

# CORPORATE

# plan

Covering the reporting period

2021–22 to 2024–25

2021–2022



FEDERAL COURT  
OF AUSTRALIA



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We acknowledge  
Aboriginal and  
Torres Strait  
Islander peoples  
as the Traditional  
Custodians of  
the land and  
acknowledge  
and pay respect  
to their Elders,  
past and present.



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# Guidance for the use of the Corporate Plan

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The Federal Court of Australia Corporate Plan is the entity's overarching primary planning document. The Court's planning framework is modelled on the Commonwealth Performance Framework.

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The Portfolio Budget Statements (published in May) outline our proposed allocation of funds to achieve our stated outcomes.

The Corporate Plan (published in August) is a non-financial strategic planning document. It sets out our purpose, the activities we will undertake to achieve our purpose, and the results we expect to achieve over the next four years. It also includes discussion on our operating environment, our capability, our stakeholders and our management of risk.

The Annual Performance Statement (published in October the following year) is produced at the end of the reporting cycle and provides an assessment of how we performed in achieving our purpose. It includes results against planned performance in both the Portfolio Budget Statements and the Corporate Plan. The Annual Performance Statement for the entity is included in the Federal Court's annual report.

The Corporate Plan outlines the strategic direction, goals, challenges and priorities for the entity. This includes the

Federal Court of Australia (Federal Court), the Family Court of Australia (Family Court), the Federal Circuit Court of Australia (Federal Circuit Court), the National Native Title Tribunal, Commonwealth Courts Corporate Services and Commonwealth Courts Registry Services.

The Corporate Plan was developed in conjunction with the following reference material:

- *Resource Management Guide 131: Developing good performance information*
- *Resource Management Guide 132: Corporate plans for Commonwealth entities*

The Corporate Plan covers the following topics and themes:

- entity structure
- strategic themes
- operating context
- environment
- capability
- cooperation
- risk, and
- performance.

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This is a living document that is reviewed and updated each year.

# Message from the Chief Executive Officer and Principal Registrar

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The Corporate Plan is our primary non-financial planning document. It outlines the strategic direction, goals, challenges and priorities for the Federal Court entity.

The Corporate Plan focuses on our planned future work and outlines how we will achieve our goals against our stated purpose and how we will measure our performance.

The Corporate Plan, Portfolio Budget Statements and Annual Performance Statement (included in the Annual Report) are the core elements of the enhanced Commonwealth performance framework.

We operate in a dynamic and changing environment, so this plan will be reviewed each year, allowing us to continue to refine and adapt our efforts and ensure we achieve our objectives.

I look forward to working closely with each Court and the National Native Title Tribunal to implement the plan for the benefit of all Australians.



**Sia Lagos**

Chief Executive Officer and Principal Registrar

# Statement of preparation

I, Sia Lagos, as the accountable authority of the Federal Court of Australia, present the *Federal Court of Australia's Corporate Plan 2021–22*, which covers the period 2021–22 to 2024–25, as required under section 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013* (Cth).



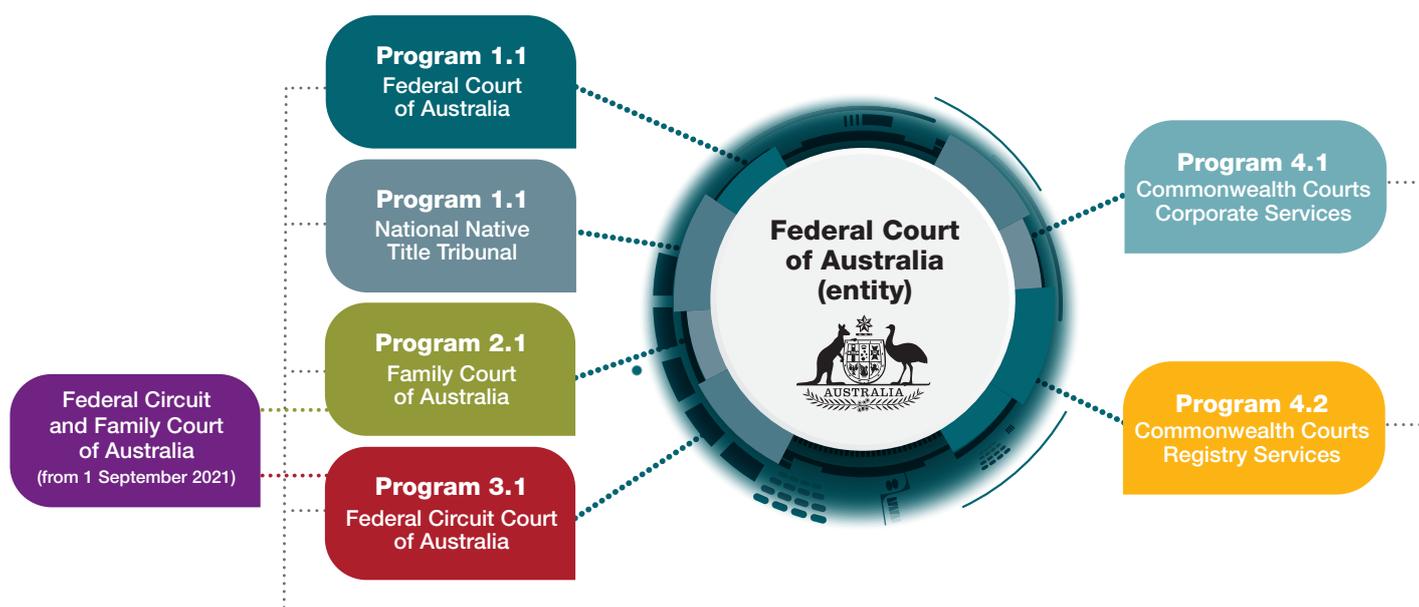
**Sia Lagos**  
Chief Executive Officer and  
Principal Registrar  
Federal Court of Australia

6 August 2021

# Introduction

The Federal Court of Australia entity has four programs:

- Program 1.1: Federal Court of Australia (including the National Native Title Tribunal)
  - Program 2.1: Family Court of Australia
  - Program 3.1: Federal Circuit Court of Australia
- } Operating as the Federal Circuit and Family Court of Australia (from 1 September 2021).
- Program 4.1: Commonwealth Courts Corporate Services
  - Program 4.2: Commonwealth Courts Registry Services



On 1 September 2021, the commencement of the *Federal Circuit and Family Court of Australia Act 2021* (Cth) will see the merger of the administrative structures of the Family Court and the Federal Circuit Court into the Federal Circuit and Family Court of Australia (FCFCOA).

The FCFCOA will comprise Division 1 (which will be a continuation of the Family Court) and Division 2 (which will be a continuation of the Federal Circuit Court). This structural reform is designed to create a framework in the FCFCOA to ensure families have their matters dealt with as quickly, efficiently and cost effectively as possible.

While the Family Court of Australia and the Federal Circuit Court of Australia will operate as a single Court, there will continue to be separate outcomes and separate performance information in 2021–22, as per previous years. Any changes to this arrangement will be reported in the next Corporate Plan.



## Program 1.1: Federal Court of Australia

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

The Federal Court is a superior court of record and a court of law and equity. It sits in all capital cities and elsewhere in Australia from time to time. The Court's jurisdiction is broad, covering almost all civil matters arising under Australian federal law and some summary and indictable criminal matters.

The Court's workload is organised by National Practice Areas and, where applicable, sub-areas based on established areas of law.

The Chief Justice is the senior judge of the Court and is responsible for managing the business and administrative affairs of the Court. The Chief Justice is assisted by the Chief Executive Officer (CEO) and Principal Registrar, who is appointed

by the Governor-General on the nomination of the Chief Justice.

The Federal Court has a substantial and diverse appellate jurisdiction. It hears appeals from decisions of single judges of the Court, decisions of the Federal Circuit Court of Australia in non-family law matters, decisions of the Supreme Court of Norfolk Island and certain decisions of state and territory supreme courts exercising federal jurisdiction.

Since July 2012, the Federal Court has had responsibility for corporate administration of the National Native Title Tribunal, however the Tribunal remains an independent body established by the *Native Title Act 1993* (Cth).

In 2016, the corporate services of the Family Court of Australia and the Federal Circuit Court were merged with the Federal Court, with the management of those corporate services managed by a listed non-corporate entity known as the Federal Court of Australia (the entity).

See Program 4.1 for more information.

## Program 1.1 (Cont'd): National Native Title Tribunal

The *Native Title Act 1993* (Cth) established the National Native Title Tribunal as an independent body with a wide range of functions.

The Native Title Act is a special measure for the advancement and protection of Aboriginal peoples and Torres Strait Islanders and is intended to advance the process of reconciliation amongst all Australians.

The purpose of the native title scheme, established by the Native Title Act, is to provide for the recognition and protection of native title, establish a mechanism for determining claims to native title, and establish ways in which future dealings affecting native title (future acts) may proceed.

The National Native Title Tribunal has numerous functions designed to assist in serving that purpose.

In particular, it has responsibilities in connection with the processing of applications for determinations as to the existence or non-existence of native title over identified parcels of land, and with applications for compensation payable pursuant to the Native Title Act.

The National Native Title Tribunal has functions in connection with future acts as defined in section 233 of the Native Title Act. It also assists persons involved in proceedings under the Act, including dispute resolution. The President is responsible for managing the administrative affairs of the National Native Title Tribunal with the assistance of the Federal Court CEO and Principal Registrar.

The President may delegate his powers under the Native Title Act.

## Program 2.1: Family Court of Australia

The Family Court is a superior court of record and a court of law and equity, established by Parliament in 1975 under Chapter III of the Constitution. The Family Court operates under the *Family Law Act 1975* (Cth) and through its specialist Judges, Registrars and staff, assists vulnerable Australians to resolve their most complex family law disputes.

The Family Court exercises original and appellate jurisdiction in family law, including in a number of specialised areas. At first instance, the Court determines cases with the most complex law, facts and parties, and hears cases arising under the regulations implementing the Hague Convention on the Civil Aspects of International Child Abduction. The Family Court also hears a large amount of property matters involving high value asset pools, and complex property structures including businesses and trusts. It provides national coverage as the appellate court in family law matters, including hearing appeals from decisions of single judges of the Federal Circuit Court in family law matters and the Family Court of Western Australia.

The Chief Justice is the head of jurisdiction and is responsible for managing the administrative

affairs of the Court with the assistance of the Deputy Chief Justice. The Chief Justice is also assisted in the running of the business of the Court by the CEO and Principal Registrar who is appointed by the Governor-General on the nomination of the Chief Justice.

The Family Court maintains registries in all Australian states and territories except Western Australia.

On 1 September 2021, the *Federal Circuit and Family Court of Australia Act 2021* (Cth) (Act No 12, 2021) and the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021* (Act No 13, 2021) (Cth) commence.

The main feature of this legislation is the bringing together of the Family Court and Federal Circuit Court into a single structure – the Federal Circuit and Family Court of Australia (FCFCOA). The FCFCOA will comprise two Divisions: Division 1 will be the current Family Court of Australia and Division 2 will be the current Federal Circuit Court of Australia. This will establish a single point of entry for federal family law matters and a single set of court rules, forms, practices and procedures.

## Program 3.1: Federal Circuit Court of Australia

The Federal Circuit Court was established by the *Federal Circuit Court of Australia Act 1999 (Cth)* as an independent federal court under Chapter III of the Constitution. The Court is a federal court of record and a court of law and equity.

The provisions of the *Federal Circuit Court of Australia Act 1999 (Cth)* enable the Federal Circuit Court to operate as informally as possible in the exercise of judicial power, use streamlined procedures and make use of a range of dispute resolution processes to resolve matters without judicial decisions.

The Federal Circuit Court sits in all capital cities, selected major regional centres, and also circuits to a number of regional locations. It deals with a high volume of matters and delivers services to regional Australia through its regular circuit court program. Due to the impact of COVID-19 on travel, a number of regional and rural circuits are now conducted electronically using Microsoft Teams or telephone.

The jurisdiction of the Federal Circuit Court includes family law and child support, migration law and the following areas of general federal law: administrative law, admiralty law, bankruptcy,

consumer law, human rights, industrial, intellectual property and privacy.

The Chief Judge is the head of jurisdiction and is responsible for managing the administrative affairs of the Court. The Chief Judge is assisted by the CEO and Principal Registrar who is appointed by the Governor-General on the nomination of the Chief Judge.

On 1 September 2021, the *Federal Circuit and Family Court of Australia Act 2021 (Cth) (Act No 12, 2021)* and the *Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Act 2021 (Cth) (Act No 13, 2021)* commence.

The main feature of this legislation is the bringing together of the Family Court and Federal Circuit Court into a single structure – the Federal Circuit and Family Court of Australia (FCFCOA). The FCFCOA will comprise two Divisions: Division 1 will be the current Family Court of Australia and Division 2 will be the current Federal Circuit Court of Australia. This will establish a single point of entry for federal family law matters and a single set of court rules, forms, practices and procedures.



## Program 4.1: Commonwealth Courts Corporate Services

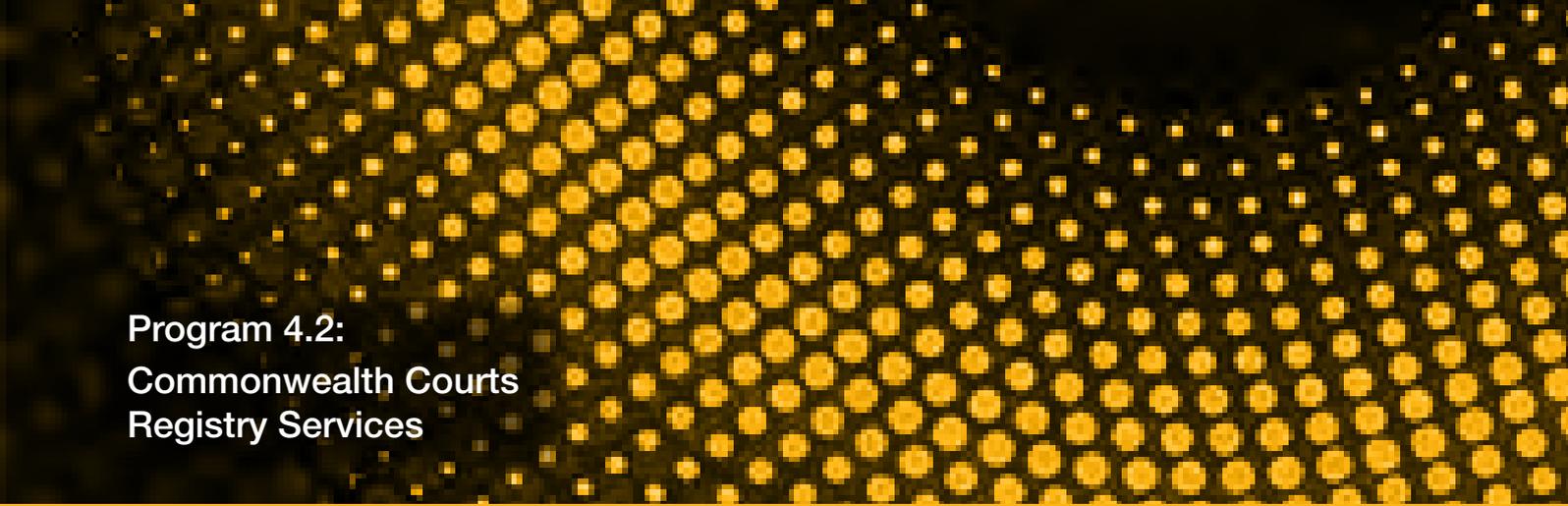
The *Courts Administration Legislation Amendment Act 2016* (Cth) established the Commonwealth Courts Corporate Services program from 1 July 2016.

Corporate Services includes finance, human resources, security, risk oversight and management, communications, information technology, business intelligence, property and procurement, library, information management and judgment publishing.

The shared corporate services body is managed by the Accountable Authority, which is the Federal Court CEO and Principal Registrar. The Accountable Authority consults with the heads of jurisdiction

and the CEO of the Family Court and Federal Circuit Court in relation to the performance of this function. Details relating to corporate services and consultation requirements are set out in a memorandum of understanding.

Corporate Services generates efficiencies by consolidating resources and infrastructure, streamlining processes and reducing duplication. The savings gained from reducing the administrative burden on each Court and the National Native Title Tribunal are reinvested to support the core functions of the entity.



## Program 4.2: Commonwealth Courts 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, by 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.

# Purpose

## Federal Court of Australia entity

**Purpose:** The provision of corporate services in support of the operations of the Federal Court, Family Court, Federal Circuit Court and the National Native Title Tribunal.

### Program 1.1

#### Federal Court of Australia

**Purpose:** To decide disputes according to the law as quickly, inexpensively and efficiently as possible.

### Program 1.1 (Cont'd)

#### National Native Title Tribunal

**Purpose:** To perform the functions conferred upon it by the Native Title Act in accordance with the directions contained in section 109, ethically, efficiently, economically and courteously, thus advancing the purposes underlying the Act, particularly reconciliation amongst all Australians.

### Program 2.1

#### Family Court of Australia

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

### Program 3.1

#### Federal Circuit Court of Australia

**Purpose:** To assist with the effective resolution of disputes using streamlined procedures and appropriate dispute resolution processes to resolve matters as efficiently and cost effectively as possible.

### Program 4.1

#### Commonwealth Courts Corporate Services

**Purpose:** To provide efficient and effective corporate services to the Commonwealth Courts and Tribunals.

### Program 4.2

#### Commonwealth Courts Registry Services

**Purpose:** To provide efficient and effective registry services to the Commonwealth Courts and Tribunals.

# Strategic objectives/themes

## Federal Court of Australia



Deliver efficient and just dispute resolution.



Improve access to justice.



Contribute to the Australian legal system – strengthen relations with court users.



Build public trust and confidence.

## National Native Title Tribunal



Facilitate recognition of native title rights and interests pursuant to the Native Title Act and reconciliation.



Improve the accessibility and quality of our information to increase understanding of native title and the native title system.



Enhance the delivery of our services, particularly by Indigenous workforce recruitment.



Continue to provide services that reflect an understanding of the current and evolving needs of our stakeholders.

## Family Court of Australia



Deliver just, efficient and effective dispute resolution of complex family law matters.



Improve access to justice.



Ensure best practice in judicial and non-judicial processes.



Protect vulnerable parties and children.



Build public trust and confidence.

## Federal Circuit Court of Australia



Deliver just, efficient and effective dispute resolution in family law, migration and general federal law matters.



Ensure best practice in judicial and non-judicial processes.



Protect vulnerable parties and children.



Improve access to justice.



Build public trust and confidence.

## Commonwealth Courts Corporate Services



Deliver efficient corporate services to each Commonwealth Court and Tribunal.



Optimise technology to support judicial, registry and corporate services functions.



Build an agile, skilled and engaged workforce.



Improve access to justice.

## Commonwealth Courts Registry Services



Deliver efficient registry services to each Commonwealth Court and Tribunal.



Deliver a consistent registry service experience to all users.



Build a service-oriented and digitally savvy workforce.



Improve access to justice.



# Operating Context

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This section describes how the Federal Court of Australia entity will pursue its environment, cooperative relationships, key capabilities and risk oversight and management strategies over the period 2021–22 to 2024–25.



# Environment

The three Courts and the National Native Title Tribunal undertake regular reviews of their operating environment, challenges and risks to determine performance goals and operational plans each year. A review of the external environment suggests that the key environmental drivers are government policy and legislative change, technological change, and social and economic change.

COVID-19 continues to have an impact on our environment at all levels and will continue to do so over the four years of this plan as

we capture our lessons learned and apply this knowledge to build and improve on existing resources, products and services. Supporting the delivery of the Government's COVID-19 recovery agenda is another important priority for the Courts and the National Native Title Tribunal. This includes workforce planning and capability actions and continuing digital transformation and information and communications technology reform to support the delivery of Court and Tribunal services.



## Government Policy and Legislative Change

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Government policy and legislative change can affect the volume and type of workloads, and jurisdiction.

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As a result, the Courts and the National Native Title Tribunal need agile and flexible resources and systems to ensure we can respond to change in the fastest and most cost effective way.

The continued application of efficiency dividends against the Court's property operating funding has continued to affect the entity's budgets and will require careful management and prioritisation of resourcing over the forward budget period.

Other policy and legislative factors that could impact our environment over the period of this plan include the following:

- In its response to the Final Report of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, released by the Treasurer on 4 February 2019, the Government announced that it would expand the Federal Court's jurisdiction in relation to criminal corporate crime. Extending the Federal Court's jurisdiction will boost the overall capacity within the Australian court system to ensure the prosecution of financial crimes does not face delays because of heavy caseloads in the courts. While it was anticipated that legislative amendments to

implement the expansion of the Court's jurisdiction would be introduced into Parliament in 2019–20, delays to legislative programs occasioned by the COVID-19 pandemic response have meant that the amendments are expected to be introduced in 2021–22.

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- The Federal Circuit and Family Court of Australia Bill 2019 and the Federal Circuit and Family Court of Australia (Consequential Amendments and Transitional Provisions) Bill 2019 passed both houses and received Royal Assent on 2 March 2021. The legislation will merge the administrative structure of the Family Court and the Federal Circuit Court into the 'Federal Circuit and Family Court of Australia' (FCFCOA) and is designed to ensure families are able to have their matters dealt with as quickly, efficiently and as cost effectively as possible. The Family Court will continue as Division 1, and the Federal Circuit Court as Division 2. The FCFCOA will create a single point of entry for all family law matters through Division 2 in order to simplify the filing process, facilitate proper triage of cases and reduce transfers between the two divisions.

- In the Federal Budget in May 2021, the Government announced a significant injection of funding into the Family Court of Australia and Federal Circuit Court of Australia to assist in implementing the new case management pathway, including additional Senior Registrars, Registrars, Family Consultants, Indigenous Liaison Officers and support staff. These resources will be utilised in three key areas of the case management pathway to free up judicial resources to focus on the most complex matters, trials and judgment writing; namely front-end triage, duty work and case management, interim decision making, and increased dispute resolution. These resources will enable the Courts to more efficiently deal with the family law caseload.

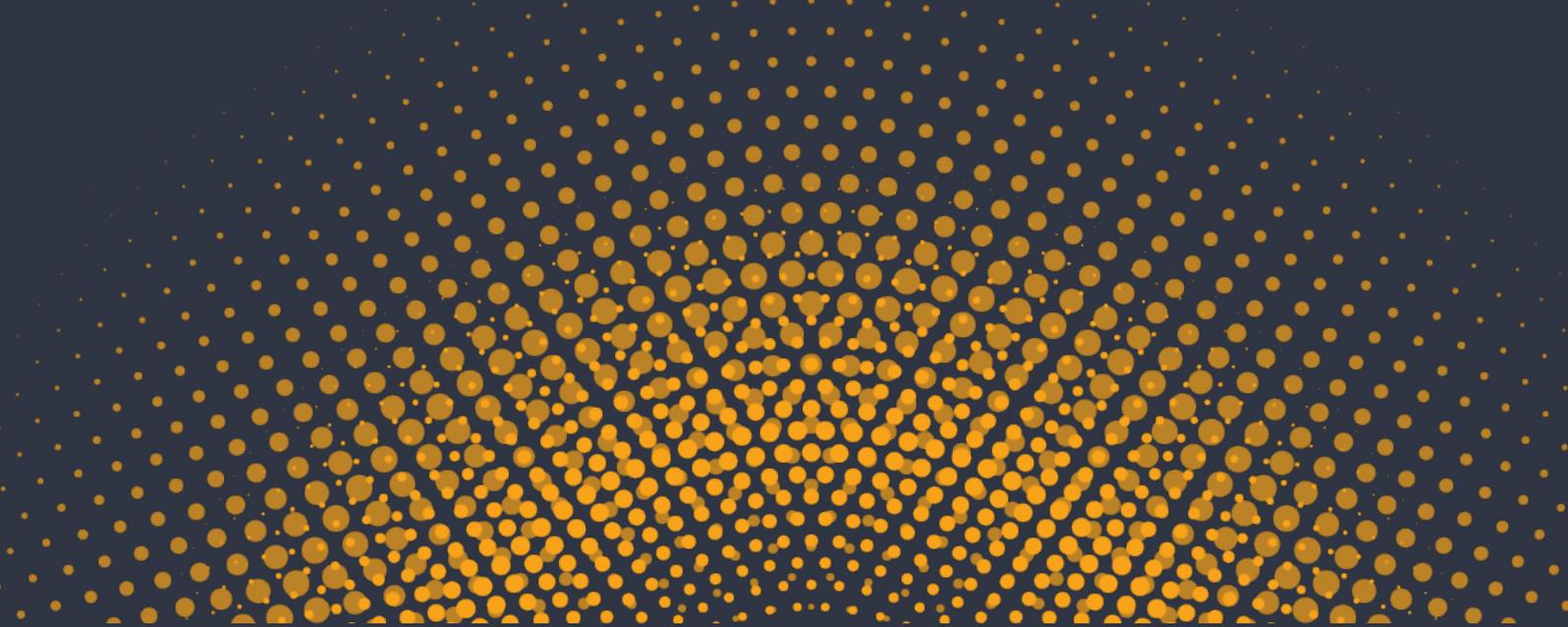
- The Family Court and the Federal Circuit Court are focused on harmonising family law rules, procedures and practices, and moving to a common case management approach.

The Courts have fundamentally different approaches to their case management of like-cases. Significant progress has been made on the harmonisation of family law rules and case management procedures through the work of the Joint Rules Harmonisation Working Group, comprising an independent Chair, the Hon. Ray Finkelstein AO QC, two supporting barristers, and a Joint Committee comprising judges of both Courts. Additional funding has been provided to assist the Courts with these critical internal reforms, which has been used to engage additional barristers to assist with reforms

to practice directions, forms, publications and website content. It is anticipated that a final vote will be cast in August 2021 and the harmonised family law rules will be operational from 1 September 2021.

- The Australian Law Reform Commission (ALRC) conducted a wide-ranging review into the family law system. The final report of the ALRC, delivered in March 2019, recommended significant reforms of relevance to the family law courts. On 21 March 2021, the government responded to the ALRC report and agreed to 25 recommendations, agreed in part to four recommendations and did not agree to five recommendations. The Courts are actively engaging with government and key stakeholders regarding the implementation of a number of these recommendations.

- A further inquiry into the family law system was announced in September 2019 when the Joint Select Committee on Australia's Family Law System was appointed by resolution of the Senate and House of Representatives on 18 and 19 September 2019 respectively. The terms of reference direct the Committee to examine a number of aspects of the family law system and the Committee was due to report on 7 October 2020, however the reporting date was extended to 31 August 2021. The Committee published two interim reports, the second of which provided a number of recommendations and dealt with the substantive issues. The Committee has indicated that there will be a third and final report published which only addresses the child support system.

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- On 4 June 2020, the House of Representatives Standing Committee on Social Policy and Legal Affairs announced an inquiry into family, domestic and sexual violence. This inquiry was called for by the Minister for Women, Senator the Hon. Marise Payne and Minister for Families and Social Services, Senator the Hon. Anne Ruston. The terms of reference specifically include the adequacy of the evidence base around the prevalence of domestic and family violence, and data collection from institutions including the Courts. A final report was handed down in March 2021 which provided 85 recommendations, however these are not directly related to the Courts.
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- On 24 March 2021 the Government introduced the Family Law Amendment (Federal Family Violence Orders) Bill 2021 which introduces a scheme to establish criminally enforceable federal family violence orders to protect victims of family violence. This is in contrast to the existing personal protection injunctions under the federal system which can only be enforced civilly. The Bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee which is due to report on 29 July 2021.
- *The Native Title Legislation Amendment Act 2021* (Cth) received royal assent on 16 February 2021, with the amendments commencing at different times. These long awaited amendments reflected Government's intention to improve the native title system for all parties by:
    - streamlining claims resolution and agreement-making processes
    - supporting the capacity of native title holders through greater flexibility around internal decision making
    - increasing the transparency and accountability of prescribed bodies corporate (the corporations set up to manage native title) to the native title holders
    - improving pathways for dispute resolution following a determination of native title, and
    - ensuring the validity of section 31 agreements in light of the Full Federal Court's decision in *McGlade v Native Title Registrar & Ors* [2017] FCAFC 10.
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- For the National Native Title Tribunal, the amending legislation enables it to deliver a new function to provide post-determination assistance to common law holders and their corporations.



## Technological Change

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The Courts and the National Native Title Tribunal have an ongoing commitment to relentless improvement, with many programs to improve technological efficiency already in place.

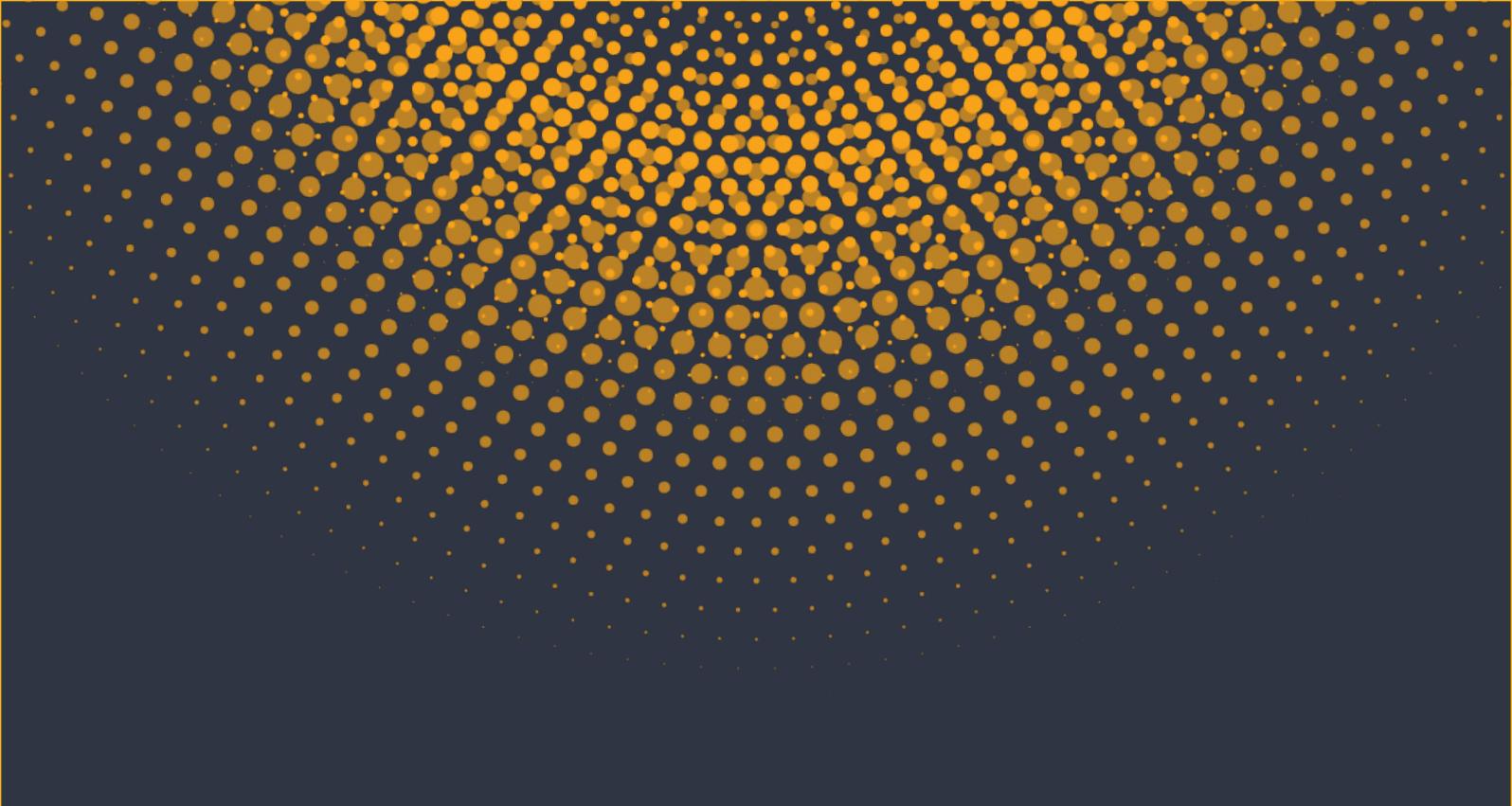
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Technological change continues to play a significant role in driving strategy. The response of the Courts and the National Native Title Tribunal to the challenges presented by the COVID-19 global pandemic have accelerated our digital transformation agenda. It has also provided an insight into ways of working digitally that would have otherwise been unlikely. These rapid technological changes have provided greater access to justice, improved safety for vulnerable litigants and more efficiently and effectively utilised judicial and registrar resources on a national basis. However, while technological advances provide opportunities to improve the experience of court users and automate processes and increase efficiency, they also create significant pressure on resourcing and funding ongoing development.

The Family Court and the Federal Circuit Court responded to the COVID-19 pandemic through key initiatives such as the national electronically based COVID-19 List which was expanded in January 2021 to include matters indirectly related to the pandemic where they had a significant connection to COVID-19. These rapid technological changes have provided greater access to justice, improved safety for vulnerable litigants and more efficiently and effectively utilised judicial and registrar resources on a national basis.

The rollout of Microsoft Teams in April 2020 facilitated remote hearings and electronic alternative dispute resolution and assisted the Courts and the National Native Title Tribunal to continue to provide access to justice while adhering to government restrictions. More recently, there has been a shift to hybrid courtrooms, in which some participants are physically in the courtroom and others attending remotely using the Courts' existing video conferencing infrastructure. The shift back into courtrooms has allowed the Federal Court to conduct a pilot of streaming portions of hearings to the Internet. This has been well received, in particular by the media, for high profile matters.

The Court initiated a pilot, with an iterative rollout thereafter, of cisco technology to cohesively streamline remote access to courtrooms and Federal Court proceedings through the use of live streaming. The ability to live stream has been an important feature of access to justice, allowing more people to take an interest in and understand the work of the Court. Live streaming has facilitated the principles of open justice, and has enabled the Court to be accessible and transparent, and has reduced the costs associated with litigation.



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The entity continues to capture key learnings from COVID-19 and refocus our priorities and programs accordingly, to support the Government's recovery agenda and to better support our litigants and stakeholders. The Courts and the National Native Title Tribunal are already well advanced in the digital space, and further work will be conducted over the life of this plan to embrace and expand these new technologies.

This includes:

- a suite of digital services to make access to court both open and convenient
- redesigning the way we work through remote access technology
- taking advantage of the benefits of digital litigation, and
- consolidating services and reducing costs.

Additional challenges will include accuracy, data security and timeliness of information provided through these platforms.

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In 2020, the Family Court and Federal Circuit Court launched the Lighthouse Risk Screening and Triage Pilot. The Project utilises a bespoke, custom built web application to risk screen and triage all new parenting only applications into three levels of risk, assisting the Courts with early identification of family safety risks. Cases are then directed to appropriate case management pathways, safety planning and service referrals. High risk cases are allocated to a dedicated high risk list, the Evatt List, for case management by specialised and highly experienced judges, registrars and family consultants. This important project aligns with the Courts' focus on protecting vulnerable children and parties, particularly in the context of family violence, and delivering positive public safety and health outcomes. The pilot is now fully operational in the Parramatta, Brisbane and Adelaide registries.



## Social and Economic Change

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The COVID-19 pandemic has caused significant social and economic impact that will have a lasting effect on the Courts and the National Native Title Tribunal, the profession, litigants and other stakeholders.

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It is expected that this impact will continue to be felt by the Courts and the National Native Title Tribunal for many years.

The impact has been felt particularly in the family law jurisdiction, where stay-at-home restrictions and the economic ramifications of the pandemic have placed additional pressures on families already dealing with separation and co-parenting and led to an increase in urgent applications and allegations of family violence. The pandemic has also impacted the profession, who have had to transition to remote working in a very short amount of time and familiarise themselves with a wide range of different videoconferencing platforms.

The expectations and types of court users, clients and stakeholders will continue to change over the next four years. The ongoing development of tailored services and communications, convenience and personalisation are now expected by the stakeholder groups serviced by the Courts and the National Native Title Tribunal. While technology provides a lower cost option to meet this expectation, defining stakeholder needs and developing tailored responses creates significant workload.

Business, governments and commercial organisations also expect the legal profession to conduct business with them electronically. The Courts and the National Native Title Tribunal are positioning themselves to continue to respond to this expectation and identify the most effective technology platforms to address their needs.

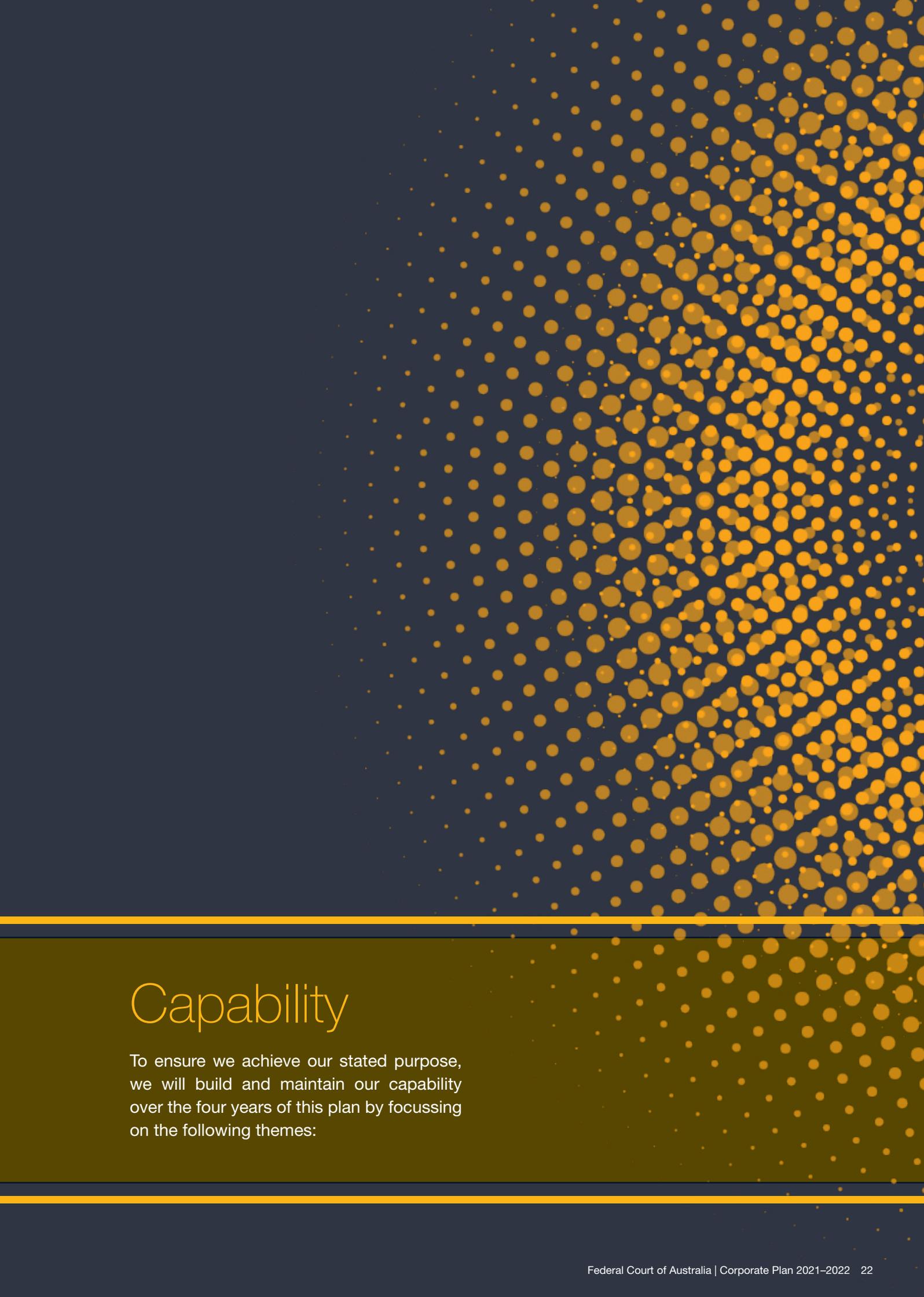
For the Federal Circuit Court and the National Native Title Tribunal, this also includes maintaining a balance between leveraging the benefits of technology to improve access, but also ensuring it meets the needs of clients in remote areas where access to technology can be not only cost prohibitive, but more importantly, inaccessible in some areas. However, the technological achievements and the work of the Courts and the National Native Title Tribunal throughout the COVID-19 pandemic has demonstrated that widely available, user-friendly technology can facilitate access to justice in remote and regional locations. With the easing of COVID-19 restrictions, the Courts are beginning to transition to more face-to-face operations. This being said,

electronic hearings and Court events will still be maintained in appropriate matters, including those which involve family violence safety considerations.

The work of the Courts has also been impacted generally by economic and social change. For example, judge's workloads have increased as a result of rises in the number of unrepresented litigants and, in the Federal Court, class actions. In addition, the Federal Circuit Court has continued to see a significant continual rise in migration filings that is placing a strain on that Court. This trend is expected to continue over the four years of this plan.

The native title system continues to mature, with the National Native Title Tribunal impacted by the ongoing increase in the determination of native title claims. This has placed greater emphasis on the challenges facing Prescribed Bodies Corporate and how native title holders can leverage economic development from the recognition of their native title rights and interests. The High Court's decision in *Northern Territory v Mr A. Griffiths (deceased)* and *Lorraine Jones on behalf of the Ngaliwurru and Nungali Peoples [2019] HCA 7* (Timber Creek Compensation Claim) has created a focus on compensation applications, which is expected to translate into increased workloads for the National Native Title Tribunal over the period of this plan.

Community awareness and focus on matters involving family violence and allegations of child abuse remains high, with resulting impacts on the Family Court and the Federal Circuit Court. The Courts are focused on appropriately identifying and handling matters involving allegations of child abuse and family violence through a number of core projects, including the harmonisation of the notice of risk, information sharing with states and territories, and the Lighthouse Project. The harmonised *Notice of Child Abuse, Family Violence or Risk* was introduced on 31 October 2020, and has given the Courts greater insight into the prevalence of a wide range of risk factors in family law proceedings, and also the prevalence of allegations of multiple risk factors, including family violence, child abuse, alcohol or substance abuse, mental ill-health, abduction and threats of harm.



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# Capability

To ensure we achieve our stated purpose, we will build and maintain our capability over the four years of this plan by focussing on the following themes:



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## Legislative

- Continue to implement the expansion of the Federal Court's jurisdiction in respect of corporate crimes and prepare for an expected increase in workload.
- Implement the National Native Title Tribunal's function in respect of post-determination assistance to common law holders and their corporations.
- Harmonise family law rules, forms, practices and procedures.
- Improve family law case management pathways.
- Deliver a national structure for family law registrars and family consultants.

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## Administrative

- Restructure service delivery to streamline and maximise services provided to our clients.
- Maximise efficiency in managing national enquiries.
- Deliver services via a range of locations throughout Australia, including regional and remote.
- Aspire to be innovative and commit to a culture of continuous improvement and organisational reform.
- Implement and maintain strong governance arrangements to ensure we are accountable, open, collaborative and responsive.
- Achieve financial sustainability by realising further savings in an effort to achieve a balanced budget.
- Invest in leadership and management to ensure our leaders are responsible, visible, respected and trusted.
- Commit to workforce planning and capability actions as a direct result of COVID-19 learnings and recovery.

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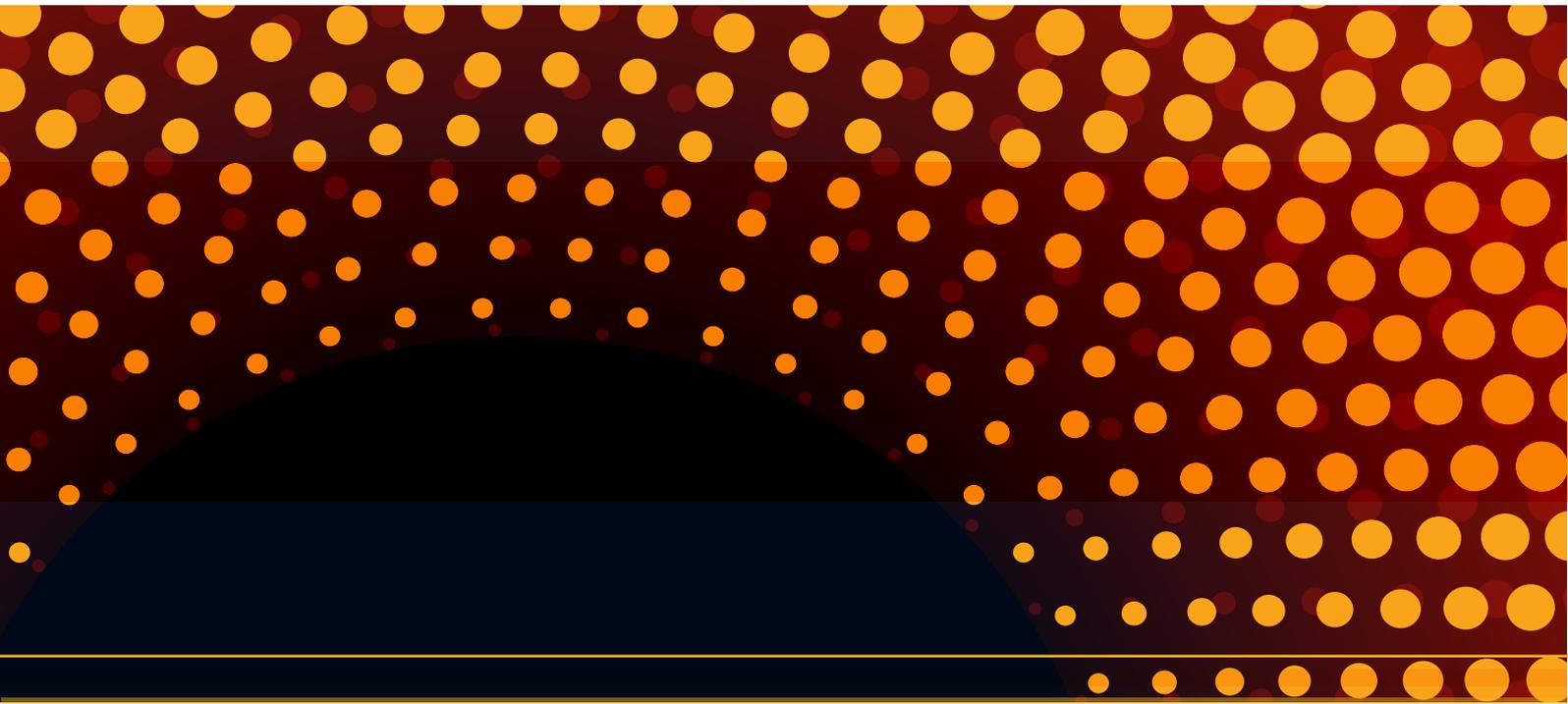
## Digital

- Transform our business through digitisation and other modern service reforms, with a focus on ongoing reforms as a result of COVID-19 learnings.
- Increase our Information and Communication Technologies (ICT) capability and align our ICT strategies to whole-of-government initiatives.
- Implement agile systems and processes with the capacity to navigate and respond to change.
- Standardise systems and processes that allow us to rapidly respond to client needs.

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## People

- Invest in our people to deliver the best outcomes and support a strong and respectful organisational culture.
- Develop and maintain a robust and dynamic workforce-planning model consistent with the APS workforce strategy.
- Maintain support for ongoing learning and performance development.
- Build a diverse and inclusive workplace.
- Form positive and influential relationships with our stakeholders to support better outcomes for the Australian people.

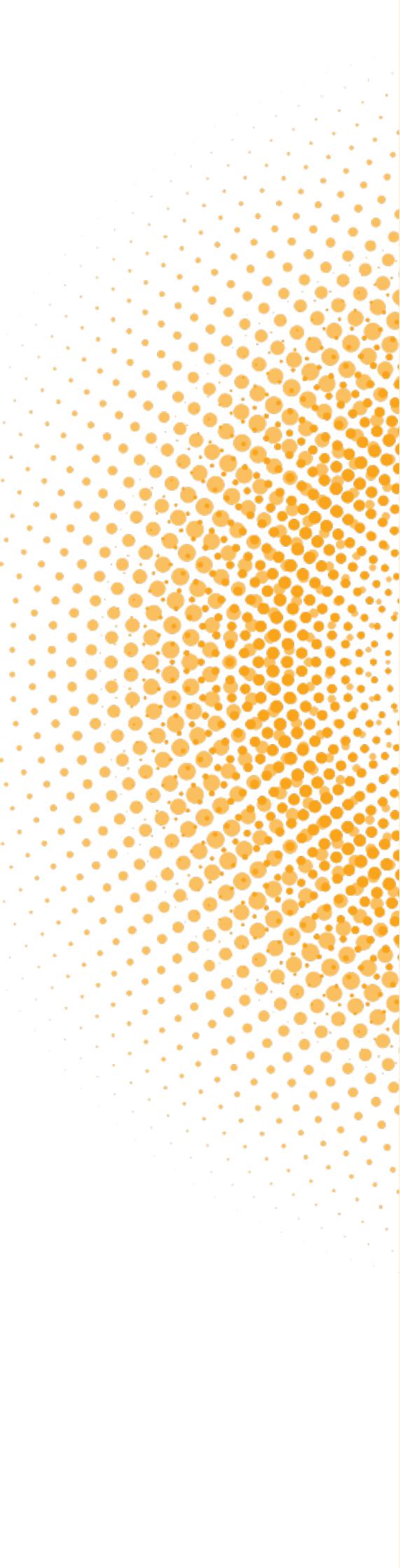


# Risk oversight and management

The Federal Court entity promotes an enterprise-wide risk management framework to balance the potential benefits of decisions and activities with the potential for harm and the entity's risk appetite. The framework supports the identification, analysis, assessment, treatment, monitoring and review of all strategic, professional, reputational, personnel, political

and operational risks. These include risks to our stakeholders and emerging risks.

The Risk Management Plan has been developed in accordance with the methodology set out in *Commonwealth Risk Management Policy 2014* and the *Australian/New Zealand Risk Management Standard (AS/NZS ISO 31000:2018)*.



**The entity participates in Comcover's bi-annual Risk Management Benchmarking Survey, which is designed to assess the maturity of a risk framework.**

The survey also provides the Accountable Authority with a source of information to assess whether section 16 of the *Public Governance, Performance and Accountability Act 2013* (Cth) – to establish and maintain appropriate systems of risk oversight, management and internal control for the entity – are being met.

The Benchmarking Survey measures risk management maturity against five areas of focus centred on building risk resilience within entities. The five themes are:

1. Risk Management Governance

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2. Risk Culture

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3. Risk Capability

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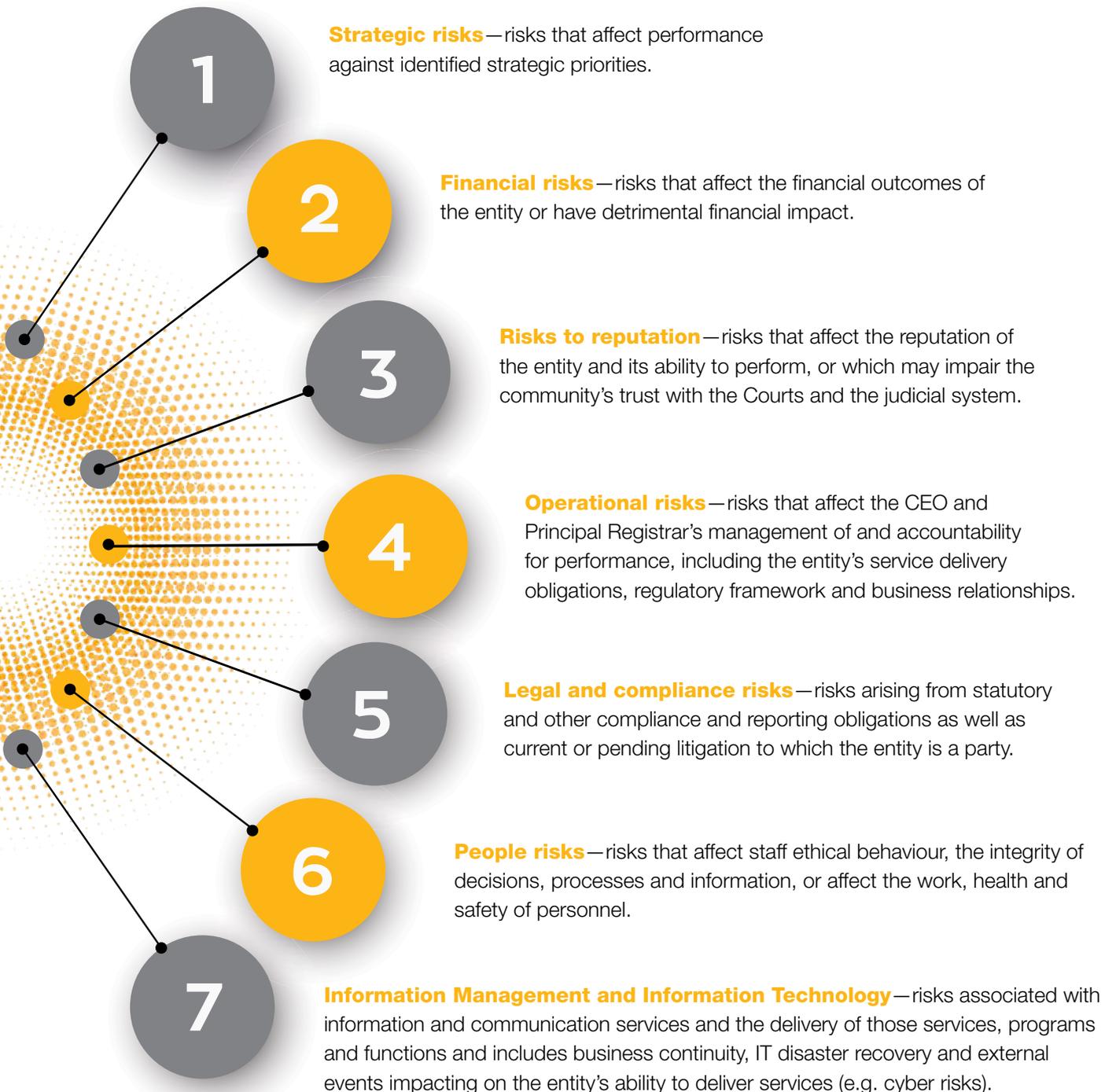
4. Risk Management Practices

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5. Organisational Resilience and Agility

# Risk Management Priorities

The entity has adopted seven broad categories for establishing risk management priorities:



# Oversight

The Audit Committee is established in accordance with section 45 of the *Public Governance, Performance and Accountability Act 2013* (Cth).

The CEO and Principal Registrar must establish and maintain an Audit Committee, with the functions and responsibilities required by section 17 of the *Public Governance, Performance and Accountability Act 2013*.

The functions of the committee are to:

- provide independent assurance of the effectiveness of the entity's Risk Management Framework
- review compliance with the entity's Risk Management Policy
- monitor the implementation of the entity's Risk Management Plan
- review compliance with finance law, including financial and performance reporting
- review risk reports periodically (quarterly and annual reports)
- review the internal control programs and advise whether key controls are appropriate and are operating effectively
- monitor and understand the potential impact of emerging risks on the entity's ability to achieve its objectives, and
- provide assurance that the entity has well-designed business continuity and disaster recovery arrangements in place and are tested periodically.

The Enterprise Risk Management Committee is accountable to and supports the Accountable Authority by advising the Audit Committee and making recommendations concerning the development, implementation and operation of:

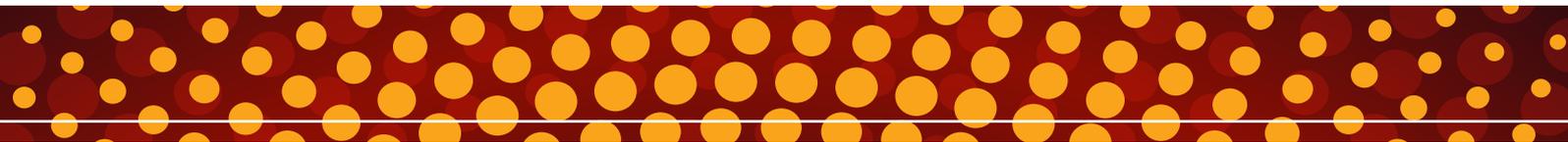
- the entity Risk Management Framework including the policy and plan
- the Accountable Authority's Enterprise Risk Appetite Statement
- the Enterprise Wide Risk Register, and
- Risk treatment strategies and action plans.

The Enterprise Risk Management Committee also has responsibility to monitor the effectiveness of controls where the entity's risk appetite has been exceeded. This will generally be where residual risk is assessed as High or Extreme, and determine which risks which are highlighted in the Enterprise Wide Risk Register.

As part of the entity's continuous improvement approach and adopting best practices, the Risk Management Plan undergoes a periodic internal audit, either in its totality or specific sections (for example, fraud control plan). The audit findings and recommendations are then reviewed and action plans are put in place to address the areas for improvement. The Audit Committee monitors quarterly, the implementation of the audit recommendations and respective action plans and advises on the suitability of the action plans proposed by management.

The table below provides some examples of the risks faced by the Courts and the National Native Title Tribunal.

RISKS	AREA OF RISK	RISK DESCRIPTION	MITIGATION STRATEGY
Strategic (Technology)	Program or project failure	Failure to implement user-focused digital service offerings, resulting in not meeting public expectations and entity own objectives.	<ul style="list-style-type: none"> <li>Implement an agile digital strategy, reviewed periodically.</li> <li>Consult with key stakeholders, internally and externally, to understand their needs and how best to meet their expectations.</li> <li>Build capacity and capability to deliver successful projects.</li> </ul>
Financial	Funding/ financial resources	Insufficient financial resources to support the essential requirements of the Courts and the National Native Title Tribunal to deliver services to the customers.	<ul style="list-style-type: none"> <li>Robust budgeting and disciplined financial management practices.</li> <li>Communication/consultation with key stakeholders, particularly the Minister, Attorney-General's Department, Department of Finance and key government agencies.</li> <li>Continued refinement of e-services to drive work practice efficiencies and better, quicker and less expensive services to customers.</li> </ul>
Risks to Reputation	Stakeholder Management	The potential publication of the names of applicants in protection visa matters on the Commonwealth Courts Portal contrary to section 91X of the <i>Migration Act 1958</i> (Cth).	<ul style="list-style-type: none"> <li>Exclusion of pseudonym matters from publication on the Commonwealth Courts Portal through Federal Law Search.</li> <li>Open and transparent communication with all affected parties and Court stakeholders.</li> <li>The initiation of an Independent Review.</li> <li>The development of a National Migration Team to handle all migration matters, including protection visa matters.</li> <li>Review of all policies and procedures around data handling in migration matters and matters with pseudonyms.</li> <li>Comprehensive training for all relevant staff.</li> <li>Daily audits on data entry in respect of matters with pseudonyms.</li> <li>Investigating potential improvements to the Court's Casetrack case management system.</li> </ul>
Operational risks	Case management	Increased workload, in addition to the backlog of cases, increases case load management.	<ul style="list-style-type: none"> <li>A strategic review of the increased workload in new case management, and managing the backlog, has allowed the entity to identify and develop national practice areas and refined case management strategies.</li> <li>More effective, efficient and consistent management of different caseloads within the current and changing legislative environment.</li> </ul>
Operational Risks (Security)	Security governance	Failure to have in place robust security governance arrangements, resulting in an increase in attacks/threats to staff, judges and members of the public, including cyber attacks/ threats.	<ul style="list-style-type: none"> <li>Increased staff awareness of safety and security protocols, through training and focused security related articles in the weekly newsletter.</li> <li>Formal security governance framework, allowing the Sheriff and Marshal to oversee security functions.</li> <li>Building Management Committee oversees physical security practices at each location.</li> <li>X-ray and/or metal detection and security cameras at each court.</li> <li>Enhanced cyber security capability through additional resources including a response team and protective security measures.</li> </ul>
People risks	Workplace Health and Safety	Failure to implement effective controls leading to exposures and transmission of COVID-19 in the workplace	<ul style="list-style-type: none"> <li>A number of risk assessments have been completed to inform the entity's response to COVID-19.</li> <li>Risks are mitigated through the establishment and ongoing operation of the COVID Committee of senior entity executives, the implementation of controls set out in an entity COVIDSafe plan, COVIDSafe Facility Plans for each location, and established COVIDSafe building operational levels which allow rapid responses to government directions and local environments</li> </ul>



# Cooperation

Our relationships are essential to help us achieve our purpose. Successful engagement and collaboration helps to contribute to more effective connection of services, better cooperation and sharing of information and improved service delivery.

As an entity, we work collaboratively with a broad range of stakeholders, including the legal profession, government agencies, other courts, non-Government organisations, research, academia and community groups, to build partnerships to promote access to justice, early engagement with products and services, and more effective information to assist Court and Tribunal users.

As independent Courts and a Tribunal, we each have different stakeholders and partnerships that underpin the broader entity structure. For the Courts, relationships are managed either by the Chief Justice, Chief Judge, other judges or the respective CEO and Principal Registrar on behalf of the Chief Justice and Chief Judge. For the National Native Title Tribunal, relationships are managed by the President and Native Title Registrar.

Over the four years of this plan, the Courts and the National Native Title Tribunal will focus on sustaining engagement and cooperation by continuing to build on our highly successful partnerships and working collaboratively to build new ones.

The Federal Court engages in a wide range of activities with the legal profession, including regular user group meetings. The aim of user groups is to provide a forum for court representatives and the legal profession to discuss existing and emerging issues, provide feedback to the Court and act as a reference group. Seminars and workshops on issues of practice and procedure in particular areas of the Court's jurisdiction are also regularly held. Registries host advocacy sessions, bar moot courts and moot competitions and assist with readers' courses.

Court facilities are made available for many events for the legal community, including lectures, seminars and ceremonies. Prior to the COVID-19 pandemic, and hopefully again in the near future, registries regularly host visiting delegations from overseas courts who are interested in learning more about the Court's operations. The Court is also an active supporter of legal education programs, both in Australia and overseas.

The Court also regularly engages with the Law Council of Australia, the Australian Bar Association, and the various state and territory bar associations and law societies.

The Federal Court continues to coordinate a number of projects and activities to support governance, access to justice and the rule of law within neighbouring judiciaries. By collaborating with other courts, predominantly across the Asia Pacific region, the Court is able to contribute to a number of our partners' important reform and development priorities. Detailed information on this is published in the Court's annual report.

The Courts' Marshal and Sheriff continues to work closely with the Australian Federal Police and the police services of the states and territories. This is particularly important in the execution of 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. The Marshal and Sheriff also works closely with the Australian Federal Police, the police services of the states and territories and the Attorney-General's Department on a range of information exchange arrangements in order to improve the Courts' understanding of risks associated with individuals coming to court.

The National Native Title Tribunal continues to work with stakeholders, particularly representative bodies, governments at all levels, peak bodies and prescribed bodies corporate. The President, Members and Native Title Registrar have established a fresh engagement agenda to implement its new function (post-determination

assistance), as well as continued targeted engagement to ensure the most effective use of resources. The National Native Title Tribunal conducts information sessions around the country to assist stakeholders in understanding their legal obligations and the need for compliance with the future act provisions of the Act.

The National Native Title Tribunal actively fosters its invigorated working relationship with the Federal Court. A protocol facilitates the performance of Court and Tribunal native title roles and builds upon this close existing relationship.

The Family Court and Federal Circuit Court have numerous external stakeholders, some of which include Bars and Law Societies, the Australian Bar Association, the Law Council of Australia and the Family Law Section of the Law Council of Australia. Engagement and ongoing collaboration also occurs with Legal Aid organisations, women's legal groups, Aboriginal and Torres Strait Islander Legal Services, migrant and refugee services, community legal services, child welfare agencies, the Australian Federal Police, state and territory police, overseas jurisdictions, Relationships Australia, Family Relationship Centres, alternative dispute resolution providers and judicial education and research organisations.

There are several established channels through which external stakeholders may inform the Family Court and Federal Circuit Court and provide feedback, including the following:

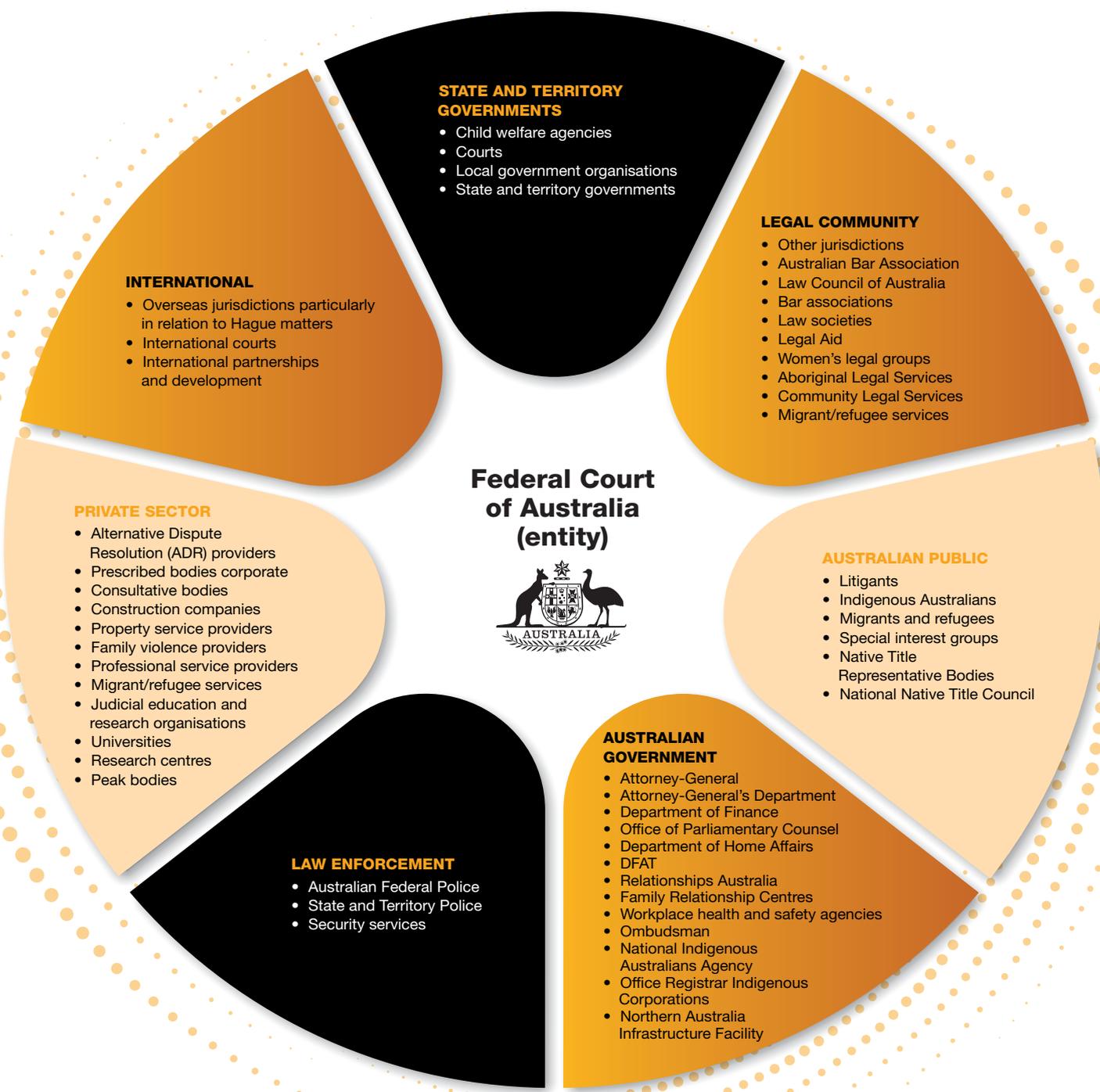
- The Australian Institute of Family Studies was established under section 114B of the Family Law Act and is a forum for exchange of information and research.
- The Chief Justice meets regularly with key representatives of national and state bar associations and law societies. In addition, the Federal Circuit Court has established relationships with bar associations, law societies and key stakeholders in regards to migration and other general federal law matters.

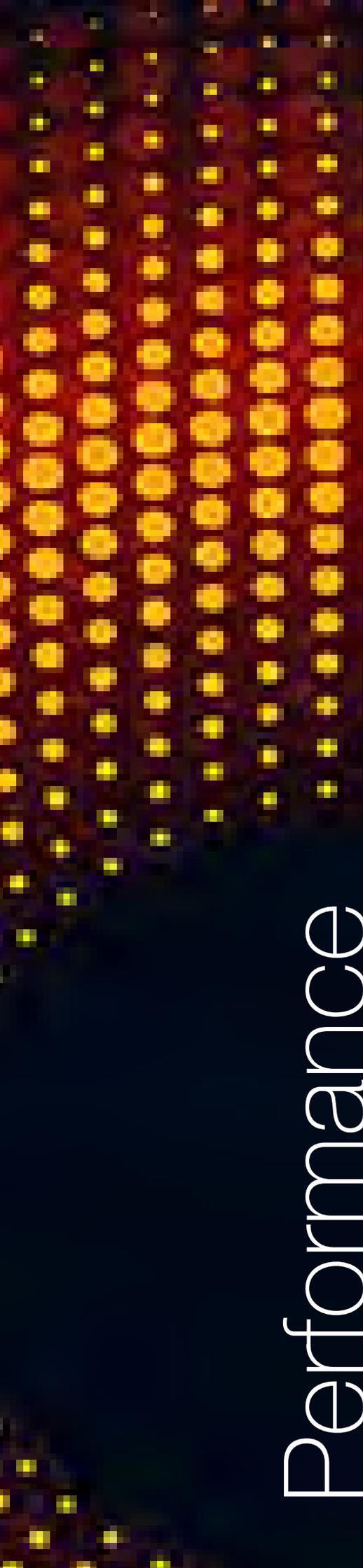
Both the Family Court and Federal Circuit Court have a number of strategies for strengthening partnerships with stakeholders, such as legal practitioners, non-government organisations, and government agencies and departments. Judges regularly present to law societies and bar associations in their respective jurisdictions, as well as hold informal meetings with members of the legal profession and participate in stakeholder meetings. Judges are often asked to speak at secondary schools

and lecture at law schools about particular topics and their work generally. 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.

The diagram below is a high-level depiction of the interconnection of relationships and stakeholders of the Courts and National Native Title Tribunal across the entity.





# Performance

This section sets out the intended actions and high-level activities that will contribute to the entity's purpose over the four years of this plan.

# Program 1.1: Federal Court of Australia

## Purpose

To decide disputes according to law as quickly, inexpensively and efficiently as possible.

## Strategic objectives/themes



Deliver efficient and just dispute resolution.



Improve access to justice.



Contribute to the Australian legal system — strengthen relations with court users.



Build public trust and confidence.

## How we will achieve our strategic objectives

- Extend the National Court Framework (and its core principles) across all of the Court's legal operations to further support the effective case management and disposition of proceedings.
- Further develop non-traditional hearing types including digital and online hearings.
- Continue to enhance online access.
- Continue initiatives for court user ease of access to all services.

## Key activities

For 2021–22 (and the outlook period through to 2025), the Federal Court will progress the following key activities:

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Increase the mediation and case management support work for judges through implementation of the national arrangement for registrars.	•	•	•	•
	Align Judicial Registrars to directly support National Practice Area (NPA) Coordinating Judges in the management of each NPA, and judges within each NPA more generally.	•	•	•	•
	Continue to implement improved web and digital services to increase ease of access to the Court.	•	•	•	•
	Further develop and refine the best practice model that forms the basis for online hearings conducted by Microsoft Teams (or other suitable platform).	•	•	•	•
	Further develop courtroom technologies for evidence display, improved access for remote participants, and streaming.	•	•	•	•
	Develop tailored resources and educational materials via different channels to assist court users.	•	•	•	•
	Develop and deliver seminars, lectures and training to improve access to justice, education on new services and other topics of relevance.	•	•	•	•
	Continue to align services with the Digital Transformation Agenda.	•	•	•	•
	Develop new functional accommodation design principles to facilitate the use of new digital hearing technologies.	•	•	•	

## How we will measure our performance

The key outcome measure for the Federal Court is contained in the Portfolio Budget Statements. Across its jurisdiction, the Court will apply and uphold the rule of law for litigants in the Federal Court and parties in the National Native Title Tribunal through the resolution of matters according to law and through the effective management of the administrative affairs of the Court and the National Native Title Tribunal.

The Court maintains two time goals to measure the performance of its work. All strategies and tactical plans are designed to support the achievement of these performance goals. The Annual Performance Statement, published in the Court's annual report, will report on the success of the plan to achieve timely completion of cases.

PERFORMANCE CRITERIA	2021-22 MEASURE	2022-23 MEASURE	2023-24 MEASURE	2024-25 MEASURE
Timely completion of cases	85% of cases completed within 18 months of commencement	As per 2021-22 targets.	As per 2021-22 targets.	As per 2021-22 targets.
	Judgments to be delivered within three months	As per 2021-22 targets.	As per 2021-22 targets.	As per 2021-22 targets.

## Intended results

- Increased mediation and case management support work for judges.
- Registrar resources utilised more effectively on a national basis to address workload demands.
- Continued improvement and 'business as usual' of the hybrid model of remote and in-person hearings that emerged as a result of COVID-19.
- Expanded use of video conferencing and Internet streaming to reduce barriers to access hearings for parties, witnesses, journalists and members of the public.
- Improved multi-function facilities to accommodate remote hearings, enabling judges, witnesses and parties to be linked in to matters being heard in other locations, thus minimising travel expenses, improving access to justice and freeing up courtrooms for other hearings.
- Establish user groups for each NPA and improved liaison with the profession.
- Developed practices and procedures for NPAs.
- Continued ongoing support for judges through judicial education.

# National Native Title Tribunal

## Purpose

The National Native Title Tribunal is an independent body established by the *Native Title Act 1993* (Cth). The purpose of the National Native Title Tribunal is to perform the functions conferred upon it by the Act in accordance with the directions contained in section 109, ethically, efficiently, economically and courteously, thus advancing the purposes underlying the Act, particularly reconciliation amongst all Australians.

## Strategic objectives/themes

 <p>Facilitate recognition of native title rights and interests pursuant to the Native Title Act and reconciliation.</p>	 <p>Improve the accessibility and quality of our information to increase understanding of native title and the native title system.</p>
 <p>Enhance the delivery of our services, particularly by Indigenous workforce recruitment.</p>	 <p>Continue to provide services that reflect an understanding of the current and evolving needs of our stakeholders.</p>

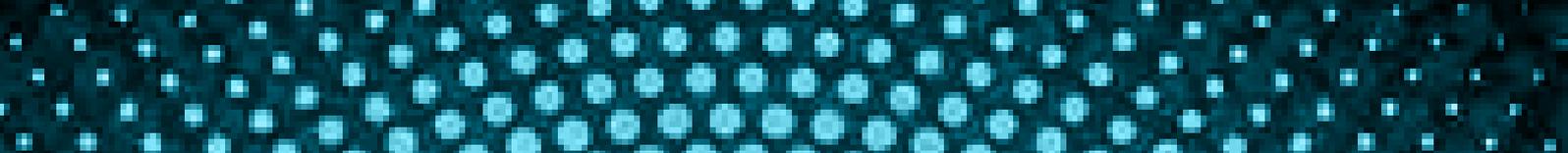
## How we will achieve our strategic objectives

- Ensure consistent service delivery with a focus on service excellence.
- Implement effective initiatives for recruiting and retaining Indigenous employees and developing and utilising their unique skills and knowledge.
- Improve service delivery through ongoing innovation and focus on the needs of our stakeholders.
- Periodic review of the organisational structure to enable flexible deployment of staff and resources.
- Ensure our website is current, fully describes available services, and meets stakeholders' information needs.
- Identify operating efficiencies and cost-effective practices and processes.

## Key activities

For 2021–22 (and the outlook period through to 2025), the National Native Title Tribunal will progress the following key activities:

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Deliver the 2020–21 Reconciliation Action Plan in partnership with the Federal Court entity. This is an inaugural Plan (Reflect RAP) and marks the beginning of future work over 2022–25 to progress the RAP into further stages of maturity.	•	•	•	•
	Complete the Indigenous employment strategy in conjunction with the Federal Court and apply strategy to all recruitment activities.	•	•	•	•
	Identify areas of service delivery where the use of technology can improve accessibility of information for Traditional Owners.	•	•	•	•
	Develop internal knowledge, capability and culture to focus on service excellence.	•	•	•	•
	Expand Tribunal online resources by continuing to assess our website, products and services.	•	•	•	•
	Continue to enhance and improve the NTV plus visualisation tool.	•	•	•	•
	Deliver tailored and culturally appropriate services in response to stakeholder feedback.	•	•	•	•
	Develop partnerships with key stakeholders to deliver education and specialised training.	•	•	•	•



## How we will measure our performance

The National Native Title Tribunal strives to be an externally focussed organisation, responsive to stakeholder needs, and conscious of the role conferred upon it by Parliament. The National Native Title Tribunal will look to stakeholders for their assessments of its performance. It will also publish relevant statistics in the Report of the National Native Title Tribunal, which is included in the Federal Court of Australia's Annual Report.

## Intended results

- Enhanced accessibility to National Native Title Tribunal information and resources with increasing online delivery.
- A user friendly tool that supports the visualisation of native title by the general public.
- High quality Geospatial services compliant with industry standards.
- Effective working relationships with stakeholders.
- Increased knowledge in stakeholders and the wider community about the role and functions of the National Native Title Tribunal.
- Indigenous workforce development opportunities identified and championed.
- National Native Title Tribunal staff equipped and motivated to achieve high-quality results.
- A flexible workforce aligned to work needs and demands.

# Program 2.1: Family Court of Australia

## Purpose

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

While the Family Court of Australia and the Federal Circuit Court of Australia will come together to operate as a single Court from 1 September 2021, there will continue to be separate outcomes and separate performance information in 2021–22, as per previous years. Any changes to this arrangement will be reported in the next Corporate Plan.

## Strategic objectives/themes

	Deliver just, efficient and effective dispute resolution of complex family law matters.		Improve access to justice.
	Ensure best practice in judicial and non-judicial processes.		Build public trust and confidence.
	Protect vulnerable parties and children.		

## How we will achieve our strategic objectives

- Develop harmonised family law rules and common case management processes.
- Strengthen the role of the Family Court as a specialist court for complex family law matters.
- Continue the Lighthouse Project and comprehensive information sharing with state and territory child welfare authorities and police.
- Continue to enhance the role of registrars.
- Expand the provision of dispute resolution within the Court, particularly in parenting cases.
- Improve strategies and processes to address family violence.
- Continue to improve online information and improve the efficiency of the Court through digital innovation.
- Improve the scope for information sharing and collaboration with other agencies to improve access and service delivery to court users.
- Review and improve the delivery of Child Dispute Services.

## Key activities

For 2021–22 (and the outlook period through to 2025), the Family Court will progress the following key activities:

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Implement the <i>Federal Circuit and Family Court of Australia Act 2021</i> (Cth) and the merged court structure	•			
	Work towards common case management and rules harmonisation within the family law system.	•			
	Maximise the role of registrars by increasing delegations and enhancing case management practices to ensure they provide specialist services to families.	•	•	•	•
	Expand the provision of dispute resolution within the Court, utilising registrars and family consultants.	•	•	•	
	Continue the Lighthouse Project involving risk screening using DOORS Triage, service referral and safety planning, and establishing the high risk Evatt List, to support families who may have experienced family violence and other risks.	•	•	•	•
	Improve the digital capabilities of the Court by enhancing the digital court file, eFiling and other online services and digital processes.	•	•	•	•

## Key activities (Cont'd)

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Enhance collaboration with agencies and service providers to facilitate information sharing when risks are alleged in family law proceedings.	•	•	•	
	Review the Family Violence Best Practice Principles and Family Violence Plan.	•	•	•	•
	Restructure the Court's website to ensure all court users can easily access and understand key information.	•			

## How we will measure our performance

The key outcome measure for the Family Court is contained in Outcome Two of the Portfolio Budget Statements. That is, to apply and uphold the rule of law for litigants in the Family Court through the resolution of family law matters according to law, particularly more complex family law matters and through the effective management of the administrative affairs of the Court.

The Family Court maintains three goals related to timely completion of cases. Strategies and priorities are designed to support the achievement of these performance goals. The Court's Annual Performance Statement, published in the Federal Court Annual report, will report on the success of the plan to achieve timely completion of cases.

PERFORMANCE CRITERIA	2021–22 MEASURE	2022–23 MEASURE	2023–24 MEASURE	2024–25 MEASURE
Timely completion of cases	Clearance rate of 100%	As per 2021–22 targets.	As per 2021–22 targets.	As per 2021–22 targets.
	75% of judgments to be delivered within three months	As per 2021–22 targets.	As per 2021–22 targets.	As per 2021–22 targets.
	75% of cases pending conclusion to be less than 12 months old	As per 2021–22 targets.	As per 2021–22 targets.	As per 2021–22 targets.

## Intended results

- Improved efficiencies and access to justice in family law through clear and harmonised rules and case management procedures.
- Improved case management through early registrar triage and safely conducted dispute resolution and family dispute resolution (FDR), and increased judicial time to focus on the most complex disputes.
- Reduced delays and backlogs of pending family law cases, assisting litigants to resolve their disputes in a just and timely manner with simplified court procedures.
- Positive outcomes for children and families through increased information sharing and engagement with relevant stakeholders and other jurisdictions.
- Improved protection of vulnerable parties and children exposed to family violence and other risks through early risk identification, screening and assessment.

# Program 3.1: Federal Circuit Court of Australia

## Purpose

To assist with the effective resolution of disputes using streamlined procedures and appropriate dispute resolution processes to resolve matters as efficiently and cost effectively as possible.

While the Family Court of Australia and the Federal Circuit Court of Australia will come together to operate as a single Court from 1 September 2021, there will continue to be separate outcomes and separate performance information in 2021–22, as per previous years. Any changes to this arrangement will be reported in the next Corporate Plan.

## Strategic objectives/themes

	Deliver just, efficient and effective dispute resolution in family law, migration and general federal law matters.		Improve access to justice.
	Ensure best practice in judicial and non-judicial processes.		Build public trust and confidence.
	Protect vulnerable parties and children.		

## How we will achieve our strategic objectives

- Develop harmonised family law rules and common case management processes.
- Maximise the role of registrars.
- Continue the Lighthouse Project and comprehensive information sharing with state and territory child welfare authorities and police.
- Improve strategies and processes to address family violence.
- Continue to enhance online services and improve digital innovation.
- Improve the scope for information sharing and collaboration with other agencies to improve access and service delivery to court users.
- Expand the provision of alternative dispute resolution to suitable family law matters within the Court.
- Review and improve the delivery of Child Dispute Services.

## Key activities

For 2021–22 (and the outlook period through to 2025), the Federal Circuit Court will progress the following key activities:

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Implement the <i>Federal Circuit and Family Court of Australia Act 2021</i> (Cth) and the merged court structure.	•			
	Work towards common case management and rules harmonisation within the family law system.	•			
	Maximise the role of registrars by increasing delegations and enhancing case management practices to ensure they provide specialist services to families.	•	•	•	•
	Expand the provision of dispute resolution to suitable family law matters within the Court utilising registrars and family consultants.	•	•	•	
	Continue the Lighthouse Project involving risk screening using DOORS Triage, service referral and safety planning, and establish the high risk Evatt List, to support families who may have experienced family violence and other risks.	•	•	•	•
	Improve the digital capabilities of the Court by enhancing the digital court file, eFiling and other online services and digital processes.	•	•	•	•

## Key activities (Cont'd)

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Identify opportunities to expand the use of online services to integrate court user needs, improve access and reduce cost. Scope the requirements with users and develop a project plan.	•	•	•	
	Work towards enhanced collaboration with agencies and service providers to facilitate information sharing when risks are alleged in family law proceedings.	•	•	•	•
	Review the Family Violence Best Practice Principles and Family Violence Plan.	•	•	•	•
	Restructure the Court's website to ensure all court users can easily access and understand key information.	•			
	Continue to implement the Priority Property Pool 500 Pilot to provide a quicker, cheaper and simpler way of resolving family law property disputes involving small property pools.	•	•	•	•
	Review and expand the operation of Indigenous Lists in family law matters, including the engagement of additional Indigenous Liaison Officers.	•			

## How we will measure our performance

The key outcome measure for the Federal Circuit Court is contained in Outcome Three of the Portfolio Budget Statements. That is, to apply and uphold the rule of law for litigants in the Federal Circuit Court through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court.

The Court maintains three goals related to timely completion of cases to measure the performance of its work. All strategies and tactical plans are designed to support the achievement of these performance goals. The Annual Performance Statement, published in the Federal Court annual report, will report on the success of the plan to achieve timely completion of cases.

PERFORMANCE CRITERIA	2021–22 MEASURE	2022–23 MEASURE	2023–24 MEASURE	2024–25 MEASURE
Timely completion of cases	90% of final order applications disposed of within 12 months	As per 2021–22 targets.	As per 2021–22 targets.	As per 2021–22 targets.
	90% of all other applications to be disposed of within six months	As per 2021–22 targets.	As per 2021–22 targets.	As per 2021–22 targets.
	70% of matters resolved prior to trial	As per 2021–22 targets.	As per 2021–22 targets.	As per 2021–22 targets.

## Intended results

- Improved efficiencies and access to justice in family law through clear and harmonised rules and case management procedures; and the implementation of key family law initiatives.
- Improved case management through early registrar triage and safely conducted dispute resolution and FDR, and increased judicial time to focus on the most complex disputes.
- Reduced delays and backlogs of pending family law cases, assisting litigants to resolve their disputes in a just and timely manner with simplified court procedures.
- Positive outcomes for children and families through increased information sharing and engagement with relevant stakeholders and other jurisdictions.
- Improved protection of vulnerable parties and children exposed to family violence and other risks through early risk identification, screening and assessment.

# Program 4.1: Commonwealth Courts Corporate Services

## Purpose

To provide efficient and effective corporate services to the Commonwealth Courts and Tribunals.

## Strategic objectives/themes



Deliver efficient corporate services to each Commonwealth Court and the National Native Title Tribunal.



Optimise technology to support judicial, registry and corporate services functions.



Build an agile, skilled and engaged workforce.



Improve access to justice.

## How we will achieve our strategic objectives

- Streamline processes and procedures to identify efficiencies.
- Further refine business processes to streamline the functions of corporate services.
- Build and sustain an engaged workforce who are passionate about working together to achieve the vision.
- Strengthen the leadership group.
- Create a high performance culture.
- Modernise technology to improve quality and range of services.
- Maintain a quality, contemporary and efficient IT environment.
- Improve the Courts' key business systems.

## Key activities

For 2021–22 (and the outlook period through to 2025), Corporate Services will progress the following key activities:

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Assess the entity property portfolio for capacity to address longer term requirements.	•	•	•	•
	Procurement of a replacement court security guarding arrangement for the entity.	•	•	•	
	Deliver quality property projects to support expanded work in jurisdictions, as funding becomes available.	•	•		
	Provide enhanced support to staff to assist in effective and commercial sound procurement decisions.	•	•	•	•
	Continue to implement staff resilience and wellbeing training.	•	•	•	•
	Leadership development.	•	•	•	•
	Continue to develop and enhance training documentation and programs (classroom and online) for the entity.	•	•	•	•
	Deliver a common web platform for the entity.	•	•	•	
	Proceed with a determination and seek formal approvals from the Australian Public Service Commission to award employees the maximum allowable pay increase.	•			

## Key activities (Cont'd)

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Increase workforce planning and capability actions to support the APS workforce strategy for COVID-19 learnings and reform.	•	•	•	
	Complete the Indigenous employment strategy in conjunction with the National Native Title Tribunal and apply strategy to all recruitment activities.	•	•	•	
	Implement a new document management system.	•	•	•	
	Migrate all Courts and Tribunals to new integrated case management system.	•	•	•	
	Maintain appropriate courtroom technology equipment lifecycle.	•	•	•	•
	Consider experience during COVID-19 for new technologies solution to support digital and/or video conferenced hearings.	•	•	•	•
	Develop and implement a strategic financial plan	•	•	•	•

## How we will measure our performance

The key outcome measure is contained in Outcome Four (program 4.1 and 4.2) of the Portfolio Budget Statements. That is, improved administration and support of the resolution of matters according to law for litigants in the Federal Court, the Family Court and the Federal Circuit Court and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate and registry services. The Court's Annual Performance Statement will report on the success of the plan to achieve efficient and effective corporate services.

PERFORMANCE CRITERIA	2021–22 MEASURE	2022–23 MEASURE	2023–24 MEASURE	2024–25 MEASURE
Efficient and effective corporate services	Corporate services to be provided within the agreed funding	As per 2021–22 targets.	As per 2021–22 targets.	As per 2021–22 targets.

## Intended results

- Improved security in all court premises.
- Increased digital capability to support the growth in online hearings and other digital initiatives.
- Improved website information to better support self-represented litigants and other litigants.
- Implement a five-year strategic property plan.
- Completed Sydney criminal jurisdiction stage one and stage two fit out and the corporate services property fit out and relocation.
- Deliver new property project in Launceston.
- A revised workforce planning model to capture key learning from the COVID-19 period to ensure we have a diverse, skilled and agile workforce to support the work of the Courts and the National Native Title Tribunal into the future.
- Revised work practices that align to our workplace continuity plans.
- Implementation of a robust strategic financial plan for the entity.

# Program : Commonwealth Courts Registry Services

## Purpose

To provide efficient and effective registry services to the Commonwealth Courts and Tribunals.

## Strategic objectives/themes



Deliver efficient registry services to each Commonwealth Court and the National Native Title Tribunal.



Improve the efficiency of the National Native Title Tribunal's operations.



Improve the quality of service.



Improve the efficiency of the National Native Title Tribunal's operations.

## How we will achieve our strategic objectives

- Develop leadership and service delivery capability.
- Realise the benefits of the Digital Court File.
- Deliver a new service model for Commonwealth registry services.
- Maximise efficiency in managing national enquiries.
- Improve in-court technical support.
- Implement and deliver digital litigation support to the judiciary, profession and litigants.

## Key activities

For 2021–22 (and the outlook period through to 2025), Registry Services will progress the following key activities:

LINK TO STRATEGIC OBJECTIVE	GOAL	TARGET			
		2021–22	2022–23	2023–24	2024–25
	Establish leadership forums for managers and team leaders for information sharing and problem solving.	•	•	•	•
	Provide enhanced support and training for in-court technology, digital hearings and online hearings through the establishment of a Digital Practice Team.	•	•	•	•
	Implement business process changes to complement the rollout of the Digital Court File.	•	•	•	•
	Review the model for the management of general federal law enquiries.	•	•	•	•
	Enhance National Enquiry Centre systems and capability.	•	•	•	•
	Design and implement a new service model for integrated registry services.	•	•	•	•

## How we will measure our performance

The key outcome measure is contained in Outcome Four (program 4.1 and 4.2) of the Portfolio Budget Statements. That is, improved administration and support of the resolution of matters according to law for litigants in the Federal Court, the Family Court and the Federal Circuit Court and parties in the National Native Title Tribunal through efficient and effective provision of shared corporate and registry services. The Court's Annual Performance Statement will report on the success of the plan to achieve correct information, timely processing of documents and efficient registry services.

PERFORMANCE CRITERIA	2021-22 MEASURE	2022-23 MEASURE	2023-24 MEASURE	2024-25 MEASURE
Correct information	Complaint rate regarding incorrect information from the registry of less than 1%.	As per 2021-22 targets.	As per 2021-22 targets.	As per 2021-22 targets.
Timely processing of documents	75% of documents to be processed within three working days.	As per 2021-22 targets.	As per 2021-22 targets.	As per 2021-22 targets.
Efficient registry services	All registry services provided within the agreed funding and staffing level	As per 2021-22 targets.	As per 2021-22 targets.	As per 2021-22 targets.

## Intended results

- Effective and efficient use of available resources.
- Quality, timely and consistent information for all court users across all Courts and the National Native Title Tribunal.
- Enhanced access to justice services through digital technologies.
- An environment that focusses on safety for court users experiencing family violence.
- Flexible and remote modes of working introduced.



# Resourcing

# Federal Court of Australia

The table below illustrates the financial and staffing resources applied by the Federal Court of Australia over the four years of this plan.

	2021–22 Forward estimate \$'000	2022–23 Forward estimate \$'000	2023–24 Forward estimate \$'000	2024–25 Forward estimate \$'000
Administered expenses	1,550	1,550	1,550	1,550
Special appropriations <i>Public Governance, Performance and Accountability Act 2013 (Cth)</i>	600	600	600	600
<b>Administered total</b>	<b>2,150</b>	<b>2,150</b>	<b>2,150</b>	<b>2,150</b>
Departmental expenses				
Departmental appropriation	64,948	64,345	64,488	64,628
S74 External Revenue (a)	1,550	550	550	550
Expenses not requiring appropriation in the budget year (b)	16,213	16,213	16,213	18,654
<b>Departmental total</b>	<b>82,711</b>	<b>81,108</b>	<b>81,251</b>	<b>83,832</b>
<b>Total expenses Federal Court of Australia</b>	<b>84,861</b>	<b>83,258</b>	<b>83,401</b>	<b>85,982</b>
<b>Average staffing level (c)</b>	<b>279</b>			

Note: Departmental appropriation splits and totals are indicative estimates and may change in the course of the budget year as government priorities change.

- a) Estimated expenses incurred in relation to receipts retained under section 74 of the *Public Governance, Performance and Accountability Act 2013 (Cth)*.
- b) Expenses not requiring appropriation in the budget year are made up of liabilities assumed by other entities.
- c) Excludes judges.
- d) This includes funding the National Native Title Tribunal as component 1.1.2 in FCA PBS (Outcome 1).

# Family Court of Australia

The table below illustrates the financial and staffing resources applied by the Family Court of Australia\* over the four years of this plan.

	2021–22 Forward estimate \$'000	2022–23 Forward estimate \$'000	2023–24 Forward estimate \$'000	2024–25 Forward estimate \$'000
Administered expenses	300	300	300	300
Special appropriations <i>Public Governance, Performance and Accountability Act 2013 (Cth)</i>	100	100	100	100
<b>Administered total</b>	<b>400</b>	<b>400</b>	<b>400</b>	<b>400</b>
Departmental expenses				
Departmental appropriation	40,527	40,290	40,394	40,486
Expenses not requiring appropriation in the budget year (a)	11,606	11,606	11,606	12,094
<b>Departmental total</b>	<b>52,133</b>	<b>51,896</b>	<b>52,000</b>	<b>52,580</b>
<b>Total expenses Family Court of Australia</b>	<b>52,533</b>	<b>52,296</b>	<b>52,400</b>	<b>52,980</b>
<b>Average staffing level (b)</b>	<b>135</b>			

Note: Departmental appropriation splits and totals are indicative estimates and may change in the course of the budget year as government priorities change.

- a) Expenses not requiring appropriation in the budget year are made up of liabilities assumed by other entities.
- b) Excludes judges.

\* On 1 September 2021, the commencement of the *Federal Circuit and Family Court of Australia Act 2021 (Cth)* will see the bringing together of the administrative structures of the Family Court of Australia and the Federal Circuit Court of Australia into the Federal Circuit and Family Court of Australia. While the Family Court of Australia and the Federal Circuit Court of Australia will come together to operate as a single court, there will continue to be separate outcomes and separate performance information in 2021–22, as per previous years. Any changes to this arrangement will be reported in the next Corporate Plan.

# Federal Circuit Court of Australia

The table below illustrates the financial and staffing resources applied by the Federal Circuit Court of Australia\* over the four years of this plan.

	2021–22 Forward estimate \$'000	2022–23 Forward estimate \$'000	2023–24 Forward estimate \$'000	2024–25 Forward estimate \$'000
Administered expenses				
Administered item	2,625	2,627	2,631	2,635
Special appropriations <i>Public Governance, Performance and Accountability Act 2013 (Cth)</i>	200	200	200	200
<b>Administered total</b>	<b>2,825</b>	<b>2,827</b>	<b>2,831</b>	<b>2,835</b>
Departmental expenses				
Departmental appropriation	89,070	84,833	83,867	84,057
Expenses not requiring appropriation in the budget year (a)	667	667	667	843
<b>Departmental total</b>	<b>89,737</b>	<b>85,500</b>	<b>84,534</b>	<b>84,900</b>
<b>Total expenses Federal Circuit Court of Australia</b>	<b>92,562</b>	<b>88,327</b>	<b>87,365</b>	<b>87,735</b>
<b>Average staffing level (b)</b>	<b>360</b>			

Note: Departmental appropriation splits and totals are indicative estimates and may change in the course of the budget year as government priorities change.

- a) Expenses not requiring appropriation in the budget year are made up of liabilities assumed by other entities.
- b) Excludes judges.

\* On 1 September 2021, the commencement of the *Federal Circuit and Family Court of Australia Act 2021 (Cth)* will see the bringing together of the administrative structures of the Family Court of Australia and the Federal Circuit Court of Australia into the Federal Circuit and Family Court of Australia. While the Family Court of Australia and the Federal Circuit Court of Australia will come together to operate as a single court, there will continue to be separate outcomes and separate performance information in 2021–22, as per previous years. Any changes to this arrangement will be reported in the next Corporate Plan.

# Commonwealth Courts Corporate Services and Registry Services

The table below illustrates the financial and staffing resources applied by Corporate Services and Registry Services over the four years of this plan.

	2021–22 Forward estimate \$'000	2022–23 Forward estimate \$'000	2023–24 Forward estimate \$'000	2024–25 Forward estimate \$'000
<b>CORPORATE SERVICES</b>				
Departmental expenses				
Departmental appropriation	76,216	76,000	76,059	76,353
S74 External Revenue (a)	449	387	390	392
Expenses not requiring appropriation in the budget year (b)	59,275	59,296	59,631	58,643
<b>Total expenses Corporate Services</b>	<b>135,940</b>	<b>135,683</b>	<b>136,080</b>	<b>135,388</b>
<b>REGISTRY SERVICES</b>				
Departmental expenses				
Departmental appropriation	31,725	32,159	31,401	31,518
S74 External Revenue (a)	844	844	844	844
<b>Total expenses Registry Services</b>	<b>32,569</b>	<b>33,003</b>	<b>32,245</b>	<b>32,362</b>
<b>TOTAL CORPORATE SERVICES</b>				
Departmental expenses				
Departmental appropriation	107,941	108,159	107,460	107,871
S74 External Revenue (a)	1,293	1,231	1,234	1,236
Expenses not requiring appropriation in the budget year (b)	59,275	59,296	59,631	58,643
<b>Total expenses</b>	<b>168,509</b>	<b>168,686</b>	<b>168,325</b>	<b>167,750</b>
<b>Average staffing level (c)</b>	<b>484</b>			

Note: Departmental appropriation splits and totals are indicative estimates and may change in the course of the budget year as government priorities change.

- a) Estimated expenses incurred in relation to receipts retained under section 74 of the *Public Governance, Performance and Accountability Act 2013* (Cth).
- b) Expenses not requiring appropriation in the budget year are made up of depreciation and amortisation expenses and resources received free of charge.
- c) Excludes judges.

# List of Requirements

The corporate plan has been prepared in accordance with the requirements of:

- subsection 35(1) of the *Public Governance, Performance and Accountability Act 2013* (Cth), and
- the Public Governance, Performance and Accountability Rule 2014.

The table details the requirements met by the Federal Court of Australia's corporate plan and the page reference(s) for each requirement.

REQUIREMENT		PAGE(S)
Statement of preparation		3
Introduction		4–10
Purpose		11
Strategic objectives/themes		12–13
Operating context	Environment	15–20
	Capability	22–23
	Risk oversight and management	24–28
	Cooperation	29–31
Performance and key activities		32–44
Resourcing		45–49