



CHAPTER 1

Overview of the Federal Court of Australia

1.1 Establishment

The Federal Court of Australia, created by the *Federal Court of Australia Act 1976*, began to exercise its jurisdiction on 1 February 1977. It assumed jurisdiction formerly exercised in part by the High Court of Australia and the whole jurisdiction of the Australian Industrial Court and the Federal Court of Bankruptcy.

The Court is a superior court of record and a court of law and equity. It sits in all capital cities and elsewhere in Australia from time to time.

1.2 Functions and powers

The Court's original jurisdiction is conferred by over 150 statutes of the Parliament. A list of these Acts appears in Appendix 4 on page 86.

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

1.3 Objectives

The objectives of the Court are to:

- decide disputes according to law – promptly, courteously and effectively and, in so doing, to interpret the statutory law and develop the general law of the Commonwealth, so as to fulfil the role of a court exercising the judicial power of the Commonwealth under the Constitution;
- provide an effective registry service to the community; and
- manage the resources allotted by Parliament efficiently.

1.4 The Court's outcome and output structure

The Court's outcome and output structure appears in Chapter 4 on page 38.

This report uses the outcome and output structure to outline the Court's work and performance during 2006–07. Chapter 3 reports on these issues in detail.

1.5 The Court

Judges

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

Judges of the Court are appointed by the Governor-General by commission and may not be removed except by the Governor-General on an address from both Houses of Parliament in the same session. All judges must retire at the age of 70.

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

At 30 June 2007 there were 49 judges of the Court. They are listed below in order of seniority with details about any other commissions or appointments held on courts or tribunals. Of the 49 judges, there were four whose work as members of other courts or tribunals occupied all, or most, of their time.

Judges of the Court

(at 30 June 2007)

Judge	Location	Other Commissions/Appointments
Chief Justice The Hon Michael Eric John BLACK AC	Melbourne	
The Hon Jeffrey Ernest John SPENDER	Brisbane	Industrial Relations Court of Australia – Judge Supreme Court of the ACT – Additional Judge Administrative Appeals Tribunal – Presidential Member
The Hon Peter Ross Awdry GRAY	Melbourne	Industrial Relations Court of Australia – Judge Administrative Appeals Tribunal – Presidential Member
The Hon Donnell Michael RYAN	Melbourne	Industrial Relations Court of Australia – Judge Supreme Court of the ACT – Additional Judge
The Hon Robert Shenton FRENCH	Perth	Administrative Appeals Tribunal – Presidential Member Australian Competition Tribunal – Deputy President Australian Law Reform Commission – Part-time Member Supreme Court of Fiji – non-resident, semi-permanent Judge Supreme Court of the ACT – Additional Judge
The Hon Terence John HIGGINS	Canberra	Supreme Court of the ACT – Chief Justice
The Hon Peter Cadden HEEREY	Melbourne	Defence Force Discipline Appeal Tribunal – President Australian Competition Tribunal – Deputy President Administrative Appeals Tribunal – Presidential Member
The Hon Michael Francis MOORE	Sydney	Industrial Relations Court of Australia – Judge Supreme Court of the ACT – Additional Judge Tonga Court of Appeal – Judge
The Hon Catherine Margaret BRANSON	Sydney	
The Hon Kevin Edmund LINDGREN	Sydney	Copyright Tribunal – President
The Hon Brian John Michael TAMBERLIN	Sydney	Supreme Court of the ACT – Additional Judge Administrative Appeals Tribunal – Presidential Member

Judge	Location	Other Commissions/Appointments
The Hon Ronald SACKVILLE	Sydney	Civil and Commercial Court of Qatar – Judge
The Hon Susan Mary KIEFEL	Brisbane	Supreme Court of Norfolk Island – Judge Australian Law Reform Commission – Part-time Commissioner
The Hon Robert David NICHOLSON AO	Perth	Administrative Appeals Tribunal – Presidential Member
The Hon Paul Desmond FINN	Adelaide	
The Hon Ross Alan SUNDBERG	Melbourne	
The Hon Shane Raymond MARSHALL	Melbourne	Industrial Relations Court of Australia – Judge Supreme Court of the ACT – Additional Judge
The Hon Anthony Max NORTH	Melbourne	Industrial Relations Court of Australia – Judge Supreme Court of the ACT – Additional Judge
The Hon Rodney Neville MADGWICK	Sydney	Industrial Relations Court of Australia – Judge Supreme Court of the ACT – Additional Judge
The Hon John Ronald MANSFIELD	Adelaide	
The Hon Alan Henry GOLDBERG AO	Melbourne	Australian Competition Tribunal – President
The Hon Arthur Robert EMMETT	Sydney	Copyright Tribunal – Deputy President
The Hon Raymond Antony FINKELSTEIN	Melbourne	Australian Competition Tribunal – Deputy President
The Hon Geoffrey Michael GIUDICE	Melbourne	Australian Industrial Relations Commission – President
The Hon Mark Samuel WEINBERG	Melbourne	Supreme Court of Norfolk Island – Chief Justice Supreme Court of the ACT – Additional Judge Supreme Court of Fiji – non-resident, semi-permanent Judge Australian Law Reform Commission – Part-time Commissioner
The Hon John Alfred DOWSETT	Brisbane	Supreme Court of the ACT – Additional Judge
The Hon Susan Coralie KENNY	Melbourne	Australian Law Reform Commission – Part-time Commissioner
The Hon Roger Vincent GYLES AO	Sydney	Supreme Court of the ACT – Additional Judge Court of Arbitration for Sport – Member Australian Competition Tribunal – Deputy President Administrative Appeals Tribunal – Presidential Member
The Hon Richard Alan CONTI	Sydney	
The Hon Margaret Ackary STONE	Sydney	Supreme Court of the ACT – Additional Judge
The Hon James Leslie Bain ALLSOP	Sydney	Supreme Court of the ACT – Additional Judge
The Hon Garry Keith DOWNES AM	Sydney	Administrative Appeals Tribunal – President
The Hon Peter Michael JACOBSON	Sydney	Supreme Court of Norfolk Island – Judge
The Hon Annabelle Claire BENNETT AO	Sydney	Supreme Court of the ACT – Additional Judge Administrative Appeals Tribunal – Presidential Member

Judge	Location	Other Commissions/Appointments
The Hon Bruce Thomas LANDER	Adelaide	Supreme Court of the ACT – Additional Judge Administrative Appeals Tribunal – Presidential Member
The Hon Antony Nicholas SIOPIIS	Perth	Administrative Appeals Tribunal – Presidential Member
The Hon Richard Francis EDMONDS	Sydney	Supreme Court of the ACT – Additional Judge Administrative Appeals Tribunal – Presidential Member
The Hon Peter Ross GRAHAM	Sydney	Supreme Court of the ACT – Additional Judge
The Hon Andrew Peter GREENWOOD	Brisbane	Administrative Appeals Tribunal – Presidential Member
The Hon Steven David RARES	Sydney	Supreme Court of the ACT – Additional Judge
The Hon Berna COLLIER	Brisbane	
The Hon Dennis Antill COWDROY OAM	Sydney	Supreme Court of the ACT – Additional Judge
The Hon Anthony James BESANKO	Adelaide	Supreme Court of the ACT – Additional Judge
The Hon Christopher Neil JESSUP	Melbourne	
The Hon Richard Ross Sinclair TRACEY RFD	Melbourne	
The Hon John Eric MIDDLETON	Melbourne	
The Hon Robert John BUCHANAN	Sydney	
The Hon John GILMOUR	Perth	
The Hon Michelle Marjorie GORDON	Melbourne	

The Chief Justice was absent on the following dates during the year. Arrangements for an acting Chief Justice during the periods are indicated below.

25 September – 1 October 2006	The Hon Justice Gray
2 October – 8 October 2006	The Hon Justice French
9 October – 24 October 2006	The Hon Justice Spender
25 April – 30 May 2007	The Hon Justice Spender

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

Appointments and retirements

During the year five judges were appointed to the Court:

- **The Honourable Richard Ross Sinclair Tracey RFD** (resident in Melbourne) was appointed on 24 July 2006.
- **The Honourable Justice John Eric Middleton** (resident in Melbourne) was appointed on 31 July 2006.
- **The Honourable Justice Robert John Buchanan** (resident in Sydney) was appointed on 8 September 2006.
- **The Honourable Justice John Gilmour** (resident in Perth) was appointed on 11 December 2006.
- **The Honourable Justice Michelle Marjorie Gordon** (resident in Melbourne) was appointed on 20 April 2007.

During the year two judges resigned from the Court:

- **The Honourable Justice Murray Rutledge Wilcox** resigned his commission as a judge of the Court on 1 October 2006.
- **The Honourable Justice Neil John Young** resigned his commission as a judge of the Court on 24 January 2007.

Other appointments, resignations and retirements during the year included:

- **The Honourable Justice Wilcox** resigned his commissions as Chief Justice of the Industrial Relations Court of Australia, judge of the Supreme Court of Norfolk Island and Additional Judge of the Supreme Court of the Australian Capital Territory, with effect from 1 October 2006.
- **The Honourable Justice French** was appointed a part-time member of the Australian Law Reform Commission, for a term of three years, with effect from 15 July 2006.
- **The Honourable Justice Sackville** was appointed a judge of the Civil and Commercial Court of Qatar, with effect from 25 February 2007.
- **The Honourable Justice Emmett** was re-appointed a Deputy President of the Copyright Tribunal of Australia for the period 24 June to 10 October 2007.
- **The Honourable Justice Jacobson** was appointed a judge of the Supreme Court of Norfolk Island with effect from 29 June 2007, until the age of 70 years.
- **The Honourable Justices Edmonds, Graham, Rares, Cowdroy and Besanko** were appointed Additional Judges of the Supreme Court of the Australian Capital Territory, with effect from 1 March 2007.

1.6 Registries

Registrar

Mr Warwick Soden is the Registrar of the Court. The Registrar is appointed by the Governor-General on the nomination of the Chief Justice. The Registrar has the same powers as the Head of a Statutory Agency of the Australian Public Service in respect of the officers and staff of the Court employed under the *Public Service Act 1999* (section 18Q of the *Federal Court of Australia Act*).

Principal and District Registries

The Principal Registry of the Court, located in Sydney, is responsible for the overall administrative policies and functions of the Court's registries and provides policy advice, human resources, financial management, information technology support, library services, property management and support to the judges' committees.

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

Most District Registries are also registries for the Australian Competition Tribunal and the Defence Force Discipline Appeal Tribunal. The Queensland, South Australian and Western Australian District Registries are registries for the High Court. The Tasmanian District Registry provides registry services for the Administrative Appeals Tribunal and the National Native Title Tribunal. The Registry of the Copyright Tribunal is located in the New South Wales District Registry.

The registries of the Court are also registries for the Federal Magistrates Court in relation to non-family law matters.

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

Officers of the Court

Officers of the Court are appointed by the Registrar under section 18N of the *Federal Court of Australia Act* and are:

- (a) a District Registrar for each District Registry;
- (b) Deputy Registrars and Deputy District Registrars;
- (c) a Sheriff and Deputy Sheriffs; and
- (d) Marshals under the *Admiralty Act*.

The registrars must take an oath or make an affirmation of office before undertaking their duties (section 18Y of the *Federal Court of Australia Act*). Registrars perform statutory functions assigned to them by the *Federal Court of Australia Act*, *Federal Court Rules*, *Federal Court Bankruptcy Rules* and the *Federal Court (Corporations) Rules 2000*. These include issuing process, taxing costs and settling appeal indexes. They also exercise various powers delegated by judges under the *Bankruptcy Act 1966*, *Corporations Act 2001* and *Native Title Act 1993*. A number of staff in each registry also perform functions and exercise delegated powers under the *Federal Magistrates Act 1999*. Appendix 3 on page 84 lists the registrars of the Court.

Staff of the Court

The officers and staff of the Court (other than the Registrar and some Deputy Sheriffs and Marshals) are appointed or employed under the *Public Service Act*. On 30 June 2007 there were 406 staff employed under the *Public Service Act*. Generally, judges have two personal staff members. More details on Court staff are set out in Tables 4.2 to 4.3 in Chapter 4 on pages 42 to 43.

