



OVERVIEW OF THE COURT

REMOTE ACCESS
BARRIERS ACCESS
FITS STRONGER
ION EFFICIENCY
TRANSFORMATION
Y CONNECTIONS
RACY INTEGRITY
D FACILITATION
G TECHNOLOGY
CURE FLEXIBLE
FITS STRONGER
ION EFFICIENCY
OST-EFFECTIVE
REMOTE ACCESS
BARRIERS ACCESS
FITS STRONGER
ION EFFICIENCY
TRANSFORMATION
Y CONNECTIONS
RACY INTEGRITY
D FACILITATION
G TECHNOLOGY
CURE FLEXIBLE
FITS STRONGER
ACCESSIBILITY
RACY INTEGRITY
S FACILITATION
G TECHNOLOGY
CURE FLEXIBLE
MODERNISATION
ICY ACCURACY

TIMELINESS FAC
UNLOCKING TEC
SECURE FLEXIB
MODERNISATIO
ACCURACY INT
EFFICIENCY ACC
COST-EFFECTIV
CONNECTIONS S
OPERATIONS R
BREAKING DOW
STREAMLINED
MODERNISATIO
ACCURACY INT
TIMELINESS FAC
UNLOCKING TEC
SECURE FLEXIB
MODERNISATIO
ACCURACY INT
EFFICIENCY ACC
COST-EFFECTIV
CONNECTIONS S
OPERATIONS R
BREAKING DOW
STREAMLINED
MODERNISATIO
TRANSFORMAT
CONNECTIONS C
OPERATIONS RE
BREAKING DOW
STREAMLINED
ACCESSIBILI TV

PART

1

- 2 OBJECTIVES
- 2 PURPOSE
- 2 ESTABLISHMENT
- 2 FUNCTIONS AND POWERS
- 3 THE COURT'S OUTCOME AND PROGRAM STRUCTURE
- 5 ABOUT THE FEDERAL COURT
- 10 FEDERAL COURT REGISTRIES

OVERVIEW OF THE COURT

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.

PURPOSE

As outlined in the Court's Corporate Plan, the purpose of the Court is to contribute to the social and economic development and wellbeing of all Australians by applying and upholding the rule of law to deliver remedies and enforce rights.

ESTABLISHMENT

The Federal Court of Australia (FCA) was created by the *Federal Court of Australia Act 1976* and 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 jurisdiction of the Australian Industrial Court and 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.

FUNCTIONS AND POWERS

The Court's jurisdiction is broad, covering almost all civil matters arising under Australian federal law and some summary and indictable criminal matters. Central to the Court's civil jurisdiction is s 39B(1A) of the *Judiciary Act 1903*. This jurisdiction includes cases created by a federal statute, and extends to matters in which a federal issue is properly raised as part of a claim or of a defence and to matters where the subject matter in dispute owes its existence to a federal state.

The Court has a substantial and diverse appellate jurisdiction. It hears appeals from decisions of single judges of the Court and from the Federal Circuit Court of Australia (FCC) in non-family law matters. The Court also exercises general appellate jurisdiction in criminal and civil matters on appeal from the Supreme Court of Norfolk Island. The Court's jurisdiction is described more fully in Part 3.

THE COURT'S OUTCOME AND PROGRAM STRUCTURE

Table 1.1: Outcome 1: Federal Court of Australia

Outcome 1: Apply and uphold the rule of law for litigants in the Federal Court of Australia and parties in the National Native Title Tribunal through the resolution of matters according to law and through the effective management of the administrative affairs of the Court and Tribunal.	Budget 2017–18 (\$'000)	Actual 2017–18 (\$'000)	Variation (\$'000)
Program 1.1 – Federal Court of Australia			
Administered expenses	600	1,771	-1,171
Departmental appropriation	66,353	68,470	-2,117
Expenses not requiring appropriation in the budget year	13,747	16,119	-2,372
Total for Program 1.1	80,700	86,360	-5,660
Total expenses for Outcome 1	80,700	86,360	-5,660
Average staffing level (number)	329	317	

Table 1.2: Outcome 2: Family Court of Australia

Outcome 2: Apply and uphold the rule of law for litigants in the Family Court of Australia through the resolution of family law matters according to law, particularly more complex family law matters, and through the effective management of the administrative affairs of the Court.	Budget 2017–18 (\$'000)	Actual 2017–18 (\$'000)	Variation (\$'000)
Program 2.1 – Family Court of Australia			
Administered expenses	400	302	98
Departmental appropriation	31,965	31,057	908
Expenses not requiring appropriation in the budget year	12,318	10,372	1,946
Total for Program 2.1	44,683	41,731	2,952
Total expenses for Outcome 2	44,683	41,731	2,952
Average staffing level (number)	107	81	

Table 1.3: Outcome 3: Federal Circuit Court of Australia

Outcome 3: Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court.	Budget 2017–18 (\$'000)	Actual 2017–18 (\$'000)	Variation (\$'000)
Program 3.1 – Federal Circuit Court of Australia			
Administered expenses	1,783	2,970	-1,187
Departmental appropriation	89,825	90,966	-1,141
Expenses not requiring appropriation in the budget year	2,526	2,690	-164
Total for Program 3.1	94,134	96,626	-2,492
Total expenses for Outcome 3	94,134	96,626	-2,492
Average staffing level (number)	516	503	

Table 1.4: Outcome 4: Commonwealth Courts Corporate Services

Outcome 4: Improved administration and support for the resolution of matters according to law for litigants in the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate services.	Budget 2017–18 (\$'000)	Actual 2017–18 (\$'000)	Variation (\$'000)
Program 4.1 – Commonwealth Courts Corporate Services			
Administered expenses			
Departmental appropriation	66,650	62,396	4,254
Expenses not requiring appropriation in the budget year	53,402	58,074	-4,672
Total for Program 4.1	120,052	120,470	-418
Total expenses for Outcome 4	120,052	120,470	-418
Average staffing level (number)	125	122	

ABOUT THE FEDERAL COURT

Judges of the Court

The Federal Court of Australia Act provides that the Court consists of a Chief Justice and other judges as appointed. The Chief Justice is the senior judge of the Court and is responsible for managing the business of the Court.

Judges of the Court are appointed by the Governor-General by commission and may not be removed except by the Governor-General on

an address from both Houses of Parliament in the same session.

All judges must retire at the age of 70.

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

At 30 June 2018, there were 49 judges of the Court. They are listed below in order of seniority with details about any other commissions or appointments held on courts or tribunals. Of the 49 judges, there were three whose work as members of other courts or tribunals occupied all, or most, of their time.

Table 1.5: Judges of the Federal Court (as at 30 June 2018)

Judge	Location	Other Commissions/Appointments
Chief Justice The Hon James Leslie Bain ALLSOP AO	Sydney	
The Hon Anthony Max NORTH	Melbourne	Industrial Relations Court of Australia – Judge Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Susan Coralie KENNY	Melbourne	Administrative Appeals Tribunal – Deputy President
The Hon Andrew Peter GREENWOOD	Brisbane	Administrative Appeals Tribunal – Deputy President Copyright Tribunal – President Australian Competition Tribunal – Part-time Deputy President
The Hon Steven David RARES	Sydney	Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Berna Joan COLLIER	Brisbane	National and Supreme Courts of Papua New Guinea – Judge Administrative Appeals Tribunal – Deputy President Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Anthony James BESANKO	Adelaide	Supreme Court of Norfolk Island – Chief Justice Supreme Court of the Australian Capital Territory – Additional Judge

Judge	Location	Other Commissions/Appointments
The Hon Richard Ross Sinclair TRACEY AM RFD	Melbourne	Defence Force Discipline Appeal Tribunal – President
The Hon John Eric MIDDLETON	Melbourne	Australian Competition Tribunal – Part-time President Administrative Appeals Tribunal – Deputy President Australian Law Reform Commission – Part-time Commissioner
The Hon John Alexander LOGAN RFD	Brisbane	Administrative Appeals Tribunal – Deputy President Defence Force Discipline Appeal Tribunal – Deputy President National and Supreme Courts of Papua New Guinea – Judge
The Hon Geoffrey Alan FLICK	Sydney	
The Hon Neil Walter McKERRACHER	Perth	
The Hon John Edward REEVES	Brisbane	Supreme Court of the Northern Territory – Additional Judge
The Hon Nye PERRAM	Sydney	Copyright Tribunal – Deputy President Administrative Appeals Tribunal – Deputy President
The Hon Jayne Margaret JAGOT	Sydney	Supreme Court of the Australian Capital Territory – Additional Judge Administrative Appeals Tribunal – Deputy President Copyright Tribunal – Deputy President
The Hon Lindsay Graeme FOSTER	Sydney	Supreme Court of the Australian Capital Territory – Additional Judge Australian Competition Tribunal – Part-time Deputy President
The Hon Michael Laurence BARKER	Perth	Administrative Appeals Tribunal – Deputy President
The Hon John Victor NICHOLAS	Sydney	
The Hon David Markey YATES	Sydney	Australian Competition Tribunal – Part-time Deputy President

Judge	Location	Other Commissions/Appointments
The Hon Mordecai BROMBERG	Melbourne	
The Hon Anna Judith KATZMANN	Sydney	Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Alan ROBERTSON	Sydney	Administrative Appeals Tribunal – Deputy President Australian Competition Tribunal – Part-time Deputy President
The Hon Bernard Michael MURPHY	Melbourne	
The Hon Iain James Kerr ROSS AO	Melbourne	Fair Work Australia – President Supreme Court of the Australian Capital Territory – Additional Judge
The Hon John Edward GRIFFITHS	Sydney	
The Hon Duncan James Colquhoun KERR Chev LH	Hobart	
The Hon Kathleen FARRELL	Sydney	Australian Competition Tribunal – Part-time Deputy President
The Hon Jennifer DAVIES	Melbourne	Administrative Appeals Tribunal – Deputy President Australian Competition Tribunal – Deputy President
The Hon Debra Sue MORTIMER	Melbourne	
The Hon Darryl Cameron RANGIAH	Brisbane	Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Richard Conway WHITE	Adelaide	Administrative Appeals Tribunal – Deputy President
The Hon Michael Andrew WIGNEY	Sydney	Supreme Court of the Australian Capital Territory – Additional Judge Supreme Court of Norfolk Island – Judge
The Hon Melissa Anne PERRY	Sydney	Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Jacqueline Sarah GLEESON	Sydney	
The Hon Jonathan Barry Rashleigh BEACH	Melbourne	

Judge	Location	Other Commissions/Appointments
The Hon Brigitte Sandra MARKOVIC	Sydney	
The Hon Mark Kranz MOSHINSKY	Melbourne	
The Hon Robert James BROMWICH	Sydney	Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Natalie CHARLESWORTH	Adelaide	Supreme Court of the Australian Capital Territory – Additional Judge
The Hon Stephen Carey George BURLEY	Sydney	
The Hon David John O'CALLAGHAN	Melbourne	
The Hon Michael Bryan Joshua LEE	Sydney	
The Hon Roger Marc DERRINGTON	Brisbane	
The Hon David Graham THOMAS	Brisbane	Administrative Appeals Tribunal – President
The Hon Sarah Catherine DERRINGTON	Brisbane	Australian Law Reform Commission – President
The Hon Simon Harry Peter STEWARD	Melbourne	
The Hon Katrina Frances BANKS-SMITH	Perth	
The Hon Craig Grierson COLVIN	Perth	
The Hon Thomas Michael THAWLEY	Sydney	

The Chief Justice was absent on the following dates during the year. Acting Chief Justice arrangements during these periods were as follows:

- 22 June 2017 to 27 July 2017 – The Honourable Justice North.
- 28 September 2017 to 4 October 2017 – The Honourable Justice North.
- 15 October 2017 to 19 October 2017 – The Honourable Justice Dowsett.
- 26 June 2018 to 24 July 2018 – The Honourable Justice Greenwood.

Most of the judges of the Court devote some time to other courts and tribunals on which they hold commissions or appointments. Judges of the Court also spend a lot of time on activities related to legal education and the justice system. More information about these activities is set out in Part 3 and Appendix 8 (Judges' activities).

Appointments and retirements during 2017–18

During the year, five judges were appointed to the Court:

- The **Honourable Sarah Catherine Derrington** was appointed on 10 January 2018.
- The **Honourable Simon Harry Peter Steward** was appointed on 1 February 2018.
- The **Honourable Katrina Frances Banks-Smith** was appointed on 12 February 2018.
- The **Honourable Craig Grierson Colvin** was appointed on 13 February 2018.
- The **Honourable Thomas Michael Thawley** was appointed on 14 February 2018.

During the year, four judges retired or resigned from the Court:

- The **Honourable Justice John Gilmour** resigned his commission with effect from 23 March 2018.
- The **Honourable Justice Tony Pagone** resigned his commission as a judge of the Court with effect from 31 March 2018.
- The **Honourable Justice John Alfred Dowsett AM** retired upon reaching the compulsory retirement age for federal judges on 26 April 2018.
- The Honourable **Justice Antony Nicholas Siopis** resigned his commission with effect from 4 May 2018.

Other appointments during the year are as follows:

- **Justice Foster** was reappointed as a part-time Deputy President of the Australian Competition Tribunal on 29 August 2017.
- **Justice Davies** was appointed as a part-time Deputy President of the Australian Competition Tribunal on 29 August 2017.
- **Justice Charlesworth** was appointed as a judge to the Supreme Court of the Australian Capital Territory on 14 November 2017.
- **Justice Logan** was reappointed to the National and Supreme Courts of Papua New Guinea on 6 December 2017.
- **Justice Collier** was reappointed to the National and Supreme Courts of Papua New Guinea on 6 December 2017.

FEDERAL COURT REGISTRIES

Chief Executive Officer and Principal Registrar

Mr Warwick Soden OAM is the Chief Executive Officer (CEO) and Principal Registrar of the Court.

The CEO and Principal Registrar is appointed by the Governor-General on the nomination of the Chief Justice and has the same powers as the Head of a statutory agency of the Australian Public Service in respect of the officers and staff of the Court employed under the *Public Service Act 1999* (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 and provides support to the judges' committees.

The National Operations Registrar, located in Melbourne, is responsible for the implementation of the National Court Framework and its ongoing functions.

There is a District Registry of the Court in each capital city. The District Registries provide operational support to the judges in each state and territory, as well as registry services to legal practitioners and members of the public. The registries receive court and related documents, assist with the arrangement of court sittings and facilitate the enforcement of orders made by the Court.

- The Queensland District Registry provides registry services to the Copyright Tribunal and the Defence Force Discipline Appeal Tribunal.
- The Victorian District Registry is the Principal Registry for the Defence Force Discipline Appeal Tribunal, the Copyright Tribunal and the Australian Competition Tribunal.
- The Northern Territory, Queensland, South Australia and Western Australia District Registries are registries for the High Court.
- The Tasmania District Registry provides registry services for the Australian Competition Tribunal, the Defence Force Discipline Appeal Tribunal and the Copyright Tribunal.
- The New South Wales District Registry provides registry services to the Copyright Tribunal and the Competition Tribunal of Australia.
- The South Australian District Registry provides registry services for the Australian Competition Tribunal, the Copyright Tribunal of Australia and the Defence Force Discipline Appeal Tribunal.
- The Western Australian District Registry provides registry services for the Industrial Relations Court of Australia, the Australian Competition Tribunal and the Defence Force Discipline Appeal Tribunal.
- The registries of the Court are also registries for the FCC in relation to non-family law matters.

More information on the management of the Court is outlined in Part 4.

Officers of the Court

Officers of the Court are appointed by the CEO and Principal Registrar under s 18N of the Federal Court of Australia Act and are:

- a) a District Registrar for each District Registry
- b) Registrars and Deputy District Registrars as necessary
- c) a Sheriff and Deputy Sheriffs as necessary, and
- d) Marshals under the Admiralty Act 1988 as necessary.

The registrars must take an oath or make an affirmation of office before undertaking their duties (s 18Y of the Federal Court of Australia Act). Registrars perform statutory functions assigned to them by the Federal Court of Australia Act, Federal Court Rules 2011, Federal Court (Bankruptcy) Rules 2016, Federal Court (Corporations) Rules 2000, Federal Court (Criminal Proceedings) Rules 2016, and the Admiralty Act and Admiralty Rules 1988. These include issuing process, taxing costs and settling appeal indexes. They also exercise various powers delegated by judges under the Federal Court of Australia Act, *Bankruptcy Act 1966*, *Corporations Act 2001* and *Native Title Act 1993*. A number of staff in each registry also perform functions and exercise delegated powers under the *Federal Circuit Court of Australia Act 1999*. Appendix 4 lists the registrars of the Court.

Staff of the Court

The officers and staff of the Court (other than the Registrar and some Deputy Sheriffs and Marshals) are appointed or employed under the Public Service Act.

On 30 June 2018 there were 1181 staff employed by the entity under the Public Service Act. Staff providing services specifically to the Federal Court total 432. Generally, judges have two personal staff members. More details on court staff can be found in Part 4 (Management of the Court) and Appendix 9 (Staffing profile).