



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' committee 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 83.

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.

During the reporting year the Court commenced a review of the governance and committee structure with the aim of moving to a smaller number of committees organised along functional lines. The review will be finalised in 2007–08.

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 and is made up of judges from each of the registries, as well as the Registrar. The Corporate Services Branch provides administrative support to the Finance Committee and during 2006–07 the Committee met on five occasions.

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

- development of a detailed certificate of compliance checklist to be completed by each registry to provide further assurance to the Registrar in undertaking his reporting obligations;
- review of the Court's new domestic travel accommodation provider arrangements;
- development of financial management requirement specifications for the new eLodgement system; and
- development of system specifications for the integration of Court fee management, including new credit account facilities, between the Court's financial management and case management information systems.

Financial accounts

The net operating result from ordinary activities for 2006–07 was an operating surplus of \$0.457m. The positive variance resulted primarily from deferred expenditure. Equity increased from \$38.068m in 2005–06 to \$40.228m in 2006–07.

During 2006–07 revenues from ordinary activities totalled \$101.602m. Total revenue, in the main, comprised:

- an appropriation from Government of \$85.333m;
- resources received free of charge, including \$5.928m for accommodation occupied by the Court in Sydney;
- \$8.423m of liabilities assumed by other government agencies, representing the notional value of employer superannuation payments for the Court's judges;
- \$1.918m from the sale of goods and services.

Total Court expenses of \$101.145m in 2006–07 comprised: \$53.544m in judges' and employees' salaries and related expenses; \$26.990m in property related expenses; \$17.622m in other administrative expenses and \$2.989m in depreciation expenses.

The Court also received an equity injection of \$1.703m in 2006–07. Funding of \$1.4m was provided for the construction of jury facilities and jury court rooms as well as funds for the development of a jury system for the proposed criminal cartel jurisdiction. A further \$0.303m was provided under the anti-terrorism legislation for the construction of secure rooms and security equipment within each of the Court's registries.

The total price of the Court's outputs for 2006–07 is \$101.602m as detailed in Table 4.1 below.

Table 4.1 – Outcome and output statement

	Budget 06–07 \$'000	Actual 06–07 \$'000	
Output 1.1 Federal Court Business	Revenue from Government (Appropriations)	85.333	85.333
	Total revenue from other sources	15.522	16.269
	Total price of departmental outputs	100.855	101.602

Audit and risk management

The Audit Committee met five times during 2006–07, including a special meeting to examine the Court's annual financial statements. The Committee comprises an independent chairperson, two judges, the Registrar, and the NSW District Registrar. The Court's Executive Director, Corporate Services and Chief Financial Officer and representatives from the internal audit provider Ernst & Young and the Australian National Audit Office (ANAO) attend committee meetings as observers.

The Audit Committee aims to enhance the Court's control framework, assist the Court to comply with legislative and other obligations and improve the objectivity and reliability of externally published financial information.

During 2006–07 the Audit Committee reviewed its terms of reference and endorsed a new charter to further strengthen the governance role of the committee. The Court's internal audit provider Ernst & Young undertook a number of audit reviews during 2006–07 as agreed in the internal audit plan. The Court undertook reviews of its IT security and IT system change management processes as well as reviewing the Court's management of court recording and transcript charges under the new contract with its reporting provider.

Staff of the Australian National Audit Office inspected the Court's 2006–07 financial statements and provided an unqualified audit certificate.

During the year the Court had in place a fraud control plan that complies with the Commonwealth Fraud Control Guidelines as well as appropriate fraud prevention, detection, investigation and reporting procedures and processes. During the year the Court reported to the Attorney-General's Department that there were no cases of fraud during 2006–07.

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 Court's procurement policies and procedures, expressed in the Court's Chief Executive Instructions, are based on the Commonwealth Procurement Guidelines. 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.

Consultants

During 2006–07, 11 new consultancy contracts were entered into involving total actual expenditure of \$437,000, including GST. In addition, two ongoing consultancy contracts were active during the 2006–07 year, involving total actual expenditure of \$49,000, including GST. Information on expenditure on contracts and consultancies is also available on the AusTender website www.tenders.gov.au. In 2006–07 there were no contracts or standing offers exempt by the Chief Executive from publication in the contract reporting section on AusTender.

Table 10.1 on page 129 provides more detailed information on consultancy service contracts entered into during 2006–07.

Competitive tendering and contracting

During 2006–07, there were no contracts let to the value of \$100,000 or more for the delivery of activities previously performed by the Federal Court of Australia that did not provide for the Auditor General to have access to the contractor's premises.

Advertising and marketing services

A total of \$79,307 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

Data centre

The Court entered into a commercial agreement with Macquarie Telecom to host the Data Centre and to provide WAN communications and new gateway and secure remote logon services. The migration to these new services will be completed in 2007–08.

eTrials

As outlined in Chapter 2 of the report, the Court has adopted a more proactive approach to the conduct of electronic trials in the Court and has held wide discussions with legal firms on a new document management protocol and a new Practice Note to facilitate more of these trials. Following the drafting of these documents, discussions will be held with legal representative organisations for their input.

IT governance

A review was undertaken into how the principles for good IT governance have been applied within the Court's Technology Services section and a series of recommendations have been adopted and will be implemented over 2007–08.

New email system

The Court is currently migrating to the Microsoft Outlook email system replacing the GroupWise email system. This is due for completion by the end of 2007.

High availability

Work began in 2006–07 to upgrade the Court's infrastructure to a 24 hour, 7 day a week status by introducing backup data communication links and associated components. This work will continue into 2007–08.

Public WiFi service

Work has begun on introducing a public WiFi (wireless internet) service in and around courtrooms. A pilot will be launched in Brisbane in late 2007 and if successful, it will be setup in all registries.

eCourt project

The Court's eCourt Strategy is now entering its second stage of implementation involving the development and integration of electronic services supporting the Court's aims to provide judges, staff and legal practitioners with improved access to court services via the Internet. More detail on the Commonwealth Courts Portal (and "MyFiles") project is provided in Chapter 2 of the report. It is also referred to below.

eCourtroom

In May 2007 the Court introduced eCourtroom to replace the eCourt Forum, the virtual courtroom that assists in the management of pre-trial matters by allowing directions and other orders to be made online by the judge hearing the case.

The eCourtroom has enhanced features including the ability to post a single hearing entry to multiple linked cases and advanced search functions and reporting facilities. The service has been expanded to include a case administration service for judges' staff to communicate with practitioners on case management issues.

eFiling

The number of firms and practitioners using the Court's eFiling System (EFS) to lodge documents with the Court continues to increase. In March 2007 the Australian Taxation Office commenced electronically filing their applications in the Federal Court. In May 2007 the Court received in excess of 1,000 e-filings per month for the first time and those monthly e-filing figures have been maintained in the subsequent months. The total e-filings in 2006–07 were 7,427, which represents a 40% increase from the previous year.

eLodgment

It is proposed that eLodgment will replace e-filing as a fully integrated application enabling the lodgment of documents, associated supporting information and fee payments by legal practitioners to be seamlessly uploaded directly into the Court's case management system. eLodgment's design specification and contract tendering process concluded in June 2007 and work has commenced. Its target release date is the first quarter of 2008.

Portal

The Federal Court, Family Court of Australia, and Federal Magistrates Court of Australia have formed a collaboration to jointly develop a Commonwealth Courts Portal for the provision of a single sign-on identity management service supporting all law firms and their staff to gain access to their specific case files information (MyFiles) across the three Courts. The project has progressed significantly during the past nine months and will be trialled with a selected number of law firms during the third quarter of 2007.

eSearch

eSearch, the Court's online case search facility, continues to be the most visited page on the Court's website, with the hits per month increasing during the year to 17,500, with the top month receiving 19,292. More than one matter is usually searched by the user during each visit to the site. More enhancements are proposed to eSearch including links to judgments and transcripts where available.

Case management system – Casetrack

Following a review of Casetrack the Court has continued to make enhancements to improve the functionality and usability of the system for staff across the Court.

During 2006–07 the Court also integrated the Native Title case management system into Casetrack, thereby ensuring that one system is used across the Court.

Human resources

Workplace relations

The Court's National Consultative Committee (NCC) operated effectively through the year and continued to oversight implementation of initiatives from the Court's 2005–2008 Certified Agreement, including:

- the Court's Work Level Standards which were finalised;
- the re-classification of judges' personal assistants; and
- a national trial of new arrangements for staff travel.

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

Workplace bargaining

The Court's 2005–2008 Certified Agreement continued to operate and arrangements will be made later in 2007 to commence negotiations on the 2008 Agreement.

Australian Workplace Agreements (AWAs) were entered and re-negotiated with a number of new and existing staff. These changes were necessitated by the Work Choices amendments to the Workplace Relations Act.

The Court currently has 24 staff on AWAs, 9 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.

Staffing overview

At 30 June 2007 the Court employed 406 employees under the Public Service Act. This figure comprised 231 ongoing full-time employees, 19 ongoing part-time employees and 156 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 358 during the reporting period.

Tables 4.2 and 4.3 on the following page contain an overview of the Court's staffing by location at 30 June 2007 and details of the Court's SES staff. Table 4.4 outlines the Court's salary ranges by classification.

Table 4.2 – Staffing overview by location

(actual occupancy at 30 June 2007 – 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	6
FCL2	3	5	3	3	1	2	1		1	1	20
FCL1	1	1				1		1		1	5
FCM2	12	1	2	1	1	1				1	19
FCM1	11		4	2	1	1	1	1	1	4	26
FCS6	4	27	19	6	5	4			1	4	70
FCS5	14	42	24	9	5	9	1	1	1	9	115
FCS4	2	2	8		7	4			2	1	26
FCS3	4	12	7	11		5	6				45
FCS2	1	24	16	11	4	8		4	2		70
FCS1			1								1
Total	54	116	86	44	25	36	9	7	8	22	406

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 2007 – 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	Vacant at 30 June 2007	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
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 2007)

Court Designation	Australian Public Service (APS) Classification	Salary
Clerical Administrative Positions		
Federal Court Staff Level 1	APS Level 1	34 050
		37 630
Federal Court Staff Level 2	APS Level 2	38 535
		42 731
Federal Court Staff Level 3	APS Level 3	43 891
		47 371
Federal Court Staff Level 4	APS Level 4	48 921
		53 115
Federal Court Staff Level 5	APS Level 5	54 563
		57 857
Federal Court Staff Level 6	APS Level 6	58 931
		67 695
Federal Court Manager Level 1	Executive Level 1	75 427
		81 460
Federal Court Manager Level 2	Executive Level 2	86 955
		98 605
		101 907
Legal Positions		
Federal Court Legal 1	From APS Level 3	49 279
	to Executive Level 1	95 797
Federal Court Legal 2	Executive Level 2	110 979
		115 327
Senior Executive Positions		
Senior Executive Service Band 1	SES Band 1	144 966
Senior Executive Service Band 2	SES Band 2	187 474

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 2006–07.

Training and development

During the year the Court consolidated the first stage of a major new staff development initiative – the Court's National Training Program – and made significant progress in developing and rolling-out the second phase of the program for staff across the Court. The second stage focuses on the Court's caseload management.

The program seeks to provide all staff with the core skills and knowledge necessary to work effectively in the Court. The first part of the program now forms the core of the Court's Induction Program. Training is conducted by local registry staff who have completed a Train the Trainer course.

Other areas of national focus were:

- 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, and;
- the development of a National Leadership Program for the Court's senior managers.

More generally, training was carefully targeted towards the development of essential core skills and the Court spent \$313,339 on external training during the period.

The Court's Studybank policy also continued to operate and provided staff with leave and financial assistance to pursue approved tertiary studies. During the reporting period \$13,442 was reimbursed to staff undertaking studies under the policy.

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 within the Court. The Court entered into a new Occupational Health and Safety Agreement during the reporting period.

Information sessions were also arranged for all members of the Court's national Occupational Health and Safety (OHS) Committee on the recent significant amendments to the Occupational Health and Safety Act and the Safety, Rehabilitation and Compensation Act.

The program of optional annual health checks and flu shots for all staff, provided for in the Certified Agreement, was again conducted with around 35% of all staff taking advantage of the free health checks and immunisations.

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 56 working weeks were lost due to work related injuries compared to 4.05 weeks for the previous reporting period. One staff member was absent for the whole reporting period. The Court's Comcare premium remained at 1.12 per cent of the wages and salary bill.

The Commonwealth Rehabilitation Services (CRS) continued to provide free, confidential counselling services to all staff of the Court.

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 Indigenous Research Assistant Program employed two assistants during the year. The program commenced in 2001 and has attracted a significant response to subsequent programs. Participants, and those in the Court associated with the program, report that considerable benefits are derived from the program.
- The Court's Victorian Registry offered a four month internship to an overseas law student.

Commonwealth Disability Strategy

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

- The Court continued to work on the implementation of initiatives in its Workplace Diversity Plan, the overall aim of which is to accommodate the personal circumstances of all staff as far as this is practicable, including staff with disabilities. This principle is carried through into the Court's Certified Agreement and human resources policies.
- The Court's Orientation and Induction programs reinforce the Court's commitment to the principles of workplace diversity and reasonable adjustment. The focus of these programs is on both the Court's own staff and its clients.
- The Court runs a number of national staff networks, such as the Client Services Network and a network of the managers of Court Officers. Among other things, these networks help ensure the needs of all clients, including those with disabilities and other special needs, are addressed.
- The Court's OH&S Committee regularly undertakes checks to ensure the physical needs of all staff and clients are being met; eg, thoroughfares are kept clear and fire drills take into account the physical needs of all staff and clients.
- The Court's recruitment and selection practices continue to provide information to prospective applicants via as many means as practicable, including a TTY phone (telephone–typewriter) for the hearing impaired. During the reporting period the Court received no requests for information in alternative formats.

Further, 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.

Building works on existing and proposed buildings continue to take into account the needs of people with disabilities. Examples include:

- ensuring enquiry counters are appropriately designed for use by people in wheelchairs;
- fully integrated hearing assistance systems have been installed in courtrooms for those with hearing difficulties;
- ensuring signage is appropriate; and
- continuing improvements to access and facilities within buildings.

Similarly, the Court's National Training Program addresses issues such as client service and access and equity with a view to raising the awareness of staff of the need to be flexible and understanding in meeting the needs of all Court users. This is also reinforced by a number of national networks of staff including Court Officers and Client Services staff. These networks routinely address the needs of specific client groups, with the aim of ensuring that their needs are met as far as possible. These questions have and are being addressed in instructional material for staff, for example; a national manual is currently being prepared for Court Officers which will highlight the importance of access and equity principles.

Property management

The Court's facilities are located in Commonwealth owned buildings in Adelaide, Brisbane, Canberra, Melbourne, Hobart and Perth. The Court occupies premises 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 the management of the Commonwealth owned buildings through the 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:

- Refinement of accommodation in the new Commonwealth Law Courts building in Adelaide. Works included enhancements to security systems, courtroom technology and adjustments to plant and services.
- Upgrading of courtroom audio and video conferencing systems in Canberra; planning also commenced on a more extensive upgrade to Court 1 in Hobart, the first major upgrade of the Court's facilities in the building.
- Detailed design was commenced on the major upgrade of the Sydney Queens Square Law Courts building. This will include removal of asbestos, renewal of worn out building services and upgraded court and public facilities. In June 2007 the Court's Principal Registry moved into temporary accommodation in the nearby Lionel Bowen Commonwealth Law Courts building to facilitate the refurbishment.
- Commencement of architectural space use studies in Brisbane, Melbourne, Canberra and Perth to identify opportunities to make better use of existing space in particular to accommodate new jury and courtroom facilities, upgraded mediation facilities and upgraded registry facilities.
- With other jurisdictions, the Court has commenced a major national program to upgrade security infrastructure, including access control, CCTV and other facilities.

Security

Installation of x-ray scanning facilities at the public entrances of all buildings was completed during the year. Training for security staff has taken place and a program of regular refresher training is now in place. Software management systems are also in place for all scanning equipment.

A project commenced during the year to plan for the upgrade of access control systems in all buildings which will convert all buildings to a standard proximity card system. Budget approval has been obtained and tenders are due to be called so that installation will be completed on a rolling program throughout 2007–08.

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 implemented in all buildings, which focus on further reducing energy consumption, water and waste.

Library and information services

The Court maintains a national library network, which provides a comprehensive library service to judges and staff of the Court. In Adelaide, Brisbane, Hobart, Melbourne, and Perth, library access is 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 2006–07 are set out below.

Federal Court and Family Court libraries merger

A pilot program to merge library services provided to judges and magistrates of the Federal Court, Family Court and Federal Magistrates Court commenced in the Adelaide registry in April 2007. Depending on the success of this trial, library services in other registries may also be provided on a coordinated basis.

Intranet

The Court's new intranet went into production in July 2006 when all the Federal Court judgments were converted. Work has continued on further developing intranet features and adding content. National training sessions to raise awareness of new features and obtain feedback to assist with further development have been conducted. The new site uses different views for different user groups to target relevant information. Additional features include a visiting judges' location tool, discussion forums, search term highlighting, navigation in judgment searches and customised telephone listings.

Judgment template and style guide

A new judgment template with additional features to assist judges' staff with the uniform production of judgment formats was rolled out across the Court with training provided to relevant staff. Several stylistic changes were also made to achieve greater consistency with the Federal Court Reports.

Archives and records management

The Court's archives collection has been transferred to the National Archives of Australia on a temporary basis while the Law Courts Building in Sydney is being refurbished to protect it from any possible damage caused by building works.

The Chief Justice met with the Director of the National Archives to seek advice on managing the Court's archive. An outcome of this meeting was the development of an oral history proposal which is at the request for tender stage.

The DIRKS (Designing and implementing record keeping systems) project has continued with the third revision of Step C provided to National Archives in December 2006 and returned by them in March for further amendment.