

Part 4

Management of the Court

Governance arrangements

Management of human resources

Financial performance

Information technology and records management

Risk management, fraud control and internal audit

Property

Environmental management

Purchasing

External relations

External scrutiny



Management of the Court

Governance arrangements

The legal framework for the Court's corporate governance practices is set out in the *Federal Magistrates Act 1999*, the *Financial Management and Accountability Act 1997* and the *Public Service Act 1999*.

Under the *Federal Magistrates Act 1999*, the Chief Federal Magistrate is responsible for ensuring the orderly and expeditious discharge of the business of the Federal Magistrates Court and management of the administrative affairs of the Court. In the latter role, the Chief Federal Magistrate is assisted by the Chief Executive Officer.

The Chief Executive Officer has the responsibilities and powers of an agency head for the purposes of the *Public Service Act 1999* and the responsibilities of a chief executive of an agency under the *Financial Management and Accountability Act 1997*. Under the *Public Service Act* the Chief Executive Officer has the powers of an agency head with regard to the Australian Public Service employees of the Court. The *Financial Management and Accountability Act* imposes obligations on the Chief Executive Officer to manage the affairs of the Court in a way which promotes the efficient, effective and ethical use of Commonwealth resources.

Developments during 2008–09

Changes to the Court's governance structure were implemented on 17 November 2008. The changes arose from the need for clear separation between management of the Court's case management practices and provision of policy advice. Accordingly, the Planning and Policy Advisory Committee was disbanded and the Policy Advisory Committee established.

Federal Magistrate Baumann was appointed to the new role of National Coordinator of Case Management to monitor national trends in case management and provide regular reporting to the Chief Federal Magistrate in this regard. Federal Magistrate Donald was appointed to the new role of National Coordinator of Judicial Education and Panel Systems to provide a more strategic approach to judicial education and effective operation of the specialist panel system. The roles of Regional Coordinating Federal Magistrates were replaced by Case Management Federal Magistrates (CMFM). CMFM provide active oversight of case management within each registry and monitor case loads and work trends. Eight appointments were made to this role.

Advisory and statutory committees

The Court's corporate governance framework includes a range of advisory and statutory committees and cross-agency mechanisms to support the effective management of the Court. This is in accordance with section 93 of the *Federal Magistrates Act* which provides for the Court to form advisory committees on the following aspects of the Court's business:

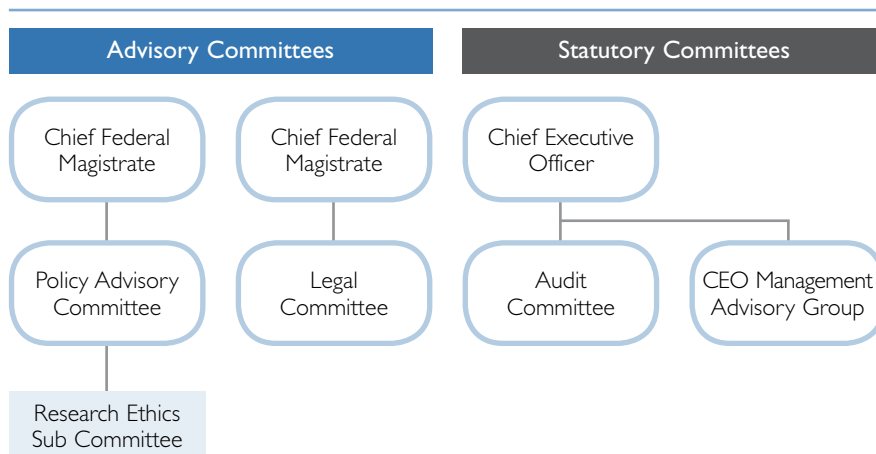
- the exercise of powers under the Federal Magistrates Act
- the making of the Rules of Court
- management of the administrative affairs of the Court.

The Court's committee structure sets the strategic direction of the Court, advises on significant management decisions and monitors financial performance and compliance standards.

Advisory committee membership is drawn from members of the judiciary and is reviewed on a biennial basis. Members are chosen for their skills, expertise and knowledge.

All advisory committees function under a model charter which articulates the committee's purpose, role and accountability measures. The model charter is supported by guidelines on committee business rules providing a useful resource to committee chairs and secretariats.

Figure 4.1 Advisory committee structure



Policy advisory committee

The policy advisory committee provides advice to the Chief Federal Magistrate in relation to matters of strategic importance to the Court. The committee met on five occasions during 2008–09. The committee advanced a number of key matters within the Court including a submission to the Attorney-General about the findings of the review undertaken into the delivery of family law services. The committee also addressed matters of an administrative and financial nature throughout the year.

A research ethics subcommittee reports to this committee. The subcommittee is charged with providing considered advice on requests for the Court to participate in various research proposals. During 2008–09 the subcommittee:

- considered and approved a proposal from the University of Melbourne to participate in a study to examine the long-term financial impacts of shared parenting arrangements
- considered and approved participation in the Australian Institute of Family Studies research project to evaluate the effectiveness of the package of reforms made to family law legislation during 2006.

Legal committee

In keeping with the legislative requirement that the Rules of the Court be made by all federal magistrates or a majority of them, the Legal Committee refers its recommendations to the Chief Federal Magistrate for the consideration of the Court as a whole.

To fulfil its responsibilities, the committee:

- considers legislative developments before introduction to ensure the Court is prepared for such developments
- oversees the development of Rules and practice notices and makes recommendations to the Chief Federal Magistrate in relation to the adoption of Rules and notices
- oversees the operation of Rules and notices to ensure their efficacy and continued suitability
- liaises with the Federal Court and Family Court in relation to Rules, forms and fees, where appropriate
- liaises with other committees, as required, to achieve their respective objectives and to provide coordinated advice to the Chief Federal Magistrate and Chief Executive Officer.

The committee met on 12 occasions during 2008–09.

Audit and risk committee

The audit and risk committee is established in accordance with section 46 of the *Financial Management and Accountability Act 1997*.

This committee supports the Chief Executive Officer (CEO) to ensure that the Court's financial accounts are in accordance with the Finance Minister's Orders and provide a true and accurate description of the Court's financial position. The committee comprises an external chair and two members of the Court's administration.

During 2008–09 the committee met five times and considered a range of issues such as the Court's internal audit plan and oversight of recommendations made by the Australian National Audit Office.

Chief Executive Officer's management advisory group

In light of the decision to form a single administration, the Acting CEO established a CEO's Management Advisory Group. The group was formed in April 2009 to assist the Acting CEO manage this transition. The group comprises managers from the Family Court and the Federal Magistrates Court. The group met on four occasions in the period to 30 June 2009.

Working with the Federal Court of Australia and the Family Court of Australia

The Federal Court and the Family Court continue to provide a range of shared services to the Court. These arrangements include making staff available for the work of the Court as well as providing shared registries and accommodation facilities including chambers and courtrooms. In addition to these services, the Family Court provides information technology infrastructure and support services to the Court.

As outlined earlier in the report the Court's corporate service functions were progressively transferred to the Family Court from November 2008. This transfer was completed at the end of March 2009.

Further to this a single administrative structure for the Family Court and the Federal Magistrates Court is being progressively implemented from 1 July 2009. Proposed registry management structures have been distributed for consultation and work has been done to identify the registrar resources required by each court to manage their respective workloads.

Service charter

The Court's service charter describes the range and standard of service provided by the Court's administrative staff. The service charter is written in plain language and is available on the Court's website. The service charter also includes details of the Court's complaint handling procedures.

The service charter does not relate to the work of the Court that is performed by federal magistrates nor does it relate to the work that is performed for the Court by staff of the Federal Court and the Family Court.

Management of human resources

The human resources function continued its focus on providing both strategic and operational support to the Court during 2008–09.

The main human resources management pillars included organisational change management, recruitment, workforce planning and development, remuneration and performance management, workplace relations, payroll services and human resource management reporting and occupational health and safety.

As indicated earlier in this report, the Court's corporate services functions, including human resources, were transferred to the Family Court from February 2009.

Staff turnover and retention rates

Fifty nine employees (34 non-ongoing and 25 ongoing) separated from the Court during 2008–09. This represents 22.6 per cent, a decrease of 6.5 per cent on 2007–08. The separation rate reflects the Court's employment practice to engage chambers staff on a non-ongoing basis for periods up to 12 months.

Collective agreement and Australian Workplace Agreements

The *Federal Magistrates Court of Australia Collective Agreement 2006–2009*, with a nominal expiry date of 30 June 2009, continued to apply during the reporting period. The agreement covers employees of the Court employed under the *Public Service Act 1999*, other than members of the senior executive service and staff covered by Australian Workplace Agreements (AWAs).

Statistics detailing the number of employees employed under the provisions of the collective agreement and other arrangements are contained in Appendix D.

Workplace diversity

The Court encourages an inclusive working environment to help employees contribute to their full potential. Through induction and ongoing training packages the Court provides the opportunity to reflect on the value different cultures bring to the organisation and also, on the achievements of women in society today. In particular, the Court has an ongoing commitment to encourage more Indigenous Australians to seek employment with the Court. To this end an indigenous employment strategy is under development and is expected to be in place in the first half of 2009–10.

Disability strategy

The Court's recruitment policy encourages people with a disability who have the relevant skills, experience and qualifications to seek employment with the Court. The policy ensures that equitable and non-discriminatory consideration is given to all applicants.

The Court provides suitable information technology equipment and/or software to aid any employee with a disability. Support through the information technology help desk can be tailored for employees with special needs. When purchasing furniture, equipment and software to meet specific needs, the Court consults with the employee concerned and seeks the advice of relevant professional organisations.

The Court reports on its performance as a service provider in the Commonwealth Disability Strategy. In addition, the Court reports on its role as an employer through the *State of the Service Report* survey conducted by the Australian Public Service Commission.

Occupational health and safety

The Court is committed to providing a safe and healthy workplace and maintaining the health, safety and welfare of its employees. Occupational health and safety is managed in accordance with the statutory provisions of the *Occupational Health and Safety Act 1991*.

During 2008–09:

- no accidents or dangerous occurrences were reported
- two workers compensation claims were lodged
- the Court's workers compensation insurance premium was 0.50 per cent, a decrease of 0.17 per cent on 2007–08
- no notices under section 68 of the Occupational Health and Safety Act were given by the Court
- no directions under section 45 or notices under sections 29, 46 or 47 were given to the Court.

Programs in place to maintain the health, safety and wellbeing of members of the judiciary and employees include:

- provision of a judicial and employee counselling program
- ergonomic assessment of furniture and equipment for new appointees to the Court and new employees
- a regular eyesight testing program
- a health and wellbeing program.

Training and staff development

The Court's study assistance scheme offers discretionary assistance to employees to undertake courses of study to enhance their ability to contribute to the achievement of the Court's goals. The level of support is assessed on merit and based on the needs of the work area and learning outcomes identified during the performance management process.

Training opportunities specifically tailored to the ongoing learning and development needs of chambers staff are regularly provided.

Australian Public Service code of conduct

The induction and training program includes presentations on the Australian Public Service (APS) values, ethics and, in particular, the APS Code of Conduct. Employees of the Court are aware that any breach of the code of conduct will be taken seriously and may result in disciplinary action.

The Court has a comprehensive policy on accepted employee use of electronic facilities, including email, internet and intranet. There is an ongoing information and education campaign to ensure employees are aware of their rights, responsibilities and obligations in this regard.

Senior appointments

At 30 June 2009 the Court's principal executive group comprised:

Richard Foster PSM, Acting Chief Executive Officer

Mr Foster PSM was appointed Acting Chief Executive Officer of the Federal Magistrates Court on 25 November 2008. The Chief Executive Officer has the responsibilities and powers of an agency head for the purposes of the *Public Service Act 1999* and the responsibilities of a chief executive of an agency under the *Financial Management and Accountability Act 1997*.

Steven Agnew, Acting Deputy Chief Executive Officer

The Deputy Chief Executive Officer is responsible for the delivery of court services and administrative functions. This includes the network of regional offices, dispute resolution services, strategic policy and communications.

Grahame Harriott, Acting Chief Finance Officer

The Chief Finance Officer has responsibility for all financial management, reporting, budgeting, cost analysis, taxation and financial processing for the Court.

Adele Byrne PSM, Principal Registrar

The Court's Principal Registrar supports the judicial functioning of the Court through the provision of high-level legal and procedural advice within the Court.

Remuneration

Terms and conditions of employment for the Court's senior executive service members are contained in Australian Workplace Agreements and individual section 24(1) determinations made by the Chief Executive Officer.

Financial performance

Introduction

The Federal Magistrates Court is a prescribed agency under the *Financial Management and Accountability Act 1997*.

Operating revenue and expenses

The major source of revenue for the operations of the Court is an appropriation from government. The appropriation amount for 2008–09 was \$56.52 million. Other revenue, mainly related to funding transferred from the Family Court for services performed by the Federal Magistrates Court amounted to \$5.02 million.

During 2008–09, operating expenses, including resources provided free of charge, were \$87.91 million. The movement in nominal dollars is accounted for by a \$6.09 million increase in employee benefits and a \$3.08 million increase in suppliers. The resultant operating deficit of \$5.00 million is driving the need to identify and realise efficiencies in the operations of the Court.

Developments since the end of the financial year

During 2009–10, the Court will work with the Federal Court and Family Court to implement proposed reforms to the governance and structure of the three courts. It is expected that this will involve:

- the creation of lower divisions in the Federal Court and Family Court
- transfer of funding from the Court to reflect movement of federal magistrates from the Court to the lower divisions of the Federal Court and Family Court.

The allocation of funding transferred to the Federal Court and Family Court will reflect the number of federal magistrates appointed to each court. The actual split in appropriations may need to be adjusted to reflect workloads at the time of restructure.

The 2009–10 Portfolio Budget Statements reflect funding to 31 December 2009 only. Funding from 1 January 2010 has been transferred to the Federal Court and the Family Court respectively.

Transition from outcomes and outputs to outcomes and programs

From the 2009–10 budget, all general government sector entities are required to report on a program basis. Table 4.1 outlines the transition from the 2008–09 budget year (as at Additional Estimates), which was presented in administered items, outputs and output groups to the program reporting framework required for the 2009–10 budget. The table also captures revisions made to general government sector outcome statements under the Operation Sunlight Outcome Statements Review.

Table 4.1 Transition from outcomes and outputs to outcomes and programs

2008–09 budget year	2009–10 budget year
OUTCOME 1 To provide the Australian community with a simple and accessible forum for the resolution of less complex disputes within the jurisdiction of the Federal Magistrates Court of Australia	OUTCOME 1 To provide the Australian community with a simple and accessible forum for the resolution of less complex disputes within the jurisdiction of the Federal Magistrates Court of Australia
Output Group 1.1 Provision of a Federal Magistrates Court of Australia	Output Group 1.1 Provision of a Federal Magistrates Court of Australia

Resources received free of charge

The Court relies on infrastructure and support provided by the Federal Court and the Family Court. The Family Court provides resources free of charge to the Federal Magistrates Court in accordance with sections 90, 92 and 99 of the Federal Magistrates Act. Resources provided include staff and accommodation. During 2008–09 the total amount of resources provided free of charge by the Family Court represented \$20.89 million.

The Australian National Audit Office also provided resources free of charge valued at \$48 000 for the audit of 2008–09 financial statements.

All resources provided free of charge are reflected in the Court's financial statements as notional revenue and expenses.

Administered revenue and expenses

The Court received \$19.32 million in 2008–09 on behalf of the Commonwealth, mainly for court fees. Administered revenue is not available to offset the Court's operating costs. The Court also receives an administered appropriation to source primary dispute resolution services such as counselling, mediation and conciliation from community-based organisations. In 2008–09 the appropriation was \$0.84 million.

The Court's fees

Fees for filing and other services in the Court are set in the *Federal Magistrates Regulations 2000*. Fees are increased on a biennial basis based on movements in the Consumer Price Index. The next increase is due on 1 July 2010.

Under the regulations, an exemption from payment of fees may be granted to people who are eligible for legal aid or qualify for certain government social security benefits. Fees may be waived if the imposition of same would cause financial hardship. The value of exemptions and waivers in 2008–09 was \$9.15 million.

Details of fees and eligibility criteria for exemption or waiver are available on the Court's website.

Asset management

An independent stocktake and valuation of the Court's assets was undertaken during 2008–09. The valuation considered best practice accounting principles including fair value, reinstatement with new value, estimated useful life and remaining useful life of the asset.

The exercise was undertaken to ensure that the Court's asset register provided an accurate reflection of actual assets under management and to ensure that assets are appropriately valued and reported in the Court's financial statements.

Information technology and records management

Commonwealth Courts Portal

The Commonwealth Courts Portal (the portal), launched in June 2008, is an initiative of the Federal Court, the Family Court and the Federal Magistrates Court. The portal provides secure free web-based access to information about cases before these courts.

Upon registering, lawyers can keep track of their cases, identify documents that have been filed and view outcomes, orders made and future court dates. Users log on using a single user ID and may access multiple jurisdictions from a single central web-based system.

Stage one of electronic filing (e-filing) in family law matters was introduced on 16 August 2008. This enhancement enables legal practitioners to file supplementary documents via the portal.

Throughout the reporting period, the portal proved to be a popular tool for legal practitioners. At the end of June 2009:

- 667 law firms had registered for e-filing
- approximately 5900 individual users had registered including practitioners, members of the public, journalists, academics, judicial officers and staff of the courts.

Stage two of e-filing will be launched later in 2009.

At the end of June 2009, work commenced on a major enhancement to enable parties to view a personal dashboard when logging onto the portal. This will provide a snapshot of the latest situation and future events with their matter.

Table 4.2 Number of e-filings by registry during 2008–09

Registry	Number of e-filings
Adelaide	138
Brisbane	914
Canberra	7
Dandenong	46
Darwin	13
Hobart	37
Melbourne	353
Newcastle	39
Parramatta	144
Sydney	108
Total	1799

Casetrack

The Court uses the Casetrack database for the management of all matters filed in the Court. Casetrack supports the work of federal magistrates and assists with the management of matters in each federal magistrate's docket. The database records case events, manages Court lists and records orders and outcomes. Casetrack is also the primary source for statistical, operational and other essential management information and reporting.

Casetrack is the foundation for many of the eCourt initiatives and underpins the Court's judicial and business operations.

The Court acknowledges the contribution made by the Family Court in providing resources for the development, maintenance and ongoing support of Casetrack.

Upgrade of judicial technology

The Court upgraded desktop computing hardware and software for members of the judiciary during 2008–09. Each federal magistrate is now provided with the following items:

- desktop computer in chambers
- digital voice recorder
- notebook computer
- blackberry
- dictation software.

Information, records and document management

During 2008–09, the Court's information and knowledge manager continued to provide federal magistrates and employees with access to timely, valuable and accurate information and respond to research requests. The section is also responsible for management of the Court's administrative records in accordance with procedural guidelines issued by the National Archives of Australia.

An upgraded version of the Court's electronic document management system, which provides increased functionality and search options, was released during the year.

Risk management, fraud control and internal audit

Internal audit

In February 2009 the Court engaged Oakton Services Pty Ltd to provide internal audit services.

Internal audits conducted during the year include:

- service desk and incident management
- property management.

Risk management

The Court promotes a culture which supports the identification, analysis, assessment, treatment, monitoring and review of all strategic, operational, compliance and financial risks. This is supported by the Court's *Risk, Control and Compliance Framework*, grounded in the *Australian/New Zealand Risk Management Standard AS/NZS 4360:2004*.

The Court manages financial risk in accordance with the framework. The relevant mechanisms are:

- Chief Executive Instructions available to all staff via the intranet
- monthly financial reports to the CEO's Management Advisory Group and oversight by the Audit and Risk Committee.

The Court continued to participate in the annual Comcover benchmarking survey which measures risk and assesses the extent of cultural change within agencies. The Court's *Business Continuity Plan—Human Influenza Pandemic* was updated and regularly reviewed to reflect developments with the H1N1 human influenza pandemic.

Fraud prevention and control

In accordance with the *Commonwealth Fraud Control Guidelines 2002* the Court has in place a fraud control plan to prevent and detect fraud.

There were no instances or allegations of fraud against the Court during 2008–09.

Property

The Court occupies shared Commonwealth facilities in Adelaide, Brisbane, Canberra, Darwin, Hobart, Melbourne, Parramatta, Perth and Sydney and privately-leased facilities in Albury, Cairns, Dubbo, Launceston, Lismore, Newcastle and Wollongong. Accommodation is provided as part of the shared services arrangement with the Family Court.

The Court also leases administrative premises at 167 Macquarie Street Sydney, courts and chambers at John Maddison Tower in Sydney and chambers at 61 Bolton Street Newcastle.

The Family Court intends to refurbish two floors in the Lionel Bowen building in Sydney during 2009–10. The refurbishment will provide upgraded judicial facilities and allow more efficient use of available space.

The Family Court and Federal Magistrates Court sought funding through a new policy proposal in January 2009 for construction of a Commonwealth Law Courts Building in Newcastle. The Government advised that this proposal has been deferred for consideration as part of the 2010–11 budget.

Environmental management

The Court complies with energy management plan requirements set in place by the Family Court as part of the shared services arrangement in place under section 92 of the Federal Magistrates Act. The Court gives preference to purchasing environmentally-friendly office supplies. Empty toner cartridges are recycled and waste recycling services are used for all unclassified paper waste.

The Court demonstrated its commitment to the environment and the reduction of carbon emissions by participating in 'Earth Hour' on 28 March 2009. Whilst the Court's usual office practice is to turn off lights and appliances not in use, additional measures were employed to ensure all non-essential lighting was switched off and computers and appliances unplugged.

Purchasing

Performance against core purchasing policies

The Court is a relatively small agency and its primary strategy to obtain value for money is to join with larger agencies when purchasing goods and services. Wherever practical, the Court joins contracts put in place by the Federal Court and the Family Court.

The Court's purchasing practices are consistent, wherever practicable, with the core policies and principles of the *Commonwealth Procurement Guidelines January 2005* and to this end, an appropriate approach to the market was made for all procurements covered by the guidelines. In accordance with the guidelines, the Court published its 2008–09 procurement plan on the Austender website.

Discretionary grants

The Court made no discretionary grants during 2008–09.

External relations

The Chief Federal Magistrate, federal magistrates and the Chief Executive Officer participate in a range of consultative and strategic forums including:

Family Law Courts Advisory Group

The Family Law Courts Board represents a cross-agency governance arrangement between the Family Court and the Federal Magistrates Court and is a strategic decision-making forum for issues of common interest. The Board comprises the Chief Federal Magistrate and the Acting Chief Executive Officer together with their counterparts from the Family Court. The board meets every six weeks. The existence of the Board and its high-level membership provide a very clear indication of the seriousness with which the courts approach the task of exercising their common responsibility of providing the best possible family law services to the Australian community.

At its meeting in March 2009 the Board decided to expand its membership to include representatives from the judiciary of both courts and a senior member of the Attorney-General's Department. Justice Watts, Federal Magistrate Baumann and Mr Ian Govey (Deputy Secretary, Civil Justice & Legal Services) were invited to join the Board. To reflect the Board's wider membership its nomenclature was changed to Family Law Courts Advisory Group.

In 2008–09 the Group agreed upon a new national corporate governance structure and has overseen work to identify the resources required by both courts to manage their workloads.

Australian Courts Administrators' Group

The Acting Chief Executive Officer represents the Court at this forum which meets to progress issues surrounding court administration across Australia and New Zealand. The group meets on a quarterly basis.

Family Law Council

The Family Law Council provides advice and recommendations to the Attorney-General on the workings of the *Family Law Act 1975* and other family law legislation, legal aid in family law and any other matters relating to family law. The Court is represented on the Council by Federal Magistrates Hartnett and Sexton.

National Alternative Dispute Resolution Advisory Council

The National Alternative Dispute Resolution Advisory Council (NADRAC) is an independent body that provides policy advice to the Attorney-General on the development of alternative dispute resolution practices. Federal Magistrate Hartnett is a member of the NADRAC Council.

In June 2008 the Attorney-General provided NADRAC with a reference to identify strategies to promote greater use of assisted dispute resolution (ADR) processes as an alternative to civil litigation, and to further utilise ADR processes within court and tribunal proceedings. Subsequently, in March 2009 NADRAC released an issues paper titled *ADR in the Civil Justice System* and invited comment on matters raised in the paper.

The Court provided comment in relation to questions raised in the issues paper. The Court noted the significant emphasis it places on ADR processes and recognised the range of beneficial outcomes ADR can deliver for parties.

Child Support Agency

Federal Magistrate Riethmuller is a member of the Child Support National Stakeholder Engagement Group which is a representative forum of key stakeholders with expertise and an interest in child support matters. The establishment of this group is in response to a recommendation of the Ministerial Taskforce report into child support—*In the Best Interests of Children—Reforming the Child Support Scheme*.

Social Security Appeals Tribunal

Regular liaison occurs between officers from the tribunal and representatives from the Court to facilitate appeal processes in relation to child support appeals and consider opportunities for information sharing.

International visitors to the Court

In September 2008 the Court participated in a visit by delegates from the Swedish Parliamentally Committee on Civil Affairs, organised by the Family Court. Federal Magistrate Baumann provided the delegates with an overview of the Court including an insight into the Court's family law and general federal law jurisdictions.

External scrutiny

During the reporting period the Court was not the subject of any:

- reports by a Parliamentary committee
- reports by the Auditor-General
- reports by the Commonwealth Ombudsman (seven approaches were made but none investigated)
- judicial decisions or decisions of administrative tribunals
- complaints made to the Privacy Commissioner.

Privacy

The Court holds personal information for two purposes, being to:

- help resolve and, if necessary, determine matters before the Court (the judicial purpose)
- assist in the administration (the administrative purpose).

Information used for judicial purposes is held in case files and the case management computer system (Casetrack). This information is exempt from the *Privacy Act 1988* and *Freedom of Information Act 1982*. Other statutory provisions and non-publication powers of the Court, designed to protect parties and their children, are applicable to this information.

Information used for administrative purposes is collected as part of the day-to-day running of the Court. This includes information about:

- employees of the Court
- suppliers of goods and services to the Court
- security matters.

The collection, storage and disclosure of this information is governed by the provisions of both the Privacy Act and the Freedom of Information Act.

Freedom of information

No freedom of information applications were made to the Court during 2008–09.

The Government has announced legislative amendments to the *Freedom of Information Act 1982* and has released two exposure draft Bills for public consultation—the draft *Information Commissioner Bill 2009* and the draft *Freedom of Information Amendment (Reform) Bill 2009*. In anticipation of such reforms decision makers have been reminded that the starting point for consideration of requests is a presumption in favour of giving access to documents within the ambit of the Act.

The Court's statement under section 8 of the Freedom of Information Act is contained at Appendix L.