

PART 5

External scrutiny

External relations

The Court continues to foster and develop strategic partnerships both in the federal court system, with other courts within Australia and New Zealand and with the legal profession. The Chief Federal Magistrate, federal magistrates and the Chief Executive Officer participate in a range of consultative and strategic forums including:

FAMILY LAW COURTS BOARD

The Chief Federal Magistrate and the Chief Executive Officer are members of the Board together with their counterparts in the Family Court. The Board meets every six weeks and is the strategic decision making forum that oversees the implementation and management of the Family Law Courts joint registry initiatives.

CHIEF EXECUTIVE OFFICERS MEETING

The Chief Executive Officer meets with his counterparts in the Federal Court and the Family Court every month. The Chief Executive Officers manage issues that are of relevance to each court, for example the Commonwealth Courts Portal which was an initiative shared by the three courts under the auspices of the Chief Executive Officers.

AUSTRALIAN COURTS ADMINISTRATORS' GROUP

The Chief Executive Officer represents the Court at this forum which brings together all Australian courts and has representation from New Zealand. The Group meets on average five times per year.

FAMILY LAW COUNCIL

The Family Law Council provides advice to the Attorney-General. Federal Magistrate Hartnett and Federal Magistrate Sexton are members of the Council and the Chief Executive Officer is an observer. The Council meets quarterly.

NATIONAL ALTERNATIVE DISPUTE RESOLUTION ADVISORY COUNCIL

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

Auditor-General audit report

Evaluation of community based dispute resolution services

In response to the Auditor-General report, (no.46) on client service in the Family Court of Australia and the Federal Magistrates Court, during 2006-07, the Court engaged Communication Partners (a consultancy based at the University of Queensland) to conduct a follow up evaluation of outsourced dispute resolution services.

The evaluation sought to analyse settlement outcomes and client satisfaction with dispute resolution services provided by community based organisations. The data selected for analysis was data from matters referred to community based dispute resolution in two defined time periods in 2003-04 and 2005-06. Randomly selected clients and practitioners from community based organisations were interviewed for the evaluation. The report was completed and made available in May 2007.

One of the key findings of the evaluation was that 65 per cent of matters that partially settled and 53 per cent of matters that did not settle at the dispute resolution event subsequently settled with consent orders. The attitude of the other party towards dispute resolution was identified as significantly affecting the outcome. The clients perceived the skill and neutrality of the dispute resolution practitioner as important factors in the dispute resolution process.

The report makes several recommendations including providing a consistent, coordinated and systematic data recording process between the Federal Magistrates Court and the community based organisations.

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 2006-07 the Commonwealth Ombudsman received five approaches, one of which was investigated.

The Commonwealth Ombudsman's Office sought information from the Court on the complaint-handling process to help a project they are conducting which aims to draw attention to its limited ability to investigate complaints about courts and tribunals and to give an overview on how the courts and tribunals handle complaints. See page X for more information on complaints made to the Court.

Privacy

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

Statement under Section 8 of the *Freedom of Information Act 1982*

There were three freedom of information applications made to the Federal Magistrates Court in 2006-07.

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
Level 11, Macquarie House
167-169 Macquarie St, Sydney NSW 2000

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.

Legal Services Directions 2005

Under paragraph 11.1 of the Legal Services Directions 2005 the Chief Executive Officer of the Federal Magistrates Court of Australia (the Court) has the responsibility for ensuring that:

- arrangements for legal services are handled efficiently and effectively, and
- appropriate systems and procedures are in place to achieve compliance with these Directions.

In accordance with paragraph 11.1 (ba) of the Legal Service Directions 2005, the total legal services expenditure incurred by the Court for 2006-07 was as follows:

	Expenditure \$'000
The Court's total legal services expenditure (GST exclusive)	41
The Court's total external legal services expenditure (GST exclusive)	41

Pursuant to paragraph 11.2 of the Legal Services 2005, the Chief Executive Officer has issued a Certificate to the Office of Legal Services Coordination of the Attorney-General's Department stating that the Federal Magistrates Court:

- has appropriate systems and procedures in place to ensure compliance with the Directions, and
- has no record of any alleged, possible or determined breach of the Directions during the financial year 2006-07.