

PART 4

MANAGEMENT OF THE COURT



Management of the Court

Governance

Since 1990, the Federal Court of Australia (Federal 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 is responsible for managing the Court's administrative affairs. The Chief Justice is assisted by the Chief Executive Officer (CEO) and Principal Registrar.

The Act also provides that the Chief Justice may delegate any of his or her administrative powers to judges, and that the CEO and Principal Registrar may exercise powers on behalf of the Chief Justice in relation to the Court's administrative affairs.

In practice, the Court's governance involves two distinct structures: the management of the Court through its registry structure, and the judges' committee structure that facilitates the collegiate involvement of the judges of the Court. Judges also participate in the management of the Court through formal meetings of all judges. The registries and the judges' committees are discussed in more detail in this part.

Federal Court registry management structure

The Court is supported by a national registry structure, with a Principal Registry responsible for managing national issues; National Operations for the implementation of the National Court Framework and its ongoing function; Court and Tribunal Services in each state and territory which support the work of the Court at a local level; and Corporate Services for the provision of the corporate services functions to the Federal Court, Family Court, Federal Circuit Court and the National Native Title Tribunal.

A diagram of the management structure of the Court is at Appendix 3.

Judges' committees

There are a number of 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.

An overarching Operations and Finance Committee, chaired by the Chief Justice, assists the Chief Justice on the management of the administration of the Court. The Chief Justice is also assisted by standing committees that focus on a number of specific issues. In addition, other ad hoc committees and working parties are established from time to time to deal with particular issues.

An overarching National Practice Committee assists the Chief Justice in the management of the business of the Court and on practice and procedure reform and improvement. There are also a small number of standing committees that focus on specific issues within the framework of the Court's practice and procedure. All of the committees are supported by senior court staff. The committees report to all judges at the bi-annual judges' meetings.

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. Business matters discussed included the new practice notes under the National Court Framework, the organisational review, the corporate services merger, the progress of digital hearings, management of the Court's finances and cost savings initiatives.

External scrutiny

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 regarding its operations as a statutory agency for the purposes of the *Public Service Act 1999* or as a non-corporate entity under the *Public Governance, Performance and Accountability Act 2013*.

Commonwealth Courts Corporate Services

Overview

In the 2015-16 Budget, the Australian Government announced that the corporate services of the Family Court and the Federal Circuit Court would be amalgamated with the Federal Court into a single administrative body with a single appropriation.

The Commonwealth Courts Corporate Services (Corporate Services) includes communications, finance, human resources, library, information technology (IT), procurement and contract management, property, judgment publishing, risk oversight and management, and statistics.

Corporate Services is managed by the Federal Court CEO and Principal Registrar who consults with heads of jurisdiction and the other CEOs in relation to the performance of this function. Details relating to corporate services and consultation requirements are set out in a memorandum of understanding (MOU).

Corporate Services generates efficiencies by consolidating resources, streamlining processes and reducing duplication. The savings gained from reducing the administrative burden on each of the courts are reinvested to support the core functions of the courts.

Objectives

The objectives of Corporate Services are to:

- provide accurate, accessible and up-to-date information and advice
- standardise systems and process to increase efficiency
- build an agile and skilled workforce ready to meet the challenges and changes, and
- create a national technology framework capable of meeting the needs of the courts into the future.

Purpose

Corporate Services is responsible for supporting the corporate functions of the Federal Court, Family Court, Federal Circuit Court and the National Native Title Tribunal.

Following the review by Ernst & Young in 2015, Corporate Services is expected to generate savings of \$14.129 million in operating costs over a five-year period (i.e. 2016–17 to 2020–21), with most of the savings realised in 2019–20 and 2020–21.

With the additional efficiency dividends and changes to the parameter adjustment, a further \$9.0 million in savings is now required to meet reduced appropriations over the same period.

Throughout 2018–19, work continued on consolidating the merger of corporate services, focusing on ensuring the evolving needs of judges and staff across all the courts and tribunals were satisfied, while delivering on required efficiencies to meet reduced appropriations.

Work continued on consolidation of IT systems and amalgamation projects targeted at simplifying the combined court environment to deliver more contemporary practices and efficiency improvements to reduce the cost of delivery. A particular focus during the year has been the development of a digital court file for the family law jurisdiction. This is part of the broader Digital Court Program (DCP) that comprises multiple independent projects that will help to modernise and transform how court services are delivered, as well as resolving issues related to the courts' ageing IT infrastructure. The DCP commenced on 1 July 2017 with an anticipated completion date of first phases in June 2020. Key components of the DCP include an electronic court file project, an electronic lodgment project, and a case management project.

Following the passing of the enterprise agreement in August 2018, a major review of all human resource policies commenced. Extensive consultation occurred in the development of the single set of policies across the entity. Further work on reviewing and updating the financial policies and procedures continued throughout the year, with a focus on ensuring a consistent and structured approach across the entity, simplifying policies where appropriate.

Corporate Services has achieved the following efficiencies:

- Generating an operating surplus of over \$2.0 million over the last three financial years excluding funding provided under the Modernisation Fund and for the Judiciary Structural Reform. During this period, appropriation has reduced by over \$4.8 million a year and Corporate Services has met the cost of providing a 3 per cent pay increase to staff, estimated to cost \$0.4 million.
- Staffing levels have reduced by a further 3 per cent across Corporate Services in 2018–19, with underlying Corporate Services average staffing level, excluding staff associated with the DCP, being 35 per cent lower than 2015–16 when the Ernst & Young report was prepared. This is ahead of the target reduction for 2020–21.

The following outlines the major Corporate Services projects and achievements during the reporting year.

The work of Corporate Services in 2018–19

Financial management

The Federal Court, Family Court and Federal Circuit Court have a Finance Committee which is made up of judges from the courts as well as the CEO and Principal Registrar.

These committees meet quarterly and oversee the financial management of their respective courts, with Corporate Services supporting each of these committees.

As the Accountable Authority, the CEO and Principal Registrar of the Federal Court has overarching responsibility for the financial management of the three courts and Corporate Services, together forming the Federal Court of Australia entity.

Financial accounts

During 2018–19, revenue from ordinary activities totalled \$345.980 million.

Total revenue, in the main, comprised:

- an appropriation from Government of \$265.352 million
- \$42.557 million of resources received free of charge, for accommodation occupied by the Court in Commonwealth Law Courts buildings and the Law Courts Building in Sydney
- \$33.394 million of liabilities assumed by other government agencies, representing the notional value of employer superannuation payments for the courts' judges, and
- \$4.677 million from the sale of goods and services and other revenue and gains.

Pre-depreciation expenses of \$341.386 million in 2018–19 comprised \$105.165 million in judges' salaries and related expenses, \$118.034 million in employees' salaries and related expenses, \$62.090 million in property-related lease expenses, \$55.207 million in other administrative expenses, and \$0.890 million for the write-down of non-current assets and financing costs.

The net operating result from ordinary activities for 2018–19 was a surplus of \$4.594 million before depreciation expenses. When depreciation expenses of \$13.882 million are included, the Court's expenses for 2018–19 totalled \$355.268 million.

The surplus is an improvement on the budgeted break-even position due to a number of projects being delayed to future years, primarily due to the uncertainty surrounding the passage of legislation in family law.

The next three-year budget cycle continues to challenge the entity to make further savings. With over 60 per cent of the entity's costs relating to property and judicial costs, which are largely fixed, the ability to reduce overarching costs is limited.

Equity increased from \$70.658 million in 2017–18 to \$73.722 million in 2018–19.

Program statements for each of the Court's programs can be found on page 2 and 3.

Advertising and marketing services

As required under s 311A of the *Commonwealth Electoral Act 1918*, the Court must provide details of all amounts paid for advertising and marketing services. A total of \$130,919 was paid for recruitment advertising services in 2018–19. Payments for advertising the notification of native title applications, as required under the *Native Title Act 1993*, totalled \$129,074 over the reporting year.

The Court did not conduct any advertising campaigns in the reporting period.

Grant programs

The Federal Court made no grant payments in 2018–19.

Corporate governance

Audit and risk management

The CEO and Principal Registrar of the Federal Court certifies that:

- fraud control plans and fraud risk assessments have been prepared that comply with the Commonwealth Fraud Control Guidelines
- appropriate fraud prevention, detection, investigation and reporting procedures and practices that comply with the Commonwealth Fraud Control Guidelines are in place, and
- the entity has taken all reasonable measures to appropriately deal with fraud relating to the entity. During 2018–19, one instance of external fraud was reported. While the amount defrauded was immaterial, the appropriate process was followed to investigate and report this fraud to the Australian Institute of Criminology.

The entity had the following structures and processes in place to implement the principles and objectives of corporate governance:

- a single Audit Committee overseeing the entity that met four times during 2018–19. The committee comprises an independent chairperson, three judges from the Federal Court, one judge from the Family Court, one judge from the Federal Circuit Court and one additional external member. The CEO and Principal Registrars for each of the courts, the Executive Director Corporate Services, the Chief Financial Officer and representatives from the internal audit service provider and the Australian National Audit Office (ANAO) attend committee meetings as observers
- internal auditors, O'Connor Marsden and Associates, conducted four internal audits during the year to test the entity's systems of internal control
- a risk management framework including a Risk Management Policy, a Risk Management Plan and a Fraud Control Plan
- internal compliance certificates completed by senior managers, and
- annual audit performed by the ANAO who issued an unmodified audit certificate attached to the annual financial statements.

Compliance report

There were no significant issues reported under paragraph 19(1) (e) of the *Public Governance, Performance and Accountability Act 2013* that relate to non-compliance with the finance law in relation to the entity.

Correction of errors in the 2017–18 annual report

The Court has no matters to report.

Security

The safety and security of all people who attend or work in the courts is a high priority. During 2018–19, \$6.5 million was expended for court security services, including the presence of security officers, weapons screening, staff training and other security measures. This figure includes funding spent on security equipment maintenance and equipment upgrades. The Court also finalised the procurement arrangements for the upgrade of its security equipment and systems which will ensure court facilities continue to provide effective physical security.

Purchasing

The Court's procurement policies and procedures, expressed in the Court's Resource Management Instructions, are based on the requirements of the *Public Governance, Performance and Accountability Act 2013*, the Commonwealth Procurement Rules and best practice guidance documents published by the Department of Finance. The Court achieves a high level of performance against the core principles of achieving value for money through efficient, effective and appropriately competitive procurement processes.

Information on consultancy services

The Court's policy on the selection and engagement of all consultants is based on the Australian Government's procurement policy framework as expressed in the Commonwealth Procurement Policy and guideline documentation published by the Department of Finance.

The main function for which consultants were engaged related to the delivery of specialist and expert services, primarily in connection with the Court's IT infrastructure, international programs, finance, property, security and business elements of the Court's corporate services delivery.

Depending on the particular needs, value and risks (as set out in the Court's Procurement Information), the Court uses open tender and limited tender for its consultancies. The Court is a relatively small user of consultants. As such, the Court has no specific policy by which consultants are engaged, other than within the broad frameworks above, related to skills unavailability within the Court

or when there is need for specialised and/or independent research or assessment.

Information on expenditure on all court contracts and consultancies is available on the AusTender website at www.tenders.gov.au.

Consultants

During 2018–19, six new consultancy contracts were entered into, involving total actual expenditure of \$102,918. In addition, 17 ongoing consultancy contracts were active during 2018–19 which involved total actual expenditure of \$889,935.

Table 4.1 outlines expenditure trends for consultancy contracts for 2018–19.

Competitive tendering and contracting

During 2018–19, there were no contracts let to the value of \$100,000 or more that did not provide for the Auditor-General to have access to the contractor's premises.

During 2018–19, there were no contracts or standing offers exempted by the CEO and Principal Registrar from publication in the contract reporting section on AusTender.

Exempt contracts

During the reporting period, no contracts or standing offers were exempt from publication on AusTender in terms of the *Freedom of Information Act 1982*.

Table 4.1: Number and expenditure on consultants, current report period (2018–19)

| | TOTAL |
|---|-----------|
| No. of new contracts entered into during the period | 6 |
| Total actual expenditure during the period on new contracts (inc. GST) | \$102,918 |
| No. of ongoing contracts engaging consultants that were entered into during a previous period | 17 |
| Total actual expenditure during the period on ongoing contracts (inc. GST) | \$889,835 |

Procurement initiatives to support small business

The Court supports small business participation in the Commonwealth Government procurement market. Small and medium enterprises (SMEs) and small business participation statistics are available on the Department of Finance's website at <https://www.finance.gov.au/procurement/statistics-on-commonwealth-purchasing-contracts/>

In compliance with its obligations under the Commonwealth Procurement Rules, to achieve value for money in its purchase of goods and services, and reflecting the scale, scope and risk of a particular procurement, the Court applies procurement practices that provide SMEs the appropriate opportunity to compete for its business.

The Court recognises the importance of ensuring that SMEs are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website at www.treasury.gov.au.

To ensure SMEs are paid on time, the Court uses the following initiatives or practices:

- the Commonwealth Contracting Suite for low-risk procurements valued under \$200,000, and

- electronic systems or other processes used to facilitate on-time payment performance, including the use of payment cards.

Asset management

Commonwealth Law Court buildings

The Court occupies Commonwealth Law Court buildings in every Australian capital city (eight in total). With the exception of two Commonwealth Law Courts in Sydney, the purpose-built facilities within these Commonwealth-owned buildings are shared with other largely Commonwealth Court jurisdictions.

From 1 July 2012, the Commonwealth Law Court buildings have been managed in collaboration with the building 'owners', the Department of Finance, under revised 'Special Purpose Property' principles. Leasing and management arrangements are governed by whether the space is designated as special purpose accommodation (courtrooms, chambers, public areas) or usable office accommodation (registry areas).

An interim MOU was signed by the Court with Department of Finance for 2018–19 and this MOU will roll over monthly while the Court and Department of Finance negotiate a long-term agreement.

Registries – leased

Corporate Services also manages some 13 registry buildings across the nation, located in leased premises. Leased premises locations include Albury, Cairns, Canberra, Dandenong, Dubbo, Launceston, Newcastle, Rockhampton, Sydney, Townsville and Wollongong. There are also arrangements for the use of ad hoc accommodation for circuiting in 25 other regional locations throughout Australia.

Regional registries – co-located

The courts co-locate with a number of state court jurisdictions, leasing accommodation from their state counterparts. The following arrangements are in place:

- the Court's Darwin registries (there is a separate registry for the Federal Court, Family Court and Federal Circuit Court) are co-located in the Northern Territory Supreme Court building under the terms of a Licence to Occupy between the Court and the Northern Territory Government, and
- the Court has a Family Court and Federal Circuit Court registry in Rockhampton, and formerly circuiting to this premises six weeks per year, under the terms of a Licence to Occupy between the Court and the Queensland Government. Since the Commonwealth Attorney-

General announced a new full-time judicial appointment in Rockhampton in early 2016, negotiations with the Queensland Government regarding full-time accommodation options for the judge and registry have progressed. The Court is currently investigating the use of a Queensland Government vacant building within the legal precinct as a new dedicated registry for the region.

Queens Square, Sydney

The Federal Court in Sydney is located in the Law Courts Building in Queens Square, co-tenancing with the New South Wales Supreme Court. This building is owned by a private company (Law Courts Limited), a joint collaboration between the Commonwealth and New South Wales governments. The Court pays no rent, outgoings or utility costs for its space in this building.

Projects and capital works delivered in 2018–19

The majority of capital works delivered in 2018–19 were projects addressing the urgent and essential business needs of the courts. Projects undertaken or commenced included:

- several public area furniture upgrades where items had reached end of life
- market approach for a full security equipment upgrade in all registries
- development application approval and detailed design documentation has been completed for the expansion of the Newcastle registry into the adjoining building, with works to commence early in the new financial year
- new mediation suite fit out in Darwin
- new fit out for the expanded National Native Title Tribunal accommodation within the Commonwealth Law Courts in Brisbane, and

- commenced feasibility study for the relocation of Corporate Services and the construction of additional courtrooms and chambers in the Queens Square Law Courts Building, Sydney.

Environmental management

The Court provides the following information as required under s 516A of the *Environment Protection and Biodiversity Conservation Act 1999*.

The Court, together with other jurisdictions in shared premises, ensures all activities are undertaken in an environmentally sustainable way, and has embedded ecologically sustainable development principles through the following:

- an Environmental Policy, which articulates the Court's commitment to raising environmental awareness and minimising the consumption of energy, water and waste in all accommodation, and
- a National Environmental Initiative Policy, which is intended to encourage staff to adopt water and energy savings practices. It provides clear recycling opportunities and guidance, encourages public transport and active travel to and from the workplace.

Monitoring of actual impacts on the environment

The Court has an impact on the environment in a number of areas, primarily in the consumption of resources. Table 4.2 lists environmental impact/usage data where available. The data is for all the Federal Court jurisdictions over the last three financial years. Before the amalgamation, all courts reported separately, and only Family Court and Federal Circuit Court figures were reported previous to the 2016–17 financial year].

Table 4.2: The Court’s environmental impact/usage data, 2014–15 to 2018–19

| | 2014–15 FCFCC ONLY | 2015–16 FCFCC ONLY | 2016–17 | 2017–18 | 2018–19 |
|---|--|---|--|--|---|
| Energy usage – privately leased sites (stationary)* | 5383 GJ | 5722 GJ | 5315 GJ | 5483 GJ | 4353 GJ |
| Transport vehicles – energy usage | 5871 GJ | 6002 GJ | 112,721 L/ 970,500 km Petrol + 59,776 L/ 650,750 km Diesel + 4749 L/ 83,420 km Dual fuel = 6535 GJ or 436.3 tonnes of CO ₂ | 146,216 L/ 1,251,442 km Petrol + 54,250 L/ 553,917 km Diesel + 6099 L/ 61,559 km Dual fuel = 7095 GJ or 502.9 tonnes of CO ₂ | 119,476 L/ 1,058,735 km Petrol + 58,233 L/ 613,562 km Diesel + 4,976 L/ 84,872 km Dual fuel = 6593 GJ or 461 tonnes of CO ₂ |
| Transport flights (estimated) | 2,843,969 km 783** tonnes of CO ₂ | 3,829,597 km Emissions report unavailable from new travel provider | Total 9,668,605 km 1442 tonnes of CO ₂ | Total 8,179,523 km 775 tonnes of CO ₂ | Total 9,522,515 km 952 tonnes of CO ₂ |
| Paper usage (office paper) | 30,385 reams | 33,872 reams | FCFCC 29,576 reams FCA 6403 reams Total 35,979 reams | FCFCC 27,192 reams FCA 7825 reams Total 35,017 reams | FCFCC 27,049 reams FCA 8,787 reams Total 35,836 reams |

FCFCC (Family Court and Federal Circuit Court).

* Note: The Department of Finance reports for the Commonwealth Law Courts; these figures are for the leased sites only.

** This figure does not include the emissions for 45,830 km travelled under a new travel booking provider for the courts which commenced operation in May 2015 (emission figures not available at this time).

Measures to minimise the Court's environmental impact: Environmental management system

The Court's environmental management system has many of the planned key elements now in place. They include:

- an environmental policy and environmental initiatives outlining the Court's broad commitment to environmental management, and
- an environmental risk register identifying significant environmental aspects and impacts for the Court and treatment strategies to mitigate them.

Other measures

During 2018–19, the Court worked within its environmental management system to minimise its environmental impact through a number of specific measures, either new or continuing.

Energy

- Replacement of conventional florescent and halogen lighting with energy saving LED lighting.
- Replacement of appliances with energy efficient models.
- Electricity contracts continued to be reviewed to ensure value for money.
- Ongoing education provided to staff to reduce energy use where possible, such as shutting down desktops and switching off lights and other electrical equipment when not in use.

Information technology

- In addition to the desktop auto shutdown program that commences at 7:00pm, staff continued to be encouraged to shut down their desktops as they leave work to maximise energy savings.
- E-waste was recycled or reused where possible, including auctioning redundant but still operational equipment.
- Fully recyclable packaging was used where possible.

Paper

- An electronic court file was introduced for the Federal Court and the Federal Circuit Court (general federal law) in 2014. Matters commencing with the courts are now handled entirely electronically. Over 70,702 electronic court files have been created, comprising almost 875,172 electronic documents, effectively replacing the use of paper in court files.
- Family law eFiling also continues to be expanded, with over 70 per cent of divorce applications now being electronically filed.
- Clients are encouraged to use the online Portal, and staff are encouraged to send emails rather than letters where feasible.
- Secure paper (e.g. confidential) continued to be shredded and recycled for all court locations.
- Non-secure paper recycling was available at all sites.
- Printers are set to default double-sided printing and monochrome.
- Recycled paper (13,554 reams) comprises 38 per cent of total paper usage.

Waste/cleaning

- Provision for waste co-mingled recycling (e.g. non-secure paper, cardboard, recyclable plastics, metals and glass) forms a part of cleaning contracts, with regular waste reporting included in the contract requirements for the privately leased sites.
- Printer toner cartridges continued to be recycled at the majority of sites.
- Recycling facilities for staff personal mobile phones were permanently available at key sites.
- Secure paper and e-waste recycling was available at all sites.

Property

Fit-outs and refurbishments continued to be conducted in an environmentally responsible manner including:

- recycling demolished materials where possible
- maximising reuse of existing furniture and fittings
- engaging consultants with experience in sustainable development where possible and including environmental performance requirements in relevant contracts (design and construction)
- maximising the use of environmentally friendly products such as recycled content in furniture and fittings, low VOC (volatile organic compound) paint and adhesives, and energy efficient appliances, lighting and air conditioning
- installing water and energy efficient appliances, and
- the Court's project planning applies ecologically sustainable development principles from 'cradle to grave' – taking a sustainable focus from initial planning through to operation, and on to end-of-life disposal. Risk planning includes consideration of environment risks, and mitigations are put in place to address environmental issues.

Travel

The Court supports the use of videoconferencing facilities in place of staff travel. Although some travel is unavoidable, staff are encouraged to consider other alternatives.

Additional ecologically sustainable development implications

In 2018–19, the Court did not administer any legislation with ecologically sustainable development implications, nor did it have outcomes specified in an Appropriations Act with such implications.

Management of human resources

Staffing

At 30 June 2019, the Court engaged 1098 employees under the *Public Service Act 1999*. This figure includes 775 ongoing and 323 non-ongoing employees.

Additional support was provided to the courts by undergraduate volunteers who seek placements in judges' chambers to gain experience required as part of their study.

The *Courts Administration Legislation Amendment Act 2016* designated all employees of the Federal Court, the Family Court and the Federal Circuit Court to be employees of the Federal Court of Australia. Employees are also engaged by the Federal Court to support the operation of the National Native Title Tribunal.

More information is provided in Appendix 9 (*Staffing profile*).

During 2018–19, structural and operational changes were made to the organisation of employees. This included the realignment and standardisation of certain practices across the courts. These changes were supported by professional development to ensure affected employees could deliver services efficiently and effectively (both face-to-face and online professional development was offered). These changes occurred in registries and corporate

services, and included multi-skilling, and the better use of digital platforms to support the courts' and the Tribunal's operation.

The Court's study assistance program also supports employees to improve their skills so they are more productive in the workplace.

In addition to these changes, a number of other initiatives were implemented including resilience training; management training; the development of a new suite of human resource policies; upgrades and enhancements to human resource systems; and the streamlining of human resource-related processes. The training was well received by employees, with positive comments being provided.

Consultation on the new policies continues and these will be approved once consultation is complete. System upgrades and streamlined processes continue to be rolled out with most being implemented in the next reporting period.

The Court has a range of strategies in place to attract, develop, recognise and retain key staff, including flexible work conditions and individual flexibility agreements available under the enterprise agreement.

The engagement of a large number of non-ongoing employees is due to the nature of engagement of judges' associates, who are typically employed for a specific term of 12 months. This arrangement is reflected in the courts' retention figures, as those engaged for a specific term transition to other employment once their non-ongoing employment ends.

Structural and operational changes also resulted in some redundancies during the reporting period.

As well, the Court engages casual employees for irregular or intermittent courtroom duties. This fluctuates as needed.

Disability reporting mechanism

Since 1994, non-corporate Commonwealth entities have reported on their performance as policy adviser, purchaser, employer, regulator and provider under the Commonwealth Disability Strategy. In 2007–08, reporting on the employer role was transferred to the APS State of the Service reports and the APS Statistical Bulletin. These reports are available at

www.apsc.gov.au. From 2010–11, entities have no longer been required to report on these functions.

The Commonwealth Disability Strategy has been overtaken by the *National Disability Strategy 2010–2020*, which sets out a 10-year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high-level, two-yearly report will track progress against each of the six outcome areas of the strategy and present a picture of how people with disability are faring. The first of these progress reports was published in 2014 and can be found at www.dss.gov.au.

Employment arrangements

The remuneration of the CEO and Principal Registrars for the Federal Court, the Family Court and the Federal Circuit Court, and the Registrar of the National Native Title Tribunal, who are holders of statutory offices, is determined by the Remuneration Tribunal.

The courts' Senior Executive Service (SES) employees are covered by separate determinations made under s 24(1) of the *Public Service Act 1999*.

The *Federal Court of Australia Enterprise Agreement 2018–2021* covers most non-SES employees and commenced on 7 August 2018.

One undertaking was made in relation to the enterprise agreement in respect to the minimum number of hours that part-time workers must be paid per occasion.

The new enterprise agreement replaced two enterprise agreements, which had nominal expiry dates of 30 June 2014. These replaced enterprise agreements were established prior to the merging of the courts' administration in 2016 and were for separate entities.

Individual flexibility arrangements are used to vary the effect of certain provisions in the enterprise agreement. Employees and the Court may come to an agreement to vary such things as salary and other benefits.

Some transitional employment arrangements remain, including those described in Australian Workplace Arrangements and common law contracts.

At 30 June 2019, there were:

- eight employees on Australian workplace agreements
- eight employees on common law contracts
- one hundred and thirty-four employees on individual flexibility arrangements
- nineteen employees on s 24 determinations, and
- one thousand and seventy-seven employees covered by an enterprise agreement.

In addition to salary, certain employees have access to a range of entitlements including leave, study assistance, salary packaging, guaranteed minimum superannuation payments, membership of professional associations and other allowances.

The Court's employment arrangements do not provide for performance pay for all employees. However, one employee's employment arrangement provided for a bonus, subject to their completion of a project. The bonus paid was \$30,000. Another employee is eligible for a retention bonus each year (\$2,000 per annum).

Work health and safety

In accordance with Schedule 2, Part 4 of the *Work Health and Safety Act 2011*, the Court reports on certain work health and safety matters.

In 2018–19, there was one incident that required the giving of notice under s 38 of the *Work Health and Safety Act*; and no investigations or notices under sections 90, 191 and 195 of that Act. Comcare provided support to the Court with an incident that occurred at the Parramatta registry and administrative changes were made to ensure emergency evacuation procedures were more widely known and will be followed by employees and others in the future.

The Court uses its National Health and Safety Committee and other consultative forums to liaise with employees about changes that affect them. The National Health and Safety Committee met four times during the reporting period.

The Court also supports employees' wellbeing by providing access to free, confidential counselling services, and influenza vaccinations.

Comcare audited the Court's rehabilitation management system during the reporting period and a corrective action plan was issued. Work continues on the implementation of these items.

Information technology

The work of the Information Technology (IT) section is focused on creating a technology environment that is simple, follows contemporary industry standards and meets the evolving needs of judges and staff across all of the courts and tribunals.

Achievements for 2018–19 follow.

Hybrid cloud

A key element of the Court's IT strategy is the development of a hybrid cloud architecture for the delivery of court applications. Many of the Court's applications are available in a software-as-a-service cloud model. Where security, performance and other considerations are met by the cloud model, these applications have been migrated to the cloud. Additionally, a tenancy has been established on the Microsoft Azure infrastructure-as-a-service platform. This is initially being used for development and test environments in support of the DCP.

Data centre consolidation

February 2019 saw a significant milestone in IT when the Family Court Casetrack Production environments were migrated from the Canberra data centre to the Federal Court's primary data centre in Sydney. This was a key milestone of the DCP as well as part of the ongoing data centre consolidations, which eventually will mean a reduction of five data centres to two, those being a primary data centre in Sydney and a disaster recovery data centre also in Sydney.

National Support Office closure

The National Support Office in Canberra was closed in January 2019 and staff were relocated to Canberra registry. As part of this relocation, IT was able to decommission the data centre that previously was the hub of IT operations in the Family Court. This was a continuation of the program of work to achieve cost savings by consolidating services between the Federal Court and the Family Court and Federal Circuit Court.

WiFi

IT is continuing to roll out WiFi services to support the business for both corporate WiFi and guest WiFi at various registries. Darwin, Hobart, Canberra and Parramatta will be completed in 2019.

DevOps

As part of the DCP, the Court and its software development vendor have established a set of continuous integration and deployment (CI/CD) tools. These tools integrate with the Microsoft software development platform in use in the DCP and allow new software to be deployed to servers in a largely automated process. This is expected to improve the efficiency of software development in the program.

Test automation

As part of the DevOps tool set, the Court has deployed a number of test automation tools. This enables transactions on court systems to be automated, removing the need for data entry by test staff. In one test case, the time to execute was reduced from 90 minutes to five minutes. This technology allows the development teams to test software faster, more frequently and more extensively, including simulating performance tests under heavy load. A library of test cases has been developed and is being expanded and this will be maintained as applications change in the future.

Printer deployment

The Court has rolled out a new printer and a Multi-Function Device (MFD) fleet across all Family Court and Federal Circuit Court locations, replacing the existing devices that were between five and seven years old. Notable changes implemented with this deployment include automation of consumables ordering as part of a new managed print service, and introducing MFD functionality into chambers.

Public access computers

Improved public access computers and computers to review subpoena material have been rolled out to all registry locations nationwide. The public access computers provide enhanced scanning and printing functionality, and easy access to the online

resources for all courts including websites, live chat, Commonwealth Courts Portal and payments.

Mobile device replacement

In line with the smartphone refresh cycle of every two years, the majority of the judiciary's handsets were replaced.

Websites

The court websites are the main source of public information and a gateway to a range of online services such as eLodgment, eCourtroom, eFiling and the Commonwealth Courts Portal. Over the next 12 months, the websites will undergo major transformation as part of the new SmartCourt Digital Strategy. See page 12 for more information.

Federal Court website

The Federal Court website provides access to a range of information including court forms and fees, practice notes, guides for court users, daily court lists and judgments. In the reporting year, over four million hits to the site were registered.

There were several improvements to the website during the reporting year:

- Forms: 19 forms under the Federal Court Rules 2011 and the Federal Court (Criminal Proceedings) Rules 2016 were reissued. The publication of the forms was accompanied by an alert service, providing details of specific changes to each form for interested court users. The alert service has been recognised as a time-saving initiative by the legal profession.
- Online files: In 2013, the Federal Court established the first online file in order to manage the large number of media requests to court files in high profile matters. Where an online file has been established, court documents are published on the website as soon as approved by the judge hearing the matter. In the reporting year, five new online files were established. Of these, the *Geoffrey Rush v Nationwide News* online file proved the most successful, generating over 31,000 hits to the website.

- Jury service: In readiness for the Federal Court's first jury trial, the information on jury services was refreshed.
- Search: Several modifications were made to search functionality to improve the ability of users to find relevant information.

There were also improvements to other websites managed by the Federal Court:

- The website of the Australian Competition Tribunal was redesigned.
- Three new judgments email alert services were established for the Australian Competition Tribunal, the Copyright Tribunal and the Defence Force Discipline Appeal Tribunal. There are now a total of 23 email services offered to almost 5000 subscribers.

Family Court and Federal Circuit Court websites

Corporate Services also has responsibility for the management of the Family Court and Federal Circuit Court websites. Like the Federal Court website, these sites provide access to a range of court information including forms and fees, 'How do I' guides, daily court listings and judgments.

During the reporting year, the websites underwent the following changes:

- improvements to the homepage to make it easier for users to find the 'How do I' pages and streaming of latest news
- a continued focus on accessibility and providing more documents in accessible formats, and
- improvements to circuit location pages to assist litigants with filing information and links to court lists.

Page views and the most accessed areas:

- Family Court website: 5,213,508 page views by 1,301,637 users – a decrease of 6 per cent from the previous year. The most popular pages were forms, divorce, court lists and property and finances after separation.

- Federal Circuit Court website: 5,249,513 page views by 994,652 users – an increase of 3 per cent and 9 per cent respectively on the previous year. The most popular pages were applying for divorce, court lists, forms, proof of divorce, and registering for the Portal and eFiling an application for divorce.

Recordkeeping and information management

Corporate coverage

Information management is a corporate service supporting the Federal Court, Family Court, Federal Circuit Court, National Native Title Tribunal, Australian Competition Tribunal, Copyright Tribunal of Australia and Defence Force Discipline Appeal Tribunal. The recent appointment of an Assistant Director to head the Information Management team is a welcome addition. The team now has five staff, two in Sydney, two in Perth and the Assistant Director in Canberra.

Information governance framework

The information governance framework is currently under review. The revised framework will provide a robust approach to information management across the entity to encourage meeting regulatory, legal, risk and operational requirements.

Information management communication

A new records/information management services IT portal is now available to report all records and information related matters. The IT portal enables staff to report records and information related issues.

Information management system

The implementation of a new information management system 'Open Text' has been temporarily delayed. Corporate Services and Tribunal records will share the same Open Text platform as the new digital court case files. The Court's three legacy electronic document and records management systems (eDOCS, Objective and RecFind) will be migrated to 'Open Text' and decommissioned.

Working digitally

The Court is working towards the whole-of-government 2020 target to work digitally by default. This is a reportable target set by the National Archives of Australia (National Archives). Progress towards this target was demonstrated by:

- implementation of a digital court file in the Family Court and Federal Circuit Court
- completion of the personnel files scanning project
- completion of National Native Title Tribunal research reports scanning project
- digital filing of financial, procurement and contract documents, and
- digital signature approvals.

Two records (disposal) authorities

Two new draft records authorities covering the entity are awaiting review by the National Archives. These authorities will replace the current seven authorities. The retention issues involving Family Consultant notes containing sexual allegations resulting from the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, are being resolved.

National Archives reporting

The National Archives annual check-up reporting on 2020 digital benchmark targets, saw an improvement of 0.34 per cent on the entity's 2018 results. Improvements were made in all reporting areas – governance and people, digital assets and processes and metadata and standards. This steady progress has set the foundation for the entity to achieve the whole-of-government's 2020 targets.

Transfers to National Archives

The Australian Competition Tribunal files from 1980 to 2003 and 13 significant Copyright Tribunal files were transferred to National Archives for permanent storage during 2018–19. The files will be available for public access via National Archives.

Committees

- The Information Governance Committee met quarterly to monitor information governance obligations that effect the entity. The committee endorsed the role of Chief Information Governance Officer and a nominee to take that role will be announced shortly. The information governance framework was adopted by the committee and outlines the responsibilities and obligations of all court employees regarding information management.
- The Records Policy Committee met bi-monthly and recommended key policy changes, including the secure disposal of USB sticks, the retention of specific legal documents and the forming of two working committees to establish a digitisation standard for the scanning of retrieved case and corporate files, and the practical application of this standard by registries.

Native title files and preservation pilot project

The pilot project, based in the Western Australian registry, was established to recommend an access policy for native title files when permanently stored with National Archives. The key principles are now being considered by the native title judges. Representative bodies have also been consulted on the access rules.

Audio-visual presentation project

A dedicated national drive has been established to store all native title audio visual and digital resources for the entity. When the resources are centrally located, a preservation assessment will be made and resources transferred to other digital formats as required.

Contracts

- The national storage and records management services contracts will expire in 2020. A new national contract will be negotiated to commence in March 2020.
- The current copyright agreement with the Copyright Agency Pty Ltd covers the entity until 30 June 2021. The Court is a partner on the Department of Communication and the Arts' Agreement with the Copyright Agency.

Archives and image gallery

The archives and image gallery continues to be a valuable source of information on the Court's history, including information on judges' ceremonies, transcripts, speeches, articles and portraits, photos of court buildings, court artworks, newsletters and significant other resources. The image gallery is accessible via the Federal Court intranet.

Artworks audit

An artworks audit was conducted at the end of 2018 covering all artworks in the entity. Information was collected on acquisition details, format, dimensions, location, artwork images and if any artworks were privately owned. A listing of artworks will be available under each registry on the Image Gallery and a whole-of-court holdings list will be available by December 2019.

Library services

The library provides a comprehensive library and information service to judges, registrars and staff of the Federal Court, Family Court and Federal Circuit Court, and members and staff of the National Native Title Tribunal.

The library collection consists of print and electronic materials and is distributed nationally, with qualified librarians in each state capital except Hobart, Canberra and Darwin. Services to Tasmania, the Australian Capital Territory and the Northern Territory are provided by staff in the Victorian, New South Wales and South Australian libraries, respectively.

In Sydney, Federal Court judges and staff are supported by the New South Wales Law Courts Library under a Heads of Agreement between the Federal Court and the New South Wales Department of Justice. The terms of this Agreement are renegotiated each year to reflect changing circumstances.

Although primarily legal in nature, the library collection includes material on Indigenous history and anthropology to support the native title practice areas, and material on children and families to support the family consultants. Details of items held in the collection are publicly available through the Library Catalogue and Native Title Infobase, which are accessible from the Federal Court website. The library's holdings are also added to Libraries Australia and Trove making them available for interlibrary loan nationally and internationally.

The library continues to be a member of the New South Wales Department of Justice Consortium for the purchase of LexisNexis and CCH products and services and the Australian Courts Consortium for a shared library management system using SirsiDynix software.

Significant projects undertaken over the last 12 months include the expansion and refinement of current awareness activities, to include a focus on new developments in the areas of management and dispute resolution; and an increased integration with, and support for, the judgments teams in the Federal Court, Family Court and Federal Circuit Court.

Assistance to the Asia Pacific region

The library in Brisbane is providing advice and assistance to the National and Supreme Courts of Papua New Guinea to develop their library collections and services.

The library in Melbourne dispatched a shipment of law reports to the Supreme Court of Tonga.