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OTHER REPORTING ■





OTHER REPORTING

MANAGEMENT OF HUMAN RESOURCES

An overview

The key objective of the human resources management function is to support the Family Court's operational and strategic business requirements.

The 2007–08 year proved challenging with major structural changes taking place within the Family Court's child dispute and registrar services. The changes impacted upon staffing levels within these services and required a careful and considered approach to the process of transition. The process, while somewhat progressed, was put on hold in early 2008 when the review of the Family Law Courts was announced. As at 30 June 2008, the outcome of the review, including key recommendations, had not been finalised.

Major classification reviews took place in the Court's judicial and legal associate positions, leading to an affirmation of the existing classification levels for these positions.

Changes by the new Commonwealth Government in relation to employment law have affected industrial awards including Australian Workplace Agreements (AWAs) and influenced the future provision of flexible remuneration arrangements under alternative industrial instruments such as common law contracts and determinations made under the *Australian Public Service Act 1999*. These are important considerations against the backdrop of a tight labour market.

The provision of human resources management metrics and resultant analysis ensured that the Family Court became acutely aware of the impact that its ageing workforce will have on its future staffing profile. According to trend analysis, approximately 49 per cent of the Court's employees will reach retirement age within the next 5–10 years. These results led to the development of a mature age employment strategy which focussed the Court on positioning itself as an employer with wide scale marketability and included provision for programs to be implemented to ensure the recruitment of the next generation of skilled professionals, managers and leaders.

The Court recognises it will continue to face pressure to ensure that it has staff who are able to deliver quality, timely and cost-effective services to the public. In order to meet these pressures, the Family Court commenced scoping for a workforce plan to provide the Court with information on future workforce needs. The information will be used to plan new initiatives, particularly about learning and development and recruitment, including attraction and retention strategies. Additionally, the Court developed disability, workplace diversity, mature-age retention and Indigenous recruitment strategies.

Workforce planning, retention and turnover

Workforce planning

The Family Court's scope for the development of a workforce plan included the identification of:

- ❑ the future business direction and workforce needs by considering major influences and context
- ❑ the Court's future required workforce attributes by gap analysis, and
- ❑ relevant and innovative strategies aimed at closing the identified gap.

The scoping exercise also included provision for the alignment of systems, processes, policies and procedures to meet future workforce needs.

It is expected that the workforce plan will be completed in 2008–09 and will provide strategic direction to ensure that the Court continues to be well positioned to deliver its core business objectives.

In the meantime, the Court's human resources management information system received a number of enhancements to allow for greater workforce reporting capability.



Chief Justice Diana Bryant with 2007 Janet Kitcher Excellence in Performance recipient, Paul Lodge

- ❑ Reporting of key human resource management metrics and statistics to the senior management team, including the Court Management Group, continued to be improved throughout the year.
- ❑ The Family Court's Disability Strategy was developed with the view of building on the Court's commitment to principles of workplace diversity and equality of access to employment and other opportunities.
- ❑ The Family Court recognises the imperative to provide attractive and accessible employment opportunities for mature age employees. The development of a Mature Age Strategy and corresponding action plan ensures that mature age employees are valued and not subjected to discriminatory practices in employment.
- ❑ The Indigenous Action Plan 2008–2011 was developed as a key component to support the Court's longstanding and ongoing commitment to ensuring the needs of Aboriginal and Torres Strait Islanders are recognised and met appropriately.

Retention strategies

The Family Court's retention strategies include the following options, benefits and initiatives:

Balancing work and personal life: Staff are provided with access to provisions such as flex leave, time off in lieu, flexible working arrangements and patterns, part-time work opportunities, overtime, working from home arrangements, purchased leave scheme, salary sacrifice arrangements and paid time off work between Christmas and New Year.

Healthy work environment: Healthy work environment strategies include an employee assistance program that provides free professional counselling to employees and members of their immediate families, an employee wellbeing program, free influenza vaccinations, free eyesight testing and where spectacles are prescribed specifically for screen based equipment, the Court will reimburse up to a maximum prescribed amount.

Rewards and recognition: The annual *Janet Kitcher Excellence in Performance Award*, *Australia Day Medallions* and the *Years of Service* awards provide for an organisation wide reward and recognition program.

Learning and development: Staff are provided with access to a variety of learning and development programs including e-learning, staff exchange program, study assistance including study leave, traineeships, career planning through the Court's performance appraisal system (the Performance Development System), education programs offered by the Public Service Commission including the Public Sector Management program, and other executive development programs.



Chief Justice Diana Bryant with 2008 Australia Day Medallion recipient, Ben Ellis

Workforce turnover

During 2007–08, 133 employees and judicial officers exited the Family Court. Of these, 33 were non-ongoing and 95 were ongoing employees. The total number of ongoing employees who exited the Court represents an annual turnover rate of 14 per cent against total staff numbers* as at 30 June 2008.

Table 6.1: Workforce turnover

Employment Type	Reason	Total
Non-ongoing employees 14.88%	Abandoned contract	1
	Deceased	1
	Resignation	30
	Termination—unspecified	1
Total non-ongoing employees		33
Ongoing employees 14.0%	Retirement age 60–65	1
	Retirement age over 65	1
	Inter-departmental transfer	40
	Invalidity—permanent officer	1
	Resignation	34
	Retirement	2
	Voluntary redundancy	16
Total ongoing employees		95
Public office holder 0.74%	Age 60–65 years	1
	Age 65 years	3
	Age before 60 years	1
Total public office holder		5
Total		133

* Total staff numbers for the above table includes all employees and public office holders as at 30 June 2008.

Note: The above figures do not include non-ongoing employees whose actual period of engagement reached their non-ongoing contract date of expiry.

Staffing profile

As at 30 June 2008, the Family Court had a total workforce of 637 employees (excluding judicial officers, the Chief Executive Officer and casual employees) covered by the collective agreement and AWAs. At the same time last year, the Court had a total of 692 employees; this represents a decrease of 55 employees since 30 June 2007.

Note: The remuneration arrangements for all judicial officers and the Chief Executive Officer are governed by enforceable determinations which are prepared by the Remuneration Tribunal. Further details including relevant determinations are available at www.remtribunal.gov.au.

Staff by location

Table 6.2: Staffing overview by location

Level	ACT	CJ	NSO	NSW	NT	QLD	SA	TAS	VIC	Total
APS 1				1						1
APS 2	2			29		15	7	3	23	79
APS 3	4		5	59	6	32	13	5	33	157
APS 4	3	1	16	34		17	11	2	18	102
APS 5	2	1	21	26	1	14	4	3	15	87
APS 6		5	22	4		1	3	1		36
EL 1	5	1	30	19		10	3	4	16	88
EL 2	2	1	18	21		11	8	3	13	77
SES 1		1	3	1		1			1	7
SES 2			3							3
Total	18	10	118	194	7	101	49	21	119	637

Note: Actual occupancy at 30 June 2008 includes full and part time staff * with the exception of casual employees.

* All figures in the above table are based on actual head count.

Staff by gender

Of the 637 employees, there were 201 male (31.55 per cent) and 436 (68.45 per cent) female employees. As at the same time last year, the Court had 213 male and 479 female employees.

Table 6.3: Staffing overview by gender

Level	Gender	ACT	CJ	NSO	NSW	NT	QLD	SA	TAS	VIC	Total
APS 1	Male				1						1
APS 2	Female				17		7	3	2	12	41
	Male	2			12		8	4	1	11	38
APS 3	Female	2		4	45	4	25	7	3	26	116
	Male	2		1	14	2	7	6	2	7	41
APS 4	Female	1	1	16	25		16	8	2	12	81
	Male	2			9		1	3		6	21
APS 5	Female	1	1	12	21	1	14	4	3	12	69
	Male	1		9	5					3	18
APS 6	Female		5	13	4		1	2	1		26
	Male			9				1			10
EL 1	Female	4		11	15		8	2	4	10	54
	Male	1	1	19	4		2	1		6	34
EL 2	Female	2	1	6	13		6	5	1	12	46
	Male			12	8		5	3	2	1	31
SES 1	Female			1						1	2
	Male		1	2	1		1				5
SES 2	Female			1							1
	Male			2							2
Total		18	10	118	194	7	101	49	21	119	637

Staff by attendance

Table 6.4: Staffing overview by attendance

Level	Attendance	ACT	CJ	NSO	NSW	NT	QLD	SA	TAS	VIC	Total
APS 1	Part Time				1						1
APS 2	Full Time	2			19		15	7	1	21	65
	Part Time				10				2	2	14
APS 3	Full Time	4		3	45	5	26	11	4	22	120
	Part Time			2	14	1	6	2	1	11	37
APS 4	Full Time	3	1	11	32		17	11	2	16	93
	Part Time			5	2					2	9
APS 5	Full Time	2	1	19	24	1	14	4	3	15	83
	Part Time			2	2						4
APS 6	Full Time		4	21	4		1	3	1		34
	Part Time		1	1							2
EL 1	Full Time	2	1	28	16		6	2	2	11	68
	Part Time	3		2	3		4	1	2	5	20
EL 2	Full Time	1	1	18	16		9	7	3	9	64
	Part Time	1			5		2	1		4	13
SES 1	Full Time		1	3	1		1			1	7
SES 2	Full Time			3							3
Total		18	10	118	194	7	101	49	21	119	637

Note: Judicial officers and the Chief Executive Officer, who are holders of public office, are not included in the above tables.

Legend:

SES: Senior Executive Officer

CJ: Office of Chief Justice, Melbourne

NSO: National Support Office, Canberra

Judicial officers

As at 30 June 2008, the total number of judges, including the Chief Justice, was 39. There were 14 female and 25 male judges in this court. Additionally, there were two male judicial registrars.

Table 6.5: Total number of Judges and Judicial Registrars as at 30 June 2008

Location	Judges	Judicial Registrars
New South Wales	15	2
Victoria	1 Chief Justice 8 Judges	
Queensland	9	
South Australia	3	
Tasmania	1	
Australian Capital Territory	2	
Total	39	2

Agreement making

Collective agreement

The Family Court's Collective Agreement 2007–10 was lodged pursuant to section 328 of the *Workplace Relations Act 1996* on 30 July 2007. The Agreement contains a nominal expiry date of 30 June 2010.

The total number of employees covered by the Collective Agreement as at 30 June 2008 was 591.

Table 6.6: Employees covered by the Collective Agreement 2007–10

Level	Female	Male	Total
APS1		1	1
APS2	41	38	79
APS3	116	41	157
APS4	78	21	99
APS5	71	18	89
APS6	21	10	31
EL1	49	23	72
EL2	42	21	63
Total	418	173	591

Other agreements

While the Government's new transitional legislation governing changes to the *Work Choices* legislation no longer allows for the making of new AWAs, 46 employees have enforceable AWAs in place.

Table 6.7: Employees covered by an AWA

Level	Female	Male	Total
APS4	2		2
APS6	4		4
EL1	3	11*	14
EL2	6	10**	16
SES1	2	5	7
SES2	1	2	3
Total	18	28	46

* Three employees have common law agreements in place.

** One employee has a common law agreement in place.

In some limited cases, the Family Court has used common law contracts and determination 24 instruments pursuant to the *Australian Public Service Act 1999* to build upon existing AWA arrangements. The total number of employees whose employment arrangements are governed by enforceable common law contracts is four. The total number of employees whose employment arrangements are governed by determination 24 instruments is 46.

Table 6.8: Employees covered by determination 24 arrangements

	Female	Male	Total
APS4	2		2
APS6	4		4
EL1	3	11*	14
EL2	6	10**	16
SES1	2	5	7
SES2	1	2	3
Total	18	28	46

* Three employees have common law agreements in place.

** One employee has a common law agreement in place.

Non-salary benefits

Non-salary benefits provided by the Court to employees include motor vehicles, car parking, superannuation, computers including home-based computer access, membership of professional associations and organisations, mobile phones and airline club memberships.

Performance pay arrangements

The Court's industrial instruments including the Collective Agreement 2007–10 and AWAs do not include the provision for performance based pay to employees. No employees received performance pay during 2007–08.

Classification structure and pay rates

Table 6.9: AWA minimum and maximum salary ranges by classification

Classification	Salary range (\$)
APS 4	54 196 – 57 751
APS 6	69 074 – 83 239
EL 1	77 085 – 108 328
EL 2	100 800 – 126 158
SES 1	139 759 – 170 863
SES 2	164 505 – 183 322

Table 6.10: Classification structure and pay rates*

APS classification and no. of staff	Salary rates on 30 July 2007	Salary rates from 1 July 2008
APS 1 – 1 employee	\$35 910	\$37 491
	\$36 882	\$38 505
	\$38 399	\$40 089
APS 2 – 79 employees	\$39 320	\$41 050
	\$41 464	\$43 288
	\$43 605	\$45 523
APS 3 – 157 employees	\$45 951	\$47 972
	\$47 117	\$49 190
	\$48 337	\$50 464
APS 4 – 101 employees	\$51 504	53 770
	\$52 842	55 167
	\$54 196	56 581
APS 5 – 89 employees	\$55 675	\$58 125
	\$57 420	\$59 946
	\$59 037	\$61 635
APS 6 – 35 employees	\$60 133	\$62 779
	\$63 685	\$66 487
	\$69 074	\$72 113
EL1 – 86 employees	\$77 087	\$80 479
	\$80 164	\$83 691
	\$83 239	\$86 902
EL2 – 79 employees	\$88 909	\$92 821
	\$93 796	\$97 923
	\$100 800	\$105 236
	\$102 394	\$106 900
	\$104 169	\$108 753
	\$106 830	\$111 531

* excludes casual employees.

Position classification reviews

Judicial associates

The Court employs a number of judicial associates. Judicial associates provide assistance to judges and judicial registrars and are classified at APS 5.

During the year, the Court completed an independent review of the classification level of the judicial associate position. The review examined the work undertaken by the judicial associates against the work level standards of the APS 6 in the Court and more broadly across the Australian Public Service. The findings of the review found that the current APS 5 classification level of the associates is commensurate with the work value of the position.

Legal associates

The Court increased the number of legal associate positions during the year and subsequently recruited a higher number of legal associates compared to past years. The number of legal associate positions as at 30 June 2008 is 18 compared with 3 at the the same time last year. All legal associate positions are classified at APS 4.

The Court conducted a review of the classification level of the legal associate position in order to determine if reclassification to APS 5 level could be justified. A work value analysis was conducted into the role of the legal associate against the Court's own work level standards and drew analytical comparisons with similar roles in the wider Australian Public Service, including graduate positions. The review determined that the Court's legal associate position is appropriately classified at APS 4.

Learning and development

The Court's principles for learning and development are included as a provision in the Collective Agreement with activities that focus on building capability in the areas of leadership and management; client service; teamwork; change management; occupational health and safety; communication and a range of specialised business skills.

Learning and development priorities for employees are jointly identified by managers and employees through the Court's performance appraisal scheme, the Performance Development System. The system provides each employee with the opportunity to identify a personal learning and development plan that is commensurate with their immediate job requirements including their future career aspirations. The plan is discussed with, and then approved by, the manager.

Staff Development Committee

The Staff Development Committee (SDC) is the Court's main vehicle for implementing national training initiatives. The role of the SDC is to identify, develop and/or implement, national training and development initiatives, policies and programs. During the past year, the SDC focused on the provision of 'train the trainer' training, computer skills, email etiquette and e-learning. The Committee also funded the Court's staff exchange program which supports short term secondment of employees between registries for the purpose of personal growth and career development.

Peer support network

National training was provided to employees in order for the Court to establish a peer support network. The network comprises a number of trained employees with the skills to provide immediate support and assistance to colleagues following a critical, difficult, or distressing workplace incident. Whilst the Court provides for a supportive workplace environment, the nature of the Court's work is such that employees are often confronted with challenging and emotive situations involving clients. The need for a peer support network was identified following the delivery of a national mental health training program and is designed to complement the Court's existing Employee Assistance Program (EAP).

Training

The Court offered project management (Prince 2) training to all project managers, including those employees whose role involves the management of projects and sub-projects.

Project management skills training and a range of executive leadership and management programs offer professional development opportunities to employees throughout the year.

Three employees participated in the Court's supported traineeship program. The program's provider is 'Futurestaff' and successful completion of each traineeship leads to a Certificate 111 in Business. The structure of the 12 month traineeship program includes a combination of on the job training and certificate level study. In addition, nine employees participated in the Public Sector Management Program (PSMP). The PSMP is a tertiary level education program with a focus on building practical skills. It is aimed at front line managers from middle to senior levels in Commonwealth, State, Territory and Local Government public sectors across Australia. The employees receive financial and other assistance to support their participation in the program.



Simon Kelso receiving his certificate to mark his completion of the Public Sector Management Program

Performance Development System

The Performance Development System (PDS) is the Court's performance appraisal system. Participation in the PDS is mandatory for all employees except for probationers and contractors. Quantitative and qualitative data collected about the PDS at the beginning of 2007 provided useful insights about how workplace performance was being managed, including the general satisfaction of employees participating in the process.

The quantitative data captured staff participation rates during the PDS cycle, 1 July 2007–30 June 2008. The qualitative data captured feedback about staff satisfaction levels in response to the way PDS discussions were conducted by managers for the same period.

Figure 6.1 below illustrates the results. The majority of participants indicated that they were satisfied with how the PDS discussion was conducted by their manager/s.

Figure 6.1: Employee satisfaction rating with their Performance Development System discussion 2007–08

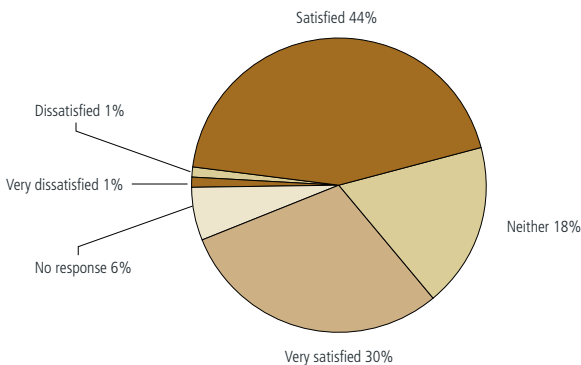
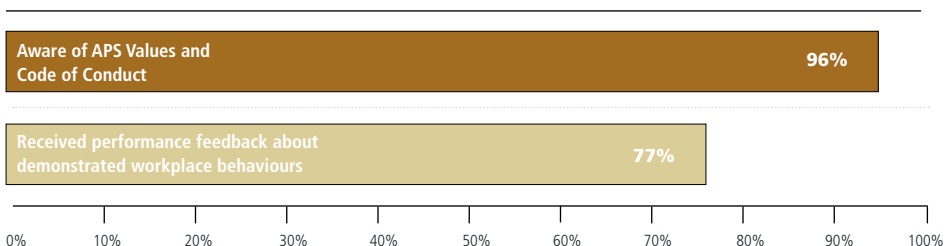


Figure 6.2: The percentage of employees indicating their awareness of the APS Values and Code of Conduct and the percentage of employees who received performance feedback about their demonstrated workplace behaviours during 2007–08.



Occupational health and safety

The Family Court places a high priority on the wellbeing of its employees and aims to continually improve work practices and foster attitudes that sustain healthy and safe work environments.

The Court is committed to the management of occupational health and safety cases with a greater focus on intervention strategies for early return to work by injured employees with both compensable and non-compensable claims. Active case management arrangements assisted with achieving a relatively good rate of employees returning to the workplace which prompted a higher incidence of case closures. As at 30 June 2008 the Court had 26 worker's compensation cases open compared to 34 for the same period last year.

To support the case management function, the Court implemented a new electronic case management system as part of its human resource management information system. This has enhanced the record keeping and reporting of occupational health and safety cases, including workplace incidents and hazards.

Additionally, the Court developed Health and Safety Management Arrangements (HSMA), which provide a framework for the management of health and safety within the workplace. This was in response to the 2007 amendments to section 16 of the *Occupational Health and Safety Act 1991*. The Act introduced a number of amendments that affect workplace health and safety management arrangements including the requirement for employers to develop, in consultation with employees, written HSMA.

The Court's First Aid Policy and First Aid Plan were completed to ensure compliance with the *Occupational Health and Safety Code of Practice 2008*.

A *Notification and Report of an Incident* form was developed pursuant to the *Occupational Health and Safety Act 1991* to provide notice of an accident or dangerous occurrence as the regulations require. The form also assists the Court to investigate safety incidents, identify deficiencies in the Court's safety arrangements, and to take appropriate steps to maximise the safety of persons attending court and court premises. The information assists the Court to identify any required early interventions and to reduce the overall risk to employees of sustaining workplace injuries. It also highlights any action that the Court is required to take.

A *Hazard Identification in the Workplace Checklist* was developed to instigate a process to identify hazards, assess the risks, identify control measures to eliminate or minimise the hazard under the hierarchy of controls. The process also monitors and reviews the control measures to ensure the risk is eliminated or reduced. Occupational health and safety outcomes include:

- ❑ enhanced workplace health, safety and rehabilitation standards
- ❑ enhanced reporting capability
- ❑ earlier commencement of return to work activity, and
- ❑ a reduction in the numbers of cases of injury and disease reported by employees.

These outcomes lead to a reduction in the Court's workers compensation premium for 2008–09.

The Court's occupational health and safety employee benefits include access to a free employee assistance program, influenza vaccinations, eyesight testing, access to first aid officers, peer support contact officers and harassment contact officers.

The Court remains committed to achieving sustained performance against Comcare's targets. The targets include achieving:

- ❑ a reduction in workplace injuries
- ❑ no fatalities
- ❑ a reduction in the average weeks lost due to injury or illness, and
- ❑ a reduction in the average weeks taken before return to work activity begins.

Table 6.11: Premium rates for injuries suffered in 2005–09

	2005–06 %	2006–07 %	2007–08 %	2008–09 %
Family Court of Australia	2.22	1.95	1.92	1.54
All agencies combined	1.77	1.77	1.55	1.35
Variance	0.45	0.18	0.37	0.18

Table 6.12: Claim frequency (claims per \$M payroll) for injuries suffered in 2004–07

	2004	2005	2006	2007
Family Court of Australia				
Estimate at May 2007	0.47	0.48	0.48	
Estimate at May 2008	0.47	0.47	0.48	0.20
All agencies' claims (for comparison)				
Estimate at May 2007	0.52	0.44	0.39	
Estimate at May 2008	0.52	0.45	0.39	0.26

Table 6.13: Average (lifetime) claim cost (after capping) for injuries suffered in 2004–07

	2004	2005	2006	2007
Family Court of Australia				
Development to end February 2007	\$23 498	\$8 100	\$20 139	
Development to end February 2008	\$32 744	\$7 882	\$29 734	\$62 072
All agencies' claims (for comparison)				
Development to end February 2007	\$26 205	\$28 270	\$28 930	
Development to end February 2008	\$24 793	\$28 147	\$28 118	\$36 083

Table 6.14: Reporting requirements under the Act

Section 68 occurrences	
Notification and reporting of accidents and dangerous occurrences	There were two notifications under s68 of the Act
Section 45 directions	
Power to direct that workplace, etc. not to be disturbed	No directions were issued under s45 of the Act
Section 29 notices	
Provisional improvement notices	No notices were issued under s29 of the Act
Section 30 notices	
Duties of employers in relation to health and safety representatives	No notices were issued under s30 of the Act
Section 41 investigations	
Investigations addressing non-compliance and possible breaches	No investigations reported under s41 of the Act
Section 46 notices	
Power to issue prohibition notices	No notices were issued under s46 of the Act
Section 47 notices	
Power to issue improvement notices	No notices were issued under s47 of the Act

Disability strategy

The Court's Disability Strategy 2008–11 supports workplace diversity and the equality of access to employment and other related opportunities. The strategy includes an action plan containing timeframes and performance measures.

The Disability Strategy recognises the benefit of harnessing the talent of people with disability, particularly in an era of tightening labour supply. Furthermore, the inclusion of people with disability will assist the Court to better respond to the needs of the diverse community it serves.

The Family Court collects employee diversity data from the time an employee is recruited. Internal processes have been modified to capture disability data in line with standards developed by the Australian Bureau of Statistics. The Court's human resource management information system was upgraded to enable input of disability data to better support reporting functionality.

Commonwealth Disability Strategy performance reporting

Table 6.15: Performance indicators

Performance Indicator	Performance Measure	Current level of performance 2007–2008	Goals for 2008–2009	Actions for 2008–2009
#1 The Family Court has established mechanisms for quality improvement and assurance.	Refurbishment works meet the Building Code of Australia requirements.	The Family Court complies with the Building Code of Australia for building modifications and alterations. The Code incorporates requirements to comply with disabled access for staff, clients and visitors. This includes areas such as ramps, signage and toilets.	Identify areas for improvement for access for staff, clients and visitors to Family Court facilities.	Undertake an audit of the Family Court of Australia's accommodation.
	Employment policies, procedures and practices comply with the requirements of the <i>Disability Discrimination Act 1992</i> .	The Family Court incorporates requirements to comply with legislative requirements in its new employment policies, procedures and practices and when revising existing policies, procedures and practices.	Identify areas for quality improvement for employees and prospective employees of the Family Court.	Include continuous improvement strategies in annual corporate business plans including the human resources management business plan.
#2 The Family Court has an established service charter that specifies the roles of the provider and consumer and service standards which address accessibility for people with disabilities.	Established service charter that adequately reflects the needs of people with disabilities in operation.	The Family Court's service charter identifies areas for clients to advise the Court of particular problems or needs. However, the current charter is not specific in addressing the needs of people with disability.	The service charter to be reviewed to incorporate the Court's commitment to meeting the needs of people with disability.	Prepare a revised service charter as part of the annual review.
The Family Court complaints policy complies with Australian Standard AS 4269-1995 and the Commonwealth Ombudsman's Good Practice Guide for Effective Complaint Handling.	The Family Court has comprehensive complaints guidelines, including a client fact sheet and detailed procedures published on the Family Court website (www.familycourt.gov.au).	During the year the Family Court has clarified and published on the Family Court website details about the process of lodging judicial complaints. In all but 10 per cent of cases, non-judicial complaints are finalised within 20 days. With judicial complaints the time lines are longer where it is necessary to await the outcome of proceedings, in which case the complainant is advised accordingly.	Apply the Family Court's policy to acknowledge complaints within 5 days and respond within 20 days, except where it is necessary to: 1. await the outcome of proceedings before the Court, 2. obtain transcript and analyse a large and complex file.	Continue to monitor the validity of complaints and analyse the number received and issues raised.

FREEDOM OF INFORMATION

The Court received four Freedom of Information requests during 2007–08. Two of these requests were granted in full, one was refused under section 24A of the Freedom of Information Act because the documents sought did not exist, and one is still under consideration within the prescribed time frame.

At 30 June 2008 there were no matters outstanding before the Administrative Appeals Tribunal.

Table 6.16: FOI requests over last four financial years

Financial year	Number of requests
2007–08	4
2006–07	3
2005–06	3
2004–05	1

Facilities for access

Freedom of Information requests are handled at the national level. The *Freedom of Information Act 1982* does not apply to any request for access to a document of the Court, unless the document relates to matters of an administrative nature – see section 5 of the Act. Broadly speaking, this means that the Act does not apply to documents related to the exercise of the jurisdiction of the Court.

The availability of documents outside the Freedom of Information Act is subject to the Family Law Act and the Family Law Rules that generally confine access to Court files or registry indexes to parties, or their representatives, to particular proceedings.

Facilities for examining documents and obtaining copies are available at the Court's Registries. Freedom of Information enquiries should be directed to:

FOI Coordinator
Family Court of Australia
PO Box 9991
Canberra ACT 2601

CATEGORIES OF DOCUMENTS

The Court maintains the following categories of documents:

- ❑ general correspondence
- ❑ client feedback correspondence
- ❑ those concerning the development and implementation of policy, standards, guidelines and procedures
- ❑ records of meetings and conferences
- ❑ addresses and speeches published by the Court
- ❑ those concerning administration and financial aspects of the Court
- ❑ those concerning research projects, submissions, reports, audits, evaluations and reviews, including statistical information gathered by Court staff

- ❑ those concerning security aspects of the Court
- ❑ personnel files
- ❑ first instance and appeal case files, comprising all documents filed in the Court or transferred from other jurisdictions (for example, formal applications and supporting affidavits) and records of all orders made in court proceedings
- ❑ an alphabetical index in each registry (in card form or computerised recording system), of all parties who have commenced or continued proceedings in that registry, and
- ❑ family consultant interview records (hard copy and/or computerised) that record particulars of any persons having presented themselves to the child dispute services section of the Court (whether voluntarily or under Court direction).

Other documents

The *Freedom of Information Act 1982* does not apply to single copies of all printed materials listed below which may be obtained free of charge upon request from all family law registries.

Prescribed brochures

When certain applications are filed, the *Family Law Rules 2004* require Court staff to give specific brochures to the person filing the application (the applicant). The Rules also require the applicant to provide specific brochures, along with other court documents, to the other party (the respondent). These are known as 'prescribed' brochures. The list below indicates which brochures are prescribed in this manner as at 30 June 2008.

- ❑ *Before you file – pre-action procedure for parenting cases* (distributed in accordance with Family Law Rule 1.05 and Schedule 1)
- ❑ *Before you file – pre-action procedure for financial cases* (distributed in accordance with Rule 1.05 and Schedule 1)
- ❑ *Conference of Experts* (distributed in accordance with Rule 15.69)
- ❑ *Costs Notice* (distributed in accordance with Chapter 19)
- ❑ *Enforcement hearings* (served in accordance with Rule 20.11(3)(b))
- ❑ *Marriage, Families and Separation* (distributed in accordance with Part IIIA of *Family Law Act 1975*) [This is a combined Family Law Courts brochure.]
- ❑ *Production of documents* (served in accordance with Rule 13.33(3)(a))
- ❑ *Subpoena – information for named person* (served with a subpoena) (in accordance with Rule 15.28), and
- ❑ *Third party debt notices* (distributed in accordance with Rule 20.33).



Prescribed forms

There was one prescribed Family Court form, *A Notice of Child Abuse or Family Violence* (Form 4) as at 30 June 2008.

The remainder of the forms are approved by the Chief Justice pursuant to Rule 24.04(1).

Joint form

A joint *Initiating Application (Family Law)* form is being piloted by the Family Law Courts (the Family Court and the Federal Magistrates Court) as part of the combined registry program. This form can be filed in lieu of the *Application for Final Orders* form in the Family Court and the *Application* form in the Federal Magistrates Court.

The Family Court also provides a wide range of forms authorised by the Principal Registrar and general information materials such as do-it-yourself kits, fact sheets, brochures and booklets. All forms and publications are available from the Court's registries and/or its website (www.familycourt.gov.au).

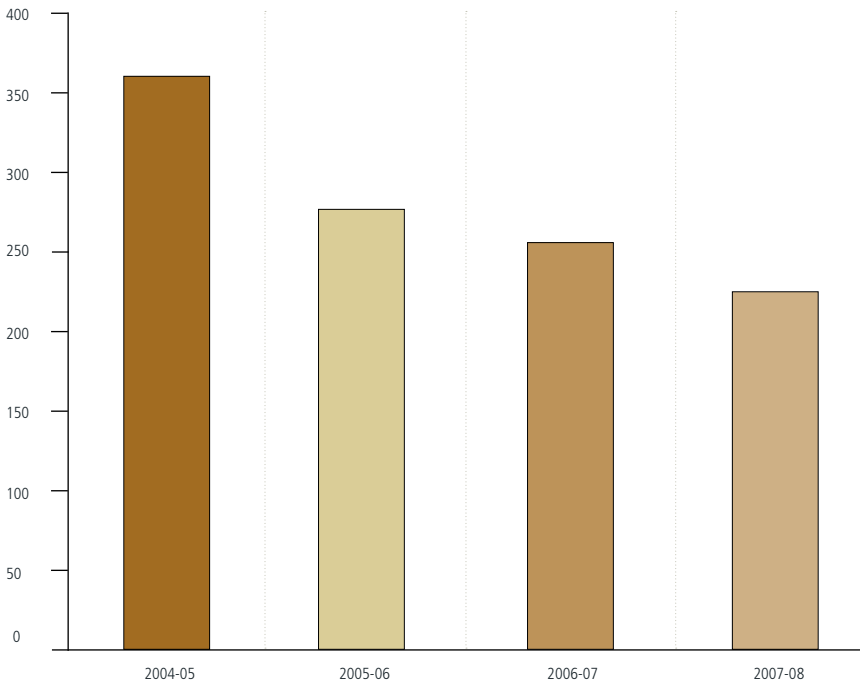
SERVICE CHARTER

The Family Court's Service Charter sets out how clients and other users of court services may make suggestions or complaints regarding services, policy, practices or charges. This information is available on the Family Court website (www.familycourt.gov.au) and at all court locations.

CLIENT FEEDBACK AND COMPLAINTS MANAGEMENT

The Family Court's client feedback management system allows all areas of the Court to efficiently and consistently manage complaints and client feedback while also identifying clients' issues and monitoring trends. The Court has a comprehensive complaints policy and judicial complaints procedure, both of which are available on the Family Court website (www.familycourt.gov.au). There is also a detailed client fact sheet, *Complaints and feedback* explaining how clients may provide feedback by email through clientfeedback@familycourt.gov.au.

During 2007–08, the Family Court recorded 235 complaints, a 5.2 per cent reduction from 248 complaints recorded in 2006–07.

Figure 6.3: Complaint trends

For the four financial years in which comparable data is available, the number of complaints received by the Family Court shows a downward trend. The total number of complaints received, measured against the total number of all applications filed in the Family Court during the year, is less than 0.9 per cent.

Complaints about judicial conduct and delays in delivery of judgment are addressed to the Chief Justice. Complaints about the result of a case are generally outside the scope of the complaints procedure.

The Court has acted directly on its analysis of client feedback in a number of ways, for example, procedures for dealing with requests for transcripts of proceedings have been revised. In addition, the Court received a number of suggestions for enhancement of Court services, such as ways to provide additional information for self represented litigants and solicitors.

Family Court registries receive the complaints relating to the shared Family Law Courts registries which service both the Family Court and the Federal Magistrates Court.

A single complainant can often raise several issues. Table 6.17 below sets out the nature of complaints as a percentage of all issues raised rather than as percentage of complaints received.

Table 6.17: Complaint categories

Nature of complaints		% of all issues raised
Administrative		
Court administration	Issues about policy, procedures, processes and Court staff including registrars and family consultants.	34
Outside jurisdiction of the Family Court	Issues regarding family law legislation, government policy and matters in other jurisdictions.	13
Court proceedings	Issues relating to the outcome of family law proceedings and events.	32
Judicial		
Conduct of proceedings	Allegations about judicial conduct.	9
Reserved judgments	Time taken in delivery of reserved judgments.	12

EXTERNAL SCRUTINY

Family law services review

In March 2008 the Attorney-General announced a review of the delivery of family law services by the Family Court and the Federal Magistrates Court. Mr Des Semple was engaged to undertake this review.

The review focussed on:

- ❑ governance options to achieve a more integrated family law system that provides improved case management practices across the family law jurisdiction, while ensuring practices continue to be tailored to the nature of the work, in particular that less formal and quicker procedures continue to be adopted for shorter and simpler matters
- ❑ structures and management processes necessary to improve the efficiency, effectiveness and integration of service delivery across the family law jurisdiction
- ❑ potential changes in judicial structures and in structures and reporting relationships of senior administrative positions
- ❑ potential impact of the administrative efficiencies to be achieved in corporate and registry services across the jurisdiction, and
- ❑ potential impact of changes on other administrative or judicial structures.

The outcomes of the review are expected to be released toward the end of 2008 and are a matter for government.



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, Communications and Technology (ICT). The submission covered information on the role of the Court as well as its strategic priorities and how these inform ICT strategy and investments. It also addressed:

- ❑ measurement and evaluation processes of key ICT projects
- ❑ performance metrics and operational and capital budget spending
- ❑ risk management processes for ICT projects within the Court
- ❑ examples of best practice that could be shared across government, and
- ❑ the Court's view on the whole-of-government arrangements in the use and management of ICT.

Joint Committee of Public Account and Audit inquiry

The Family Court, although not considered a small agency, was granted permission to put forward a submission in relation to the inquiry into the effect of the efficiency dividend on small agencies.

External evaluations

Child Responsive Program pilot – follow-up study

Dr Jennifer McIntosh, Adjunct Associate Professor at La Trobe University, senior lecturer at the University of Melbourne and the Director of Family Transitions, conducted a follow-up study on the Child Responsive Program pilot in July 2007.

Dr McIntosh interviewed a sample of parents who had experienced the Child Responsive Model. The conclusions from this small follow-up study are that:

- ❑ the Child Responsive Program had a significant impact on parent's perceptions of their relationships with their children
- ❑ the experience of hearing from their own children through the more objective person of the family consultant offered many parents lasting insights, and
- ❑ while overall levels of conflict did not diminish for this complex group of litigants, most parents reported gains in being able to better protect their children from that conflict.

A copy of Dr McIntosh's report can be found at www.familycourt.gov.au.

Magellan evaluation

The final report into the evaluation of the Magellan project was written by Dr Daryl Higgins of the Australian Institute of Family Studies. The report *Cooperation and Coordination: An evaluation of the Family Court of Australia's Magellan case-management model* was launched in October 2007 in Melbourne.

Cases before the Family Court that involve serious allegations of physical or sexual abuse of children are classified as Magellan cases and follow a specific case management model.

The report found that Magellan is a significant improvement on previous case management in the Court and that the stakeholders involved in the Magellan project were highly satisfied with the management of these cases.

The National Magellan Stakeholder Committee, chaired by Justice Burr, continues to act as a steering and reference group for the project. This committee commissioned the Australian Institute of Family Studies to evaluate the project in September 2006.

A copy of the report can be found at www.familycourt.gov.au.



National Support Office health check

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 light of the Court's changing role in family law and the forecast budget deficits over the next three financial years.

The health check included:

- ❑ reviewing the workload and resource requirements, including executive support, for all Court Management Group (CMG) 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 Marshall.

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 report is due for release during 2008.

Combined Registry change management review

As part of its organisational development strategies, the Family Court initiated a review of the Combined Registry Program. This review was undertaken by Oakton and Acumen Alliance with aim of assessing how change was managed and to ensure that any learnings would inform future change processes.

The review was conducted in two phases. The first phase involved high level discussions with stakeholders to identify key issues and the preparation of a discussion paper. Phase two involved detailed testing based on the discussion paper and feedback.

The review identified that overall the Combined Registry Program met its aims, due to a large extent to the dedication of several key staff. Areas where project activities could be improved include project scope management, project definition, deliverables and scheduling, project and staff resourcing and change management control.

The Combined Registry Program has allowed the Court to develop a high level understanding of the complexities of organisational change and project management, particularly where two separate organisations are involved.

IT benchmarking report

In January 2008 a costs review confirmed the limited resources available to Information, Communication and Technology Services (IC&TS) when compared to the amount of services it provides. The review, undertaken by Acumen Alliance, compared the costs incurred in delivering the current IC&TS services to a cost model based on other organisations providing a similar range of services. The primary objective was to provide a point of reference against which the current funding levels can be assessed.

The review identified significant challenges in resourcing and funding. Other areas of concern included cost recovery, application support, management structure, infrastructure and administration support. The current review of the Family Court and Federal Magistrates Court is an opportunity to evaluate resources in all areas of both courts.

Mental Health Support Program

The Mental Health Support Program (MHSP) was developed in recognition of the fact that the Family Court and the Federal Magistrates Court, while not having a direct role in providing mental health services to clients, do have a facilitating role of ensuring, where possible, that clients are able to access mental health services.

Colmar Brunton Social Research has been contracted to provide evaluation and monitoring services over a three year period up to and including 2008.

The overall purpose is to provide evaluation information in relation to the MHSP national implementation which will be used to tailor and improve the program on an ongoing basis; and to report back to the funding agency (Department of Health and Ageing through the National Suicide Prevention Strategy).

The broad objectives of the evaluation are:

- ❑ to provide ongoing evaluation and monitoring of the national roll-out of the MHSP
- ❑ to continue to tailor the project on an ongoing basis, and
- ❑ to provide an evaluation process that can serve as a model and that can be transferred to other projects within the Court and similar initiatives in the broader community.

The final evaluation report will be delivered in late 2008.

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 2007–08, ten Senate estimate questions on notice were received and answered.



Mr Tim Corney (Incolink), Senator Brett Mason and Mardi Jarvis (Family Court) at the annual Suicide Prevention Australia – Life Awards. The Family Court received an Honourable Mention for the development of the Mental Health Support Program.

PURCHASING

The Family Court's contracts section assists staff undertaking procurement activities and manages corporate contracts. The contracts section also manages, or has significant involvement in, all complex procurements to ensure compliance with legislative obligations and the Commonwealth Procurement Guidelines. The Chief Executive Instructions, Commonwealth Procurement Guidelines and the Court's Procurement Framework Manual are all posted on the intranet as reference material for Family Court staff.

The core purchasing policies and principles of the Commonwealth Procurement Guidelines were, as far as practicable, adhered to throughout 2007–08. The Court's annual procurement plan was published as required and an appropriate approach to the market was made for all procurements covered by the guidelines.

All contracts let in 2007–08 have provisions for the Attorney-General to access contractor's premises.

CONSULTANTS

During 2007–08, eight new consultancy contracts were entered into involving a total actual expenditure of \$578 670 (GST inclusive). In addition, five ongoing consultancy contracts were active involving a total actual expenditure of \$263 293 (GST inclusive). Further information on expenditure on contracts and consultancies is available on the AusTender website www.tenders.gov.au.

Consultants and competitive tendering

There were no contracts let to other organisations for the delivery of services previously performed by the Court during the reporting period.

Exempt contracts

No contracts or standing offers were exempt from publication in the Purchasing and Disposal Gazette in terms of the *Freedom of Information Act, 1982* during the reporting period.

Table 6.18: Consultant services contracts let during 2007–08, of \$10,000 or more

Consultant name	Description of services	Contract price (GST incl)	Selection process (1)	Justification (2)
Davenport Campbell & Partners Pty Ltd	Scoping a feasibility for refurbishment of Sydney Registry	\$42 600	Select tender	A,B
Bill Szydlak Architects Pty Ltd	Design development, tendering and contract management for refurbishment of courtroom 4 and subpoena room at Canberra Commonwealth Law Courts	\$17 160	Select tender	A,B
Davenport Campbell & Partners Pty Ltd	Provision of scoping and fee proposal for proposed works at Parramatta Registry	\$181 580	Direct sourcing	A,B
Crossier Scott Architects Pty Ltd	Provision of design development, documentation, tendering, contract supervision and administration of redesign and refurbishment of the 14th floor conference room, associated areas and Chief Justice's Chambers at the Melbourne Commonwealth Law Courts	\$140 140	Select tender	A,B
Housley Consulting	Provision of consultancy services for the review of the Courts current PABX platform	\$30 000	Direct sourcing	B,C
PricewaterhouseCoopers	National Support Office Health Check	\$110 000	Direct sourcing	C
CHW Consulting Pty Ltd	Audio visual consultancy services to the Canberra Commonwealth Law Courts	\$19 690	Select tender	B
Catherine Lennon	Analysis of judicial support requirements and integrated case management model	\$37 500	Direct sourcing	C

Legend

(1) Explanation of selection process terms drawn from the *Commonwealth Procurement Guidelines (January 2005)*

Open tender: A procurement process 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 market place using national and major metropolitan newspaper advertising and 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. Tenders are invited from a short list of competent suppliers.

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, usually selected through a single procurement process, may each supply property or services to an agency as specified in the panel arrangements. Tenders are sought from suppliers that have pre-qualified on the agency panels to supply to the government. This category includes standing offers and suppliers panels where the consultant offers to supply goods and services for a pre-determined length of time, usually at a pre-arranged price.

(2) 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

PROPERTY

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, Canberra, Coffs Harbour, Dandenong, Darwin, Dubbo, Launceston, Lismore, Newcastle, Townsville and Wollongong and shares the state court facility in Rockhampton.

The more significant property-related activities that were undertaken at various court locations during the reporting period are detailed below.

Canberra

The refurbishment of one courtroom and four legal interview rooms was completed during the reporting period.

The refurbishment included the reconfiguration and upgrade of the courtroom, full refurbishment of all joinery and finishes to bring it into line with current court operations and a technology upgrade. The court now has integrated teleconferencing, court recording and sound and multi-discipline electronic playback incorporating multiple LCD monitors for viewing electronic media within the court.

The refurbishment of the four legal interview rooms on the ground floor included the installation of glazed walls to the foyer, new ceilings, floor finishes, lighting and furniture which has provided a more functional and user friendly environment.

Darwin

The Department of Finance and Deregulation, on behalf of all Federal Courts, undertook a scoping study for a new Commonwealth Law Courts building in Darwin. The study included the development of a user requirements brief, functional design brief and the concept design which were completed in early 2008. The Courts were informed in late May that Government had decided that this project will not proceed at this stage.

Melbourne

Design commenced for the refurbishment of the client service area on level one. This project will improve the configuration of the work areas to better reflect the operational needs of the registry as well as improving circulation and ingress of natural light.

Newcastle

Design was completed for the upgrade of the staff amenities, judicial library furniture, provision of glazed panels to courtrooms to improve natural light and provision of security card access to fire stairs for staff access between floors.

The design phase for the courtroom technology upgrade in two courts was completed. The upgrade includes integrated teleconferencing, court recording, court sound and multi discipline electronic playback.

A business case for the development of a new ten court Commonwealth Law Courts building in Newcastle was formally submitted to Government in December 2007. Government requested that the Courts prepare and fund a full scoping study and business case for consideration in the 2009–10 budget.

The Family Court and the Federal Magistrates Court signed a MOU with the Department of Finance and Deregulation to manage the preparation of the study and business case. The start-up consultant was engaged in June 2008 for the development of the business case and the development of a user requirements brief, functional design brief and concept design for the proposed building.

Sydney

An accommodation review of the Lionel Bowen Building was completed in June 2008. It identified the current usage of spaces and provided options to address the long term accommodation needs for the Court.

Parramatta

The design for the refurbishment of levels one and three was completed in early 2008. The procurement process for the construction phase of the project concluded in May 2008 and construction commenced in mid June. The project will improve the main entry, registry counters, client services area, records management, client waiting spaces, subpoena viewing area and accommodation for court officers.

LEGAL SERVICES EXPENDITURE

Table 6.19 is a statement of legal services expenditure by the Family Court for the 2007–08 financial year published in compliance with paragraph 11.1(ba) of the Legal Service Directions 2005.

Table 6.19: Legal services expenditure

Reportable item	2007–08 result
Agency's total legal services expenditure (GST exclusive)	\$296 755
Agency's total external legal services expenditure (GST exclusive)	\$126 940
Agency's expenditure on solicitors	\$126 940
Agency's expenditure on counsel	\$0
Other disbursements on external legal services	\$0
Agency's total internal legal services expenditure (GST exclusive)	\$169 815
Salaries	\$133 357
Overheads (includes administrative support costs and accommodation costs)	\$36 458

Note: All amounts are GST exclusive.

ADVERTISING AND MARKET RESEARCH

The Court spent a total of \$112 384 on advertising and market research during 2007–08, comprising:

HMA Blaze	\$82 893
Newspoll Market Research	\$15 665
APS Gazette	\$11 193

All amounts are GST exclusive.

Note: Payments of amounts that fall below the \$10 500 threshold are not individually identified.

DISCRETIONARY GRANTS

The Court made no discretionary grants during 2007–08.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD) AND ENVIRONMENTAL PERFORMANCE

The nature of the Court's core business, outcomes and activities is such that its activities do not impact or affect the principles of ecologically sustainable development. The Court does not administer any legislation with ecologically sustainable development implications. No outcomes specified for the Court in the Appropriations Act will contribute to ecologically sustainable development.

During 2007–08 there were no matters or reports under the *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)*.

The Family Court continues to seek to minimise the impact of its activities on the environment through the following measures:

- ❑ Regular testing of cooling towers and water features in court buildings in accordance with Commonwealth, state and local statutory requirements.
- ❑ National repair and maintenance contracts are in place for Commonwealth-owned and privately leased court buildings to improve accountability, value for money and consistency of maintenance standards and reporting.
- ❑ National repair and maintenance contracts also consolidate reporting and contractual arrangements to achieve the highest possible benefit. This includes the consolidation of waste disposal contracts, improved energy reporting and benchmarking.
- ❑ Site audits on utilities namely electricity, water and gas use and supply as well as consumption data analysis, are regularly undertaken across the Court's tenancies to identify opportunities to reduce consumption where possible. Comprehensive audits were carried out on the Brisbane and Melbourne Commonwealth Law Courts buildings during 2007–08.
- ❑ Energy consumption data is provided to the Australian Greenhouse Office as part of the Court's obligations to the whole of government energy report.
- ❑ Australian Building Greenhouse Rating (ABGR) audits were undertaken during 2007–08 on all Commonwealth law court buildings in which the Court is a tenant. All buildings now have an ABGR classification.
- ❑ Ongoing monitoring and refinement of waste recycling within Commonwealth Law Courts buildings.
- ❑ A building management system (BMS) was installed and commissioned in the Lionel Bowen Building in Sydney during 2007. Significant energy savings were achieved in 2007–08 through more effective control of energy use in that building.
- ❑ A new BMS was installed and commissioned in the Commonwealth Law Courts Building in Parramatta during 2007–08. Energy savings achieved as a result of having more effective controls is expected to be considerable.

The Family Court does not own or control any places for the purposes of managing their heritage values under the *EPBC Act*.