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 99.

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
Judicial Education	Transcript

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 major activities to enhance the Court's financial management processing and reporting structure. These activities included:

- management of the transition to and implementation of Australian Equivalent of the International Financial Reporting Standards;
- development and implementation of various measures to ensure the Court's financial management information system (FMIS) continues to operate in an effective and efficient manner. This included the consolidation of accounts payable ledgers and the relocation of the FMIS platform in-house from a facilities management provider; and
- design and implementation of interface technology and business processes to support the trialling of credit account facilities for the payment of court fees.

Financial Accounts

The net operating result from ordinary activities for 2004-05 was an operating surplus of $1.891m compared to a budgeted surplus of $0.817m and a surplus of $1.717m in 2003-04. The positive variance results primarily from deferred expenditure, including expenses related to the new Adelaide building. Equity increased from $29.644m in 2003-04 to $31.788m in 2004-05.

During 2004-05 revenues from ordinary activities totalled $88.363m. Total revenue comprised:

- an appropriation from Government of $73.204m;
- resources received free of charge of $5.732m for accommodation occupied by the Court in Sydney;
- $6.524m of liabilities assumed by other government agencies, representing the notional value of employer superannuation payments for the Court's judges;
- $0.49m from interest; and
- $2.413m from the sale of goods and services.

Total Court expenses of $86.472m in 2004-05 comprised: $46.608m in judges' and employees' salaries and related expenses; $22.367m in property related expenses; $15.34m in other administrative expenses and $2.157m in depreciation expenses.

The Court also received an equity injection of $1.908m in 2004-05 for the purchase of building, plant and telecommunications equipment for the new Adelaide Law Courts building.

The total price of the Court's outputs for 2004-05 is $88.363m as detailed in Table 4.1 below.

Table 4.1
Outcome and Output Statement

		Budget 2004-05 $'000	Actual Expenses 2004-05 $'000
Output 1.1 Federal Court Business	Revenue from Government (Appropriations)	73,204	73,204
	Total revenue from other sources	14,190	15,159
	Total price of departmental outputs	87,394	88,363

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 one Judge, the Registrar, the Executive Director Corporate Services and the Chief Finance Officer.

In 2004-05 the Court's internal audit program focused on developing and implementing a new Fraud Control Plan for 2005 to 2007. The Court also undertook an audit that assessed the adequacy of the control environment in relation to property management services provided by United KFPW.

The Court also commenced a strategic review of its risk management plan in consultation with Comcover. The Court performed strongly in Comcover's Benchmarking Risk Management Program and received a discount on the Comcover insurance premium.

Staff of the Australian National Audit Office inspected the Court's 2004-05 financial statements and provided an unqualified audit certificate.

External scrutiny

The Court in 2004-05 participated in a performance audit undertaken by the Australian National Audit Office on the Management of New Appropriation Agreements made under Section 31 of the Financial Management and Accountability Act 1997. The Australian National Audit Office has issued four Issue Papers relating to the Net Appropriation Agreement performance audit to date.

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 are based on the Australian Government's policy framework for procurement and embrace the core principles of achieving value for money through efficient, effective and appropriately competitive procurement processes.

During the year the Court reviewed its practices and procedures to ensure compliance with the Commonwealth Procurement Guidelines published by the Department of Finance and Administration in January 2005.

Consultants

For reporting purposes, and to ensure consistency in determining whether a particular contractor is categorised as a consultant, the Court has adopted the requirements and associated guidance documents for Annual Reporting specified in Division 2 of Financial Management Guidance No 15 - *Guidance on Procurement Publishing Obligations (January 2005)*, published by the Department of Finance and Administration.

During 2004-05, 16 new consultancy contracts were entered into involving total actual expenditure of $398,406, including GST. No ongoing consultancy contracts were active during the 2004-05 year.

Table 1 at Appendix 10 provides more detailed information on consultancy services contracts entered into during 2004-05.

Advertising and marketing services

A total of $27,625.32 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

The Information Technology Committee oversees the provision of technology services across the Court and is supported by the Technology Services Branch. Key activities in the Court's use of technology in 2004-05 are set out below.

eCourt Strategy

The Court's eCourt strategy is seen as an ongoing innovative process with the goal of providing a seamless integration of the various electronic (Internet) services to better cater to the Court's internal and external users. Central to this strategy is the 'My Files' concept whereby a single web-based interface will allow access to the Court's information and services.

The implementation of Casetrack, the Court's new case management system, sees completion of the first stage of this project. Casetrack provides the 'nucleus' of a fully developed integrated 'My Files' service.

Work has now commenced with the drawing together of the various electronic services so that judges, staff, legal practitioners and the public may better access and interface with case information through the service facilities of eSearch, eCourt Forum and electronic filing from within a single environment.

Case Management System - Casetrack

By December 2004, the Court's new case management system, Casetrack, was fully implemented across all registries of the Federal Court of Australia and Federal Magistrates Court, replacing the two existing mainframe systems (FEDCAMS and MAGCAMS).

A substantial number of enhancements to Casetrack were designed and implemented to improve information management in the areas of document lodgement, fees, listing, reporting and document production. A Casetrack User Group comprising a wide range of users drawn from across the Court has been established to identify and prioritise future requirements. Management of Casetrack enhancements is oversighted by the Steering Committee which comprises judges and senior Court staff.

eSearch

During the year the court also implemented eSearch, which is an Internet service linked to Casetrack which enables the public to search selected case information online. *e*Search provides details of past and future listings, documents lodged, information relating to parties and most importantly the full text of orders. The facility has been well received by practitioners and the public with over 10,000 hits per month, making it the most visited page on the Court's web site.

Video Conferencing

During the year five courtrooms were commissioned as dedicated videoconferencing courtrooms, incorporating new videoconferencing systems which have enhanced the Court's videoconferencing and teleconferencing capabilities as well as providing a better viewing experience for those participating in a videoconference. A number of additional videoconferencing courtrooms will be completed during the coming year, to complete the program.

Court Reporting

From 1 July 2005, following an extensive tender process, the Court has selected a new contractor, Auscript Australasia Pty Ltd, as its national provider of court reporting services. The new contract involves a number of major changes in the provision of court reporting services, including the adoption of digital technology in the courtrooms for the recording of proceedings. This will mean that court reporting services will be fully electronic, from the recording of proceedings to the preparation and delivery of transcript to the Court and parties.

Computer Upgrade Program

In line with its policy of continual improvement of its computing environment, the Court has implemented a program to upgrade its desktop computers and printers, using its existing leasing strategy.

A tender process for the replacement computers was concluded in April 2005, with the latest Dell desktop/notebook computers being selected. The replacement program is expected to be completed by December 2005. An upgrade program to the latest Lexmark's printers was completed in December 2004, resulting in every Court printer being network managed centrally through the Court's Help Desk.

The Court is also implementing initiatives to enhance its network and desktop operating environments to complement the computer and printer upgrade.

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 oversighting the operation of the Court's 2002 – 2005 Certified Agreement, the development of draft Work Level Standards, a review of the functions of the Tasmanian District Registry and a trial in the Principal Registry of new arrangements for accommodation when travelling.

The Court's other consultative forums such as Regional Consultative Committees and the OH&S 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.

Workplace bargaining

Negotiations on the Court's 2005 - 2008 Certified Agreement commenced at the end of 2004. The new Agreement was expected to commence in early 2005-06, following voting by staff scheduled for early July 2005.

Australian Workplace Agreements ('AWAs') were entered and re-negotiated with a number of new and existing staff. The Court currently has 24 staff on AWAs, 12 of whom are officers in the Senior Executive Service ('SES'). All remaining staff are covered by the Court's Certified Agreement. While a number of AWAs provide for an executive vehicle, their provisions generally mirror those in the Certified Agreement with the exception of base salary and, in a small number of cases, leave entitlements. The Court re-negotiated all SES AWAs early in 2004-05.

Staffing overview

At 30 June 2005 the Court employed 403 employees under the Public Service Act. This figure comprised 209 ongoing full-time employees, 30 ongoing part-time employees and 164 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 346.82 during the reporting period.

Table 4.2 on page 58 contains an overview of the Court's staffing by location at 30 June 2005. Table 4.3 on page 59 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 2004-2005.

Training and development

During the year the Court embarked on a major new staff development initiative through a National Training Program. The program seeks to provide all staff with the core skills and knowledge necessary to work effectively in the Court. Delivery of the program is well underway across all Registries of the Court. Other areas of national focus were:

- continuation of Casetrack training following the implementation of the new system late last year;
- finalisation of training for District Registry staff in dealing with self-represented litigants; and
- ongoing development of the Court's Client Services Network, which meets quarterly by teleconference and has an annual conference.

More generally, training was carefully targeted towards the development of essential core skills and the Court spent $230,898 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 $30,755 was reimbursed to staff undertaking studies under the policy.

Table 4.2
Staffing Overview by Location
(actual occupancy as at 30 June 2005 – includes full and part time staff)

Level	PR	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	NAT	Total
SES1	2	3	2	1	1	1			1	1	12
FCL2		2	3	4	2	2	1			1	15
FCL1	1	3		1		1		1			7
FCM2	12	1	2	1	1	1				1	19
FCM1	8	1	4	2	1	1		1	1	3	22
FCS6	8	2	3	1		2	1			1	18
FCS5	14	59	37	12	9	11	1	2		14	159
FCS4	3	2	2		1	2			4	2	16
FCS3	5	22	14	9	5	8	4	1			68
FCS2		31	12	13	4	5		1			66
FCS1			1								1
Total	53	127	80	44	24	34	7	6	6	23	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
- Appeals Management
- Research Assistants/Indigenous Research Assistants

Table 4.3
Senior Executive Service
(as at 30 June 2005)

Principal Registry		**Senior Executive Service Grading Occupied**
Deputy Registrar	Philip Kellow	Senior Executive Band 1
Executive Director, Corporate Services Branch	Gordon Foster	Senior Executive Band 1
Deputy District Registrar (Native Title)	Louise Anderson	Senior Executive Band 1
New South Wales District Registry		
District Registrar	Jennifer Hedge (acting)	Senior Executive Band 1
Deputy District Registrar	Susan McIllhatton	Senior Executive Band 1 (Specialist)
Deputy District Registrar	Currently filled on a rotating basis	Senior Executive Band 1 (Specialist)
Victoria District Registry		
District Registrar	Jamie Wood	Senior Executive Band 1
Deputy District Registrar	John Efthim	Senior Executive Band 1 (Specialist)
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
Northern Territory District Registry		
District Registrar	Caroline Edwards	Senior Executive Band 1

Table 4.4
Salary ranges by classification level under Certified Agreement or AWA
(as at 30 June 2005)

Court Designation	APS Classification	Salary
Clerical Administrative Positions		
Federal Court Staff Level 1	APS Level 1	31181
		34459
Federal Court Staff Level 2	APS Level 2	35288
		39130
Federal Court Staff Level 3	APS Level 3	40192
		43379
Federal Court Staff Level 4	APS Level 4	44798
		48639
Federal Court Staff Level 5	APS Level 5	49965
		52982
Federal Court Staff Level 6	APS Level 6	53965
		61990
Federal Court Manager Level 1	Executive Level 1	69071
		74595
Federal Court Manager Level 2	Executive Level 2	79628
		90296
		93320
Legal Positions		
Federal Court Legal 1	From APS Level 3	41414
	to Executive Level 1	84012
Federal Court Legal 2	Executive Level 2	91728
		95710
Senior Executive Positions		
Senior Executive Service Band 1	SES Band 1	118 025
		139 614

Occupational health and safety

The Court's national Occupational Health and Safety Committee continued to meet quarterly through the reporting period to oversight occupational health and safety issues ('OHS') within the Court.

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.

There was one notification under section 68 of the OHS Act of a dangerous occurrence or accident as defined by the Act. An investigation into the incident was undertaken and as a result changes to work practices were implemented.

An OHS risk management strategy was developed during the reporting period which included a hazard identification protocol and reporting guidelines for all Registries.

A total of 14.5 working weeks were lost due to work related injuries compared to 17 weeks for the previous reporting period. The Court's Comcare premium decreased from 1.57 per cent of the wages and salary bill to 1.25 per cent.

The Court continues to provide staff with free, confidential counselling through an Employee Assistance Program.

Workplace diversity

The Court maintained an active commitment to the principles of workplace diversity during this period.

The Workplace Diversity Plan was reviewed and revised during the reporting period in consultation with the National Consultative Committee. The new Plan aims to place more emphasis on the management of day-to-day Workplace Diversity issues by individual registries.

Commonwealth Disability Strategy

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

- Human resource policies continued to be monitored for compliance with the requirements of the Disability Discrimination Act 1992.
- Disability-related issues relating to the Court's staff were handled consistent 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.
- The Court continued to provide a TTY service in all of its registries for the hearing impaired. During the reporting period the Court received no requests for information in alternative formats.
- Building works on existing and proposed buildings continued to take into account the needs of people with disabilities. Examples include:
  - ensuring inquiry counters are appropriately designed for use by people in a wheelchair;
  - ensuring signage is appropriate;
  - continuing improvements to building access and facilities within buildings.

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 Brisbane, 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 2004–2005 are set out below.

Intranet

The Court contracted with two organisations for the provision of content management software and a search engine to manage both the Court's intranet and the website. This was preceded by a usability review, staff interviews, a user needs analysis and search engine use study to incorporate the Court's requirements into a request for tender. The redeveloped intranet will allow distributed authoring, secure areas and sharing of documents between the intranet and the website. It is expected the new intranet will be launched in late 2005.

Library catalogue and Native Title InfoBase

These databases were both made accessible to litigants, the legal profession and the public on the Court's website in July 2004.

Library services to the South Pacific and Thailand

The Court provides assistance to law libraries in South East Asia and the South Pacific. As part of the ongoing AusAID funded project a librarian visited the Supreme Court of Tonga to provide assistance with the organisation and maintenance of their libraries.

Archives

The Court archives collection project commenced in September 2004 to identify items in chambers and registries for possible donation to the Court archives collection. Library managers in each state contacted judges' chambers to carry out interviews to identify suitable material for collection. The resulting material identified during the project included judges' robes and wigs, photographs, papers relating to high profile cases and memorabilia.

Property Management

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

Major achievements during the year included the following.

- Continuing input into design and construction issues for the new Commonwealth Law Courts building in Adelaide. The building is due for occupation in late 2005.
- Upgrading of the courtroom audio and video conferencing systems were completed in Hobart, Melbourne and Sydney. Similar upgrades are planned for Brisbane and Darwin.
- The Australian and NSW Governments have funded a major upgrade of Sydney Law Courts Building at Queens Square. Detailed planning is underway.

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 any access problems in their contact with the Court.

The main project undertaken during the year was the provision of hearing loop facilities in all courts where audio and video conference facilities were upgraded.

Security

The Court has embarked on a program to provide x-ray scanning facilities at building entrances. During the year scanning was implemented in Sydney and partially in Canberra, pending resolution of building works in the lobby. Planning is also advanced for Perth and is in the preliminary stages in Brisbane.

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; and
- Environmental Management Systems are being progressively implemented in our buildings.