

PART EIGHT: APPENDIX

A) Compliance with annual report guidelines

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B) Summary resources

	(1) Budget* 2004-2005 \$'000	(2) Actual expenses 2004-2005 \$'000	Variation (column 2 minus column 1) \$'000	Budget** 2005-2006 \$'000
Administered Expenses (including third party outputs)	625	****629	4	727
Total Administered Expenses	625	629	4	727
Price of Departmental Outputs				
Output 1.1 - Provision of a Federal Magistrates Service	23,847	22,451	(1,396)	28,605
Revenue from Government (Appropriation) for Departmental Outputs	23,847	22,451	(1,396)	28,605
Revenue from Government (Resources received free of charge) ***	17,354	19,247	1,893	17,354
Revenue from other Sources	—	276	276	—
Total Price of Outputs	41,201	41,974	773	45,959
TOTAL FOR OUTCOME I (Total Price of Outputs and Administered Expenses)	41,826	42,603	777	46,686
		2004-2005		2005-2006
Staff Years (Number)		113		127

* Full-year budget, including additional estimates

** Budget prior to additional estimates

*** This figure is provided by the Family Court of Australia and the Federal Court of Australia

**** Includes bad and doubtful debts

C) Conferences attended and presentations made by federal magistrates

Federal Magistrate	Conferences attended	Presentations delivered
John Pascoe CFM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	11th National Family Law Conference, 26-30 September 2004, Gold Coast — <i>Leading the Federal Magistrates Court into the Future</i>
Christine Mead FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	Nil
Judy Ryan FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	<p>11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland — <i>Mental Health Issues in Parenting Cases under the Family Law Act 1975</i></p> <p>9th Annual Australian Family Law Conference, 11-13 June 2005, Sabah, Malaysia — <i>Family Law and Legal Ethics</i></p> <p>The Law Council of Australia (Family Law Section): National Child Representative's Training Program, Sydney, 10 March 2005 — <i>Overview of Recent Cases Concerning the Representation of Children and Parenting</i></p> <p>Family Law Reform Association, Sydney, 2 September 2004 — <i>An Overview of the Family Law Act: How Courts Make Decisions</i></p> <p>Legal Aid Congress, Queensland, 19 November 2004 — <i>Legal Assistance in Family Law: Making sure everyone gets heard</i></p> <p>LexisNexis 22nd Family Law Masterclass, 11 May 2005, Sydney — <i>The Treatment of Windfalls, Inheritances and Gifts</i></p>

Michael Baumann FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	<p>Queensland State Magistrates Conference, Queensland, 23 May 2005 — <i>Trends in Family Law: Self-Represented Litigants and Work of the FMC</i></p> <p>Address to Bond University Law Students, Brisbane, 14 September 2004 — <i>Practice in the Federal Magistrates Court</i></p> <p>Address to Queensland Legal Aid Advice Lawyers and Grants Officers, Brisbane, 15 September 2004 — <i>Contraventions in the FMC</i></p> <p>Australian Child Contact Services Association, Carseldine, 18 September 2004 — <i>New Developments in Family Law</i></p> <p>11th National Family Law Conference, 26-30 September 2004, Gold Coast — <i>Whatever happened to Common Sense and Courtesy? Ethics in Everyday Practice</i></p>
Norah Hartnett FM	4th World Conference in Family Law, 20-23 March 2005, Johannesburg, South Africa	<p>Victorian Bar Compulsory Continuing Legal Education Seminar, Melbourne, 19 May 2005 — <i>The Bankruptcy Act 1966 and Family Law</i></p> <p>Law Institute of Victoria Family Law Conference, 27 August 2004, Melbourne — <i>Making Sense of the New Rules</i></p>
Stephen Scarlett FM	9th Annual Australian Family Law Conference, 11-13 June 2005, Sabah, Malaysia	<p>City of Sydney Law Society, Sydney, 11 May 2005 — <i>Proceedings Involving Children in the FMC</i></p> <p>Continuing Legal Education Centre, Sydney, 4 March 2005 — <i>Family Law Proceedings in the FMC</i></p>
John Coker FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland 9th Annual Australian Family Law Conference, 11-13 June 2005, Sabah, Malaysia	Nil
Murray McInnis FM	Australian Bar Association Conference, July 2004, Florence, Italy	<p>Victoria Bar Readers Course, Melbourne, April 2005 — <i>The Federal Magistrates Court Practice and Procedure: Rules and General Federal Law Jurisdiction</i></p> <p>Monash University Commercial Alternative Dispute Resolution Masters Course, Melbourne, 5 February 2005</p>

Rolf Driver FM	International Association of Refugee Law Judges, 21-23 April, Stockholm, Sweden	Australian Government Solicitor Law Group Seminar, 7 April 2005 — <i>Federal Magistrates Court - A Cheaper, Quicker, Simpler Alternative for Federal Proceedings</i> Copyright Society of Australia, Sydney, 28 October 2004 — <i>Copyright in the FMC</i>
Kenneth Raphael FM		NSW Young Lawyers Continuing Legal Education Program, Sydney, 29 March 2005 — <i>Practice and Procedure in the FMC</i> Equal Opportunity Tribunal, Sydney, 19 November 2004 — <i>Anti-discrimination Legislation and Proceedings in the Federal Sphere</i> Copyright Society of Australia, Sydney, 28 October 2004 — <i>Copyright in the FMC</i> Western Suburbs Law Society, Sydney, April 2005 — <i>The Jurisdiction of the FMC in General Federal Law</i>
Maurice Phipps FM	Eureka 150 Democracy Conference, 25-27 November, University of Ballarat	Victorian Bar Commercial Bar Association Seminar, Melbourne, 23 November 2004 — <i>VCAT, the Courts and Fair Trading Disputes</i>
Jennifer Rimmer FM	9th Annual Australian Family Law Conference, 11-13 June 2005, Sabah, Malaysia	
Michael Connolly FM	The Australian Bar Association Conference — Joint Conference of the Australian and Irish Bars, Dublin, Ireland, 28 June - 1 July 2005	
John Walters FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	
Stewart Brown FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	
Shenagh Barnes FM	Australian National University Public Law Conference, 5-6 November 2004, Canberra Australian Law Reform Commission 30 Year Symposium, 9 June 2005, Sydney National Judicial College, Evidence Workshop, 30 April 2005, Sydney	

Michael Jarrett FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	Address to Queensland Legal Aid Advice Lawyers and Grants Officers, Training Day, Brisbane, 2004 — <i>The Federal Magistrates Court</i>
Victoria Bennett FM	11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	LexisNexis Professional Development Masterclass, Melbourne, 15 July 2004 — <i>Superannuation: Super Splitting in Practice – A Year Down the Track</i> Victorian Bar, Melbourne, 27 October 2004 — <i>Accounting Principles for Family Law Barristers</i> Television Education Network, Melbourne, 22 November 2004 — <i>Child Support</i> Law Institute of Victoria, Melbourne, 29 November 2004 — <i>Child Support: Variation of child support agreements and Lump Sum Child Support</i> Victorian Pathways Launch, Melbourne, 11 February 2005 — <i>Family Relationship Centres</i> Law Council of Australia, Family Law Section, Family Law Intensive, Melbourne, 7 May 2005 — <i>Recent Cases in the FMC</i>
Sylvia Emmett FM	Judicial College of Australia Conference, 19 March 2005, Sydney 11th National Family Law Conference, 26-30 September 2004, Gold Coast, Queensland	NSW Bar Association, Sydney, 12 May 2005 — <i>The Federal Magistrates Court: Its Jurisdiction and Composition</i> NSW Bar Association, Sydney, 12 May 2005 — <i>Mock applications for New Barristers Reading Program</i>
Grant Riethmuller FM	Child Representative Conference, 5 August 2005, St Helens, Tasmania Family Law Conference, 6-7 August 2005, St Helens, Tasmania	Law Institute of Victoria, Melbourne, 29 November 2004 — <i>Child Support: Justice and Equity</i> Television Education Network, Melbourne, 10 February 2005 — <i>Making 'Private Arrangements' Consent Agreements and Child Maintenance trusts (chair)</i> Mornington Peninsular Young Lawyers Association, 15 March 2005 - <i>Tips and Traps for Young Practitioners</i> The Victorian Bar, Melbourne, 31 March 2005, Melbourne — <i>Child Support: Non Wage Earners and other Problem Payers</i> Victorian Bar Compulsory Continuing Legal Education Seminar, Melbourne, 19 May 2005 — <i>The Bankruptcy Act 1966 and Family Law</i> (speaking to paper prepared by Hartnett FM)

Matthew Smith FM	Annual Public Law Weekend, Administrative Law Conference, 5-6 November 2004, Australian National University, Canberra	
Graham Mowbray FM	Public Law Weekend, Administrative Law Conference, 5 - 6 November 2004, Australian National University National Judicial College Evidence Workshop, Sydney, 30 April 2005 Fifteenth National Administrative Law Forum, Canberra Convention Centre, 30 June - 1 July 2005	Australian National University masters 'Tribunals and Government' class, 25 June 2004 — <i>Contrasts in practice, procedure and evidence between the Administrative Appeals Tribunal and the Federal Magistrates Court</i>

D) Remuneration levels of judicial officers and staff¹⁴

	Chief Federal Magistrate		Federal Magistrates		Staff		TOTAL
	Male	Female	Male	Female	Male	Female	
Adelaide	-	-	1	1	-	4	6
Brisbane	-	-	2	1	-	7	10
Canberra	-	-	1	-	-	2	3
Darwin	-	-	1	-	-	2	3
Launceston	-	-	1	-	-	2	3
Melbourne	-	-	6	2	6	29.3	43.3
Newcastle	-	-	2	-	-	4	6
Parramatta	-	-	-	3	-	6	9
Sydney	1	-	7	1	3	15	27
Townsville	-	-	1	-	-	2	3
TOTAL	1	-	22	8	9	73.3	113.3

¹⁴ Part-time staff have been shown in the above tables as a percentage of the full-time equivalent. Staff employed on a casual basis (eg sessional registrars) are excluded from the above tables. Positions that were vacant on 30 June 2005 have not been included. Staff who were inoperative at 30 June 2005 (eg on long-term leave) have not been included. The above tables represent a 'snapshot' as at 30 June 2005, not the average staffing level through the year.

Remuneration levels (by classification)

	Chief Federal Magistrate \$259,620	Federal Magistrate \$220,290	Chief Executive Officer \$160,120	Executive Level 2 \$74,866 to \$98,261	Executive Level 1 \$65,508 to \$72,526	APS6 \$50,885 to \$58,489	APS5 \$46,791 to \$50,300	APS4 \$40,942 to \$46,206	APS3 \$38,018 to \$40,942	TOTAL
Adelaide	-	2	-	-	-	-	2	2	-	6
Brisbane	-	3	-	-	-	-	3	3	1	10
Canberra	-	1	-	-	-	-	1	1	-	3
Darwin	-	1	-	-	-	-	1	1	-	3
Launceston	-	1	-	-	-	-	1	1	-	3
Melbourne	-	8	-	5	5.7	-	9	11	4.6	43.3
Newcastle	-	2	-	-	-	-	2	2	-	6
Parramatta	-	3	-	-	-	-	3	3	-	9
Sydney	1	8	1	-	-	-	9	7	-	27
Townsville	-	1	-	-	-	1	1	1	-	3
TOTAL	1	30	1	5	5.7	-	32	32	5.6	113.3

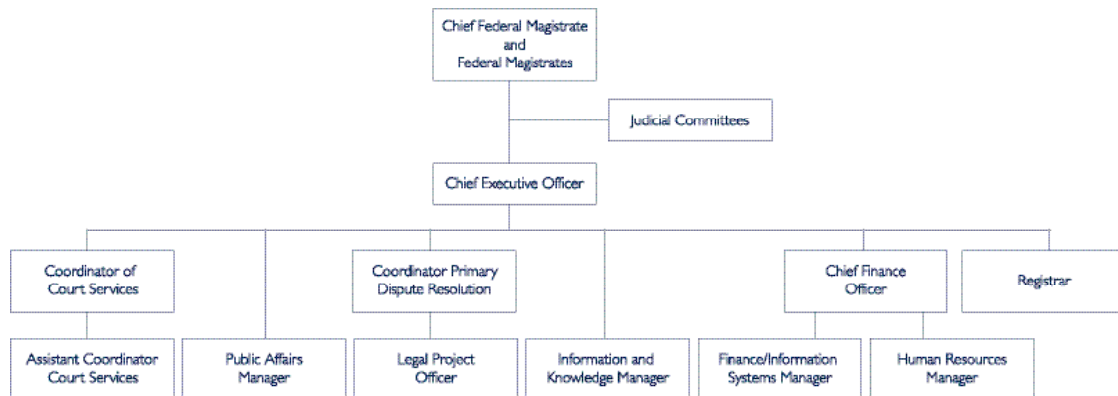
Remuneration levels (by gender and salary level)

	Salary Level	Male	Female	TOTAL
Chief Federal Magistrate	\$259,620	1	-	1
Federal Magistrates	\$220,290	22	8	30
Chief Executive Officer	\$160,120	1	-	1
Executive Level 2	\$74,866 to \$98,261	2	3	5
Executive Level 1	\$65,508 to \$72,526	1	4.7	5.7
APS 6	\$50,885 to \$58,489	-	1	1
APS 5	\$46,791 to \$50,300	-	32	32
APS 4	\$40,942 to \$46,206	3	29	32
APS 3	\$38,018 to \$40,942	-	5.6	5.6
APS 2	\$33,339 to \$37,433	-	-	-
APS 1	\$39,244 to \$32,754	-	-	-
TOTAL				113.3

Staff (Performance Pay)

	Salary Level	Eligible Staff	Average Payment	Total Payments
Executive Level 2	\$74,866 to \$98,261	4	\$3,131	\$12,526
Executive Level 1	\$65,508 to \$72,526	3	\$1,960	\$5,880
APS 6	\$50,885 to \$58,489			
APS 5	\$46,791 to \$50,300	10	\$1,214	\$12,142
APS 4	\$40,942 to \$46,206	6	\$1,136	\$6814
APS 3	\$38,018 to \$40,942	1	\$109	\$109
APS 2	\$33,339 to \$37,433			
APS 1	\$39,244 to \$32,754			
TOTAL				\$37,472

E) Organisational chart



F) Consultancies

The Federal Magistrates Court engages consultants for the provision of professional or expert advice, or for services that cannot be met through internal services.

Table 26: Consultancy Services let during 2004-05, of \$10,000 or more

Consultant Name	Description	Contract price	Selection Process (I)	Justification
Australian Government Solicitor	General legal advice	\$18,534	Direct Sourcing	B
Deloitte Touche Tohmatsu	Internal audit services	\$31,376	Direct Sourcing	A
Des Semples & Associates	Change facilitation advice	\$18,287	Direct Sourcing	B
H2O Architects	Architectural services Melbourne	\$44,558	Direct Sourcing	B
Profmark Consulting	Client satisfaction and awareness survey	\$21,757	Direct Sourcing	C
Ross D Farrell & Associates	Architectural services Sydney	\$20,350	Direct Sourcing	B
Stace Management Networks	Strategic planning facilitation	\$25,440	Direct Sourcing	B
Tactics Consulting	Intranet design	\$24,750	Select tender	A
TOTAL		\$205,051		

(I) Explanation of selection process terms drawn from the Commonwealth Procurement Guidelines (January 2005):

Open Tender: A procurement procedure in which a request for tender is published inviting all businesses that satisfy the conditions for participation to submit tenders.

Select Tender: A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders in accordance with the mandatory procurement procedures.

Direct Sourcing: A procurement process, available only under certain defined circumstances, in which an agency may contact a single potential supplier or suppliers of its choice and for which conditions for direct sourcing apply under the mandatory procurement procedures.

Panel: An arrangement under which a number of suppliers, usually selected through a single procurement process, may each supply property or services to an agency as specified in the panel arrangements.

(2) Justification for decision to use consultancy:

- A - skills currently unavailable within agency
- B - need for specialised or professional skills
- C - need for independent research or assessment

G) Fraud Control Certification

In accordance with guideline 2.8 of the Commonwealth Fraud Control Guidelines 2002, issued by the Minister for Justice and Customs pursuant to Regulation 19 of the Financial Management and Accountability Regulations 1997, I hereby certify that I am satisfied that:

- ~ the Federal Magistrates Court has prepared fraud risk assessments and has in place a fraud control plan that complies with the Guidelines;
- ~ appropriate fraud prevention, detection, investigation and reporting procedures and processes are in place and;
- ~ annual fraud data has been collected and reported that complies with the Guidelines.

John Mathieson
Chief Executive Officer
Federal Magistrates Court of Australia
September 2005

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