

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.



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

OUTCOME 1 OUTCOME 2 OUTCOME 3 OUTCOME 4 Apply and uphold the Apply and uphold the rule Improved administration Apply and uphold the of law for litigants in the and support of the rule of law for litigants rule of law for litigants Federal Circuit Court of in the Federal Court of in the Family Court of resolution of matters Australia through more Australia through the according to law for Australia and parties informal and streamlined litigants in the Federal in the National Native resolution of family law resolution of family law and Court of Australia, the Title Tribunal through matters according to law, general federal law matters the resolution of matters Family Court of Australia particularly more complex according to law, through and the Federal Circuit according to law and family law matters and the encouragement of Court of Australia and through the effective through the effective appropriate dispute parties in the National management of the management of the resolution processes Native Title Tribunal administrative affairs of administrative affairs of and through the effective through efficient and the Court and Tribunal the Court management of the effective provision of administrative affairs of shared corporate services the Court **PORTFOLIO** PROGRAM 1.1 PROGRAM 2.1 PROGRAM 3.1 PROGRAM 4.1 BUDGET Federal Court of Australia **Family Court of Australia** Federal Circuit Court of **Commonwealth Courts STATEMENTS** Australia **Corporate Services** TIMELY COMPLETION OF CASES TIMELY COMPLETION TIMELY COMPLETION **EFFICIENT AND** 90% of final order applications **OF CASES EFFECTIVE OF CASES** disposed of within 12 months CORPORATE 90% of all other applications 85% of cases Clearance rate of disposed of within six months **SERVICES** 100% completed within 70% of matters resolved prior 18 months of 75% of judgments to to trial Corporate services to he delivered within TIMELY REGISTRY SERVICES be provided within the commencement 75% of counter enquiries agreed funding three months Judgments to be served within 20 minutes delivered within three 75% of cases pending · 80% of National Enquiry Performance months conclusion to be less Centre telephone enquiries benchmarks as set out answered within 90 seconds than 12 months old 80% of email enquiries in the memorandum responded to within two of understanding working days 75% of applications lodged between the courts to processed within two be met working days To provide efficient and **Decide disputes** To help Australians To provide a simple and accessible alternative to according to law as resolve their most effective registry services litigation in the Family complex family disputes to assist the respective quickly, inexpensively and CORPORATE Court and Federal Court. by deciding matters courts to achieve their efficiently as possible PLAN To provide efficient and according to the law, stated purpose **PURPOSES** effective registry services promptly, courteously and to assist the respective effectively courts to achieve their stated purpose **ANALYSIS OF** ANALYSIS OF ANALYSIS OF ANALYSIS OF **PERFORMANCE PERFORMANCE PERFORMANCE PERFORMANCE** ANNUAL FCA annual report FCA annual report FCA annual report FCA annual report **PERFORMANCE** Page 206 Page 207 Page 208 Page 210 **STATEMENTS** Page 16 Page 48 FCoA annual report FCC annual report Page 26 Page 42

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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.