
CHAPTER 4

**MANAGEMENT OF THE
COURT**

4.1 INTRODUCTION

Since 1990 the Court has been self-administering, with a separate budget appropriation and reporting arrangement to the Parliament. Under the Federal Court of Australia Act, the Chief Justice of the Court is responsible for managing the administrative affairs of the Court. The Chief Justice is assisted by the Registrar. The Act also provides that the Chief Justice may delegate any of his or her administrative powers to judges, and that the Registrar may exercise powers on behalf of the Chief Justice in relation to the Court's administrative affairs.

The management of the Court is supported by the collegiate involvement of the judges of the Court through formal meetings of all judges and the judges' committees' structure (discussed below).

As outlined in Chapter 1 of this report, the Court's administration is supported by a national registry structure, with a Principal Registry responsible for managing national issues and supporting the corporate services functions of the Court, and a District Registry in each State and Territory which supports the work of the Court at a local level. A diagram of the management structure of the Court is set out in Appendix 2 on page 105.

Judges' committees

There are a number of standing committees of judges of the Court, which assist with the administration of the Court and play an integral role in managing issues related to the Court's administration, as well as its rules and practice. The committees provide advice to the Chief Justice and to all judges at the regular judges' meetings. The current standing committees are:

Admiralty	Library
Assisted Dispute Resolution	Management of Appeals
Audit	Native Title Coordination
Bankruptcy	Policy and Planning
Corporations	Practice
Equality and the Law	Rules
Finance	Security
Information Technology	Self Represented Litigants
International Development	Transcript
Judicial Education	

In addition, a number of other committees and working parties have been established from time to time to deal with particular issues. The committees are supported by registry staff.

Judges' meetings

There were two meetings of all judges of the Court during the year, which dealt with matters such as reforms of the Court's practice and procedure and amendments to the Rules of Court.

4.2 CORPORATE SERVICES

The Corporate Services Branch in the Principal Registry is responsible for supporting the national corporate functions of the Court. The following outlines the major corporate services issues during the reporting year.

Financial management

The Finance Committee oversees the financial management of the Court. The Corporate Services Branch supports the committee.

During the reporting period the Court initiated several activities to enhance the Court's financial management processes and reporting structure. These activities included:

- a review of the Court's compliance with the Commonwealth Financial Management Framework;
- a review of the Court's travel expenditure and implementation of a new travel model to reduce domestic travel costs;
- development and implementation of various measures to ensure the Court's financial management system (FMIS) continues to operate in an effective and efficient manner;
- undertaking preliminary analysis of interface technology between the Court's financial management and case management systems for receipting Court fees.

Financial Accounts

The net operating result from ordinary activities for 2005–06 was an operating surplus of \$4.909m. The positive variance results primarily from deferred expenditure, including expenses related to Workplace Relations Reforms. Equity increased from \$31.788m in 2004–05 to \$38.068m in 2005–06.

During 2005–06 revenues from ordinary activities totalled \$97.610m. Total revenue, in the main, comprised of:

- an appropriation from Government of \$81.126m;
- resources received free of charge, including \$5.547m for accommodation occupied by the Court in Sydney;
- \$7.284m of liabilities assumed by other government agencies, representing the notional value of employer superannuation payments for the Court's judges;
- \$2.472m from the sale of goods and services.

Total Court expenses of \$92.701m in 2005–06 comprised: \$48.687m in judges' and employees' salaries and related expenses; \$24.417m in property related expenses; \$17.112m in other administrative expenses and \$2.485m in depreciation expenses.

The Court also received an equity injection of \$1.371m in 2005–06 for the purchase of equipment and fitout changes required to manage the new workload arising from changes to the *Workplace Relations Act 1996*.

The total price of the Court’s outputs for 2005-06 is \$97.610m as detailed in Table 4.1 below.

Table 4.1
Outcome and Output Statement

		Budget	Actual
		2005–06	2005–06
		\$’000	\$’000
Output 1.1 Federal Court Business	Revenue from Government (Appropriations)	81.126	81.126
	Total revenue from other sources	15.127	16.484
	Total price of departmental outputs	96.253	97.610

Risk management and internal audit

The Court’s Audit Committee is responsible for the internal audit program, fraud control plan and risk management plan. The Committee comprises an independent chairperson, two judges, the Registrar, and the District Registrar for New South Wales.

In 2005–06 the Court engaged the services of Ernst & Young to assist in the development of a three year audit plan. The internal audit program for 2005–06 focused on the implementation of the Court’s new case management system and monthly financial processes.

Staff of the Australian National Audit Office inspected the Court’s 2005–06 financial statements and provided an unqualified audit certificate.

There were no cases of fraud reported in the Federal Court in 2005–06.

External scrutiny

The Court was not the subject of any reports by a Parliamentary committee or the Commonwealth Ombudsman. The Court was not the subject of any judicial decisions or decisions of administrative tribunals.

Purchasing

The Federal Court of Australia's procurement policies and procedures are based on the Australian Government's policy framework for procurement as articulated in the Commonwealth Procurement Guidelines and expressed in the Chief Executive Instructions. The Court achieves a high level of performance against the core principles of achieving value for money through efficient, effective and appropriately competitive procurement processes by ensuring that officers involved in procurement:

- Encourage competition through open approaches to the market where this approach will deliver the most favourable outcome.
- Ensure procurement processes do not discriminate against particular types of suppliers including small and medium enterprises, and new businesses.
- Ensure that a single requirement is not divided to avoid a procurement threshold or delegation level.
- Reduce costs to the industry in contesting procurement by using, where appropriate, selective approaches to the market, particularly where it is mandatory to procure Information Technology products and services from the ESA Multi-Use List maintained by the Department of Finance and Administration.

Consultants

During 2005–06, 20 new consultancy contracts were entered into, involving total expenditure of \$565,870, including GST. In addition, two ongoing consultancy contracts were active during the 2005–06 year, involving total expenditure of \$23,386, including GST.

Table 10.1 on page 168 provides more detailed information on consultancy services contracts entered into during 2005–06.

Advertising and marketing services

A total of \$84,082 was paid for recruitment advertising services throughout the reporting period.

The Court does not use market research organisations, polling organisations, direct mail organisations or media advertising agencies.

Technology services

Network operating system

The past financial year has seen the commencement of the most significant information technology (IT) infrastructure change since 1997 when the Court merged networks with the Industrial Relations Court of Australia. During the reporting period the Court's network operating system has been migrated from Novell NetWare to Microsoft 2003 Server in conjunction with the implementation of new desktop computer software supported by Windows XP and Microsoft 2003 Office Professional Suite.

Wide Area Network (WAN) infrastructure

In 2005–06 the Court’s Wide Area Network (WAN) communication infrastructure was migrated from Frame Relay to newer IP-WAN technology. This provides the Court with access to a higher data communication bandwidth which is more responsive to changing business requirements at a reduced cost per bandwidth size when measured against Frame Relay.

eCourt strategy

The eCourt strategy continues to take advantage of technological opportunities to achieve benefits for the Court, law firms and the public who utilise the Internet online services consisting of eFiling, eSearch and eCourtroom (Forum).

eFiling

eFiling of court documents continues to grow rapidly with a 70% increase over the 2004-05 year. Enhancements to the processing and return of documents to parties were implemented during the reporting period.

eSearch

The Court’s eSearch online case search facility continues to be the most visited page on the Court’s website, with practitioners and members of the public averaging over 16,000 hits per month. The major improvement during the reporting period has been the inclusion of ‘search by listing date’.

eCourtroom

Directions hearings and less complex interlocutory matters for 23 matters are currently being conducted through the Court’s virtual Internet courtroom, eCourtroom. This service has proven to be of particular assistance to practitioners and parties in native title cases, providing improved access to case information for those in remote locations. A tender is currently being prepared to develop the next generation of eCourtroom, reflecting and implementing improved features suggested by the users of the service.

Commonwealth Courts portal

The Court has commenced a partnership with the Family Court of Australia and the Federal Magistrates Court examining the feasibility of a Commonwealth Courts portal or Internet service centre.

Case management system – Casetrack

Enhancements

A substantial number of enhancements, prioritised by the Court’s Casetrack User Group, were implemented in Casetrack in the past year. These included changes to document lodgement, listings, court lists, fees, subpoena and exhibits, and time recording. The changes have improved client service and system usability.

Casetrack review

During the reporting year the Court commissioned an independent consultant to conduct a review of the implementation of Casetrack. The broad aims of the review were to provide a blueprint for the future development and use of Casetrack within the Court. The report on the Casetrack review was delivered in July 2006.

Online court management reporting

During 2005–06 an on-line court management reporting pilot was commenced. The pilot system allows senior Court staff to access reports as necessary and enables reports to be customised as required.

Court reporting

The implementation of a digital court reporting service, commenced in July 2005, was successfully completed during the reporting year. The court reporting services are now fully electronic, from the recording of proceedings to the preparation and delivery of transcript to the Court and parties.

Human Resources

Workplace relations

The Court's National Consultative Committee (NCC) continued to operate effectively through the year and was involved in a range of projects including overseeing the implementation of the Court's 2005–2008 Certified Agreement, the finalisation of draft Work Level Standards, a national trial of new arrangements for accommodation when travelling, the introduction of salary packaging arrangements and the completion of guidelines for the use of Child and Dependent Care Rooms.

The Court's other consultative forums such as Regional Consultative Committees and the Occupational Health and Safety Committee continued to operate effectively, reporting to the NCC. Minutes from all committees are placed on the Court's intranet where they can be readily accessed by staff.

Separate working parties were also established to finalise the Court's Work Level Standards and oversee a classification review of judges' personal assistants.

Workplace bargaining

The Court's 2005–2008 Certified Agreement was certified by the Australian Industrial Relations Commission (IRC) on 25 July 2005.

Australian Workplace Agreements (AWAs) were entered and re-negotiated with a number of new and existing staff. The Court currently has 23 staff on AWAs, 11 of whom are officers in the Senior Executive Service ('SES'). All staff not covered by AWAs are covered by the Court's Certified Agreement.

Non SES AWAs generally mirror Certified Agreement provisions with the exception of base salary and, in a small number of cases, leave entitlements.

The introduction of the Work Choices amendments to the Workplace Relations Act necessitated the re-drafting of the Court's AWA templates. This process was completed with assistance from the Australian Government Solicitors Office.

Staffing overview

At 30 June 2006 the Court employed 403 employees under the *Public Service Act*. This figure comprised 209 ongoing full-time employees, 36 ongoing part-time employees and 158 non-ongoing employees. The high number of non-ongoing employees is due to the nature of employment of judges' associates (who are generally employed for 12 months) and casual court officers. The Court had an average staffing level of 351.45 during the reporting period.

Table 4.2 on page 66 contains an overview of the Court's staffing by location at 30 June 2006. Table 4.3 on page 67 contains details of the Court's SES staff.

Performance management

The Court's performance management program continued to operate effectively through the reporting period.

Performance pay

There were no performance pay arrangements in 2005–06.

Training and development

During the year the Court successfully completed the first stage of a major new staff development initiative – the Court's National Training Program. The program seeks to provide all staff with the core skills and knowledge necessary to work effectively in the Court. Nearly all staff have undertaken the first part of the program, which will now form the core of the Court's Induction Program. Training was conducted by local registry staff who have completed a Train the Trainer course. Preparation is currently underway for the second stage, Caseflow Management.

Other areas of national focus were:

- continuing Casetrack training for staff;
- ongoing development of the Court's Client Services Network, which meets quarterly by teleconference and has an annual conference;
- the ongoing development of the Court's National Training Network, members of which present the National Training Program and meet regularly via teleconference and annual conference to ensure the Court addresses the training needs of staff.

More generally, training was carefully targeted towards the development of essential core skills and the Court spent \$333,372 on external training during the period.

The Court's Studybank policy also continued to operate and provided staff with time off and financial assistance to pursue approved tertiary studies. During the reporting period \$15,177 was reimbursed to staff undertaking studies under the policy.

Table 4.2
Staffing Overview by Location
(actual occupancy at 30 June 2006 – includes full-time and part-time staff)

Level	PR	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	NAT	Total
SES2	1	1	1								3
SES1	1	1	1	1	1	1			1	1	8
FCL2		6	1	3	1	2	1			2	16
FCL1	1			1		1		1		1	5
FCM2	14	2	4	1	1	1				1	24
FCM1	7		4	2	1	1		1	1	4	21
FCS6	11	2	2	1		1	1		1	1	20
FCS5	12	63	31	15	9	9	1	3		13	156
FCS4	3	3	4	1	1	3			3	2	20
FCS3	5	19	15	12	5	8	6	1			71
FCS2		21	12	15	3	5		1	1		58
FCS1			1								1
Total	55	118	76	52	22	32	9	7	7	25	403

Note: The Registrar, who is a holder of public office, is not included in this table.

Key: PR Principal Registry
SES Senior Executive Service officer
FCS Federal Court Staff
FCM Federal Court Manager
FCL Federal Court Legal
NAT National
Includes the following staff:
– National Native Title
– Chambers of Chief Justice
– Full-Court
– Research Assistants/Indigenous Research Assistants

Table 4.3
Senior Executive Service
(at 30 June 2006 – includes full-time and part-time staff)

Principal Registry		Senior Executive Service Grading Occupied
Senior Deputy Registrar	Philip Kellow	Senior Executive Band 1
Executive Director, Corporate Services Branch	Gordon Foster	Senior Executive Band 2
National		
National Native Title Registrar	Louise Anderson	Senior Executive Band 1
New South Wales District Registry		
District Registrar	Michael Wall	Senior Executive Band 2
Deputy District Registrar	Jennifer Hedge (part-time)	Senior Executive Band 1 (Specialist)
Victoria District Registry		
District Registrar	Sia Lagos	Senior Executive Band 2
Deputy District Registrar	Timothy Connard	Senior Executive Band 1
Queensland District Registry		
District Registrar	Graham Ramsey	Senior Executive Band 1
South Australia District Registry		
District Registrar	Patricia Christie	Senior Executive Band 1
Northern Territory District Registry		
District Registrar	Caroline Edwards	Senior Executive Band 1
Western Australia District Registry		
District Registrar	Martin Jan PSM	Senior Executive Band 1

Table 4.4
Salary ranges by classification level under Certified Agreement or AWA
(at 30 June 2006)

Court Designation	Australian Public Service (APS) Classification	Salary
Clerical Administrative Positions		
Federal Court Staff Level 1	APS Level 1	32 584
		36 010
Federal Court Staff Level 2	APS Level 2	36 876
		40 891
Federal Court Staff Level 3	APS Level 3	42 001
		45 331
Federal Court Staff Level 4	APS Level 4	46 814
		50 828
Federal Court Staff Level 5	APS Level 5	52 213
		55 366
Federal Court Staff Level 6	APS Level 6	56 393
		64 780
Federal Court Manager Level 1	Executive Level 1	72 179
		77 952
Federal Court Manager Level 2	Executive Level 2	83 211
		94 359
		97 519
Legal Positions		
Federal Court Legal 1	From APS Level 3	47 157
	to Executive Level 1	91 672
Federal Court Legal 2	Executive Level 2	106 200
		110 361
Senior Executive Positions		
Senior Executive Service Band 1	SES Band 1	133 388
Senior Executive Service Band 2	SES Band 2	172 500

Occupational health and safety (OHS)

The Court’s national Occupational Health and Safety (OHS) Committee continued to meet through the reporting period and oversee occupational health and safety (‘OHS’) within the Court. The Committee also met for a conference in Sydney in December 2005. Among other things, the Committee has overseen the development of workplace safety audit checklists to enable each registry to conduct regular workplace inspections to identify risks and hazards in the workplace. The Committee also oversaw the development of a new OHS Agreement, which is close to finalisation.

The Court introduced a program of optional annual health checks and flu shots for all staff, as provided for in its 2005–2008 Certified Agreement. The Certified Agreement also provides for ongoing and long-term staff to be advanced the cost of annual gym membership, which can then be paid back by the staff member over the following 12 months.

No provisional improvement notices were issued under section 29 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (OHS Act). No directions or notices under section 46 of the OHS Act were served on the Court prohibiting the use of any workplace, plant or substance.

A total of 4.05 working weeks were lost due to work related injuries compared to 14.5 weeks for the previous reporting period. The Court's Comcare premium decreased from 1.12 per cent of the wages and salary bill to 1.06 per cent.

The Court continues to provide external, confidential counselling to staff, when required. During the reporting period, the Court evaluated its Employee Assistance Scheme and has engaged Commonwealth Rehabilitation Services (CRS) to provide counselling services to all staff of the Court.

During the reporting year the Court introduced an optional executive health check program for judges. The confidential counselling service available to staff was also extended to judges.

Workplace diversity

The Court is actively committed to the principles of workplace diversity. Some of the Court's initiatives during the reporting period are set out below.

- The continuation of the Indigenous Research Assistant Program. This program commenced in 2001 and attracted a significant response when applications were invited for subsequent programs. Participants, and those in the Court associated with the program, report that considerable benefit is derived from the program.
- The National Consultative Committee (NCC) was consulted on proposed changes to the Court's Workplace Diversity Plan, which was finalised in early 2006.
- The Court's Workplace Diversity Coordinator continued to play a key role within the Public Service and Merit Protection Commission's Workplace Diversity and Indigenous Employment Network.
- The Court finalised guidelines to ensure the safety of Child and Dependent Care rooms. These have been provided since 2001 and are regularly used by Court staff in most registries.
- Intermittent/Irregular employees were guaranteed access to email and computer facilities in the Court's 2005–2008 Certified Agreement. The pattern and nature of employment of many of these staff previously meant that they were not guaranteed access to the Court's computer facilities – thereby addressing possible problems with accessing policies, messages, information about job vacancies, etc.

Commonwealth Disability Strategy

In accordance with the Commonwealth Disability Strategy, the Court undertook the following activities during the reporting period.

- A new Workplace Diversity Plan was developed and Human Resource Policies continued to be monitored for compliance with the requirements of the *Disability Discrimination Act 1992*.
- Recruitment information was provided on the Court's home page as well as via email and hard copy.
- Disability related issues concerning the Court's staff were handled consistent with the requirements of the Disability Discrimination Act 1992.
- Building works on existing and proposed buildings continued to take into account the needs of people with disabilities. Examples include:
 - ensuring enquiry counters are appropriately designed for use by people in wheelchairs;
 - ensuring signage is appropriate;
 - continuing improvements to building access and facilities within buildings.
- The Court continued to provide a TTY (telephone-typewriter) service in all of its registries for the hearing impaired. During the reporting period the Court received no requests for information in alternative formats.

Library and information services

The Court continued to maintain a national library network, which provides a comprehensive library service to judges and staff of the Court. In Adelaide, Brisbane, Hobart, Melbourne, Perth and Sydney, library access was also available to the legal profession and self represented litigants. The Judges' Library Committee oversees the provision of library and information services. Key achievements in 2005–2006 are set out below.

Adelaide Library

The move into the new Commonwealth Law Court building was completed late in 2005. Coordinating the orderly relocation of the library collection involved a major workload for the two library staff members. The collection was reorganised to improve accessibility, and material previously held in storage due to lack of space has been incorporated into the collection.

Intranet

Work has continued on the development of a new intranet utilising both new content management software and a new search engine. The preview was released in April 2006 and the pilot phase, incorporating updating of new judgments, commenced the first week in July. The site has been radically redesigned with the concept of views for different user groups to target the most relevant information for them in a streamlined way. Features of the new intranet include distributed authoring, secure areas, search highlighting and navigation, judgment email subscriptions and eventually sharing of documents between the intranet and the Court's website.

Judgment template and style guide

A subcommittee of the Library Committee has been set up to oversee changes in both the judgment template and matters related to style of judgments. The judgment template has been rewritten to update the program language, facilitate the collation of full court judgments and streamline uploading to the intranet. It is in the final testing stage.

Archives and records management

The Court archives collection project has identified a range of material, such as judges' robes and wigs, photographs, papers relating to high profile cases and memorabilia, which has been collected together and is being added to the archives database and stored appropriately.

The DIRKS (Designing and Implementing Record Keeping Systems) project has continued with Step C draft returned from National Archives with comments and suggested editions. The revised version was submitted to the National Archives in August 2006 allowing Court records of permanent value to be kept by the National Archives Authority.

Property management

The Court's facilities are located in Commonwealth owned buildings in Adelaide, Brisbane, Canberra, Melbourne, Hobart and Perth, in the Northern Territory Supreme Court building in Darwin and the Queens Square Law Courts building in Sydney. All buildings are shared with other jurisdictions.

The Court participates in management of the Commonwealth owned buildings through a National Building Management Committee, which comprises senior representatives from jurisdictions housed in more than one building. The committee meets quarterly and establishes budgets, approves works programs and sets policies. Local Building Management Committees manage day-to-day operations in each building.

Major achievements during the year include:

- Occupation and official opening of the new Commonwealth Law Court building in Adelaide. The Court's accommodation includes courtrooms, judges chambers, library and registry facilities. The building features state of the art courtroom technology in selected courtrooms; the latest technology to minimise use of energy, water and other resources; extensive security facilities; and extensive use of art and craftwork by local artists.
- Upgrading of courtroom audio and video conferencing systems were completed in Brisbane and Darwin.
- A Master Plan for the refurbishment and upgrade of the Sydney Law Courts Building at Queens Square has been completed. Detailed design will commence early in the new reporting year, with construction work beginning in early 2007.
- To reflect forthcoming changes to the Court's jurisdiction, a study has commenced of jury facilities – what these should consist of to reflect modern standards and how they can be incorporated into existing facilities.

Accessibility

The Court is conscious of the need for its facilities to be accessible to all members of the community and is committed to ensuring that people with a disability do not face access problems in their contact with the Court.

As part of a national program to upgrade audio and video facilities, fully integrated hearing assistance systems have been specified for those with hearing difficulties.

The new Commonwealth Law Court building in Adelaide has been designed to be fully accessible to those with disabilities.

Security

Following a major review of security by external consultants, the Court, in conjunction with other resident jurisdictions, has completed a program to install x-ray scanning facilities at building entrances. These facilities are now in place in all buildings, with the last installation in Perth completed in June. The installation has been accompanied by operator training and a range of management measures to ensure the equipment operates to maximum effectiveness.

Environmental management

The Court provides the following information as required by section 516A of the *Environmental Protection and Biodiversity Conservation Act 1999*.

The nature of the Court's core business, outcomes and activities is such that it does not impact or affect the principles of ecologically sustainable development. However, the Court is seeking to minimise the impact of its activities on the environment through the following measures:

- Testing of cooling towers and water features in Court buildings in accordance with Commonwealth, State and local statutory requirements.
- Energy consumption is closely managed and data is provided to the Australian Greenhouse Office as part of the Court's obligations to Government as part of the Kyoto Protocol.
- Environmental Management Systems are being progressively implemented in our buildings. These focus on further reducing energy consumption, water and waste.