

CHAPTER 2

THE YEAR IN REVIEW

2.1 INTRODUCTION

During the year under review, the Court continued to achieve its objective of promptly, courteously and effectively deciding disputes according to law, in order to fulfil its role as a Court exercising the judicial power of the Commonwealth under the Constitution. Through its jurisdiction, the Court applied and upheld the rule of law to deliver remedies and enforce rights and, in so doing, contributed to the social and economic development and wellbeing of all Australians. The Court's innovative approach to managing its work, and the way it operates as an organisation, brought continuing recognition of its leading role.

2.2 SIGNIFICANT ISSUES AND DEVELOPMENTS

During 2004-05, the Court maintained its commitment to achieving performance goals for the Court's core work while at the same time developing and implementing a number of key strategic and operational projects.

Casetrack

During the year the Court completed the implementation of its new electronic case management system, Casetrack, which was a substantial project in terms of complexity and organisational change. Over the preceding three years the Court invested \$2.9m in the project. The new system required extensive modification to the Court's case management support procedures and national training and change management programs were conducted across the Court as part of the implementation.

Like any substantial project, there were problems and the move to the new system highlighted the tensions that can arise in the course of a major organisational change. Extensive support and consultation arrangements were established across the Court to assist in the implementation process and, importantly, the new system was "rolled-out" progressively across the Court, starting with the smaller registries in late 2003 and finishing in New South Wales in November 2004. The staged roll-out process enabled the Court to manage issues which arose during the implementation, thereby avoiding any major problems.

By the end of the reporting year the new system was working more efficiently as staff became more experienced and proficient in it. Importantly, the Court has also implemented a process to manage regular enhancements to continually improve its effectiveness as a key management and information system. The Court is also confident that it will provide a solid base upon which the other e-court initiatives will operate (see Chapter 4 for more details).

The Court considers the successful implementation of the new Casetrack system a significant achievement for the year.

Engagement with Asia-Pacific jurisdictions

During the year the Court continued to engage in development assistance programs with judiciaries in Asia and the South Pacific. In particular, the Court embarked on two new judicial and governance development programs in partnership with ten South

Pacific judiciaries. These programs, like all development programs managed by the Court, were funded by the Australian Agency for International Development (AusAID). Additionally, the Court signed an Annex to the Memorandum of Understanding with the Supreme Court of Indonesia. The Annex and the Memorandum reinforced the cooperative arrangements between the Courts and commits to continuing judicial cooperation and assistance. The Court will conduct further education and development programs in Indonesia during 2005-06.

The Court also continued its involvement with related activities, including the provision of library assistance to Courts in the South Pacific.

Managing the resources devoted to these programs could not be conducted without the assistance of AusAID. Nevertheless, judges and the staff of the Court are dedicated and enthusiastic in their support for the programs. These programs have traditionally been undertaken by officers of the Court in addition to their normal workloads. For more details of these programs, see Chapter 3.

2.3 THE COURT'S PERFORMANCE AND FINANCIAL RESULTS

Workload

During the year there were several important trends concerning the Court's workload.

The combined workload of the Federal Court and the Federal Magistrates Court in the general federal law jurisdiction has continued to grow since 2000, when the Federal Magistrates Court was established. In 1999-2000 the combined number of filings in the Federal Magistrates Court and the original jurisdiction of the Federal Court was 5,885 compared to 11,057 in 2004-05. The increase in the workload is particularly significant for Federal Court registries which provide all of the registry services for the processing of the Federal Magistrate Court's cases, as well as the Federal Court's cases.

Migration matters

During 2004-05 the emphasis in the Court's migration workload moved from the hearing of first instance applications to the determination of appeals. Over 1,500 migration matters were commenced in the Court, of which more than 1,000 were appeals or related actions. This can be contrasted to the previous year, where almost 2,600 matters were filed in, or remitted to, the Court in its original jurisdiction and 663 appeals and related actions were commenced. Most of the appeals and related actions were in relation to decisions of the Federal Magistrates Court.

This trend towards a greater appellate workload in the migration jurisdiction is expected to continue, particularly with the passage of the Migration Litigation Reform Bill. This Bill, if passed, would amend the Migration Act such that the Court would only have original jurisdiction for the judicial review of a decision under the Migration Act in a limited number of prescribed circumstances. Also, almost all first instance migration cases would be dealt with by the Federal Magistrates Court.

In light of the growing appellate workload, the Court has introduced a number of procedures to streamline the preparation and conduct of these appeals. A key change has been to remove the requirement for appeal books to be prepared in appeals from the Federal Magistrates Court. Instead, these appeals are immediately listed for a directions hearing or, where appropriate, a final hearing. Other changes included dispensing with callovers for all migration appeals (with the information and advice that would ordinarily be provided at a callover being provided in writing) and, where appropriate, dispensing with appeal books in appeals against decisions by judges of the Court.

Performance against time standards

The Court was one of the first Courts in Australia to establish and report against performance standards. The Court maintains two time goals, the first concerns the time which cases should take from filing to completion and the second concerns the time within which reserved judgments are delivered.

The time goals assist the Court in managing its work to achieve the performance criteria. They do not, of course, determine how long all cases will take as some are very long and complex and others will, necessarily, be very short.

Time Goal 1: 85 per cent of cases completed within 18 months of commencement

During the reporting year, the Court completed 91.1 per cent of cases in less than eighteen months, compared with 91.9 per cent in the previous year.

Time Goal 2: Judgments to be delivered within three months

During 2004-05 the Court handed down 2,118 judgments. The Court is not able to report against the time goal this year as it is still developing the necessary reports within the new Casetrack system. Anecdotally, however, the Court is confident that the timeliness of judgments in the last twelve months has been consistent with that of previous years.

Financial results

As in previous years, through careful management the Court has produced a small surplus for the reporting year. More details on the Court's financial management during the year are outlined in Chapter 4.