxton, Jacinta Ellis



C&C overall
workload snapshot:
Original jurisdiction and
appellate proceedings



FILINGS

1,123 ↑ up 9%
from last year



FINALISATIONS

978 ↑ up 5%
from last year



CURRENT PROCEEDINGS

1,428 ↑ up 11%
from last year



Total judgments delivered

902 ↑ up 12%
from last year



Total judgments delivered
within 6 months

839 ↑ up 11%
from last year

Filings by state and territory

Northern Territory

11

2025-24 | 6

Western Australia

96

2025-24 | 82

South Australia

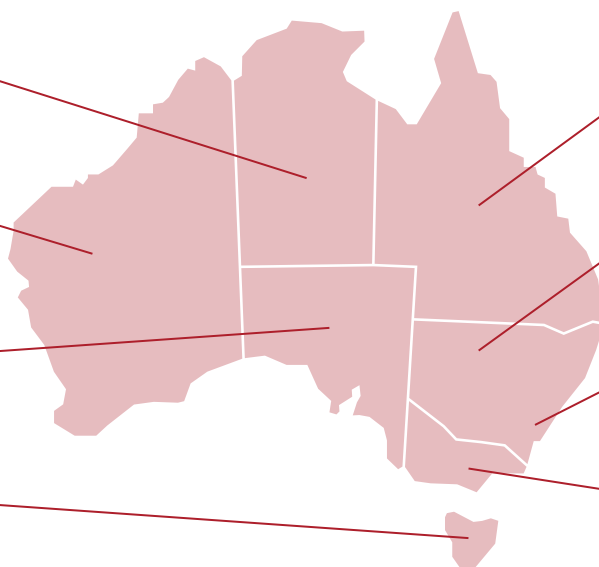
51

2025-24 | 44

Tasmania

14

2025-24 | 21



Queensland

161

2024-25 | 150

New South Wales

438

2024-25 | 405

Australian Capital Territory

24

2024-25 | 19

Victoria

328

2024-25 | 301

Commercial and Corporations filings have continued the upward trend over the last three years, underscoring the importance of the work in this practice area.

This has been true across all areas of filings, with:

- Original jurisdiction filings increasing from 802 in 2023–24 to 931 in 2024–25, to 1005 in 2025–26.
- Appellate filings remaining fairly consistent over the previous two reporting periods (98 and 97 respectively), seeing an increase to 118 in 2025–26.
- Judicial registrar filings saw the largest increase, particularly between 2023–24 and 2024–25 increasing from 1,958 to 2,677. This reporting period saw an increase, but not on that same scale, with 2,793 filings.

The Federal Court recognises the importance of these proceedings, and regularly engages with the profession across each of the registries of the Federal Court, to emphasise its commitment to resolving commercial disputes as efficiently as possible. For example, the Federal Court has been discussing with the profession the possible review of the use of Concise Statements in commercial and regulatory proceedings, and working with federal regulators on their proposal to engage more about the conduct of regulatory proceedings in the Federal Court.

In addition, as set out in **Part 9** of this report, judges regularly engage with international colleagues to gain exposure to practices adopted in overseas jurisdictions for the efficient management and resolution of commercial disputes.

What kinds of proceedings come before the Federal Court

The Commercial and Corporations practice area encompasses a broad range of disputes arising under Commonwealth law. These proceedings are grouped into six sub-areas to reflect differences in subject matter, urgency and case management needs:

- Commercial Arbitration (CA).
- Commercial Contracts, Banking, Finance and Insurance (CCBFI).
- Corporations and Corporate Insolvency (CORPS).
- Economic Regulator, Competition and Access (ERCA).
- General and Personal Insolvency (GPI).
- Regulator and Consumer Protection (RCP).

Across these sub-areas, proceedings may involve questions of private law, statutory interpretation, regulatory enforcement or the supervision of insolvency processes. Some proceedings require urgent judicial intervention; others progress on defined timetables shaped by the needs of complex commercial litigation.

How this work is managed

Allocation and case management

Commercial and Corporations proceedings are managed within the Federal Court's individual docket system. The case management of an individual proceedings will be tailored to the particular needs of that proceedings. Once allocated, a proceeding is ordinarily managed by a single judge from commencement to resolution, subject to reallocation where appropriate. This approach supports continuity, informed case management and proportional use of judicial and registry resources.

Judges are assigned to this practice area having regard to professional experience, subject matter familiarity and national workload distribution. Judicial registrars play a key role in supporting the progression of proceedings, particularly in interlocutory and list based work. A broad range of interlocutory applications can be heard by judicial registrars, the most common of which are applications for discovery of documents, for security for costs and in relation to claims of confidentiality or privilege.

The Federal Court understands that parties to proceedings filed in the Commercial and Corporations NPA will sometimes need to seek urgent relief. The Federal Court has arrangements, including specific Commercial and Corporations duty judges, to deal with such applications efficiently. An urgent application will be listed before the Commercial and Corporations Duty Judge or Corporations List Judge as may be appropriate. Weekly Corporations Lists before judges are conducted in each registry other than in South Australia, the Northern Territory and Tasmania.

Shorter and less urgent corporations applications will be allocated to a judicial registrar and dealt with in the course of one of the regular registrar Corporations Lists. These lists deal with high volume winding-up applications as well as with a wide range of other applications within the power of a registrar.

There were 158 allocations of Corporations List proceedings to judges in the current reporting period, which was an increase from 143 in the 2024–25 reporting period.

Different pathways within a shared framework

While all sub-areas operate within the same overarching framework, the way work progresses varies:

- some proceedings are highly time sensitive,
- others require intensive case management over extended periods,
- some involve frequent use of interlocutory applications, and
- others are resolved through confined legal questions.

The Federal Court adapts case management practices to suit these differences, while maintaining consistency of approach nationally.

! What this means: The Federal Court does not treat all commercial disputes the same way. Case management is tailored to the nature of the dispute, not its financial value or public profile.

Sub-areas within the Commercial and Corporations practice area

While the importance of each sub-area is not simply reflected in filings, the majority of filings in the Commercial and Corporations NPA continue to be in the CORPS and CCBFI sub-areas. The filings range from cases that raise discrete issues, to cases involving complex factual and legal issues in multi-party disputes.

Pressures, trends and constraints

Several factors shape the Court’s work in this practice area:

- **Complexity and scale** of commercial disputes, often involving extensive documentary material and expert evidence,
- **Urgent applications** particularly in insolvency and regulatory contexts,
- **Interaction with external processes** such a regulatory investigations or arbitrations,
- **Uneven filing patterns** influenced by economic conditions and legislative change.

The Federal Court does not control the volume or type of disputes commenced. It must respond to matters as they arise.

Table 4.2 Commercial and Corporations NPA filings by sub area: 2024-25 and 2025-26

Filings (Original Jurisdiction and appellate)	2024-25	2025-26
RCP	123	128
CORPS	460	520
CCBFI	278	277
GPI	149	174
ERCA	10	14
CA	8	10



Regulator and Consumer Protection SUB-AREA

This sub-area encompasses proceedings concerning consumer law and regulatory enforcement.

Proceedings may be brought by regulators or private parties and often involve statutory standards designed to protect consumers and maintain fair trading.

Judges aligned with the NPA under the NCF

NSW & ACT	Justice Wigney	Justice Thawley		
	Justice Perry	Justice Stewart	Justice Raper	Justice Moore
	Justice Markovic +	Justice Abraham	Justice Kennett	Justice Owens
	Justice Bromwich	Justice Halley +	Justice Jackman	Justice Stellios
	Justice Burley	Justice Cheeseman	Justice Shariff	Justice Younan
	Justice Lee	Justice Goodman	Justice Needham	Justice Lenehan
VIC & TAS	Justice Murphy			
	Justice Beach	Justice O'Bryan	Justice McElwaine	Justice Neskovicin +
	Justice Moshinsky	Justice Snaden	Justice Hespe	Justice Dowling
	Justice O'Callaghan	Justice Anderson	Justice Button	Justice Bennett
	Justice Wheelahan	Justice Rofe	Justice Horan	Justice Hill
QLD	Justice Collier	Justice Derrington	Justice Downes +	Justice Longbottom
	Justice Rangiah	Justice Sarah C Derrington	Justice Meagher	Justice Wheatley
SA & NT	Justice O'Sullivan			
WA	Justice Banks-Smith	Justice Jackson		
	Justice Colvin	Justice Feutrill	Justice Vandongen	

RCP workload snapshot: Original jurisdiction and appellate proceedings



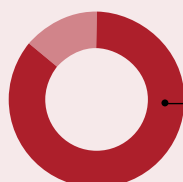
FILINGS

128 ↑ up 4%
from last year



FINALISATIONS

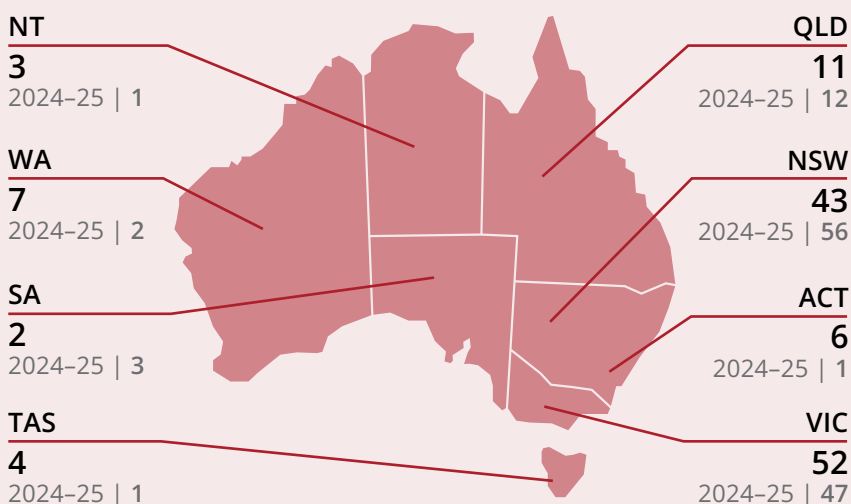
110 ↓ down 17%
from last year



86%

Finalisation
rate

Filings by state and territory



Prominent examples of the work in this sub-area

In recent times, a number of proceedings have been brought before the Federal Court involving 'greenwashing' claims, which generally involve claims that products or services are environmentally friendly, sustainable or ethical. Whilst in previous years, 'greenwashing' proceedings have been brought by regulators seeking civil penalties, in *Australasian Centre for Corporate Responsibility v Santos Limited* [2026] FCA 96 the Federal Court heard and determined a proceeding brought by a not-for-profit shareholder advocacy and research organisation against an energy producer, in respect of its statements that it is a producer of 'clean energy' and that natural gas provides 'clean energy' and that it has a 'credible and clear plan' to reduce Scope 1 and 2 greenhouse gas (GHG) emissions by 26–30 per cent by 2030 and achieve 'net zero' Scope 1 and 2 GHG emissions by 2040. Ultimately, Justice Markovic found that the representations were not misleading and that, insofar as the representations were made in relation to future matters, Santos had a reasonable basis for making them. The decision is currently on appeal. However, the proceeding shows an increasing public interest in proceedings involving representations regarding environmental credentials.

Of significant public interest during this reporting period was the Court's decision in *Australian Competition and Consumer Commission v Coles Supermarkets Australia Pty Ltd* [2026] FCA 598 concerning Coles Supermarkets' 'Down Down' promotion. The 'Down Down' promotion commenced in 2010 and would be familiar to most Australians via its distinctive marketing. The 'Down Down' promotional program was a program by which Coles offered to customers a range of commonly purchased products at reduced prices. A central feature of the promotion was the use of 'was/now' pricing, by which the 'Down Down' promotional price was compared to an earlier higher price, which typically was the product's previous regular shelf (white label) price. The Australian Competition and Consumer Commission

(ACCC) commenced proceedings against Coles alleging that, between February 2022 and May 2023 and in respect of 245 products, the 'Down Down' promotions were misleading or deceptive, or conveyed a false or misleading representation with respect to the price of the affected products, in breach of sections 18(1) and 29(1) respectively of the *Australian Consumer Law*. The ACCC alleged that Coles had increased the price of each affected product for only a relatively short period of time prior to placing the product on the 'Down Down' promotion and, in most proceedings, advertising that higher price as the relevant 'was' price on the product's 'Down Down' ticket. A class action against Coles was also commenced on behalf of Coles' customers, seeking damages for losses arising out of the same alleged breaches of the *Australian Consumer Law*.

In February 2026, the Federal Court conducted a trial of issues of liability in both proceedings with respect to a sample of 12 affected products and delivered judgment in May 2026. Justice O'Bryan found that the 'Down Down' promotion in respect of 11 of the 12 sample products conveyed a representation that the 'Down Down' price was a genuine discount from the 'was' price stated on the 'Down Down' ticket and that the representation was misleading because the sample products had not been offered at the 'was' price for a reasonable period of time prior to the 'Down Down' promotion. As a result, Coles was found to have engaged in misleading or deceptive conduct, and to have made false or misleading representations with respect to the price of the sample product, in breach of sections 18(1) and 29(1) respectively of the *Australian Consumer Law*.

The decision has significant impact given that Coles is the second largest supermarket chain in Australia with, as at June 2023, more than 840 supermarkets, which are located in every Australian state and territory, plus operating an online platform. Its customers come from all walks of life. Each store is visited by thousands of consumers every day.

Corporations and Corporate Insolvency SUB-AREA

This sub-area includes proceedings such as the supervision of insolvency practitioners, schemes of arrangement, shareholder disputes and regulatory proceedings involving corporate conduct.

This sub-area is the most significant, in terms of the number of filings, which is partly a reflection of the nature of insolvency-related proceedings, where urgent relief is often required to salvage businesses in voluntary administrations, or to regulate conduct

in voluntary administrations and receiverships, and where one liquidation can give rise to numerous recovery actions and other proceedings, brought for the benefit of creditors.

Some proceedings require rapid intervention to protect assets or statutory rights; others involve ongoing judicial supervision. The Federal Court balances urgency with the need for careful consideration of competing interests.

Judges aligned with the NPA under the NCF

Additional Judges

NSW & ACT	Justice Perram Justice Markovic + Justice Lee Justice Stewart	Justice Halley + Justice Cheeseman Justice Goodman Justice Jackman	Justice Shariff Justice Needham Justice Moore Justice Owens	Justice Wigney Justice Burley Justice Thawley Justice Kennett Justice Younan
VIC & TAS	Justice Beach Justice Moshinsky Justice O'Callaghan Justice O'Bryan	Justice Anderson Justice McElwaine Justice McEvoy	Justice Button Justice Neskovicin + Justice Bennett	Justice Murphy (Class Actions/ASIC)
QLD	Justice Derrington Justice Sarah C Derrington	Justice Downes + Justice Longbottom	Justice Wheatley Justice Collier	Justice Collier Justice Meagher
SA & NT	Justice Charlesworth	Justice O'Sullivan	Justice McDonald	
WA	Justice Banks-Smith Justice Colvin	Justice Jackson Justice Feutrill	Justice Vandongen	

CORPS workload snapshot: Original jurisdiction and appellate proceedings



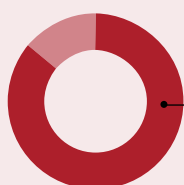
FILINGS

520 ↑ up 13%
from last year



FINALISATIONS

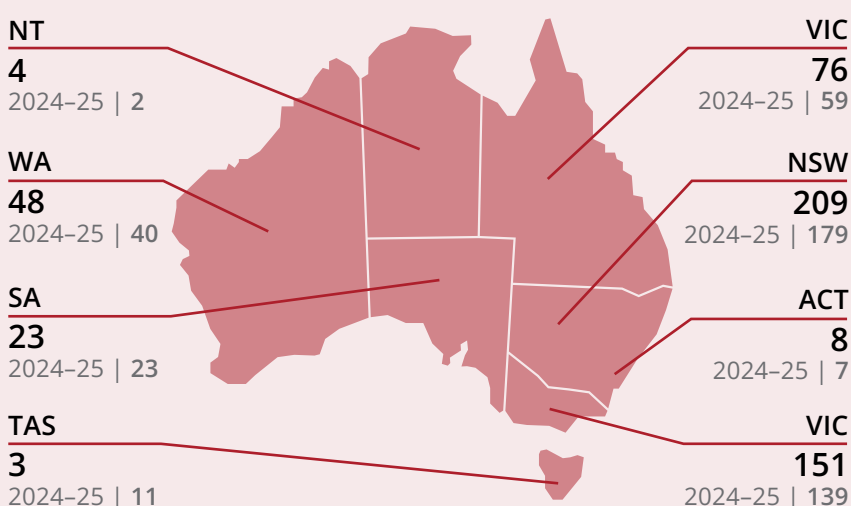
444 ↑ up 4%
from last year



85%

Finalisation
rate

Filings by state and territory



In addition to the above judge filings, there were 2,420 CORPS proceedings managed by judicial registrars in the judicial registrar Corporations Lists, which is an increase from 2,346 the previous reporting period.

Prominent examples of the work in this sub-area

Prominent examples of the work in this sub-area in the last 12 months include the various applications made to the Federal Court in the OneSteel Manufacturing administration, involving the Whyalla refinery in South Australia.

A further example is the landmark decision in *Australian Securities and Investments Commission v Bekier (Liability Judgment)* [2026] FCA 196. ASIC commenced civil penalty proceedings against 11 members of the executive team and Board of Star Entertainment Group Limited (Star). The proceeding involved the recurring topic of whether a director or other officer exercises the requisite degree of care and diligence when deferring to and relying on senior management. ASIC alleged, among other things, that directors and officers of Star failed to exercise reasonable care and diligence in relation to anti-money laundering / Counter-terrorism financing risks arising from Star's dealings with junket operators and Star's interactions with one of its major lenders, National Australia Bank, in relation to China UnionPay cards, effectively the 'Bankcard' of China. ASIC alleged contraventions of section 180(1) of the *Corporations Act 2001* (Cth), being the statutory duty of care and diligence owed by directors and other officers.

Justice Lee found that the Chief Executive Officer and General Counsel/Company Secretary of Star, having an actual appreciation of certain risks, breached their duty of care and diligence by failing to appropriately act on or escalate serious risks to the Board. However, ASIC's proceeding against the non-executive directors failed. The decision serves to highlight the obligations of senior executives to escalate known risks to the Board and take appropriate action. Justice Lee also discussed the requirement for active engagement by non-executive directors.

Proving damages in shareholder class actions has presented significant challenges for applicants given the inherent difficulty in undertaking any calculation of the impact of wrongful conduct on a company's share price. The Full Court in *Crowley v Worley Limited* [2026] FCAFC 78 has now clarified the basis on which

shareholders can recover damages by relying on what are generally known as 'market-based causation' theories. The Full Court upheld an appeal by a representative applicant in a long running class action directed at alleged misleading earnings guidance provided to the market by Worley Limited in August 2013. The judge at first instance, rehearing the matter on remitter from a previous decision of the Full Court, was satisfied that Worley Limited had contravened the continuous disclosure provisions in the Corporations Act but did not accept that the applicant had proved that they had suffered any loss by reason of the contraventions.

In finding that the applicant had established some loss, the Full Court confirmed that it was necessary to focus on whether the contraventions of the continuous disclosure provisions caused the share price to be higher rather than would a specific non-contravening counterfactual guidance have caused a fall in the share price. After being satisfied that the applicant had established some loss, the Full Court then applied the principle that where a respondent's wrongdoing has resulted in uncertainty that has made the assessment of damages more difficult the Court should do the best it can to ensure that difficulties in estimation should not deprive an applicant of a remedy. The Full Court quantified damages using a 'broad brush' by reference to an expert linear relationship analysis after being satisfied of substantial economic equivalence between the misleading earnings guidance and subsequent market disclosures by Worley Limited. In doing so, the Full Court observed that the existence of a 'degree of speculation and guess work' is not inconsistent with an earlier statement by a Full Court that it is not permissible to resort to 'irrational bases' in quantifying damages. The detailed reasoning of the Full Court in *Crowley v Worley* is likely to have significant implications for the conduct of shareholder class actions, in particular how market-based causation theories can be deployed in practice to assist in the proof and quantification of loss.

Commercial Contracts, Banking, Finance and Insurance SUB-AREA

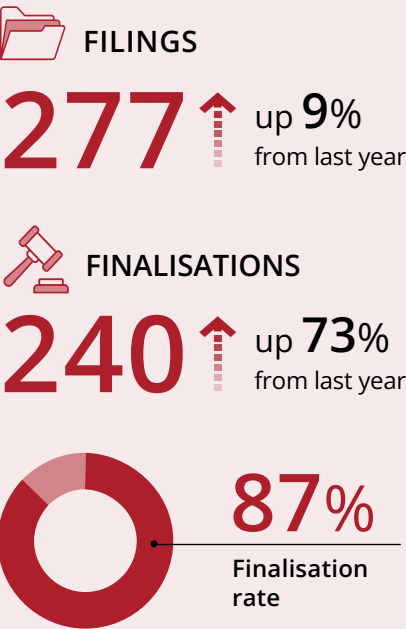
These proceedings involve disputes arising from commercial transactions, financial arrangements and insurance relationships. Proceedings often include complex factual records and expert evidence.

Case management focuses on narrowing issues early and ensuring that the scale of the dispute is matched by proportionate procedures.

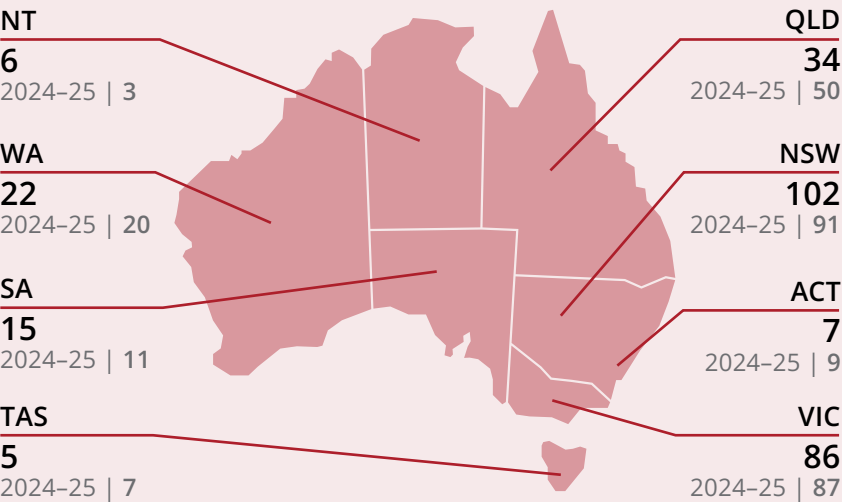
Judges aligned with the NPA under the NCF

NSW & ACT	Justice Markovic + Justice Lee Justice Thawley	Justice Stewart Justice Halley + Justice Cheeseman	Justice Goodman Justice Jackman Justice Shariff	Justice Needham Justice Moore Justice Owens
VIC & TAS	Justice Beach Justice Moshinsky Justice O'Callaghan Justice Wheelahan (E&IR)	Justice O'Bryan Justice Snaden (E&IR) Justice Anderson Justice Rofe	Justice McElwaine Justice McEvoy Justice Button	Justice Neskovicin + Justice Dowling (E&IR) Justice Bennett
QLD	Justice Derrington Justice Sarah C Derrington	Justice Downes + Justice Longbottom	Justice Wheatley	
SA & NT	Justice Charlesworth	Justice O'Sullivan	Justice McDonald	
WA	Justice Banks-Smith Justice Colvin	Justice Jackson Justice Feutrill	Justice Vandongen	

CCBFI workload snapshot: Original jurisdiction and appellate proceedings



Filings by state and territory



General and Personal Insolvency SUB-AREA

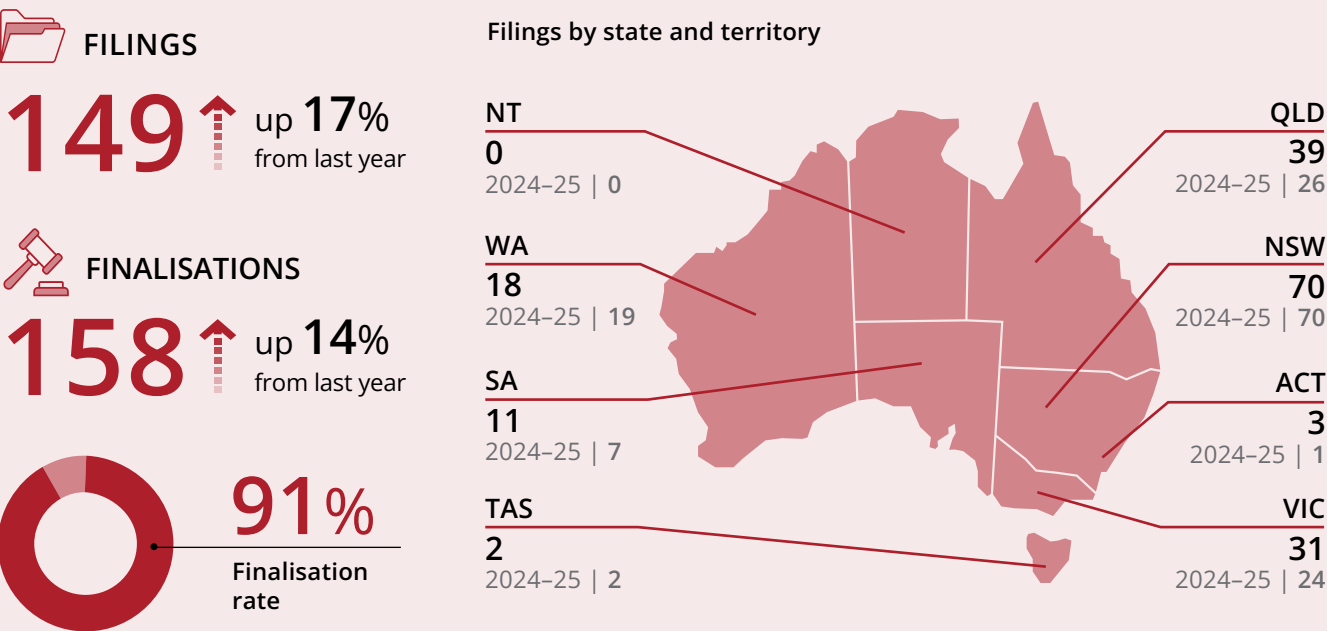
This work includes bankruptcy related proceedings, often involving individuals or small businesses. Proceedings may intersect with issues of financial hardship and self-representation.

Efficient case management is important to minimise cost and delay while ensuring that statutory safeguards are applied. For example, creditor’s petitions and applications to set aside bankruptcy notices are heard in a weekly list conducted by judicial registrars in most states.

Judges aligned with the NPA under the NCF

NSW & ACT	Justice Perram	Justice Thawley		
	Justice Wigney	Justice Stewart	Justice Raper	Justice Owens
	Justice Perry	Justice Halley +	Justice Jackman	Justice Stellios
	Justice Markovic +	Justice Cheeseman	Justice Needham	Justice Younan
	Justice Lee	Justice Goodman	Justice Moore	Justice Lenehan
VIC & TAS	Justice Beach	Justice Snaden	Justice McEvoy	Justice Neskovic +
	Justice Moshinsky	Justice Anderson	Justice Hespe	Justice Dowling
	Justice O’Callaghan	Justice Rofe	Justice Button	Justice Bennett
	Justice O’Bryan	Justice McElwaine	Justice Horan	Justice Hill
QLD	Justice Collier	Justice Derrington	Justice Meagher	
	Justice Rangiah	Justice Downes +	Justice Longbottom	Justice Wheatley
SA & NT	Justice Charlesworth	Justice O’Sullivan	Justice McDonald	
WA	Justice Banks-Smith	Justice Jackson		
	Justice Colvin	Justice Feutrill	Justice Vandongen	

GPI workload snapshot: Original jurisdiction and appellate proceedings



In addition to the above judge filings, there were 373 GPI proceedings managed by judicial registrars in the Bankruptcy Lists, which is a 13 per cent increase from the previous reporting period.

Economic Regulator, Competition and Access SUB-AREA

Proceedings in this sub-area often arise from enforcement or review activity by economic regulators and may involve questions affecting market structure or access arrangements.

These proceedings frequently raise complex legal and economic issues and may have implications beyond the immediate parties.

Judges aligned with the NPA under the NCF

NSW & ACT	Justice Perram Justice Wigney Justice Bromwich	Justice Lee Justice Halley +	Justice Cheeseman Justice Jackman	Justice Moore Justice Owens
VIC & TAS	Justice Beach Justice Moshinsky	Justice O'Callaghan Justice O'Bryan	Justice Anderson Justice Button	Justice Neskovic + Justice Bennett
QLD	Justice Derrington	Justice Sarah C Derrington	Justice Downes +	
SA & NT	Justice O'Sullivan			
WA	Justice Banks-Smith Justice Colvin	Justice Jackson Justice Feutrill	Justice Vandongen	

ERCA workload snapshot: Original jurisdiction and appellate proceedings

FILINGS

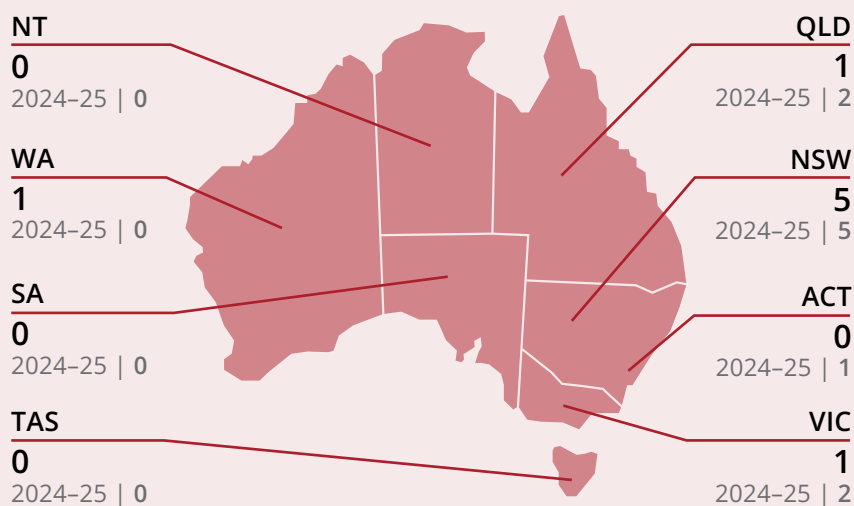
10 ↑ up **40%**
from last year

FINALISATIONS

16 ↑ up **23%**
from last year

114%
Finalisation
rate

Filings by state and territory



Commercial Arbitration SUB-AREA

This sub-area concerns applications connected with domestic and international arbitration, including stays of court proceedings, enforcement of arbitral awards and related supervisory jurisdiction.

Proceedings are typically confined in scope and determined on defined legal questions. Timely resolution is important to support predictability and confidence in arbitration as a dispute resolution mechanism.

Judges aligned with the NPA under the NCF

NSW & ACT	Justice Stewart Justice Jackman	Justice Needham Justice Moore	Justice Younan
VIC & TAS	Justice Beach Justice Moshinsky	Justice O'Callaghan Justice Anderson	Justice Button Justice Neskovic +
QLD	Justice Derrington Justice Sarah C Derrington	Justice Downes + Justice Longbottom	
SA & NT	Justice O'Sullivan		
WA	Justice Banks-Smith	Justice Jackson	Justice Feutrill

CA workload snapshot: Original jurisdiction and appellate proceedings



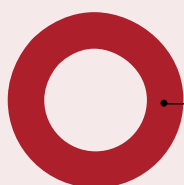
FILINGS

10 ↑ up **25%**
from last year



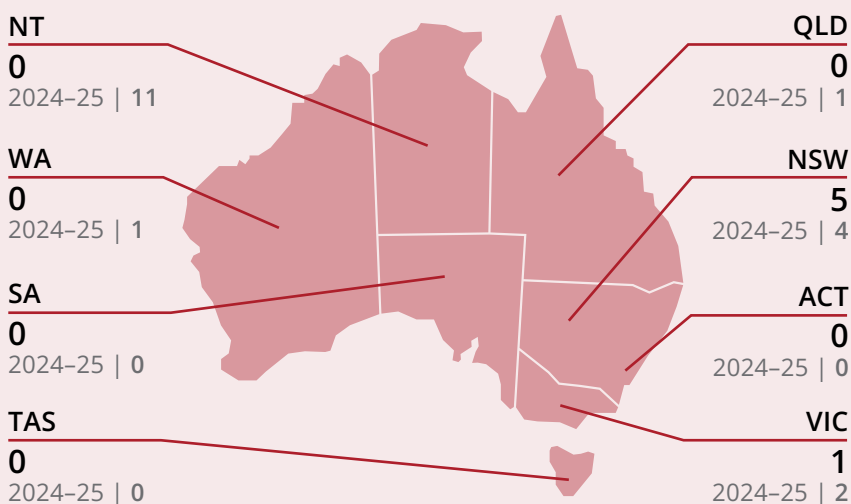
FINALISATIONS

10 ↓ down **17%**
from last year



100%
Finalisation
rate

Filings by state and territory



Looking ahead

Commercial and corporations work is expected to remain a substantial component of the Federal Court's caseload. Economic conditions, regulatory activity and legislative reform will continue to shape the type and timing of disputes coming before the Federal Court.

Looking forward, the Federal Court will continue to focus on:

- clear identification of issues at an early stage,
- proportionate and flexible case management,
- consistent national practices across registries,
- transparent processes that support public confidence.

These approaches reflect the Federal Court's statutory role and institutional constraints.



Why this work matters

The Employment and Industrial Relations NPA deals with disputes arising from the operation of federal workplace laws. These laws regulate the relationship between employers, employees, unions and, in some proceedings, the Fair Work Commission. The extensive reach of the Employment and Industrial Relations NPA means that the decisions of the Federal Court have the capacity to affect the lives of many of Australia's 14.5 million workers.

The Federal Court's role is to interpret and apply employment and industrial legislation according to law.

It determines whether statutory obligations have been met, whether rights have been infringed, and what remedies are available under Commonwealth law. The Federal Court does not set workplace policy or resolve proceedings by reference to industrial outcomes; its function is strictly judicial.

Employment and Industrial Relations proceedings often concern issues that have immediate effects on work, income, and organisational operations. The Federal Court's work in this area supports confidence that workplace laws are applied consistently, fairly and transparently.



National Coordinating Judges

Justice Rangiah

Justice Raper

Justice Dowling

Judges aligned with the NPA under the NCF

NSW & ACT	Justice Perram Justice Wigney Justice Bromwich Justice Lee	Justice Abraham Justice Halley Justice Goodman Justice Raper +	Justice Kennett Justice Shariff Justice Needham	Justice Stellios Justice Younan Justice Lenehan
VIC & TAS	Justice Wheelahan Justice Snaden Justice McElwaine	Justice McEvoy Justice Horan Justice Dowling +	Justice Bennett Justice Hill	Additional Judges Justice Murphy Justice O'Callaghan
QLD	Justice Collier Justice Rangiah +	Justice Sarah C Derrington Justice Meagher	Justice Longbottom Justice Wheatley	
SA & NT	Justice Charlesworth	Justice O'Sullivan	Justice McDonald	
WA	Justice Banks-Smith Justice Colvin	Justice Jackson Justice Feutrill	Justice Vandongen	

National Coordinating Registrars: Tom Morgan, Michael Buckingham

E&IR overall
workload snapshot:
Original jurisdiction and
appellate proceedings



 FILINGS

327  up 15%
from last year

 FINALISATIONS

249

 CURRENT PROCEEDINGS

451  up 21%
from last year



Total judgments delivered

185  down 4%
from last year



Total judgments delivered
within 6 months

168  up 1%
from last year

Filings by state and territory

Northern Territory

2

2025–24 | 2

Western Australia

30

2025–24 | 16

South Australia

15

2025–24 | 7

Tasmania

3

2025–24 | 1



Queensland

51

2024–25 | 28

New South Wales

132

2024–25 | 405

Australian Capital Territory

15

2024–25 | 9

Victoria

79

2024–25 | 110

What kinds of proceedings come before the Federal Court

Proceedings in the Employment and Industrial Relations NPA arise primarily under the *Fair Work Act 2009* (Cth) and related Commonwealth legislation (including provisions of other Commonwealth anti-discrimination legislation and, in some cases, provisions of the *Corporations Act 2001* (Cth)). Proceedings include claims concerning:

- alleged contraventions of workplace laws and industrial instruments (including awards and enterprise bargaining agreements),
- civil penalty proceedings (for example, breaches of the National Employment Standards, general protections or employment record obligations),
- general protections and adverse action disputes,
- enforcement and related applications following proceedings in the Fair Work Commission,
- breaches of employment contracts, and
- whistleblower proceedings under the Corporations Act.

Parties may include individual employees, employers of varying size, unions, employer organisations and regulators. Some proceedings involve confined factual disputes, while others raise complex questions of statutory interpretation or involve large numbers of affected employees.

The Federal Court does not control the flow of employment and industrial proceedings. Filing volumes are influenced by legislative settings, regulatory activity, economic conditions and the choices of parties to commence proceedings.



Bromwich presenting at IRSNSW 2026 Conference on 1 May 2026

How this work is managed

Employment and Industrial Relations proceedings are managed within the NCF and the individual docket system, with a single judge ordinarily responsible for the proceeding from commencement to resolution.

This practice area frequently involves overlapping jurisdiction with the Fair Work Commission. Case management therefore takes into account the procedural history of a proceeding, including whether issues have already been considered in another forum.

Judges and judicial registrars actively manage employment and industrial relations proceedings to:

- focus early on the issues that must be determined,
- encourage proportionate steps commensurate with the scale of the dispute,
- manage interlocutory disputes efficiently.

Alternative dispute resolution may be used where appropriate, recognising that not all proceedings are suitable for facilitated resolution.

National General Protections List

On 17 December 2025, Chief Justice Mortimer issued a Notice to the Profession advising that the National General Protections List had been adopted on a permanent basis from that date. The permanent adoption of the National General Protections List followed the successful conduct of the Adverse Action List before judicial registrars in the Victorian District Registry of the Federal Court since 2019 and the pilot program of the National General Protections List before judicial registrars of the Federal Court since 3 July 2024. The purpose of the National General Protections List is to allow the initial case management of proceedings filed under the general protections provisions of the *Fair Work Act* to generally be undertaken by judicial registrars of the Federal Court.

The National General Protections List aims to:

- promote consistency and efficiency in the case management of general protections proceedings,
- ensure that general protections proceedings are heard in an appropriate court, having regard to any points of principle and the quantum of claims,
- ensure the resources of the Federal Court in relation to mediation are targeted towards the most appropriate proceedings,
- ensure early and appropriate case management and timetabling of any interlocutory or procedural issues before the proceeding is allocated to a docket judge.

Judicial registrar National General Protections List filings in the Employment and Industrial Relations NPA increased substantially over the reporting period. Filings rose from 14 proceedings in 2023–24 (when the list was first piloted) to 73 proceedings in 2024–25, before increasing further to 110 proceedings in 2025–26. This represents an increase of 37 proceedings (51 per cent) compared with the previous year.

These figures relate only to proceedings initially filed in the judicial registrar National General Protections List. Where a proceeding is subsequently docketed to a judge, it is thereafter recorded as a judge proceeding for filing purposes. Accordingly, the filing figures are not static and may change over time as proceedings are transferred from the judicial registrar list to a judicial docket.

Employment and Industrial Relations User Group

A User Group meeting was held on 20 March 2026 with attendance by Justices Raper and Dowling, Judicial Registrars Morgan and Buckingham and members of the profession. Topics of discussion included the 2026 Employment and Industrial Relations Seminar in September 2026 in celebration of the Federal Court's 50th Anniversary in lieu of the annual seminar series; feedback and suggestions from the profession on the National General Protections List; feedback and suggestions about the practices and procedures of the practice area, including the need to update the Employment and Industrial Relations Practice Note, and feedback from the profession about the change from four to three Full Court periods.

Since the User Group meeting, a formal process has commenced to update the **Employment and Industrial Relations Practice Note** with the updating of the Practice Note being initially discussed between the national practice area judges and then to be discussed with the profession.

Engagement with the legal profession

On 3 September 2025, the Federal Court hosted its annual Employment and Industrial Relations Seminar titled 'Sharpening the tools: Developments in emerging and familiar areas of employment law'. The event was held in person in Sydney, Melbourne and Adelaide and livestreamed on YouTube to enable interested parties to observe throughout Australia.

The seminar explored key and emerging issues in employment law. Justice Rangiah provided the opening remarks, followed by presentations from Victoria Brigden SC (NSW Bar) ('The whistleblower protection provisions of the *Corporations Act 2001*: Recent developments and issues'), Marc Felman KC (VIC Bar) ('Multiple decision makers in adverse action proceedings: A complexity in discharging the reverse onus'), and Gillian Walker SC (SA Bar) ('Judicial review of decisions of the Fair Work Commission: Key considerations and recent cases').



Participants attending Federal Court Seminar 'Sharpening the tools: Developments in emerging and familiar areas of employment law' in the Victorian Registry on 3 September 2025. Included in front row: Justice Dowling, Justice Wheelahan, Justice McElwaine and former National Judicial Registrar Edwards

Factors shaping the Federal Court's work

Work in the Employment and Industrial Relations NPA is shaped by changes in workplace legislation, regulatory priorities and broader economic conditions. Periods of legislative amendment or increased regulatory activity can influence both the volume and complexity of proceedings.

Litigants in person, particularly individual employees and small businesses, are a recurring feature of the Employment and Industrial Relations NPA and are one of the factors shaping the way the Federal Court manages this work. These proceedings can require careful case management, procedural guidance and registry engagement to support fair participation while preserving the Federal Court's neutrality and procedural fairness.

Balancing the need for efficient resolution with the complexity of statutory frameworks and the practical consequences for parties also remains an ongoing challenge.



Justice Snaden hosting Judge Park of the South Korean Supreme Court as part of study tour focused on labour dispute resolution and the right to disconnect under Australian law on 27 August 2025



Justice Lee presenting at the Phillipa Weeks Lecture at ANU on 'Ethics, Advocacy and Professional Responsibility in Industrial Law' on 25 February 2026

Looking ahead

Employment and Industrial Relations disputes are expected to remain a significant component of the Federal Court's work. Changes in workplace regulation and labour market conditions may continue to influence the types of proceedings brought before the Federal Court.

The Federal Court will continue to focus on transparent and consistent application of employment laws, proportionate case management, and fair participation for all parties, while remaining within the limits of its judicial role.

The Federal Court, like the Fair Work Commission, also expects to see an increase in Employment and Industrial Relations disputes as a result of litigants in person using artificial intelligence tools to prepare court documents and is cognisant of the implications, positive and negative, this has on the Federal Court to exercise its jurisdiction in this practice area.

Federal Crime and Related Proceedings

Why this work matters

The proceedings heard and determined in the Federal Crime and Related Proceedings NPA (Crime NPA) are of national significance and contribute to the protection of the Australian community. They include proceedings involving serious criminal allegations, personal liberty, public safety, and the application of Commonwealth law.

These proceedings can have serious consequences, including imprisonment, and may also affect regulatory systems, financial markets and public confidence in the rule of law. Decisions in this area are a critical part of the administration of criminal justice at the federal level and are essential to maintaining public confidence in the fair and independent determination of proceedings.

National Coordinating Judges



Justice Bromwich



Justice Abraham



Justice Vandongen

Judges aligned with the NPA under the NCF

All states and territories	Justice Rangiah			
	Justice Wigney	Justice Anderson	Justice Horan	Justice Bennett
	Justice Bromwich +	Justice Abraham +	Justice Shariff	Justice Longbottom
	Justice Lee	Justice Downes	Justice McDonald	Justice Younan
	Justice Colvin	Justice O'Sullivan	Justice Vandongen +	Justice Hill
	Justice Thawley	Justice Kennett	Justice Owens	Justice Lenehan
Additional Judges	Justice Hespe	Justice Dowling (E&IR)	Justice Stellios	

National Coordinating Registrars: Jodie Burns, Alicia Ditton

CRIME workload snapshot: Original jurisdiction and appellate proceedings

FILINGS

25 ↓ down 26%
from last year

FINALISATIONS

23 ↓ down 18%
from last year

CURRENT PROCEEDINGS

22 ↑ up 10%
from last year



Total judgments delivered

26 ⬆ up 37%
from last year



Total judgments delivered within 6 months

25 ⬆ up 47%
from last year

Filings by state and territory

Northern Territory

0

2025–24 | 2

Western Australia

1

2025–24 | 0

South Australia

0

2025–24 | 1

Tasmania

0

2025–24 | 0

Queensland

4

2024–25 | 11

New South Wales

13

2024–25 | 11

Australian Capital Territory

2

2024–25 | 1

Victoria

5

2024–25 | 8

What kinds of proceedings come before the Federal Court

Crime brings together federal criminal proceedings and related civil proceedings arising under Commonwealth laws. These proceedings span a range of statutory frameworks, including those relating to national security, serious and organised crime, corporations, financial services, taxation, fair work, competition and consumer protection, and customs.

On 12 June 2024 the Federal Court's jurisdiction was expanded to hear and determine a wider range of summary and indictable offences within the regulatory remit of the Australian Securities and Investments Commission.

Crime covers:

- **Federal criminal proceedings**

Such as summary and indictable proceedings, bail applications, sentencing and criminal appeals. Recent sentence proceedings of note that have been determined by the Federal Court include *Commonwealth Director of Public Prosecutions v Kirby* [2025] FCA 757, *Forrest v Commonwealth Director of Public Prosecutions* [2026] FCAFC 69 and *Commonwealth Director of Public Prosecutions v Fairfull* [2026] FCA 748.

Trial by jury on federal criminal offences on indictment is mandated by section 80 of the *Constitution*. There is no option of trial by judge alone. Jury trials require additional planning and coordination, including managing juror availability, empanelment processes, courtroom readiness and the scheduling of often lengthy hearings. Jury trials can involve complex evidence and multiple accused, and have a significant impact on the Federal Court's workload and listing practices.

- **Civil proceedings related to criminal law**

Such as applications for judicial review of administrative decisions, extradition proceedings, proceedings under proceeds of crime legislation, contempt of court proceedings and applications for control orders. These proceedings engage the Federal Court in reviewing executive decision making, determining requests between countries for the return of individuals, addressing conduct that interferes with the administration of justice, and applying preventative regimes to protect the community. They may also involve applications challenging decisions concerning the refusal to release a prisoner serving a Commonwealth sentence on parole or on licence, and often require consideration of complex legal frameworks, including international obligations and statutory limits on restrictions of liberty. Recent proceedings to note include *LAZ24 v Purcell (Examiner)* [2025] FCAFC 132, *Roberts v Magistrate Gett* [2026] FCAFC 3 and *VII v Purcell (Examiner)* [2025] FCAFC 135.

Factors shaping the Federal Court's work

The Federal Court's workload in this practice area is influenced by factors outside its control, including investigative activity, prosecutorial decisions and legislative change. The investigation of alleged offences is carried out by investigating agencies, including the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission, with prosecutions generally conducted by the Commonwealth Director of Public Prosecutions. These factors affect the number and type of proceedings filed, and contribute to variation in workload, duration and complexity across reporting periods.

The scale and complexity of proceedings also shape the Federal Court's work. Some proceedings involve a single accused and a narrow issue of law, while others involve multiple accused, large volumes of documentary or electronic evidence, or issues of international cooperation.

These variables influence how proceedings are managed and require the Federal Court to balance the need for timely resolution with the need to ensure procedural fairness, particularly in complex proceedings or those involving multiple accused, extensive evidence, or overlapping legal and factual issues.

How this work is managed

Crime proceedings are managed within the NCF and the individual docket system. Proceedings are allocated to a judge who generally retains responsibility for case management from filing through to finalisation. This approach supports continuity, early identification of issues and active management of the steps needed to prepare proceedings for hearing or determination.

Judges and registrars play a central role in managing the procedural and operational requirements of Crime proceedings. This includes setting timetables, resolving procedural issues, managing evidence and hearing requirements, and ensuring that proceedings progress efficiently while preserving procedural fairness.



Why this work matters

The role of the intellectual property (IP) practice area at the Federal Court is to decide IP disputes according to the law—promptly, courteously and effectively.

In so doing, the IP practice area interprets IP statutory law—including the *Patents Act 1990* (Cth), *Trade Marks Act 1995* (Cth), *Copyright Act 1968* (Cth), *Designs Act 2003* (Cth) and *Plant Breeders' Rights Act 1994* (Cth)—and develops the IP law of the Commonwealth, so as to fulfil the role of a court exercising the judicial power of the Commonwealth under the *Constitution*.

The enforcement of IP law in Australia is intended to protect the value of lawful IP rights in Australia in order to foster innovation and creativity.

Recent figures published by the World Intellectual Property Organization (WIPO) suggest that:

- the value of corporate intangible assets worldwide approached USD 100 trillion in 2025,
- the 'intangible asset intensity, top 15 firms' in Australia is 74.5 per cent and the United States of America is 91.8 per cent. This indicator is intended to measure the proportion of intangible assets (such as intellectual property, brands, software, data, organisational capital) in the total enterprise value of a country's top 15 firms by intangible asset holdings (source: The Value of Corporate Intangible Assets Worldwide Approaches USD 100 trillion in 2025; The US Leads High-Income Economies; Morocco, China, and India Top Middle-Income Economies).

The IP practice area covers disputes concerning patents, trade marks, copyright, designs, circuit layouts, plant breeders' rights, as well as appeals from decisions of the Commissioner of Patents and Registrar of Trade Marks, and appeals from the Federal Circuit and Family Court (FCFCOA) (Division 2) (which has some jurisdiction to hear IP proceedings).

What kinds of proceedings come before the Federal Court

The IP practice area consists of three sub-areas. These are Patents and Associated Statutes, Trade Marks, and Copyright and Industrial Design.

Judges are aligned to each of the different sub-areas based on their specialised judicial skills allocated to the three sub-area based on professional experience prior to appointment to the Federal Court and interest and experience in the practice area.

National Coordinating Judges

National Coordinating Registrar: Susan O'Connor



Justice Burley



Justice Rofe



'Trade Mark Litigation in the Federal Court' seminar in Victorian registry on 30 July 2025

IP overall
workload snapshot:
Original jurisdiction and
appellate proceedings



FILINGS

149  up 5%
from last year



FINALISATIONS

154  down 8%
from last year



CURRENT PROCEEDINGS

193  down 3%
from last year



Total judgements delivered

90  up 10%
from last year



Total judgments delivered
within 6 months

76  up 17%
from last year

Filings by state and territory

Northern Territory

0

2025-24 | 0

Western Australia

5

2025-24 | 3

South Australia

3

2025-24 | 8

Tasmania

0

2025-24 | 0

Queensland

18

2024-25 | 10

New South Wales

76

2024-25 | 69

Australian Capital Territory

2

2024-25 | 0

Victoria

45

2024-25 | 52

Patents and Associated Statutes SUB-AREA

Patents and Associated Statutes (PATNS) sub-area includes proceedings relating to:

- any patent dispute, with respect to infringement and/or validity of a patent,
- patent disputes concerning the exclusive right to commercially exploit inventions (inventive devices, substances, methods or processes),
- other disputes, including disputes concerning plant breeders' rights in new and distinct varieties of plants, and
- appeals from decisions of the Commissioner of Patents.

Judges aligned with the NPA under the NCF

NSW	Justice Perram Justice Burley + Justice Halley	Justice Jackman Justice Moore Justice Owens	Additional Judge Justice Bromwich
VIC & TAS	Justice Beach Justice Moshinsky	Justice O'Bryan Justice Rofe +	Additional Judge Justice Wheelahan
QLD	Justice Downes		
SA & NT	Justice O'Sullivan		
WA	Justice Jackson		

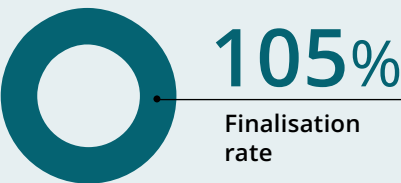
PATNS workload snapshot: Original jurisdiction and appellate proceedings

FILINGS

43 ↑ up 10%
from last year

FINALISATIONS

45 ↓ down 13%
from last year



Filings by state and territory



Trade Marks SUB-AREA

The Trade Marks (TM) includes proceedings relating to:

- any trade mark dispute, with respect to infringement and/or validity of a trade mark,
- distinguishing goods and services (including in respect of a letter, number, word, phrase, sound, smell, shape, logo, picture and packaging),
- ‘geographical indication’ disputes involving a geographical indication or order term signifying a related attribute of goods,
- appeals from decisions of the Registrar of Trade Marks, and
- appeals from the FCFCOA (Division 2) concerning trade mark disputes.

Judges aligned with the NPA under the NCF

NSW	Justice Perram Justice Markovic Justice Bromwich	Justice Burley + Justice Halley Justice Jackman	Justice Moore Justice Owens Justice Younan
VIC & TAS	Justice Beach Justice Moshinsky Justice Wheelahan	Justice O’Bryan Justice Anderson Justice Rofe +	Justice Hespe Justice Neskovicin
QLD	Justice Derrington	Justice Downes	Justice Meagher
SA & NT	Justice Charlesworth	Justice O’Sullivan	
WA	Justice Jackson	Justice Vandongen	

TM workload snapshot: Original jurisdiction and appellate proceedings

FILINGS

29 ↓ down **11%**
from last year

FINALISATIONS

23 ↓ down **12%**
from last year

103%
Finalisation
rate

Filings by state and territory



Copyright and Industrial Design SUB-AREA

The Copyright and Industrial Design (COPY) sub-area includes proceedings relating to:

- copyright disputes concerning literary, musical and artistic works such as books, computer programs, architectural drawings and other subject matter such as films and sound recordings, and including moral rights,
- design disputes concerning the distinctive shape, configuration, pattern or ornamentation of products in an industrial or commercial context,
- other disputes, including circuit layout disputes concerning layout designs for integrated circuits and computer chips,
- appeals from the FCFCOA (Division 2) concerning copyright disputes, and
- questions of law referred from the Copyright Tribunal of Australia.

The Federal Court of Australia also administers the Copyright Tribunal of Australia, which is an independent body established under Part VI of

the *Copyright Act 1968* (Cth). It has jurisdiction with respect to statutory and voluntary licensing of copyright works. Justice Perram is the President of the Tribunal, and Justices Thawley, O'Bryan and Rofe are Deputy Presidents. The members of the Copyright Tribunal are Mr Michael Fraser AM, Ms Fiona Phillips and Ms Alida Stanley. Judicial Registrar O'Connor is the Registrar of the Tribunal. Registry services and administrative support for the Tribunal are provided by staff of the Federal Court.

The IP practice area may also encompass disputes concerning passing off, misleading or deceptive conduct, and other breaches of the *Australian Consumer Law*, as contained in Schedule 2 of the *Competition and Consumer Act 2010* (Cth).

IP disputes in the Federal Court are brought by a range of different people, from individuals to large corporate entities, including pharmaceutical and mining companies.

Judges aligned with the NPA under the NCF

NSW	Justice Perram Justice Markovic Justice Bromwich	Justice Burley + Justice Halley Justice Jackman	Justice Moore Justice Owens Justice Younan
VIC & TAS	Justice Beach Justice Moshinsky Justice Wheelahan	Justice O'Bryan Justice Anderson Justice Rofe +	Justice Hespe Justice Neskovicin
QLD	Justice Derrington	Justice Downes	Justice Meagher
SA & NT	Justice Charlesworth	Justice O'Sullivan	
WA	Justice Jackson	Justice Vandongen	

COPY workload snapshot: Original jurisdiction and appellate proceedings

FILINGS

42 ↑ up **35%**
from last year

FINALISATIONS

48 ↑ up **48%**
from last year

102%
Finalisation
rate

Filings by state and territory



How this work is managed

First instance proceedings are heard by a single judge, while appellate proceedings are typically heard by three or more judges sitting together as the Full Court of the Federal Court. At first instance, a single judge of the Federal Court has jurisdiction to hear both civil and criminal disputes relating to infringement of any intellectual property right, although criminal disputes are rare. The Federal Court, constituted by a single judge also has jurisdiction to hear appeals from the Commissioner of Patents and the Registrars of Trade Marks, Designs and Plant Breeder's Rights. Such appeals are conducted as a hearing *de novo* (from the beginning).

The Full Court of the Federal Court hears appeals from: decisions of the FCFCOA (Division 2); first instance decisions of a single judge in the Federal Court; and a single judge's decision in a *de novo* appeal from the Commissioner or Registrars, although leave is required in order to appeal such a decision to the Full Court.

First instance IP proceedings are managed within the NCF and the individual docket system. Proceedings are ordinarily allocated to a single judge who remains responsible for case management and determination.

IP proceedings often involve specific features that influence how proceedings are run.

For example, in most patent proceedings, the parties will call expert witnesses to give opinion evidence in the proceeding. The purpose of expert evidence is for the Federal Court to receive the benefit of the objective and impartial assessment of an issue from a witness with specialised knowledge based on training, study or experience. The Federal Court may require experts who are to give evidence to meet for the purpose of identifying matters about which they agree and those on which they disagree, giving short reason for any disagreement, referred to as a 'joint expert conference', which may be facilitated by a judicial registrar of the Federal Court. This conference results in a 'joint expert report' being produced by the experts, which indicates the views of the experts on the identified issues, including explaining any differences in opinion. The Federal Court has issued an **Expert Evidence Practice Note (GPN-EXPT)** which sets out protocols for the use of expert evidence.

At the hearing, the experts are then called to give evidence together in their respective fields of expertise. This is referred to as 'concurrent evidence' or is colloquially referred to as 'hot-tubbing'. First, each expert will be asked to identify and explain the principal issues, as they see them, in their own words. After that, each may comment on the other's explanation. The experts are then cross-examined on a topic-by-topic basis, allowing the Federal Court and the legal representatives to focus on the critical differences in the reasoning of the experts.



Justice Burley, 2025 WIPO Intellectual Property Judges Forum, 10 to 15 October 2025

Intellectual Property Practice Note— Standard Directions for Australian Patent Proceedings (IP-2)

On 8 August 2025, the Federal Court published the Intellectual Property Practice Note—**Standard Directions for Australian Patent Proceedings (IP-2) (Practice Note)**.

The purpose of the Practice Note is to standardise the management of patent litigation through the use of standard directions and procedures. These directions will generally be made at the first return date, shortly after the filing of initial pleadings, and are designed to promote early issue resolution, strict adherence to timelines, and efficient management of complex proceedings.

In line with the Practice Note, parties are expected to raise key procedural matters, such as proposed amendments or reliance on experimental evidence, at the first return date. Any proposed variations to the standard directions should be agreed between the parties and submitted for the Federal Court's consideration in advance.

The Federal Court anticipates that this approach will support the setting of a provisional trial date within 18 months of commencement and reinforce compliance with the overarching purpose set out in section 37M of the *Federal Court of Australia Act 1976* (Cth) to facilitate the just resolution of IP disputes according to law, and to do so as quickly, inexpensively, and as efficiently as possible.

Working groups—Standard Directions for Australian Trade Mark proceedings

In the reporting period, the Federal Court convened working groups in Melbourne and Sydney (consisting of specialist judges, registrars, counsel and solicitors) to develop standard directions for Australian trade mark proceedings.

In line with the approach taken in patent proceedings, one of the key objectives of the standard directions in trade mark proceedings is to align case management with the federal Court's overarching purpose under section 37M of the *Federal Court of Act 1976* (Cth) to facilitate the just resolution of disputes, including IP disputes, according to law as quickly, inexpensively and efficiently as possible.

The Federal Court liaises with the legal profession through events focused on international collaboration, judicial education and procedural innovation. A list of these events can be found at **Appendix 1**.

Factors shaping the Federal Court's work

Factors shaping the Federal Court's work in the IP practice area include:

- rapid technological change,
- legislative and regulatory settings, and
- commercial drivers.

During reporting period, the IP practice area also saw an increase in applicants seeking urgent interlocutory injunctions in pharmaceutical and biosimilar patent disputes.

Alternative dispute resolution and mediation remain key features of the IP practice area, with most IP disputes being referred to mediation, either private or Court-appointed, at some stage during the proceeding, but usually after the close of pleadings.

Looking ahead

Looking ahead, there is likely to be an ongoing focus on case management, with a practice note regarding standard directions for trade mark proceedings likely to be published in the next reporting period.

The Federal Court also expects to see an increase in IP disputes concerning artificial intelligence.



Justice Moore, the Honourable David Yates, Registrar O'Connor, Justice Burley, Justice Rofe and the Honourable John Nicholas at 38th Annual IPSANZ Conference in Brisbane

Native Title



Why this work matters

Native title proceedings concern the recognition of the rights and interests that Aboriginal and Torres Strait Islander peoples hold in land and waters under Australian law. This work arises from the statutory framework established following *Mabo v Queensland (No 2)* and reflects Parliament’s response to the pre-existing rights of First Nations peoples.

The Federal Court’s role in native title proceedings is to apply that framework according to law. While proceedings often involve issues of deep cultural, historical and community significance, the Federal Court’s task is judicial rather than political or policy-driven. The work is important because it provides an independent forum in which claims, agreements and disputes about native title are determined transparently and according to law.



Justice O’Bryan



Justice Longbottom

National Coordinating Judges

Judges aligned with the NPA under the NCF

All states and territories	Justice Collier	Justice Charlesworth	Justice O’Bryan +	
	Justice Murphy	Justice Burley	Justice Jackson	
	Justice Rangiah	Justice Sarah C Derrington	Justice McEvoy	Justice Bennett
	Justice Wigney	Justice Banks-Smith	Justice Raper	Justice Longbottom +
	Justice Perry	Justice Colvin	Justice Kennett	Justice Hill
	Justice Moshinsky	Justice Stewart	Justice Stellios	Justice Lenehan

National Coordinating Registrar: Laurelea McGregor



Consent determination hearing Kado Muir & Ors on behalf of The Payarri People and State of Western Australia & Ors

NT workload snapshot: Original jurisdiction and appellate proceedings

FILINGS

69  up **41%**
from last year

FINALISATIONS

60  up **2%**
from last year

CURRENT PROCEEDINGS

230  up **4%**
from last year



Total judgments delivered

66  up **8%**
from last year



Total judgments delivered within 6 months

56  up **14%**
from last year

Filings by state and territory

Northern Territory

7

2025–24 | 6

Western Australia

9

2025–24 | 12

South Australia

2

2025–24 | 1

Tasmania

0

2025–24 | 0

Queensland

28

2024–25 | 12

New South Wales

17

2024–25 | 17

Australian Capital Territory

0

2024–25 | 0

Victoria

6

2024–25 | 1

What kinds of proceedings come before the Federal Court

The Native Title NPA includes a distinct set of proceedings, including:

Table 4.3 Native Title National Practice Area proceedings

Application Type	Purpose
Native Title determination applications	Seek recognition that native title exists in a particular area.
Non-claimant applications	Usually brought by governments or other parties with a non-native title interest seeking certainty about whether native title exists in an area.
Compensation applications	Seek compensation on just terms for acts that have extinguished or impaired native title rights and interests.
Revised determination applications	Generally brought to vary native title outcomes where issues have changed or been clarified since a determination was made.
Post-determination applications	Deal with issues arising after a determination, including disputes about compliance with determinations or agreements.
Related interlocutory and procedural applications	Applications concerning procedural, case management, or interim issues arising during proceedings.

Many proceedings involve multiple parties, including traditional owner groups, governments, statutory bodies and commercial interests. Proceedings may extend over long periods and require careful case management due to their scope, complexity and the need for culturally appropriate processes.

Management of Native Title proceedings

Native title proceedings are managed within the Federal Court's NCF but involve specialised approaches reflecting their statutory character and distinctive features, as outlined below. Proceedings are generally allocated to judges with experience in native title law and practice, with additional judicial and judicial registrar involvement where appropriate.

Proceedings are commonly case-managed actively over extended periods, with attention given to the sequencing of issues, the coordination of parties and the efficient use of Federal Court time.

A significant proportion of native title work involves court-supervised mediation. Mediation can occur at multiple stages of a proceeding and may continue alongside formal case management steps.

Judicial registrars and external mediators, including First Nations mediators and facilitators, where appropriate, support this work. Its aim is to assist parties to resolve issues by agreement where possible, consistent with the statutory framework.

The Federal Court does not determine outcomes in mediation. Its role is to supervise lawful processes and, where agreement is reached, decide whether it should be recognised or given effect according to law.



On-Country hearing: Coen, Queensland

Features of native title matters

Native title proceedings have some distinctive features which differ from other areas of the Federal Court's work in several important respects:

- **Time and scale**
Proceedings may span many years and cover large geographic areas.
- **Community involvement**
Proceedings engage entire communities rather than individual litigants.
- **Evidentiary complexity**
Evidence may include historical, anthropological and oral testimony.
- **Cultural considerations**
Processes must be conducted in ways that respect cultural authority and knowledge systems.

These features require flexible and sustained case management, as well as coordination between judges, judicial registrars and parties.

Key influences of the Federal Court's native title workload

The Federal Court's native title workload is shaped by factors largely outside its control, including:

- The number and geographic scope of claims commenced.
- The pace of agreement-making between parties.
- The emergence of compensation claims, which raise novel issues of law and evidence.
- Resource-intensive hearings, particularly where matters cannot be resolved by agreement.

Native title proceedings must be balanced against the demands of proceedings in other jurisdictions, while also requiring continuity and long-term judicial engagement. This means that, while some proceedings progress steadily through agreement, others require extended judicial involvement. Comparative statistics alone do not capture this variation.



First Peoples of the Millewa-Mallee Native Title Claim Group and State of Victoria & Ors consent determination hearing

2025–26 Highlighted proceedings

There were several significant judgments published in the Native Title NPA in the reporting period, which included:

Dimer on behalf of the Marlinyu Ghoorlie Claim Group v State of Western Australia (No 6) [2025] FCA 1641

The Federal Court recognised the Marlinyu Ghoorlie claim group as the native title holders for a substantial area of the Western Australian Goldfields, finding that native title exists throughout the claim area subject to extinguishment. The judgment resolved overlapping claim issues and established a foundation for the final determination of native title rights and interests.

Sampi v State of Western Australia (No 5) [2026] FCA 517

The Federal Court varied suppression orders over gender-restricted evidence made nearly two decades earlier. The named applicants in the proceeding had died and the orders as varied gave the Registered Native Title Body Corporate (RNTBC) access to, and control of, that evidence. The Federal Court found that such an order was within its power and appropriate even without the RNTBC seeking the consent of all the common law holders of the native title. In considering the appropriateness of the orders, the Federal Court took into account articles 4 and 31 of the United Nations Declaration of the Rights of Indigenous People (UNDRIP) GA Res 61/295, UN Doc A/RES/61/295 (2 October 2007, adopted 13 September 2007).



First Peoples of the Millewa-Mallee Native Title Claim Group and State of Victoria & Ors
Nichols Point, Victoria



Cape York, Queensland

Davey on behalf of the Gudanji, Yanyuwa and Yanyuwa-Marra Peoples v Northern Territory of Australia (No 5) (McArthur River Project Compensation Claim) [2026] FCA 153

The Federal Court made an award of compensation arising from the McArthur River Mine project, comprising approximately \$54.7 million for economic and cultural loss suffered by the Gudanji, Yanyuwa and Yanyuwa-Marra Peoples. This claim for compensation was made under the *McArthur River Project Agreement Ratification Act 1992* (NT). The judgment was the first delivered since the High Court handed down its decision in *Northern Territory v Griffiths* [2019] HCA 7; (2019) 269 CLR 1 provides guidance for future native title compensation claims and the assessment of cultural loss.

Yindjibarndi Ngurra Aboriginal Corporation RNTBC v State of Western Australia (No 2) [2026] FCA 585

The Federal Court awarded over \$150 million in compensation to the Yindjibarndi people for the impairment of native title rights arising from mining tenements associated with Fortescue's Solomon Hub Project in the Pilbara. The judgment is a landmark native title compensation decision, establishing important principles for assessing cultural loss and compensation for future acts affecting native title rights and interests.

Looking forward

Native title proceedings will continue to form a significant and distinct part of the Federal Court's work. Compensation claims and post-determination issues are expected to remain prominent, alongside the resolution of long-running claims.

The Federal Court will continue to manage proceedings actively and transparently while supporting agreement-making within statutory limits

to ensure that determinations and agreements are made according to law. At the centre of this approach the Federal Court will maintain culturally appropriate processes.

These approaches reflect the Federal Court's statutory role and the enduring nature of this jurisdiction, rather than any assessment of outcomes.



On country hearing Coen, Queensland

Why this work matters

The Federal Court exercises, together with the Administrative Review Tribunal, exclusive jurisdiction to review decisions made by the Commonwealth Commissioner of Taxation on objections by taxpayers against assessments for income tax, GST and other Commonwealth taxes. These reviews provide the avenue for ensuring that taxpayers are assessed for the correct amount of tax.

The Federal Court also exercises supervisory jurisdiction over administrative actions taken by Commonwealth officers. In doing so, the Federal Court helps ensure that the Commissioner of Taxation and other Commonwealth bodies exercise their powers according to law.



National Coordinating Judges

Justice Moshinsky

Justice Hespe

Judges aligned with the NPA under the NCF

NSW & ACT	Justice Perram	Justice Thawley		
	Justice Wigney	Justice Abraham	Justice Jackman	Justice Stellios
	Justice Perry	Justice Goodman	Justice Needham	Justice Younan
	Justice Bromwich	Justice Kennett	Justice Owens	Justice Lenehan

VIC & TAS	Justice Moshinsky +	Justice McElwaine		
	Justice O'Callaghan	Justice McEvoy	Justice Button	Justice Neskovicin
	Justice Wheelahan	Justice Hespe +	Justice Horan	Justice Hill

QLD	Justice Derrington	Justice Downes	Justice Wheatley
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SA & NT	Justice Charlesworth	Justice O'Sullivan
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WA	Justice Colvin	Justice Feutrill	Justice Vandongen
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National Coordinating Registrar: Robyn Curnow

TAX workload snapshot: Original Jurisdiction and appellate proceedings



FILINGS

146  up **20%**
from last year



FINALISATIONS

132  up **13%**
from last year



CURRENT PROCEEDINGS

255  up **6%**
from last year



Total judgments delivered

58  up **16%**
from last year



Total judgments delivered within 6 months

49  up **14%**
from last year

Filings by state and territory

Northern Territory

0

2025–24 | 0

Western Australia

6

2025–24 | 8

South Australia

6

2025–24 | 3

Tasmania

0

2025–24 | 0

Queensland

27

2024–25 | 35

New South Wales

57

2024–25 | 36

Australian Capital Territory

1

2024–25 | 1

Victoria

49

2024–25 | 39

Work profile

Filings in the Taxation NPA during 2025–26 increased by 20 per cent from the previous reporting period, returning to the same volume as 2023–24. Appeals from decisions of the ART have continued to increase over this period.

The number of taxation appeals under Part IVC of the *Taxation Administration Act 1953* (Cth) (Part IVC) has fluctuated over the last three years, but remains broadly consistent.

The majority of proceedings filed in the Taxation NPA are commenced in New South Wales.

What kinds of proceedings come before the Federal Court

Review of Objection Decisions

The process by which taxpayers can contest their Commonwealth taxation liabilities is generally provided for exclusively in Part IVC. The process involves taxpayers lodging notices of objection with the Commissioner of Taxation, whose officers then make a decision on that objection.

A taxpayer may bring an appeal in the Federal Court against objection decisions made by the Commissioner of Taxation under Part IVC. Examples of such appeals include appeals in respect of objection decisions on objections to income tax assessments, GST assessments and fringe benefits tax assessments. These appeals are important because taxpayers can only contest their substantive liability to these taxes through the process provided for in Part IVC.

Appeals may also be brought under Part IVC in respect of objection decisions concerning private rulings by the Commissioner of Taxation.

Instead of appealing an objection decision to the Federal Court, a taxpayer may under Part IVC seek review of an objection decision in the ART. Where a taxpayer has sought review by the ART, the Federal Court hears appeals from decisions made by the ART on a question of law.

Review of Departure Prohibition Orders

Apart from review of objection decisions, taxpayers can apply to the Federal Court under the *Taxation Administration Act 1953* (Cth) for review of a decision by the Commissioner to issue a departure prohibition order.

Judicial Review of other administrative decisions

Proceedings before the Federal Court in the Taxation NPA include judicial review of administrative decisions made by the Commissioner of Taxation or Deputy Commissioner of Taxation. The purpose of these proceedings is to ensure that these decision-makers

exercise their administrative powers lawfully. These administrative powers include the Commissioner of Taxation's discretion to remit interest charges, approval of payment plans that allow taxpayers to pay their tax liabilities in instalments over an agreed period of time, and access powers that allow officers of the Australian Taxation Office to search premises or compel the provision of information or documents to the Commissioner.

Proceedings in the Taxation NPA also include judicial review of decisions made by regulators exercising power under tax-related legislation, such as the Tax Practitioners Board (in relation to the regulation of tax agents), and the Anti-Dumping Review Panel. The Federal Court also hears appeals from the Administrative Review Tribunal on review of decisions relating to tariff concession orders made by the Comptroller-General of Customs.

Freezing Orders

Proceedings in the Taxation NPA also include applications by a Deputy Commissioner of Taxation for freezing orders over assets of a taxpayer in order to protect the recovery of taxation liabilities and applications for variations to such orders.

How this work is managed

Taxation proceedings are managed within the NCF and the individual docket system, with a single Judge ordinarily responsible for a proceeding from commencement to resolution. Sometimes proceedings in the Federal Court need to be managed and heard concurrently with related proceedings lodged in the ART.

The proceedings in the NPA are generally managed in accordance with the Tax Practice Note.

Appeals on a question of law from decisions of the ART may be referred directly to a Full Court in some circumstances, such as where a Judicial Deputy President made the decision (or was a member of the Tribunal that gave the decision).

Judges and judicial registrars actively manage taxation proceedings to:

- identify opportunities for mediation or early resolution and facilitate communication between the parties,
- resolve interlocutory disputes efficiently,
- sequence proceedings to promote efficient and effective determination.

The Federal Court looks at ways to facilitate the resolution of issues as efficiently as possible. This may involve determining a separate question, where the answer to that question may resolve the entire proceeding, or the appointment of referees or joint experts.

Engagement with the profession

Judges in the Taxation NPA engaged with the profession and participated in public events during 2025–26:

Justice Perram

25 November 2025

Speaker, CPD presented by Ground Floor Wentworth, Sydney, entitled 'Surf's up: The latest wave of Part IVA cases'. The panel, comprising his Honour Bradley Jones SC, Lucy McGovern and Thomas Arnold, discussed how recent proceedings have impacted the landscape of Part IVA of the *Income Tax Assessment Act 1936* (Cth) including on the question of purpose, the construction of the alternative postulate, and decisions on evidence.



'Surf's up: The latest wave of Part IVA cases' CPD, Ground Floor, Wentworth, 25 November 2025. Left to right: Thomas Arnold, the Hon Justice Perram, Bradley Jones SC and Lucy McGovern

Justice Lee

21 November 2025

Guest speaker at Westminster Tax Group Christmas Event on 'The Rise of Managerialism'.

Justice Hespe

20 November 2025

Presented at the Victorian Tax Bar Association's seminar Effective Appeal Statements in Federal Court Tax Litigation.

15 May 2026

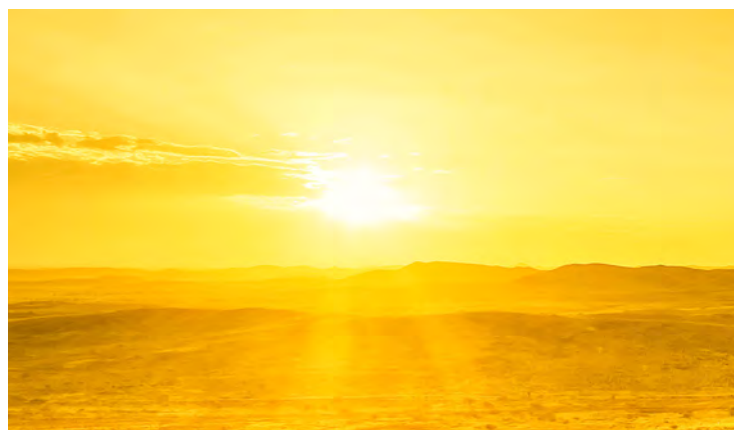
Panellist on Taxation Litigation Panel at the Law Council of Australia's 2026 National Tax Workshop.



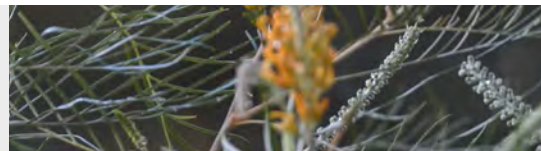
Victorian Tax Bar Association's seminar Effective Appeal Statements in Federal Court Tax Litigation on 20 November 2025
Left to right: Eugene Wheelahan KC, The Hon. Justice Hespe, Catherine Pierce KC

Pressures, trends, constraints and looking ahead

The substantive issues that come before the Federal Court often reflect the Commissioner of Taxation's audit activity over prior years. There has been a marked increase in litigants in person in the Taxation NPA, which may reflect the broader economic landscape.



Other Federal Jurisdiction



Why this work matters

The Other Federal Jurisdiction (OFJ) NPA deals with the range of proceedings that do not fall neatly within the subject-matter jurisdictions of the Federal Court's other NPAs, but are still central to the exercise of Commonwealth judicial power.

This NPA includes proceedings that directly affect individual reputation, personal rights and accountability, as well as proceedings that arise from the interaction of federal jurisdiction with state and territory laws. The Federal Court's role is to determine these disputes independently and according to law, ensuring that federal jurisdiction is exercised both consistently and transparently.

The OFJ NPA encompasses a wide variety of subject matters. It illustrates the broad range of issues that may come before the Federal Court to be heard and decided, and also demonstrates the need for flexible and consistent approaches to the way these proceedings are both managed and decided by the Federal Court within its single national framework.

NPA Judges

All judges hear and determine proceedings in the OFJ NPA (excluding defamation proceedings—refer to the table under Defamation sub area).

National Coordinating Registrar: Paul Farrell

What kinds of proceedings come before the Federal Court

Proceedings in the OFJ NPA arise from a variety of statutory and constitutional pathways. While the range of individual proceedings can be diverse, they are often grouped collectively because they share common procedural or jurisdictional features rather than specific subject matter.

A significant component of this NPA is defamation, which is treated as a distinct sub-area due to the significant volume and procedural characteristics of defamation proceedings. The defamation sub-area covers all defamation disputes within federal jurisdiction.

In addition, the OFJ NPA includes proceedings such as:

- Civil Aviation claims,
- Telecommunications proceedings,
- Election related disputes,
- General negligence claims.

The types of proceedings commenced in the OFJ NPA can vary significantly from year-to-year and can often be influenced by external factors including legislative changes and developments as well as significant and sometimes unforeseen events which attract federal jurisdiction.

OFJ overall workload snapshot: Original Jurisdiction and appellate proceedings



FILINGS

72  up 18%
from 2025-26



FINALISATIONS

63  down 10%
from 2025-26



CURRENT PROCEEDINGS

93  up 10%
from 2025-26

How this work is managed

Proceedings in this NPA are managed within the NCF and the individual docket system, in most proceedings by a single judge, with particular expertise in the subject area, who is responsible for the proceeding from commencement through to determination.

Case management techniques and approaches are necessarily adapted to meet the specific nature of the dispute. While judges and judicial registrars continue to focus on ensuring that proceedings are conducted efficiently and fairly, different types of proceedings may require various levels of procedural formality or urgency, and are managed accordingly.

Where proceedings are relatively narrow in scope, proactive management is used to streamline steps and avoid unnecessary interlocutory activity and cost. Where proceedings are complex and/or sensitive, additional procedural safeguards may be required.

! What this means: Flexibility within a consistent framework allows the Federal Court to efficiently manage a significantly diverse caseload without compromising fairness or transparency.

Other federal jurisdiction proceedings

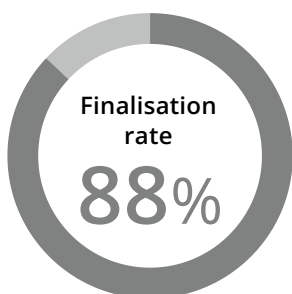
Other proceedings within this NPA are diverse in nature and scale. Some involve discrete jurisdictional questions or limited factual issues, while others may raise complex legal questions arising from the interaction of Commonwealth and state laws.

The diversity of these proceedings means there is no single procedural model for dealing with them. Judges and judicial registrars adapt case management approaches to the characteristics of each proceedings, focusing on clarity of issues and appropriate use of judicial resources.

Looking ahead

The mix and variety of proceedings within the OFJ NPA is expected to remain variable. Changes in communication technologies, legislative frameworks and litigation behaviour will likely influence both the nature and volume of proceedings for this NPA.

The Federal Court will continue to manage this work through the flexible application of consistent principles, with a focus on early issue identification, proportionate procedural processes and transparent decision-making within the parameters of the Federal Court's constitutional role.



Total judgements delivered

56 ▲ up 4%
from last year



Total judgments delivered
within 6 months

47 ▼ down 4%
from last year

Filings by state and territory

Northern Territory

3

2025-24 | 2

Western Australia

6

2025-24 | 4

South Australia

1

2025-24 | 1

Tasmania

0

2025-24 | 1

Queensland

10

2024-25 | 6

New South Wales

26

2024-25 | 21

Australian Capital Territory

1

2024-25 | 11

Victoria

25

2024-25 | 15

Defamation SUB-AREA

Defamation proceedings involve allegations that published material has caused harm to reputation. These proceedings sometimes involve well-known public figures and personalities as well as media organisations and online publishers. They can often attract significant public interest.

Defamation proceedings can contain highly technical legal issues, so frequently involve complex interlocutory disputes relating to the content of pleadings, discovery of documents and evidence. They may also raise issues of urgency, possible suppression of specific information and confidentiality.

Judicial case management of defamation proceedings aims to identify and clarify issues as early as possible, manage the evidentiary scope and ensure the proceedings are progressed efficiently and quickly, recognising both the personal impact of these disputes and the public interest in their timely resolution. To assist with this, the Federal Court has developed and issued a specific Practice Note for the Defamation sub-area **Defamation (DEF-1)**.



National Coordinating Judges

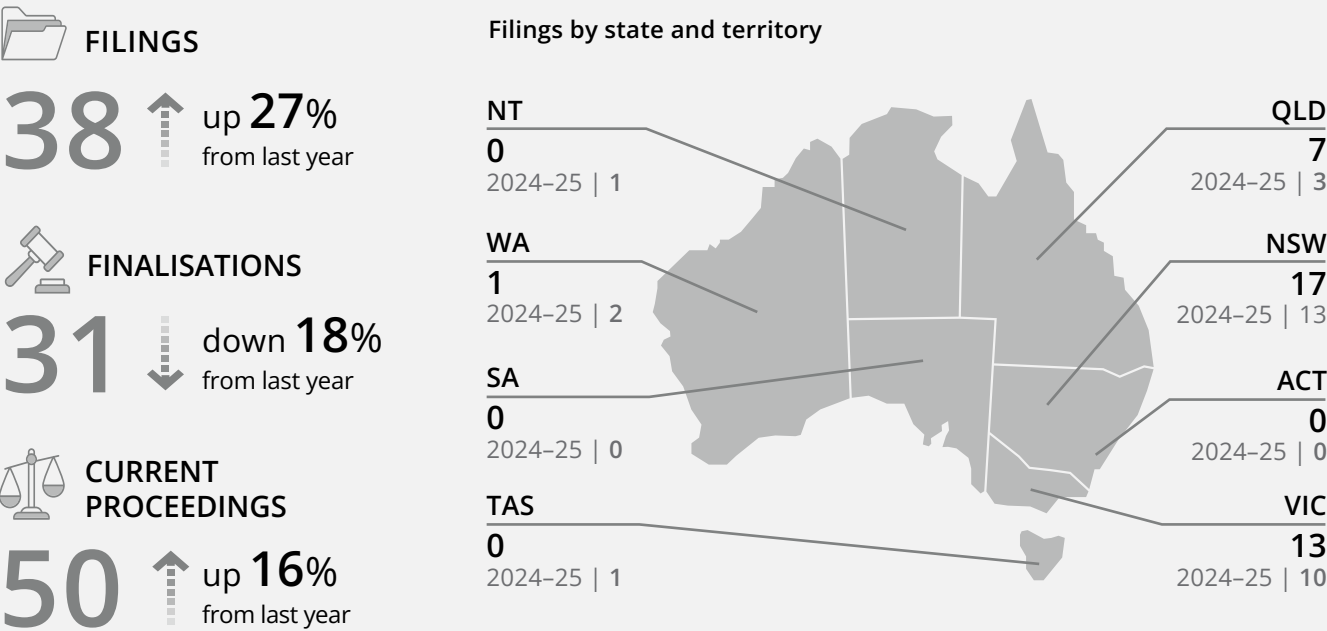
Justice Wigney Justice Wheelahan

Judges aligned with the NPA under the NCF

All states and territories	Justice Perram	Justice Lee	Justice Downes	Justice Button
	Justice Rangiah	Justice Derrington	Justice O’Sullivan	Justice Jackman
	Justice Wigney +	Justice SC Derrington	Justice McElwaine	Justice Needham
	Justice Bromwich	Justice Colvin	Justice McEvoy	Justice Vandongen
	Justice Charlesworth	Justice Wheelahan +	Justice Raper	Justice Owens
	Justice O’Callaghan			

Common law negligence / Aviation / Other: All Judges

DEF workload snapshot: Original jurisdiction and appellate proceedings



Work of the judges in other courts and tribunals

Judges of the Federal Court also exercise functions and hold concurrent appointments in other courts and Commonwealth tribunals where legislation requires judicial office holders. These appointments represent another important contribution judges make to the broader administration of justice while engaging with the Australian and international community. They also increase the demands placed on judges of the Federal Court and their workloads.

Supreme Court of the Australian Capital Territory

Under section 4A of the *Supreme Court Act 1933* (ACT), judges from other superior courts in the court hierarchy may be appointed as additional judges of the Supreme Court of the Australian Capital Territory.

The following judges of the Federal Court hold such an appointment: Justices Collier, Rangiah, Wigney, Bromwich, Charlesworth, Lee, Banks-Smith, Thawley, Wheelahan, Stewart, O'Bryan, Anderson, Abraham, O'Sullivan and Vandongen.

National and Supreme Courts of Papua New Guinea

The National Court and the Supreme Court are the higher courts of Papua New Guinea. The National Court is a trial court, while the Supreme Court is predominantly an appellate court and represents the highest court in Papua New Guinea.

During the reporting period both Justice Collier and Justice Logan served as Judges of the National Court and the Supreme Court of Papua New Guinea. As at 30 June 2026, Justice Collier is the only judge of the Federal Court currently appointed by the Governor General of Papua New Guinea to serve as a judge of these courts, following the retirement of the Hon. John Alexander Logan AM RFD from the Federal Court on 5 March 2026.

Supreme Court of Norfolk Island

The Supreme Court of Norfolk Island is the superior court of record for the Territory of Norfolk Island, which is an external Commonwealth territory. The Federal Court has jurisdiction to hear civil and criminal proceedings.

Judges of the Federal Court appointed to this Supreme Court are Justice Bromwich, appointed as the Supreme Court's Chief Justice, and Justices Wigney and Abraham as its judges.

Vanuatu Court of Appeal

The Court of Appeal is the highest court in the Republic of Vanuatu, which hears civil and criminal appeals from the country's Supreme Court. It meets three times a year for two weeks each session.

The Vanuatu appointments are session-based appointments rather than ongoing commissions. The President of Vanuatu appoints acting judges for particular court sessions, with appointments made shortly before each session. Both Justice Wigney and Justice Needham will be acting Judges of the Vanuatu Court of Appeal. In this reporting period, on 2 February 2026, Justice Wigney took the oath of office to serve as Acting Judge of the Supreme Court of the Republic of Vanuatu. His Honour served in the role for the period of 2 to 13 February 2026.

Administrative Review Tribunal

The Administrative Review Tribunal was established by the *Administrative Review Tribunal Act 2024* (Cth) and commenced operation on 14 October 2024, replacing the Administrative Appeals Tribunal. The Tribunal conducts merits review of administrative decisions made under Commonwealth law, with its aim to improve the quality of government decision-making.

Whilst the Federal Court does not administer the Tribunal, the President of the Tribunal is required to be a judge of the Federal Court. The current President is Justice Kyrou. Judicial Deputy Presidents of the Tribunal are also judges of the Federal Court and include Justices Collier, Perry, Derrington, Thawley, McEvoy, Hespe, Kennett and Jackman.

Australian Competition Tribunal

The Australian Competition Tribunal is a review body established under the *Competition and Consumer Act 2010* (Cth), which is administered by the Federal Court. It considers applications for review of certain decisions made under competition law which affect Australian consumers and businesses. The Tribunal may exercise all the powers of the original decision maker and may affirm, vary or set aside decisions under review.

From 1 January 2026, a new merger and acquisitions regime commenced, requiring certain business acquisitions to be approved by the Australian Competition and Consumer Commission. No proceedings have been commenced in the Tribunal during the reporting period and nor were any decisions delivered by it. However, as this recent reform is likely to increase the Tribunal's workload reviewing decisions of the Commission, the Federal Court has been involved in significant efforts to ensure that the Tribunal is resourced sufficiently to perform the anticipated expanded functions.

Presidential members of the Tribunal are judges of the Federal Court. The President is Justice O'Bryan. Deputy Presidents include Justices Moshinsky, Sarah C Derrington, Halley and Downes, together with appointees since the new merger regime, Justices Beach, Button, Neskovic and Moore. The Tribunal also includes lay members appointed for their expertise in areas such as commerce, economics, law or public administration. The Tribunal is supported by Registrar Luxton and Deputy Registrars Segal, Colbran, Trott and Buckingham, and is administratively supported by staff of the Federal Court.

Copyright Tribunal of Australia

The Copyright Tribunal of Australia is an independent body established under the *Copyright Act 1968* (Cth) and administered by the Federal Court. It determines disputes about licensing arrangements for copyright material. These include:

- **Statutory licences**

Which for example permit reproduction of certain copyright materials by educational institutions.

- **Voluntary licences**

Which are the result of negotiation between a copyright owner or its representative, such as a collecting society, and the licensee who wants to use the copyrighted material or information. For example, the Tribunal can hear applications by licensors or would-be licensees where there has been a failure to agree on grant of a voluntary licence.

The Tribunal's work can be of great significance to copyright holders including artists, authors, and creative industries. While no new proceedings were commenced during the reporting period, the Tribunal delivered two decisions.

The President of the Copyright Tribunal must be a judge of the Federal Court, and the role is currently held by Justice Perram. The current Deputy Presidents are Justices Thawley, O'Bryan and Rofe of the Federal Court. The current non-judicial members, Mr Michael Fraser AM, Ms Fiona Phillips and Ms Alida Stanley, were reappointed on 8 June 2026 for terms lasting until 7 June 2030. The Registrar of the Tribunal is Senior Judicial Registrar O'Connor, of the Federal Court.

Defence Force Discipline Appeal Tribunal

The Defence Force Discipline Appeal Tribunal is established under the *Defence Force Discipline Appeals Act 1955* (Cth), to promote transparency of reviews of disciplinary decisions affecting Australian Defence Force personnel. On 4 March 2026, the Tribunal published a new Practice Direction, governing the practice and procedure of the Tribunal and guiding parties to navigate them.

No new proceedings were filed and no decisions were delivered during the reporting year.

Justice Perry of the Federal Court is the acting President of the Tribunal, following the former President, the Hon. John Alexander Logan AM RFD, retirement from the Federal Court on 5 March 2026 (ceasing in this role on the same date). Both Justice Perry and Justice Halley of the Federal Court are Deputy Presidents of the Tribunal. The Tribunal is supported by Registrar Luxton and Deputy Registrars Colbran, Lackenby, Stone and Trott of the Federal Court.

The work of the Federal Court's Judicial Registrars

This part explains the work undertaken by judicial registrars to support the Federal Court's management of proceedings. Judicial registrars manage particular categories of proceedings, conduct mediations and assist judges with case management and procedural issues. This allows proceedings to be managed at the appropriate level while preserving the role of judges in determining disputes that require judicial decision making.

Proceedings managed in judicial registrar lists

Under the NCF, some types of proceedings are allocated to a judicial registrar, or to a judicial registrar list, when they are commenced. These proceedings generally remain with judicial registrars until they are resolved.

Judicial registrar lists are used for categories of work that can be managed under delegated powers and established proceeding pathways. Most proceedings in these lists are in the Commercial and Corporations NPA, particularly Corporations and Corporate Insolvency. The National General Protections List, introduced as a pilot in September 2024, was adopted on a permanent basis on 17 December 2025. Further information is included in **Part 4** of this Report. The judicial registrar lists include:

- The Corporations List commonly includes winding-up applications, examinations, applications to set aside statutory demands and applications about external administration.

- The Bankruptcy List commonly includes creditors' petitions, applications to set aside bankruptcy notices and examinations under section 81 of the *Bankruptcy Act 1966* (Cth). These lists are generally held in person in each registry, reflecting the nature of the proceedings.
- The National General Protections List deals with proceedings under the general protections provisions of the *Fair Work Act 2009* (Cth).

The following table shows filings, finalisations and current proceedings in judicial registrar proceedings for 2023–24 to 2025–26. The figures measure work commenced and resolved in these lists. There was a 6 per cent increase in judicial registrar filings from the last reporting period. Finalisation also increased by 15 per cent year-on-year. Significantly, there has been a 51 per cent increase in the National General Protections List filings. They should be read with the explanatory notes, as some judicial registrar work is not separately captured in the Federal Court's statistics.

Proceedings allocated to registrars

2023–24 to 2025–26



FILINGS

▲ up 16% from last year

2,910_{2025–26}

2,751_{2024–25}

1,972_{2023–24}



FINALISATIONS

▲ up 16% from last year

2,787_{2025–26}

2,433_{2024–25}

1,884_{2023–24}



CURRENT PROCEEDINGS

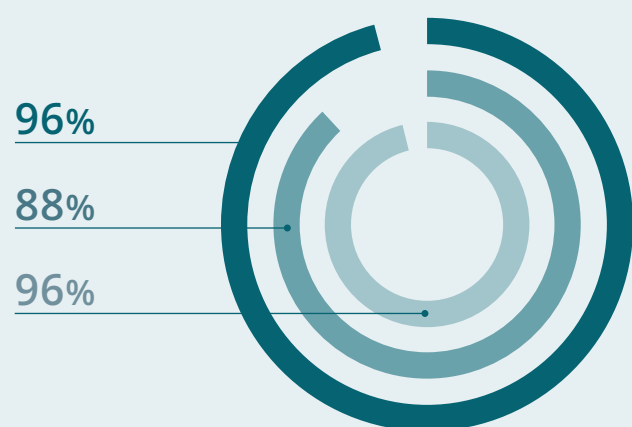
▲ up 16% from last year

982_{2025–26}

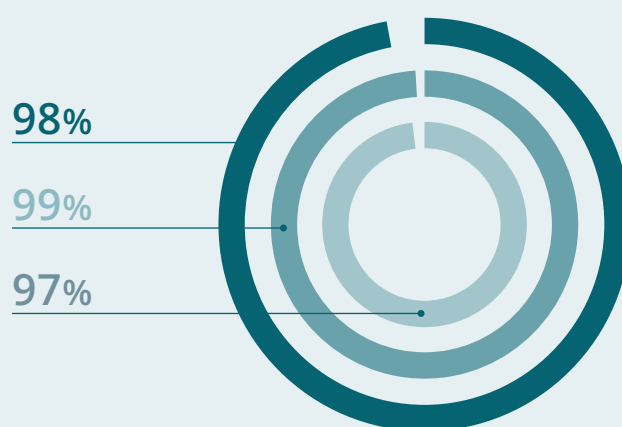
859_{2024–25}

541_{2023–24}

Finalisation rate



Percentage of finalisations within 12 months



■ 2025-2026 ■ 2024-2025 ■ 2023-2024

Filings by state and territory

Northern Territory

20 up 5%
19 2024-25 10 2023-24

Western Australia

221 up 7%
206 2024-25 141 2023-24

South Australia

173 up 18%
147 2024-25 114 2023-24

Tasmania

40 up 21%
33 2024-25 21 2023-24

Queensland

516 up 9%
473 2024-25 312 2023-24

New South Wales

1,161 up 13%
1,028 2024-25 837 2023-24

Australian Capital Territory

59 down 12%
67 2024-25 34 2023-24

Victoria

720 down 7%
778 2024-25 503 2023-24

Table 4.4 Proceedings allocated to registrars, filings in the lists by NPA, 2023-24 to 2025-26

Registrar proceedings	2023-24	2024-25	2025-26
C&C: CORPS	1,707	2,346	2,420
C&C: GPI	251	331	373
E&IR	14	73	110

Explanatory note: One other proceeding was filed in 2024-25 and seven other proceedings were filed in 2025-26 in the ACLHR or OFJ NPAs. These proceedings were allocated directly to judicial registrars under delegated powers but do not form part of the main judicial registrar lists. They include, for example, certain preliminary discovery applications.

Mediation

The Federal Court may refer parties to alternative dispute resolution, including mediation, where it may help resolve a dispute or narrow the issues requiring determination. These options are available under section 53A of the *Federal Court Act 1976* (Cth) and Part 28 of the Federal Court Rules.

Mediation can reduce the time and cost of litigation for parties and assist the Federal Court to focus judicial resources on issues that require determination.

The individual docket system allows the docket judge, or a judicial registrar who is managing a judicial registrar proceeding, to identify when mediation or another form of alternative dispute resolution may

be appropriate. Judicial registrars conduct this work across NPAs and may use technology or flexible meeting arrangements to support participation.

In reporting period, 709 proceedings were referred to mediation, a 23 per cent increase from 2024–25. The following table shows mediation allocations by NPA and registry of filing. The largest number of referrals was in the Commercial and Corporations NPA, with 269 mediation allocations (an increase from 223 in the previous reporting period), followed by the Employment and Industrial Relations NPA, with 227 mediation allocations.

Table 4.5 Proceedings referred to mediation and allocated to judicial registrars, by NPA, 2023–24 to 2025–26 periods

Mediation allocations by NPA	2023–24	2024–25	2025–26
ACLHR	51	53	85
MIG	2	6	15
A&M	2	2	6
CRIME	0	0	0
C&C	197	223	269
E&IR	160	188	227
IP	53	60	67
NT	13	11	8
OFJ	15	15	13
Tax	16	21	19
Total	509	579	709

Proceedings referred to mediation and allocated to judicial registrars, by state and territory, 2023–24 to 2025–26 periods



(*) Explanatory note: Native Title allocation numbers do not generally reflect the work of specialist judicial registrars in that practice area. In Native Title proceedings, specialist judicial registrars are commonly allocated alongside judges when proceedings commence. Separate allocations to judicial registrars are not made or captured for the Federal Court's statistical reporting.

Case management, interlocutory applications and other work managed by judicial registrars

Judges, and in some proceedings judicial registrars, may refer work to judicial registrars for case management, interlocutory applications or other procedural matters. These referrals help proceedings progress and allow judicial attention to be directed to issues requiring determination by a judge.

Common referrals include case management hearings or conferences, examinations in corporations or bankruptcy proceedings, discovery disputes,

subpoenas, notices to produce and costs applications. This work may be undertaken in Federal Court, in conferences with the parties, or on the papers.

Judicial registrars are supported by legal case managers, who assist with file and document management, listings, correspondence with parties and legal work associated with the management of proceedings. Further information about the role of the legal case manager is included in **Part 5** of this report.

The following table shows case management allocations by registry of filing and NPA. It measures referred case management work, not the whole of the work performed by judicial registrars.

Proceedings referred for case management and allocated to judicial registrars, by state and territory, 2023–24 to 2025–26 periods



Table 4.6 Proceedings referred for case management and allocated to judicial registrars, by NPA, 2023–24 to 2025–26 periods

CM Allocations by NPA	2023–24	2024–25	2025–26
ACLHR	50	65	72
MIG	206	175	311
A&M	1	0	5
CRIME	2	5	0
C&C	452	632	756
E&IR	69	82	86
IP	58	76	76
NT	10	10	14
OFJ	29	22	42
Tax	19	35	27
Total	896	1,102	1,389