



**FEDERAL
MAGISTRATES
SERVICE**

Ref pm: jy

24th October 2000

The Honourable Daryl Williams AM QC MP
Attorney General
Parliament House
Canberra ACT 2600

Dear Attorney General

FEDERAL MAGISTRATES SERVICE – ANNUAL REPORT

I have pleasure in submitting the report of the Federal Magistrates Service for the period 23 December 1999 to 30 June 2000 – in accordance with section 117 of the Federal Magistrates Act 1999 – which requires the Federal Magistrates Service to prepare and give you a report of the management of the administrative affairs of the service during the financial year as soon as practicable after 30 June in each financial year.

The Federal Magistrates Service was not established as an agency under the Financial Management and Accountability Act 1997 until 1 July 2000. Accordingly, the provisions of sub-section 117(2) of the Federal Magistrates Act are not applicable to this report.

Yours sincerely

Diana Bryant CFM

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Overview of the Federal Magistrates Service

This is the first report of the Federal Magistrates Service.

It covers the period from 23 December 1999, when the *Federal Magistrates Act 1999* received royal assent, leading up to the commencement of operations of the court on 23 June 2000 – when the first applications could be filed in or transferred to the court – and the week beyond.

It is essentially a report about the work that was undertaken within the court to establish a new federal court.

As a record, this first report will provide a valuable insight into the considerations that are relevant to the establishment of a new federal agency. It will also provide a basic guide to the objectives and proposed operations of the Federal Magistrates Service.

The report does not include audited financial statements as the Federal Magistrates Service did not become a prescribed agency for the purposes of the *Financial Management & Accountability Act 1997* until 1 July 2000. Information about the court's financial operations is included in the audited financial statements of the Attorney-General's Department.

The Federal Magistrates Service, which incorporates the Federal Magistrates Court, was established to provide an alternative to litigation in the established federal courts and to provide a way of relieving the workload of those courts.

The Service's establishment provides a new model for dispute resolution in the federal arena, complementing other government initiatives aimed at encouraging people to resolve family law disputes through primary dispute resolution, rather than through litigation.

The Federal Magistrates Service will place emphasis on using a range of means to resolve disputes. There will be no automatic assumption that every matter will end in a contested hearing, and the use of conciliation, counselling and mediation and a range of other alternative dispute resolution techniques will be strongly encouraged in appropriate cases. Parties will be encouraged to take responsibility for resolving their dispute themselves, where this is practical. This approach is likely to result in a more enduring resolution of a dispute.

That impetus for change lies in a widespread concern that litigation is overly expensive, unduly complex and fraught with unnecessary delay. Often the financial and non-financial costs of litigation are disproportionate to the matters in dispute or the financial capacity of the parties to resolve their dispute. For this reason, the Federal Magistrates Service's outcome is "to provide a cheaper, quicker and simpler alternative to litigation in the Federal Court and the Family Court".

Although considerable planning of the court's procedures occurred during the reporting period it had not been determined by 30 June precisely how the Federal Magistrates Service will go about its task. Considerable work was yet to be done by the federal magistrates appointed at the end of the reporting period to establish rules of court that provide a sound basis for the conduct of litigation in those proceedings that require a litigated outcome – the essential work of a court – and also provide a strong support for other methods of resolving disputes.

The Federal Magistrates Service has been established with a strong bench. Those federal magistrates come from a broad range of backgrounds and bring to the court a wealth of experience in family law, legal aid, commercial and administrative law and the operation of courts of summary jurisdiction.

The Federal Magistrates Service has received strong support from the Family Court of Australia and the Federal Court of Australia to establish its operations. Without the full support of each of the courts our task would have been impossible.

We have also received invaluable support from the Commonwealth Attorney-General's Department – particularly officers of the Justice Operations Branch

Establishment

The *Federal Magistrates Act 1999* establishes the Federal Magistrates Service and the *Federal Magistrates (Consequential Amendments) Act 1999* gives the court its jurisdiction and makes some minor consequential amendments to other Acts. The Federal Magistrates Service is a federal court of record established under the Constitution. It is constituted by federal magistrates, who are justices for the purposes of the Constitution.

The objects are set out in the Federal Magistrates Act and include enabling the Federal Magistrates Court to operate informally, the use of streamlined procedures, and encouraging the use of a range of dispute resolution processes.

The Act commenced operation on 23 December 1999 when it received royal assent. Section 2 of the Act provided, among other matters, that proceedings were not to be instituted in, or transferred to, the Federal Magistrates Service before the earlier of a date fixed by proclamation for commencement or the day six months after the date of royal assent. That day was 23 June 2000, when the first applications were filed in the Federal Magistrates Service. The court did not start to hear cases until 3 July 2000.

Jurisdiction is conferred on the Federal Magistrates Service by laws of the Commonwealth other than the Federal Magistrates Act.

Following the commencement of the Federal Magistrates Act on 23 December 1999 work was done in the Attorney-General's Department to assist the government to appoint the Chief Federal Magistrate and the Chief Executive Officer. Those appointments were made on 31 January and 23 March 2000 respectively. The initial engagement of the Chief Federal Magistrate was an appointment on contract so that the Chief Federal Magistrate-designate (Ms Diana Bryant QC) could work on the establishment of the Federal Magistrates Service. The Chief Executive Officer was appointed on 23 March 2000.

What follows is a summary of the work undertaken during March-June 2000 to establish the Federal Magistrates Service in order that it could begin to receive applications, by initiation in the Federal Magistrates Service or by transfer to the Federal Magistrates Service, on and from 23 June 2000.

Arrangements were made with the Federal Court and the Family Court for the provision of staff to perform the registry functions of the Federal Magistrates Service.

Information technology systems were developed and implemented to provide a national IT network for the Federal Magistrates Service. The Federal Magistrates Service's information technology system is based substantially on the wide area network of the Family Court, although there is an important connection to the Federal Court network through a direct link between the Family Court's Goulburn Street premises and the Federal Court premises at Queens Square and through the exchange of some information through a common linkage to an outsourced bureau service.

The case management systems of the two established federal courts have been duplicated. The Blackstone system that has been used in the Family Court has operated since the commencement of business on 23 June 2000 and a duplication of the Federal Courts FEDCAMs system has operated since 27 June 2000.

Financial management systems were implemented, with the assistance of Deloitte Touche Tohmatsu. The financial system development included establishment of a chart of accounts, payroll system, links to the Department of Finance and Administrations Accrual Information Management System, establishment of links to the Reserve Bank, and the implementation of a GST compliant financial management scheme. Deloitte Touche Tohmatsu have also assisted the Federal Magistrates Service in the development of Chief Executive Instructions, the development of an Audit Charter and the development of our human resource management systems. The Federal Magistrates Service also received considerable assistance from the Attorney-General's Department through the implementation phase in the engagement of staff and in the acquisition of assets.

Arrangements have been made for the receipt of public monies at registries of the Federal Court of Australia and the Family Court of Australia, which will also operate as registries of the Federal Magistrates Service. Monies received will be paid direct to accounts of the Federal Magistrates Service at the Reserve Bank. Eftpos facilities have been provided at each registry. Those facilities provide eftpos and debit card, but not credit card transaction facility.

Organisation

The Federal Magistrates Service consists of the Chief Federal Magistrate and nine federal magistrates. The federal magistrates appointed to the court as at 30 June 2000 were¹ –

Chief Federal Magistrate Diana Bryant – Melbourne

Federal Magistrate Murray McInnis – Melbourne

Federal Magistrate Norah Hartnett – Melbourne

Federal Magistrate Christine Mead – Adelaide

Federal Magistrate Michael Baumann – Brisbane

Federal Magistrate Jim Brewster – Canberra

Federal Magistrate Warren Donald – Newcastle

Federal Magistrate Stephen Scarlett – Parramatta

Federal Magistrate Judy Ryan – Parramatta

Federal Magistrate John Coker –Townsville

¹ Federal Magistrates Rolf Driver and Kenneth Raphael were appointed on 3 July 2000.

The Chief Executive Officer, Mr Peter May, was appointed on 23 March 2000. The Chief Executive Officer is appointed for a period of five years.

The Chief Federal Magistrate was sworn in on the 11th May 2000 by the Honourable Chief Justice Murray Gleeson AC, Chief Justice of the High Court of Australia.

The other Federal Magistrates were sworn in by the Chief Federal Magistrate on the 28th June 2000.

A ceremonial sitting of the court was held in Melbourne on the 28th June 2000 to mark the establishment of a new court in the federal judicial system.

Federal magistrates – meetings and continuing education

Following their appointments, and prior to sittings of the court commencing, federal magistrates attended a 5 day residential judicial education program. The program was designed for the court in conjunction with the Australian Institute of Judicial Administration and based on similar programs designed and run by the institute and by the Family Court for newly appointed judicial officers.

Jurisdiction

The Federal Magistrates Service shares jurisdiction with the Federal Court of Australia and the Family Court of Australia. The court has six principal areas of jurisdiction.

In non-family law matters the jurisdiction that the Federal Magistrates Service shares with the Federal Court is:

- Division 1 and 1A of Part V of the *Trade Practices Act 1974*, being the consumer protection provisions, with power to award damages up to a maximum of \$200,000;
- Matters arising under the *Bankruptcy Act 1966*;
- Applications made under the *Administrative Decisions (Judicial Review) Act 1977*;
- Appeals from the Administrative Appeals Tribunal that are transferred to the Federal Magistrates Service by the Federal Court; and

- Unlawful discrimination matters under the *Human Rights and Equal Opportunity Commission Act 1986*.

Much of the court's focus is likely to be on family law. The areas of family law in which the Federal Magistrates Service has jurisdiction are:–

- Applications for dissolution of marriage;
- Family law property disputes where the property in dispute is worth less than \$300,000, or without limit with the consent of the parties;
- Spousal maintenance, including overseas maintenance;
- Where the parties consent, parenting orders providing for the residence of a child²;
- Other parenting orders such as contact, maintenance and specific issues, whether or not the parties consent to a federal magistrate hearing the matter;
- All location and recovery orders regarding children, as well as warrants for the apprehension or detention of a child; and
- Determination of parentage and recovery of child bearing expenses.

The Federal Magistrates Service also has the same child support jurisdiction as the Family Court.

Fee regulations

The *Federal Magistrates Regulations 2000* establish the fees payable in the court. The fee regulations were made on 23 June 2000. They were subsequently amended³ to correct an anomaly whereby a number of Federal Magistrates Service applications attracted fees that would not otherwise apply in the Family Court of Australia.

² The Federal Magistrates Service has no jurisdiction to make parenting orders in relation to residence without consent. There is a bill before The Senate – the Family Law Amendment Bill 1999 – that extends the Federal Magistrates Service's jurisdiction to include interim and final residence proceedings.

³ Federal Magistrates Regulations, SR 2000, No. 255.

Rules, practices and procedures

The legislation includes provisions designed to assist the Federal Magistrates Service to develop procedures that are as simple and efficient as possible, including:

- Power to make rules to set time limits for witnesses and to limit the length of both written and oral submissions.
- Decreased emphasis on discovery and interrogatories – the leave of the court will be needed for either of these; and
- Use of an individual docket system (except in bankruptcy and divorce matters) similar to that used by the Federal Court.

Prior to the appointment of other federal magistrates, the Chief Federal Magistrate commenced the process of drafting the rules of court with assistance from the Attorney-General's Department. Following the appointment of other federal magistrates in June, a Rules Committee was established to undertake this task.

Rules have been made to delegate some judicial powers to registrars. Until the federal magistrates make their own rules of court the Family Law Rules and the Federal Court Rules apply according to whether the matter is a family law or non-family law matter.

It is intended that matters coming before the Federal Magistrates Service will not be subject to numerous interlocutory processes and procedures will be aimed at cases being dealt with within six months of filing.

It is intended that once the rules commence, matters will be commenced by the filing of an application and an affidavit, setting out the evidence relied upon. In this way federal magistrates will be able to identify the issues at the first court date and to make appropriate arrangements for alternate dispute resolution. The federal magistrate will also have a good understanding of the issues in the case if the court must determine it. Federal Magistrates will run a docket system to manage the court's workload. A federal magistrate will be responsible for each case from beginning to end. The magistrate will be familiar with the case and if directions are necessary an application can be dealt with in chambers or by telephone rather than requiring the parties or their lawyers to attend court.

A request for dates or directions will be made directly to the associate to the federal magistrate who is responsible for the case.

In practical terms this means that:

- The same federal magistrate will be responsible for the matter from commencement to hearing.
- The federal magistrate who has control of the matter can monitor compliance and other interlocutory issues.

Forms

Pending the introduction of specific forms, parties and their legal representatives are using the forms presently prescribed for use in the Federal and Family Courts – with the heading being changed to ‘Federal Magistrates Court of Australia’.

It is anticipated that, when Federal Magistrates Court Rules have been made, there will be two basic forms. These will be the application and the response. All proceedings will be commenced by an application. In most cases this will be the simple form of Federal Magistrates Court application.

Special application forms will be used only for applications for divorce and creditor’s petitions – where the current forms will continue to be used.

Each application and response is to be filed with an affidavit that is to set out the fundamentals of the applicant or respondent’s case. Family law and human rights discrimination applicants will also provide some standard information in an information sheet. This will enable some matters to be determined on the first court date.

Applications will be issued in registries of the Federal Magistrates Service that will be co-located with registries of the Federal Court of Australia and the Family Court of Australia.

The registries that are co-located with the Federal Court of Australia’s registries will receive applications and other documents in all other matters within the jurisdiction of the Federal Magistrates Service.

Appeals

Appeals are possible as of right from final decisions of federal magistrates, to the Full Court of the Federal Court or the Family Court depending on the jurisdiction exercised.

As with the decisions of judges, leave is required to appeal from interlocutory decisions.

An appeal is not by way of a hearing *de novo*.

Each Chief Justice has a power to direct that a single judge – who will constitute a Full Court, shall hear an appeal.

Transfer of proceedings between federal courts

More complex matters that have been filed in the Federal Magistrate Service can be transferred to the Federal or Family Court (whichever has jurisdiction). Similarly, there are provisions to transfer less complex matters from other federal courts to the Federal Magistrates Service.

The legislation also minimises the possibility of related proceedings being run in different courts. It prohibits proceedings being issued in one court if associated proceedings are pending in another federal court.

Both the Federal Magistrates Service and the other federal courts can transfer proceedings on the application of a party or of their own motion. The three relevant courts intend to make complementary rules about transfers.

Corporate governance

Section 89 of the *Federal Magistrates Act 1999* provides for the Federal Magistrates Court to administer its own affairs. Under the Act, the Chief Federal Magistrate is responsible for the orderly and expeditious discharge of the business of the court. A collegiate approach to court administration is being taken by the appointed federal magistrates, with a number of advisory committees having been established under section 93 of the Federal Magistrates Act to provide direction on various aspects of court administration.

An Audit Committee, to be chaired by Mr Maurie Kennedy PSM, has been established. The Audit Committee will have its first meeting in the next reporting period.

The Federal Magistrates Service is participating in a series of workshops being conducted by Comcover designed to identify areas of significant risk and develop an appropriate risk management plan in 2000-01. The Federal Magistrates Service will appoint an internal auditor in 2000-01.

Other committees established by the Federal Magistrates Service include a Legislation Committee, which includes the function of a rules committee in other courts; a Business Information Management Committee; a Court Systems Committee; an Ethics Committee; a Pro Bono Committee; a Judgments Committee and a Primary Dispute Resolution Committee. Those committees did not meet in the reporting year.

The Federal Magistrates Service can enter into contracts and acquire and dispose of real and personal property. However the approval of the minister is required in the case of a contract involving more than \$1 million, or more if a higher amount is prescribed. In the reporting year no contracts were entered directly by the Federal Magistrates Service, which was not a prescribed FMA Act agency.

Arrangements have been made by the Chief Federal Magistrate, pursuant to legislative provisions, for the Federal Court of Australia and the Family Court of Australia to carry out certain functions on behalf of the Federal Magistrates Court. In addition arrangements have been made to use the courtrooms of other courts and share registry and other facilities of those courts.

Registrars can exercise certain powers of federal magistrates. Rules of Court have been made – (*Federal Magistrates Court (Delegation to Registrars) Rules 2000*) – that enable the delegation of certain powers of the Federal Magistrates Court to registrars of the Federal Court or the Family Court.

Senior appointments

The Chief Executive Officer of the Federal Magistrates Service is Mr Peter May. The Chief Executive Officer assists the Federal Magistrates Service in the management of its administrative affairs. The Chief Executive Officer has the power of a secretary under the *Public Service Act 1999* in relation to the staff of the Federal Magistrates Service (but not in relation to staff of other courts who provide services to the Federal Magistrates Service) and all the responsibilities of the chief executive of an agency under the *Financial Management and Accountability Act 1997*.

The first Registrar of the Federal Magistrates Service is Ms Adele Byrne.

The Chief Finance Officer of the Federal Magistrates Service is Mr Brian Scammell.

The first Coordinator of Court Services for the Federal Magistrates Service is Mr Steve Agnew.

A Coordinator of Primary Dispute Resolution services is yet to be appointed.

Workload information

Filings in the Family Law Jurisdiction for the period 23rd of June ending the 30th of June 2000

| | ZA | ZB | ZC | ZD | ZE | ZH | ZM | ZN | ZP | ZS | ZT | Total |
|--------------|-----------|-----------|-----------|----------|-----------|----------|-----------|-----------|-----------|-----------|----------|------------|
| Form 4 | 43 | 53 | 20 | 0 | 53 | 2 | 77 | 42 | 49 | 62 | 4 | 405 |
| Form 7 | | | | | | 1 | 3 | 1 | 7 | | 1 | 13 |
| Form 8 | 2 | | 2 | | | | 4 | 1 | 5 | | 1 | 15 |
| Form 12 | | | | | | | | 2 | 1 | | | 3 |
| Form 63 | | | | | | | | | | | 1 | 1 |
| Form 49 | | | | | | | | | | | | 0 |
| Form 46 | | | | | | | | | 1 | | | 1 |
| Total | 45 | 53 | 22 | 0 | 53 | 3 | 84 | 46 | 63 | 62 | 7 | 438 |

Notes:

Form 4 – Application for Divorce

ZA – Adelaide

ZN – Newcastle

Form 7 – Application for Final Order

ZB – Brisbane

ZP – Parramatta

Form 8 – Application for Interim Orders

ZC – Canberra

ZS – Sydney

Form 12 – Application for Maintenance

ZD – Darwin

ZT – Townsville

Form 63 – Child Support Application

ZE – Dandenong

Form 49 – Contravention of Child Order

ZH – Hobart

Form 46 – Enforcement Summons

ZM – Melbourne

Note: Filings do not include transfers from the Family Court

Filings in the Federal Court Jurisdiction for the period 23rd of June ending the 30th of June 2000

| Act | Adl | Bne | Cbr | Drw | Hba | Lst | Mel | Ntl | Par | Syd | Tsv | Per |
|--------------|-----------|-----------|----------|----------|-----|----------|-----------|-----|-----|----------|-----|-----|
| ADJR | | 1 | 1 | 1 | | | | | | 1 | | |
| BTCY | 17 | 11 | | | | 1 | 48 | | | 2 | | |
| H/Rights | | | | | | | 2 | | | 2 | | |
| TPA | | | 1 | | | | 3 | | | | | |
| Total | 17 | 12 | 2 | 1 | | 1 | 53 | | | 5 | | |

Notes:

ADJR – Administrative Decision Judicial Review Act

BTCY – Bankruptcy

H/Rights – Human Rights

TPA – Trade Practices Act

Filings include transfers from the Federal Court

Provision of Federal Magistrates Service services outside capital cities

The Federal Magistrates Service is consulting with regional law societies and other groups to ascertain how best to provide services to rural and regional areas.

The court proposes to make considerable use of video and audio conferencing to enable participation by parties or witnesses in remote localities or in a different state. It will travel to hear matters in regional areas as appropriate.

In addition to implementing new locations for circuits, the Federal Magistrates Service is working with the Family Court to ensure an adequate service is maintained to locations where the Family Court is reducing its services.

Primary dispute resolution

The Federal Magistrates Service is committed to using a variety of dispute resolution providers in addition to registrars and counsellors attached to the Federal Court and the Family Court.

Contact details

The national administration office of the Federal Magistrates Service is located at Commonwealth Law Courts at 305 William Street Melbourne 3000.

Registries of the Federal Court of Australia and the Family Court of Australia provide registry services for the Federal Magistrates Service in its various jurisdictions. The split of the provision of service is along the lines of family law and non-family law services. All services provided in relation to proceedings under the *Family Law Act 1975* or the Child Support Acts are provided by the Family Court of Australia.

Services provided in relation to all other matters within the jurisdiction of the Federal Magistrates Service are provided by registries of the Federal Court of Australia.

Registry addresses

Melbourne

Family law and child support matters
Family Court of Australia
Commonwealth Law Courts,
305 William St
Melbourne, Vic 3000
(03) 8600 3777

General federal law matters
Federal Court of Australia
305 William St
Melbourne Vic 3000
Email: vicreg@fedcourt.gov.au
(03) 8600 3333

Sydney

Family law and child support matters
Family Court of Australia
97-99 Goulburn St
Sydney, NSW 2000
E-mail: sydney@familycourt.gov.au
(02) 9217 7111

General federal law matters
Federal Court Registry (NSW)
Level 16
Law Courts Building,
Queens Square
Sydney NSW 2000
Email: nswdr@fedcourt.gov.au
(02) 9230 8567

Newcastle

Family law and child support matters
Family Court of Australia
61 Bolton St
Newcastle NSW 2300
Email: newcastle@familycourt.gov.au
(02) 4926 1255

Parramatta

Family law and child support matters
Family Court of Australia
1-3 George St
Parramatta, NSW 2150
E-mail: parramatta@familycourt.gov.au
(02) 9893 5555

Western Australia

Non- family law matters
Federal Court of Australia
Commonwealth Law Courts
Level 6, 1 Victoria Ave
Perth WA 6000.
Ph (08) 9268 7109.

The Federal Magistrates Service cannot hear family law applications in Western Australia.

Canberra

Family law and child support matters
Family Court of Australia
Cnr University Ave & Childers St
Canberra, ACT 2600
(02) 6267 0511

General federal law matters
Federal Court of Australia
Childers St
Canberra City ACT 2601
Email: actman@fedcourt.gov.au
(02) 62670566

Adelaide

Family law and child support matters
Family Court of Australia
25 Grenfell St
Adelaide, SA 5000
(08) 8205 2666

General federal law matters
Federal Court of Australia
Level 8, Grenfell Centre
25 Grenfell St
Adelaide SA 5000
Email: salib@fedcourt.gov.au
(08) 8205 4436

Brisbane

Family law and child support matters
Family Court of Australia
119 North Quay
Brisbane, Qld 4000
E-mail: brisbane@familycourt.gov.au
(07) 3248 2200

General federal law matters
Federal Court of Australia
Commonwealth Law Courts
Level 6, 119 North Quay
Brisbane Queensland 4000
Email: qldeg@fedcourt.gov.au
(07) 3248 1100

Townsville

Family law and child support matters
Family Court of Australia
280 Flinders Mall
Townsville, Qld 4810
(07) 4722 9333

Northern Territory

Family law and child support matters
Family Court of Australia
Commonwealth Law Courts
80 Mitchell St
Darwin NT 0800
(08) 8981 1488

General federal law matters
Federal Court Registry
Commonwealth Law Courts
80 Mitchell St
Darwin NT 0800
Email: ntreg@fedcourt.gov.au
(08) 8941 2333

Tasmania

Family law and child support matters
Level 3, ANZ Building
Cnr Brisbane and George Sts
Launceston Tas 7250.
Email: launceston@familycourt.gov.au
(03) 6334 2111

General federal law matters
Federal Court of Australia
39-41 Davey St
Hobart Tas 7000
Email: tasreg@fedcourt.gov.au
(03) 6232 1715

External scrutiny

There have not been any reports by the Auditor-General or Commonwealth Ombudsman relating to the Federal Magistrates Service.

The legislation establishing the Federal Magistrates Service was the subject of inquiry by the Senate Legal and Constitutional Committee.

Management of human resources

The federal magistrates and the Chief Executive Officer were appointed by the Governor-General following a selection recommendation process conducted by officers of the Attorney-General's Department and the Attorney-General and his office early in 2000.

The staff of the Federal Magistrates Service are appointed under the *Public Service Act 1999*. They are recruited on the basis of merit following a competitive selection process.

Pending the development of a certified agreement the terms and conditions of staff appointed under the *Public Service Act 1999*, are established by a determination made by the Chief Executive Officer under section 24 of that Act. The determination is based on the Australian Public Service (APS) Award 1998. It is anticipated that a certified agreement will be negotiated with the staff of the agency prior to 30 June 2001.

Remuneration for Magistrates and the Chief Executive Officer are determined by the Remuneration Tribunal. The Remuneration Tribunal fixed the remuneration of the Chief Federal Magistrate at \$170,000 and of a federal magistrate at \$147,000 in Remuneration Tribunal determination 17/99. It determined the remuneration of the chief executive officer at \$108,000 in Remuneration Tribunal determination 8/00.

| | Federal Magistrates | | CEO | | Staff | |
|------------|---------------------|---|-----|---|-------|---|
| | M | F | M | F | M | F |
| Melbourne | 1 | 2 | 1 | | | 2 |
| Sydney | | | | | | |
| Parramatta | 1 | 1 | | | | |
| Canberra | 1 | | | | | |
| Adelaide | | 1 | | | | |
| Brisbane | 1 | | | | | |
| Townsville | 1 | | | | | |
| Newcastle | 1 | | | | | |

Consultants and competitive tendering and contracting

The Federal Magistrates Service has let four consultancy contracts during 1999-2000, through the Attorney-General's Department. The contracts are based on daily rates for the consultants. The amounts committed on this basis to 30 June 2000, for payment in 2000-01 by the Federal Magistrates Service, total \$97,862.75.

The majority of corporate services required by the Federal Magistrates Service are being sourced from other federal courts. Service provision to the Federal Magistrates Service may be subject to the outcome of market testing by those courts. There are some minor residual corporate services that the FMS is sourcing directly. However, this does not involve market testing of pre-existing corporate services.

The Federal Magistrates Service is a participating member of the Office of Asset Sales and Information Technology Outsourcing's Group 10 Information Technology Project.

Financial statements

The Federal Magistrates Service became a prescribed agency under the *Financial Management and Accountability Act 1997* on 1 July 2000. The accounts for the Federal Magistrates Service for 1999-2000 are included in the Attorney-General's Department financial statements for 1999-2000.

Occupational health and safety (OHS)

The main measures taken during the Federal Magistrates Service start-up phase relate to security arrangements for the Federal Magistrates at their private residences and in court premises.

There were no accidents or dangerous events during 1999-2000, and no investigations under the *Occupational Health and Safety (Commonwealth Employment Act) 1991*.

During 2000-01 it is planned to adopt an OHS policy for the Federal Magistrates Service.

Freedom of information

There were no freedom of information requests made to the Federal Magistrates Service in the reporting period.

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 Registrar of the Federal Magistrates Service at 305 William Street Melbourne 3000.

Arrangements for outside participation

In the period from her appointment to the 30th June 2000, the Chief Federal Magistrate consulted widely about the court, its proposed practices and procedures and its relationships.

The Chief Federal Magistrate spoke at various conferences and seminars, including the “Access to Justice” conference organised by the Australian Law Reform Commission.

The Law Society of New South Wales hosted a seminar with interested stakeholders which was very helpful in settling the procedures to be adopted by the Federal Magistrates Service.

Regular formal consultations have been established with the Family Court Chief Justice’s Consultative Council (CJCC), the Family Court Rules Committee, the Family Law Section of the Law Council of Australia, the Law Council of Australia, national legal aid representatives and representative of non-government organisations and the Attorney-General’s Department.

The National Alternative Dispute Resolution Advisory Council, an independent advisory council established to provide advice to the Attorney-General on alternative dispute resolution, consults with the Federal Magistrates Service on ADR issues generally.

A number of meetings were held by the Chief Federal Magistrate with Relationships Australia, Centrecare and Family Services Australia to discuss the provision of counselling and mediation services as an adjunct to those provided by the Family Court.

The Chief Executive Officer attended meetings of the Australian Court Administrators Group and the Court Administrators Working Group. He has also attended discussions in relation to the proposed Adelaide court building.

Regular and formal consultation takes place in each state and territory with bar associations and law societies. Informal consultation has occurred with many other bodies.

Individuals or bodies outside the Family Court's administration may participate in its policy formulation by making representations in writing to the Federal Magistrates Service.

Categories of documents

Under arrangements made 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 Service –

- 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
- general correspondence

The Federal Magistrates Service maintains the following categories of documents –

- general correspondence
- documents concerning the development and implementation of policy
- documents concerning administration and financial aspects of the operation of the service

Availability of access to information outside the FOI Act

Pending introduction of rules of court the availability of documents related to family law proceedings outside the Freedom of Information Act is subject to the Family Law Act and the Family Law Rules.

Similarly, the availability of documents relating to general federal law proceedings outside the Freedom of Information Act is subject to the Federal Court Act and the Federal Court Rules.

Advertising and market research

The Federal Magistrates Service has not paid any amounts for advertising, market research, polling, direct mail, or media advertising, other than recruitment advertising.

