



CHIEF JUSTICE'S REVIEW ■



THE CHIEF JUSTICE'S YEAR IN REVIEW

During the year under review, the government changed and on 3 December 2007 the Honourable Robert McClelland was sworn in as Commonwealth Attorney-General.

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.

The purpose of the review is to advise on the governance options likely to achieve a more integrated family law system, including practical changes to the administration and structure of both courts. At the end of the financial year the report had not been released and the government's intentions in relation to the courts will be known in the next reporting period.

CASE MANAGEMENT

In last year's annual report I mentioned that the commencement of Division 12A of the *Family Law Act 1975* and changes to the case management processes of the Court provided impetus for the introduction of individual dockets for judges.

The aim is to have judges involved in establishing the issues which require determination and directing the evidence to be filed to enable determination of the issues.

During the year all Court registries have been focussed on implementing the new case management processes that are structured around the judicial docket.

Rules reflecting these changes have been drafted and the Court is currently consulting with the profession about them in each major location.

The division of the large existing pool of cases into individual dockets is well advanced but it has been the most challenging aspect of the transition.

WORK WITH INDONESIAN RELIGIOUS COURT – ACCESS AND EQUITY STUDY AND JUDICIAL EXCHANGE

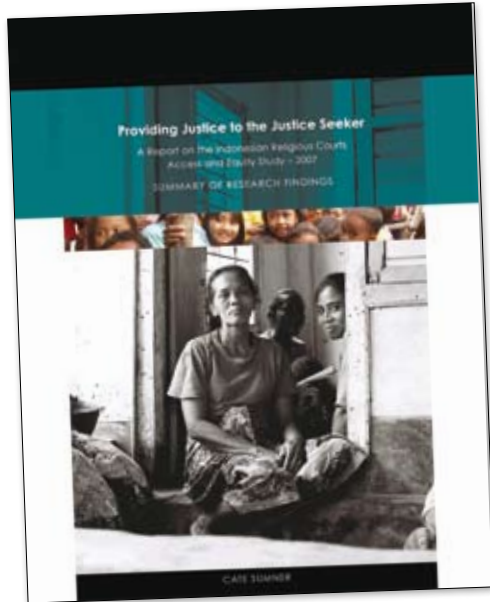
Over the last four years, the Family Court of Australia has worked closely with the Supreme Court of Indonesia and Religious Courts jurisdiction. The Religious Courts have a mandatory jurisdiction for family law and inheritance cases involving Indonesian Muslims. This cooperation is supported by the Indonesia-Australia Legal Development Facility, a joint Indonesian and Australian initiative based in Jakarta and funded by AusAID, which aims to strengthen the capacity of the Indonesian government and civil society to promote legal and judicial reform, access to justice as well as protect human rights.

The Family Court of Australia has provided assistance to both the Supreme Court of Indonesia and the Religious Courts jurisdiction in a number of areas over the last four years.

These include:

Increasing access for the poor to Indonesia's Family Courts

The Family Court assisted the Religious Courts to conduct the first large-scale survey of court users by an Indonesian court. This study aimed to improve access to family law courts for women and the poor in Indonesia. As a direct result of this survey, the Indonesian Supreme Court has now approved a 30-fold increase (approximately \$4M in 2008) in the funds available for the Religious Courts to waive court fees for the poor, increase the number of 'circuit court' hearings in remote locations and provide better information to court users. In February 2008 in Jakarta, the Chief Justice of the Supreme Court of Indonesia and I launched the report on the access and equity survey which has been described as ground breaking. A copy of the report, *Providing Justice to the Justice Seeker*, is available on the Family Court website.



Judicial transparency/publication of judgments

The Family Court provided information to a research team from the Supreme Court of Indonesia on how to anonymise family law cases. This was incorporated in the 2007 practice direction from the Chief Justice of the Supreme Court on court transparency. In the last year, the Supreme Court of Indonesia has published over 4000 judgments and the High Religious Courts over 600 judgments.

IT support for client services

During 2005, a delegation from the Religious Courts visited the Family Court of Australia and resolved to create a Religious Courts website (www.badilag.net) that included the same types of information they saw in Australia. As a result of this ongoing support to the Religious Courts of Indonesia, they now have a comprehensive website and an IT system which enables close to 400 different courts across the archipelago of Indonesia to be in communication with each other and a platform on which to build additional IT services for the Courts.

Enhancing client services

The provision of client services has also been an important focus of the program. In May 2008, a delegation of 21 judges and officials from the Religious Courts spent a week in Melbourne learning about how the Family Court of Australia addresses client service issues. The Family Court of Australia is also assisting the Religious Courts to implement the key research findings of the 2007 *Access and Equity Survey*.

LESS ADVERSARIAL TRIAL – PROGRESS AND REPORT ON INTERNATIONAL INTEREST/UPTAKE OF SYSTEM

The Court is fully committed to handling parenting cases through the less adversarial trial, where appropriate. The less adversarial trial is now the 'default position' for parenting cases across the Family Court. I am delighted with the international interest that our innovative process has generated. The Family Court of New Zealand, for example, has developed a similar program to ours called the Parenting Hearing Programme. It was developed using experience and learning from our program and provides a clear example of the benefits of regional collegiality and comity.

A delegation of three judges from Singapore visited the Court in December 2007 to observe less adversarial trials and the child responsive program, among other things. The Subordinate Courts of Singapore also invited a judge and the Principal Registrar to visit and speak to judges and members of the family law bar on the less adversarial trial process.

In May 2008, the Chief Justice of Singapore announced that the Subordinate Courts of Singapore are conducting a six month pilot of a less adversarial trial program. As part of the preparation for the pilot program, five senior judges will visit Australia and will be attached to the Sydney and Parramatta registries.

The Principal Family Court Judge of the High Court in Hong Kong spent two days at the Sydney registry observing less adversarial trials and expressed interest in implementing something similar.

The Canadian Broadcasting Corporation has commissioned a documentary focusing on alternative dispute resolution in parenting matters. The film makers requested the Court's cooperation and permission to interview me and film a less adversarial trial in progress.

UPDATE ON CURRENT INITIATIVES

During the year, three major initiatives were concluded or launched.

Magellan

The Magellan case management system was evaluated by the Australian Institute of Family Studies. The Institute launched a report of its findings in September 2007.

The report of the Australian Institute of Family Studies found a high level of satisfaction among clients and users. Based on survey responses, the research team formed the view that the system is a significant improvement on the previous procedures.

As a result of the evaluation, the Court will consider issues such as listing practices, national uniformity and the availability of judicial time with a view to further improving the Magellan case-management pathway.



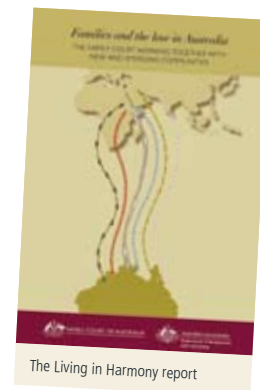
Dr Daryl Higgins from the Australian Institute of Family Studies with Chief Justice Diana Bryant at the launch of the Magellan Evaluation Report.

Living in Harmony

The Living in Harmony project is part of the Court's ongoing program to improve the services it provides to culturally and linguistically diverse clients. The Living in Harmony project was the first community-driven education strategy about the Australian legal system undertaken by an Australian court. The program aimed to introduce communities from the Horn of Africa (Ethiopia, Eritrea, Sudan and Somalia), Iraq and Afghanistan to family law in Australia.

In May 2008 the Living in Harmony report was launched at a function attended by the Honourable Laurie Ferguson MP, Parliamentary Secretary for Multicultural Affairs and Settlement, as well as representatives from the Department of Immigration and Citizenship and other stakeholders.

The project provided an excellent model for community engagement that other courts and agencies can adopt and adapt for their own purposes and the findings are available to guide others wanting to do something similar.



Commonwealth Courts Portal

The Commonwealth Courts Portal is an initiative of the Family Court of Australia, the Federal Court of Australia and the Federal Magistrates Court of Australia.

It is a free web-based service providing access to information about cases before the three courts.

At the moment it allows lawyers, through a single login and user ID, to access case information from multiple jurisdictions from a single central web-based system without leaving their office.

It enables lawyers to search for information on court files such as judgments, orders and hearing dates and to lodge documents online.

Further expansion and development is occurring. All three courts are committed to expanding the range of web-based services available through the Portal. The vision for the future includes secure access for individuals, electronic attendance at hearings and electronic payments.

The project shows what can be achieved when three Commonwealth Courts have a common goal and combine resources and knowledge to benefit clients.

