

PART 4

Management and accountability



Management and accountability

Governance

Since 1990, the Federal Court has been self-administering, with a separate budget appropriation and reporting arrangement to the Parliament.

Under the *Federal Court of Australia Act 1976*, the Chief Justice is responsible for managing the Court's administrative affairs. The Chief Justice is assisted by the 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.

Judges' committees

There are a number of committees of judges of the Court. These committees 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 with 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 biannual judges' meetings.

Judges' meetings

National meetings of all judges are held on a biannual basis. A national judges' meeting was held in November 2019, which dealt with matters such as reforms of the Court's practice and procedure, amendments to the Rules of the Court, management of the Court's finances and updates on the Court's digital initiatives, including the progress of digital hearings. The national judges' meeting scheduled for April 2020 did not proceed due to the COVID-19 pandemic.

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

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 an 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 processes to increase efficiency
- build an agile and skilled workforce ready to meet 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.

During 2019–20, the work of Corporate Services focused on supporting the evolving needs of judges and staff across all the courts and tribunals, while delivering on required efficiencies to meet reduced appropriations.

The following outlines the work of Corporate Services, including major projects and achievements, during 2019–20.

The work of Corporate Services in 2019–20

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 periodically 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 2019–20, revenue from ordinary activities totalled \$355.935 million.

Total revenue, in the main, comprised:

- an appropriation from government of \$273.973 million
- \$43.340 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
- \$35.450 million of liabilities assumed by other government agencies, representing the notional value of employer superannuation payments for the Courts' judges, and
- \$3.172 million from the sale of goods and services and other revenue and gains.

Total expenses as per the financial statements are \$353.481m. This comprises \$110.159 million in judges' salaries and related expenses, \$118.666 million in employees' salaries and related expenses, \$43.842 million in property-related lease expenses, \$48.628 million in other administrative expenses, \$29.955 million in depreciation expenses and \$2.231 million for the write-down and impairment of assets and financial instruments and financing costs.

The net operating result from ordinary activities for 2019–20, as reported in the financial statements, is a surplus of \$2.454 million including depreciation expenses and the accounting impacts of AASB 16 Leases. Depreciation expenses in 2019–20 of \$29.955 million includes depreciation on right of use assets recognised under AASB 16 Leases. To reflect the underlying operating surplus of the Federal Court of Australia entity, in line with Department of Finance guidelines, depreciation expenses of \$29.955 million are excluded and principal payments of lease liabilities of \$17.082 million are included. This effectively reverses the impact of AASB 16 Leases on the underlying result and shows a net surplus from ordinary activities of \$15.327 million for 2019–20.

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 as well as a reduction in travel activity in the final quarter of 2019–20 due to COVID-19 travel restrictions.

The Federal Court has other comprehensive income in 2019–20 of \$4.107 million due to the revaluation of the Court's assets.

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 \$73.722 million in 2018–19 to \$105.556 million in 2019–20.

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 \$228,563 was paid for recruitment advertising services in 2019–20. Payments for advertising the notification of native title applications, as required under the *Native Title Act 1993*, totalled \$97,774 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 2019–20.

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. There were no instances of fraud reported during 2019–20.

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 five times during 2019–20. The committee comprises an independent chairperson, three judges from the Federal Court, three judges from the Family Court, two judges 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 five 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.

Table 4.1: Audit committee

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Ian Govey AM	<ul style="list-style-type: none"> ■ Bachelor of Laws (Hons), Bachelor of Economics. ■ Fellow, Australian Academy of Law. ■ Chair, Banking Code Compliance Committee. ■ Chair, Federal Court of Australia Audit Committee. ■ Deputy Chair, Commonwealth Director of Public Prosecutions Audit Committee. ■ Director, Australian Centre of International Commercial Arbitration. ■ Director, Australasian Legal Information Institute (AustLII). ■ Acting Independent Reviewer, ACT Government Campaign Advertising. <p>Previously:</p> <ul style="list-style-type: none"> ■ Head, Australian Government Solicitor. ■ SES positions in the Australian Public Service, including Deputy Secretary of the Commonwealth Attorney-General's Department. 	5/5	\$18,125
Justice Nicholas	<ul style="list-style-type: none"> ■ Bachelor of Laws, Bachelor of Arts. ■ Previously a barrister practising in the areas of commercial law and intellectual property law. ■ Appointed Senior Counsel in 2001. ■ Appointed as a Judge to the Federal Court of Australia in 2009. 	5/5	\$0
Justice Murphy**	<ul style="list-style-type: none"> ■ LLB, B Juris. ■ Senior Partner of law firm (1990–95). ■ Chairman of national law firm (2005–11) with responsibilities including financial forecasts, budgeting and risk management. ■ Board Member, Vice President and President, KidsFirst (formerly Children's Protection Society) (2005–present) with responsibilities including financial forecasts, budgeting and risk management. 	3/3	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Justice Farrell	<ul style="list-style-type: none"> ■ BA LLB (Hons) University of Sydney. ■ Deputy President, Australian Competition Tribunal. ■ Fellow, Australian Academy of Law. ■ Honorary life member, Business Law Section, Law Council of Australia. <p>Previously:</p> <ul style="list-style-type: none"> ■ President, Takeovers Panel (2010-12). ■ Member, Takeovers Panel (2001-10). ■ Chairman, Business Law Section, Law Council of Australia (2008-09). ■ Member, Executive, Business Law Section (2004-13). ■ Chair, Corporations Committee (2000-03). ■ Representative, Law Council, ASX Corporate Governance Council (2001-12). ■ Partner, Freehill Hollingdale and Page (1984-1992, 1994-2000). ■ Consultant, Freehills (2000-12). ■ National Coordinator, Enforcement, Australian Securities Commission (1992-93). ■ Acting member, Australian Securities Commission (1993). ■ Non-executive director and member of the audit committee for profit companies and government entities in the electricity generation, international banking, clothing manufacture and retail sectors (over periods between 1995-2010). ■ Non-executive director and member of the audit committee of not-for-profit entities the Securities Institute of Australia, the Australian Institute of Management, the National Institute of Dramatic Art and the Fred Hollows Foundation (over periods 1995-2017). ■ Fellow, Australian Institute of Management. ■ Fellow, Australian Institute of Company Directors. 	5/5	\$0
Justice White*	<ul style="list-style-type: none"> ■ BA LLB(Hons). ■ Judge of the Federal Court of Australia. 	2/2	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Justice Benjamin	<ul style="list-style-type: none"> ■ Diploma of Laws (SAB). Master of Laws (University of Technology) with a major in Dispute Resolution. Honorary Master of Laws (Applied Law) and Fellow of the College of Law. ■ Presidential Member, Administrative Appeals Tribunal. ■ Chair, Family Court Finance Committee. ■ Deputy Chair, Academic Board, College of Law. <p>Previously:</p> <ul style="list-style-type: none"> ■ Chair, Federal Courts' Costs Committee. ■ President, NSW Law Society. ■ Chair and Director, College of Law. ■ Trustee, Public Purpose Fund under the <i>Legal Profession Act 1987</i>. ■ Director, Solicitors Superannuation Pty Ltd. ■ Director, Purvis Van Eyk & Company Pty Ltd (an actuarial and financial research company). ■ Executive Member, Management Committee, Rose Consulting Group (Consulting Civil Engineers). ■ Legal Representative, South-Eastern Sydney Regional Area Health Board, Institutional Ethics Committee. 	4/5	\$0
Justice Harper**	<ul style="list-style-type: none"> ■ BA (Hons), LLB, PhD (Uni Syd). ■ Member, Family Court Finance Committee. ■ Member, Family Court Conduct Committee. 	2/3	\$0
Justice McEvoy**	<ul style="list-style-type: none"> ■ B.A; LL.B. (Hons); LL.M (Melb); S.J.D. (Virginia). ■ Visiting Professor, University of Virginia School of Law. ■ Finance Committee, Family Court of Australia. ■ Board member; member of audit committee; Parenting Research Centre, 2010–16. ■ Queen's Counsel, Victoria, 2016–19. ■ Barrister, Victorian Bar, 2002–19. ■ Senior Associate, Freehills 1999–2002. 	3/3	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Judge Driver	<ul style="list-style-type: none"> ■ Bachelor of Arts/Law ANU. ■ Chair, Federal Circuit Court Legal Committee. ■ Member, Federal Circuit Court Finance Committee. ■ Judge, Federal Magistrates Court and Federal Circuit Court since 31 July 2000. ■ Member, Australian Institute of Judicial Administration. ■ Member, Law Council of Australia, Federal Litigation Section. ■ Member, Judicial Conference of Australia. ■ Previously held a number of Senior Executive Service positions in the Australian Public Service, Office of the Australian Government Solicitor. 	5/5	\$0
Judge Howard**	<ul style="list-style-type: none"> ■ Bachelor of Laws. ■ Fulbright Scholar. ■ Member, Fulbright Scholarship Legal Assessment panel. ■ Visiting Foreign Judicial Fellowship, Federal Judicial Center, Washington DC (2018). ■ LAWASIA, Judicial Section Coordinating Committee. ■ President, QUT Law Alumni Chapter (2014–18). ■ Chair, LAWASIA Family Law Section (2011–14). ■ Board Member, Centacare, Queensland (2004–12). ■ Member, Advisory Board, St Vincent de Paul Society, Queensland (1992–94). 	3/3	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Frances Cawthra	<ul style="list-style-type: none"> ■ Frances Cawthra is the Chief Executive Officer of Cenitex, the Victorian Government's IT shared service provider. Cenitex provides essential ICT services including identity and network management, cyber security, user workspace and cloud services to more than 30 Victorian Government departments, portfolio agencies, associated agencies and government entities. ■ Prior to joining Cenitex, Frances was Chief Finance Officer with the Australian Taxation Office and has held senior roles in a variety of organisations including the National Australia Bank, United Energy and Coles Myer. ■ She has been recognised for her leadership in the areas of financial and resource management, investment strategy, procurement and contract management. 	4/5	\$0

* Member retired from the Audit Committee in December 2019.

** Member was appointed to the Audit Committee in February 2020.

The direct electronic address of the charter determining the functions of the audit committee for the entity can be found at https://www.fedcourt.gov.au/about/corporate-information/audit-committee-charter/_nocache.

Correction of errors in the 2018–19 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 2019–20, \$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.

Other achievements during the reporting year include:

- Finalising the procurement arrangements for the upgrade of security equipment and systems which will ensure court facilities continue to provide effective physical security.

- Taking up the first of two additional two-year extension options for the Commonwealth Contract for the provision of Guarding Services (up to October 2021).
- Replacing the aging security incident recording system with an integrated risk and security incident management system.

The Marshal and Sheriff continues to work very closely with the Australian Federal Police and the police services of the states and territories on a range of matters including executing orders emanating from family law matters such as the recovery of children, the arrest of persons and the prevention of parties leaving Australia when ordered not to do so, as well as a range of information exchange arrangements in order to improve our understanding of risks associated with individuals coming to court.

In the coming years, the Court will complete the roll-out of upgraded security infrastructure and measures to introduce a culture emphasising the integrated nature of personal, physical and information 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 2019–20, 15 new consultancy contracts were entered into, involving total actual expenditure of \$1.286 million. In addition, five ongoing consultancy contracts were active during 2019–20, which involved total actual expenditure of \$335,289.

Table 4.2 outlines expenditure trends for consultancy contracts for 2019–20.

Competitive tendering and contracting

During 2019–20, 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 2019–20, 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*.

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.

Table 4.2: Number and expenditure on consultants, current report period (2019–20)

	TOTAL
No. of new contracts entered into during the period	15
Total actual expenditure during the period on new contracts (inc. GST)	\$1,286,120
No. of ongoing contracts engaging consultants that were entered into during a previous period	5
Total actual expenditure during the period on ongoing contracts (inc. GST)	\$335,289

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. The longer-term lease agreement MOU is expected to come into effect early in the 2020–21 financial year.

Registries – leased

Corporate Services also manages some 13 registry buildings across the nation, located in leased premises. Leased premises locations include Albury, Cairns, Dandenong, Dubbo, Launceston, Lismore, 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 has Federal Court, Family Court and Federal Circuit Court registries in Darwin. The registries 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 awaiting Commonwealth Government approval and funding to fit-out a new dedicated court building in a Queensland Government vacant building within the legal precinct.

Queens Square, Sydney

The Federal Court in Sydney is located in the Law Courts Building in Queens Square, co-tenanting 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 2019–20

The majority of capital works delivered in 2019–20 were projects addressing the urgent and essential business needs of the Courts. Projects undertaken or commenced included the following:

- Completed construction of new courtrooms and public facilities in Newcastle by expanding into the adjoining building.
- Upgraded jury box facilities in the Melbourne Law Courts building to ensure access compliance.

- Replaced front entrance x-ray scanning equipment in the majority of Court premises.
- Commenced project to upgrade all security backend systems, access controls, alarms and CAPS CCTV through the Courts' premises. The project is expected to be completed during 2020–21.
- Completed fit-out design works for the relocation of Sydney Corporate Services to new premises. Construction works are scheduled to occur during the 2020–21 financial year.
- Commenced early design works for the construction of additional jury courtrooms and judges' chambers in the Queens Square Law Courts building in Sydney.
- Worked with the building owner, the Department of Finance, for the upgrade of Child Dispute facilities, lifts, and bathroom and kitchen facilities throughout a number of Commonwealth Law Courts buildings.

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 4.3 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).

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 2019–20, 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.
- Review of electricity contracts to ensure value for money.

Information technology

- E-waste was recycled or reused where possible, including auctioning redundant but still operational equipment.
- Fully recyclable packaging was used where possible.

Table 4.3: The Court's environmental impact/usage data, 2015–16 to 2019–20

	2015–16 FCFCC ONLY	2016–17	2017–18	2018–19	2019–20
Energy usage – privately leased sites (stationary)*	5722 GJ	5315 GJ	5483 GJ	4353 GJ	N/A at time of printing
Transport vehicles – energy usage	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	123,787 L/ 1,231,264 km Petrol 43,519 L/ 450,433 km Diesel 10,652 L/ 106,918 km Dual fuel = 443 tonnes of CO ₂
Paper usage (office paper)	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 28,651 reams FCA 5,866 reams Total 33,812 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.

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 85,514 electronic court files have been created, comprising almost 1,041,597 electronic documents, effectively replacing the use of paper in court files. This is an increase of 14,812 electronic court files and 166,425 electronic court documents from 2018–19.
- Family law eFiling also continues to be expanded, with over 87 per cent of divorce applications now being electronically filed. This is an increase of 17 per cent from 2018–19.
- 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 initially set to default double-sided printing and monochrome.
- Recycled paper (8,774 reams) comprises 26 per cent of total paper usage. The overall reams total 2019–20 has decreased by 2,024 reams. This is due to the increased use of electronic filing and communication were feasible, as well as working from home during COVID-19 restrictions. The entity will remind officials on their return to work of the electronic protocols and highlight the benefits of our learned practices working from home without a printer.

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 video conferencing facilities in place of staff travel. Although some travel is unavoidable, staff are encouraged to consider other alternatives.

Additional ecologically sustainable development implications

In 2019–20, 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 2020, the Court engaged 1,091 employees under the *Public Service Act 1999*. This figure includes 758 ongoing and 333 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 2019–20, refinements were made to the structure of the Court. Operational reviews commenced and adjustments made as new Chief Operating Officers and Principal Registrars were appointed and following the retirements of some other senior officials. The further implementation of standardisation of practices and organisational efficiencies were mostly put on hold as the focus changed to the management of pandemic-related control measures. Staffing levels were generally maintained during the pandemic.

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 new induction modules, pandemic-related services and support materials; further upgrades and enhancements to human resource systems; finalising the drafting of work health and safety-related policies and guidelines; and the delivery of a range of training including resilience training and support delivered to staff as they work from home. The training was well received by employees, with positive comments being provided.

Consultation on the new work health and safety policies concluded. The Court proposed amendments to work groups which are described in the proposed Policy on Work Health and Safety. Agreement on the proposed changes could not be reached and the Court requested that Comcare appoint an inspector to determine them.

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.

Further, 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.

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 2020, there were:

- five employees on Australian workplace agreements
- eight employees on common law contracts
- one hundred and twenty one employees on individual flexibility arrangements
- eighteen employees on s 24 determinations, and
- one thousand and seventy 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 \$27,480. 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 2019–20, there were no incidents that required the giving of notice under s 38 of the Act; and no investigations or notices under sections 90, 191 and 195 of that Act.

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

The Court also supports employees' wellbeing by providing access to free, confidential counselling services, and influenza vaccinations. The program was refreshed and a new provider engaged.

Comcare audited the Court's rehabilitation management system during the previous reporting period. Corrective actions from that audit have now been implemented.

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 2019–20 follow.

Courtroom video conferencing

A further 12 courtrooms were fitted out with fixed video conferencing infrastructure. This increases the penetration of courtrooms with fixed video conference capability from 38 per cent to 45 per cent. Video conferencing technology has been a key part of the Courts' response to the COVID-19 social distancing requirements and are expected to be an increasingly important part of the conduct of hearings into the future.

The core of the video conference infrastructure was modernised and consolidated as part of the COVID-19 response. Prior to the work

being undertaken there were two separate video conference networks, both on aged infrastructure and with little or no infrastructure resilience, and both networks suffered reliability and performance issues. The new consolidated network is common to all three Courts and has significant resilience and disaster recovery engineered into the design. This platform will be used to retire aging building telephone systems in 2020–21.

Remote access technologies

As part of a routine lifecycle upgrade program, two new remote access technologies were deployed in late 2019. These were a new CITRIX infrastructure for staff without laptop or tablet PCs, and a new virtual private network infrastructure for judges and staff with laptops or tablets. These new infrastructures were crucial to the Court's response to the COVID-19 pandemic. The services could rapidly be expanded in capacity. At their peak, there were over 1,000 simultaneous remote connections to the Court network as judges and staff worked from home.

Microsoft Teams

As part of the response to COVID-19 pandemic, IT rapidly rolled out the Microsoft Teams collaboration product. This was deployed as part of our broader Microsoft Office 365 tenancy which supports our email and other collaboration services. Teams was used to support a virtual courtroom that enabled the Courts to continue operating during the lockdown period.

A key consideration of this virtual courtroom approach has been to ensure that transcripts could be provided to parties and that public access to hearings could be maintained. To assist in this, a third party product was integrated with Teams to allow the Court's video enabled courtrooms to connect to a Teams-based virtual courtroom. In order to facilitate access to teams for participants without sufficient information technology resources, we subscribed to the telephone dial-in option for Teams.

A key focus for 2020–21 will be to determine how Teams or other web conferencing technologies fit into the work of the Courts into the future.

WiFi

Rollout of corporate and guest WiFi to key buildings was completed this financial year, with deployments to Darwin, Hobart, Canberra and Parramatta.

Data centre consolidation

Throughout 2019–20, all services run from the two Canberra data centres have either been retired or relocated to the production Sydney data centre. As a result data centres have been consolidated from four to two (production and disaster recovery in Sydney). This brings to an end the network and data centre consolidation program of the corporate services merger project.

Websites

The Court and Tribunal websites are the main sources of public information and a gateway to a range of online services such as eLodgment, eCourtroom, eFiling and the Commonwealth Courts Portal.

Corporate Services staff are responsible for managing and maintaining the following Court and Tribunal websites:

- Federal Court of Australia:
www.fedcourt.gov.au
- Family Court of Australia:
www.familycourt.gov.au
- Federal Circuit Court of Australia:
www.federalcircuitcourt.gov.au
- National Native Title Tribunal:
www.nntt.gov.au
- Australian Competition Tribunal:
www.competitiontribunal.gov.au
- Defence Force Discipline Appeal Tribunal:
www.defenceappeals.gov.au
- Copyright Tribunal:
www.copyrighttribunal.gov.au

The websites provide access to a range of information including court forms and fees, publications, practice notes, guides for court users, daily court lists and judgments.

In the reporting year, over 16,358,984 million total hits to the sites were registered:

- Federal Court website: 4,803,107
- Family Court website: 5,331,242
- Federal Circuit Court website: 6,224,635
- National Native Title Tribunal website: 787,471*

*This is an estimate only as analytics were only introduced to this site on 1 August 2019.

There was a substantial amount of work invested in building and maintaining up-to-date dedicated COVID-19 pages on all websites. These pages include information about digital hearings, legislative changes, FAQs, information for the media, information for the profession, information for families and the latest news on Court and Tribunal operations. There were also four special measures information notes published for the Federal Court (see page 30 for more information).

In the interests of maintaining open justice during the COVID-19 pandemic, changes were made to the publication of Daily Court Lists with the inclusion of procedures for members of the public to join online hearings as observers.

In addition, other improvements and project work undertaken for the websites during the reporting year include:

- the creation of high profile online files including *ABC v Kane*, *Application in the matter of Virgin Australia Holdings (Administrators Appointed)* and *Isileli 'Israel' Folau v Rugby Australia Limited & Anor*
- a new judgment publishing template for the Courts
- a new redesigned homepage for the Federal Circuit Court website, which aims to improve access to information and understanding of the Court's three main areas of filing: family law, migration law and general federal law
- a continued focus on accessibility and providing more documents in accessible formats
- a new section for the Lighthouse family violence project that will commence in the Family Court and Federal Court in 2020.
- research and preparation for the commencement of a major website redevelopment project
- preparation for the introduction of Live Chat for general federal law
- ongoing improvements to court location pages to assist litigants with filing information and links to court lists.

Access to judgments

When a judgment of the Federal Court, Family Court and the Federal Circuit Court is delivered, a copy is made available to the parties and published on Court websites. The Federal Court also publishes decisions of the Australian Competition Tribunal, the Copyright Tribunal and the Defence Force Discipline Appeal Tribunal.

The Courts also provide copies of judgments to a number of free legal information websites including AustLII and JADE, legal publishers, media and other subscribers. Judgments of public interest are published within an hour of delivery and other judgments within a few days, with the exception of family law and child support decisions which must first be anonymised. The Federal Court provides email notifications of judgments via a subscription service on the Court website.

The judgments staff of the Federal Court, Family Court and the Federal Circuit Court have been amalgamated and moved to Corporate Services to increase efficiencies in the publishing of judgments.

The need to migrate to a single judgment template for efficiency has seen the development of a new Judgment Template for all three Courts and facilitated a review of policies, practices and processes.

Recordkeeping and information management

Corporate coverage

Information management is a corporate service function 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 Information Management team consists of four staff, one in Sydney, two in Perth and the Assistant Director in Canberra.

Information governance

Information framework

The information governance framework has been significantly revised. The new information framework incorporates information governance and sets out the principles, requirements and

components for best practice information management. The framework provides a robust approach to information management across the entity, recognising that the individual sections of the Court have different information needs.

The information framework is supported by policies and standards that ensure the information that is collected, stored and made accessible is tailored to those differing needs, and meets the entity's regulatory, legal, risk and operational requirements. Short training modules scripted to support the information framework are also being developed.

Records authorities

The new combined Tribunals Records Authority was officially issued by the National Archives in June 2020. The records authority covers the National Native Title Tribunal, the Copyright Tribunal of Australia, the Australian Competition Tribunal and the Defence Force Discipline Appeal Tribunal. The combined draft Courts Records Authority will be reviewed by the National Archives of Australia in 2020–21.

Committees

The Information Governance Committee met quarterly during the reporting year to monitor information governance obligations that effect the entity. The committee endorsed the Deputy Principal Registrar as the Chief Information Governance Officer. The committee focused on the development of the information framework and related policies and standards; information management training to support the framework; access provisions for Court and Tribunal case records that are required to be transferred to the National Archives of Australia; and meeting the ongoing government targets for working digitally. The committee also commenced a review of its terms of reference to ensure that it is representative of the sections of the Court and Tribunal, and that the responsibilities of the committee are appropriate.

The Records Policy Committee met bi-monthly and recommended key policy changes, including the secure disposal of storage media, the Court's digitisation standard for physical records, access provisions for native title records required to be transferred to the National Archives, and information management induction training. The committee was dissolved in February 2020, as its work has been replaced by the Information Governance Committee.

Information management projects

Information management system

The project to design and implement a new information management system using the Court's 'Content Server' platform commenced in May 2020. The project will consolidate the Court's three electronic document and records management systems (RecFind, eDOCS and Objective) and implement one, centralised information management system within the Court.

Audio-visual and digital resources

A dedicated national drive has been established to store all native title audio visual and digital resources for the entity. Resources are transferred to other digital formats as required. A preservation assessment of these resources is planned for 2020–21.

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

The artworks audit was completed and an asset register covering all artworks in the entity was produced. The listed artworks are available from the Court's Image Gallery.

Information management communication

Information Management revised its intranet presence, creating a single point of access to information management policies, standards and guidelines, records authorities, and providing access to the Court's current records and information systems.

Contract management

- The national storage and records management services contracts were extended for a further 12 months. The current contracts expire in March 2021. A new national contract will be negotiated to commence in March 2021.
- The Court is negotiating a new copyright

agreement to cover the entity with the Copyright Agency Pty Ltd. The Court is a partner on the Department of Communication and the Arts' Agreement with the Copyright Agency. The responsibility for Copyright has moved to Library and Information Services.

Working digitally

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

- increased digitisation of physical files across the Courts
- deployment of the digital court file in family law
- completing the digitisation of Family Court file lists, and
- developing a digitisation standard to enable consistent digitisation of physical items and a digital preservation standard for the preservation of born digital records and the conversion of obsolete media and formats.

National Archives reporting

The National Archives annual check-up, reporting on digital benchmark targets, saw an improvement of 0.29 per cent on the entity's 2019 results. Improvements were made in the areas of creating, interoperability, storing, disposing and digital operations. This continued steady progress will enable the entity to achieve the whole-of-government targets.

Transfers to the National Archives

The first documents to undergo digital transfer for the Court were the minutes and background papers of the Federal Court judges' biannual meetings. The information was transferred to the National Archives in January 2020. The transfer covered the minutes from the very first meeting on 7 February 1977 to 2007, spanning 30 years. The papers will be released for public access 30 years from the date of publication. Access will be available from the National Archives.

In May 2019, the National Archives approved the transfer of two significant Federal Court physical case matters held in the ACT registry. These matters are the first significant files to be approved for transfer under the Federal Court's Records Authority:

- (ACD) AG86/1995: Hughes Aircraft Systems International v Airservices Australia
- (NSD) NG733/1997: GEC Marconi Systems Pty Ltd T/AS EASAMS Australia v BHP Information Technology Pty Ltd

The first matter is now ready for transfer and a transfer date is being coordinated with the National Archives.

Library and information 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 is a foundation member of the Australian Courts Consortium for a shared library management system using SirsiDynix software. Consortium membership expanded during the year and now includes all but four Australian jurisdictions.

Services have been provided remotely during the COVID-19 pandemic, with protocols implemented to ensure hardcopy collections remain accessible. Changes to COVID-19 related legislation from all Australian states and territories were tracked by a team of librarians each day from the beginning of the pandemic and details published on the Federal Court website providing a valuable snapshot of restrictions at any point in time.

Assistance to the Asia-Pacific region

A shipment of books was dispatched to the Supreme Court of Vanuatu and the library in Brisbane continued to provide advice and assistance to the National and Supreme Courts of Papua New Guinea to develop their library collections and services.

Commonwealth Courts Registry Services

Overview of Registry Services

In 2019–20, the registry services functions for the Federal Court, Family Court and the Federal Circuit Court were amalgamated into a new program under Outcome 4 (Program 4.2) known as the Commonwealth Courts Registry Services (also known as Court and Tribunal Services).

This initiative provides the Courts with the opportunity to shape the delivery of administrative services across the entity in a more innovative and efficient manner.

A focus on maximising registry operational effectiveness through streamlined structures and digital innovations will significantly contribute to the future financial sustainability of the Courts.

The creation of Registry Services provides the Courts with the opportunity to identify ways to improve the services delivered to judicial officers, the litigants and the public more broadly.

A national approach ensures that the quality and productivity of registry services is the very best it can be, through building consistency in registry practice across all Court locations.

Objectives

The objectives of Registry Services are to:

- provide a high level of support for the judiciary and court users through a national practice-based framework
- maximise operational effectiveness through streamlined structures and digital innovations
- develop an organisational structure that promotes flexibility and responsiveness to new opportunities and demands, and
- support the Courts to take full advantage of the benefits of the Digital Court Program.

Purpose

The purpose of Registry Services is to provide efficient and effective services to the Commonwealth courts and tribunals and its users.

Registry services management structure

A new national management structure was finalised during the reporting year.

The Executive Director, Court and Tribunal Services has overarching responsibility for the delivery of registry services and leads the design and delivery of improved case management and administrative services across the Courts and the Tribunal. The Executive Director, Court and Tribunal Services reports to the CEO and Principal Registrar of the Federal Court.

Directors of Court Services report to the Executive Director, Court and Tribunal Services. They lead and manage the Courts' registry operations and resources in their respective regions, as well as contribute to continuous business improvement across three national streams: client services, digital services and court operations. Directors of Court Services work collaboratively with national service managers and other directors to lead and manage multi-disciplinary teams delivering a range of customer-driven professional and business support services to ensure national service excellence. The development and maintenance of key relationships with

Aboriginal and Torres Strait Islander peoples, culturally diverse community groups and support services is an important responsibility of the role and ensures that all Court services recognise the needs of our client groups.

Managers of Court Services report to the Director of Court Services in their respective region and are responsible for leading and managing the Courts' registry operations and resources in their location in accordance with the Courts' strategic and operational plans and national service standards. Liaising with the judiciary of all Courts in their location, they ensure that the judiciary are well supported in Chambers and in Court, and that the delivery of court services are consistent, responsive to client needs and provided in a courteous, timely and efficient manner.

Judicial and Registry Services Team Leaders report to the Director of Court Services in their respective region and are responsible for delivering high quality case management, courtroom and chambers support to judicial officers (including training and development of associates) and registry services to clients, legal practitioners, registrars, family consultants and community groups that support court users. They have oversight of judicial and registry services in their location, and provide information on appropriate avenues for addressing client needs, and recommending appropriate options for effective resourcing and services for the Courts.

The Manager National Enquiry Centre (NEC) reports to the Executive Director, Court and Tribunal Services and is responsible for the strategic and operational management of the Courts' National Enquiry Centre based in Parramatta. This position has responsibility for managing the team handling first-level enquiries related to Family Law matters received via phone, email and live chat. In collaboration with national and local managers, the NEC manager is an important driver and contributor to the identification of business and process enhancements linked to the delivery of improved customer interactions with the Courts and meeting service level standards associated with enquiries handling.

Court and Tribunal registries

The key functions of Court and Tribunal registries are to:

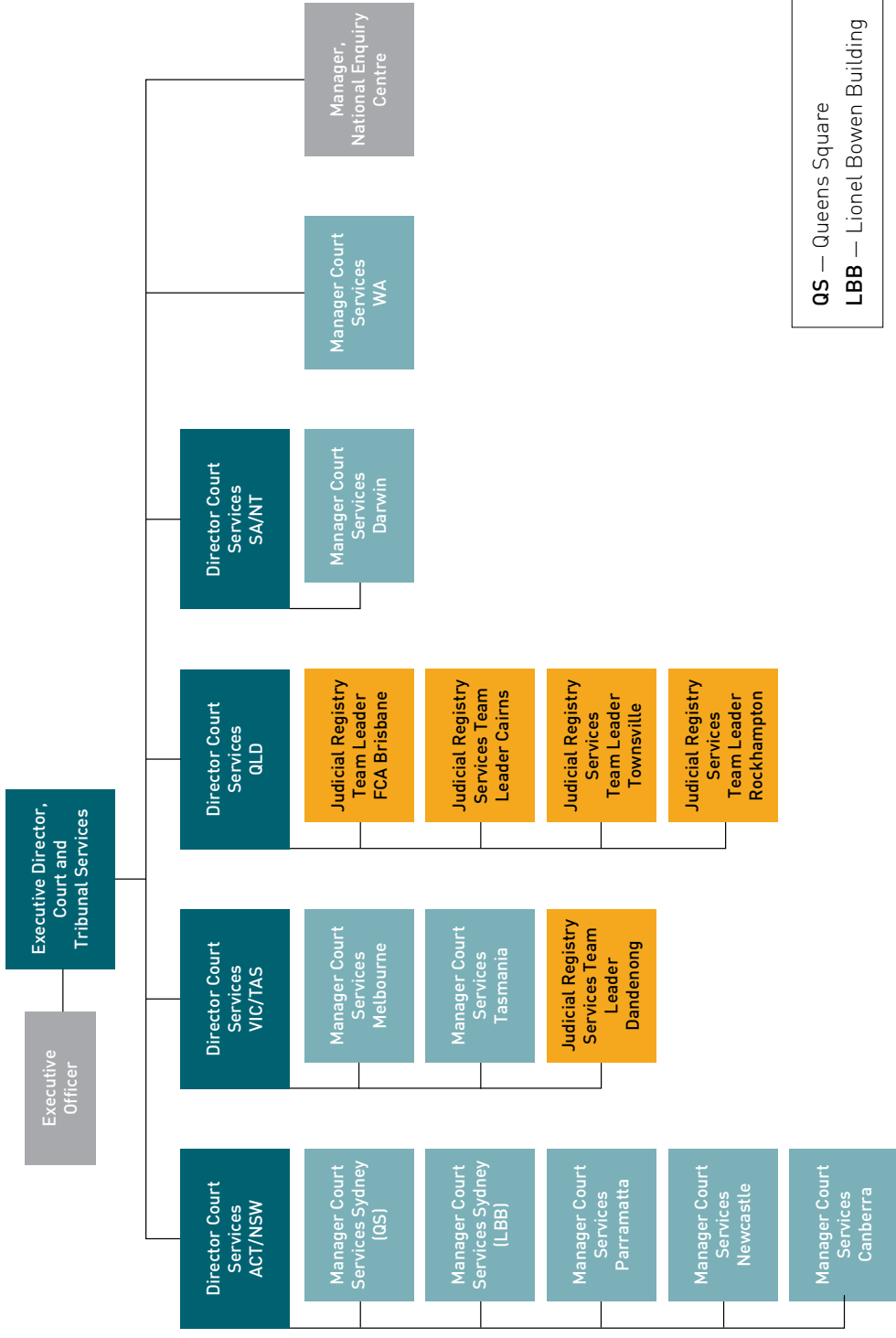
- provide information and advice about court procedures, services and forms, as well as referral options to community organisations that enable clients to take informed and appropriate action
- ensure that available information is accurate and provided in a timely fashion to support the best outcome for clients
- encourage and promote the filing of documents and management of cases online through the Portal
- enhance community confidence and respect by responding to clients' needs and assisting with making the court experience a more positive one
- monitor and control the flow of cases through file management and quality assurance
- schedule and prioritise matters for court events to achieve the earliest resolution or determination, and
- manage external relationships to assist with the resolution of cases.

The service delivery principles of Registry Services are to provide services that are:

- *Safe and easy to access*: all processes and services are streamlined so that they prioritise user safety and ease of access.
- *Consistent and equitable*: the level of service available to users is consistent irrespective of the location.
- *Timely and responsive*: services should meet the needs of each user and be delivered in a timeframe considered to be reasonable.
- *Reliable and accurate*: Courts and tribunals must have full confidence that the information provided by staff can be relied upon by the user.

Figure 4.1 below provides an overview of the registry services management structure.

Figure 4.1: Registry Services national management structure, 30 June 2020



Registry Services locations

There are eight general federal law registries located in every state and territory.

Family law services are provided in 18 registries located in every state and territory (except Western Australia).

Three sites – Canberra, Darwin and Hobart – provide cross-jurisdictional services for general federal law and family law registry services.

The work of Registry Services in 2019–20

Registry Services has three main performance criteria:

1. Correct information

- Less than 1 per cent of enquiries result in a complaint about registry services.

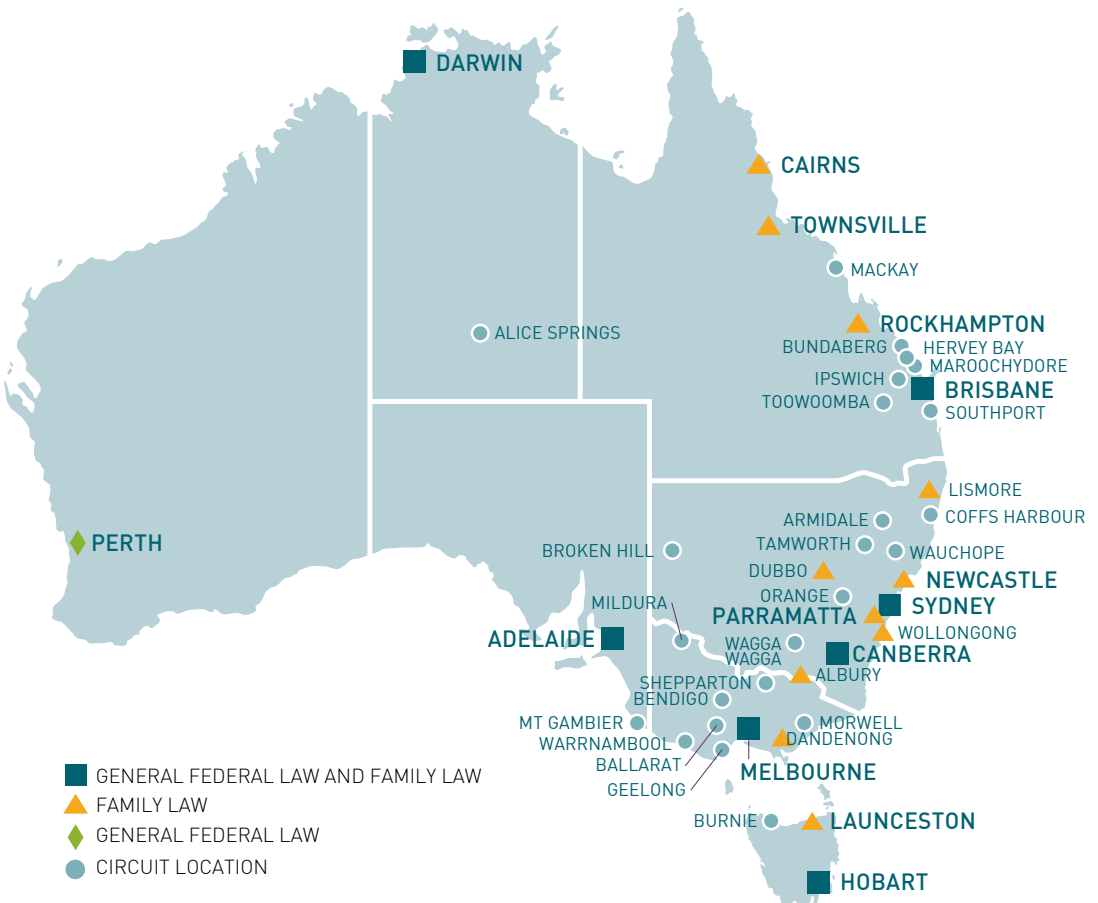
2. Timely processing of documents

- 75 per cent of documents processed within three working days.
- 90 per cent of documents processed within five working days.

3. Efficient registry services

- All registry services provided within the agreed funding and staffing level.

Figure 4.2: Registry Services location map



Snapshot of 2019–20 performance against targets

Table 4.4: Snapshot of Registry Services performance against targets, 2019–20

CORRECT INFORMATION		
TARGET	RESULT 2019–20	TARGET STATUS
Less than 1 per cent of enquiries result in a complaint about registry services.	.004 per cent of enquiries resulted in a complaint about registry services	Target met
TIMELY PROCESSING OF DOCUMENTS		
75 per cent of documents processed within three working days.	97.8 per cent of documents were processed within three working days	Target met
90 per cent of documents processed within five working days.	98.4 per cent of documents were processed within five working days	Target met
EFFICIENT REGISTRY SERVICES		
All registry services provided within the agreed funding and staffing level.	All registry services were provided within the agreed funding and staffing levels.	Target met

Registry Services staff nationally manage an average daily workload of:

- 3,400 enquiries
- 3,100 lodgments (including initiating applications and supplementary documents)
- 330 subpoena lodgments and inspection requests, and
- 20 safety plan requests.

Registry Services staff also process urgent enquiries and applications and are regularly at the front line dealing with difficult issues and supporting a diverse range of clients with different needs both professionally and courteously. These include supporting the most vulnerable clients by creating and managing safety plans and ensuring people from non-English speaking backgrounds are suitably supported.

Financial management

In 2019–20, Registry Services performed within its overall budgeted allocation of \$30,445,000 by 3 per cent, primarily due to COVID-19 related savings in supplier expenditure.

Document processing

Registry Services has two performance targets relating to the timely processing of documents.

1. 75 per cent of documents processed within three working days.
2. 90 per cent of documents processed within five working days.

Registries receive and process applications lodged at registry counters, via eFiling and in the mail. Registry Services staff processed approximately 860,000 applications and supplementary documents in 2019–20.

Overall, family law filings have remained relatively consistent in volume for 2019–20. However, high volume, resource demanding applications such as applications for consent orders and divorce applications have increased by 7 per cent (14,908) and 3 per cent (45,886) respectively. Subpoena management, including the filing of subpoenas, notices of request to inspect and notices of objection, has decreased by 6 per cent (from 89,187 in 2018–19 to 81,444 in 2019–20). Major causes of action in federal law have decreased overall by 8 per cent in 2019–20.

Enquiries

Staff working on the counters in both federal law and family law registries handle general enquiries, lodge documents relating to proceedings, provide copies of documents and/or orders and facilitate the viewing of court files and subpoenas. Registry Services staff provide an efficient and effective service when dealing with litigants in person and the legal profession face-to-face at counters across Australia.

Approximately 835,000 enquiries are made to the court and tribunals each year, with almost half of these enquires being handled by the National Enquiry Centre. A 28 per cent decrease in counter enquiries compared to 2019–20 was expected given the restrictions resulting from COVID-19 and the closure of registry counters since March.

Family law enquiries

Registry Services staff handle counter enquiries in each location. Court users, and sometimes the National Enquiry Centre, also send enquiries directly to family law court locations via email. These enquiries are usually case-specific or require some form of local knowledge or decision. There are 18 family law courts across the country.

General federal law enquiries

Enquiries relating to general federal law matters are managed by Registry Services staff at each general federal law location separately. There are five general federal law locations each with their own counters and three with shared counters. They each have their own phone, email and fax contact details for enquiries.

Some registries also provide additional services to support other Courts and Tribunals:

- The New South Wales District Registry provides registry services to the Copyright Tribunal, the Defence Force Discipline Appeal Tribunal and the Australian Competition Tribunal and the Court of Norfolk Island.
- The Queensland registry provides registry services to the High Court of Australia, the Copyright Tribunal, and the Defence Force Discipline Appeal Tribunal.
- The South Australian registry provides registry services to the High Court of Australia, Australian Competition Tribunal, Copyright Tribunal of Australia, and the Defence Force Discipline Appeal Tribunal.
- The Victorian registry provides registry services to the Australian Competition Tribunal and the Defence Force Discipline Appeal Tribunal.
- The Western Australian registry provides registry services to the High Court of Australia, the Australian Competition Tribunal and the Defence Force Discipline Appeal Tribunal.

Complaints

There were a total of 38 complaints in relation to Registry Services during 2019–20. The number of complaints is relatively small, being less than .005 per cent of the total number of enquiries and significantly less than the performance target of 1 per cent.

Local registry consultation

Registry Services staff continue to regularly engage with numerous external groups such as local family law pathways networks, legal aid, bar associations and law societies, local practitioners and practitioners' associations, community legal centres, family relationship centres, community organisations and support groups, child protection agencies, family violence committees and organisations, state courts, universities and police services. Registries also continued to work with the Family Advocacy and Support Services program, with the aim of enhancing their presence in the registries. In addition to those providers of legal advice already listed, registry services staff also regularly engage with organisations who provide information to litigants requiring assistance with general federal law, such as the Consumer Action Law Centre, Justice Connect, LawRight, and providers of financial counselling and advice on migration matters.

Public education and engagement

The Court engages in a range of strategies to enhance public understanding of its work, and the Court's registries are involved in educational activities with schools and universities and, on occasion, with other organisations that have an interest in the Court's work. The following highlights some of these activities during the year.

The Court hosted many work experience students across multiple registries. Students are given a program that exposes them to all areas of the Court's operations over the course of one week. School visits and educational tours were down this year due to risks associated with COVID-19.

The Court's support for and work with schools and universities continued through the year.

- The Victorian registry hosted a number of moot courts for La Trobe University, Freemasons Victoria, Melbourne Law School, University of New England, Victoria University, King & Wood Mallesons and the International Commission of Jurists Victoria. The registry also hosted the CI Arb Australia Pre-Moot Grand Final, the Sir Harry Gibbs Constitutional Law Moot, the Victorian Bar Witness Examination Competition, Foley's List First Year Witness Exam Competition, Australian Bar Association Advanced Advocacy Intensive and the Commercial Bar Association Annual Drinks.

- The New South Wales registry hosted three moot courts for the University of New England and one for the University of Technology Sydney. The registry also had a work experience placement program running in August, September and November 2019.
- The Queensland registry hosted the Aboriginal and Torres Strait Islander Students' moot competition, the Griffith Law School alumni event, the Queensland intervarsity law competition, and the Queensland University of Technology (QUT) mooting team. In November 2019, the Queensland registry hosted two visits from year 12 students and teachers from the Southern Cross Catholic College.

Overseas delegations

Registries regularly host visiting delegations from overseas courts who are interested in learning more about the Court's operations. This year, visiting delegation numbers were down due to the COVID-19 pandemic, however the following visits occurred:

- **Australian Capital Territory** — the Canberra registry hosted a visit from Manami Takekoshi, a Family Court Investigating Officer from Osaka Family Court of Japan, who is also an ANU College of Law Visiting Fellow. Ms Takekoshi held discussions with the Senior Family Consultant, the Registrar and observed His Honour Justice Gill's matters. Ms Takekoshi is the equivalent of a family consultant in Japan and during her fellowship, she was undertaking a comparative study in relation to the courts' approaches to parenting.
- **New South Wales** — in August 2019, the registry hosted a lunch for a visiting delegation of judges from Hong Kong.
- **Victoria** — in August/September 2019, the registry hosted a visit from Sir Nicholas Blake QC, a retired judge of the High Court of England and Wales. In December 2019, the Victorian registry hosted a delegation from the International Labour Organisation of Malaysia.

National Enquiry Centre

The National Enquiry Centre (NEC) has been in operation since 2006 as the centre for family law enquiries in the Family Court and Federal Circuit Court. The NEC provides the national entry point for approximately 35,000 phone, email and live chat enquiries per month.

The NEC's responsibilities include:

- first telephone contact to the courts via the 1300 number
- first email contact to the courts via enquiries@familylawcourts.gov.au and support@comcourts.gov.au
- first contact to the courts via live chat
- a large proportion of telephone and email contacts from existing parties, lawyers and other court stakeholders
- support for users of the Portal including the Family Court of Western Australia and the Federal Court
- after hours service
- printing of event-based fee statements
- processing of proof of divorce requests, and
- Twitter notifications of procedural and registry information.

Due to the impacts of COVID-19, Registry Services introduced general federal law enquiries into the NEC as a mechanism to continue to service the public throughout what has been deemed an unprecedented operational environment. During a one month pilot – from 28 April 2020 to 29 May 2020 – the NEC responded to approximately 98 phone and 259 live chat general federal law enquiries.

Enquiries are received via three public channels: telephone via the 1300 number; emails; and live chat. The NEC's focus is to provide parties and stakeholders with appropriate information as efficiently and simply as possible through these channels.

Callers to the 1300 number are provided with general background and support information in a welcome message before being placed in a queue for the next available operator. Phone enquiries to the NEC have been declining for the past ten years, with email and live chat channels increasing in popularity, although phone enquiries have increased in 2019–20, primarily due to COVID-19. Portal support was also a major factor contributing to the work of the NEC in 2019–20.

Emails and live chats are monitored by staff trained in responding to written requests. Live chat volumes are estimates only, based on manual counts.

The NEC regularly refers parties to various stakeholders including 1800 Respect, Family Relationships Advice Line (FRAL), legal aid, government agencies and community legal centres. The NEC maintains a close relationship with FRAL and legal aid centres and regularly consults with them.

The NEC continued its commitment to support staff in their work. It encourages a collaborative workplace by:

- providing ongoing coaching and training
- enhancing wellbeing by providing ergonomic training assessment to all staff
- providing peer support and mentoring
- ensuring information and knowledge management systems are up-to-date, and
- holding regular meetings with staff to provide a two-way process of information flow.

Summary of NEC performance in 2019–20

- The NEC received a total of 275,052 phone calls (an increase from 260,844 in 2018–19).
- Callers waited an average of 15 minutes and 16 seconds for their call to be answered (compared to 14 minutes in 2018–19).
- The average length of a call was six minutes and 36 seconds (compared to six minutes and 24 seconds in 2018–19).
- Of the calls received by the NEC, 46,752 calls were for Portal support – an increase of 180 calls from 2018–19.
- An average of 74 calls a month were transferred to a family law registry. NEC staff are aware of the importance of completing transactions at the first point of contact and only transfer calls when absolutely necessary.
- 204 calls were received to the after-hours service.
- 43 per cent of calls were abandoned while queued.

- 75,192 live chats were received in 2019–20, an average of 296 per day (an increase from 62,256 (or 246 per day) in 2018–19).
- 9696 proof of divorce requests were processed.

Registry Services initiatives in 2019–20

COVID-19

While the impacts of COVID-19 were felt throughout the community, the ability of Registry Services to respond flexibly and quickly to changes in the Courts' operational environments saw many changes and initiatives successfully introduced throughout the reporting period. These include:

- business continuity testing and planning
- changed registry practices to support an increase in digital hearings
- changes to eFiling and eLodgment arrangements
- changes to subpoena viewing
- training of staff to support new processes.

Registry Services staff supported these initiatives by:

- developing a guide to support litigants seeking assistance in the use of eLodgment, particularly for FCC migration applications
- providing dedicated support to the judiciary to ensure continuity of registry operations and prospective and current litigants' access to justice
- providing national courtroom allocation to support new digital hearing initiatives
- developing practice guides to support the profession, litigants and witnesses on how to appear in digital court proceedings
- supporting an external company engaged to review Court buildings to ensure that appropriate social distancing protocols were in place to mitigate the risk of infection to staff and the public and installing social distancing markers at all registry locations to support revised face-to-face protocols.

Table 4.5: National Enquiry Centre workload statistics, 2015–16 to 2019–20

TARGET	2015–16	2016–17	2017–18	2018–19	2019–20
Phone calls	286,476	288,276	272,040	260,844	275,052
Live chats	66,336	95,424	91,704	62,256	75,192
Proof of divorce requests processed	12,348	13,344	11,880	10,656	9,696
Calls for Portal support	28,584	30,180	36,636	46,572	46,752

Digital Court File

On 19 April 2020, the Digital Court File was successfully deployed across the Family Court and the Federal Circuit Court and is now the official court record for all new family law files.

The Digital Court File supports the Courts' ongoing modernisation agenda and enhances support for in-court technology and digital hearings. The Digital Court File is a repository for the electronic storage of documents, which allows the courts to transition from paper to digital court files.

One of the realised benefits of the Digital Court File is that the file may be accessed by several staff at the same time, resulting in all documents being instantly available and reduces the need to wait for another person to finish with a hard copy file.

The Digital Court Program is part of the Government's broader digital transformation agenda and was announced as part of the *Streamlining and Improving the Sustainability of Courts* budget package. It also aligns with the Attorney-General's Department's strategic priority to *Maintain an efficient and effective Commonwealth justice system*.

Registry Services staff:

- provided subject matter experts to train all family law staff and provided ongoing support during implementation
- support chambers in the transition from physical to digital files, and
- modified procedures in order to take advantage of the capabilities of the Digital Court File.

Leadership forums for managers and team leaders

The Directors of Court Services participated in a planning session in November 2019 to collaborate and share knowledge, and to discuss the strategies, priorities and the realignment of Registry Services to support the work of the three courts. The group reviewed service delivery principles, including how services are delivered, the resources required to deliver the services, and the priorities for the next 12 months.

Registry Services training

In 2019, an initiative was launched to provide training for Registry Services staff in the following areas: family violence, cultural competency and access to justice for people with a disability. The training was designed to support staff to develop the knowledge, skills and awareness to work effectively and appropriately with clients and respond to barriers that can prevent a person from accessing justice in the Family Law Courts. Training completion rates at the time of finalising this report were as follows: Access to justice for people with a disability (52 per cent); cultural competency (64 per cent); and family violence (71 per cent).

In May 2020, a series of migration training sessions were conducted for any registry staff member who supports the practice area of migration in any capacity. The training focused on the acceptance and processing of documents lodged for individuals applying for protection visas and how to ensure an applicant's anonymity and confidentiality is maintained throughout the proceedings.

Enquiries management review

The Enquiries management project was launched to address recommendations from the FCA enquiries audit report and the NEC review. It aims to improve the handling of enquiries to all three courts by enhancing the capacity and capability of the NEC to assist court users; reducing organisations risk relating to business continuity, processes and systems; and improving the management of workload across all court locations and registries.

Planned project outputs are the implementation of robust enquiries management technology, consistent national enquiries knowledge collateral, and an agile enquiries management model capable of adjusting to meet the necessary service demands. These outputs will enable an improved ability to measure service performance, simplified enquiry channels available to court users, nationally consistent enquiries service structures and practices, and an enquiries management model supported by technology which reduces organisational risk. Implementation of the project initiatives has commenced and will continue into the second half of 2020.

New service model for integrated registry services

To continue to provide a high level of support for the judiciary and court users, an initiative that integrates court and tribunals service has commenced. The objective of the model is to enhance the services provided by registry services through the introduction of a national consistency framework model and maximise operational effectiveness through streamlined structure and digital innovations, while developing a structure that promotes flexibility and responsiveness to new opportunities and demands.