

CHAPTER 4

ADMINISTRATION OF THE COURT

4.1 WORKPLACE DIVERSITY

The Court continues to develop and maintain a working environment that encourages and respects the different skills, cultural perspectives and approaches of staff. Some achievements during 1999-2000 were as follows:

- Actions arising from the Court's Workplace Diversity Plan continued to be implemented, including the updating of all selection documentation for jobs to include an appropriate criterion requiring the ability to demonstrate a knowledge of workplace diversity.
- The provision of workplace diversity awareness training for all staff.
- The review of human resource policies and procedures to ensure both their relevance and compliance with the workplace diversity requirements of the new Public Service Act. All policies and procedures, as well as the Court's Certified Agreement, are now available electronically through the Court's information technology network.
- Work commenced on developing an Aboriginal and Torres Strait Islander ("ATSI") cadetship program, aimed at increasing the representation of this Equal Employment Opportunity group within the Court. ATSI employees currently constitute 1.2 per cent of total staff numbers.

As in the previous reporting year, the Court had a high proportion of women occupying executive level and professional positions. This was 45.6 per cent at the end of the reporting period, with 25 per cent of Senior Executive Service ("SES") positions in the Court being held by women. Women comprise 57 per cent of the Court's staff as at 30 June 2000.

4.2 WORKPLACE RELATIONS

Workplace relations activities in the Court were primarily focussed on the continuing implementation of the Court's 1998-2000 Certified Agreement, in particular the Court's Performance Management program which commenced on 1 July 1999. Training on giving and receiving feedback was offered nationally to all staff, and a performance bonus of 1 per cent of total salary was paid to most staff under the terms of the Certified Agreement. The Court will draw on this experience to improve and simplify the performance management process in its next agreement.

The Court also implemented a 360 degree feedback program for managers in the Principal Registry and for all District Registrars. It may in the future include Federal Court Managers (Executive Levels 1 and 2) in the program.

The Court's National Consultative Committee, which was established under the 1998-2000 Certified Agreement, met regularly during the reporting year. Among other things, the Committee helped to facilitate the direct involvement of staff in workplace relations issues – a trend that is expected to continue under the next agreement.

The Court developed and implemented a range of new policies in response to the new Public Service Act. National information sessions were conducted for all staff on the Act, which focussed on, among other things, the Australian Public Service Values and Code of Conduct and the associated misconduct policy. Training on staff selections under the Act was also conducted, with a particular emphasis on using the new framework to achieve better selection outcomes.

4.3 OCCUPATIONAL HEALTH AND SAFETY

The Court is committed to the health and safety of all its employees. Achievements during the year included:

- The finalisation and implementation of a new Occupational Health and Safety Agreement and policy.
- The establishment of a national Occupational Health and Safety Committee to address matters of national importance and concern.
- The provision of training in workplace occupational health and safety to all staff of the Court.

No provisional improvement notices were issued under section 29 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (“OH&S Act”). A provisional improvement notice may be issued where a health and safety representative believes, on reasonable grounds, that a person is, or is likely to contravene a provision of the Act or related regulations.

No directions or notices under section 46 of the OH&S Act were served on the Court during the year prohibiting the use of any workplace, plant or substance.

There was one notification under section 68 of the OH&S Act of a dangerous occurrence or accident as defined by the Act, concerning an electric shock received by a staff member. An investigation of the incident was undertaken by the National OH&S Coordinator and a report made to Comcare. No further action in relation to this incident was deemed necessary by Comcare.

A total of 83 working weeks were lost due to work related injuries, compared to 75.2 weeks lost during 1998-1999. The increase is due to one staff member being absent for the entire reporting period, and another being absent for almost 18 weeks. Were it not for these two cases, the Court’s total absence due to work related injuries would have been 13 weeks.

The Court’s Comcare premium rose this financial year from 0.72 per cent to 0.98 per cent of the Court’s total salary and wages bill. This increase was due to a shift in the Comcare premium pool and several high cost claims by other agencies in the pool. Nevertheless, the Court remains in the lowest premium pool grouping.

The Court continued to support staff by providing access to WorkCare Australia, the Court’s employee assistance program provider, which offers free, confidential counselling to staff on issues that may affect their personal and working lives.

4.4 WORKPLACE BARGAINING

The Court’s current Certified Agreement expired on 30 June 2000. Negotiations on a new agreement were continuing as at that date. In light of the consultative arrangements for the last agreement, a survey of staff showed support for a consultative process involving both the Community and Public Sector Union and staff representatives drawn from different work areas within the Court.

To help foster open communication and a sense of direct involvement, the Court funded one of the elected staff representatives to work exclusively with staff of all Registries to discuss and refine proposals for the new agreement. It is expected that this will result in a better understanding and acceptance of the final agreement.

During the reporting period, Australian Workplace Agreements were re-negotiated for all of the Court’s SES employees.

4.5 TRAINING AND DEVELOPMENT

Training and development of staff remains an integral part of the Court’s commitment to a skilled and productive workplace. Development activities are closely aligned to both the strategic direction and business plans of the Court.

Training strategies include:

- on the job training;
- national training programs, such as occupational health and safety, workplace diversity and staff selections;
- external programs; and
- continued support for tertiary studies through the Court's Studybank scheme.

Training is carefully targeted towards the core needs of the Court and the essential skill and development needs of staff. The Court expended over \$231,000 on external training during the reporting period. Over \$23,000 was paid towards the cost of staff obtaining tertiary qualifications through the Court's Studybank scheme.

The Court conducted a number of in-house training and development programs during the year, including:

- Introduction of the Goods and Services Tax
- Workplace diversity
- Introduction of the new Public Service Act
- Occupational health and safety
- Best practice staff selection
- Effective Writing
- Workplace Relations

4.6 STAFFING OVERVIEW

At 30 June 2000 the Court employed 349 employees under the Public Service Act – 176 were on-going full-time employees, 16 were on-going part-time employees and 157 were non-ongoing employees. The number of non-ongoing employees is due to the nature of employment of Judges' associates (who are typically employed for only 12 months) and casual court officers. The Court had an average staffing level of 314.31 during the reporting period.

Table 4.1 on page 80 contains an overview of the Court's staffing by location at 30 June 2000. Table 4.2 on page 81 contains details of the number of staff in each District Registry and the Principal Registry who assist the judges of the Court. Table 4.3 on page 82 contains details of the Court's staff who are members of the SES.

During the reporting period, no formal grievances were lodged by staff.

Table 4.1
Staffing Overview by Location
(actual occupancy as at 30 June 2000 – includes full and part time staff)

Level	PR	NSW	VIC	QLD	SA	WA	TAS	ACT	Total
SES1	2	3	1	1		1	-	-	8
FCL2	1	3	4	2	1	2	1	-	14
FCL1		3	1			1	-	1	6
FCM2	13	1	2	1	1	1	-	-	19
FCM1	9	1	3	3	1	2	-	2	21
FCS5	11	2	4	1	1	2	1	-	22
FCS4	13	52	43	15	7	10	1	3	144
FCS3	5	11	7	6	5	7	3	-	44
FCS2	-	21	23	10	2	6		1	63
FCS1	-	7	1	-	-	-	-	-	8
Total	54*	104	89	39	18	32	6	7	349

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
* - This total includes 4 staff members on a joint Registry IT Project

Table 4.2
Judges and Court staff
(as at 30 June 2000)

	Judges and Judicial Registrars	Staff
Principal Registry		1 Registrar 2 Deputy Registrars 52 Staff
New South Wales	18 Judges	1 District Registrar 103 Staff
Victoria	Chief Justice 11 Judges	1 District Registrar 88 Staff
Queensland	5 Judges	1 District Registrar 38 staff
South Australia	3 Judges	1 District Registrar 17 Staff
Western Australia	4 Judges	1 District Registrar 31 Staff
Australian Capital Territory	1 Judge	1 District Registrar * 7 Staff
Tasmania	No Resident Judge	1 District Registrar 5 Staff

Notes: * Mr John Mathieson is District Registrar of New South Wales and the Australian Capital Territory.

(1) Only judges whose main work is as a judge of the Federal Court are included in this table.

(2) The Court has no staff in the Northern Territory. Registry services for the Court for the Northern Territory are provided on a fee for service basis by the Family Court of Australia.

Table 4.3
Senior Executive Service
(as at 30 June 2000)

Principal Registry		Senior Executive Service Grading Occupied
Senior Deputy Registrar	Alan Dawson	Senior Executive Band 1
Manager, Court Resources	Rod Tout	Senior Executive Band 1
New South Wales District Registry		
District Registrar	John Mathieson	Senior Executive Band 1
Deputy District Registrar	Margaret Quinn PSM	Senior Executive Band 1 (Specialist)
Deputy District Registrar	Jennifer Hedge Part-Time	Senior Executive Band 1 (Specialist)
Victoria District Registry		
District Registrar	Peter Seccombe	Senior Executive Band 1
Queensland District Registry		
District Registrar	Graham Ramsey	Senior Executive Band 1
Western Australia District Registry		
District Registrar	Martin Jan PSM	Senior Executive Band 1

Performance Management

The terms of the Certified Agreement allowed the Court to develop a simpler and more streamlined system of performance management for its staff. The principal feature of the system is the development of a comprehensive job description for each staff member that focuses on objectives and measurable performance outcomes. These job descriptions, along with specific objectives from local business plans, serve as the basis for assessment of individual performance at the end of each annual cycle.

The new system has enhanced communication between staff and their supervisors concerning the requirements of individual jobs and the performance of staff within those jobs.

Performance pay

Performance pay for SES officers and staff in equivalent positions was paid this financial year for the appraisal period ending 30 June 1999.

Nine SES officers were eligible for performance pay, and a total of \$71,300 was paid to these officers. During the reporting period one SES officer resigned and the position is now filled at the Legal 2 level.

Details of payments made during the year are shown in Table 4.4.

Table 4.4
Performance Pay to Senior Executive Service Officers
For appraisal period ending 30 June 1999

Classification	Rating	No of staff	Male	Female
Senior Executive Officers	4	9	7	2

4.7 INTERNAL AND EXTERNAL SECURITY

Audit and fraud control

Activities and achievements during the year included:

- commencement of the development of a new fraud control policy; and
- a comprehensive review of the Court's financial management policies.

Internal and external audit

Key areas audited during the reporting period were purchasing and procurement, debt management, management of the Court's litigant and investment accounts, care and custody of public moneys, and payroll processing.

In order to ensure that the Court's financial management policies remain relevant to the current financial environment, a comprehensive review of these policies was conducted. This review resulted in a number of amendments being made to existing policies.

Staff of the Australian National Audit Office inspected the Court's 1998-99 financial statements and provided an unqualified audit certificate which noted that the Court had continued the high standard of financial reporting set in past years.

4.8 PROPERTY MANAGEMENT

The major achievements and activities in regard to property management for the Court were:

- Completion of new court and registry facilities in Darwin.
- Further technology and infrastructure improvements.
- Completion of stage 1 of a project to refurbish judges' chambers, public areas and courtrooms in Sydney.
- Assisting the Federal Magistrates Court with its accommodation requirements in Federal Court premises.
- Planning for the proposed Commonwealth Law Courts building in Adelaide.

During the year, the Family Court of Australia, in conjunction with the Federal Court of Australia, completed new court and registry facilities at 80 Mitchell Street in Darwin. The facility was commissioned in January 2000, and features a courtroom specially configured to meet the needs of indigenous litigants and witnesses.

The Court continues to upgrade facilities and infrastructure to enable the use of cost effective technology. During the year, data cabling was upgraded in Sydney and a new computer room was commissioned in Brisbane.

In Sydney, the refurbishment of Court 20E was completed. The courtroom now features a special raised floor to accommodate cables necessary for computers to be used. The courtroom has been designed to allow the furniture layout to be adjusted to meet the needs of particular litigants and types of hearings.

In Sydney, works were commenced to refurbish judges' chambers, public areas and courtrooms. Public corridors and waiting areas are also being repainted.

Work continued during the first half of the reporting year on national programs to address public liability issues and finalise preparations for the 'Y2K' bug. Ultimately, the Y2K bug did not impact on the building management systems or otherwise affect the Court's accommodation. Extensive prior planning and rectification of potential problems undoubtedly assisted in this regard. The Court continues to benefit from the upgraded infrastructure, hardware and contingency planning that occurred in the run up to 31 December 1999.

Substantial work was completed to improve access for people with disabilities. This included adjustments to doors, pathways, stairs, signage and handrails in Melbourne; improvements to the visibility of steps in Perth; and new hand rails in Perth and Hobart.

4.9 TECHNOLOGY SERVICES

Development of a new case management system

The Court entered into a contract with Oracle Corporation Australia to develop a new case management system ("CMS") which will replace the existing, aged legacy case management system known as FEDCAMs. While based on a system developed for another court, the CMS is being customised to meet the requirements of the Court's Individual Docket System.

Considerable progress was achieved in planning the design of the system, with development and testing of the CMS scheduled for the next financial year.

Internal and external Internet access for judges

The Court established a system for judges to obtain both their internal and Internet mail through a single computer screen from anywhere in Australia or overseas. This provides judges with enhanced flexibility, particularly when travelling interstate or to remote locations to hear matters.

Y2K Project

The Court undertook an extensive program of Y2K testing and upgrading to ensure it was compliant and to minimise the impact of any problems. The business of the Court was not effected by the Y2K bug.

Native Title Benchbook

The Benchbook is an electronic document intended to assist judges, their staff, and other Court staff in the case management of native title proceedings. It incorporates examples of orders made in native title matters, decisions and reasons given, secondary source material and links to Internet sites for the purpose of further research. The Benchbook consists of one core document with several links to other Word 97 documents and Internet sites. The structure is loosely based on the various stages of a native title case. It is intended that the Benchbook will be updated on a monthly basis, but this may occur more often depending on the availability of material.

Electronic filing

As discussed in Chapter 3, an electronic filing project was commenced in the second half of 1999 as part of the Court's commitment to enhancing accessibility. Once implemented, the project will allow litigants and the profession to electronically file documents with the Court using the Internet. Filing and other fees will also be payable electronically. It is expected that electronic filing will be available from September 2000.

Enterprise management services

The Court implemented a single management and maintenance service to cover all its network equipment across its Local and Wide Area Networks ("LAN/WAN"). This allowed the Court to consolidate existing service agreements, and to provide a range of key network services on a national basis. These services include:

- Monitoring the operation of the Federal Court LAN/WAN communication links 24 hours a day, 365 days a year, enabling the early detection and rectification of faults.
- Monthly performance reporting of all traffic loads on the WAN, and of detected problems and their status or resolution.
- Tracking of all network assets.

4.10 LIBRARY AND INFORMATION SERVICES

The Court manages a national library network, which delivers a comprehensive library service to judges and staff of the Court. Library access is also available to the legal profession and litigants in person in Brisbane, Melbourne, Perth and Sydney.

Key achievements in 1999-2000 are set out below.

Internet home page

The Court's home page has been in operation since December 1996. During the year the home page was improved by the addition of information on the Court's new human rights jurisdiction, and a table setting out information about the progress of appeals. A search engine was added, the metatags revised and the forms section redesigned in anticipation of electronic filing.

The HREOC report *Accessibility of electronic commerce and new service and information technologies for older Australians and people with a disability* noted that "A number of Commonwealth agencies merit recognition as having made particular progress in achieving accessibility at this point. These include... the Federal Court of Australia." It was particularly pleasing to receive this recognition as human rights is a growing area of the Court's jurisdiction.

Live audio and video broadcast on the Internet

On 3 August 1999 the judgment of Justice Lindgren in *Australian Olympic Committee Inc v Big Fights Inc* was delivered via live streaming video and audio on the Internet. A video archive of decisions of the Court is available on the home page. This will assist the public to be more informed about procedures in the Federal Court. A proposal to establish a technology court in Sydney so that live streaming on the Internet is permanently available is being investigated. This would allow whole, or parts of, a proceeding, as well as the delivery of the judgment, to be shown live on the Internet.

Embedding images into judgments

The Court is establishing standards for, and has commenced, embedding images into judgments which are available via the Internet through the Court's home page. Images being incorporated into judgments include trademarks, intellectual property matters and maps in native title claims. Images presently appear in 5 per cent of the Court's judgments.

On-line databases

To complement the CD-ROM network, the Court now subscribes to several on-line databases accessed via the Internet. The on-line databases provide information that is more current than that on the off-line CD-ROMs. Some of the on-line services also update the CD-ROMs on the network.

Intranet

Following last year's scoping study to implement an Intranet within the Court, a supplier was selected and the project commenced with an expected completion date of November 2000. The Intranet will improve the delivery of legal research and administrative information across the Court.

Library databases

The introduction of a new library system has enabled the catalogue records to be upgraded by downloading records from Kinetica, the database maintained by the National Library of Australia. This gives access to enhanced records, including tables of contents, and replaces in-house cataloguing.

Full-text of all judgments since the Court began are now accessible via the judgments index. The early judgments are scanned images and the later judgments are word processed documents.

Library review

To ensure the appropriateness and effectiveness of library services and collections a review was undertaken by Jacqueline Elliott, the High Court Librarian assisted by AIMA Training & Consultancy Services Ltd. The recommendations of the review are being considered by the judges.

Darwin library

The relocation of the Registry in Darwin required the library collection to be moved. As part of the move, the collection was reorganised and culled.

Library assistance to the South Pacific

As noted in Chapter 3, the Court, with the assistance of an AusAid grant, donates textbooks and bound law reports to law libraries in Vanuatu, Kiribati, Western Samoa and Tonga. In addition, intellectual property books are sent to a specialist court in Thailand. During the year a total of 185 items were donated. A further 17 boxes of library books donated by Justice Lockhart when he retired from the Court were sent to Thailand.

The Court has developed a policy of providing shipments every six months in order to keep the sets as up to date as possible.

Records management

A Records Management Taskforce has completed the first stage of examining what records should be put on the Court file and what should be permanently retained in archives as a record of the Court.

A proposal has been drafted to implement a new document management system to replace RecFind, the Court's current records management software. The new system will complement and support the Court's electronic filing strategy and new case management system.

Unicorn Library Management System

Implementation of the new library system is well advanced. The software was loaded and the first round of training completed in March 2000. Work has commenced on building the new databases, which includes a complete stocktake of all collections to ensure the records added to the system are accurate. Staff in all libraries will start using the system for day to day operations in August 2000, and the catalogue and judgment indexes will be available to users in October 2000.

Library collections

In order to more efficiently achieve audit stocktake requirements, a project to barcode the library collections across the Court was commenced.

4.11 ADVERTISING AND MARKET SERVICES

A total of \$36,416.67 was paid to AIS Media 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.

4.12 CONSULTANCY SERVICES

The Registrar may engage consultants under section 18R of the Federal Court of Australia Act. When consultants are engaged, the Court follows Commonwealth Procurement Guideline No 13: *Contracting for Consultancy Services*. Table 4.5 shows the consultants engaged during 1999-2000.

Table 4.5
Consultants engaged during 1999-2000

CONSULTANT	AMOUNT	PURPOSE
@rtrix	\$5,109	Design, Production and Publication of NEWS@FEDCOURT

Bold New Media	\$7,500	Design of Native Title and Human Rights Internet site
Interim HR Solutions	\$2,438	Recruitment Services
Pink Elephant Australia	\$9,000	IT Process Improvement Review
Travelsearch (Australia)	\$9,000	Assessment of Travel Contract Tenders
Datawatch Consultancy Services	\$8,125	Quetzal Consulting
Quadriga Consulting	\$19,850	Specialist Advice on Intranet
Creative Digital Technology	\$24,180	Electronic Filing Project
e-law	\$17,500	Electronic Filing Project
Citadel Security	\$24,180	Secure Remote Network Access Advice
AIMA	\$57,777	Review of National Library Services
Stace Management Services	\$8,500	Strategic Directions Workshop
IRS Australia	\$4,800	Workplace Ergonomic Assessments

4.13 FINANCIAL MANAGEMENT SERVICES

The Court has been proactive in ensuring that it is able to meet the requirements imposed by the Federal Government's introduction of the Goods and Services Tax ("GST").

During the reporting period the Court:

- researched the statutory requirements of the GST legislation applying to the Court;
- identified the impact that the GST will have on the Court's financial operations;
- developed policies and procedures to meet the Court's obligations under the GST legislation;
- provided GST training sessions to over 40 staff members; and
- upgraded the Court's financial management information system to cater for the requirements of the GST.

The beginning of the reporting period also saw the Court become responsible for managing its banking and treasury functions. This required the Court to enter into a relationship with the Reserve Bank for its transactional banking.