

The background of the entire page is a photograph of a modern office interior. It features a white grid overlay and a prominent diagonal line running from the top left towards the center. The office space includes white walls, a glass partition, and a glimpse of a desk area with a computer monitor. The overall aesthetic is clean and professional.

APPENDIXES

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APPENDIX 1

Independent Auditor's Report



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Federal Court of Australia for the year ended 30 June 2018:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Federal Court of Australia as at 30 June 2018 and its financial performance and cash flows for the year then ended.

The financial statements of the Federal Court of Australia, which I have audited, comprise the following statements as at 30 June 2018 and for the year then ended:

- Statement by the Chief Executive Officer and Chief Finance Officer of the Federal Court of Australia;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement;
- Administered Schedule of Comprehensive Income;
- Administered Schedule of Assets and Liabilities;
- Administered Reconciliation Schedule;
- Administered Cash Flow Statement; and
- Notes to the financial statements, comprising a summary of significant accounting policies and other explanatory information.

Basis for Opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Federal Court of Australia in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's Responsibility for the Financial Statements

As the Accountable Authority of the Federal Court of Australia the Chief Executive Officer is responsible under the *Public Governance, Performance and Accountability Act 2013* for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Reduced Disclosure Requirements and the rules made under that Act. The Chief Executive Officer is also responsible for such internal control as the Chief Executive Officer determines is necessary to enable the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Chief Executive Officer is responsible for assessing the Federal Court of Australia's ability to continue as a going concern, taking into account whether the entity's operations will cease as a result of an administrative restructure or for any other reason. The Chief Executive Officer is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the assessment indicates that it is not appropriate.

GPO Box 707 CANBERRA ACT 2601
19 National Circuit BARTON ACT
Phone (02) 6203 7300 Fax (02) 6203 7777

Independent Auditor's Report

Auditor's Responsibilities for the Audit of the Financial Statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian National Audit Office Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian National Audit Office Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control;
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Australian National Audit Office



Colin Bienke
Senior Director

Delegate of the Auditor-General

Canberra
5 September 2018


Statement by the Accountable Authority and Chief Financial Officer

Federal Court of Australia

Statement by the Chief Executive Officer and Chief Finance Officer of the Federal Court of Australia

In our opinion, the attached financial statements for the period ended 30 June 2018 comply with subsection 42(2) of the Public Governance, Performance and Accountability Act 2013 (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.

In our opinion, at the date of this statement, there are reasonable grounds to believe that the Federal Court of Australia will be able to pay its debts as and when they fall due.


Signed.....
Mr Warwick Soden OAM
Chief Executive Officer/Principal Registrar
5th September 2018


Signed.....
Ms Kathryn Hunter
Chief Finance Officer
5th September 2018

Statement of Comprehensive Income

Statement of Comprehensive Income for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Judicial benefits	1.1A	96,705	90,798	93,388
Employee benefits	1.1A	110,690	110,312	113,025
Suppliers	1.1B	116,005	115,056	115,885
Depreciation and amortisation	3.2A	16,253	13,725	14,431
Finance costs	1.1C	131	91	57
Write-Down and impairment of assets	1.1D	360	181	-
Total expenses		340,144	330,163	336,786
Own-Source income				
Own-source revenue				
Sale of goods and rendering of services	1.2A	4,586	3,984	3,944
Other revenue	1.2B	507	390	259
Total own-source revenue		5,093	4,374	4,203
Other gains				
Resources received free of charge		41,821	39,603	38,826
Liabilities assumed by other entities		27,111	25,554	26,236
Other gains		6	9,656	-
Total gains	1.2C	68,938	74,813	65,062
Total own-source income		74,031	79,187	69,265
Net cost of services		(266,113)	(250,976)	(267,521)
Revenue from Government	1.2D	252,620	245,343	250,590
Deficit on continuing operations		(13,493)	(5,633)	(16,931)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation surplus		(211)	1,817	-
Total other comprehensive income		(211)	1,817	-
Total comprehensive loss		(13,704)	(3,816)	(16,931)

The above statement should be read in conjunction with the accompanying notes.

Budget Variances Commentary

Statement of Comprehensive Income

Judicial benefits

Judicial benefits are higher than the original budget due to a judicial remuneration increase effective 1 July 2017.

Employee benefits

Employee benefits are lower than budget due to staff vacancies during the year.

Depreciation and amortisation

Depreciation is higher than budgeted due to the receipt in 2016-17 of \$9.6m of assets in the Sydney Queens Square building that was not known at the time of budgeting. Depreciation for these assets was not part of the original budget.

Statement of Comprehensive Income

Statement of Comprehensive Income for the period ended 30 June 2018

Sale of goods and rendering of services

The Family and Federal Circuit Courts received funding for additional registrars of \$594k that was not expected at the time of the budget.

Other revenue

There was additional funding of \$240k received from DFAT to run a program under the Partnership for Justice program. This was not expected at the time of the budget.

Other gains

There was an increase in the resources received free of charge for the Sydney Queens Square building of \$1.7m due to an external revaluation of this benefit. Rent received free of charge in the Commonwealth Law Courts Buildings increased by 1.3% once the MOU with the Department of Finance was finalised. Liabilities assumed by other entities relates to judicial pension schemes. This is higher than budget due to a judicial remuneration increase.

Statement of Financial Position

Statement of Financial Position as at 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	3.1A	1,353	1,675	2,716
Trade and other receivables	3.1B	78,993	72,491	59,651
Accrued revenue		14	30	-
Total financial assets		80,360	74,196	62,367
Non-financial assets				
Buildings	3.2A	38,056	41,814	33,711
Plant and equipment	3.2A	14,445	20,617	17,643
Computer software	3.2A	10,417	8,553	9,247
Inventories	3.2B	39	49	63
Prepayments		2,563	2,145	2,608
Total non-financial assets		65,520	73,178	63,272
Total assets		145,880	147,374	125,639
LIABILITIES				
Payables				
Suppliers	3.3A	7,722	7,910	3,968
Other payables	3.3B	2,268	2,964	1,273
Total payables		9,990	10,874	5,241
Interest bearing liabilities				
Leases	3.4A	2,506	3,219	2,341
Total interest bearing liabilities		2,506	3,219	2,341
Provisions				
Employee provisions	6.1A	59,915	58,369	64,540
Other provisions	3.5A	2,811	3,012	2,969
Total provisions		62,726	61,381	67,509
Total liabilities		75,222	75,474	75,091
Net assets		70,658	71,900	50,548
EQUITY				
Contributed equity		83,232	70,770	122,345
Reserves		8,680	8,891	29,938
Accumulated deficit		(21,254)	(7,761)	(101,735)
Total equity		70,658	71,900	50,548

The above statement should be read in conjunction with the accompanying notes.

Statement of Financial Position

Statement of Financial Position

as at 30 June 2018

Budget Variances Commentary

Statement of Financial Position

Trade and other receivables

The budgeted figure assumed that appropriation receivable would decrease in line with approved losses of \$5.5m in 2016-17 and \$2.5m in 2017-18. Actual results in those years led to an improvement of approximately \$10.8m for this item. Capital receivable is also approximately \$8m higher than budgeted due to slower than forecast capital expenditure. GST receivable is \$1.2m higher than in June 2017, due to high rent payments occurring in June 2018.

Buildings, Plant and equipment, Computer software

Subsequent to the budget figures being completed, the Court received \$9.6m of assets, free of charge, in relation to the Queens Square building. A revaluation of assets as at 30 June 2017 also resulted in an increase in asset value of \$974k. These increases were offset with lower than budgeted expenditure on Buildings, Plant and equipment over the last two financial years. Computer software is higher than expected due to additional expenditure in relation to the Court's digital court program.

Suppliers payable

Other trade creditors of \$2.5m were not expected at the time of the budget.

Other payables

Other payables includes \$622k in accrued severance payments, due to restructuring within the Court, that was not expected at the time of the budget.

Employee provisions

The budget for the provisions was completed prior to the actuarial assessment of provisions as at 30 June 2017. The budget took a conservative approach to possible liabilities.

Statement of Changes in Equity

Statement of Changes in Equity for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY				
Opening balance				
Balance carried forward from previous period		70,770	47,825	109,883
Adjusted opening balance		70,770	47,825	109,883
Transactions with owners				
Contributions by owners				
Equity injection		-	150	-
Departmental capital budget		12,462	13,048	12,462
Restructuring	8.1A	-	9,747	-
Total transactions with owners		12,462	22,945	12,462
Closing balance as at 30 June		83,232	70,770	122,345
ACCUMULATED DEFICIT				
Opening balance				
Balance carried forward from previous period		(7,761)	(2,128)	(84,804)
Adjusted opening balance		(7,761)	(2,128)	(84,804)
Comprehensive income				
Deficit for the period		(13,493)	(5,633)	(16,931)
Other comprehensive income		-	-	-
Total comprehensive loss		(13,493)	(5,633)	(16,931)
Closing balance as at 30 June		(21,254)	(7,761)	(101,735)
ASSET REVALUATION RESERVE				
Opening balance				
Balance carried forward from previous period		8,891	7,074	29,938
Adjusted opening balance		8,891	7,074	29,938
Comprehensive income				
Other comprehensive income		(211)	1,817	-
Total comprehensive income/(loss)		(211)	1,817	-
Closing balance as at 30 June		8,680	8,891	29,938

Statement of Changes in Equity

Statement of Changes in Equity for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original Budget \$'000
TOTAL EQUITY				
Opening balance				
Balance carried forward from previous period		71,900	52,771	55,017
Adjusted opening balance		71,900	52,771	55,017
Comprehensive income				
Deficit for the period		(13,493)	(5,633)	(16,931)
Other comprehensive income / (loss)		(211)	1,817	-
Total comprehensive income/(loss)		(13,704)	(3,816)	(16,931)
Transactions with owners				
Contributions by owners				
Equity injection		-	150	-
Departmental capital budget		12,462	13,048	12,462
Restructuring		-	9,747	-
Total transactions with owners		12,462	22,945	12,462
Closing balance as at 30 June		70,658	71,900	50,548

The above statement should be read in conjunction with the accompanying notes.

Accounting Policy

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

Restructuring of Administrative Arrangements

Net assets received from or relinquished to another Government entity under a restructuring of administrative arrangements are adjusted at their book value directly against contributed equity.

Budget Variances Commentary

Statement of Changes in Equity

Accumulated deficit, Reserves and Contributed equity

Equity resulting from restructuring in 2016-17 was budgeted against each individual equity component. This was subsequently all included in Contributed equity. The improved financial results of the Court compared to budget in 2016-17 and 2017-18 have led to a better than expected total equity position.

Cash Flow Statement

Cash Flow Statement for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		254,012	245,913	253,090
Sales of goods and rendering of services		4,715	3,613	3,944
GST received		6,170	8,376	-
Other		267	390	259
Total cash received		265,164	258,292	257,293
Cash used				
Employees		178,993	177,436	180,322
Suppliers		82,712	76,302	76,971
Borrowing costs		78	88	-
Section 74 receipts transferred to OPA		3,708	5,472	-
Total cash used		265,491	259,298	257,293
Net cash used by operating activities		(327)	(1,006)	-
INVESTING ACTIVITIES				
Cash received				
Proceeds from sales of property, plant and equipment		6	25	-
Total cash received		6	25	-
Cash used				
Purchase of property, plant and equipment		3,923	6,335	11,267
Purchase of intangibles		4,608	2,284	-
Total cash used		8,531	8,619	11,267
Net cash used by investing activities		(8,525)	(8,594)	(11,267)
FINANCING ACTIVITIES				
Cash received				
Contributed equity		9,244	9,156	12,462
Total cash received		9,244	9,156	12,462
Cash used				
Repayment of borrowings		714	537	1,195
Total cash used		714	537	1,195
Net Cash from financing activities		8,530	8,619	11,267
Net decrease in cash held		(322)	(981)	-
Cash and cash equivalents at the beginning of the reporting period		1,675	1,320	2,716
Cash and cash equivalents at the beginning of the reporting period - restructuring		-	1,336	-
Cash and cash equivalents at the end of the reporting period	3.1A	1,353	1,675	2,716

The above statement should be read in conjunction with the accompanying notes.

Cash Flow Statement

Cash Flow Statement

for the period ended 30 June 2018

Budget Variances Commentary

Statement of Cash Flow Statement

Cash received – rendering of services

The court received additional cash revenue in relation to funding for additional registrars and international programs. Approximately \$1m of revenue in relation to international programs work was received in advance and is reflected in the balance sheet as unearned revenue.

Cash used – suppliers

New IT equipment was purchased outright instead of being leased as was expected at the time of the budget. The budget underestimated supplier costs and overestimated employee costs.

Cash used for investing activities

Budgeted amounts for cash spent on the purchase of property, plant and equipment and intangibles is not split in the budget. Asset purchases were lower than expected for property, plant and equipment.

Contributed equity

Asset purchases were lower than expected in relation to property, plant and equipment.

Repayment of borrowing

New equipment leases anticipated at the time of the budget were not entered into.

Administered Schedule of Comprehensive Income

Administered Schedule of Comprehensive Income for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Suppliers	2.1A	777	682	883
Write-down and impairment of assets	2.1B	3,730	2,810	1,000
Other expenses	2.1C	536	746	900
Total expenses		5,043	4,238	2,783
Income				
Revenue				
Non-taxation revenue				
Fees and fines	2.2A	107,890	81,206	75,464
Total non-taxation revenue		107,890	81,206	75,464
Total revenue		107,890	81,206	75,464
Total income		107,890	81,206	75,464
Net contribution by services		102,847	76,968	72,681
Total comprehensive income		102,847	76,968	72,681

The above schedule should be read in conjunction with the accompanying notes.

Budget Variances Commentary

Administered Schedule of Comprehensive Income

Fees and fines

The variance to budget is due to the receipt of \$26.8 million in fines that was not budgeted for. In particular, a single fine of \$25m was paid to the Court.

Suppliers

The variance to budget is due to a lower than expected amount of clients accessing conciliation and mediation services.

Write-down and impairment of assets

The variance to budget is due to the uncertainty in estimating fees that may become impaired during the period.

Other expenses

Other expenses relates to the refund of fees. The variance to budget is due to the uncertainty in estimating the amount of fees that may require refund during the period.

Administered Schedule of Assets and Liabilities

Administered Schedule of Assets and Liabilities as at 30 June 2018

	Notes	2018 \$'000	2017 \$'000	Original Budget \$'000
ASSETS				
Financial Assets				
Cash and cash equivalents	4.1A	136	8	649
Trade and other receivables	4.1B	4,599	4,006	3,898
Total assets administered on behalf of Government		4,735	4,014	4,547
LIABILITIES				
Payables				
Suppliers		-	-	40
Other payables	4.2A	513	662	9
Total liabilities administered on behalf of Government		513	662	49
Net assets		4,222	3,352	4,498

The above schedule should be read in conjunction with the accompanying notes.

Budget Variances Commentary

Administered Schedule of Assets and Liabilities

Cash and cash equivalents

There is inherent uncertainty in estimating the cash balance on any particular day.

Trade and other receivables

The variance to budget is due to the uncertainty in estimating the number of unpaid fees.

Other payables

The variance is due to an increase in revenue received in advance for fees relating to future events than originally estimated.

Administered Reconciliation Schedule

Administered Reconciliation Schedule for the period ended 30 June 2018

	2018 \$'000	2017 \$'000
Opening assets less liabilities as at 1 July	3,352	(3,813)
Net contribution by services		
Income	107,890	81,206
Expenses		
Payments to entities other than corporate Commonwealth entities	(5,043)	(4,238)
Transfers (to)/from the Australian Government		
Appropriation transfers from Official Public Account		
Annual appropriations		
Payments to entities other than corporate Commonwealth entities	777	682
Special appropriations (unlimited) s77 PGPA Act repayments		
Payments to entities other than corporate Commonwealth entities	553	755
GST increase to appropriations s74 PGPA Act		
Payments to entities other than corporate Commonwealth entities	78	67
Appropriation transfers to OPA		
Transfers to OPA	(103,385)	(78,045)
Restructuring	-	6,738
Closing assets less liabilities as at 30 June	4,222	3,352

The above schedule should be read in conjunction with the accompanying notes.

Accounting Policy

Administered cash transfers to and from the Official Public Account

Revenue collected by the entity for use by the Government rather than the entity is administered revenue. Collections are transferred to the Official Public Account (OPA) maintained by the Department of Finance. Conversely, cash is drawn from the OPA to make payments under Parliamentary appropriation on behalf of Government. These transfers to and from the OPA are adjustments to the administered cash held by the entity on behalf of the Government and reported as such in the schedule of administered cashflows and in the administered reconciliation schedule.

Administered Cash Flow Statement

Administered Cash Flow Statement for the period ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000
OPERATING ACTIVITIES			
Cash received			
Fees		76,600	76,535
Fines		26,827	1,223
GST received		86	66
Total cash received		103,513	77,824
Cash used			
Suppliers		855	749
Refunds of fees		536	746
Other		17	12
Total cash used		1,408	1,507
Net cash from operating activities		102,105	76,317
Net increase in cash held		102,105	76,317
Cash and cash equivalents at the beginning of the reporting period - restructuring		-	166
Cash and cash equivalents at the beginning of the reporting period		8	66
Cash from Official Public Account for:			
Appropriations		1,408	1,504
Total cash from official public account		1,408	1,504
Cash to Official Public Account for:			
Transfer to OPA		(103,385)	(78,045)
Total cash to official public account		(103,385)	(78,045)
Cash and cash equivalents at the end of the reporting period	4.1A	136	8

The above statement should be read in conjunction with the accompanying notes.

Overview

Overview

The Basis of Preparation

The financial statements are general purpose financial statements and are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The Financial Statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- b) Australian Accounting Standards and Interpretations – Reduced Disclosure Requirements issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars and values are rounded to the nearest thousand dollars unless otherwise specified.

New Accounting Standards

All new accounting standards that were issued prior to the sign-off date and are applicable to the current reporting period did not have a material effect on the Court's financial statements.

Taxation

The Federal Court of Australia is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Reporting of Administered activities

Administered revenues, expenses, assets, liabilities and cash flows are disclosed in the administered schedules and related notes.

Except where otherwise stated, administered items are accounted for on the same basis and using the same policies as for departmental items, including the application of Australian Accounting Standards.

Events after the Reporting Period

Departmental

There were no subsequent events that had the potential to significantly affect the ongoing structure and financial activities of the Federal Court of Australia.

Administered

There were no subsequent events that had the potential to significantly affect the ongoing structure and financial activities of the Federal Court of Australia.

2017 Comparative Disclosures

Departmental

Further analysis on Employee Benefits performed during 2018 highlighted some inconsistencies with the 2017 comparative information. In order to provide the reader of the financial statements with consistent comparative data the following adjustments have been made in the disclosure of Employee Benefits:

- \$3.620m of Judicial Super Contributions defined contributions benefits were reclassified as Judicial Benefits which were previously included in Superannuation under employee benefits.
- \$0.237m of Judicial entitlements was reclassified from employee benefits.
- \$4.066m of long service leave and annual leave taken during the year was reclassified from Wages and Salaries to Leave and other entitlements.

Notes to the Financial Statements

1. Financial Performance

This section analyses the financial performance of the Federal Court of Australia for the year ended 30 June 2018.

1.1 Expenses

	2018 \$'000	2017 \$'000
Note 1.1A: Judicial and Employee Benefits		
Judges remuneration	65,757	61,624
Judicial superannuation defined contribution	3,837	3,620
Judges notional superannuation	27,111	25,554
Total judicial benefits	96,705	90,798
Wages and salaries	80,410	81,504
Superannuation		
Defined contribution plans	8,721	8,253
Defined benefit plans	5,898	6,680
Leave and other entitlements	13,885	12,261
Separation and redundancies	1,776	1,614
Total employee benefits	110,690	110,312
Total judicial and employee benefits	207,395	201,110

Accounting Policy

Accounting policies for employee related expenses are contained in the People and Relationships section.

	2018 \$'000	2017 \$'000
Note 1.1B: Suppliers		
Goods and services supplied or rendered		
IT services	8,910	6,282
Consultants & contractors	3,458	5,494
Property operating costs	9,235	8,607
Courts operation and administration	13,432	12,922
Travel	7,513	8,103
Library purchases	4,253	4,281
Other	6,652	7,099
Total goods and services supplied or rendered	53,453	52,788
Goods supplied	5,790	3,752
Services rendered	47,663	49,036
Total goods and services supplied or rendered	53,453	52,788
Other suppliers		
Operating lease rentals	61,598	61,073
Workers compensation expenses	954	1,195
Total other suppliers	62,552	62,268
Total suppliers	116,005	115,056

Notes to the Financial Statements

Leasing Commitments

The Federal Court in its capacity as lessee has 12 property leases. Contingent rent is payable for two of those properties on the basis of future movements in the CPI. There are fixed increases in rent on each of those leases ranging between 2.5% and 4% annually. Six of those leases have an option to renew at the end of the lease period.

	2018	2017
	\$'000	\$'000
Commitments for minimum lease payments in relation to non-cancellable operating leases are payables as follows:		
Within 1 year	6,932	8,050
Between 1 to 5 years	16,112	20,127
More than 5 years	1,024	2,681
Total operating lease commitments	24,068	30,858

Accounting Policy

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease. In operating leases, the lessor effectively retains substantially all such risks and benefits.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

	2018	2017
	\$'000	\$'000
Note 1.1C: Finance Costs		
Finance leases	78	88
Unwinding of discount - make good	53	3
Total finance costs	131	91

Accounting Policy

All borrowing costs are expensed as incurred.

	2018	2017
	\$'000	\$'000
Note 1.1D: Write-Down and Impairment of Assets		
Impairment of inventories	15	13
Impairment on financial instruments	-	4
Impairment of plant and equipment	319	80
Impairment on intangible assets	26	84
Total write-down and impairment of assets	360	181

Notes to the Financial Statements

1.2 Own-Source Revenue and Gains

	2018	2017
	\$'000	\$'000
Own-Source Revenue		
Note 1.2A: Sale of Goods and Rendering of Services		
Sale of goods	1	2
Rendering of services	4,585	3,982
Total sale of goods and rendering of services	4,586	3,984

Rendering of services includes the provision of services to other agencies in both Australia and overseas. This includes \$1.3m received from New Zealand Ministry of Foreign Affairs and Trade (MFAT).

Note 1.2B: Other Revenue

Other	507	390
Total other revenue	507	390

Accounting Policy

Revenue from the sale of goods is recognised when:

- a) the risks and rewards of ownership have been transferred to the buyer;
- b) the entity retains no managerial involvement or effective control over the goods;
- c) the revenue and transaction costs incurred can be reliably measured; and
- d) it is probable that the economic benefits associated with the transaction will flow to the Federal Court of Australia.

Revenue from rendering of services is recognised by reference to the stage of completion of contracts at the reporting date.

The revenue is recognised when:

- a) the amount of revenue, stage of completion and transaction costs incurred can be reliably measured; and
- b) the probable economic benefits associated with the transaction will flow to the Federal Court of Australia.

The stage of completion of contracts at the reporting date is determined by reference to the proportion of costs incurred to date compared to the estimated total costs of the transaction.

Receivables for goods and services, which have 30 day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at the end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

Notes to the Financial Statements

	2018 \$'000	2017 \$'000
Note 1.2C: Other Gains		
Resources received free of charge	41,821	39,603
Liabilities assumed by other agencies	27,111	25,554
Assets received free of charge	-	9,631
Gain on sale of assets	6	25
Total other gains	68,938	74,813

Accounting Policy

Resources Received Free of Charge

Resources received free of charge are recognised as gains when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense.

The major resources received free of charge are the use of property in the Commonwealth Law Courts Buildings in each capital city and the Law Courts Building in Sydney.

Liabilities assumed by other agencies refers to the notional cost of judicial pensions.

Assets received free of charge in 2017 was in relation to the Law Courts Building, Sydney.

	2018 \$'000	2017 \$'000
Note 1.2D: Revenue from Government		
Appropriations		
Departmental appropriation	252,620	245,343
Total revenue from Government	252,620	245,343

Accounting Policy

Revenue from Government

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the entity gains control of the appropriation except for certain amounts that related to activities that are reciprocal in nature, in which case revenue is recognised only when it has been earned. Appropriations receivable are recognised at their nominal amounts.

Notes to the Financial Statements

2. Income and Expenses Administered on Behalf of Government

This section analyses the activities that the Federal Court of Australia does not control but administers on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

2.1 Administered – Expenses

	2018	2017
	\$'000	\$'000
Note 2.1A: Suppliers		
Services rendered		
Supply of primary dispute resolution services	777	682
Total suppliers	777	682
Note 2.1B: Write-down and Impairment of Assets		
Bad and doubtful debts	3,730	2,810
Total write-down and impairment of assets	3,730	2,810
Note 2.1C: Other Expenses		
Refunds of fees	536	746
Total other expenses	536	746

2.2 Administered – Income

	2018	2017
	\$'000	\$'000
Note 2.2A: Fees and Fines		
Fees	81,063	79,984
Fines	26,827	1,222
Total fees and fines	107,890	81,206

Accounting Policy

All administered revenues are revenues relating to the course of ordinary activities performed by the Federal Court of Australia, the Federal Circuit Court and the Family Court of Australia on behalf of the Australian Government. As such administered revenues are not revenues of the Courts. Fees are charged for access to the Courts' services. Administered fee revenue is recognised when the service occurs. The services are performed at the same time as or within two days of the fees becoming due and payable. Revenue from fines is recognised when a fine is paid to the Court on behalf of the Government. Fees and Fines are recognised at their nominal amount due less any impairment allowance. Collectability of debts is reviewed at the end of the reporting period. Impairment allowances are made when collectability of the debt is judged to be less, rather than more, likely.

Notes to the Financial Statements

3. Financial Position

This section analyses the Federal Court of Australia assets used to conduct its operations and the operating liabilities incurred as a result. Employee related information is disclosed in the People and Relationships section.

3.1 Financial Assets

	2018	2017
	\$'000	\$'000
Note 3.1A: Cash and Cash Equivalents		
Cash at bank	1,336	1,658
Cash on hand	17	17
Total cash and cash equivalents	1,353	1,675
	2018	2017
	\$'000	\$'000
Note 3.1B: Trade and Other Receivables		
Goods and services receivables		
Goods and services	488	750
Total goods and services receivables	488	750
Appropriations receivable		
Appropriation receivable - operating	65,209	62,893
Appropriation receivable - departmental capital budget	11,342	8,124
Total appropriations receivable	76,551	71,017
Other receivables		
Net Statutory receivables (GST)	1,961	731
Total other receivables	1,961	731
Total trade and other receivables (gross)	79,000	72,498
Less impairment allowance	(7)	(7)
Total trade and other receivables (net)	78,993	72,491

Credit terms for goods and services were within 30 days (2017: 30 days).

Accounting Policy

Receivables

Trade receivables and other receivables that have fixed or determinable payments that are not quoted in an active market are classified as 'Receivables'.

Notes to the Financial Statements

Reconciliation of the Impairment Allowance Account:

Movements in relation to 2018

	Goods and services \$'000	Other receivables \$'000	Total \$'000
As at 1 July 2017	7	-	7
Amounts written off	-	-	-
Amounts recovered and reversed	(4)	-	(4)
Increase recognised in net surplus	4	-	4
Total as at 30 June 2018	7	-	7

Movements in relation to 2017

	Goods and services \$'000	Other receivables \$'000	Total \$'000
As at 1 July 2016	7	-	7
Amounts written off	-	-	-
Increase/decrease recognised in net surplus	-	-	-
Total as at 30 June 2017	7	-	7

Accounting Policy

Financial assets are assessed for impairment at the end of each reporting period.

Notes to the Financial Statements

3.2 Non-Financial Assets

Note 3.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles
Reconciliation of the opening and closing balances of property, plant and equipment and intangibles for 2018

	Buildings - Leasehold Improvements	Plant and equipment	Computer software ¹	Total
	\$'000	\$'000	\$'000	\$'000
As at 1 July 2017				
Gross book value	42,290	23,517	26,431	92,238
Accumulated depreciation, amortisation and impairment	(476)	(2,900)	(17,878)	(21,254)
Total as at 1 July 2017	41,814	20,617	8,553	70,984
Additions				
Purchase	281	3,642	4,608	8,531
Reclassification ²	2,266	(2,248)	(18)	-
Depreciation and amortisation	(6,002)	(7,551)	(2,700)	(16,253)
Disposals	(303)	(15)	(26)	(344)
Total as at 30 June 2018	38,056	14,445	10,417	62,918
Total as at 30 June 2018 represented by				
Gross book value	45,844	22,837	27,340	96,021
Accumulated depreciation and impairment	(7,788)	(8,392)	(16,923)	(33,103)
Total as at 30 June 2018	38,056	14,445	10,417	62,918

1. The carrying amount of computer software includes \$4 million purchased software and \$6.4 million internally generated software.
2. The reclassification relates to assets that were held as at 30 June 2017.

No indicators of impairment were found for property, plant and equipment and intangibles.

No property, plant and equipment and intangibles are expected to be sold or disposed of within the next 12 months.

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy. On 30 June 2017, an independent valuer conducted the revaluations and management conducted a review of the underlying drivers of the independent valuation.

Contractual commitments for the acquisition of property, plant, equipment and intangible assets

Capital commitments for property, plant and equipment are \$0.12 million (2017: \$0.161 million). Plant and equipment commitments were primarily contracts for purchases of furniture and IT equipment.

Accounting Policy

Property, plant and equipment

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in and liabilities undertaken.

Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired as a consequence of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases of:

- assets other than information technology equipment costing less than \$2,000; and
- information technology equipment costing less than \$1,500.

which are expensed in the year of acquisition.

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the Federal Court

Notes to the Financial Statements

of Australia where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Federal Court of Australia's leasehold improvements with a corresponding provision for the 'make good' recognised.

Revaluations

Following initial recognition at cost, property plant and equipment are carried at fair value less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets do not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depends upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reverses a previous revaluation decrement of the same asset class previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly through the Income Statement except to the extent that they reverse a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Federal Court of Australia using, in all cases, the straight-line method of depreciation.

Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation and amortisation rates for each class of depreciable asset are based on the following useful lives:

	2018	2017
Leasehold improvements	10 to 20 years or lease term	10 to 20 years or lease term
Plant and equipment – excluding library materials	3 to 100 years	3 to 100 years
Plant and equipment – library materials	5 to 10 years	5 to 10 years

Impairment

All assets were assessed for impairment at 30 June 2018. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs to sell and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Federal Court of Australia were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Intangibles

The Federal Court of Australia's intangibles comprise externally and internally developed software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life of 5 years (2017: 5 years).

Notes to the Financial Statements

	2018	2017
	\$'000	\$'000
Note 3.2B: Inventories		
Inventories held for distribution	39	49
Total inventories	39	49

During 2017-18, \$14,513 of inventory held for distribution was recognised as an expense (2017: \$13,106).

Accounting Policy

Inventories held for sale are valued at the lower of cost and net realisable value.

Inventories held for distribution are valued at cost, adjusted for any loss of service potential.

Costs incurred in bringing each item of inventory to its present location and condition are assigned as follows:

- a) raw materials and stores - purchase cost on a first-in-first-out basis; and
- b) finished goods and work in progress - cost of direct materials and labour plus attributable costs that can be allocated on a reasonable basis.

Inventories acquired at no cost or nominal consideration are initially measured at current replacement cost at the date of acquisition.

No indicators of impairment were found for other non-financial assets.

Notes to the Financial Statements

3.3 Payables

	2018	2017
	\$'000	\$'000
Note 3.3A: Suppliers		
Trade creditors and accruals	6,313	6,450
Operating lease rentals	1,409	1,460
Total suppliers	7,722	7,910

Settlement was usually made within 30 days.

Note 3.3B: Other Payables

Salaries and wages	652	677
Superannuation	113	114
Separations and redundancies	622	372
Unearned income	83	925
Other	798	876
Total other payables	2,268	2,964

3.4 Interest Bearing Liabilities

	2018	2017
	\$'000	\$'000
Note 3.4A: Leases		
Finance leases	2,506	3,219
Total leases	2,506	3,219
Minimum leases payments expected to be settled		
Within 1 year	776	754
Between 1 to 5 years	1,730	2,465
Total leases	2,506	3,219

In 2018, two finance leases existed in relation to building and property, plant and equipment assets. The leases were non-cancellable and for fixed terms averaging 6 years, with a maximum of 8 years. The interest rate implicit in the leases averaged 2.54% (2017: 2.54%). The lease assets secured the lease liabilities. The Federal Court of Australia guaranteed the residual values of all assets leased.

Accounting Policy

A distinction is made between finance leases and operating leases. Finance leases effectively transfer from the lessor to the lessee substantially all the risks and rewards incidental to ownership of leased assets. An operating lease is a lease that is not a finance lease.

Where an asset is acquired by means of a finance lease, the asset is capitalised at either the fair value of the lease property or, if lower, the present value of minimum lease payments at the inception of the contract and a liability is recognised at the same time and for the same amount.

The discount rate used is the interest rate implicit in the lease. Leased assets are amortised over the period of the lease. Lease payments are allocated between the principal component and the interest expense.

Operating lease payments are expensed on a straight-line basis which is representative of the pattern of benefits derived from the leased assets.

Notes to the Financial Statements

3.5 Other Provisions

	2018	2017
	\$'000	\$'000
Note 3.5A: Other Provisions		
Provision for restoration obligations	2,371	2,107
Provision for NSO unused office space	440	905
Total other provisions	2,811	3,012

	Provision for restoration \$'000	Provision for NSO unused office space \$'000	Total \$'000
As at 1 July 2017	2,107	905	3,012
Change in provisions	264	-	264
Amounts used	-	(465)	(465)
Total as at 30 June 2018	2,371	440	2,811

The Federal Court of Australia currently has 8 agreements for the leasing of premises which have provisions requiring the Federal Court of Australia to restore the premises to their original condition at the conclusion of the lease. The Federal Court of Australia has made a provision to reflect the present value of this obligation.

Notes to the Financial Statements

4. Assets and Liabilities Administered on Behalf of Government

This section analyses assets used to generate financial performance and the operating liabilities incurred as a result. The Federal Court of Australia does not control but administers these assets on behalf of the Government. Unless otherwise noted, the accounting policies adopted are consistent with those applied for departmental reporting.

4.1 Administered – Financial Assets

	2018	2017
	\$'000	\$'000
Note 4.1A: Cash and Cash Equivalents		
Cash on hand or on deposit	136	8
Total cash and cash equivalents	136	8
Note 4.1B: Trade and Other Receivables		
Goods and services receivables	7,170	6,937
Total goods and services receivables	7,170	6,937
Other receivables		
Statutory receivable (GST)	6	13
Total other receivables	6	13
Total trade and other receivables (gross)	7,176	6,950
Less impairment allowance account:		
Goods and services	(2,577)	(2,944)
Total impairment allowance	(2,577)	(2,944)
Total trade and other receivables (net)	4,599	4,006

Credit terms for goods and services receivable were in accordance with the *Federal Courts Legislation Amendment (Fees) Regulation 2015* and the *Family Law (Fees) Regulation 2012*.

Reconciliation of the Impairment Allowance Account:

Movements in relation to 2018

	Goods and services	Total
	\$'000	\$'000
As at 1 July 2017	2,944	2,944
Amounts recovered and reversed	(260)	(260)
Amounts written off	(2,443)	(2,443)
Increase recognised in net contribution by services	2,336	2,024
Total as at 30 June 2018	2,577	2,265

Movements in relation to 2017

	Goods and services	Total
	\$'000	\$'000
As at 1 July 2016	780	780
Restructure	489	489
Amounts recovered and reversed	(10)	(10)
Amounts written off	(742)	(742)
Increase recognised in net contribution by services	2,427	2,427
Total as at 30 June 2017	2,944	2,944

Accounting Policy

Trade and other receivables

Collectability of debts is reviewed at the end of the reporting period. Allowances are made when collection of debts is judged to be less rather than more likely. Credit terms for goods and services were within 30 days (2017: 30 days).

Notes to the Financial Statements

4.2 Administered – Payables		
	2018	2017
	\$'000	\$'000
Note 4.2A: Other Payables		
Unearned income	513	662
Total other payables	513	662

Notes to the Financial Statements

5. Funding This section identifies the Federal Court of Australia funding structure. 5.1 Appropriations Note 5.1A: Annual Appropriations (Recoverable GST exclusive) Annual Appropriations for 2018					
	Annual Appropriation ¹ \$'000	Adjustments to Appropriation ³ \$'000	Total appropriation \$'000	Appropriation applied in 2018 (current and prior years) \$'000	Variance ² \$'000
Departmental					
Ordinary annual services	252,620	3,708	256,328	254,333	1,995
Capital Budget	12,462	-	12,462	9,245	3,217
Total departmental	265,082	3,708	268,790	263,578	5,212
Administered					
Ordinary annual services	883	-	883	777	106
Administered items	883	-	883	777	106
Total administered					

1. Departmental Capital Budgets are appropriated through Appropriation Acts (No. 1, 3). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

2. The variance in the expenditure for ordinary annual services is due to timing differences of payments.

3. Receipts collected under Section 74 of the *FGPA Act*.

Notes to the Financial Statements

Annual Appropriations for 2017

	Annual Appropriation ¹ \$'000	Adjustments to Appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2017 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	245,343	16,334	261,677	255,726	5,951
Capital Budget	13,048	868	13,916	9,157	4,759
Other services					
Equity	150	-	150	-	150
Total departmental	258,541	17,202	275,743	264,883	10,860
Administered					
Ordinary annual services	894	-	894	682	212
Administered items					
Total administered	894	-	894	682	212

1. Departmental Capital Budgets are appropriated through Appropriation Acts (No. 1, 3). They form part of ordinary annual services, and are not separately identified in the Appropriation Acts.

2. The variance in the expenditure for ordinary annual services is due to timing differences of payments. The underspend of capital appropriation is due to capital projects related to the amalgamation with the Family Court and Federal Circuit Court not taking place until after the amalgamation on 1 July 2016.

3. Receipts collected under Section 74 of the *PGPA Act*.

Notes to the Financial Statements

Note 5.1B: Unspent Annual Appropriations ('Recoverable GST exclusive')

	2018	2017
	\$'000	\$'000
Departmental		
Appropriation Act (No. 1) 2016-17	-	59,948
Appropriation Act (No. 1) 2016-17 - Capital budget	-	7,611
Appropriation Act (No. 2) 2016-17 - Equity injection	150	150
Appropriation Act (No. 3) 2016-17	-	2,945
Supply Act 1 2016-17 - Capital budget	-	363
Appropriation Act (No. 1) 2017-18	63,180	-
Appropriation Act (No. 1) 2017-18 - Capital budget	11,192	-
Appropriation Act (No. 3) 2017-18	2,030	-
Cash at bank	1,353	1,670
Total departmental	77,905	72,687
Administered		
Appropriation Act (No 1) 2016-17	-	212
Appropriation Act (No 1) 2017-18	106	-
Total administered	106	212

Note 5.1C: Special Appropriations ('Recoverable GST exclusive')

	Appropriation applied	
	2018	2017
	\$'000	\$'000
Authority		
Public Governance, Performance and Accountability Act 2013, Section 77,		
Administered	553	755
Total	553	755

Notes to the Financial Statements

5.2 Special Accounts

Note 5.2A: Special Accounts ('Recoverable GST exclusive')

	Departmental		Administered			
	Services for other entities and Trust Moneys Special Account ¹		Federal Court Of Australia Litigants Fund Special Account ²		Family Court and Federal Circuit Court Litigants Fund Special Account ³	
	2018	2017	2018	2017	2018	2017
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Balance brought forward from previous period	-	820	22,878	29,809	969	411
Increases	161	211	27,250	13,050	1,615	2,595
Total increases	161	211	27,250	13,050	1,615	2,595
Available for payments	161	1,031	50,128	42,859	2,584	3,006
Decreases						
Departmental	139	1,031	-	-	-	-
Total departmental	139	1,031	-	-	-	-
Decreases						
Administered	-	-	27,903	19,981	1,510	2,037
Total administered	-	-	27,903	19,981	1,510	2,037
Total decreases	139	1,031	27,903	19,981	1,510	2,037
Total balance carried to the next period	22	-	22,225	22,878	1,074	969
Balance represented by:						
Cash held in entity bank accounts	22	-	22,225	22,878	1,074	969
Cash held in the Official Public Account	-	-	-	-	-	-
Total balance carried to the next period	22	-	22,225	22,878	1,074	969

1. Appropriation: *Public Governance Performance and Accountability Act* section 78. Establishing Instrument: *FMA Determination 2012/11*. Purpose: To disburse amounts held in trust or otherwise for the benefit of a person other than the Commonwealth.

2. Appropriation: *Public Governance Performance and Accountability Act* section 78. Establishing Instrument: *PGPA Act Determination (Establishment of FCA Litigants' Fund Special Account 2017)*. Purpose: The purpose of the Federal Court of Australia Litigants' Fund Special Account in relation to which amounts may be debited from the Special Account are:

a) In accordance with:

- (i) An order of the Federal Court of Australia or a Judge of that Court under Rule 2.43 of the Federal Court Rules; or
- (ii) A direction of a Registrar under that Order; and

b) In any other case in accordance with the order of the Federal Court of Australia or a Judge of that Court.

3. Appropriation: *Public Governance Performance and Accountability Act* section 78. Establishing Instrument: *Determination 2013/06*.

The Finance Minister has issued a determination under Subsection 20(1) of the FMA ACT 1997 (repealed) establishing the Federal Court of Australia Litigants' Fund Special Account when the Federal Circuit Court of Australia and Family Court of Australia merged on 1 July 2014.

Purpose: Litigants Fund Special Account

(a) for amounts received in respect of proceedings of the Family Court of Australia or the Federal Circuit Court of Australia (formerly the Federal Magistrates Court of Australia);

(b) for amounts received in respect of proceedings that have been transferred from another court to the Family Court of Australia or to the Federal Circuit Court of Australia (formerly the Federal Magistrates Court of Australia);

(c) for amounts received from the Federal Court of Australia Litigants' Fund Special Account or the Federal Magistrates Court Litigants' Fund Special Account;

(d) to make payments in accordance with an order (however described) made by a court under the Family Law Act 1975, the Family Court of Australia, or a Judge of that Court;

(e) to make payments in accordance with an order (however described) made by a court under the Federal Circuit Court of Australia Act 1999 (formerly the Federal Magistrates Act 1999), the Federal Circuit Court of Australia (formerly the Federal Magistrates Court of Australia), or a Judge (formerly Federal Magistrate) of that Court;

(f) to repay amounts received by the Commonwealth and credited to this Special Account where an Act of Parliament or other law requires or permits the amount to be repaid; and

g) to reduce the balance of this Special Account without making a real or notional payment.

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Notes to the Financial Statements

5.3 Net Cash Appropriation Arrangements

	2018	2017
	\$'000	\$'000
Total comprehensive income less depreciation/amortisation expenses previously funded through revenue appropriations	2,549	9,909
Plus: depreciation/amortisation expenses previously funded through revenue appropriation	(16,253)	(13,725)
Total comprehensive loss - as per the Statement of Comprehensive Income	(13,704)	(3,816)

Notes to the Financial Statements

6. People and Relationships

This section describes a range of employment and post-employment benefits provided to our people and our relationships with other key people.

6.1 Employee Provisions

	2018	2017
	\$'000	\$'000
Note 6.1A: Employee Provisions		
Leave	27,119	26,406
Judges leave	32,796	31,963
Total employee provisions	59,915	58,369

Accounting Policy

Liabilities for 'short-term employee benefits' (as defined in AASB 119 *Employee Benefits*) and termination benefits expected within twelve months of the end of the reporting period are measured at their nominal amounts.

Other long-term judge and employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits includes provision for annual leave and long service leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the Federal Court of Australia's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for annual leave and long service leave has been determined by reference to the work of an actuary as at 30 June 2017. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The Federal Court of Australia recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Superannuation

The Federal Court of Australia's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS) or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian government.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

The entity makes employer contributions to the employees' superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The entity accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions.

Judges' Pension

Under the *Judges' Pension Act 1968*, Federal Court and Family Court Judges are entitled to a non-contributory pension upon retirement 10 years service (Federal Court and Family Court Judges). As the liability for these pension payments is assumed by the Australian Government, the entity has not recognised a liability for unfunded superannuation liability. The Federal Court of Australia does, however, recognise a revenue and corresponding expense item, "Liabilities assumed by other agencies", in respect of the notional amount of the employer contributions to Judges' pensions for the reporting period amounting to \$27.111 million (2017: \$25.554 million). The contribution rate has been provided by the Department of Finance following an actuarial review.

Notes to the Financial Statements

6.2 Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. The entity has determined the key management personnel to be the Chief Executive Officers, Executive Directors, Chief Justices and the Chief Judge. Key management personnel remuneration is reported in the table below:

	2018 \$'000	2017 \$'000
Short-term employee benefits	3,784	3,446
Post-employment benefits	1,379	1,121
Other long-term employee benefits	389	484
Total key management personnel remuneration expenses¹	5,552	5,051

The total number of senior management personnel that are included in the above table are 15 (2017: 11).

1. The above key management personnel remuneration excludes the remuneration and other benefits of the Attorney-General. The Attorney-General's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the Court.

6.3 Related Party Disclosures

Related party relationships:

The entity is an Australian Government controlled entity within the Attorney-General's portfolio. Key Management Personnel includes the Executive and other Australian Government entities.

Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher educational loans. These transactions have not been separately disclosed in this note.

Significant transactions with related parties can include:

- the payments of grants or loans;
- purchases of goods and services;
- asset purchases, sales transfers or leases;
- debts forgiven; and
- guarantees.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed.

The Courts have no transactions with related parties to disclose as at 30 June 2018 (2017: none).

Notes to the Financial Statements

7. Managing Uncertainties

This section analyses how the Federal Court of Australia manages financial risks within its operating environment.

7.1 Contingent Liabilities and Assets

Note 7.1A: Contingent Liabilities and Assets

Quantifiable Contingencies

The Federal Court of Australia has no quantifiable contingent assets or liabilities as at 30 June 2018 (2017: none).

Unquantifiable Contingencies

The Federal Court of Australia has no unquantifiable contingent assets or liabilities as at 30 June 2018 (2017: none).

Accounting Policy

Contingent liabilities and contingent assets are not recognised in the statement of financial position but are reported in the notes. They may arise from uncertainty as to the existence of a liability or asset or represent an asset or liability in respect of which the amount cannot be reliably measured. Contingent assets are disclosed when settlement is probable but not virtually certain and contingent liabilities are disclosed when settlement is greater than remote.

Note 7.1B: Administered Contingent Assets and Liabilities

The Courts have no quantifiable or unquantifiable administered contingent liabilities or assets as at 30 June 2018 (2017: none).

Notes to the Financial Statements

7.2 Financial Instruments

	2018	2017
	\$'000	\$'000
Note 7.2A: Categories of Financial Instruments		
Financial Assets		
Loans and receivables		
Cash and cash equivalents	1,353	1,675
Goods and services receivable less impairment	481	743
Total financial assets	1,834	2,418
Financial Liabilities		
Financial liabilities measured at amortised cost		
Trade creditors	7,722	7,910
Finance leases	2,506	3,219
Total financial liabilities	10,228	11,129

Accounting Policy

Financial Assets

The Federal Court of Australia has financial assets only in the nature of cash and receivables.

The classification depends on the nature and purpose of the financial assets and is determined at the time of initial recognition. Financial assets are recognised and derecognised upon trade date.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period.

Financial Liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Other Financial Liabilities

Other financial liabilities are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective interest basis.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

The fair value of financial instruments approximates its carrying value.

	2018	2017
	\$'000	\$'000
Note 7.2B: Net Gains or Losses on Financial Liabilities		
Financial liabilities measured at amortised cost		
Interest expense	78	88
Net losses on financial liabilities measured at amortised cost	78	88

Notes to the Financial Statements

7.3 Administered – Financial Instruments

	2018	2017
	\$'000	\$'000
Note 7.3A: Categories of Financial Instruments		
Financial Assets		
Loans and receivables		
Cash and cash equivalents	136	8
Other receivables	4,599	4,006
Carrying amount of financial assets	4,735	4,014

7.4 Fair Value Measurement

Accounting Policy

AASB 2015-7 provides relief for not-for-profit public sector entities from making certain specified disclosures about the fair value measurement of assets measured at fair value and categorised within Level 3 of the fair value hierarchy.

Valuations are performed regularly so as to ensure that the carrying amount does not materially differ from fair value at the reporting date. A valuation was made by an external valuer in 2017. The Federal Court of Australia reviews the method used by the valuer annually.

Note 7.4A: Fair Value Measurement

	Fair value measurements at the end of the reporting period	
	2018	2017
	\$'000	\$'000
Non-financial assets		
Leasehold improvements	38,056	41,814
Plant and equipment	14,445	20,617

The Court's assets are held for operational purposes and not held for the purposes of deriving a profit. The current use of these assets is considered to be the highest and best use.

There have been no transfers between the levels of the hierarchy during the year. The Court deems transfers between levels of the fair value hierarchy to have occurred when advised by an independent valuer or a change in the market for particular items.

Notes to the Financial Statements

8. Other Information

This section provides other disclosures relevant to the Federal Court of Australia financial information environment for the year.

8.1 Restructuring

Note 8.1A: Departmental Restructuring

On 1 July 2016, the Family Court and Federal Circuit Court merged with the Federal Court of Australia.

As a part of the merger process the assets and liabilities of the Family Court and Federal Circuit Court were transferred into the Federal Court and are reflected in the Courts' accounts for 2016-17 and 2017-18. As a result of merger occurring from 1 July 2016, there were no incomes or expenses transferred.

	Family Court and Federal Circuit Court 1 July 2016 S'000
FUNCTIONS ASSUMED	S'000
Assets Recognised	
Financial Assets	
Cash and cash equivalents	1,336
Trade and other receivables	12,856
Total Financial Assets	14,192
Non-financial Assets	
Land and building	25,205
Property, plant and equipment	9,344
Computer software	5,809
Inventories	64
Other Non-financial assets	1,917
Total non-financial assets	42,339
Total Assets Recognised	56,531
Liabilities recognised	
Payables	
Suppliers	2,731
Other payables	3,717
Total payables	6,448
Interest bearing liabilities	
Leases	2,879
Total interest bearing liabilities	2,879
Provisions	
Employee provision	34,594
Other provisions	2,863
Total provisions	37,457
Total liabilities recognised	46,784
Net assets assumed¹	9,747

1. In respect of the function assumed, the assets and liabilities were transferred to the Federal Court of Australia for no consideration.

Notes to the Financial Statements

Note 8.1B: Administered Restructuring

	Family Court and Federal Circuit Court to the Federal Court 1 July 2016 S'000
FUNCTIONS ASSUMED	
Assets recognised	
Cash and cash equivalents	166
Trade and other receivables	7,025
Total assets recognised	7,191
Liabilities recognised	
Suppliers	-
Unearned income	453
Total liabilities recognised	453
Net assets assumed	6,738

1. In respect of the function assumed, the net book values of assets and liabilities were transferred to the Court for no consideration.

APPENDIX 2

AGENCY RESOURCE STATEMENT

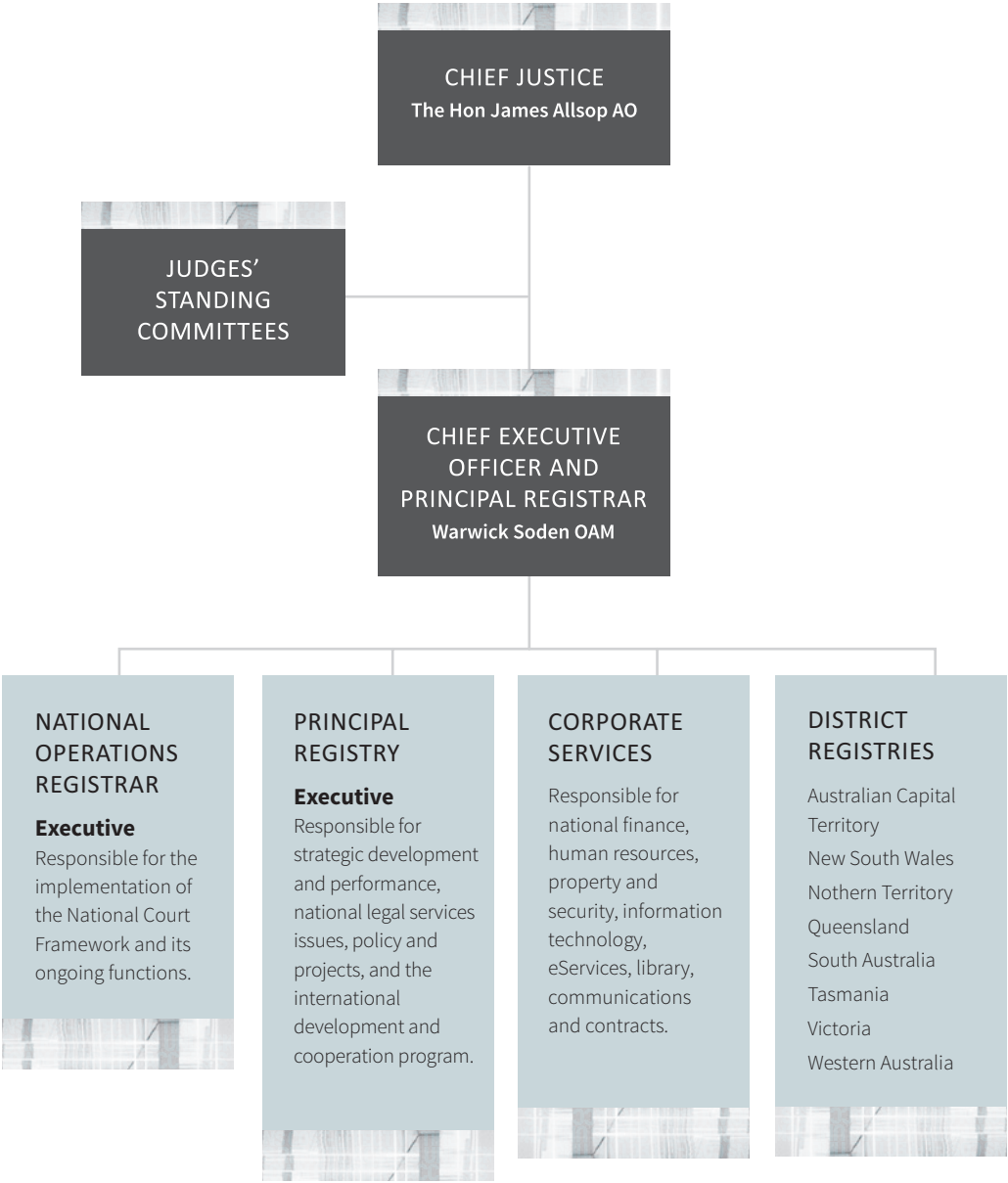
	Actual available appropriations for 2017–18 \$'000	Payments made 2017–18 \$'000	Balance remaining \$'000
Ordinary annual services¹			
Departmental appropriation			
Departmental appropriation ²	337,774	259,870	77,904
s 74 relevant agency receipts	5,093	5,093	
Total	342,867	264,963	77,904
Administered expenses			
Outcome 3	883	777	106
Total	883	777	106
Total ordinary annual services	343,750	265,740	78,010
Special appropriations limited by criteria/entitlement			
<i>Public Governance, Performance and Accountability Act 2013, s 77</i>	900	536	364
Total	900	536	364
Total net resourcing for court	344,650	266,276	78,374

1 Appropriation Act (No. 1), Appropriation Act (No. 2) and Appropriation Act (No. 3) 2017–18. This also includes prior-year departmental appropriation.

2 Includes a departmental capital budget of \$12.462 million.

APPENDIX 3

FEDERAL COURT MANAGEMENT STRUCTURE



APPENDIX 4

REGISTRARS OF THE COURT (AS AT 30 JUNE 2018)

Name	Title	Location	Other appointments
Warwick Soden OAM	Chief Executive Officer (CEO) and Principal Registrar	Sydney	<ul style="list-style-type: none"> Acting CEO and Principal Registrar, Family Court of Australia
Sia Lagos	Principal Judicial Registrar and National Operations Registrar	Melbourne	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
David Pringle	Deputy Principal Judicial Registrar and Deputy National Operations Registrar	Melbourne	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Michael Wall	National Judicial Registrar and District Registrar	Sydney	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia Registrar, Copyright Tribunal Deputy Registrar, Defence Force Discipline Appeal Tribunal
John Mathieson	Deputy Principal Registrar	Sydney	<ul style="list-style-type: none"> Sheriff A Registrar, Federal Circuit Court of Australia A Deputy Sheriff, Federal Circuit Court of Australia
Catherine Forbes	National Judicial Registrar – Appeals	Melbourne	
Nicola Colbran	National Judicial Registrar and District Registrar	Adelaide	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia Deputy Registrar, Australian Competition Tribunal Deputy Registrar, Defence Force Discipline Appeal Tribunal
Phillip Allaway	National Judicial Registrar and District Registrar*	Melbourne	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia

Name	Title	Location	Other appointments
Murray Belcher	National Judicial Registrar and District Registrar*	Brisbane	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia
Russell Trott	National Judicial Registrar and District Registrar*	Perth	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia • Deputy Registrar, Australian Competition Tribunal
Katie Stride	National Judicial Registrar – Native Title^	Brisbane	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia
Anthony Tesoriero	Judicial Registrar	Sydney	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia
Geoff Segal	Judicial Registrar	Sydney	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia • Deputy Registrar, Australian Competition Tribunal • Deputy Registrar, Defence Force Discipline Appeal Tribunal
Chuan Ng	Judicial Registrar	Sydney	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia • Deputy Registrar, Supreme Court of Norfolk Island
Thomas Morgan	Judicial Registrar	Sydney	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia
Kim Lackenby	Judicial Registrar	Canberra	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia • Deputy Registrar, Australian Competition Tribunal
Tim Luxton	Judicial Registrar	Melbourne	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia • Deputy Registrar, Australian Competition Tribunal • Deputy Registrar, Defence Force Discipline Appeal Tribunal
Rupert Burns	Judicial Registrar	Melbourne	<ul style="list-style-type: none"> • A Registrar, Federal Circuit Court of Australia

Name	Title	Location	Other appointments
David Ryan	Judicial Registrar	Melbourne	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Katie Lynch	Judicial Registrar	Brisbane	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia Deputy Registrar, Australian Competition Tribunal
Michael Buckingham	Judicial Registrar	Brisbane	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Elizabeth Stanley	Judicial Registrar	Perth	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Nicholas Parkyn	Judicial Registrar	Adelaide	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Ann Daniel	Judicial Registrar – Native Title	Perth	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Tessa Herrmann	Judicial Registrar – Native Title	Perth	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Simon Grant	Judicial Registrar – Native Title	Brisbane	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
James Cho	Judicial Registrar	Sydney	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Scott Tredwell	Deputy District Registrar	Brisbane	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
David Priddle	National Registrar	Melbourne	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Lauren McCormick	National Registrar	Melbourne	<ul style="list-style-type: none"> A Registrar, Federal Circuit Court of Australia
Alison Hird	National Registrar	Melbourne	
Caitlin Wu	National Registrar	Melbourne	
Stephanie Sanders	National Registrar	Melbourne	
Sophie Bird	National Registrar	Melbourne	
Jessica Der Matossian	Registrar, Digital Practice	Sydney	
Geoffrey Gray	Deputy Registrar	Canberra	<ul style="list-style-type: none"> Deputy Sheriff

* Acting National Judicial Registrar and District Registrar for relevant registry/registries as at 30 June 2018.

^ Acting National Judicial Registrar – Native Title as at 30 June 2018.

APPENDIX 5

WORKLOAD STATISTICS

The statistics in this appendix provide comparative historical information on the work of the Court, including in certain areas of the Court’s jurisdiction.

When considering the statistics it is important to note that matters vary according to the nature and complexity of the issues in dispute.

It should also be noted that the figures reported in this report may differ from figures reported in previous years. The variations have occurred through refinements or enhancements to the Casetrack database which required the checking or verification and possible variation of data previously entered.

Casetrack records matters in the Court classified according to 16 main categories, described as ‘causes of action’ (CoAs). The classification of matters in this way causes an under representation of the workload because it does not include filings of supplementary CoAs (cross appeals and cross claims), interlocutory applications or native title joinder of party applications.

In 2007–08 the Court started to count and report on interlocutory applications (including interim applications and notices of motion) in appellate proceedings in order to provide the most accurate picture possible of the Court’s appellate workload. From 2008–09 the Court has counted all forms of this additional workload in both its original and appellate jurisdictions.

Table A5.4 on page 141 provides a breakdown of these matters. At this stage it is not possible to obtain information about finalisations of interlocutory applications (because they are recorded in the Court’s case management system as a document filed rather than a specific CoA). Because of this, detailed reporting of these matters has been restricted to the information about appeals in Part 3 and Table A5.4.

In 2015, the National Court Framework reforms were introduced. The Court began reporting on matters by National Practice Areas (NPAs) in 2015–16. This information can be found in Figure A5.9 onwards.

Table A5.1: Summary of workload statistics – original and appellate jurisdictions – filings of major CoAs (including appellate and related actions)

Cause of action	2013–14	2014–15	2015–16	2016–17	2017–18
Total CoAs (including appeals and related actions)					
Filed	5009	4355	5998	5716	5921
Finalised	5573	3893	5842	5636	5603
Current	2464	2926	3085	3165	3483
Corporations (including appeals and related actions)					
Filed	2905	2210	3687	3224	3015
Finalised	3400	1871	3500	3387	2993
Current	539	878	1065	902	924
Bankruptcy (including appeals and related actions)					
Filed	281	260	292	353	332
Finalised	258	249	262	327	318
Current	137	148	178	204	218
Native title (including appeals and related actions)					
Filed	58	64	65	71	91
Finalised	110	74	134	95	98
Current	412	402	333	309	302
Total CoAs (including appeals and related actions excluding corporations, bankruptcy and native title)					
Filed	1765	1821	1957	2068	2483
Finalised	1805	1699	1946	1827	2194
Current	1376	1498	1509	1750	2039

Table A5.2: Summary of workload statistics – excluding appeals and related actions – filings of major CoAs (excluding appeals and related actions)

Cause of action	2013–14	2014–15	2015–16	2016–17	2017–18
Total CoAs (excluding appeals and related actions)					
Filed	4281	3445	5008	4670	4659
Finalised	4886	3144	4895	4765	4450
Current	2128	2429	2542	2447	2656
Corporations (excluding appeals and related actions)					
Filed	2876	2185	3652	3202	2989
Finalised	3361	1849	3474	3361	2965
Current	524	860	1038	879	903
Bankruptcy (excluding appeals and related actions)					
Filed	219	205	231	289	304
Finalised	199	186	218	273	275
Current	105	124	137	153	182
Native title (excluding appeals and related actions)					
Filed	44	55	58	54	78
Finalised	100	67	122	84	79
Current	401	389	325	295	294
Total CoAs (excluding appeals and related actions and excluding bankruptcy and native title)					
Filed	1142	1000	1067	1125	1288
Finalised	1226	1042	1081	1047	1131
Current	1098	1056	1042	1120	1277

Table A5.3: Summary of workload statistics – appeals and related actions only – filings of appeals and related actions

Cause of action	2013–14	2014–15	2015–16	2016–17	2017–18
Total appeals and related actions					
Filed	728	910	993	1046	1262
Finalised	687	749	947	871	1153
Current	336	497	543	718	827
Corporations appeals and related actions					
Filed	29	25	35	22	26
Finalised	39	22	26	26	28
Current	15	18	27	23	21
Migration appeals and related actions					
Filed	370	648	653	764	1019
Finalised	355	463	680	583	848
Current	123	308	281	462	633
Native title appeals and related actions					
Filed	14	9	7	17	13
Finalised	10	7	12	11	19
Current	11	13	8	14	8
Total appeals and related actions (excluding corporations, migration and native title appeals and related actions)					
Filed	315	228	298	243	204
Finalised	283	257	229	251	258
Current	187	158	227	219	165

Table A5.4: Summary of supplementary workload statistics – filings of supplementary causes of action

	2013–14	2014–15	2015–16	2016–17	2017–18
Total CoAs (excluding appeals and related actions)					
Cross appeals (original jurisdiction)	0	0	0	0	0
Cross claims	177	134	135	146	116
Interlocutory applications	1541	1513	1530	1517	1627
Native title joinder of party applications	628	405	982	781	346
Appeals and related actions					
Cross appeals	25	25	19	20	17
Interlocutory applications	135	172	192	221	162
Total actions (including appeals and related actions)					
Cross appeals	25	25	19	20	17
Cross claims	177	134	135	146	116
Interlocutory applications	1676	1685	1722	1738	1789
Native title joinder of party applications	628	405	982	781	346
Totals	1878	1844	1876	1904	1922

Figure A5.1: Matters filed over the last five years

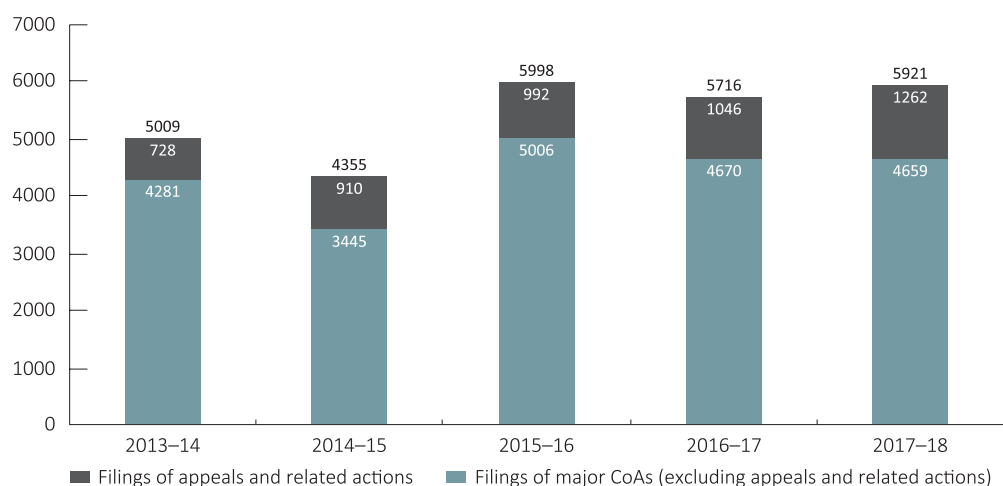
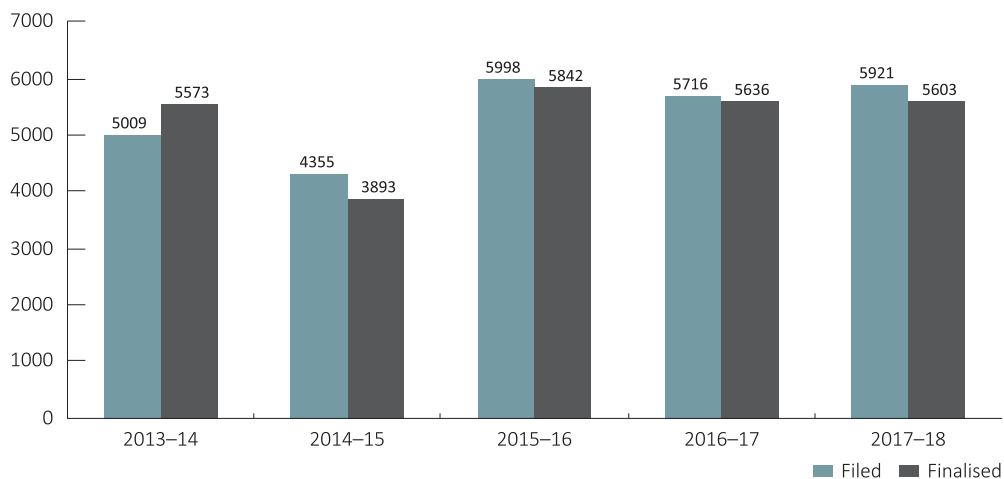
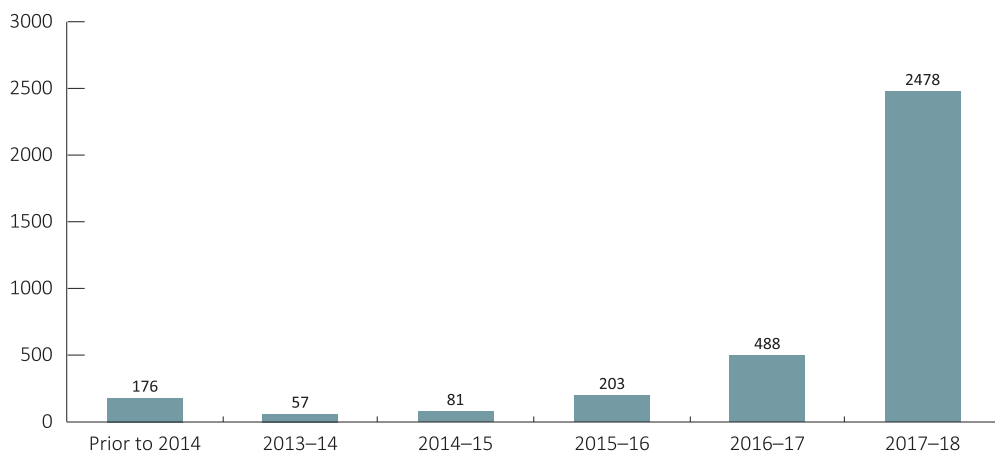


Figure A5.2: Matters filed and finalised over the last five years



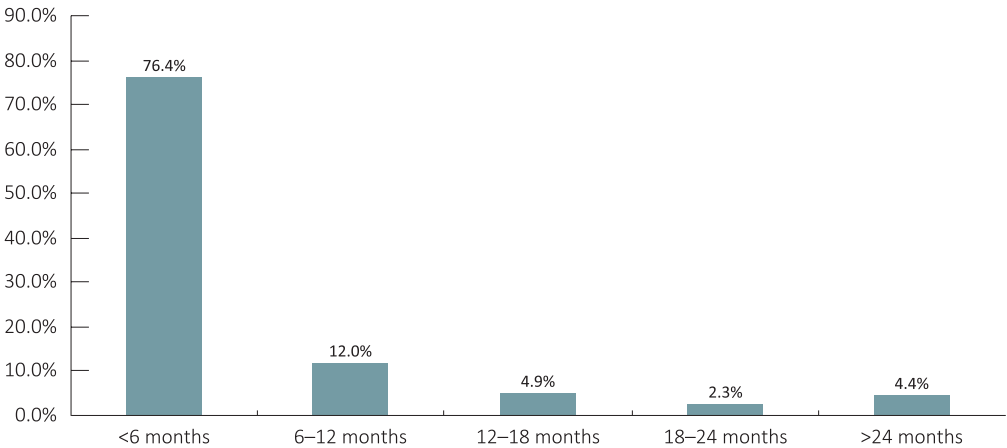
The number finalised refers to those matters finalised in the relevant financial year, regardless of when they were originally filed.

Figure A5.3: Age and number of current matters at 30 June 2018



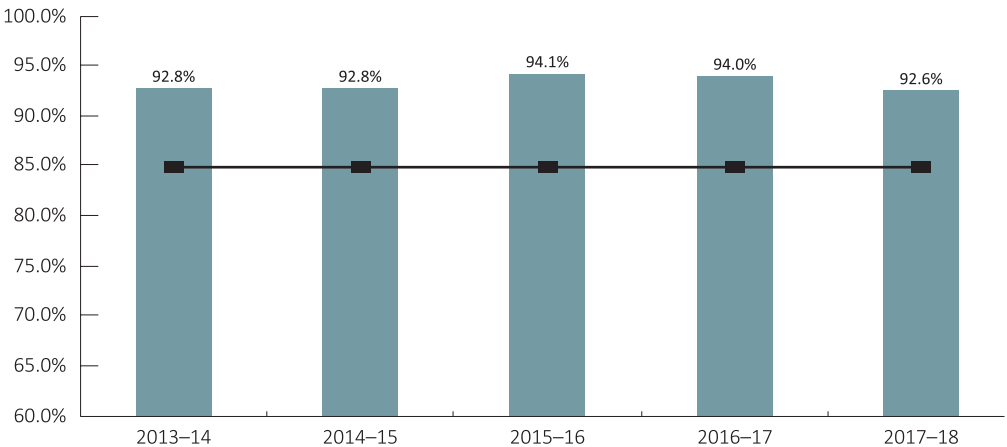
A total of 3483 matters remain current at 30 June 2018. There were 176 applications still current relating to periods before 2014, of which 122 matters are native title matters (7.2 per cent).

Figure A5.4: Time span to complete – matters completed (excluding native title) over the last five years



A total of 26,095 matters were completed during the five-year period ending 30 June 2018, excluding native title matters. The time span, from filing to disposition of these matters, is shown in Figure A5.4.

Figure A5.5: Time span to complete against the 85 per cent benchmark (excluding native title) over the last five years



The Court has a benchmark of 85 per cent of cases (excluding native title) being completed within 18 months of commencement. Figure A5.5 sets out the Court’s performance against this time goal over the last five years. The total number of matters (including appeals but excluding native title) completed for each of the last five years and the time spans for completion are shown in Table A5.5.

Table A5.5: Finalisation of major CoAs in accordance with 85 per cent benchmark (including appeals and related actions and excluding native title matters) over the last five years

Percentage completed	2013–14	2014–15	2015–16	2016–17	2017–18
Under 18 months	5077	3550	5384	5219	5113
% of total	92.8%	92.8%	94.1%	94.0%	92.6%
Over 18 months	396	276	336	333	411
% of total	7.2%	7.2%	5.9%	6.0%	7.4%
Total CoAs	5473	3826	5720	5552	5524

Figure A5.6: Bankruptcy Act matters (excluding appeals) filed over the last five years

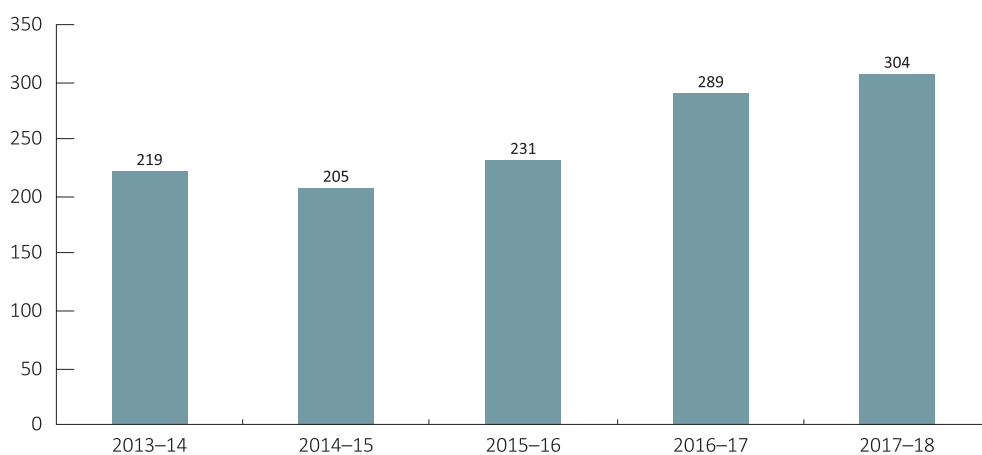


Figure A5.6.1: Current Bankruptcy Act matters (excluding appeals) by year of filing

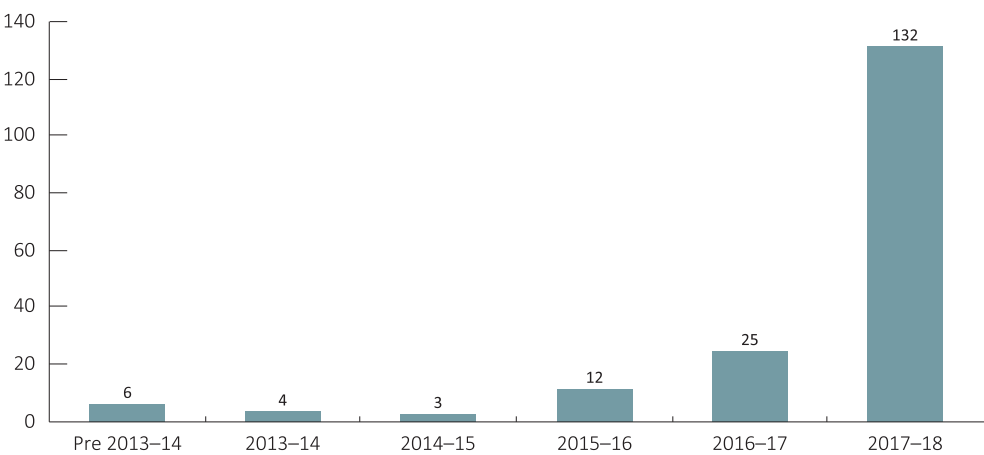


Figure A5.7: Corporation Act matters (excluding appeals) filed over the last five years

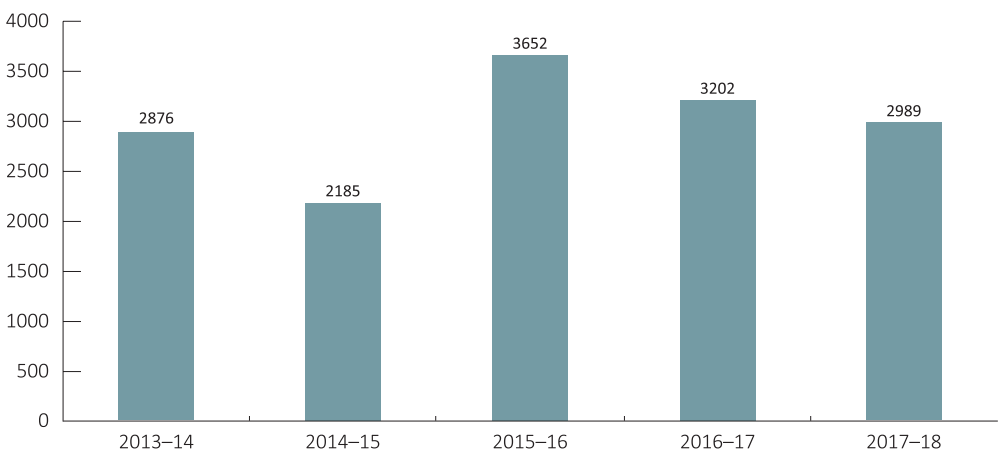


Figure A5.7.1: Current corporation matters (excluding appeals) by year of filing

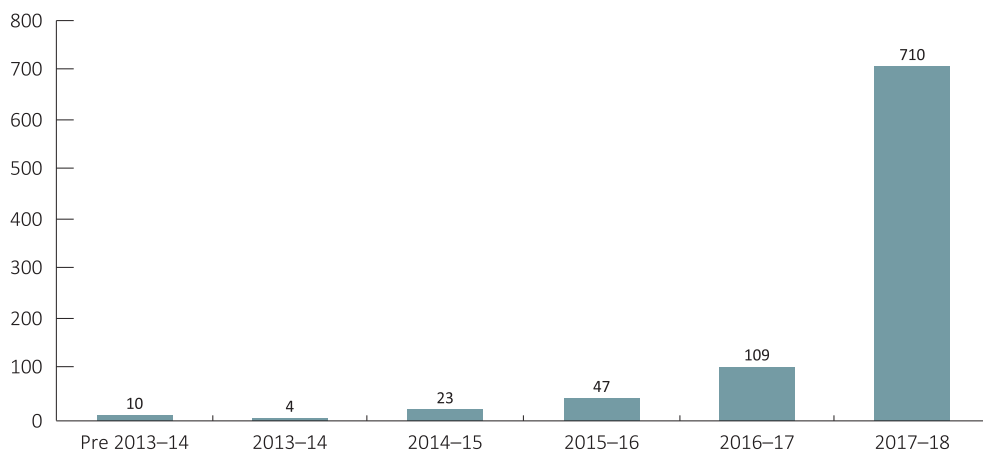


Figure A5.8: Consumer law matters (excluding competition law and appeals) filed over the last five years

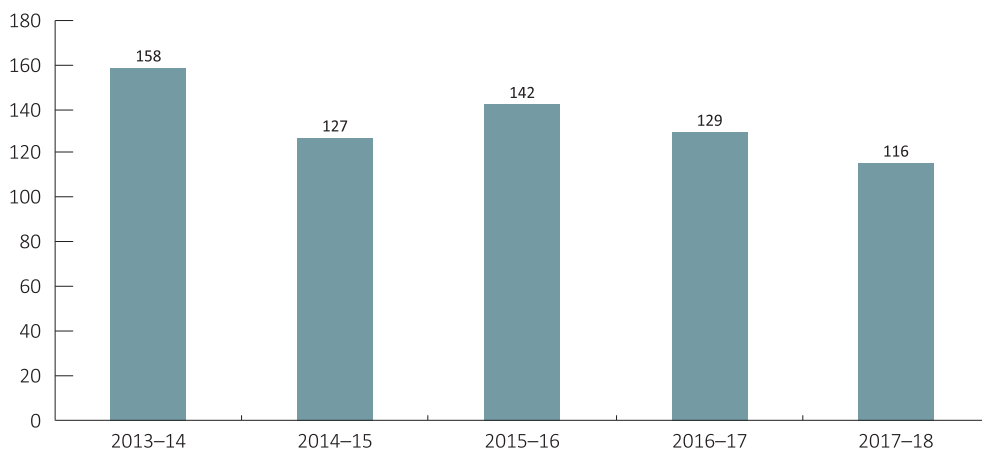
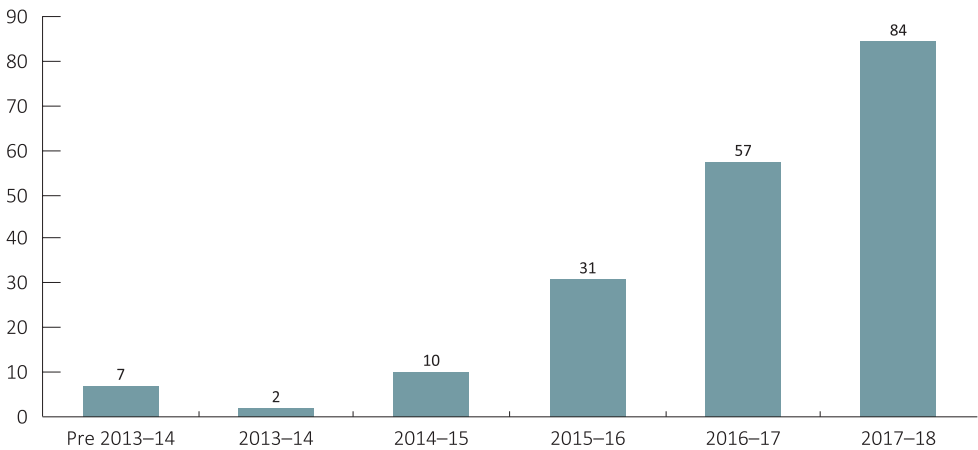


Figure A5.8.1: Current consumer law matters (excluding competition law and appeals) by year of filing



National Court Framework

Figure A5.9: Filings, finalisations and pending

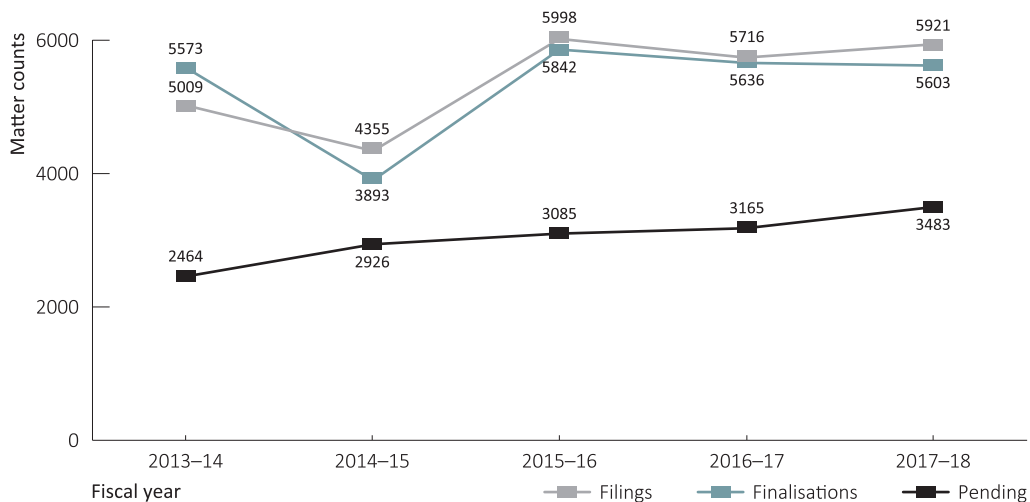


Figure A5.9.1: All filings, finalisations and pending by Administrative and Constitutional Law and Human Rights National Practice Areas (NPA)

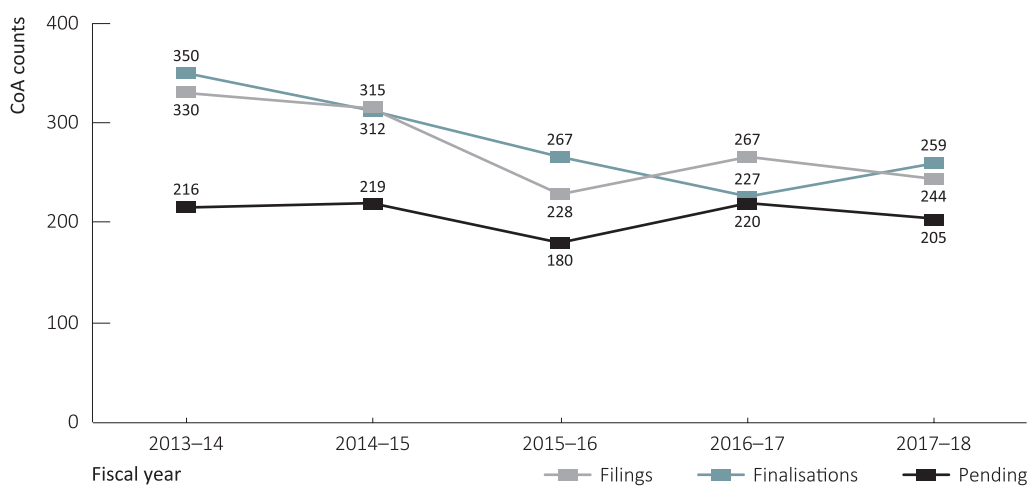


Figure A5.9.2: All filings, finalisation and pending by Admiralty and Maritime NPA

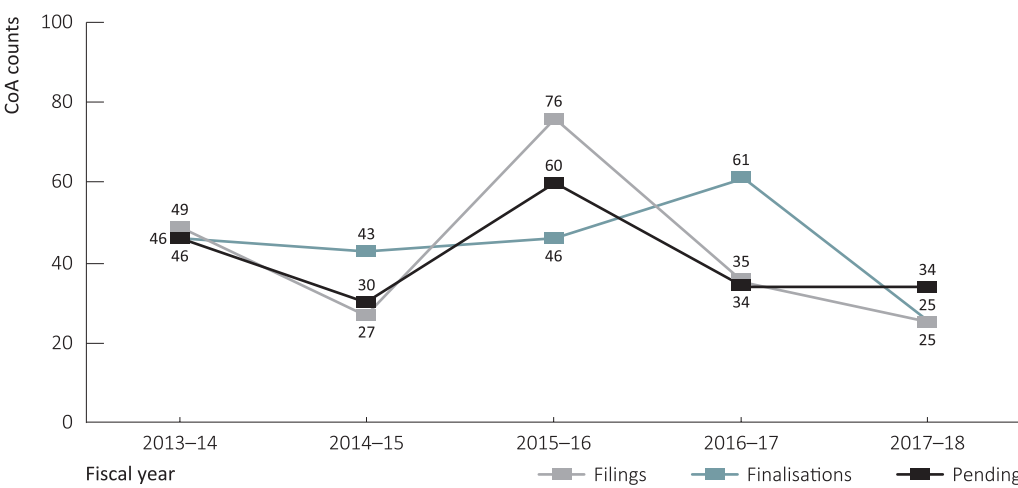


Figure A5.9.3: All filings, finalisation and pending by Commercial and Corporations NPA

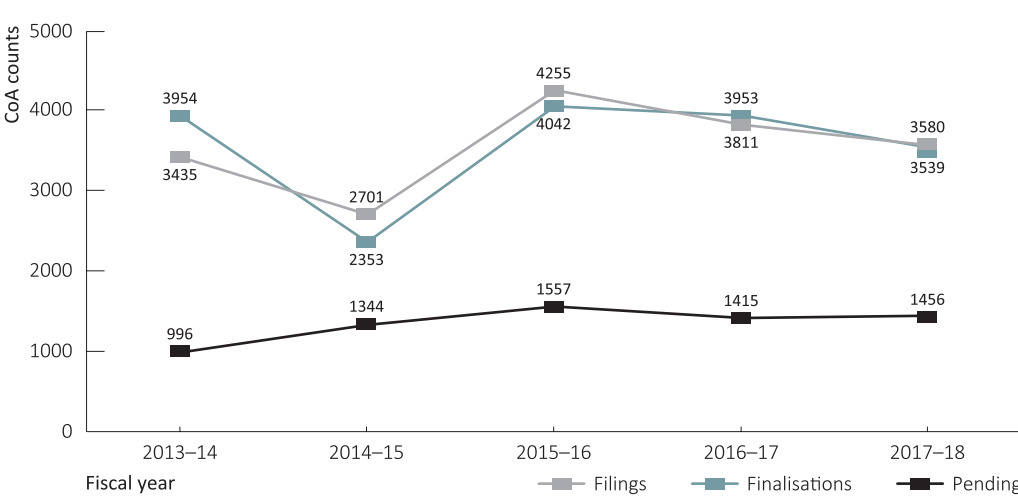


Figure A5.9.4: All filings, finalisation and pending by Employment and Industrial Relations NPA

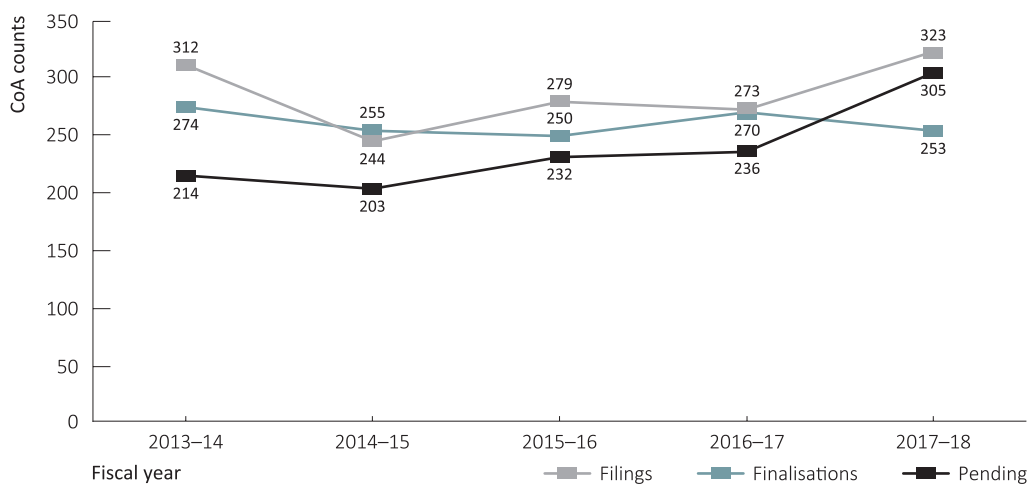


Figure A5.9.5: All filings, finalisation and pending by Intellectual Property NPA

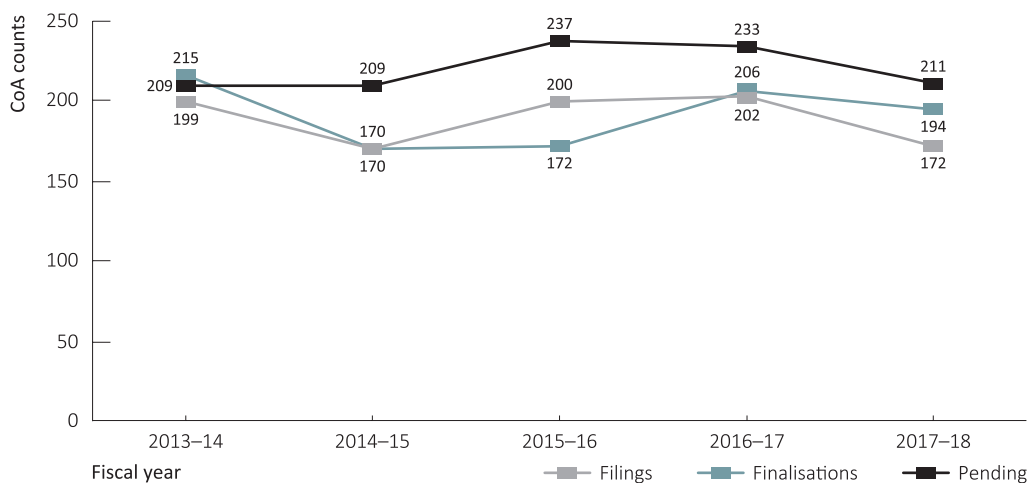


Figure A5.9.6: All filings, finalisation and pending by Native Title NPA

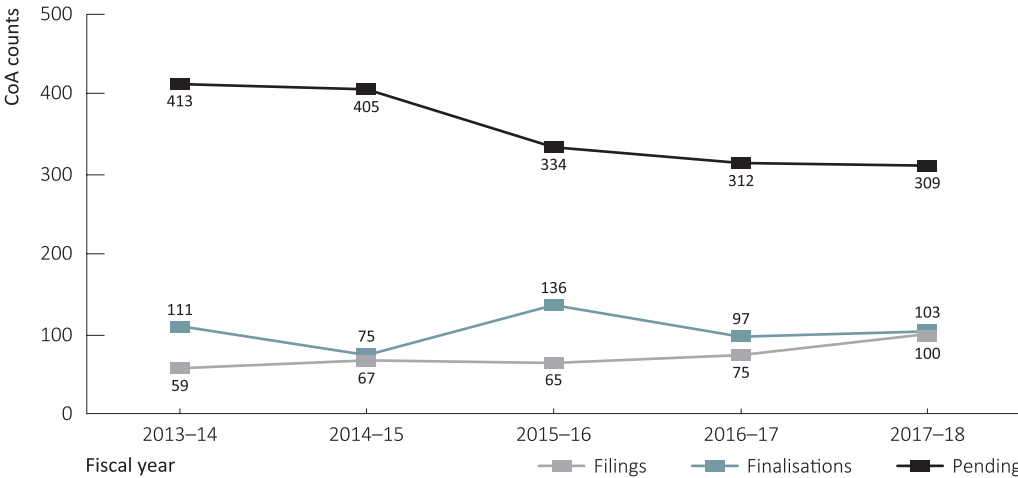
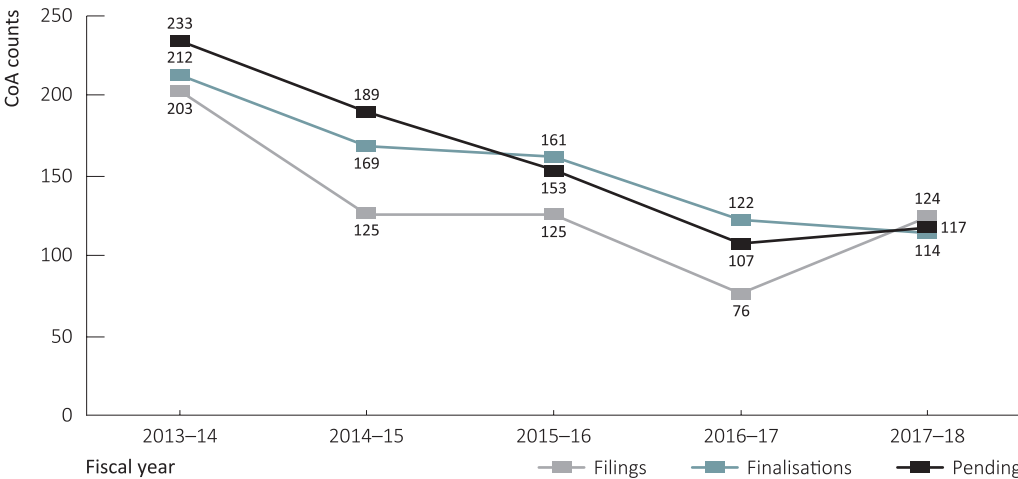


Figure A5.9.7: All filings, finalisation and pending by Taxation NPA



In 2016-17 the Court introduced two new NPAs: Other Federal Jurisdiction NPA and Federal Crime and Related Proceedings NPA.

Figure A5.9.8: Other Federal Jurisdiction NPA, filings, finalisations and pending, 2017-18

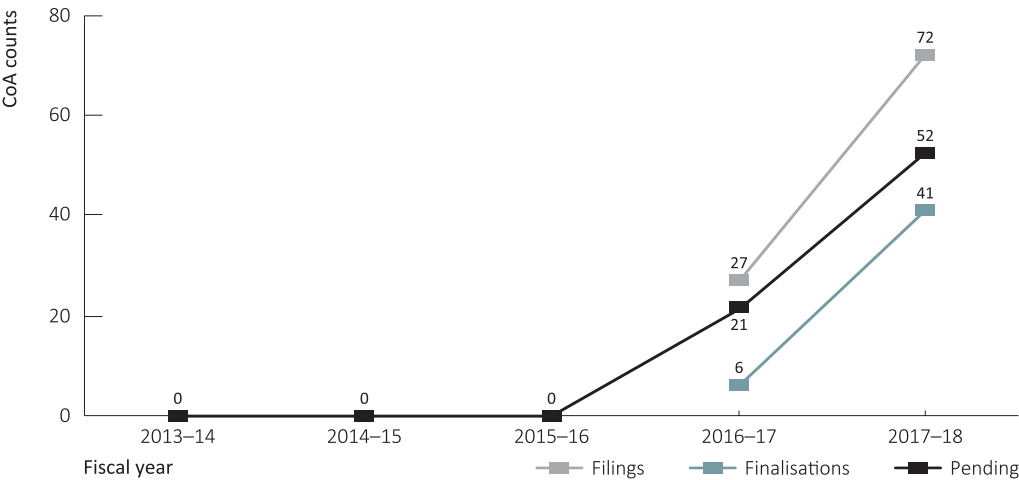
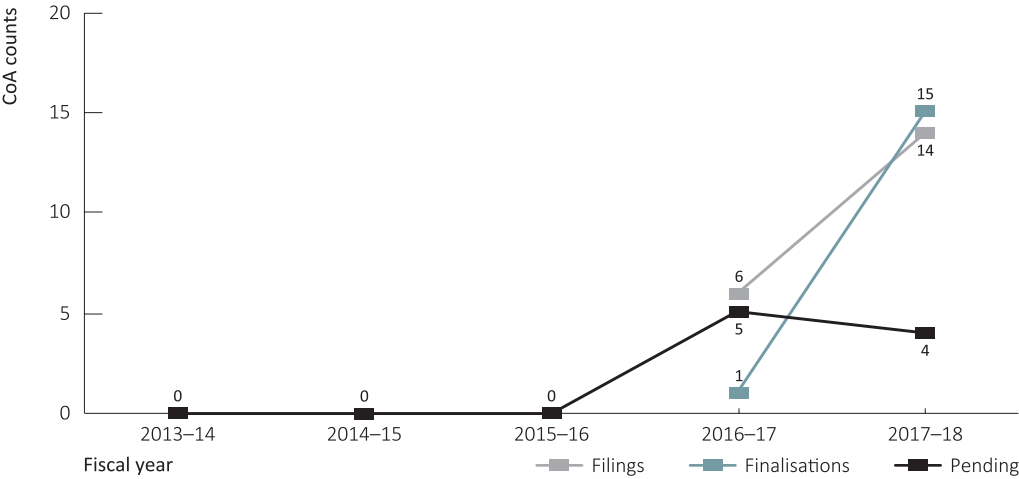


Figure A5.9.9: Federal Crime and Related Proceeding NPAs, filings, finalisations and pending, 2017-18



APPENDIX 6

WORK OF TRIBUNALS

Australian Competition Tribunal

Functions and powers

The Australian Competition Tribunal was established under the *Trade Practices Act 1965* and continues under the *Competition and Consumer Act 2010* (the Act) to hear applications for:

- review of determinations by the Australian Competition and Consumer Commission (ACCC) granting or refusing clearances for company mergers and acquisitions
- review of determinations by the ACCC in relation to the granting or revocation of authorisations that permit conduct and arrangements that would otherwise be prohibited under the Act for being anti-competitive
- review of decisions by the Minister or the ACCC in relation to allowing third parties to have access to the services of essential facilities of national significance
- review of determinations by the ACCC in relation to notices issued under s 93 of the Act in relation to exclusive dealing, and
- review of certain decisions of the ACCC and the Minister in relation to international liner cargo shipping.

The Tribunal can also hear a range of other, less common, applications arising under the Act.

The Tribunal can affirm, set aside or vary the decision under review.

The jurisdiction of the Tribunal changed in two ways in the year ending 30 June 2018. Firstly, review by the Tribunal of decisions of the Australian Energy Regulator and the Economic Regulation Authority of Western Australia was abolished by operation of the *Competition and Consumer Amendment (Abolition of Limited Merits Review) Act 2017* (Cth). Such review (known as Limited Merits Review) concerned decisions made pursuant to the National Electricity Law and National Gas Law.

Secondly, merger authorisation applications will no longer be able to be made to the Tribunal. Such applications will be able to be made only to the ACCC. The Tribunal will, however, continue to have power to review merger authorisation determinations made by the ACCC. These changes were effected by operation of the *Competition and Consumer Amendment (Competition Policy Review) Act 2017* (Cth).

Practice and procedure

A review by the Tribunal is usually conducted by way of a public hearing, but may in some instances be conducted on the papers. Parties may be represented by a lawyer. The procedure of the Tribunal is subject to the Act and regulations within the discretion of the Tribunal. The Competition and Consumer Regulations 2010 sets out some procedural requirements in relation to the making and hearing of review applications.

Proceedings are conducted with as little formality and technicality and with as much expedition as the requirements of the Act and a proper consideration of the matters before the Tribunal permit. The Tribunal is not bound by the rules of evidence.

Membership and staff

The Tribunal is comprised of presidential members and lay members who are qualified by virtue of their knowledge of, or experience in, industry, commerce, economics, law or public administration. Pursuant to s 31 of the Act, a presidential member must be a judge of a Federal Court, other than the High Court or a court of an external territory.

Justice John Middleton is the President of the Tribunal. On 29 August 2017, Justice Jennifer Davies was appointed as a Deputy President of the Tribunal, joining Justice Lindsay Foster, Justice Kathleen Farrell, Justice Andrew Greenwood, Justice Alan Robertson and Justice David Yates.

There are seven lay members of the Tribunal: Robyn Davey, Grant Latta AM, Professor David Round AM, Rodney Shogren, Ray Steinwall, Dr Darryn Abraham and Professor Kevin Davis.

The Tribunal is supported by a Registrar and Deputy Registrars appointed by the Treasurer. Tim Luxton is the Registrar, and Nicola Colbran, Katie Lynch, Geoffrey Segal and Russell Trott are the Deputy Registrars.

Activities

Ten matters were current at the start of the reporting year. During the year, two matters were commenced and 11 were finalised.

No complaints were made to the Tribunal about its procedures, rules, forms, timeliness or courtesy to users during the reporting year.

Decisions of interest

- *Applications by Tabcorp Holdings Limited* [2017] ACompT 5 (22 November 2017)
- *Applications by CitiPower Pty Ltd and Powercor Australia Ltd* [2017] ACompT 4 (17 October 2017)
- *Application by AusNet Electricity Services Pty Ltd* [2017] ACompT 3 (17 October 2017)
- *Application by ActewAGL Distribution* [2017] ACompT 2 (17 October 2017)

Copyright Tribunal

Functions and powers

The Copyright Tribunal was established under the *Copyright Act 1968* to hear applications dealing with four main types of matters:

- to determine the amounts of equitable remuneration payable under statutory licensing schemes
- to determine a wide range of ancillary issues with respect to the operation of statutory licensing schemes, such as the determination of sampling systems
- to declare that the applicant (a company limited by guarantee) be a collecting society in relation to copying for the services of the Commonwealth or a state, and
- to determine a wide range of issues in relation to the statutory licensing scheme in favour of government.

The *Copyright Amendment Act 2006*, assented to on 11 December 2006, has given the Tribunal more jurisdiction, including to hear disputes between collecting societies and their members.

Practice and procedure

Hearings before the Tribunal normally take place in public. Parties may be represented by a lawyer. The procedure of the Tribunal is subject to the Copyright Act and regulations and is within the discretion of the Tribunal. The Copyright Regulations 2017 came into effect in December 2017 (replacing the Copyright Tribunal (Procedure) Regulations 1969). Part 11 of the regulations relates to the Copyright Tribunal and includes provisions concerning its practice and procedure.

Proceedings are conducted with as little formality and technicality, and as quickly as the requirements of the Act, and a proper consideration of the matters before the Tribunal, permit. The Tribunal is not bound by the rules of evidence.

Membership and staff

The Tribunal consists of a President and such number of Deputy Presidents and other members as appointed by the Governor-General. Justice Andrew Greenwood is the President of the Tribunal. Justice Nye Perram and Justice Jayne Jagot are Deputy Presidents. The current members of the Tribunal are Dr Rhonda Smith (reappointed from 12 December 2017), Mr Charles Alexander (appointed from 30 November 2017), Ms Sarah Leslie (appointed from 1 March 2018) and Ms Michelle Groves (appointed from 16 April 2018). Appointments are usually for a period of five years.

The Registrar of the Tribunal is an officer of the Federal Court of Australia (FCA). The Registrar of the Tribunal during the reporting period was Michael Wall.

Activities

Four matters have been commenced in the Tribunal during the reporting period.

1. CT1 of 2017 – *Copyright Agency Limited v State of New South Wales*, being an application brought under s 153K of the *Copyright Act 1968*, filed on 17 November 2017.
2. CT2 of 2017 – *Meltwater Australia Pty Ltd v Copyright Agency Limited*, being an application brought under s 157(3) of the *Copyright Act 1968*, filed on 28 November 2017.
3. CT1 of 2018 – *Stroom Pty Ltd v Copyright Agency Limited*, being a further application brought under s 157(3) of the *Copyright Act 1968*, filed on 21 May 2018.
4. CT2 of 2018 – *Isentia Pty Ltd v Copyright Agency Limited*, being a further application brought under s 157(3) of the *Copyright Act 1968*, filed on 20 June 2018.

All four matters are ongoing.

No complaints have been made to the Tribunal about its procedures, rules, forms, timeliness or courtesy to users during the reporting year.

Decisions of interest

On 5 January 2018 the Tribunal made its final orders in CT 1 of 2012 – *Reference by Phonographic Performance Company of Australia Limited*. The orders varied the current licensing scheme but deferred the implementation of the varied scheme until after the determination or discontinuance of an (amended) application for review brought before the FCA (NSD 945/2016 – *Phonographic Performance Company of Australia Limited v Copyright Tribunal of Australia & Anor*).

Defence Force Discipline Appeal Tribunal

Functions and powers

The Defence Force Discipline Appeal Tribunal was established under the *Defence Force Discipline Appeals Act 1955* (Cth) (the Act). Pursuant to s 20 of the Act, a convicted person or a prescribed acquitted person may bring an appeal to the Tribunal against his or her conviction or prescribed acquittal. Such appeals to the Tribunal lie from decisions of courts martial and of Defence Force magistrates.

Practice and procedure

Tribunal hearings were conducted as follows:

- 26 and 27 April 2018, in Brisbane
- 15 December 2017, in Adelaide
- 3 November 2017, in Brisbane
- 8 September 2017, in Melbourne.

The procedure of the Tribunal is within its discretion.

Membership and staff

The Tribunal is comprised of the President, the Deputy President and other members.

Justice Richard Tracey AM RFD is the President, and Justice John Logan RFD is the Deputy President. The other members of the Tribunal are Justice Paul Brereton AM RFD, Justice Graham Hilley RFD and Justice Greg Garde AO RFD.

The Registrar and Deputy Registrars of the Tribunal are officers of the FCA. Their details are set out in Appendix 4.

Activities

Two matters were current at the start of the reporting year. During the year, three matters were commenced and two were finalised.

No complaints were made to the Tribunal about its procedures, rules, forms, timeliness or courtesy to users during the reporting year.

Decisions of interest

- *Herbert v Chief of Air Force* [2018] ADFDAT 1 (27 April 2018)
- *O'Neill v Chief of Army* [2017] ADFDAT 6 (3 November 2017).

APPENDIX 7

DECISIONS OF INTEREST

Administrative and Constitutional Law and Human Rights NPA

ARJ17 v Minister for Immigration and Border Protection [2018] FCAFC 98

(22 June 2018, Rares, Flick and Rangiah JJ)

A blanket policy of prohibiting mobile phones and SIM cards in detention centres and of removing such items from all detainees for the duration of their detention was found to be invalid in this case.

Rares J found that a positive law was required to authorise such a policy. The policy was not authorised by the power to 'maintain' detention centres, because this power was addressed to upkeep of facilities. It was also not authorised by the search power because this power could not be relied upon to confiscate mobile phones that were not concealed or secreted. The power to 'detain' authorised 'reasonably necessary' action and use of force by authorised officers, however, it was not 'reasonably necessary' to deprive all detainees of their mobile phones, particularly where unmonitored landline telephones and computer internet access would still be provided to effect the same or very similar communication opportunities with persons outside a detention centre.

Rangiah J found that the policy was a 'blanket' one that required authorised officers to confiscate and retain mobile phones and SIM cards, regardless of particular circumstances. Accordingly, the policy was invalid for the additional reason that it was inconsistent with the discretionary powers conferred upon authorised officers to personally and independently make discretionary judgements based upon the particular circumstances that they face.

Flick J agreed with both Rares and Rangiah JJ, in finding that there was not a sufficiently unambiguous source of legislative power to support the policy and it was inconsistent with the discretionary powers otherwise vested in an 'authorised officer'. Even if some statutory source of power could be found, any exercise of such a power would necessarily have to be proportionate to the power conferred. An assessment of proportionality would require taking into account a variety of considerations peculiar to individual detention centres and personal to individual detainees.

Administrative and Constitutional Law and Human Rights NPA

DAO16 v Minister for Immigration and Border Protection [2018] FCAFC 2

(15 January 2018, Kenny, Kerr and Perry JJ)

The appellant ('DAO16') appealed from a decision of the Federal Circuit Court of Australia (FCC) dismissing an application for judicial review of the Administrative Appeals Tribunal's decision to affirm a decision of the delegate of the Minister for Immigration and Border Protection not to grant DAO16 a protection visa.

DAO16, a citizen of India, claimed he was gay and feared harm in India by reason of his sexuality. This claim was rejected by the Tribunal. It found that DAO16 had falsely claimed to be in a genuine homosexual relationship with a Mr R and that this finding had so 'poisoned the well' that no corroborating evidence could be accepted. Specifically, the Tribunal rejected the evidence of multiple witnesses relied upon by DAO16 as fabricated because most witnesses were associated with Mr R and/or had some connection with protection visa applicants. The Tribunal found that DAO16 was 'prepared to do whatever he considers necessary to assist him to obtain a permanent visa'.

The FCC rejected the contention that the Tribunal had failed to take evidence into account and held that the Tribunal had not engaged in any illogical process of reasoning or made findings unsupported by the evidence.

The Full Court allowed the appeal, holding that the Tribunal's decision demonstrated 'extreme illogicality' and 'lack[ed] an intelligible foundation'. It held that the Tribunal's finding that DAO16's relationship with Mr R was fabricated did not provide a logical or rational basis for rejecting the corroborative evidence of four witnesses in respect of whom there was no evidence of any connection with Mr R or other protection visa applicants. The Full Court held that the Tribunal's reasons did not disclose any attempt to analyse and explain why the evidence of these independent witnesses was

found to be fabricated. The Full Court expressed grave concerns as to the reasonableness of the Tribunal's decision in other respects including that many findings were underpinned by unexpressed and unwarranted assumptions not based in any evidence. The Full Court also found that the FCC failed to consider fundamental aspects of the appellant's case including the challenge to the Tribunal's treatment of the evidence of the 16 witnesses.

Administrative and Constitutional Law and Human Rights NPA

Hocking v Director-General of National Archives of Australia [2018] FCA 340

(16 March 2018, Griffiths J)

In 1978, a bundle of correspondence between the then Governor-General of Australia, Sir John Kerr, and The Queen (or The Queen's Private Secretary) was placed into the custody of the National Archives of Australia ('the Archives'). The bundle, known as AA1984/609, included letters, telegrams and attachments exchanged between Sir John and The Queen between 1974 and 1977. In accordance with the instrument of deposit, AA1984/609 was to remain sealed until after 8 December 2037, and after this date, was not to be accessed without consultation with the Private Secretary of the day and the Governor-General's Official Secretary of the day.

The applicant, an academic, requested access to the records in AA1984/609 pursuant to the *Archives Act 1983* ('the Act'). The request was refused by the Archives, on the basis that the records did not fall within the definition of 'Commonwealth records' as defined in s 3 of the Act. The records did not constitute 'the property of the Commonwealth', nor 'the property of the official establishment of the Governor-General'.

The applicant sought judicial review of the Archives' decision. The primary question before the Court was whether the records in AA1984/609 were Commonwealth records. If they were in fact Commonwealth records, the Act provided for public access 30 years after the records came into existence. If the records were not

Commonwealth records, public access was governed by the instrument of deposit. Griffiths J noted that determination of the proceeding depended on the statutory construction of the Act, taking into account its legislative history. Griffiths J concluded that the applicant had not established any reviewable error on the part of the Archives, and that the Archives did not err in finding that the records were properly considered Sir John's personal property.

The primary judge found that private and personal correspondence between Sir John and The Queen has traditionally been regarded as the personal property of the correspondents. Sir John, in providing periodic briefings to The Queen, was not exercising the executive power of the Commonwealth.

In addition, Griffiths J found that the records were not 'the property of the official establishment of the Governor-General'. Although this is not defined in the Act, the Court concluded that the concept referred to persons assisting the Governor-General's performance of official duties, and not necessarily to the position of the Governor-General itself. Griffiths J dismissed the application for judicial review.

An appeal to the Full Court is currently listed for hearing in November 2018.

Admiralty and Maritime NPA

***Zetta Jet Pte Ltd v The Ship "Dragon Pearl"* (No 2) [2018] FCAFC 132**

(16 August 2018, Allsop CJ, Moshinsky and Colvin JJ)

Zetta Jet Pte Ltd and Mr King (a trustee appointed to Zetta Jet under United States insolvency law) alleged that Zetta Jet was the owner in equity of the vessel *Dragon Pearl*. The *Dragon Pearl* was arrested in October 2017, and held by the Admiralty Marshal pending determination of the Court proceedings. Those proceedings were dismissed, as was a subsequent appeal.

Following the dismissal of the appeal, the vessel was purchased by Linkage Access Limited ('Linkage') for US\$1. Zetta Jet and Mr King brought new proceedings against Linkage to arrest the vessel. Although the application for a warrant was denied, the *in rem* claim against the *Dragon Pearl* remained outstanding.

In the course of a third set of proceedings, Zetta Jet and Mr King sought interlocutory injunctions to restrain the removal of the *Dragon Pearl* from Australian waters, or alienation of title in the vessel pending a trial. In support of the interlocutory injunctions, Mr King claimed that he had applied for recognition as a foreign representative of Zetta Jet under the UNCITRAL Model Law on Cross-Border Insolvency and that he intended to apply for relief under s 588FF of the *Corporations Act 2001* in relation to the alleged uncommercial transaction by which the *Dragon Pearl* was transferred to Linkage.

In reply, Linkage submitted that a *res judicata* arose in relation to claims *in rem* by Zetta Jet and Mr King against the vessel by reason of the dismissal of the original proceedings. Linkage proceeded to seek summary dismissal of the second *in rem* proceeding, which was granted by the primary judge, who accepted the *res judicata* submissions. An injunction was also refused.

Zetta Jet and Mr King sought leave to appeal. The Full Court found that leave ought to be granted, but concluded that the primary judge did not err in ordering summary dismissal of the *in rem* proceedings and denying the claim to injunctive relief based upon *res judicata* principles.

However, the Full Court also found that the primary judge did not separately address the significance for the application for injunctive relief of the foreshadowed claim for relief under s 588FF of the *Corporations Act 2001*. Accordingly, the Full Court allowed the appeal as to the dismissal of the interlocutory injunction application and remitted the matter to the primary judge to consider whether the uncommercial transaction claim is a sufficient ground on which to order an injunction.

Commercial and Corporations NPA | Commercial Contracts, Banking, Finance and Insurance Sub-Area

Hancock Prospecting Pty Ltd v Rinehart **[2017] FCAFC 170**

**(27 October 2017, Allsop CJ, Besanko and
O’Callaghan JJ)**

Two grandchildren of Mr Langley Hancock commenced proceedings against 15 respondents, including their mother, siblings and various entities in the Hancock Group. It was alleged that following the death of their grandfather, their mother took control of all entities in the Hancock Group and, in breach of her duties as a fiduciary and as a trustee, engineered a situation that gave her children a lesser interest in the family’s valuable mining assets than had been agreed.

The Full Court considered an interlocutory application seeking a stay of the Court proceedings and an order referring the parties to arbitration. It was alleged that the applicants had previously given up any right to bring any of the claims made and had in any event agreed that any such claims would be made in confidential arbitral proceedings. The Full Court found that the arbitration contemplated in this case was a ‘commercial arbitration’. It was not necessary to demonstrate a pre-existing commercial relationship between the parties. A family or domestic dispute and the arbitration to resolve it could be characterised as a commercial dispute.

The Full Court also found that arbitration clauses should be interpreted liberally where the words permitted that to be done. The correct general approach was that parties did not intend to have their disputes heard in two places. The Full Court construed the words ‘any dispute under this deed’ to mean the whole dispute or controversy. Construing the word ‘dispute’ in a way that brought the substantive defence, but not the substantive reply into the purview of the arbitration clause would be contrary to principle because it would provide for dispute resolution in two places.

The Full Court ordered a stay of the whole of the proceedings pending any arbitral reference or until further order, finding that claims against non-parties to the arbitration agreements were also fundamentally adjectival to those involving the parties to the arbitration agreements.

The High Court of Australia granted special leave to appeal and the appeal is currently listed for hearing on 12 October 2018.

Commercial and Corporations NPA | Corporations and Corporate Insolvency Sub-Area

Jones (Liquidator) v Matrix Partners Pty Ltd, in the matter of Killarnee Civil & Concrete Contractors Pty Ltd (in liq) [2018] FCAFC 40

(21 March 2018, Allsop CJ, Siopis and Farrell JJ)

The Full Court in this case considered a liquidator’s application for directions and declarations in relation to a voluntary winding up of a company that had carried on business as the trustee of a trading trust. The questions considered by the Full Court have been the subject of significant academic debate and conflicting decisions over the course of several decades.

The Full Court was unanimous in holding that assets of the trading trust were not assets in the winding up of the trustee company. A liquidator therefore did not have power under the *Corporations Act 2001* to sell those assets and required separate permission from the Court to do so. The Full Court was also unanimous in finding that proceeds from the sale of trust assets were not available to pay all creditors of the insolvent corporate trustee and had to be used only to pay trust creditors.

Allsop CJ and Farrell J agreed, for different reasons, that the proceeds of realisation of trust assets should be distributed in accordance with the priority regime in the *Corporations Act 2001*. Allsop CJ found that the priority regime applied because the proprietary interest of the trustee in the assets otherwise held on trust in support of the right of indemnity by

way of exoneration was ‘property of the company’ for the purposes of the *Corporations Act 2001*. Farrell J accepted as binding the recent decision of the Victorian Court of Appeal in *Re Amerind*. Farrell J also observed, and Allsop CJ agreed that, if the distribution was to be in accordance with equitable principle, then there was a sound basis for concluding that Equity would follow the statute by providing for the priority of employees.

Siopis J distinguished *Re Amerind* and did not agree that ‘property of the company’ for the purposes of the priority regime included a trustee’s right of indemnity by way of exoneration. Siopis J agreed with the majority that it would be open for a court exercising equitable jurisdiction to direct that monies realised from the sale of trust assets should be distributed to trust creditors other than *pari passu*. In this case, however, Siopis J was not satisfied that directions in those terms should be made as the liquidator had not applied for appointment as a receiver in respect of the sale of trust assets.

Commercial and Corporations NPA | Economic Regulator, Competition and Access Sub-Area

Australian Securities and Investments Commission v Westpac Banking Corporation (No 2) [2018] FCA 751

(24 May 2018, Beach J)

Pecuniary penalty proceedings were brought by the Australian Securities and Investments Commission (‘ASIC’) against Westpac Banking Corporation (‘Westpac’) concerning its trading in prime bank bills in the bank bill market between 6 April 2010 and 6 June 2012 with the alleged purpose of influencing the setting of the bank bill swap reference rate (‘BBSW’). The BBSW is a key benchmark interest rate in Australian financial markets. Its purpose and function is to provide an independent and transparent reference rate for the pricing and revaluation of Australian dollar derivative instruments, securities and commercial loans.

ASIC claimed that Westpac breached its financial services licensee obligations and had engaged in market manipulation, market rigging, unconscionable conduct, misleading or deceptive conduct and misrepresentation. ASIC contended that during the relevant period, Westpac had developed and pursued a practice of trading prime bank bills with the sole or dominant purpose of influencing the level at which the BBSW was set in a way that was favourable to its BBSW rate set exposure to the disadvantage of counterparties (‘Rate Set Trading Practice’).

Beach J rejected ASIC’s allegation of a Rate Set Trading Practice during the relevant period, but accepted that on four occasions Westpac traders did trade in bank bills with the dominant purpose of influencing the level at which BBSW was set in a way that was favourable to Westpac’s BBSW rate set exposure. Beach J was not satisfied that this amounted to market manipulation or market rigging, although Westpac was found to have engaged in unconscionable conduct under the *Australian Securities and Investments Commission Act 2001*. Beach J found that Westpac’s conduct on the four identified occasions was against commercial conscience as informed by the normative standards and their implicit values enshrined in the text, context and purpose of the *Australian Securities and Investments Commission Act 2001* specifically and the *Corporations Act 2001* generally. Beach J also concluded that by reason of inadequate procedures and training, Westpac contravened its financial services licensee obligations.

Commercial and Corporations NPA | General and Personal Insolvency Sub-Area

***Luck v University of Southern Queensland* [2018] FCAFC 102**

(29 June 2018, Logan, Mortimer and Charlesworth JJ)

A creditor's petition lapses 12 months after its presentation or at the expiration of a period fixed by the bankruptcy court. In this case a petition presented in April 2015 was due to lapse in April 2016 unless validly extended. In March 2016, a registrar of the FCC made a consent order adjourning the further hearing of that petition to May 2016 ('consent order'). It was not brought to the registrar's attention and the registrar was not aware that the petition would lapse prior to this date. In May 2016, the registrar made an order under the 'slip rule' correcting the consent order by extending the life of the creditor's petition ('correcting order'). The Full Court was asked to consider whether the life of the creditor's petition was thus validly extended retrospectively.

The majority of the Full Court agreed that a registrar could rely on the 'slip rule' to make the retrospective correcting order, so the life of the creditor's petition was validly extended. Registrars were expressly given the power to extend the life of a creditor's petition, but not to use the 'slip rule'. Registrars could, however, exercise a power that was 'related to' an expressly delegated power.

Mortimer J found that the exercise of the power under the 'slip rule' in this case 'related to' the expressly delegated power to extend the life of a creditor's petition. The two powers were not 'separate and distinct' because the power under the 'slip rule' was derivative, not free-standing. Mortimer J also found that it was possible to retrospectively extend the life of a creditor's petition under the slip rule because what in law occurred when the slip rule was employed was that the exercise of power was located at the time the omission or failure occurred, here in March 2016. Logan J agreed generally with the reasons for judgment of Mortimer J.

Charlesworth J agreed that the appeal should be dismissed, but on a different legal basis. The reasoning of Charlesworth J differed from the majority in that she found that the registrar could not rely on the slip rule in this case. This was because in March 2016, the registrar had not actually formed an intention to extend the life of the petition and Charlesworth J considered this to be a necessary precondition to the registrar's use of the slip rule.

An application for special leave to appeal is currently pending in the High Court of Australia.

Commercial and Corporations NPA | Regulator and Consumer Protection Sub-Area

***Australian Olympic Committee, Inc v Telstra Corporation Limited* [2017] FCAFC 165**

(25 October 2017, Greenwood, Nicholas and Burley JJ)

In advance of the 2016 Summer Olympic Games, Telstra commenced a marketing campaign, promoting the availability of live events streamed from the Olympics by Seven Network. The Australian Olympic Committee ('AOC') contended that Telstra's campaign used protected Olympic expressions, including 'Olympic' and 'Olympic Games', in breach of the *Olympic Insignia Protection Act 1987* (Cth) ('OIP Act'). The AOC also alleged that the Telstra campaign breached the Australian Consumer Law ('ACL') by conveying a false representation, or by having a tendency to cause people erroneously to assume, that Telstra or its products or services had some form of affiliation or sponsorship like arrangement with the Olympic Games, the Olympic movement, the AOC or another Olympic body.

The primary judge concluded that Telstra's campaign did not evoke a connection with a relevant Olympic body, either for the purpose of the OIP Act claim or the ACL claim. It was not enough for the AOC to prove that the campaign was Olympic themed. The primary judge found that Telstra effectively promoted its sponsorship arrangement with the Seven Network by

conveying an impression that its customers could get premium access to Seven Network's coverage of the Olympic Games on their mobile devices.

The Full Court observed that it was not helpful that the grounds of appeal were broadly expressed and amounted to little more than assertions that the primary judge fell into error by not deciding in accordance with the AOC's case. The Full Court emphasised that on appeal, the primary judge's views on the effect of the advertisements and the representations and suggestions they conveyed should be given considerable weight unless those views were shown to be affected by some relevant error of law or fact. The Full Court found it was plainly open to the primary judge to reject the contention that a viewer would consider a disclaimer that Telstra was not an 'official sponsor of the Olympic Games', as an assertion that it was an unofficial sponsor. After reviewing the evidence at trial afresh, the Full Court concluded that no error had been demonstrated by the AOC and dismissed the appeal.

Commercial and Corporations NPA | Regulator and Consumer Protection Sub-Area

Valve Corporation v Australian Competition and Consumer Commission [2017] FCAFC 224

**(22 December 2017, Dowsett, McKerracher and
Moshinsky JJ)**

Valve is a United States based company that operates an online game distribution network with more than two million Australian subscriber accounts. It was alleged that Valve made misrepresentations in its refund policies, including by claiming that it had no obligation to offer refunds or to comply with Australian consumer guarantees. Valve claimed that its refund policies were not misleading because it was not bound by Australian consumer guarantees. This was because the relevant supplies were made pursuant to contracts that were governed by United States law. Valve also contended that the representations were not made in Australia and that it did not carry on business in Australia.

The primary judge found that some of the alleged representations were made and were misleading. The primary judge imposed a pecuniary penalty of \$3 million and ordered other relief, including corrective advertising and a compliance program. The Full Court dismissed Valve's appeal and also a cross-appeal from the decision of the primary judge.

The Full Court did not accept that Australian consumer guarantee provisions could not cover supplies pursuant to contracts governed by foreign law. The Full Court found it would be inconsistent with the statutory scheme to so limit the scope of operation of Australian consumer guarantees.

The Full Court also found that, in substance, the representations were made in Australia. They were addressed to customers in Australia and this is where they were accessed and read. The representations could be taken to have been made in Australia even if Valve was based in the United States and the representations were also available to be accessed by consumers in other countries.

The Full Court found no error in the primary judge's conclusion that Valve was carrying on business in Australia. Not only did Valve engage in transactions with a large number of Australian consumers, it owned servers in Australia upon which content was 'deposited' when requested by its Australian customers. There was a series or a repetition of acts in Australia that formed part of the conduct of Valve's business.

The Full Court did not consider the penalty of \$3 million to be manifestly excessive and found no error in relation to the other relief that had been ordered by the primary judge.

Employment and Industrial Relations NPA

***Shop, Distributive and Allied Employees Association v The Australian Industry Group* [2017] FCAFC 161**

(11 October 2017, North, Tracey, Flick, Jagot and Bromberg JJ)

As part of its four yearly review of modern awards as prescribed by s 156 of the *Fair Work Act 2009* ('the Act'), the Fair Work Commission ('FWC') made determinations to vary multiple awards by reducing the Sunday and holiday penalty rates and other employee entitlements from 1 July 2017. The FWC considered that the penalty rates, as they then were, did not achieve the modern awards objective set out in s 134(1) of the Act, as they did not provide a fair and relevant minimum safety net.

Two unions, the Shop, Distributive and Allied Employees Association and United Voice ('the applicants'), sought judicial review of the FWC's determinations in this Court, submitting that the FWC lacked power under s 156 of the Act to make a determination to vary the award without having first satisfied itself that there had been a material change in circumstances since the previous review. The Full Court rejected this ground, finding that the FWC's power is not conditional upon it being satisfied that a material change has occurred.

The applicants also argued that the FWC misunderstood the nature of the inquiry required under s 134 of the Act, ultimately misconstruing 'relevant' in the phrase 'fair and relevant minimum safety net' as meaning that the award must be suited to contemporary circumstances, instead of by reference to only the factors at s 134(1)(a)-(h), which the applicants contended were exhaustive. The Full Court considered the phrase 'fair and relevant' to be a composite phrase, and held that while those matters in s 134(1)(a)-(h) inform the evaluation of what is a 'fair and relevant minimum safety net of terms and conditions', the FWC is not confined to consideration of those matters only.

In reaching its decision, the Full Court reiterated that its task is limited to reviewing the FWC's decision-making processes for jurisdictional error, and does not extend to assessing the correctness or the merits of the FWC's conclusions.

Having concluded that the FWC's decision, read as a whole, does not disclose any jurisdictional error, the Full Court ordered that each of the applications be dismissed.

Federal Crime and Related NPA

***SMEC Holdings Pty Ltd v Commissioner of the Australian Federal Police* [2018] FCA 609**

(30 April 2018, Bromwich J)

In February 2018, four search warrants were issued for execution at addresses in Melbourne and in the Australian Capital Territory in the course of an Australian Federal Police investigation targeted at SMEC Holdings Pty Ltd ('SMEC'). SMEC and several of its employees or officers brought four proceedings seeking judicial review, challenging the issue of the search warrants, their validity on their face and their execution. Interlocutory applications for discovery were also filed. While the parties were able to reach a consent position in relation to discovery pertaining to the execution of the search warrants, the Commissioner continued to oppose orders for discovery in relation to the material before the officers issuing the search warrants.

The central question was whether the applicants had established a sufficient basis for the Court to exercise its discretion to order the Commissioner to discover the material that was before the issuing officers. Among other assertions, the applicants argued that the issuing officers could not have been satisfied, on the basis of the information before them, that there were reasonable grounds to suspect that items described in the warrant, and located at the premises, would afford evidence of the offences. The applicants also claimed that the warrants were invalid, in circumstances where the applicants asserted they did not commit the offences specified in the warrants.

Bromwich J observed that, under s 3E of the *Crimes Act 1914*, an application for the issue of a search warrant only has to meet a 'low threshold requirement' and so it is difficult to establish that a search warrant has been invalidly issued, by reason of insufficient material before the issuing officer.

Bromwich J further noted that obtaining and executing a search warrant does not constitute any allegation, at that stage, that offences have been committed. It is clear, on the face of each of the four search warrants, that they were obtained on the grounds of no more than a suspicion by the warrant applicant that offences had occurred. Accordingly, claiming one's innocence is not of significant value. Such a claim cannot establish that the suspicion is unreasonably held, nor can it be a sound basis for inferring a lack of sufficient grounds for the issue of a search warrant.

Orders for discovery in relation to the execution of the search warrants were made by consent. The interlocutory applications for discovery were otherwise dismissed.

Intellectual Property NPA | Copyright Sub-Area

***Career Step, LLC v TalentMed Pty Ltd (No 2)* [2018] FCA 132**

(28 February 2018, Robertson J)

Career Step, a company based in the United States, brought claims against TalentMed, an Australian company, for copyright infringement under the *Copyright Act 1968* ('the Act'). Career Step provided an online educational course for those training to be medical transcriptionists. Career Step claimed that TalentMed copied portions of its course, provided under licence, to develop its own materials to offer a competing course to students.

In response, TalentMed and its two directors (together 'the respondents') asserted that Career Step had failed to establish subsistence or ownership of copyright in the work relied upon. The respondents further submitted that TalentMed had not infringed copyright in any alleged work, and neither director was accessorially liable.

Robertson J concluded that TalentMed's first version of its course 'took a substantial part of Career Step's copyright in the work' and that such copyings were not generic, although this was not found in relation to TalentMed's second iteration. It was also accepted that the directors authorised the copying.

Robertson J rejected the respondents' contention that Career Step had failed to evidence the pleaded copyright work, which was found to be the course content, including text containing information, case studies, graphs, diagrams, quizzes and exams, developed by employees and contractors of Career Step operating together. Robertson J accepted Career Step's submission that the course content constituted an original literary work, and more specifically, a work of joint ownership in accordance with the definition in s 10 of the Act. Robertson J was not satisfied that a work consisting of modules could not be a single work. Robertson J found that it was not necessary for each of the writers to contribute to each of the modules before a claim to joint ownership could be established. It was sufficient that the authors, as members of the group constituted for a common purpose, had been identified.

Robertson J also found that ownership lay with Career Step. This was because, by virtue of s 35(6) of the Act, Career Step as employer became the owner of copyright in the work product of the employees, and by s 196 of the Act, became the owner of copyright in the work product of the contractors by virtue of assignments. Declarations reflecting the respondents' infringement were made.

Intellectual Property NPA | Patents and Associated Statutes Sub-Area

Warner-Lambert Company LLC v Apotex Pty Limited (No 2) [2018] FCAFC 26

(23 February 2018, Jagot, Yates and Burley JJ)

Apotex challenged, on grounds of insufficiency and false suggestion, the validity of Pfizer's patent for a new therapeutic use of Lyrica (pregabalin) in pain therapy. The primary judge found the patent was sufficient and that a false suggestion was not material to its grant. The primary judge also found threatened infringement by Apotex.

The Full Court found no error in the primary judge's conclusions in relation to sufficiency. The Full Court accepted that the invention was a broad one directed to a new therapeutic use, not more specific matters such as dosage. The character of the invention was important when considering the description that will be sufficient. The relevant question was whether the specification described the invention fully, not what else was necessary for regulatory approval. There was a difference between whether a person skilled in the art could perform the invention based on the description in the specification and whether a clinician would choose to do so.

The primary judge did not agree that the description of the invention left a person skilled in the art with too much work to do, reasoning that if the steps required to be taken to work the invention were readily apparent and routine, then the test for sufficiency would be satisfied. The Full Court saw no error in this approach, nor in the finding of fact that the work required in the present case was routine for the person skilled in the art.

The Full Court found it was plainly open to the primary judge to conclude that the false suggestion was not a material factor that led to the grant of the patent. The Full Court found that the relevant claims would not lack fair basis even if the reference to testing that included the false suggestion had been omitted.

The Full Court also agreed with the primary judge that there was no reason to read down the definition of 'exploit' to found any territorial limitation.

The relevant act of infringement was not the use of the method outside the patent area but the exploitation (by importation and sale) in Australia of a product made using the patented method. Thus a Swiss-style claim could be infringed by a threat to import and supply medicaments made outside of the patent area by a third party.

Intellectual Property NPA | Trade Marks Sub-Area

Aldi Foods Pty Ltd v Moroccanoil Israel Ltd [2018] FCAFC 93

(22 June 2018, Allsop CJ, Perram and Markovic JJ)

Since 2007, Moroccanoil has produced and distributed 'high-end' hair and skin care products containing argan oil from Morocco. Moroccanoil sought to register this word as a trade mark in relation to hair care products in 2011. In the same year, Aldi became aware that argan oil products were 'on-trend' and decided to produce their own range of argan oil hair care products under the brand 'Protane Naturals'. Aldi opposed the registration of the Moroccanoil trade mark and Moroccanoil claimed that the manner in which Aldi sold its argan oil products constituted misleading or deceptive conduct.

The primary judge found that the packaging of Aldi's products misleadingly conveyed that they were substantially comprised of natural ingredients and that their claimed benefits resulted from argan oil. The primary judge also found that the way in which the word 'Moroccanoil' had been used by Moroccanoil made it capable of distinguishing Moroccanoil's goods. The primary judge found that the trade mark could therefore proceed to registration.

The Full Court unanimously allowed the trade mark appeal, finding that the wordmark 'Moroccanoil' really just meant 'oil from Morocco' and was not inherently adapted to distinguish, nor capable of distinguishing by reason of use, Moroccanoil's products from those of other traders selling argan oil based hair care products.

The Full Court was also unanimous in finding that the word ‘Naturals’ on the packaging of the Aldi products did not convey to the ordinary reasonable consumer that the products were comprised of substantially natural ingredients. The primary judge fell into error by asking the wrong question, namely whether the ingredients in the products could be described as ‘natural’.

In relation to the claimed benefits of the Aldi products, Perram J did not consider the labelling to suggest that the claimed benefits were derived from the presence of argan oil, but found this difference of opinion did not bespeak error for the purposes of appellate review. Allsop CJ and Markovic J both agreed with the primary judge.

Allsop CJ and Perram J also made some important observations about the nature of appellate review. In particular, they criticised a test of ‘plainly and obviously wrong’ as lacking the necessary nuance and setting the standard of appellate review higher than it should be.

Native Title NPA

***Starkey on behalf of the Kokatha People v State of South Australia* [2018] FCAFC 36**

(16 March 2018, Reeves, Jagot and White JJ)

These appeals concern competing and entirely overlapping native title claims over the same claim area, known as Lake Torrens. Native title had been found to exist in favour of each of the appellants, the Kokatha People, the Adnyamathanha People and the Barngarla People, over separate areas of land surrounding Lake Torrens. The Full Court by majority held that all three appeals should be dismissed.

All of the native title applicants were unsuccessful before the primary judge. The primary judge found that the claimed rights and interests of the Kokatha People were contemporary in origin. The primary judge also found that neither the Adnyamathanha People nor the Barngarla People were able to establish a continual substantially uninterrupted connection with the claim area, in accordance with the traditional laws and customs held with respect to the area at sovereignty.

Reeves J found that the deficiency in the appeal by the Kokatha People was that their lay evidence did not take the Kokatha People’s connection to Lake Torrens anywhere near sovereignty. Reeves J rejected submissions that the primary judge erred in his findings, including in relation to their rights and interests in the claim area, the significant objects shown in an evidence session and ethnographic surveys. Reeves J found that ‘nothing has been advanced ... to show why his Honour was wrong’.

Reeves J also rejected the appeal by the Adnyamathanha People. Reeves J found that the primary judge did not misapply the test for connection under the *Native Title Act 1993*, finding that ‘occupation’ was not mistakenly used in the Western sense. Reeves J did not accept that the primary judge erred by misusing the effect of the previous three consent determinations of the area around Lake Torrens. Reeves J also dismissed the appeal by the Barngarla People, finding that many grounds were confined to challenging findings the primary judge made, which were to a substantial degree based upon the witnesses’ credibility.

White J agreed with the reasons given by Reeves J. White J emphasised that the Full Court should ‘recognise the advantages of the primary judge arising ... from his Honour having seen and heard the evidence given’.

In a dissenting judgment, Jagot J found the appeals should have been allowed. In considering the primary judge’s treatment of the prior determinations of native title, Jagot J noted ‘the Kokatha determination did not establish ... that the Adnyamathanha and the Barngarla Peoples did not have rights and interests under their traditional laws and customs by which they had a connection with the Kokatha determination area pre-sovereignty or at any time thereafter until the date of the determination itself’. Jagot J also accepted that the primary judge erred in consideration of some evidence, so would have allowed the Kokatha appeal.

An application for special leave to appeal is currently pending in the High Court of Australia.

Other Federal Jurisdiction NPA

***Rush v Nationwide News Pty Limited (No 2)* [2018] FCA 550**

(20 August 2018, Wigney J)

This matter concerns defamation claims brought by Mr Rush against Nationwide News Pty Ltd and its journalist, Mr Moran (together ‘the respondents’). During the course of proceedings, the respondents filed two interlocutory applications, both of which were opposed by Mr Rush. Wigney J dismissed both applications.

In the first interlocutory application the respondents sought leave to file a further amended defence, which proposed two ‘substantive and substantial’ amendments to the current defence. The first amendment proposed to reinsert parts of the qualified privilege defence, previously struck out by Wigney J in an earlier judgment. The respondents submitted that the proposed paragraphs were ‘directly relevant background context’, and material to the mitigation of damages, rather than as particulars of the qualified privilege defence, in accordance with the principles outlined in *Burstein’s Case*. The second amendment also proposed to reinsert paragraphs previously struck out as particulars of the pleaded qualified privilege defence. Wigney J found that the paragraphs that the respondents sought to be reintroduced into their defence did not fall within the principles in *Burstein’s Case*. Rather, the paragraphs comprised little more than hearsay statements about allegations that had been made about Mr Rush, or rumour or innuendo, or facts about this that did not bear at all on Mr Rush’s reputation. In relation to the second proposed amendment, Wigney J noted that he had already found, in an earlier judgment, those paragraphs to be irrelevant to their defence of qualified privilege. Finally, Wigney J noted that the respondents had not yet offered a satisfactory reason for their delay in seeking leave to amend.

In the second interlocutory application, the respondents sought leave to file a cross-claim out of time, naming the Sydney Theatre Company (‘the STC’) as a cross-respondent and alleging that the STC also defamed Mr Rush. Wigney J considered that the proposed cross-claim against a source, while novel, was ‘weak and at best highly tenuous’. In addition, granting leave to file the cross-claim would mean unacceptable delays. For these reasons, Wigney J concluded that both interlocutory applications ought to be refused.

Taxation NPA

***Commissioner of Taxation v Tamarama Fresh Juices Australia Pty Ltd* [2017] FCAFC 154**

(25 September 2017, Middleton, Gilmour and Jagot JJ)

The liquidators of various companies formerly controlled by the Binetter family commenced proceedings against Nudie entities and other companies claiming equitable compensation effectively equivalent to the tax liabilities of the companies in liquidation. The Nudie entities were granted leave to issue a subpoena to the Commissioner of Taxation, which required the production of ‘protected information’ as defined in the *Taxation Administration Act 1953*.

Protected information is not required to be disclosed by the Commissioner of Taxation unless disclosure of it is ‘necessary for the purpose of carrying into effect the provisions of a taxation law’. The primary judge found that disclosure of the protected information was necessary in this case because the real purpose of the liquidator proceedings was to recover unpaid tax. The disclosure would be conducive to the recovery of the correct or true amount of tax and would be in the interests of justice.

The Full Court disagreed, finding that the disclosure required by the subpoena could not be said to be 'necessary for the purpose of carrying into effect the provisions of a taxation law' merely because the Commissioner of Taxation was the only external creditor of the companies in liquidation and compensation sought by the liquidators was equivalent to the taxation liabilities which the companies in liquidation owed to the Commissioner.

The Full Court accepted that the issue was to be resolved as one of substance over form. The Full Court also accepted that the Commissioner of Taxation was attempting to secure revenue and was acting in the administration of a taxation law. However, the Full Court ultimately found that the purpose of the disclosure was not to give effect to a provision of a taxation law. The connection between the disclosure and the carrying into effect of a provision of a taxation law was too tenuous and remote. The Full Court noted that the required exercise was evaluative, not discretionary and was not informed by considerations of fairness or justice. The Full Court concluded that the subpoena issued to the Commissioner of Taxation should be set aside.

APPENDIX 8

JUDGES' ACTIVITIES

Chief Justice Allsop

Chief Justice Allsop is:

- teaching part-time in maritime law at the University of Queensland
- an Honorary Bencher of the Middle Temple
- a member of the American Law Institute
- a fellow of the Australian Academy of Law
- an Adjunct Professor in the School of Law at the University of Queensland
- President of Francis Forbes Society for Australian Legal History, and
- Patron of the Australian Insurance Law Association.

Date	Activity
31 July 2017	Attended the signing of the memorandum of understanding between the Family Court of Australia, the Federal Court of Australia and the Supreme Court of the Republic of Indonesia, hosted by the Supreme Court in Melbourne
12 August 2017	Chaired the opening session at the Australian Academy of Law and Australian Law Journal Conference entitled 'The Future of Australian Legal Education', and gave the keynote address – 'Why Lawyers Need a Broad Social Education', held at the Federal Court, Sydney
14 August 2017	Attended the New South Wales Bar Association seminar on 'Asian Immigration and the Development of American Constitutional and Common Law', presented by Professor Frank H. Wu and chaired by Malcolm Oakes SC
16 August 2017	Chaired the seminar co-presented by the Federal Court of Australia and the Chartered Institute of Arbitrators (Australia) Limited entitled 'Achieving Greater Efficiency in International Arbitrations', held at the Federal Court, Sydney
19 August 2017	Guest at the Australia and New Zealand Association of Psychotherapy Ltd seminar entitled 'The Divided Brain and Human Meaning' presented by Dr Iain McGilchrist (UK), author of 'The Master and His Emissary: The Divided Brain and the Making of the Western World', held at University of Sydney

Date	Activity
25 August 2017	Gave an address at the Federal Circuit Court Plenary on general federal law matters and bankruptcy, Melbourne
29 August 2017	Attended the eighth John Lehane Memorial Lecture on the topic 'Is Equity Fair?' given by Lord Justice David Richards, hosted by Allens Linklaters, held at the Federal Court, Sydney
31 August 2017	Gave the welcome address at the Richard Cooper Memorial Lecture entitled 'Maritime Liens and Priorities in Canada' presented by the Honourable Mr Justice Sean Harrington, Federal Court of Canada
2–3 September 2017	Lectured at University of Queensland
6 September 2017	Attended and gave the welcome address at the Australian Maritime and Transport Arbitration Commission (AMTAC) annual address entitled 'Maritime Arbitration – Its Place in the Global Economy', held at the Federal Court, Sydney and broadcast to Adelaide, Brisbane, Melbourne and Perth
8 September 2017	Opening speaker at the 40th Anniversary of the Federal Court of Australia Conference hosted by the Centre for Commercial Law and Centre for International and Public Law, Australian National University, held at the Federal Court, Sydney. Spoke on the topic of 'The Role of the Federal Court within the Australian Judicial System'
8 September 2017	Attended and introduced the Honourable Susan Kiefel AC, Chief Justice of Australia at the book launch of 'Advocacy and Judging – Selected Papers of Murray Gleeson AC, QC' edited by Hugh Dillon, hosted by The Federation Press and held at the Federal Court, Sydney
9–10 September 2017	Lectured at University of Queensland
11 September 2017	Met with Brody Warren, Legal Officer at the Permanent Bureau of the Hague Conference on Private International Law, to review the draft of the Guide to Good Practice – Evidence Video-Link Project
11 September 2017	Attended an official dinner, along with Justice Perram and Justice Perry, at the invitation of His Excellency Consul-General (Ambassadorial Rank) of the People's Republic of China in Sydney
13 September 2017	Attended the 'Conversation on Current Issues in the Practice of Employment and Industrial Law' series hosted by the Honourable Justice Mordy Bromberg and presented by the Federal Court of Australia, the Industrial Bar Association of Victoria Bar and the Workplace Relations Section of the Law Institute of Victoria, held at the Federal Court, Melbourne and broadcast to the Federal Court in all states
25 September 2017	Attended the Australian Academy of Law's Patron Address – 'The International Court of Justice as a Working Court' delivered by His Excellency Judge James Crawford AC, SC, FBA, Judge of the International Court of Justice, held at the Federal Court, Sydney

Date	Activity
27 September 2017	Attended the ceremonial sitting of the Supreme Court of Victoria to mark the retirement of the Honourable Marilyn Warren AC as Chief Justice of Victoria
29 September – 1 October 2017	Met with the Honourable Muhammad Hatta Ali, Chief Justice of the Supreme Court of Indonesia in Jakarta. Participated in meeting with Indonesian judges to discuss court organisation and the future regional justice system and met with the Australian Indonesian Partnership for Economic Governance team
1–4 October 2017	Travelled to Singapore and met with the Honourable Sundaresh Menon SC, Chief Justice of Singapore. Gave a talk to law clerks on how the law has changed in Australia over his years of practice; contemporary pressures faced by courts, including areas such as diversity, independence and funding; the role of judicial assistants in Australia; and advice for the young lawyer. Gave the Singapore Academy of Law Distinguished Speaker Lecture on the topic of 'The Doctrine of Penalties in Modern Contract Law' with panel discussion moderated by the Honourable Judge of Appeal, Justice Andrew Phang. Visited the School of Law, Singapore Management University, the Faculty of Law, National University of Singapore and the Law Society of Singapore
5 October 2017	Attended the Maritime Law Association of Australia and New Zealand 44th National Conference entitled 'The Four Seasons of Shipping' held in Melbourne
6 October 2017	Attended the ceremonial sitting to farewell the Honourable Diana Bryant AO, Chief Justice of the Family Court of Australia, held in Melbourne
9 October 2017	Attended and presented on the topic of 'Admiralty Division of the Federal Court' at the reception and tour of the Federal Court of Australia jointly conducted by the Australian Maritime and Transport Arbitration Commission (AMTAC) and the Federal Court of Australia, Sydney
10 October 2017	Gave the opening remarks at the International Bar Association Annual Conference session on Intellectual Property Litigation Reform, held at the Federal Court, Sydney
16–19 October 2017	Participated in various events held as part of the Hong Kong Arbitration Week. Attended the 2nd UNCITRAL Asia Pacific Judicial Summit – Judicial Roundtable on International Trade Law and presented at the session entitled 'Transparency vs Confidentiality'; was speaker at the Alternative Dispute Resolution (ADR) in Asia Conference: Arbitration in a Changing World on the topic of 'Artificial Intelligence and Industrialisation of Arbitration'; attended the Arbitration Charity Ball
20 October 2017	Presided over the special sitting of the Full Court for the announcement of the appointment of Senior Counsel for the State of New South Wales
20 October 2017	Attended a joint ceremonial sitting of the Full Court of the Family Court of Australia and the Federal Circuit Court of Australia on the occasion of the swearing in of the Honourable Chief Justice John Pascoe AC CVO as Chief Justice of the Family Court of Australia and His Honour Chief Judge William Alstergren as Chief Judge of the Federal Circuit Court of Australia, held in Sydney

Date	Activity
20 October 2017	Co-hosted with the Chief Justice of New South Wales the conference entitled 'Artificial Intelligence, Big Data and the Quantum Leap' which was a gathering of Australian legal sector leaders and prominent academics to consider the possibilities arising and the potential policy/organisational issues that will flow from the inevitable developments in technology, held at the Supreme Court of New South Wales
23 October 2017	Delivered the welcome at the Australian Academy of Law Symposium held at the Federal Court in Melbourne
24 October 2017	At the invitation of His Excellency the Governor of South Australia, the Honourable Hieu Van Le AC and Mrs Lan Le, attended a dinner at Government House for the Council of Chief Justices
25 October 2017	Attended the Council of Chief Justices meeting in Adelaide
25 October 2017	Gave the opening remarks at the annual cocktail function of the Commercial Bar Association of Victoria, held at the Federal Court in Melbourne
1 November 2017	Introduced the Honourable William Gummow AC QC on His Honour's presentation entitled 'Reflections on the Life and Times of Sir Maurice Byers CBE QC' at the Maurice Byers Centenary Conference held at the New South Wales Bar Association
1 November 2017	Delivered the 2017 Sir Maurice Byers Annual Lecture held at the New South Wales Bar Association entitled 'The Law as an Expression of the Whole Personality'
3 November 2017	Attended the ceremonial sitting of the Federal Circuit Court in Melbourne to welcome Patrizia Mercuri as a Judge of the Federal Circuit Court of Australia
16 November 2017	Attended the Victorian Bar cocktail party in honour of the retiring President, Jennifer Batrouney QC, retiring members of the 2016–17 Bar Council and other members of the Bar who have assisted the Bar Council
21 November 2017	Attended the Australian Association of Constitutional Law event – A discussion of recent High Court decisions on Chapter III: <i>Graham v Minister for Immigration and Border Protection</i> ; <i>Knight v Victoria</i> ; and <i>Rizeq v Western Australia</i> , held at the Federal Court, Sydney
29 November 2017	Attended the ceremonial sitting of the Federal Circuit Court in Melbourne to welcome Justice William Alstergren, Chief Judge of the Federal Circuit Court of Australia
29 November 2017	Participated, via teleconference, in the first meeting of the Advisory Committee for the Asian Principles of Restructuring Project organised through the Asian Business Law Institute based in Singapore
30 November 2017	Attended the ceremonial sitting at the Supreme Court of Victoria in relation to the appointment of Senior Counsel in Victoria
30 November 2017	Presided over the ceremonial sitting of the Federal Court in Melbourne for the announcement of the appointment of Senior Counsel in Victoria

Date	Activity
14 December 2017	Presided over the ceremonial sitting of the Federal Court in Brisbane for the announcement of the appointment of Senior Counsel in Queensland
18 January 2018	Participated, via teleconference, in the first meeting of the Steering Committee for the Asian Principles of Restructuring Project organised through the Asian Business Law Institute based in Singapore
20–24 January 2018	Introduced the Honourable Susan Kiefel AC, Chief Justice, High Court of Australia as the First Speaker at the Supreme and Federal Courts Judges' Annual Conference held in Sydney. Participated as commentator on the paper presented by Professor Vivienne Bath, Professor of Chinese and International Business Law, Director of the Centre for Asian and Pacific Law, Director of Research, China Studies Centre, University of Sydney at the session entitled 'International Trade and Investment Law: The Implications for Australia and Asia of Changing US Policies'
25 January 2018	Attended the swearing in of Professor Sarah Derrington in Brisbane
29 January 2018	At the invitation of Chief Judge Alstergren, attended the ceremonial sitting of the Federal Circuit Court of Australia to swear-in and welcome Dr Christopher Kendall, in Perth
1 February 2018	Presided over the ceremonial sitting held in Melbourne to swear-in and welcome Mr Simon Steward QC to the Federal Court of Australia
5 February 2018	Presented at the High Court of Australia for the new Silks to take their bows and attended the dinner to welcome the new Silks held at the High Court of Australia, Canberra
6 February 2018	Spoke to Associates of the Federal, Supreme and County Courts at the invitation of Young's List, Victorian Bar, held at the RACV City Club, Melbourne
8 February 2018	Addressed the Western Australian Bar Association on the topic 'The Bar's Role in Dispute Resolution', held at the Federal Court in Perth
9 February 2018	Presided over the ceremonial sitting to farewell the Honourable Justice John Gilmour, held at the Federal Court in Perth
9 February 2018	Unveiled a plaque installed on the ground floor of the Federal Court in Perth
13 February 2018	Conducted the private swearing in of the Honourable Justice Katrina Banks-Smith and Mr Craig Colvin SC in Perth
14 February 2018	Conducted the swearing in of Mr Thomas Thawley SC in Sydney
21 February 2018	Hosted end-of-clerkship drinks for Indigenous clerks with attendees including Attorney General Speakman, and representatives of the Federal Court, Federal Circuit Court, Supreme Court of New South Wales, Native Title Tribunal and the Bar, held at the Federal Court in Sydney

Date	Activity
22 February 2018	Attended a luncheon hosted by Chief Justice Bathurst of the Supreme Court of New South Wales in honour of Adam Harris, President, and Jason Baxter, Chief Operating Officer, with the International Association of Restructuring, Insolvency and Bankruptcy Practitioners, held at the Supreme Court of New South Wales
24 February 2018	Gave the keynote address entitled 'The Law as an Expression of the Whole Personality' at the South Australian Bar Association Conference held at the Adelaide Hills Convention Centre
28 February 2018	Presided over the ceremonial sitting to welcome Justice Katrina Banks-Smith and Justice Craig Colvin to the Federal Court, held in Perth
1 March 2018	Presided over the ceremonial sitting to welcome the new Western Australian Silks, held at the Federal Court in Perth
15 March 2018	Hosted a dinner for Dr Péter Darák, President, Curia of Hungary, held in Melbourne
16 March 2018	Participated in the panel discussion on the topic of 'Expansion of Regulatory Power and its Reviewability' at the Bar Association's continuing professional development event held at the Federal Court, Sydney
19 March 2018	In conjunction with the CEO and Principal Registrar of the Federal Court, hosted a Law Society Credential Visit with Doug Humphreys OAM (President), Michael Tidball (CEO), Pauline Wright (Immediate Past President), Elizabeth Espinosa (Senior Vice President), Richard Harvey (Junior Vice President) and Juliana Warner (Treasurer)
9 April 2018	Attended the Council of Chief Justices meeting in Canberra
16–18 April 2018	Gave the opening keynote address at the International Council for Commercial Arbitration Congress held in Sydney on the topic 'Commercial and Investor-State Arbitration: The Importance of Recognising Their Differences'
20 April 2018	Attended the Federal Court and Supreme Court of Queensland dinner to farewell the Honourable Justice John Dowsett AM, held in Brisbane
26 April 2018	Presided over the ceremonial sitting to farewell the Honourable Justice John Dowsett AM as a judge of the Federal Court of Australia, held in Brisbane
30 April 2018	Presided over the ceremonial sitting to farewell the Honourable Anthony Siopis as a judge of the Federal Court of Australia, held in Perth

Date	Activity
2 May 2018	Attended a talk about the Swiss legal system given by a visiting judge from the Swiss Federal Administrative Court, Judge Michael Beusch (PhD, Dr. iur, attorney at law), co-hosted by the Federal Court and held in Melbourne
3 May 2018	Delivered the opening address at the Aviation Law Association of Australia and New Zealand 37th Annual Conference held in Sydney on the topic 'Jurisdiction Shopping in Aviation Litigation'
4 May 2018	As part of the University of New South Wales' International Commercial Arbitration Program for Sri Lankan Delegates, gave a lecture on the role of Australian courts in Australia's international arbitration regime. The delegation comprised 10 senior members of the Sri Lankan Attorney General's Department who were identified by Australia Awards. The program is part of a Commonwealth Government initiative arranged through the Department of Foreign Affairs and Trade Awards program aiming to build legal capacity in the important field of International Commercial Arbitration. The lecture took place at the Federal Court in Sydney
9 May 2018	Hosted the address given to judges by Professor James Hathaway, a leading international scholar in refugee law and author of 'The Law of Refugee Status' (2014), held at the Federal Court in Melbourne and broadcast to all other states
10 May 2018	Gave the welcoming address to readers of the New South Wales Bar Practice course attending the 'Federal Court Day', a day in the course which highlights practice and procedure in both the Federal Court and the Federal Circuit Court
23 May 2018	Attended the lecture delivered by the Honourable Chief Justice Geoffrey Ma Tao-li of the Court of Final Appeal, Hong Kong held at the Melbourne Law School. This event was organised in collaboration with the Supreme Court Library of Queensland and the Gilbert + Tobin Centre of Public Law, University of New South Wales
1 June 2018	Launched the memorandum of understanding signed by the Australian Bar Association and Chartered Institute of Arbitrators Australia which aims to advance arbitration and mediation work opportunities for Australian counsel and develop a more unified local dispute resolution profession. The signing and launch were held at the Federal Court, Melbourne
6 June 2018	Attended the annual dinner with Sydney Intellectual Property Judges organised by the Law Council Intellectual Property Committee
12 June 2018	Gave a judicial education address on the subject of appeals to judges of the Federal Circuit Court, held in Melbourne and broadcast to all other states
14 June 2018	Attended the Chartered Institute of Arbitrators seminar on Transparency, Efficiency, Enforceability and Diversity, chaired by the Honourable Justice Sarah Derrington, held in Brisbane and broadcast to all states

Justice Kenny

Justice Kenny is:

- a member of the Council of the Australian Institute of Judicial Administration
- a Foundation Fellow of the Australian Academy of Law
- a College Fellow of St Hilda’s College, University of Melbourne
- Chair, Asian Law Centre Advisory Board, Melbourne Law School, and
- a member of the Editorial Board of the *Journal of the Intellectual Property Society of Australia and New Zealand*.

Date	Activity
4 August 2017	Contributed to a focus group for the Sir Ninian Stephen Scholarship in International Law
6–9 October 2017	Presented the 2017 Loseby Lecture in Hanoi and Ho Chi Minh City, Vietnam, ‘Why and How are Independent and Impartial Courts Crucial to Investments and Business in a Country?’
8–14 November 2017	Co-taught with Associate Professor James Stellios ‘Constitutional Rights and Freedoms’, in the Masters Program at Melbourne Law School
4 December 2017	Delivered the occasional address at the Conferring of Degrees Ceremony, University of Melbourne
12 February 2018	Hosted (with Acting District Registrar Luxton and Judge Wilson, FCC), a visit by Judge Yun-Kyung Bae (Suwon District Court, Korea) and Judge Yuri Takemura (Yokohama District Court, Tokyo, Japan)
27 April 2018	Hosted (with Acting District Registrar Luxton and the Director Court Services) a delegation of visiting judges from the Court of Appeal in Sri Lanka under the auspices of the Melbourne Law School
25 May 2018	Published the chapter on ‘Evolution’ in the Oxford Handbook of the Australian Constitution (Oxford University Press, 2018) edited by Cheryl Saunders and Adrienne Stone

Justice Greenwood

Justice Greenwood is:

- Adjunct Professor in Competition Law and Intellectual Property in the TC Beirne School of Law, University of Queensland, and
- Member, Advisory Council, TC Beirne School of Law, University of Queensland.

Date	Activity
19 August 2017	Presented at the TC Beirne School of Law, University of Queensland on the topic of 'Aspects of Federal Jurisdiction'
8 September 2017	Spoke at the Conference to mark the 40th Anniversary of the Federal Court of Australia on Aspects of the Court's Jurisdiction in Intellectual Property
14 September 2017	Spoke at the Bar Association of Queensland's Bar Practice Course on Practice in the Federal Court of Australia
25 October 2017	Participated in an 'Ask the Judges Forum' organised by the Bar Association of Queensland
1 December 2017	Delivered a chapter on the History of Origins and Development of the Federal Court's Jurisdiction in Intellectual Property to the editors for a collection of papers on the Federal Court
13 February 2018	Presented on the topic of 'Pleadings' at a forum sponsored by the Bar Association of Queensland
6 March 2018	Spoke at the Bar Association of Queensland's Bar Practice Course on Aspects of Federal Jurisdiction and Practice in the Federal Court
27 March 2018	Spoke at the International Competition Law Symposium on the topic of 'Optimal Enforcement of Anti-Cartel Law Practice and Practice'
14 May 2018	Spoke on the topic of Civil Procedure and Practice in the Federal Court, University of Queensland Law School
29 May 2018	Presented at the Administrative Appeals Tribunal's National Conference on the topic of 'The Art of Decision-Making'

Justice Rares

Justice Rares is:

- a Deputy President and a member of the Board of Management of the Council of the Australasian Institute of Judicial Administration
- Chair of the Consultative Council of Australian Law Reporting
- Presiding Member of the Admiralty Rules Committee established under the *Admiralty Act 1988* (Cth), and
- a member of the Comité Maritime International's International Working Group on Offshore Activities.

Date	Activity
4–6 October 2017	Attended the Maritime Law Association of Australia and New Zealand 44th National Conference and presented a paper entitled 'Ships that Changed the Law – the Torrey Canyon Disaster', Melbourne
6–8 October 2017	Attended the Judicial Conference of Australia 2017 Colloquium, Hobart
9 October 2017	Presented as a panel member in the International Bar Association Conference session entitled 'Avoiding that Sinking Feeling: Navigating Shipping Insolvencies', Sydney
14 October 2017	Attended the annual general meeting of the Australasian Institute of Judicial Administration and was elected a Deputy President
20 October 2017	Presented a paper entitled 'Social Media – Challenges for Lawyers and the Courts' at the Australian Young Lawyers' Conference, Sydney
3–6 November 2017	Attended the 6th Annual World Congress of Ocean and delivered a paper entitled 'Ship Arrests, Maritime Liens and Cross-Border Insolvency', Shenzhen, China
29 November 2017	Presented a paper at the Land Court of Queensland's Concurrent Evidence Procedures Forum, Brisbane
5 December 2017	Delivered commentary on the 2017 United Nations Day Lecture, Sydney
20–24 January 2018	Attended the Supreme and Federal Court Judges' Conference, Sydney
16 February 2018	Delivered the opening address at the Sydney Law School Conference on Commercial Issues in Private International Law, University of Sydney
8 March 2018	Presented the Commercial Law Section of the New South Wales Bar Association seminar '10 Years of the Cross-Border Insolvency Act', Sydney
5 May 2018	Chaired a session at the 2018 Competition Law Conference, Sydney
9 May 2018	Delivered a paper on authorised law reporting to welcome representatives of the Incorporated Council for Law Reporting for England and Wales to Australia, Sydney

Date	Activity
24–26 May 2018	Attended the Australasian Institute of Judicial Administration Annual Conference and gave the vote of thanks to the Honourable Chief Justice Kiefel AC for delivering the keynote address, Brisbane
30 May–1 June 2018	Chaired the annual general meeting of the Consultative Council of Australian Law Reporting, Wellington, New Zealand
22 June 2018	Presented a paper entitled ‘Commercial Issues: Private International Law’ for the Commercial Law Association’s June Judges Series, Sydney
26 June 2018	Presented a joint lecture with Professor Martin Davies on maritime law for the Melbourne Law School’s Judges in Conversation series, Melbourne

Justice Collier

Justice Collier is:

- Chairperson of the Design, Delivery and Evaluation Committee of the Papua New Guinea Centre for Judicial Excellence
- a member of the Griffith University Law School’s Law Futures Centre Advisory Board, and
- a member of the Corporations Committee of the Business Law Section at the Law Council of Australia.

Date	Activity
26–27 August 2017	Presented a paper at the Bar Association of Queensland’s Employment and Industrial Relations Conference on the Gold Coast entitled ‘Recent Developments and Impending Changes in Practice and Procedures in the Federal Court’
8 September 2017	Attended the Law Council of Australia’s Insolvency Law Workshop in Sydney
27 November 2017	Presented a paper entitled ‘Judicial Review of Public and Private Employment Contracts in Papua New Guinea’ at the Supreme Court of Papua New Guinea’s Underlying Law Conference in Port Moresby in Her Honour’s capacity as a Judge of that Court
29 November 2017	Presented a paper entitled ‘The Personal Property Securities Legislation – Experiences from Australia and New Zealand’ at the Personal Property Securities Act Workshop in Port Moresby in Her Honour’s capacity as a Judge of the Supreme and National Courts of Papua New Guinea
28 April 2018	Participated as a panellist at the Sir Salamo Injia Lecture Series delivered by the Honourable Robert French AC hosted by the University of Papua New Guinea’s School of Law and the Papua New Guinea Centre for Judicial Excellence
6 June 2018	Presented a speech at the Department of Foreign Affairs and Trade’s Women in the Law Series in Canberra

Justice Tracey

Justice Tracey is:

- Colonel Commandant of the Australian Army Legal Corps (AALC)
- a member of the Advisory Board of the Centre of Public Law at the Law School of the University of Melbourne, and
- a member of the Juris Doctor Program Advisory Board of the Graduate School of Business and Law at RMIT University.

Date	Activity
2 November 2017	Gave a paper to an AALC Conference in Brisbane titled 'The High Court and Military Justice – Some Reminiscences'

Justice Middleton

Justice Middleton is:

- part-time Commissioner of the Australian Law Reform Commission
- Council Member of the University of Melbourne
- Chair of the University of Melbourne Foundation and Trust Committee
- a member of the American Law Institute
- Fellow of the Australian Academy of Law, and
- Member of the Editorial Board of the *Journal of the Intellectual Property Society of Australia and New Zealand*.

Date	Activity
3 July 2017	Chaired a session at the Australian Bar Association 2017 International Conference entitled 'Corporate Decision Making and Taxation – Client Perspectives on a Changing Taxation Environment' in London, United Kingdom
6 July 2017	Panel member at the Australian Bar Association 2017 International Conference on a session entitled 'The Art of Advocacy: A Client's Perspective' in Dublin, Ireland
6 October 2017	Panel member at the International Conference of the Association Internationale des Juristes du Droit de la Vigne et du Vin (AIDV) (International Wine Law Association), on 'Wine Law in Practice: Compliance, Negotiation and Dispute Settlement' in Bordeaux, France
7 March 2018	Chaired the National Commercial Law Seminar held at the Federal Court of Australia in Melbourne
11 April 2018	Delivered a paper at a seminar organised by the Supreme Court of Victoria and Monash University on Arbitration at Monash Law Chambers in Melbourne
3 May 2018	Delivered a paper in conjunction with Professor Noah Messing to the Victorian Bar Readers' Course on Written Advocacy
31 May 2018	Presented a paper entitled 'What will the Australian Competition Tribunal do now without Limited Merits Review?' held at the Federal Court of Australia in Melbourne

Justice McKerracher

Justice McKerracher is:

- a member of the Executive and the Governing Council of the Judicial Conference of Australia, and
- Chair of UNCCA (UNCITRAL National Coordination Committee for Australia).

Date	Activity
31 August 2017	Addressed a Native Title forum
8–9 September 2017	Attended and delivered a paper in Sydney at the Australian National University 40th Anniversary of the Federal Court Conference on 40 years of Admiralty Law in the Federal Court
5–7 October 2017	Attended the Judicial Conference of Australia Colloquium in Hobart
18 October 2017	Chaired the United Nations Day address in Perth
29 November 2017	Chaired an intellectual property twilight seminar
27 February 2018	Attended the Chartered Institute of Arbitrators – arbitration seminar in Melbourne
17 March 2018	Attended the Judicial Conference of Australia Governing Council meeting in Canberra
24–25 May 2018	Attended the UNCCA May seminar in Canberra
6 June 2018	Delivered an annual address to the Western Australian Bar Association Bar Readers' Course on Federal Jurisdiction
20 June 2018	Judged Murdoch University's 2018 International Maritime Law Arbitration Moot at Murdoch University

Justice Jagot

Justice Jagot is Chair of the Council of Chief Justices' Harmonisation of Rules Committee.

Date	Activity
13–15 October 2017	Presented at the University of South Australia Australian Competition and Consumer Commission (ACCC) Competition Law and Economics Workshop, titled 'Economic Concepts in Judicial Matters'
20 October 2017	Spoke at the Environmental Planning Law Association Conference on the topic of 'Environment and Planning Law – Recent Cases of Interest in the FCA'
20 October 2017	Gave the opening address at the Young Lawyers Conference in Sydney on the topic of 'The Rule of Law and Reconciliation'
23–24 October 2017	Participated in the National Judicial Orientation Program, and chaired sessions on 'Lifestyle Choices' and 'Judgment Writing', as well as presenting on how to manage time effectively with available resources
27–28 October 2017	Attended the Law Council of Australia's Tax Workshop at the Sunshine Coast, participating in a discussion on the management of disputes
22 February 2018	Delivered the 2018 Bannerman Lecture on the topic of 'The Common Law and Competition Law'
17 May 2018	Hosted a delegation of Thai Judges and discussed practical issues in Australian consumer law

Justice Foster

Date	Activity
22 August 2017	Spoke on the topic of 'Enforcement of Arbitral Proceedings' at King & Wood Mallesons' presentation on International Arbitration
13–14 October 2017	As part of a Judicial Perspectives Session at the University of South Australia/ACCC Competition Law and Economics Workshop, spoke on developments in the European Union, particularly the implications of Brexit on competition law and policy
21 February 2018	Co-presented with Justice James Stevenson, New South Wales Supreme Court, at The College of Law's 2018 Judges' Series on the topic of 'Lawyer-Client Privilege in Litigation'
14 March 2018	Presented at the IAMA/Resolution Institute's seminar on 'Public Policy Exceptions to the Enforcement of Arbitration Awards'
5 May 2018	Gave the keynote speech at the 2018 Competition Law Conference: 'Concerted Practices: A Contravention without a Definition'

Justice Barker

Date	Activity
31 August 2017	Convened the Western Australian Native Title Users Group meeting
26 October 2017	Presented a paper entitled 'Do Judges Make Law?' at the Honourable David Malcolm Memorial Lecture, University of Notre Dame
17–19 November 2017	Senior Coach for junior practitioners at the 2018 Piddington Advocacy Weekend on Rottnest Island
2 March 2018	Presented at the Piddington Society and Fremantle Community Legal Centre's Fremantle Law Conference 'The Constitution, the Interpretation of Statutes and the Practice of Democracy in Australia'
4–7 June 2018	Presented at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Native Title Conference in Broome: 'Not so 'Fragile' – the Evolving Character of Native Title, 1993 to 2018'

Justice Yates

Justice Yates is a member of the Editorial Board of the *Journal of the Intellectual Property Society of Australia and New Zealand*.

Date	Activity
14 September 2017	Addressed law students at University of Sydney at the Law and Business Alumni Discussion Forum
11 October 2017	Judged the University of New South Wales Senior Mooting Grand Final 2017
15 October 2017	Participated in a panel presentation on trade secrets at the International Association for the Protection of Intellectual Property (AIPPI) World Congress (Sydney)
17 October 2017	Participated in the University of Melbourne Judges in Conversation series: Interview with Professor Jane Ginsburg on 'What Future for Authors in Copyright?'
28 June 2018	Delivered a presentation to a delegation of Thai Judges on Australian Consumer Law and the Practice of the Court in Consumer Law Cases

Justice Bromberg

Justice Bromberg is:

- the Federal Court's representative for the Judicial Officers Aboriginal Cultural Awareness Committee (JOACAC)
- Coordinator for the Federal Court's Victorian Bar's Indigenous Clerkship Program
- President of the International Commission of Jurists, Victoria (ICJ), and
- National Vice-President of ICJ, Australia.

Date	Activity
4 September 2017	Gave the keynote speech for the William Cooper Legacy project
13 September 2017	Hosted and spoke at an Employment and Industrial Relations Seminar at the Federal Court in conjunction with the Industrial Bar Association of the Victorian Bar and the Workplace Relations Section of the Law Institute of Victoria on current issues in the practice of employment and industrial law
5 February 2018	Hosted the ICJ's opening of the 2018 Legal Year in His Honour's capacity as President of the ICJ
10 April 2018	Spoke at a panel seminar held at the Melbourne Law School on the topic of the 20th Anniversary of the Maritime Union of Australia (MUA) Patrick Stevedores Waterfront Dispute

Justice Katzmann

Justice Katzmann is:

- Director of the Tristan Jepson Memorial Foundation
- Chair of the Governing Council of Neuroscience Research Australia (NeuRA), and
- Member of the Advisory Committee of the Gilbert + Tobin Centre of Public Law.

Date	Activity
8–9 September 2017	Attended the Australian National University Centre for International and Public Law Conference to mark the 40th Anniversary of the Federal Court
9 September 2017	Opened the New South Wales Bar Association's 10th Anniversary Sports Law Conference
22–24 January 2018	Organised and attended the Supreme and Federal Court Judges' Conference in Sydney
2–6 May 2018	Attended the International Association of Women Judges' 14th Biennial International Conference in Buenos Aires, Argentina – 'Building Bridges Between Women Judges of the World'

Justice Robertson

Justice Robertson is Deputy President of the Australian Academy of Law.

Date	Activity
2–7 July 2017	Attended Australian Bar Association Conference in London and Dublin and gave a presentation entitled 'The Importance of Federal Jurisdiction'
11–13 August 2017	Chaired session at the Australian Academy of Law Conference, Sydney, 'The Future of Australian Legal Education', on 'Experiential Learning' and gave a presentation 'Looking to the Future of Legal Education'
8–9 September 2017	Presented at the Australian National University Centre for Commercial Law and the Centre for International and Public Law Conference to mark the 40th Anniversary of the Federal Court of Australia, 'How Does the Court Deal with Findings of Fact on Judicial Review?'
13–14 September 2017	Presented to TP Minds Asia, Singapore, on how the Court has approached transfer pricing issues
25 September 2017	Attended the sixth annual Patron's Address of the Australian Academy of Law and introduced the speaker His Excellency Judge James Crawford AC, SC, FCA on 'The International Court of Justice as a Working Court'
1 November 2017	Addressed the Maurice Byers Centenary Conference, New South Wales Bar Association Common Room, on 'Reflections on the Life and Times of Sir Maurice Byers CBE QC'
20–24 January 2018	Chaired session at the Supreme and Federal Court Judges' Conference, Sydney, entitled 'Reflections on the Executive Power of the Commonwealth: Recent Developments, Interpretational Methodology and Constitutional Symmetry'
7 March 2018	Gave a lecture in The College of Law 2018 Judges' Series in the Banco Court, Law Courts' Building, Sydney, on 'Affidavit Evidence'

Justice Murphy

Justice Murphy is:

- a member of the Melbourne Law School Advisory Council, and
- President of the Children's Protection Society.

Date	Activity
24–30 July 2017	Lectured in class actions law, University of Melbourne
14 August 2017	Presented to the Judges of the Supreme Court of Queensland re case management in class actions in Brisbane
18 September 2017	Presented to Victorian Bar Readers as part of the Bar Readers' Course in Melbourne
12 October 2017	Panel member of the 'Class Actions in Australia: An Increased Area of Risk for Corporates' seminar, Herbert Smith Freehills in Melbourne
18 October 2017	Chaired the quarter century of class actions in the Federal Court seminar at Monash University in Melbourne
25 October 2017	Met with the Victorian Law Reform Commission re Access to Justice – Litigation Funding and Group Proceedings in Melbourne
12 February – 30 June 2018	Panel member of the Judicial Expert Panel, Australian Law Reform Commission inquiry into litigation funding and class actions
15 March 2018	Spoke at the Minter Ellison Junior Lawyers Committee 2018 opening event in Melbourne
9 April 2018	Chaired the 'Increased Regulation of Litigation Funding – a Timely Crackdown or a Regulatory 'Solution' in Search of a Problem?' seminar at Monash University in Melbourne
17 April 2018	Presented to Victorian Bar Readers as part of the Bar Readers' Course in Melbourne
6–8 June 2018	Attended the AIATSIS Native Title Conference in Broome

Justice Griffiths

Date	Activity
20 July 2017	Presented the keynote address at the 2017 Australian Institute of Administrative Law (AIAL) National Conference: 'Access to Administrative Justice'
27 July 2017	Presented commentary at Australian Association of Constitutional Law on Craig Lenehan's Paper 'Culleton, Day and Constitutional Method'
8–9 September 2017	Presented paper with Professor James Stellios at the 40th Anniversary of the Federal Court: 'The Federal Court and Constitutional Law'
14 March 2018	Presented paper on 'Some Ethical Issues for Legal Practitioners' at The College of Law 2018 Judges' Series
15 March 2018	Presented plenary address for the Government In-House Counsel Day – Clayton Utz, Canberra 'Certainty and Predictability in Judicial Review of Commonwealth Administrative Action – Too Much Fuzzy Law?'

Justice Davies

Date	Activity
3 July 2017	Panel member at the Australian Bar Association Conference London entitled 'Unilateral Measures in a Multinational World: Diverted Profits Taxes, Transfer Pricing Measures and their Effect on Business Decisions'
8 August 2017	Participated in Judges in Conversation with Professor Ben McFarlane from University College London
14 September 2017	Gave the keynote address at the National GST Intensive Conference
14 September 2017	Chair at the International Fiscal Association seminar
25 September 2017	Adjudicated the Sir Harry Gibbs Constitutional Law Semi-Final Moot
2 October 2017	Presented on legal writing to senior advisors at the Judges' Club of the Curia of Hungary
3 October 2017	Spoke to the tax law experts of the Curia of Hungary titled 'Challenging Tax Liabilities in Australia'
6–7 October 2017	Chair at the International Association of Tax Judges (IATJ) 8th Assembly, session on the 'Use of Foreign Case Law by Courts' in Helsinki
26 October 2017	Gave the keynote address at the Australian Restructuring Insolvency and Turnaround Association (ARITA) Conference in Melbourne
10–20 March 2018	Hosted visiting Judge, Dr Péter Darák, President of the Curia of Hungary
23 April–4 May 2018	Hosted visiting Judge, Judge Michael Beusch, Swiss Federal Administrative Court
30 April 2018	Panel member at International Fiscal Association workshop session 1 entitled 'Harmonisation in the Construction of Tax Treaties'
1 May 2018	Presented at the Tax Institute's Women in Tax lunch

Justice Mortimer

Justice Mortimer is a:

- Senior Fellow, Melbourne Law School
- Member, Advisory Board of the Centre for Comparative Constitutional Studies
- Member, Australian Academy of Law
- Member, International Association of Refugee Law Judges
- Member, Monash University Faculty of Law 'External Professional Advisory Committee', and
- Member, Board of Advisors of the Public Law Review.

Date	Activity
18 August 2017	Hosted students from Melbourne Law School at the Court as part of their Refugee Law Class studies, and provided a briefing to the students
8 September 2017	Presented at the Australian National University's 40th Anniversary of the Federal Court of Australia on 'Anti-discrimination: The History of the Federal Court's Human Rights Jurisdiction'
1 October 2017	Contributed an article to the International Association of Refugee Law Judges (IARLJ) Regional Newsletter on 'The Concept of Intention in the Complementary Protection Regime of Australia's Migration Act: <i>SZTAL v Minister for Immigration and Border Protection</i> ; <i>SZTGM v Minister for Immigration and Border Protection</i> [2017] HCA 34'
25–31 October 2017	Co-taught the subject, with Laureate Professor Cheryl Saunders, 'Current Issues in Administrative Law' as part of the Melbourne Law Masters Program at Melbourne Law School
5 January 2018	Member of the John Gibson Award 2018 selection committee
22 February 2018	Published a chapter on 'The Constitutionalization of Administrative Law' in 'The Oxford Handbook of the Australian Constitution' by Oxford University Press
27 March 2018	Delivered the Melbourne University Law Review Annual Lecture on 'Some Thoughts on Judgments in, and for, Contemporary Australia'
13 April 2018	Provided commentary on the presentation 'The Principle of Legality – The Judges' New Flexible Friend?' at the Judges and the Academy seminar
5–7 June 2018	Attended the AIATSIS Conference in Broome, Western Australia
20–29 June 2018	Participated in the Pacific Judicial Strengthening Initiative (PJSI) in Honiara, Solomon Islands, and presented sessions on 'Civil Cases (including Land)', 'Evidence' and 'Due Process and Fair Trial'

Justice Rangiah

Justice Rangiah continued as a member of the:

- Griffith University Law School Advisory Committee, and
- University of Queensland Pro Bono Advisory Committee.

Date	Activity
7 October 2017	Gave the address at the University of Queensland Law Society valedictorian dinner
16–20 October 2017	Attended Flinders University in Adelaide as a Visiting Fellow
21 June 2018	Gave the keynote address at the Native Title and Cultural Heritage Symposium, Brisbane
20 July 2018	Chaired a session at the Queensland Native Title User Group Meeting

Justice Wigney

Date	Activity
29 August 2017	Participated as one of the adjudicating judges of the Gaire Blunt Scholarship offered by the Business Law Section of the Law Council of Australia for papers on a topic in the field of competition law
29 August 2017	Attended the eighth John Lehane Memorial Lecture on the topic ‘Is equity fair?’ presented by Lord Justice David Richards at the Federal Court
3 October 2017	Interviewed and filmed for the New South Wales Bar Association ‘Wellbeing at the Bar’ video
19 December 2017	Came runner up, Bench and Bar Tennis Cup
17 May 2018	Participated as one of the panel speakers at the Women Lawyers Association of New South Wales seminar on Court and Tribunal etiquette, practice and procedure at the Law Society of New South Wales

Justice Perry

Justice Perry continued as:

- a Squadron Leader, Royal Australian Air Force, Legal Specialist Reserves
- a member of the Judicial Council on Cultural Diversity (JCCD) established by the Council of Chief Justices as the representative of the Federal Court of Australia and chaired the specialist committee which prepared the Recommended National Standards for Working with Interpreters in Courts and Tribunals (JCCD, 2017)
- an Honorary Visiting Research Fellow, Law School, University of Adelaide
- a fellow of the Australian Academy of Law
- a member of the Advisory Committee to the Gilbert + Tobin Centre of Public Law, University of New South Wales; the Law School Advisory Board, University of Adelaide; the Advisory Council, Centre for International and Public Law, Australian National University; and the Board of Advisors to the Research Unit on Military Law and Ethics, University of Adelaide
- the Section Editor (Administrative Law), Australian Law Journal
- Member, Panel of Supervisors, PhD Student, Law School, Australia National University
- Mentor, Asian Australian Lawyers Association Mentoring Programme
- Patron, New South Wales Chapter, Hellenic Australian Lawyers Association, and
- an Ambassador for One Disease (a non-profit organisation concerned with the elimination of preventable diseases in remote Indigenous communities).

Date	Activity
5 August 2017	Participated in a panel presentation on the Recommended National Standards for Working with Interpreters in Courts and Tribunals, FIT2017 Disruption and Diversification, XXI World Congress International Federation of Translators, 3–5 August 2017, Brisbane
7 September 2017	Session adjudicator, Readers 'Federal Court Day', New South Wales Bar Association
13 September 2017	Participated in a panel presentation, 'Cultural Diversity in the Law', Annual William Lee Address, Asian Australian Lawyers Association, New South Wales Branch, and the Law Society of New South Wales
20 October 2017	Presented at the JCCD Launch of the Recommended National Standards for Working with Interpreters in Courts and Tribunals, Old Parliament House, Canberra
8 November 2017	Spoke at the New South Wales Bar Association and Law Society of New South Wales Equitable Briefing Function for women barristers practising in public and administrative law and in environmental and planning law
10 November 2017	Presented on 'Cultural Diversity' at the Industrial Relations Commission of New South Wales Annual Conference 2017

Date	Activity
22 February 2018	Attended the consultation arranged by the JCCD and Migration Council with Harmony Alliance members regarding implementation of JCCD resources
23 February 2018	Chaired a session at the 2018 Constitutional Law Conference held by the Gilbert + Tobin Centre of Public Law, Sydney
14 March 2018	Presiding Judge, Jessup Practice Moot, Law School, University of Sydney
21 March 2018	Presented 'Recommended National Standards for Working with Interpreters in Courts and Tribunals: An Introduction', Federal Court Conference, Adelaide
21 March 2018	Presented the John Perry Prize for International Law, Adelaide Law School Prize-giving Ceremony
12 April 2018	Participated in a panel on 'Implementing the Recommended National Standards for Working with Interpreters in Courts and Tribunals', 8th Free Annual Legal Interpreting Symposium, University of New South Wales 2018
4 May 2018	Participated in a Q&A on native title and the Federal Court with students from Tranby National Indigenous Adult Education visiting the National Native Title Tribunal
21 May 2018	Judged the Public International Law Moot Grand Final 2018, Sydney University Law Society

Justice Markovic

Date	Activity
2 August 2017	Attended the New Barristers' Committee of New South Wales Bar Association to speak on a panel of judges for their annual 'Judicial Q&A'
24–25 August 2017	Participated in the Judicial Colloquium at the Singapore National Insolvency Conference on 'The Role of the Courts in Relation to Cross-Border Restructuring and Insolvency – Issues and Solutions'
13–16 September 2017	Presented on three panels at the Judicial Conference on Insolvency – Seoul Bankruptcy Court: 'Cross-Border Insolvency', 'Innovative Approaches to Individual Insolvencies' and 'Creative Methods to Reorganise Small-Medium Sized Enterprises'

Justice Moshinsky

Justice Moshinsky is:

- alternate director of the National Judicial College of Australia, and
- a Senior Fellow at the Melbourne Law School.

Date	Activity
19 July 2017	Contributed a chapter entitled 'Charter Remedies', in Groves M and Campbell C (eds), <i>Australian Charters of Rights – A Decade On</i> (The Federation Press, 2017)
July–October 2017	Co-taught a course on Separation of Powers in the Masters Program at the Melbourne Law School
12–13 October 2017	Attended a conference on legal education organised by the Australian Academy of Law
9 March 2018	Presented a paper at the 2018 Law Council of Australia Superannuation Conference, Canberra, on 'The Continuing Evolution of the 'Best Interests' Duty for Superannuation Trustees – From <i>Cowan v Scargill</i> to the Current Regulatory Framework'
30 April 2018	Participated in a panel discussion at a tax workshop organised by the International Fiscal Association, the Federal Court of Australia and the Melbourne Law School on the topic 'Tax and Ethics in International Tax – Front End and Back'
6 June 2018	Chaired a seminar on 'Law in the Digital World' organised by Monash University in conjunction with the Federal Court of Australia and the Victorian Bar

Justice Bromwich

Date	Activity
20 October 2017	Attended a special seminar on 'Artificial Intelligence, Big Data and the Quantum Leap' held in the Banco Court, Supreme Court of New South Wales
28 November 2017	Spoke on 'Managing Organisational Change' at a conference for the Heritage Division of the New South Wales Office of the Environment and Heritage
27 February 2018	Gave opening remarks on 'White-collar Crime' at a continuing professional development seminar for University of New South Wales Continuing Legal Education
5 May 2018	Chaired a session on 'Digital Platforms – Evolution in the Revolution' at the 2018 Competition Law Conference in Sydney

Justice Burley

Date	Activity
25–29 September 2017	Attended the International Congress of Maritime Arbitrators in Copenhagen
10 October 2017	Moderated ‘It’s time: Intellectual Property Litigation Reform’ session at the Intellectual Property and Entertainment Law Committee of the International Bar Association at the 2017 International Bar Association Conference, Sydney
1 March 2018	Presented a lecture entitled ‘Ongoing Patent Infringement: Is Injunctive Relief an Inevitable Outcome?’ with Angus Lang of counsel at the Journal of Equity Conference in Sydney
21 May 2018	Presented to legal studies students at Turramurra High School

Justice Lee

Date	Activity
1 September 2017	Guest speaker at William Roberts Lawyers’ luncheon speaking on class actions in Sydney
14 October 2017	Guest speaker at Marsdens Law Group annual office seminar ‘Reflections of a New Judge’ in Gerringong
20 October 2017	Presented the keynote address at the Commercial Law Association of Australia’s Class Actions Conference entitled ‘Multiplicity of Class Actions: A Judge’s Perspective on Managing Competing Claims and Assessing Proposed Settlements’ in Sydney
6 November 2017	Presented the keynote address at Corrs Chambers Westgarth’s class actions event entitled ‘Certification of Class Actions: A ‘Solution’ in Search of a Problem?’ in Sydney
28 February 2018	Guest speaker at The College of Law ‘2018 Judges’ Series’ on the topic of ‘Pleadings and Case Management’ in Sydney
13 April 2018	Panel speaker at a conference held jointly by the Law Council of Australia, Sydney Law School and 9 Wentworth Chambers on Litigation Funding, Class Actions and International Dispute Resolution in Sydney
1 May 2018	Presented the keynote address at the Law Council’s Australian Consumer Law Committee forum on the role that lawyers, courts and tribunals can play in enforcing Australian consumer protections laws

Justice Derrington

Justice Derrington is Chair of the Emmanuel College Council.

Date	Activity
10 September 2017	Presented a paper entitled 'Brexit, a Dead TPP and a Reformist Productivity Commission: Trends and Challenges for IP Law in a Changing World', at the Intellectual Property Society of Australia and New Zealand (IPSANZ) Conference, Gold Coast
13 March 2018	Judged the University of Queensland Phillip C Jessup Law Moot Competition
17 May 2018	Commentated at the Current Legal Issues (CLI) Seminar Series, Seminar 2 on Fiduciary Law and presented a paper entitled 'Commentary on Professor Lionel D Smith's Paper, "Prescriptive Fiduciary Duties"'

Justice Thomas

Justice Thomas is a Committee Member and Treasurer of the Council of Australasian Tribunals (COAT).

Date	Activity
7 August 2017	Met with outgoing Veterans' Review Board Principle Member and incoming President of the New South Wales Law Society, Mr Doug Humphreys
5 September 2017	Met with the President of the Australian Human Rights Commission, Emeritus Professor Rosalind Croucher AM (in Sydney)
5 October 2017	Member of the judging panel for the Administrative Appeals Tribunal (AAT) MOOT Competition 2017 Grand Final
11 October 2017	Met with the United Nations High Commissioner for Refugees (UNHCR) regional representative (in Sydney)
1 November 2017	Attended the Australian Government Leadership Network – New South Wales Connections Event and presented a paper entitled 'Appearing Before the AAT: Helping to Deliver Expeditious and Efficient Merits Review'
1 December 2017	Chaired the Law Council of Australia 'Hot Topics in Commonwealth Compensation'
9 February 2018	Attended the Law Council of Australia – AAT Liaison Committee Meeting
11 May 2018	Chaired the Law Council of Australia 'Hot Topics in Commonwealth Compensation'
18 May 2018	Presented an award at the AAT National Outcomes on Time ('Noot') 2018 Competition
6–8 June 2018	Attended and chaired a session at the COAT National Conference 2018

Justice Banks-Smith

Justice Banks-Smith is:

- Chair of the Notre Dame Law School Advisory Board, and
- a Member of the Perth Children's Hospital Ethics Committee.

Date	Activity
23 February 2018	Attended Law Society Summer School
8 March 2018	Spoke at the International Women's Day reception – Squire Patton Boggs
8 March 2018	Guest speaker at the Department of Public Prosecutions International Women's Day reception
16 March 2018	Attended the 2018 Women Lawyers Honours Award night
7 May 2018	Chaired Notre Dame Law School Advisory Committee meeting
14 May 2018	Attended the Law Society Law Week Breakfast with the Attorney General
16 May 2018	Attended Lavan's 120 years of providing legal services in Western Australia with the Honourable Chief Justice Wayne Martin AC
6 June 2018	Presented Law School prizes at Notre Dame University Graduation Function
12 June 2018	Presented a workshop at the Bar Readers' Course on Ethics
19 June 2018	Attended dinner with the Chief Justice and Justices of the High Court of Australia
21 June 2018	Hosted a Piddington Society presentation by the Honourable Justice James Edelman at the Federal Court of Australia

APPENDIX 9

STAFFING PROFILE: FEDERAL COURT OF AUSTRALIA

From 1 July 2016, the *Courts Administration Legislation Amendment Act 2016* merged the corporate service functions of the Family Court of Australia (FCoA) and the Federal Circuit Court of Australia (FCC) with the Federal Court of Australia (FCA) into a single administrative entity – known as the Federal Court of Australia.

Heads of jurisdiction continue to be responsible for managing the administrative affairs of their respective

courts (excluding corporate services), with assistance from a Chief Executive Officer (CEO) and Principal Registrar.

All staff are employed by the Federal Court of Australia under the *Public Service Act 1999*, regardless of which court or tribunal they work for or provide services to. The total staffing number for the combined entity as at 30 June 2018 is 1181 employees. This includes full-time and non-ongoing fixed term employees and non-ongoing casual employees.

Employees are assigned to each jurisdiction as follows:

Total staff providing services to the Federal Court of Australia	432
Total staff providing services to the National Native Title Tribunal	59
Total staff providing services to the Family Court of Australia	90
Total staff providing services to the Federal Circuit Court of Australia	600

The following tables provide details of employee numbers assigned to each jurisdiction. The CEO and Principal Registrars and the National Native Title Tribunal Registrar are holders of public office and are not included in this appendix.

STAFFING OVERVIEW BY LOCATION

Table A9.1: Federal Court of Australia: staffing overview by location (actual occupancy as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

Level	PRIN	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	NAT	NNTT	Total
	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
SES2	2	4	1	1	-	-	-	-	-	-	-	4
SES1	3	-	-	1	1	2	1	-	-	1	1	9
FCL2	1	2	5	4	3	2	1	1	-	3	3	21
FCL1	7	7	1	1	-	-	-	-	-	-	-	9
FCM2	13	16	1	1	1	1	1	-	-	1	4	22
FCM1	41	43	1	2	1	1	-	-	-	1	11	57
FCS6	43	50	25	16	14	9	13	3	4	10	8	146
FCS5	23	21	28	30	22	20	10	8	8	9	8	98
FCS4	13	12	7	10	9	4	3	5	4	2	2	67
FCS3	7	2	-	2	1	1	1	1	1	-	2	14
FCS2/CCO	1	-	18	13	12	8	12	5	3	8	-	50
Total	154	160	87	88	63	37	42	23	22	31	3	491

CCO, Casual Court Officer; FCL, Federal Court Legal; FCM, Federal Court Manager; FCS, Federal Court Staff; NAT, Includes Federal Court Native Title staff and Chambers of the Chief Justice; NNTT, National Native Title Tribunal; PRIN, Principal Registry; SES, Senior Executive Service officer

Table A9.2: Family Court of Australia: staffing overview by location (actual occupancy as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

Level	ACT		NSW		NT		QLD		SA		TAS		VIC		WA		Total	
	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 3	1	-	1	1	-	-	-	-	-	-	-	-	-	-	-	2	1	1
APS 4	1	1	8	9	-	-	4	5	2	2	1	2	6	4	-	22	23	23
APS 5	1	2	19	16	-	-	8	7	2	2	1	1	7	7	-	38	35	35
APS 6	3	1	-	1	-	-	-	-	-	-	-	-	2	-	-	5	2	2
EL 1	2	-	-	2	-	-	-	-	-	-	-	-	2	1	-	4	3	3
EL 2	3	1	12	12	-	-	2	3	1	1	-	-	5	6	-	23	23	23
SES 1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
SES 2	-	-	-	-	-	-	1	1	-	-	-	-	1	1	-	2	2	2
Total	11	6	40	41	0	0	15	16	5	5	2	3	23	19	0	96	90	90

Note: Judicial officers and the CEO and Principal Registrar, who are holders of public office, are not included in this table.

Table A9.3: Federal Circuit Court of Australia: staffing overview by location (as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

Level	ACT		NSW		NT		QLD		SA		TAS		VIC		WA		Total	
	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
APS 1	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	1	1
APS 2	1	-	15	13	-	-	11	10	5	6	-	-	13	16	-	-	45	45
APS 3	5	4	79	73	3	3	32	27	13	11	7	6	42	39	-	-	181	163
APS 4	5	4	51	50	1	1	25	24	10	10	3	3	33	34	1	3	129	129
APS 5	4	4	35	38	2	1	20	23	4	7	4	4	25	28	1	2	95	107
APS 6	1	1	7	6	-	-	3	3	3	2	-	-	2	5	-	-	16	17
EL 1	3	4	33	34	-	1	15	20	6	9	7	5	21	21	-	-	85	94
EL 2	2	1	14	12	-	-	10	10	3	4	1	1	9	10	-	-	39	38
SES 1	-	-	2	2	-	-	1	1	-	-	-	-	2	2	-	-	5	5
SES 2	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	1	1
Total	21	18	237	229	6	6	117	118	44	49	22	19	148	156	2	5	597	600

Note: Judicial officers and the CEO and Principal Registrar, who are holders of public office, are not included in this table.

STAFFING BY GENDER, CLASSIFICATION AND LOCATION

Table A9.4: Federal Court of Australia: staffing by gender, classification and location (as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

Level	Gender	PRIN	NSW	VIC	QLD	SA	WA	TAS	ACT	NT	NAT	NNTT	Total
2017 2018 2017 2018 2017 2018 2017 2018 2017 2018 2017 2018 2017 2018													
SES2	Male	-	1	1	1	-	-	-	-	-	-	-	2
	Female	2	-	-	-	-	-	-	-	-	-	-	2
SES1	Male	3	2	-	-	1	-	2	1	-	-	-	5
	Female	-	1	-	-	1	-	-	-	-	1	1	4
FCL2	Male	1	2	4	3	2	1	1	-	-	1	-	12
	Female	-	-	1	-	1	-	1	-	-	3	2	9
FCL1	Male	-	-	1	-	-	-	-	-	-	-	-	1
	Female	7	-	-	-	-	-	1	-	-	-	-	8
FCM2	Male	3	4	1	1	-	-	1	-	-	1	1	7
	Female	10	-	-	1	1	-	-	-	-	-	3	15
FCM1	Male	23	-	-	-	1	-	-	-	-	-	5	29
	Female	18	21	1	-	1	-	-	-	-	1	6	28
FCS6	Male	21	24	3	4	-	-	-	-	-	2	1	34
	Female	22	26	22	14	9	10	3	3	10	8	-	106
FCS5	Male	14	13	16	14	10	5	6	3	2	2	1	39
	Female	9	8	12	16	15	4	5	6	4	7	-	59
FCS4	Male	-	1	3	4	-	3	2	1	1	1	-	15
	Female	13	11	4	6	9	6	2	2	3	4	3	52
FCS3	Male	2	1	-	-	-	-	-	1	1	-	-	4
	Female	5	1	-	2	1	1	1	-	-	1	1	7
FCS2	Male	-	-	4	4	5	4	6	8	2	4	5	23
(inc CCO)	Female	1	-	14	9	7	8	2	4	3	1	4	34
Total		154	160	87	88	68	63	37	42	23	22	35	491

CCO, Casual Court Officer; FCL, Federal Court Legal; FCM, Federal Court Manager; FCS, Federal Court Staff; NAT, Includes Federal Court Native Title staff and Chambers of the Chief Justice; NNTT, National Native Title Tribunal; PRIN, Principal Registry; SES, Senior Executive Service officer

Table A9.5: Family Court of Australia: staffing by gender, classification and location (as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

Level	Attendance	ACT		NSW		NT		QLD		SA		TAS		VIC		WA		Total	
		2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
APS 3	Female	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-
	Male	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	1	1
APS 4	Female	-	-	7	9	-	-	4	5	1	1	1	2	4	3	-	-	17	20
	Male	1	1	1	-	-	-	-	-	1	1	-	-	2	1	-	-	5	3
APS 5	Female	1	2	18	14	-	-	7	6	2	2	1	1	7	7	-	-	36	32
	Male	-	-	1	2	-	-	1	1	-	-	-	-	-	-	-	-	2	3
APS 6	Female	2	-	-	1	-	-	-	-	-	-	-	2	-	-	-	-	4	1
	Male	1	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	1
EL 1	Female	2	-	-	1	-	-	-	-	-	-	-	2	1	1	-	-	4	2
	Male	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	1
EL 2	Female	1	-	9	10	-	-	2	3	1	1	-	-	5	6	-	-	18	20
	Male	2	1	3	2	-	-	-	-	-	-	-	-	-	-	-	-	5	3
SES 1	Female	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1
	Male	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	Female	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Male	-	-	-	-	-	-	1	1	-	-	-	-	1	1	-	-	2	2
Total		11	6	40	41	0	0	15	16	5	5	2	3	23	19	0	0	96	90

Note: Judicial officers and the CEO and Principal Registrar, who are holders of public office, are not included in this table.

Table A9.6: Federal Circuit Court of Australia: staffing by gender, classification and location (as at 30 June 2017 and 30 June 2018 – includes full-time, part-time and casual staff)

Level	Attendance	ACT		NSW		NT		QLD		SA		TAS		VIC		WA		Total	
		2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
APS 1	Female	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Male	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-	1	1
APS 2	Female	1	-	8	7	-	-	7	7	5	6	-	-	9	10	-	-	30	30
	Male	-	-	7	6	-	-	4	3	-	-	-	-	4	6	-	-	15	15
APS 3	Female	4	4	54	55	2	2	22	24	8	8	6	5	34	33	-	-	130	131
	Male	1	-	25	18	1	1	10	3	5	3	1	1	8	6	-	-	51	32
APS 4	Female	3	3	40	39	1	1	18	15	8	8	3	3	24	26	-	2	97	97
	Male	2	1	11	11	-	-	7	9	2	2	-	-	9	8	1	1	32	32
APS 5	Female	4	4	26	30	2	1	18	20	4	7	3	3	21	22	1	1	79	88
	Male	-	-	9	8	-	-	2	3	-	-	1	1	4	6	-	1	16	19
APS 6	Female	1	1	6	4	-	-	3	3	3	-	-	-	2	4	-	-	15	12
	Male	-	-	1	2	-	-	-	-	-	2	-	-	-	1	-	-	1	5
EL 1	Female	3	4	28	30	-	-	13	18	5	8	7	5	18	19	-	-	74	84
	Male	-	-	5	4	-	1	2	2	1	1	-	-	3	2	-	-	11	10
EL 2	Female	1	1	12	10	-	-	5	5	2	3	-	-	7	7	-	-	27	26
	Male	1	-	2	2	-	-	5	5	1	1	1	1	2	3	-	-	12	12
SES 1	Female	-	-	1	1	-	-	-	-	-	-	-	-	2	2	-	-	3	3
	Male	-	-	1	1	-	-	1	1	-	-	-	-	-	-	-	-	2	2
SES 2	Female	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
	Male	-	-	-	-	-	-	-	-	-	-	-	-	1	1	-	-	1	1
Total		21	18	237	229	6	6	117	118	44	49	22	19	148	156	2	5	597	600

Note: Judicial officers and the CEO and Principal Registrar, who are holders of public office, are not included in this table.

STAFFING BY GENDER, CLASSIFICATION AND EMPLOYMENT TYPE

Table A9.7: Federal Court of Australia: staffing by gender, classification, and employment status and type (as at 30 June 2017 and 30 June 2018)

Level	Gender	Ongoing		Non-ongoing		Intermittent/ Irregular		Total	
		Full-time	Part-time	Full-time	Part-time	2017	2018	2017	2018
SES2	Male	2	-	-	-	-	-	2	2
	Female	1	-	1	-	-	-	2	3
SES1	Male	4	-	1	-	-	-	5	5
	Female	4	-	-	-	-	-	4	4
FCL2	Male	9	2	-	-	1	1	12	12
	Female	5	2	1	-	-	-	9	5
FCL1	Male	-	-	1	-	-	-	1	1
	Female	7	-	-	-	-	-	8	7
FCM2	Male	6	1	1	-	-	-	7	10
	Female	9	2	1	4	-	-	15	15
FCM1	Male	25	1	3	1	1	1	29	27
	Female	19	5	3	-	1	-	28	29
FCS6	Male	32	-	7	-	1	1	34	40
	Female	76	19	11	3	-	-	107	106
FCS5	Male	15	1	36	-	-	-	52	39
	Female	18	7	36	-	-	-	54	59
FCS4	Male	6	-	7	-	1	-	9	15
	Female	26	15	10	3	-	-	57	52
FCS3	Male	2	-	1	-	1	-	4	3
	Female	7	-	3	-	-	-	10	7
FCS2/ CCO	Male	-	-	1	-	-	20	21	23
	Female	1	-	-	1	32	26	34	27
Total		274	54	106	13	57	52	504	491

CCO, Casual Court Officer; FCL, Federal Court Legal; FCM, Federal Court Manager; FCS, Federal Court Staff; NAT, Includes Federal Court Native Title staff and Chambers of the Chief Justice; NNTT, National Native Title Tribunal; PRIN, Principal Registry; SES, Senior Executive Service officer

Table A9.8: Family Court of Australia: staffing by gender, classification and employment status and type (as at 30 June 2017 and 30 June 2018)

Level	Gender	Ongoing		Part-time		Non-ongoing		Part-time		Intermittent/ Irregular		Total	
		2017	2018	2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
APS 3	Male	1	-	-	-	-	1	-	-	-	-	-	1
	Female	-	-	1	-	-	-	-	-	-	-	-	-
APS 4	Male	-	-	1	-	3	2	1	1	-	-	-	3
	Female	-	-	1	-	15	18	1	1	-	1	-	20
APS 5	Male	2	3	-	-	-	-	-	-	-	-	-	3
	Female	30	27	3	3	3	1	-	1	-	-	-	32
APS 6	Male	1	1	-	-	-	-	-	-	-	-	-	1
	Female	2	-	1	1	1	-	-	-	-	-	-	1
EL 1	Male	-	1	-	-	-	-	-	-	-	-	-	1
	Female	2	2	-	-	2	-	-	-	-	-	-	2
EL 2	Male	3	3	1	-	-	-	-	-	-	-	1	3
	Female	11	9	4	4	3	4	-	1	-	2	-	20
SES 1	Male	-	-	-	-	-	-	-	-	-	-	-	-
	Female	-	-	-	-	-	1	-	-	-	-	-	1
SES 2	Male	2	2	-	-	-	-	-	-	-	-	-	2
	Female	-	-	-	-	-	-	-	-	-	-	-	-
Total		54	48	12	8	27	27	2	4	0	3	1	90

Table A9.9: Federal Circuit Court of Australia: staffing by gender, classification and employment status and type (as at 30 June 2017 and 30 June 2018)

Level	Gender	Ongoing			Non-ongoing			Intermittent/ Irregular		Total	
		2017	2018	2017	2018	2017	2018	2017	2018	2017	2018
APS 1	Male	-	-	1	-	-	-	-	-	1	1
	Female	-	-	-	-	-	-	-	-	-	-
APS 2	Male	6	7	2	2	1	3	-	4	15	15
	Female	12	9	7	10	4	8	-	2	30	30
APS 3	Male	32	21	1	2	-	4	7	1	51	32
	Female	66	58	32	35	4	17	16	6	130	131
APS 4	Male	17	15	2	2	2	13	-	1	32	32
	Female	48	46	16	17	1	33	1	1	97	97
APS 5	Male	10	8	-	-	5	10	-	-	16	19
	Female	57	59	6	9	16	19	-	1	79	88
APS 6	Male	1	4	-	-	-	1	-	-	1	5
	Female	13	9	2	1	-	2	-	-	15	12
EL 1	Male	9	9	2	1	-	-	-	-	11	10
	Female	37	43	26	36	3	1	2	3	74	84
EL 2	Male	9	9	-	-	-	-	2	2	12	12
	Female	15	12	6	7	2	2	4	2	27	26
SES 1	Male	2	2	-	-	-	-	-	-	2	2
	Female	3	3	-	-	-	-	-	-	3	3
SES 2	Male	-	-	-	-	1	1	-	-	1	1
	Female	-	-	-	-	-	-	-	-	-	-
Total		337	314	103	123	99	114	21	19	597	600

SENIOR EXECUTIVE SERVICE

Table A9.10: Federal Court of Australia: Senior Executive Service (as at 30 June 2018)

Principal Registry		SES level
National Court Framework (NCF) Registrar	Catherine KROL	SES Band 1
Deputy Principal Registrar	John MATHIESON	SES Band 1
Executive Director, People Culture and Communications	Darrin MOY	SES Band 1
National Director, Court and Tribunal Services	Louise ANDERSON	SES Band 2
National Operations Registrar	Sia LAGOS	SES Band 2
Deputy National Operations Registrar	David PRINGLE	SES Band 2
Executive Director, Corporate Services	Catherine SULLIVAN	SES Band 2
New South Wales District Registry		
District Registrar	Michael WALL	SES Band 2
Victoria District Registry		
District Registrar	Phillip ALLAWAY	SES Band 1
Queensland District Registry		
District Registrar	Murray BELCHER	SES Band 1
South Australia District Registry		
District Registrar	Nicola COLBRAN	SES Band 1
Western Australia District Registry		
District Registrar	Russell TROTT	SES Band 1
National Native Title Tribunal		
Deputy Registrar	Lisa EATON	SES Band 1
Native Title		
National Registrar – Native Title	Catriona STRIDE	SES Band 1

Table A9.11: Family Court of Australia: Senior Executive Service (as at 30 June 2018)

Victoria		SES level
Senior Registrar	John FITZGIBBON	SES Band 2
Australian Capital Territory		SES level
Deputy Principal Registrar	Virginia WILSON	SES Band 1

Table A9.12: Federal Circuit Court of Australia: Senior Executive Service (as at 30 June 2018)

New South Wales		SES level
Principal Child Dispute Services	Janet CARMICHAEL	SES Band 1
Regional Registry Manager	Simon KELSO	SES Band 1
Victoria		SES level
Executive Director, Operations	Steven AGNEW	SES Band 2
Deputy Principal Registrar	Adele BYRNE	SES Band 1
Regional Registry Manager	Jane REYNOLDS	SES Band 1
Queensland		SES level
Regional Registry Manager	Jamie CREW	SES Band 1

INDIGENOUS STAFFING

Table A9.13: Federal Court of Australia: Indigenous staff by location, gender and employment status

Employment status	Gender	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Ongoing	Female	–	1	2	6	–	–	1	–	10
	Male	–	–	–	–	–	–	–	–	–
Non-ongoing	Female	–	–	–	–	–	–	–	–	–
	Male	–	1	–	–	–	–	–	–	1
Total		0	2	2	6	0	0	1	0	11

Table A9.14: Family Court of Australia: Indigenous staff by location, gender and employment status

Employment status	Gender	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Ongoing	Female	–	–	–	–	–	–	–	–	–
	Male	–	–	–	–	–	–	–	–	–
Non-ongoing	Female	–	–	–	–	–	–	–	–	–
	Male	–	–	–	–	–	–	–	–	–
Total		0	0	0	0	0	0	0	0	0

Table A9.15: Federal Circuit Court of Australia: Indigenous staff by location, gender and employment status

Employment status	Gender	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	Total
Ongoing	Female	–	6	–	1	1	–	–	–	8
	Male	–	–	–	–	–	–	–	–	–
Non-ongoing	Female	–	2	–	–	–	–	1	–	3
	Male	–	1	–	–	–	–	–	–	1
Casual	Female	–	–	–	–	–	–	–	–	–
	Male	–	–	–	1	–	–	–	–	1
Total		0	9	0	2	1	0	1	0	13

WORKFORCE TURNOVER

Table A9.16: Federal Court of Australia: workforce turnover (excludes NNTT employees)

Termination reason	Ongoing	Casual	Non-ongoing	Total
Dismissed	1	–	1	2
Expiration of contract	–	13	57	70
Inter-department transfer	6	–	1	7
Involuntary redundancy	1	–	–	1
Resigned	10	9	17	36
Retire – Age – 60 to 65 years	3	–	–	3
Retire – Age – 60 years	1	–	–	1
Voluntary redundancy	6	–	–	6
Total	28	22	76	126

Table A9.17: Federal Court of Australia (NNTT): workforce turnover

Termination reason	Ongoing	Casual	Non-ongoing	Total
Abandoned employment	–	–	1	1
Deceased	1	–	–	1
Expiration of contract	–	–	1	1
Inter-department transfer	3	–	1	4
Involuntary redundancy	7	–	–	7
Resigned	3	–	2	5
Retire – Age – 60 years	–	–	1	1
Voluntary redundancy	2	–	–	2
Total	16	0	6	22

Table A9.18: Family Court of Australia: workforce turnover

Termination reason	Ongoing	Casual	Non-ongoing	Total
Expiration of contract	1	2	8	11
Resigned	4	–	6	10
Retire – Age – 60 to 65 years	1	–	–	1
Retire – Age – before 60 years	2	–	–	2
Voluntary redundancy	3	–	–	3
Total	11	2	14	27

Table A9.19: Federal Circuit Court of Australia: workforce turnover

Termination reason	Ongoing	Casual	Non-ongoing	Total
Dismissed	–	1	1	2
Expiration of contract	–	6	14	20
Inter-department transfer	4	–	–	4
Resigned	32	3	37	72
Retire – Age – 60 to 65 years	6	–	–	6
Retire – Age – 60 years	2	–	–	2
Retire – Age – before 60 years	1	–	–	1
Retire – Age – over 65 years	2	–	–	2
Voluntary redundancy	1	–	–	1
Total	48	10	52	110

AUSTRALIAN WORKPLACE AGREEMENTS

Table A9.20: Federal Court of Australia: Australian Workplace Agreements (AWA) minimum salary ranges by classification

Classification	Salary range (\$)
FCS 2 (APS Level 2)	–
FCS 3 (APS Level 3)	–
FCS 4 (APS Level 4)	–
FCS 5 (APS Level 5)	–
FCS 6 (APS Level 6)	–
FCM 1 (EL 1)	\$103,389 to \$127,642
FCM 2 (EL 2)	–
FCL 1 (Legal from APS Level 3 to EL 1)	–
FCL 2 (Legal EL 2)	\$160,395
SES 1 (SES Band 1)	\$182,000
SES 2 (SES Band 2)	\$295,000

FCL, Federal Court Legal; FCM, Federal Court Manager; FCS, Federal Court Staff; SES, Senior Executive Service officer

Table A9.21: Family Court of Australia: Australian Workplace Agreements (AWA) minimum salary ranges by classification

Classification	Salary range (\$)
APS 2	–
APS 3	–
APS 4	–
APS 5	–
APS 6	–
EL 1	–
EL 2	\$140,260 to \$188,665
SES 1	–
SES 2	\$211,851

Table A9.22: Federal Circuit Court of Australia: Australian Workplace Agreements (AWA)
minimum salary ranges by classification

Classification	Salary range (\$)
APS 2	–
APS 3	–
APS 4	–
APS 5	–
APS 6	–
EL 1	\$102,136
EL 2	\$125,639 to \$152,190
SES 1	\$175,000 to \$175,495
SES 2	\$200,495

SALARY RANGES BY CLASSIFICATION LEVEL

Table A9.23: Federal Court of Australia: salary ranges by classification level under the Federal Court of Australia Enterprise Agreement 2011–2014 or Determination (as at 30 June 2018)

Court Designation	Australian Public Service Classification	Salary
Clerical Administrative Positions		
Federal Court Staff Level 1	Australian Public Service Level 1	\$43,108
		\$47,641
Federal Court Staff Level 2	Australian Public Service Level 2	\$48,786
		\$54,100
Federal Court Staff Level 3	Australian Public Service Level 3	\$55,568
		\$59,975
Federal Court Staff Level 4	Australian Public Service Level 4	\$61,936
		\$67,247
Federal Court Staff Level 5	Australian Public Service Level 5	\$69,080
		\$73,248
Federal Court Staff Level 6	Australian Public Service Level 6	\$74,610
		\$85,705
Federal Court Manager Level 1	Executive Level 1	\$95,493
		\$103,131
Federal Court Manager Level 2	Executive Level 2	\$110,087
		\$129,018
Legal Positions		
Federal Court Legal 1	From Australian Public Service Level 3	\$62,389
	To Executive Level 1	\$121,285
Federal Court Legal 2	Executive Level 2	\$140,503
		\$146,001
Senior Executive Positions		
Senior Executive Service Band 1	Senior Executive Service Band 1	\$181,285
		\$233,744
Senior Executive Service Band 2	Senior Executive Service Band 2	\$239,924
		\$295,000

Table A9.24: Family Court of Australia and Federal Circuit Court of Australia salary ranges by classification level under the *Federal Magistrates Court of Australia and Family Court of Australia Enterprise Agreement 2011–2014* or Determination (as at 30 June 2018)

Australian Public Service Classification	Salary
Australian Public Service Level 1	\$44,063
	\$47,118
Australian Public Service Level 2	\$48,247
	\$53,504
Australian Public Service Level 3	\$56,383
	\$59,310
Australian Public Service Level 4	\$63,197
	\$66,499
Australian Public Service Level 5	\$68,315
	\$72,440
Australian Public Service Level 6	\$74,198
	\$84,754
Executive Level 1	\$94,586
	\$102,136
Executive Level 2	\$111,677
	\$131,082
Registrar Positions	
Executive Level 2	\$128,152
	\$133,702
Senior Executive Service Positions	
Senior Executive Service Band 1	\$175,000
	\$200,000
Senior Executive Service Band 2	\$200,495
	\$211,851

APPENDIX 10

ANNUAL PERFORMANCE STATEMENT

Introductory statement

I, Warwick Soden, as the accountable authority of the Federal Court of Australia, present the 2017–18 annual performance statements for the entity, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

In my opinion, these annual performance statements are based on properly maintained records, accurately reflect the performance of the entity, and comply with subsection 39(2) of the PGPA Act.



Warwick Soden
Chief Executive Officer and Principal Registrar
Federal Court of Australia

Outcome 1

Apply and uphold the rule of law for litigants in the Federal Court of Australia and parties in the National Native Title Tribunal through the resolution of matters according to law and through the effective management of the administrative affairs of the Court and Tribunal

Program 1.1: Federal Court of Australia

Outcome 2

Apply and uphold the rule of law for litigants in the Family Court of Australia through the resolution of family law matters according to law, particularly more complex family law matters, and through the effective management of the administrative affairs of the Court

Program 2.1: Family Court of Australia

Outcome 3

Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court

Program 3.1: Federal Circuit Court of Australia

Outcome 4

Improved administration and support of the resolution of matters according to law for litigants in the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate services

Program 4.1: Commonwealth Courts Corporate Services

FEDERAL COURT OF AUSTRALIA

The relationship between the Federal Court's Portfolio Budget Statements, its corporate plan and annual performance statement

Portfolio Budget Statements	Outcome 1 Apply and uphold the rule of law for litigants in the Federal Court of Australia and parties in the National Native Title Tribunal through the resolution of matters according to law and through the effective management of the administrative affairs of the Court and Tribunal	Outcome 2 Apply and uphold the rule of law for litigants in the Family Court of Australia through the resolution of family law matters according to law, particularly more complex family law matters, and through the effective management of the administrative affairs of the Court	Outcome 3 Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court	Outcome 4 Improved administration and support of the resolution of matters according to law for litigants in the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate services
	Program 1.1 Federal Court of Australia	Program 2.1 Family Court of Australia	Program 3.1 Federal Circuit Court of Australia	Program 4.1 Commonwealth Courts Corporate Services
	Timely completion of cases <ul style="list-style-type: none"> 85% of cases completed within 18 months of commencement Judgments to be delivered within three months 	Timely completion of cases <ul style="list-style-type: none"> Clearance rate of 100% 75% of judgments to be delivered within three months 75% of cases pending conclusion to be less than 12 months old 	Timely completion of cases <ul style="list-style-type: none"> 90% of final order applications disposed of within 12 months 90% of all other applications disposed of within six months 70% of matters resolved prior to trial Timely registry services <ul style="list-style-type: none"> 75% of counter enquiries served within 20 minutes 80% of National Enquiry Centre telephone enquiries answered within 90 seconds 80% of email enquiries responded to within two working days 75% of applications lodged processed within two working days 	Efficient and effective corporate services <ul style="list-style-type: none"> Corporate services to be provided within the agreed funding Performance benchmarks as set out in the memorandum of understanding between the courts to be met
Corporate Plan purposes	Decide disputes according to the law as quickly, inexpensively and efficiently as possible	To help Australians resolve their most complex family disputes by deciding matters according to the law, promptly, courteously and effectively	To provide a simple and accessible alternative to litigation in the Family Court and Federal Court. To provide efficient and effective registry services to assist the respective courts to achieve their stated purpose	To provide efficient and effective corporate services to the Commonwealth courts and the National Native Title Tribunal
Annual Performance Statements	Analysis of performance FCA annual report Page 22–49, 54–71, 79–86, 216–222	Analysis of performance FCA annual report Page 216–222 FCoA annual report Page 20–47	Analysis of performance FCA annual report Page 216–222 FCC annual report Page 42–82	Analysis of performance FCA annual report Page 54–71, 216–222

OUTCOME ONE

Program 1.1: Federal Court of Australia

Purpose

- Decide disputes according to the law as quickly, inexpensively and efficiently as possible.

Delivery

- Exercising the jurisdiction of the Federal Court of Australia.
- Supporting the operations of the National Native Title Tribunal.

Results

Timely completion of cases		
Target	Result 2017–18	Target status
85 per cent of cases completed within 18 months of commencement	93 per cent of cases were completed within 18 months of commencement	Target met
Judgments to be delivered within three months	79 per cent of judgments were delivered in three months	Target met

The Court met both targets in relation to timely completion of cases:

- 85 per cent of cases completed within 18 months of commencement**

In the reporting period, the Court disposed of 92.6 per cent within 18 months of commencement. This figure includes appeals and related actions and excludes native title cases. This is well above the target rate of 85 per cent.

- Judgments to be delivered within three months**

The Court has a goal of delivering reserved judgments within a period of three months. Success in meeting this goal depends upon the complexity of the case and the pressure of other business upon the Court.

Performance criterion

Timely completion of cases

- 85 per cent of cases completed within 18 months of commencement
- Judgments to be delivered within three months.

Criterion source

- Table 2.3: Performance criteria for Outcome 1, *Federal Court of Australia Portfolio Budget Statements 2017–18*
- Federal Court of Australia Corporate Plan 2017–2018.*

During 2017–18, the Court handed down 2028 judgments for 1743 court files (some files involve more than one judgment being delivered, e.g. interlocutory decisions and sometimes, one judgment will cover multiple files).

This is an increase of 312 judgments from last financial year. The data indicates that 82 per cent of appeals (both full court and single judge) were delivered within three months and 79 per cent of judgments at first instance were delivered within three months of the date of being reserved.

A detailed analysis on the performance of the Federal Court can be found in Part 3 and Appendix 5.

OUTCOME TWO

Program 2.1: Family Court of Australia

Purpose

- To help Australians resolve their most complex family disputes by deciding matters according to the law, promptly, courteously and effectively.

Delivery

- Exercising the jurisdiction of the Family Court of Australia.

The Family Court of Australia is a separate Chapter III court under the Australian Constitution and the performance criteria applicable to the Court are identified in the 2017–18 *Federal Court of Australia Portfolio Budget Statements* and in the *Federal Court of Australia Corporate Plan 2017–2018*.

This program was previously part of the Family Court and Federal Circuit Court. The program was transferred to the Federal Court of Australia with effect from 1 July 2016 by the *Courts Administration Legislation Amendment Act 2016*.

Performance criterion

Timely completion of cases

- Clearance rate of 100 per cent
- 75 per cent of judgments to be delivered within three months
- 75 per cent of cases pending conclusion to be less than 12 months old.

Criterion source

- Table 2.5: Performance criteria for Outcome 2, *Federal Court of Australia Portfolio Budget Statements 2017–18*
- *Federal Court of Australia Corporate Plan 2017–2018*.

Results

Timely completion of cases		
Target	Result 2017–18	Target status
Clearance rate of 100 per cent	The clearance rate was 100 per cent	Target met
75 per cent of judgments to be delivered within three months	75 per cent of judgments were delivered within three months	Target met
75 per cent of cases pending conclusion to be less than 12 months old	67 per cent of cases pending conclusion were less than 12 months old	Target not met

In 2017–18, the FCoA achieved two targets and was unable to achieve one. The Court achieved a clearance rate of 100 per cent, improving on the clearance rate of 98 per cent in 2016–17. The FCoA aims to deliver 75 per cent of reserved judgments within three months of completion of a trial. In 2017–18, 75 per cent of the 1044 reserved original

jurisdiction judgments (excluding judgments on appeal cases) were delivered within that timeframe. The FCoA also aims to have more than 75 per cent of its pending applications less than 12 months old. At 30 June 2018, 67 per cent of pending applications were less than 12 months old, compared with 68 per cent at 30 June 2017.

OUTCOME THREE

Program 3.1: Federal Circuit Court of Australia

Purpose

- To provide a simple and accessible alternative to litigation in the Family Court and Federal Court.
- To provide efficient and effective registry services to assist the respective courts to achieve their stated purpose.

Delivery

- Exercising the jurisdiction of the Federal Circuit Court of Australia.
- Providing an efficient and effective registry service to the public.

The Federal Circuit Court of Australia remains a separate Chapter III court under the Australian Constitution and the performance criteria applicable to the Court is identified in the *2017–18 Federal Court of Australia Portfolio Budget Statements* and in the *Federal Court Corporate Plan 2017–2018*.

This program was previously part of the Family Court and Federal Circuit Court. The program was transferred to the Federal Court of Australia with effect from 1 July 2016 by the *Courts Administration Legislation Amendment Act 2016*.

Performance criterion

Timely completion of cases

- 90 per cent of final order applications disposed of within 12 months
- 90 per cent of all other applications disposed of within six months
- 70 per cent of matters resolved prior to trial.

Timely registry services

- 75 per cent of counter enquiries served within 20 minutes
- 80 per cent of National Enquiry Centre telephone enquiries answered within 90 seconds
- 80 per cent of email enquiries responded to within two working days
- 75 per cent of applications lodged processed within two working days.

Criterion source

- Table 2.7: Performance criteria for Outcome 3, *Federal Court of Australia Portfolio Budget Statements 2017–18*
- *Federal Court of Australia Corporate Plan 2017–2018*.

Results

Timely completion of cases		
Target	Result 2017–18	Target status
90 per cent of final order applications disposed of within 12 months	62 per cent of final order applications were disposed of within 12 months	Target not met
90 per cent of all other applications disposed of within six months	91 per cent of all other applications were disposed of within six months	Target met
70 per cent of matters resolved prior to trial	72 per cent of matters were resolved prior to trial	Target met

Timely registry services		
Target	Result 2017–18	Target status
75 per cent of counter enquiries served within 20 minutes	93 per cent of counter enquiries were served within 20 minutes	Target met
80 per cent of National Enquiry Centre telephone enquiries answered within 90 seconds	18 per cent of National Enquiry Centre telephone enquiries were answered within 90 seconds	Target not met
80 per cent of email enquiries responded to within two working days	100 per cent of email enquiries were responded to within two working days	Target met
75 per cent of applications lodged processed within two working days	98 per cent of applications lodged were processed within two working days	Target met

In 2017–18 the Federal Circuit Court achieved two targets under timely completion of cases and was unable to achieve one. This is an improvement in performance from last financial year. In the area of timely registry services, the Federal Circuit Court

achieved three targets and was unable to achieve one. A detailed analysis on the performance of the Federal Circuit Court can be found in Part 3 of the *Federal Circuit Court of Australia's 2016–17 Annual Report*.

OUTCOME FOUR

Program 4.1: Commonwealth Courts Corporate Services

Purpose

- To provide efficient and effective corporate services to the Commonwealth courts and the National Native Title Tribunal.

Delivery

- Providing efficient and effective corporate services for the Commonwealth courts and the National Native Title Tribunal.

Performance criterion

Efficient and effective corporate services

- Corporate services to be provided within the agreed funding
- Performance benchmarks as set out in the memorandum of understanding (MOU) between the courts to be met.

Criterion source

- Table 2.9: Performance criteria for Outcome 4, *Federal Court of Australia Portfolio Budget Statements 2017–18*
- *Federal Court of Australia Corporate Plan 2017–2018*.

Results

Efficient and effective corporate services		
Target	Result 2017–18	Target status
Corporate services to be provided within the agreed funding	This target has been achieved with Corporate Services achieving savings in the 2017–18 financial year	Target met
Performance benchmarks as set out in the memorandum of understanding between the courts	Measures as identified through the consultative process for 2017–18 financial year achieved	Target met

The key outcome measure for Corporate Services is improved administration and support for the resolution of matters according to law for litigants in the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Court of Australia and parties in the National Native Title Tribunal, through efficient and effective provision of shared corporate services.

The intent of the merger of the courts’ corporate services is to deliver short-term savings and place the courts on a sustainable funding footing over the longer term, ensuring they are better placed to deliver services to litigants. The ability of Corporate Services to meet budget and projected average staffing numbers are the metrics that will be used to measure performance.

A detailed analysis on the performance of Corporate Services can be found in Part 4 (Management of the Court).

APPENDIX 11

INFORMATION REQUIRED BY OTHER LEGISLATION

Legislation	Page reference
<i>Commonwealth Electoral Act 1918</i>	56
<i>Courts Administration Legislation Amendment Act 2016</i>	18, 24, 54, 62
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	59–62
<i>Federal Circuit Court of Australia Act 1999</i>	11
<i>Federal Court of Australia Act 1976</i>	iii, 2, 5, 10, 11, 33
<i>Freedom of Information Act 1982</i>	41, 58
<i>Native Title Act 1993</i>	23, 33, 34, 35, 40, 56, 77, 167
<i>Public Governance, Performance and Accountability Act 2013</i>	iii, 53, 57, 216
<i>Public Service Act 1999</i>	10, 11, 53, 62, 63, 197
<i>Work Health and Safety Act 2011</i>	64–65