

Chapter 1

OVERVIEW OF THE FEDERAL COURT OF AUSTRALIA

1.1 ESTABLISHMENT

The Federal Court of Australia, created by the *Federal Court of Australia Act 1976*, began to exercise its jurisdiction on 1 February 1977. It assumed jurisdiction formerly exercised in part by the High Court of Australia and the whole of the jurisdiction of the Australian Industrial Court and of the Federal Court of Bankruptcy.

The Court is a superior court of record and a court of law and equity. It sits in all capital cities and elsewhere in Australia from time to time.

1.2 FUNCTIONS AND POWERS

The Court's original jurisdiction is conferred by over 100 statutes of the Parliament. A list of these Acts appears in Appendix 5 to this report on pages 91 to 94.

The Court exercises appellate jurisdiction over decisions of single judges of the Court, decisions of the Supreme Courts of the Australian Capital Territory and Norfolk Island and certain decisions of State Supreme Courts exercising federal jurisdiction. The Court's jurisdiction is more fully described in Chapter 2.

1.3 OBJECTIVES

The objectives of the Court are to:

- decide disputes according to law - promptly, courteously and effectively; and in so doing to interpret the statutory law and develop the general law of the Commonwealth, so as to fulfil the role of a court exercising the judicial power of the Commonwealth under the Constitution;
- provide an effective registry service to the community; and
- manage the resources allotted by Parliament efficiently.

1.4 THE COURT

Judges

The *Federal Court of Australia Act* provides that the Court consists of a Chief Justice and such other judges as are appointed. The Chief Justice is the senior judge of the Court and is responsible for ensuring the orderly and expeditious discharge of the business of the Court.

Judges of the Court are appointed by the Governor-General, by commission. Judges may not be removed except by the Governor-General on an address from both Houses of Parliament, in the same session, praying for the judge's removal on the ground of proved misbehaviour or incapacity. This requirement is contained in s 72 of the *Commonwealth of Australia Constitution Act 1901* and Part II of the *Federal Court of Australia Act*.

Until 1977 judges were appointed for life. As a consequence of the constitutional referendum in that year, all judges appointed after 1977 must retire at the age of 70. There is presently one judge of the Court with a life appointment, the Hon Justice Northrop.

Judges, other than the Chief Justice, may hold more than one judicial office at the one time. Most judges have other commissions and appointments.

As at 30 June 1997 there were 46 judges of the Court. They are listed on pages 3 to 5 in order of seniority. The list gives details about each judge and any other commissions or appointments held on courts or tribunals. Of the 46 judges, there were 8 whose work as members of other courts or tribunals occupied all or most of their time. Last year it was reported that there were 13 judges whose work as members of other courts or tribunals occupied all or most of their time. The reason for the difference is that on 26 May 1997 the jurisdiction of the Industrial Relations Court of Australia was vested in the Federal Court. Accordingly, the judges who had in previous years mostly heard matters in the Industrial Relations Court now undertake that work as part of the jurisdiction of the Federal Court.

JUDGES OF THE COURT
(as at 30 June 1997)

Judge	Location	Other Commissions/Appointments
Chief Justice		
The Hon Michael Eric John BLACK	Melbourne	
Judges		
The Hon Raymond Moyle NORTHROP	Melbourne	Australian Industrial Court - Judge Supreme Court of the ACT - Additional Judge
The Hon John Foster GALLOP	Canberra	Supreme Court of the ACT - Judge Supreme Court of the NT - Judge Supreme Court of Christmas Island - Judge Administrative Appeals Tribunal - Presidential Member Defence Force Discipline Appeal Tribunal - President
The Hon John Daryl DAVIES	Sydney	Supreme Court of the ACT - Additional Judge
The Hon John Stanley LOCKHART AO	Sydney	Supreme Court of the ACT - Additional Judge Australian Competition Tribunal - President Copyright Tribunal - Deputy President
The Hon Bryan Alan BEAUMONT	Sydney	Supreme Court of Norfolk Island - Chief Justice Supreme Court of the ACT - Additional Judge Administrative Appeals Tribunal - Presidential Member Supreme Court of Vanuatu - Acting Judge
The Hon Murray Rutledge WILCOX	Sydney	Industrial Relations Court of Australia - Chief Justice Supreme Court of the ACT - Additional Judge Supreme Court of Norfolk Island - Judge
The Hon Jeffrey Ernest John SPENDER	Brisbane	Industrial Relations Court of Australia - Judge Supreme Court of the ACT - Additional Judge Administrative Appeals Tribunal - Presidential Member
The Hon Peter Ross Awdry GRAY	Melbourne	Industrial Relations Court of Australia - Judge Administrative Appeals Tribunal - Presidential Member National Native Title Tribunal - Deputy President Aboriginal Land Commissioner
The Hon James Charles Sholto BURCHETT	Sydney	Privy Councillor of Tonga Court of Appeal of Tonga - Judge
The Hon Jeffrey Allan MILES AO	Canberra	Supreme Court of the ACT - Chief Justice
The Hon Donnell Michael RYAN	Melbourne	Industrial Relations Court of Australia - Judge Supreme Court of the ACT - Additional Judge

Judge	Location	Other Commissions/Appointments
The Hon Robert Shenton FRENCH	Perth	National Native Title Tribunal - President Supreme Court of the Cocos (Keeling) Islands - Judge Supreme Court of Christmas Island - Additional Judge Administrative Appeals Tribunal - Presidential Member
The Hon Marcus Richard EINFELD	Sydney	Supreme Court of the ACT - Additional Judge Eastern Caribbean Supreme Court - Judge High Court of Justice, Dominica - Judge
The Hon Michael Leader FOSTER	Sydney	Supreme Court of the ACT - Additional Judge Federal Police Disciplinary Tribunal - President
The Hon Alastair Bothwick NICHOLSON AO RFD	Melbourne	Family Court of Australia - Chief Justice
The Hon Malcolm Cameron LEE	Perth	Industrial Relations Court of Australia - Judge Supreme Court of the Cocos (Keeling) Islands - Additional Judge
The Hon Howard William OLNEY	Melbourne	National Native Title Tribunal - Deputy President Administrative Appeals Tribunal - Presidential Member Federal Police Disciplinary Tribunal - Deputy President
The Hon John William von DOUSSA	Adelaide	Industrial Relations Court of Australia - Judge Supreme Court of the ACT - Additional Judge Administrative Appeals Tribunal - Presidential Member Australian Competition Tribunal - Deputy President Australian Law Reform Commission - Commissioner
The Hon Donald Graham HILL	Sydney	Administrative Appeals Tribunal - Presidential Member
The Hon Maurice Francis O'LOUGHLIN	Adelaide	
The Hon Deirdre Frances O'CONNOR	Sydney	Australian Industrial Relations Commission - President
The Hon Terence John HIGGINS	Canberra	Supreme Court of the ACT - Judge
The Hon Peter Cadden HEEREY	Melbourne	
The Hon Douglas Paton DRUMMOND	Brisbane	Administrative Appeals Tribunal - Presidential Member
The Hon Richard Ellard COOPER	Brisbane	Supreme Court of the ACT - Additional Judge
The Hon Antony Philip WHITLAM	Sydney	Supreme Court of the ACT - Additional Judge
The Hon Christopher John Seymour Metford CARR	Perth	

Judge	Location	Other Commissions/Appointments
The Hon Michael Francis MOORE	Sydney	Industrial Relations Court of Australia - Judge
The Hon Catherine Margaret BRANSON	Sydney	
The Hon Jane Hamilton MATHEWS	Sydney	Administrative Appeals Tribunal - President National Native Title Tribunal - Deputy President
The Hon Kevin Edmund LINDGREN	Sydney	
The Hon Brian John Michael TAMBERLIN	Sydney	
The Hon Ronald SACKVILLE	Sydney	
The Hon Susan Mary KIEFEL	Brisbane	
The Hon Robert David NICHOLSON	Perth	Administrative Appeals Tribunal - Presidential Member
The Hon Paul Desmond FINN	Canberra	
The Hon Ross Alan SUNDBERG	Melbourne	
The Hon Shane Raymond MARSHALL	Melbourne	Industrial Relations Court of Australia - Judge
The Hon John Robert Felix LEHANE	Sydney	
The Hon Anthony Max NORTH	Melbourne	Industrial Relations Court of Australia - Judge
The Hon Rodney Neville MADGWICK	Sydney	Industrial Relations Court of Australia - Judge Supreme Court of the ACT - Additional Judge
The Hon Ronald MERKEL	Melbourne	
The Hon John Ronald MANSFIELD	Adelaide	
The Hon Alan Henry GOLDBERG	Melbourne	
The Hon Arthur Robert EMMETT	Sydney	

The judges of the Court must devote time to other courts and tribunals on which they hold commissions or appointments. During 1996-97 judges whose main duties were as Federal Court judges sat for a total of 315 days as members of other courts or tribunals. In addition to the time spent hearing cases, time was necessarily devoted to other work related to those commissions or appointments, such as writing reserved judgments.

Members of the Court also spend a significant amount of time on other activities related to the law. In particular:

Justice Gallop is Chairman of the Steering Committee of the Supreme Court and Federal Court Judicial Conference and Chairman of the Steering Committee of the Australian Judicial Conference.

Justice Lockhart is the President of the Australian Judicial Conference.

Justice Beaumont is Convenor of the Council of Chief Justices Committee on Harmonisation of Appellate Practice and Procedure and a member of the Judicial Conference of the South Pacific Committee to Establish A South Pacific Institute of Judicial Administration.

Justice Burchett is a judge of the Court of Appeal of Tonga and is a Privy Councillor of Tonga.

Justice Ryan is a consultant to the Australian Law Reform Commission for the Choice of Law Reference.

Justice French is the Chairman of the Australian Institute of Judicial Administration Research Committee.

Justice von Doussa is a part-time Commissioner of the Australian Law Reform Commission.

Justice O'Loughlin is the Chairman of the Law Foundation of South Australia, Inc.

Justice Cooper is the presiding member of the Admiralty Rules Committee for rules made under the *Admiralty Act 1988*.

Justice Branson is the Deputy President of the Australian Institute of Judicial Administration.

Justice R D Nicholson is a member of the Australian Institute of Judicial Administration, Chairman of the Advisory Committee on the AIJA Project on Courts and the Public, Secretary of the LAWASIA Judicial Section and Deputy Convenor of the Trustees of the Francis Burt Law Education Centre.

Justice Lindgren is Chairman of the Legal Education Committee of the New South Wales Bar Association and Convenor of the Council of Chief Justices Committee on Harmonisation of Practice and Procedure of Corporations Law.

Many judges are designated persons under various Acts and, as such, may issue warrants authorising telephone interceptions and the use of listening devices. These functions add to their workload.

Appointments and retirements

During the year three Judges were appointed to the Court:

The Hon John Ronald Mansfield (resident in Adelaide) appointed on 2 September 1996;

The Hon Alan Henry Goldberg (resident in Melbourne) appointed 3 February 1997;

The Hon Arthur Robert Emmett (resident in Sydney) appointed on 3 February 1997.

The Hon Ian Fitzhardinge Sheppard retired as a judge of the Court on 23 May 1997 on attaining the age of 70 years. Justice Sheppard was subsequently appointed as an Acting Judge of the New South Wales Court of Appeal. The Hon Kenneth Joseph Jenkinson retired as a judge of the Court on 5 June 1997.

1.5 JUDICIAL REGISTRARS

During the year the jurisdiction of the Industrial Relations Court of Australia was vested in the Federal Court by the *Workplace Relations and Other Legislation Amendment Act 1996*. That Act appointed the Judicial Registrars of the Industrial Relations Court of Australia as Judicial Registrars of the Federal Court pursuant to s 18AA of the *Federal Court of Australia Act*. The appointments are to continue for the balance of the term of each Judicial Registrar's appointment as a Judicial Registrar of the Industrial Relations Court. A list of the Judicial Registrars of the Court as at 30 June 1997 appears in Appendix 3 at page 87.

1.6 REGISTRIES

Registrar

Mr Warwick Soden is the Registrar of the Court. The Registrar is appointed by the Governor-General on the nomination of the Chief Justice. The Registrar has the same powers as a Secretary of a Department of the Australian Public Service in respect of the officers and staff of the Court employed under the *Public Service Act 1922* (s 18Q of the *Federal Court of Australia Act*).

Principal and District Registries

The Principal Registry of the Court, located in Sydney, is responsible for the overall administrative policies and functions of the Court's registries.

There are District Registries in each State capital city, in Canberra and in Darwin. The New South Wales District Registry operated a sub-registry in Parramatta until October 1996.

The District Registries provide operational support for the Court as well as an information service to legal practitioners and members of the public. The registries also receive court and related documents, assist with the arrangement of court sittings and facilitate the enforcement of orders made by the Court.

Legal staff of the registries perform statutory functions assigned to them by the *Federal Court of Australia Act* and Rules. These include issuing process, taxing costs and settling appeal indexes. They also conduct examinations of bankrupt individuals and associated persons under the *Bankruptcy Act 1966*, and examinations of company officers and others under the *Corporations Law*. The power to conduct examinations under the *Corporations Law* and the *Bankruptcy Act* is delegated by judges. Senior legal staff exercise additional powers delegated by judges. These include the power to make sequestration (bankruptcy) orders, orders for the winding up of companies and the setting aside of statutory demands.

During the reporting period the District Registries ceased to be Bankruptcy Registries for the purposes of the *Bankruptcy Act* following the commencement of the *Bankruptcy Legislation Amendment Act 1996*. This Act transferred many of the administrative functions previously performed by the District Registries to Insolvency and Trustee Service, Australia.

Most District Registries are also registries for the following federal tribunals: the Australian Competition Tribunal, the Defence Force Discipline Appeal Tribunal and the Federal Police Disciplinary Tribunal. The Tasmania District Registry is a joint registry for the Administrative Appeals Tribunal and the National Native Title Tribunal. The Registry of the Copyright Tribunal is located in the New South Wales District Registry of the Court.

On 30 March 1994 all registries were given the additional function of registries of the Industrial Relations Court of Australia. Separate registries for the Industrial Relations Court were opened in Sydney and Melbourne during the 1994-95 year and in Perth during the 1995-96 year, but all other registries continued to provide a joint registry facility for that Court. Following the commencement of the *Workplace Relations and Other Legislation Amendment Act* the jurisdiction of the Industrial Relations Court was vested in the Federal Court. The registries of the Federal Court will continue to be registries for the Industrial Relations Court until the work of that Court is completed.

During the reporting year the Northern Territory District Registry ceased to be administered by the Federal Court. That Registry is now administered by the Family Court of Australia which provides registry services to the Federal Court, Administrative Appeals Tribunal and National Native Title Tribunal under service contracts.

Officers of the Court

Officers of the Court are appointed by the Registrar under s 18N of the *Federal Court of Australia Act*. The officers of the Court are:

- (a) a District Registrar for each District Registry;
- (b) Deputy Registrars and Deputy District Registrars;
- (c) a Sheriff and Deputy Sheriffs; and
- (d) Marshals under the *Admiralty Act 1988*.

The office of Marshal was created during the year by an amendment to the *Federal Court of Australia Act* contained in the *Law and Justice Legislation Amendment Act 1997*.

The Registrar, District Registrars, Deputy Registrars and Deputy District Registrars must take an oath or make an affirmation of office before undertaking the duties of registrar (s 18Y of the

Federal Court of Australia Act). A schedule of the registrars appears in Appendix 4 on pages 88 to 90 and a list of District Registrars appears in Table 1a. During the year the office of Registrar in Bankruptcy was abolished by the *Bankruptcy Legislation Amendment Act*.

Table 1a
District Registrars

Registry	District Registrar
Australian Capital Territory	John Madden
New South Wales	John Mathieson
Northern Territory	Peter Liddle
Queensland	Graham Ramsey
South Australia	Peter Carey
Tasmania	Janet Cooper PSM
Victoria	Peter Seccombe
Western Australia	Martin Jan PSM

Staff of the Court

The officers and staff of the Court (other than the Registrar and some Deputy Sheriffs) are appointed or employed under the *Public Service Act*. On 30 June 1997 there were 327 persons employed Australia-wide as registry staff or as judges' personal staff. Generally, judges have two personal staff members. Details of staffing are set out in Tables 3a to 3c in Chapter 3 on pages 48 to 50.

1.7 MANAGEMENT

Management of the administrative affairs of the Court

The Chief Justice is responsible for managing the administrative affairs of the Court. He is assisted by the Registrar (Part IIA ss 18A-18Y of the *Federal Court of Australia Act*).

The Chief Justice may delegate any of his administrative powers to judges. The Registrar may assist the Chief Justice by exercising powers on his behalf in relation to the Court's administrative affairs. The Chief Justice may give directions to the Registrar about the exercise of these powers.

Judges' Committees

There are 17 standing committees which assist in the administration of the Court:

Admiralty	Information Technology
Assisted Dispute Resolution	Library
Audit	Practice and Procedure
Bankruptcy	Remuneration
Corporations	Rules
Cultural Awareness	Security
Federal Court Reports	Statistics
Finance	Transcript
Gender Issues	

An ad hoc Enterprise Bargaining Steering Committee has been convened to assist in the development of a Workplace Agreement for the Court under the *Workplace Relations Act 1996*. The Committee will play a role in endorsing the parameters of the negotiations, considering implications of proposals for the Agreement and endorsing the fairness of the process being followed.

Each committee is supported by staff of the Court and its role is defined by its terms of reference.

Judges' Meetings

There were two meetings of the whole Court during the year. The matters dealt with included reforms to the Court's practice and procedure and amendments to the Rules.

Principal Registry

The Principal Registry, headed by the Registrar, has overall responsibility for the management of the Court's registries. The Principal Registry also provides various services to the Court including personnel services, financial management, computing support, library services and property management.

District Registries

To facilitate access to the Court and to enable the Court to exercise its jurisdiction nationally there is a District Registry in each of the States and mainland Territories of Australia. These are managed by a District Registrar supported by legal and administrative staff.

District Registrars and Deputy District Registrars also perform important legal functions including the exercise of judge-delegated functions and statutory functions under the *Federal Court of Australia Act* and Rules and the *Bankruptcy Act*. District Registrars and their staff are a first point of contact for the community and the legal profession in seeking advice on court procedures and in the processing of documents for those using the Court.

1.8 ACCESS TO JUSTICE

Practice and procedure reforms

During the reporting year the Court's Practice and Procedure Committee continued the work of developing changes to the practice and procedure issues set out in the 1995-96 Annual Report. In particular, although not limited to these issues, the Practice and Procedure Committee refined procedures to enable the implementation of the Individual Docket System and made recommendations as to the role and purpose of experts.

The Individual Docket System involves each case being allocated to an individual judge who will ordinarily be responsible for that case from its commencement until its disposition. The disposition could, for example, occur by the parties settling the matter among themselves or alternatively by the matter proceeding to trial and being disposed of by judgment.

The system envisages a time standard of no more than 18 months for the disposition of most cases. It is recognised, however, that the majority of cases will be disposed of well within this period and that some cases by their nature and complexity will require more time.

After consultation with representative members of the legal profession nationally and after giving consideration to developments in case management and listing techniques in Australia and overseas, the Court decided to adopt the Individual Docket System as the basis of its case management throughout Australia.

To that end a pilot scheme of individual docketing commenced in Melbourne on 1 January 1997. The system will be fully implemented in Melbourne on 1 July 1997 and throughout the Court by the end of September 1997.

The proposals of the Court with regard to the role and purpose of experts have been the subject of correspondence between the Chief Justice, the Law Council of Australia and various professional associations.

The Court's proposals have a number of elements, some of which are:

- although the Court will be concerned that experts be used quickly and efficiently in a case, the calling of expert evidence would usually be subject to the control of the parties. The Court, however, would take some control in exceptional cases. Such control could extend, for instance, to limiting the number of experts called in a field of speciality;
- experts should be given clear guidance that, when preparing or giving evidence, their first responsibility is to be open and truthful to the Court;
- to reinforce the element immediately above, any report or draft report prepared for the purpose of giving evidence to a court and delivered to a client will be addressed to the Court;
- such a report should end with a declaration by the expert that the expert has made enquiries which the expert believes are appropriate and that the matters of significance

which the expert regards as materially relevant have not, to the expert's knowledge, been withheld from the expert or by the expert to the Court;

- if experts instructed by the parties meet at the direction of the Court, it would be improper conduct for an expert to be given or accept instructions not to reach agreement. If the experts cannot reach agreement on matters of expert opinion they should specify their reasons for being unable to do so;
- codes of practice providing guidance as to the practice in relation to experts should be drawn up firstly by the appropriate professional bodies representing the expert and the legal profession (the Law Council of Australia) and the expert(s) should state whether their report(s) have been prepared in accordance with a relevant code of practice;
- often the evidence of experts will be given at the conclusion of all other evidence in the case; and
- the Court would, in appropriate cases, empanel experts in the manner successfully trialed by the Australian Competition Tribunal.

The practice of the Australian Competition Tribunal is set out below.

“Reception and Role of Expert Evidence from Economists in the Australian Competition Tribunal

The practice, which has now become the usual practice in the Australian Competition Tribunal concerning the reception of evidence from expert economists is as follows:

1. Economists submit written statements prior to the oral proceedings, but after the reception of written non-expert evidence and documentary material.
2. The witness box is, of course, too limited a space for all experts to be in at the one time, so they usually sit at one end of the bar table.
3. The Tribunal informs the experts before they give evidence that they should feel free to modify the views expressed by them in their reports as little or as much as they wish, because the Tribunal wishes to receive the benefit of their present views, having had access to all of the evidence. It is the experience of the Tribunal that some experts modify their views in varying degrees.
4. At the conclusion of all the evidence (other than evidence of the experts) and before the commencement of addresses, each expert is sworn immediately after the other.

5. Each expert in turn gives an oral exposition of his or her opinion with respect to the relevant issues arising from the evidence.
6. Each expert then in turn expresses his or her opinion about the opinions expressed by the other experts.
7. Counsel then cross examines the experts, being at liberty to cross examine on the basis:
 - (a) either that questions could be put to each expert in the customary fashion, one after the other, completing the cross examination of one before proceeding to the next, or
 - (b) that questions may be put to all or any of the experts, one after the other in respect of a particular subject, then proceeding to the next subject.
8. Re-examination is conducted on the same basis.
9. Members of the Tribunal sometimes intervene with their questions.

The advantages of this system are as follows:

- (a) Experts are required to prepare written submissions which are set down as a connected argument and, when giving oral evidence, the same connected thread runs through it, rather than being a series of disconnected responses to questions by counsel.
- (b) It achieves the result of the experts defining for their purposes points of agreement and disagreement.
- (c) It takes the expert as far away from the adversarial field as possible.

The above practice is recorded generally in *QIW (re Queensland Independent Wholesalers Ltd)* (1995) ATPR 41-438 at 40,925) and in other decisions of the Tribunal. In *QIW*, four economists appeared. The total time required for their evidence was only 3½ hours.”

The Court has received wide and supportive media coverage and professional approval with regard to the proposal to review the role and purpose of experts. The views of the Law Council of Australia and the professional associations will be considered and the proposals further refined and developed as necessary by the Court’s Practice and Procedure Committee.

The Practice and Procedure Committee has also developed a new Full Court rostering system which will commence operation in 1998.

Unlike previous years when Full Court Sittings commenced in Sydney in February and were held consecutively around Australia, and in a number of capital cities more than once, the Full Court Sittings for 1998 and future years will be held on a national basis with the Full Court

sitting for a total of three times a year for four weeks each sitting, namely in March, July and November.

One of the purposes of the new system is to provide greater uninterrupted periods of time for individual docket work for judges allocated to Full Courts and also to enable judges not required for Full Courts to list individual docket cases during the Full Court Sittings periods.

Gender issues

In 1993 the Court established a Gender Issues Committee. The terms of reference of the Committee include advising the Chief Justice and judges about gender issues as they may affect the Court and making recommendations about judicial studies concerning such issues.

As in previous years, the Chief Justice continued the practice of arranging meetings between judges and women legal practitioners. These meetings provide valuable insight into the operation of the court system as it affects women and related issues.

During the year many of the Court's staff attended programs on eliminating harassment in the workplace and gender awareness.

Disability, race and sex discrimination

During the year the Registrar and a group of officers from the Principal Registry met with the Executive Director and officers from the Human Rights and Equal Opportunity Commission to consider issues affecting the Court arising from the amendments contemplated by the Human Rights Legislation Amendment Bill 1997. The Registrar and officers paid particular attention to the expectations of the likely clients in this new jurisdiction. If passed in its current form the Bill will transfer to the Court the jurisdiction to hear cases under the *Disability Discrimination Act 1992*, the *Racial Discrimination Act 1975* and the *Sex Discrimination Act 1984*.

Accessibility - facilities and registry services

The Federal Court registries are centrally located in each of the State and Territory capital cities. In several cities pamphlets are available for distribution to litigants and witnesses showing the location of the Court buildings, public transport access, nearby car parking facilities and containing other helpful information. Pamphlets of this type are being prepared for all the Court's registries.

The locations and business hours of the registries are set out in the front of this report. During the reporting period the Court met all requests to open a registry for urgent business outside normal office hours.

The Court is conscious of the need to ensure physical access to its registries and courtrooms and is committed to ensuring that there are no barriers to access for people with disabilities. During the year Works Australia were engaged to undertake an audit of each registry to identify deficiencies in the provision of access and facilities for disabled persons. The audit was partially complete at the end of the reporting period. Preliminary reports indicate that areas requiring attention include upgrading of building access with ramps, handrails and tactile indicators (for example, special tiles

which indicate the presence of steps); provision of suitable toilet facilities for people with disabilities; upgrading lifts to comply with the “Persons with Disabilities Code”; and repositioning of information boards and improvement of signs and provision of hearing augmentation (for example, hearing loops and amplifiers).

To assist people with hearing difficulties the Court has installed electronic hearing loops and amplifiers in a number of its courtrooms.

The Court has in place a system to provide access to professional interpreter services for people who need those services.

Remission or waiver of court and registry fees

During the year the Federal Court of Australia Regulations were amended changing some fees and introducing new fees to be taken in the registry. The new fees are required to be paid when matters are set down for hearing and a daily hearing fee is payable. A setting down fee is not payable on all matters and the amount of the daily hearing fee will vary depending on the nature of the hearing.

The Federal Court of Australia Regulations authorise registrars to remit or waive fees payable where a person:

- has been granted legal aid by a body approved by the Attorney-General; or
- is the holder of a pensioner health benefit card, a health benefit card, a pharmaceutical benefits concession card or a health care card; or
- is an inmate of a prison or one who is otherwise lawfully detained in a public institution; or
- is a child under the age of 18 years; or
- is in receipt of AUSTUDY allowance; or
- is in receipt of ABSTUDY allowance.

Registrars also have a discretion to waive or remit a fee where a payment would cause financial hardship to a person, taking into account the person's assets, day-to-day living expenses, income and liabilities. A registrar's decision to refuse an application to waive a fee is reviewable by the Administrative Appeals Tribunal. The Administrative Appeals Tribunal did not receive any applications to review any such decisions during the reporting period.

Public information and legal education programs

A series of brochures detailing services and facilities provided by District Registries has been completed. A brochure on bankruptcy, for litigants who are not legally represented, is being updated following amendments to the *Bankruptcy Act* and the introduction of the Court's

Bankruptcy Rules. Registry staff will assist parties, particularly unrepresented parties, with the basic procedures and documents provided for by the Rules of Court.

The Court has continued to cooperate with the media particularly in some cases of public importance by allowing television cameras to record briefly in the court room. On several occasions judges have permitted sound and visual recording of the handing down of their judgments. As reported last year judges have, in some circumstances, prepared summaries of judgments to assist the media.

The Court is active in the support of legal education programs. During the reporting year the Chief Justice and many judges and registrars presented papers, gave lectures and chaired sessions at judicial conferences, judicial administration meetings, continuing legal education courses, university law schools, Bar reading courses and Law Society meetings.

Searches

Following commencement of the *Bankruptcy Legislation Amendment Act* on 16 December 1996, the bankruptcy database known as BIOS ceased to be updated. This Act transferred many of the administrative functions formerly performed by Registrars in Bankruptcy to Insolvency and Trustee Service, Australia (ITSA). Members of the public may search BIOS, which is now a historical record, for no fee. Searches for the purposes of bankruptcy matters must now be carried out at ITSA.

Public access is also available to FEDCAMs (the Court's case management system). The public may search the database at registry computer terminals. Anyone may inspect initiating documents filed with the Court, subject to any order of a judge to the contrary or to any limitation or fee imposed by the Federal Court Rules or Regulations.

Fees for copying documents are prescribed by the Federal Court of Australia Regulations.

1.9 VISITORS TO THE COURT

Sweden

Messrs Ulf Melin and Kent Olsson, of the Parliament of Sweden.

People's Republic of China

A delegation headed by Mr Xiao Yang, Minister of Justice and including His Excellency Mr Hua Junduo, Ambassador from the People's Republic of China.

United States of America

Judge Ellen Burns of the United States District Court, Southern District of New York.

Indonesia

A delegation from Indonesia including Judges Rita Herlena Pakpahan, Pak Arifin, Pak Ridwan, Amin Sutikano Soedjono and Widyo Suwidya.

Philippines

Judge Christine Ascaranga-Jacob, the presiding Judge of the Municipal Trial Court, Naga City, Philippines.

1.10 TWELFTH SOUTH PACIFIC JUDICIAL CONFERENCE

The Twelfth South Pacific Judicial Conference, which was organised by the High Court of Australia and the Federal Court, was held in Sydney from 13 to 18 April 1997. Justice Sheppard was the Chairman of the management committee for the Conference.

The Conference was attended by Judges and academics from the South Pacific including Sir Gerard Brennan (High Court of Australia), Judge Clifford Wallace (United States Court of Appeals, 9th Circuit), Dr C Guy Powles (Faculty of Law, Monash University), Chief Justice Andon Amaraich (Supreme Court of the Federated States of Micronesia), Sir Arnold Amet (Chief Justice of the Supreme Court of Papua New Guinea), Justice Daniel Fatiaki (High Court of Fiji), Chief Justice Nigel Hampton (Supreme Court of the Kingdom of Tonga), Chief Justice Tiavaasu'e Falefotu M Sapolu (Supreme Court of Western Samoa), Sir John Muria (Chief Justice of the High Court and Court of Appeal of the Solomon Islands), Chief Justice Marty Taylor (Commonwealth of the Northern Mariana Islands), Chief Judge Young (District Court of New Zealand), Chief Justice Lussick (Kiribati), Monsieur Olivier Aimot (President of the Court of Appeal, Noumea, New Caledonia) and Madame Andree Gervais de Lafond (President of the Court of Appeal of Papeete, French Polynesia).

The Conference included a reception by their Excellencies, the Governor-General of Australia and Lady Deane. Papers were presented on topics including the United States experience of administrative law remedies as it may assist the courts of the South Pacific, customary law, sentencing options available to judges sentencing prisoners in criminal matters, domestic violence, and the French judicial system in the jurisdictions of the Court of Appeal of Noumea and Papeete.