



FEDERAL MAGISTRATES COURT OF AUSTRALIA

SPECIALIST PANELS IN GENERAL FEDERAL LAW

Introduction

The Federal Magistrates Court has established Panels for the various areas of general federal law jurisdiction.

The Court sees the establishment of panels in its specialist jurisdictions as an important stage in the ongoing development of the Court. The Court believes that the Panel system will best enable it to use its judicial resources effectively according to its jurisdictions and to maintain the Court's commitment to the economical, less formal and prompt disposition of its workload.

The Panels provide an opportunity for members to develop and maintain expertise in the jurisdictional areas allotted. The Panels that have been, or are proposed to be established, are set out at the end of this Note. The Court advises that the Panels have been established in order to ensure that work is handled by Federal Magistrates with expertise in the area and with a commitment to allocating appropriate priority to the cases assigned to them. The Court also advises that diary rules adopted for 2006 are intended to ensure that cases in these jurisdictions will be dealt with generally within a target time frame of six months after filing.

The Federal Magistrates Court maintains its commitment to serving the community in rural and regional Australia by travelling to country centres to hear cases when requested and facilitating hearings through the use of video link, telephone directions and electronic filing.

Panels

The following Panels have been established in major Registries of the Court:

Administrative Law and Migration Panel

This includes:

- All appeals transferred from the Federal Court to the Federal Magistrates Court from non-presidential members of the Administrative Appeals Tribunal and all *Administrative Decisions (Judicial Review) Act 1977* applications.
- Most first instance judicial reviews of visa-related decisions under the *Migration Act 1958*.

Admiralty Panel

This includes all applications under the *Admiralty Act 1988*.

Commercial Panel

This panel is sub-divided into:

- bankruptcy (and corporations law if jurisdiction is conferred) which includes all civil claims and matters arising under the *Bankruptcy Act 1966* (except those requiring jury trials),
- copyright (and patent and trademarks if jurisdiction is conferred) which includes civil claims and matters under Parts V, VAA, IX and Section 248J of the *Copyright Act 1968*, and
- trade practices which includes claims arising under specific sections of the *Trade Practices Act 1974*.

Industrial Law Panel

This includes all applications under the *Fair Work Act 2009* and associated Acts, including provisions to hear unlawful termination claims, enforcement powers by way of civil penalties and injunctive relief, unfair contracts and breaches of agreement making.

Human Rights Panel

This includes all applications under the *Australian Human Rights Commission Act 1986* to hear and determine complaints of discrimination under the *Racial Discrimination Act 1975*, the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992* and the *Age Discrimination Act 2004*.

National Security Panel

This includes applications made to the Federal Magistrates Court as an issuing court under the anti-terrorism legislative package.

Further Panels will be established as the Court is granted additional jurisdiction. The Court may also modify the panel composition over time.

Convenors of Panels and allocation of applications to Panel Members

The Chief Federal Magistrate will appoint a Convenor for each Panel, the Convenor being responsible for the allocation of applications to Panel members.

Cases are allocated randomly to Federal Magistrates by the Registry (following instructions from Convenors) and a docket management system is adopted. Once an application which falls within a panel jurisdiction is docketed to a Federal Magistrate on the Panel, it will generally remain with that Federal Magistrate.

Urgent Applications

Urgent applications will be dealt with in accordance with Part 5 of the *Federal Magistrates Court Rules 2001*. The Registry will be the first contact point for any urgent applications received in normal business hours. District Registries can provide information on the means of making urgent applications in particular jurisdictions, both during and outside of ordinary business hours. Urgent applications in Panel cases made

out of business hours will be considered by the Duty Federal Magistrate, who may, depending on the circumstances, make arrangements for urgent applications to be referred to a Panel member.

Panel liaison with practitioners

Panel Convenors will establish appropriate specialist liaison groups with relevant practitioners.

Composition of Panels

A table identifying the Panel Convenors and Members can be found on the website at

http://www.fmc.gov.au/html/specialist_panels.html