
PART 6
MANAGEMENT AND
ACCOUNTABILITY



CORPORATE GOVERNANCE

This section reports on aspects of the Family Court of Australia's corporate governance arrangements.

The Chief Justice, assisted by the Chief Executive Officer, is responsible for managing the administrative affairs of the Family Court of Australia.

Under the Constitution, judicial power is vested in judges who administer that power in courts. The Family Law Act defines the Court as being a Chief Justice, a Deputy Chief Justice and the judges appointed to that Court. By delegation from the Chief Justice, case management judges assist in administering judicial functions in particular areas, such as case management.

The Family Court is autonomously governed; that is, the judiciary has the responsibility for the administration of the Court. To enable the effective and efficient administration of justice, the judiciary needs support to deal with its workload. Non-judicial Court employees, public servants accountable to the executive government through the Chief Executive Officer, provide that support.

The Chief Executive Officer's powers are broad, although subject to directions from the Chief Justice. The Chief Executive Officer holds the responsibilities and powers of an agency head under Commonwealth financial management and public service legislation.

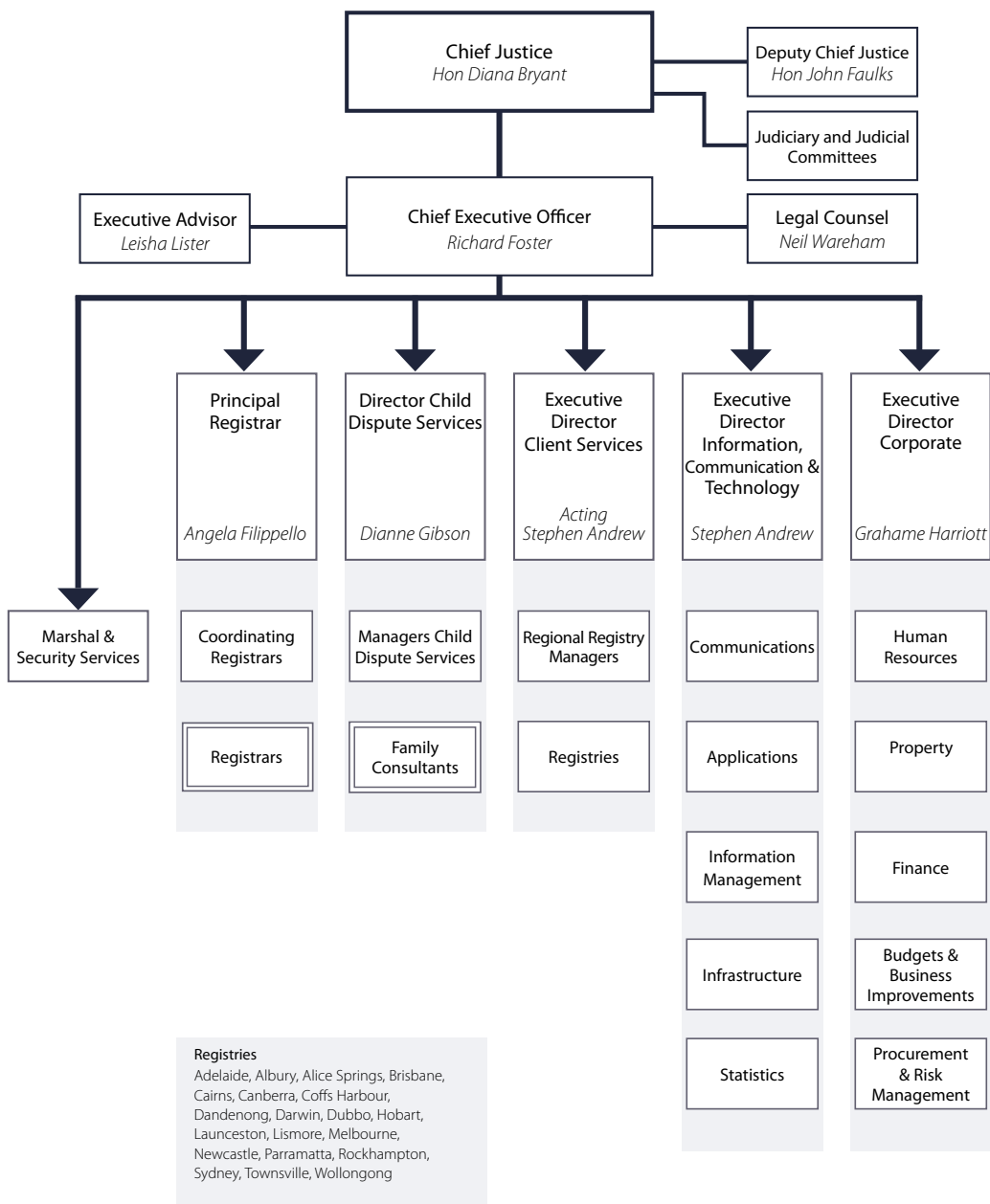
Figure 6.1 shows the organisational structure of the Court.



Owen Dixon Commonwealth Law Courts Melbourne

Organisational structure of the Family Court of Australia

Figure 6.1 Organisational structure of the Family Court of Australia—30 June 2009



==== Denotes professional responsibility

Judicial officers of the Family Court of Australia

At the end of June 2009 there were 35 judges of the Court, including the Chief Justice and the Deputy Chief Justice (plus one vacancy).

Chief Justice of the Family Court of Australia



*The Honourable
Chief Justice Diana Bryant*

The Chief Justice is responsible for ensuring the orderly and expeditious discharge of the business of the Court (s 21B Family Law Act) and for managing its administrative affairs (s 38A). The Chief Justice is assisted in judicial responsibilities by the Deputy Chief Justice (s 21B) and in administrative responsibilities by the Chief Executive Officer (s 38B). The Chief Justice's chambers are located in the Melbourne Registry.

Chief Justice Diana Bryant was appointed Chief Justice of the Family Court of Australia on 5 July 2004. She had previously been the inaugural Chief Federal Magistrate overseeing the establishment of the Federal Magistrates Court, a position she held for four years.

Deputy Chief Justice of the Family Court of Australia



*The Honourable Deputy
Chief Justice John Faulks*

The Deputy Chief Justice assists the Chief Justice in the judicial administration of the Family Court. Particular responsibilities include case management, complaints about judges, the collection and strategic assessment of statistics, pastoral care and the oversight of the Court's committees.

In the absence of the Chief Justice, the Deputy Chief Justice performs and exercises the powers of the Chief Justice (s 24). The Deputy Chief Justice's chambers are located in the Canberra Registry.

Deputy Chief Justice John Faulks was appointed as a Family Court judge on 12 October 1994. He was appointed as Deputy Chief Justice on 25 June 2004.

Judges assigned to the Appeal Division

Note: The date after the name of a judge in the following list is the date they were appointed to the Family Court Bench.

The Honourable Chief Justice Diana Bryant	5 July 2004
The Honourable Deputy Chief Justice John Faulks	12 October 1994
The Honourable Justice Mary Madeleine Finn	2 July 1990
The Honourable Justice Ian Roy Coleman	18 April 1991
The Honourable Justice Bernard John Warnick	2 September 1991
The Honourable Justice Michelle May	7 September 1995
The Honourable Justice Jennifer Margaret Boland	29 October 1999

The Honourable Justice Stephen Ernest Thackray (Chief Judge Family Court of Western Australia)	1 December 2004
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The Honourable Justice Stephen Richard O’Ryan	11 October 1994
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Judges

Adelaide

The Honourable Justice Christine Elizabeth Dawe (Case Management Judge)	3 March 1997
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The Honourable Justice Rodney Keith Burr AM	2 April 1998
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The Honourable Justice Steven Strickland	22 November 1999
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Brisbane

The Honourable Justice Graham Rodney Bell	27 February 1976
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The Honourable Justice James Patrick O’Hara Barry	12 December 1983
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The Honourable Justice Bernard John Warnick	2 September 1991
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The Honourable Justice Brian Edward Jordan	27 July 1994
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The Honourable Justice Michelle May	5 September 1995
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The Honourable Justice Elizabeth Madonna O’Reilly	10 January 2003
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The Honourable Justice Peter John Murphy (Case Management Judge)	11 October 2007
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Canberra

The Honourable Justice John Faulks	12 October 1994
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The Honourable Justice Mary Madeleine Finn	2 July 1990
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Hobart

The Honourable Justice Robert James Charles Benjamin (Case Management Judge)	9 August 2005
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Melbourne

The Honourable Justice Nahum Mushin	26 October 1990
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The Honourable Justice Sally Elizabeth Brown AM	23 November 1993
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The Honourable Justice Linda Marion Dessau	20 June 1995
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The Honourable Justice Peter Young	6 August 2002
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The Honourable Justice Victoria Jane Bennett	30 November 2005
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The Honourable Justice Paul Cronin (Case Management Judge)	20 December 2006
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Newcastle

The Honourable Justice Judith Maureen Ryan (Case Management Judge)	31 July 2006
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Parramatta

The Honourable Justice Ian Roy Coleman	18 April 1991
The Honourable Justice Lloyd Dengate Stacy Waddy RFD	1 July 1998
The Honourable Justice Robyn Sylvia Flohm	17 May 1999
The Honourable Justice David John Collier (Case Management Judge)	19 July 1999

Sydney

The Honourable Justice John Morris Cohen	1 February 1989
The Honourable Justice Colleen Ann Moore	18 April 1991
The Honourable Justice Stephen Richard O’Ryan	11 October 1994
The Honourable Justice Peter Isaac Rose	1 December 1998
The Honourable Justice Jennifer Margaret Boland	29 October 1999
The Honourable Justice Janine Patricia Hazelwood Stevenson	18 May 2001
The Honourable Justice Mark Frederick Le Poer Trench	10 October 2001
The Honourable Justice Garry Allan Watts (Case Management Judge)	14 April 2005
The Honourable Justice Stuart Grant Fowler AM	16 November 2007

Townsville

The Honourable Justice Alexander Robert Monteith	28 November 2000
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Judicial Registrars

Sydney

Mr William Philip Johnston	22 January 1990
Mr Ian James Loughnan	6 November 1995

Family Court of Western Australia

Note: Judges of the Family Court of Western Australia also hold Commissions in the Family Court of Australia.

The Honourable Chief Justice Stephen Ernest Thackray	1 December 2004
The Honourable Justice Carolyn Elvina Martin	18 November 1996
The Honourable Justice Julienne Penny	9 June 1999

The Honourable Justice Jane Crisford	14 December 2006
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The Honourable Justice Stephen Dexter Crooks	22 October 2007
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Administrative Appeals Tribunal

Note: Some judges of the Family Court hold appointments in the Administrative Appeals Tribunal as Presidential Members.

The Honourable Justice Mary Madeleine Finn	
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The Honourable Justice James Patrick O'Hara Barry	
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The Honourable Justice Nahum Mushin	
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The Honourable Justice Christine Elizabeth Dawe	
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The Honourable Justice Robert James Charles Benjamin	
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Appointments, retirements and resignations

Judicial officer appointments

The Honourable Justice Stephen Richard O'Ryan was appointed a judge of the Appeal Division	7 August 2008
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Judicial officer retirements and resignations

The Honourable Justice Tim Carmody	8 July 2008
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The Honourable Justice Heather Carter	18 July 2008
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The Honourable Justice Graham Mullane	30 September 2008
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The Honourable Justice Michael Raymond Brock Watt	15 September 2008
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Senior executives of the Family Court of Australia

Chief Executive Officer



Richard Foster PSM FAIM, Chief Executive Officer

The Chief Executive Officer (CEO) is appointed to assist the Chief Justice to administer the Court. The CEO's powers are broad (s 38D), although subject to directions from the Chief Justice (s 38D(3)). The CEO holds the responsibilities and powers of an agency head under Commonwealth financial management and public service legislation, but is appointed under terms similar to those of judicial officers. The CEO is supported by the staff of the National Support Office and is located in the National Support Office, Canberra. Mr Richard Foster was appointed CEO in May 2000. He has spent his working life in court administration across many jurisdictions.

Principal Registrar



Angela Filippello, Principal Registrar

The Principal Registrar supports the judicial functioning of the Family Court through the provision of high-level legal and procedural advice. The responsibilities of the Principal Registrar reflect two diverse but interdependent roles—that of a senior lawyer within the judicial system and that of a senior executive officer in the Court's administration.

As a senior lawyer, the Principal Registrar discharges the statutory duties assigned to that position by the *Family Law Act 1975*, works closely with the Chief Justice and judges in administering the Act and related legislation, and identifies areas in need of reform. As a senior executive officer, the Principal Registrar supports the Chief Executive Officer in the Court's administration.

The Principal Registrar is also responsible for overseeing the performance of and providing direction to the registrars of the Family Court and providing legal training to judicial legal associates. The Principal Registrar is located in the Brisbane Registry.

Director Child Dispute Services



Dianne Gibson, Director Child Dispute Services

The Director Child Dispute Services is responsible for advising the Chief Justice and the Chief Executive Officer on the provision of quality child dispute services to the Court. The Director ensures that the services delivered by the family consultants are effective and consistent with the strategic and business objectives of the Court. The Director also has responsibility for the development of strategic external relationships that promote and position the child dispute services of the Court within the family law framework.

Executive Director Client Services

The Executive Director Client Services is responsible for the delivery of client services in all family law registries. The Executive Director ensures that high-quality registry services and support are provided to all judicial officers, litigants and legal practitioners, consistent with the strategic and business objectives of the Family Law Courts (the Family Court of Australia and the Federal Magistrates Court).

Stephen Andrew was the acting Executive Director Client Services at 30 June 2009.

Executive Director Information, Communication and Technology Services



Stephen Andrew, Executive Director Information, Communication and Technology Services

The Executive Director Information, Communication and Technology Services provides strategic vision, leadership and management of the Court's communication, applications, information management, infrastructure and statistics services.

Executive Director Corporate



Grahame Harriott, Executive Director Corporate

The Executive Director Corporate provides strategic leadership and management of the Court's human resources, property and contracts, finance, budgets and business improvements and procurement and risk management.

Judicial committees

Chief Justice Bryant maintains a collegiate style of governance, and the judicial officers of the Court meet annually or more often if required in plenary. In addition, judicial officers participate in a number of committees that develop policies across a range of matters.

Chief Justice's Policy Advisory Committee

At the strategic level, the Chief Justice's Policy Advisory Committee is the highest policymaking body within the Court. The committee's primary role is to support the Chief Justice in the administration of the Court and to provide strategic advice and policy direction, particularly in relation to legislative, procedural and administrative changes likely to affect the Family Court and its users.

Chaired by the Chief Justice, the committee meets quarterly and comprises:

- Deputy Chief Justice Faulks
- Justice Finn
- Justice Strickland
- Justice Watts
- Justice Ryan
- Justice Cronin
- Justice Murphy
- Chief Executive Officer (Richard Foster)
- Principal Registrar (Angela Filippello)
- Director Child Dispute Services (Dianne Gibson).

A number of standing judicial committees are also active in providing high-level policy advice in specialised areas. Meeting regularly or as required, they include:

- Rules Committee
- Judicial Development Committee
- Law Reform Committee
- Benchbook Committee
- Judicial Remuneration Committee
- Magellan Committee
- National Case Management Committee
- Property Management Committee
- Research and Ethics Committee
- Costs Committee
- Cultural Diversity Committee
- Family Violence Committee
- Information and Communication Technology Committee
- Superannuation Surcharge Committee.

For detailed information on the judicial committees of the Court, see Appendix 8.

Judicial committee highlights

This section summarises highlights of the work of some of the judicial committees during 2008–09.

Rules Committee

The Rules Committee worked on a number of projects, including significant amendments to the Family Law Rules 2004 to support the new trial, case management and docket system, the de facto relationship amendments and amendments to introduce the Initiating Application (Family Law) and Response to Initiating Application (Family Law). The Rules Committee continued its work with the Federal Magistrates Court in identifying areas in which the two courts' rules could potentially be harmonised, such as in service of process, subpoenas and discovery of documents.

Law Reform Committee

The Law Reform Committee identified matters for amendment in family law legislation and provided input in relation to various amendments under consideration. It also considered and, where appropriate, commented on the following:

Legislation

- Vexatious Proceedings Draft Bill
- *Family Law Amendment (De facto Financial Matters and Other Measures) Bill 2008*
- *Federal Justice System Amendment (Efficiency Measures) Bill 2008 (No. 1)*
- *Access to Justice (Civil Litigation Reforms) Amendment Bill 2009*

Parliamentary inquiries

- Legislative Council Inquiry into legislation on altruistic surrogacy in New South Wales
- Parliament of Victoria Law Reform Committee Inquiry into Vexatious Litigants

Senate Legal and Constitutional Committee Inquiries

- Access to Justice
- Australia's Judicial System and the Role of Judges

Issues Papers

- Attorney-General's Department review, *Future Governance Options for Federal Family Law Courts in Australia—Striking the Right Balance* ('Semple Review'), August 2008
- National Alternative Dispute Resolution Advisory Council issues paper, *Alternative Dispute Resolution in the Civil Justice System*, March 2009.

Benchbook Committee

The Benchbook Committee completed its detailed commentary on the law of contempt, both generally and in relation to the Family Court. This was made available to the Family Court and Federal Magistrates Court, and to New South Wales magistrates via the NSW Judicial Commission together with the remainder of the benchbook. The contempt paper is now used by the National Judicial College.

The committee completed a detailed commentary and analysis on the Family Law (Child Abduction Convention). This was made available to judges directly and in the benchbook. The committee made

various changes to forms of orders, including material on warrants and notices in respect of the Evidence Act. The committee is endeavouring to harmonise its work with the other committees, such as the Rules and Education committees.

Collaborative committees

Family Law Courts Advisory Group (formerly Family Law Courts Board)

The Family Law Courts Advisory Group has a critical governance role in resourcing both courts and coordinates various administrative relationships between the two courts. The group endorsed the plan to further integrate the administrative structures of the two courts and will oversee the plan's implementation.

The Family Law Courts Advisory Group comprises:

- Chief Justice Bryant (Family Court)
- Chief Federal Magistrate Pascoe (Federal Magistrates Court)
- Justice Watts (Family Court)
- Federal Magistrate Baumann (Federal Magistrates Court)
- Richard Foster (CEO Family Court and acting CEO Federal Magistrates Court)
- Steve Agnew (acting Deputy CEO Federal Magistrates Court)
- Ian Govey (Attorney-General's Department).

Family Law Forum

Chaired by the Chief Justice, the national Family Law Forum meets quarterly to discuss shared issues arising within the family law system.

The forum consists of representatives from the Federal Magistrates Court, the Family Law Council, the Family Law Section of the Law Council of Australia, National Legal Aid, the Attorney-General's Department, the Department of Families, Community Services and Indigenous Affairs, the Child Support Agency, the Australian Institute of Family Studies, non-government organisations and community legal centres.

Joint Costs Advisory Committee

The Joint Costs Advisory Committee comprises representatives of the four federal courts: the High Court of Australia, the Federal Court of Australia, the Family Court of Australia and the Federal Magistrates Court of Australia. At 30 June 2009, the committee comprised:

- Judge of the Family Court of Australia (Justice Benjamin) (Chair)
- Chief Executive Officer and Principal of the High Court (Andrew Phelan)
- Deputy Registrar of the Federal Court of Australia (Philip Kellow)
- Principal Registrar of the Federal Magistrates Court (Adele Byrne)
- Principal Registrar Family Court of Australia (Angela Filippello) (who participates in the committee as an observer).

The committee reviews and recommends variations to the quantum of costs contained in the rules made by federal courts and advises on such other matters relating to those costs as may be referred to it by a federal court.

The Joint Costs Advisory Committee placed advertisements in newspapers and sought submissions from the profession and public in relation to scales of costs. A report was prepared and issued in September 2008. The recommendations of the committee were accepted by the courts, and the scales of costs of the various federal courts were adjusted. The committee is currently reviewing the scales for the current year.

Ad hoc committee – Indigenous Working Group

The Indigenous Working Group was established by the Family Court and the Federal Magistrates Court. Its members are Justice Benjamin and Federal Magistrate Donald, with assistance from the Executive Advisor to the CEO of the Family Court.

The Indigenous Working Group considers:

- the impact of the shift in the provision of services to Indigenous clients previously provided by the Court's Indigenous Family Liaison Officers to Family Relationship Centres
- how to manage applications of parenting orders concerning residence, contact and specific issues as a result of traditional and customary adoption practices by Torres Strait Islanders
- how to meet the needs of Indigenous clients within existing resources, including recommendations as to how the courts can ensure that proper information is provided to this client group, internally and externally
- the development of a joint Reconciliation Action Plan, as required by government, including the identification of the steps the courts will take to build relationships with Indigenous Australians.

The working group commenced in May 2009, and its work so far has been to identify the scope of the work to be undertaken and to begin collecting research data and information. The working group plans to provide a preliminary report in 2009 and a final report in 2010.

Senior management committees

The Chief Executive Officer, Richard Foster, maintains an inclusive style of management. The senior executive managers of the Court meet annually to establish the strategic direction and priorities for the effective administration of the Court. In addition, senior executive managers participate in a number of committees that provide high-level operational and policy advice to the CEO.

Chief Executive Officer's Management Advisory Group

The Chief Executive Officer's Management Advisory Group (formerly the Court Management Group) provides strategic operational policy direction for the Court. The primary objective of the group is to provide operational and policy advice to the CEO on key areas that are likely to be affected by the integration of the administrations of the Family Court and the Federal Magistrates Court.

Chaired by the CEO of the Family Court and acting CEO of the Federal Magistrates Court, Richard Foster, with assistance from the Executive Advisor to the CEO, Leisha Lister, the group meets every six weeks and comprises:

- Acting Deputy CEO Federal Magistrates Court
- Executive Director Information, Communication and Technology Services (Family Court)
- Acting Executive Director Client Services (Family Court)
- Regional Registry Manager (Family Court)
- Regional Manager (Federal Magistrates Court)



Chief Executive Officer's Management Advisory Group

- Executive Director Corporate (Family Court) and acting Chief Finance Officer (Federal Magistrates Court)
- Communication Manager (Federal Magistrates Court).

A number of administrative committees are also active at this level and provide high-level operational and policy advice. Meeting on a regular or ad hoc basis, they include:

- Audit and Risk Committee
- National Consultative Committee
- Staff Development Committee.

For detailed information on the senior management committees of the Court, see Appendix 8.

Senior management committee highlights

This section summarises highlights of the work of senior management committees during 2008–09.

Chief Executive Officer's Management Advisory Group

In 2008–09, the Chief Executive Officer's Management Advisory Group focused on providing operational and policy advice to the CEO on areas affected, or likely to be affected, by the integration of the administrations of the Family Court and the Federal Magistrates Court.

The group also vetted new policy initiatives and reviewed Court policies, including policies on email, the website, privacy, BlackBerry and other telecommunications, discrimination, litigation involving protected persons, staff as litigants, gifts and benefits, drugs and alcohol, and fraud.

Audit and Risk Committee

The Audit and Risk Committee considered a range of issues during the year, including the Court's internal audit plan, strategic risk and fraud risk treatments, and oversight of the Australian National Audit Office and internal audit report recommendations.

National Consultative Committee

The National Consultative Committee met twice during the year. An extensive ballot was conducted to fill positions on the committee that were vacant due to the retirement of members. The major focus of the meetings was discussion about the review of the Family Law Courts and the likely impacts on staff.

Staff Development Committee

In 2008–09, the Staff Development Committee supported a range of learning and development programs, including managing employee performance through the Performance Development System, managing recruitment and selection as a panellist, electronic record-keeping (Objective), briefings about the new de facto legislation, project management (Prince 2) and a number of staff exchanges between registries.

In addition, the Staff Development Committee proposed new software that would allow the recording and viewing of major presentations by the Chief Justice and the CEO by all staff via email. The committee's prime objective was to work with the information technology area to introduce software that would promote the major achievements of staff, including the Janet Kitcher Excellence in Performance Award and milestones such as the years of service awards.

Corporate and operational planning and associated performance reporting and review

At 30 June 2009, the Court employed 638 ongoing and non-ongoing employees in offices all around Australia.

Guidance for these staff is contained in the following documents, which are available to all staff on the Court's intranet:

- Strategic Plan
- administration policies and procedural documents including guidelines, procedures and manuals from the Finance, Human Resources and Information, Communication and Technology areas
- APS Values and Code of Conduct
- Corporate Plan and business area plans (for the National Support Office)
- Service Charter and the Family Law Registries National Business Plan 2008–2010 (for family law registries)
- case management policies and manuals related to the management of family law cases from the Chief Justice, Principal Registrar and Child Dispute Services (for family law registries).

The Court's geographically dispersed staff and judiciary are informed of significant changes and events through the following:

- Chief Justice's e-messages—emails from the Chief Justice to all staff and the judiciary
- CEO e-messages—emails from the CEO to all staff
- Chief Executive Instructions—the official mechanism by which the CEO communicates and directs the Court's compliance with the *Financial Management and Accountability Act 1997*
- Client service advices—from the Executive Director Client Services to all client service staff working in a registry
- *Courtside*—an internal staff newsletter issued in February, May, August and November; the primary vehicle for sharing information and celebrating the achievements and successes of court staff, including columns from the Chief Justice and the CEO



Courtside

- *eCourtside*—an electronic publication distributed to all staff via email in April, July and October; a news supplement that issued in between regular *Courtside* issues.

Internal audit

The Court has, as part of its corporate governance arrangements, appropriate mechanisms to manage general business risk as well as fraud risk.

The Court's internal audit services were provided by Oakton Services Pty Ltd and monitored by the Audit and Risk Committee.

The 2008–09 Internal Audit Plan was developed taking into account the risk drivers in the Risk Management Plan and after discussion with the Audit and Risk Committee and the senior management team.

Internal audits conducted during the year included:

- physical file security
- property management
- procurement
- contract management
- service desk and incident management
- information technology systems security
- risk management review.

Reviews that were part of the 2007–08 internal audit plan and finalised during the year included:

- compliance certificate sampling
- information technology change and release management
- follow-up audit of previous audit recommendations
- travel arrangements
- recruitment performance.

The Court's Audit and Risk Committee monitored the implementation of individual audit report recommendations generated as part of the above mentioned audits, through quarterly status reports.

Risk management

The Court promotes a culture which supports the identification, analysis, assessment, treatment, monitoring and review of all strategic, operational, compliance and financial risks. This is supported by the Court's Risk Control and Compliance Framework—a risk management approach grounded in the Australian/ New Zealand Risk Management Standard (AS/NZS 4360:2004).

The Risk Control and Compliance Framework provides policies, procedures and tools to promote effective risk management. The framework is available to all Court staff on the intranet for the principal purpose of achieving better services and outcomes for judicial services, clients and staff.

The Court continued to participate in the annual Comcover benchmarking survey, which measures risk and assesses the extent of cultural change within agencies. The Court's overall result continued to improve, reflecting the implementation of the Risk Control and Compliance Framework.

As a result of the outbreak H1N1 human influenza, the Court's Business Continuity Plan—Human Influenza Pandemic was updated and regularly reviewed during the course of the outbreak.

Financial risk

The Court manages financial risk in accordance with the Risk Control and Compliance Framework. The relevant mechanisms are:

- risk assessments for annual business plans
- risk assessments for identified projects
- Chief Executive Instructions (CEIs) available to all staff on the intranet
- monthly financial reports to the CEO's Management Advisory Group and oversight by the Audit and Risk Committee.

Fraud prevention and control

The Court's Fraud Control Plan 2007–09 complies with the *Commonwealth Fraud Control Guidelines 2002*. The Audit and Risk Committee has received reports on the implementation status of fraud risk treatments.

The Court has in place fraud investigation, reporting and data collection procedures that meet the needs of the Court and comply with the *Commonwealth Fraud Control Guidelines*.

In May 2008, the Court's Risk Team, in conjunction with the internal auditors, developed a training package on fraud which was designed primarily to increase fraud awareness across the Court. The training, which was rolled out to all Court staff from September 2008, was provided by the Court's in-house trainers and the Risk Team. A copy of the fraud awareness training material has been uploaded to the Court's intranet for access by staff commencing at the Court.

In conjunction with the fraud awareness training, the Risk Team undertook a mailout of the Australian National Audit Office's *Fraud Control in Australian Government Agencies Better Practice Guide* (2004) to all Court locations and provided a desktop aid on fraud prevention.

No instances or allegations of fraud against the Court were reported in 2008–09.

Fraud control certification

In accordance with guideline 2.8 of the *Commonwealth Fraud Control Guidelines 2002*, issued by the Minister for Justice and Customs, pursuant to Regulation 19 of the *Financial Management and Accountability Regulations 1997*, I hereby certify that I am satisfied that:

- The Family Court of Australia has prepared fraud assessments and has in place a fraud control plan that complies with the Guidelines.
- Appropriate fraud prevention, detection, investigation and reporting procedures and process are in place.
- Annual fraud data has been collected and reported that complies with the Guidelines.

A handwritten signature in black ink, appearing to read 'Richard Foster'.

Richard Foster, PSM
Chief Executive Officer
Family Court of Australia
August 2009

ETHICAL STANDARDS

The Court's Strategic Plan states that integrity, respect and responsiveness underpin its approach to business. The Australian Public Service (APS) Values and Code of Conduct contained in the *Public Service Act 1999* apply to all employees of the Court.

In 2008–09, the Court reviewed its comprehensive policy on the use of electronic facilities, including email, the internet, BlackBerry technology and other telecommunications.

The Court also reviewed its policy on privacy, discrimination, litigation involving protected persons, staff as litigants, receiving gifts and benefits, and fraud. The Court maintains an ongoing information and education campaign to ensure that all staff are aware of their rights, responsibilities and obligations.

The Court's Research and Ethics Committee considers, monitors and overviews all research and evaluation proposals (internal and external) for approval (see Appendix 8).

INTERNAL AND EXTERNAL SCRUTINY

External scrutiny

Reports by the Auditor-General

The Auditor-General made no report specific to the Family Court of Australia during 2008–09.

Administrative Appeals Tribunal

On 21 May 2009, the Administrative Appeals Tribunal made orders settled by consent to finish the long-running matter of *Bienstein* and the Family Court of Australia.

The case was a freedom of information matter in which an application was made for case management records. It had been the subject of proceedings in the Federal Court and was remitted back to the Administrative Appeals Tribunal for further determination. The tribunal further remitted the matter back to the Court, which made a reviewable decision granting the applicant access to all documents identified as responding to the request.

The matter continued for some months more, in the course of which additional document searches were conducted. The terms of settlement incorporated the further searches. The case has significance because it means that access to the records of the Court relating to individual cases are not, as had previously been thought, automatically and exclusively governed in all respects by the Court through rules made by the judges concerning the practice and procedure of the Court. Depending on the circumstances, such issues may be determined by an arm of the executive government.

Commonwealth Ombudsman

The Commonwealth Ombudsman made no report specific to the Family Court of Australia during 2008–09.

Commonwealth Ombudsman report no 09/2009 'Delays in preparation of Heritage Strategies by Australian Government agencies', June 2009

In May 2008, the Commonwealth Ombudsman commenced an own motion investigation into the reasons for delays by Australian Government agencies in complying with s 341ZA of the Environment Protection and Biodiversity Conservation (EPBC) Act.

Section 341ZA of the Act requires each Australian Government agency which owns or controls one or more places to prepare a written heritage strategy for managing the place or places, in order to identify and conserve their heritage values.

A copy of the strategy must be given to the relevant Minister as soon as practicable, and in any event within two years of the later of the commencement of s 314ZA, or the date that the agency first owns or controls such a place. Section 341ZA commenced on 1 January 2004. Agencies were therefore obliged to finalise their heritage strategies, in relation to places they owned or controlled on that date, by 1 January 2006.

The Family Court of Australia was contacted by the Ombudsman in late June 2008 on the basis it was believed that the Court controlled at least one Commonwealth Heritage place, but had not yet submitted a heritage strategy.

In July 2009 the Court advised the Ombudsman that it had reviewed the requirements of the EPBC Act and confirmed that the Court did not own or control any places as defined in s528 of the EPBC Act. The Family Court of Australia was therefore not required to prepare a heritage strategy, however the Court will continue to monitor its property arrangements to ensure compliance with the EPBC Act.

Family law services review

In March 2008, the Attorney-General announced a review of the administration and delivery of family law services by the Family Court and the Federal Magistrates Court. Mr Des Semple of Des Semple and Associates was appointed by the Attorney-General, in consultation with his department, to report to him. Over the ensuing 12 months, submissions were called for and obtained, including a submission from the Family Court of Australia.

The Attorney-General then released a discussion paper, *Future Governance Options for Federal Family Law Courts in Australia—Striking the Right Balance*, in November 2008, and further submissions were obtained.

In May 2009, the Australian Government released its decision on the future of the courts. The Attorney-General announced that the government proposes to merge the Federal Magistrates Court with the Family Court and the Federal Court.

The arrangement will create a second division within these courts. By the end of the 2008–09 financial year, the government was preparing legislation to facilitate the merger and was working towards having legislation in place in the first part of 2010.

Independent review of the Australian Government's use of ICT

In April 2008, the Family Court was asked to prepare a submission as part of the Review of the Australian Government's Use of Information



and Communication Technology (ICT). The submission covered information on the role of the Court and its strategic priorities, and how they inform ICT strategy and investments.

Sir Peter Gershon, who led the review, provided the Minister for Finance and Deregulation with his report in August 2008, and in November 2008 the government endorsed the recommendations of the review in full and initiated the ICT Reform Program.

The main impact of the Gershon review on the Family Court in the 2008–09 financial year was Recommendation 5.3.1:

... agencies with total annual ICT spend between \$2 million and \$20 million to achieve a 7.5% reduction on average of their business as usual (BAU) from 2007–08 actuals. The introduction of this reduction should also be phased, with a 2.5% average reduction in the first year, the balance in the second year and aggregate 7.5% reduction sustained in subsequent years.

The Family Court provided details on 2007–08 actual BAU costs to the ICT review team in February and March 2009. This was used to calculate the BAU figure for the calculation on the 2.5 per cent reduction in the BAU ICT funding for the 2009–10 financial year.

The other impact of the Gershon review on the Family Court was recommendation 5.3.2: 'Develop common metrics and conduct benchmarking'.

The Family Court provided detailed benchmarking information on all aspects of the costs, resources and capabilities of the Court's ICT environment. This activity will be undertaken on an annual basis. The information will be used for conducting inter-year comparisons of ICT expenditure for the Family Court. It also provides a basis for interagency cost and capability comparisons with other Australian Government organisations of similar size.

Senate estimate committee hearings

Senior Executive Service staff of the Court attend Senate estimate committee hearings to answer questions about the Court's activities. In 2008–09, 32 Senate estimate questions on notice were received and answered.

External evaluations

Integrated Client Service Delivery Program evaluation

Evaluation of the Integrated Client Service Delivery Program was completed during 2008–09. Three main evaluation methods were used to assess the implementation of the program.

An independent evaluator, Colmar Brunton Social Research, conducted a major evaluation, including telephone surveys and interviews with clients, staff and referral agencies, to measure outcomes against key performance indicators up to six months after project delivery.

Training evaluations were held after each training module was completed, and staff focus groups were held in all major sites at critical points throughout the program.

Evaluation feedback indicates that the program has fundamentally shifted how the courts respond to and support clients who need counselling and other support services not available in the courts, but which affect their capacities to interact with the courts and manage their cases in the courts.

National Support Office Health Check

In March 2008 PricewaterhouseCoopers undertook a 'health check' of functions and reporting arrangements of the National Support Office's policy, administrative and corporate services. This was done in the light of the Court's changing role in family law and the forecast budget deficits over the next three financial years. The objective was to identify any opportunities for cost savings and develop recommendations and an implementation plan to provide more effective policy, administrative and corporate support services.

The health check included:

- reviewing the workload and resource requirements, including executive support, for executive members and the CEO
- reviewing the efficiencies of the administrative services provided by Communications, Property and Contracts, Applications, Finance, Family Law Information Service, Budgets and Business Improvement, Infrastructure, Legal Counsel, Statistics, Complaints, Human Resources and the Marshall.

The review found that the services provided are of an acceptable standard to the receivers of the services and are delivered in an efficient manner, especially given the unique culture and environment of the Family Court. The review identified that the National Support Office compared well with those of other public sector organisations of a similar size and nature.

The review identified a number of both short-term and long-term opportunities for cost and operational improvement and made recommendations for the implementation of these improvements and where possible quantified the level of potential cost savings and benefits that could arise from these, in consultation with the relevant stakeholders.

The Court implemented accepted recommendations during 2008–09.

Review of family consultants and registrars

In 2009, the Family Court engaged Des Simple and Associates to estimate the future family consultant service requirements and to review the family consultant and registrar functions as per the following terms of reference:

- Review the current management structure and processes of family consultant and registrar services and advise on the appropriate governance and management structure for the future provision of these services to the Family Court and FMC recognising their separate case management processes and procedures.
- Recommend the future quantum of family consultant and registrar resources for future allocation to the Family Court and FMC on the proportion of the number of cases finalised by both courts.
- Propose management systems that ensure transparent and dedicated allocation of resources to both courts according to the number of case matters finalised.
- Propose the management templates and executive information management reports that accurately monitor case management outcomes according to the predetermined resource allocations.

The reports are due for release in early 2009–10.

Internal evaluations

Child Responsive Program

The Child Responsive Program was implemented nationally in the Family Court of Australia in January 2008. An internal review of the program, looking at its implementation and its effectiveness with less adversarial trial procedures, was conducted in April 2009. At 30 June 2009, the report was with the Chief Justice's Policy Advisory Committee before becoming generally available in early 2009–10.

Information Management

The changing needs of the Court and the work undertaken by the Information Management Section identified a need to restructure the section in mid-2008. The restructure formally recognises and establishes the roles and responsibilities of the section and ensures that the function is visible and understood across the Court. Three new teams are Knowledge and Information Systems; Libraries, Reference and Research Services; and Webmaster.

After-hours service

From February 2009, the National Enquiry Centre (NEC) took over the Family Law Courts' after-hours service from the Marshall's Office. The after-hours service starts after all registries have closed and is limited to:

- the family law jurisdiction in circumstances where there is risk of a child being removed from Australia before the next working day, or
- use by lawyers where there is a risk of dissipation of assets from the jurisdiction before the next working day.

Review of client services

In late 2008, a review of client service functions in registries began. The review aimed to investigate the impact on registry services of the significant growth of the Federal Magistrates Court, on the basis that this growth may have led to inefficiencies, overlap and duplication of work between the family law registries and the Federal Magistrates Court chambers.

The final report was released in March 2009. The recommendations have been implemented and have led to improvements in the efficiency and effectiveness of registry services to litigants and the judiciary.



The new information management team

Single administration

In April 2009, the CEO's Management Advisory Group advised the CEO on key areas of court work that are likely to be affected by the integration of the administration of the Family Court of Australia and the Federal Magistrates Court.

From May 2009, key areas of work were identified for review in order to meet budgetary requirements and to identify areas of duplication. These areas include:

- registry management structures and duplication of administration
- resource planning model and management structures of family consultants, registrars and client services
- transcription services
- interpreter services
- security arrangements
- national support office costs
- court-wide travel costs
- court officers and case coordination
- Regulation 7 report writers
- property leasing
- circuits
- child care arrangements.

The outcomes of the internal reviews of these work areas will be implemented in 2009–10.

MANAGEMENT OF HUMAN RESOURCES

An overview

In 2008–09, the Court's human resources function continued its focus on providing strategic and operational support to the Family Court's business units, including its registries.

The main human resources management pillars included organisational change management, recruitment, workforce planning and development, remuneration and performance management, workplace relations, payroll services and occupational health and safety.

The role of the human resources function was expanded in 2008–09 when the Family Law Courts Advisory Group decided to merge the corporate functions of the Family Court and the Federal Magistrates Court.

The Family Court officially began to provide human resource management services to the Federal Magistrates Court from early 2009. Planning for the transition of payroll and reporting services began in October 2008, and payroll data processing was transferred with the first Court processed pay on 6 February 2009. The transition was challenging, as the transfer involved reconciling two different payroll systems—the Federal Magistrates Court's former Micropay system and the Family Court's Aurion system. The remaining human resource management functions of the Federal Magistrates Court were transferred to the Family Court from 1 April 2009.



Staff at the Parramatta family law registry

The impending announcement of the government's consideration of the Review of the Federal Family Law System slowed progress on the development of the Court's workforce plan. One of the review's key recommendations included the merger of the Court with the Federal Magistrates Court. The Court recognised that such a merger would have a considerable impact on the outcomes of any workplace plan. For that reason, the Court decided not to proceed with further development of its work plan while it awaited the government's announcement, including the promulgation of any new structure.

Workforce planning, retention and turnover

Workforce planning

After the announcement in March 2009 of the merging of the administration of the Family Court and the Federal Magistrates Court, considerable work was done to establish the people management framework and related strategies appropriate to the needs of the merged workforce. It is expected that the workforce plan will be completed in the first half of 2009–10 and will provide strategic direction to ensure that the two courts continue to be well placed to deliver their core business objectives.

The new workforce plan will build upon workforce planning initiatives outlined in the Family Court Registries National Business Plan 2008–10, including:

- ensuring that all eligible staff have in place Performance Development Plans aligned with the strategic objectives of both the Family Court and the Federal Magistrates Court
- putting in place strategies to ensure that staff turnover rates and staff absences are within APS best practice parameters
- developing and regularly reviewing effective recruiting and staffing strategies.

Reports of key resource management metrics and statistics generated by the Court's management information system continued to be valuable tools to assist the senior management team, including the CEO's Management Advisory Group, in evaluating workforce performance and addressing the significant challenges presented by issues such as workforce ageing and ongoing skills shortages.

The Court's policy responsibilities impel it to take a leadership role in demonstrating the value of diversity in the workforce. As an employer, the Court is committed to promoting equity in employment and supporting an inclusive, safe, productive and fair workplace that is free from discrimination and harassment.

The Family Court has a longstanding and ongoing commitment to ensuring that the needs of Aboriginal and Torres Strait Islander clients are recognised and are appropriately and satisfactorily met. The Court also recognises that having Indigenous employees that represent the diversity of the Australian community gives the Court greater scope to provide its Indigenous clients with uncompromising, quality client service. To that end, an Indigenous Employment Strategy is being developed to encourage more Indigenous Australians to seek employment with the Court, and thereby to help close the gap in employment outcomes between Indigenous and non-Indigenous Australians. The Indigenous Employment Strategy is expected to be in place during the first half of 2009–10.

The Court also recognises the significant contribution made by mature-aged employees in the workplace. Accordingly, the Court encourages the use of flexible working arrangements available under the Collective Agreement relating to the balance between work and home life as a means to retain mature-aged employees beyond normal retirement age or to assist them in the transition to retirement.

Retention strategies

Strategies to support the wellbeing of staff and to encourage staff retention are an integral part of the Court's commitment to workplace diversity. They include the following options, benefits and initiatives.

Balancing work and personal life

The Court recognises the need to balance its operational needs with the personal lives of staff. Its employment arrangements offer staff flexible working arrangements, including flex time, time off in lieu, part-time work, working from home opportunities, overtime, purchased leave, maternity leave, salary sacrifice arrangements and paid time off work between Christmas and New Year.

A safe and healthy work environment

The Court provides a family friendly and non-discriminatory work environment with strong policies against harassment and bullying. Other healthy work environment strategies include an employee assistance program that provides free professional counselling to employees, an employee wellbeing program, free annual influenza vaccinations and free eyesight testing, including reimbursement up to a set maximum amount where spectacles are prescribed specifically for screen-based equipment.



Chief Justice Bryant with one of the winners of the 2009 Australia Day Medallion, Dominik Fabjanowski



CEO Richard Foster presenting Bob Gregory with his 30 years of service certificate

Rewards and recognition

Recognition of staff in the form of positive feedback and celebration of achievement is an important part of the Court's culture and business practice. The Court's reward and recognition scheme—the Janet Kitcher Excellence in Performance Award, Australia Day Medallions and Years of Service awards—provides a framework of non-cash awards to recognise and reward employees for the achievement of corporate goals.

Workforce turnover

During 2008–09, 93 employees and judicial officers left the Family Court. Of those, 33 were non-ongoing and 56 were ongoing employees. The number of ongoing employees leaving the Court represented an annual turnover rate of 8 per cent of staff numbers at 30 June 2009 (see Table 8.8 in Appendix 2).

Staffing profile

At 30 June 2009, the Family Court had a workforce of 638 employees (excluding judicial officers, the CEO and casual employees) covered by the Family Court of Australia Collective

Agreement 2007 or Australian Workplace Agreements (AWAs). At the same time in 2008, the Court had a total of 637 employees, or one fewer employee. Tables 8.2 to 8.6 in Appendix 2 provide a breakdown of staff by location, gender, attendance status (full-time or part-time), and ongoing and non-ongoing employment status.

Judicial officers

At 30 June 2009, the number of judges, including the Chief Justice, was 35. There were 13 female and 22 male judges in the Court. Additionally, there were two male judicial registrars. Table 8.7 in Appendix 2 relates to judicial officers.

The remuneration arrangements for all judicial officers and the CEO are governed by enforceable determinations of the Remuneration Tribunal. Further details, including relevant determinations, are available at www.remtribunal.gov.au.

Agreement making

Collective agreement

The Court's collective agreement continued in operation over the reporting period. The agreement has a nominal expiry date of 30 June 2010.

The number of employees covered by the collective agreement at 30 June 2009 was 597. Table 8.9 in Appendix 2 gives details of those employees by number, classification and gender. Table 8.12 lists employee numbers by classification and pay rates.

Other agreements

Offers of AWAs to Family Court employees ceased from 13 February 2008, in accordance with the Australian Government Employment Bargaining Framework. However, 41 employees have enforceable AWAs in place. Table 8.11 in Appendix 2 sets out the AWA minimum and maximum salary ranges by classification.

In some limited cases, the Court has used common law agreements to provide supplementary conditions of employment for individuals covered by the Family Court Collective Agreement and determinations made by the agency head under section 24 of the *Public Service Act 1999*, to build upon existing AWA arrangements. The number of employees whose employment arrangements are governed by enforceable common law contracts is six. The number of employees whose employment arrangements are governed by determination 24 instruments is 41. Table 8.10 in Appendix 2 provides details of the numbers of employees covered by other agreements, by classification and type of agreement.

Relationship between agreements

Terms and conditions of employment in the Family Court are governed by one or more of the following industrial agreements:

- the Family Court of Australia Collective Agreement 2007, covering all non-SES employees except those on AWAs
- AWAs, although no new offers of AWAs have been made since 13 February 2008
- individual determinations made under s. 24(1) of the Public Service Act
- individual common law contracts.

The collective agreement is a comprehensive agreement; however, it may be supported, in respect of certain individuals, by either a s. 24(1) determination or a common law contract to provide additional terms and conditions (for example, as a way of retaining high-value employees).

AWAs may also be supported by individual s. 24(1) determinations or common law contracts to provide for pay increases or additional terms and conditions, including non-salary benefits.

Senior Executive Service remuneration

Terms and conditions for the Family Court of Australia's SES employees are contained in AWAs and individual s. 24(1) determinations made by the CEO. SES salaries are benchmarked against other public sector agencies and take account of the Court's budgetary position. The financial statements in this annual report contain further information on SES remuneration.

Non-salary benefits

Non-salary benefits provided by the Court to employees include:

- motor vehicles
- car parking
- superannuation
- access to salary sacrificing arrangements
- computers, including home-based computer access
- membership of professional associations
- mobile phones
- studies assistance
- leave flexibilities
- workplace responsibility allowances (for example, first aid, fire warden, community language)
- airline club memberships.

Performance pay arrangements

The Court has not entered into any performance pay arrangements with its employees. No employee received performance pay during 2008–09.

Learning and development

The Family Court's Staff Development Committee continued its focus on providing learning and development opportunities to all staff.

The Family Court's Performance Development System (PDS) is the main vehicle for addressing the individual learning and development needs of staff. Managers and staff continued to be encouraged to work together to identify appropriate learning and development opportunities from a wide variety of programs including those unique to the Court including the staff exchange program, committees such as the new Young Employees Advisory Group and a new tertiary study program at the University of Canberra leading to attainment of a Bachelor of Social Science (Justice Studies) degree.

Training is available by e-learning or through internal or external training providers. Courses range from half-day to tertiary length study arrangements, according to identified needs and management priorities.

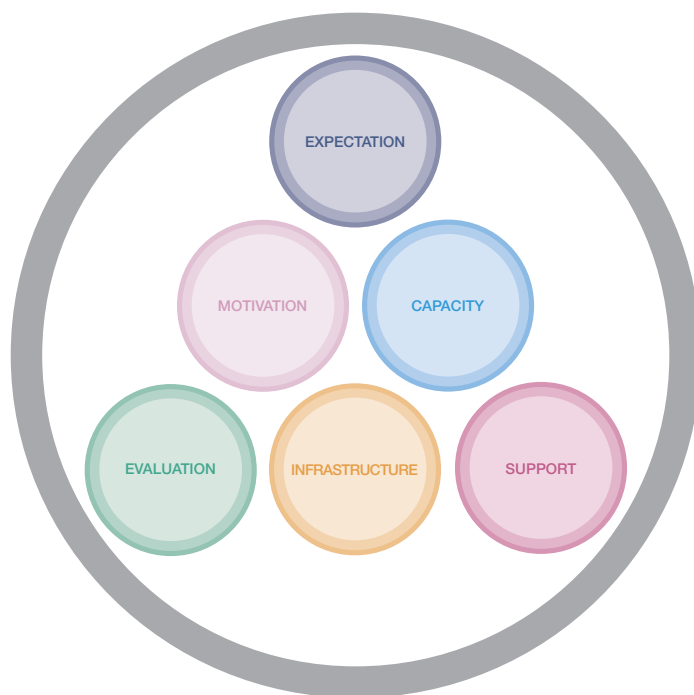
Performance Development System

The Court's Performance Development System underpins the Court's capacity to achieve its mission by enhancing individual capabilities and aligning individual values and behaviours with shared corporate values and behaviours. Participation in the system is mandatory for all employees except probationers. A key aim of the system is to ensure that managers and employees clearly understand their job responsibilities and performance expectations. It also seeks to ensure that performance issues are identified and addressed in a timely way.

The Performance Development System outcomes also inform whether employees are eligible for salary advancement under the terms of their employment arrangements.

In the last year, a sizable investment was made by the Court when it delivered a training program to refresh the performance management skills of staff and managers. The training program was delivered in all the major registries including some regional registries, and in the National Support Office.

The Court's overall compliance rate with the Performance Development System for the year was 85 per cent.



Performance Development System- dimensions

OCCUPATIONAL HEALTH AND SAFETY

The Family Court promotes a proactive workplace where health and wellbeing are valued and supported by the Court's leadership at all levels. This is reflected in the joint Statement of Commitment entered into by the chief executive officers of Comcare and the Family Court to assist the Court to meet its occupational health and safety and rehabilitation performance improvement targets. The Family Court's demonstrated commitment to the health and wellbeing of its staff is also reflected in the Occupational Health and Safety Agreement, developed through consultation between the Court, its staff and the Community and Public Sector Union. The agreement recognises that all the parties have a common goal—to reduce the incidence of workplace illness and injuries.

The Court remains committed to the following Comcare targets:

- a reduction in workplace injuries
- nil fatalities
- a reduction in the actual number of weeks lost due to injury or illness
- a reduction in the average number of weeks taken for return-to-work activity to begin.

The Court's occupational health and safety employee benefits include advice on ergonomic workstations, provision of ergonomic furniture, access to a free employee assistance program, annual influenza vaccinations, eyesight testing, access to peer support officers, first aid officers and harassment contact officers.

The Court's local occupational health and safety committees continued to meet throughout 2008–09. Representatives from all regions attended the National Occupational Health and Safety meeting held in Canberra during the year. The Court's Health and Safety Management Arrangements were discussed at the national meeting. There was also wide consultation with staff on the arrangements.

The Court continued to manage its workers compensation cases actively throughout the year.

Table 6.1 compares the Court's Comcare premium rate with the average rate for similar agencies.

Table 6.1 Comcare premium rates, 2005-06 to 2009-10

	2005-06	2006-07	2007-08	2008-09	2009-10
Family Court of Australia	2.22%	1.95%	1.92%	1.48% ^a	1.59%
All agencies combined	1.77%	1.77%	1.55%	1.35%	1.25%
Variance	0.45	0.18	0.37	0.18%	0.34%

a The rate for 2008–09 was recorded in the 2007–08 annual report as 1.54%. Comcare advised a revision from 1.54% to 1.48% after the 2008–09 annual report was finalised for publication.

Employee assistance program

The Court's employee assistance program provides a free, confidential counselling service to Court employees experiencing personal or work-related problems, and to their immediate families. The service also provides a telephone advisory service for managers.

In 2008–09 Converge International was selected as the Court's new employee assistance program provider. Converge International manage the program and provides generic data to the Court to guide the development of wellbeing strategies.

Converge International conducted a series of presentations to staff in all the major registries and at the National Support Office about the services it provides.

Peer support network



Parramatta family law registry

Trained peer support officers from any location can provide assistance as required. There is no restriction on staff accessing officers from outside their immediate work area. All communication with peer support officers is strictly confidential.

Because of the nature of the Court's core business, employees may be exposed to and involved in highly sensitive and stressful situations. The Court has taken a proactive approach to lessen the risk of stress in the workplace by introducing a peer support system within registries and the National Support Office.

The peer support program provides a network of trained staff in the workplace to ensure that skilled support is available for immediate assistance should an individual experience a distressing situation or a difficult event. This program is designed to complement the employee assistance program.

Workplace Essentials

To support staff to achieve a healthy work/life balance, in 2008–09 the Court introduced Workplace Essentials, an online wellbeing tool designed to better manage work and personal responsibilities. It provides information and support on issues such as managing stress, balancing work and personal life, child care, elder care, parenting issues and many more. Its focus is on providing information about how to care for self, family and employees.

PRODUCTIVITY GAINS

The creation of a single administrative structure for the Family Court and the Federal Magistrates Court was intended to eliminate the duplication of services. It has resulted in a reduction of positions in the National Support Office and registries, producing recurrent employee expenses savings.

The amalgamation of the corporate functions of the two courts has been completed. Registry management structures are now being restructured, which will eliminate duplication and lead to flatter management and reporting arrangements.

Family consultancy and registrar services across the courts will be rationalised. This will produce new structures that meet the courts' need for business practices to better support registries, clients and the judiciary.

Other positive synergies and economies of scale include the sharing of IT and other electronic equipment. This has already eliminated the need for the Federal Magistrates Court to purchase a new human resource information management system, including a payroll system.

COMMONWEALTH DISABILITY STRATEGY

In accordance with the Commonwealth Disability Strategy, the Family Court undertook a number of activities during 2008–09, including the following:

- Through its senior management group and other committees, the Court continued to focus on meeting the needs of staff and clients, including those with disabilities and other special needs.
- The Court's National Occupational Health and Safety Committee developed and implemented a checklist to ensure that the physical needs of staff and clients are being met. For example, the use of the checklist ensures that passageways are kept clear and fire drills take into account the physical needs of staff and visitors.
- The Court's staff induction programs address access and equity in client services, raising the awareness of staff about the need to be flexible and understanding in meeting the needs of all Court users.
- The Court continued to implement initiatives from its Workplace Diversity Plan, the aim of which is to accommodate, as far as possible, the personal circumstances of all staff, including staff with disabilities.

The Family Court is committed to ensuring that its facilities are accessible to all members of the community, including people with disabilities. Building works on existing and proposed buildings will take into account the needs of people with disabilities.

The Court reports on its performance against the core performance role of provider. In addition, the Court reports on its role as an employer through the State of the Service Report survey conducted by the Australian Public Service Commission (see Table 8.14 in Appendix 7).

FINANCIAL MANAGEMENT

The Family Court of Australia is a prescribed agency under the *Financial Management and Accountability Act 1997*.

The Court's 2008–09 budget, as published in the Portfolio Additional Estimates, was \$138.6 million. The Court has reported a surplus of \$0.53 million for the 2008–09 financial year, compared to a breakeven forecast in the Portfolio Additional Estimates Statements 2008–09. This surplus represents only 0.4 per cent of the Family Court's 2008–09 budget.

Figure 6.2 provides a further breakdown of the budget which shows that the Family Court has a significant component of fixed costs (52 per cent) relating to property, judicial officers and their support, and depreciation.

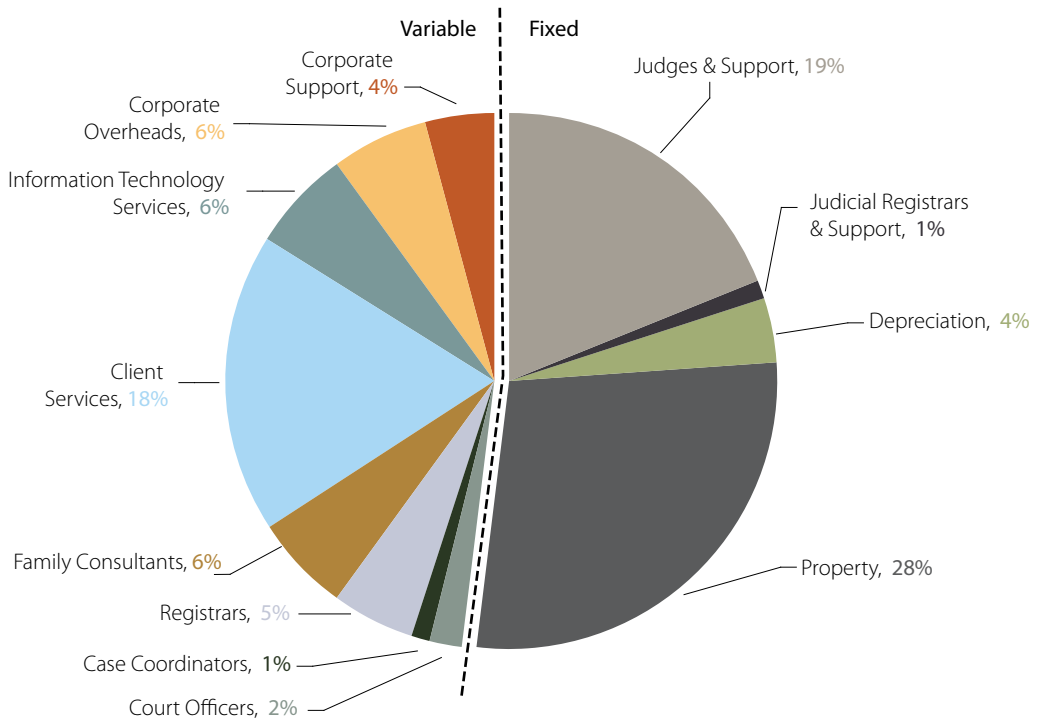
The Court currently provides resources free of charge to the Federal Magistrates Court in accordance with sections 90, 92 and 99 of the *Federal Magistrates Act 1999*. These free resources include the work of Family Court staff for the Federal Magistrates Court and accommodation, including access to court rooms.

From 1 December 2008, the Federal Magistrates Court transferred corporate services functions to the Family Court, including procurement and risk; finance; property; budgeting and reporting; and human resources.

The Court estimates that in 2008–09 the cost of resources provided free of charge was \$20.9 million.

The Court also provides other shared services, including information technology services, accommodation, the work of court staff (family consultants, registrars and registry services) and related depreciation and amortisation (see Figure 6.3).

Figure 6.2 Family Court's expenditure, 2008–09



Judges and support: All employee and supplier expenses directly attributed to judges and their support staff.

Judicial registrars and support: All employee and supplier expenses directly attributed to judicial registrars and their support staff.

Depreciation: All depreciation, amortisation and other expenses associated with asset movements.

Property: Lease rentals for Commonwealth Law Courts and leased premises, and all property operating expenses (such as cleaning, energy, repairs, maintenance and management fees) associated with those premises.

Registrars: All employee and supplier expenses directly attributed to registrars.

Family consultants: All employee and supplier expenses directly attributed to family consultants.

Client services: All employee and supplier expenses directly attributed to client services staff.

Case coordinators: All employee and supplier expenses directly attributed to case coordinators.

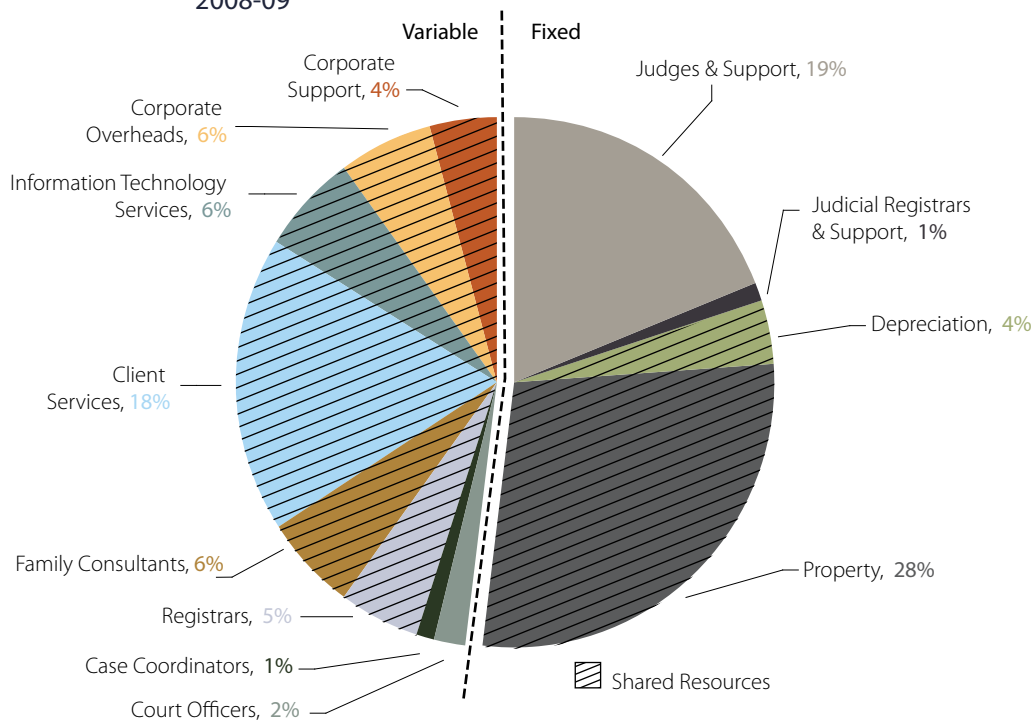
Court officers: All employee and supplier expenses directly attributed to court officers.

Corporate support: All employee and supplier expenses directly attributed to finance, human resources, property services, contract services and the CEO.

Information technology services: All employee and supplier expenses directly attributed to the provision of IT services.

Corporate overheads: Workers compensation and Comcover insurance premiums, fringe benefit tax expenditure, ComSuper management fees, legal and audit fees, corporate salary overheads attributed to registry management, corporate support and IT services staff, and expenditure related to project activity in the Court (some of which is externally funded).

Figure 6.3 Services provided free of charge to the Federal Magistrates Court, 2008-09



PURCHASING, CONSULTANTS AND CONTRACTS

The Court's Procurement and Risk Management Section assists staff undertaking procurement and manages a number of corporate contracts. To ensure compliance with legislative obligations and the *Commonwealth Procurement Guidelines*, the section also manages, or has significant involvement in, all complex procurement undertaken by the Court.

The Chief Executive Instructions, the *Commonwealth Procurement Guidelines* and the Court's Procurement Framework are posted on the intranet as reference material for Family Court staff.

The core policies and principles of the *Commonwealth Procurement Guidelines* were, as far as practicable, adhered to throughout 2008–09. The Court's annual procurement plan was published as required and regularly updated. An appropriate market approach was made for all procurements covered by the guidelines.

Access by the Auditor-General

All contracts let in 2008–09 included a provision for the Auditor-General to have access to the contractor's premises.

Exempt contracts

During 2008–09, no contracts or standing offers were exempted by the Chief Executive from being published in AusTender on the basis that it would disclose exempt matters under the *Freedom of Information Act 1982*.

External consultants

The Court engages external consultants to support Court activities where specialised expertise is not available in house or where an independent assessment or evaluation is required. Table 6.2 shows consultant services contracts of \$10 000 or more let during 2008–09.

During 2008–09, five new consultancy contracts were entered into, involving total actual expenditure of \$120 210.00 (GST inclusive). In addition, four ongoing consultancy contracts were active during 2008–09, involving total actual expenditure of \$167 053.87 (GST inclusive).

Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website (www.tenders.gov.au).

Consultants and competitive tendering

During 2008–09, no contracts were let to other organisations for the delivery of services previously performed by the Court.

Table 6.2 Consultant services contracts of \$10 000 or more let during 2008–09

Consultant name	Description of services	Contract price (inc. GST)	Selection process ^a	Justification ^b
Des Simple and Associates	Future family consultant service requirements	\$31 832	Direct sourcing	C
Des Simple and Associates	Review of family consultants and registrars	\$125 400	Direct sourcing	C
CHW Consulting Pty Ltd	Provision of audiovisual consultancy services	\$65 000	Direct sourcing	B
HBO + EMTB Consulting Pty Ltd	Provision of services relating to Brisbane Space Utilisation Study at North Quay Street, Brisbane	\$77 000	Select tender	B
Housley Consulting	PABX Project negotiations and implementation	\$110 800	Direct sourcing	B,C

^a Explanation of selection process terms drawn from the Commonwealth Procurement Guidelines (December 2008):

Open tender: A procurement procedure in which a request for tender is published inviting all businesses that satisfy the conditions for participation to submit tenders. Public tenders are sought from the Australian Government AusTender internet site.

Select tender: A procurement procedure in which the procuring agency selects which potential suppliers are invited to submit tenders. This procurement process may only be used under certain defined circumstances.

Direct sourcing: A form of restricted tendering, available only under certain defined circumstances, with a single potential supplier or suppliers being invited to bid because of their unique expertise and/or their special ability to supply goods and/or services sought.

Panel: An arrangement under which a number of suppliers, initially selected through an open tender process, may each supply property or services to an agency as specified in the panel arrangements. Quotes are sought from suppliers that have prequalified on the agency panels to supply to the government. This category includes standing offers and supplier panels where the supply of goods and services may be provided for a predetermined length of time, usually at a pre-arranged price.

b Justification for decisions to use consultancy:

A: Skills currently unavailable within the Court

B: Need for specialised or professional skills

C: Need for independent research or assessment

Legal services expenditure

Table 6.3 contains a breakdown of the Family Court's legal services expenditure for the 2008–09 financial year. This is published in compliance with paragraph 11.1 (ba) of the *Legal Service Directions 2005*. All expenditure figures include GST.

Table 6.3 Legal services expenditure

Reportable item	2008–09
Total legal services expenditure	\$211 231
Total external legal services expenditure*	\$34 931
Total number of counsel briefed	1 male
Total number of counsel direct briefed	0
Total value of counsel briefs	\$6325
Total number of disbursements (excluding counsel)	\$119
Total of professional fees paid	\$28 487
Total internal legal services expenditure	\$176 300
Salaries (includes indirect salary costs)	\$139 225
Overheads (includes administration support costs and accommodation costs)	\$37 075
Total costs recovered	0

* Australian Government Solicitor \$34 931

PROPERTY MANAGEMENT

The Family Court is located in shared Commonwealth-owned facilities in Adelaide, Brisbane, Canberra, Hobart, Melbourne, Parramatta and Sydney. The Court also occupies privately leased facilities in Albury, Alice Springs, Cairns, Coffs Harbour, Dandenong, Darwin, Dubbo, Launceston, Lismore, Newcastle, Townsville and Wollongong, and shares the state court facility in Rockhampton.

The most significant property-related activities at various court locations in 2008–09 are detailed in this section.

Melbourne

The client services area on Level 1 was refurbished. This project has improved the configuration of the work areas to better reflect the operational needs of the registry, improved circulation and allowed more natural light into the building. It has also improved the functionality of the client counters and the security of the subpoena viewing area.

Level 14 was refurbished to make more efficient use of the space and to add some functions. The refurbishment upgraded conference room facilities, added meeting space and visiting areas, provided additional chambers for visiting judiciary and senior staff, and upgraded chambers for the Chief Justice and support staff.



Garfield Barwick Commonwealth Law Courts Parramatta

Newcastle

The design of a new courtroom and associated chambers was completed. The new courtroom will increase caseload capacity of the Newcastle registry. A full scoping study and business case for the development of a new 10-court Commonwealth Law Courts building in Newcastle was formally submitted to government in January 2009 for consideration in the 2009–10 Budget, but was deferred to the 2010–11 Budget.

Sydney

Following an accommodation review of the Lionel Bowen Building, design for the refurbishment of Levels 8 and 9 has been finalised. The refurbishment will add chambers to Level 9 for additional and visiting judiciary, and will add a hearing room and conference rooms for use by registrars. This will help to improve the speed with which matters such as divorces can be heard by registrars in Sydney.

Parramatta

The refurbishments of Levels 1 and 3 were completed. The project has improved the main entry, registry counters, client services area, records management, client waiting spaces, subpoena viewing area and accommodation for court officers.

Albury

A refurbishment began in June 2009 and was completed the following month. The work modernised the overall look and feel of the registry and improved security in the registry by giving the onsite guard greater visibility and access to the entire registry. A minor increase in leased space within the premises has improved the registry's functionality.