

PART 4

Management and
accountability

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Governance

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

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

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

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

Judges' committees

There are a number of committees of judges of the Court. These committees assist with the administration of the Court and play an integral role in managing issues related to the Court's administration, as well as its rules and practice.

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

An overarching National Practice Committee assists the Chief Justice in the management of the business of the Court and on practice and procedure reform and improvement. There are also a small number of standing committees that focus on specific issues within the framework of the Court's practice and procedure.

All of the committees are supported by senior court staff. The committees report to all judges at the biannual judges' meetings.

For more information about committees, see Appendix 14.

Judges' meetings

National meetings of all judges are held on a biannual basis. A national judges' meeting was held by video conference in November 2020 and March 2021, which dealt with matters such as reforms of the Court's practice and procedure, amendments to the Rules of the Court, management of the Court's finances and updates on the Court's digital initiatives, including the progress of digital hearings.

External scrutiny

The Court was not the subject of any reports by a Parliamentary committee or the Commonwealth Ombudsman. The Court was not the subject of any judicial decisions or decisions of administrative tribunals regarding its operations as a statutory agency for the purposes of the *Public Service Act 1999* or as a non-corporate entity under the *Public Governance, Performance and Accountability Act 2013*.

Commonwealth Courts Corporate Services

Overview

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

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

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

Objectives

The objectives of Corporate Services are to:

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

Purpose

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

During 2020–21, the work of Corporate Services focused on supporting the evolving needs of judges and staff across all the courts and tribunals, while delivering on required efficiencies to meet reduced appropriations.

The following outlines the work of Corporate Services, including major projects and achievements, during 2020–21.

The work of Corporate Services in 2020–21

Financial management

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

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

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

Financial accounts

During 2020–21, revenue from ordinary activities totalled \$358.181 million.

Total revenue, in the main, comprised:

- an appropriation from government of \$275.748 million
- \$43.335 million of resources received free of charge, predominantly for accommodation occupied by the Court in Commonwealth Law Courts buildings and the Law Courts Building in Sydney
- \$34.545 million of liabilities assumed by other government agencies, representing the notional value of employer superannuation payments for the Courts' Judges, and
- \$4.209 million from the sale of goods and services and other revenue.

Total expenses as per the financial statements are \$359.182 million. This comprises \$105.751 million in judges' salaries and related expenses, \$123.972 million in employees' salaries and related expenses, \$42.424 million in property-related lease expenses, \$49.605 million in other administrative expenses, \$35.705 million in depreciation expenses and \$1.725 million for the write-down and impairment of assets and financial instruments and financing costs.

The net operating result from ordinary activities for 2020–21, as reported in the financial statements, is a deficit of \$1.001 million including depreciation expenses and the accounting impacts of AASB 16 Leases. Depreciation expenses in 2020–21 of \$35.705 million includes depreciation on right of use assets recognised under AASB 16 Leases. To reflect the underlying operating surplus of the Federal Court of Australia entity, in line with Department of Finance guidelines, depreciation expenses of \$35.705 million are excluded and principal payments of lease liabilities of \$18.217 million are included. This effectively reverses the impact of AASB 16 Leases on the underlying result and shows a net surplus from ordinary activities of \$16.487 million for 2020–21.

The surplus is an improvement on the budgeted break-even position due to judicial vacancies, the continued impact of COVID-19 on a number of operational expense areas, and the slower than expected appointment of a number of newly funded positions as a result of new government initiatives.

The Federal Court has no other comprehensive income to report in 2020–21.

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

Equity increased from \$105.556 million in 2019–20 to \$116.356 million in 2020–21.

Program statements for each of the Court's programs can be found in Part 1.

Advertising and marketing services

As required under section 311A of the *Commonwealth Electoral Act 1918*, the Court must provide details of all amounts paid for advertising and marketing services. A total of \$155,583 was paid for recruitment advertising services in 2020–21. Payments for advertising the notification of native title applications, as required under the *Native Title Act 1993*, totalled \$68,080 over the reporting year.

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

Grant programs

The Federal Court made no grant payments in 2020–21.

Corporate governance

Audit and risk management

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

- fraud control plans and fraud risk assessments have been prepared that comply with the Commonwealth Fraud Control Guidelines
- appropriate fraud prevention, detection, investigation and reporting procedures and practices that comply with the Commonwealth Fraud Control Guidelines are in place, and
- the entity has taken all reasonable measures to appropriately deal with fraud relating to the entity. There were no instances of fraud reported during 2020–21.

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

- a single Audit Committee overseeing the entity that met five times during 2020–21. The committee comprises an independent chairperson, three judges from the Federal Court, three judges from the Family Court, two judges from the Federal Circuit Court and one additional external member. The CEO and Principal Registrars for each of the Courts, the Executive Director Corporate Services, the Chief Financial Officer and representatives from the internal audit service provider and the Australian National Audit Office (ANAO) attend committee meetings as observers
- internal auditors, O'Connor Marsden and Associates, conducted four internal audits during the year to test the entity's systems of internal control
- a risk management framework including a Risk Management Policy, a Risk Management Plan and a Fraud Control Plan
- internal compliance certificates completed by senior managers, and
- annual audit performed by the ANAO who issued an unmodified audit certificate attached to the annual financial statements.

Table 4.1: Audit committee, 30 June 2021

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Ian Govey AM	<ul style="list-style-type: none"> ■ Bachelor of Laws (Hons), Bachelor of Economics. ■ Fellow, Australian Academy of Law. ■ Chair, Banking Code Compliance Committee. ■ Chair, Federal Court of Australia Audit Committee. ■ Deputy Chair, Commonwealth Director of Public Prosecutions Audit Committee. ■ Director, Australian Centre for International Commercial Arbitration. ■ Director, Australasian Legal Information Institute (AustLII). ■ Acting Independent Reviewer, ACT Government Campaign Advertising. ■ Member, ACT Community Services Directorate Audit Committee. <p>Previously:</p> <ul style="list-style-type: none"> ■ Head, Australian Government Solicitor. ■ SES positions in the Australian Public Service, including Deputy Secretary of the Commonwealth Attorney-General's Department. 	4/4	\$21,150
Justice Nicholas	<ul style="list-style-type: none"> ■ Bachelor of Laws, Bachelor of Arts. ■ Previously a barrister practising in the areas of commercial law, intellectual property law and trade practices law. ■ Appointed Senior Counsel in 2001. ■ Appointed as a Judge to the Federal Court of Australia in 2009. 	3/4	\$0
Justice Murphy	<ul style="list-style-type: none"> ■ LLB, B Juris. ■ Senior Partner of law firm (1990–95). ■ Chairman of national law firm (2005–11) with responsibilities including financial forecasts, budgeting and risk management. ■ Board Member, Vice President and President, KidsFirst (formerly Children's Protection Society) (2005–present) with responsibilities including financial forecasts, budgeting and risk management. 	4/4	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Justice Farrell	<ul style="list-style-type: none"> ■ BA LLB (Hons) University of Sydney. ■ Deputy President, Australian Competition Tribunal. ■ Fellow, Australian Academy of Law. ■ Honorary life member, Business Law Section, Law Council of Australia. <p>Previously:</p> <ul style="list-style-type: none"> ■ President, Takeovers Panel (2010–12). ■ Member, Takeovers Panel (2001–10). ■ Chairman, Business Law Section, Law Council of Australia (2008–09). ■ Member, Executive, Business Law Section (2004–13). ■ Chair, Corporations Committee (2000–03). ■ Representative, Law Council, ASX Corporate Governance Council (2001–12). ■ Partner, Freehill Hollingdale and Page (1984–1992, 1994–2000). ■ Consultant, Freehills (2000–12). ■ National Coordinator, Enforcement, Australian Securities Commission (1992–93). ■ Acting member, Australian Securities Commission (1993). ■ Non-executive director and member of the audit committee for profit companies and government entities in the electricity generation, international banking, clothing manufacture and retail sectors (over periods between 1995–2010). ■ Non-executive director and member of the audit committee of not-for-profit entities the Securities Institute of Australia, the Australian Institute of Management, the National Institute of Dramatic Art and the Fred Hollows Foundation (over periods 1995–2017). ■ Fellow, Australian Institute of Management. ■ Fellow, Australian Institute of Company Directors. 	4/4	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Justice Benjamin (Retired Sept 2020)	<ul style="list-style-type: none"> ■ Diploma of Laws (SAB). Master of Laws (University of Technology) with a major in Dispute Resolution. Honorary Master of Laws (Applied Law) and Fellow of the College of Law. ■ Presidential Member, Administrative Appeals Tribunal. ■ Chair, Family Court Finance Committee. ■ Deputy Chair, Academic Board, College of Law. <p>Previously:</p> <ul style="list-style-type: none"> ■ Chair, Federal Courts' Costs Committee. ■ President, NSW Law Society. ■ Chair and Director, College of Law. ■ Trustee, Public Purpose Fund under the <i>Legal Profession Act 1987</i>. ■ Director, Solicitors Superannuation Pty Ltd. ■ Director, Purvis Van Eyk & Company Pty Ltd (an actuarial and financial research company). ■ Executive Member, Management Committee, Rose Consulting Group (Consulting Civil Engineers). ■ Legal Representative, South-Eastern Sydney Regional Area Health Board, Institutional Ethics Committee. 	1/1	\$0
Justice Harper	<ul style="list-style-type: none"> ■ BA (Hons), LLB, PhD (Uni Syd). ■ Member, Family Court Finance Committee. ■ Member, Family Court Conduct Committee. 	4/4	\$0
Justice McEvoy	<ul style="list-style-type: none"> ■ B.A; LL.B. (Hons); LL.M (Melb); S.J.D. (Virginia). ■ Visiting Professor, University of Virginia School of Law. ■ Finance Committee, Family Court of Australia. ■ Board member; member of audit committee; Parenting Research Centre, 2010–16. ■ Queen's Counsel, Victoria, 2016–19. ■ Barrister, Victorian Bar, 2002–19. ■ Senior Associate, Freehills 1999–2002. 	3/4	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
Judge Driver	<ul style="list-style-type: none"> ■ Bachelor of Arts/Law ANU. ■ Chair, Federal Circuit Court Legal Committee. ■ Member, Federal Circuit Court Finance Committee. ■ Judge, Federal Magistrates Court and Federal Circuit Court since 31 July 2000. ■ Member, Australian Institute of Judicial Administration. ■ Member, Law Council of Australia, Federal Litigation Section. ■ Member, Judicial Conference of Australia. ■ Previously held a number of Senior Executive Service positions in the Australian Public Service, Office of the Australian Government Solicitor. 	2/4	\$0
Justice Howard	<ul style="list-style-type: none"> ■ Bachelor of Laws. ■ Fulbright Scholar. ■ Member, Fulbright Scholarship Legal Assessment panel. ■ Visiting Foreign Judicial Fellowship, Federal Judicial Center, Washington DC (2018). ■ LAWASIA, Judicial Section Coordinating Committee. ■ President, QUT Law Alumni Chapter (2014-18). ■ Chair, LAWASIA Family Law Section (2011-14). ■ Board Member, Centacare, Queensland (2004-12). ■ Member, Advisory Board, St Vincent de Paul Society, Queensland (1992-94). 	1/4	\$0
Frances Cawthra (Retired Dec 2020)	<ul style="list-style-type: none"> ■ Frances Cawthra is the Chief Executive Officer of Cenitex, the Victorian Government's IT shared service provider. Cenitex provides essential ICT services including identity and network management, cyber security, user workspace and cloud services to more than 30 Victorian Government departments, portfolio agencies, associated agencies and government entities. ■ Prior to joining Cenitex, Frances was Chief Finance Officer with the Australian Taxation Office and has held senior roles in a variety of organisations including the National Australia Bank, United Energy and Coles Myer. ■ She has been recognised for her leadership in the areas of financial and resource management, investment strategy, procurement and contract management. 	2/2	\$0

MEMBER NAME	QUALIFICATIONS, KNOWLEDGE, SKILLS OR EXPERIENCE (INCLUDE FORMAL AND INFORMAL AS RELEVANT)	NUMBER OF MEETINGS ATTENDED/ TOTAL NUMBER OF MEETINGS	TOTAL ANNUAL REMUNERATION
David Donovan (Appointed Jan 2021)	CPA. Masters of Commerce; Graduate Certificate Professional Accounting. Fellow of the Institute of Public Accountants (FIPA). David Donovan is the Chief Finance Officer of the Commonwealth government Digital Transformation Agency (DTA). Prior to joining DTA, David was the Chief Financial Officer of the Administrative Appeals Tribunal where he led a team of finance professions in all aspects of the financial management of the Tribunal. Prior to the AAT David was employed across financial roles at the CSIRO, Department of Human Services and National Health Performance Authority	2/2	\$0

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

Compliance report

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

Correction of errors in the 2019–20 annual report

On page 54 of the 2019–20 annual report, there was an error in the performance pay information. There was a third employee who received a \$5,000 retention bonus. The information should have read as follows: 'The Court's employment arrangements do not provide for performance pay for all employees. However, one employee's employment arrangement provided for a bonus, subject to their completion of a project. The bonus paid was \$27,480. Another two employees are eligible for a retention bonus each year (\$5,000 and \$2,000 respectively per annum).'

Security

The safety and security of all people who attend or work in the Courts and the Tribunal is a high priority.

During 2020–21, \$6.2 million was expended for court security services, including the presence of security officers, weapons screening, staff training and other security measures. This figure includes funding spent on security equipment maintenance and equipment upgrades.

Other achievements during the reporting year include:

- Implementation of the project to upgrade security equipment and systems which will ensure Court facilities continue to provide effective physical security.
- Replacing the ageing security incident recording system with an integrated risk and security incident management system.

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

Over the next 12 months, the Court will complete the roll-out of upgraded security infrastructure commenced in 2020–21. The development of a security risk culture emphasising the integrated nature of personal, physical and information security continues through a targeted communications plan. The Court will continue to develop its cyber security capacity and culture.

Purchasing

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

Information on consultancy services

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

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

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

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

Consultants

During 2020–21, two new consultancy contracts were entered into, involving total actual expenditure of \$35,200. In addition, 11 ongoing consultancy contracts were active during 2020–21, which involved total actual expenditure of \$780,968.

Table 4.2 outlines expenditure trends for consultancy contracts for 2020–21.

Competitive tendering and contracting

During 2020–21, there were no contracts let to the value of \$100,000 or more that did not provide for the Auditor-General to have access to the contractor's premises.

During 2020–21, there were no contracts or standing offers exempted by the CEO and Principal Registrar from publication in the contract reporting section on AusTender.

Exempt contracts

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

Procurement initiatives to support small business

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

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

Table 4.2: Expenditure on reportable consultancy contracts, current reporting period (2020–21)

	NUMBER	EXPENDITURE \$ (GST INC.)
New contracts entered into during the reporting period	2	\$35,200
Ongoing contracts entered into during a previous reporting period	11	\$780,968
Total	13	\$816,168

Table 4.3: Expenditure on reportable non-consultancy contracts, current reporting period (2020–21)

	NUMBER	EXPENDITURE \$ (GST INC.)
New contracts entered into during the reporting period	182	\$22,342,228
Ongoing contracts entered into during a previous reporting period	229	\$47,424,080
Total	411	\$69,766,308

Table 4.4: Organisations receiving a share of reportable consultancy contract expenditure, current reporting period (2020–21)

NAME OF ORGANISATION	EXPENDITURE \$ (GST INC)
Centre for Judicial Studies Pty Ltd (ABN 77 088 423 394)	\$201,823
Diacher Pty Limited (ABN 44 006 170 958)	\$115,653
Law and Development Partners Pty Ltd (ABN 66 116 168 695)	\$104,280
Carolyn Graydon (ABN 42 912 172 668)	\$90,580
Yarrendale Enterprises Pty Ltd (ABN 68 092 581 078)	\$89,100

Table 4.5: Organisations receiving a share of reportable non-consultancy contract expenditure current reporting period (2020–21)

NAME OF ORGANISATION	EXPENDITURE \$ (GST INC)
MSS Security Pty Ltd	\$6,690,677
NTT Australia Pty Ltd	\$5,889,244
Evolve FM Pty Ltd (ABN 52 605 472 580)	\$5,471,333
Fredon Security Pty Limited (ABN 55 600 423 836)	\$3,251,305
Engie AV Technologies Pty Limited (ABN 61 007 012 544)	\$2,942,868

Asset management

Commonwealth Law Court buildings

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

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

An interim MOU was signed by the Court with Department of Finance for 2018–19 and this MOU will roll over monthly while the Court and Department of Finance negotiate a long-term agreement. The longer-term lease agreement MOU is expected to come into effect early in the 2021–22 financial year.

Registries – leased

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

Regional registries – co-located

The Courts co-locate with a number of state court jurisdictions, leasing accommodation from their state counterparts. The Court has Federal Court, Family Court and Federal Circuit Court registries in Darwin. The registries are co-located in the Northern Territory Supreme Court building under the terms of a Licence to Occupy between the Court and the Northern Territory Government.

Queens Square, Sydney

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

Projects and capital works delivered in 2020–21

The majority of capital works delivered in 2020–21 were projects addressing the urgent and essential business needs of the Courts. Projects undertaken or commenced included the following:

- Completed fitout of a new dedicated court building in Rockhampton in a Queensland Government building within the legal precinct.
- Completed upgrade to all security backend systems, access controls, alarms and CAPS CCTV through the Courts' premises.
- Completed design works for the construction of additional jury courtrooms and judges' chambers in the Queens Square Law Courts building in Sydney. Construction works are scheduled to occur during the 2021–22 financial year.
- Worked with the building owner, the Department of Finance, to complete the upgrade of Child Dispute Services facilities, lifts, and bathroom and kitchen facilities throughout a number of Commonwealth Law Courts buildings.
- Worked with the building owner, the Department of Finance, for the upgrade and carpet replacement throughout a number of Commonwealth Law Courts building. The upgrades will continue through the 2021–22 financial year.

Environmental management

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

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

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

Monitoring of actual impacts on the environment

The Court has an impact on the environment in a number of areas, primarily in the consumption of resources. Table 4.6 lists environmental impact/usage data where available. The data is for all the Federal Court jurisdictions over the last five financial years. Before the amalgamation, all Courts reported separately, and only Family Court and Federal Circuit Court figures were reported previous to the 2016–17 financial year).

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

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

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

Other measures

During 2020–21, the Court worked within its environmental management system to minimise its environmental impact through a number of specific measures, either new or continuing.

Energy

- Replacement of conventional florescent and halogen lighting with energy saving LED lighting.
- Replacement of appliances with energy efficient models.
- Review of electricity contracts to ensure value for money.

Information technology

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

Table 4.6: The Court's environmental impact/usage data, 2016–17 to 2020–21

		2016–17	2017–18	2018–19	2019–20	2020–21
Energy usage – privately leased sites (stationary) ¹		5,315 GJ	5,483 GJ	4,353 GJ	3,615 GJ	3,349 GJ
Transport vehicles – energy usage ²	Petrol	112,721 L/ 970,500 km	146,216 L/ 1,251,442 km	119,476 L/ 1,058,735 km	123,787 L/ 1,231,264 km	134,781 L/ 1,303,959 km
	Diesel	+ 59,776 L/ 650,750 km	+ 54,250 L/ 553,917 km	+ 58,233 L/ 613,562 km	43,519 L/ 450,433 km	52,521 L/ 548,504 km
	Dual fuel	+ 4,749 L/ 83,420 km	+ 6,099 L/ 61,559 km	+ 4,976 L/ 84,872 km	10,652 L/ 106,918 km	
	CO₂	6535 GJ or 436.3 tonnes	7095 GJ or 502.9 tonnes	6593 GJ or 461 tonnes	443 tonnes	470 tonnes
Paper usage – office paper (Reams)	FCFCC	29,576	27,192	27,049	28,651	21,917
	FCA	6403	7825	8,787	5,866	4,734
	TOTAL	35,979	35,017	35,836	33,812	26,651

FCFCC (Family Court and Federal Circuit Court).

¹ The Department of Finance reports for the Commonwealth Law Courts; these figures are for the leased sites only.

² The Courts utilise 9 hybrid vehicles previously reported under Dual Fuel. For the reporting year 2020–21, hybrid vehicles are reported under Petrol Vehicles. The Courts also utilised one electric vehicle (EV) for the period. Data for the km travelled was not available at the time of this report.

Paper

- An electronic court file was introduced for the Federal Court and the Federal Circuit Court (general federal law) in 2014. Matters commencing with the Courts are now handled entirely electronically. Over 96,506 electronic court files have been created, comprising almost 1,282,461 electronic documents, effectively replacing the use of paper in court files. This is an increase of 10,992 electronic court files and 240,864 electronic court documents from 2019–20.
- Family law eFiling also continues to be expanded, with over 93 per cent of divorce applications now being electronically filed. This is an increase of 6 per cent from 2019–20.
- Clients are encouraged to use the online Portal, and staff are encouraged to send emails rather than letters where feasible.
- Secure paper (e.g. confidential) continued to be shredded and recycled for all court locations.
- Non-secure paper recycling was available at all sites.
- Printers are initially set to default double-sided printing and monochrome.
- Recycled paper (7,337 reams) comprises 28 per cent of total paper usage. The overall reams total 2020–21 has decreased by 1,437 reams. This is due to the increased use of electronic filing and communication were feasible, as well as working from home during COVID-19 restrictions. The entity will remind officials on their return to work of the electronic protocols and highlight the benefits of our learned practices working from home without a printer.

Waste/cleaning

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

- Secure paper and e-waste recycling was available at all sites.

Property

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

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

Travel

During COVID-19 restrictions, less travel was undertaken by officials and electronic meeting platforms were relied upon as an alternative. Although some staff travel is unavoidable, the entity will continue to support the use of video conferencing and other lessons learned on the practice of remote communications where feasible and practicable.

Additional ecologically sustainable development implications

In 2020–21, the Court did not administer any legislation with ecologically sustainable development implications, nor did it have outcomes specified in an Appropriations Act with such implications.

Management of human resources

Staffing

At 30 June 2021, the Court engaged 1,157 employees under the *Public Service Act 1999*. This figure includes 781 ongoing and 376 non-ongoing employees.

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

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

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

COVID-19

A key focus throughout 2020–21 has been on providing employees with a safe workplace throughout the pandemic. The Court has followed the health advice provided by state and federal government bodies at each of our registries, as well as commissioning further expert advice as required.

Employees have been consulted on our safety processes via employee representative bodies such as our National Consultative Committee and our Health and Safety Committee to ensure the COVIDSafe practices we implemented were appropriately tailored to our workplaces.

One of the ongoing changes we will be making to our workplace following on from the pandemic is providing employees, where their role allows it, with the option of a hybrid work model where employees spend a proportion of each week working from our premises and from their homes. Consistent feedback from employees and people leaders is that employees have enjoyed the flexibility and improved work-life balance of working from home and there has been no trade off in productivity or performance.

Employee wellbeing

The Court has focused on supporting employee wellbeing and has implemented a number of initiatives to support employees through the challenges they may be facing, whether they are professional or personal in nature. Ongoing initiatives include ensuring all employees can access a free and confidential counselling service via our Employee Assistance Provider as well as the option of attending seminars on important topics such as building resilience.

Where employees have faced significant events such as extended lockdowns, we have engaged professional wellbeing providers to lead wellbeing and mindfulness sessions for employees. The focus of these sessions has been varied, extending to topics such as home schooling, with employees also having the option to invite family and friends to certain sessions.

Respectful workplace behaviours

The Court is committed to providing its employees a workplace environment where they are treated with dignity, courtesy and respect and it has adopted a zero tolerance approach to inappropriate workplace behaviours. The Court reviewed its anti-discrimination, bullying and harassment policies in 2020–21 to ensure they remained current and at best practice standards and engaged professional legal advisors to assist with this review. All Court employees were provided with the opportunity to attend consultation sessions and provide input on these important policies. One of the important outcomes of this policy review is that the Court now has formal processes in place for employees to raise concerns if they feel they have experienced any inappropriate behaviour by a judge.

Disability reporting mechanism

The *National disability strategy 2010–2020* is Australia's overarching framework for disability reform. It acts to ensure the principles underpinning the United Nations Convention on the Rights of Persons with Disabilities are incorporated into Australia's policies and programs that affect people with disability, their families and carers.

All levels of government will continue to be held accountable for the implementation of the strategy through biennial progress reporting to the Council of Australian Governments. Progress reports can be found at www.dss.gov.au.

Disability reporting is included in the Australian Public Service Commission's *State of the service* reports and the *APS Statistical bulletin*. These reports are available at www.apsc.gov.au.

Employment arrangements

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

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

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

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

Individual flexibility arrangements are provided for in the enterprise agreement and are used to negotiate employment arrangements that appropriately reflect individual circumstances. Employees and the Court may come to an agreement to vary such things as salary and other benefits.

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

At 30 June 2021, there were:

- five employees on Australian workplace agreements
- one hundred and ninety five employees on individual flexibility arrangements
- twenty employees on s 24 determinations, and
- one thousand two hundred and fifty employees (including casual employees) covered by an enterprise agreement.

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

The Court's employment arrangements do not provide for performance pay for all employees. However, one employee's employment arrangement provided for a bonus, contingent on agreed KPIs being met. The bonus paid was \$10,000. Another employee is eligible for a retention bonus each year (\$2,000 per annum).

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

Work health and safety

The Court has maintained its focus on providing employees with a safe and hazard free workplace. The Court reviewed and updated its workplace health and safety policies in 2020–21 to ensure they remained current and appropriate.

The Court consults with employees broadly on workplace health and safety matters and has a formal Health and Safety Committee in place. The committee met at least once every three months to discuss measures to assure health and safety in the workplace.

In line with the Court's focus on employee wellbeing, the Court recognises the importance of early intervention strategies and supporting staff to achieve a timely return to work following injury or illness. The Court's commitment to rehabilitation is reflected in Court employees being able to return to work around 23 per cent sooner than the average for Commonwealth agencies. The Court's improved safety performance is similarly reflected in overall workers compensation claim costs decreasing by 25 per cent between 2017–18 and 2020–21.

Reconciliation Action Plan

The inaugural Federal Court entity Reconciliation Action Plan (RAP) for 2020–21 was launched in September 2020. There are four levels of RAP, *Reflect, Innovate, Stretch and Elevate*, which suit organisations at the different stages of their reconciliation journey. The entity's reconciliation journey begins with a *Reflect* RAP. Our commitment to a *Reflect* RAP allows us to continue to develop relationships with Aboriginal and Torres Strait Islander stakeholders, while creating and aligning our vision for reconciliation and ensuring our future RAPs are both meaningful and sustainable. The RAP focuses on our respect for, and commitment to,

reconciliation with Aboriginal and Torres Strait Islander peoples and their cultures, current and future. For more information on the initiatives implemented to date, see Part 2 (*Year in review*).

Information technology

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

Achievements for 2020–21 follow.

IT security

Investment in IT security continues to be critical, in an environment increasingly reliant on technology to operate. Various measures were implemented to enhance the protection of Court information and assets by reducing IT security risks and improving general IT security maturity levels.

The Court has committed itself to the continued strengthening of its cyber security maturity in line with the Australian Cyber Security Centre recommendations and Protective Security Policy Framework requirements. This included the appointment of a new Chief Information Security Officer in early 2021, to lead capability uplift across people, processes and technology through a strategic cyber security improvement program for 2021–22.

Work also continued on consolidating IT systems and amalgamating projects targeted at simplifying the combined court environment to deliver more contemporary practices and efficiency improvements to reduce the cost of delivery.

Courtroom video conferencing

Courtroom video conferencing infrastructure has been a critical element to the Courts' COVID-19 response. A further 22 courtrooms were fitted out with fixed video conferencing infrastructure. This increases the penetration of courtrooms with fixed video conference capability from 45 per cent to 58 per cent.

Leveraging the investments made in the 2019–20 year to modernise and consolidate the video conference network, a pilot was conducted in February 2020 in the Federal Court of Australia to stream the video of a hearing to the Internet. The pilot was well received and provided a mechanism by which members of the public and the media were able to observe the hearing without the need to physically travel to the courtroom. This allows social distancing within the courtroom to be more easily managed.

Since the pilot, more than 60 hearings have been streamed using this facility. Furthermore, recent ceremonial sittings have been streamed allowing relatives and colleagues of Judges who would otherwise not be able to observe the sitting due to travel restrictions to do so. Seminars conducted by the Court have also been streamed allowing the work of the Court to continue in all its forms while complying with the health orders.

The new video conference network allows participants to connect directly the courtroom video using a standard web browser. When conducting hearings in hybrid courtrooms, in which some participants are physically in the room and others remote, this has a number of advantages over Microsoft Teams, including control of the screen layout and digital evidence display.

The video conference network has been established on a unified communications platform that allows it to replace the Courts' aged telephony network. The migration to this new arrangement has commenced, but various state lockdowns in the fourth quarter of 2020–21 delayed the retirement of the old systems which were targeted for completion in the second half of 2020.

Online hearings and live streaming have also helped to manage courtroom capacities and social distancing with the constant pivot required by the Court to adhere to government restrictions.

The platform provides statistics of viewers (but not who viewed) that tuned into watch the live stream. The Court found interesting viewer statistics in some of its high profile matters. These include:

Table 4.7: Unique views in online high profile matters

MATTER	LISTING	UNIQUE VIEWS
NSD426/202 <i>Joanne Elizabeth Dyer v Sue Chrysanthou & Anor</i>	24 May 2021	2,244
NSD206/2021 <i>Charles Christian Porter v Australian Broadcasting Corporation ACN 429 278 345 & Anor</i>	7 May 2021	2,182
NSD1485/2018 <i>Ben Roberts-Smith v Fairfax Media Publications Pty Ltd ACN 003 357 720 (and related matters)</i>	28 June 2021	908
VID1252/2019 <i>Katherine Prygodicz & Ors v Commonwealth Of Australia (the 'Robodebt' matter)</i>	6 May 2021	437
NSD246/2020 <i>Australian Information Commissioner v Facebook Inc & Anor</i>	14 May 2021	184
NSD388/2021 <i>Gary Newman v Minister For Health and Aged Care</i>	12 May 2021	161
NSD1220/2020 <i>Australian Securities & Investments Commission v Melissa Louise Caddick & Anor</i>	29 June 2021	104

Remote access technologies

As part of the implementation of the Courts' work from home policy, a decision was taken to expand the number of laptops in the PC fleet so that every staff member who could work from home would be provided with a Court laptop. The use of remote access technologies has remained high and further investments have been made to make the remote access virtual private network technology more robust and performant for judges and staff working from home.

Microsoft Teams

Microsoft Teams remains a critical tool in the delivery of virtual and hybrid courtrooms. Practitioners and parties have shown considerable agility in adopting the use of this technology. Feedback has shown that virtual courtrooms are preferred for some case management hearings.

The speed at which the Courts and practitioners were able to pivot between in-person hearings and virtual courtrooms during the various lockdowns this year has very impressive.

A key focus for 2021–22 will be to determine how Teams and other web or video conferencing technologies fit into the work of the Courts into the future.

Digital Court Program

The Digital Court Program continues to be a priority for the Federal Court, the Family Court and the Federal Circuit Court, with the aim of streamlining core business systems and creating flexibility and operational efficiency across the three federal courts and the Tribunal.

In 2020–21, there were two key areas of focus. The first was the implementation of changes required to support the Court structural reform legislation that brings the Family Court and Federal Circuit Court together into a unified administrative structure. The second was investigations into options for an application to replace the Courts' aged case management system.

The Court structural reform has a major impact on Court systems. This is partially a branding consideration due to changes in names of the Courts, seals, and the like, however more substantial is the change to case management

pathways, court rules and single point of entry. This work is on schedule for implementation in line with the legislation commencement date of 1 September 2021.

A proof of concept for the implementation of a commercial off-the-shelf application to replace the Courts' aged case management system was the final stage in the evaluation of a tender for this application that was commenced in 2019, however the proof of concept was terminated. While the tender process did not result in the awarding of a contract, it identified that there is currently no suitable commercial off-the-shelf software to replace the Courts' case management system. Based on this experience, the project team pivoted to a new strategy of redeveloping existing applications to reduce technical risks and improve user interface and experience. To this end, several possible user interface technologies were trialled to test viability. This evaluation identified the Microsoft .NET framework as the preferred development platform. The project team has moved from prototyping to commencing the development of a replacement case management system that leverages existing databases. This approach has the advantage of being able to be rolled out in a phased manner, either by geography or work group, thereby avoiding the risks of a big bang deployment. This work will continue into 2021–22.

Websites

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

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

- Federal Court of Australia:
www.fedcourt.gov.au
- Family Court of Australia:
www.familycourt.gov.au
- Federal Circuit Court of Australia:
www.federalcircuitcourt.gov.au
- National Native Title Tribunal:
www.nntt.gov.au
- Australian Competition Tribunal:
www.competitiontribunal.gov.au

- Defence Force Discipline Appeal Tribunal:
www.defenceappeals.gov.au
- Copyright Tribunal:
www.copyrighttribunal.gov.au

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

In the reporting year, over 15,804,994 total hits to the sites were registered:

- Federal Court website: 4,750,045
- Family Court website: 4,714,758
- Federal Circuit Court website: 5,491,663
- National Native Title Tribunal website: 848,528

There was a substantial amount of work invested in maintaining up-to-date dedicated COVID-19 pages on all websites. These pages include information about digital hearings, legislative changes, FAQs, information for the media, information for the profession, information for families and the latest news on Court and Tribunal operations.

In the interests of maintaining open justice during the COVID-19 pandemic, the Daily Court Lists continue to include procedures for members of the public to join online hearings as observers.

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

- the creation of high profile online files including *Christian Porter v ABC*, *Joanne Dyer v Sue Chrysanthou*, *Ben Roberts-Smith v Fairfax Media*; The Age; The Federal Capital Press; Jonathon Pearlman, Australian Securities & Investments Commission v Melissa Caddick & Anor, and Gary Newman v Minister for Health and Aged Care
- a continued focus on accessibility and providing more documents in accessible formats
- a new section for the Lighthouse family violence project that commenced in the Federal Circuit Court in 2020
- research and preparation for the commencement of a major website redevelopment project

- the introduction of Live Chat for general federal law
- ongoing improvements to court location pages to assist litigants with filing information and links to court lists, and
- enhancement of the jury recruitment and support pages for the Federal Court's first criminal jury trial.

Access to judgments

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

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

A new standardised Judgment Template introduced for all three courts has been successfully implemented. Other significant projects include the scanning of a large number of hardcopy family law judgments for inclusion in the judgments database to provide a more complete online record of family law judgments since 1976.

Recordkeeping and information management

Corporate coverage

Information management is a corporate service function supporting the Federal Court, Family Court, Federal Circuit Court, National Native Title Tribunal, Australian Competition Tribunal, Copyright Tribunal of Australia and Defence Force Discipline Appeal Tribunal. The Information Management team consists of four staff, one in Sydney, two in Perth and the Assistant Director in Canberra.

Information governance

Information framework

The information framework for the entity will be implemented in 2021–22. The information framework incorporates information governance and sets out the principles, requirements and components for best practice information management. The framework provides a robust approach to information management across the entity, recognising that the individual sections of the Courts and Tribunals have different information needs.

The information framework is supported by policies and standards that ensure the information that is collected, stored and made accessible is tailored to those differing needs, and meets the entity's regulatory, legal, risk and operational requirements. A short information management training module to support the information framework was developed and rolled out.

Records authorities

The review of the combined draft Courts Records Authority by the National Archives of Australia commenced in 2020–21.

Committees

The Information Governance Committee met quarterly during the reporting year to monitor information governance obligations that effect the entity. The committee focused on revising its terms of reference to be representative of the sections of the entity, and ensuring the responsibilities of the committee are appropriate. The committee continued to work on meeting the ongoing government targets for working digitally, as well as reviewing the information framework and related policies and standards; and information management training to support the framework.

Information management projects

Information management system

A new information management system is being implemented to replace the entity's three current records management systems. The new information management system has been designed to capture, manage and provide access to information and records assets across the entity. The design and configuration

of the information management system was approved in October 2020 and is currently in user acceptance testing. Migration of the three records management systems will commence in September 2021.

Contract management

A new contract was negotiated to provide the entity with records and information management services. The contract is a single contract covering the entity commencing June 2021. It has replaced previous agreements with the entity's other storage services.

The new arrangement ensures ongoing business continuity, and efficiencies through the consolidation of holdings, invoicing, account payments and administration.

Working digitally

The Court continues to progress towards working digitally by default. This is a reportable target set by the National Archives of Australia. Progress towards this target was demonstrated by:

- continuing digitisation of physical files across the Courts
- development of the information management system that will enable staff to save and retrieve their documents from within MS Office applications and to save their emails directly from MS Outlook
- the rollout of the digital court file system across the Family Court and Federal Circuit Court, and
- approval of the digitisation standard to enable consistent digitisation of physical items and the digital preservation standard for the preservation of born digital records and the conversion of obsolete media and formats.

National Archives reporting

The National Archives annual check-up, reporting on digital benchmark targets, saw an improvement of 0.24 per cent on the entity's 2020 results. Improvements continued to be made in the areas of creating, interoperability and digital operations. This continued steady progress will enable the entity to achieve the whole-of-government targets.

Transfers to National Archives

No transfers to National Archives were undertaken in 2020–21.

Library and information services

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

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

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

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

The library is a foundation member of the Australian Courts Consortium for a shared library management system using SirsiDynix software. The Consortium allows for the sharing of resources, collections, knowledge and expertise between libraries. The SirsiDynix software provides the infrastructure for the Library website, catalogue, and library management system.

Services have continued to be provided remotely during the ongoing COVID-19 pandemic, and protocols remain in place to ensure hardcopy collections remain accessible. Changes to COVID-19 related legislation from all Australian states and territories has been tracked by a team of librarians each day from the beginning of the pandemic and details published on the Federal Court website.

Assistance to the Asia Pacific region

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

Commonwealth Courts Registry Services

Overview of Registry Services

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

This provides the Courts with the opportunity to shape the delivery of administrative services and stakeholder support across the entity in a more innovative and efficient manner. A focus on maximising registry operational effectiveness through streamlined structures and digital innovations will significantly contribute to the future financial sustainability of the Courts.

This national approach ensures that the quality and productivity of registry services is the very best it can be, through building consistency in registry practice across all Court locations and expert knowledge to support the National Court Framework and the important work of the judges and registrars.

Objectives

The objectives of Registry Services are to:

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

Purpose

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

Registry services management structure

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

Directors of Court Services report to the Executive Director, Court and Tribunal Services. They lead and manage the Courts' registry operations and resources in their respective regions, as well as contribute to continuous business improvement across three national streams: client services, digital services and court operations. Directors of Court Services work collaboratively with national service managers and other directors to lead and manage multi-disciplinary teams delivering a range of customer-driven professional and business support services to ensure national service excellence. The development and maintenance of key relationships with Aboriginal and Torres Strait Islander peoples, culturally diverse community groups and support services is an important responsibility of the role and ensures that all Court services recognise the needs of our client groups.

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

Judicial and Registry Services Team Leaders report to the Director of Court Services in their respective region and are responsible for delivering high quality case management, courtroom and chambers support to judicial officers (including training and development of associates) and registry services to clients, legal practitioners, registrars, family consultants and community groups that support court users. They have oversight of judicial and

registry services in their location, and provide information on appropriate avenues for addressing client needs, and recommending appropriate options for effective resourcing and services for the Courts.

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

The **Director Digital Services** reports to the Executive Director, Court and Tribunal Services. The role has responsibility for the delivery of digital service innovation and excellence in Court and Tribunal Services and the NEC. The Director Digital Services implements change that maintains the confidence of Judges in the administration of the Courts and motivates others to cooperate in the achievement of service objectives.

The **Director Digital Practice** reports to the Executive Director, Court and Tribunal Services. The role is responsible for the management of digital practices in the Courts and the development of service transformation, including leveraging technology to drive effective and efficient practices in the Courts.

Court and Tribunal registries

The key functions of Court and Tribunal registries are to:

- provide information and advice about court procedures, services and forms, as well as referral options to community organisations that enable clients to take informed and appropriate action
- ensure that available information is accurate and provided in a timely fashion to support the best outcome for clients

- encourage and promote the filing of documents and management of cases online through the Portal
- enhance community confidence and respect by responding to clients' needs and assisting with making the court experience a more positive one
- monitor and control the flow of cases through file management and quality assurance
- schedule and prioritise matters for court events to achieve the earliest resolution or determination, and
- manage external relationships to assist with the resolution of cases.

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

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

Registry Services locations

Family law services are provided in 18 registries located in every state and territory (except Western Australia). There are eight general federal law registries located in every state and territory. Three sites – Canberra, Darwin and Hobart – provide cross-jurisdictional services for general federal law and family law registry services.

In 2020, funding was announced for the leasing and fit out of a new Court building in Rockhampton. The new premises was handed over to the Courts in February 2021 and includes a registry area and front counter space, a courtroom with associated break out and mediation rooms, judicial chambers and associates space, and administrative areas for Court staff.

Snapshot of 2020–21 performance against targets

Table 4.8: Snapshot of Registry Services performance against targets, 2020–21

TARGET	RESULT 2020–21	TARGET STATUS
CORRECT INFORMATION		
Less than 1 per cent of enquiries result in a complaint about registry services.	0.01 per cent of enquiries resulted in a complaint about registry services	Target met
TIMELY PROCESSING OF DOCUMENTS		
75 per cent of documents processed within three working days.	98.2 per cent of documents were processed within three working days	Target met
EFFICIENT REGISTRY SERVICES		
All registry services provided within the agreed funding and staffing level.	All registry services were provided within the agreed funding and staffing levels.	Target met

Registry Services staff manage enquiries, document lodgments, subpoenas and safety plans. The number of safety plans activated in 2020–21 was 1,380 across all registry locations. Safety plans decreased by approximately 75 per cent in 2020–21 due to the suspension of face-to-face services in some registries and a heavy reliance on electronic hearings for that period. Supporting the electronic hearings and additional registrar resources however, became a significant additional workload for Registry Services.

Throughout the year, although there were disruptions to in-person services due to state-based COVID-19 restrictions, Registry Services staff continued to process urgent enquiries and applications and provided support for difficult issues for a diverse range of clients with different needs both professionally and courteously. This included supporting vulnerable clients and ensuring people from non-English speaking backgrounds are suitably supported.

Financial management

In 2020–21, the Registry Services budget allocation was \$30,842,000, with an under spend of 5 per cent. These savings were achieved due to ongoing judicial and staff vacancies and the impact of the COVID-19 pandemic.

Document processing

Registry Services has one performance target relating to the timely processing of family law documents.

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

The COVID-19 pandemic has caused some significant shifts in workload. Overall, family law filings remained relatively consistent in volume for 2020–21, however high volume, resource demanding applications such as applications for consent orders and divorce applications increased for a second year in a row – consent orders increased by 7.4 per cent to 16,008, and divorce applications increased by 8 per cent to 49,625. Major causes of action in general federal law decreased overall by 25 per cent in 2020–21.

The reporting year also saw a significant (26 per cent) increase in subpoena management, including the filing of subpoenas, notices of request to inspect and notices of objection (103,075).

Enquiries

Family law enquiries

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

In 2020–21, Registry Services continued to have a lower than usual attendance at counters due to restrictions imposed as a result of the COVID-19 pandemic.

General federal law enquiries

Enquiries relating to general federal law matters are managed by Registry Services staff at each general federal law location separately.

From June 2021, general federal law enquiries are received via a central phone number, with previous individual registry phone numbers due to be decommissioned from July 2021. Each general federal law registry has their own email and fax contact details.

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

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

Complaints

During 2020–21, there were 19 complaints against Registry Services. This represents 0.01 per cent of the total number of enquiries, which meets the performance measure of 'Less than 1 per cent of enquiries resulting in a complaint about registry services'. Enquiries include phone, email and live chat actioned enquiries to the NEC.

Table 4.9: Registry Services complaints, 2020–21

LOCATION	NUMBER OF COMPLAINTS
New South Wales	
Lionel Bowen Building	8
Queens Square	1
Newcastle	3
Parramatta	2
Queensland	
Brisbane	3
Victoria	
Melbourne	2
TOTAL	19

Information about the Court's feedback and complaints processes can be found at www.fedcourt.gov.au/feedback-and-complaints.

Local registry consultation

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

During 2020–21, the COVID-19 pandemic impacted the ability for external groups to either provide in-person services to Court clients or maintain in-person engagement with the registry when registries were impacted by state-based operational restrictions. However where this was feasible, services and engagement transitioned to a virtual environment to ensure court clients were not further disadvantaged.

Public education and engagement

COVID-19 impacted the Court's engagement in educational activities with schools and universities. During 2020–21, the Court was unable to host work experience students or tours, and the support for work with schools and universities significantly reduced.

Although there was an inability for the registries maintain their involvement in educational activities, the Victorian registry did host two moot courts for Monash University – the Monash General Moot (Junior and Senior Division) and JD Moot Competition Grand Final.

In May 2021, the Victorian registry hosted the Victorian Bar Pro Bono awards. The awards constituted an important occasion in the calendar for the Victorian Bar and were the first awards since 2019. Justice Debra Mortimer was a guest speaker for the event.

Overseas delegations

In previous years, Court registries have hosted numerous visiting delegations from overseas courts, but this did not occur during 2020–21, due to the COVID-19 pandemic. In December 2020, there was a Zoom meeting to mark the occasion of the signing of an MOU between the Federal Court of Australia, Family Court of Australia and the Supreme Court of Indonesia. Other activities in relation to liaison with overseas Courts and stakeholders can be found in Appendix 8 (*Judge Activities*).

National Enquiry Centre

The NEC provides a single point of entry for phone, email and live chat enquiries to the Family Court, Federal Circuit Court and now Federal Court. While the majority of the NEC's work in 2020–21 was focused on family law, during the first half of 2021 the NEC also transitioned to managing general federal law enquiries received by phone and live chat. The Courts now advertise two 1300 numbers split between general federal and family law jurisdictions.

Live chat enquiries to the NEC can be initiated via the Federal Court, Family Court, Federal Circuit Court and Commonwealth Court's Portal websites. All of these enquiries channels are triaged and are handled by NEC staff. Additionally, the NEC manages email enquiries received via the 'enquiries', 'portal support' and 'portal registration' email addresses as well as undertaking portal support for the Family Court of Western Australia across phone, email and chat.

In family law, the NEC has responsibility for the triage and delivery of requests for historic divorce orders, as well as managing calls to the Courts' family law after hours service.

During 2020–21, the NEC undertook two significant projects:

- the implementation of new contact centre technology, and
- the transition and consolidation of General Federal Law phone and chat enquiries from registry to the NEC.

These changes involved a significant amount of planning, management and process improvements at the NEC to work towards providing an improved and streamlined service to clients across both family and general federal law.

As the new contact centre and reporting software was only implemented on 19 January 2021, the performance measures reported below only represent approximately half of the year.

The numbers below represent the actual numbers/measures for work undertaken by the NEC for both family law and general federal law enquiries for the almost 6 month time period during which the new contact centre technology was in operation and performance data is available.

The transition of general federal law enquiries to the NEC as a progressive staged roll out also resulted in additional general federal law enquiries being handled by registries during the same period that were not managed by the NEC or the new contact centre software and accordingly are not reported below.

Table 4.10: NEC performance, 19 January 2021 to 30 June 2021

TYPE OF COMMUNICATION	VOLUME
Total calls presented	98,492
Total calls actioned	56,004
Calls (average wait time)*	14 minutes and 24 seconds
Calls (average handle time)	7 minutes and 36 seconds
Total live Chats presented	53,475
Total live chats actioned	39,284
Live chats (average queue time)*	2 minutes and 45 seconds
Live chats (average handle time)	10 minutes and 37 seconds
Total emails received	34,137
Total emails sent	25,487

*based on calls/chats presented, includes calls/chats that may have abandoned prior to connecting to an NEC staff member.

Phone calls

Performance measures for phone calls available across the two contact centre technologies used throughout the year are not directly comparable, however the approximations available indicate that phone calls to the NEC continue to decrease in line with the five-year downward trend.

Waiting times to connect with an NEC agent remain an issue, with 14 minutes and 24 seconds average queue time exceeding internal NEC targets and driving a high abandonment rate for queued calls to the NEC, particularly in family law.

Live chat

The data reported above, taken with approximations for the period July to December 2020, confirms the trend over the previous two years of live chats increasing from approximately 75,192 in 2019–20 to approximately 100,945 in 2020–21.

Live chat remains the most efficient channel for enquiries to the NEC, with staff able to manage several chats simultaneously. Average queue times for chat enquiries across family and general federal law are significantly less (by over 11 minutes) than those for phone queries, with the average handle time only three minutes longer than that of calls.

Email

Emails received by the NEC in 2020–21 remained stable compared to 2019–20, with a marginal rise by approximately 1000 emails to approximately 72,613. As with the other performance measures, given the difficulties directly comparing data across new technologies, these numbers are approximate only. Emails remain one of the NEC's higher performing channels, with the majority of emails responded to within two working days and meeting internal NEC targets.

Registry Services initiatives in 2020–21

NEC contact centre software

In January 2021, the Court implemented new contact centre technology into the NEC to modernise enquiries handling processes and support staff in providing the best possible service to Court users.

The technology has many great features:

- Telephone, email and live chat enquiries are managed through a single system, reducing the number of applications used by staff.
- Real-time dashboards and historic reporting on enquiry volumes and performance metrics, as well as customer survey capability, leading to better support for managers and team leaders in making decisions about handling enquiries workflow.
- Better business continuity solutions, allowing for remote handling of workload. This has been particularly important during the COVID-19 pandemic, and the need to have flexibility in working locations.
- A quality management capability to obtain insight into enquiries trends and provide ongoing development for staff.

General federal law enquiries

During 2021, the Court implemented a new initiative to consolidate the handling of general federal law phone enquiries on a national basis. The handling of these enquiries is now managed through the NEC and the new contact centre technology platform. This initiative has provided the following benefits:

- capability to capture and report on enquiries volumes and trends, enabling better decision making with regard to resourcing
- development of nationally consistent guidelines on enquiries handling
- establishment of a national knowledge base for general federal law collateral to support staff and provide consistent enquiries outcomes for court users, and
- flexibility in staffing on a national basis, in order to better meet demand and enable knowledge sharing

Document processing dashboard and reporting

A new reporting and dashboard solution was introduced for Team Leaders and Managers to provide an overview of both the completed and outstanding work relating to the processing of filed applications and documents by Registry Services staff. The dashboard will assist with the management of this work through understanding volumes of document processing and highlighting any delays.

The dashboard streamlines the collection of existing information on document processing and provides a single view for managers of:

- the volume and types of documents and lodgements processed by specific staff
- the volume of documents processed on specific dates
- the volume and age of any outstanding/unprocessed documents, and
- the number of outstanding urgent documents.

National migration team

In October 2020, in response to the independent review and subsequent report surrounding potential non-compliance with section 91X of the *Migration Act 1958* (Cth), and to complement the ongoing move towards achieving national consistency in the Court's practice areas, the Court established a National Migration Team.

The team sits across both the Federal Court and Federal Circuit Court, and supports the migration Judges, Registrars, lawyers and legal case managers. The team is made up of select individuals with migration expertise, who are responsible for gaining national consistency by managing migration matters from filing-to-finalisation, including:

- processing lodgments
- managing fees
- allocating pseudonyms/managing the pseudonym register
- booking and coordinating interpreters
- escalating migration enquiries
- supporting the in-court Registrar list
- listings and orders, and
- general case administration and ad hoc migration work.

The Court is grateful for the work that the Team has accomplished and has received positive feedback from the migration litigants, migration practitioners and the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs. The Team will continue its important work in the future.

Recording and transcription services tender

In September 2019, the Court released a tender for Recording and transcription services, and AV support and maintenance services as an optional but additional component, and after a long and competitive tender, Auscript Australasia Pty Ltd was selected as the preferred tenderer for all service components. Commencing 1 July 2020, the Federal Court entity entered into a single contract with Auscript for services to be delivered to the Federal Court, the Family Court and the Federal Circuit Court for an initial term of four years.

Document management

Due to the COVID-19 pandemic and the need to limit in-person attendance in the registries, special measures were introduced whereby digital processes were employed to manage subpoenaed documents (including storage and viewing). The processes were implemented in family law locations in October 2020 and general federal law locations in March 2021. In addition, email filing was introduced to accommodate the limited number of documents and forms that were not available to be eFiled.

Registry Services training

- Family violence training preparation is underway and will be finalised for a national roll out next financial year. To date, the training has been tested with select Registry Services staff.
- Registry Services Directors, Managers and Team Leaders received finance and procurement training in December 2020.
- Regular education sessions on specific areas of general federal law commenced for Registry Services staff in 2021.
- *WorkDynamic* conducted consultative sessions on a safe and respectful workplace in July and August 2020.
- A two-day planning meeting (via Microsoft Teams) was held in February 2021 for Directors of Court Services. Meeting objectives were to reflect on 2020, discuss lessons learnt and develop a prioritised project list of registry services initiatives for the next 12 months.