

Auditor-General audit report

The Auditor-General Report (no. 46) on Client Service in the Family Court of Australia and Federal Magistrates Court of Australia was tabled in May 2004 and examined by the parliamentary Joint Committee of Public Audit and Accounts in a public hearing in April 2005. The Joint Committee reported in October 2005 (Report 404).

The Joint Committee recommended that the Federal Magistrates Court:

- seek to gain further performance information from community-based organisations in order to assess their effectiveness in dispute resolution and their adherence to the government's Family Relationships Services guidelines
- undertake further evaluation of the settlement outcomes from outsourced Primary Dispute Resolution providers, and
- investigate client satisfaction with Primary Dispute Resolution services provided by community-based organisations to understand why rates of settlement are low and how they could be increased to reach targets set in Portfolio Budget Statements.

The Court will undertake a further evaluation of its outsourced Dispute Resolution Program in 2006-07 in response to the Committee's recommendations. It has obtained information from contracted community-based organisations which might be used to assess the effectiveness of dispute resolution and adherence to relevant guidelines. The proposed evaluation will include collection of any further information which might be required.

Commonwealth Ombudsman

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

During 2005-06, the Commonwealth Ombudsman received eight approaches, three of which were investigated. Only one of these matters was found to involve an administrative error and it was determined that an appropriate remedy was provided to the individual concerned.

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, John Mathieson, 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 2005-06.

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 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 Relationships 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 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, and
- General correspondence.

The Federal Magistrates Court maintains the following categories of documents:

- General correspondence
- Documents concerning the development and implementation of policy, and
- 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.