

PART FIVE: EXTERNAL SCRUTINY AND ACTIVITIES

AUDITOR-GENERAL AUDIT REPORT

An Auditor-General Audit Report No.46 was conducted during 2003-04 for the delivery of client service in the Family Court of Australia and the Federal Magistrates Court. This report was tabled during the reporting period.

REMUNERATION TRIBUNAL

The court provided submissions to the Remuneration Tribunal in relation to the remuneration of judicial officers and related court positions.

The court has also made submissions about judicial superannuation and death and disability support to the Attorney-General and the tribunal. The Remuneration Tribunal has provided a report on these matters to the government.

OMBUDSMAN

During 2003-04, the Commonwealth Ombudsman received one complaint relating to the Federal Magistrates Court. The complaint related to a judgment containing personal particulars being accessible when an internet search using the name of the complainant's employers website was used. The employer's name was used in the judgment. Steps were taken by the court to prevent the matter occurring again.

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

PRIVACY

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

FAMILY LAW COUNCIL

Federal Magistrate Mead is a member of the Family Law Council. Peter May, CEO of the Federal Magistrates Court, has been a Council observer since March 2003.

Meetings of the Council were also attended by Federal Magistrates Donald, Walters, Hartnett and Connolly.

NATIONAL ALTERNATIVE DISPUTE RESOLUTION ADVISORY COUNCIL

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

FREEDOM OF INFORMATION

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.

Enquiries 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, Victoria 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 Services Agency
- ~ 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

The court's public affairs officer devoted considerable time during 2003-04 in developing a range of public information.

The Federal Magistrates Court relies heavily on its website 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 website and through external bodies. The website is regularly updated and provides a subscription service, which sends email notifications to subscribers when new material has been updated on the site.

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.

The court issued three publication orders during 2003-04. These types of orders provide authority to publish details relating to matters heard under the Family Law Act and aim to help locate children who have been taken from one of their parents.