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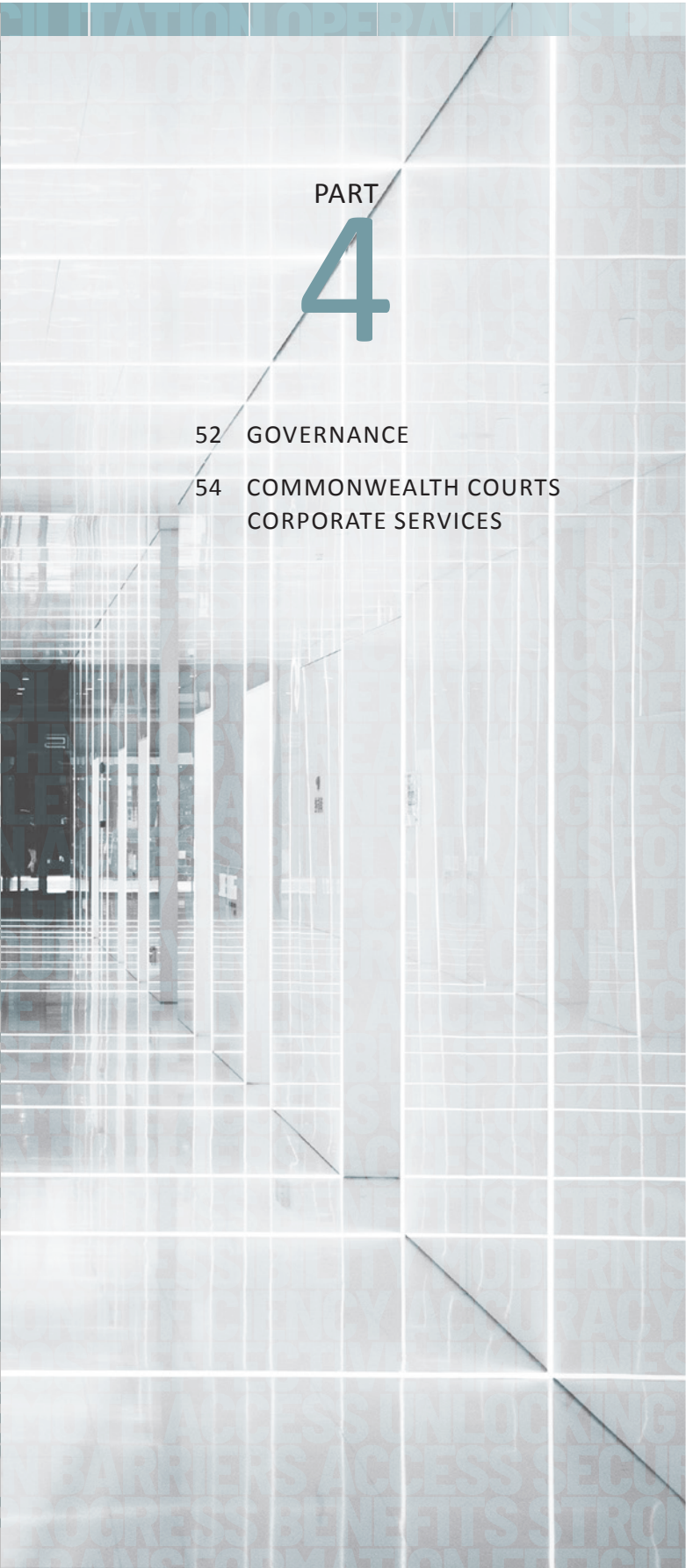
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MANAGEMENT OF THE COURT

GOVERNANCE

Since 1990 the Federal Court of Australia (FCA) 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 which 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; a District Registry in each state and territory which supports the work of the Court at a local level; and Corporate Services for the provision of the corporate services functions to the FCA, Family Court of Australia (FCoA), Federal Circuit Court of Australia (FCC) and 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 Policy and Planning Committee provides advice to the Chief Justice on policy aspects of the administration of the Court. It is assisted by standing committees that focus on a number of specific issues in this area. 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 provides advice to the Chief Justice and judges 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 registry staff. The committees provide advice to the Chief Justice and 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.

Security

The safety of all people who attend or work in court premises is a high priority for the courts. Almost \$5.5 million was expended for court security services including the presence of security officers, weapons screening, staff training and other security measures. This excludes funding spent on security equipment maintenance and equipment upgrades. The Court has also committed during 2018–19 to upgrade its security equipment and systems to continue to maintain effective security across its sites.

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 FCoA and the FCC would be amalgamated with the FCA 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, risk oversight and management, and statistics.

The Corporate Services body is managed by the FCA 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).

The amalgamated Corporate Services body 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.

Establishment

The *Courts Administration Legislation Amendment Act 2016* established the amalgamated body, known as the Federal Court of Australia, from 1 July 2016. This approach preserves each court's functional and judicial independence, while improving their financial sustainability.

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 FCA, FCoA, FCC and National Native Title Tribunal.

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 dividend and changes to the parameter adjustment, a further \$5.3 million in savings are now required to meet reduced appropriations.

Throughout 2017–18, 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.

Because much of the system consolidation work was finalised in the previous year in both the Finance and Human Resources areas, a focus during the year has been on reviewing and updating policies and procedures to ensure that there is a consistent and structured approach across the entity, simplifying policies where appropriate.

A particular focus has been on the development of an updated risk management framework to support the overall entity, with an updated suite of risk management documents and business continuity plans developed.

Efficiencies delivered by Corporate Services in 2017–18 include:

- Reduced cost of services to the courts by \$2.338 million, based on a reduction in appropriation from \$63.963 million in 2016–17 to \$61.625 million in 2017–18, and a further reduction in costs of \$2.017 million is required in 2018–19 to meet a reduced appropriation of \$59.608 million, excluding the modernisation fund.
- Reduction in staffing by a further 15 per cent on 2016–17 levels. This excludes staffing associated with the Digital Court Program. Corporate Services staff have reduced by 35 per cent over the last three years and is on target to achieve 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 2017–18

Financial management

Each of the three courts (the FCA, FCoA and FCC) has a Finance Committee which is made up of judges from the relevant court as well as the CEO and Principal Registrar.

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

As the Accountable Authority, the CEO and Principal Registrar of the FCA 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 2017–18 revenue from ordinary activities totalled \$326.651 million.

Total revenue, in the main, comprised:

- an appropriation from Government of \$252.620 million
- \$41.821 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
- \$27.111 million of liabilities assumed by other government agencies, representing the notional value of employer superannuation payments for the courts' judges, and
- \$5.099 million from the sale of goods and services and other revenue and gains.

Pre-depreciation expenses of \$323.891 million in 2017–18 comprised \$96.705 million in judges' salaries and related expenses, \$110.690 million in employees' salaries and related expenses, \$61.598 million in property-related lease expenses, \$54.407 million in other administrative expenses, and \$0.492 million for the write-down of non-current assets and financing costs.

The net operating result from ordinary activities for 2017–18 was a surplus of \$2.760 million before depreciation expenses.

The surplus is an improvement on the approved deficit of \$2.5 million and is a result of the entity closely monitoring costs to ensure savings were achieved wherever possible to better position itself to manage within a financially constrained environment.

The next three-year budget cycle continues to challenge the entity to make further savings. From 2018–19 the entity is expected to achieve a balanced budget. 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. When depreciation expenses of \$16.253 million are included, the Court's expenses for 2017–18 totalled \$340.144 million.

Equity decreased from \$71.900 million in 2016–17 to \$70.658 million in 2017–18.

Program statements for each of the Court's programs can be found on page 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 \$88,313 was paid for recruitment advertising services in 2017–18. Payments for advertising the notification of native title applications, as required under the *Native Title Act 1993*, totalled \$129,531 over the reporting year.

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

Grant programs

The FCA made no grant payments in 2017–18.

Corporate governance

Audit and risk management

The CEO and Principal Registrar of the FCA 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 and there have been no cases of fraud during 2017–18 to be reported 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 2017–18. The committee comprises an independent chairperson, three judges from the FCA, one judge from the FCoA, one judge from the FCC 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, who 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.

Correction of errors in the 2016–17 annual report

The Court has no matters to report.

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 contractors is based on the Australian Government's procurement policy framework as expressed in the Commonwealth Procurement Rules (January 2018) and associated Resource Management Guides and guidance 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 2017–18, nine new consultancy contracts were entered into, involving total actual expenditure of \$561,213. In addition, 11 ongoing consultancy contracts were active during 2017–18 which involved total actual expenditure of \$541,545.

Table 4.1 outlines expenditure trends for consultancy contracts over the four most recent financial years.

Table 4.1: Expenditure trends for consultancy contracts 2014–15 to 2017–18

Financial year	New contracts – actual expenditure	Ongoing contracts – actual expenditure
2017–18: FCA + FCoA/FCC	\$561,213	\$541,545
2016–17: FCA + FCoA/FCC	\$451,846	\$175,520
2015–16: FCA results only	\$840,278*	\$98,313*
2014–15: FCA results only	\$532,381*	\$88,000*

* FCA results only: pre-dates the amalgamation of the Commonwealth Courts Corporate Services.

Competitive tendering and contracting

During 2017–18, 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 2017–18, 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 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 2017–18, as has been the annual practice since 2012, with negotiations yet to be reached on a long-term agreement.

Regional registries – leased

Corporate Services also manages some 13 regional registry buildings across the nation, located in leased premises. Leased premises locations include Albury, Cairns, Canberra, Dandenong, Dubbo, Launceston, Newcastle, Sydney, Townsville and Wollongong. There are also arrangements for 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 FCoA, FCC and FCA) 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 an FCoA and FCC registry in Rockhampton, and formerly circuitised 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 there in early 2016, negotiations with the Queensland Government regarding full-time accommodation options for the judge and registry has 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 2017–18

The majority of capital works delivered in 2017–18 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
- detailed scoping and developing statement of requirements for full security equipment upgrade through all registries
- stage 1 feasibility study for the expansion of the Newcastle registry into the adjoining building
- scoping and detailed design for a new mediation suite in Darwin
- scoping and concept design work on the establishment of a dedicated registry in Rockhampton with the appointment of a permanent judge to the location, and
- scoping and detailed design for expanded accommodation for the National Native Title Tribunal within the Commonwealth Law Courts in Brisbane.

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
- 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, and
- salary initiatives, offered for staff to purchase rainwater tanks, solar panels and hot water systems, to encourage active participation in environmental initiatives at all levels. Next year this initiative will be further developed to ensure broader and more active uptake across all court jurisdictions where possible.

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 (noting data is for the Full Court jurisdictions over the last two financial years, whereas before the amalgamation, all courts reported separately, and only FCoA and FCC figures were reported previous to the 2016–17 financial year).

Table 4.2: The Court's environmental impact/usage data, 2017-18

	2013-14 FCFCC only	2014-15 FCFCC only	2015-16 FCFCC only	2016-17 FCFCC and FCA	2017-18 FCFCC and FCA
Energy usage – privately leased sites (stationary)*	6237 GJ	5383 GJ	5722 GJ	5315 GJ	5483 GJ
Transport vehicles – energy usage	6035 GJ	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 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 CO ₂
Transport flights (estimated)	3,461,665 km 962 tonnes CO ₂	2,843,969 km 783** tonnes CO ₂	3,829,597 km Emissions report unavailable from new travel provider	FCFCC 3,247,252 km 532 tonnes CO ₂ FCA 6,421,353 km 909 tonnes CO ₂ Total 9,668,605 km 1442 tonnes CO ₂	FCFCC 2,818,008 km, 296 tonnes CO ₂ FCA 5,361,515 km 479 tonnes of CO ₂ Total 8,179,523 km 775 tonnes of CO ₂
Paper usage (office paper)	23,964 reams	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 (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 2017–18, the Court worked within its environmental management system to minimise its environmental impact through a number of specific measures, either new or continuing.

Energy

- Electricity contracts continued to be reviewed to ensure value for money.
- Ongoing education was 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 pm, 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 FCA and the FCC (general federal law) in 2014. Matters commencing with the courts are now handled entirely electronically. Over 59,000 electronic court files have been created, comprising almost 575,000 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.

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.
- Fluorescent light globes continued to be recycled for all sites.

Property

Fitouts 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
- project management – 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 FCA 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 2017–18, 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 profile

At 30 June 2018, the Court employed 1181 employees under the *Public Service Act 1999* (this includes casual employees).

The *Courts Administration Legislation Amendment Act 2016* designated all employees of the FCA, the FCoA and the FCC to be employees of the Federal Court of Australia.

Employees are assigned to each jurisdiction as follows:

- FCA – 432 (includes 52 casual employees)
- National Native Title Tribunal – 59 (no casual employees)
- FCoA – 90 (includes three casual employees), and
- FCC – 600 (includes 30 casual employees).

The high number of non-ongoing employees is due to the nature of the engagement of judges’ associates, who are typically employed for a specific term of 12 months. The courts additionally engage casuels for irregular and intermittent courtroom duties. This fluctuates as needed.

At 30 June 2018, the Court employed 24 employees who identify as Indigenous. The breakdown in each jurisdiction is as follows:

- FCA – seven
- National Native Title Tribunal – four
- FCoA – zero, and
- FCC – 13.

More detailed information can be found in Appendix 9 (Staffing profile).

Employee consultation

The Court's approach to change management and human resources issues is characterised by transparency and consultation. The National Consultative Committees of the FCA, FCoA and FCC were combined in 2016 and the committee met three times throughout the year.

The Court's other Consultative Committees and Work Health and Safety Committee continued to operate. Minutes of all committees are placed on the courts' intranets where they are readily accessed by staff.

Enterprise agreement and workplace bargaining

The courts' two 2011–2014 enterprise agreements expired on 30 June 2014 and court management continued to hold negotiations with the Community and Public Sector Union and bargaining representatives for a replacement agreement during the year.

On 5 June 2018, the proposed agreement was approved by employees through a voting process whereby 888 employees voted to approve the agreement out of 927 who cast a valid vote. A total of 1183 employees were eligible to vote. The agreement was consistent with the Australian Government Public Sector Workplace Bargaining Policy.

The Court received approval of the new agreement from the Fair Work Commission on 31 July 2018 and the new agreement is due to commence on 7 August 2018.

During the reporting period, the Court relied on determinations under s 24 of the Public Service Act for setting the employment conditions of all substantive Senior Executive Service (SES) employees (see Table A9.10 in Appendix 9).

The enterprise agreements and s 24 determinations provide a range of monetary and non-monetary benefits to the Court's employees. Employees may choose to participate in salary sacrifice arrangements including for motor vehicles through novated lease, and for making additional superannuation contributions.

Non-salary benefits provided by the Court to employees include:

- motor vehicles
- car parking
- superannuation
- access to salary sacrificing arrangements
- computers, including home-based computer access
- membership of professional associations
- mobile phones
- study assistance
- leave flexibilities
- workplace responsibility allowances (e.g. first aid, fire warden, community language), and
- airline club memberships.

At 30 June 2018, the Court had:

- 16 employees on Australian workplace agreements (this number has increased from last year due to ongoing review of employee files as a result of the merging of the courts' corporate service functions)
- 13 employees on common law contracts
- 36 employees on individual flexibility arrangements
- 23 employees on determination s 24 arrangements, and
- 1164 employees covered by an enterprise agreement.

No performance bonus payments were made in 2017–18.

Work health and safety

The Court continued to promote a proactive approach to work health and safety management. Court management engaged with the Court’s Work Health and Safety Committee to promote health and safety in the workplace. Work in this area focused on ensuring that the Court complies with its responsibilities under the *Work Health and Safety Act 2011* (WHS Act).

Specific measures included:

- regular meetings of the national Work Health and Safety Committee, with three meetings held during the reporting year
- work health and safety workplace inspections and follow-up audits
- 139 ergonomic assessments for staff, conducted by external providers, with 50 conducted internally by trained health and safety representatives

- annual influenza vaccinations for all staff, with 737 employees taking up the vaccination offer
- access to eyesight testing and reimbursement for spectacles where needed for screen-based work
- access to free confidential counselling services through the Court’s Employee Assistance Program
- access to professional debriefing following trauma/critical incidents in the workplace, as part of the Employee Assistance Program, and
- health and fitness related activities (e.g. participation in community-based fitness events) by providing funding via the Court’s health and fitness policy. A weekly yoga class is held at the Sydney registry for staff to attend in their lunchbreak.

Agency and scheme workers’ compensation average premium rates

The Court’s workers’ compensation premium for 2017–18 was 0.73 per cent of payroll costs.

Table 4.3: Premium rate summary for the Court’s and the overall scheme since 2014–15

	2014–15	2015–16	2016–17	2017–18
Latest premium rates	1.18%	1.00%	1.02%	0.73%
Overall scheme premium rate	1.93%	1.85%	1.72%	1.23%

During the reporting year, the Court had:

- three potentially notifiable incidents were reported to Comcare under s 38 of the WHS Act. All three were notified as a precautionary measure, however did not meet the definition under the Act of a serious injury or illness
- one provisional improvement notice issued under s 90 of the WHS Act (the notice was withdrawn and the matter closed)
- no enforcement notices issued under Part 10 of the WHS Act, and
- no incidents under ss 83–86 of the WHS Act (ceasing of work due to a reasonable concern of exposure to serious risk).

Workforce planning

A critical component of the full implementation of the Court's National Court Framework and the Digital Court Program has been workforce planning to ensure that organisation structures and work practices are realigned and standardised across the Court, and that staff develop greater legal competency and strong skills for working in a digital environment, to support the work of judges and registrars and deliver high-quality and efficient services to clients.

As part of the re-orientation of positions within the Court during the year, there was an increase in advertised recruitment activity, movement of current staff, and initial, medium and long-term training and development to build capability to support the National Court Framework and its ongoing operation.

Retention strategies

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 agreements. The Court continued to refine and customise these through 2017–18 as required to meet specific issues and cases.

Work-life balance

The courts' enterprise agreements and a range of other human resources policies provide flexible working arrangements to help employees balance their work and other responsibilities, including young families and ageing parents. The options available include access to part-time work, job sharing, flexible leave arrangements, purchased leave, and long-term leave with or without pay.

Reward and recognition

The Court encourages and recognises exceptional performance through its annual National Excellent Service Award, which is presented by the Chief Justice each year to mark the anniversary of the Court's Foundation Day – 7 February 1977. The award recognises the work of individual staff and/or teams who consistently demonstrate a high level of commitment to service, integrity and professionalism.

The winner of the 2017 National Excellent Service Award was Stephen Williams, Court Services Coordinator. Stephen provides assistance with facilities management for the Queens Square Court building and coordinates national judicial ceremonies, meetings, conferences and events for the Court.

Training and development

New starters with the Court are educated on the Australian Public Service (APS) Code of Conduct and Values and relevant policies. The courts' intranets contain eLearning modules on pre-induction, fraud prevention and control, time management and workplace wellness, as well as a Code of Conduct refresher and APS induction.

The study assistance policy continued to operate and provided 28 employees with leave and/or financial assistance to pursue approved tertiary studies during 2017–18. The Court supports staff to gain tertiary qualifications in disciplines identified as important by the courts, the National Native Title Tribunal and the APS. The policy's objectives are to foster a highly skilled and committed workforce and to enhance the skills and employment prospects of staff.

Diversity

The Court continues to develop guidelines and implement strategies to remain inclusive of cultural and lifestyle differences across employees and clients. Work continues to carry out the Court's Multicultural Plan, Reconciliation Action Plan and website/intranet accessibility activities. Client information is made accessible through translators and translated documents. Employees have access to appropriate software or other support to enable them to work effectively. Staff are also provided with guidance and training in dealing with clients from diverse backgrounds 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.

Information technology

The work of the Information Technology (IT) section in 2017–18 was 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 2017–18 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 Digital Court Program.

Data centre consolidation

A project is underway to migrate server workloads from the former Family Court data centres in Canberra to a consolidated data centre in Sydney. To support this, new server and storage hardware has been built in the data centre. In keeping with the hybrid cloud strategy, this has been set up using a Microsoft tool set to allow workloads to be moved between the data centre and the Azure cloud environment. The migration of workloads from Canberra is being scheduled around key milestones of the Digital Court Program and is expected to be completed in 2018.

Secure internet gateway

As part of the data centre consolidation, the Court has commenced a project to consolidate the two secure internet gateway services of the former court entities into a single service. The first phase of this project was to align policy and configuration between the two gateways. The final phase is to physically relocate equipment from Canberra to the Sydney data centre and this is expected to be completed in 2018.

DevOps

As part of the Digital Court Program, 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 Digital Court Program 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 transaction 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. It is expected that this technology will allow the development teams to test software faster, more frequently and more extensively. A library of test cases is being developed and will be maintained as applications change in the future.

PC hardware

The Court has rolled out a new personal computer (PC) hardware model, with judges being provided a tablet-style PC, staff requiring mobility provided with an ultra-book laptop, and other staff provided with a slim-line desktop. The new model also provides dual monitors for all judges and staff, and support for Skype for Business videoconferencing using web cams. Touchscreen monitors have been deployed in court and chambers to provide judges with the ability to manipulate documents using a touch user interface.

New standard operating environment

As part of the new PC hardware rollout, the operating environment of the PCs has been modernised and standardised across the courts. The new operating environment runs on the latest versions of Windows, Office and Adobe. It is supported by a set of Microsoft software deployment and configuration tools. This has removed the last portions of the Family Court Novell environment and the Court is now fully standardised on Microsoft active directory and related platforms.

Artificial intelligence

In 2017, the Court established an Artificial Intelligence Committee. This committee is looking at the potential to use artificial intelligence and machine learning technologies to interrogate the Court's 'big data' and use what it learns to enhance access to justice and assist in resolving disputes as quickly, inexpensively and efficiently as possible.

The Court is developing a pilot project that will use artificial intelligence and machine learning technologies to make recommendations to parties in relation to property settlements and division of assets in the family law jurisdiction following the breakdown of a relationship. By applying this technology, the application will learn, understand and apply precedents and like cases to make just and equitable recommendations.

The growth of the pilot will provide a mechanism for early dispute resolution by empowering couples to reduce areas of dispute. The Court understands that the wider community expects technology to be used to increase access to justice by establishing less costly and quicker dispute resolution methods, and the Court believes this is one way of meeting that expectation.

Consolidated web platform

This project will reduce the number of content management systems used by the courts and the National Native Title Tribunal from four to one. It is expected that the new system will be procured before the end of 2018, with progressive migration to the new system commencing in early 2019. This project will bring a number of benefits, including more contemporary digital information services, more responsive systems to meet the demands of the increases in types of devices used by the community, and lower costs through a consolidated system for search, maintenance and support.

Websites

Federal Court

The FCA website is the main source of public information and a gateway to the Court's suite of online services such as eLodgment, eCourtroom and the Commonwealth Courts Portal (the Portal). It provides access to a range of information including court forms and fees, guides for court users, daily court lists and judgments.

In the reporting year, there were almost four million hits to the site. The most popular pages are consistently the daily court lists, online services and judgments.

In January 2018, the website was modified to include a new section of content targeted at jurors and potential jurors. The work was undertaken in preparation for the FCA's first jury trial which subsequently settled.

Family Court and Federal Circuit Court

Corporate Services also has responsibility for the management of the FCoA and FCC websites. Like the FCA 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
- a focus on accessibility and providing more documents in accessible formats
- introduction of a Live Chat landing page to help users self-serve, and
- enhanced interactivity in pages across the websites.

Page views and the most accessed areas:

- **FCoA website:** 5,562,130 page views by 1,380,582 users – a decrease of 2 per cent from the previous year. The most popular pages were forms, divorce, court lists and property and finances after separation.
- **FCC website:** 5,116,602 page views by 910,351 users – an increase of 8 per cent 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.

Digital strategy

The Court's digital strategy aims to take advantage of technology opportunities to achieve benefits to the courts and all users. The Court uses technology to maximise the efficient management of cases by increasing online accessibility for the legal community and members of the public, as well as assisting judges in their task of deciding cases according to law quickly, inexpensively and as efficiently as possible.

The Portal (www.comcourts.gov.au) is a continuing initiative of the FCA, FCoA and FCC. The Portal provides free web-based access to information about cases that are before these courts. After registering, lawyers and parties can keep track of their cases, identify documents that have been filed and view outcomes, orders made and future court dates. Users log on using a single user identification (ID) and access multiple jurisdictions from a single central web-based system.

One of the objectives of the digital strategy is to create an environment where actions are commenced, case managed and heard digitally. A significant component of this objective was achieved with the introduction of electronic court files in July 2014 for the FCA and FCC (general federal law). Matters commencing with the courts since the deployment of this system are now handled entirely electronically. The Court's official record for such matters is the electronic court file and, to date, over 56,000 electronic court files have been created.

The family law eFiling functions continue to be expanded with 70 per cent of divorce applications now being electronically filed. This, accompanied with the ability for staff to scan and upload documents to the case management system, has provided the FCC with a fully electronic divorce file.

The Court has continued to promote the use of electronic filing applications: eLodgment for general federal law and eFiling for family law matters. These applications continue to be enhanced to facilitate the ability to file all documents electronically in future years.

In 2017–18, the number of active users of eLodgment increased to 20,375 and over 160,000 documents were electronically lodged. By June 2017, 98.8 per cent of documents filed with the Court were done so electronically.

Similarly, the following statistics highlight the significant growth in the number of Portal users as at 30 June 2018:

- 9186 firms are now registered (up from 7953 at 30 June 2017)
- lawyer registrations have increased to 19,259 (up from 16,527 at 30 June 2017), and
- total registered users is now at 409,116 (up from 317,248 at 30 June 2017).

The growth in eLodgment and eFiling users can be attributed to the Court's approach in promoting and improving both systems. The Court continues to consult with the users about enhancements made to the systems ensuring that any changes ensure improved usability.

During the reporting year, 535 general federal law matters were conducted in eCourtroom. The majority of these were applications for sub-service heard by the Court's registrars. These matters are ordinarily dealt with entirely in eCourtroom, saving the parties time and cost in attending court, and the Court costs in setting up courtrooms. Most matters in eCourtroom are completed within two weeks of the eCourtroom commencing.

The systems had a number of enhancements made in the reporting year. These included:

General federal law

- Automatic acceptance process for Bankruptcy Creditors Petitions and Corporations Winding Up applications, providing a quick return of documents for service that include a date for hearing.
- Updates to the fee structure to accommodate the biennial fee increase.

Family law

- Development of a streamlined write off functionality to ensure the Court meets audit requirements.
- Update to allow Divorce Orders to be printed on demand by clients.
- Further enhancements to the sign and seal functionality for orders.
- Updates to the fee structure to accommodate the biennial fee increase.

The Court continues to expand its real time business intelligence work to assist in decision-making, monitoring trends and workload management. This has removed the need for a lot of manual input of data into spreadsheets and assists registries in planning and ensuring that the Court maximises the available resources effectively to meet a fluctuating workload.

All the elements of the Court's digital strategy have streamlined the way in which the Court operates, allowing all court users to focus on resolving differences as quickly, inexpensively and efficiently as possible. This fulfils the Court's legislative purpose to facilitate the just resolution of disputes.

Recordkeeping and information management

Corporate coverage

Records management covers the records of the FCA, FCoA, FCC, National Native Title Tribunal, Australian Competition Tribunal, Copyright Tribunal of Australia and Defence Force Discipline Appeal Tribunal.

Records management system

A new records management system (Open Text Content Suite) has been selected to replace the three electronic document and records management systems inherited from the corporate services amalgamation. Legacy records will be migrated to the new system. The Court now has the same product for both the digital court file and corporate records.

Working digitally

The Court continues to implement and embrace a transition to working digitally. All personnel records are now created digitally and a scanning project is underway to scan the personnel physical files.

New records (disposal) authority

A consultant has been engaged to create a new records authority for the entity. The new authority will replace the present seven authorities covering the courts and tribunals.

National Archives reporting

The National Archives of Australia's annual check-up report saw improvements in all reporting areas: governance and people, digital assets and processes, and metadata and standards. The Court is well advanced in achieving the digital benchmarks for federal agencies by 2020.

Information Governance Committee

The Information Governance Committee continues to monitor the information governance for the entity. The committee endorsed the role of Chief Information Governance Officer with the chair of the committee presently acting in the role. Awareness of the information governance framework will be part of the staff induction program.

Records Policy Committee

The committee continues to recommend policy changes to establish common practices across all court registries. Membership was extended to include additional representation from the FCoA and FCC.

Native title files and preservation pilot project

A set of principles has been established governing the access of native title court files and native title tribunal files. Discussion on the principles will be held with Indigenous bodies.

Audiovisual presentation project

An audit of native title audiovisual resources is being conducted to identify resources held in analogue formats. These resources will be converted to digital formats so they will be accessible into the future.

Tribunals

Access policies have been approved allowing the files of the Competition Tribunal and significant Copyright Tribunal files to be transferred to the National Archives for public access.

National contracts

The Court has negotiated a national records management services contract covering all the courts and tribunals until 2020. A national copyright agreement has also been negotiated covering the courts and tribunals until 2021.

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.

Library services

The library provides a comprehensive library service to judges and staff of the FCA, FCoA and FCC, 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, FCA judges and staff are supported by the New South Wales Law Courts Library under a Heads of Agreement between the FCA and New South Wales Department of Justice. The hardcopy collections in Canberra and Darwin have recently been rationalised with a focus on key working tools.

Although primarily legal in nature, the FCA 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 FCA website. The library's holdings are also added to Libraries Australia and are available through Trove.

The FCA 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 completed over the last 12 months include the creation of the FCoA Archives and significant redevelopment of the Family Consultants' Core Knowledge Database.

Assistance to the Asia Pacific region

The FCA library in Brisbane hosted a delegation of staff from the Papua New Guinea National and Supreme Courts in May 2018.

The FCA library in Melbourne is preparing law reports to send to the Supreme Court of Tonga.