

Year in review

Key achievements

The 2006-07 year has been another period of significant growth for the Federal Magistrates Court of Australia (the Court).

Seventeen federal magistrates were appointed during the year although three resigned, resulting in 14 additional judicial officers over the previous year. This makes the Federal Magistrates Court equivalent in size to the Federal Court of Australia (the Federal Court) in terms of the number of judiciary, and larger than the Family Court of Australia (the Family Court).

With resident judicial officers in every state and territory, the Federal Magistrates Court is now a truly national federal court. It also continued to have a significant presence in rural and regional Australia both through its expanded circuit network and through judicial officers permanently located in regional areas. The latter was enhanced during the year with the appointment of a federal magistrate in Far North Queensland.

There was a continuing increase in the proportion of new family law matters filed in the Court and, by the end of the reporting year, the projection made in the early stages of the Combined Registry Project that 75 per cent of family law filings would be in the Federal Magistrates Court, is closer to being realised.

Key projects

The Court (with the Family Court) continued to implement the final stages of the Combined Registry Project during the year which included: piloting a joint application form; introducing a single hard copy file cover for use in both courts in family law matters; modifying the Courts' computer application (Casetrack) to support a single numbering regime and to enable users to view and work an application from both courts; and implementing and enhancing intranets in both courts to provide better support in the management of family law workload. Plans were also finalised to implement a pilot program in Adelaide to 'stream' cases to the Federal Magistrates Court.



Federal Magistrates Court Family Law Meeting, 30 June 2007, Sydney

During the year the Court established specialised panels in a range of areas in its general federal law jurisdiction. This concept was further extended by the establishment of a specialist panel in child support.

The Court continued to reduce the backlog of migration matters which built up in 2003-04 and 2004-05, disposing of 591 more migration matters than it received during 2006-07.

The Court also continued to monitor progress of reserved judgments. Only 0.2 per cent of the 2547 reserved judgments delivered during the year were delivered more than 12 months after the hearing.

COMMONWEALTH COURTS PORTAL

The Commonwealth Courts Portal is a joint project of the Family Court, Federal Court, and the Federal Magistrates Court. The vision of the 'Portal' is to provide the external community, lawyers and litigants with a single entry point or 'gateway' to a broad range of court services and information aggregated from each of the jurisdictions via a single and consistent user interface.

The three Commonwealth jurisdictions have adopted a common case management system, (Casetrack), which has facilitated taking this next collaborative step. The project has progressed during the year. All jurisdictions have confirmed the feasibility of the vision and advanced the project's first development phase. The outcome of this initial phase will be deployed in August 2007.

Legislative changes

On 1 July 2006 significant amendments to the *Family Law Act 1975* came into effect, which included increased jurisdiction to the Federal Magistrates Court to give it almost the same jurisdiction in family law as the Family Court. These were discussed in more detailed at pages 3, 27 and 28 of the Federal Magistrates Court's 2005-06 annual report.



Mr John Pascoe AO, Chief Federal Magistrate (right) and Mr John Mathieson, Chief Executive Officer (left)

Also commencing on 1 July 2006 was the first tranche of amendments to the Child Support Acts, which resulted from the review of that legislation in 2005 by the Ministerial Taskforce on Child Support. Further amendments came into effect on 1 January 2007 and 22 June 2007. These included introducing a process for external review of decisions of the Child Support Agency by the Social Security Appeals Tribunal with a right to appeal on a question of law to a court having jurisdiction under *Family Law Act 1975*, including the Federal Magistrates Court.

The Court's general federal law jurisdiction was further increased with conferral of jurisdiction by the *Do Not Call Register Act 2006*, which came into effect on 31 May 2007, in relation to recovery of penalties and to grant injunctions relating to contraventions. The Court's industrial law jurisdiction further expanded with the commencement on 1 March 2007 of the *Industrial Contractors Act 2006*.

On 5 April 2007 the Minister for Industry Tourism and Resources announced that the Australian Government had agreed to extend the jurisdiction of the Federal Magistrates Court to hear trademark and design matters. The Minister also announced that the Government would reconsider in two year's time the recommendation of the 2004 Advisory Council on Intellectual Property Report¹ to also extend the Court's jurisdiction to patent matters, after the experience gained from the transfer of trademark and design matters to the Court had been assessed.

Continued development of the Court

A review of the Court's administrative structure was undertaken in the last quarter of the year. In view of significant growth of the Court, it was recommended a more effective level of support was required for the Court's judicial officers. There was also a need for an independent governance structure for the Court's case management; senior strategic management be located with the Chief Federal Magistrate and Chief Executive Officer in Sydney; and a regional network to support federal magistrates and to manage day-to-day operations on a local basis should be established.

¹ *Should the jurisdiction of the Federal Magistrates Court be extended to patent, trademark and design matters?*



Cairns registry



Lionel Bowen Building, Sydney

The review recommendations have been accepted in principle and will be implemented in the first part of the coming year. This will include establishing a Sydney National Office for senior management and a new strategic policy unit, the Melbourne National Office taking responsibility for corporate transaction processing and establishing regional offices in Adelaide, Brisbane, Melbourne and Sydney.

Challenges to the Court

The rapid and continuing growth in the size of the Court's bench and in the breadth of its jurisdiction poses significant challenges. Last financial year, the roles of Coordinating Federal Magistrates were established in the Court. These roles have provided the valuable regional assistance required in managing a Court with such wide geographic spread and diversity. Implementing structural changes to the Court's administration, as mentioned above, should provide better support to the growing number of judicial officers.

Resources have and will need to continue to be devoted to the induction of new judicial officers and the ongoing judicial education of federal magistrates, as well as the training and development of staff. In 2006-07 judicial education has been focused on 'court craft', a theme which will continue next year with a residential program on judgment writing planned for August 2007.

As noted above, the Court continued to closely monitor the timely delivery of judgments and to provide federal magistrates with as much judgment writing time as possible within the confines of their busy workload. Complaints about delayed delivery of judgments (as noted in the Court's last annual report) have continued to remain significantly less than in earlier years. Maintaining, however, the appropriate balance of finalising reserved judgments and managing a heavy and demanding caseload will continue to be a challenge for the Court and each of its judicial officers.

To achieve increased efficiencies, the Court continued to review practice and procedures following legislative changes. It is an ongoing challenge for the Court to consistently manage and decide cases and at the same time, to appropriately manage their individual needs and make decisions according to the law.