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Law Council
OF AUSTRALIA

Ceremonial Sitting of the Federal Circuit and Family Court of Australia (Division 2) to mark the 25th Anniversary of the Court

Speech delivered by President of the Law Council of Australia, Juliana Warner at the Federal Circuit and Family Court of Australia, Sydney

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May it please the Court.

Following from those who have come before me, I echo the acknowledgement of the traditional custodians of the land on which we meet, the Gadigal people of the Eora Nation. Could I just say Mr Smith that your address was wonderful and deeply moving.

I also acknowledge Your Honour Chief Judge Alstergren AO; and The Attorney-General, the Hon Michelle Rowland MP – this is actually the first formal event I have had the pleasure of attending with the Attorney General since her appointment last month, so I would like to take this opportunity to congratulate you in person. I would also like to acknowledge Australian Bar Association President, Roisin Annesley KC; NSW Bar Association Junior Vice President, Vanessa Whittaker SC; President of the Law Society of NSW, Jennifer Ball; all the other luminaries in court today; and dignitaries and colleagues.

First of all, let me commend those who led the establishment of the Federal Circuit Court of Australia (Division 2) back in 1999 – or the Federal Magistrates Court of Australia as it was known –

for having the foresight to ensure it commenced sitting in a nice round year – the year 2000 – so we can easily remember and note each passing year.

Today, in 2025, we come together to mark the 25th Anniversary of this venerable institution.

Until 2013, the Federal Circuit Court of Australia was known as the Federal Magistrates Court. The Federal Magistrates Court was created to deal with the increasing workload of the Federal Court of Australia and the Family Court of Australia.

When the creation of the Magistrates Court was announced by then Attorney-General, the Hon Daryl Williams AM KC, its stated objective was to streamline procedures, reduce litigants' costs and reduce the time taken to resolve disputes. It was expected that the new court would free up superior court judges and that the service would promote the use of alternative dispute resolution, which 25 years ago was still pretty trendy and a bit modern.

In his State of the Judicature speech is 2001, the Hon Murray Gleeson, then Chief Justice of the High Court of Australia, called the establishment of the Federal Magistrates Court one of the most significant recent developments in our justice system.

He noted that in just the year or so since it commenced: “The court’s workload has expanded rapidly. In places where it sits regularly (capital cities and major regional centres) it receives between a quarter and a third of all family law applications, and most of the work of federal courts in bankruptcy and unlawful discrimination. ... It may be expected that the jurisdiction of the court will continue to expand.”

Well, it certainly has.

Today – as it has been essentially since its inception – the Federal Circuit and Family Court of Australia (Division 2) is the largest federal court in Australia and has broad federal jurisdiction in areas including family law, migration, fair work, bankruptcy, intellectual property, consumer law, human rights and administrative law. As so wisely predicted by Chief Justice Gleeson the caseload of this Court has continued evolve.

A significant change is the fact that in recent years, the Court's migration caseload has increased significantly and has for some time represented the second largest area of the Court's jurisdiction, after family law.

The work of this Court is nothing less than life changing. This Court and the States' Magistrate's Court are the engine rooms of justice in this country.

It is this court that is most likely to be called upon by everyday Australians for assistance during the most stressful, most difficult and worst events of their lives.

Just to give a small idea of the impact the Court has, if we just look at applications filed in the 2023-2024 financial year, as per the FCFCOA annual report, the scope and outcomes are vast.

There were 95,557 family law applications; 4,576 migration applications; and 3,079 applications were filed in the Court's general federal law jurisdiction.

While smaller in number but no less important, there were 25 administrative review matters that proceeded before the Court;

1,382 bankruptcy applications; 406 consumer law filings; 217 small claims; 1,133 fair work applications; 109 human rights applications; 20 intellectual property applications filed; and 4 in admiralty.

This sounds like more than enough work, but I understand that the trends are indicating applications in all of these areas, maybe even admiralty, are going up.

The Court, and under this umbrella I include every person who works or has worked here, has demonstrated in a variety of ways its understanding of the importance of its mandate and dedication to achieving its stated outcome of 'just, safe, efficient and timely resolution of matters'.

Initiatives have been trialled and implemented to improve access, safety and inclusiveness; consultation with and strengthening relationships with stakeholders, such as the Law Council, remains a priority; and the Court has embraced innovation and technology to achieve its goals; and risen to meet challenges such as those presented by COVID.

Despite substantial increases in demand on the Court's resources, its focus on timeliness is showing exceptionally positive results.

Before I finish, I would just like to share my admiration for all who chose to serve our community through their service to this Court. This of course includes each of Your Honours here with us today.

As President of the Law Council, I am privileged to be invited to the ceremonies held to welcome each new Judge and Justice, swearings-in and swearings-out.

I am very pleased to say that swearings-in have been very regularly held in recent years, which means your ranks are growing – as they should be, based on the growing application rates I mentioned earlier.

Earlier this month, I was present to welcome her Honour Judge Marquard. Something happened at this ceremony that was a first to me, but I hope becomes the norm – and that was as Judge Marquard's speech finished, those attending the swearing-in broke into a spontaneous round of applause. I can't tell you how

often I have felt like clapping at these events and you can't – you have to sit there. Well, that didn't happen on that occasion.

These ceremonies are actually joyful occasions and I love that they provide an opportunity for us to meet and get to know a little about each of the Judges who serve so selflessly. We learn about their favourite hobbies, their families and even their beloved fur babies!

We learn about them as people and not just as lawyers and the cases that they have done.

The individuals who preside over the Court are wonderful and talented people and as new members join your rank it is an opportunity to celebrate them and to celebrate the Court and all its outstanding Judges and staff.

Therefore, I believe thunderous applause should always be the order of the day at swearings-in and swearings-out. I'll leave that to you, Chief Justice, to forge forward with.

The Court most definitely has my appreciation and thanks.

For 25 years this Court has been an integral and central pillar of Australia's globally envied justice system. On behalf of the legal profession, I congratulate you on the undeniable contribution made to the administration of justice in this country over the past two and a half decade and which I know will undoubtably continue well beyond our celebration of today's milestone.

May it please the Court.