

## **PART FIVE: EXTERNAL SCRUTINY AND ACTIVITIES**

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### **REMUNERATION TRIBUNAL**

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The court provided a submission to the Remuneration Tribunal's *Review of Judicial & Related Offices' Remuneration 2002*, which was the first major review of judicial and related office remuneration since the court's establishment.

The court has also made submissions about superannuation and death and disability support to the Attorney-General and the tribunal. The Attorney-General has referred those matters to the tribunal for determination.

### **OMBUDSMAN**

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During 2002-03, the Commonwealth Ombudsman received four complaints relating to the Federal Magistrates Court. The nature of the complaints ranged from alleged mishandling of an affidavit of service, two complaints in relation to decisions or actions of a federal magistrate and one complaint in relation to the release of a counsellor's report.

The Ombudsman only has jurisdiction in relation to the administrative affairs of the court and cannot investigate complaints about the judicial process.

### **PRIVACY**

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The court holds no personal information, other than personnel information, in relation to the administrative affairs of the court.

### **FAMILY LAW COUNCIL**

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Federal Magistrate Ryan was a member of the Family Law Council until June 2003.

Peter May, CEO of the Federal Magistrates Court, has been an observer from March 2003.

The Chief Federal Magistrate and other federal magistrates attended a meeting of the council in Melbourne.

## NATIONAL ALTERNATIVE DISPUTE RESOLUTION ADVISORY COUNCIL

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Federal Magistrate Hartnett is a member of the National Alternative Dispute Resolution Advisory Council.

Officers of the court attended a NADRAC conference conducted in Melbourne.

## FREEDOM OF INFORMATION

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There were no freedom of information requests made to the Federal Magistrates Court in the reporting period.

Section 5 of the *Freedom of Information Act 1982* provides that the Act does not apply to any request for access to a document of the court unless the document relates to matters of an administrative nature.

Inquiries concerning access to documents or freedom of information matters generally should be directed to:

The Chief Executive Officer  
Federal Magistrates Court  
Level 12 / 305 William Street  
Melbourne Vic 3000

## ARRANGEMENTS FOR OUTSIDE PARTICIPATION

Regular formal consultations have been established with:

- ~ Family Court Chief Justice's Consultative Council (CJCC)
- ~ Family Court Rules Committee
- ~ Federal Court Rules Committee
- ~ Family Law Section of the Law Council of Australia
- ~ Law Council of Australia
- ~ National Legal Aid
- ~ National Alternative Dispute Resolution Advisory Committee
- ~ Family Law Council
- ~ Insolvency and Trustee Service Australia
- ~ Child Support Agency
- ~ Human Rights and Equal Opportunity Commission

There was continuing liaison with community organisations such as Relationship Australia, Centacare and Family Services Australia to discuss the provision of counselling and mediation services.

## CATEGORIES OF DOCUMENTS

Under arrangements made with the respective courts, certain Federal Court and Family Court registries maintain the following categories of documents for and on behalf of the Federal Magistrates Court:

- ~ Documents relating to matters heard by the court including applications, affidavits, transcripts, orders and copies of judgments
- ~ Registers and indexes of matters coming to the court
- ~ General correspondence.

The Federal Magistrates Court maintains the following categories of documents:

- ~ General correspondence
- ~ Documents concerning the development and implementation of policy
- ~ Documents concerning administration and financial aspects of the operation of the service.

## AVAILABILITY OF ACCESS TO INFORMATION OUTSIDE THE FREEDOM OF INFORMATION ACT

Rule 2.08 of the *Federal Magistrates Court Rules* provides for searching the records of the court by the Attorney-General (in family law proceedings), a party, a lawyer for a party, a child representative (in family law proceedings) or a person granted leave by the court or a registrar. Leave may be granted if a proper interest is shown and may be subject to conditions.

## PUBLIC INFORMATION

A key aim of the Federal Magistrates Court is to ensure that it is accessible to the Australian community. To assist in meeting this objective the public affairs unit devoted considerable time in 2002-03 to researching and developing appropriate initiatives that would enhance the public awareness and understanding of the Federal Magistrates Court. A public image project involved an audit of all public information provided by the court and undertook a review of how the court presents itself to its clients. A design guide and new logo that reflects the appropriate image of the court will be completed in 2003-04. This will be followed by the further development of a range of public material that will be distributed to key locations.

The Federal Magistrates Court relies on its web site to provide useful information about the court. Information available on the site includes contact details, corporate information, information on how the court works, court forms, fees and charges, Primary Dispute Resolution information, relevant legislation, publications, circuit details and daily court listings. The court places significant emphasis on ensuring that the federal magistrate's judgments are available to the public through the web site and through external bodies. The web site is regularly updated and provides a subscription service, which sends email notifications to subscribers when new material has been updated on the site.

During the reporting year, the federal magistrates presented papers, gave lectures and chaired sessions at judicial conferences, judicial administration meetings, continuing legal education courses, university law schools, Bar reading courses, law society meetings, high schools and other public meetings.

The court received media attention on a number of matters heard throughout the year. The public affairs officer provided relevant and timely assistance to the media on these occasions.

Approximately eight publication orders were issued by the court during 2002-03 which provides authority to publish details relating to matters heard under the Family Law Act (it is otherwise against the law to publish identifiable details of the parties involved under the Act). Publication orders are made in exceptional circumstances where the court is seeking the public's help in locating a missing child or children.