



FAMILY COURT  
OF AUSTRALIA



FEDERAL MAGISTRATES  
COURT OF AUSTRALIA



**2010–2011**

Family Court of Australia

AND

Federal Magistrates Court of Australia

**CHIEF EXECUTIVE OFFICER'S REPORT**

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## Message from the Chief Executive Officer

This report outlines the major achievements of the administration of the courts over the 2010–11 financial year.

Some of the highlights include:

- ▶ the Australian Government's decision to retain the Federal Magistrates Court to hear general federal law matters
- ▶ continued growth for the Commonwealth Courts Portal with the number of registered users more than doubling since June 2010
- ▶ continued growth in the use of eFiling
- ▶ the launch of the revised Family Violence Best Practice Principles
- ▶ ongoing success of the Young Employees Advisory Group (YEAG)
- ▶ the courts ongoing response to the Gershon Review into the use of ICT
- ▶ the completion of the Dandenong Project
- ▶ an independent financial health check, and
- ▶ the completion of a major upgrade to the courts' PABX phone system.



In January 2011, following the disastrous cyclone and floods in Queensland, federal magistrates, judges and staff of both courts were asked to consider donating to the Queensland Premier's Disaster Relief Appeal. The total donated by both courts was \$22 244. A personal letter of thanks was received from Queensland Premier Anna Bligh MP.

The courts continue to actively promote the reward and recognition of staff through the Janet Kitcher Excellence in Performance Award, the Years of Service Awards and the Australia Day Achievement Awards.

I thank all judges, federal magistrates and staff for their commitment and dedication to delivering excellence in service for children, families and parties.

**Richard Foster PSM**

Chief Executive Officer  
Family Court of Australia

Acting Chief Executive Officer  
Federal Magistrates Court of Australia

# Reader's Guide

**PART 1 Family Court of Australia year in review**—highlights significant issues and initiatives the Family Court has undertaken during the reporting year.

**PART 2 Federal Magistrates Court year in review**—highlights significant issues and initiatives the Federal Magistrates Court has undertaken during the reporting year.

**PART 3 Overview of the Family Law Courts**—information about the courts combined projects, and the performance of the registries and the National Enquiry Centre.





FAMILY COURT  
OF AUSTRALIA

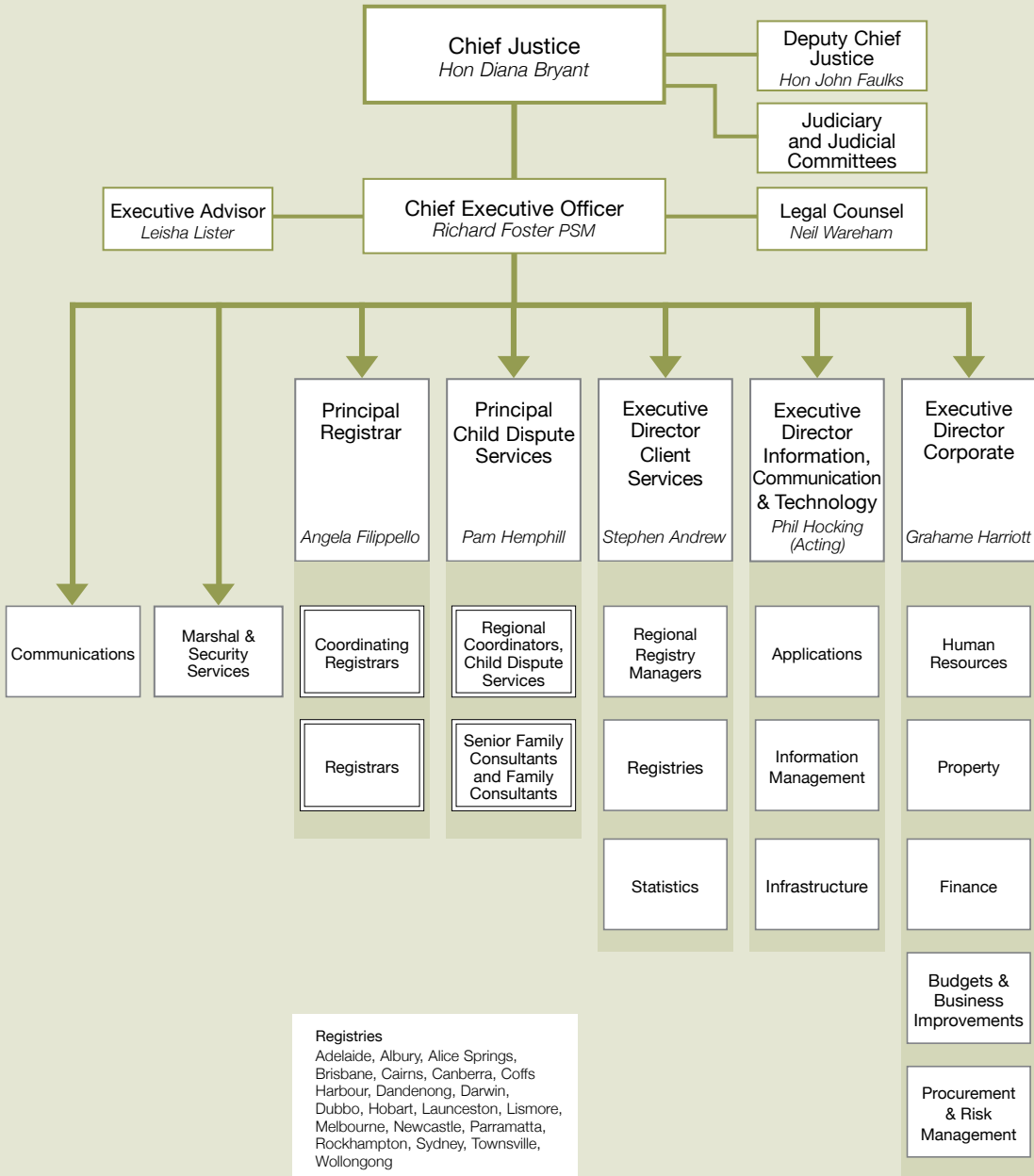
# PART 1

## Family Court of Australia



The Family Court of Australia, through its specialist judges and staff, assists Australians to resolve their most complex legal family disputes. The Family Court of Australia is a superior court of record established by Parliament in 1975 under Chapter 3 of the Constitution. It commenced operations on 5 January 1976 and consists of a Chief Justice, a Deputy Chief Justice and other judges. The Court maintains registries in all Australian states and territories except Western Australia.

Organisational structure of the Family Court of Australia  
30 June 2011



==== Denotes professional responsibility

## Senior executives

### Chief Executive Officer

#### Richard Foster PSM FAIM

The Chief Justice, under the Family Law Act, is responsible for the administration of the Court and is assisted by the Chief Executive Officer (CEO). The CEO's powers are broad (s38d), although subject to directions from the Chief Justice (s 38D(3)). The CEO holds the responsibilities and powers of an agency head under Commonwealth financial management and public service legislation, but is appointed under terms similar to those of judicial officers. The CEO is supported by the staff of the National Support Office and is located in the National Support Office, Canberra.



### Principal Registrar

#### Angela Filippello

The Principal Registrar provides high level legal and procedural advice to support the judicial functioning of the Family Court. As a senior lawyer, she discharges the statutory duties assigned to that position by the *Family Law Act 1975*, works closely with the Chief Justice and judges in administering the Act and related legislation, and identifies areas in need of reform. The Principal Registrar presides in court and holds the delegated power to make orders in interim parenting cases, maintenance cases and some enforcement of financial obligations. The Principal Registrar also oversees the performance of, and provides direction to, the Court's registrars. Her chambers are in the Brisbane registry.



### Principal Child Dispute Services

#### Pam Hemphill

The Principal Child Dispute Services is responsible for advising the Chief Justice and the Chief Executive Officer on the provision of quality child dispute services to the Court. She ensures that the services delivered by family consultants are effective and consistent with the strategic and business objectives of the Court. The Principal also has responsibility for the development of strategic external relationships that promote and position the child dispute services of the Court within the family law framework.



## Executive Director Client Services

### Stephen Andrew

The Executive Director Client Services is responsible for the delivery of client services in all family law registries. The Executive Director ensures that high quality registry services and support are provided to all judicial officers, litigants and legal practitioners, consistent with the strategic and business objectives of the Family Law Courts (the Family Court and the Federal Magistrates Court).



## Executive Director Information, Communication and Technology Services

### Phil Hocking (Acting)

The Executive Director Information, Communication and Technology Services provides strategic leadership and management of the Court's applications, information management and infrastructure services.



## Executive Director Corporate

### Grahame Harriott

The Executive Director Corporate provides strategic leadership and management of the Court's human resources, property and contracts, finance, budgets and business improvements and procurement and risk management.



## Staffing profile

At 30 June 2011, the Family Court had a workforce of 615 employees (excluding judicial officers, the Chief Executive Officer and casual employees) covered by the Enterprise Agreement, Australian Workplace Agreements and common law contracts (four less than at 30 June 2010).

Of those:

- ▶ 187 (30.41 per cent) were male and 428 (69.59 per cent) were female
- ▶ 541 (87.97 per cent) were ongoing employees and 74 (12.03 per cent) were non-ongoing.

## Staff by location

Level	ACT	CJ	NSO	NSW	NT	QLD	SA	TAS	VIC	Total
APS 1				1						1
APS 2			2	22		9	4	1	21	59
APS 3	6		9	75	4	33	14	6	35	182
APS 4	5	1	16	30		17	5	3	12	89
APS 5	1	1	18	19	1	11	3	3	8	65
APS 6		1	30	4		1	4		4	44
EL 1	5		32	25		15	4	3	18	102
EL 2	1		14	22		12	4	2	10	65
SES 1			3	1		1			1	6
SES 2			1						1	2
<b>Total</b>	<b>18</b>	<b>3</b>	<b>125</b>	<b>199</b>	<b>5</b>	<b>99</b>	<b>38</b>	<b>18</b>	<b>110</b>	<b>615</b>

**Note:** Actual occupancy at 30 June 2011 includes full and part-time staff\* with the exception of judicial officers and casual employees.

\* All figures in the above table are based on actual headcount.



## Judicial officers

At 30 June 2011, there were 31 judges, including the Chief Justice; 11 female and 20 male.

### Total number of judges, 30 June 2011

Location	Judges
New South Wales	13
Victoria	1 Chief Justice / 5
Queensland	6
South Australia	3
Tasmania	1
Australian Capital Territory	1 Deputy Chief Justice / 1
<b>Total</b>	<b>31</b>

## Judicial appointments, retirements and resignations

During 2010–11, five new judges were appointed and four retired. This leaves a net loss of four judges over the two years to 30 June 2011.

### Judicial officer appointments

The Honourable Justice Margaret Ann Cleary	8 July 2010
The Honourable Justice Ann Margaret Ainslie-Wallace	9 July 2010
The Honourable Justice William Phillip Johnston	12 July 2010
The Honourable Justice Ian James Loughnan	12 July 2010
The Honourable Justice Colin James Forrest	1 February 2011

### Judicial officer retirements

The Honourable Justice Jennifer Margaret Boland	3 February 2011
The Honourable Justice Stephen Richard O’Ryan	25 February 2011
The Honourable Justice John Morris Cohen	4 March 2011
The Honourable Justice James Patrick Barry	24 June 2011

## 2010–11 Statistics at a glance

At 30 June 2011, the Family Court had a workforce of 615 employees (excluding judicial officers, the Chief Executive Officer and casual employees) covered by the Enterprise Agreement, Australian Workplace Agreements and common law contracts (four less than at 30 June 2010).

187 (30.41 per cent) employees were male and 428 (69.59 per cent) were female.

The National Enquiry Centre received approximately 398 657 telephone enquiries and sent 45 853 emails in response to enquiries.

More than 97 per cent of clients were served within 20 minutes, against a target of 75 per cent.

99 employees and judicial officers left the Family Court during 2010–11. Of those, 34 were non-ongoing and 61 were ongoing employees and four were holders of public office. This represents an annual turnover rate of 15.3 per cent against total staff numbers as at 30 June 2011.

The Court received 271 complaints relating to general matters of the Court. Of those, 194 were about administrative matters and 77 were not relevant to the administration of the Court.

Information, Communication and Technology Services received 1.98 million emails from external email addresses. Of these, 1.75 million emails were delivered directly, while the remaining 0.23 million messages were quarantined as containing SPAM or malicious content. During the same period, 1.22 million emails were sent to external mail accounts.

25 961 requests for assistance were logged with the IT Helpdesk.

270 Full Court judgments and 970 First Instance judgments were published on the Court's website and AustLII.

### The Court's workload

The Court continues to deal with the most complex and difficult family law cases dealing with either parenting or financial issues or a combination of both. In recent years there has been a shift to a higher proportion of matters having financial issues, especially concerning superannuation, corporate business and complex property portfolios.

#### Applications filed, 2010–11

APPLICATION	Filed	%	Issues sought on applications for Final Orders	%
Final orders applications	3249	18%	Children only	31%
Application in a case (Interim)	3515	20%	Financial only	55%
Consent orders applications	10 682	60%	Children and financial	13%
Other applications	345	2%	Other	1%
<b>Total</b>	<b>17 791</b>	<b>100%</b>	<b>Total</b>	<b>100%</b>

The Court's case mix is predominantly complex cases that typically involve multiple issues and higher levels of conflict between the parties. The parties are less likely to settle their dispute and the cases have a higher probability of needing a judicial decision at trial.

Parties who cannot agree to settle their dispute require a judge to make a decision after a trial, although frequently parties reach settlement during the trial process. The Court had fewer trials in 2010–11, reflecting not only less cases coming before the Court but also, more particularly, the Court having fewer judicial officers to hear trials.

### International Framework for Court Excellence

The International Framework for Court Excellence was launched in Australia at the Australasian Institute of Judicial Administration's Court Quality Forum in September 2008. The framework is enabling the Family Court to review its existing strategic plan for delivering family law services to the community.

The framework provides guidance for courts to improve performance in seven key areas:

- ▶ court management and leadership
- ▶ court policies
- ▶ human, material and financial resources
- ▶ court proceedings
- ▶ client needs and satisfaction
- ▶ affordable and accessible court services, and
- ▶ public trust and confidence.

To help decide how it would like to be recognised within the legal environment, 15 senior managers (including members of the Chief Executive Officer's Management Advisory Group) undertook the court excellence survey in March 2011. The survey, a self-assessment questionnaire, looks at three main areas: the approach used, the visibility of what we do across the courts (deployment) and the results gained.

The evaluation showed that the Court is sound in effective approach, is deploying its resources across most areas and has good performance and improvement trends in key areas. The Court performed strongly in recognition and court/resource management, in providing affordable and accessible court services, court proceedings and in public trust and confidence. The identified areas of opportunity were in court planning and user satisfaction.

The client excellence survey will become a regular senior management activity that will help to identify opportunities to become a best practice organisation, gaps in current frameworks and the best way to engage key stakeholders, the judiciary, management and staff. In addition, at 30 June 2011, the courts had commenced a client needs and satisfaction survey to obtain data about the level of user satisfaction with the 'process' and 'service' of the courts. See page 52 for more information.

## Judicial support review

A review of court officer functions commenced in February 2010. Its purpose was to determine the most flexible, effective and efficient model for the support of the Court's judges, including those in the Appeal Division. The Chief Justice's Policy Advisory Committee set the review's terms of reference.

The review coincided with the reducing number of judges within the Family Court and the need to provide ongoing savings towards the budget position over future years. There was also the ongoing requirement to reassess the Court's capacity to meet future organisational and technological changes.

Initial discussions were held with all available judges, associates, court officers and other registry staff and led to a set of principles that were consulted on. Consultation submissions were received from all registry managers and one judge, there was also one joint submission from a number of staff from one registry and two individual submissions.

The responses were generally supportive of the principles although various issues were raised, related primarily to the impact of the principles if accepted. A consultation feedback report addressed the main issues raised and responded directly to the individual staff submissions.

On 18 October 2010 the Court's judges accepted the following recommendations:

- ▶ registries to be funded on the basis of projected sitting days rather than on the number of first instance judges resident in each registry
- ▶ judges to be assigned the same client service officer to assist in court in their home registry

- ▶ staff undertaking courtroom support to be at the APS 3 classification, and
- ▶ all client service officers to be based centrally in the registry and assigned to judges to provide courtroom support as required.

At 30 June 2011, registry managers had commenced work on registry implementation plans. Implementation will include the Court consulting with the CPSU and with affected staff individually through local consultative committees.

The review included recommendations about case coordination. These recommendations will be fed into a review of the client services division which, at 30 June 2011, was expected to be undertaken in 2011–12.

## Financial management

The Family Court of Australia is a prescribed agency under the *Financial Management and Accountability Act 1997*. The Court's 2010–11 budgeted expenditure, as published in the 2011–12 Portfolio Budget Statements, was \$164.1 million, with a loss attributable to the Court of \$1 million. The Court has reported expenditure of \$165.4 million and an underlying loss of \$1.3 million for 2010–11. The variance in operating loss represents 0.8 per cent of the budgeted expenditure.

## Internal audit

The Court has, as part of its corporate governance arrangements, appropriate mechanisms to manage general business risk as well as fraud risk. The Court's internal audit services were provided by Oakton Services Pty Ltd and monitored by the Audit and Risk Committee.

The 2010–11 Internal Audit Plan was developed taking into account the risk drivers in the Risk Management Plan and after discussion with the Audit and Risk Committee and senior management.

Internal audits conducted during the year included:

- ▶ physical and personal security
- ▶ the National Enquiry Centre (NEC)
- ▶ the Commonwealth Courts Portal (CCP)
- ▶ IT governance, and
- ▶ corporate credit cards.

The committee monitored the implementation of individual audit report recommendations through quarterly status reports.

## Senate estimate committee hearings

Senior Executive Service staff of the Court attend Senate estimate committee hearings to answer questions about the Court's activities. In 2010–11 more than 30 Senate estimate questions on notice were received and answered.

## Independent review of use of ICT

In October 2010, the Court submitted the ICT Review Benchmarking report, in response to the Government-wide Gershon review. This report covered all ICT operating and capital expenditure for 2009–10 and included quantitative measures about capacity and quantities of ICT equipment.

The review led to the Court's 2010–11 appropriation being reduced by a further five per cent of ICT business as usual costs as calculated for 2007–08. A number of efficiency initiatives were undertaken to maintain ICT services with a reduced budget. This included reducing the number of ICT contractors. By 30 June 2011, the Court had met the Government's target of a 50 per cent reduction in ICT contractors.

A number of whole-of-government ICT coordinated procurement contracting arrangements came into effect during 2010–11. These included panels for:

- ▶ whole-of-government desktop hardware
- ▶ telecommunications invoice reconciliation
- ▶ telecommunications commodities, carriage and associated services
- ▶ major office machines
- ▶ data centre facilities, and
- ▶ data centre migration services.

This was a significant increase from the single arrangement that was available in 2009–10.

It is mandatory for the Court to use these arrangements when entering into new contracts for the goods or services that are covered by these whole-of-government agreements. By 30 June 2011, the Court was using the Microsoft volume sourcing arrangement, the whole-of-government desktop hardware panel and telecommunications commodities, carriage and associated services panel. The Court will be using the other whole-of-government panel arrangements where appropriate and after existing contracts have expired. It is expected that during 2011–12, the Court will be using the major office machines government panel.

During the year the Court participated in the requirements and planning phases of the internet gateway reduction program. When complete, this should result in a reduction of internet gateways from 124 to eight multi-agency shared gateways.

The Australian Government Information Management Office (AGIMO) is managing a whole-of-government transition from IPv4 to IPv6. The Court is following the schedule of milestones. As part of the Web Accessibility National Transition Strategy, the Court is required to update all of its online government information and services to meet the WCAG 2.0 standard for website accessibility. The Court is following the schedule of milestones.

The Court has implemented the Portfolio, Program and Project Management Maturity Model (P3M3). A number of the Court's portfolio and project management procedures have been updated to include recommendations outlined in the endorsed P3M3 business improvement plan. A follow up review of the Court's P3M3 maturity levels will be undertaken in 2011–12 to validate that targets have been achieved.

The Court provided input to the whole-of-government Desktop Common Operating Environment Policy, released in January 2011. The policy lists mandatory and other standards that will need to be considered when developing the new desktop standard operating environment for the Court in 2011–12.

## New website design

During 2010, [www.familycourt.gov.au](http://www.familycourt.gov.au) underwent usability testing and a restructure. Representatives from five different user groups were selected to test the restructured design, including clients, lawyers, journalists, job seekers and employees.

To complement the new information architecture, a new design was introduced in November 2010.

The homepage includes feature boxes for eServices, Family Law Courts and a new section titled 'What's New' which will list all new content added to the website by date.

Key features of the new information architecture include:

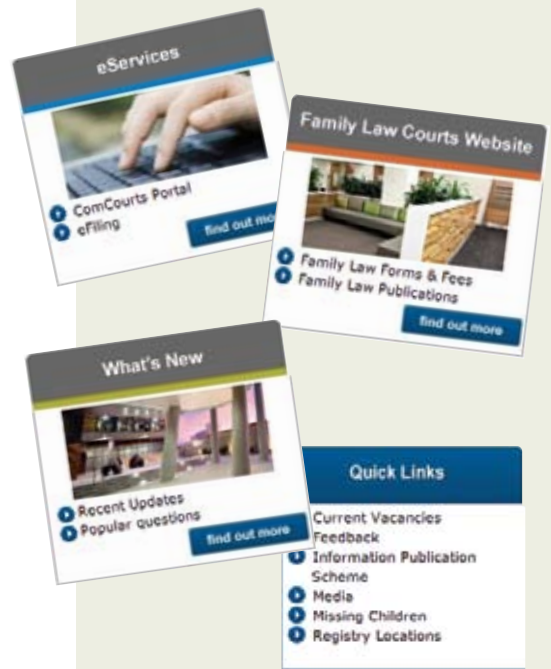
- ▶ Forms, fees and brochures are now located only on [www.familylawcourts.gov.au](http://www.familylawcourts.gov.au), although they can be accessed via a link from [www.familycourt.gov.au](http://www.familycourt.gov.au)
- ▶ A new section has been added called 'eServices'. This provides specific information relating to the Commonwealth Courts Portal and eFiling and provides users with a direct link to the Portal.



Below are the statistics for the number of visitors using the Family Court of Australia website during 2010–11.

### Family Court of Australia website statistics JULY 2010—JUNE 2011

Month	Unique Visitors
July 2010	34 505
August 2010	35 846
September 2010	33 191
October 2010	33 106
November 2010	33 341
December 2010	28 384
January 2011	28 638
February 2011	33 200
March 2011	28 568
April 2011	27 481
May 2011	29 969
June 2011	27 675



## Annual report

Major initiatives highlighted in the Family Court of Australia 2010-11 Annual Report include:

- ▶ the restructure of the federal courts
- ▶ the ongoing financial pressure facing the Court
- ▶ review of the Family Violence Best Practice Principles
- ▶ the continued growth and expansion of the Commonwealth Courts Portal and eFiling, and
- ▶ developments in international cooperation.

The Court continues to deal with the most complex and difficult family law cases. This involves parenting cases which deal with the best interests of the child/ren as well as complex cases involving financial and property issues such as splitting of superannuation, corporate businesses, and large and complex finance and property portfolios.



Copies of the annual report are available from:

- ▶ [www.familycourt.gov.au](http://www.familycourt.gov.au) or
- ▶ by emailing National Communication: [communication@familylawcourts.gov.au](mailto:communication@familylawcourts.gov.au)

## Australia Day achievement medallions

The Australia Day medallions are awarded to a select group of Australian citizens each year, recognising excellence in contribution by employees of government organisations. In 2011 the Court awarded medallions to the following staff:

### **Brendan Jackson, National Support Office:**

for his outstanding performance and dedication to the Court, including for rolling out the APS Values and Code of Conduct training throughout the Court. In addition, his extensive HR background and specialised knowledge of judicial entitlements enables him to produce high quality outcomes, giving members of the judiciary confidence in the information they are provided. His knowledge, hard work and dedication to the Court are exemplary.



### **Sonya Mills, Sydney:**

for her significant contribution to the Court and the judiciary. She joined the Court as a teenager working for the Principal Registrar, subsequently becoming secretary to the first Chief Justice. She has diligently learnt the intricacies of the appeal work, including the appeal rules and practice. She has provided excellent support to all the appeal judges or any other first instance judge sitting on appeals and efficiently ensures the extensive workload of procedural and other appeal applications are dealt with promptly.



### **Kostino Moss, National Support Office:**

for his significant support to the judiciary during the 2010–11 judges' conferences. There were a number of issues concerning computer access and document production that placed considerable pressure on Kos, however, all of which was handled extremely well.



### **Ash Plummer, Melbourne:**

for his exemplary service to the Court as the Business Systems Development Officer for Melbourne and Tasmania. He has developed outstanding interpersonal relationships with all judges and federal magistrates and is well respected by staff. Delivering above and beyond his classification and role, Ash brings exemplary performance of core duties and exceptional service.



## Years of service awards

Years of service awards are presented to employees who have been with the Court for more than 20, 25 and 30 years. Recipients in 2010–11 follow.

**30 years** James Cotta (Brisbane), Linda Young (Dandenong), Ronald Bowles (Melbourne) and Rosemarie Michelin (Canberra).

**25 years** John FitzGibbon (Melbourne), Kenneth Kimmorley (Parramatta) and Catherine Jordan (Sydney).

**20 years** Tammy Weis (Dandenong), Leslye Dunn (Newcastle), Nan Ram (Melbourne), Elizabeth Gillespie (Parramatta), Debra King (Parramatta), Paul Lodge (Sydney) and Susan Young (Brisbane).



L-R: John Fitzgibbon, Nan Ram and Ronald Bowles

## Complaints

During 2010–11, the Family Court recorded 271 complaints (compared with 196 in 2009–10). These comprised of 194 complaints about general matters of the Court and 77 complaints about judicial services. This represents two per cent of all applications received.

## Pegasus scholar

On alternate years, the Family Court hosts a UK-based barrister awarded with a three month placement as a Pegasus Scholar. **Tara Lyons**, a junior family law barrister, is this year's scholar. She has an MA (Cantab) in Law from Cambridge University. Tara commenced her placement with the Court in March 2011 as an associate to Chief Justice Bryant. She received training on the systems, processes and support functions of the Family Court and prepared documents and undertook research for the Chief Justice. In addition, Tara observed various court matters including a special medical procedures application which was of particular interest to her. The Pegasus Scholarship Trust is run by Four Inns of Court and all barristers under five years of call are eligible to apply. It enables young, newly qualified barristers to broaden their experience and see other approaches to familiar problems. Young Australians also have the opportunity to undertake placements.

## Appointment of Principal, Child Dispute Services

Pam Hemphill was appointed Principal of Child Dispute Services in April 2011.

Pam has worked in the United Kingdom and in South Australia, primarily in the child protection, health, mental health and community sectors. She joined the Court in 2000 as the Director of Court Counselling based in Adelaide. She has also worked as Acting Registry Manager in Adelaide and Melbourne, Senior Advisor, Child Dispute Services and more recently a Senior Family Consultant.



Pam has served on a wide range of court and inter-court committees. She has contributed to a number of court initiatives including the development and implementation of the Child Responsive Program in the Family Court. She has been invited to teach on numerous topics in the social sciences area. Pam holds a Joint Honours Degree in Modern Languages and Literature, a Master of Social Work, a Post Graduate Certificate in teaching and a Post Graduate Certificate of Business Management. She completed the Court's executive development program in 2004 and was awarded the Chief Justice's Australia Day Achievement Award in 2004.



FEDERAL MAGISTRATES  
COURT OF AUSTRALIA

# PART 2

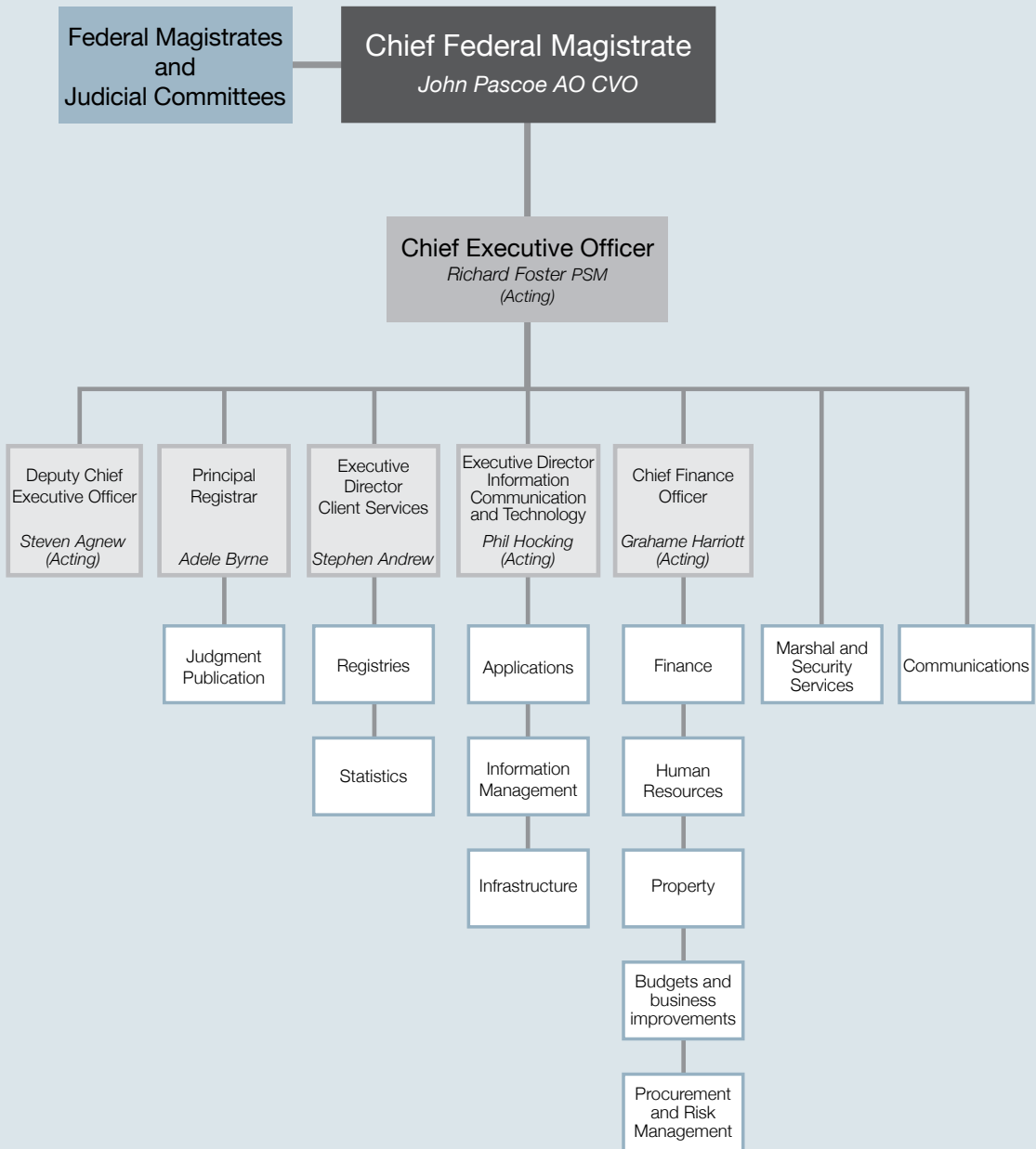
## Federal Magistrates Court of Australia



The Federal Magistrates Court of Australia was established by the *Federal Magistrates Act 1999* as an independent federal court under Chapter 3 of the Australian Constitution. The Court was established to handle less complex matters in the areas of family law and general federal law. The Court is a federal court of record and a court of law and equity. It is based in the same premises as the other federal courts with primary locations in Melbourne, Dandenong, Sydney, Adelaide, Brisbane, Cairns, Canberra, Darwin, Launceston, Hobart, Newcastle, Parramatta, Perth and Townsville. In addition, the Court conducts regular circuits (sittings) in other regional and metropolitan locations.

# Organisational structure of the Federal Magistrates Court of Australia

30 June 2011



## Senior executives

### Chief Executive Officer

#### Richard Foster PSM FAIM (Acting)

Richard Foster was appointed Acting Chief Executive Officer of the Federal Magistrates Court on 25 November 2008. The Chief Executive Officer has the responsibilities and powers of an agency head for the purposes of the *Public Service Act 1999* and the responsibilities of a Chief Executive of an agency under the *Financial Management and Accountability Act 1997*.



### Deputy Chief Executive Officer

#### Steven Agnew (Acting)

The Deputy Chief Executive Officer is responsible for the delivery of court services and administrative functions. This includes the network of regional offices, dispute resolution services and strategic policy.



### Principal Registrar

#### Adele Byrne PSM

The Court's Principal Registrar supports the judicial functioning of the Court through the provision of high-level legal and procedural advice within the Court.



### Executive Director Client Services

#### Stephen Andrew

The Executive Director Client Services is responsible for the delivery of client services in all family law registries. The Executive Director ensures that high quality registry services and support are provided to all judicial officers, litigants and legal practitioners, consistent with the strategic and business objectives of the Family Law Courts (the Family Court and the Federal Magistrates Court).



## Executive Director Information, Communication and Technology Services

### Phil Hocking (Acting)

The Executive Director Information, Communication and Technology Services provides strategic leadership and management of the Court's applications, information management and infrastructure services.



### Chief Finance Officer

#### Grahame Harriott (Acting)

The Chief Finance Officer has responsibility for all financial management, reporting, budgeting, cost analysis, taxation and financial processing for the Court.



## Staffing profile

At 30 June 2011, the Court had a total workforce of 170 employees covered by the Enterprise Agreement and AWAs (excluding federal magistrates, the acting Chief Executive Officer and casual employees). This was a 4.9 per cent increase compared with 162 employees at 30 June 2010.

Most staff are employed in the chambers of federal magistrates. Each federal magistrate is supported by two employees, who undertake the administrative responsibilities associated with the day-to-day management of chambers and court, including duties required in the courtroom.

### Staff by location

Level	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
APS 3		2					5		7
APS 4	2	30	2	18	9	2	17	1	81
APS 5	2	21	1	10	7	2	18	1	62
APS 6		3		2			1		6
EL1		6	1	2	1	1			11
EL2		1					1		2
SES1							1		1
<b>Total</b>	<b>4</b>	<b>63</b>	<b>4</b>	<b>32</b>	<b>17</b>	<b>5</b>	<b>43</b>	<b>2</b>	<b>170</b>

Of the Court's 170 employees:

- ▶ 143 (84.1 per cent) were female and 27 (15.9 per cent) were male compared with 83.3 per cent and 16.7 per cent, respectively at 30 June 2010, and
- ▶ 127 (74.7 per cent) were ongoing employees and 43 (25.3 per cent) were non-ongoing employees compared with 72.8 per cent and 27.2 per cent, respectively at 30 June 2010.

## Federal magistrates

At 30 June 2011, there were 21 female and 41 male federal magistrates.

Total number of federal magistrates, 30 June 2011

Location	Federal Magistrates
Australian Capital Territory	2
New South Wales	1 Chief Federal Magistrate / 21
Northern Territory	1
Queensland	13
South Australia	6
Tasmania	2
Victoria	15
Western Australia	1
<b>Total</b>	<b>62</b>

## Judicial appointments and retirements during 2010-11

There was one appointment and no retirements during the 2010-11 reporting period.

Federal Magistrate Garry Foster – Newcastle (appointed 18 April 2011).



L-R: Federal Magistrates Kemp, Altobelli and Monahan

## 2010–11 Statistics at a glance

At 30 June 2011, the Federal Magistrates Court had a total workforce of 170 employees covered by the Enterprise Agreement and AWAs (excluding federal magistrates, the acting Chief Executive Officer and casual employees).

143 (84.1 per cent) employees were female and 27 (15.9 per cent) were male compared with 83.3 per cent and 16.7 per cent, respectively at 30 June 2010.

127 (74.7 per cent) employees were ongoing employees and 43 (25.3 per cent) were non-ongoing employees compared with 72.8 per cent and 27.2 per cent, respectively at 30 June 2010.

44 964 divorce applications were filed in 2010–11.

There has been a steady increase in the number of applications under the industrial law jurisdiction. In 2010–11, 561 applications were filed in comparison to 348 in 2009–10 and 256 in 2008–09.

37 employees and judicial officers left the Court during 2010–11. Of these, 24 were ongoing employees representing an annual turnover rate of 10.34 per cent.

There has been an increase in migration from 880 in 2009–10 to 959 in 2010–11. Filings are likely to further increase with applications now coming before the Court to review decisions in relation to offshore entry person's determinations.

The Court experienced significant growth in the number of media reports that specifically mentioned the Court, from approximately 360 reports in 2009–10 to 435 reports in 2010–11.

A total of 2313 judgments of the Court were available in a written format. Of these, 1316 judgments related to family law and child support and 997 related to general federal law.

### The Court's workload

#### Family law

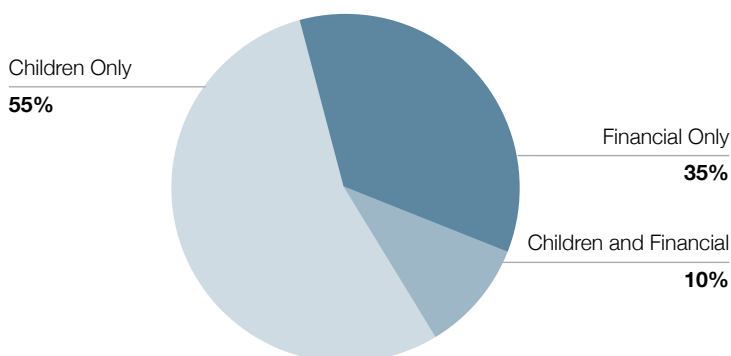
During 2010–11, the family law workload of the Court continued to increase, representing 93 per cent of all applications filed in the Court (this compares to 92.5 per cent in 2009–10 and 92.39 per cent in 2008–09). The Court now deals with 86 per cent of all federal family law matters filed (excluding Western Australian family law matters). This compares to 82 per cent in 2009–10 and 81 per cent in 2008–09.

The de facto property jurisdiction increased, with 810 applications filed during the reporting year (this compares with 452 during 2009–10).

#### Family law filings finalisations

Family law	Filings			Finalisations		
	2010–11	2009–10	% change	2010–11	2009–10	% change
Final orders	17 515	16 818	4	16 552	15 407	7
Interim orders	19 612	18 450	6	18 841	18 258	3
Divorce applications	44 964	47 174	(5)	45 390	46 437	(2)
Other	2 003	2 328	(14)	1 987	2 373	(16)
<b>Total family law</b>	<b>84 094</b>	<b>84 770</b>	<b>(1)</b>	<b>82 770</b>	<b>82 475</b>	<b>0.5</b>

#### Issues sought in Final Order applications 2010–11



The family law workload (excluding divorce) can be broken into four categories. During 2010–11, 55 per cent of family law applications related specifically to issues concerning children compared with 59 per cent during 2009–10; a further 10 per cent involved both children and property issues compared with 9 per cent in 2009–10. Matters involving discrete property applications represented 35 per cent of the family law workload, compared with 31 per cent in 2009–10; and the remaining family law workload (0.3 per cent) involved applications for contravention, contempt and enforcement summonses.

## General federal law

Filings in general federal law represent seven per cent of all filings in the Court.

### Filings and finalisations in general federal law

General federal law	Filings			Finalisations		
	2010–11	2009–10	% change	2010–11	2009–10	% change
Bankruptcy	4848	5402	(10)	4988	5151	(3)
Migration	959	880	9	864	1019	(15)
Administrative	15	30	(50)	19	30	(37)
Admiralty	4	14	(71)	10	18	(44)
Consumer	89	87	2	104	81	28
Copyright	50	42	19	49	38	29
Human rights	94	105	(10)	105	88	19
Industrial	561	348	61	435	288	51
<b>Total general federal law</b>	<b>6620</b>	<b>6908</b>	<b>(4)</b>	<b>6574</b>	<b>6713</b>	<b>(2)</b>

During 2010–2011, 150 judgments of the Court were published in law reports.

### Judgment publication

Jurisdiction	Number of judgments published
Administrative law	3
Bankruptcy law	41
Consumer law	3
Copyright law	1
Family law	22
Human rights	2
Industrial law	55
Migration	19
Practice and procedure	4
<b>Total judgments published</b>	<b>150</b>

## Financial management

Total revenue for the Court in 2010–11 was \$92.4 million, including appropriations from government (\$22.1 million), other revenue and other gains. Own-source revenue (\$33.5 million) mainly relates to funding transferred from the Family Court and Federal Court as a result of the Australian Government decision to retain the Federal Magistrates Court to hear general federal law matters as outlined in the 2010–11 Portfolio Additional Estimate Statements. Revenue associated with the restructure and other associated transfers amounted to \$33.5 million.

Other gains of \$36.8 million included notional revenue for resources provided free-of-charge (as described on page 28) and liabilities assumed by related entities for the FM Pension Scheme (Invalidity).

Operating expenses, including resources provided free-of-charge, were \$96.4 million for 2010–11, being a \$2.0 million increase from 2009–10. The movement in nominal dollars is primarily accounted for by a \$1.9 million increase in employee benefits (of which \$1.7 million was attributable to wages and salary).

The resultant operating deficit attributable to the Court of \$4.0 million represents an increase compared with a deficit attributable to the Court of \$2.2 million in 2009–10.

## The Dandenong Project

In January 2010 the Court commenced a pilot at the Dandenong registry, trialling a new approach to listing and case management. The pilot, named the ‘Dandenong Project,’ aimed to test different approaches that could contribute to ensuring each court event was constructive, while advancing the matter towards resolution. The Dandenong Project also aimed to make use of wide-ranging and innovative dispute resolution services to encourage the early resolution of matters without the need for judicial determination.

While the Dandenong Project officially commenced in January 2010, full implementation occurred in May 2010. The project was initially scheduled to end on 31 December 2010 however, it continued into 2011 to allow further data to be sought, delaying the evaluation phase. The evaluation is currently underway to assess the project against its goals to determine if it has delivered better outcomes for litigants of the Court. Early indications show that the project has successfully met many of these goals and a full evaluation will be available in late 2011.

The Dandenong Project unfolded as follows:

- ▶ **27 January 2010:** the Court conducted an information and education day for the profession and representatives of community-based organisations to discuss the commencement of the project.
- ▶ **March 2010:** a callover was conducted consisting of all matters listed for trial subsequent to 5 April 2010. The purpose of the callover was to bring forward matters listed to future dates and integrate them with the new case management approach.
- ▶ **May 2010:** all Dandenong matters were subject to the new approach.
- ▶ **6 July 2010:** the new approach (the Dandenong Project) was officially launched by the Attorney-General the Honourable Robert McClelland MP.

Prior to the project, Dandenong operated as a Federal Magistrates Court circuit location with federal magistrates from Melbourne and Tasmania sitting in this location. The implementation of the project has resulted in the equivalent of two full-time federal magistrates being allocated to Dandenong. Up until January 2011, this allocation was shared between three federal magistrates with one committed to Dandenong full-time and two splitting the remainder of the allocation. In January 2011, the allocation

was adjusted to be shared amongst four federal magistrates with one committed to Dandenong full-time and three splitting the remainder of the allocation. All matters filed in court in Dandenong are now allocated to the docket of the four federal magistrates supporting the project.

## Community relations

The Court conducted information and education days for the legal profession and representatives from external agencies that provide dispute resolution services. These events were conducted in Canberra and Newcastle. The days were well attended with approximately 80 attendees in Canberra with a further 10 linked by video. Approximately 90 attended the Newcastle event with video links to participants in Tamworth and Port Macquarie.

Federal magistrates discussed:

- ▶ preparing for and appearing in duty lists
- ▶ working with registrars and family consultants
- ▶ interim hearings, and
- ▶ managing property matters.

Representations were also provided by Legal Aid, Family Relationship Centres and providers of private mediation services.



Information and education session at Canberra registry.

## Fair Work Pilot (COFFS HARBOUR)

In response to a growing number of Fair Work applications from regional areas, the Federal Magistrates Court established a pilot designed to integrate this work with the existing family law circuit arrangements in Coffs Harbour.

The pilot aims to trial a range of case listing and management processes not usually associated with general federal law applications. In the past the Court has listed general federal law applications as special fixtures in regional locations, however this is the first attempt at structured circuit arrangements.

The Court circuits to Coffs Harbour four times each year for a week at a time. A discrete portion of the circuit has been set aside for the listing of Fair Work applications. To ensure that this time is used efficiently, the federal magistrate will, where appropriate, conduct procedural hearings via telelink between circuit visits. This enables matters to be fully prepared for hearing when the Court sits in Coffs Harbour.

On 28 February 2011, in preparation of the Coffs Harbour Fair Work Pilot, a user group forum was conducted by Federal Magistrate Jarrett. A number of participants representing the legal profession and Fair Work Australia attended the forum.

The first list for Fair Work matters in Coffs Harbour was conducted on 11 March 2011. Two small claim proceedings were listed on the day with both matters settling without the need for a formal hearing. The Fair Work Ombudsman's Office representative acted as *amicus curiae* to assist the Court as both applications were lodged by self-represented litigants.

Following on from the initial list it is anticipated that there will be an increase in filings for this circuit.

## Fair Work Pilot (MELBOURNE)

In response to an increase in Fair Work applications lodged in the Melbourne registry, federal magistrates established a pilot designed to develop effective methods for managing this workload. The pilot has focused on the need for proportionality of process to the dispute, aiming to resolve most small claims cases on the first court date.

The Court held a user group forum on 2 December 2010 regarding the implementation of the Melbourne pilot. This meeting was well attended by legal practitioners, officers from Fair Work Australia and representatives from various unions.

The Melbourne pilot involved the establishment of discrete court lists for Fair Work applications. The lists have initially been held on a monthly basis with a view to gaining a better understanding of the workload.

Listing requirements will be reviewed throughout 2011. Early indications show a growing trend in the number of applications filed and that the Court will need to monitor.

## Private Mediation Pilot (BRISBANE)

In 2009 the Court considered an alternative approach to the use of in-house conciliation conferences for property matters at the Brisbane registry. The approach involved referring litigants to external privately funded mediation.

The Court considered this approach in the context of:

- ▶ limited court resources, including a limited number of registrars; insufficient time allowed for conciliation conferences; and a preference in having registrars undertake other work, and
- ▶ potential better outcomes for litigants, including external mediation allowing for greater time to reach resolution; and an improved chance of reaching a compromise with litigants 'buying' in to the process.

The Brisbane registry commenced the Private Mediation Pilot in mid 2009. Orders for private mediation made by federal magistrates provide parties with an alternative to attending a conciliation conference pursuant to s79(9) of the *Family Law Act 1975*. Instead parties are directed to attend a private mediator to participate in a genuine attempt at mediation to resolve all issues in dispute.

Federal magistrates refer matters to external mediation after having regard to the particular circumstances of the case. This ensures that appropriate matters are referred to private mediation. As a result some matters may be still referred to internal conciliation conferences. At 30 June 2011, evaluation of the pilot had commenced and is expected to be available in late 2011.

## Contravention Pilot (BRISBANE)

On 1 January 2010 the Court launched a pilot in the Brisbane registry whereby contravention applications were listed before a registrar for the first court event. The pilot is limited to contravention applications in children's matters and does not extend to financial matters. The Brisbane registry was considered an ideal location for the pilot due to the high number of contravention applications filed.

The pilot aimed to assist in moving litigants towards a 'child focussed outcome', whilst expeditiously identifying matters of serious concern that need to be provided as urgent hearings before a federal magistrate.

At the first court event the registrar will:

- ▶ identify the issues in dispute between the parties
- ▶ identify what the applicant is seeking from the applications, and
- ▶ discuss the possibility of resolution without the need for a hearing.

During 2010, a total of 184 contravention child applications were filed in Brisbane and listed before a registrar as part of the pilot program.

Of these applications:

- ▶ seventy seven (42 per cent) were finalised by registrars without the need to be referred to a federal magistrate
- ▶ one hundred and seventeen matters (64 per cent) were finalised without having the need to be formally heard, and
- ▶ sixty seven matters (36 per cent) required judicial determination or are still listed before a federal magistrate or registrar for further case management.

## Annual report

Major initiatives highlighted in the Federal Magistrates Court 2010-11 Annual Report include:

- ▶ The restructure of the federal courts
- ▶ The completion of the Dandenong Project
- ▶ The Fair Work, Private Mediation and Contravention pilots, and
- ▶ The review of the Family Violence Best Practice Principles.

The Federal Magistrates Court is the largest federal court and one of the leading trial courts in Australia. Despite ongoing challenges which includes an increasing workload and budget constraints, the Court continues to explore innovative ways to manage its workload.

Copies of the annual report are available from:

- ▶ [www.fmc.gov.au](http://www.fmc.gov.au) or
- ▶ by emailing National Communication: [communication@familylawcourts.gov.au](mailto:communication@familylawcourts.gov.au)



## Complaints

During 2010-11 the Court received 125 complaints, which is comparable with the number of complaints received during the previous year.

Complaints are categorised as follows:

- ▶ registry – family (7)
- ▶ registry – federal (1)
- ▶ judicial decision (10)
- ▶ dispute resolution (11)
- ▶ conduct of federal magistrate or registrar (28)
- ▶ conduct of legal representative (1)
- ▶ enforcement of court orders (1)

- ▶ legal process (1)
- ▶ delays – existing proceedings (5)
- ▶ finalised proceedings (1)
- ▶ pending proceedings (3)
- ▶ divorce (2), and
- ▶ overdue judgments (54).

The largest category of complaints is in relation to overdue reserved decisions. The Court's judicial complaints policy establishes a protocol relating to the delivery of reserved judgments. The protocol provides a benchmark for the handing down of reserved judgments within three months of the hearing or receipt of written submissions. The Court is actively monitoring reserved decisions which are outside the three month benchmark set.

Copies of the Court's complaints policy and judicial complaints policy are available from the Court's website. Parties are also able to forward a complaint about a delay in the delivery of a judgment through the relevant state or territory law society or bar association.

## Asset management

During 2010–11, the Court completed a four year Capital Management Plan. The plan will allow the Court to better allocate resources and make strategic asset decisions to support program delivery.

New stock-take procedures were also implemented. These have added value to the Court by improving the quality of the asset register to account for, control and safeguard assets, thereby facilitating an effective asset management strategy, capital budgeting process and Capital Management Plan, required to replace, repair and purchase new assets.

## Senate estimate committee hearings

Senior Executive Service staff of the Court attend Senate estimate committee hearings to answer questions about the Court's activities. In 2010–11, 12 Senate estimate questions on notice were received and answered.

## Internal audit

The Court has, as part of its corporate governance arrangements, appropriate mechanisms to manage general business risk as well as fraud risk. The Court's internal audit services were provided by Oakton Services Pty Ltd and monitored by the Audit and Risk Committee.

The 2010–11 Internal Audit Plan was developed taking into account the risk drivers in the Risk Management Plan, and after discussion with the Audit and Risk Committee and senior management.

Internal audits conducted during the year included:

- ▶ physical and personal security
- ▶ IT governance, and
- ▶ corporate credit card.

The Audit and Risk Committee monitored the implementation of individual audit report recommendations generated as part of the above audits through quarterly status reports.

## Australia Day achievement medallions

The Australia Day medallions are awarded to a select group of Australian citizens each year. The medallions recognise excellence in contribution by employees working in both government and non-government organisations including the Court. The Court's Australia Day medallions recognise the significant contribution and outstanding service provided by employees to the Court. The 2011 Australia Day medallions, announced by Chief Federal Magistrate Pascoe, were awarded to:

### **Maurie Harold** (Sessional Registrar):

for his contribution as a member of the divorce committee. Maurie has worked with the Federal Magistrates Court for nine years as a sessional registrar, having previously worked for many years at the Family Court.



### **Andrew Turner** (Child Dispute Coordinator):

for his dedication and enthusiasm to the Court. Andrew has been the Child Dispute Coordinator in Adelaide since the beginning of 2009, having previously worked for the Family Court as a client service officer since 1998.



## Circuit program

The Court is committed to providing access to justice for every Australian regardless of geographic location and aims to do so in a timely and efficient manner. To this end, the Court conducts an extensive circuit program with visits to rural and regional locations across Australia. In 2011 the Court has allocated approximately 145 weeks to the circuit program enabling parties to have their matters heard locally alleviating the need to travel to major centres. The Federal Magistrates Court is the only federal court in Australia with a program of regular circuits.

The Court recognises the need to ensure that circuit programs are run efficiently and within budgetary constraints. As a result, federal magistrates conduct some procedural and urgent hearings by video link and telelink in between visits to the rural or regional location. The use of this technology increases the efficiency of circuits ensuring that time spent at the various locations is fully utilised.

The introduction of eFiling has further assisted litigants and practitioners located in rural and regional locations with the filing of applications and various documents. A growing uptake of eFiling has enhanced access to justice for rural and regional Australians by reducing costs to parties associated with travelling to registries in major centres and costs associated with postage. It is anticipated that eFiling will continue to grow as the Court continues to develop and improve the functionality.

The Court is continually considering how best to deliver services to rural and regional Australia. In March 2011, the Court established a pilot allowing Fair Work applications to be filed in the established Coffs Harbour circuit (see page 30 for more information). This is the first circuit to cater for general federal law applications and has been well received by the legal profession and litigants who previously had to travel several hours to court.

During 2010–11, the Court sat in 33 rural and regional locations as part of the circuit program.



Victoria's Ballarat Law Courts, used for regional circuits

## Local family law registry consultations

During 2010–11, family law registries engaged at the local level with law societies, family law pathways networks, court user forums and community-based organisations concerned with family support and the family law system. This consultation ensured that registries received regular feedback about users' experiences of registry services and the courts and were able to improve the service and approach to clients. It also ensures that the Court is well placed to make effective referrals to community-based services for clients who may require ongoing support.

Local pathways groups or networks are a key forum for engagement. Pathways is a family law inter-agency network, established in 2005 and funded by the Federal Attorney-General's Department. It aims to facilitate a more integrated family law system, particularly for community-based agencies that deal with separated families, family dispute resolution and associated issues such as domestic violence. In some areas members include those involved with health and child protection.

In addition to general consultations, registries continued to engage with community-based organisations and other jurisdictions about best practice approaches to support those clients who are subject to, or fear violence from, their partner, former partner or other family members.

## The Court's website

The Court holds and makes available on request a range of documents including brochures, fact sheets and general information leaflets. These are available on the Court's website at [www.fmc.gov.au](http://www.fmc.gov.au) and on the Family Law Courts website at [www.familylawcourts.gov.au](http://www.familylawcourts.gov.au)

Below are the statistics for the number of visitors using the Federal Magistrates Court website during 2010–11.

Federal Magistrates Court website statistics **JULY 2010—JUNE 2011**

Month	Unique Visitors
July 2010	74 875
August 2010	90 482
September 2010	91 537
October 2010	91 106
November 2010	100 272
December 2010	83 359
January 2011	84 690
February 2011	98 635
March 2011	111 232
April 2011	92 541
May 2011	103 551
June 2011	91 526



## Changes to the Court's jurisdiction during 2010–11

At the time of publication of this Report, legislation had not been introduced to implement the government's proposed restructure of the federal courts which would see the establishment of a new Military Court, the retention of the Federal Magistrates Court for general federal law matters only, and the Family Court being the single court for all family law matters at the federal level.

In announcing the establishment of a new Military Court, the government also indicated the Federal Magistrates Court will provide an appropriate pool of judicial officers (with the requisite military background) who may be offered dual commissions to the lower Division of the new Military Court.

Despite the uncertainty surrounding the future structure of the Court, additional jurisdiction has been conferred and is proposed. The *National Vocational Education and Training Regulator Act 2011* will commence from 1 July 2011 and confers some powers on the Court in relation to enforcement of civil penalties. There have also been a number of proposed legislative extensions of the general federal law jurisdiction of the Court. In particular, the Extradition and Mutual Assistance in Criminal Matters Legislation Amendment Bill 2011 includes amendments to confer certain functions on federal magistrates who consent to the conferral of such functions in their personal capacity. Legislative amendments as proposed in the Intellectual Property Laws Amendment (Raising the Bar) Bill 2011 have also been introduced to extend the intellectual property jurisdiction of the Court to add the Federal Magistrates Court as a prescribed court in the Design Act 2001 and conferring jurisdiction to hear appeals from a decision of the registrar in the *Trade Marks Act 1995*.

The Court's jurisdiction under the *Migration Act 1958* has been expanded following the 11 November 2010 High Court decision in which it was unanimously declared that it was an error of law for a person conducting a review as part of an 'offshore processing regime' to fail to treat provisions of the *Migration Act 1958* and the decisions of Australian courts as binding: *Plaintiff M61/2010E v Commonwealth of Australia*; *Plaintiff M69 of 2010 v Commonwealth of Australia* [2010] HCA 41. As a result of the High Court decision it is anticipated that there will be significant workload implications for the Court.

## Amendments to the Federal Magistrates Court Rules 2001

### Federal Magistrates Court Amendment Rules 2011 (No 1)

These miscellaneous amendments apply from 11 July 2011 and include:

- a new requirement for documents filed to be printed with at least 12 point font
- a new rule requiring parties to advise the Court of allegations of abuse, family violence or other risk factors when filing consent parenting orders
- a new dormant proceedings rule providing that if a party has not taken a step in a proceeding for six months, the Court may, on its own initiative, order that the proceedings, or a party of the proceeding, be dismissed

- ▶ an amendment to the delegation powers to facilitate delegation of certain powers under the *Fair Work Act 2009* and the Australian Consumer Law
- ▶ an amendment to the family law/child support enforcement rules to repeal the application of the Order 33 rules and adopt mirror enforcement rules (and forms) as currently prescribed under the *Family Law Rules 2004*
- ▶ a new chapter dealing with proceedings under the National Consumer Credit Protection Act, and
- ▶ an increase in the amounts of costs set out in Schedule 1 consistent with recommendations made by the Joint Costs Advisory Committee.

### Rules in relation to 'General Effort' requirement in certain GFL proceedings

These amendments included rules in relation to the 'genuine steps' requirement for certain types of proceedings as mandated under the *Civil Dispute Resolution Act 2011*. These new rules mirror those proposed by the Federal Court and are scheduled to commence on 1 August 2011 on commencement of the *Civil Dispute Resolution Act 2011*.

### Federal Court rule revision

The proposed introduction of new Federal Court Rules are expected to commence from 1 August 2011 and will result in the need for a number of consequential amendments to the *Federal Magistrates Court Rules 2001*.

## Amendments to the Federal Magistrates Regulations 2000

### Federal Magistrates Amendment Regulations 2010 (No 2)

These regulations took effect on 1 November 2010 and amended the Principal Regulations by introducing a new *reduced fee*, to replace fee waivers and certain fee exemptions (\$60 for *family law* matters and \$100 for *general law matters*). In addition they harmonised the fee for filing a response (family law) to mirror the amount of the scheduled fee for filing an application (family law).

### Federal Magistrates Amendment Regulations 2011 (No 1)

These regulations took effect on 25 March 2011 and amended the Principal Regulations to put beyond doubt that persons eligible to pay a reduced fee may seek deferral of the payment of the fee. The Regulations remove doubt by specifying that a reduced fee may be deferred.

The discretionary power to allow an application to be filed without payment of a filing fee was considered by Yates J in the context of the *Federal Court of Australian Regulations 2004* in *Rosson v Tessoriero* [2011] FCA 44. As there is a mirror discretionary provision in the *Federal Magistrates Regulations 2000* the decision is of relevance in providing guidance as to the proper construction of the power.

## John Maddison Tower replacement

The Federal Magistrates Court has a sub-lease with the NSW Attorney-General's Department which expires on 31 October 2011. Numerous accommodation options have been explored to accommodate the federal magistrates post-lease expiry. In summary:

- ▶ three requests for interest have been issued to the Sydney property market and a total of 26 properties have been viewed and considered in detail
- ▶ an architect has been engaged to conduct test fits for two potential sites (337 Pitt Street and 179 Elizabeth Street)
- ▶ Parramatta Commonwealth Law Courts has also been reviewed in depth to see if there is an option to relocate federal magistrates. This has included an architect being engaged to draft designs to reconfigure two chambers and two hearing rooms
- ▶ accommodation options have been explored at the NSW Attorney General's Department, St James Centre registry, and at the Chief Secretary's Building
- ▶ two New Policy Proposals have been submitted to Government, with the first withdrawn due to the budget rule that all New Policy Proposals must be fully offset. The second New Policy Proposal is with the Attorney General's Department pending a decision, and
- ▶ short-term accommodation has been secured at Fair Work Australia, 80 William Street. Five of the John Maddison Tower (JMT) federal magistrates will remain at JMT on a one year rolling lease basis. The other three federal magistrates will be relocated to 80 William Street. The terms of the collocation are under negotiation with the view to establishing a Memorandum of Understanding.





The Family Law Courts comprise the Family Court of Australia and the Federal Magistrates Court of Australia. Both courts have jurisdiction in family law matters in all states and territories except Western Australia, which has its own Family Court.

The courts are independent, but cooperate to provide streamlined access to the federal family law system. Clients benefit from:

- ▶ a simplified path through the family law system
- ▶ access to services for the resolution of family disputes
- ▶ a single point of filing regardless of which court handles the application
- ▶ a national enquiry centre and website that provide information about both courts
- ▶ high quality services to litigants and the community, and
- ▶ easy transfer of cases between courts when ordered by a court.

### Federal courts restructure

In May 2010, the Australian Government announced its decision to retain the Federal Magistrates Court to hear general federal law matters. As the Federal Magistrates Court is to be retained, funding that had been transferred from that court to the Family Court was returned to the Federal Magistrates Court with effect from 1 January 2011.

The funding transferred back to the Federal Magistrates Court at Additional Estimates was \$19.5m in 2010–11 and \$118.3m over the forward estimates. Funding was also transferred to the Federal Magistrates Court from 1 January 2011 in recognition of the realignment of judicial officer and family consultant positions between the courts over recent years. Funding equivalent to five judges, one judicial registrar and 8.2 family consultant positions and associated costs (\$2.4m in 2010–11 and \$14.4m over the forward estimates) was transferred from the Family Court to the Federal Magistrates Court.

The courts understand that consideration is still being given to a restructure of the federal courts, with legislation possibly to be introduced to Parliament later in 2011–12.

### A single enterprise agreement for the courts

On 18 June 2010, Fair Work Australia approved the *Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement 2010*. The Agreement was negotiated between the courts and the Community and Public Sector Union (CPSU) and individual staff bargaining representatives. It commenced on 25 June 2010, replacing the individual collective agreements of both courts. It had a nominal expiry date of 30 June 2011.

The Agreement supported significant improvements in the courts' operations to be achieved through a range of corporate efficiency/productivity measures produced following reviews (most of which occurred in 2010–11, with aspects ongoing at 30 June 2011) of child dispute services, judicial support, library and guarding services, user pays options, divorce processes and procedures, including conciliation conferences, use of interpreters, technology (video links and teleconferencing), circuits and provision of transcripts.

In January 2011, the Government introduced new policy parameters for agreement making, the *Australian Public Service Bargaining Framework*. Negotiations commenced soon after for a replacement Enterprise Agreement involving the courts' management, the CPSU and individual staff bargaining representatives.

The aim was for the replacement Enterprise Agreement to be in place by 1 July 2011. On 24 June 2011, Fair Work Australia approved the new *Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement 2011–14*.

The new Agreement, to commence on 1 July 2011, provides for three per cent salary increases on 1 July 2011, 2012 and 2013. It has a nominal expiry date of 30 June 2014 however, under present arrangements it will continue after that date until replaced or formally terminated.

The courts' intranets were the primary vehicles for keeping staff informed of developments, with regular news and announcements about issues such as the courts' budgetary positions, technological improvements, operational reviews and the progress of negotiations for the new agreement. Management also kept employees informed through all-staff emails.

## Commonwealth Courts Portal

The Commonwealth Courts Portal ([www.comcourts.gov.au](http://www.comcourts.gov.au)), launched in July 2007, is an initiative of the Family Court, the Federal Court and the Federal Magistrates Court. It provides free web-based access to information about cases that are before these courts as well as the Family Court of Western Australia.

After registering, lawyers and parties can keep track of their cases, identify documents that have been filed and view outcomes, orders made and future court dates. Users log on using a single user ID and access multiple jurisdictions from a single central web-based system.

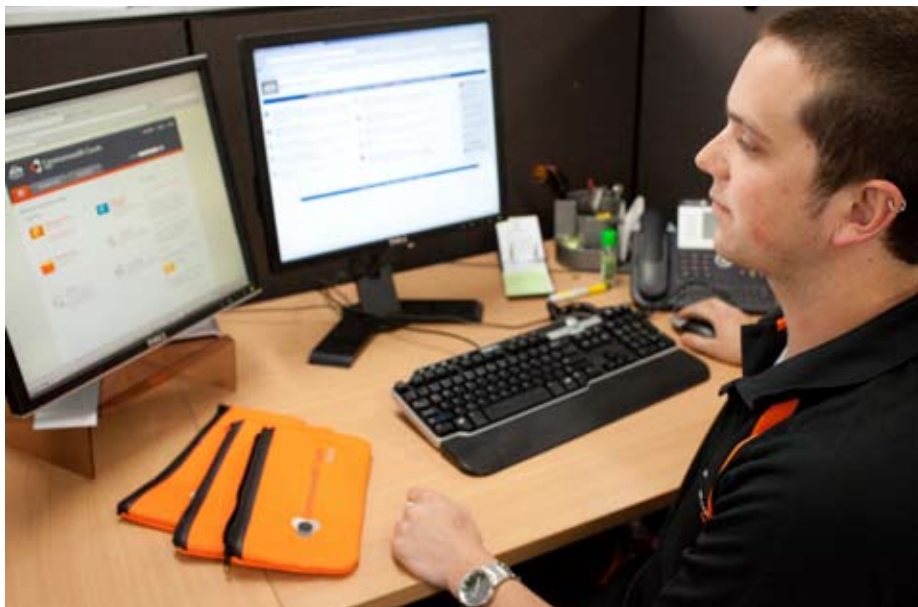
The growth of the Portal has been rapid over the four years since its introduction. The number of registered users has more than doubled since June 2010: from 24 073 at 30 June 2010 to 57 602 at 30 June 2011. Included at 30 June 2011 were 2466 registered law firms and 5026 individual lawyers and barristers.

A significant number of practitioners now view the Portal as an essential tool of trade: it offers self-service in the practitioner's own chambers, something that is particularly valued in family law matters with the content of court documents being viewed online. Those using the Portal include a growing number of barristers who are able to request access to the specific file on which they have been briefed.

During 2010–11, the features of the Portal were showcased at the 14th biennial family law conference and at family law conferences, workshops and other meeting opportunities around the country. During 2011–12, the courts will continue to make enhancements and improve the service.

### Registered users of the Commonwealth Courts Portal, 2008–09 to 2010–11

	30 June 2009	30 June 2010	30 June 2011
Number of law firms registered	667	1279	2466
Number of lawyers registered	1761	2827	5026
Total registered users	5900	24 073	57 602



## eFiling growth

During 2010–11, eFiling significantly increased. By 30 June 2011, more than 550 eFiled divorce applications were being received each month with 5976 in total for the year and 789 other forms of applications also eFiled. The number of applications made by eFiling is expected to grow considerably in 2011–12.

In addition, 55 428 supplementary documents (such as affidavits) were eFiled. The content of each of these documents is now available for viewing online by the parties.

Improvements made during 2010–11 included:

- ▶ an XML Uploader for divorces that enables law firms to upload a divorce application created in their own system direct to the Portal (that is, without having to re-key data)
- ▶ a direct debit facility to complement the existing facility for credit card payments
- ▶ a direct link for parties to access a judgment in their matter where it has been published on Austlii
- ▶ the release of eFiling of the Initiating Application in February 2011, and
- ▶ the release of eFiling of the Response to Initiating Application in March 2011.

The Initiating Application and the Response forms replicate the paper documents. Parties complete the application or response in the electronic format, upload any accompanying documents, such as an affidavit, pay by credit card or debit card (or seek a reduction in fees—the old ‘exemption’ application) and select a first return date. Once this transaction has been completed the parties can print out service copies by downloading PDF versions of the completed form from the Portal. Parties can also report any allegations of child abuse and family violence in this process and this will create a PDF version of the *Notice of Child Abuse or Family Violence* (Form 4) as one of the output forms for service.

Work on a number of other enhancements commenced during 2010–11. This included further improvements to the usability of portal screens and additional functionality and information for users. Once implemented, an upgraded 'Available Files' page will show any changes that have occurred to bookmarked files since the user last logged on. For example, a document may have been eFiled, an order made or a matter listed. Files containing these types of changes will automatically appear on the first screen after logging into the Portal and will save users having to search their available files for this information.

The table below shows the number of supplementary documents eFiled in the Family Court and Federal Magistrates Court for the past three years by location.

In Western Australia there were 636 divorces and 911 supplementary documents eFiled during 2010–11.

#### Documents eFiled in the Family Court and Federal Magistrates Court, 2008–09 to 2010–11

	2008–09	2009–10	2010–11
Adelaide	191	1679	2353
Albury	3	18	166
Alice Springs	-	1	19
Brisbane	943	9077	18 936
Cairns	10	64	209
Canberra	5	643	1321
Coffs Harbour	26	114	286
Dandenong	66	832	2217
Darwin	13	129	212
Dubbo	-	9	125
Hobart	27	85	210
Launceston	15	311	575
Lismore	57	174	418
Melbourne	425	4904	10 983
Newcastle	52	1046	2822
Parramatta	187	2029	5016
Rockhampton	33	374	444
Sydney	125	2870	6207
Townsville	35	634	1568
Wollongong	10	102	430
<b>TOTAL</b>	<b>2223</b>	<b>25 095</b>	<b>54 517</b>

## Planned enhancements for 2011–12

Enhancements expected to be introduced in 2011–12 include:

- ▶ further reforms, such as the Application in a Case and the Application for Consent Orders
- ▶ creation of a global list of all documents on a file
- ▶ an alphabetical name search for the Available Files screen which is restricted to searching only those matters in which the user is a party
- ▶ information about the outcome of an application for a subpoena that will display if leave to inspect has been approved
- ▶ a link to order transcript from transcript providers, and
- ▶ work to modify screens and processes to ensure compliance with the government mandated Web Content Accessibility Guidelines (WCAG) 2.0.

## Changes to court fees

New fees were introduced to the Family Court and the Federal Magistrates Court on 1 July 2010 and 1 November 2010. On 1 July, the fees were increased due to the externally determined biennial increase of the prescribed Family Court and Federal Magistrate Court fees. On 1 November, the *Family Law Amendment Regulations 2010 (No. 2)* and the *Federal Magistrates Amendment Regulations 2010 (No. 2)* came into effect. These changes included increases in some fees, as well the abolition of the ‘exemption’ and ‘waiver’ of filing fees in favour of a new ‘reduced fee’ of \$60 for those eligible.

The new fees are summarised below:

- ▶ a reduced fee of \$60 in place of a filing fee for eligible clients. The eligibility criteria remains the same as it was for exemptions and waivers, and clients can apply for either a *Reduced Fee on the basis of financial hardship* or a *Reduced Fee—General*
- ▶ a setting down fee of \$608, to cover the first day of hearing. This fee is \$608 in the Family Court and \$444 in the Federal Magistrates Court
- ▶ a new fee for each hearing day beyond the first day of hearing (to apply in all hearings). This fee is \$608 in the Family Court and \$444 in the Federal Magistrates Court
- ▶ the filing fee for a response increased to \$243 in both the Family Court and the Federal Magistrates Court (family law). This increase reflects the fee increase in the Initiating Application, and
- ▶ an \$80 fee for consent order applications in the Family Court.

There was no grace period. All forms received by registries on and after 1 November 2010 attracted these new fees where applicable.

## New and updated forms resulting from fee changes

The following forms were updated to reflect the changes to fees which commenced on 1 November 2010:

- ▶ *Application for Reduction of Court Fees on the basis of financial hardship*
- ▶ *Notice of decision for Reduction of Court Fees on the basis of financial hardship*
- ▶ *Application – Reduction of payment of Court Fees – general*
- ▶ *Guidelines for Reduction of Court Fees, and*
- ▶ *Payment of Court Fees – Request for refund*

The following new forms were created to reflect the fee amendments:

- ▶ *Notice of Decision for Deferral of Court Fees*
- ▶ *Payment of Court Fees – Request for Deferral.*

## Young Employees Advisory Group

In 2008 the Court recognised that younger employees can bring a different perspective to issues and approaches in court administration and formed a Young Employees Advisory Group (YEAG).

Membership of the 2010–11 group was announced in June 2010 with 15 employees representing a range of locations and roles within the Family Court and the Federal Magistrates Court.

The group's achievements during 2010–11 included:

### The YEAG Challenge—Step it up!

This initiative was designed to increase employee engagement, staff productivity and output, to create positive benefits for staff morale and reduce absenteeism. Between 7 March and 3 April 2011, the YEAG Challenge involved more than 500 Family Law Courts staff within 72 teams. Staff logged an average of 11 991 steps per person per day, well above the national physical activity guideline for Australians of 10 000 steps daily.

### Innovative Internal Communication—Think B4 U send

This project aimed to reduce the over-reliance on email as a communication method, reduce unnecessary emails and promote more innovate methods of communication within the courts. The project team looked at the number of all-staff emails being sent and discovered that the high number of emails had resulted in most them not being read by staff. Emails about Aurion (the courts' timekeeping and leave software) were subsequently replaced by intranet messages. A number of other all-staff emails have been identified to be treated the same way and a recommendation will be put to the Chief Executive Officer's Management Advisory Group on 6 July 2011. The project team explored several other mediums of communication which could be used to raise the issue of ineffective use of email within the workplace. These include screen savers, tip sheets and statistics on the broader use of email in the workplace. Once Lotus



Members of the 2010–11 YEAG team.

Connections has been launched these recommendations will be pursued as part of the relevant community pages and forums or blogs. The statistics on the use of email will continue to be monitored.

### *New Frontiers—Recruiting future generations*

This project sought to engage with young people and to promote the Family Law Courts as an employment option. In May 2011, two specific initiatives occurred. At Parramatta, the Family Law Courts joined 23 other agencies from the Parramatta law precinct at the Law Week Expo where the theme was ‘Access to Law and Justice in the Community’. At a Family Law Courts stall, staff provided information about the courts’ services to the public, staff from other agencies and local lawyers and barristers. In Victoria, the project team hosted an Open Day at the Melbourne registry for high school and university students interested in the courts and in possible career options. Students received a detailed presentation and a tour of the courts, as well as information and advice about career options.

### *eFiling: Gateway to the Future—Unlocking the gate to the technological future*

The eFiling project aimed to increase staff awareness and knowledge of the Commonwealth Courts Portal (CCP) and eFiling. Staff will be better able to advise and assist litigants, leading to increased registrations and use of CCP. An information session and staff handout were developed and successfully piloted to staff at the Canberra registry in February 2011. Evaluation feedback showed the pilot achieved the desired results for staff, who subsequently felt confident to actively promote CCP. Within four weeks of the pilot, the number of Canberra registry staff registered to use CCP rose from nine per cent to 75 per cent. The YEAG team recommended that the information sessions should be implemented nationally and become part of the standard staff induction training. The proposal was to be presented to the Chief Executive Officer’s Management Advisory Group on 6 July 2011.

## Chief Executive Officer's Management Advisory Group

In 2010–11 the Chief Executive Officer's Management Advisory Group continued to provide advice to the CEO on new policy initiatives including an environmental policy, the Dandenong Project, the implementation of the International Framework for Court Excellence, court technology, communication and social media, budget strategies and staff development and organisational capability. The group also helped review current policies, including records management.

## Registrar workload review

In October 2010, the Chief Justice and Chief Federal Magistrate established a working group to identify, quantify and report on the work undertaken by registrars for the Family Court and the Federal Magistrates Court.

The Working Group is led by **Stephen Andrew** (Executive Director Client Services) and also includes **Steve Agnew** (A/Deputy CEO FMC), **Angela Filippello** (Principal Registrar Family Court), **Adele Byrne** (Principal Registrar FMC), **Marianne Christmann** (Regional Registry Manager NSW/ACT) and **Jamie Crew**, Registry Manager, Newcastle.

Its terms of reference were to:

- ▶ identify the categories of work undertaken by registrars in each registry
- ▶ identify the key drivers of the registrars' workload
- ▶ quantify the workload, including the allocation of registrar resources in each registry to each court and the use of that resource
- ▶ report on the workload analysis, and
- ▶ make appropriate recommendations on resourcing.

At 30 June 2011, identifying and quantifying work was well progressed and consultations with registrars was commencing. After the consultation, a draft report will be prepared for further and wider consultations on the working group's analysis of the data and information obtained to date and registrars' consultation feedback. It will also contain initial recommendations on resourcing based on that analysis. A final report will then be prepared for the CEO's consideration.

## Review of the Family Violence Strategy

The *Family Violence Strategy 2004–2005* and *Best Practice Principles for use in Parenting Disputes when Family Violence or Abuse is Alleged* are the major commitments to addressing family violence when it is an issue for court clients. The Best Practice Principles, developed in 2009 by the Family Court's Family Violence Committee, are a checklist of matters that judicial officers hearing and determining parenting disputes might wish to consider. They were the last initiative to be implemented under the Family Court's *Family Violence Strategy 2004–2005*.

A joint Family Court and Federal Magistrates Court Family Violence Committee, comprising judges, federal magistrates and senior staff, was established in 2009–10 to review the strategy and the best practice principles. This included considering the recommendations made by the following reviews:

- ▶ The Family Law Council's report on family violence, *Improving Responses to Family Violence in the Family Law System*
- ▶ The *Family Courts Violence Review*, by Professor Richard Chisholm AM
- ▶ The Australian Institute of Family Studies' *Evaluation of the 2006 Family Law Reforms* report, and
- ▶ The Australian Law Reform Commission and NSW Law Reform Commission's report *Family Violence: A National Legal Response*, a review of the interaction in practice of laws relating to violence, including the interaction of the Family Law Act with child protection laws and state protective order legislation.



The review work has also been informed by the Government's response to these reports, whereby amendments to the Family Law Act in the area of family violence were introduced into Parliament in March 2011.



L-R: Chief Federal Magistrate John Pascoe, Chief Justice Diana Bryant, Attorney-General Robert McClelland and Justice Judith Ryan

The joint committee has reviewed and updated the *Family Violence Best Practice Principles* to ensure they are of optimal assistance to their intended audiences. Protecting families, particularly children, who are engaged with the family law system from the effects of family violence, is a priority for both courts. The revised principles assist by providing a checklist of matters that judges, federal magistrates, court staff, legal professionals and litigants may wish to consider at each stage of the litigation process.

The committee recognises that the Government has decided to proceed with amendments to the Family Law Act in the area of family violence. The *Family Law Legislation Amendment (Family Violence and Other Measures) Bill 2011* was before Parliament at time of publishing. The committee considered delaying the release of the updated Best Practice Principles until the amendments had been considered by both Houses of Parliament, however, due to some uncertainty as to timing, it was decided to release the revised principles, knowing that further revision will be required if the proposed family violence amendments pass into law.

At 30 June 2011, it was intended that the revised principles would be launched in July 2011 by the Attorney-General, the Chief Justice and the Chief Federal Magistrate. The review of the family violence strategy was expected to be completed during 2011–12.

## A study of Indigenous Australians access to and usage of the Family Law Courts

In 2009 the Family Law Courts established a joint committee to examine service provision to Indigenous families. Changes to the family law system had affected access to and usage of the Family Law Courts by Indigenous Australians.

The Indigenous Working Group consists of Justice Robert Benjamin and Federal Magistrate Warren Donald (nominated by the Chief Federal Magistrate) and Ms Leisha Lister, Executive Assistant to the CEO.

Under the terms of reference the committee is considering:

- ▶ the impact of the shift in the provision of services to Indigenous clients, previously provided by court-based Indigenous Family Liaison Officers, to Family Relationship Centres
- ▶ how to manage applications for parenting orders concerning residence, contact and specific issues as a result of traditional and customary adoption practices by Torres Strait Islanders (Kupai Omasker)
- ▶ how to meet the needs of Indigenous clients of both courts within existing resources, including recommendations as to how the courts can ensure proper information is provided to this client group, internally and externally, and



- ▶ the development of a joint Reconciliation Action Plan, as required by the Government, which identifies the steps the courts will take to build relationships and enhance respect for Indigenous Australians in undertaking both courts' work.

In 2009–10, the working group engaged Stephen Ralph, an independent Aboriginal consultant with extensive experience in working with Aboriginal and Torres Strait Islander families in the area of family law, to undertake a study of the views and experiences of Aboriginal and Torres Strait Islander families who had recently been involved in family law proceedings. The study aims to examine the interface between Aboriginal and Torres Strait Islander families and the Family Law Courts. It covers issues of access to justice and steps towards improved service delivery. It will help the courts develop a clear understanding of how Aboriginal and Torres Strait Islander people access the Family Law Courts, how they use the services provided by the courts, and their experience of litigating their family disputes.

The aim is to develop an evidence base that will allow the Family Law Courts to review policies and practices regarding access to justice for Indigenous Australians who are involved in family law proceedings.

By 30 June 2011, the experiences and perceptions of Indigenous Australians who had recently litigated in the Family Law Courts had been studied and their experiences and perceptions compared with those of a representative sample of non-Indigenous Australians. Interviews with other stakeholders, such as legal practitioners working with Aboriginal and Torres Strait Islander people, had also been held. The qualitative data that this will provide will enhance and complement the data gained from direct interviews and surveys with Indigenous and non-Indigenous clients.

## Flood donations

In January 2011, following the disastrous cyclone and floods in Queensland, judges, federal magistrates and staff of both courts were asked to consider donating to the Queensland Premier's Disaster Relief Appeal. The total donated by both courts was \$22 244. A personal letter of thanks was received from Queensland Premier Anna Bligh MP.

## Client Service Senior Manager's Group

The Client Service Senior Managers' Group (CSSMG) comprises registry and client service managers from the Family Court and Federal Magistrates Court. The group aims to identify and implement ways to continually improve service delivery across the courts.

CSSMG was involved in several priority projects during 2010–11 including:

### Client service wiki

The aim is to develop a wiki that is a reference database for client service staff. During 2010–11 a pilot wiki was being successfully used at the NEC, using Connections software.

## Interpreters and translation services—procedures and practices

The courts aim is for no client to be disadvantaged due to a language barrier. The key focus of this project was to promote the efficient use of interpreters to support the courts' clients and reduce resources wastage. New preferred supplier arrangements were implemented during 2010–11. Work with different registries also reduced inconsistent practices and identified efficiencies, for example introducing phone interpreters for divorce lists.

## Family violence—submission and interaction with the Family Violence Committee

This project sought to facilitate active engagement with the Family Court and Federal Magistrates Court Family Violence Committee by providing information and inputs to support the work of the committee. CSSMG is committed to ensuring induction and ongoing training for staff in the area of family violence and court safety.

During 2010–11, the group also worked on other projects that seek to streamline procedures, provide better information, and enhance clients' contact with the courts. Some of these included:

- ▶ new procedures for the automatic release of subpoenas following changes to the Federal Magistrates Court's Rules
- ▶ a new protocol that improves consistency in circuit listing practices, and
- ▶ developing draft guidelines for a process that would enable lawyers and parties to file subpoena material in electronic format, by PDF or CD-ROM, simply and cost-effectively.

## Family law client satisfaction survey

At 30 June 2011, a family law client satisfaction survey had commenced across the registries and was continuing until the end of July 2011. The survey, which forms part of the Court's commitment to the Court Excellence Framework is fundamental to the delivery of quality court services by the Family Court and Federal Magistrates Court. It allows the courts to measure objectively improvements in service delivery.

Five of Australia's major universities are participating in the running of the survey, with more than 60 volunteers conducting the survey interviews. The survey covers family law only and participants include litigants, lawyers, family and friends, and people visiting family law registries for general enquiry purposes. It does not include evaluation of judges' decisions (judicial decision making is an independent process, which can only be addressed through appeal processes; complaints about judicial conduct are dealt with separately in the courts).

At 30 June 2011, it was expected the results of the survey would be available from late August 2011. They will serve as a baseline for measuring improvements in how the courts deliver family law services.

## Media

Issues relating to the Family Court of Australia and the Federal Magistrates Court of Australia have been widely reported in the media over the past reporting year, particularly in regard to the family law jurisdiction.

From the reports provided to the courts by Media Monitors throughout 2010–11, there were 691 reports that mentioned the Family Court and 435 reports that specifically referred to the Federal Magistrates Court. In addition, family law was mentioned in 691 news reports.

These figures include reports from mainstream media such as print, radio and television. They do not cover news reports that have featured only on internet-based media outlets or on other forums such as blogs. New and social media is an area of significant growth in terms of discussing issues that are of interest to the courts.

There were several times throughout the year when media coverage relating to the courts escalated, reflecting the issues being debated in the wider community that were often triggered by specific events. During the past year, events that appear to have triggered media reports referring to the Family Court in particular, included:

- ▶ a man scaled the Sydney Harbour Bridge and conducted a protest
- ▶ a man dumped a load of soil in front of the Sydney registry and on the Sydney Harbour Bridge
- ▶ the sentencing of Arthur Freeman, who was convicted of murdering his daughter, and
- ▶ a NSW man allegedly murdered his former wife and his daughter and committed suicide.

Although some of these incidents did not have a direct link to the Family Law Courts, they initiated general media discussion about family violence, particularly in the context of family law disputes. A formal statement was released by the Family Court alerting the media to the fact that there was no record that the man protesting on the Sydney Harbour Bridge had ever had proceedings in the Family Law Courts.

The Federal Magistrates Court experienced significant growth in the number of media reports that specifically mentioned the Court, from approximately 360 reports in 2009–10 to 435 reports in 2010–11. It is possible that this increase is due to the media's increased awareness of the Court and particularly in regard to its work in the areas of workplace relations, migration matters and its family law work. Many of the Court's judgments have been widely reported throughout the year.

In 2010–11, approximately 200 enquiries were received from various media outlets. In addition to these, were numerous telephone enquiries which were managed quickly and not treated as a formal request for information from the courts.

The Family Court issued five media releases or statements during the year. Two of these related to correcting misinformation that had been reported in the public domain, one related to the Court's involvement with the Indonesian courts, one release related to new appointments to the Court and the other release was in regard to a missing child.

The Federal Magistrates Court also released five media releases, two related to matters involving missing children, another release highlighted the Court's ten year anniversary, and the final release related to the launch of the Dandenong Project.

In celebration of the Federal Magistrates Court's ten year anniversary, a DVD and fact sheet were produced which highlighted the Court's beginnings and subsequent history. The DVD was first screened at the Federal Magistrate's annual conference in late 2010 and was further screened in many registries throughout the year.

The media manager oversees the coordination of media coverage for publication orders that have been made by the courts. This process involves developing media releases and public information, liaising with legal representatives and their clients, the Australian Federal Police media unit and media outlets.

In 2010–11 four publication orders were issued by the Federal Magistrates Court and one publication order issued by the Family Court. Widespread coverage of such matters has often assisted in the recovery of the missing children.

Assistance was provided to journalists enquiring about other Family Court (Hague Convention) cases involving international abduction. Extensive media coverage was experienced in early 2011 involving a high-profile Hague Convention matter when a father recovered his son in Europe following a long period of searching for him.

A significant amount of time was spent liaising with journalists that have a particular interest in family law. Chief Justice Bryant provided one-on-one interviews with journalists from *The Age*, *The Australian* and ABC Radio. An extensive interview was also conducted with the *Weekend Australian Magazine*.

As well as direct interviews, numerous on-the-record statements and background briefings were provided to journalists seeking comment from the courts in regard to a range of relevant topics. Of particular interest during the year was the issue of family violence largely due to the Government's proposed changes to the Family Law Act covered by the Family Violence and Other Measures Bill.

The awareness of the courts' published judgments continues to widen amongst journalists which has resulted in a further increase in the number of reports that directly covered these decisions. Also of assistance in terms of access to information on matters before the courts, many journalists have become familiar with the Commonwealth Courts Portal where they can access basic details and information about general federal law matters that are before the Federal Magistrates Court.

## Local registry consultations

During 2010–11, the family law registries engaged at the local level with law societies, family law pathways networks, court user forums and community-based organisations concerned with family support and the family law system. This consultation ensured that registries received regular feedback about users' experiences of registry services and the courts and were able to improve the service and approach to clients. It also ensures that the courts are well placed to make effective referrals to community-based services for clients who may require ongoing support.

Local pathways groups or networks are a key forum for engagement. Pathways is a family law interagency network, established in 2005 and funded by the Federal Attorney-General's Department. It aims to facilitate a more integrated family law system, particularly for community-based agencies that deal with separated families, family dispute resolution and associated issues such as domestic violence. In some areas members include those involved with health and child protection. In addition to general consultations, registries continued to engage with community-based organisations and other jurisdictions about best practice approaches to support those clients who are subject to, or fear violence from, their partner, former partner or other family members.

## Janet Kitcher Award

The Janet Kitcher Excellence in Performance Award forms part of the courts' Employee Rewards and Recognition program. The Award honours Janet's achievements and aims to bestow recognition on high achieving employees of the courts for their outstanding contributions to the workplace. Recipients of this award perform extraordinarily well within their role, excelling to achieve outstanding client service by demonstrating:

- ▶ ethical standards and integrity
- ▶ innovation and pro-activity
- ▶ respect for people and cultures, and
- ▶ cooperation and positive behaviours.

The Janet Kitcher Excellence in Performance Award winner for 2010 was **Rubina Lockley** (pictured) from the National Enquiry Centre (NEC).

Rubina (Ruby) is a senior client service officer at the NEC and has acted as client service team leader on numerous occasions. Ruby has worked at the NEC since it formed in 2006 and has continually provided outstanding leadership to all of her colleagues in all facets of her positions. This has brought her the respect required to be a competent and successful leader.



The other nominees for the award were:

- ▶ **Denise Healy** (Melbourne – Media and Public Affairs Manager)
- ▶ **Dulcie Taylor** (Parramatta – Client Service Officer)
- ▶ **Jodie Lee** (National Support Office – Finance Controls and Taxation Officer)
- ▶ **Frank Laing** (Sydney – Team Leader, Records Section).

## Workforce planning

Throughout 2010–11, the courts continued to improve the human resources systems and reporting to develop a better, evidence based understanding of the factors driving various workforce issues. Workforce metrics were extracted and analysed by the Chief Executive Officer's Management Advisory Group on a monthly basis. Potential risks and key trends were addressed through appropriate human resource strategies to help ensure future capability and resourcing and to cope with staff turnover. The strategies were communicated to managers and staff, helping ensure that succession plans were developed at local levels. The courts promote diversity in the workforce and remain committed to promoting equity in employment and supporting an inclusive, safe, productive and fair workplace that is free from discrimination and harassment.

The courts also have an ongoing commitment to its Aboriginal and Torres Strait Islander employees and clients, ensuring that their needs are recognised and met appropriately. The courts reinforce that commitment by identifying and addressing barriers to the recruitment and career development of Indigenous Australians through its recruitment policies, training and mentoring programs. The courts facilitate access to its services for Indigenous people by ensuring that information about the courts is widely available across the Indigenous communities in suitable formats and delivered in culturally appropriate ways. The courts also develop partnerships with a range of Indigenous stakeholder groups at the national and local registry levels. They also provide appropriate and ongoing education to judicial officers and staff on the cultural background of Indigenous Australians. These partnerships and relationships assist the courts to assess whether there is need for targeted recruitment in particular cultural areas and informs staff as part of their role.

Mature aged employees make a significant contribution to the courts' workplace. During 2010–11 the courts introduced a five year mature-age strategy aimed at attracting and retaining mature aged staff as well as supporting workforce and succession planning. As a means to retain mature aged employees beyond normal retirement age, or to assist them in the transition to retirement, the courts encourage the use of the flexible working arrangements available under the Enterprise Agreement relating to the balance between work and private life.

## Retention strategies

Strategies to support the wellbeing of staff and to encourage staff retention are integral to the courts commitment to workplace diversity. During 2010–11 the courts' retention strategies included the following options, benefits and initiatives.

## Balancing work and personal life

The courts recognise the need to balance the operational needs of the courts and the personal lives of staff. Employment arrangements provide for general and individual flexible working arrangements, including flex time, time off in lieu, part-time work, working from home opportunities, overtime, purchased leave, maternity, adoption, fostering and supporting partner's leave, salary sacrifice arrangements and paid time off work over the Christmas and New Year period.

## A safe and healthy work environment

The courts provide a family-friendly and non-discriminatory work environment with strong policies against harassment and bullying. The courts and their employees are committed to measures that will assist with preventing and managing illness and injury, including psychological injuries, and assisting absent staff to return to work as soon as reasonably practical. Other healthy work environment strategies include an employee assistance program that provides free professional counselling to employees and members of their immediate families and free annual influenza vaccinations.

## Workplace diversity

The courts recognise that diversity among its staff is one of its greatest assets. Valuing the distinctive characteristics in every employee, and drawing on the diversity of our backgrounds, skills, talents and views to enhance the courts working environment and the work of the courts, underpin the current workplace diversity plan.

## Training, learning and staff development

The courts recognise the value of a well-educated workforce that is able to contribute effectively to meeting the courts' objectives. It provides staff with an extensive array of learning and development opportunities to develop their skills and knowledge for current and future roles and responsibilities. The courts achieve this by assisting employees to meet their development and career needs consistent with the Performance Management and Development System and available resources. It also provides study assistance including leave and support for employees undertaking relevant tertiary studies.

The courts' severe budgetary position during 2010–11 produced financial constraints which resulted in a reliance on in-house training. Where available, the courts utilised training packages or courses provided by the Attorney-General's Department or the Australian Public Service Commission.

During 2010–11, the courts' in-house training facilities included self-paced, online learning courses on a range of topics including APS and court specific induction training, OH&S, Accounting Basics, Effective Project Management, Business Communications and the Windows XP suite (Excel, Word, Powerpoint). In addition, training was provided in a number of specific areas, including the APS values and code of conduct, absenteeism, techniques for dealing with difficult clients, courtroom protocols and technology, risk awareness and fraud awareness. The courts also have a peer support network, for which training is provided as required.

## Performance management and development system

The courts' management practices incorporate the APS values and guides employees in their day-to-day work. These values are imbedded in the courts' Performance Management and Development System (PMDS). Employees are appraised against the values.

The PMDS aims to align individual outcomes to team and branch business plans, ultimately leading to achieving the courts' visions and business plans. Participation is mandatory for all employees except probationers. Employees must participate in the system to be eligible for the salary increases provided under the Enterprise Agreement and for salary advancement within their classification scale.

Throughout 2010–11, the PMDS continued to provide an effective framework for performance management in the courts. This was achieved through the use of individual performance agreements established at the start of each performance appraisal cycle and a process of regular review and feedback exchange between employees and their managers. The PMDS ensures that all employees clearly understand their roles in the courts and the standards of performance expected of them. The system also provides a means of recognising individual contributions and achievements and of identifying and progressing learning and development needs.

## Staff Development Committee

In 2010–11, the Staff Development Committee added further staff training and development tools to the eLearning portal of the intranets, including a video library of tips and tricks to use on Word and Excel.

A highlight for the year was the launch, in March 2011, of the courts first online induction training program. The program comprises six modules. Feedback from early users of the program was positive, particularly for new starters unfamiliar with courts. During 2011–12 further enhancements are expected to be made, including more information on each of the courts' business units.

The Committee facilitated staff exchanges between different locations, as well as contributing to the development of the courts' professional resources. These staff exchanges, an ongoing initiative of the courts, produce benefits for the courts, Family Law Courts clients and staff. From a client perspective, for example, it helps ensure that staff from differing sized registries and geographic and socio-economic areas gain first-hand experience of the varying demands of service delivery in different areas (even though the overall service delivery requirements are the same at all court locations). Staff experience career opportunities elsewhere in the courts, interact in person with their peers and share and explore ideas and initiatives that may benefit client service delivery more broadly. They also see how staff in other locations deal with challenges and issues. For the courts, the exchanges are an important aspect of its staff retention and development strategies.

Workshops were also held in all major registries to assist staff in applying for jobs—the focus being on preparing applications and CVs and succeeding at interview.

The Committee facilitated all-staff training on the Australian Public Service Values and Code of Conduct. This training was tailored and delivered as an internal training course by human resources.

The Committee is integral to the courts' approach to the continuing career development of staff, and being a key forum through which staff representatives have shared responsibility for identifying and determining development needs and opportunities.

## Risk management

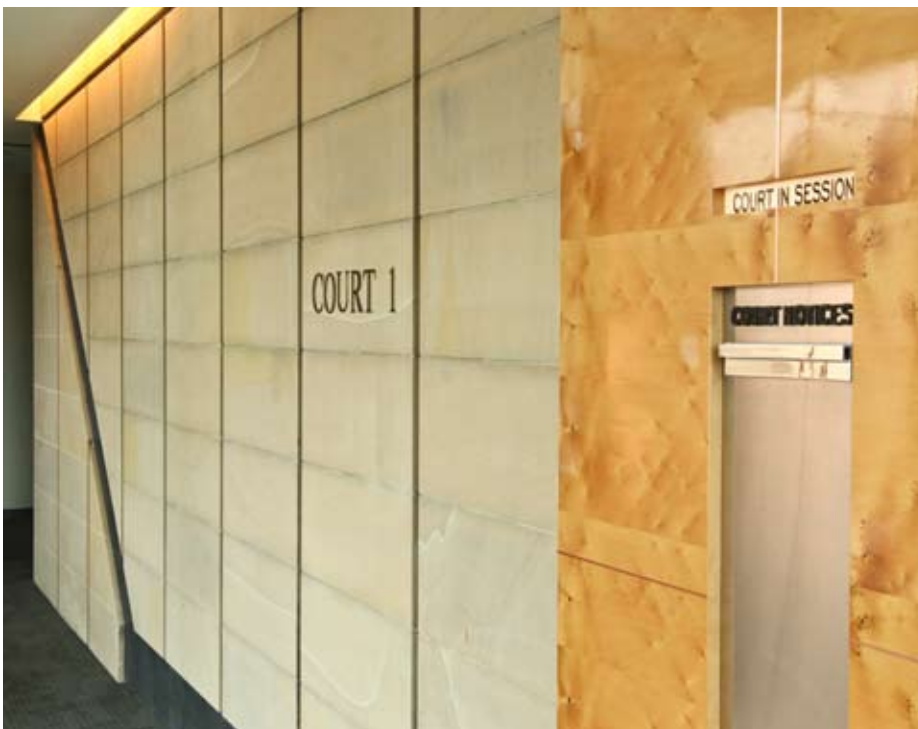
The courts promote a culture that supports the identification, analysis, assessment, treatment, monitoring and review of all strategic, operational, compliance and financial risks. This is supported by the Risk Control and Compliance Framework.

The framework provides policies, procedures and tools to promote effective risk management. The framework is available to all court staff on the intranets for the principal purpose of achieving better services and outcomes for judicial services, clients and staff.

The courts continued to participate in the annual Comcover benchmarking survey, which measures risk and assesses the extent of cultural change within agencies. The courts' overall result continued to improve, reflecting its efforts in the area of risk management.

At 30 June 2011, revision of the courts' Business Continuity Plans (BCPs) was underway. The Procurement and Risk Management section continued to provide, as a standing agenda item, regular updates on risk related activities to the Audit and Risk Committee.

The *Strategic Risk Management Plan (2010–12)* was finalised during the year and made available to all staff via the intranet. The plan was developed in consultation with key stakeholders across all areas of court activities.



## Fraud prevention and control

During 2010–11, the *Fraud Control Plan 2010–12* was finalised and made available to all court staff via the intranets. The plan was developed in consultation with key stakeholders across all areas of court activities. The plan complies with the *Commonwealth Fraud Control Guidelines 2011*. During 2010–11 the Audit and Risk Committee continued to receive reports on the implementation status of fraud risk treatments. The courts have in place fraud investigation, reporting and data collection procedures that meet the needs of the courts and comply with the *Commonwealth Fraud Control Guidelines*.

No instances or allegations of fraud against the courts were reported in 2010–11.

## Internal communication

Court staff and judicial officers are informed of significant changes and events through the following:

- ▶ Chief Justice eMessages
- ▶ Chief Federal Magistrate eMessages
- ▶ CEO eMessages
- ▶ Chief Executive Instructions
- ▶ Client service advices
- ▶ *Courtside*
- ▶ *The Court Exchange*
- ▶ Intranet messages, and
- ▶ The Legal Express.

## Information quality

The courts recognise the importance of quality information as a basis for delivering quality client services and for ensuring that clients have accurate and up to date information.

During 2010–11, major achievements of the Information and Knowledge Management team included:

- ▶ reviewing the content and aspects of the information architecture of the Family Court intranet and, in consultation with the business sections, recommending improvement to the usefulness and usability of the information available
- ▶ a new contract for storage and retrieval of court files, with cheaper rates and improved service levels. The courts' accounts were consolidated for auditing centrally, leading to more streamlined processes across the courts
- ▶ an upgrade/enhancement to the courts' electronic document records management system
- ▶ management of the successful piloting of new social networking software with the National Enquiry Centre, which included the use of a wiki for the knowledge base, and
- ▶ management of an all-staff survey to assess knowledge of social media software and to determine training requirements.

## PABX replacement

During the year the first stage of a major upgrade to the courts' PABX phone system was implemented. At 30 June 2011, the upgrade was providing all judicial officers and staff with updated voice technology. A further stage to create a unified communications network was still being explored on the basis that it could produce significant savings to ongoing telecommunications costs by:

- ▶ linking all sites over the courts' network. This would reduce call costs with internal voice traffic travelling over the courts' network, and would include a national numbering plan, and
- ▶ implementing unified communications via Lotus Notes and Sametime applications, which would reduce call conferencing costs and integrate telephone and desktop functionality.

## External communication and marketing

Communication and marketing plans were developed for the Commonwealth Courts Portal, the biennial fee increase and environmental management.

## Concurrent conference

2010 marked the first time that the judiciary of both the Family Court and the Federal Magistrates Court met concurrently for their annual conference.

Held at the Hyatt Hotel in Canberra from 16–18 October 2010, the conference was well attended and included judges from New Zealand as well as numerous guest speakers.

Professor Douglas Lind conducted workshops on Ethics and Obligations in Decision Making. As Professor and Chair of Philosophy at the University of Idaho, Professor Lind came highly recommended and his workshops were well attended.



The 2010 Concurrent Conference at the Hyatt Hotel in Canberra

Sessions were also held with:

- ▶ **Sir Paul Coleridge** – a judge of the High Court in the United Kingdom
- ▶ **Ken Crispin QC** – a former ACT Supreme Court Judge and author of a recently published book on his experiences with the law
- ▶ **Dr Sue Packer** – a Canberra-based paediatrician who, since 1990, has worked with schools, police, child protection and foster care
- ▶ **George Klein** – a behavioural scientist who has worked in the area of drug and alcohol medicine since 1981
- ▶ **Principal Judge Boshier** – Principal Family Court Judge of the NZ Family Court, and
- ▶ **The Hon Justice Paul Brereton AM RFO** – from the Supreme Court of NSW.

On the final day of the conference the courts held their own separate meetings.

## 14th National Family Law Conference

The Family Law Section of the Law Council of Australia's 14th biennial National Family Law Conference was held in Canberra from 18–22 October 2010.

The National Family Law Conference has developed to become the leading and largest regular legal event held in Australia.

The 14th conference continued this tradition with over 800 delegates in attendance including:

- ▶ Family court judges and court personnel
- ▶ Federal magistrates and court personnel
- ▶ Government policy makers and academics, and
- ▶ Family law solicitors and barristers.

Sponsors and exhibitors, of which the Commonwealth Courts Portal was one, were also provided with a unique opportunity to reach a highly targeted group of family law practitioners and promote their services.

The Commonwealth Courts Portal exhibit was not only eye catching, but also provided valuable information on portal services to the delegates throughout the week. This included laptops set up so delegates could register themselves and their firms on the spot.

Demonstrations of the Portal were a major draw card of the exhibition and attracted interest from national and international delegates. Over 100 new registrations were received throughout the week, as well as many enquiries from practitioners who had registered previously, but wanted to learn about new services such as eFiling. Family law practitioners praised the Portal and the Family Law Courts for leading technological innovation for both the courts and case management.

The next Family Law Conference will be held in Hobart, Tasmania in October 2012.



## Public information

Throughout 2010–11, the courts continued to produce a range of brochures and fact sheets encompassing all areas of their jurisdiction. The courts' websites are the primary communication tool for providing information about the courts. They provide information on court processes, fees and charges, relevant legislation, circuit details, daily court listings, the Commonwealth Courts Portal, as well as contact details and corporate information. The websites are regularly updated and provide a subscription service.

In addition to providing public information through the courts' websites, information on family law is provided through the Family Law Courts website: [www.familylawcourts.gov.au](http://www.familylawcourts.gov.au). This provides a centralised location for all information relating to the federal family law courts.

Below are the statistics for the number of visitors using the Family Law Court website during 2010–11.

### Family Law Court website statistics JULY 2010—JUNE 2011

Month	Unique Visitors
July 2010	54 793
August 2010	57 301
September 2010	54 677
October 2010	54 934
November 2010	55 328
December 2010	46 116
January 2011	56 541
February 2011	51 686
March 2011	51 713
April 2011	54 065
May 2011	33 526
June 2011	59 158



## Property

The courts are located in shared Commonwealth-owned facilities in Adelaide, Brisbane, Canberra, Hobart, Melbourne, Parramatta, Sydney and Perth. The courts also occupy privately leased facilities in Albury, Alice Springs, Cairns, Coffs Harbour, Dandenong, Darwin, Dubbo, Launceston, Lismore, Newcastle, Townsville and Wollongong, and share the state court facility in Rockhampton. The most significant property-related activities at various court locations in 2010–11 are detailed below.

### Sydney

In January 2011, the Federal Court of Australia vacated level three of the Lionel Bowen building. The vacated space provided an opportunity to redress a shortage of courtrooms in Sydney. The vacant floor is being refurbished to provide four new courtrooms and associated public areas. The courtrooms will be used primarily by the Federal Magistrates Court but will be available to the Family Court as required. This project will deliver much needed courtrooms in the Sydney CBD.

## Dandenong

During 2010–11, works were completed on the upgrade to the child observation area, providing a more usable area with child minding facilities, an adolescent breakout area, a children's bathroom and infant sleeping area. The upgraded facilities provide an environment that is conducive to the needs of children and enables staff to perform their duties more effectively.

## Brisbane

The reconfiguration of level nine at the Brisbane registry was completed in November 2010. This resulted in the co-location of judicial officers from the Family Court and the Federal Magistrates Court. The reconfiguration provided three extra judicial chambers, a new common room and an upgraded conference facility.

## Dubbo

Dubbo registry underwent a replacement of all registry furniture during 2010–11, including the replacement of furniture in public areas. The completion of this project provided a fresh look to the registry and improved environment for staff and court clients.



## Environmental Management System

The courts are currently developing a corporate Environmental Management System (EMS) to ensure a systematic approach to improving its environmental performance. The development and implementation of an EMS is generally completed in stages over time.

Within the EMS, at 30 June 2011 the following had been completed:

- an environmental policy outlining the courts' broad commitment to environmental management (developed and released in 2009–10)
- an environmental risk register identifying significant environmental aspects and impacts for the courts and treatment strategies to mitigate them
- an environmental legal register to identify any relevant environmental legal requirements for the courts (this register also includes other requirements such as applicable Federal Government policy requirements)
- an environmental annual plan (or environmental objectives, targets and programs) to identify environmental targets and associated performance indicators
- an EMS management review report to ensure management is informed of the status of the EMS and to provide an opportunity for feedback and endorsement, and
- online training developed for staff regarding relevant environmental issues included within an existing induction e-learning package.

### Other measures

During 2010–11, the courts worked to minimise its environmental impact through a number of specific measures, either new or continuing, as follows:

#### Energy

Energy audits were undertaken at a number of sites and recommendations implemented where feasible. Recommendations implemented in 2010–11 included:

- lighting upgrades at Newcastle, Darwin and Townsville registries to more energy efficient lights and more effective controls. Preliminary data indicates overall energy usage reduction of up to 20 per cent for these sites since the upgrades
- installation of supplementary air conditioning controls
- timers reprogrammed in kitchen hot water units, and
- rationalisation of electronic equipment such as printers.

Signage was provided to all court locations reminding staff to turn off lights when not required.

## Information technology

- ▶ an internal ICT sustainability plan was developed to ensure the requirements for the Federal Government *ICT Sustainability Plan 2010–15* are met, and
- ▶ a message was added to the bottom of IT staff notification emails reminding staff to turn off computers and monitors at the end of the day.

## Paper

- ▶ awareness of paper use was increased via information presented to the National Consultative Committee (NCC) for broader dissemination and the internal eNewsletters *Courtside* and *The Court Exchange*
- ▶ fifty per cent recycled content paper was piloted at the National Support Office with a national rollout of this initiative from 1 July 2011. This will meet a mandatory requirement of the Federal Government *ICT Sustainability Plan 2010–15*, and
- ▶ secure paper (confidential etc.) continued to be shredded and recycled for all court locations. The availability of non-secure paper recycling was increased by one site.

## Waste/cleaning

- ▶ a waste recycling (plastics, metal, cardboard etc) program was implemented at the National Support Office. As a result, approximately 25 per cent of waste that was previously sent to landfill is now recycled. Waste recycling is now available at 15 court locations
- ▶ at 30 June 2011, national cleaning contracts were being prepared to go to tender. These include environmental considerations, such as recycling of waste where possible and environmentally friendly cleaning products
- ▶ the number of sites with recycling facilities for printer toner cartridges increased by three to a total of 17
- ▶ recycling facilities for staff personal mobiles were established at 10 sites, and
- ▶ Electronic media (cds, work mobiles etc.) continued to be securely shredded and components recycled where possible.

## Corporate culture/communication

- ▶ In July 2010 an Environmental Champions Network (ECN) was formally established. This comprises of volunteers from 10 court locations, with the goal ultimately to have all locations represented. The network provides an opportunity for staff to be involved in the direction the courts take on environmental matters and to provide 'coal face' input about potential areas of improvement. Initiatives to date include:
  - Earth Hour participation nationally, and
  - a national 'mobile muster' as part of National Recycling Week.

- ▶ in June 2010, an environmental management intranet page was established to keep staff informed about environmental issues for the courts. Feedback received during 2010–11 indicated the information had been well received
- ▶ regular articles about the courts' environmental status were included in the internal e-newsletters *Courtside* and *The Court Exchange*, and
- ▶ in June 2011, the courts became a member of the federal government agency environmental network (GAEN), an interagency network facilitating the sharing of best practice environmental information. Its membership includes approximately 30 agencies.

### Property

- ▶ fitouts and refurbishments continued to be conducted in an environmentally responsible manner including by:
  - recycling demolished materials where possible
  - maximising reuse of existing furniture and fittings
  - engaging consultants with experience in sustainable development where possible, and
  - maximising use of environmentally friendly products such as recycled content in furniture and fittings, low VOC (volatile organic compounds) paint and adhesives, and energy efficient lighting and air conditioning.

### Travel

- ▶ accessibility of video conferencing was increased, which is expected to help reduce travel requirements.

## Registry services

Registry services include the provision of effective support to the Family Law Courts, family law telephone and referral services, and family law document processing. They are complemented by the services of the National Enquiry Centre (NEC).

Family law registries and the NEC provided a high level of service to clients and other users of the Family Law Courts and to judges and federal magistrates during 2010–11.

Staff working on the counters in family law registries handle general enquiries, lodge documents relating to proceedings, provide copies of documents and/or orders and facilitate the viewing of court files and subpoenas. Client service staff provided an efficient and effective service when dealing with litigants in person and the legal profession face-to-face at registry counters across Australia (except Western Australia).

During 2010–11, the family law registries continued to provide a high level of service to meet a sustained high volume, although they did not fully achieve against the deliverables set in the 2010–11 Portfolio Budget Statements.



## Counter enquiries

It is estimated that the registries dealt with 150 156 counter enquiries in 2010–11 from clients or other people seeking information face-to-face. This compared to 152 538 counter enquiries in 2009–10 and was about six per cent below the target or deliverable of 159 500.

In 2010–11, 97 per cent of clients were served within 20 minutes, compared with 90 per cent in 2009–10, against a target of 75 per cent.

## Document processing

Family law registries receive and process applications lodged at registry counters and in the mail. The service target of 75 per cent being processed within two working days of receipt was significantly exceeded (97 per cent of applications were processed within that timeframe, compared to 96 per cent in 2009–10).

## Telephone and email enquiries

Registries also provide telephone and email services. These complement the centralised telephone and email services provided by the NEC and an increasing range of web-based services. In total the NEC and the registries sent 50 052 email responses, again about six per cent below the target deliverable of 53 200 email enquiries (about eight per cent of the total email responses were sent by the registries, the remainder by the NEC).

The registries received 50 052 telephone calls, out of a total of 295 108.

# National Enquiry Centre (NEC)

## Telephone and email enquiry and referral services

The NEC provides a wide range of enquiry and support services for the Family Court and the Federal Magistrates Court. Through the courts' 1300 number all telephone calls automatically go the NEC as do all emails in the first instance. In addition, the NEC is the first point of contact for:

- ▶ the Family Law Courts' after hours service, and
- ▶ the Commonwealth Courts Portal (this includes providing first level help-desk technical support).

In 2010–11 the NEC:

- ▶ received 398 657 telephone calls, of which:
  - 245 052 (61 per cent) were actually served/answered, compared with 281 176 (76 per cent) that were served out of 378 420 telephone calls received in 2009–10
  - 46 139 (12 per cent) were abandoned during the recorded message that people hear first when they call, which provides detailed information about other ways in which people can get information, forms etc such as via the Commonwealth Courts Portal or the Family Law Courts website
  - 94 217 (24 per cent) were abandoned while the callers were in the queue waiting for their call to be answered, i.e. they had not opted for one of the other options proposed on the recorded message
  - about 8000 (two per cent) were transferred to a family law registry
- ▶ sent 45 853 emails in response to either emails received or as part of responses to served telephone enquiries. This compared with 24 513 in 2009–10, and
- ▶ reprinted on request 5177 divorce orders (an increase of 16 per cent on the 4477 in 2009–10).

### National Enquiry Centre performance, 2008–09 to 2010–11

Performance indicators and internal targets	2008–09	2009–10	2010–11
80% of calls answered within 90 seconds	75%	40%	32%
Less than 5% of calls abandoned when queued	2%	18%	24%
Less than 10% of calls transferred to a registry	5%	4%	2%
80% of emails answered within two days	100%	91%	98%

In 2010–11, it took an average six minutes and 18 seconds for calls to be answered. This is outside the key performance indicator time frame for the NEC.

Steps to reduce the time delays for answering calls, and the associated abandonment of calls were considered throughout the year, within the budget constraints of the courts. At 30 June 2010, the NEC was introducing voice response technologies so people can leave voice mail messages when they have relatively simple needs, for example, they want information emailed or posted to them. In these circumstances there is no need for them to wait in the queue.

Given the NEC's success with channelling calls to the Commonwealth Courts Portal and the Family Law Courts website, as evidenced by the 12 per cent of calls that dropped out during or immediately after that information is provided to callers, the Centre is hopeful this additional strategy will make a difference in 2011–12.

An ongoing challenge, however, for the NEC is that it will continue to experience spikes in demand associated with the release of updates or new tools on the Commonwealth Courts Portal. These extreme peaks were evident in 2010–11.

As highlighted above, the key factors that influenced the NEC's inability to meet the 90 second target rate included:

- ▶ its role for the Commonwealth Courts Portal, with average call length increasing to nearly 5 minutes per call (compared to the 4:26 minutes average in 2009–10 and less than four minutes in 2008–09), attributable to increased technical support provided for the Commonwealth Courts Portal as this service has expanded
- ▶ its strong achievement against the second KPI (for responding to emails)
- ▶ high staff turnover due to success of NEC training regime and staff gaining jobs elsewhere within the courts (mostly), and
- ▶ increased email enquiry response traffic.

Other factors that impacted on service delivery at the NEC during 2010–11, included changes to processes and fee changes, and updating of the courts' PABX and phone systems.



## International cooperation/delegations

### Indonesia Australia Partnership for Justice Transition

During 2010, the Australian Agency for International Development (AusAID) funded the Indonesia Australia Partnership for Justice Transition (IAPJT). The IAPJT is a joint Indonesian and Australian Government initiative aimed at strengthening the capacity of Indonesian government institutions and civil society to promote legal reform as well as protect human rights. From April 2004 to December 2009, the predecessor of the IAPJT, the Indonesia Australia Legal Development Facility, supported a broad program of activities concerning access to justice, judicial reform, human rights, anti-corruption and trans-national crime.

### Memorandum of Understanding Annex Signing

A Memorandum of Understanding (MOU) on Judicial Cooperation between the Federal Court of Australia, the Family Court of Australia and the Supreme Court of Indonesia (MA Mahkamah Agung) supports the ongoing activities between the Australian and Indonesian courts. In recent years, the MOU has been supported by an annual Annex documenting the work with both the MA and the General and Religious Courts of Indonesia. In September 2010, a further annex was signed, supporting the MA in its efforts to improve judicial transparency, develop affordable and accessible court services for poor and marginalised groups, undertake case management reform, and leadership and change management. The MOU and Annex are available at: <http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/international/>



The launch of the Bahasa Indonesia version of *Courting Reform: Indonesia's Islamic Courts and Justice for the Poor* on 16 March 2011. (L-R) Leisha Lister (Family Court of Australia), Bapak Wahyu Widiana (Director-General of the Religious Courts), Cate Sumner, Bapak Harifin Tumpa (Chief Justice of the Indonesian Supreme Court), Her Honour Diana Bryant (Chief Justice of the Family Court of Australia), Bapak Marzuki Wahid (Fahmina Institute), and Julia Suryakusuma.

Since December 2004, the Family Court has worked with the MA and Indonesia's General and Religious Courts on ways to increase access to the Religious Courts (the family law courts for Muslim citizens) for certain disadvantaged groups in Indonesia, particularly for women, the poor and/or those living in remote areas.

In 2010, two reports documenting the research results from the Access and Equity surveys of the Indonesian General and Religious Courts, conducted from 2007–09, were published:

- ▶ *Access to Justice: Empowering Female Heads of Household in Indonesia*, published by AusAID and PEKKA. The Chief Justice of Indonesia launched the report in July 2010, and
- ▶ *Providing Justice to the Justice Seeker: A report on the Access and Equity Study in the Indonesian General and Religious Courts 2007–2009*, published by AusAID and the Mahkamah Agung (Supreme Court of Indonesia). This publication was distributed to judges in almost 800 General and Religious Courts across the country following the National Judges Conference in October 2010.

The Family Court was a research partner and supported the publication of policy recommendations. The reports are on the Family Court website together with other resources such as a short film and 'how to' guides for people seeking information on how to bring family law cases to the Religious Courts: [www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/international/indonesia/](http://www.familycourt.gov.au/wps/wcm/connect/FCOA/home/about/international/indonesia/)

These key results show the impact of the collaboration between the Family Court and the Religious Courts on access and equity:

- ▶ an increased budget from the Government of Indonesia to the Religious Courts for access to justice initiatives
- ▶ a 14-fold increase in the number of poor people accessing the Religious Courts through the court fee waiver cases in the three years from 2007 to 2010
- ▶ a four-fold increase in the number of people living in remote areas able to access the Religious Courts through circuit courts in the three years from 2007 to 2010, and
- ▶ fifteen per cent of Religious Courts now have legal aid posts providing legal advice and assistance to clients coming to court. They are modelled on the duty solicitor scheme in Australian courts. In July 2010, the Family Court hosted a group, led by Bapak Abdul Kaddir Mappong, Vice Chief Justice of the Indonesian Supreme Court, which saw firsthand how the duty solicitor schemes work in Australia. In August 2010, the Indonesian Supreme Court issued Practice Directions supporting legal aid posts in Indonesian courts.

## Zimbabwe

In 2010, the Australian Government asked the Family Court to attend a family law conference in Zimbabwe. The conference was to facilitate the creation of a Family Court system and to seek the support of the Zimbabwean Government, Zimbabwean opposition, traditional chiefs, the High Court of Zimbabwe, the Zimbabwean Magistrates Court, women lawyers and human rights lawyers.

Justice Robert Benjamin attended, along with Professor Philippa Kruger from the University of Johannesburg, South Africa. The Australian Government, through AusAID, funded Justice Benjamin's visit.

The conference was a success with Government ministers, the Opposition, tribal leaders and other stakeholders agreeing to create a formal Family Court structure. The delegates agreed on a model structure with joint commissions in the General High Court of Zimbabwe and Magistrates Court to provide support services, such as counselling and legal services for litigants.

All participants acknowledged that the 'winner take all' approach is not conclusive for family law cases, but rather the proceedings should be conducted not on technicalities but on merit. It was also noted that there needs to be a capacity for strengthening the skills of court personnel to deal with family law matters.

The ministers and policy makers agreed that legislation ought to be put in place. The substance of that legislation is to reflect the general directions of the conference. Justice Benjamin has been invited to spend time with judges of the High Court of Zimbabwe, a Professor of Law at the University of Zimbabwe and other key stakeholders to assist in the drafting of the legislation and give effect to the recommendations given by the committee. At 30 June 2011, it was expected that this would happen early in the new financial year.



L-R: Justice Guvava of the High Court of Zimbabwe, Justice Benjamin of the Family Court of Australia and Judge Mawadze from the High Court of Zimbabwe.



L-R: Eileen Subtain presents Leisha Lister with a cheque donated by Sydney registry staff, to assist with the building of an early learning centre in Cianjur, Indonesia.

## Raising money for an Indonesian school

In December 2010, Eileen Subtain of the Sydney registry presented \$1000 to Leisha Lister, Executive Advisor, to assist with the building of an early learning centre in Cianjur, Indonesia. The money, generously donated by staff of the Sydney registry, will assist with purchasing much needed equipment for the school.

The Family Court has developed very close ties with the Supreme Court of Indonesia over the past five years and Leisha has been involved in many Indonesian projects, including this school, in both her professional and personal capacity.

## International visitors

During 2010–11 the courts work continued to be recognised internationally with official visitors from China, England, Japan, Hong Kong, Singapore, Afghanistan and South Africa.

### Hong Kong

**June 2010:** the Hong Kong Council of Social Service visited the Melbourne registry to study the Joint Parental Responsibility Model in family law. There was also an exchange of ideas and experiences in the areas of family violence and adopting the 'joint parental responsibility model'.

### Afghanistan and South Africa

**September 2010:** Justice Burr of the Adelaide registry hosted two official visitors: Suraya Pakzad, a women's right activist from Afghanistan and Albie Sachs, a retired judge of the Constitutional Court of South Africa.

## England

**November 2010:** Justice Fowler of the Sydney registry hosted a visit from District Judge Philip Gillibrand of North Hampshire, England. Judge Gillibrand observed a Family Court Less Adversarial Trial proceeding.

## China

**February 2011:** Justice Rose of the Sydney registry hosted a delegation from the Guangxi province in China. The delegation included Mr Zhong Erpu, Vice President of Chengdu Municipal Intermediate, Mr Zhu Shiyong, Department-Chief of Chengdu Municipal Intermediate People's Court, Mr Yu Jiachuan, President of Wuhou District People's Court, Mr Yang Mingzhong, President of Chongzhou City People's Court, Mr Wu Jin, Vice President of Chengdu Hi-Tech Zone People's Court and Mr Hu Yong, Vice President of Qingyang District People's Court.

## Japan

**March 2011:** the Melbourne registry, in conjunction with the Asian Law Centre at the Melbourne Law School, hosted a visit from Judge Hiroko Ogiwara from the Tokyo District Court, and Mr Katsushi Suguri, Professor of Research and Training Institute for Court Clerks, Japan. The delegation discussed the issues of child custody cases and child protection mechanisms in Australia, as well as child abuse cases and the legal framework surrounding this area.



Back row L-R: Justice Benjamin, Justice Cronin, Justice Dessau, Justice Bennett, Justice Young, Manuela Galvao and Ilana Katz. Front row L-R: Judge Hiroko Ogiwara (Tokyo District Court), Judge Gen Ueno (Okayama Family Court, Okayama District Court), and Mr Katsushi Suguri (Professor of Research and Training, Institute for Court Clerks).

**June 2011:** the Brisbane registry hosted a delegation from Singapore. Members of the delegation included Audrey Lim and Samuel Chua from the Subordinate Courts of Singapore, Felicia Woo from the Singapore Central Authority and Gee Swee Yean from the Ministry of Community Development, Youth and Sport. The delegation spent time with the Child Dispute Services team, discussing and learning about the Child Responsive Model and the Family Court's approach to managing Hague Convention cases.

### UK visitors to the Dandenong registry

In November 2010, the Federal Magistrates Court played host to members of the United Kingdom Family Justice Review Panel. Panel members David Norgrove (chair), Justice Andrew McFarlane (United Kingdom High Court Judge), and Jodie Smith (secretariat), visited the Dandenong registry as part of an extensive itinerary, including travel to European courts, investigating family law systems. The review panel has the task of examining the effectiveness of the family justice system in the UK and to make recommendations for reform. A key focus of the review is to investigate methods of avoiding confrontational court hearings and resolving family disputes outside the court system.

Panel members expressed a keen interest in visiting the Dandenong registry to observe the Dandenong Project. While visiting the Court, Justice McFarlane took the opportunity to sit on the bench with Federal Magistrate McGuire while he conducted a duty list. The international guests were also provided with presentations regarding the establishment and jurisdiction of the Court as well as court performance statistics. Representatives from family relationship centres talked about their involvement in the Dandenong Project.



In November 2010, the FMC hosted a delegation of visitors from the United Kingdom Family Justice Review Panel.

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The information in this report is intended to capture the main achievements of the administration of the courts over the 2010–11 financial year. It does not include all work and minor projects.



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