

## PART FIVE: EXTERNAL SCRUTINY AND ACTIVITIES

### Auditor-General audit report

An Auditor-General Audit Report (No.46) on Client Service in the Family Court of Australia and the Federal Magistrates Court was tabled on 20 May 2004. The parliamentary Joint Committee of Public Accounts and Audit conducted a public hearing on 4 April 2005 to examine the report.

### Commonwealth Ombudsman

The Commonwealth 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.

During 2004-05, the Commonwealth Ombudsman received seven complaints relating to the Federal Magistrates Court. The complaints related to; a federal magistrate presiding over a matter, the service provided by non-judicial staff, the inability of a litigant to correspond directly with the Federal Magistrate presiding over their case, lack of efficient communication and the length of time taken for a federal magistrate to make a decision.

The conclusions made by the Ombudsman in relation to these matters included that the Federal Magistrates Court had not acted improperly, to exercise the Ombudsman's discretion not to investigate the complaint, that the complaint did not warrant investigation and that a complaint was outside the powers of the Ombudsman to investigate.

### 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 Christine Mead is a member of the Family Law Council and the Chief Executive Officer of the Court is an observer at Family Law Council meetings.

## National Alternative Dispute Resolution Advisory Council

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

## Statement under section 8 of the Freedom of Information Act 1982

There were no freedom of information applications made to the Federal Magistrates Court in 2004-05.

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 of Australia  
Lionel Bowen Building  
97-99 Goulburn Street  
Sydney NSW 2000

## Arrangements for outside participation

Regular formal consultations have been established with:

- ~ Business Law Section of the Law Council of Australia
- ~ Child Support Agency
- ~ Family Court Chief Justice's Consultative Council (CJCC)
- ~ Family Court Rules Committee
- ~ Family Law Council

- ~ Family Law Section of the Law Council of Australia
- ~ Federal Court Rules Committee
- ~ Human Rights and Equal Opportunity Commission
- ~ Law Council of Australia
- ~ National Alternative Dispute Resolution Advisory Committee
- ~ National Legal Aid

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

Information on the particulars of the establishment, organisation, functions and powers of the Court is contained throughout this report. Information on the Court's arrangements for consultation with users of the Court about the Court's operations is also included in Part 3 and Part 5 of the report. The following lists the categories of documents maintained by the Court, the Court's facilities for public access and the Court's Freedom of Information procedures and relevant contacts for inquiries.

### 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.

