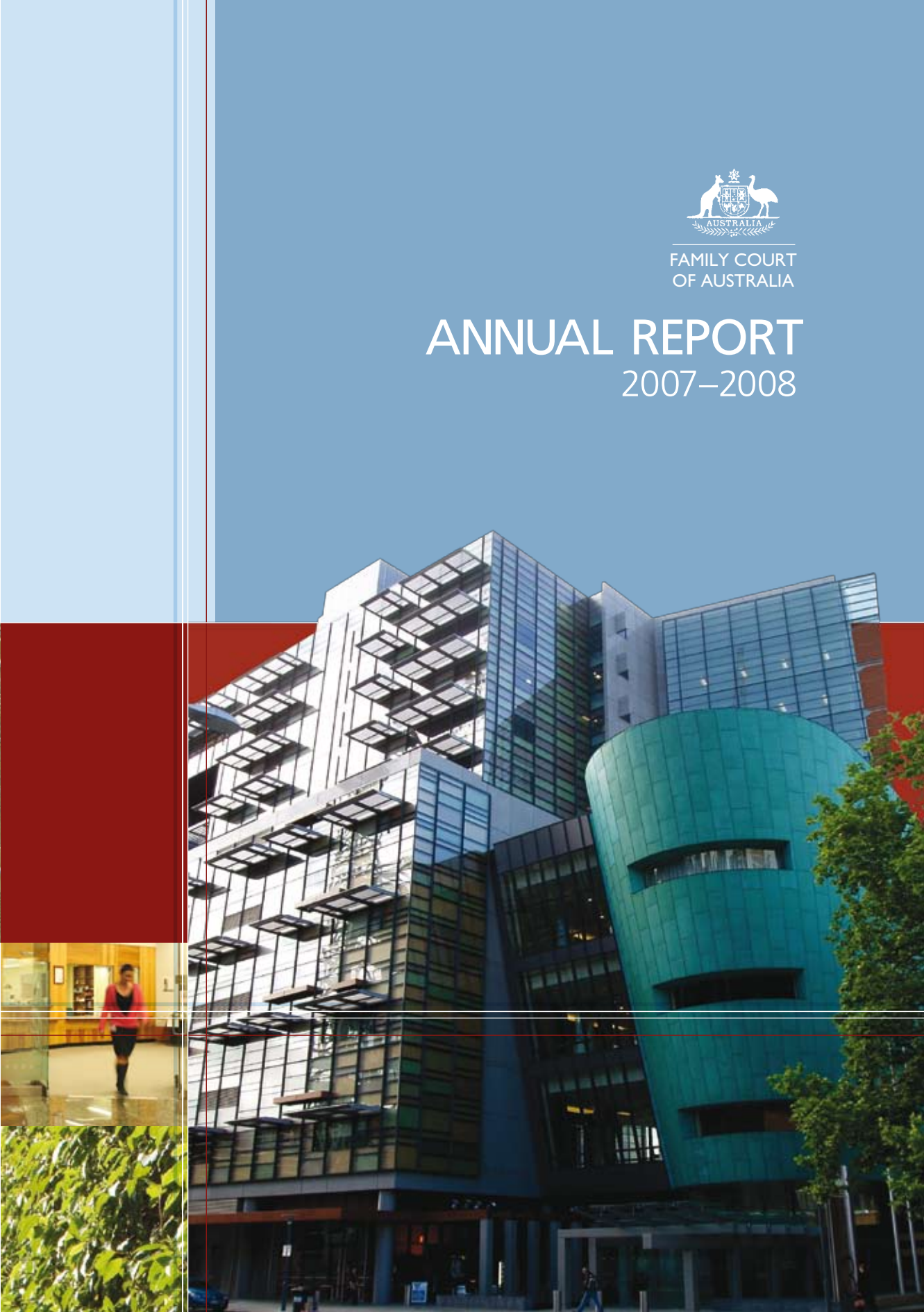




FAMILY COURT
OF AUSTRALIA

ANNUAL REPORT

2007–2008





FAMILY COURT
OF AUSTRALIA

ANNUAL REPORT

2007–2008

Family Court of Australia Annual Report 2007–08

ISSN 1035-9060

www.familycourt.gov.au

This work is copyright. Apart from any use as permitted under the *Copyright Act 1968*, no part may be reproduced by any process without written permission from the Commonwealth. Requests and inquiries concerning reproduction and rights should be addressed to the Commonwealth Copyright Administration, Attorney-General's Department, Robert Garran Offices, National Circuit, Barton ACT 2600 or posted at <http://www.ag.gov.au/cca>.

Acknowledgements

This report reflects the efforts of many people. Special thanks go to the Court staff involved in contributing, coordinating and clearing material, as well as the following specialist contractors:

Design and typesetting - Design Direction

Printing - Bluestar Print

Printed on Impress Silk

made from elemental chlorine free bleached pulp sourced from well-managed forests. It is PEFC certified and is manufactured by an ISO 14001 certified mill using renewable energy sources.



Photographs

Cover photographs

Roma Mitchell Commonwealth Law Courts Building Adelaide

Harry Gibbs Commonwealth Law Courts Building Brisbane

Part photographs

- Part 1 – Owen Dixon Commonwealth Law Courts Melbourne
- Part 2 – Roma Mitchell Commonwealth Law Courts Adelaide
- Part 3 – Roma Mitchell Commonwealth Law Courts Adelaide
- Part 4 – Harry Gibbs Commonwealth Law Courts Brisbane
- Part 5 – Harry Gibbs Commonwealth Law Courts Brisbane
- Part 6 – Owen Dixon Commonwealth Law Courts Melbourne
- Part 7 – Harry Gibbs Commonwealth Law Courts Brisbane
- Part 8 – Nigel Bowen Commonwealth Law Courts Canberra
- Part 9 – Harry Gibbs Commonwealth Law Courts Brisbane
- Part 10 – Harry Gibbs Commonwealth Law Courts Brisbane



FAMILY COURT OF AUSTRALIA
CHAMBERS OF THE HONOURABLE DIANA BRYANT
CHIEF JUSTICE

GPO Box 9991
Melbourne VIC 3001
Telephone: (03) 8600 4355
Facsimile: (03) 8600 4350
e-mail: chief.justice.chambers@familycourt.gov.au

Commonwealth Law Courts
305 William Street
Melbourne VIC 3000

Our ref. CJC-A23.1
Your ref.

15 September 2008

The Hon Robert McClelland MP
Attorney-General
Parliament House
Canberra ACT 2600

Dear Attorney-General

I am pleased to present the Annual Report on the operations of the Family Court of Australia for the financial year ending 30 June 2008.

The report is submitted in accordance with section 38S subsections (1) and (3) of the *Family Law Act 1975*. The Act requires the Family Court to prepare and furnish you with a report of the management of the administrative affairs of the Court during the preceding 12 months.

This is the Family Court's 19th Annual Report,

Yours sincerely

Diana Bryant
Chief Justice

Contents

LIST OF FIGURES AND TABLES	vii
FIGURES	vii
TABLES	viii
READER'S GUIDE	ix
GLOSSARY OF ACRONYMS	xi
PART 1 CHIEF JUSTICE'S REVIEW	1
Case management	3
Work with the Indonesian Religious Court – access and equity study and judicial exchange	3
Less adversarial trial – progress and report on international interest update of system	5
Update on current initiatives	6
PART 2 OVERVIEW OF THE COURT	9
General overview	11
Governance	13
Financial overview	15
Initiatives of the Family Court and Federal Magistrates Court	18
Initiatives of the Family Court, Federal Court and Federal Magistrates Court	19
Initiatives of the Family Court	20
Outside participation	23
Corporate governance	24
Organisational structure of the Family Court	26
Our people	27
Judicial officers of the Family Court	31
Judicial officers of the Family Court of Western Australia	33
Administrative Appeals Tribunal	34
Appointments and retirements	34
Family Court service locations	35
PART 3 REPORT ON COURT PERFORMANCE	37
Performance measurement	39
Output structure and performance	41
Report against current performance measures	46
PART 4 APPEALS	61
Appeal Division	63
Appeals	63
Performance	70
Appeals to the High Court of Australia	71

PART 5	SIGNIFICANT AND NOTEWORTHY JUDGMENTS	73
	Full Court judgments	75
	First instance judgments	85
PART 6	OTHER REPORTING	89
	Management of human resources	91
	Freedom of information	107
	Categories of documents	107
	Service charter	109
	Client feedback and complaints management	109
	External scrutiny	111
	Purchasing	116
	Consultants	116
	Property	118
	Legal services expenditure	120
	Advertising and market research	120
	Discretionary grants	121
	Ecologically sustainable development and environmental performance	121
PART 7	FINANCIAL STATEMENTS	123
	Independent auditors report	126
	Statement by the Chief Executive and Chief Finance Officer	128
	Financial statements	129
PART 8	APPENDICES	175
	Appendix 1 Resources for outcome	177
	Appendix 2 Court committees	178
	Appendix 3 Judicial activities	181
	Appendix 4 Contact details	183
PART 9	GLOSSARY OF TERMS	187
	Glossary of Terms	189
PART 10	INDEXES	193
	Compliance index	195
	Alphabetical index	198

LIST OF FIGURES AND TABLES

FIGURES		
Figure 2.1	Family Court's expenditure	16
Figure 2.2	Services provided free of charge to the Federal Magistrates Court	17
Figure 2.3	Organisational structure of the Family Court – 30 June 2008	26
Figure 3.1	Total applications filed 2007–08	42
Figure 3.2	Applications filed by type of application 2004–05 to 2007–08	43
Figure 3.3	Filed, finalised and pending applications 2004–05 to 2007–08	44
Figure 3.4	Clearance rate for all Family Court cases 2004–05 to 2007–08	44
Figure 3.5	Attrition of cases from filing to finalisation in the Family Court 2004–05 to 2007–08	45
Figure 3.6	Per cent of cases resolved through mediated agreement	47
Figure 3.7	Per cent of cases resolved through mediated agreements finalised within 6 months	47
Figure 3.8	Incoming, finalised and pending consent order applications 2004–05 to 2007–08	48
Figure 3.9	Per cent of consent orders applications finalised within 1 month	49
Figure 3.10	Applications for divorce filed 2003–04 to 2007–08	50
Figure 3.11	Incoming, finalised and pending applications in a case 2004–05 to 2007–08	51
Figure 3.12	Clearance rate of applications in a case	51
Figure 3.13	Per cent of applications in a case finalised within 3 months	52
Figure 3.14	Applications for final orders filed 2004–05 to 2007–08	53
Figure 3.15	Applications by state for final orders filed 2004–05 to 2007–08	53
Figure 3.16	Incoming, finalised and pending applications for final orders 2004–05 to 2007–08	54
Figure 3.17	Clearance rate of applications for final orders	54
Figure 3.18	Time to finalise applications for final orders 2004–05 to 2007–08	55
Figure 3.19	Cases finalised at trial 2004–05 to 2007–08	56
Figure 3.20	Per cent of cases finalised within 6 months of Trial Notice issued	57
Figure 3.21	Legal representation as a percentage of all cases 2004–05 to 2007–08	58
Figure 3.22	Legal representation as a percentage of cases at trial 2004–05 to 2007–08	58
Figure 4.1	Appeals filed, finalised and pending	66
Figure 4.2	Appeals filed by jurisdiction	66
Figure 4.3	Appeals filed by type of finalisation 2007–08	67
Figure 4.4	Appeals finalised by finalisation type and financial year	67
Figure 4.5	Proportion of appeals finalised by finalisation type and financial year	68
Figure 4.6	Issues raised in appeals lodged in 2007–08	69
Figure 4.7	Appellants by gender	69
Figure 4.8	Self represented appellants	70
Figure 4.9	Months to finalise 25 per cent and 75 per cent of appeal cases	70

Figure 4.10	Months to finalise appeals	71
Figure 6.1	Employee satisfaction rating with their Performance Development System discussion 2007–08	102
Figure 6.2	The percentage of employees indicating their awareness of the APS Values and Code of Conduct and the percentage of employees who received performance feedback about their demonstrated workplace behaviours during 2007–08	102
Figure 6.3	Complaint trends	110

TABLES

Table 2.1	Family Court service locations	35
Table 3.1	Performance overview	39
Table 3.2	Total applications filed 2007–08	42
Table 3.3	Mediated agreements performance 2004–05 to 2007–08	47
Table 3.4	Consent orders performance 2004–05 to 2007–08	49
Table 3.5	Applications in a case performance 2003–04 to 2007–08	52
Table 3.6	Time to finalise applications for final orders 2004–05 to 2007–08	55
Table 3.7	Final orders determination phase performance 2003–04 to 2007–08	56
Table 4.1	Notice of Appeals filed, finalised and pending	65
Table 6.1	Workforce turnover	94
Table 6.2	Staffing overview by location	95
Table 6.3	Staffing overview by gender	95
Table 6.4	Staffing overview by attendance	96
Table 6.5	Total number of judges and judicial registrars as at 30 June 2008	96
Table 6.6	Employees covered by the Collective Agreement 2007–10	97
Table 6.7	Employees covered by an AWA	97
Table 6.8	Employees covered by determination 24 arrangements	98
Table 6.9	AWA minimum and maximum salary ranges by classification	98
Table 6.10	Classification structure and pay rates	99
Table 6.11	Premium rates for injuries suffered in 2005–09	104
Table 6.12	Claim frequency (claims per \$M payroll) for injuries suffered in 2004–07	104
Table 6.13	Average (lifetime) claim cost (after capping) for injuries suffered in 2004–07	105
Table 6.14	Reporting requirements under the Act	105
Table 6.15	Performance indicators	106
Table 6.16	FOI requests over last four financial years	107
Table 6.17	Complaint categories	111
Table 6.18	Consultant services contracts let during 2007–08 of \$10 000 or more	117
Table 6.19	Legal services expenditure	120

Reader's Guide

The purpose of this annual report is to inform the Attorney-General, the Parliament, Court clients and the general public about the performance of the Family Court of Australia during the period 1 July 2007 to 30 June 2008, including achievements against the Court's objectives.

This report provides information on the Court's performance in relation to its stated outcome: *Serving the interests of the Australian community by ensuring families and children in need can access effective high quality services.*

Part 1: The Chief Justice's Review – comprises the Chief Justice's overview highlighting significant issues and initiatives the Court has undertaken during the reporting year.

Part 2: Overview of the Court – provides basic information about the Court, including its role, functions, powers, governance, organisational structure, projects, initiatives and planning.

Part 3: Report on Court performance – provides information and commentary on the Court's workload and performance results. This chapter includes information on performance measured against the Court's two output groups: resolution and determination.

Part 4: Appeals – contains statistical and narrative information on the Appeals Division of the Court, including its constitution and general trends in appeals throughout the reporting year.

Part 5: Significant and Noteworthy Judgments – contains summaries of some of the important decisions (Full Court and first instance) made by the Court during the reporting year.

Part 6: Other reporting – provides information on human resource management, the Court's staff and activities relevant to the general administration of the Court.

Part 7: Financial Statements for the year ended 30 June 2008 – contains the audited financial statements of the Court for the reporting year.

Part 8: The appendices include a report on the Court's resources for outcomes, more detailed information on the Court's committees, the activities of the judiciary, particularly the Chief Justice, including participation in conferences and other speaking engagements, and contact details for the Court's registries.

The following tools may assist in finding information in the report:

- ❑ the table of contents at page v
- ❑ glossary of acronyms at page xi
- ❑ glossary of terms at page 189
- ❑ compliance index at page 195, and
- ❑ alphabetical index at page 198.

An electronic version of this annual report is available from the Family Court's website at www.familycourt.gov.au.

Enquiries, comments or requests for more information about the Court's services or this annual report may be addressed in the first instance to:

Communications Office
Family Court of Australia
GPO Box 9991
Canberra ACT 2601

Phone: 02 6243 8690

Fax: 02 6243 8737

Email: communications.office@familycourt.gov.au

Glossary of acronyms

AASB	Australian Accounting Standards Board	IFRS	International Financial Reporting Standards
AIFS	Australian Institute of Family Studies	IT	Information Technology
AIS	Appeals Information System	JC	Judicial Circuit
AM	Member of the Order of Australia	JRC	Judicial Registrar Circuit
ANAO	Australian National Audit Office	LAT	Less Adversarial Trial
AO	Officer of the Order of Australia	MAC	Management Advisory Committee
APS	Australian Public Service	MHSP	Mental Health Support Project
APSC	Australian Public Service Commission	NEC	National Enquiry Centre
ATSI	Aboriginal and Torres Strait Islander	NSO	National Support Office (Canberra)
AWA	Australian Workplace Agreement	PDS	Performance Development System
CA	Collective Agreement	PSM	Public Service Medal
CALD	Culturally and Linguistically Diverse	PSS	Public Sector Superannuation Scheme
CCP	Children's Cases Program	RC	Registrar Circuit
CEI	Chief Executive Instruction	RFD	Reserve Force Decoration
CEO	Chief Executive Officer	SES	Senior Executive Service of the APS
CJ	Chief Justice	SRC	Senior Registrar Circuit
CJPAC	Chief Justice's Policy Advisory Committee	SRL	Self Represented Litigant
CPSU	Community and Public Sector Union		
CRP	Child Responsive Program		
CSS	Commonwealth Superannuation Scheme		
DIAC	(Federal) Department of Immigration and Citizenship		
EAP	Employee Assistance Program		
EL	Executive Level of the Australian Public Service		
FBT	Fringe Benefits Tax		
FC	Family Consultant		
FCC	Family Consultant Circuit		
FCoA	Family Court of Australia		
FCWA	Family Court of Western Australia		
FMAA	Financial Management and Accountability Act 1997		
FMC	Federal Magistrates Court of Australia		
FMO	Finance Minister's Order		
FOI	Freedom of Information		
FRC	Family Relationship Centre		
GST	Goods and Services Tax		
HR	Human Resources		
ICSDP	Integrated Client Service Delivery Program		
IFLO	Indigenous Family Liaison Officer		