

Appendix 10: Annual performance statement

Introductory statement

I, Sia Lagos, as the accountable authority of the Federal Court of Australia, present the 2022–23 annual performance statements for the entity, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (Cth) (PGPA Act).

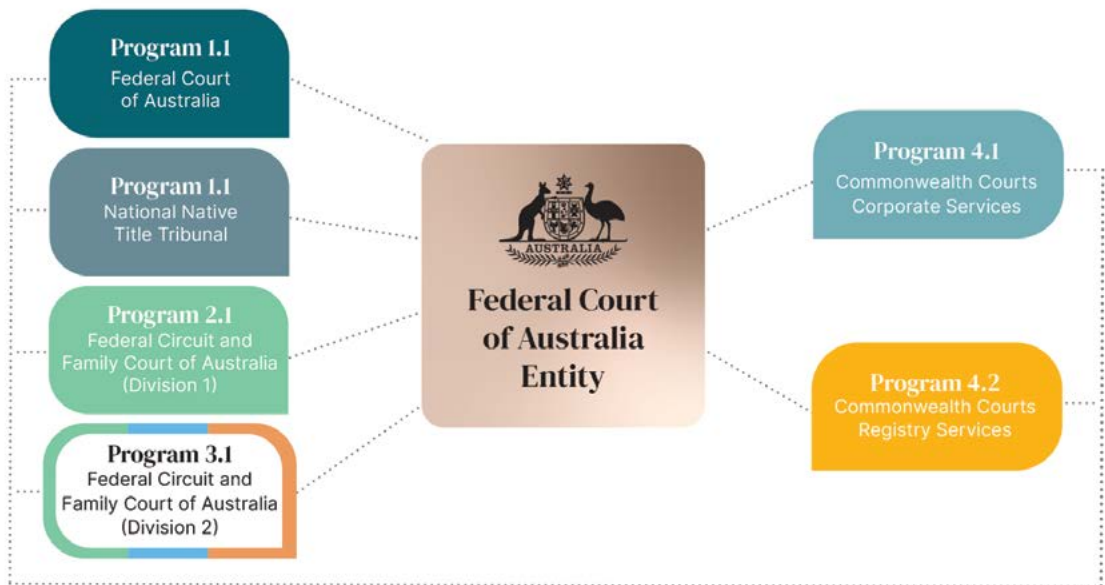
In my opinion, these annual performance statements are based on properly maintained records, accurately reflect the performance of the entity, and comply with subsection 39(2) of the PGPA Act (section 16F of the PGPA Rule).



Sia Lagos

Chief Executive Officer and Principal Registrar






Federal Court of Australia



FEDERAL COURT OF AUSTRALIA

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

OUTCOME 1	OUTCOME 2	OUTCOME 3	OUTCOME 4	
PORTFOLIO BUDGET STATEMENTS				
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.	Apply and uphold the rule of law for litigants in the Federal Circuit and Family Court of Australia (Division 1) through the just, safe, efficient and timely resolution of family law matters, particularly more complex family law matters including appeals, according to law, through the effective management of the administrative affairs of the Court.	Apply and uphold the rule of law for litigants in the Federal Circuit and Family Court of Australia (Division 2) through the just, safe, efficient and timely resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes through the effective management of the administrative affairs of the Court.	Improved administration and support of the resolution of matters according to law for litigants in the Federal Court of Australia, the Federal Circuit and Family Court of Australia, and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate and registry services.	
↓	↓	↓	↓	↓
Program 1.1 Federal Court of Australia	Program 2.1 Federal Circuit and Family Court of Australia (Division 1)	Program 3.1 Federal Circuit and Family Court of Australia (Division 2)	Program 4.1 Commonwealth Courts Corporate Services	Program 4.2 Commonwealth Courts Registry Services
↓	↓	↓	↓	↓
Timely completion of cases <ul style="list-style-type: none"> 85% of cases completed within 18 months of commencement. Judgments to be delivered within three months. 	Timely completion of cases <ul style="list-style-type: none"> 70–90% of final order applications resolved within 12 months. 75% of all judgments to be delivered within three months. 	Timely completion of cases <ul style="list-style-type: none"> 70–90% of final order family law applications resolved within 12 months. 90% of general federal law applications (excluding migration) resolved within 12 months. 75% of all judgments delivered within three months. 	<ul style="list-style-type: none"> Optimise technology to support judicial, registry and corporate services functions. Implement a Cyber Security Program. Efficient and effective corporate services. Gender equality — female representation in the senior executive service (SES) and executive level (EL) classifications. Indigenous representation — proportion of staff who identify as Indigenous. 	All information and service provided by registry services is high quality, timely and meets the needs of clients <ul style="list-style-type: none"> At least a 90% customer enquiry satisfaction rating. Timely processing of documents <ul style="list-style-type: none"> 75% of documents processed within two working days Efficient registry services <ul style="list-style-type: none"> All registry services provided within the agreed funding levels
↓	↓	↓	↓	↓

OUTCOME 1	OUTCOME 2	OUTCOME 3	OUTCOME 4	OUTCOME 4
CORPORATE PLAN (PURPOSE)				
<p>To decide disputes according to the law as quickly, inexpensively and efficiently as possible</p>	<p>Through its specialist judges, registrars and staff, assist Australians to resolve their most complex family disputes and family law appeals by deciding such matters according to the law, promptly, courteously and effectively.</p>	<p>To provide timely access to justice and resolve disputes in all areas of law in an efficient and cost-effective manner, using appropriate dispute resolution processes.</p>	<p>To provide efficient and effective corporate services to the Commonwealth Courts and Tribunals.</p>	<p>To provide efficient and effective registry services to the Commonwealth Courts and Tribunals.</p>
				
ANNUAL PERFORMANCE STATEMENT				
<p>Analysis of performance</p> <ul style="list-style-type: none"> Federal Court of Australia 2022–23 annual report: Part 3, Part 4 and Appendix 10. 	<p>Analysis of performance</p> <ul style="list-style-type: none"> Federal Court of Australia 2022–23 annual report: Appendix 10. Federal Circuit and Family Court of Australia 2022–23 annual report: Part 3. 	<p>Analysis of performance</p> <ul style="list-style-type: none"> Federal Court of Australia 2022–23 annual report: Appendix 10. Federal Circuit and Family Court 2022–23 annual report: Part 4. 	<p>Analysis of performance</p> <ul style="list-style-type: none"> Federal Court of Australia 2022–23 annual report: Part 4 and Appendix 10. 	<p>Analysis of performance</p> <ul style="list-style-type: none"> Federal Court of Australia 2022–23 annual report: Part 4 and Appendix 10.

OUTCOME 1 – Program 1.1: Federal Court of Australia

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

Delivery

The exercise of the jurisdiction of the Federal Court of Australia and supporting the operations of the National Native Title Tribunal.

Performance measures

Timely completion of cases

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

Source

- Table 2.1.3: Performance measure for Outcome 1, *Federal Court of Australia Portfolio Budget Statements 2022–23*.
- *Federal Court of Australia Corporate Plan 2022–2023*.

Results

TIMELY COMPLETION OF CASES

Performance measure	Result 2022–23	Status
85 per cent of cases completed within 18 months of commencement.	79 per cent of cases were completed within 18 months of commencement.	Performance measure not achieved.
Judgments to be delivered within three months.	78.4 per cent of judgments were delivered in three months.	Performance measure achieved.

Analysis

For the 2022–23 financial year, the Federal Court of Australia had two performance measures that relate to the timely completion of cases. The Court achieved one out of two performance measures.

In 2022–23, the total number of overall filings in the Court, comprising first instance, appellate and registrar matters increased by eight per cent to 3,399. The number of filings which were commenced in, or transferred to, the Court's original jurisdiction increased by 15 per cent.

The increase in filings can be attributed to a significant increase in the filing of matters pursuant to the *Corporations Act 2001* (Cth), particularly applications seeking the winding up of companies.

During the reporting year, 750 appellate proceedings were filed in the Court. They include 560 appeals and related actions (522 filed in the appellate jurisdiction and 38 matters filed in the original jurisdiction), 11 cross appeals and 179 interlocutory applications such as applications for security for costs in relation to an appeal, a stay, an injunction, expedition or various other applications.

The Federal Circuit and Family Court of Australia (Division 2) continues to be a significant source of appellate work accounting for approximately 50 per cent of the appeals and related actions filed in 2022–23. The majority of these proceedings are heard and determined by single judges exercising the Court's appellate jurisdiction.

There was an overall decrease in the total number of appeals filed in 2022–23 (522) from 649 in 2021–22. This decrease was attributable to a 24 per cent decrease in migration appeals, as well as decreases in the areas of commercial and corporations and native title. These decreases were partially offset by increases in the areas of administrative and constitutional law, admiralty and maritime and employment and industrial relations.

In the reporting year, 691 appeals and related actions were finalised. Of these, 172 matters were filed and finalised in the reporting year. At 30 June 2023, there were 793 appeals currently before the Court, with 557 of these being migration appeals and related actions.

In 2022–23, 47 migration appeals and applications were filed in the Court’s appellate jurisdiction related to judgments of single judges of the Court exercising the Court’s original jurisdiction. A further 232 migration matters were filed in relation to judgments of the Federal Circuit and Family Court of Australia (Division 2).

Although the number of migration appellate filings has decreased by 24 per cent since the last reporting year, 54 per cent of the Court’s total appellate workload concerned decisions made under the *Migration Act 1958* (Cth).

The Court continues to apply a number of procedures to streamline the preparation and conduct of these appeals and applications and to facilitate the expeditious management of the migration workload. The Court reviews all migration matters to identify cases raising similar issues and where there is a history of previous litigation. This process allows for similar cases to be managed together resulting in more timely and efficient disposal of matters.

There was a 19 per cent increase in the number of matters referred to mediation when compared to the previous reporting period. Increases have been in native title (169 per cent), administrative and constitutional law and human rights (69 per cent), other federal jurisdiction NPA (defamation) (39 per cent) and employment and industrial relations (35 per cent). Commercial and corporations and intellectual property mediation referrals remained consistent with the figures reported during the 2021–22 reporting period.

All registries recorded an increase in mediation referrals with Queensland increasing by 44 per cent, Western Australia by 35 per cent, South Australia by 26 per cent and Victoria by 23 per cent when compared with the 2021–22 figures.

The Court has two targets for timely completion of cases:

- *Eighty-five per cent of cases completed within 18 months of commencement*

During the reporting year, the Court completed 79 per cent of cases in less than 18 months. The Court’s ability to continue to meet its disposition targets is dependent upon the timely replacement of judges. Whilst the Court was not able to achieve its benchmark in 2022–23, figure A5.4 shows that 86 per cent of cases (excluding native title matters) were completed within 18 months over the last five reporting years.

- *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 other issues affecting the Court.

During 2022–23, the Court handed down 1,723 judgments for 1,541 court matters (some matters involve more than one judgment being delivered – e.g. interlocutory decisions – and sometimes one judgment will cover multiple matters). Overall, 76 per cent of appeals (both Full Court and single judge) were delivered within three months; 79.3 per cent of judgments at first instance were delivered within three months of the matter being reserved; and 78.4 per cent of total judgments were delivered within three months.

The Court continues to implement and extend the National Court Framework (NCF) to all matters across the Court including the work undertaken by Judicial Registrars.

The allocation of judicial registrar work is now undertaken on a national basis with national systems and processes (such as a national duty registrar system and national practice guides) to support and enhance the work undertaken. In 2022–23, further NCF developments included the establishment of a national Corporations List with dedicated registrars, support staff and contact points for the profession. This initiative enables a more efficient use of the judicial registrar resources and provides a more streamlined approach for practitioners, particularly those operating in more than one jurisdiction.

The past year has also seen the establishment of dedicated registrar assistance for matters involving self-represented applicants with a view to improving access to justice across the Court. A registrar-led Vulnerable Applicants Working Group (working with community legal groups) has also been established by the Court.

The Court continues to draw on the skills and expertise of its judicial registrars in each of the national practice areas by providing mediation and case management support to judges on a national basis.

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

OUTCOME 2 – Program 2.1: Federal Circuit and Family Court of Australia (Division 1)

Apply and uphold the rule of law for litigants in the Federal Circuit and Family Court of Australia (Division 1) through the just, safe, efficient and timely resolution of family law matters, particularly more complex family law matters including appeals, according to law, through the effective management of the administrative affairs of the Court.

Delivery

The exercise of the jurisdiction of the Federal Circuit and Family Court of Australia (Division 1).

The Federal Circuit and Family Court of Australia (Division 1) is a separate Chapter III Court under the Australian Constitution and the performance criteria applicable to the Court is identified in the *2022–23 Federal Court of Australia Portfolio Budget Statements* and in the *Federal Court of Australia Corporate Plan 2022–2023*.

Performance measures

Timely completion of cases

- 70–90 per cent of final order applications resolved within 12 months.
- 75 per cent of all judgments delivered within three months.

Source

- Table 2.2.2: Performance measure for Outcome 2, *Federal Court of Australia Portfolio Budget Statements 2022–23*.
- *Federal Court of Australia Corporate Plan 2022–2023*.

Results

TIMELY COMPLETION OF CASES

Performance measure	Result 2022–23	Status
70–90 per cent of final order applications resolved within 12 months.	92 per cent of new pathway final order applications have been resolved within 12 months of filing.	Performance measure achieved.
75 per cent of all judgments to be delivered within three months.	91 per cent of judgments were delivered within three months.	Performance measure achieved.

Analysis

For the 2022–23 financial year, the Federal Circuit and Family Court of Australia (Division 1) had two performance measures that relate to the timely completion of cases. The Court achieved both performance measures.

In the 2022–23 financial year, 2,458 applications were filed in the Court's original jurisdiction, or transferred to the Court to enliven its original jurisdiction. The majority of applications filed were applications in a proceeding.

In 2022–23, the Court received 615 applications for final orders by way of transfer from the Federal Circuit and Family Court of Australia (Division 2) and finalised 1,450 applications. As a result, the number of pending applications for final orders decreased by 41 per cent compared to the number of applications pending at 30 June 2022. The clearance rate as at the end of the year was 236 per cent. As the Court

receives matters transferred from the Federal Circuit and Family Court of Australia (Division 2) rather than filings of new applications into its original jurisdiction, the clearance rate represents the ratio of transfers during the financial year to matters finalised during the financial year.

The decrease in the number of applications finalised is partially attributable to the fact that in previous years, applications that were filed in the then Family Court of Australia but were transferred to the Federal Circuit Court of Australia soon after filing because they were more appropriate to be heard by that court, were recorded as a finalisation. Further, as the Court is not receiving new filings (aside from by way of transfer), the Court is only finalising matters that were pending pre-1 September 2021, which are largely more complex or have been pending for some time and require judicial determination, hence a lower number of matters have been finalised.

In 2022–23, the Court received 1,588 applications for interim orders (also referred to as Applications in a Proceeding) and finalised 2,157 applications. As a result, the number of pending applications for interim orders decreased by 38 per cent compared to the number of applications pending at 30 June 2022. The clearance rate as at the end of the financial year was 136 per cent.

The Court receives a small volume of other types of family law applications, the largest being contravention applications. Since 1 September 2021, the Court has had a particular focus on the timely resolution of contravention applications following the creation of the National Contravention List. In 2022–23, the Court received 92 contravention applications and finalised 125 contravention applications, with a clearance rate of 136 per cent. The number of contravention applications pending decreased by 33 per cent compared to the number pending at 30 June 2022.

The Court is committed to ensuring that as far as possible, all applications are finalised in a timely way taking into account the particular needs of each matter, its complexity and the available court resources. Whilst the median time from filing to finalisation (or, the median age of matters at finalisation) has increased, this was expected. It reflects two important considerations: firstly, that the Court is not receiving new filings, only a small number of matters transferred up, and therefore there are no matters resolving early in the litigation pathway in this court as there previously were. Secondly, the Court is focusing on finalising ageing matters in the pending caseload, which effectively crystallises the delay experienced over previous financial years. Legacy cases make up the majority of the matters finalised in the Court in the reporting period. Given the median time to finalisation and median time to judgment are almost the same, it illustrates that the majority of those older cases remaining pending in the Court require a final hearing and judgment to be resolved. The Court anticipates that this figure may increase again before it decreases, as more of the ageing legacy cases are finalised.

Consistently with the previous two financial years, the Court has delivered 91 per cent of judgments within this three months, exceeding its performance measure target of 75 per cent delivered within three months. It is a focus of the Court to ensure that judgments are delivered in a timely way to ensure the efficient resolution of disputes and certainty of outcome for parties.

Consistently with the previous two financial years, the Court has delivered 83 per cent of reserved judgments within three months. There has also been a decrease in the percentage of judgments delivered at more than six months' old in this reporting period compared to previous reporting periods.

The Court performed admirably in its appellate jurisdiction in financial year 2022–23, with a number of outstanding results being achieved, including a significant reduction in the average time from filing to finalisation of an appeal (6.7 months two years ago to 3.5 months this year) and the average time from filing to delivery of judgment (9 months two years ago to 4.5 months this year), 100 per cent of appeals being finalised within 12 months, and the maintenance of a low pending caseload of appeals on hand.

In 2022–23 there were 352 appeal files filed and 342 finalised, with an overall clearance rate of 97 per cent. The Court has maintained a low number of pending appeals on hand, with less than half the number of appeals pending at 30 June 2023 compared to 2019, 2020 and 2021. Over the past three years, the average time to finalisation of an appeal has almost halved, to only 3.5 months, which is a significant achievement. For the purposes of reporting, an appeal file may include a notice of appeal, notice of cross-appeal or an application in an appeal, or more than one of these actions.

A detailed analysis on the performance of the Federal Circuit and Family Court of Australia (Division 1) can be found in Part 3 of the Federal Circuit and Family Court of Australia's 2022–23 Annual Report.

OUTCOME 3 – Program 3.1: Federal Circuit and Family Court of Australia (Division 2)

Apply and uphold the rule of law for litigants in the Federal Circuit and Family Court of Australia (Division 2) through the just, safe, efficient and timely resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes through the effective management of the administrative affairs of the Court.

Delivery

The exercise of the jurisdiction of the Federal Circuit and Family Court of Australia (Division 2).

The Federal Circuit and Family Court of Australia (Division 2) remains a separate Chapter III Court under the Australian Constitution and the performance criteria applicable to the Court is identified in the 2022–23 Federal Court of Australia Portfolio Budget Statements and in the Federal Court Corporate Plan 2022–2023.

Performance measures

Timely completion of cases

- 70–90 per cent of final order family law applications resolved within 12 months.
- 90 per cent of general federal law applications (excluding migration) resolved within 12 months.
- 75 per cent of all judgments delivered within three months.

Source

- Table 2.3.2: Performance criteria for *Outcome 3, Federal Court of Australia Portfolio Budget Statements 2022–23*.
- *Federal Court of Australia Corporate Plan 2022–2023*.

Results

TIMELY COMPLETION OF CASES

Performance measure	Result 2022–23	Status
70–90 per cent of final order family law applications resolved within 12 months.	87 per cent of new pathway final order applications resolved within 12 months.	Performance measure achieved.
90 per cent of general federal law applications (excluding migration) resolved within 12 months.	82 per cent of general federal law applications were finalised within 12 months.	Performance measure not achieved.
75 per cent of all judgments delivered within three months.	77 per cent of general federal law judgments delivered within three months.	Performance measure achieved.

Analysis

For the 2022–23 financial year, the Court had three performance measures that relate to the timely completion of cases. The Court achieved two out of three performance measures.

Whilst the percentage of general federal law applications finalised within 12 months was slightly lower than the target, the vast majority of applications, at 82 per cent, were finalised within 12 months, which is a positive achievement and an improvement from the previous financial year. The clearance rate for general federal law applications was 96 per cent, and in migration, the clearance rate

was 108 per cent which is a notable achievement, particularly given the large migration caseload. Other measurements in the general federal law jurisdictions have improved, including a reduction in the average time from filing to finalisation of matters.

In the 2022–23 financial year, 96,142 family law applications were filed in the Court. The majority of applications filed were applications for divorce, followed by interim applications, now called applications in a proceeding, then applications for consent orders, and then applications for final orders. Prior to 1 September 2021, all applications for consent orders were filed in the then Family Court of Australia.

In 2022–23, the Court received 13,862 applications for final orders, an increase of 10 per cent on financial year 2021–22, and finalised 14,139 applications. As a result, the number of pending applications for final orders decreased by two per cent compared to the number of applications pending at 30 June 2022. The clearance rate as at the end of the year was 102 per cent.

The Court records at a high level only, whether applications for final orders seek parenting orders, financial orders, both parenting and financial orders, or some other relief. Of the applications filed in 2022–23, the majority of applications for final orders sought parenting orders only (49 per cent). This is in line with previous years, with a marginal increase in the percentage of matters seeking both parenting and financial orders.

In 2022–23, the Court received 18,473 applications for interim orders (also referred to as Applications in a Proceeding), a three per cent increase compared to the volume filed in 2021–22, and finalised 18,768 applications. As a result, the number of pending applications for interim orders decreased by three per cent compared to the number of applications pending at 30 June 2022. The clearance rate as at the end of the financial year was 102 per cent.

The highest number of filings the Court receives in the family law jurisdiction are applications for divorce. In 2022–23, the Court received 45,529 applications for divorce and finalised 46,389 applications, slightly less filings and finalisations than 2021–22. The Court's clearance rate for divorce applications was 102 per cent. Consequently, the number of applications for divorce pending in the Court decreased by nine per cent as compared to the number of applications pending at 30 June 2022. Applications for divorce are heard by Deputy Registrars, who can hear divorces where the application is made jointly, or if a sole application is uncontested. They are heard electronically by audioconference using Webex to ensure their efficient finalisation, as parties are no longer required to attend court in person.

In 2022–23, 15,782 applications for consent orders were filed in the Federal Circuit and Family Court of Australia (Division 2), and 15,974 applications were finalised.

The Court receives a small volume of other types of family law applications, mainly comprised of contravention and enforcement applications, applications to register other orders and applications to review the decision of a Registrar.

In 2022–23, the Court received 914 contravention applications and finalised 947 contravention applications, with a clearance rate of 104 per cent. The number of contravention applications pending decreased by seven per cent compared to the number pending at 30 June 2022, and at 30 June 2023, was the lowest in more than five years.

The median time from filing to finalisation has stayed consistent at 11 months this financial year compared to financial year 2021–22. The average time to finalisation has increased slightly by one month over the same time period, from 14 months to 15 months. This is to be expected given that the Court is particularly focused on finalising the oldest pending cases.

Between 2021–22 and 2022–23, the median time from filing to judgment has increased by just under one month. As noted above, the Court is focusing on finalising ageing matters in the pending caseload, which effectively crystallises the delay experienced over previous financial years. The Court anticipates that this figure may increase again before it decreases, as the last of the ageing legacy cases are finalised.

Consistently with the previous financial years, the Court has delivered 96 per cent of judgments within three months. It is a focus of the Court to ensure that judgments are delivered in a timely way to ensure, where appropriate, the efficient resolution of disputes and certainty of outcome for parties.

The Court aims to have a clearance rate of 100 per cent for applications in general federal law (excluding migration). In 2022–23, the Court achieved a clearance rate of 96 per cent. However, it is noted that the Court increased the number of finalisations in migration proceedings in 2022–23. Therefore, the reduced finalisation in general federal law matters is a result of the increase in finalisations in migration proceedings.

In the 2022–23 financial year, 2,378 applications were filed in the Court's general federal law jurisdiction. This is a slight decrease from the 2,465 filed in 2021–22, and is primarily the result of a decrease in the number of bankruptcy filings. Despite the decline in filings, bankruptcy is the highest volume area of the Court's general federal law jurisdiction (43 per cent of all filings). This is now closely followed by fair work applications (40 per cent).

The Court aims to resolve 90 per cent of general federal law applications within 12 months of filing. In 2022–23, the Court finalised 82 per cent of general federal law matters within 12 months. Whilst the

Court did not achieve this aim, this is an increase from the 81 per cent of matters finalised within 12 months in 2021–22 and the 77 per cent in 2020–21.

The Court also achieved a reduction in the average time from filing to finalisation in the 2022–23 financial year, with the average timeframe for finalisation being 7.7 months from filing which is a decrease from the 8.0 months the previous financial year and 8.6 months in the 2020–21 financial year.

In 2022–23, 3,467 migration applications were filed in the Court and 3,755 applications were finalised. Migration matters represented 59 per cent of the Court's filings in the general federal law jurisdiction. The nature of migration work leads to a larger number of written judgments than any other area of the Court's work. Migration judgments represent approximately 25 per cent of the Court's written judgments and approximately 45 per cent of the Court's judgments published on AustLII in 2022–23.

There was a decrease (23 per cent) in the number of migration applications filed during the reporting period. This is likely attributable to the impact of the COVID-19 pandemic. However, 3,467 migration filings is still a significant incoming caseload, and places pressure on judicial resources, particularly given a number of judges who predominantly heard matters in the migration jurisdiction retired during recent years.

In 2022–23, there was a 55 per cent increase in the number of migration applications finalised by the Court compared to the previous year. This is a significant increase, and assisted the Court to record a clearance rate above 100 per cent for the first time in migration in many years.

A detailed analysis on the performance of the Federal Circuit and Family Court of Australia (Division 2) can be found in Part 4 of the Federal Circuit and Family Court of Australia's 2022–23 Annual Report.

OUTCOME 4 Program 4.1: Commonwealth Courts Corporate Services

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

Delivery

Provide efficient and effective corporate services for the Commonwealth Courts and tribunals.

Performance measures

- Optimise technology to support judicial, registry and corporate services functions.
- Implement a Cyber Security Program.
- Efficient and effective corporate services.
- Gender equality — 50 per cent female representation in the senior executive service (SES) and executive level (EL) classifications.
- Indigenous representation — proportion of staff who identify as Indigenous (three per cent).

Source

- Table 2.4.2: Performance criteria for Outcome 4, *Federal Court of Australia Portfolio Budget Statements 2022–23*.
- *Federal Court of Australia Corporate Plan 2022–2023*.

Results

TIMELY COMPLETION OF CASES

Performance measure	Result 2022–23	Status
Optimise technology to support judicial, registry and corporate services functions.	87 per cent of new pathway final order applications resolved within 12 months.	Performance measure achieved.
Implement a cyber security program.	Work continued on consolidating and modernising IT systems to simplify the combined court environment and deliver efficiency improvements and more contemporary practices to reduce the cost of delivery.	Performance measure achieved.
Efficient and effective corporate services.	Corporate Services did not operate within the agreed budget for the year.	Performance measure not achieved.
Gender equality — 50 per cent female representation in the senior executive service and executive level classifications.	Female representation in the SES was 61 per cent and the EL classifications was 74 per cent.	Performance measure achieved.
Indigenous representation — proportion of staff who identify as Indigenous (three per cent).	The percentage of staff who identify as Indigenous was 2.5 per cent.	Performance measure not achieved.

Analysis

For the 2022–23 financial year, Corporate Services had five performance measures, and achieved three out of five performance measures.

The work of Corporate Services is focused on supporting the evolving needs of judges and staff across all the Courts and Tribunal, while delivering on required efficiencies to meet reduced appropriations.

Corporate Services finished with an overall deficit of \$859,000 for 2022–23 against a break-even budget. The major factors that caused this result were:

- a reduction in the available budget following the October revised budget, and
- higher than expected costs for external contractors, insurance and information technology.

The Court is committed to a diverse and inclusive workplace, which includes ensuring its workforce reflects the broader communities in which our employees work. Corporate Services focuses on ensuring it creates a safe and supporting environment in which employees can bring their true selves to work, as well as ensuring recruitment and other processes are strictly merit-based. From a gender diversity perspective, females now fill 61

per cent of positions at Senior Executive Service classifications and 74 per cent of positions at Executive Level classifications.

Work has continued on creating employment opportunities for Aboriginal and Torres Strait Islanders, with its Aboriginal and Torres Strait Islander employment rate increasing from 2.3 per cent in 2021–22 to 2.5 per cent in 2022–23. The Court is currently working on its next RAP at the Innovate level, which it is aiming to launch in 2024.

Work continued on consolidating and modernising IT systems to simplify the combined court environment and deliver efficiency improvements and more contemporary practices to reduce the cost of delivery. The Digital Court Program continues as a key priority, streamlining core business systems to enhance flexibility and operational efficiency. The program is modernising critical document, workflow and case management tools to support the delivery of quality, timely court services to the Australian community. The progressive implementation of a new application suite, CourtPath is the current primary focus of this program. The first release of CourtPath launched in October 2022, delivering immediate benefits and efficiencies to family law court files and case management. CourtPath is developed in partnership with judges, registrars and court staff to deliver sustainable improvements to workflows and support efficient case handling.

Investment in cyber security remains critical to safeguard operations and protect clients and stakeholders. Throughout the reporting year, our commitment to safeguarding sensitive information, critical infrastructure, and data has been top priority, delivering key outcomes in line with the strategic roadmap. Key initiatives included advanced threat protection for all court devices, integrated vulnerability identification, ongoing development of a cyber-aware culture and enhanced incident response with a client-centric approach.

Internal cyber security capability has been enhanced throughout 2022–23, including Governance Risk and Compliance, Cyber Architecture and Cyber Engineering. The Courts continue to strengthen cyber security maturity in line with the Australian Cyber Security Centre recommendations, Protective Security Policy Framework and Essential 8 compliance and regulatory requirements.

Video conferencing remains an integral part of court proceedings, allowing broader and timely access to justice. During 2022–23, 36 additional courtrooms were enabled with video conferencing, taking the total to 75 per cent of all courtrooms having video conferencing capability.

The majority of capital works delivered in 2022–23 were projects addressing the urgent and essential business needs of the Courts. Some major projects completed during the year included:

- Construction for additional jury courtrooms and judges' chambers in the Queens Square Law Courts building in Sydney.
- Construction works for the new Launceston registry including two courtrooms, judges' chambers, registry, mediation suite, safe room and child services.
- Rebranding of the Federal Circuit and Family Court of Australia across all properties.
- Closure of the Brisbane Street Launceston registry, and relocation of court services to the newly constructed tenancy at Henty House.
- Detailed design for fitout works on level 4 at the Perth Commonwealth Law Courts which include three courtrooms, conference, mediation suites, chambers, and support staff areas to meet the growing needs of the community.
- Assisted the Department of Finance to complete the upgrade of carpet throughout Melbourne Commonwealth Law Courts.

Work commenced on several projects which are due for completion in 2023–24:

- Concept design works to modify the Dandenong registry to increase the accommodation capacity for Registrars and Legal Case Manager facilities.
- Concept design for new registrar accommodation in the Adelaide Commonwealth Law Courts.
- Concept design in alignment with lease renewal to modify the Wollongong registry to improve court functions, patron comfort and lifecycle renewal.
- Design of metering upgrades at 80 William Street as required under the lease and for improve data capture.
- Tendering for the design and construction of new judicial and registrar accommodation at the Melbourne Commonwealth Law Courts.

Work continued with the building owner, the Department of Finance, to progress key compliance, infrastructure, Disability Discrimination Act and lifecycle upgrades across a number of Commonwealth Law Courts, which will continue into the 2023–24 financial year.

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

OUTCOME 4 Program 4.2: Commonwealth Courts Registry Services

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

Delivery

Providing efficient and effective registry services for the Commonwealth Courts and tribunals.

Performance measures

- All information and service provided by registry services is high quality, timely and meets the needs of clients (at least a 90 per cent customer enquiry satisfaction rating).
- Timely processing of documents (75 per cent of documents processed within two working days).
- Efficient registry services (all registry services provided within the agreed funding levels).

Source

- Table 2.4.2: Performance criteria for Outcome 4, *Federal Court of Australia Portfolio Budget Statements 2022–23*.
- *Federal Court of Australia Corporate Plan 2022–2023*.

Results

Performance measure	Result 2022–23	Status
All information and service provided by registry services is high quality, timely and meets the needs of clients		
At least a 90 per cent customer enquiry satisfaction rating.	The customer enquiry satisfaction rate was 73.8 per cent.	Performance measure not achieved.
Timely processing of documents		
75 per cent of documents processed within two working days.	82 per cent of documents were processed within two working days.	Performance measure achieved.
Efficient registry services		
All registry services provided within the agreed funding levels.	All registry services were provided within the agreed funding levels.	Performance measure achieved.

Analysis

Since 2019–20, the registry services functions for the Federal Court, the Federal Circuit and Family Court of Australia (Division 1) and the Federal Circuit and Family Court of Australia (Division 2) have been amalgamated into a separate program under Outcome 4: Program 4.2 Commonwealth Courts Registry Services.

This has provided the Court with the opportunity to shape the delivery of administrative services across all federal courts in a more innovative and efficient manner. A focus on maximising registry operational

effectiveness through streamlined structures and digital innovations will significantly contribute to the future financial sustainability of the Courts.

In 2022–23, Registry Services had three performance measures and achieved two out of three performance measures.

The Registry Services budget allocation for 2022–23 was \$30,822,000, with an under-spend of 2.5 per cent. Savings were achieved through lower employee costs due to staff vacancies.

Registry Services staff manage enquiries, document lodgments, subpoenas and safety plans. The number of safety plans activated in 2022–23 was 2,849 across all registry locations. Safety plan numbers have risen due to the increase in face-to-face services in some registries. In addition to face-to-face services, supporting the electronic hearings and additional registrar resources has continued to be a significant additional workload for Registry Services.

Throughout the year, Registry Services staff continued to process urgent enquiries and applications and provided support for difficult issues for a diverse range of clients with different needs both professionally and courteously. This included supporting vulnerable clients and ensuring people from non-English speaking backgrounds are suitably supported. In 2022–23 Registry Services processed 82 per cent of documents within two working days, exceeding the performance measure of 75 per cent.

Client satisfaction is measured by a post-call survey of people who have called the Courts' Enquiry Centre. During the reporting year, the Enquiry Centre surveyed 1,735 court users, achieving a satisfaction rating of 73.8 per cent. The achievement of a 90 per cent satisfaction rating means the clients surveyed selected 4/5 or 5/5 as a satisfaction measure of their most recent interaction with the Court.

During the reporting period, connectivity disruptions affecting the call centre software intermittently affected clients' access to frontline services and may have affected performance against this target. Additionally, difficulties in recruiting and retaining staff affected resourcing levels across client services as not all vacancies were able to be successfully filled, resulting in some backlogs and delays.

In 2022–23, phone calls to the Enquiry Centre decreased. This may be attributable in part to greater familiarity with the process and rules changes made as a result of the commencement of the *Federal Circuit and Family Court of Australia Act 2021* (Cth), however the implementation of the enquiries web form may also have assisted with providing clients with access to information assisting clients before calling the Courts. Though only in place for a short period, the new Divorce and Consent Order processing team that deals with high volume applications, may also have assisted in enquiry reduction in June as a nationally consistent approach and guidelines were implemented and backlogs of processing work in some registries were worked through.

The data reported for live chats in 2022–23 indicates the first time in over three years that live chats have decreased, down from over 151,000 in 2021–22 to just over 116,000 in 2022–23. Live chats remains the most efficient channel for enquiries to the Enquiry Centre, with staff able to manage several chats simultaneously. Whilst this shift in family law queues may also be attributable to familiarity and increased comfort with 2021 changes, this trend was also evident to a lesser degree across the general federal law chat queues.

Average queue times for chat enquiries across family and general federal law remained stable and significantly less than the queue time for phone queries.

In 2022–23 the National Enquiry Centre was expanded and renamed the Strategic Support Hub (SSH). The Courts implemented structural changes targeting the development of national teams to assist with the processing of documents and management of enquiries as well as the existing national support pool assisting deputy registrars in family law.

In May 2023, the SSH added to the existing work of the Enquiry Centre taking on new areas of responsibility with a significant change to the processing of documents in family law. This involved the implementation of a national team working on the processing of divorce and consent order applications nationally.

During 2022–23, the SSH undertook the following projects:

- the implementation of a web form for the submission of email enquiries, and
- implementation of a national document processing team working on divorce and consent order applications.

The introduction of the new web form for the submission of email enquiries has assisted with the collection of data from clients making email enquiries. This has removed the need for multiple email exchanges in a high proportion of the emails submitted via the web form, thereby improving the efficiency of handling of email enquiries. This project also saw the development of an 'enquiries hub' to assist clients with frequently asked questions and provide guidance and information to clients to help with early resolution of their enquiries. Further formal analysis of the project outcomes is yet to be completed.

In May 2023, a national divorce and consent orders processing team commenced, centralising the processing and checking of divorce and consent order applications. Over 9,000 documents were processed in the first seven days. This includes approximately 1,900 new divorce and consent order applications, and thousands of supplementary and supporting documents. In the weeks after commencement, extensive work was undertaken to standardise the approach for reviewing documents and providing consistent responses to common errors and issues. Further, cross training of staff in the Enquiry Centre and filing teams has taken place with the aim that a larger multi-skilled team will now be able to work across the existing work of the Enquiry Centre as well as divorce and consent order document processing.

A detailed analysis on the performance of Registry Services can be found in Part 4 (*Management and accountability*).