

# APPENDIX 10

## ANNUAL PERFORMANCE STATEMENT

### INTRODUCTORY STATEMENT

I, Warwick Soden, as the accountable authority of the Federal Court of Australia, present the 2016–17 annual performance statements for the entity, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

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



**Warwick Soden**

Chief Executive Officer and Principal Registrar  
Federal Court of Australia

### OUTCOME ONE

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

**Program 1.1: Federal Court of Australia**

### OUTCOME TWO

Apply and uphold the rule of law for litigants in the Family Court of Australia through the resolution of family law matters according to law, particularly more complex family law matters and through the effective management of the administrative affairs of the Court

**Program 2.1: Family Court of Australia**

### OUTCOME THREE

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

**Program 3.1: Federal Circuit Court of Australia**

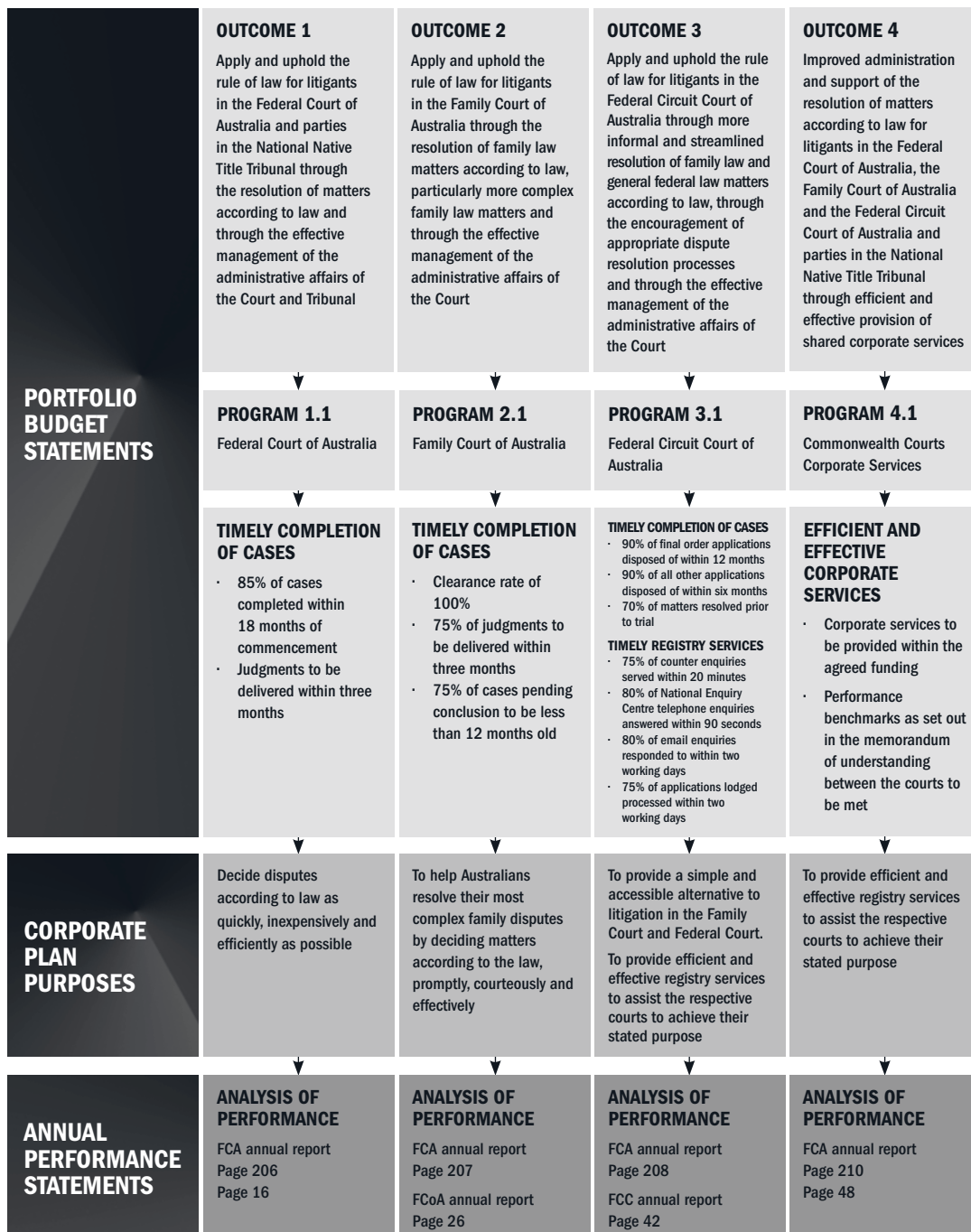
### OUTCOME FOUR

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

**Program 4.1: Commonwealth Courts Corporate Services**

## FEDERAL COURT OF AUSTRALIA

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



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### OUTCOME ONE

#### PROGRAM 1.1: FEDERAL COURT OF AUSTRALIA

##### PURPOSE

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

##### DELIVERY

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

##### PERFORMANCE CRITERION

###### Timely completion of cases

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

###### Criterion source

- Table 2.1.3: Performance criteria for Outcome 1, *Federal Court of Australia Portfolio Budget Statements 2016-17*
- *Federal Court of Australia Corporate Plan 2016-2020*.

##### RESULTS

| TIMELY COMPLETION OF CASES                                      |  |               |
|---|--|---------------|
| TARGET  | RESULT 2016-17   | TARGET STATUS |
| 85 per cent of cases completed within 18 months of commencement | 94 per cent of cases were completed within 18 months of commencement | MET           |
| Judgments to be delivered within three months                   | 79 per cent of judgments were delivered in three months              | MET           |

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

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

In the reporting period, the Court disposed of 94 per cent within 18 months of commencement. This figure includes appeals and related actions and excludes native title cases. This is well above the target rate of 85 per cent. Further information about the Court's performance on this criterion can be found in Part 3.

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

The Court has a goal of delivering reserved judgments within a period of three months. Success in meeting this goal depends upon the complexity of the case and the pressure of other business upon the Court. During 2016-17, the Court handed down 1712 judgments for 1502 court files (some files involve more than one judgment being delivered e.g. interlocutory decisions and sometimes, one judgment will cover multiple files).

This is a slight decrease from last year by 64 judgments. The data indicates that 83 per cent of appeals (both full court and single judge) were delivered within three months and 79 per cent of judgments at first instance were delivered within three months of the date of being reserved (a slight decrease from 2015–16).

A detailed analysis on the performance of the Federal Court can be found in Part 3 (page 16) and Appendix 5 (page 137).

## OUTCOME TWO

### PROGRAM 2.1: FAMILY COURT OF AUSTRALIA

#### PURPOSE

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

#### DELIVERY

- Exercising the jurisdiction of the Family Court of Australia.

The Family Court of Australia is a separate Chapter III court under the Australian Constitution and the performance criteria applicable to the Court are identified in the *2016–17 Federal Court of Australia Portfolio Budget Statements* and in the *Federal Court of Australia Corporate Plan 2016–2020*.

This program was previously part of the Family Court and Federal Circuit Court. The program has been transferred to the Federal Court of Australia with effect from 1 July 2016 by the *Courts Administration Legislation Amendment Act 2016*.

#### PERFORMANCE CRITERION

##### Timely completion of cases

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

##### Criterion source

- Table 2.2.2: Performance criteria for Outcome 2, *Federal Court of Australia Portfolio Budget Statements 2016–17*
- *Federal Court of Australia Corporate Plan 2016–2020*.

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### RESULTS

| TIMELY COMPLETION OF CASES  |  |               |
|---|--|---------------|
| TARGET  | RESULT 2016–17   | TARGET STATUS |
| Clearance rate of 100 per cent  | The clearance rate was 98 per cent                                   | NOT MET       |
| 75 per cent of judgments to be delivered within three months          | 81 per cent of judgments were delivered within three months          | MET           |
| 75 per cent of cases pending conclusion to be less than 12 months old | 68 per cent of cases pending conclusion were less than 12 months old | NOT MET       |

In 2016–17 the Family Court achieved one target under timely completion of cases and was unable to achieve two. A detailed analysis on the performance of the Family Court can be found in Part 3 of the *Family Court of Australia's 2016–17 Annual Report*.

## OUTCOME THREE

### PROGRAM 3.1: FEDERAL CIRCUIT COURT OF AUSTRALIA

#### PURPOSE

- To provide a simple and accessible alternative to litigation in the Family Court and Federal Court.
- To provide efficient and effective registry services to assist the respective courts to achieve their stated purpose.

#### DELIVERY

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

The Federal Circuit Court of Australia remains a separate Chapter III court under the Australian Constitution and the performance criteria applicable to the Court is identified in the *2016–17 Federal Court of Australia Portfolio Budget Statements and in the Federal Court Corporate Plan 2016–2020*.

This program was previously part of the Family Court and Federal Circuit Court. The program has been transferred to the Federal Court of Australia with effect from 1 July 2016 by the *Courts Administration Legislation Amendment Act 2016*.

#### PERFORMANCE CRITERION

##### Timely completion of cases

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

### Timely registry services

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

### Criterion source

- Table 2.3.2: Performance criteria for Outcome 3, *Federal Court of Australia Portfolio Budget Statements 2016–17*
- *Federal Court of Australia Corporate Plan 2016–2020*.

## RESULTS

| TIMELY COMPLETION OF CASES   |   |               |
|--|---|---------------|
| TARGET   | RESULT 2016–17  | TARGET STATUS |
| 90 per cent of final order applications disposed of within 12 months | 68 per cent of final order applications were disposed of within 12 months | NOT MET       |
| 90 per cent of all other applications disposed of within six months  | 78 per cent of all other applications were disposed of within six months  | NOT MET       |
| 70 per cent of matters resolved prior to trial                       | 72 per cent of matters were resolved prior to trial                       | MET           |

| TIMELY REGISTRY SERVICES  |  |               |
|---|--|---------------|
| TARGET  | RESULT 2016–17   | TARGET STATUS |
| 75 per cent of counter enquiries served within 20 minutes                             | 93 per cent of counter enquiries were served within 20 minutes                             | MET           |
| 80 per cent of National Enquiry Centre telephone enquiries answered within 90 seconds | 20 per cent of National Enquiry Centre telephone enquiries were answered within 90 seconds | NOT MET       |
| 80 per cent of email enquiries responded to within two working days                   | 100 per cent of email enquiries were responded to within two working days                  | MET           |
| 75 per cent of applications lodged processed within two working days                  | 98 per cent of applications lodged were processed within two working days                  | MET           |

In 2016–17 the Federal Circuit Court achieved one target under timely completion of cases and was unable to achieve two. In the area of timely registry services, the Federal Circuit Court achieved three targets and was unable to achieve one. A detailed analysis on the performance of the Federal Circuit Court can be found in Part 3 of the *Federal Circuit Court of Australia's 2016–17 Annual Report*.

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### OUTCOME FOUR

#### PROGRAM 4.1: COMMONWEALTH COURTS CORPORATE SERVICES

##### PURPOSE

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

##### DELIVERY

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

##### PERFORMANCE CRITERION

###### Efficient and effective corporate services

- Corporate services to be provided within the agreed funding
- Performance benchmarks as set out in the memorandum of understanding (MOU) between the courts to be met.

###### Criterion source

- Table 2.4.2: Performance criteria for Outcome 4, *Federal Court of Australia Portfolio Budget Statements 2016–17*
- *Federal Court of Australia Corporate Plan 2016–2020*.

##### RESULTS

| EFFICIENT AND EFFECTIVE CORPORATE SERVICES   |   |               |
|--|---|---------------|
| TARGET   | RESULT 2016–17  | TARGET STATUS |
| Corporate services to be provided within the agreed funding                                    | This target has been achieved with Corporate Services year end position being closely in line with allocated appropriation. | MET           |
| Performance benchmarks as set out in the memorandum of understanding (MOU) between the courts. | Measures as identified through the consultative process for 2016–17 FY achieved.  | MET           |

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

The ability of the Corporate Service's division to meet budget and projected average staffing numbers are the metrics that will be used to measure performance.

The MOU articulates high level principles which identify consultative processes that facilitate the identification of measures for which Corporate Services is assessed. At the commencement of the 2016–17 financial year, a cross court CEO's consultative committee was established as the major governance body around the provision of corporate services. During the reporting year, the committee met every two months, and more frequently when required. Issues discussed include budgets and capital budgets, the enterprise agreement, policy updates, the digital court program and the organisational review.

A detailed analysis on the performance of Corporate Services can be found in Part 4 on page 48.