

# The year in review

## Statistics at a glance

**Figure 1** The number of applications filed in the Federal Magistrates Court

	2007–08	2006–07	% change
<b>Family law filings</b>			
Final orders	14 900	15 725	-5.24%
Interim orders	13 701	13 662	0.28%
Divorce applications	44 362	44 277	0.19%
Other	4206	3 143	33.82%
<b>Total family law filings</b>	<b>77 169</b>	<b>76 807</b>	<b>0.47%</b>
<b>General federal law filings</b>			
Bankruptcy	4936	5 151	-4.17%
Migration	1552	2 114	-26.58%
Administrative law	33	32	3.12%
Admiralty law	16	22	-27.27%
Trade practices	92	95	-3.15%
Copyright	52	46	13.04%
Human rights	98	98	0%
Industrial	225	119	89.09%
<b>Total general federal law filings</b>	<b>7004</b>	<b>7678</b>	<b>-8.77%</b>

**Figure 2** Finalisations in the Federal Magistrates Court

	2007–08	2006–07	% change
Divorces granted	44 353	45 181	-1.83%
Migration finalisations	2097	2705	-22.47%

**Figure 3** Judgment delivery<sup>1</sup> in the Federal Magistrates Court

	2007–08	2006–07	% change
Family law judgments delivered on the same day as final hearing	582 *	338 *	72.18%
Total family law judgments	1220	638	91.22%
General federal law judgments delivered on the same day as final hearing	1210 *	1329 *	-8.95%
Total general federal law judgments	1898	1909	-0.57%

\* These figures are included in the total number shown as judgment delivery

1 These figures relate to judgments that had a media neutral citation issued

## Introduction

During 2007–08 the Federal Magistrates Court of Australia continued to deliver its key objective to provide accessible and timely justice at a lower cost to the community.

The pattern of continued growth in workload, judicial numbers and jurisdiction was sustained throughout the year. With regard to workload, the number of applications filed in the Court was static; however, the overall percentage of family law applications filed in the Court continued to increase. Seventy-nine per cent of all matters filed in the two federal family law courts are filed in the Federal Magistrates Court. In six of the 11 family law registries, the Federal Magistrate Court received more than 87 per cent of all new matters filed. National filings in general federal law decreased slightly, from 9.1 per cent of all matters filed with the Court in 2006–07 to 8.3 per cent of all matters filed in 2007–08.

The Court continued to finalise matters promptly and efficiently. During 2007–08, 95.8 per cent of family law matters filed with the Court were finalised within 12 months and 85.9 per cent of were finalised within six months. In general federal law, 91.1 per cent of matters were finalised within 12 months and 73.1 per cent were finalised within six months.

The Court welcomed the appointment of six federal magistrates in 2007–08, increasing the Court's judiciary to 53. Of the six new federal magistrates, three were appointed to Brisbane, two to Sydney and one to Canberra.

A particular feature of the year in review was the Court's increased activities in Australia's regional and rural areas. Federal magistrates and senior managers engaged with legal practitioners, community organisations and other interested people in various locations, including Mt Gambier, Wagga Wagga and Lismore.



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



Chief Federal Magistrate Pascoe, Family Law Conference, Adelaide April 2008

# Significant issues and developments

## Commonwealth Courts Portal

The Commonwealth Courts Portal, a joint initiative of the Federal Court, the Family Court and the Federal Magistrates Court, was launched by the Federal Attorney-General, Robert McClelland, on 17 June 2008. The portal provides registered legal practitioners with a secure, single point of access to information relating to their cases that are before each of the three Commonwealth courts. In 2007–08 the project has reached the first stage of implementation.

## Online application for divorce

The Court's divorce website [www.divorce.gov.au](http://www.divorce.gov.au) was redeveloped during 2007–08 and went "live" in March 2008. This website provides applicants seeking a divorce with the option of completing an interactive divorce application form. While the online version contains the same questions as the hard-copy form, it is designed to be faster and easier to complete and includes instructions to assist the applicant complete the form. The website also provides links to associated online information resources.

## Survey of the profession

The Court regularly surveys the legal profession to seek feedback about how the Court is performing against its objective of providing a cheaper, simpler and faster method for dealing with less complex family and general federal law matters. The most recent survey was conducted in November 2007 and involved a sample of 654 practitioners. The survey sought feedback on the following key areas of the Court's work:

- whether their matter was handled quickly and simply
- comment on the simplicity and effectiveness of Court's Rules
- opinion of the availability of information about the Court's services, and
- the relative costs of conducting matters in the Court.

The results of this survey were very encouraging: 79 per cent of respondents rated the service provided as either good or excellent and 92 per cent expressed their satisfaction with the quality and timeliness of information provided by the Court. The Court's website was rated as either good or excellent by 88 per cent of respondents.

## Australian Institute of Family Studies

During the year the Court accepted an invitation from the Australian Institute of Family Studies to participate in a research study evaluating the impact of the family law reform package. The study is being undertaken by Australian Institute of Family Studies at the request of the Attorney-General's Department and the Department of Families, Community Services and Indigenous Affairs. The reform package introduced changes to the process and the substantive legal principles for resolving parenting disputes.

The reform legislation was intended to influence the behaviour and attitudes of participants throughout the system—including parents, judicial officers, lawyers, family dispute resolution practitioners and family consultants—in a range of ways. The study will involve a series of interviews and focus group meetings with judicial officers, registrars, family consultants and lawyers to discuss the implementation and interpretation of the legislation. The evaluation is a major research program which will be carried out over three years and is expected to be followed by a longer-term evaluation with a 10 year horizon.

## The Court's administration

A review of the Court's administrative structure was commissioned by the Federal Magistrates Court in March 2007 and was undertaken by Des Semples and Associates. A report was presented to the Chief Federal Magistrate and the Chief Executive Officer in June 2007. The review recommended the establishment of independent governance structures for all of the Court's case management responsibilities.

The Court implemented many of the review's recommendations during the course of 2007–08. The Court established a network of court services and judicial support closely linked to the regionally based co-ordinating federal magistrates. The regional network is managed by four newly appointed regional managers based in Adelaide, Brisbane, Melbourne and Sydney.

The regionalisation of the administration of court services and judicial support has led to better use of the Court's resources and better understanding of regional needs for services, such as dispute resolution, and quicker access to ancillary services. The regional network also supports the provision of better services for litigants in non-metropolitan Australia.

During the year, the Court recruited a team of four regional dispute resolution co-ordinators to manage and co-ordinate the judiciary's dispute resolution services in each of the four main registries: Adelaide, Brisbane, Melbourne and Sydney. The Court's dispute resolution co-ordinators provide support to and clinical supervision of the Court's family consultants, including those appointed under regulation 7 of the *Family Law Act 1975*. These new arrangements have greatly strengthened the Court's dispute resolution processes.



Federal Attorney-General, Robert McClelland launching the Commonwealth Law Courts Portal, Melbourne June 2008

In December 2007 the Court accepted the transfer of 11 regionally based family consultants from the Family Court. They are located in Albury, Dubbo, Launceston, Wollongong, Lismore, Cairns and Darwin.

The Court formally established a Sydney national office during the year, to which all of its strategic management positions were relocated. The Court established a strategic policy unit comprising a team of project managers who provide executive-level strategic support to senior management. The team supports the Court's corporate governance processes by providing secretariat support to the Court's advisory committees. Corporate transactional processing responsibility was retained in the Court's Melbourne national office.

The Court's principal registrar, Ms Adele Byrne, was awarded the Public Service Medal in the 2008 Queen's Birthday Honours List for her outstanding contribution towards the establishment and administration of the Court. The award gives recognition to people who have consistently performed demanding jobs to the highest of standards and have made a major contribution to the Australian community. The Court is extremely proud that Ms Byrne's contributions to the Court have been recognised with this award.

## Publication of judgments

As a matter of principle, the Court's decisions are made widely accessible to the public. During the year, the Court reviewed its publication arrangements. The review found that approximately 94 per cent of the Court's decisions hosted by the Australian Legal Information Institute website (AustLII) were general federal law judgments, with the overwhelming majority being migration decisions. This is no doubt in part reflective of the significant number of family law decisions which are delivered *ex tempore* and the additional workload involved in anonymising family law decisions. With the specific aim of increasing the number of family law and child support decisions available to the public and members of the profession, each federal magistrate sitting in family law now identifies annually at least five decisions for publication on AustLII.



## Community relations

During 2007–08 the Court engaged with members of the legal profession. In May 2008 the Chief Federal Magistrate visited Wagga Wagga, New South Wales—one of the Court’s circuit locations. The Chief Federal Magistrate hosted an information session at Charles Sturt University to meet with members of the local legal profession. Wagga Wagga is one of the Court’s circuit locations. The purpose of the session was to increase the awareness of the services available to litigants living in that region.

The 13th National Family Law Conference took place in Adelaide in April 2008. The Court was well represented at the conference with 33 federal magistrates, including the Chief Federal Magistrate, in attendance. The Chief Federal Magistrate and five other federal magistrates spoke at the conference. The Court hosted a public information display at the conference and used the opportunity to officially relaunch the Court’s divorce application website, [www.divorce.gov.au](http://www.divorce.gov.au). Legal practitioners were encouraged to try the interactive web-based form and positive feedback was received.

Closer operational relationships have been established between the Court and the Australian Federal Police by commencing a program of regular meetings between the two organisations.

During the year the High Court of Australia, Federal Court, Family Court and the Federal Magistrates Court established a joint costs advisory committee. The committee will inquire into, and to make recommendations on, any variations in the quantum of costs allowable to legal practitioners which should be contained in the scales of costs used by these Courts to determine the amount payable where one party must pay the legal costs of another party to a proceeding.



Federal Magistrates Court hosts meeting with legal practitioners, Wagga Wagga May 2008

A harmonised bankruptcy Rules monitoring committee was established in 2007-08 to monitor the operation of the bankruptcy rules in federal courts and to identify such amendments as may be necessary to address any legislative or procedural changes or to resolve any difficulties. The recommendations of the committee are referred to the relevant rules committee of each court for consideration and, if agreed, implementation through the usual processes

## Circuit arrangements

The Federal Magistrates Court aims to provide access to justice for every Australian regardless of geographic location, and to do so in a timely and efficient manner. Having their matter heard and resolved in the location in which they live helps to deliver that objective to people living in regional locations. In the first year of its operation, the Court circuited to approximately 25 locations. That number has steadily increased over the years, and in 2007-08 the Court circuited to 36 regional locations. This increase is due to both the enhanced focus on providing regional services, and the Family Court's withdrawal of services in regional locations.

The Court's regional work absorbs a significant amount of judicial and other resources. There is demand for additional circuits to existing locations and for the Court to extend its circuits into new regions where there is need. At this stage, however, the Court cannot increase its circuit work without additional resources.

The Court commenced a review of its circuit locations during the year. The purpose of the review is to ensure that the circuit locations are properly targeted to meet demand. The review will provide the Court with an opportunity to improve service delivery to people in regional and rural areas. The review findings will be considered later in 2008.

## Challenges for the Court

In early 2008, the Federal Attorney-General initiated a departmental review into the delivery of family law services by the Family Court and Federal Magistrates Court. The Federal Magistrates Court welcomed this review as an opportunity for the government to examine the most efficient way to deliver these services.



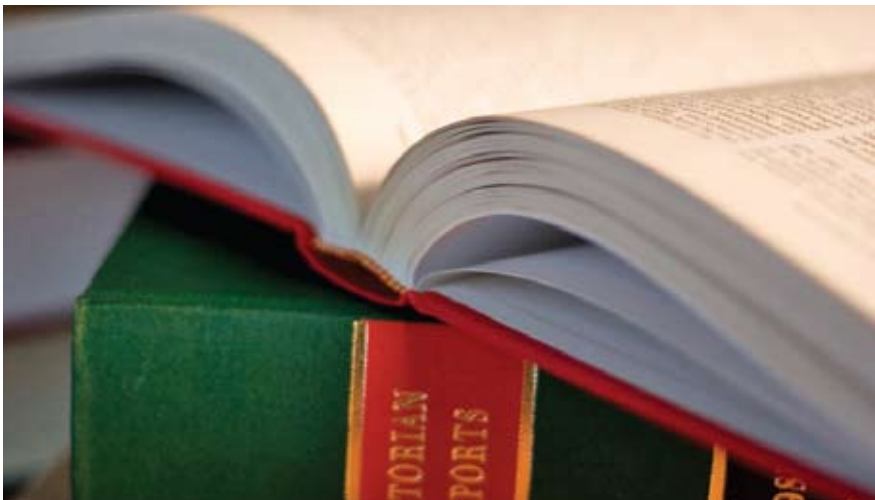
During the year, the High Court changed its case management practices in relation to applications for special leave to appeal. This has resulted in a significant reduction in the backlog of special leave matters awaiting hearing in that court. The majority of those special leave applications are for judicial review of migration decisions made by the Refugee Review Tribunal. This may result in an increase, at least in the short term, in further repeat applications being filed in the Federal Magistrates Court. The Court will develop a strategy to manage the expected increase in filings.

When first established, the Federal Magistrates Court did not have jurisdiction to make final parenting orders. Today the bulk of final parenting orders are made in this Court, including some of the most difficult matters, such as those involving issues of abuse and neglect, substance abuse, mental health issues and relocation. One of the Court's most significant workload challenges is the management of an increasing number of parenting matters that require extended hearing times.

Forty Family Relationship Centres have been established throughout Australia with a further 25 expected to open in July 2008. This service will assist families to resolve disputes and play an important role in strengthening families overall.

The Government has announced that it is making additional appointments to the Court's judiciary in the second half of 2008 in five locations—Adelaide, Brisbane, Hobart, Melbourne and Sydney. The Court will welcome these additional appointments which will enable the Court to continue to provide an efficient and timely service to the Australian community.

An amendment to the *Family Law Act 1975* is expected during the coming year. This amendment will permit property proceedings between de facto couples to be heard in the Federal Magistrates Court. The Court expects to receive a further four judicial appointments in connection with this addition to its jurisdiction. The Court will work with the Family Court to develop a strategy to manage this additional workload.



The Court's collective agreement, which prescribes the employment arrangements of the Court's administrative staff, expires on 30 June 2009. During the upcoming year the Court will be entering into consultation with staff to negotiate the terms and conditions of the next collective agreement.

The lack of building space to accommodate federal magistrates and staff is a continuing problem for the Court. All of the federal courts have worked to resolve the issues but sometimes there is no easy solution. For instance, in Sydney the Court operates in four locations. Federal magistrates sitting in general federal law in Sydney are located in premises leased from the New South Wales Government.

The Court shares certain services with the Federal Court and the Family Court. A key shared service is the provision of information technology services by the Family Court to the Federal Magistrates Court. Over the years the Court has not had resources available to review or update its information technology systems. As a result, it is functioning with outdated business systems that are complex and fragmented. To address this issue an information technology strategic plan was developed during the year which provided a much-needed solution to this issue. Implementation of the information technology strategic plan is on hold pending the finalisation of the government's review into family law service delivery.



Mary Suter (left) and Jennifer Wilson, Project Managers



John Mathieson, Chief Executive Officer