



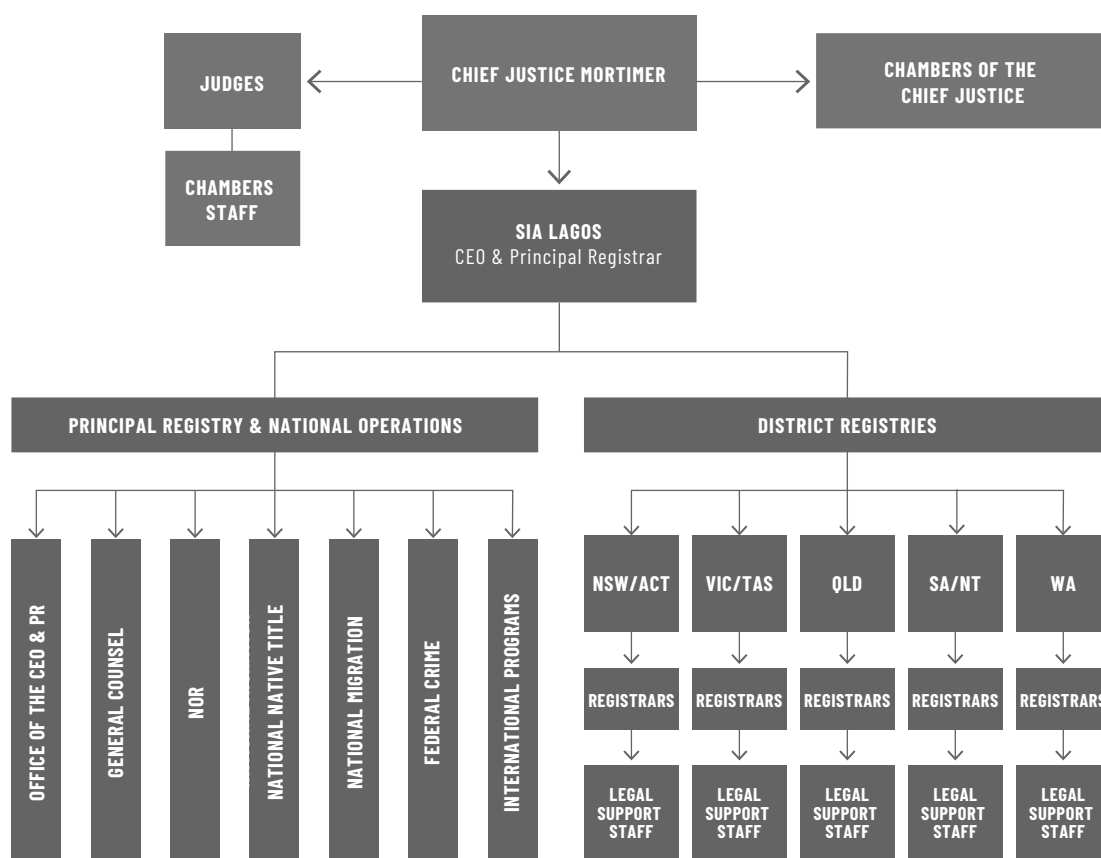
PART 4: MANAGEMENT AND ACCOUNTABILITY

ADMINISTRATION OF THE COURT

Under the FCA Act, the Chief Justice has the responsibility for the administration of the Federal Court of Australia, assisted by the CEO and Principal Registrar of the Federal Court of Australia. To enable the effective and efficient administration of justice, the judiciary needs support to deal with its workload. Non-judicial Court employees, who are public servants employed by the Federal Court Listed Entity, provide that support.

Organisational structure

Figure 4.1: Federal Court of Australia organisational structure, 30 June 2024



Executive

Chief Executive Officer and Principal Registrar

The CEO and Principal Registrar is appointed by the Governor-General on the nomination of the Chief Justice and 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* (Cth) (section 18ZE of the FCA Act). Ms Sia Lagos was appointed the CEO and Principal Registrar on 15 May 2020.

Officers of the Court

Officers of the Court are appointed by the CEO and Principal Registrar under section 18N of the FCA Act and are:

- a District Registrar for each District Registry
- Registrars and Deputy District Registrars as necessary
- a Sheriff and Deputy Sheriffs as necessary, and
- Marshals under the *Admiralty Act 1988* (Cth) as necessary.

The registrars must take an oath, or make an affirmation of office before undertaking their duties (section 18Y of the FCA Act). Registrars perform statutory functions pursuant to the *Federal Court of Australia Act 1976* (Cth), *Federal Court Rules 2011*, *Federal Court (Bankruptcy) Rules 2016*, *Federal Court (Corporations) Rules 2000*, *Federal Court (Criminal Proceedings) Rules 2016*, and the *Admiralty Act 1988* (Cth) and *Admiralty Rules 1988*.

These include issuing process, taxing costs and settling appeal indexes. They also exercise various powers delegated by judges under the FCA Act, *Bankruptcy Act 1966* (Cth), *Corporations Act 2001* (Cth) and *Native Title Act 1993* (Cth).

A number of staff in each registry also perform functions and exercise delegated powers under the *Federal Circuit and Family Court of Australia Act 2021* (Cth).

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 by the Federal Court Listed Entity under the *Public Service Act 1999* (Cth).

Court Officers

Court Officers provide high quality court support services to judges, registrars and their staff, and to the general public and legal practitioners. They carry out a diverse range of tasks and perform a variety of courtroom activities including setting up courtrooms, opening and closing court, handing up documents, swearing in witnesses, operating courtroom technology (including video conferencing equipment) and supporting digital litigation practices (such as online hearings and livestreaming). See page 93 for a feature on some of our long serving Court Officers.

Legal Case Managers

Legal Case Managers provide support to the judicial registrar team in a range of areas, including:

- undertaking preparatory work for the list, including liaising with parties, listing matters on the Court's case management system, undertaking all post court work, including uploading orders and ensuring the Court's case management system accurately reflects outcomes.
- assisting with any preliminary work required for public examinations including attending the examination with the judicial registrar as required and ensuring that outcomes and listing details are accurately recorded
- reviewing bills of costs to ensure they are ready to be estimated and taxed, preparing drafts of estimate letters and preparing orders and certificates of taxation for the registrar to approve
- assisting with the lump sum costs process including by drafting orders, recording outcomes and corresponding with parties as required.
- reviewing eCourtroom applications for substituted service and issuing summonses for examination
- liaising with parties, preparing draft orders for consideration by the registrar and arranging public examinations
- assisting with the national allocation of work to Judicial Registrars including drafting emails, corresponding with parties and chambers and reviewing judicial registrar capacity

- updating and maintaining national training, educational guides and manuals, and
- supporting the judicial registrars in arranging conferences and seminars.

Client Service Officers

Client Service Officers are responsible for the provision of services directly to the judiciary in specific locations and the public both locally (face to face) and/or nationally (as part of a dispersed national team). Responsibilities include:

- providing information and advice about court services, procedures, processes and forms and assisting clients to resolve their enquiries and issues
- providing administrative services in accordance with court processes, including document lodgment, enquiries management, registrar support and receiving and reconciling court fees and charges
- assisting in the management of complex cases through the case management system
- scheduling and prioritising matters for hearing and other interventions to achieve the earliest possible resolution
- liaising with a range of internal and external stakeholders including chambers, registrars and their support staff, managers, legal practitioners, community organisations and other service providers to assist the resolution of cases, and
- collating, analysing and producing reports.

SPOTLIGHT : THANKING OUR COURT OFFICERS

Court officers are responsible for ensuring court proceedings run smoothly. Their role is varied but involves a range of tasks such as opening and closing court proceedings, calling on witnesses and making sure court conduct is orderly. The Court Officer role comes with a lot of responsibility, and they need to be highly organised, have excellent communication skills, a good knowledge of court procedures and be able to work with a wide range of people.

The Court thanks all Court Officers for their dedication and commitment – with special mention to some of our longer serving Court Officers below.

Patricia Helich (New South Wales)



Patricia started with the Court in 2004 and works in the Court's New South Wales registry. In those days there were only three female judges in the New South Wales Registry. Since then, there have been many changes: from courts without windows to courts with sweeping views of the harbour; from wheeling the video to court to Microsoft Teams; from three female judges to seven and the first female Chief Justice.

"All the judges I began to work with have all retired in my time with the Court and some of them are no longer with us. I have immensely enjoyed my time over the past 20 years and cherish my interaction with my colleagues, associates, registrars, judges, solicitors, barristers and Senior Counsel. I have time and care for all."

Kevin Hauxwell (South Australia)



Kevin started a casual Court Officer in 2008 and was appointed Senior Court Officer in 2009. He works in the Court's South Australian registry.

"I love being busy and involved in the daily comings and goings of the Court. I am also known as the fix it man when I am not in court and help in the setting up of chambers, movement of shelving and furniture and any other related tasks. I am now working three days a week in my transition to retirement but am not ready to hang up the hat just yet."

Carol Locket (Victoria)



Carol commenced with the Court in February 2017 and works in the Court's Victorian registry. She is experienced in all court procedures and ensures courtroom standards and procedures are delivered as seamlessly as possible. Carol had a significant customer service background when she applied for a Court Officer position and now trains new Court Officers in all aspects of the Court Officer position with an aim for consistency. She also assists Di with catered functions.

Di Hill (Victoria)



Di commenced as a Court Officer in February 2015 and works in the Court's Victorian registry. She is experienced in all court procedures, ensuring judges', associates' and parties' needs are met. She is an outstanding communicator, is tireless, enthusiastic and kind to everyone. New associates receive a familiarisation session with Di regarding courtroom and Court Officer procedures and she enjoys facilitating the smooth delivery of judges' and the Court's working luncheons, functions and meetings.

Steven Ford (New South Wales)



Steven started as a Court Officer in 2019. He interacts with many different people from the legal field including barristers, solicitors, judges, registrars, associates, other court staff and the public.

“One of the most interesting cases I was involved in was the Ben Roberts Smith trial, one of the longest running matters I have been part of. One of the most memorable periods was during the COVID-19 pandemic when hearings were being run remotely with very few people in court. Microsoft Teams started to become a huge presence in the Court and is now probably the most used videoconferencing system we use.”

David Gibbs (Western Australia)



David started as a Court Officer in 2011 and works in the Court’s Western Australian registry. He is experienced in all facets of Court practices and procedures, many ‘on country’ hearings for native title matters and is also a WA Admiralty Marshal.

“I am immensely proud to work with such dedicated and enthusiastic members of the Court.”

Internal and external scrutiny

External scrutiny

The Court was not the subject of any reports by a parliamentary committee or the Commonwealth Ombudsman.

External evaluations

There were no external evaluations.

Internal evaluations

There were no internal evaluations.

Correction of errors

There are no errors to report in the Federal Court of Australia 2022–23 annual report.

Complaints and complaints policy

Complaints policy

The Federal Court of Australia is committed to responding effectively to feedback and complaints. The Court’s complaint policy is available on its website at <https://www.fedcourt.gov.au/feedback-and-complaints>.

The complaints policy outlines how a complaint may be made in relation to various types of complaints. The Court is committed to acknowledging complaints as soon as practicable and managing responses in an effective and timely manner.

Judicial complaints procedure

The *Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012* (Cth) and the *Courts Legislation Amendment (Judicial Complaints) Act 2012* (Cth) commenced on 12 April 2013.

The Judicial Complaints Act amended the FCA Act, and the *Freedom of Information Act 1982* (Cth) to:

- provide a statutory basis for the Chief Justice of the Federal Court of Australia to deal with complaints about judicial officers
- provide protection from civil proceedings that could arise from a complaints handling process for a Chief Justice as well as participants assisting them in the complaints handling process, and
- exclude from the operation of the *Freedom of Information Act 1982* (Cth) documents arising in the context of consideration and handling of a complaint about a judicial officer.

The Chief Justice, pursuant to section 15 of the FCA Act, is responsible for the handling of complaints made about another judge. The Chief Justice may take any measures he or she believes are reasonably necessary to maintain public confidence in the Court including, but not limited to, temporarily restricting another judge to non-sitting duties; establishing a Conduct Committee; or referring the complaint to the Attorney-General.

The Judicial Complaints Procedure of the Court sets out how a complaint may be made in relation to the conduct of a judge and how complaints are handled. Judicial conduct, for the purposes of this procedure, means conduct of a judge in court or in connection with a case in the Federal Court of Australia, or in connection with the performance of a judge's judicial functions. This procedure is available on the website at: <https://www.fedcourt.gov.au/feedback-and-complaints/judicial-complaints>.

The *Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012* (Cth) provides a standard mechanism for parliamentary consideration of removal of a judge from office under of the Australian Constitution paragraph 72(ii).

Judicial workplace conduct

The Court has a Judicial Workplace Conduct Committee of experienced judges, led by Justice Markovic. During 2023–24, the committee initiated a Judicial Workplace Conduct Project which involved 12 group meetings with up to six judges in each of the Court's registries. The sessions were designed to enable the participating judges the opportunity to build awareness of their own experiences and their role in creating a safe workplace environment; reflect on their own experiences and how they, their colleagues and the Court could make the workplace safer; and ensure they felt equipped to undertake action should they witness inappropriate behaviour.

The project resulted in the development of a communication strategy outlining key themes and actions to be implemented to continue to foster and enhance the workplace culture in chambers and the overall Court environment. The strategy will be implemented in 2024–25.

Information Publication Scheme

The Federal Court has published, on its website at www.fedcourt.gov.au/ips, materials relating to the Information Publication Scheme. This includes the Court's current Information Publication Scheme plan as well as information about the Court's organisational structure, functions, appointments, annual reports, consultation arrangements and freedom of information contact officer as well as information routinely provided to the Australian Parliament.

The availability of some documents under the *Freedom of Information Act 1982* (Cth) will be affected by section 5 of that Act, which states that the Act does not apply to any request for access to a document of the Court unless the document relates to matters of an administrative nature.

Documents filed in court proceedings do not relate to matters of an administrative nature; they may, however, be accessible by way of an application for inspection of court documents under the Federal Court Rules.

Report from the Executive Director, Strategy and Corporate Services



Corporate Services supports the operations of the Federal Court of Australia. Corporate functions include security, communications and media, finance, people and culture, library and information management, information technology, procurement

and contract management, property, judgment publishing, risk oversight and management, and business intelligence.

Throughout 2023–24, Corporate Services has continued to evolve to meet increasing expectations, supported by what we have learned due to changing circumstances and our commitment to making positive changes through excellence in our people, places, processes and technology.

In a year of progress and change, one of the key highlights was the progression of the Digital Court Program – currently implementing CourtPath, which will progressively replace several internal-facing case management systems and electronic court files with a single platform that will streamline court activity and reduce costs associated with maintaining multiple legacy systems. The second phase of the program was completed in early 2024. The Digital Court Program is preparing for a future migration of the CourtPath application to the cloud which will provide further benefits including improved functions, performance and scalability.

Other improvements in the digital space included enhanced video conferencing capabilities within courtrooms, leading to improved video and audio quality, ensuring seamless communication and proceedings, significantly improving access to justice. The new systems have streamlined courtroom operations with intuitive control panels, providing a better in-room experience for judges, staff and the profession, reducing technical issues and downtime. As demand for livestreaming and video conferencing technology continues to evolve rapidly, these installations and upgrades have positioned our courtrooms to support a modern court experience.

Protecting our valuable information assets and promoting a culture of cyber security awareness has also remained a constant area of attention and investment.

Corporate Services continues to ensure the safety and security of people who attend the Court for work, as well as members of the community who attend the Court to access its services. During the reporting year, work progressed on the Future Security Service project, and strengthening security awareness for all building occupants and improving staff awareness and capability, with the introduction of a refreshed online security awareness training program. The Marshal team continued to engage with the state Sheriffs and Bailiffs for the enforcement of warrants issued by the Court and supported the Court's interactions with other security-related agencies across federal and state governments.

In addition, a boost to our People and Culture capability in 2023–24 has enabled us to be more responsive in supporting the Court to build a diverse and capable workforce. Implementation of an updated Enterprise Agreement provides an improved staff experience and is leading to better performance across multiple functions.

The majority of capital projects delivered in 2023–24 addressed urgent and essential needs of the Court. This included concepts and detailed design for new mediation suites in the Perth Commonwealth Law Courts, and painting works in the Adelaide and Melbourne Commonwealth Law Courts. In addition, the ongoing maintenance and improvement of facilities across all locations continues to ensure that the buildings in which the Court operates remain safe and fit for purpose.

I sincerely thank our executives and staff for their ongoing commitment and work to support the operations of the Federal Court and I look forward to continuing to deliver our highly ambitious reform program which will assist the Court in facilitating access to justice for all who need it.

For a comprehensive report on the operations of Corporate Services in 2023–24, see Part 3 of the Federal Court Listed Entity 2023–24 annual report.

Paul Kennedy

Executive Director, Strategy and Corporate Services (A/g)

Report from the Executive Director, Court and Tribunal Services



Court and Tribunal Services is responsible for providing registry services to support the operations of the Federal Court of Australia. This includes providing high level support for the judiciary and court users, maximising operational effectiveness through

streamlined structures and digital innovations, maintaining a structure that promotes flexibility and responsiveness to new opportunities and demands, and supporting the Court to take full advantage of the benefits of the Digital Court Program.

Court and Tribunal Services is composed of a range of teams including court registries in each state and territory, a national filing and enquiries centre, and a court logistics and digital practice team.

Court and Tribunal Services staff manage court filing processes, enquiries, document lodgments, and subpoenas. In addition to face-to-face services, they also support electronic hearings. Throughout the year, staff continued to process urgent enquiries and applications and provided support for a diverse range of clients with differing needs.

A national approach ensures that the quality and productivity of registry services is the very best it can be. The focus on building consistency in registry practice across all Court locations and expert knowledge will continue to support the important work of the judges and registrars.

Throughout 2022-23, Court and Tribunal Services operated with commitment, adaptability and innovation to deliver effective registry services to the Federal Court of Australia. Court and Tribunal Services staff are located in each of the eight Federal Court registries across Australia. The structure and operations of the teams within Court and Tribunal Services continues to evolve and adapt to ensure it is best placed to deliver services for the Court and its users.

In consultation with judges and staff of the Court, Court and Tribunal Services introduced a series of strategies to achieve five key goals in the 2024 year. The goals were to create a specialist Federal Court Stream (within the shared service), develop a Recruitment Strategy, introduce a structured Training and Development Plan, establish and implement Knowledge Capture Strategies, and improve connection and communication through the creation of a Communication and Engagement Strategy.

The above goals also aligned with commitments made in the Court and Tribunal Services APS Census Action plan for 2023-24.

Key achievements against those goals are:

- the creation of a specialist Federal Court team within Court and Tribunal Services
- the creation of a Knowledge and Training Team, within existing resourcing
- creation of key instructional materials and delivery of training for Client Service Officers
- new communication channels introduced to support the seamless transfer of information across teams, and
- new forums for information sharing and decision making, specific to Federal Court Operations.

In addition to the core responsibilities of the teams, Court and Tribunal Services supports the Court's broader objectives of modernisation and open justice. In 2023-24, the team introduced a new nationally consistent process for managing Federal Court chambers travelling to different registries. The new process facilitates efficient allocation of visiting chambers and ensures that judges and staff are equipped with the necessary information before their arrival at the destination registry.

In 2023–24 Court and Tribunal Services staff continued to engage in a range of strategies to support enhanced public understanding of the role of the Court, with registry staff involved in educational activities with schools and universities, international delegations of judicial officers and court administrators and other organisations that have an interest in the Courts' work.

I look forward to continuing my work with Chief Justice Mortimer and CEO and Principal Registrar Sia Lagos, to provide high quality and innovative registry services to support the operations of the Federal Court of Australia.

For a comprehensive report on the operations of Court and Tribunal Services in 2023–24, see Part 4 of the Federal Court Listed Entity 2023–24 annual report.

Louise Kenworthy

Executive Director, Court and Tribunal Services



ISOLATED: Nakerz Monti Wagner, Mowbray College, Federal Court of Australia Art of Delivering Justice Schools Art Competition 2002, National Individual Winner Year 7–9, Victoria State Winner Year 7–9