



---

FEDERAL CIRCUIT  
COURT OF AUSTRALIA

# ANNUAL REPORT 2019 2020



ISSN 1444–6707 (print version) ISSN 1447–5065 (online version)

© Commonwealth of Australia 2020

The Federal Circuit Court of Australia provides all material (unless otherwise noted and with the exception of the Coat of Arms) with Creative Commons (CC) Attribution-NoDerivs 3.0 Unported licensing. Material may be distributed, as long as it remains unchanged and the Federal Circuit Court of Australia is credited as the creator. More information can be found at [www.creativecommons.org/licenses/by-nd/3.0/](http://www.creativecommons.org/licenses/by-nd/3.0/).

If you have any questions about Creative Commons or licensing generally, please email [communication@familylawcourts.gov.au](mailto:communication@familylawcourts.gov.au)

#### **Contact officer for annual report**

National Communications Manager  
Federal Court of Australia  
Corporate Services

GPO Box 9991

CANBERRA ACT 2601

Ph: +61 2 6267 0640

Email: [janelle.olney@fedcourt.gov.au](mailto:janelle.olney@fedcourt.gov.au)

#### **Alternative format**

An electronic version of this report is available on the Federal Circuit Court website at: [www.federalcircuitcourt.gov.au/annual-report](http://www.federalcircuitcourt.gov.au/annual-report)

#### **Website address**

[www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au)

#### **Acknowledgments**

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

#### **Design and typesetting**

Giraffe Visual Communication Management.

#### **Printing**

Elect Printing.

This annual report is printed on Pacesetter Satin. Pacesetter is made from elemental chlorine free bleached pulp sourced from well-managed forests and controlled sources. It is manufactured by an ISO 14001 certified mill.



**FEDERAL CIRCUIT COURT OF AUSTRALIA**  
THE HON. JUSTICE WILLIAM ALSTERGREN  
CHIEF JUDGE

Queen Dixon Commonwealth Law Courts  
305 William Street, Melbourne VIC 3000  
Mail: GPO BOX 9991, Melbourne VIC 3001

Telephone: +61 3 8600 4355  
Facsimile: +61 3 8600 4350

14 September 2020

The Honourable Christian Porter MP  
Attorney-General  
Parliament House  
Canberra ACT 2600

Dear Attorney-General,

I am pleased to present the annual report on the operations of the Federal Circuit Court of Australia for the financial year ending 30 June 2020, in accordance with Section 117 of the *Federal Circuit Court of Australia Act 1999*.

This report has been prepared in accordance with the Department of Finance's *Resource Management Guide No. 135: annual reports for non-corporate Commonwealth entities* (May 2020), but adjusted to reflect the changes in structure brought about by the *Courts Administration Legislation Amendment Act 2016*.

A report on the provision of corporate services and the financial statements are included as part of the Federal Court of Australia's 2019–20 annual report. This is due to the *Courts Administration Legislation Amendment Act 2016* that amended a number of Acts in order to adjust the courts' governance structures to support shared services and bring the courts into a single administrative entity under the *Public Governance, Performance and Accountability Act 2013* and a single statutory agency under the *Public Service Act 1999*.

This is the Court's 21<sup>st</sup> annual report.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'W. Alstergren'.

The Honourable William Alstergren  
Chief Judge

# Reader's guide

The purpose of this report is to inform the Attorney-General, the Parliament, Court clients and the general public about the performance of the Federal Circuit Court of Australia in the financial year ending 30 June 2020.

Prepared according to parliamentary reporting requirements, the report outlines the goals in the Court's Portfolio Budget Statements and Corporate Plan and relates them to the results achieved during the year to those goals. It provides information on the Court's performance in relation to its stated outcome:

*Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court.*

## Part 1: The year in review

Highlights significant issues and initiatives the Court has undertaken during the reporting year as well as developments during 2019–20.

## Part 2: Overview of the Court

Provides information about the Court, including its role, functions, organisational structure, appointments and retirements and court service locations.

## Part 3: Report on Court performance

Reports on how the Court performed during the period against the outcome and related program.

## Part 4: Management and accountability

Provides information on corporate governance and judicial and collaborative committees.

## Part 5: Appendices

Includes outcome and program statement, freedom of information data, information about committees, judicial activities, information required by other legislation and contact details.

## Part 6: Indexes

Includes the list of requirements and alphabetical index.

Acronyms and abbreviations and a glossary of court-specific terminology are on pages iii–v.

An electronic version of this annual report is available from the Court's website at [www.federalcircuitcourt.gov.au/annual-report](http://www.federalcircuitcourt.gov.au/annual-report).

## Acronyms and abbreviations

AAT	Administrative Appeals Tribunal
ADR	Alternative Dispute Resolution
AC	Companion of the Order of Australia
ACL	Australian Consumer Law
ADVO	Apprehended Domestic Violence Order
AGD	Attorney-General's Department
AHRC	Australian Human Rights Commission
ALRC	Australian Law Reform Commission
AM	Member of the Order of Australia
AO	Officer of the Order of Australia
APS	Australian Public Service
ASIC	Australian Securities and Investments Commission
AustLII	Australasian Legal Information Institute
CC	Creative Commons
CCH	Commerce Clearing House
CDS	Child Dispute Services
CEO	Chief Executive Officer
CMD	Central Migration Docket
CPD	Continuing Professional Development
Cth	Commonwealth
CVO	Commander of the Royal Victorian Order
DCF	Digital Court File
DCP	Digital Court Program
EA	Enterprise Agreement
FCCA	Citation for all decisions of the Federal Circuit Court
FOI	Freedom of Information
FRAL	Family Relationships Advice Line
FWC	Fair Work Commission
IAA	Independent Assessment Authority
IP	Intellectual Property
KPI	Key Performance Indicator
NAIDOC	National Aboriginal and Islander Day Observance Committee
NEC	National Enquiry Centre
OAM	Medal of the Order of Australia
PPP500	Priority Property Pools under \$500,000
PGPA	Public Governance, Performance and Accountability
QC	Queens Counsel
RAP	Reconciliation Action Plan
SC	Senior Counsel

## Glossary of Court-specific terms

**Affidavit**

A written statement by a party or witness. An affidavit is the main way of presenting the facts of a case to the Court.

**Appeal**

An application to a higher court to review a decision of a lower court or tribunal.

**Appellant**

A person who files an appeal with a court.

**Applicant**

The individual, organisation or corporation who/which applies to the Court to commence legal proceedings against another person or persons. Also known as ‘plaintiff’ in admiralty and corporations matters and in some other courts.

**Application**

The document that starts most proceedings in the Court.

**Case**

The matter before the Court.

**Circuit**

A place the Court regularly visits in rural and regional Australia.

**Dispute resolution**

Procedures and services to help resolve disputes before or during a court hearing without the need for a judicial decision. It may include mediation, conciliation or counselling.

**Docket system**

A system by which each case is allocated to a particular judge who generally manages the matter from commencement to disposition.

**eFiling**

The procedure of electronically lodging a document through the Commonwealth Courts Portal.

**eLodgment**

The procedure of electronically lodging general federal law documents in the Federal Circuit Court.

**Filing**

The process of the Court accepting a document or documents lodged by a party to a proceeding.

***In personam***

An action or right against a specific person.

***In rem***

An action against certain property.

**Judgment**

The final order or set of orders made by the Court after a hearing, often accompanied by reasons which set out the facts and law applied in the case. A judgment is said to be 'reserved' when the Court postpones the delivery of the judgment to a later date to allow the presiding judicial officer time to consider the evidence and submissions. A judgment is said to be 'ex tempore' when the presiding judicial officer gives the judgment orally at the hearing or very shortly thereafter.

**Jurisdiction**

The extent of legal authority or power of the Court to apply the law.

**Litigants**

Individuals, organisations or companies who/which are the parties to a proceeding before the Court.

**Orders**

A court order is a document that sets out what the parties must do. Orders can be urgent, interim (temporary) or final. Courts usually have wide-ranging powers to make orders to enforce judgments.

**Parties**

People involved in a court case. Applicants, respondents and defendants are generally called 'parties'.

**Pro bono**

Legal work performed without charge for litigants who cannot afford the cost of a lawyer and are not eligible for legal aid. Pro bono legal work is done at a substantially reduced rate, or in some circumstances, at no cost.

**Proceeding**

The regular and orderly progression of a matter including all acts and events between the time of commencement and judgment.

**Registrar**

A court lawyer who has been delegated power to perform certain tasks on behalf of a judge; e.g. grant divorces, sign consent orders and determine the next step in a case.

**Regulations**

The Federal Court and Federal Circuit Court Regulation 2012 and the Family Law (Fees) Regulation 2012 which prescribe the filing and other fees that must be paid for proceedings in the Court.

**Respondent**

A party to court proceedings against whom relief is claimed.

**Rules**

Rules made by the judges that set out the procedures for conducting a proceeding in the Court. The rules of the Federal Circuit Court are the *Federal Circuit Court Rules 2001* and the *Federal Circuit Court (Bankruptcy) Rules 2016*.

**Unrepresented litigant**

A party to a matter who does not have legal representation and represents themselves before the Court.

**Supplementary document**

Any document lodged against an existing cause of action that does not attract a fee and does not require follow up action by court staff once lodged.

**FEDERAL  
CIRCUIT  
COURT OF  
AUSTRALIA  
ANNUAL  
REPORT  
2019–20**

**PART 1**  
The year  
in review  
**01**

**PART 2**  
Overview of  
the Court  
**10**

**PART 3**  
Report  
on Court  
performance  
**22**

**PART 4**  
Management and  
accountability  
**58**

**PART 5**  
Appendices  
**72**

**PART 6**  
Indexes  
**116**



# Contents

Letter of transmittal	i
Reader's guide	ii
Acronyms and abbreviations	iii
Glossary of court-specific terms	iv
Our 20 year journey	x
<b>Part 1 The year in review</b>	<b>1</b>
Statistics at a glance	2
Response to the COVID-19 pandemic and a digital transformation	4
Harmonisation	5
Initiatives in family law case management	6
Indigenous Lists	8
General federal law and migration	8
Appointments and retirements	8
<b>Part 2 Overview of the Court</b>	<b>10</b>
About the Court	11
Outcome and program	12
Jurisdiction	12
Organisational structure	17
Judicial officers	18
Judicial appointments and retirements	20
Court service locations	21
<b>Part 3 Report on Court performance</b>	<b>22</b>
Impact of COVID-19 pandemic	23
Snapshot of performance	23
Analysis of performance in 2019–20	24
Report on work in family law	27
Initiatives in family law	33
Report on migration	37
Report on general federal law	41
Appeals	50
Dispute resolution	52
Complaints	55
Judgment publication	56
Changes to the Court's jurisdiction in 2019–20	57

<b>Part 4 Management and accountability</b>	<b>58</b>
Corporate governance	59
Senior executives	60
Judicial committees	61
Overarching committees	61
Working groups and committees	62
Collaborative committees	65
Aboriginal and Torres Strait Islander access to justice	67
Internal and external scrutiny	69
Media and stakeholder engagement	69
Social media	70
Correction of errors in the 2018–19 annual report	71
<b>Part 5 Appendices</b>	<b>72</b>
Appendix 1 Outcome and program statement:	
Federal Circuit Court of Australia	73
Appendix 2 Staffing profile: Federal Circuit Court of Australia	74
Appendix 3 Judgments of interest	75
Appendix 4 Freedom of Information	83
Appendix 5 External involvement	86
Appendix 6 Committees	88
Appendix 7 Judge activities	95
Appendix 8 Contact details	111
Appendix 9 Information required by other legislation	115
<b>Part 6 Indexes</b>	<b>116</b>
List of requirements	117
Alphabetical index	125

## Tables and Figures

Table 1.1:	Filings and finalisations in family law and general federal law	2
Table 2.1:	Federal Circuit Court of Australia Judges, 30 June 2020	18
Table 3.1:	Snapshot of Court performance against targets	23
Table 3.2:	Family law, general federal law and migration applications filed and finalised, 2019–20	25
Table 3.3:	Family law applications filed by type, 2019–20	28
Table 3.4:	General federal law applications filed by type, 2019–20	41
Table 3.5:	Notice of appeals filed, finalised and pending by jurisdiction, 2015–16 to 2019–20	50
Table 3.6:	Number of matters referred to mediation, 2015–16 to 2019–20	52

Table 3.7:	Filings and mediation referrals to a registrar as a percentage of filings, 2019-20	53
Table 3.8:	Mediation referral outcomes, 2019-20	53
Table 3.9:	Federal Circuit Court complaints by category, 2019-20	55
Table 3.10:	Federal Circuit Court judgments by jurisdictional category, 2019-20	56
Table A1.1:	Outcome 3: Federal Circuit Court of Australia	73
Table A6.1:	Federal Circuit Court Committees, 30 June 2020	88
Table A9.1:	Information required by other legislation	115
Figure 2.1:	Organisational structure of the Federal Circuit Court of Australia, 30 June 2020	17
Figure 3.1:	Percentage of applications filed, 2019-20	25
Figure 3.2:	Case management approach in family law (docket system)	26
Figure 3.3:	Family law applications filed by type, 2019-20	28
Figure 3.4:	Final orders applications, 2015-16 to 2019-20	28
Figure 3.5:	Interim orders applications, 2015-16 to 2019-20	28
Figure 3.6:	Issues sought in final orders applications, 2019-20	29
Figure 3.7:	Divorce applications, 2015-16 to 2019-20	29
Figure 3.8:	Representation of litigants in final order applications at some stage in the proceedings, 2015-16 to 2019-20	31
Figure 3.9:	Migration applications filed and finalised, 2015-16 to 2019-20	38
Figure 3.10:	Visa categories comprising pending Federal Circuit Court migration caseload	40
Figure 3.11:	Bankruptcy applications, 2015-16 to 2019-20	43
Figure 3.12:	Fair work applications filed and finalised, 2015-16 to 2019-20	45
Figure 3.13:	Human rights applications filed and finalised, 2015-16 to 2019-20	46
Figure 3.14:	Intellectual property applications filed and finalised, 2015-16 to 2019-20	47
Figure 3.15:	Source of appeals and related actions filed in the Federal Court, 2015-16 to 2019-20	52

# Our 20 year journey

1999

## 23 December

The *Federal Magistrates Act 1999* and the *Federal Magistrates (Consequential Amendments) Act 1999* receive royal assent.

2000

## 23 March

Peter May appointed as the Court's first Chief Executive Officer.

## 11 May

The Hon Diana Bryant AO QC sworn in as Court's first Chief Federal Magistrate by the Hon Murray Gleeson AC, Chief Justice of the High Court of Australia.

## 23 June

First applications filed in the Court.

## 28 June

The Court's first Federal Magistrates sworn in: Murray McInnis (Melbourne), Norah Hartnett

(Melbourne), Christine Mead (Adelaide), Michael Baumann (Brisbane), Jim Brewster (Canberra), Warren Donald (Newcastle), Stephen Scarlett (Parramatta), Judy Ryan (Parramatta) and John Coker (Townsville).

## 30 June

Court receives 438 filings in its first week of operation.

## 3 July

First sittings conducted in Adelaide, Brisbane, Canberra, Melbourne, Newcastle, Parramatta and Townsville.

2001

## 30 June

15 judicial officers. Court receives 36,435 applications in its first full year of operation. Casetrack implemented in the Court's Newcastle, Parramatta, Canberra, Hobart, Melbourne and Dandenong registries.

## 30 July

The *Federal Magistrates Court Rules 2001* commenced.

## 2 October

The Court received its Migration jurisdiction.

2002

## 30 June

743 divorce decrees granted. 182 applications for migration matters. 62 calls per day to the customer service phone line.

2003

## 15 April

*Copyright Act 1968* was amended by the *Copyright Amendment (Parallel Importation) Act*, allowing the Court to hear copyright matters from 13 May 2003.

## 30 June

18 judicial officers. 1,397 migration applications filed.

**2004****29 March**

Court launches the first interactive divorce application form.

**30 June**

3,031 migration applications filed.  
47,379 divorce applications filed.

**14 July**

Appointment of the Hon John Pascoe AC CVO as Court's second Chief Federal Magistrate. Combined registry project commences.

**2005****26 April**

John Mathieson appointed as Chief Executive Officer.

**30 June**

30 judicial officers.  
2,478 migration applications filed.

**1 December**

*Migration Litigation Reform Act 2005* came into effect. The Court now has the same migration jurisdiction that the High Court has under section 75(v) of the Constitution.

**2006****30 June**

34 judicial officers. 46,512 divorce applications filed.  
After two months in operation, the NEC is receiving 1,000 calls a day.

**2007****30 June**

48 Federal Magistrates. Commonwealth Courts Portal development announced.

**2008****28 November**

Richard Foster appointed acting Chief Executive Officer.

**2009****1 July**

*Fair Work (Transitional Provisions and Consequential Amendments) Act 2009* included miscellaneous amendments to the *Federal Circuit Court of Australia Act 1999* to establish two divisions within the Federal Circuit Court, a Fair Work division and a general division. From 1 July 2009 proceedings in the Court must be instituted, heard and determined in one of these divisions.



**2010**

**23 June**

Court's 10th anniversary. 61 judicial officers. 91,678 applications filed.

**2011**

**8 December**

Appointment of Australia's first Indigenous Commonwealth judicial officer, Judge Matthew Myers.

**2012**

**13 September**

Announcement that Court's name will change to Federal Circuit Court of Australia.

**15 October**

Launch of first Family Violence Best Practice Principles.

**2013**

**1 March**

The Federal Circuit Court of Australia (Consequential Amendments) Bill 2012 and the *Federal Circuit Court of Australia Legislation Amendment Act 2012* passed.

**12 April**

Court name changed to Federal Circuit Court of Australia. Federal Magistrates became known as Judges.

**30 June**

64 judicial officers.  
85,599 applications filed.

**2014**

**25 March**

Court receives the 2014 Australian Migration and Settlement Award in the area of Diversity and the Law.

**4 April**

Federal Circuit Court is the first Australian court to enter into a Reconciliation Action Plan.

**October**

Launch of the Court's first Family Violence Plan.

2015

**12 January**

New Notice of Risk becomes mandatory in the Court.

2017

**12 October**

Retirement of John Pascoe as Chief Judge.

**13 October**

Appointment of the Hon William Alstergren as Chief Judge.

2018

**14 February**

Judicial Wellbeing Committee established.

**February to May**

Callovers of more than 1,600 pending family law matters, achieving a settlement rate of 50%.

2019

**April**

Joint Rules Harmonisation Working Group established.

**September**

Central Migration Docket implemented.

**May**

Launch of the Court's updated Reconciliation Action Plan.

**September to December**

Discrete Property List launched in Brisbane, Sydney and Parramatta.

2020

**January**

Discrete Property List launched in Adelaide and Melbourne.

**29 April**

National COVID-19 List established.

**14 April**

Digital Court File for family law goes live.

**23 June**

Court's 20th anniversary.

**16 April**

National Arbitration List established.

**30 June**

68 judicial officers.

**17 April**

Appointment of David Pringle as CEO and Principal Registrar.

95,896 applications, which includes 85,563 family law, 6,555 migration and 3,778 general federal law.

# Highlights



**30**

CIRCUIT LOCATIONS  
AROUND AUSTRALIA



DIGITAL COURT  
FILE  
ESTABLISHED  
FOR FAMILY LAW



**85,563**

FILINGS IN  
FAMILY LAW



**3,778**

APPLICATIONS  
FILED IN GENERAL  
FEDERAL LAW



**518**

FAMILY LAW  
APPLICATIONS CALLED  
OVER IN THE  
SUMMER CAMPAIGN



**6,555**

APPLICATIONS  
FILED IN  
MIGRATION



**45,886**

DIVORCE  
APPLICATIONS  
FILED



**29 APRIL  
2020**

COVID-19 LIST  
ESTABLISHED TO  
HANDLE INCREASE  
IN URGENT FAMILY  
LAW APPLICATIONS



**73%**

OF MATTERS  
RESOLVED  
BEFORE TRIAL



**2,130**

HOURS OF YOUTUBE  
CHANNEL WATCHED



**38,066**

YOUTUBE VIEWS

# PART 1

## The year in review

---

Statistics at a glance	2
Response to the COVID-19 pandemic and a digital transformation	4
Harmonisation	5
Initiatives in family law case management	6
Indigenous Lists	8
General federal law and migration	8
Appointments and retirements	8

# Statistics at a glance

Table 1.1: Filings and finalisations in family law and general federal law

FAMILY LAW	2018–19		2019–20	
	Filings	Finalisations	Filings	Finalisations
Final orders	17,070	16,683	16,455	15,769
Interim orders	22,115	20,758	21,775	20,715
Divorce applications	44,342	44,545	45,886	44,963
Other	1,707	1,654	1,447	1,440
<b>Total family law</b>	<b>85,234</b>	<b>83,640</b>	<b>85,563</b>	<b>82,887</b>

MIGRATION LAW	2018–19		2019–20	
	Filings	Finalisations	Filings	Finalisations
Migration	5,591	3,784	6,555	4,045

GENERAL FEDERAL LAW	2018–19		2019–20	
	Filings	Finalisations	Filings	Finalisations
Bankruptcy	2,885	2,823	1,872	2,105
Administrative	53	50	48	43
Admiralty	6	6	11	9
Consumer	141	141	157	138
Intellectual property	43	44	57	36
Human rights	86	85	70	74
Industrial and Fair work	1,291	1,273	1,563	1,329
<b>Total general federal law</b>	<b>4,505</b>	<b>4,422</b>	<b>3,778</b>	<b>3,734</b>



# The year in review



The past 12 months have seen rapid change for the Federal Circuit Court's operations and the commencement, or in some instances, the continuation, of a number of exciting initiatives. Through the advent of improved use of technology, the Court has been able to transform itself into a truly national and modern Court while ensuring that it continues to provide an essential service for the Australian people.

The Federal Circuit Court is in the unique position of being an intermediate court of record that hears both a high volume of cases, but also a complex caseload, which spans a broad array of federal jurisdictions. This year, the Federal Circuit Court celebrates its 20<sup>th</sup> Anniversary. The Court has grown in magnitude, reputation and scope of jurisdiction in its industrious 20 year history, and is the largest federal court in the country. In 2019–20, the Court received in excess of 95,000 applications, the majority of which were filed in the family law jurisdiction. The Court has also seen extraordinary growth in filings in migration law, as well as an increase in filings in the fair work jurisdiction. The Federal Circuit Court now undertakes the majority of the workload across both the family law and general federal law jurisdictions across all federal courts.

In 2019–20, the Court's performance has been directly affected by two particular challenges: the first is the COVID-19 pandemic. The second is the significant increase in migration applications filed.

Notwithstanding the large volume of work undertaken in the family law jurisdiction, where the Court hears 87 per cent of all family law applications and 92 per cent of all parenting applications, migration is now the second largest area of work of the Court. The pending migration caseload has increased from 7,674 applications in 2017–18 to 12,158 applications in 2019–20. At 30 June 2020, the clearance rate for final order applications in family law was 96 per cent. For migration applications, it was 62 per cent.

To put that in perspective, without further resources, on current filing rates, the pending migration caseload will surpass the pending family law caseload in less than two years. This is impacting the Court broadly, but is having a particular impact on the judges who are trying to accommodate hearing more migration cases in a finite amount of available judicial time, which necessarily comes at the expense of their other work.

## Response to the COVID-19 pandemic and a digital transformation

Like many courts nationally and internationally, the Court's operations have been impacted by the COVID-19 global pandemic. However, given the essential service the Court provides to Australian families, it was simply never an option for the Court to close or reduce its operations beyond what was absolutely necessary. I took the step to issue a public statement urging parents to comply with the spirit of the parenting orders they had in place, and if they were unable to do so, then the Court was open to assist them. The Court was quick to issue face-to-face protocols for hearings and other court events, and update these as required as the situation evolved. It is a testament to the judges and staff of the Court that they responded quickly and flexibly to the rapidly changing uncertainties of the early stages of the pandemic.

Within a number of weeks of the pandemic emerging, the Court had undergone a significant digital transformation. Microsoft Teams was introduced court-wide to facilitate virtual hearings by videoconferencing, as well as options for hearings by telephone. Shortly after this, registrars were trained to conduct

electronic alternative dispute resolution (ADR) using Microsoft Teams and *immediation*.

By mid-April, the Court had fast tracked the introduction of the Digital Court File, so that all new applications had a fully digital court file and could be accessed remotely from any location around the country, including by those working from home. In addition, *Joint Practice Direction 2 of 2020: Special Measures in relation to COVID-19* was issued in both the Family Court and Federal Circuit Court to deal with issues in relation to electronic filing, viewing of subpoenas, electronic signatures, witnessing documents and affidavits, and the payment of fees. The Court's Child Dispute Services team quickly modified its operations and implemented guidelines so as to continue to interview families and children for the preparation of section 11F memorandums and section 62G family reports using technology.

Staff at all levels and across all aspects of the Court's operations stepped up to ensure that the core business of the Court continued to be discharged, and for that they have my sincere gratitude. The Court is constituted by many hard working judges and staff who appreciate the importance of what we do, and it is the motivation and commitment of these individuals that makes the Court effective, dynamic and responsive.

## COVID-19 List

A prime example of the responsiveness of the Court is the establishment of the COVID-19 List. By mid-April it became apparent that the Court was receiving an increased number of urgent applications in family law. The COVID-19 List was quickly implemented to deal with any urgent applications filed as a direct result of the COVID-19 pandemic. All applications have been given a first court date within three business days of being considered by a registrar. The List is the Court's first national electronic list, and

has ensured that litigants could access urgent family law assistance from anywhere around the country. More detail about the COVID-19 List is set out in Part 3 of this Annual Report.

## Improvements to access to justice and safety for vulnerable litigants

The Court has been determined to find positive learnings out of the pandemic, and it has been an opportunity for the Court to modernise and showcase its adaptability. While operating in a near fully electronic environment has presented some challenges, it has also improved the administration of justice, both in terms of accessibility and safety. For some litigants and practitioners who live in rural or regional Australia, hearings by videoconferencing have saved them the time and expense of travelling into regional centres, without having to wait for a visiting Judge to circuit to that location. The Court circuits to 30 locations around Australia as part of its work in family law, and it was important to the Court and to Australian families that this work has been able to continue electronically during the pandemic. This is a modernisation that will be used to supplement face-to-face hearings on circuits going forward, particularly for the hearing of urgent applications, general case management, and electronic ADR. Additionally, and critical to the Court's focus on managing safety and risk, videoconferencing provides an alternative way for vulnerable parties or witnesses to attend court when they may have safety concerns about coming into the Registry or coming into contact with another party in the proceeding. The Court will be closely considering how to make the best use of technology to benefit litigants moving forward, and to continue the journey towards being a modernised court at the forefront of innovation amongst justice systems both nationally and internationally.

These are serious ambitions, but Australians and their families deserve no less.

## Harmonisation

Despite the significant impact of the COVID-19 pandemic, the Court has continued to progress a number of important projects that will fundamentally change the way the court system operates. In the family law jurisdiction, many of these projects involve both the Family Court and the Federal Circuit Court. The process of harmonisation to recast the family law system into a system that meets the needs of Australian families in a clear and consistent way is at the forefront of our operations.

### Joint Practice Direction 1 of 2020

As an initial step towards reconciling the case management procedures in family law across the two Courts, in January this year I issued the first Joint Practice Direction, *Joint Practice Direction 1 of 2020 – Core Principles in the Case Management of Family Law Matters*. The practice direction contains a statement of ten core principles that underpin the exercise of the family law jurisdiction of both Courts. The practice direction includes principles in relation to prioritising safety and handling risk, achieving the overarching purpose of the just, safe, efficient and timely resolution of matters and the importance of ADR. The core principles also remind parties and practitioners of their responsibilities in relation to identifying and narrowing issues in dispute, being prepared for hearings, and incurring costs only as are fair, reasonable and proportionate to the issues that are genuinely in dispute.

## Harmonisation of the *Family Law Rules 2004* and the *Federal Circuit Court Rules 2001*

Over the past 12 months, the Joint Rules Harmonisation Working Group met regularly to progress the harmonisation of the Family Law Rules and the Federal Circuit Court Rules in so far as they apply in the family law jurisdiction of the Court, so as to create a single, harmonised set of rules. This is a project that has required the focus and dedication of Judges and staff of both Courts, overseen by an independent Chair, the Hon Dr Chris Jessup QC, and ably assisted by two barristers, Emma Poole and Chris Lum. The Working Group's efforts have produced a complete draft of the harmonised rules, which has been distributed to all Judges for consultation, and will thereafter be distributed to the profession and other stakeholders for external consultation in the second half of 2020. While there is still some way to go before the rules, forms and case management practices across the Courts are harmonised, compiling a draft of the harmonised rules is a significant achievement which had not been able to be accomplished in the past 20 years. My thanks go to those judges of the Federal Circuit Court who have worked diligently as part of the Joint Rules Harmonisation Working Group, namely Judge Driver, Judge Hughes and Judge Harland.

## Harmonisation of the Notice of Risk and Registrar Delegations

As a precursor to formal rules harmonisation, the Courts are accelerating the harmonisation of two important aspects of the Courts' practice and procedure that are currently divergent. The first is the redesign of each Court's form used for risk notification, which are being

harmonised into a comprehensive notice to be called the *Notice of Child Abuse, Family Violence or Risk*. This aligns with the Court's focus on early risk identification to prioritise the safety of litigants and ensure informed decisions can be made in the best interests of the child. A single form to be used for risk identification will also complement the implementation of the Lighthouse Project, a pilot initiative involving risk screening and assessment, safety planning, service referral and the establishment of a high risk list to be called the Evatt List.

The second area being harmonised and expanded as a priority is the rules that delegate judicial power to registrars in the family law jurisdiction. This will allow registrars in the Federal Circuit Court to provide greater support to judges by assisting with case management work and free up judicial time so that judges can focus on determining the most complex matters and hearing trials.

## Initiatives in family law case management

### Summer Campaign

In February 2020, the Court commenced the Summer Campaign involving the listing of more than 500 family law cases in the Federal Circuit Court that had been in the court system for more than two years. A key objective of the campaign is to provide families with an opportunity to resolve their long-term family law dispute, preferably through the use of ADR. Prior to attending court, parties involved in this campaign were sent an electronic questionnaire to assist the Court to assess suitability for ADR and to understand how best to progress the case. During the week of the callover, parties had the opportunity to attend an ADR case

conference with a registrar, or if appropriate in parenting matters, with a registrar and family consultant, or otherwise were referred to private mediation, family dispute resolution or arbitration. The Summer Campaign was a success in Melbourne and Sydney, assisting with the resolution of a number of older pending family law matters. Unfortunately the onset of the COVID-19 pandemic necessitated the suspension of the Summer Campaign in other locations, but will recommence electronically in July 2020.

### **Discrete Property List and Priority Property Pools under \$500,000 (PPP500) Pilot**

Following on from a successful pilot in the Newcastle registry, the Discrete Property List was rolled out to the Brisbane, Sydney, Parramatta, Melbourne and Adelaide registries in 2019–20. The List involves registrars closely case managing all property only applications filed in the Court, including monitoring compliance with disclosure obligations and valuations, and referring the parties to ADR. The list has been an outstanding success, assisting a large proportion of property cases to resolve without judicial intervention.

In addition, the Court received funding to undertake a pilot to resolve property cases with an asset pool of less than \$500,000 in a simplified way, which has been named the PPP500 Pilot. The aim is to resolve these cases in a timely and efficient manner, whilst achieving a just outcome at a cost to the parties that is reasonable and proportionate to the assets available in the proceedings. Parties are able to commence proceedings in a simplified manner in an attempt to reduce cost and delay. The PPP500 Pilot involves an intensive registrar led resolution phase, followed by a simplified judicial determination phase if necessary.

Both of these initiatives are showcasing the benefits of early registrar intervention and case management, monitoring for compliance, and appropriate referrals to ADR in a timely way. More detail about the Discrete Property List and the PPP500 Pilot can be found in Part 3 of this report.

### **National Arbitration List**

In April 2020, a specialist National Arbitration List was established in both the Family Court and the Federal Circuit Court. The Lists were established to support the development and promotion of arbitration for property matters in family law, furthering the Courts' emphasis on the importance of alternative dispute resolution. The List operates electronically on a national basis, with a dedicated judge assigned to the List in each Court to ensure that matters sent to arbitration are closely managed, and any applications arising out of an arbitration can be determined promptly.

### **The Lighthouse Project and Family DOORS Triage**

In late 2019, the Courts received funding for a risk screening and triage pilot which will initially be operating in the Adelaide, Brisbane and Parramatta registries. The Pilot will play a central role in the Courts' response to cases involving allegations of family violence and assist matters to be allocated to a case management pathway that is the most appropriate, with a view to improving the safety of litigants and children who may have experienced family violence. The pilot involves three interconnected processes:

(1) screening parenting matters for family safety risks at the point of filing using a bespoke web based risk screening tool called Family DOORS Triage; (2) triaging matters to an appropriate pathway based on the identified level of risk and providing safety planning and service



referral; and (3) maintaining a specialist list to hear matters assessed as high risk. The high risk list has been named the Evatt List in honour of the first Chief Justice of the Family Court of Australia, the Hon Elizabeth Evatt AC. An extraordinary amount of preparation and planning was put into this project in the first six months of 2020 and I look forward to its commencement in the second half of 2020.

## Indigenous Lists

Over the past year, the Court has expanded the family law Indigenous Lists into five locations: Adelaide, Alice Springs, Darwin, Melbourne and Sydney. The List is one of the Court's commitments under the Reconciliation Action Plan and aims to provide greater access to justice for people who identify as Aboriginal and/or Torres Strait Islander. Indigenous Lists differ from other Court lists as they adopt a degree of informality. The Judge sits at the bar table with the parties, their legal representatives and any other family members or extended kin, there are specialised support services available on the day, and the Court is closed to the public. I thank the judges involved in running these lists for their hard work, and for spearheading the Court's deep commitment to Indigenous access to justice issues.

## General federal law and migration

Whilst the greatest proportion of the Court's work is in family law, the Court is receiving a growing number of applications in areas of general federal law. Over the past financial year, the Court received an increased number of applications filed in the fair work jurisdiction, reflecting the growing importance of this area of law. The Court is working hard to ensure

the timely resolution of fair work matters, particularly in relation to matters in the small claims list which require prompt resolution.

The sharp increase in migration filings continues to be a pressing issue for the Court. Filings continue to grow at an unprecedented rate and this growth is placing increasing pressure on judicial resources. The Court considers the provision of judicial resources to be essential to the timely resolution of the migration caseload. In the meantime, all migration cases have been allocated to a Central Migration Docket to be managed and allocated on a national basis. This ensures that the Court is operating as efficiently as possible with the resources that it has available in the migration jurisdiction. However, an injection of resources would be beneficial to assist the Court to manage the migration caseload in a timely way.

## Appointments and retirements

On 20 April 2020, the Court farewelled her Honour Judge Judy Small AM. Judge Small served on the bench of the Federal Circuit Court for seven years, during which her Honour made a significant contribution to the Court and to the culture of the Melbourne registry. While we were unable to hold a traditional ceremonial farewell sitting to commemorate Judge Small's time with the Court, an electronic ceremonial sitting was held via videoconference attended by more than 170 distinguished guests, family and friends. I would like to thank Judge Small once again for her contribution to the Federal Circuit Court.

In September 2019, I was pleased to welcome Mr David Pringle as acting Chief Executive Officer (CEO) and Principal Registrar of the Family Court of Australia and the Federal Circuit Court of Australia. David's appointment as

CEO and Principal Registrar was formalised in April this year for a term of five years.

David has commenced his role with enthusiasm and determination, and I look forward to continuing to work closely with him on the many exciting projects we are undertaking.

I would also like to take this opportunity to thank Virginia Wilson for acting in the role of CEO and Principal Registrar for much of 2019 and into the 2019–20 financial year, and for the substantial assistance she provided the Court in that position.

In February 2020, the Court farewelled Mr Steve Agnew, Executive Director of Performance, Planning and Strategy, who retired after many years of dedicated service to the Federal Circuit Court. Steve worked for the Court from its inception, and made a significant and positive impact on the development of this Court for which he has our gratitude. Steve was a leader, mentor and friend to many in the Courts, and I wish him well in his retirement.

Lastly, I would like to reiterate my gratitude to all judges and staff for their hard work during 2019–20. It has been a busy year, and continuing to provide an essential service during a pandemic has called upon our flexibility and our resilience. My thanks also to the profession who have supported the Court during this time, and I look forward to working closely with the profession and other stakeholders over the coming year.



**The Honourable William Alstergren**  
Chief Judge

# PART 2

## Overview of the Court

---

About the Court	11
Outcome and program	12
Jurisdiction	12
Organisational structure	17
Judicial officers	18
Judicial appointments and retirements	20
Court service locations	21

# Overview of the Court

## About the Court

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

The jurisdiction of the Federal Circuit Court is best described in terms of three main areas:

- family law
- migration law, and
- the following areas of general federal law: administrative law, admiralty law, bankruptcy, consumer law, human rights, industrial law, intellectual property and privacy.

More information about the Court's jurisdiction is provided on page 12 of this report.

The Federal Circuit Court shares jurisdiction with the Family Court of Australia (Family Court) in respect of family law and child support and the Federal Court of Australia (Federal Court) in respect of general federal law.

The Federal Circuit Court is the largest federal court in Australia. With 68 judges and a substantial family law and migration law workload, as well as other significant general federal law jurisdictions, the Court continues to provide an essential service to the Australian community.

The Federal Circuit Court sits in all capital cities, selected major regional centres, and also circuits to a number of regional locations.

## Objective

The provisions of the Act enable the Court to operate as informally as possible in the exercise of judicial power; to enable the Court to use streamlined procedures; and to encourage the use of a range of appropriate dispute resolution processes.

## Purpose

The purpose of Federal Circuit Court is to provide timely access to justice and resolve disputes in an efficient and cost effective manner, using appropriate dispute resolution processes.

## Outcome and program

Effective 1 July 2016, the Federal Circuit Court and the Family Court were amalgamated with the Federal Court into a single administrative body with a single appropriation and shared corporate services.

*The Courts Administration Legislation Amendment Act 2016* established the amalgamated body, known as the Federal Court of Australia. This approach preserves each Courts' functional and judicial independence while improving their financial sustainability.

### Outcome 3

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

### Program 3.1

The Federal Circuit Court has a single program under which all services are provided: Federal Circuit Court of Australia.

### Performance criteria

Timely completion of cases:

- 90 per cent of final order applications disposed of within 12 months.
- 90 per cent of all other applications disposed of within six months.
- 70 per cent of matters resolved prior to trial.

Details of the Court's performance in 2019–20 can be found in Part 3 (*Report on Court performance*). The Court's annual performance statement can be found in the Federal Court's 2019–20 annual report.

## Jurisdiction

The jurisdiction of the Federal Circuit Court includes family law, migration law, and the following areas of general federal law: administrative law, admiralty law, bankruptcy, consumer law (formerly trade practices), human rights, industrial, intellectual property and privacy.

### 1. Family law

The Federal Circuit Court exercises all aspects of jurisdiction under the *Family Law Act 1975* (Cth) (*Family Law Act 1975*) with the exception of adoption and applications for nullity or validity of marriage. The Court has the same jurisdiction as the Family Court in relation to child support.

This includes:

- applications for parenting orders, including those providing for where a child lives, with whom a child spends time and communicates, and maintenance or specific issues under Part VII of the *Family Law Act 1975*
- applications in relation to property and applications for spousal maintenance or maintenance under Part VII and Part VIIIAB of the *Family Law Act 1975*
- applications in relation to financial agreements and superannuation
- applications for divorce under Part VI of the *Family Law Act 1975*
- applications for contraventions of orders made under the *Family Law Act 1975*
- enforcement of orders made by either the Federal Circuit Court or the Family Court
- location and recovery orders as well as warrants for the apprehension or detention of a child
- determination of parentage, under Part VII Division 12, and recovery of child bearing expenses pursuant to Part VII Division 8 of the *Family Law Act 1975*.



The Federal Circuit Court deals with a high volume of cases involving allegations of family violence, child abuse and other issues of risk. In many of these cases, an Independent Children's Lawyer is appointed to ensure that the best interest of the child remains the paramount consideration.

The Child Dispute Services section of the Federal Circuit Court also provides extensive family counselling services by qualified Family Consultants, who are highly qualified and experienced psychologists or social workers. Family Consultants play an extensive role in interviewing and observing parents and children for the preparation of memorandums ordered under section 11F and family reports ordered under Section 62G of the *Family Law Act 1975*.

The Federal Circuit Court is also expanding its use of alternative dispute resolution in parenting and financial matters. Specific initiatives focusing on the targeted use of alternative dispute resolution and family dispute resolution include the PPP500 Pilot, which captures property disputes with an asset pool less than \$500,000, and the Discrete Property List. The Court is presently developing a model for family dispute resolution to be conducted by Registrars and Family Consultants in parenting matters, with a focus on ensuring the safety of litigants and resolving disputes in the best interests of the children involved.

### **Jurisdiction upon transfer from the Family Court**

The Federal Circuit Court has jurisdiction to hear any matter within the jurisdiction of the Family Court that the Family Court transfers to the Federal Circuit Court. under Section 33B of the *Family Law Act 1975*.

## **2. Migration law**

Migration represents the second largest area of workload for the Court, with 6,555 filings in the 2019–20 financial year (an increase of 17 per cent since 2018–19). Migration law is a complex and specialist area of law that is often the subject of constitutional challenge. Court decisions in Migration law underpin much of general administrative law. The *Migration Act 1958* is amended frequently, so the area of law is constantly evolving. Most applicants are unrepresented and require interpreters to present their matters to the Court. Under the *Migration Act 1958*, the Court can review some decisions, including decisions made by the Minister for Home Affairs, the Administrative Appeals Tribunal and the Immigration Assessment Authority.

Almost half of the Court's migration work relates to judicial review of protection visa decisions made by merits review bodies like the Administrative Appeals Tribunal and the Immigration Assessment Authority. A protection visa is the means by which Australia recognises and protects foreign nationals in Australia claiming to fear certain kinds of harm in their countries of origin. Another significant portion of the Court's migration work relates to reviews of student visa refusals and cancellations, as well as skilled work visas and business visas. The Court also hears urgent applications brought to prevent deportation/removal of persons from Australia.

### 3. General federal law

The Federal Circuit Court deals with a wide range of matters, sharing jurisdiction with the Federal Court and, in some cases, state courts. The Court's rules and procedures are simpler and less formal and aim to reduce the cost and number of court appearances. Where the Court has jurisdiction in a matter, it also has jurisdiction to determine associated or inseverable claims that would otherwise not be within jurisdiction.

The following is more information about the Federal Circuit Court's jurisdiction in the various areas of general federal law.

#### Administrative

The Federal Circuit Court has jurisdiction to hear applications under the *Administrative Decisions (Judicial Review) Act 1977*. The Court can also undertake judicial review of 'child support first reviews' under s 44AA of the *Administrative Appeals Tribunal Act 1975* (provided that the decision does not involve a presidential member). The Federal Circuit Court also hears appeals from the Administrative Appeals Tribunal remitted from the Federal Court.

#### Admiralty

The Federal Circuit Court has jurisdiction under ss 9, 27 and 28 of the *Admiralty Act 1988* (Cth) and any matters referred to it by the Federal Court. The jurisdiction allows the Court to hear proceedings commenced as actions *in personam* on a maritime claim, or a claim for damage done to a ship. The Federal Court or a state court may remit any *in rem* matters to the Federal Circuit Court. The Court works in conjunction with the Federal Court and provides an alternative venue for the hearing of smaller cargo claims within the federal system. The Court's admiralty work is undertaken by nominated judges working with skilled registrars and registry staff in each state to

deal with matters in a way best suited to the particular dispute.

#### Bankruptcy

The Federal Circuit Court has concurrent jurisdiction with the Federal Court under the *Bankruptcy Act 1966*, except those requiring jury trials. The Federal Circuit Court and Federal Court have developed harmonised rules for bankruptcy matters and have a joint committee to monitor the rules and if necessary, recommend and implement changes.

The Federal Circuit Court has general powers in bankruptcy pursuant to Section 30 of the *Bankruptcy Act* to:

- decide all questions, whether of law or of fact, in any case of bankruptcy or any matter under Part VIII, X or XI coming within the cognisance (power) of the Court, and
- make orders (including declaratory orders or orders granting injunctions or other equitable remedies) as the Court considers necessary for the purpose of carrying out or giving effect to the Act.

#### Consumer

The Court has jurisdiction for claims under the following provisions of the *Competition and Consumer Act 2010* (formerly the *Trade Practices Act 1974*):

- Section 46 (Misuse of Market Power)
- Section IVB (Industry Codes)
- Part IVD (Consumer Data Right)
- Part XI (Application of the Australian Consumer Law as a law of the Commonwealth), and
- Schedule 2 (Australian Consumer Law).

The Court can provide injunctive relief and award damages up to \$750,000. In relation to certain claims for \$40,000 or less, litigants can elect to use the small claims procedure of the Court. The Court also has civil jurisdiction with respect to claims under the *National Consumer*

*Credit Protection Act 2009*. There is provision in certain proceedings for a litigant to elect that an application for compensation be dealt with as a small claims proceeding.

### Human rights

The Federal Circuit Court has jurisdiction for civil matters arising under Part IIB or IIC of the *Australian Human Rights Commission Act 1986*. The Federal Circuit Court can determine federal unlawful discrimination matters under the *Australian Human Rights Commission Act 1986* relating to complaints under the:

- *Age Discrimination Act 2004*
- *Disability Discrimination Act 1992*
- *Racial Discrimination Act 1975*, and
- *Sex Discrimination Act 1984*.

### Industrial

The Federal Circuit Court has jurisdiction concurrent with the Federal Court, for matters under the:

- *Fair Work Act 2009*
- *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*, and
- *Workplace Relations Act 1996* (in so far as it continues to apply).

This jurisdiction is exercised by the Fair Work Division of the Court.

The *Fair Work Act 2009* confers small claims jurisdiction on the Court for various matters if the compensation is not more than \$20,000.

The Court also has some jurisdiction in relation to certain matters under the *Independent Contractors Act 2006*, the *Fair Work (Registered Organisations) Act 2009* and the *Building and Construction Industry (Improving Productivity) Act 2016*.

### Intellectual property (including copyright, trade marks and design)

All IP matters filed in the Federal Circuit Court are docketed and managed through a national IP docket system that ensures streamlined management of applications. The Federal Circuit Court has jurisdiction to hear and determine civil disputes concerning copyright, designs, and trade marks as set out below.

#### Copyright

The Court has jurisdiction to hear civil claims and matters under Parts V, VAA, IX and s 248J of the *Copyright Act 1968*, such as claims for injunctions and damages for breach of copyright.

#### Trade marks

The Court has jurisdiction for the following matters under the *Trade Marks Act 1995*:

- Appeals from decisions of the Registrar of Trade Marks – ss 35, 56, 67, 83(2), 83A(8), 84A–84D and 104.
- Infringement actions – ss 120–128 and under ss 129 and 130.
- Revocation of registration under ss 88 and 89.
- Decision on whether a person has used a trade mark under s 7.
- Determining whether trade mark has become generic – ss 24, 87 and 89.
- Amendment or cancellation of registration under ss 85 and 86.
- Application for an order to remove a trade mark registration for non-use – s 92(3).
- Application for rectification of register by order of court under s 181.
- Variation of rules governing use of certification trade mark under s 182.

## Design

The Court has jurisdiction for the following matters under the *Designs Act 2003*:

- Appeals from decisions of the Registrar of Designs – ss 28(5), 67(4), 68(6), 50(6), 52(7) and 54(4).
- Ability to make a determination of the entitled person during proceedings before the Court under s 53.
- Infringement actions under ss 71–76.
- Applications for relief from unjustified threats under ss 77–81.
- Application for compulsory licences under ss 90–92.
- Revocation of registration under s 93.
- For Crown use provisions, provide a determination of the term of use of a design under s 98.
- Application for a declaration by a court of any Crown use under s 101.
- Application for the cessation of Crown use of a design under s 102.
- Rectification of register under s 120D.

## Privacy

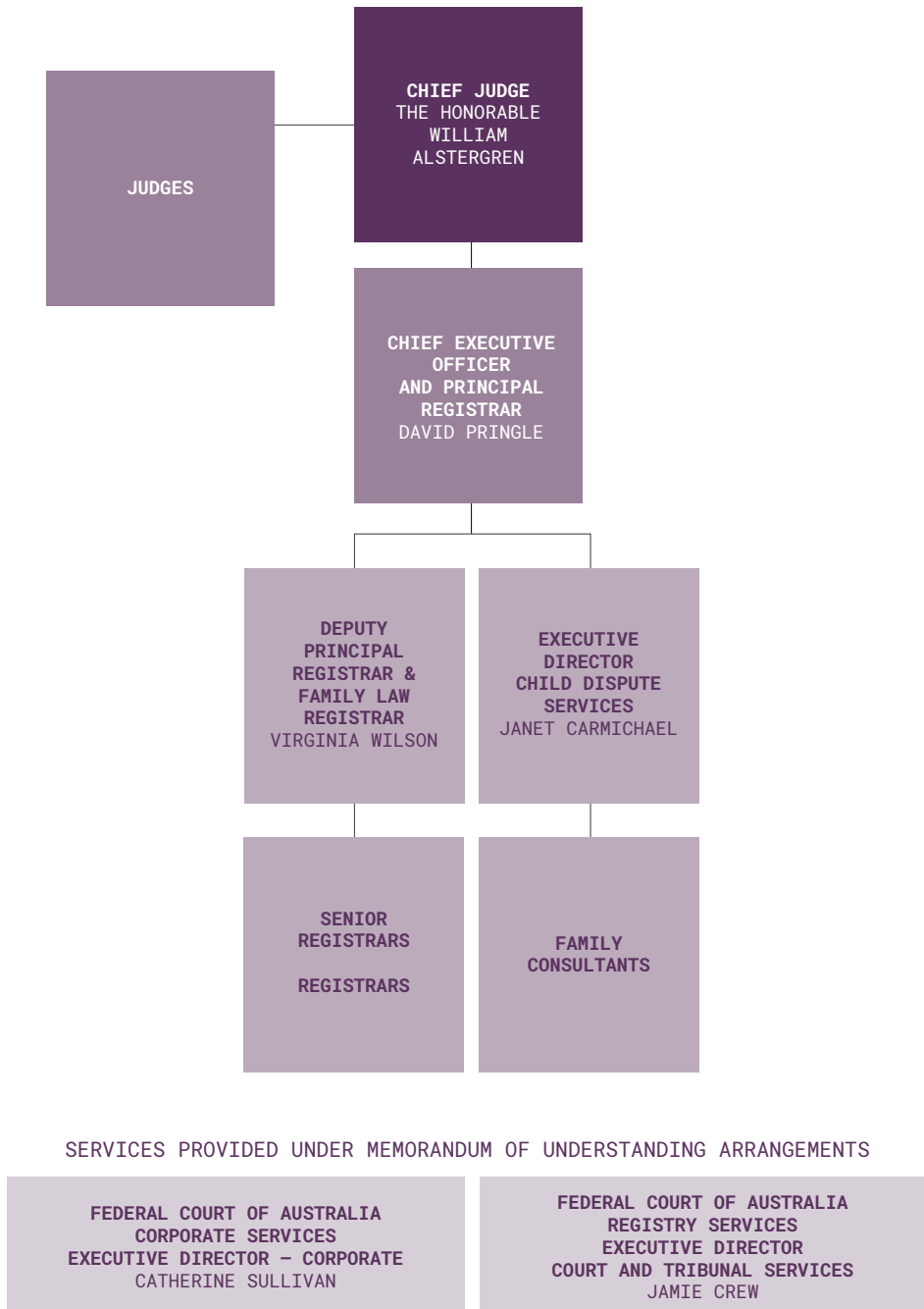
The Federal Circuit Court has concurrent jurisdiction with the Federal Court to enforce determinations of the Privacy Commissioner and private sector adjudicators under the *Privacy Act 1988*.

## Jurisdiction upon transfer from the Federal Court

The Federal Circuit Court has jurisdiction to hear any matter within the jurisdiction of the Federal Court that the Federal Court transfers to the Federal Circuit Court.

## Organisational structure

Figure 2.1: Organisational structure of the Federal Circuit Court of Australia, 30 June 2020



## Judicial officers

Judges are appointed by the Governor-General by commission in accordance with Chapter III of the Australian Constitution. A judge is appointed for a term expiring when they reach the age of 70 years.

Section 8 of the *Federal Circuit Court of Australia Act 1999* provides that the Court consists of a Chief Judge and such other judges as appointed.

At 30 June 2020, 68 judges held appointment to the Court (including the Chief Judge).

The remuneration arrangements for all judicial officers and the Chief Executive Officer and Principal Registrar are governed by enforceable determinations of the Remuneration Tribunal (further details including relevant determinations are available at [www.remtribunal.gov.au](http://www.remtribunal.gov.au)).

Table 2.1 lists the Federal Circuit Court judges as at 30 June 2020, and their location and appointment date.

**Table 2.1: Federal Circuit Court of Australia Judges, 30 June 2020**

JUDGE	LOCATION	APPOINTMENT DATE
<b>CHIEF JUDGE</b>		
William Alstergren	Melbourne	13 October 2017
JUDGE	LOCATION	APPOINTMENT DATE
Rolf Driver	Sydney	31 July 2000
Stewart Brown	Adelaide	5 November 2001
Shenagh Barnes	Sydney	5 November 2001
Michael Jarrett	Brisbane	2 February 2004
Sylvia Emmett AM	Sydney	5 July 2004
Grant Riethmuller	Melbourne	19 July 2004
Nick Nicholls	Sydney	23 August 2004
Kevin Laphorn	Brisbane	29 August 2005
Kate Hughes	Canberra	30 January 2006
Heather Riley	Melbourne	3 July 2006
Philip Burchardt	Melbourne	10 July 2006
John O'Sullivan	Melbourne	10 July 2006
Antoni Lucev	Perth	14 August 2006
Robert Cameron	Sydney	3 October 2006
Tom Altobelli	Sydney	13 November 2006
Stephen Coates	Brisbane	27 November 2006
Leanne Spelleken	Brisbane	11 December 2006
Charlotte Kelly	Adelaide	12 March 2007

JUDGE	LOCATION	APPOINTMENT DATE
Janet Terry	Newcastle	10 April 2007
Warwick Neville	Canberra	2 July 2007
Dale Kemp	Sydney	4 July 2007
Paul Howard	Brisbane	9 July 2007
Susan Purdon-Sully	Brisbane	15 October 2007
Margaret Cassidy	Brisbane	5 November 2007
Evelyn Bender	Melbourne	15 September 2008
Anne Demack	Rockhampton	22 September 2008
Terry McGuire	Launceston	6 October 2008
David Dunkley	Parramatta	13 October 2008
Barbara Baker	Hobart	27 October 2008
Geoffrey Monahan	Sydney	3 November 2008
Peter Cole OAM	Adelaide	24 November 2008
Josephine Willis AM	Cairns	27 January 2009
Joseph Harman	Parramatta	7 June 2010
Leanne Turner	Brisbane	7 June 2010
Matthew Myers AM	Parramatta	23 January 2012
Ron Curtain	Melbourne	23 January 2012
Alexandra Harland	Melbourne	15 April 2013
Nicholas Manousaridis	Sydney	1 July 2013
Joanne Stewart	Melbourne	2 September 2013
Alexander Street	Sydney	1 January 2015
Salvatore Vasta	Brisbane	1 January 2015
Ian Newbrun	Parramatta	4 February 2015
Tony Young	Darwin	31 July 2015
Steven Middleton	Townsville	9 November 2015
Timothy Heffernan	Adelaide	23 November 2015
Philip Dowdy	Sydney	7 December 2015
Elizabeth Boyle	Sydney	29 February 2016
Alister McNab	Melbourne	18 May 2016
Branan Obradovic	Parramatta	30 May 2016
Amanda Tonkin	Brisbane	1 January 2017
Anthony Kelly	Melbourne	6 February 2017
Patrizia Mercuri	Melbourne	25 September 2017
Jane Costigan	Newcastle	8 October 2017



JUDGE	LOCATION	APPOINTMENT DATE
Gregory Egan	Brisbane	18 December 2017
Christopher Kendall	Perth	29 January 2018
Caroline Kirton	Melbourne	29 January 2018
Julia Baird	Sydney	20 February 2018
Terry Betts	Newcastle	30 May 2018
Bruce Smith	Sydney	12 June 2018
Karl Blake	Melbourne	30 January 2019
Douglas Humphreys OAM	Parramatta	11 March 2019
Monica Neville	Sydney	11 March 2019
Alice Carter	Melbourne	14 March 2019
Anna Boymal	Melbourne	18 March 2019
Anthony Dillon Morley	Sydney	19 March 2019
Guy Andrew	Townsville	25 March 2019
Penelope Kari	Adelaide	25 March 2019

# Judicial appointments and retirements

## Appointments

There were no appointments in 2019–20.

## Retirements

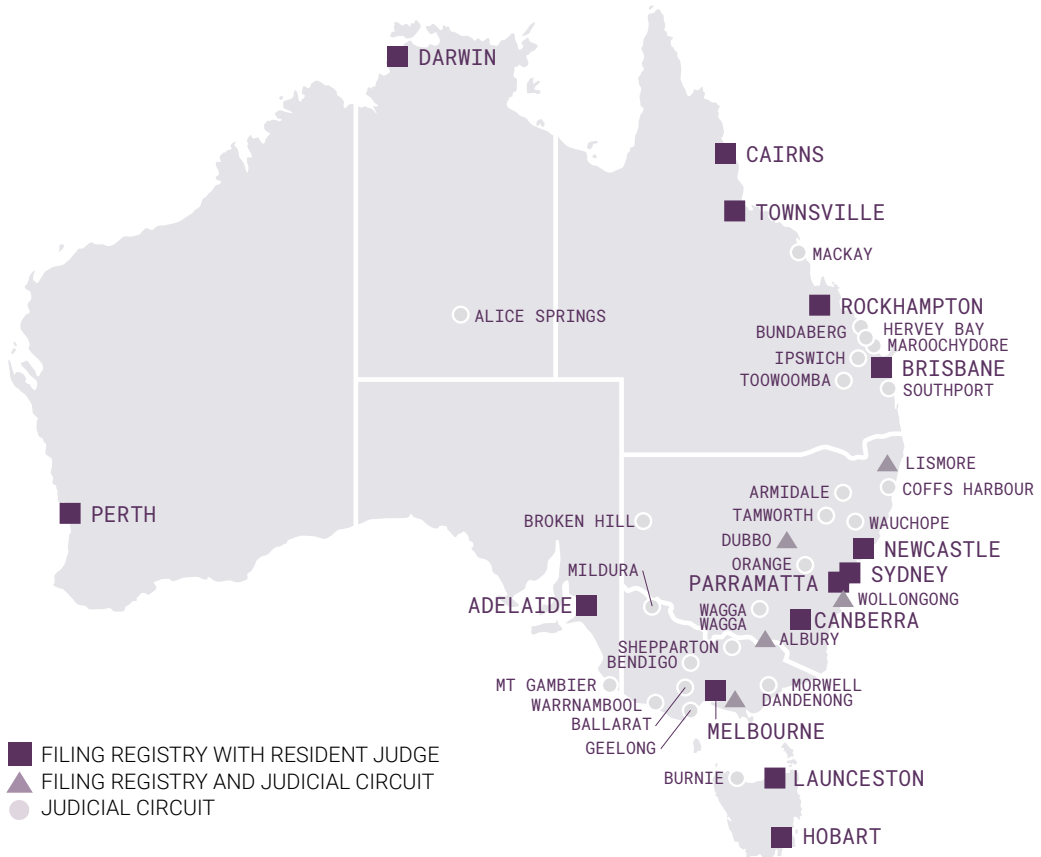
There was one retirement in 2019–20:



**Judge Judith Small**

Retired on 20 April 2020.

## Court service locations



### Australian Capital Territory

Canberra

*Circuits to: Wagga Wagga.*

### New South Wales

Parramatta, Newcastle,  
Sydney

*Circuits to: Armidale, Coffs  
Harbour, Dubbo, Orange,  
Tamworth, Wauchope and  
Wollongong.*

### Northern Territory

Darwin

*Circuits to: Alice Springs.*

### Queensland

Brisbane, Cairns, Townsville,  
Rockhampton

*Circuits to: Bundaberg,  
Hervey Bay, Ipswich, Lismore,  
Mackay, Maroochydhore,  
Southport and Toowoomba.*

### South Australia

Adelaide

*Circuits to: Broken Hill and  
Mt Gambier.*

### Tasmania

Hobart, Launceston

*Circuits to: Burnie.*

### Western Australia

Perth

### Victoria

Melbourne

*Circuits to: Albury, Ballarat,  
Bendigo, Dandenong, Geelong,  
Mildura, Morwell, Shepparton  
and Warrnambool.*

# PART 3

## Report on Court performance

---

Impact of COVID-19 pandemic	23
Snapshot of performance	23
Analysis of performance in 2019–20	24
Report on work in family law	27
Initiatives in family law	33
Report on migration	37
Report on general federal law	41
Appeals	50
Dispute resolution	52
Complaints	55
Judgment publication	56
Changes to the Court’s jurisdiction in 2019–20	57

# Report on Court performance

## Impact of COVID-19 pandemic

The impact of the COVID-19 pandemic on the Court’s operations in 2019–20 can be detected in the statistics reported in this Annual Report. Prior to the beginning of the COVID-19 pandemic, the Court was achieving a clearance rate above 100 per cent for applications for final orders in family law and therefore reducing the backlog of pending cases. This was strengthened by the Summer Campaign, through which the Court was successfully targeting the finalisation of long-term family law disputes. However, due to the COVID-19 pandemic, the Summer Campaign had to be suspended after its completion in only two registries, Melbourne and Sydney, and thus the Court was unable to continue this initiative during the financial year. While the Court has been able to continue with the majority of its workload during the pandemic and has maintained a high clearance rate, there are certain categories of work that have not been able to be conducted electronically at the usual rate they would be undertaken, for example

trials for final orders applications. Some trials have needed to be temporarily adjourned if parties do not have access to technology or a satisfactory internet connection, or where there are difficulties arising from access to an interpreter or other procedural fairness issues. It is also accepted that conducting high volume lists and hearings electronically can be more time consuming, so while judges, registrars and staff have been working diligently, the volume of matters undertaken has been lower than it otherwise would have been.

Additionally, there was a period of significant upheaval and adjustment at the end of March and beginning of April, during which the Court shifted to electronic hearings. This required substantial effort, reorganisation, training and administrative work on the part of judges and staff, which also contributed to the slightly lower number of applications finalised overall during this financial year compared to the previous financial year (90,666 compared to 91,794).

## Snapshot of performance

Table 3.1: Snapshot of Court performance against targets

TIMELY COMPLETION OF CASES		
Target	Result 2019–20	Target status
90 per cent of final orders applications disposed of within 12 months	62 per cent of final orders applications were disposed of within 12 months	Target not met
90 per cent of all other applications disposed of within six months	89 per cent of all other applications were disposed of within six months	Target not met
70 per cent of matters resolved prior to trial	73 per cent of matters were resolved prior to trial	Target met

The first target includes disposals of final order applications filed in family law, as well as applications filed in general federal law and migration. The second target only includes disposals of other applications filed in family law, and does not include other applications filed in migration or general federal law, such as interlocutory applications.

It is noted in this financial year, the Notice of Risk cause of action has not been included in consideration of the results of the second target as the Notice of Risk is not an application type. Previously in the 2017–18 and 2018–19 Annual Reports, the Notice of Risk cause of action was included in this target.

As stated above, the steady increase in migration filings is having a substantial impact on the Court. The pending migration caseload has increased from 7,674 applications in 2017–18 to 12,158 applications in 2019–20. At 30 June 2020, the clearance rate for final order applications in family law was 96 per cent. For migration applications, it was 62 per cent.

To put that in perspective, without further resources, on current filing rates, the pending migration caseload will surpass the pending family law caseload in less than two years.

## Analysis of performance in 2019–20

The stated outcome of the Federal Circuit Court is:

Apply and uphold the rule of law for litigants in the Federal Circuit Court of Australia through more informal and streamlined resolution of family law and general federal law matters according to law, through the encouragement of appropriate dispute resolution processes and through the effective management of the administrative affairs of the Court.

The Court has the following targets under the performance measure of timely completion of cases:

### **Timely completion of cases**

- 90 per cent of final orders applications disposed of within 12 months
- 90 per cent of all other applications disposed of within six months, and
- 70 per cent of matters resolved prior to trial.

Table 3.2: Family law, general federal law and migration applications filed and finalised, 2019–20

FAMILY LAW				
	Filings		Finalisations	
	Total	% of total	Total	% of total
Divorce applications	45,886	47.8%	44,963	49.6%
Interim orders applications	21,775	22.7%	20,715	22.8%
Final orders applications	16,455	17.2%	15,769	17.4%
Other applications	1,447	1.5%	1,440	1.6%
<b>Total family law</b>	<b>85,563</b>	<b>89.2%</b>	<b>82,887</b>	<b>91.4%</b>
MIGRATION				
<b>Total migration</b>	<b>6,555</b>	<b>6.8%</b>	<b>4,045</b>	<b>4.5%</b>
GENERAL FEDERAL LAW				
	Total	% of total	Total	% of total
Bankruptcy	1,872	2.0%	2,105	2.3%
Fair work	1,563	1.6%	1,329	1.5%
Other	343	0.4%	300	0.3%
<b>Total general federal law</b>	<b>3,778</b>	<b>3.9%</b>	<b>3,734</b>	<b>4.1%</b>
TOTAL				
<b>Grand total</b>	<b>95,896</b>	<b>100%</b>	<b>90,666</b>	<b>100.0%</b>

Figure 3.1: Percentage of applications filed, 2019–20

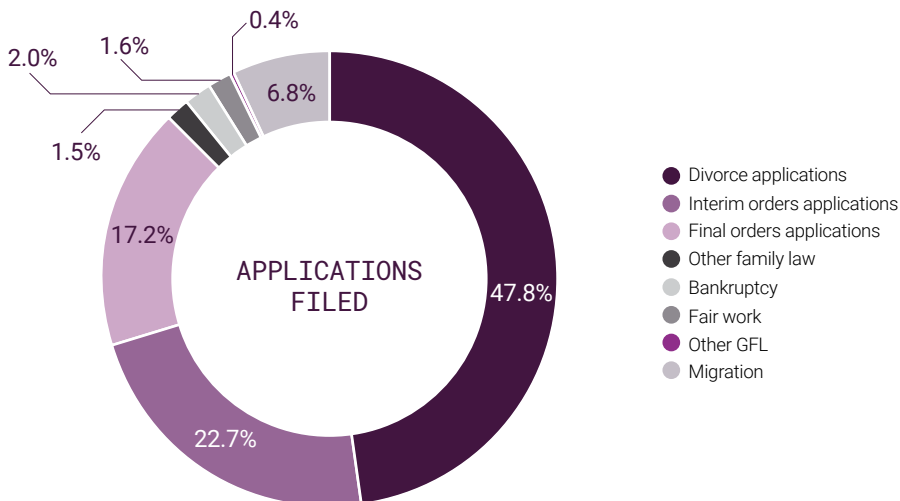
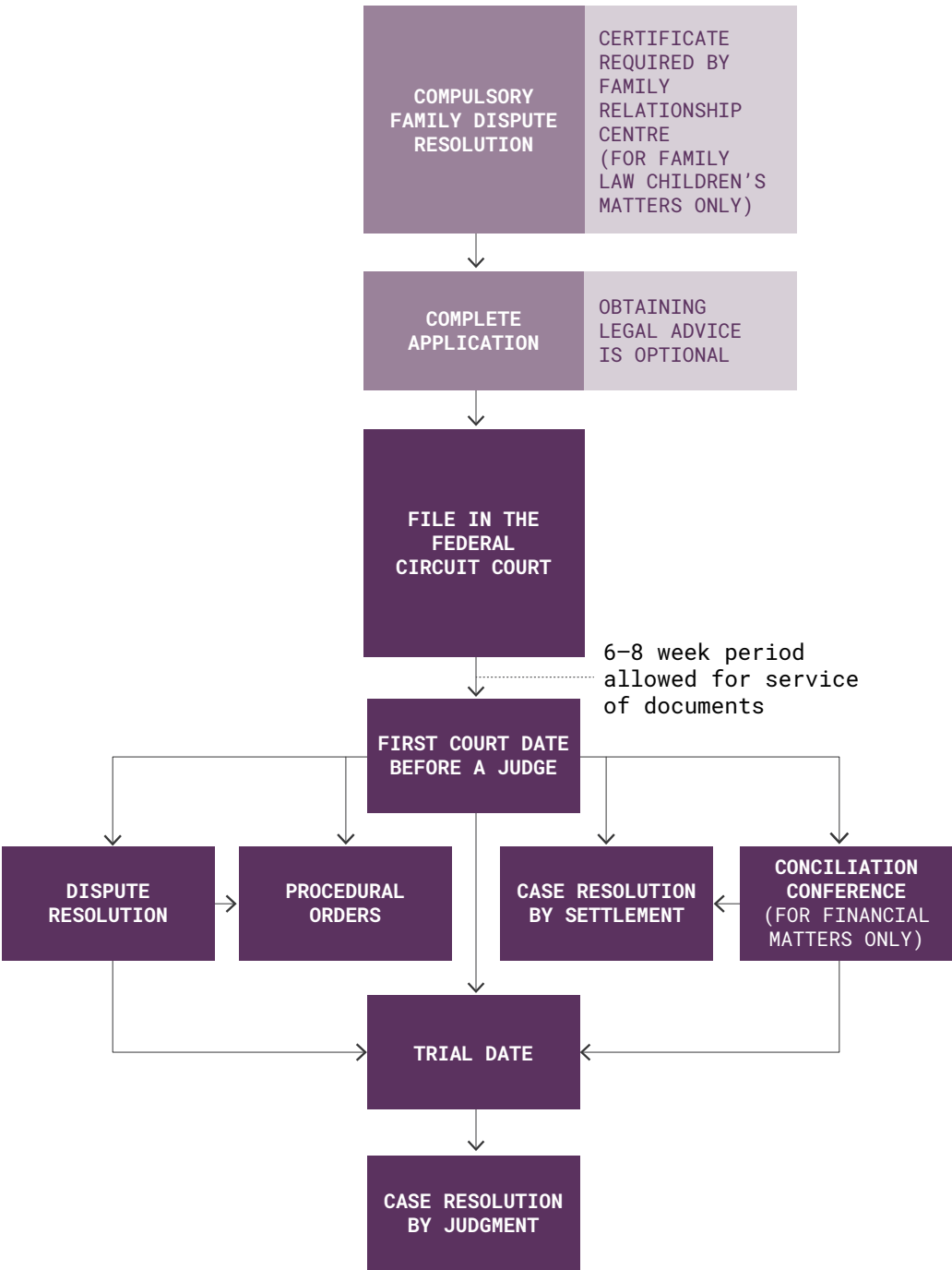


Figure 3.2: Case management approach in family law (docket system)





## Case management

The Federal Circuit Court uses a docket case management process designed to deal with applications in a flexible and timely way. The docket case management process is based on the following principles:

- matters are randomly allocated to a judge who generally manages the matter from commencement to disposition; this includes making orders about the way in which the matter should be managed or prepared for hearing, and
- matters in areas of law requiring expertise in a particular area of jurisdiction are allocated to a judge who is a member of the relevant specialist panel.

The docket case management system provides the following benefits:

- consistency of approach throughout the matter's history
- the judge's familiarity with the matter results in more efficient management of the matter
- fewer formal directions and a reduction in the number of court appearances
- timely identification of matters suitable for dispute resolution, and
- allows issues to be identified quickly and promotes earlier settlement of matters.

## Specialist panel arrangements

The Court has specialist panels in areas of general federal law which ensure that matters of a specialist legal nature are allocated to judges with expertise in that particular area of the Court's jurisdiction.

Specialist panel members meet regularly with user groups and judicial colleagues from other courts to respond to issues of practice and procedure in these specialist jurisdictions.

The following panels support the work of the Court:

- commercial (including consumer, intellectual property and bankruptcy)
- migration and administrative law
- human rights
- industrial law (fair work)
- national security
- admiralty law, and
- child support.

The panel arrangements equip the Court with the ability to effectively utilise judicial resources in specialist areas of family and general federal law. They are an essential element of continuing judicial education within the Federal Circuit Court.

## Report on work in family law

Family law constitutes the largest proportion of the overall workload of the Court, representing 87 per cent of all family law work filed at the federal level including 92 per cent of all parenting applications filed across both Courts (excluding divorces and consent order applications). This compares with 89 per cent during 2019–20.

Table 3.3: Family law applications filed by type, 2019–20

APPLICATION	FILED	%
Divorce applications	45,886	54%
Interim orders applications	21,775	25%
Final orders applications	16,455	19%
Other applications	1,447	2%
<b>Total</b>	<b>85,563</b>	<b>100%</b>

Due to rounding, percentages may not always appear to add up to 100%.

Final orders applications are filed when litigants seek to obtain final orders in relation to children and/or financial matters. Interim applications (or Applications in a Case) seek interim or procedural orders pending the determination of final orders.

Figure 3.3: Family law applications filed by type, 2019–20

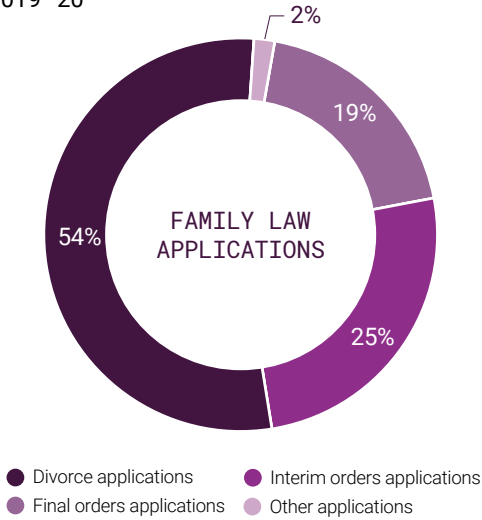


Figure 3.4: Final orders applications, 2015–16 to 2019–20

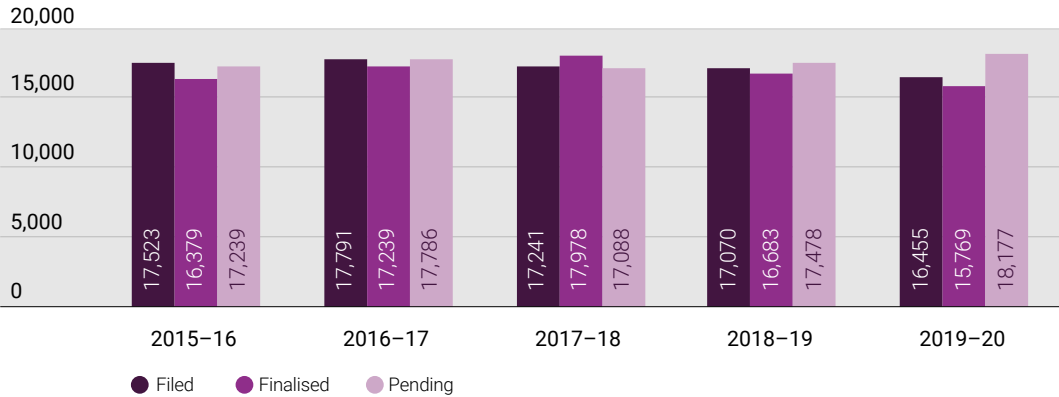
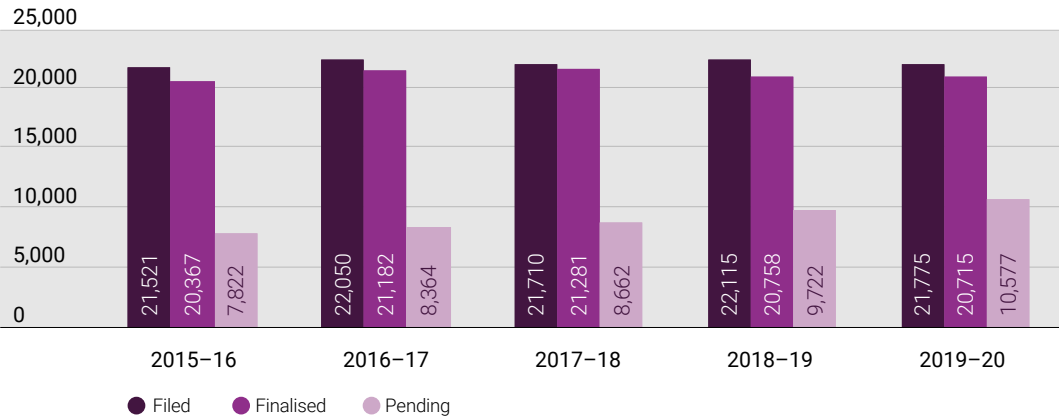
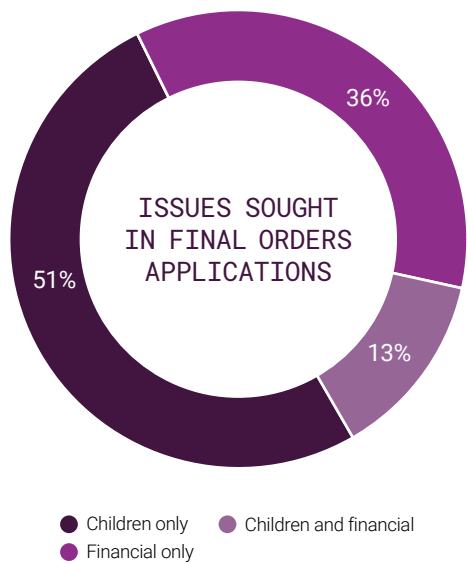


Figure 3.5: Interim orders applications, 2015–16 to 2019–20



The family law workload (excluding divorce) can be broken into three main categories based on the orders sought in the final orders application. In 2019–20, 51 per cent of family law applications related specifically to matters concerning children, a further 13 per cent involved both children and financial matters, and 36 per cent involved discrete financial applications.

Figure 3.6: Issues sought in final orders applications, 2019–20



Divorce

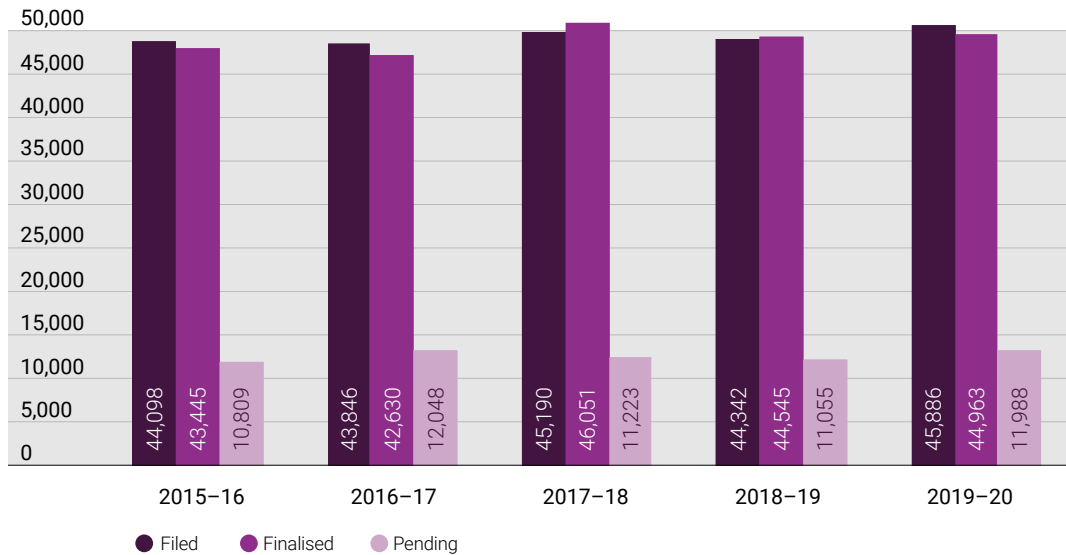
The Federal Circuit Court deals with all divorce applications filed (other than in Western Australia) and the work is largely undertaken by registrars. A divorce application only proceeds to a judge for determination if it is contested. Many applications are made by unrepresented litigants with the assistance and information in the form of online guides that allow them to navigate the procedural requirements.

In addition, in some localities, staff from the Court Network are available to support litigants as it is appreciated that for many litigants a court appearance can be stressful and unfamiliar.

During the year, 45,886 divorce applications were filed in the Court. This compares with 44,342 in 2018–19.

A significant number of calls to the National Enquiry Centre (NEC) relate to divorce proceedings, in particular providing information to assist eFiling on the Commonwealth Courts Portal (the Portal) and directing litigants to the website to complete the divorce checklist at *How do I apply for a divorce?*

Figure 3.7: Divorce applications, 2015–16 to 2019–20



The dynamic interactive checklist was created to assist litigants when applying for a divorce so there is less chance of errors in applications. The NEC also provides general divorce support in relation to applying for a divorce, service and information about court events, as well as administrative support for Portal users and assisting litigants and lawyers when they register and eFile applications for divorce.

The Court has also developed a fully electronic divorce file which permits the management of divorce applications in electronic format from filing to disposition. These initiatives meet a range of objectives including aligning with federal government strategies for digital administration and records management, and offering litigants and the legal profession streamlined services. The Court still accepts hard copy applications from litigants, lawyers and others who do not have access to technology and converts them to a digital record.

In 2019–20, over 87 per cent of all divorce applications were eFiled, with this percentage expected to grow as enhancements are made to the process. Litigants and practitioners are being encouraged to eFile divorce applications in view of the benefit to litigants. One such benefit is the ability to select from a list of available hearing dates. There are also administrative benefits for registries not only in the reduction of hard copy files and accompanying storage, but also greater flexibility in the management of the divorce workload.

Brochures have been developed to assist those who may not be able to eFile their applications to seek assistance through a community legal centre. Public access computers are available in all registries and have been equipped with access to the Portal so that litigants can upload documents at registry locations. In addition, the website information has been revised to

better assist litigants applying for a divorce. New features include interactive steps to assist applicants to better understand the legal requirements.

Even if paper applications are received, registry staff scan and upload the documents on the case management system. This ensures Portal access to all the documents on the divorce file (whether filed electronically or manually at the registry). Since 1 January 2018, divorce orders are no longer posted — they are accessed online via the Commonwealth Courts Portal. NEC staff register and link clients to their file on the Portal via phone, live chat or email ([registerme@comcourts.gov.au](mailto:registerme@comcourts.gov.au)).

## Child support

The Court exercises some limited first instance and appellate child support jurisdiction. The child support review framework has proceeded from a court-based process to one that is now predominantly administrative.

Following the merger of the Social Security Appeals Tribunal, the Administrative Appeals Tribunal (AAT) now hears appeals from most decisions of the Child Support Registrar. Appeals to the Court are accordingly limited to appeals on a question of law from decisions of the AAT.

While the Court shares this review jurisdiction with the Federal Court, most appeals proceed before the Federal Circuit Court and are few in number. This is reflected in the number of child support appeals for the year, which was 34 — twelve more than were filed in the previous year.

A significant proportion of the enforcement workload of the Court is in relation to applications for enforcement of child support arrears in the Court's family law jurisdiction. To facilitate this, discrete child support enforcement lists have been set up in the larger registries as an effective means of dealing with this workload.

### Unrepresented litigants

The Court monitors the proportion of unrepresented litigants as one measure of the complexity of its caseload in the family law jurisdiction. Unrepresented litigants can have greater difficulty navigating the court system, and can also require greater assistance from the Court to follow the *Federal Circuit Court Rules 2001* and relevant procedures. The Court collects data about the percentage of matters where a party is represented at some point in the proceedings, which is summarised in Figure 3.8 below. It is important to note that, this graph does not describe the length of time for which a party retained legal representation. A litigant who was unrepresented from filing until the trial but engages legal representation at the trial stage is recorded the same as a litigant who had legal representation for the entirety of the proceeding.

In 2019–20, the percentage of final order applications finalised where both parties have had legal representation at some point during the proceedings increased, and the percentage of final order applications finalised where both parties were unrepresented throughout the entire proceedings decreased. However, at any

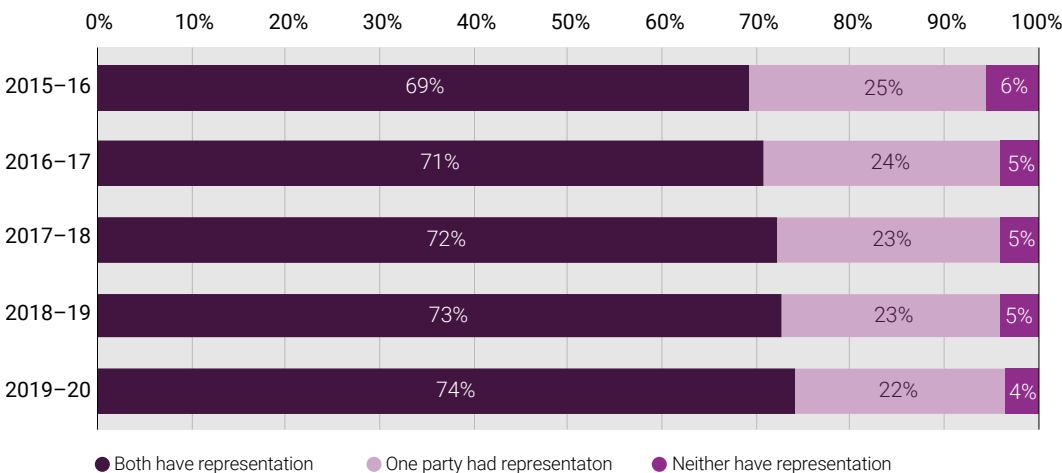
given time, the number of matters where both parties have legal representation is likely to be much lower than 74 per cent.

### Child Dispute Services

Child Dispute Services (CDS) provides expert independent, social science advice and assistance in relation to disputes about children in matters before the Family Court or the Federal Circuit Court. To achieve this, family consultants conduct preliminary family assessments at the interim stage of a matter, provided to the Court in the form of a memorandum, or comprehensive family assessments for a final hearing, provided to the Court in the form of a family report. CDS makes information available about the different types of assessments it undertakes through fact sheets on the Courts’ websites.

In 2019–20, CDS continued to assist families and the Courts through the provision of preliminary and comprehensive assessments in parenting matters. In addition, CDS staff joined with registrars to provide alternative dispute resolution conferences ordered within the Summer Campaign of callovers conducted in a number of registries.

Figure 3.8: Representation of litigants in final order applications at some stage in the proceedings, 2015–16 to 2019–20



From March 2020, when the impacts of COVID-19 began to seriously affect Australia, CDS worked hard to ensure that assessments were adapted in way that balanced the need for the Courts to continue hearing matters whilst also ensuring that families and staff are safe. Where appropriate, assessments were conducted by video or phone, thereby reducing the need for families to travel. Feedback from CDS staff, judicial officers and families is that these innovative practices were highly effective and supported the Court's capacity to maintain effective service delivery.

Ongoing professional development remains a high priority for CDS and in 2019, all CDS staff completed a comprehensive training package on the topic of family violence. This training will be undertaken by new staff when they join CDS and has also been made available to those practitioners that are appointed to the role of Family Consultant under Regulation 7 of the Family Law Regulations 1984 (Cth). In addition, new CDS staff were funded to undertake an extensive, external course in child inclusive practice.

CDS also continues to run its monthly professional development seminar program for family consultants. Across 2019–20, seminars were presented on topics including:

- intimate partner violence in refugee and migrant communities
- assessing children with special needs
- interviewing children living with family violence
- technology facilitated abuse, and
- assessment of parenting capacity when parents have an intellectual disability.

## Circuit program

The Federal Circuit Court is committed to providing services to rural and regional areas of Australia. Judges of the Court currently sit in rural and regional locations to assist in meeting this commitment. These sittings are known as circuits. It is estimated that the work undertaken in the rural and regional locations equates to approximately 20 per cent of the Court's family law workload.

In 2019–20, the Court sat in 30 rural and regional locations as part of its extensive circuit program. Details of the circuit locations are included at page 21.

When on circuit, the Court sits in leased premises and state and territory court facilities. While the Court appreciates the hospitality of state and territory courts in enabling the Court to service regional and rural litigants, reliance on state facilities poses a number of challenges for the Court, including availability of courtrooms, hours of access, access to technology, court recording and resources such as telephone and video link facilities, and security arrangements.

The Court is aware of these challenges, not only for litigants and legal practitioners, but also staff, and continues to look for opportunities to improve facilities and resources, and thereby, the efficiency and value of circuits.

Judges of the Court travelled to circuit locations on 118 occasions (excluding Dandenong and Wollongong) throughout 2019–20. Due to the impact of COVID-19 and travel restrictions, 37 additional circuits were conducted electronically through the use of Microsoft Teams and telephone, rather than judges travelling to those circuit locations.

The length of these circuits varied from single days to whole weeks depending on the demands of the circuit and the distance to parent registries. In addition to the above

circuits, there was a significant judicial presence in the Dandenong and Wollongong registries where there is a near full-time judicial presence.

In addition to attending circuit locations, judges conduct some procedural and urgent hearings by videoconference and telephone in between circuits. The technology provides litigants with greater access to the Court and assists in maximising the value of time spent at the circuit locations. As stated above, due to COVID-19, the Court has had a greater reliance on electronic hearings to conduct circuits. Feedback from the profession and litigants has been positive, particularly in relation to the time and cost savings for litigants in rural and remote locations who do not have to travel to circuit locations.

eFiling also provides litigants and legal practitioners with greater access to the Court by enabling them to file documents from rural and regional locations as opposed to attending registry locations or using standard post.

The Court has experienced an increase in the workload pressure on numerous circuits with increasing volumes of matters as well as increasing complexity of matters. The Court has a policy of not increasing circuit frequency or durations without proper consultation, including having regard to competing workload demands across the country, in both registry and circuit locations, as well the budgetary pressures faced by the Court.

The Court continues to look at ways to improve the efficiency of circuits and access to justice for litigants and legal practitioners.

## Initiatives in family law

### COVID-19 List

The Family Court and the Federal Circuit Court (the Courts) each established a court list dedicated to dealing exclusively with urgent family law disputes that have arisen as a direct result of the COVID-19 pandemic. The Lists were established in response to an increase in the number of urgent applications filed in the Courts from the beginning of the COVID-19 pandemic. The Lists commenced on 29 April 2020.

The operation of the COVID-19 Lists is set out in *Joint Practice Direction 3 of 2020*: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/covid/covid-list/jpd032020>

The COVID-19 Lists are administered by the National COVID-19 List registrars. The national registrars consider the urgency of the applications filed and triage them to judges in each Court who have been assigned to the COVID-19 Lists. Applications that meet the COVID-19 criteria are given a first return date before a national registrar or a judge within three business days of being considered by the national registrar, or less if assessed as critically urgent.

The COVID-19 Lists operate electronically, meaning that the application may be heard by a judge from any registry. The COVID-19 List judge will hear the discrete COVID-19 application, or put interim arrangements in place to deal with the circumstances of urgency. Once that issue is dealt with, the remainder of the matter will be case managed by the docket judge or a registrar as appropriate.



From commencement of the Lists on 29 April 2020 to 30 June 2020, 214 applications for the COVID-19 List were received. All applications accepted into the Lists were given a first court date within three business days.

## Discrete Property List

The Discrete Property List is a registrar-run case management list for property-only applications filed in the Federal Circuit Court.

The Discrete Property List commenced as a pilot in Newcastle (commencing 12 February 2018 as the Financial Applications Pilot). As a result of the positive outcomes from the pilot, the Discrete Property List was rolled out to the Brisbane, Sydney, Parramatta, Melbourne and Adelaide registries throughout 2019–20.

The Discrete Property List aims to:

- more closely monitor compliance with orders for production of documents and valuations
- reduce delays in getting financial cases through the dispute resolution process
- expand opportunities for parties to discuss and take ownership of their own dispute resolution planning at any early stage, and
- improve dispute resolution outcomes through close involvement in preparation and case management of the case before a dispute resolution process takes place.

Matters in the Discrete Property List are case managed by registrars up until an unsuccessful alternative dispute resolution event or where earlier transfer to the docketed judge is required such as:

- parenting issues raised
- jurisdictional issues raised
- interim issues require judicial determination, or
- to be listed for possible undefended hearing.

*A Guide for practitioners and parties in FCC family law financial matters listed before a Registrar (The Discrete Property List)* is available on the Court's website at: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/family-law-matters/property-and-finance/Discrete+property+list/discrete-property-list>

As at 30 June 2020, 68 per cent of matters in the Discrete Property Lists resolved without judicial involvement. On average, matters resolve without judicial intervention within 90 days of the first court date

The Discrete Property List is an example of the benefits of early registrar intervention and case management, through which registrars can provide support to judges by resolving less complex matters and freeing up judicial time to focus on more complex applications and final hearings.

## Priority Property Pools under \$500,000 (PPP500) pilot

The Federal Government announced funding for a small claims pilot through the Commonwealth Government's Women's Economic Security package which is designed to improve the responsiveness of the family courts to family violence. The pilot will be independently evaluated by the Australian Institute of Family Studies. Adelaide, Brisbane, Melbourne and Parramatta are the nominated pilot locations.

The aim of the PPP500 pilot is to provide a simplified way of resolving property disputes which will minimise risk and legal costs, and best preserve the parties' assets. The purpose is to achieve a just, efficient and timely resolution of PPP500 cases, at a cost to the parties that is reasonable and proportionate in the circumstances of the case.

The purpose will be achieved by identifying and narrowing the issues in dispute and assisting the parties to undertake:

- Alternative Dispute Resolution (ADR) at the earliest opportunity, and
- where ADR is unsuccessful, providing an opportunity for a less adversarial trial or a hearing on the papers.

A PPP500 case is an application for alteration of property interests pursuant to section 79 of the *Family Law Act 1975* (Cth) (Family Law Act) or section 90SM Family Law Act (as may apply) filed after 1 March 2020 in the Brisbane, Parramatta, Adelaide or Melbourne Registries, where the following applies:

- the value of the net property of the parties (including superannuation interests) is, or is likely to be, \$500,000 or less, and
- there are no entities (such as a family trust, company, or self-managed superannuation fund) owned or in the effective control of either party that might require valuation or expert investigation, and
- neither party in the proceedings seeks orders:
  - for parenting or any other order pursuant to Part VII of the Family Law Act
  - pursuant to the *Child Support (Assessment) Act 1989* and/or the *Child Support (Registration and Collection) Act 1988*, or
  - by way of an enforcement of an order or obligation whether a parenting or financial obligation.

In an effort to minimise costs, parties commencing a PPP500 case are only required to file an Initiating Application and a PPP500 Financial Summary in order to commence proceedings. There are also shortened timeframes and an emphasis on reducing the number of court events to ensure a quick and inexpensive resolution.

The case management of a PPP500 case has two components:

- registrar-led resolution: where a registrar can assist separating couples to reach agreement, in the shortest possible time, and
- short-form judge managed PPP500 lists (limb two): applying procedurally simpler processes to the determination phase.

The PPP500 funded pilot has the following important features:

- intensive monitoring of compliance with orders for production of documents and valuations
- reduced delays in getting financial cases through the alternative dispute resolution process
- expanded opportunities for parties to discuss and take ownership of their dispute resolution planning at any early stage
- opportunities for settlement at an early stage
- improved dispute resolution outcomes through close involvement in the preparation and case management of the case before ADR takes place
- where possible, unnecessary court appearances are eliminated and the number of court appearances reduced, and
- referral to appropriate services is made proactively.

*Practice Direction 2 of 2020 – Case Management – Family Law (Priority Property Pools under \$500,000) Financial Cases* has been issued and is available on the Court’s website at: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/family-law-matters/property-and-finance/ppp500/pd22020>

A Guide for Practitioners and Parties in Family Law Priority Property Pools under \$500,000 cases is available on the Court's website at: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/family-law-matters/property-and-finance/ppp500/ppp500-guide>

## National Arbitration List

Section 13E of the *Family Law Act 1975* provides for the Court to refer Part VIII or Part VIIIAB proceedings, or aspects of those proceedings to arbitration. This can only be done with the consent of all parties. To support the development and promotion of arbitration for property matters in family law, in April 2020, the Family Court and the Federal Circuit Court each established a new specialist list – the National Arbitration List.

The list operates as a national electronic list and includes the following features:

- whenever a matter is referred to arbitration that case will be placed into the National Arbitration List
- any application for interim orders sought by an arbitrator or one of the parties will be dealt with by the National Arbitration Judge electronically
- any applications relating to the registering of the arbitration award, objection to an award being registered or an application for review will be conducted either the National Arbitration Judge or a nominated judge assigned by the Chief Justice or Chief Judge, and
- any appeal from a decision of the National Arbitration Judge or other nominated judge will be managed by Justice Strickland as the Coordinating Arbitration Appeal Division Judge.

Further information on the National Arbitration List can be found in the Information Notice *The National Arbitration List* available on the Court's website at: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/about/news/arbitration-list>

## Co-location of state and territory child welfare authorities and police

In early 2020, state and territory child welfare officials and police were co-located in the busiest family law registries of the Family Court and Federal Circuit Court as part of a co-location initiative announced by the Federal Government. The co-location initiative is intended to improve the sharing of information between the state and territory police and child welfare authorities and the family courts, and ensure that this information is available to judges and registrars at the earliest opportunity. It is anticipated that the co-location initiative will lead to a more cohesive response to identifying and managing family safety and child protection issues across the family law, family violence and child welfare systems.

Greater information sharing between agencies can provide a clearer picture of the nature, frequency and severity of violence or other risks to children occurring within a family and trigger earlier intervention or a more robust system response. It is anticipated that improved information sharing can improve the Courts' ability to assess risk, triage and prioritise cases, and make orders which protect children and victims of family violence to the greatest extent possible.

The co-location of state and territory child welfare officials in the Courts' family law registries follows the co-location of an officer from the Department of Health and Human Services in Victoria, which has operated successfully and proven a valuable resource for judges and registrars. The process has provided additional benefits including:

- early information for the triage of urgent cases
- reduction in the number of subpoenas and orders pursuant to section 91B of the *Family Law Act 1975*, and
- information flow between the Courts and the child welfare authority has improved the understanding within each entity of the other's role.

Child welfare officials are co-located in most registries save for the Northern Territory. Police officials are co-located in most registries save for the Northern Territory and Victoria.

Information sought from co-located police officers may include information in relation to current or previous family violence orders, firearms licences, criminal convictions or pending criminal proceedings.

### **Harmonisation of the *Family Law Rules 2004* and the *Federal Circuit Court Rules 2001***

The Courts are progressing the harmonisation of the Family Law Rules and the Federal Circuit Court Rules in so far as they apply in the family law jurisdiction of the Court, so as to create a single, harmonised set of rules. The Courts' aim is to promote consistency of practice in the family law jurisdiction, and ensure as far as possible that there is a single set of rules that are clear and accessible for all users of the family law system. This is a project that has required the focus and dedication

of judges and staff of both Courts, overseen by an independent Chair, the Honourable Dr Chris Jessup QC, and ably assisted by two barristers, Emma Poole and Chris Lum.

The Working Group's efforts have produced a complete draft of the harmonised rules, which has been distributed to all judges for consultation, and will thereafter be distributed to the profession and other stakeholders for external consultation in the second half of 2020. While there is still some way to go before the rules, forms and case management practices across the Courts are harmonised, compiling a draft of the harmonised rules is a significant achievement which had not been able to be accomplished in the past 20 years.

## **Report on migration**

Migration represents the second largest area of the Court's jurisdiction (after family law). In 2019–20, Migration matters represented 63.44 per cent of the Court's filings in the general federal law jurisdiction. The Court received 6,555 migration filings and finalised 4,045 migration applications. The nature of migration work leads to a larger number of written judgments than any other area of the Court's work (migration judgments represent approximately 40 per cent of the Court's written judgments and approximately 52 per cent of the Court's judgments published on AustLII in 2019–20). In 2019–20, 36 per cent of migration applications were disposed of within 12 months.

As reported in previous annual reports, the Court has expected a significant upward trend in the migration workload as a result of increasing numbers of reviews by the Administrative Appeals Tribunal and the Independent Assessment Authority (IAA). The IAA reviews decisions with respect to the 'asylum legacy

caseload’ which comprises asylum seekers who arrived unauthorised by boat between August 2012 and December 2013 and were not transferred to an offshore processing centre.

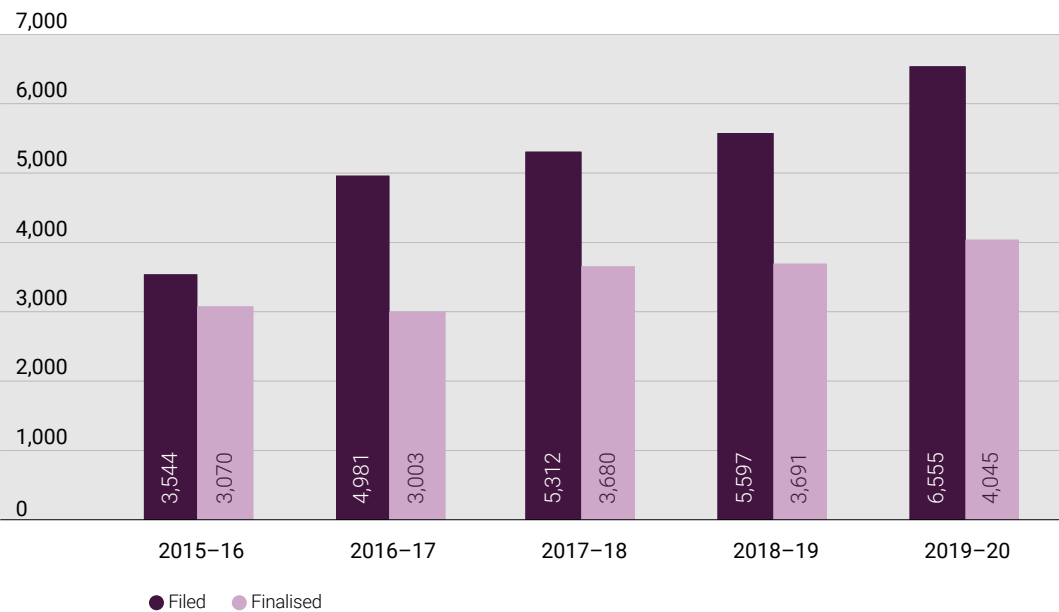
Figure 3.9 shows a significant increase (17 per cent) in the number of migration applications filed during the reporting period. The increase has placed significant pressure on judicial resources. A system is in place for the early identification of matters where litigants are in detention or otherwise in need of an urgent hearing so that those matters may be prioritised.

During the year, the Court continued the consultation with stakeholders to explore ways

in which to facilitate the timely disposition of the migration workload. The feedback highlighted the need for provision of adequate judicial and other resources as being essential to the timely resolution of the migration caseload. In addition, there was seen to be a need for greater consistency in listing practices with suggestions for streamlining procedures and standardising directions and orders.

The early identification of matters that may have implications for a wider cohort, particularly those relating to the ‘fast track caseload’, was also identified as a process that may assist the Court.

Figure 3.9: Migration applications filed and finalised, 2015–16 to 2019–20



Although the Court is able to utilise the assistance of registrars at the direction stage, the nature of the jurisdiction is such that most applications require the allocation of judicial hearing and writing time. The Court is mindful of the impact delays may have on matters proceeding expeditiously where there are substantive issues of law to be resolved.

Migration law is a specialist area of administrative law that is highly technical and often the subject of constitutional challenge. The jurisdiction exercised by the Court in judicial review concerns the issue of constitutional writs based upon jurisdictional error of administrative decision makers made pursuant to the lengthy and complex provisions of the Migration Act and Regulations which must be interpreted in the context of international conventions, such as the Convention Relating to the Status of Refugees (also known as the 1951 Refugees Convention), Convention Against Torture, the International Covenant on Civil and Political Rights, and the Convention on the Rights of the Child.

## Initiatives in migration

### Migration case management

In response to large volumes of migration filings concentrated in certain registries, the Court undertook internal consultation and developed the Central Migration Docket (CMD). Prior to the CMD, cases were docketed directly to judges, meaning that judge dockets each contained hundreds of cases, and obliging docket judges to manage those cases in the interim period. Discrepancies between filings and judicial resources led to variations in the times between filing and hearing across the country. As these variations grew, it appeared that registries with longer delays attracted greater numbers of filings (as filing usually results in a bridging visa for the applicant).

The CMD aims to ensure judicial resources are targeted at final hearings in locations where they are needed, rather than focused simply on cases filed in the local registry, and minimising the use of judicial time for interlocutory and case management work that can be undertaken by a registrar. A unique feature of the migration case load is that most cases require little interlocutory management, and that such case management is largely the same for most cases and rarely requires the time of a judge.

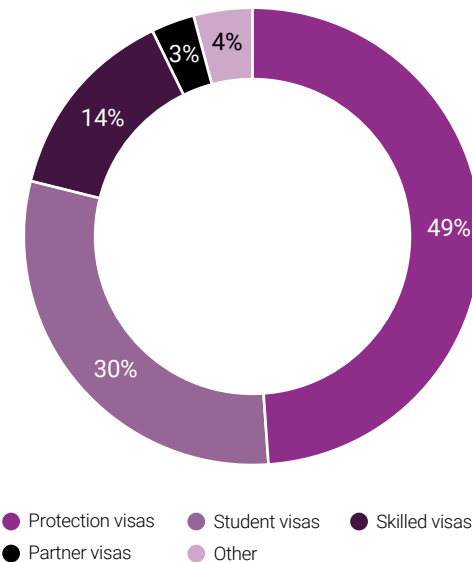
The CMD was introduced in September 2019 to provide a national case management system for the Court's migration caseload. This commenced in the Melbourne registry and has been extended throughout Queensland, Victoria, Tasmania and South Australia. New South Wales is in the process of transitioning to the CMD. This has enabled better use of judicial and registry resources and a consistent approach to case management processes. The CMD is comprised of a central docket, to which all new matters are now docketed; a central database of all Federal Circuit Court migration filings; upgraded and increased video-hearing capabilities in all registries; and efforts to standardise directions, court books and lists of authorities.

Cases are assigned to judges when ready to be judicially determined. Listings are based on judge availability, utilising judicial capacity nationally. The CMD has also enabled the Court to identify cases requiring expedition and case cohorts so as to manage those identified cases appropriately on a national basis. The national migration registrar is now a central point of contact for any request that a matter be heard urgently. Where cases do require interlocutory management the national migration registrar is supported by the national migration case management judge.

As at 30 June 2020, 49 per cent of the CMD related to applicants for protection visas. Of the 51 per cent of non-protection visa related matters, the most significant portion related to student visa refusals and cancellations (58 per cent of the non-protection caseload), followed by skilled visa refusals and cancellations (27 per cent). The remainder consists of applications relating to partner and family visas, business visas and short stay visas such as visitor, medical treatment bridging visas and training visas.

Figure 3.10 shows the pending migration caseload as at 30 June 2020 by case type.

**Figure 3.10: Visa categories comprising pending Federal Circuit Court migration caseload**



In the past year, since the implementation of the CMD, finalisation rates have increased by 10 per cent (See Figure 3.9) and waiting times for directions hearings have significantly decreased.

The expansion of the CMD to include all registries is continuing.

### Access to justice

Migration work presents additional demands on the Court and its administration that do not arise in other areas of the Court's jurisdiction. The Court provides interpreters to the 75 per cent of unrepresented litigants who require them. Interpreters are provided for over 70 different languages, with the highest need for Tamil, Malay, Mandarin, Punjabi and Farsi (Persian). Applicants are nationals of more than 90 different countries, with a significant number being nationals of India, Malaysia and Sri Lanka.

Because 76 per cent of litigants in migration matters are unrepresented, including those seeking review of protection visa decisions, there is a greater need for pro bono representation or other forms of legal assistance, especially where legal aid is not available to protection visa applicants who are in migration detention. The Court has found it essential to set up a pro bono scheme (similar to that which operates in the Federal Court).

- There is a legal aid duty lawyer scheme in respect of the Federal Circuit Court directions lists in Melbourne. Skilled Victoria Legal Aid migration duty lawyers are present at the directions hearings and give legal advice, refer eligible clients for legal aid, and may earmark some matters for pro bono referral.
- In the Adelaide registry, JusticeNet maintains an onsite presence to assist unrepresented litigants requiring help with filing, consent orders, and referrals to other legal aid assistance.
- In the Brisbane registry, LawRight, also onsite, assists unrepresented litigants with advice, document drafting, preparing for hearings and referrals, where appropriate.
- LegalAid WA works closely with the Perth registry to provide advice and assistance for litigants seeking review of protection visa refusals.



The Court is grateful for these services as they improve access to justice for the litigants and facilitate the fair and efficient conduct of the migration matters. The Court continues to liaise with local legal aid agencies and other legal services regarding the further expansion of these valuable schemes.

## Report on general federal law

Table 3.4: General federal law applications filed by type, 2019–20

GENERAL FEDERAL LAW	TOTAL	% OF TOTAL
Administrative	48	1.3%
Admiralty	11	0.3%
Bankruptcy	1,872	49.6%
Consumer	157	4.2%
Fair work	1,563	41.4%
Human rights	70	1.9%
Intellectual property	57	1.5%
<b>Total</b>	<b>3,778</b>	<b>100%</b>

In 2019–20, 88 per cent of general federal law applications were disposed of within 12 months. *Due to rounding, percentages may not always appear to add up to 100%.*

### Administrative

The Court has original jurisdiction under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court’s AAT review jurisdiction is generally confined to matters remitted from the Federal Court and excludes those appeals from decisions of the AAT constituted by a presidential member. However, in respect of judicial review of migration and child support first review, the jurisdiction of the Court is not subject to remittal.

As noted in previous annual reports, the Court considers there is scope for expanding the jurisdiction of the Court to encompass some review rights under s 39B of the *Judiciary Act 1903*.

Excluding those judicial review applications filed in respect of migration, the number of administrative review matters that proceed before the Court are few in number (48 in 2019–20).

### Admiralty

Although the number of applications in person filed under this head of jurisdiction is small (11 in 2019–20), it is an important jurisdiction conferred under s 76 (iii) of the Constitution. The admiralty and maritime jurisdiction conferred on this Court is a dispute subject matter that requires an appreciation and understanding of the United Nations Law of the Sea Conventions and the domestic legislation giving effect to maritime-related international treaties and conventions.

The work is undertaken by a discrete panel of judges who are required to maintain appropriate breadth of knowledge in admiralty and maritime law.

The jurisdiction of the Court is governed by the *Admiralty Act 1988*. Section 9 of that Act confers *in personam* jurisdiction on the Court for matters falling within the meaning of a maritime claim as defined in s 4. While confined to *in personam* disputes, the Court can also hear *in rem* matters referred to it by the Federal Court, which is not limited by quantum.

As proceedings commenced *in personam* in the Court can be transferred to the Federal Court, the Federal Circuit Court is a convenient forum for preserving time limitations in disputes concerning carriage of goods, charter parties, collisions, general average and salvage.

The jurisdiction *in personam* is not limited by quantum.

The Act applies to all ships irrespective of domicile or residence of owners and to all maritime claims wherever arising.

The admiralty rules set out standard procedures supplemented by the Rules of Court, and the *Admiralty Rules 1988* (Rule 6).

In previous annual reports, the issues of enforcement of foreign judgments has been highlighted as an issue of concern to the Court, as much depends upon general principles of reciprocity. Not being a superior court, the ability of the Court to transfer where issues of enforcement arise is a useful power.

The *Admiralty and Maritime Practice Direction*, issued by the Chief Judge on 3 June 2019, has revitalised this important area of the Court's general federal jurisdiction. It is available on the Court's website at: [http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/information-notices/admiralty-law/admiralty\\_notice2019](http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/information-notices/admiralty-law/admiralty_notice2019).

The unlimited general federal jurisdiction of the Federal Circuit Court in the *in personam* matters conferred by the *Admiralty Act 1988* is of great utility for litigants involved in maritime commerce disputes and their legal practitioners. The Court can also exercise jurisdiction in respect of matters remitted by the Federal Court.

The lower court costs and now streamlined and unified procedures for case management of these maritime matters, will simplify and make more accessible resolution of the *in personam* maritime disputes. The Court can readily accommodate interstate appearances by legal practitioners at the case management hearings by either telephone or video link and can make orders to facilitate the same.

While the numbers of maritime matters at this stage filed in the Court are not substantial, there is considerable importance in facilitating the fair, inexpensive and expeditious determination of maritime disputes.

The new case management procedures will still ensure that maritime matters ready for final hearing are promptly heard and determined by judges of the Court in the local registries where the matters are filed, except where exigencies within the Court require otherwise. The judges of the Court deal with a vast range of general federal law matters and the Court will continue to expand and enhance access to justice in this special area of admiralty and maritime jurisdiction.

## Bankruptcy

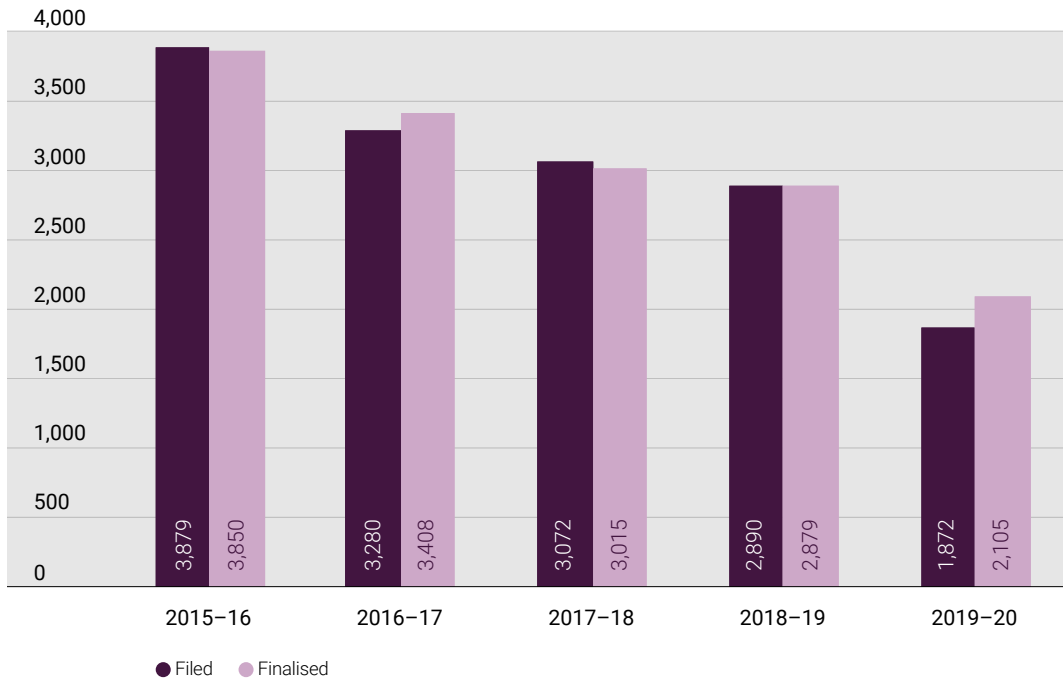
The Court shares personal insolvency jurisdiction with the Federal Court, most of which proceed in the Federal Circuit Court. The Court does not have any jurisdiction in respect of corporate insolvency.

A significant proportion of bankruptcy matters are case managed and determined by registrars. This includes:

- creditors' petitions
- applications to set aside bankruptcy notices, and
- examinations pursuant to s 81 of the *Bankruptcy Act 1966*.

The Court appreciates the significant work undertaken by registrars who exercise extensive delegations in respect of the bankruptcy jurisdiction.

Figure 3.11: Bankruptcy applications, 2015–16 to 2019–20



The Court received 1,872 bankruptcy applications in 2019–20, and finalised 2,105. This represents a significant decrease in bankruptcy filings of 35 per cent, compared with 2,890 filings in 2018–19. However, it is noted that, due to COVID-19, on 25 March 2020, the Commonwealth Government introduced significant temporary debt relief measures which increased the debt threshold required for creditors to apply for a bankruptcy notice and increased the timeframe for a debtor to respond to a bankruptcy notice from 21 days to six months. These temporary debt relief measures will have had an impact on the bankruptcy filing figures post 25 March 2020 and it is anticipated that a substantial increase in filings will arise after the measures are lifted and will flow through to the 2020–21 financial year.

In light of the shared personal bankruptcy jurisdiction, the Federal Court and the Federal Circuit Court have adopted harmonised bankruptcy rules:

- *Federal Circuit Court (Bankruptcy) Rules 2016*, and
- *Federal Court (Bankruptcy) Rules 2016*.

The *Bankruptcy Amendment (Debt Agreement Reform) Act 2018* (Cth) amended the *Bankruptcy Act 1966* (Cth) to effect a comprehensive reform of Australia's debt agreement system. The majority of the amendments commenced on 27 June 2019.

The reforms include changes to:

- the length of a debt agreement a debtor can propose debtor eligibility to enter into a debt agreement
- the official receiver's powers to refuse to accept a debt agreement proposal in exceptional circumstances
- creditor voting rules around debt agreements
- debt agreement administrator registration requirements, and
- the Inspector-General's investigation and inquiry powers.

Representatives from the Courts meet regularly with officers from the Australian Financial Security Authority on current issues and trends in relation to personal insolvency law and procedures.

## Consumer

The consumer law jurisdiction of the Court is confined and there is a monetary limit on the grant of injunctive relief and damages up to \$750,000. The number of filings under this head of jurisdiction is accordingly small (157 in 2019–20).

Consumer law now has a national framework following the commencement, on 1 January 2011, of the Australian Consumer Law. This cooperative framework is administered and enforced jointly by the Australian Competition and Consumer Commission and the state and territory consumer protection agencies.

The regulatory framework surrounding consumer protection, in the context of the banking, insurance and financial services sectors, has been the subject of some oversight. On 29 November 2016, the Senate referred an inquiry into the regulatory framework for the protection of consumers, including small businesses, in the banking, insurance and

financial services sector (including managed investment schemes) to the Senate Economics References Committee for inquiry and report.

In November 2018, the committee provided its report and recommended that the Federal Government consider increased funding for community legal and financial counselling services dealing with victims of financial misconduct.

Additionally, the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry was established on 14 December 2017. The Commissioner, the Honourable Kenneth Madison Hayne AC QC, provided his final report on 1 February 2019.

## Fair work

The Court has jurisdiction to deal with a broad range of matters under the *Fair Work Act 2009* (Cth) (the FW Act). Legislative developments have included amendments to the *Fair Work (Registered Organisations) Act 2009* by way of the *Fair Work (Registered Organisations) Amendment Act 2016*, which included the conferral of jurisdiction on the Federal Circuit Court to impose civil remedies against persons taking action against whistle blowers by way of reprisal action (as defined).

Since the conferral of industrial law jurisdiction on the Court, the workload under this head of jurisdiction has grown. The Court received 1,563 applications in 2019–20, and finalised 1,329 applications during the reporting period. This represents an increase in filings of 21 per cent, compared with 1,295 filings in 2018–19.

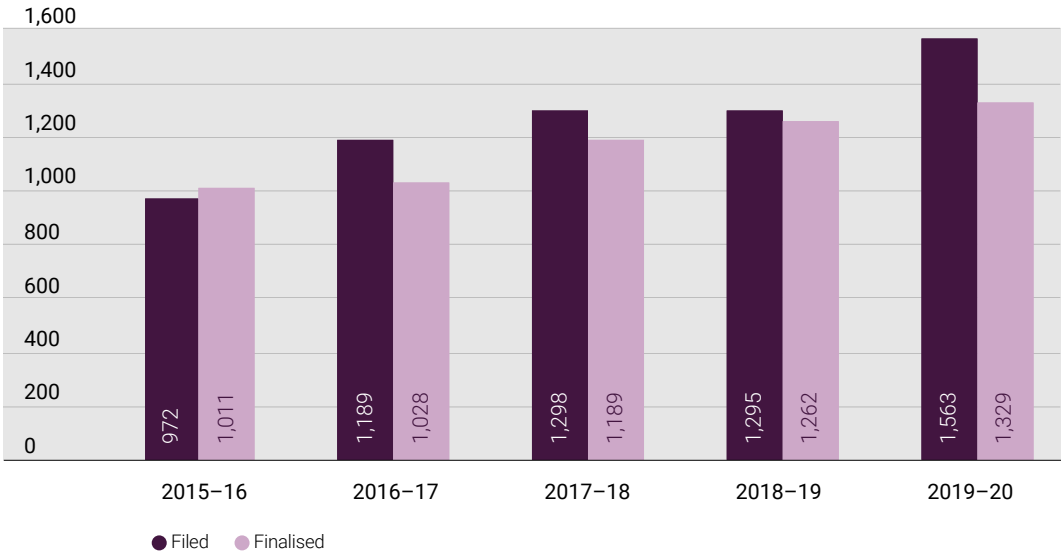
The Migrant Workers' Taskforce Final Report was released on 7 March 2019. The taskforce was established on 4 October 2016 and was preceded by a significant number of high profile cases revealing exploitation of migrant

workers. Among other things, the report stated that these cases exposed unacceptable gaps in Australia's legal system designed to treat all workers equally, regardless of their visa status. Accordingly, the taskforce was set the specific task to identify proposals for improvements in law, law enforcement and investigation, and other practical measures to more quickly identify and rectify cases of migrant worker exploitation. The Government has subsequently agreed 'in principle' to all recommendations of the report.

The report makes 22 recommendations. Recommendation 12 of the Report provides 'that the Government commission a review of the *Fair Work Act 2009* small claims process to examine how it can become a more effective avenue for wage redress for migrant workers'. The report can be found at: <https://docs.employment.gov.au/documents/report-migrant-workers-taskforce>

Finally, the Court's small claims jurisdiction continues to provide a ready means by which employees can, through the less formal process in s 548, secure orders for payments of their lawful entitlements under the FW Act. The small claims process is limited to applications seeking to recover employment entitlements up to an amount of \$20,000. The Court is committed to ensuring that small claims applications can be determined quickly and inexpensively. Information about the small claims lists operating in the Brisbane, Melbourne and Sydney registries is included on page 49.

Figure 3.12: Fair work applications filed and finalised, 2015–16 to 2019–20



## Human rights

The Australian Human Rights Commission has statutory responsibilities under the following laws to investigate and conciliate complaints of alleged discrimination:

- *Australian Human Rights Commission Act 1986* (Cth)
- *Age Discrimination Act 2004* (Cth)
- *Disability Discrimination Act 1992* (Cth)
- *Racial Discrimination Act 1975* (Cth), and
- *Sex Discrimination Act 1984* (Cth).

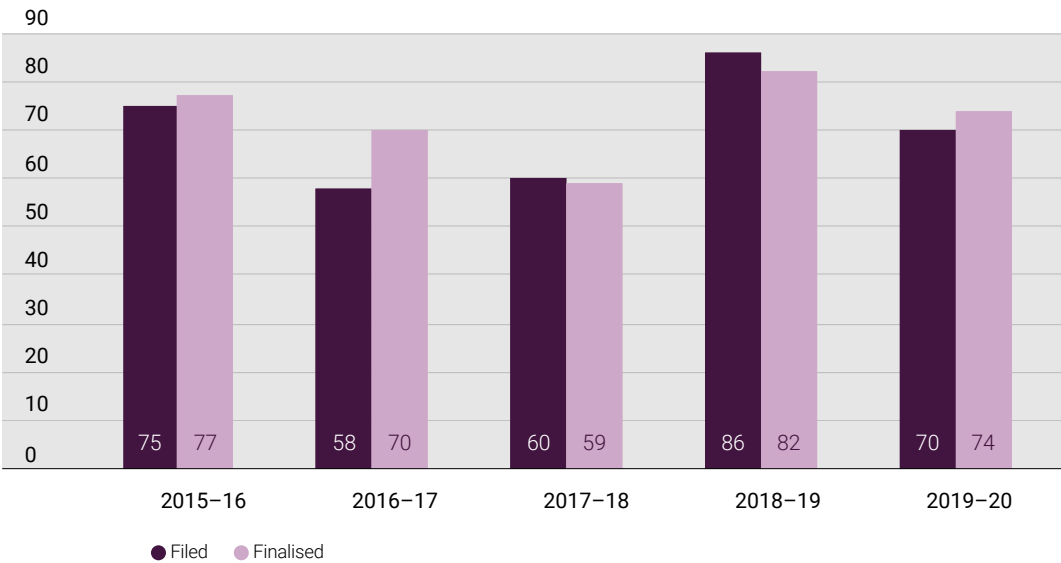
The *Australian Human Rights Commission Act 1986* (Cth), formerly the *Human Rights and Equal Opportunity Commission Act 1986* (Cth), establishes the statutory framework for making complaints of unlawful discrimination.

Once a complaint of unlawful discrimination is terminated, a person affected may make an application to the Federal Court or Federal Circuit Court alleging unlawful discrimination by one or more respondents to the terminated complaint.

The number of matters that proceed to the Court is relatively small. In 2019–20, there were 70 applications filed under this head of jurisdiction.

There is generally an overlap of Commonwealth and state/territory laws that prohibit the same type of discrimination. For example, the *Fair Work Act 2009* (Cth) also deals with discrimination, harassment and bullying, in the context of the workplace.

Figure 3.13: Human rights applications filed and finalised, 2015–16 to 2019–20



## Intellectual property

The intellectual property (IP) jurisdiction of the Federal Circuit Court comprises proceedings arising under copyright, design, plant breeders, and trade marks Commonwealth statutes. In its associated jurisdiction, the Court's jurisdiction includes any proceeding for the tort of passing off or any analogous claim for false or misleading conduct under the Australian Consumer Law. With the exception of patents and circuits layouts, the Court's jurisdiction is largely concurrent with that of the Federal Court.

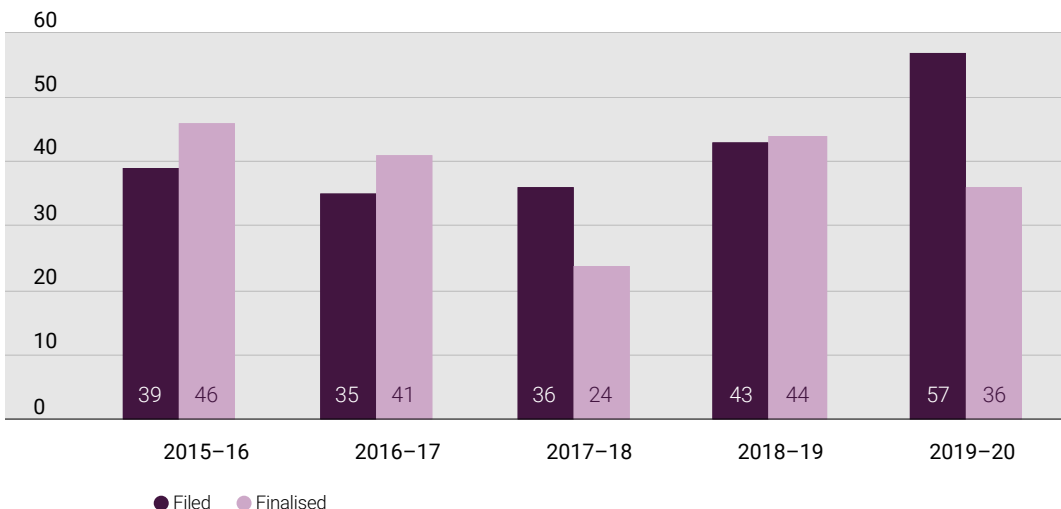
The IP work of the Court is undertaken by a discrete panel of judges within the Court's specialist national practice areas in general federal law who are required to maintain an appropriate breadth and depth of knowledge in copyright, design and trade marks law, passing off and analogous claims.

Since 1 July 2018, the Federal Circuit Court has conducted the National IP list, promoting the Court as a forum for IP litigation, providing a streamlined and consistent national approach to the case management of IP litigation in the Court. The National IP list is conducted as a specialist list within the Court's general federal law jurisdiction, and was developed

from and extended the IP pilot operating in the Court's Melbourne registry since 30 June 2017. Supporting the Court's national IP initiative, Judge Baird is the inaugural judge in charge of the IP national practice area. All IP matters filed in the Court are provisionally docketed to Judge Baird, who case manages the matters in the National IP List commencing with an early first court date, through the interlocutory steps and to hearing.

Through the National IP list, the Court seeks to provide consistency in case management and interlocutory processes, to identify matters requiring early hearing dates, and to encourage cost effective and early identification and narrowing of issues in dispute. Improving convenience, and obviating the costs of in-person attendance, through the National IP List, the Court undertakes case management hearings on the papers, by telephone and by video link with multiple registries, encouraging electronic and effective case management. The Court encourages and facilitates the use of alternative dispute resolution for the resolution of IP litigation, including through the Court's mediator registrars (who hold dual appointments with the Federal Court).

Figure 3.14: Intellectual property applications filed and finalised, 2015–16 to 2019–20





Guiding the conduct of IP matters in the Federal Circuit Court, the IP Practice Direction, *Practice Direction No. 1 of 2018*, applies nationally with respect to all IP proceedings commenced in the Federal Circuit Court after 1 July 2018. It is available on the Court's website at: <http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/gfl/intellectual-property/pd/>.

There was extensive consultation with stakeholders prior to the commencement of the Melbourne IP pilot, and Judge Baird has continued that consultation and engagement with the IP profession.

The Court is well placed to hear and determine IP disputes, especially straightforward and less resource intensive cases (one to three day hearings), and appeals from the offices of IP Australia, in a cost effective and streamlined way. The Court offers an accessible, responsive and less expensive alternative to IP litigation, particularly attractive to individual rights-holders and small and medium enterprises.

Establishing an effective framework for enforcement of IP rights was the subject of consideration by the Productivity Commission inquiry into IP arrangements in Australia. Recommendation 19.2 highlighted the Federal Circuit Court as a possible forum for enforcement where IP rights are being infringed or are threatened. Included in Recommendation 19.2 of the report, released by the Productivity Commission, was the extension of this jurisdiction to '*...hear all IP matters...*', which would include patent disputes. This recommendation went on to state: '*The Federal Circuit Court should be adequately resourced to ensure that any increase in its workload arising from these reforms does not result in longer resolution times*'. See [www.communications.gov.au/departamental-news/release-productivity-commissions-intellectual-property-report](http://www.communications.gov.au/departamental-news/release-productivity-commissions-intellectual-property-report).

With the conduct of the National IP list, the number and diversity of filings in IP matters in the Federal Circuit Court has increased. It is a small, but an important and growing part of the Court's jurisdiction and work.

Examples of the types of IP matters that have come before the Court during the year include appeals (*hearings de novo*) from decisions of the Registrar of Trade Marks (Office of IP Australia), counterfeit and other infringement of copyright works and other subject matter (cinematograph films, sound recordings), breach of IP licences and assignments, and counterfeit and other infringement of trade marks, and trade mark infringement proceedings following Customs seizures of goods. The Court has determined claims involving a wide range of subject matter and industry sectors, including celebrity and personality rights, fast-moving consumer goods, fashion and surf-wear, pharmacy and salon products and services, financial products and services, IT equipment, services and electronic games, music entertainment and leisure industries, taxi and public transport service sectors, among other claims.

## Initiatives in general federal law

The Federal Circuit Court has grown to become Australia's principal federal trial court. The Court's jurisdiction and less formal legislative mandate is such that a significant number of parties present as unrepresented litigants. In family law, the Court is assisted by legal aid duty lawyer schemes. To address the needs of such litigants in the general federal law jurisdiction a number of initiatives have been established.

### Pro bono scheme – Federal Circuit Court Rules 2001 – Part 12

A court-based pro bono scheme is in operation similar to that which operates in the Federal Court. Part 12 of the *Federal Circuit Court Rules 2001* sets out rules in relation to the court-administered scheme. Referrals for pro bono have generally been confined to general federal law matters. With a significant proportion of migration-related matters involving unrepresented litigants, the Court has been able to facilitate assistance to litigants. Assistance is also provided in various states by organisations such as JusticeNet and Justice Connect. The Court appreciates the generosity of those members of the profession who agree to give their valuable time voluntarily to assist in such referrals.

### Small claims lists – Brisbane, Melbourne and Sydney

The *Fair Work Act 2009* (Cth) makes provision for certain proceedings to be dealt with as small claims proceedings. An applicant may request that an application for compensation be dealt with under this division if the compensation is not more than \$20,000 and the compensation is for an entitlement mentioned in the *Fair Work Act 2009* (Cth). When dealing with a small claim application, the Court is not bound by the rules of evidence but may inform itself of any matter in any manner as it thinks fit. A party to a small claims application may not be represented by a lawyer without the leave of the Court. Rules in relation to the conduct of proceedings in the Fair Work Division are found in Chapter 7 of the *Federal Circuit Court Rules 2001*.

The Court aims to minimise the number of events needed to dispose of such applications. Ideally, the Court aims to finalise these matters on the first hearing date. In Brisbane, Melbourne and Sydney, the Court has dedicated lists with panel judges assigned, with the aim of disposing

of such matters on the first date. Staff from the Fair Work Ombudsman are available to provide assistance on an amicus basis.

The main aims are:

- ensuring that both parties attend court at the first hearing with all relevant material. This is facilitated by having a notice with the listing that indicates the matter may be dealt with and determined on the first return date
- providing information to applicants that advises them of the type of material they may need to provide in support of their claim
- accepting documents such as Fair Work Ombudsman Inspector's Report as evidence of the applicant
- having a registrar with some knowledge of the area available for mediation where the judges consider this to be helpful, and
- keeping it simple – an application form with instructions which guides the applicant on a step-by-step basis, and a pro forma affidavit of service.

Litigants are provided with a fact sheet, along with other resources to assist them in the process. The Fair Work Ombudsman provides staff to assist at the lists on an amicus basis and various other material is available if additional claims are raised.

### Pro bono migration scheme – Brisbane

Pro bono matters are now processed through LawRight's self-representation service as it also administers Pro Bono Connect, which is now used by both the Bar Association and the Law Society for matching barristers and/or solicitors to particular cases as pro bono lawyers.

Pilot to assist unrepresented litigants – bankruptcy lists – Melbourne and Adelaide

With the assistance of Consumer Action in Melbourne and Uniting Communities in Adelaide, the Court has, in conjunction with the Federal Court, been able to maintain a program of targeted financial counselling assistance to unrepresented litigants in bankruptcy proceedings. Since the latter part of 2014 in Melbourne and 2018 in Adelaide, a financial counsellor sits in the courtroom in every bankruptcy list. Since the COVID-19 restrictions, a financial counsellor has been available over the telephone. The registrar presiding is able to refer an unrepresented litigant to the financial counsellor for an immediate confidential discussion so that the litigant better understands his or her options when faced with the prospect and consequences of bankruptcy.

In Melbourne, during the reporting year, there were 41 referrals of debtors in proceedings to financial counsellors, 38 of which have been determined. In 24 of those proceedings (63 per cent), they were resolved by consent. While statistics are not available from Adelaide, registrars have reported favourably about the program.

Appeals

Family law appeals

An appeal lies to the Family Court from the Federal Circuit Court exercising jurisdiction under the Family Law Act and, with leave, the Child Support Acts. An appeal in relation to such matters is exercised by a Full Court unless the Chief Justice considers it appropriate for a single judge to exercise the jurisdiction.

There was a 7 per cent decrease in the number of appeals going to the Family Court from the Federal Circuit Court during the year (see Table 3.5). Appeals from the Family Court of Western Australia are included in the appeal figures from the Family Court of Australia. Appeals from family law Magistrates in Western Australia are included in the appeal figures from the Federal Circuit Court. This should be factored in when considering appeal numbers as a proportion of Federal Circuit Court filings.

Table 3.5: Notice of appeals filed, finalised and pending by jurisdiction, 2015–16 to 2019–20

NOTICE OF APPEALS	2015–16	2016–17	2017–18	2018–19	2019–20	% CHANGE FROM 2018–19 TO 2019–20
Filed						
Family Court of Australia	161	145	189	133	198	49%
Federal Circuit Court of Australia	210	199	201	267	247	-7%
<b>Appeals filed</b>	<b>371</b>	<b>344</b>	<b>390</b>	<b>400</b>	<b>445</b>	<b>11%</b>
Per cent from the Family Court of Australia	43%	42%	48%	33%	44%	34%
Per cent from the Federal Circuit Court of Australia	57%	58%	52%	67%	56%	-17%

NOTICE OF APPEALS						% CHANGE
	2015-16	2016-17	2017-18	2018-19	2019-20	FROM 2018-19 TO 2019-20
<b>Finalised</b>						
Family Court of Australia	157	161	184	135	174	29%
Federal Circuit Court of Australia	197	216	186	244	274	12%
<b>Appeals finalised</b>	<b>354</b>	<b>377</b>	<b>370</b>	<b>379</b>	<b>448</b>	<b>18%</b>
Per cent from the Family Court of Australia	44%	43%	50%	36%	39%	9%
Per cent from the Federal Circuit Court of Australia	56%	57%	50%	64%	61%	-5%
<b>Pending</b>						
Family Court of Australia	139	107	110	80	101	26%
Federal Circuit Court of Australia	131	101	110	144	112	-22%
<b>Appeals pending</b>	<b>270</b>	<b>208</b>	<b>220</b>	<b>224</b>	<b>213</b>	<b>-5%</b>
Per cent from the Family Court of Australia	51%	51%	50%	36%	47%	12%
Per cent from the Federal Circuit Court of Australia	49%	49%	50%	64%	53%	-12%

## General federal law appeals

The majority of appeals and appellate-related applications in respect of general federal law proceedings are heard and determined by single judges of the Federal Court exercising the Court's appellate jurisdiction.

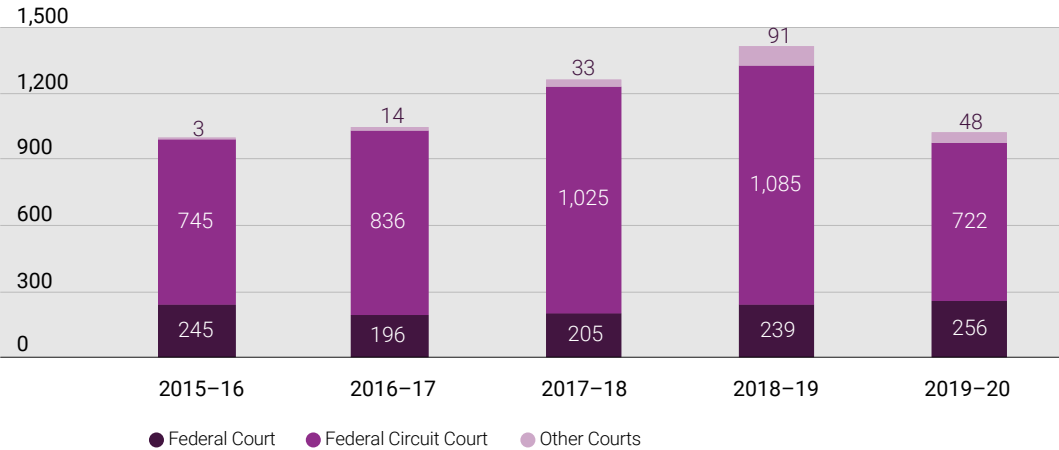
Of the 1,026 appeals and related actions filed in the Federal Court in 2019-20, 722 were from decisions of the Federal Circuit Court, accounting for approximately 70 per cent of the overall appeals and related actions filed.

This compares with a total of 1,085 appeals and appellate-related applications from the Court in 2018-19, a decrease of over 33 per cent.

The vast majority of these appeals concern decisions made under the *Migration Act 1958*, with 661 of the appeals filed arising from migration judgments of the Court in 2019-20, compared with 1,021 in 2018-19.

The proportion of migration-related appellate proceedings is reflective of the general upward trend of the migration workload, with a large proportion of these matters proceeding to a defended hearing.

Figure 3.15: Source of appeals and related actions filed in the Federal Court, 2015–16 to 2019–20



## Dispute resolution

### General federal law

In general federal law, dispute resolution provisions are contained in Part 4 of the *Federal Circuit Court of Australia Act 1999* (Cth). The Court operates a docket management system, and referrals by judges are the most frequently used procedure in general federal law proceedings. Most mediation is undertaken by registrars of the Court, however some matters are referred to external providers.

Not all matters are equally likely to be referred to mediation. In practice, particular characteristics of some matters mean that referrals to mediation may occur infrequently if at all. Such matters include migration applications. The number of matters referred to mediation increased from 615 in 2018–19 to 755 in 2019–20 (see Table 3.6).

Table 3.6: Number of matters referred to mediation, 2015–16 to 2019–20

MEDIATION	2015–16	2016–17	2017–18	2018–19	2019–20
Referrals	583	620	720	615	755

Table 3.7 shows the number of referrals to mediation by cause of action both as a number and as a percentage of filings. Overall, 7.3 per cent of filings were referred to mediation. As a percentage of matters, the cause of action most referred to mediation was human rights at 71.4 per cent of matters referred, followed by intellectual property and fair work matters.

Table 3.7: Filings and mediation referrals to a registrar as a percentage of filings, 2019–20

CAUSE OF ACTION	FILINGS	REFERRALS	REFERRALS AS % OF FILINGS
Administrative	48	2	4.2%
Admiralty	11	1	9.1%
Bankruptcy	1,872	22	1.2%
Consumer	157	22	14.1%
Human rights	70	50	71.4%
Fair work	1,563	636	40.7%
Intellectual property	57	21	36.8%
Migration	6,555	0	0.0%
<b>All filings</b>	<b>10,333</b>	<b>755</b>	<b>7.3%</b>

Table 3.8 shows the outcome of mediations conducted in the reporting period. Not all matters mediated in the reporting period will have been filed or even referred to mediation in the reporting period. Matters that are referred to mediation at the end of the reporting period may be mediated in the following reporting period.

In the reporting period, registrars conducted 620 mediations and partially or fully resolved 412 matters, or 66 per cent of matters.

Table 3.8: Mediation referral outcomes, 2019–20

CAUSE OF ACTION	FINALISED – NOT RESOLVED	FINALISED – RESOLVED	FINALISED – RESOLVED IN PART	TOTAL
Administrative	0	5	0	5
Admiralty and maritime	0	0	0	0
Bankruptcy	4	12	0	16
Consumer	5	10	1	16
Human rights	11	31	0	42
Fair work	178	345	3	526
Intellectual property	10	5	0	15
Migration	0	0	0	0
<b>Total</b>	<b>208</b>	<b>408</b>	<b>4</b>	<b>620</b>

## Family law financial

In financial matters the Court:

- offers privileged conciliation conferences conducted by registrars of the Court
- offers privileged mediation in appropriate matters via the administered appropriation, and
- refers appropriate matters to privately funded mediation.

In 2019–20, registrars held 2,974 privileged conciliation conferences, resulting in 59 per cent of matters being fully resolved by the next court event.

### Administered fund

The Federal Circuit Court receives an administered appropriation to source dispute resolution services such as counselling, mediation and conciliation from community-based organisations.

The Court is seeking to enhance the services provided to litigants and allow for greater flexibility in the provision of those services by utilising the fund to allow providers to provide counselling and mediation services to litigants locally in appropriate circumstances.

The major focus of the administered fund is to provide mediation services to litigants in property matters, particularly in rural and regional areas, in support of its circuit work. These services are currently provided by Relationships Australia (Victoria) who undertake property mediation where the provider is located within the same location as the litigants and in a position to offer more timely interventions.

The use of the administered fund continues to expand as services are extended to more regional locations. This reduces the need for registrars to travel from registry locations, which impacts on the delays and services in the principal registries. It allows regional litigants to

access mediation services in a timely fashion rather than waiting for registrar circuits.

In 2019–20, over 430 matters were referred for property mediation through Relationships Australia (Victoria). Of the 397 mediations that occurred in this financial year, 71.5 per cent were reported as having settled.

## Family law parenting

Dispute resolution refers to a range of services designed to help parties resolve disputes arising from separation or divorce.

Under section 13C of the *Family Law Act 1975*, the Court may refer parties to family counselling, family dispute resolution and other family services at any stage of the proceedings.

Family Dispute Resolution is defined in s 10F as a process (other than a judicial process) undertaken by a family dispute resolution practitioner. Section 93D of the *Federal Circuit Court of Australia Act 1999* (Cth) (Federal Circuit Court Act) provides for the CEO to authorise an 'officer or staff member' of the Federal Circuit Court (defined in s 99 to include a registrar and family consultant) to provide family dispute resolution or family counselling under the Family Law Act.

### Judicial mediation

*Practice Direction 1 of 2019* (<http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/rules-and-legislation/practice-directions/2019/012019>) sets out arrangements for the conduct of judicial mediations in the family law jurisdiction of the Court. Judicial mediation is not intended to be a substitute for private mediation conducted by appropriately qualified mediators, but may be an option for appropriate matters. The Practice Direction sets out criteria for suitability for judicial mediation.



## Complaints

The Court is committed to acknowledging complaints as soon as practicable and managing responses in an effective and timely manner. The Court's complaint policy and judicial complaints procedure is available at [www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au).

During 2019–20, 286 complaints were received, which is an increase from 2018–19 (252). Table 3.9 provides a breakdown of these complaints by category.

**Table 3.9: Federal Circuit Court complaints by category, 2019–20**

COMPLAINT ABOUT	NUMBER RECEIVED
Child dispute services	56
Overdue judgment	61
Legal process and conduct of proceedings	65
Conduct – judge	15
Judicial decision	36
Family registry	23
Conduct – registrar	8
Divorce	5
National Enquiry Centre	2
Electronic filing	7
General federal law registry	1
Mediation	1
Privacy	6

The number of complaints received is relatively small compared to the high volume of work the Court deals with. Judicial complaints in relation to overdue judgments represent less than 2 per cent of all matters where written reasons are delivered. That is, 61 complaints about overdue judgments compared to 3,589 settled

judgments delivered. Alternatively, the 112 complaints relating directly to judicial officers represents complaints in less than 0.5 per cent of all final order applications filed. That is, 112 complaints compared to family law final orders, migration and other general federal law applications, excluding bankruptcy.

The Court has a protocol that sets a benchmark of three months for the delivery of reserved judgments, and matters that are outside this benchmark are actively monitored by the Chief Judge's chambers.

It is noted the above information includes complaints about matters that cannot be dealt with under the complaints policy. This includes complaints about judicial decisions (which must be dealt with under the appeals process) and matters regarding the legislative regime and legal system generally.

### Judicial complaints policy

The *Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012* and the *Courts Legislation Amendment (Judicial Complaints) Act 2012* commenced on 12 April 2013.

The Judicial Complaints Act amended the *Federal Circuit Court of Australia Act 1999*, the *Family Law Act 1975*, the *Federal Court of Australia Act 1976*, and the *Freedom of Information Act 1982* to:

- provide a statutory basis for the Chief Justice of the Federal Court, the Chief Justice of the Family Court and the Chief Judge of the Federal Circuit Court to deal with complaints about judicial officers
- provide protection from civil proceedings that could arise from a complaints handling process for a Chief Justice or the Chief Judge as well as participants assisting them in the complaints handling process, and

- exclude from the operation of the *Freedom of Information Act 1982* documents arising in the context of consideration and handling of a complaint about a judicial officer.

The Parliamentary Commissions Act provides a standard mechanism for parliamentary consideration of removal of a judge from office under of the Australian Constitution paragraph 72(ii). The Judicial Complaints Procedure of the Court is available on the Court’s website at: [www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/contact-us/feedback-complaints/judicial-complaints](http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/contact-us/feedback-complaints/judicial-complaints).

## Judgment publication

In 2019–20, 3,589 settled judgments were received by the Judgments Publication Office.

Table 3.10 provides a breakdown of judgments finalised by jurisdictional category.

**Table 3.10: Federal Circuit Court judgments by jurisdictional category, 2019–20**

JURISDICTIONAL CATEGORY	NUMBER FINALISED
Administrative law	7
Admiralty law	2
Bankruptcy	81
Child support (includes AAT)	18
Consumer law	15
Family law	1,825
Human rights	14
Industrial law	220
Intellectual property (includes Copyright and Trade marks)	5
Migration	1,365
Practice and procedure	37
<b>TOTAL</b>	<b>3,589</b>

Publication of judgments is seen as an important way to serve the public interest and reflect the Court’s commitment to open access to justice. Efforts are made to publish as many judgments as practical while also applying legal publishing standards and complying with legislative requirements restricting the publication of private information related to certain proceedings. The publication of these judgments is also seen as a way to adequately reflect the work of the Court.

To maintain and improve this administrative function, the judgments team disseminates the Court’s decisions as widely as possible and in a timely manner. All judgments that are suitable for external distribution are published to AustLII (the primary free-access resource for Australian legal information). Members of the public can also monitor and link to the latest published judgments via the Court’s website.

Copies of unreported judgments are also distributed to commercial legal publishers (including LexisNexis, Thomson Reuters, Wolters Kluwer CCH Australia and Jade) for inclusion in case citation databases.

In 2019–20, 69 decisions of the Court were published in commercial law report series, including the Federal Law Reports, Family Law Reports, Australian Industrial Law Reports and Australian Bankruptcy Cases.

The Court also publishes a link to the AustLII version of the judgment on its own website (the latest judgments are at [www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au)).

A significant number of the Court’s decisions are delivered ex tempore at the conclusion of the hearing or soon after. Not all of these judgments are settled into a written form due to the additional time required for this task. Those that are settled are done so in response to a request from the parties or a notice of appeal, or if the judicial officer considers it appropriate to do so.

Efforts are made to increase the number of family law decisions externally published onto AustLII and commercial databases, however s 121 of the *Family Law Act 1975* (Cth) imposes an additional requirement on the Court in regard to these judgments. This section stipulates that published decisions of family law matters must not reveal, among other details, the identity of parties, children or associated persons to the proceedings. The Judgments Publication Office devotes a significant amount of time anonymising family law and child support decisions so that they are suitable to be published.

In 2019–20, approximately 761 family law decisions were published externally.

## Changes to the Court's jurisdiction in 2019–20

The following Acts affected the jurisdiction of the Court:

- *Treasury Laws Amendment (Consumer Data Right) Act 2019*
- *Health Insurance Amendment (Bonded Medical Programs Reform) Act 2019*
- *National Sports Tribunal Act 2019*
- *Inspector-General of Live Animal Exports Act 2019*
- *Offshore Petroleum and Greenhouse Gas Storage Amendment (Miscellaneous Amendments) Act 2019*
- *Aged Care Legislation Amendment (New Commissioner Functions) Act 2019*
- *Medical and Midwife Indemnity Legislation Amendment Act 2019*
- *Export Control Act 2020*

- *Student Identifiers Amendment (Enhanced Student Permissions) Act 2020*
- *Telecommunications Legislation Amendment (Competition and Consumer) Act 2020*
- *Health Insurance Amendment (General Practitioners and Quality Assurance) Act 2020.*

## Amendments to fee regulations

There are two fee regulations that apply to proceedings in the Court, one for general federal law proceedings and one for family law proceedings:

- *Family Law (Fees) Regulation 2012*, and
- *Federal Court and Federal Circuit Court Regulation 2012*.

Fee increases to items 103, 104, 209 and 210 of Schedule 1 of the *Federal Court and Federal Circuit Court Regulation 2012* (applications in relation to dismissals in contravention of Part 3–1 of the *Fair Work Act 2009*) are calculated in accordance with regulations 3.02 and 3.03 of the *Fair Work Regulations 2009*.

# PART 4

## Management and accountability

---

Corporate governance	59
Senior executives	60
Judicial committees	61
Overarching committees	61
Working groups and committees	62
Collaborative committees	65
Aboriginal and Torres Strait Islander access to justice	67
Internal and external scrutiny	69
Media and stakeholder engagement	69
Social media	70
Correction of errors in the 2018–19 annual report	71

# Management and accountability

## Corporate governance

This section reports on aspects of the Federal Circuit Court's corporate governance arrangements.

The legal framework for the Federal Circuit Court's corporate governance practices is set out in the *Federal Circuit Court of Australia Act 1999*, the *Public Governance, Performance and Accountability Act 2013* and the *Public Service Act 1999*.

Under the *Federal Circuit Court of Australia Act 1999*, the Chief Judge is responsible for ensuring the orderly and expeditious discharge of the business of the Federal Circuit Court and management of the administrative affairs of the Court. In the latter role, the Chief Judge is assisted by the Chief Executive Officer (CEO) and Principal Registrar.

On 1 July 2016, the Federal Court, Family Court and Federal Circuit Court became a single administrative entity for the purposes of the *Public Governance, Performance and Accountability Act 2013* and the *Public Service Act 1999*. The budget and staff of the Court sit within that entity, with the CEO and Principal Registrar of the Federal Court the relevant accountable officer under those acts.

Responsibilities for the Court's budget and staff have been delegated to the CEO and Principal Registrar of the Federal Circuit Court, pursuant to a memorandum of understanding with the Federal Court CEO and Principal Registrar. The Federal Circuit Court retains its distinct statutory identity.

## Senior executives

### CEO and Principal Registrar



#### David Pringle

The CEO and Principal Registrar maintains autonomy in the core function of assisting the Chief Judge in the administration of the Federal Circuit Court through the exercise

of delegated authorities under the *Public Governance, Performance and Accountability Act 2013* and the *Public Service Act 1999*.

The CEO and Principal Registrar has oversight of the support provided to the judges of the Federal Circuit Court across its jurisdictions, as well as delivery of family law client services nationally, and ensures that the business needs of the Court are met. Mr David Pringle was appointed CEO and Principal Registrar on 17 April 2020.

### Deputy Principal Registrar and National Family Law Registrar



#### Virginia Wilson

Deputy Principal Registrar and National Family Law Registrar undertakes the national management of registrars, including building a consistent practice, oversight

of the nature of their casework and workload and leadership in respect of professional development; liaises with internal and external stakeholders in areas of registrar practice; and

engages with judges to identify critical work to be undertaken by registrars in support of judges for the effective case management and disposition of proceedings.

### Executive Director, Child Dispute Services



#### Janet Carmichael

The Executive Director, Child Dispute Services has national responsibility for the professional requirements of child dispute services in the Family Court

and the Federal Circuit Court. The Executive Director provides strategic advice to the Chief Justice, the Chief Judge, and CEO and Principal Registrar in relation to the effective and efficient operation of child dispute services, with particular attention to the achievement of best practice standards in policy, practices and service delivery. The Executive Director works closely with external child and family dispute resolution bodies, as well as relevant tertiary institutions, which are important to the development and ongoing maintenance of high-quality child dispute services, quality assurance and accreditation processes.



## Judicial committees

The Court's corporate governance framework includes a range of committees and cross-entity mechanisms to support the effective management of the Court. This is in accordance with s 93 of the *Federal Circuit Court of Australia Act 1999* (Cth) which provides for the Court to form advisory committees on the following aspects of the Court's business:

- the exercise of powers under the *Federal Circuit Court of Australia Act 1999*
- the making of the Rules of Court, and
- management of the administrative affairs of the Court.

## Overarching committees

### National Practice Area Committee

The National Practice Area Committee provides advice to the Chief Judge in relation to the current and proposed case management structures, judicial conduct and judicial education, and the interaction between the Federal Circuit Court and other Courts. Each area of the Court is represented according to a national practice area.

The committee met three times in 2019–20.

The committee comprised:

- Chief Judge Alstergren (Chair)
- Judge Driver
- Judge Riethmuller
- Judge Altobelli
- Judge Spelleken

- Judge McGuire
- Judge Dunkley
- Judge Cole OAM
- Judge Willis AM
- Judge Harland
- Judge McNab
- Judge Kendall
- David Pringle (CEO and Principal Registrar)
- Virginia Wilson (Deputy Principal Registrar)
- Jordan Di Carlo, and
- Catherine Bull (Secretariat).

### Case Management Judges Committee

The Federal Circuit Court has a structure consisting of a National Coordinator of Case Management and case management judges who represent discrete geographical areas/locations. Through this structure, the Court actively monitors its case management across the nation and considers opportunities for improvement.

The role of case management judges also aids the communication throughout the Court on all aspects of workload, timeliness and court practice. Case management judges are also local points of contact for regional stakeholders. The committee meets quarterly with the Chief Judge and the National Coordinator of Case Management to share information about workload trends and issues in their regions and to enhance the adoption of consistent case management practices at registry, regional and national levels.



Membership of the committee for 2019–20 comprised:

- Judge Driver  
(National Case Management Judge)
- Judge Brown
- Judge Hughes
- Judge Terry
- Judge Dunkley
- Judge Street
- Judge Middleton
- Judge Boyle
- Judge McNab
- Judge Kendall, and
- Amanda Morris.

## Legal Committee

The Legal Committee considers possible rule amendments and wider legal issues about the jurisdiction of the Court. The committee refers its recommendations to the Chief Judge for the consideration of the Court as a whole. Legislation requires that the Rules of Court be approved by all or a majority of judges. Meeting monthly, the committee considers:

- legislative developments to consider any workload or jurisprudential impacts
- recommended rules, practice notices and approved forms, and
- legal issues impacting on the jurisdiction of the Court.

The committee also liaises with the Family Court and the Federal Court in relation to rules, forms and fees, where appropriate, and with other committees as required to achieve their respective objectives and provide coordinated advice to the Chief Judge and the CEO and Principal Registrar.

Membership in 2019–20 comprised:

- Judge Driver (Chair)
- Judge Jarrett
- Judge Hughes
- Judge Riley
- Judge Harland
- Judge Kendall
- Judge Baird
- Virginia Wilson, and
- Amanda Morris.

## Working groups and committees

### Finance Committee

The role of the Finance Committee is to consider the Court's budget position and financial affairs generally, and to make recommendations to the Chief Judge where appropriate on policies and procedures in light of expenditure. The committee also assists the CEO and Principal Registrar in the discharge of his or her obligations arising from the delegation of responsibility for the Federal Circuit Court budget, as part of the broader entity.

The committee meets at least four times in each financial year and comprised:

- Judge Driver (Chair)
- Judge Cole OAM
- Judge A Kelly
- Judge Costigan
- Judge Boymal
- Catherine Sullivan
- Kathryn Hunter, and
- David Pringle.

The committee acknowledges the assistance provided by Ms Catherine Sullivan, Executive Director, Corporate Services, and Ms Kathryn Hunter, Chief Financial Officer.

## Aboriginal and Torres Strait Islander Access to Justice Committee

The Aboriginal and Torres Strait Islander Access to Justice Committee continues to coordinate the implementation of the Court's Reconciliation Action Plan and the Court's engagement with Aboriginal and Torres Strait Islander communities around Australia. This work has been undertaken with the help of Indigenous community members working with judges and staff.

Membership for 2019–20 comprised:

- Judge Willis AM (Chair)
- Judge Coates
- Judge C Kelly
- Judge Terry
- Judge Kemp
- Judge Myers AM
- Judge Stewart
- Judge Young
- Judge Boyle
- Dennis Remedio
- Mr Rick Welsh, and
- David Pringle.

A number of events and activities occurred throughout the year to promote the Court's Reconciliation Action Plan aspirations.

## Family Violence Committee

The Family Violence Committee is a joint committee of the Family Court and the Federal Circuit Court. The committee's principal responsibility is to provide advice to the Chief Justice, the Chief Judge and the CEO and Principal Registrar of both Courts on the issue of family violence.

In discharging this responsibility, the committee reviews and updates the Courts' *Family Violence Plan* and *Family Violence Best Practice Principles*, as well as undertaking discrete projects.

Membership of the committee at 30 June 2020 comprised:

- Judge Hughes (Chair)
- Justice Benjamin AM
- Justice Gill
- Justice Baumann AM
- Judge Spelleken
- Judge Terry
- Judge Bender
- Janet Carmichael
- Virginia Wilson
- Steve Fewster
- David Pringle
- Lisa O'Neill
- Di Lojszczyk, and
- Melissa Buhagiar (Secretariat).

The committee's focus during the year was on a number of initiatives including implementing safety at Court policies and establishing the co-location of state and territory child welfare officials in the Courts' family law registries.

In early 2020, state and territory child welfare officials and police were co-located in the busiest family law registries of the Family Court and Federal Circuit Court as part of a co-location

initiative announced by the Federal Government. The co-location initiative is intended to improve the sharing of information between the state and territory police and child welfare authorities and the family courts, and ensure that this information is available to judges and registrars at the earliest opportunity. Child welfare officials are co-located in most registries save for the Northern Territory. Police officials are co-located in most registries save for the Northern Territory and Victoria.

## Judicial Wellbeing Committee

The Judicial Wellbeing Committee was established to promote and protect the health and wellbeing of judges.

Membership of the committee comprised:

- Chief Judge Alstergren (*ex officio*)
- Judge Driver
- Judge Altobelli (Chair)
- Judge Willis AM
- Judge Stewart
- Judge Vasta
- Judge Heffernan, and
- Jordan Di Carlo.

### *Regional wellbeing coordinators*

- Judge Burchardt (Dandenong and Melbourne) (with Judge Stewart)
- Judge Obradovic (Parramatta)
- Judge Monahan (Lionel Bowen Building Sydney)
- Judge Costigan (Newcastle)
- Judge Kendall (Perth)
- Judge Hughes (Canberra)
- Judge Purdon-Sully (Brisbane)
- Judge Stewart (Melbourne) (with Judge Burchardt)

- Judge Driver (William Street Sydney)
- Judge Heffernan (Adelaide)
- Judge Willis AM (all single judge registries), and
- Judge Altobelli (overall coordinator).

## Judicial Education Committee

The Judicial Education Committee provides advice and recommendations to the Chief Judge on judicial education and professional development, and on coordinating and promoting professional development activities.

This committee met four times during 2019–20.

Membership comprised:

- Judge Altobelli
- Judge Cole OAM
- Judge Vasta
- Judge Stewart
- Judge Street
- Judge Mercuri
- Judge Kendall (Chair), and
- Judge Kari.

## Cultural and Linguistic Diversity Committee

The Cultural and Linguistic Diversity Committee is tasked with identifying barriers to access to justice in the Federal Circuit Court for people from non-English speaking backgrounds, identifying the relevant issues and developing and implementing strategies to overcome such barriers.

The focus of the committee during the financial year was to identify issues that could be the subject of action in the short and medium term.

Membership comprised:

- Judge Harman
- Judge Vasta, and
- Judge Obradovic.

## Children's Committee

The Children's Committee, a joint initiative between the Federal Circuit Court and the Family Court, meets to explore the work to be undertaken with respect to the involvement of children in parenting proceedings and improving the experiences of children in the family law system.

The committee has established and is building links with the Australian Children's Contact Services Association.

Membership for 2019–20 comprised:

- Judge Cole OAM (Chair)
- Justice Moncrieff  
(Family Court of Western Australia)
- Justice Forrest
- Janet Carmichael
- Kylie Beckhouse (Legal Aid NSW)
- Alexandra Wearne (Independent Children's Lawyer (ICL) NSW)
- Kate Bint (ICL, Qld), and
- Gayathri Paramasivam (Victoria Legal Aid).

## Research and Ethics Committee

The Research and Ethics Committee is a joint committee established to consider and advise on research proposals that are received by the Courts on their merits and against ethical guidelines.

Membership of the committee comprises:

- Justice Stevenson (Chair)
- Justice Gill

- Judge M. Neville
- Virginia Wilson
- Manuela Galvao, and
- Michael Raine (Secretariat).

## Collaborative committees

### Joint Rules Harmonisation Working Group

A joint committee of the Family Court and Federal Circuit Court, comprising judges of both Courts, responsible for developing a common set of rules, forms and case management in the Courts. The working group is chaired by the Hon Dr Chris Jessup QC, assisted by two barristers Ms Emma Poole and Mr Christopher Lum.

Membership for 2019–20 comprised:

- Chief Justice Alstergren
- Deputy Chief Justice McClelland
- Justice Ryan
- Justice Watts
- Justice Rees
- Justice Williams
- Justice Hartnett
- Judge Driver
- Judge Hughes
- Judge Harland
- The Hon Dr Christopher Jessup QC (Chair)
- David Pringle
- Virginia Wilson
- Emma Poole
- Christopher Lum, and
- Jordan Di Carlo.

## Joint Costs Advisory Committee

The committee comprises representatives of the four federal courts: the High Court of Australia, the Federal Court, the Family Court and the Federal Circuit Court.

Membership at 30 June 2020 was:

- Justice Benjamin AM (Chair) (Family Court)
- Philippa Lynch, CEO and Principal Registrar (High Court)
- Scott Tredwell, Acting Deputy Principal Registrar (Federal Court)
- Virginia Wilson, Deputy Principal Registrar (Family Court and Federal Circuit Court), and
- Amanda Morris, Registrar (Family Court and Federal Circuit Court).

### Scales of costs

The current cost scales for each of the federal courts are provided for in the following legislation:

- *High Court Rules 2004* Schedule 2
- *Federal Court Rules 2011* Schedule 3
- *Family Law Rules 2004* Schedule 3, and
- *Federal Circuit Court Rules 2001* Schedule 1.

## Audit and Risk Management Committee

The Audit and Risk Management Committee is established in accordance with s 45 of the *Public Governance, Performance and Accountability Act 2013*. The CEO and Principal Registrar must establish and maintain an Audit Committee, with the functions and responsibilities required by s 17 of the *Public Governance, Performance and Accountability Rule 2014*.

The functions of the committee are to:

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

Membership of the committee comprises:

- Mr Ian Govey, External Member (Chair)
- Justice Nicholas, Member (Federal Court)
- Justice Farrell, Member (Federal Court)
- Justice Murphy, Member (Federal Court)
- Justice Benjamin AM, Member (Family Court)
- Justice Harper, Member (Family Court)
- Justice McEvoy, Member (Family Court)
- Judge Driver, Member (Federal Circuit Court)
- Judge Howard, Member (Federal Circuit Court), and
- Ms Frances Cawthra, External Member.

## Federal Court Security Committee

This is a joint Courts committee which considers issues of security across the federal courts with cross-jurisdictional representation, supporting the overarching security issues across the entity.

Membership of the committee comprises:

- Justice Logan (Chair)
- Deputy Chief Justice McClelland
- Judge Vasta
- Sia Lagos
- Catherine Sullivan, and
- Steve Fewster.

## Digital Court Program Steering Group

The Digital Court Program Steering Group has oversight of the introduction of the Digital Court File and document management system and associated case management. This project is being run by the Federal Court and involves representatives from the three courts.

Membership of this steering group includes:

- Sia Lagos (CEO and Principal Registrar, Federal Court)
- Catherine Sullivan (Executive Director, Corporate Services, Federal Court)
- Craig Reilly (Chief Information Officer, Federal Court)
- Jamie Crew (Executive Director, Court and Tribunal Services, Federal Court)
- Justice McClelland (Family Court)
- Judge Jarrett (Federal Circuit Court)
- Justice Perram (Federal Court)
- Justice Sutherland (Family Court of Western Australia), and
- Suzanne Taylor (Family Court of Western Australia).

## Aboriginal and Torres Strait Islander access to justice

During the past 12 months, the Court's Aboriginal and Torres Strait Islander Committee continued to focus on activities in keeping with the Court's commitments under our second Reconciliation Action Plan. Despite the difficulties arising from COVID-19, judges initiated and engaged in National Reconciliation Week celebrations as best they could, whether it was through formal public acknowledgment or hosting virtual events. Judge Boyle in Sydney hosted a screening of the new film *Our Kids* followed by panel discussion. Judge Willis in Cairns held a virtual morning tea with representatives from Aboriginal and Torres Strait Islander legal centres and other entities to discuss how the Indigenous communities and legal centres were managing with the pandemic lock down conditions.

Encouraging Aboriginal and Torres Strait Islander legal students with their studies and mentoring has continued, including an Indigenous law student networking event in Sydney in December 2019, with guest speaker Tony McAvoy SC, the first Indigenous Senior Counsel in Australia.

Promotion of the Court's parenting orders for kin carers is an issue of vital importance for the Committee as it can result in fewer Indigenous children being placed in care. This was promoted with our first *Kin Carers* conference held in Cairns. Congratulations to Dennis Remedio, the Court's Indigenous Liaison Officer in Cairns, for being instrumental in setting up this event in partnership with Debra Bennet, Director of Relationships Australia. It is hoped to conduct another Kin Carers conference in the Torres Strait in the future.

Indigenous case work continues around Australia through either specialised lists or alternate case management for appropriate cases supported by relevant services.

Judges on the committee continue with their personal involvement in professional associations focused on education and understanding of Indigenous Access to Justice issues and community engagement and speaking events to promote the Court's work and parenting orders available for parents, grandparents and kin carers.

The Aboriginal and Torres Strait Islander committee acknowledge the release of the film *Our Kids*, which was achieved by the Greater Western Sydney Family Law Pathways Group, noting the significant involvement of retired Judge Sexton AM and Ricky Welsh, both members of the Court's Committee. Having a short film about the issues of domestic violence and parenting orders, the impact on families and children, and the interplay between the state and federal court systems, has long been a goal of the committee for use in educating the broader community. Congratulations to all involved.



(L-R): Donella Mills, Judge Willis and Dennis Remedio at the Kin Carers Conference in Cairns.



# Internal and external scrutiny

## External scrutiny

### Commonwealth Ombudsman

The Commonwealth Ombudsman received 13 approaches about the Federal Circuit Court for the period 1 July 2019 to 30 June 2020. Of these approaches, 12 were closed without investigation. There is one approach currently open.

## External evaluations

There were no external evaluations.

## Internal evaluations

There were no internal evaluations.

# Media and stakeholder engagement

The Court's National Manager, Media and Public Affairs, is responsible for the management of all media requests and inquiries received by the Court. These inquiries may relate to specific cases, judgments for cases or on issues relating to family law and the Court's broader jurisdiction.

During 2019–20, the Court disseminated 14 media releases and provided many statements to individual journalists upon request.

Engaging with the media is an important part of communicating the work of the Court to the Australian public. The Chief Judge is committed to open justice and in line with that commitment, his Honour participated

in a significant number of interviews with journalists during the reporting year and provided many statements to the media.

This engagement became particularly important during the COVID-19 pandemic in the first half of 2020. Circumstances arising from the crisis led to separated and divorced parents questioning how to adhere to parenting orders or manage shared-parenting arrangements in situations where travel across state borders was restricted, schools and contact centres were closed, and parents were concerned for the safety and welfare of their children.

To provide some guidance for parents and the community at large, the Chief Judge undertook the unorthodox step of making a public statement outlining the Court's expectations in regard to court orders and offering general advice as to the options available to parents in seeking support and assistance. Of great importance to the Court during this time was communicating to the public that the Court was available to deal with cases, and if an urgent hearing was required due to circumstances arising from the pandemic, parents could apply to have their dispute dealt with as part of the Court's COVID-19 urgent list.

To promote this information, the Chief Judge participated in interviews with the following media outlets:

- ABC TV – The Drum
- ABC Radio National
- ABC radio – The Law Report
- Triple M radio – Melbourne
- 3AW radio – Melbourne
- 97.3 FM radio – Brisbane
- The Age newspaper, and
- The Australian newspaper.

During the reporting year, the Chief Judge also participated in several webinars hosted by the Law Institute of Victoria, the Family Law Section of the Law Council of Australia and other organisations. For more information, see Appendix 7 (*Judge activities*).

In addition to the media activities relating to the pandemic, the Chief Judge provided interviews or articles for several law journals including:

- *Proctor* – Queensland Law Society
- *Victorian Bar News*
- *Law Institute Journal* – Law Institute of Victoria
- *Law Society Journal* – New South Wales Law Society
- *The Bulletin* – Law Society of South Australia, and
- *Australian Family Lawyer*.

Direct communication with stakeholders is of significant importance to the Court. In 2019–20, the Court established a series of meetings to hear from various groups that have involvement in or interest in family law and the Court. Some of those groups included Women's Legal Services, Relationships Australia, Legal Aid, Law Societies and Bar Associations, Men's Referral Services, Men's Rights Agency, Lone Fathers Association, Women's Safety NSW and No to Violence.

In the reporting year, there was extensive media interest in a number of cases including the matter of *Isileli 'Israel' Folau v Rugby Australia Limited & Anor*. Due to demand from media to access public documents in the matter, the Court established its first online file where all documents that were deemed publicly accessible were published and available from the Court's website. As well as establishing an online court file, television access was provided to the ABC to film inside the courtroom for the directions hearing of this matter which

was disseminated to all other mainstream media outlets.

## Social media

With the move to more digital practices, the Court uses social media to communicate in real time with court users and the profession. During the COVID-19 pandemic Twitter was an effective tool for quickly distributing information to the profession and court users.

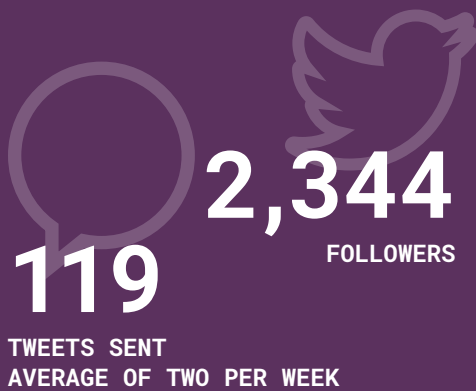
### Twitter

Twitter provides followers with timely, relevant and easy access to information about the Court. Followers are predominately legal professionals, law students, journalists and members of the general public.

Tweets include:

- judgments, reports, publications and factsheets
- legislative news – changes to rules, practice directions, forms or fee updates
- Commonwealth Courts Portal news, and
- media releases and statements.

## 2019–20 Twitter statistics at a glance



The Court's Twitter address is  
<https://twitter.com/FedCctCourtAU>

## TOP TWEET 31 MARCH 2020



## YouTube

The Court's YouTube channel provides a range of videos to help litigants prepare for and understand court processes.

During 2019–20, the Court's channel had 362 subscribers and a total of 38,066 views, with 2,130 hours watched. The most viewed video was 'How to apply for a divorce: serving divorce papers', which provides a step-by-step guide to serving divorce papers in Australia.

The Court's YouTube channel is at  
[www.youtube.com/user/federalcircuitcourt](https://www.youtube.com/user/federalcircuitcourt).

## Correction of errors in the 2018–19 annual report

The Court has no matters to report.

# PART 5

## Appendices

---

Appendix 1 Outcome and program statement: Federal Circuit Court of Australia	73
Appendix 2 Staffing profile: Federal Circuit Court of Australia	74
Appendix 3 Judgments of interest	75
Appendix 4 Freedom of Information	83
Appendix 5 External involvement	86
Appendix 6 Committees	88
Appendix 7 Judge activities	95
Appendix 8 Contact details	111
Appendix 9 Information required by other legislation	115

# Appendix 1

## Outcome and program statement: Federal Circuit Court of Australia

Table A1.1: Outcome 3: Federal Circuit Court of Australia

OUTCOME 3: APPLY AND UPHOLD THE RULE OF LAW FOR LITIGANTS IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA THROUGH MORE INFORMAL AND STREAMLINED RESOLUTION OF FAMILY LAW AND GENERAL FEDERAL LAW MATTERS ACCORDING TO LAW, THROUGH THE ENCOURAGEMENT OF APPROPRIATE DISPUTE RESOLUTION PROCESSES AND THROUGH THE EFFECTIVE MANAGEMENT OF THE ADMINISTRATIVE AFFAIRS OF THE COURT.	BUDGET	ACTUAL	VARIATION
	2019-20 (\$'000)	2019-20 (\$'000)	2019-20 (\$'000)
Program 3.1 – Federal Circuit Court of Australia			
Administered Expenses			
Ordinary annual services (Appropriation Act No.1)	880	726	154
Special appropriations	200	113	87
Departmental Expenses			
Departmental appropriation <sup>1</sup>	67,803	66,981	822
Expenses not requiring appropriation in the budget year	2,367	2,949	-582
<b>Total for Program 3.1</b>	<b>71,250</b>	<b>70,769</b>	<b>481</b>
<b>Total expenses for outcome 3</b>	<b>71,250</b>	<b>70,769</b>	<b>481</b>
<b>Average staffing level (number)</b>	<b>265</b>	<b>243</b>	

<sup>1</sup> Departmental appropriation combines ordinary annual services (Appropriation Act Nos 1 and 3) and retained revenue receipts under section 74 of the *Public Governance, Performance and Accountability Act 2013*.

# Appendix 2

## Staffing profile: Federal Circuit Court of Australia

From 1 July 2016, the *Courts Administration Legislation Amendment Act 2016* designated the Family Court and the Federal Circuit Court, together with the Federal Court of Australia, a single statutory agency for the purposes of the *Public Service Act 1999*.

Heads of jurisdiction continue to be responsible for managing the administrative affairs of their respective courts (excluding corporate services), with assistance from a CEO and Principal Registrar.

All staff are employed by the Federal Court entity under the *Public Service Act 1999*, regardless of which court or tribunal they work for or provide services to.

The total staffing number for the combined entity, as at 30 June 2020, was 1,091 employees. This includes 758 ongoing and 333 non-ongoing employees.

Staff providing direct support to the Federal Circuit Court (numbers of which are included in the total number above) include:

- 146 judicial support staff providing support to judges of the Federal Circuit Court
- 42 registrars providing direct support to the Federal Circuit Court and Family Court, and
- 90 family consultants providing direct support to the Federal Circuit Court and Family Court.

At 30 June 2020, there were 68 judicial positions in the Federal Circuit Court, including the Chief Judge. Judges' numbers are not included in the overall entity staffing number.

For more information about staffing see Part 4 (*Management and accountability*) and Appendix 9 (*Staffing profile*) of the Federal Court of Australia's 2019–20 annual report.

# Appendix 3

## Judgments of interest

### Family law

#### *Coad & Morden* [2019] FCCA 2682

The parties sought parenting, property and maintenance orders. The mother sought to relocate with the children (aged almost eight and almost six) 120km away from the father which would reduce the time the children could spend with the father. In contrast, the father sought an eventual week about arrangement that would require the mother to remain within reasonable proximity to the father. The judge heard evidence from the mother, father and a family consultant. The family consultant had formed the view that relocation would not be in the best interest of the children. However, the judge noted that the family consultant did not have the benefit of seeing the parties over the course of several days giving evidence nor the testing of evidence and lengthy submissions which led the judge to form a different view of the parties' level of cooperation and capacity to co-parent. The judge decided that the best interests of the children were better met by allowing the relocation of the mother and for the children to live with her, as the children would still benefit from a meaningful relationship with the father through spending alternate weekends and half of school holidays with their father as well as special occasions.

In relation to the property application, the judge considered the father's initial contributions to be 'significantly greater', resulting in an assessment of 65 per cent to the father on the basis of the parties' contributions. However, taking into account the future needs of the parties (the disparity in capacity to earn income and the mother's primary care of the children), the overall division of assets saw the mother receive 42.5 per cent of the asset pool.

Taking into consideration the property orders made, maintenance was ordered insofar as the father was to continue to pay the mortgage and outgoings on the former matrimonial home up and until January 2020, being the time it would take time to give effect to the property settlement.

#### *Gallanders and Gallanders* [2019] FCCA 3416

The applicant wife, assisted by her eldest son, asked the Court to dismiss her litigation guardian (State Trustees), remove her youngest son as the litigation guardian for the respondent, and alter previous property settlement orders so as to transfer the marital property entirely into her name (although there was no application made pursuant to section 79A). The parties had been married for 65 years and had three children who were all adults at the time of the proceedings. The applicant was aged in her late 80s and been diagnosed with dementia and the respondent was aged in his early 90s. The parties separated 'involuntarily' following a series of events involving their eldest son who had moved back into the marital home and engaged in financial abuse of his parents after being imprisoned for two years for family violence related charges. The eldest son's



financial abuse included attempting to rent out the marital home and coerce the applicant and respondent to move interstate to live with him. However, during this period evidence was provided suggesting that the respondent husband had been verbally abusive leading to the wife taking out an intervention order with the assistance of their eldest son.

The Court found that there was no *prima facie* case to suggest that the previous property settlement orders (which divided the couples property 50/50) were unjust, thus there was no reason to set these previous orders. On the issue of the litigation guardians, the Court found that there would be no other appropriate person to represent the husband and that there was no conflict of interest preventing the couple's youngest son acting as the husband's litigation guardian. The Court noted that the facts and circumstances of this case were an important reminder to practitioners in cases involving the elderly to take care about whom they should take instructions from, as the applicant's solicitor had taken instructions from the eldest son, despite him not being his mother's litigation guardian.

*Jahoda & Jahoda (No.2)*  
[2019] FCCA 107

These proceedings involved the parenting arrangements of a child who was aged seven at the time of the final hearing. The applicant father had not seen the child since 2016 and sought that time be re-introduced on a very gradual basis. The respondent mother opposed this, seeking instead that there be no time between the father and the child saying that the father posed a risk to the child. The father is a convicted paedophile, having spent 18 months in jail and was on the registered list of sex offenders for life. The father had also been convicted of making a threat to seriously injure the mother and a breach of parole (for which

he served a further 12 months in prison). At the time of the final hearing there was a five-year Final Intervention Order due to expire in 2021.

The Court found that the presumption of shared parental responsibility was not appropriate in circumstances where there was a history of significant family violence and the child had no relationship with the father. The Court also found that the father lacked insight, minimised the nature of his previous offences and had significant mental health difficulties and as such, there was a significant risk to the child if there was contact with the father. The Court weighed the importance to the child of having the opportunity to know his father, but in light of the risks decided that the mother should have sole parental responsibility and made no orders for the father to spend time with the child, except for liberty to send appropriate gifts and cards to the child no more than four times a year.

*Aguilar & Friel*  
[2020] FCCA 1532

The applicant applied to review a divorce order made by a registrar on 27 February 2020. The divorce order provided for the divorce to take effect at the expiration of one month from the date of the order, as is the usual form of divorce orders. The applicant sought that the divorce order take effect after the conclusion of the property settlement proceedings that were pending, arguing that a final divorce order in Australia would hinder her ability to pursue property proceedings in Hong Kong.

The issue for the Court was the ambit of the Court's discretion to extend the time in which the divorce order takes effect (under section 55(2)(a) of the *Family Law Act 1975* (Cth)). The Court considered the policy background to the *Family Law Act, 1975* of removing impediments to divorce, which was a



change from earlier divorce law in Australia under the previous *Matrimonial Causes Act 1959–1966* (Cth), and that of the United Kingdom. The Court rejected the argument that there was a general discretion to delay a divorce order which would require the Court to weigh ‘*competing prejudices*’. The Court found that the possibility of an appeal is the only consideration on which a divorce order could be delayed.

## Migration

### *CFE16 v Minister for Immigration & Anor and CFD16 v Minister for Immigration & Anor* [2020] FCCA 1083

The applicants were a family of Iranian nationals (mother, father and son) who arrived at Christmas Island by boat in 2010. They were granted protection visas as they said they were stateless Faili Kurds. Two years later they had a daughter, who is an Australian citizen as a result of being born in Australia after the applicants obtained a protection visa. In February 2014, the applicants travelled overseas on a temporary travel document. On return to Australia, they admitted to having travelled to Iran on Iranian passports. As Iranian passports would not have been issued to stateless Faili Kurds their protection visas were cancelled by the Minister’s delegate. While their daughter had a right to remain in Australia, as an Australian citizen, it was unrealistic for her to do so if her parents’ visa was cancelled. At the heart of the decision was whether the daughter, on a practical level, would be able to enjoy her Australian citizenship. The Administrative Appeals Tribunal (AAT) affirmed the Minister’s decision to cancel the applicants’ protection visas. In coming to its decision, the AAT considered various factors including ‘the interests of the children in Australia’. The Court found that the AAT had not approached the matter correctly as the UN Convention on the Rights of the Child required

the AAT to take into account the best interests of the children as a ‘primary consideration’. The effect of the Convention was to require the decision-maker to identify the best interests of the children and then to assess the strengths of the other considerations to determine whether they outweigh the best interests of the children.

### *FUR18 v Minister for Immigration & Anor* [2020] FCCA 1796

The applicant came to Australia by boat in 2013 seeking asylum. He applied for a protection visa, which was refused by the Minister’s delegate. When the Immigration Assessment Authority (IAA) reviewed the decision the applicant sought to provide further submissions about his sexuality, disclosing for the first time that his long-term de facto relationship with an Australian citizen was with a male-to-female transgender person and the applicant identified as queer. The applicant said that he did not feel comfortable discussing these details during his interview because the interpreter was a strict Muslim. As this was new information, s 473DD of the *Migration Act 1958* (Cth) provided that it could only be considered in ‘exceptional circumstances’. The IAA did not accept that the applicant had shown ‘exceptional circumstances’ despite his religious and cultural background. The judge found that the IAA erred in the manner in which it approached its task, giving an unduly narrow definition of ‘exceptional circumstances’ rather than taking into account the applicant’s circumstances more generally.

### *DUA16 v Minister for Immigration & Anor and CHK16 v Minister for Immigration & Anor* [2019] FCCA 1128

The applicants are Sri Lankan nationals who discovered that the migration agent had used the same submissions for each of them when their cases happened to be listed on the same

day before the same judge. Their cases were heard together as they involved substantially the same allegations concerning the conduct of a solicitor who had acted for each of the applicants and lodged submissions on their behalf to the IAA. The submissions made to the IAA by the solicitor for each of the applicants reflect background circumstances and claims of an unrelated third person. Following discovery against the Minister, it became apparent that the solicitor involved had used substantially the same submissions in around 40 different cases.

Like the applicants, the solicitor is of Tamil ethnicity. She was paid professional fees for this work.

After being shown submissions she had provided to the IAA on behalf of 40 clients, all making essentially the same claims, she conceded that she used template submissions. In none of the 40 cases could she recall having advised her clients of any opportunity to seek to provide new information. The Court found that the submissions she made to the IAA did not reflect the cases of either applicant and effectively stultified the proper performance of the IAA's functions. The Court's decision was upheld by the Full Court of the Federal Court on appeal in December 2019. Recently, the High Court of Australia has granted special leave to hear a further appeal.

*DZU17 v Minister for Immigration & Anor*  
[2019] FCCA 491

The applicant applied for a protection visa as he feared persecution due to his involvement as an LTTE intelligence officer. He initially said that he had become a target after he had made a cake decoration design of the LTTE leader and paper models of Hindu temples, and was suspected of being involved in sabotaging of speakers at a local Buddhist temple and the bombing of a wine shop. A delegate of the

Minister refused the visa application. When the review of the delegate's decision was before the IAA, the applicant sought to rely upon 'new information' where he claimed to have worked as a senior intelligence officer for 17 years for the LTTE and had witnessed massacres and had himself been tortured, leaving him with extensive scarring all over his body.

The IAA found that there were no 'exceptional circumstances' which justified the consideration of the new information under s 473DD of the *Migration Act*. The Court found that while the IAA gave detailed consideration to why the applicant had not disclosed the new claims earlier, it did not consider the seriousness of the new claims and the impact that they may have on the case as a whole. The Court concluded that the IAA had not properly considered whether the applicant had established 'special circumstances' justifying the IAA to receive 'new information' as it had not properly weighed the potential impact of the new claim.

*CUF18 & Ors v Minister for Home Affairs* [2019] FCCA 2505

The applicant sought a protection visa saying that she faced a risk or chance of serious harm because of her gender. The applicant argued that the IAA was illogical and unreasonable as the country information indicated that 'sexual violence is a serious, ongoing social problem throughout Sri Lanka' although urban areas were safer than rural areas and some women were more at risk than others. The Court noted that sexual violence against women in Sri Lanka is an undeniable reality (which the IAA itself recognised when stating that it was a serious ongoing social problem), however the country information was more specific than suggested by the applicants and had to be read in context. The Court was critical of the applicant's attempts to 'cherry pick' parts of the country information available as the country information provided specific details

as to when women are vulnerable to sexual violence and the applicant did not possess the particular characteristics of relevance as detailed in the country information (such that the second applicant's chance of harm was only remote). The application was dismissed as there was a reasonable and logical basis for the IAA's findings.

*BHH18 v Minister for Home Affairs & Anor*  
[2020] FCCA 337

The applicant argued that IAA failed to have regard to information about whether the applicant's sporting club was affiliated to a recognised terrorist organisation. The relevant document was referred to in a footnote in a document provided to the delegate who refused the visa applicant. In effect, the applicant argued that 'a footnote within a footnote' was 'material before the Minister' for the purposes of s 473DC of the Act and was not 'new information'. If the applicant's argument had been accepted, then one footnote in the applicant's submissions would have the effect of putting at least 20 further documents before the delegate. The Court noted that the applicant had not drawn the delegate's attention to the footnoted document in his written submissions and was relying on the document to advance what was, in effect, a new claim. The Court also noted that the applicant's submission had the effect of 'burying the delegate in paperwork'. The application was dismissed.

*Abbas v Minister for Home Affairs & Anor*  
[2020] FCCA 1051

This case arose from an applicant purportedly filing an application for review at the AAT outside of the prescribed time limit, with the Tribunal finding that it did 'not have jurisdiction'. Following a number of recent cases from the Full Federal Court regarding the clarity of notification letters advising an applicant of

the time in which they could lodge an appeal, the judge undertook a detailed analysis of all of these cases in order to determine whether the notification letter in the present case was clear and unequivocal. After summarising the relevant principles from a series of Full Federal Court and the Federal Court authorities, the Court determined that the Tribunal was correct to find that it did not have jurisdiction as the notification letter was 'clear enough'. The application was, accordingly, dismissed.

## Fair work

*Australian Federation of Air Pilots v Regional Express Holdings (No.2)*  
[2020] FCCA 219

The Australian Federation of Air Pilots (AFAP) claimed that the respondent had, among other things, threatened to take 'adverse action' against employees (or prospective employees). Section 340 of the Fair Work Act prohibits adverse action against an employee or prospective employee who exercises a workplace right (such as insisting upon enterprise agreement entitlements). In the earlier decision of *Australian Federation of Air Pilots v Regional Express Holdings* [2016] FCCA 316 (affirmed by the High Court in *Regional Express Holdings Limited v Australian Federation of Air Pilots* [2017] HCA 55) the Court had found that the union could bring the application. The claim arose from the content of a letter sent to applicants for a cadet pilot program (a 34 week intensive program). The letter identified the cadetship as a special honour. It emphasised the importance of cadets honouring their promises. The letter discussed an example of cadets who had promised the 'earth', but then refused to volunteer at particular accommodation provided by the respondent. The letter went on to identify such cadets as lacking in integrity. The letter

then asked applicants to give a solemn promise to give back to the respondent by volunteering to undertake specific activities. It was up to an applicant to select what he or she nominated as the activity or promise. The AFAP claimed the letter was a threat to take adverse action against, among others, any cadet or employee who chose to insist on staying in accommodation provided for in or as a result of the applicable enterprise agreement. After hearing evidence from the author of the letter, the Court found that letter did not, among other things, constitute a threat of adverse action. The letter did not require a cadet to give or make any particular promise, and even encouraged candidates not to apply if they had any doubts. Rather, the letter highlighted the importance of applicants honouring commitments they offered as part of selection process. As a result, the claim that the letter was a threat of adverse action was dismissed.

*Rhodes v Firepower Pump Systems Pty Ltd trading as Territory Fire Service & Training*  
[2020] FCCA 1649

The applicant sought payment of a redundancy following resignation of employment from the respondent. The Court was required to consider the meaning of the term ‘redundancy’ within the context of the relevant award (a common clause in construction industry awards). The terms of the award defined ‘redundancy’ as any situation where the employment was terminated, so long as there was no misconduct or refusal of duty. The issue affects large numbers of construction industry employees. The Court concluded that whilst resignation was not within the ordinary concept of ‘redundancy’ at common law, it did fall within the extended definition of ‘redundancy’ as the term was defined in the award.

*Kernaghan v Neffray Pty Ltd & Ors*

[2020] FCCA 1141

In *Kernaghan v Neffray Pty Ltd & Ors* [2020] FCCA 1141, a decision significant for the long distance transport industry, the applicant, a long-distance truck driver, sought the payment of various entitlements on the basis that the respondents contravened the *Road Transport (Long Distance Operations) Award 2010* (Award). The respondents denied liability and instead alleged that, on the proper interpretation of the award, that the applicant was overpaid during the course of employment. The Award provided for two alternative methods of calculating minimum payments for drivers’ rates per kilometre and rates based upon driving time (neither of which provided for payment for non-driving time). The applicant had been paid a flat hourly rate for all of his time working and claimed that payments for non-driving time did not satisfy the award entitlements for driving time or distance. The Court determined that the nature of the flat hourly rate was appropriately categorised, in the context of the award, as that of a guaranteed minimum rate under cl 13.2. Thus, the applicant would only be entitled to greater payments under the award when the fortnightly payments for driving kilometres exceeded the contracted hourly payments for that fortnight.

## Bankruptcy

*Janezic v Official Receiver & Anor and Davidson v Official Receiver & Anor*

[2020] FCCA 1153

The applicants were punters who ‘invested’ in a now infamous Ponzi scheme operated by William Vlahos as a betting syndicate based upon an alleged formula for selecting winners of horse races. Vlahos was made bankrupt and the trustee sought to recover

money paid to the applicants prior to Vlahos's bankruptcy to distribute equally among all of Vlahos's creditors. The trustee relied upon an administrative process of issuing Notices under s 139ZQ of the *Bankruptcy Act 1966* rather than bringing proceedings to recover the money under s 120 of the Act (transactions that are void as a result of a lack of consideration). Section 139ZQ was inserted into the Act to simplify recovery of assets by trustees. The applicants argued that it was not open to the trustee to rely upon notices under s 139ZQ as Vlahos had been discharged from bankruptcy three years before the notices were issued and the time limit for bringing an action under s 120 of the Act had expired days after the notices were issued. The Court determined that s 138ZQ Notices could be issued after a bankrupt was discharged from bankruptcy and that the notices were valid despite the limitation period for an action under s 120 expiring shortly after the notices were issued.

## Administrative

### *Ahamed v Secretary, Department of Social Services* [2020] FCCA 1245

The applicant appealed a decision of the AAT that resulted in a Disability Support Pension repayment debt due to the applicant not advising Centrelink that his wife had entered Australia and commenced living with him. The applicant had been overpaid as he was receiving the single rate, rather than the couple rate for one member of a couple. The applicant argued that as his wife had no earning capacity (due to the visa she had come to Australia on, limited English skills and pregnancy-related illness) there was a 'special reason' to make him eligible for the single rate. The Court noted that the 'couple rate' was underpinned by the notion that couples can share their resources and take advantage of economies of scale,

however in this case the applicant's wife had no income and was said to have no entitlement to social security during the relevant period. Alternatively, if the applicant's wife was entitled to social security the fact that the single pension amount for the applicant was less than the total of the couple rate that would have been payable for each of them (but unclaimed by his wife) was a powerful reason for the debt to be waived. The Court allowed the appeal and remitted the matter to the AAT to determine according to law.

## Consumer

### *Abdi & Anor v Lu* [2020] FCCA 1307

The applicant, an immigrant from Somalia with limited English, purchased a Toyota Kluger under a hire purchase agreement (inclusive of insurance) from the respondent who operated a rental car business (who also had limited English and had drawn the hire purchase contract). The applicant initially sought relief after the respondent repossessed the car as the applicant was in arrears for a majority of the contract, which was granted as the respondent had not complied with the detailed provisions of the Consumer Credit Code (with respect to repossessing the vehicle). In addition, she and her husband had both had car accidents in the vehicle and she sought indemnity under the insurance agreement (at the time of the husband's accident he was using the vehicle for his Uber driving business). Owing to the simple wording of the contract, the Court found that the contract was not fully compliant with the complex provisions of the National Credit Code, however the Court did not find it appropriate to vary the terms of the contract given its relatively clear terms and reasonable interest rate. The Court found that late payment fees imposed were not enforceable on the basis that they were penalties. The Court found that the

applicant was entitled to be indemnified against the damage arising out of the accident she was in, despite not having paid the insurance payments on time, as a result of the operation of the Insurance Contracts Act, however the insurance did not extend to her husband's liability to a third party. As such, orders were made for the respondent to pay the balance outstanding for repairs less the insurance excess and for the registration of the car to be transferred to her name.

## Intellectual property

*Chris and Dora Di Lorenzo Partnership v Denversian Pty Ltd & Anor*

[2020] FCCA 1718

This case concerned a contest between two parties who applied to register the same trade mark '*black sheep*' in 2015. The applicant was based in New South Wales and applied for the mark first, and the respondent operated a bistro restaurant in Queensland, and applied to register the mark six months later, although it had been operating its restaurant since 2013. The applicant appealed under s 56 of the *Trade Marks Act 1995* (Cth) from the decision of the Registrar of Trade Marks dismissing the

applicant's opposition and allowing registration of the trade mark '*black sheep*' in respect of '*restaurants; restaurant services; café and bistro services*' pursuant to s 44(3), although the mark had initially been accepted under s 44(4) (permitting concurrent registrations). The applicant asserted that they had first used a similar trade mark also including '*black sheep*' since before the respondent, and argued ownership (under s 58) and absolute first prior use (under s 58A of the Act). The Court found that the applicant's claims of relevant prior use and absolute first use were not established on the facts. The applicant could not establish it had been engaged in relevant trade since 2013 nor that it had used the same trade mark throughout the period. The case is of interest because the Court considered the scope and operation of s 58A, and the complexities inherent in the wording of the section. The Court considered that because s 58A only applies when a trade mark has been accepted for registration under s 44(4), the section does not require that the applicant again establish that the relevant trade marks are substantially identical or deceptively similar (as that would rob s 58A(1) of any role to perform, and would be contrary to the legislative intention explained in the Explanatory Memorandum).

# Appendix 4

## Freedom of Information

The *Freedom of Information Act 1982* does not apply to any request for access to documents of the Court unless the document relates to matters of an administrative nature. While there is no definition within this Act or the Privacy Act of the term ‘matters of an administrative nature’, the High Court decision in *Kline v Official Secretary to the Governor-General and Another* [2013] HCA 52 in their joint judgment considering this term pointed out:

*[47]...the only documents which courts and specified tribunals, authorities and bodies are obliged to open to increase public scrutiny are those documents relating to the management and administration of registry and office resources.’*

There were eleven Freedom of Information application requests made to the Court for the period 1 July 2019 to 30 June 2020.

Agencies subject to the *Freedom of Information Act 1982* are required to publish information to the public as part of the Information Publication Scheme. This requirement, in Part II of the Freedom of Information Act, has replaced the former requirement to publish a Section 8 Statement in an annual report.

An agency plan showing what information is published in accordance with the Information Publication Scheme requirements is accessible from agency websites.

Freedom of information and the Information Publication Scheme agency plan for the Federal

Circuit Court can be found on the Court’s website at [www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/contact-us/freedom-of-information-and-information-publication-scheme](http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/contact-us/freedom-of-information-and-information-publication-scheme).

### Access to information outside the Freedom of Information Act

Rule 2.08 of the *Federal Circuit Court Rules 2001* provides that a search of the Court’s records may be undertaken by the Attorney-General (in family law proceedings), a party, a lawyer for a party, a child representative (in family law proceedings) or a person granted leave by the Court or a registrar. Leave may be granted if a proper interest is shown and may be subject to conditions. In relation to access to documents in general federal law proceedings, the Court applies the same rule as that prescribed by the Federal Court; see rule 2.08B. This rule identifies certain categories of court documents as being available for inspection without leave.



There are other legislative provisions that limit publication in various proceedings; for example, s 121 of the *Family Law Act 1975*, s 110X of the *Child Support (Registration and Collection) Act 1988* and s 91X of the *Migration Act 1958*. In addition, Part 6A of the *Federal Circuit Court of Australia Act 1999* gives the Court general power to suppress/prohibit publication of evidence in respect of general federal law provisions (Part XIA of the *Family Law Act 1975* deals with suppression and non-publication orders in proceedings under that Act).

Enquiries concerning access to documents or freedom of information matters generally should be directed to:

Chief Executive Officer and Principal Registrar  
Federal Circuit Court of Australia  
GPO Box 9991  
Melbourne VIC 3000  
or emailed to  
[customer.service@federalcircuitcourt.gov.au](mailto:customer.service@federalcircuitcourt.gov.au).

Further advice on making freedom of information requests may be obtained by calling (02) 9893 5748.

## Categories of documents

The Federal Circuit Court registries maintain the following categories of documents on behalf of the Court:

- documents relating to matters heard by the Court including applications, affidavits, transcripts, orders and copies of judgments
- registers and indexes of matters coming to the Court, and
- general correspondence.

The Federal Circuit Court maintains the following categories of documents:

- general correspondence
- documents concerning the development and implementation of policy, guidelines and procedures, and
- documents concerning the Court's administrative and financial operations.

## Other documents

The Court holds and makes available on request a range of documents including brochures, fact sheets and general information leaflets. These are available on the Court's website at [www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au).

## Privacy

The Court holds personal information for two purposes:

- to help resolve and, if necessary, determine matters before the Court (the judicial purpose), and/or
- to assist in administration (the administrative purpose).

Information used for judicial purposes is held in case files and the case management computer system. This information is exempt from the *Privacy Act 1988* and *Freedom of Information Act 1982*. Other statutory provisions and non-publication powers of the Court, designed to protect parties and their children, are applicable to this information.

Information used for administrative purposes is collected as part of the day-to-day running of the Court. Many documents for administrative purposes are held by the Federal Court as the provider of the corporate services for the Court.



The collection, storage and disclosure of this information is governed by the provisions of both the Privacy Act and the Freedom of Information Act.

The *Australian Government Agencies Privacy Code* came into force on 1 July 2018. Agencies are required to take reasonable steps to implement practices, procedures and systems to ensure compliance with the code.

Consistent with these requirements, the Court has the following in place:

- Privacy Policy
- Privacy Impact Assessment Policy, and
- Data Breach Response Plan.

During 2018–19, a Privacy Awareness eLearning module was released to be completed by all staff. Completion of this module continued throughout 2019–20.

In addition, the Court has a designated Privacy Champion and Privacy Officer.

# Appendix 5

## External involvement

The Federal Circuit Court has a number of strategies for strengthening its partnerships with clients and other stakeholders, such as legal practitioners, non-government organisations, and government agencies and departments.

External stakeholders include:

- the Commonwealth Attorney-General's Department
- the Commonwealth Department of Human Services
- other government departments and agencies
- child welfare authorities
- legal services commissions and community legal centres
- law societies and the Law Council of Australia
- community-based and non-government organisations, and
- the Australian Federal Police.

Relationships with these groups are managed either by the Chief Judge, other judges or the CEO and Principal Registrar on behalf of the Chief Judge.

There are several established channels through which external stakeholders may inform the Court and affect its processes and client service delivery, including the following.

### Australian Institute of Family Studies

The Australian Institute of Family Studies was established under s 114B of the Family Law Act and is a forum for exchange of information and research.

### Family Law Section of the Law Council of Australia

The Chief Judge meets regularly with the Family Law Section of the Law Council of Australia and the family law and general federal law committees of state, territory and regional Bars and Law Societies. In addition, the Federal Circuit Court has established relationships with bar associations, law societies and key stakeholders in regards to migration and other general federal law matters.

## Local consultations and other activities for improved service delivery

Staff continue to regularly engage with numerous external groups such as local family law pathways networks, legal aid, bar associations and law societies, local practitioners and practitioners' associations, community legal centres, family relationship centres, community organisations and support groups, child protection agencies, family violence committees and organisations, state courts, universities and police services. Staff also work with the Family Advocacy and Support Services program, with the aim of enhancing their presence in the registries.

# Appendix 6

## Committees

Table A6.1: Federal Circuit Court Committees, 30 June 2020

OVERARCHING COMMITTEES		
Title	Members	Terms of reference
<b>National Practice Area Committee</b>	<ul style="list-style-type: none"> <li>- Chief Judge Alstergren (Chair)</li> <li>- Judge Driver</li> <li>- Judge Riethmuller</li> <li>- Judge Altobelli</li> <li>- Judge Spelleken</li> <li>- Judge McGuire</li> <li>- Judge Dunkley</li> <li>- Judge Cole OAM</li> <li>- Judge Willis AM</li> <li>- Judge Harland</li> <li>- Judge McNab</li> <li>- Judge Kendall</li> <li>- David Pringle</li> <li>- Virginia Wilson</li> <li>- Jordan Di Carlo</li> <li>- Catherine Bull (Secretariat)</li> </ul>	<p>To advise the Chief Judge about current and proposed case management structures, judicial conduct, judicial education and possible interaction between the Federal Circuit Court and other courts. Each area of the Court is represented according to national practice area:</p> <ul style="list-style-type: none"> <li>- Family law north (comprising Queensland) (Judge Spelleken)</li> <li>- Family law south (comprising Victoria, South Australia, Northern Territory and Tasmania) (Judge McGuire)</li> <li>- Family law east (comprising New South Wales and the ACT) (Judge Dunkley)</li> <li>- Migration law (Judge Riethmuller)</li> <li>- General federal law (Judge McNab)</li> </ul>
<b>Case Management Judges Committee</b>	<ul style="list-style-type: none"> <li>- Judge Driver (National Case Management Judge)</li> <li>- Judge Brown</li> <li>- Judge Hughes</li> <li>- Judge Terry</li> <li>- Judge Dunkley</li> <li>- Judge Street</li> <li>- Judge Middleton</li> <li>- Judge Boyle</li> <li>- Judge McNab</li> <li>- Judge Kendall</li> <li>- Amanda Morris</li> </ul>	<p>To assist the Chief Judge and the National Coordinator of Case Management in the case management of the Court and to enhance the adoption of consistent case management practices throughout the Court.</p>

## OVERARCHING COMMITTEES

Title	Members	Terms of reference
<b>Legal Committee</b>	<ul style="list-style-type: none"> <li>- Judge Driver (Chair)</li> <li>- Judge Jarrett</li> <li>- Judge Hughes</li> <li>- Judge Riley</li> <li>- Judge Harland</li> <li>- Judge Kendall</li> <li>- Judge Baird</li> <li>- Virginia Wilson</li> <li>- Amanda Morris</li> </ul>	To consider and refer recommendations to the Chief Judge and the Court on possible rule amendments and wider legal issues concerning the Court's jurisdiction.

## WORKING GROUPS AND COMMITTEES

Title	Members	Terms of reference
<b>Finance Committee</b>	<ul style="list-style-type: none"> <li>- Judge Driver (Chair)</li> <li>- Judge Cole OAM</li> <li>- Judge A Kelly</li> <li>- Judge Costigan</li> <li>- Judge Boymal</li> <li>- Catherine Sullivan</li> <li>- Kathryn Hunter</li> <li>- David Pringle</li> </ul>	To consider the Court's budget position and financial affairs generally, and to make recommendations to the Chief Judge where appropriate on policies and procedures in light of expenditure. The committee also assists the CEO and Principal Registrar in the discharge of his or her obligations arising from the delegation of responsibility for the Federal Circuit Court budget, as part of the broader entity.
<b>Aboriginal and Torres Strait Islander Access to Justice Committee</b>	<ul style="list-style-type: none"> <li>- Judge Willis AM (Chair)</li> <li>- Judge Coates</li> <li>- Judge C Kelly</li> <li>- Judge Terry</li> <li>- Judge Kemp</li> <li>- Judge Myers AM</li> <li>- Judge Stewart</li> <li>- Judge Young</li> <li>- Judge Boyle</li> <li>- Dennis Remedio</li> <li>- Mr Rick Welsh</li> </ul>	To assess how the Federal Circuit Court can improve access to justice in this Court for Indigenous litigants.

WORKING GROUPS AND COMMITTEES		
Title	Members	Terms of reference
<b>Family Violence Committee</b> *joint committee	<ul style="list-style-type: none"> <li>- Judge Hughes (Chair)</li> <li>- Justice Ryan</li> <li>- Justice Hannam</li> <li>- Judge Brown</li> <li>- Judge Spelleken</li> <li>- Judge Terry</li> <li>- Judge Bender</li> <li>- Janet Carmichael</li> <li>- Di Lojszczyk</li> <li>- Lisa O'Neill</li> <li>- Melissa Buhagiar (Secretariat)</li> </ul>	To provide advice to the Chief Judge, the Chief Justice and the CEO and Principal Registrar of both Courts on the issue of family violence.
<b>Judicial Wellbeing Committee</b>	<ul style="list-style-type: none"> <li>- Chief Judge Alstergren (<i>ex officio</i>)</li> <li>- Judge Driver</li> <li>- Judge Altobelli (Chair)</li> <li>- Judge Willis AM</li> <li>- Judge Stewart</li> <li>- Judge Vasta</li> <li>- Judge Heffernan</li> <li>- Jordan Di Carlo</li> </ul> <p><b>Regional wellbeing coordinators</b></p> <ul style="list-style-type: none"> <li>- Judge Burchardt (Dandenong and Melbourne) (with Judge Stewart)</li> <li>- Judge Obradovic (Parramatta)</li> <li>- Judge Monahan (Lionel Bowen Building Sydney)</li> <li>- Judge Costigan (Newcastle)</li> <li>- Judge Kendall (Perth)</li> <li>- Judge Hughes (Canberra)</li> <li>- Judge Purdon-Sully (Brisbane)</li> <li>- Judge Stewart (Melbourne) (with Judge Burchardt)</li> <li>- Judge Driver (William Street Sydney)</li> <li>- Judge Heffernan (Adelaide)</li> <li>- Judge Willis AM (all single judge registries)</li> <li>- Judge Altobelli (overall coordinator)</li> </ul>	To promote and protect the health and wellbeing of the Court's judges throughout their judicial careers.

WORKING GROUPS AND COMMITTEES		
Title	Members	Terms of reference
<b>Judicial Education Committee</b>	<ul style="list-style-type: none"> <li>- Judge Altobelli</li> <li>- Judge Cole OAM</li> <li>- Judge Vasta</li> <li>- Judge Stewart</li> <li>- Judge Street</li> <li>- Judge Mercuri</li> <li>- Judge Kendall (Chair)</li> <li>- Judge Kari</li> </ul>	To provide advice and recommendations to the Chief Judge on judicial education and professional development and to coordinate and promote professional development activities.
<b>Cultural and Linguistic Diversity Committee</b>	<ul style="list-style-type: none"> <li>- Judge Harman</li> <li>- Judge Vasta</li> <li>- Judge Obradovic</li> </ul>	<p>To identify barriers to access to justice in the Federal Circuit Court for persons from non-English speaking backgrounds.</p> <p>Identify the relevant issues and develop and implement strategies to overcome such barriers.</p>
<b>Children's Committee</b> *joint committee	<ul style="list-style-type: none"> <li>- Judge Cole OAM (Chair)</li> <li>- Justice Moncrieff (Family Court of Western Australia)</li> <li>- Justice Forrest</li> <li>- Janet Carmichael</li> <li>- Kylie Beckhouse (Legal Aid NSW)</li> <li>- Alexandra Wearne (ICL, NSW)</li> <li>- Kate Bint (ICL, Qld), and</li> <li>- Gayathri Paramasivam (Victoria Legal Aid)</li> </ul>	To explore the work to be undertaken with respect to the involvement of children in parenting proceedings and improving the experiences of children in the family law system.
<b>Research and Ethics Committee</b> *joint committee	<ul style="list-style-type: none"> <li>- Justice Stevenson (Chair)</li> <li>- Justice Gill</li> <li>- Judge M. Neville</li> <li>- Virginia Wilson</li> <li>- Janet Carmichael</li> <li>- Manuela Galvao</li> <li>- Michael Raine (Secretariat)</li> </ul>	To consider research proposals that are received by the Court on their merits and against ethical guidelines.

COLLABORATIVE COMMITTEES		
Title	Members	Terms of reference
<b>Joint Rules Harmonisation Working Group</b>	<ul style="list-style-type: none"> <li>- Chief Justice Alstergren</li> <li>- Deputy Chief Justice McClelland</li> <li>- Justice Ryan</li> <li>- Justice Watts</li> <li>- Justice Rees</li> <li>- Justice Williams</li> <li>- Justice Hartnett</li> <li>- Judge Driver</li> <li>- Judge Hughes</li> <li>- Judge Harland</li> <li>- Virginia Wilson</li> <li>- Emma Poole</li> <li>- Christopher Lum</li> <li>- Jordan Di Carlo</li> </ul>	Responsible for developing a common set of rules, forms and case management in the Courts. The working group is chaired by the Hon Dr Chris Jessup QC, assisted by two barristers, Ms Emma Poole and Mr Christopher Lum.
<b>Joint Costs Advisory Committee</b>	<ul style="list-style-type: none"> <li>- Justice Benjamin AM (Chair)</li> <li>- Philippa Lynch (High Court)</li> <li>- Scott Tredwell (Federal Court)</li> <li>- Virginia Wilson (Family Court and Federal Circuit Court)</li> <li>- Amanda Morris (Family Court and Federal Circuit Court)</li> </ul>	To inquire into, and make recommendations on, any variations in the quantum of costs (including expenses and fees for witnesses) allowable to legal practitioners which should be contained in the scales of costs in the Rules of the respective courts.



COLLABORATIVE COMMITTEES		
Title	Members	Terms of reference
<b>Audit and Risk Management Committee</b>	<ul style="list-style-type: none"> <li>- Mr Ian Govey, External Member (Chair)</li> <li>- Justice Nicholas (Federal Court)</li> <li>- Justice Farrell (Federal Court)</li> <li>- Justice Murphy (Federal Court)</li> <li>- Justice Benjamin AM (Family Court)</li> <li>- Justice Harper (Family Court)</li> <li>- Justice McEvoy (Family Court)</li> <li>- Judge Driver (Federal Circuit Court)</li> <li>- Judge Howard (Federal Circuit Court)</li> <li>- Ms Frances Cawthra (External Member)</li> </ul>	<p>The Audit Committee is established in accordance with s 45 of the <i>Public Governance, Performance and Accountability Act 2013</i>. The CEO and Principal Registrar must establish and maintain an Audit Committee, with the functions and responsibilities required by s 17 of the <i>Public Governance, Performance and Accountability Rule 2014</i>. The functions of the committee are to:</p> <ul style="list-style-type: none"> <li>- provide independent assurance of the effectiveness of the entity's Risk Management Framework</li> <li>- review compliance with the entity's Risk Management Policy</li> <li>- monitor the implementation of the entity's Risk Management Plan</li> <li>- review compliance with finance law, including financial and performance reporting</li> <li>- review risk reports periodically (quarterly and annual reports)</li> <li>- review the internal control programs and advise whether key controls are appropriate and are operating effectively</li> <li>- monitor and understand the potential impact of emerging risks on the entity's ability to achieve its objectives, and</li> <li>- provide assurance that the entity has well-designed business continuity and disaster recovery arrangements in place and are tested periodically.</li> </ul>
<b>Federal Court Security Committee</b>	<ul style="list-style-type: none"> <li>- Justice Logan (Chair) (Federal Court)</li> <li>- Deputy Chief Justice McClelland (Family Court)</li> <li>- Judge Vasta (Federal Circuit Court)</li> <li>- Sia Lagos (Federal Court)</li> <li>- Catherine Sullivan (Federal Court)</li> <li>- Steve Fewster (Federal Court)</li> </ul>	<p>Considers issues of security across the Federal Courts with cross-jurisdictional representation, supporting the overarching security issues across the entity.</p>

COLLABORATIVE COMMITTEES		
Title	Members	Terms of reference
Digital Court Program Steering Group	<ul style="list-style-type: none"><li>- Sia Lagos (Federal Court)</li><li>- Catherine Sullivan (Federal Court)</li><li>- Craig Reilly (Federal Court)</li><li>- Jamie Crew (Federal Court)</li><li>- Justice McClelland (Family Court)</li><li>- Judge Jarrett (Federal Circuit Court)</li><li>- Justice Perram (Federal Court)</li><li>- Justice Sutherland (Family Court of Western Australia)</li><li>- Suzanne Taylor (Family Court of Western Australia)</li></ul>	To oversee the introduction of the Digital Court File and document management system and associated case management.

# Appendix 7

## Judge activities

### Chief Judge William Alstergren

#### Professional and other memberships

- National Judicial College of Australia
- Law Institute of Victoria
- Victorian Bar
- Judicial Conference of Australia
- International Hague Network of Judges

#### Conferences and events attended during the year

- 3 July 2019, The International Centre for Family Law, Policy and Practice, University of Westminster Law School, Gender, Inclusivity and Protecting the 21st Century Family Conference, Westminster, UK, plenary session Chair.
- 2 August 2019, Hunter Valley Family Law Practitioners Association and Newcastle Registry of the Family Court and Federal Circuit Court, Hunter Valley Family Law Conference, Hunter Valley, NSW, keynote speaker.
- 5–8 August 2019, Family Court and Federal Circuit Court, Annual Judges' Plenary, Sydney.
- 31 October 2019, Law Institute of Victoria, Young Lawyers Function, Melbourne, welcome speech.
- 20 November 2019, Victorian Bar, Meet the Judges, Melbourne.

- 9 December 2019, Family Court and Federal Circuit Court, Indonesian Delegation, Sydney, welcome speech.
- 7 February 2020, Australian Institute of Family Law Arbitrators and Mediators, AIFLAM Arbitration Seminar, Melbourne. Keynote speaker: *Arbitration in Family Law Property*.
- 10 February 2020, Law Institute of Victoria, Inaugural LIV State of the Profession Briefing 2020, Melbourne. Keynote speaker: *The Challenges and Opportunities in the Court for 2020*.
- 5 March 2020, Law Council of Australia, Immigration Conference, Melbourne, welcome speech.
- 6 March 2020, Australian Bar Association and Bar Association of Queensland, Annual Conference, Brisbane, Plenary session, Chair.
- 29 April 2020, Victorian Bar, In Conversation with His Honour, Will Alstergren, Chief Justice of the Family Court and Chief Judge of the Federal Circuit Court and Geoffrey Dickson, QC. Webinar guest speaker.
- 7 May 2020, Victorian Law Foundation, Law Week Webinar, Domestic Violence in the Age of COVID-19, webinar guest speaker.
- 21 May 2020, Family Law Section of the Law Council of Australia, Webinar: COVID-19 List Panel Discussion, panellist.

## Judge Rolf Driver

### Professional and other memberships

- New South Wales Bar Association
- Australian Institute of Judicial Administration
- Judicial Conference of Australia
- Law Council of Australia (Federal Litigation Section)
- International Association of Refugee and Migration Judges

### Conferences and events attended during the year

- 17–22 February 2020, International Association of Refugee and Migration Judges, World Conference, Costa Rica.

## Judge Grant Riethmuller

### Professional and other memberships

- Law Council of Australia, Family Law Section
- Judicial Conference of Australia

### Conferences and events attended during the year

- 3–5 July 2019, The International Centre for Family Law, Policy, and Practice, Gender, Inclusivity and Protecting the 21st Century Family, London. Presented: *The effectiveness of private and public mediation in resolving family property disputes*.
- 5–7 March 2020, Law Council of Australia, Immigration Law Conference 2020, *Crossing the Borders of Immigration Law*, keynote address, Melbourne.
- Other external activities: Chapter: Australia, 'Reform and Complexity: A Difficult Balance', International Survey of Family Law, 2019 Edition.

## Judge Nick Nicholls

### Professional and other memberships

- Australasian Institute of Judicial Administration
- National Judicial College of Australia
- Hellenic Australian Lawyers Association

## Judge Kevin Laphorn

### Professional and other memberships

- Judicial Conference of Australia
- Australian Institute of Judicial Administration
- Association of International Family Judges
- Family Law Section of the Law Council of Australia
- Bar Association of Queensland
- New South Wales Bar Association

### Conferences and events attended during the year

- 23 August 2019, Queensland Young Lawyers, Conference in the Courtroom Workshop, Brisbane.
- 23–24 January 2020, Law Society Northern Territory, Start at the Top Family Law Conference, Darwin. Presented: *So you want to get out of here? Being practical in the preparation of a relocation case*.

## Judge Kate Hughes

### Professional and other memberships

- Judicial Conference of Australia
- National Judicial College
- Women Lawyers Association of the Australian Capital Territory

## Judge Philip Burchardt

### Professional and other memberships

- International Association of Refugee and Migration Judges
- Maritime Law Association of Australia and New Zealand
- The Industrial Bar Association
- International Society of Family Law
- International Academy of Family Lawyers

### Conferences and events attended during the year

- 12–14 September 2019, European Society of International Law, Annual Conference, Athens, Greece. Presented: *Sovereignty: A concept in flux*.
- 17–22 February 2020, International Association of Refugee and Migration Judges, World Conference, San Jose, Costa Rica.

## Judge Robert Cameron

### Conferences and events attended during the year

- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney.

## Judge Tom Altobelli

### Professional and other memberships

- Law Society of New South Wales, Honorary Judicial Member
- Family Law Section, Law Council of Australia
- Association of Family and Conciliation Courts, Board Member
- Adjunct Professor, Western Sydney University
- Member Editorial Board, Australian Journal of Family Law

- Member Editorial Board, Australasian Journal of Dispute Resolution
- Chair, New Perspectives on Courtroom Leadership program, National Judicial College of Australia
- Chair, Family Law For Magistrates training program, National Judicial College of Australia

### Conferences and events attended during the year

- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney. Presented: *Delivering Issues-based judgments*.
- 15–17 August 2019, Association of Family and Conciliation Courts, Australian Chapter Conference, Sydney. Presented: *A New Approach to Contentious Issues: Is Court the Only Realistic Option?* with Dr Lyn Greenberg and Anne-Marie Rice.
- 8 February 2020, Family Law Section of the Law Council of Australia, Family Law Intensives, Sydney. Presented: *Latest and Greatest Cases*.
- 28 February 2020, MacArthur District Law Society Annual Continuing Legal Education seminar, Camden. Presented: *The professional responsibility implications of some recent family law cases*.
- 12 March 2020, Illawarra and Southern Highlands Pathways Network, Annual Judicial Dinner. Presented: *Property settlements*.

## Judge Stephen Coates

### Professional and other memberships

- Queensland Bar Association
- Australian Institute of Judicial Administration
- International Bar Association
- Judicial Conference of Australia
- Association of Family and Conciliation Courts
- LAWASIA
- Family Law Section
- Family Law Practitioners Association of Queensland

## Judge Charlotte Kelly

### Professional and other memberships

- Law Society of South Australia
- Women Lawyers Association
- Australian Association of Women Judges
- Family Law Section of the Law Council of Australia
- Judicial Conference of Australia
- National Judicial College of Australia Indigenous Justice (South Australia Committee)
- Australian Association of Judicial Administration
- Duncan Memorial Scholarship Committee, University of Adelaide
- Mentor with Pinnacle Foundation, University of Adelaide

### Conferences and events attended during the year

- 22 February 2020, Family Law Pathways, National Family Law Pathways Conference, guest presenter.
- 29 May 2020, Family Law Path Network South Australia, Adelaide. Presented: *An update on practices and procedures adopted by the Court to manage family law matters in these unprecedented times.*
- 29 May 2020, Family Law Path Network South Australia, Adelaide. Presented: *'Our Kids' – How to Keep Them Out of the Care System.*

## Judge Dale Kemp

### Professional and other memberships

- Board Member of AIFLAM (nominated member for Federal Circuit Court)
- Committee Member Anglo Australasian Lawyers Society (Vice President)
- Committee Member Family Law Committee of the International Bar Association
- Law School Advisory Board Member, University of Notre Dame, Sydney

### Conferences and events attended during the year

- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney.
- 28 August 2019, Federal Court of Australia, Lehan Lecture Series, Lord Sales, Sydney.
- 23–26 September 2019, International Bar Association, Annual Conference, Seoul.
- 21 November 2019, St Thomas Moore Society, Annual Dinner, Parliament House, Sydney.
- 29 November 2019, Law Society of New South Wales, Arbitration, Sydney.

- 4 February 2020, Affinity Intercultural Foundation, Affinity Lecture Series: An Australian View of the World, Sydney.
- 21 February 2020, University of Notre Dame Australia, Inauguration of the Vice Chancellor, St Mary's Cathedral, Sydney.
- 2 March 2020, Macquarie University, Global Alumni Impact Series, Sydney. Sustainability: Building a Resilient Future.

## Judge Paul Howard

### Professional and other memberships

- LAWASIA
- Judicial Conference of Australia
- Queensland Bar Association
- Commonwealth Magistrates Judges Association
- Hellenic Australian Lawyers
- The Australasian Institute of Judicial Administration
- Samuel Griffith Society

## Judge Susan Purdon-Sully

### Professional and other memberships

- Honorary membership of the Queensland Law Society
- International Academy of Family Lawyers
- Judicial Conference of Australia
- Australian Association of Women Judges
- Women Lawyers Association of Queensland Inc
- International Association of Women Judges
- Supreme Court of Queensland Library Collection Selection Sub-Committee

### Conferences and events attended during the year

- 11–15 September 2019, International Academy of Family Lawyers, European Chapter Meeting, Palma de Mallorca, Spain.

## Judge Margaret Cassidy

### Professional and other memberships

- Bar Association of Queensland
- Women's Lawyers Association of Queensland
- Australian Association of Women Judges
- Judicial Conference of Australia

### Conferences and events attended during the year

- 9–16 September 2019, Continuing Professional Education Conferences, Pan Europe Pacific Legal Conference, Lisbon, Portugal.
- 16–26 September 2019, Continuing Professional Education Conferences, Pan Europe Oceania Legal Conference, Lisbon to London.
- 11–13 October 2019, Bundaberg Law Association, Bundaberg Law Association Conference, Lady Elliot Island. Paper presented: *'Am I a parent' private sperm donation*.
- Other activities: Interview for research project on unrepresented litigants in family law proceedings involving family violence.

## Judge Evelyn Bender

### Professional and other memberships

- Australian Association of Women Judges
- International Association of Women Judges
- Judicial Conference of Australia
- Association of Family and Conciliation Courts
- Judicial Advisory Group on Family Violence
- Magistrates' Court of Victoria Family Violence Taskforce
- Family Law Information Sharing Protocol Committee
- Law Institute of Victoria, Young Lawyers' Journal Interview
- Family Violence and Cross-examination of Parties Bill Steering Committee

### Conferences and events attended during the year

- 24 September 2019, Victorian Women Lawyers, Warren Moot, Melbourne.

## Judge Anne Demack

### Professional and other memberships

- Bar Association of Queensland
- Australian Association of Women Judges
- Family Law Practitioners Association
- Family Law Section of the Law Council of Australia

### Conferences and events attended during the year

- 26 July 2019, Brisbane Bar Association Dinner.
- 30 July 2019, opening of the Law Year Dinner, Rockhampton.
- 31 July 2019, opening of the Law Year Church Service, Rockhampton.
- 5–9 August 2019, Family Court and Federal Circuit Court, Plenary, Sydney.
- 18–19 October 2019, Chair/Presenter Central Queensland Law Association and Queensland Law Society Conference, Rockhampton.
- 5 December 2019, Family Law Practitioners Association, Christmas Function.
- 11 December 2019, Mackay Solicitors Christmas Drinks and Mackay Family Pathways, Mackay.

## Judge Terry McGuire

### Professional and other memberships

- Family Law Practitioners Association of Tasmania

### Conferences and events attended during the year

- 13 March 2020, Tasmanian Young Lawyers, Meeting with Judicial Officer, Burnie, Tasmania.

## Judge David Dunkley

### Professional and other memberships

- Family Law Section, Law Council of Australia

### Conferences and events attended during the year

- All scheduled presentation were cancelled due to COVID-19.



## Judge Barbara Baker

### Professional and other memberships

- Family Law Section of the Law Council of Australia
- Family Law Practitioners Association of Tasmania
- Member, AIJA Council

### Conferences and events attended during the year

- 23 October 2019, UNCITRAL Coordination Committee for Australia, United Nations Day Lecture 2019, 25 years of Cross Border Insolvency Law Reform 1994–2019 (Chair of Hobart Lecture), Hobart.

## Judge Peter Cole OAM

### Professional and other memberships

- National Judicial College of Australia
- Australasian Institute of Judicial Administration
- Judicial Conference of Australia
- Law Society of Western Australia
- South Australian Law Society
- Family Law Section Law Council of Australia
- Family Law Practitioners Association of Western Australia
- Family Law Practitioners Association Queensland
- LawAsia
- Association of Family and Conciliation Courts

### Conferences and events attended during the year

- 5–6 July 2019, National Judicial College of Australia, Effective Judicial Presentations, Sydney.
- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney.
- 15–16 August 2019, Association of Family and Conciliation Courts, Australian Chapter Conference, Sydney, co-chair and presenter.
- 18 September 2019, Law Society of South Australia, Seminar: The Harmon Rule, Adelaide.
- 30 October–2 November 2019, Family Court of Western Australia, Conference, Perth.
- 22–25 January 2020, Law Society Northern Territory, Start at the Top Family Law Conference, Darwin, Chair and coordinator.

## Judge Josephine Willis AM

### Professional and other memberships

- Australian and International Associations of Women Judges
- Australian Institute of Judicial Administration
- Judicial Council of Australia
- Bar Association of Queensland, Associate Member
- Family Law Section of the Law Council of Australia
- Family Law Practitioners Association Queensland
- Life Member, North Queensland Women's Legal Service
- Aboriginal and Torres Strait Islander Student Mentor, Far North Queensland Law Association, student mentor program

### Conferences and events attended during the year

- 7–14 July 2019, Federal Circuit Court, NAIDOC week celebrations, Cairns.
- 7–9 August 2019, Federal Circuit Court, Annual Judges’ Plenary, Sydney.
- 6 September 2019, Federal Circuit Court, Justice for Kin Carers Family Law Forum, Cairns, presenter and panel member.
- 18 October 2019, attendance at the Murri Court, Cairns.
- 1 November 2019, Family Law Practitioners Association, FLPA in the Tropics, Cairns, guest speaker and Chair.
- 28 October 2019, AFL Cape York Boys House, Stand Up Against Domestic Violence and High Tea Function, Cairns, guest speaker.
- 11 September 2019, Family Law Practitioners Association, Through their Eyes, Impact of Coercive and Controlling Abuse on Children, webinar.
- 20 January 2020, Judge Willis AM and Chair of Family Law Practitioners Association, Practitioners New to Family Law, Cairns.
- 26 February 2020, Queensland Government, Department of Aboriginal and Torres Strait Islander Partnership, Queensland Government, Kupai Omasker Guest Advisor, Brisbane.
- 23 March 2020, Federal Court of Australia, Judicial Resilience Training, via Microsoft Teams.

### Judge Leanne Turner

#### Conferences and events attended during the year

- 7–9 August 2019, Federal Circuit Court, Annual Judges’ Plenary, Sydney.
- 22–24 January 2020, Law Society Northern Territory, 2020 Start at the Top Family Law Conference, Darwin. Paper presented: *Ethics Drugs and the whole damn thing.*

### Judge Matthew Myers AM

#### Professional and other memberships

- Law Society of New South Wales
- New South Wales Bar Association
- Adjunct Professor Faculty of Law University of New South Wales
- PhD Supervision Panel Australian National University
- Family Law Section, Law Council of Australia
- National Congress of Australia’s First Peoples
- Darkinjung Local Aboriginal Land Council
- New South Wales Aboriginal Land Council
- Fellow Australian Academy of Law
- Board Member, Family Relationships Services Australia
- Royal Australian Air Force Specialist Reserve

## Judge Alexandra Harland

### Professional and other memberships

- Member, governing council, Judicial Conference of Australia
- Board Member, Australian Chapter, Association of Family and Conciliation Courts
- President Elect, Australian Chapter, Association of Family and Conciliation Courts
- International Committee, Association of Family and Conciliation Courts
- Association of Family and Conciliation Courts
- International Women Judges Association
- Australian Women Judges Association
- International Family Judges Association
- Judicial Conference Australia
- Australasian Institute of Judicial Administration
- Family Law Section, Law Council of Australia
- Law Society of New South Wales (Honorary Judicial Member)
- Women's Lawyers Northern Territory (Honorary Judicial Member)
- Australian Institute of Judicial Administration Incorporated
- National Council of Juvenile and Family Court Judges (United States of America)
- International Committee, National Council of Juvenile and Family Court Judges (United States of America)

### Conferences and events attended during the year

- 3–5 July 2019, International Centre for Family Law, Policy and Practice, International Centre for Family Law, Policy and Practice Conference, London.
- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney. Papers presented: *General principles regarding writing judgments*; and *LGBTIQ Issues of Relevance*.
- 16 August 2019, Association of Family and Conciliation Courts, Australian Chapter Conference, Sydney, Plenary Chair. Presented: *Identity Theft: How I discovered my secret identity*; and *Superhero or supervillain? Is there room for dual roles of therapy and assessment in family law?*
- 1 October 2019, University of Technology Sydney, Research Project on Self-Represented Litigants in family law matters involving family violence, via telephone.
- 12 October 2019, Judicial Conference of Australia, Annual General Meeting and Governing Council's Meeting, Sydney.
- 27 October 2019, TOMMY, Panel Member Launch of 'Tommy' with Chief Justice Alstergren and others, Como Theatre South Yarra.
- 19 November 2019, United National Convention on the Right of the Child, recent Trends and Developments in Japanese Family Law, Melbourne.
- 13 March 2020, Victoria Legal Aid, National ICL Training, Melbourne.
- 14 March 2020, Judicial Conference of Australia, Governing Council's Meeting, Sydney.

- 28 April 2020, The Victorian Bar Webinar: In conversation with His Honour, William Alstergren and Geoffrey Dickson QC, via videoconference.
- 12 May 2020, University of Cambridge, Joint seminar - Cambridge Reproduction, and Cambridge Socio-Legal Group: The ‘Chimera’ of Parenthood, via Zoom.
- 13 June 2020, Judicial Conference of Australia, Governing Council’s Meeting, via Microsoft Teams.

## Judge Salvatore Vasta

### Professional and other memberships

- Australasian Institute of Judicial Administration
- Judicial Conference of Australia
- Bar Association of Queensland – judicial member
- Medico-Legal Society of Queensland
- International Association of Prosecutors – honorary Member and Member of the IAP Senate

### Conferences and events attended during the year

- 26–28 August 2019, Queensland Police Service, Task Force Argos, Youth, Technology and Virtual Communities, Gold Coast.

## Judge Tony Young

### Conferences and events attended during the year

- 11 November 2019, Alice Springs Family Law Pathways, ‘Talking about parenting’.

## Judge Steven Middleton

### Professional and other memberships

- North Queensland Legal Association
- Queensland Law Society
- Family Law Practitioners’ Association of Queensland
- Association of Family and Conciliation Courts
- Judicial Conference of Australia

### Conferences and events attended during the year

- 16 August 2019, Queensland Law Society, Continuing Professional Development, CPD Road Show, Hervey Bay. Paper presented: *Arbitration*.
- 23 August 2019, Queensland Young Lawyers, Confidence in the Courtroom workshop, Brisbane.
- 29 August 2019, Sunshine Coast Family Law Pathways, Network Presentation, Maroochydore. Paper presented: *Property settlements*.

## Judge Timothy Heffernan

### Professional and other memberships

- National Judicial College of Australia

### Conferences and events attended during the year

- 6–9 August 2019, Federal Circuit Court, Annual Judges’ Plenary, Sydney.
- 18 September 2019, Federal Circuit Court, Judicial Education Session – *Fair Work Contraventions* – Presented with Chris Jessup QC, Melbourne via Skype.
- 6 November 2019, South Australian Bar Association, Bar Readers Course, Adelaide.

- 10 January 2020, South Australian Legal Services Commission, Judicial Review Advocacy Training Event, Adelaide.
- 6 March 2020, South Australian Law Society, 'Current Issues in the Interaction Between Criminal Law and Family Law', Adelaide.

## Judge Elizabeth Boyle

### Professional and other memberships

- New South Wales Bar Association
- National Judicial College of Australia
- Australian Association of Women Judges

### Conferences and events attended during the year

- 3–7 July 2019, Learned Friends of Penang, Family Law Conference, Penang, Malaysia.
- 18 November 2019, Legal Aid New South Wales, National Independent Children's Lawyer training workshop, Sydney.

## Judge Brana Obradovic

### Professional and other memberships

- Judicial Conference of Australia
- Australian Association of Women Judges
- New South Wales Bar Association
- International Bar Association
- Women Lawyers' Association
- Australasian Institute of Judicial Administration

### Conferences and events attended during the year

- 22–27 October 2019, International Bar Association, Annual Conference, Seoul, Republic of Korea.
- 10 October 2019, Western Sydney Law Students' Association, 'A Night in Chambers', New South Wales Law Society, Sydney.
- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney.

## Judge Amanda Tonkin

### Professional and other memberships

- Family Law Section of the Law Council of Australia
- Judicial Conference of Australia
- Australian Capital Territory Bar Association
- New South Wales Bar Association
- Queensland Bar Association

## Judge Patrizia Mercuri

### Professional and other memberships

- National Judicial College of Australia
- International Association of Women Judges
- Australasian Institute of Judicial Administration
- Women Lawyers' Association of New South Wales
- Law Institute of Victoria
- Family Law Section of the Law Council of Australia

### Conferences and events attended during the year

- 27 February 2020, Albury Wodonga Family Law Pathways, Network Breakfast, Upper Murray Family Care, Wodonga. Presented: *When ‘no contact’ orders are appropriate – considering family violence and the balance between prioritising children’s safety and encouraging a meaningful relationship between children and their parents.*
- 28 February 2020, Law Institute of Victoria, North East Law Association Conference, Albury/Wodonga. Presented: *Direct from the bench – What Judges want to hear when conducting an interim hearing.*
- 20 April 2020, Federal Circuit Court of Australia, eCereimonial Sitting of Judge Judith Small AM, via Microsoft Teams.

### Judge Jane Costigan

#### Conferences and events attended during the year

- 7 March 2020, Toongabbie Legal Conference, Family Law Seminar, Toongabbie Legal Centre. Presented: *A Day in the life of a Judge.*

### Judge Gregory Egan

#### Professional and other memberships

- Judicial Associate Member of the Bar Association of Queensland
- Member of the United Service Club Queensland
- Foundation Member of the Gallery of Modern Art
- Member of the Disciplinary Appeals Panel for Queensland Cricket

### Judge Christopher Kendall

#### Professional and other memberships

- West Australian Bar Association
- Editorial Board, Intellectual Property Forum, The Journal of the Intellectual Property Society Australia and New Zealand

#### Conferences and events attended during the year

- 3 July 2019, Consul General of the United States of America, Reception for the 243rd Anniversary of the Independence of the United States of America, Perth.
- 6–8 August 2019, Federal Circuit Court, Annual Judges’ Plenary, Sydney.
- 26 September 2019, Consul General of the United States of America, Welcome Reception for the United States Consul General Mr David Gainer, Perth.
- 12 October 2019, Western Australian Government, Pride, Parliament House, Perth.
- 30 October 2019, Federal Circuit Court, Migration Law Roundtable, Perth.
- 19 November 2019, College of Law, End of Year Awards, Perth, keynote speaker.
- 11 March 2020, Family Court of Western Australia, Judges’ drinks, Perth.

## Judge Caroline Kirton

### Professional and other memberships

- Judicial Conference of Australia
- Hellenic Australian Lawyers Association

### Conferences and events attended during the year

- 11–12 July 2019, Australian Bar Association, 2019 Biennial International conference, Singapore. Paper presented: *Convergence*.
- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney.
- 29 August 2019, Federal Court of Australia, Seminar, The Boundaries of Refugee Protection: A Comparative View, University of Melbourne.
- 3 September 2019, Federal Circuit Court Judicial Education Seminar, Reforming Migration Appeals in the UK: Detering Abuse and Encouraging Efficiency, Melbourne.
- 4 September 2019, Federal Court of Australia, Judicial Seminar, Human Rights and Brexit, Melbourne.
- 15–19 September 2019, International Association of Judges, 62nd Annual Meeting, Nur-Sultan, Kazakhstan.
- 23 October 2019, Federal Circuit Court, Judicial Education Seminar, Appeals: The processes, Observations and Hints, Melbourne.
- 31 October 2019, Family Court, Federal Circuit Court and Law Institute of Victoria, Panel Discussion and Networking Event, Melbourne.
- 14 November 2019, Federal Circuit Court, Judicial Education Seminar, Researching Judicial Attitudes and Experiences, Melbourne.

- 19 November 2019, Family Court and Federal Circuit Court, United National Convention on the Right of the Child, recent Trends and Developments in Japanese Family Law, Melbourne.
- 18 May 2020, International Association of Judges, Asian, North American and Oceanian Group meeting, Zoom meeting.

## Judge Julia Baird

### Professional and other memberships

- New South Wales Bar Association, Associate member
- Women Lawyers' Association of New South Wales
- Judicial Conference of Australia
- Intellectual Property Society of Australia and New Zealand
- Australian Association of Women Judges
- Copyright Society of Australia

### Conferences and events attended during the year

- 6–8 September 2019, Intellectual Property Society of Australia and New Zealand, 33rd IPSANZ Conference 2019, Noosa Heads, Queensland. Pre-conference session: An update on the IP jurisdiction of the Federal Circuit Court of Australia.
- 14 October 2019, University of Melbourne, Francis Gurry Lecture on Intellectual Property, Sydney.
- 22–23 October 2019, Australian Copyright Council and Copyright Society of Australia, 19th Biennial Copyright Law and Practice Symposium, Sydney.
- 28 October 2019, Australian Broadcasting Corporation, Meeting with ABC Legal Team, Sydney.

- 28–29 November 2019, Federal Court of Australia/Business Law Section of the Law Council of Australia, Innovation and Intellectual Property Conference, Melbourne.
- 4 December 2019, Intellectual Property Society of Australia and New Zealand, IPSANZ End of Year Event, Behind the Scenes with Judge Baird, Melbourne.

## Judge Bruce Smith

### Professional and other memberships

- Judicial Conference of Australia
- Association of Family and Conciliation Courts, Australian Chapter

### Conferences and events attended during the year

- 17 August 2019, Association of Family and Conciliation Courts Conference, Sydney.
- 22 August 2019, Legal Aid Commission of NSW, Independent Children's Lawyer Conference, Sydney.  
Presented: *Expert Evidence*.
- 26 October 2019, Toongabbie Legal Centre Practical Advocacy Training, Parramatta.
- 8 February 2020, Family Law Section, Intensive, Sydney.
- 16 February 2020, NSW Young Lawyer, Family Law 'Conference in the Court Room' Training, Sydney.
- 7 March 2020, Toongabbie Legal Centre, Family Law Seminar.  
Presented: *An introduction to Expert Evidence*.

## Judge Karl Blake

### Professional and other memberships

- Judicial Conference of Australia
- Australia Labour Law Association

### Conferences and events attended during the year

- 29 November 2019, Family Law Bar Association, Family Law Bar Association end of year dinner, Melbourne.
- 21 November 2019, Industrial Bar Association, annual dinner, Melbourne.
- 10–15 November 2019, National Judicial College of Australia, National Judicial Orientation Program, Gold Coast.
- 31 October 2019, Industrial Bar Association, Keep an eye on the trial, Practical measures to ensure your case runs smoothly in court, Melbourne. Panel discussion with Paul O'Grady QC, Justice O'Callaghan, Justice Richards and Judge Blake.

## Judge Douglas Humphreys OAM

### Professional and other memberships

- LAWASIA
- ARES legal Corps
- Sydney Law Society
- Regional Law Society
- Judicial Conference of Australia
- Australasian Institute of Judicial Administration
- Public Interest Advocacy Centre



### Conferences and events attended during the year

- 17 October 2019, Parramatta District Law Society, dinner, Parramatta.
- 1–8 November 2019, LawAsia, Conference, Hong Kong.
- 11–15 November 2019, National Judicial College of Australia, New Judge's Conference, Gold Coast.
- 27 November 2019, CDS Seminar Presentation, webinar.
- 5 December 2019, Law Society of New South Wales, Judicial Cocktail Reception, Sydney.
- December 2019, ADF War Memorial Presentation, Sydney.
- 5 February 2020, Law Society of NSW, Opening of Law Term Dinner, Sydney.
- 6 February 2020, Muslim Legal Network, New South Wales, Opening of Law Term Punchbowl Mosque, Punchbowl.
- 21 February 2020, Australian Defence Force, Legal Ethics Committee Annual Meeting, Military Law Centre, Victoria Barracks Sydney.
- 28 February 2020, Greater Western Family Law, Greater Western family Law Annual Dinner, Sydney.
- 5 March 2020, Bankstown and District Law Society, Bankstown and District Law Society Conference, Bankstown. Presented: *Tips in Advocacy*.

### Judge Monica Neville

#### Conferences and events attended during the year

- 10 September 2019, New South Wales Young Lawyers, Continuing Legal Education Seminar, Intervention in Family Law Proceedings by the Department of Family Communities and Justice, Parramatta.
- 17 October 2019, University of Technology Sydney, Guest speaker to Family Law Students, Sydney.
- 21 October 2019, LEAP Program, Speaking with female high school students, Sydney.
- November 2019, Toongabbie Legal Centre, Family and Domestic violence explained: what is it and how does it intersect with family law, Toongabbie Legal Centre.
- 21 November 2019, Wollongong Family Law Practitioners, Chair, Wollongong Court Users Forum, Wollongong.
- 28 November 2019, LawSense, Chair and keynote address for 4th Annual law for mental health practitioners New South Wales Conference, Sydney.
- 15 February 2020, New South Wales Young Lawyers Family Law committee, Confidence in the Courtroom Program, Sydney.
- 8 March 2020, New South Wales Bar Association, 2020 Regional Conference Series, Orange Continuing Professional Development Conference, Family Law: recent cases to note, Orange, NSW.

## Judge Anna Boymal

### Conferences and events attended during the year

- 20 September 2019, Victoria Legal Aid, Marvel Stadium Melbourne, Family Law Forum, Session 2A: Family Law practical: From first instructions to first court date.

## Judge Guy Andrew

### Professional and other memberships

- North Queensland Bar Association
- Townsville District Law Association
- Family Law Practitioners Association Queensland

## Judge Penelope Kari

### Professional and other memberships

- Law Society of South Australia
- Family Law Section, Law Council of Australia
- Bar Readers, South Australian Bar Association

### Conferences and events attended during the year

- 7–9 August 2019, Federal Circuit Court, Annual Judges' Plenary, Sydney.
- August 2019, South Australian Bar Association, annual dinner, Adelaide.
- 23 August 2019, Women's Legal Service of South Australia, Warm up and Serve, Adelaide.
- 28 August 2019, Law Society of South Australia, Judgements of Interest covering Family, Civil and Criminal, Adelaide.
- 3 September 2019, Law Society of South Australia, Young Lawyers Premium Dinner, Adelaide.
- 25 October 2019, Law Society of South Australia, Family Law Dinner with Judges, Adelaide.
- 31 October 2019, Women's Lawyers Association, 'Breaking the Glass Ceiling', Adelaide.
- 10–15 November 2019, National Judicial College of Australia, National Judicial Orientation Program, Gold Coast.
- 22–23 February 2020, South Australian Bar Association, Annual Bar Conference, Barossa Valley, South Australia.

# Appendix 8

## Contact details

### Chambers of the Chief Judge

Chief Judge Will Alstergren  
GPO Box 9991  
Melbourne VIC 3001

### Office of the Chief Executive Officer and Principal Registrar

David Pringle  
GPO Box 9991  
Melbourne VIC 3001

### National Enquiry Centre

The National Enquiry Centre (NEC) is the entry point for all family law telephone and email enquiries for Federal Circuit Court and Family Court matters. The NEC provides information and procedural advice, forms and brochures, and referrals to community and support services. NEC staff cannot provide legal advice.

Open from 8.30am to 5.00pm Monday to Friday

PO Box 9991  
Parramatta NSW 2124

Phone: 1300 352 000  
International: +61 2 8892 8590

TTY/voice calls: Contact the National Relay Service on 133 677 or for Speak and Listen calls contact 1300 555 727

### Website

[www.federalcircuitcourt.gov.au](http://www.federalcircuitcourt.gov.au)  
[www.comcourts.gov.au](http://www.comcourts.gov.au)  
(Commonwealth Courts Portal)

### Email

General federal law enquiries:  
[customer.service@federalcircuitcourt.gov.au](mailto:customer.service@federalcircuitcourt.gov.au)

Family law enquiries:  
[enquiries@familylawcourts.gov.au](mailto:enquiries@familylawcourts.gov.au)

Commonwealth Courts Portal:  
[support@comcourts.gov.au](mailto:support@comcourts.gov.au)

Communication enquiries:  
[communication@familylawcourts.gov.au](mailto:communication@familylawcourts.gov.au)

### Social media

Twitter:  
[www.twitter.com/fedcctcourtAU](https://www.twitter.com/fedcctcourtAU)

YouTube:  
[www.youtube.com/user/federalcircuitcourt](https://www.youtube.com/user/federalcircuitcourt)

## Family law registries

\* These registries share counter services with the Federal Court of Australia

LOCATION	ADDRESS
Australian Capital Territory	
<b>Canberra*</b>	Nigel Bowen Commonwealth Law Courts Cnr University Avenue and Childers Street Canberra ACT 2600
New South Wales	
<b>Albury</b>	463 Kiewa Street (L1) Albury NSW 2640
<b>Dubbo</b>	Cnr Macquarie and Wingewarra Streets Dubbo NSW 2830
<b>Lismore</b>	Westlawn Building (L2) 29–31 Molesworth Street Lismore NSW 2480
<b>Newcastle</b>	61 Bolton Street Newcastle NSW 2300
<b>Parramatta</b>	Garfield Barwick Commonwealth Law Courts 1–3 George Street Parramatta NSW 2123
<b>Sydney</b>	Lionel Bowen Commonwealth Law Courts 97–99 Goulburn Street Sydney NSW 2000
<b>Wollongong</b>	43 Burelli Street (L1) Wollongong NSW 2500
Northern Territory	
<b>Darwin*</b>	Supreme Court Building State Square Darwin NT 0800
Queensland	
<b>Brisbane</b>	Harry Gibbs Commonwealth Law Courts 119 North Quay, Cnr North Quay and Tank Street Brisbane QLD 4000
<b>Cairns</b>	Commonwealth Government Centre (L3 & 4) 104 Grafton Street Cairns QLD 4870
<b>Rockhampton</b>	Virgil Power Building (GF) 46 East Street, Cnr Fitzroy Street Rockhampton QLD 4700
<b>Townsville</b>	Commonwealth Centre (L2) 143 Walker Street Townsville QLD 4810

LOCATION	ADDRESS
South Australia	
<b>Adelaide</b>	Roma Mitchell Commonwealth Law Courts 3 Angas Street Adelaide SA 5000
Tasmania	
<b>Hobart*</b>	Edward Braddon Commonwealth Law Courts 39–41 Davey Street Hobart TAS 7000
<b>Launceston</b>	ANZ Building (L3) Cnr Brisbane and George Streets Launceston TAS 7250
Victoria	
<b>Dandenong</b>	53–55 Robinson Street Dandenong VIC 3175
<b>Melbourne</b>	Owen Dixon Commonwealth Law Courts 305 William Street Melbourne VIC 3000

## General federal law registries

All enquiries should be directed to the relevant registry. Contact details follow.

TTY/voice calls: Contact the National Relay Service on 133 677 or for Speak and Listen calls contact 1300 555 727.

LOCATION	ADDRESS	CONTACT DETAILS
<b>Australian Capital Territory</b>		
<b>Canberra</b>	Nigel Bowen Commonwealth Law Courts Cnr University Avenue and Childers Street Canberra ACT 2601	Ph: (02) 6267 0566 Fax: (02) 6267 0625 E: actman@fedcourt.gov.au
<b>New South Wales</b>		
<b>Sydney</b>	Law Courts Building (L17) Queens Square Sydney NSW 2000	Ph: (02) 9230 8567 Fax: (02) 9230 8295 E: nswdr@fedcourt.gov.au
<b>Northern Territory</b>		
<b>Darwin</b>	Supreme Court Building (L3) State Square Darwin NT 0800	Ph: (08) 8941 2333 Fax: (08) 8941 4941 E: ntreg@fedcourt.gov.au
<b>Queensland</b>		
<b>Brisbane</b>	Harry Gibbs Commonwealth Law Courts (L6) 119 North Quay Brisbane QLD 4000	Ph: (07) 3248 1100 Fax: (07) 3248 1260 E: qldreg@fedcourt.gov.au
<b>South Australia</b>		
<b>Adelaide</b>	Roma Mitchell Commonwealth Law Courts (L5) 3 Angas Street Adelaide SA 5000	Ph: (08) 8219 1000 Fax: (08) 8219 1001 E: sareg@fedcourt.gov.au
<b>Tasmania</b>		
<b>Hobart</b>	Edward Braddon Commonwealth Law Courts 39–41 Davey Street Hobart TAS 7000	Ph: (03) 6232 1715 Fax: (03) 6232 1701 E: tasreg@fedcourt.gov.au
<b>Victoria</b>		
<b>Melbourne</b>	Owen Dixon Commonwealth Law Courts 305 William Street Melbourne VIC 3000	Ph: (03) 8600 3333 Fax: (03) 8600 3351 E: vicreg@fedcourt.gov.au
<b>Western Australia</b>		
<b>Perth</b>	Peter Durack Commonwealth Law Courts 1 Victoria Avenue Perth WA 6000	Ph: (08) 9268 7100 Fax: (08) 9268 7208 E: waregistry@fedcourt.gov.au

# Appendix 9

## Information required by other legislation

Table A9.1: Information required by other legislation

LEGISLATION	PAGE	REFERENCE
<i>Courts Administration Legislation Amendment Act 2016</i>		i, 12, 74
<i>Courts Legislation Amendment (Judicial Complaints) Act 2012</i>		55
<i>Family Law Act 1975</i>	12, 13, 35, 36, 37, 54, 55, 57, 76, 84	
<i>Federal Circuit Court of Australia Act 1999</i>	i, xi, 11, 18, 52, 54, 55, 59, 61, 84, 117	
<i>Federal Court of Australia Act 1976</i>		55, 117
<i>Freedom of Information Act 1982</i>		55, 56, 83, 84
<i>Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012</i>		55
<i>Privacy Act 1988</i>		16, 84
<i>Public Governance, Performance and Accountability Act 2013</i>		i, 59, 60, 66, 73, 93, 117
<i>Public Service Act 1999</i>		i, 59, 60, 74, 120

# PART 6

## Indexes

---

List of requirements	117
Alphabetical index	125



# List of Requirements

The annual reporting requirements (as set out by Section 46 of the *Public Governance, Performance and Accountability Act 2013* and Sections 17AA – 17AJ of the *Public Governance, Performance and Accountability Rule 2014*) only apply to the non-corporate Commonwealth entity known as the Federal Court of Australia, as defined in the *Federal Court of Australia Act 1976*. Although the Federal Circuit Court of Australia has prepared a separate annual report, as required under s 117 of the *Federal Circuit Court of Australia Act 1999*, this report is not required to individually meet these requirements. Where information is contained in the Federal Court of Australia's 2019–20 annual report, it is cross-referenced in the table below.

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
<b>17AD(g)</b>	<b>Letter of transmittal</b>		
17AI	A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report	Mandatory	i
<b>17AD(h)</b>	<b>Aids to access</b>		
17AJ(a)	Table of contents	Mandatory	vii
17AJ(b)	Alphabetical index	Mandatory	125
17AJ(c)	Glossary of abbreviations and acronyms	Mandatory	iii–v
17AJ(d)	List of requirements	Mandatory	117
17AJ(e)	Details of contact officer	Mandatory	Inside front cover
17AJ(f)	Entity's website address	Mandatory	Inside front cover
17AJ(g)	Electronic address of report	Mandatory	Inside front cover
<b>17AD(a)</b>	<b>Review by accountable authority</b>		
17AD(a)	A review by the accountable authority of the entity	Mandatory	3; Federal Court 2019–20 annual report p10

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AD(b)	Overview of the entity		
17AE(1)(a)(i)	A description of the role and functions of the entity	Mandatory	11
17AE(1)(a)(ii)	A description of the organisational structure of the entity	Mandatory	17
17AE(1)(a)(iii)	A description of the outcomes and programmes administered by the entity	Mandatory	12; Federal Court 2019–20 annual report p2–3.
17AE(1)(a)(iv)	A description of the purposes of the entity as included in corporate plan	Mandatory	11
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	Mandatory	Federal Court 2019–20 annual report p188
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	Mandatory	Federal Court 2019–20 annual report p188
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory	Federal Court 2019–20 annual report p188
17AE(1)(b)	An outline of the structure of the portfolio of the entity	Portfolio departments - mandatory	N/A
17AE(2)	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change	If applicable, Mandatory	N/A
17AD(c)	Report on the Performance of the entity		
	Annual performance Statements		
17AD(c)(i); 16F	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule	Mandatory	Federal Court 2019–20 annual report p189
17AD(c)(ii)	Report on Financial Performance		
17AF(1)(a)	A discussion and analysis of the entity's financial performance	Mandatory	Federal Court 2019–20 annual report p13; 41–42

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AF(1)(b)	A table summarising the total resources and total payments of the entity	Mandatory	73; Federal Court 2019–20 annual report p122
17AF(2)	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results	If applicable, Mandatory.	N/A
17AD(d)	<b>Management and Accountability</b>		
	<b>Corporate Governance</b>		
17AG(2)(a)	Information on compliance with section 10 (fraud systems)	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(b)(i)	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(b)(ii)	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(b)(iii)	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance	Mandatory	Federal Court 2019–20 annual report p42
17AG(2)(d) – (e)	A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance	If applicable, Mandatory	Federal Court 2019–20 annual report p42
	<b>Audit Committee</b>		
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p47

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AG(2A)(b)	The name of each member of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p43–47
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p43–47
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings	Mandatory	Federal Court 2019–20 annual report p43–47
17AG(2A)(e)	The remuneration of each member of the entity's audit committee	Mandatory	Federal Court 2019–20 annual report p43–47
<b>External Scrutiny</b>			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny	Mandatory	69
17AG(3)(a)	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity	If applicable, Mandatory	69
17AG(3)(b)	Information on any reports on operations of the entity by the Auditor-General (other than report under section 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman	If applicable, Mandatory	69
17AG(3)(c)	Information on any capability reviews on the entity that were released during the period	If applicable, Mandatory	69
<b>Management of Human Resources</b>			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives	Mandatory	Federal Court 2019–20 annual report p53
17AG(4)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: <ul style="list-style-type: none"> <li>- statistics on full-time employees</li> <li>- statistics on part-time employees</li> <li>- statistics on gender</li> <li>- statistics on staff location</li> </ul>	Mandatory	Federal Court 2019–20 annual report p181–188

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AG(4)(b)	<p>Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following:</p> <ul style="list-style-type: none"> <li>- Statistics on staffing classification level</li> <li>- Statistics on full-time employees</li> <li>- Statistics on part-time employees</li> <li>- Statistics on gender</li> <li>- Statistics on staff location</li> <li>- Statistics on employees who identify as Indigenous</li> </ul>	Mandatory	Federal Court 2019–20 annual report p181–188
17AG(4)(c)	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the <i>Public Service Act 1999</i>	Mandatory	Federal Court 2019–20 annual report p181–188
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c)	Mandatory	Federal Court 2019–20 annual report p181–188
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level	Mandatory	Federal Court 2019–20 annual report p188
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees	Mandatory	Federal Court 2019–20 annual report p54
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay	If applicable, Mandatory	Federal Court 2019–20 annual report p54; 188
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level	If applicable, Mandatory	Federal Court 2019–20 annual report p188
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level	If applicable, Mandatory	Federal Court 2019–20 annual report p188
17AG(4)(d)(iv)	Information on aggregate amount of performance payments	If applicable, Mandatory	Federal Court 2019–20 annual report p188
<b>Assets Management</b>			
17AG(5)	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory	Federal Court 2019–20 annual report p49

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
<b>Purchasing</b>			
17AG(6)	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i>	Mandatory	Federal Court 2019–20 annual report p48
<b>Consultants</b>			
17AG(7)(a)	A summary statement detailing the number of new contracts engaging consultants entered into during the period; the total actual expenditure on all new consultancy contracts entered into during the period (inclusive of GST); the number of ongoing consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting year on the ongoing consultancy contracts (inclusive of GST)	Mandatory	Federal Court 2019–20 annual report p48
17AG(7)(b)	A statement that " <i>During [reporting period], [specified number] new consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]</i> "	Mandatory	Federal Court 2019–20 annual report p48
17AG(7)(c)	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged	Mandatory	Federal Court 2019–20 annual report p48
17AG(7)(d)	A statement that " <i>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.</i> "	Mandatory	Federal Court 2019–20 annual report p48
<b>Australian National Audit Office Access Clauses</b>			
17AG(8)	If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract	If applicable, Mandatory	Federal Court 2019–20 annual report p48
<b>Exempt contracts</b>			
17AG(9)	If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters	If applicable, Mandatory	Federal Court 2019–20 annual report p48

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
<b>Small business</b>			
17AG(10)(a)	A statement that “[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	Mandatory	Federal Court 2019–20 annual report p48
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises	Mandatory	Federal Court 2019–20 annual report p48
17AG(10)(c)	If the entity is considered by the Department administered by the Finance Minister as material in nature—a statement that “[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.”	If applicable, Mandatory	Federal Court 2019–20 annual report p49
<b>Financial Statements</b>			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act	Mandatory	Federal Court 2019–20 annual report p82
<b>Executive Remuneration</b>			
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule	Mandatory	Federal Court 2019–20 annual report p199
<b>17AD(f) Other Mandatory Information</b>			
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that “During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.”	If applicable, Mandatory	N/A
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect	If applicable, Mandatory	Federal Court 2019–20 annual report p42
17AH(1)(b)	A statement that “Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].”	If applicable, Mandatory	Federal Court 2019–20 annual report p42

PGPA RULE REFERENCE	DESCRIPTION	REQUIREMENT	PAGE OF THIS REPORT
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information	Mandatory	Federal Court 2019-20 annual report p53
17AH(1)(d)	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of FOI Act can be found	Mandatory	83
17AH(1)(e)	Correction of material errors in previous annual report	If applicable, mandatory	71
17AH(2)	Information required by other legislation	Mandatory	115



# Alphabetical index

## A

abbreviations, iii  
 Aboriginal and Torres Strait Islander Access to Justice Committee, 63, 67–8, 89  
 Aboriginal and Torres Strait Islander people, 8  
 access to information outside FOI Act, 83–4  
 access to justice, 40–1, 63, 67–8  
 accountability and management, 59–71  
 accountable officer, 59  
 address and contact details, 111  
     FOI matters, 84  
 Administrative Appeals Tribunal, 13, 14, 30, 37, 41, 77, 79, 81  
*Administrative Appeals Tribunal Act 1975*, 14  
*Administrative Decisions (Judicial Review) Act 1977*, 14, 41  
 administrative law jurisdiction, 2, 14, 41  
     judgments of interest, 81  
 administrative law panel, 27  
*Admiralty Act 1988*, 14, 41, 42  
 admiralty law jurisdiction, 2, 14, 41–2  
 admiralty law panel, 27  
*Admiralty Rules 1988*, 42  
*Age Discrimination Act 2004*, 15, 46  
 Agnew, Steve, 9  
 Alstergren, Chief Judge William  
     chambers contact details, 111  
     professional activities, 95  
     public statement and interviews, 4, 69–70  
     responsibilities, 59  
     review of year, 3–9  
 alternative dispute resolution, 4, 5, 6, 7, 13, 31, 34, 35, 47  
 Altobelli, Judge Tom  
     professional activities, 97  
 Andrew, Judge Guy  
     professional activities, 110  
 annual report 2018–19 corrections, 71  
 appeals  
     family law, 50–1  
     general federal law, 51–2  
 asylum legacy caseload see Immigration Assessment Authority  
 Audit and Risk Management Committee, 66, 93

AustLII, 37, 56, 57  
 Australian Competition and Consumer Commission, 44  
 Australian Consumer Law, 44  
 Australian Federation of Air Pilots, 79–80  
 Australian Financial Security Authority, 44  
*Australian Government Agencies Privacy Code*, 85  
 Australian Human Rights Commission, 46  
*Australian Human Rights Commission Act 1986*, 15, 46  
 Australian Institute of Family Studies, 86

## B

Baird, Judge Julia, 47, 48  
     professional activities, 107–108  
 Baker, Judge Barbara  
     professional activities, 101  
 banking, insurance and financial services  
     consumer protection, 44  
*Bankruptcy Act 1966*, 14, 42, 43  
*Bankruptcy Amendment (Debt Agreement Reform) Act 2018*, 43  
 bankruptcy jurisdiction, 14, 41, 42–4  
     financial counselling for unrepresented litigants, 50  
     harmonised rules, 14, 43  
     judgments of interest, 80–1  
 bankruptcy panel, 27  
 Bender, Judge Evelyn  
     professional activities, 100  
 Blake, Judge Karl  
     professional activities, 108  
 Boyle, Judge Elizabeth  
     professional activities, 105  
 Boymal, Judge Anna, 67  
     professional activities, 110  
 budget, administrative responsibilities for, 59  
*Building and Construction Industry (Improving Productivity) Act 2016*, 15  
 Burchardt, Judge Philip  
     professional activities, 97

## C

- Cameron, Judge Robert
  - professional activities, 97
- Carmichael, Janet, 60
- case management
  - Digital Court File, 4, 67
  - docket system, 8, 15, 27, 39, 52
  - initiatives, 6–8, 33–6
  - intellectual property list, 47, 48
  - judges committee, 61–2, 88
  - maritime matters, 42
  - migration matters, 39–40
  - property matters, 7, 34–6
  - see also workload
- Case Management Judges Committee, 61–2, 88
- Cassidy, Judge Margaret
  - professional activities, 99
- Centrelink, 81
- Chief Executive Officer and Principal Registrar, 60
  - appointment, 8–9
  - remuneration, 18
  - role, 59, 60
  - see also Pringle, David
- Chief Judge (William Alstergren)
  - chambers contact details, 111
  - professional activities, 95
  - public statement and interviews, 4, 69–70
  - responsibilities, 59
  - review of year, 3–9
- Child Dispute Services, 4, 13, 31–2, 60
- Child Support (Assessment) Act 1989*, 35, 50
- child support jurisdiction, 30
- child support panel, 27
- Child Support Registrar, 30
- Child Support (Registration and Collection) Act 1988*, 35, 50, 84
- child welfare authorities and police co-location, 36–7, 63–4
- Children's Committee, 65, 91
- circuit program, 32–3
  - court service locations, 21
- Coates, Judge Stephen
  - professional activities, 98
- Cole, Judge Peter
  - professional activities, 101
- collaborative committees, 65–7, 92–4
- commercial panel, 27
- committees, 61–7, 88–94
  - collaborative, 65–7, 92–4
  - overarching, 61–2, 88–9
  - working groups and committees, 62–5, 89–91
- Commonwealth Ombudsman, 69
- Competition and Consumer Act 2010*, 14
- complaints, 55–6
- conciliation see mediation and mediators
- conferences attended by judges, 95–110
- construction industry, 80
- consultation with stakeholders see stakeholder engagement
- Consumer Action, Melbourne, 50
- consumer law
  - consumer protection regulation (banking, insurance and financial services context), 44
  - judgments of interest, 81–2
  - jurisdiction, 14–15, 41, 44
  - national framework, 44
- consumer panel, 27
- contact details, 111
  - FOI matters, 84
- copyright see intellectual property jurisdiction
- Copyright Act 1968*, x, 15
- corporate governance of the Court, 59, 61
- corporate insolvency, 42
- correction of errors in previous annual reports, 71
- Costigan, Judge Jane
  - professional activities, 106
- costs, scales of, 66
- court performance
  - analysis of performance, 24–7
  - appeals, 50–2
  - COVID-19 impact, 23, 33–4
  - dispute resolution, 52–4
  - family law initiatives, 33–7
  - family law work, 27–37, 50–1
  - general federal law initiatives, 48–50
  - general federal law work, 41–8, 51–2
  - migration work, 37–41
  - performance against targets, 23–4
  - performance measures, 12
  - statistics, xiv, 2, 25
  - timeliness, 24
- court service locations, 21
  - circuit program, 32–3
  - family law registries, 112–13

general federal law registries, 114  
*Courts Administration Legislation Amendment Act 2016*, i, 12, 74  
*Courts Legislation Amendment (Judicial Complaints) Act 2012*, 55  
 COVID-19 pandemic  
   COVID-19 List, 4–5, 33–4  
   impact of, 7, 23, 43  
   response to, 4, 69–70  
 Cultural and Linguistic Diversity Committee, 64–5, 91

## D

debt agreement system see bankruptcy jurisdiction  
 debt relief, 43  
 definitions (terminology), iv–v  
 Demack, Judge Anne  
   professional activities, 100  
 Deputy Principal Registrar and National Family Law Registrar, 60  
 designs see intellectual property jurisdiction  
*Designs Act 2003*, 16  
 Digital Court File, 4, 67  
 Digital Court Program Steering Group, 67, 94  
 digital transformation, 4–5  
*Disability Discrimination Act 1992*, 15, 46  
 Discrete Property List, 7, 13, 34  
 discrimination see human rights jurisdiction  
 dispute resolution, 11, 24, 34  
   administered fund for, 54  
   alternative dispute resolution, 4, 5, 6, 7, 13, 31, 34, 35, 47  
   court performance, 52–4  
   family law, 54  
   general federal law, 52–3  
   mediation and mediators, 47, 52–4  
   objective, 11  
 divorce, 29–30  
 docket case management process see case management  
 documents, access to see *Freedom of Information Act 1982*; publication  
 domestic violence see family violence initiatives  
 Driver, Judge Rolf, 6  
   professional activities, 96  
 Dunkley, Judge David  
   professional activities, 100

## E

Egan, Judge Gregory  
   professional activities, 106  
 errors in previous annual reports, correction of, 71  
 Evatt List, 6, 8  
 Executive Director, Child Dispute Services, 60  
 Executive Directors, 9  
 ex tempore judgments, v, 56  
 external scrutiny, 69

## F

*Fair Work Act 2009*, 15, 44, 45, 46, 49, 57, 79  
 Fair Work Division, 15  
 fair work matters see industrial law (fair work)  
   jurisdiction  
 Fair Work Ombudsman, 49  
*Fair Work (Registered Organisations) Act 2009*, 15, 44  
*Fair Work (Registered Organisations) Amendment Act 2016*, 44  
*Fair Work Regulations 2009*, 57  
*Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*, xi, 15  
 family consultants, 13, 31, 32, 74  
 Family Court of Australia, 4  
   amalgamation with Federal Circuit Court and Federal Court, 12, 59  
   appeals, 50–1  
   complaints handling, 55–6  
   core principles, 5  
   COVID-19 List, 4–5, 33–4  
   joint committees, 63, 65, 66, 67, 90, 91, 92, 93, 94  
   matters transferred to Federal Circuit Court, 13  
   National Arbitration List, 7, 36  
   performance see court performance  
   rules harmonisation, 5–6, 37  
 Family Court of Western Australia, 50  
 Family DOORS Triage, 6–7  
 family law, 3  
   appeals, 50–1  
   court performance, 27–37  
   dispute resolution, 54  
   initiatives, 33–7  
   judgments of interest, 75–7  
   jurisdiction, 12–13  
   publication of decisions, 56–7  
   statistics at a glance, 2  
   Summer Campaign, 6–7

workload, 25, 28–9, 31  
 see also family law system

*Family Law Act 1975*, 12–13, 35, 36, 50, 54, 55, 57, 84

Family Law (Fees) Regulation 2012, 57

family law Indigenous Lists, 8

family law registries, 36–7, 63–4  
 address and contact details, 112–13  
 court service locations, 21  
 see also registry services

*Family Law Rules 2004*, 6, 37, 66

Family Law Section, Law Council of Australia, 86

family law system  
 amalgamation of Courts, 12, 59  
 harmonisation, 5–6  
 see also Family Court of Australia; family law;  
*Family Law Act 1975*

Family Violence Committee, 63–4, 90

family violence initiatives, 7–8, 34–6

Family Violence Plan, 63

*Federal Circuit Court (Bankruptcy) Rules 2016*, 43

Federal Circuit Court of Australia  
 amalgamation with Family Court and  
 Federal Court, 12, 59  
 appeals, 50–1  
 circuit program, 32–3  
 committees, 61–7, 88–94  
 complaints handling, 55–6  
 corporate governance, 59  
 COVID-19 List, 4–5, 33–4  
 family law registries, 36–7, 63–4, 112–13  
 general federal law registries, 114  
 history (20 year journey), x–xiii, 3  
 Indigenous Lists, 8  
 judges see judges  
 jurisdiction, 11, 12–13, 57  
 jurisdiction upon transfer from Family Court, 13  
 jurisdiction upon transfer from Federal Court, 16  
 National Arbitration List, 7, 36  
 objective, 11  
 organisational structure, 17  
 outcome and program statement, 12, 73  
 overview of, 11–21  
 performance see court performance  
 purpose, 11  
 rules harmonisation, 5–6, 14, 37, 43  
 service locations, 21, 111–15

*Federal Circuit Court of Australia Act 1999*, i, xi, 11, 18, 52, 54, 55, 59, 61, 84

*Federal Circuit Court Rules 2001*, 6, 37, 49, 66, 83

Federal Court and Federal Circuit Court Regulation 2012, 57

*Federal Court (Bankruptcy) Rules 2016*, 43

Federal Court entity, i, 59, 74

Federal Court of Australia  
 amalgamation with Federal Circuit Court and  
 Family Court, 12, 59  
 appeals, 51–2  
 complaints handling, 55–6  
 joint committees, 63, 65, 66, 67, 92, 93, 94  
 jurisdiction, 16, 42  
 matters transferred to Federal Circuit Court, 14, 16  
 rules harmonisation, 5–6, 14, 37, 43

*Federal Court of Australia Act 1976*, 55

*Federal Court Rules 2011*, 66

Federal Court Security Committee, 67, 93

federal courts  
 complaints handling, 55–6  
 structural reform, 12, 59

federal law, general see general federal law

fee regulations, amendments to, 57

file system see case management

final orders applications, 23, 24, 25, 28–9

Finance Committee, 62–3, 89

financial counselling for unrepresented litigants in  
 bankruptcy proceedings, 50

financial services consumer protection, 44

foreign judgments, enforcement of, 42

freedom of information, 83–5

*Freedom of Information Act 1982*, 55, 56, 83, 84–5

functions see roles and functions

## G

general federal law, 3  
 appeals, 51–2  
 court performance, 41–8  
 dispute resolution, 52–3  
 initiatives, 48–50  
 jurisdiction, 14–16  
 specialist panel arrangements, 27  
 statistics at a glance, 2  
 workload, 8, 25, 41, 43, 45, 46, 47

general federal law registries, 114

glossary, iv–v

governance of the court, 59

Greater Western Sydney Family Law Pathways  
 Group, 68

## H

Harland, Judge Alexandra, 6  
 professional activities, 103–104  
 harmonisation of rules, 5–6, 14, 37, 43  
 Hayne Royal Commission report, 44  
 health and wellbeing of judges, 64, 90  
 Heffernan, Judge Timothy  
 professional activities, 104–105  
 High Court of Australia, 78, 79  
 collaborative committees, 66, 67, 92  
 decision concerning court documents and FOI, 83  
*High Court Rules 2004*, 66  
 highlights of 2019–20, xiv  
 history (20 year journey), x–xiii  
 Howard, Judge Paul  
 professional activities, 99  
 Hughes, Judge Kate, 6  
 professional activities, 96  
 human rights jurisdiction, 15, 41, 46  
 human rights panel, 27  
 Humphreys, Judge Douglas  
 professional activities, 108–109

## I

Immigration Assessment Authority, 13, 37–8, 77–9  
 Independent Children's Lawyer, 13  
*Independent Contractors Act 2006*, 15  
 Indigenous Liaison Officer, 67–8  
 Indigenous Lists, 8  
 Indigenous litigants, access to justice, 63, 67–8  
 industrial law (fair work) jurisdiction, 15, 44  
 cases, 41  
 judgments of interest, 79–80  
 industrial law (fair work) panel, 27  
 information access see *Freedom of Information Act 1982*; publication  
 Information Publication Scheme, 83, 84  
 information sharing between agencies, 36–7, 64  
 information technology, 3  
 insolvency, corporate, 42  
 insolvency, personal see bankruptcy jurisdiction  
 intellectual property jurisdiction, 15–16, 41, 47–8  
 judgments of interest, 82  
 intellectual property panel, 27  
 interim orders applications, 2, 25, 28, 36  
 internal scrutiny, 69  
 international treaties and conventions, 39, 41

Internet address, 111  
 interpreters, 40  
 IP Australia, 48

## J

Jessup, Dr Chris, 6, 37  
 Joint Costs Advisory Committee, 66, 92  
 Joint Practice Directions, 4, 5  
 Joint Rules Harmonisation Working Group, xiii, 6, 37, 65, 92  
 judges  
 appointment conditions, 18  
 appointments and retirements, 8, 20  
 complaints policy, 55–6  
 health and wellbeing of, 64, 90  
 names, locations and appointment dates, 18–20  
 number of, 74  
 professional activities, 95–110  
 training and professional development, 23, 64, 91  
 judgments  
 ex tempore, v, 56  
 of interest, 75–82  
 jurisdictional category, 56  
 publication of, 56–7  
 reserved, 55  
 judicial committees see committees  
 judicial complaints policy, 55–6  
 Judicial Education Committee, 64, 91  
 judicial mediation, 54  
*Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012*, 55  
 judicial officers, 18–20  
 appointment conditions, 18  
 appointments and retirements, 8, 20  
 complaints policy, 55–6  
 number of, 74  
 remuneration, 18  
 see also judges  
 judicial power delegation, 6  
 Judicial Wellbeing Committee, xiii, 64, 90  
*Judiciary Act 1903*, 41  
 jurisdiction of the Federal Circuit Court, 11, 12–13  
 changes to, 57  
 upon transfer from the Family Court, 13  
 jurisdiction of the Federal Court, 16, 42  
 Justice Connect, 49  
 JusticeNet, 40, 49

**K**

Kari, Judge Penelope  
 professional activities, 110

Kelly, Judge Charlotte  
 professional activities, 98

Kemp, Judge Dale  
 professional activities, 98

Kendall, Judge Christopher  
 professional activities, 106

kin carers, 67

Kirton, Judge Caroline  
 professional activities, 107

**L**

Laphorn, Judge Kevin  
 professional activities, 96

Law Council of Australia, Family Law Section, 86

LawRight, 40

legal aid, 40–1

Legal Committee, 62, 89

legal representation *see* litigants

legislation  
 affecting jurisdiction of the Court, 57  
 enabling legislation, 11  
 framework for corporate governance practices, 59

letter of transmittal, i

Lighthouse Project, 6, 7–8

litigants  
 self-represented, 49  
 unrepresented, 31, 40, 49, 50

long distance transport industry, 80

Lum, Christopher, 6, 37

**M**

McAvoy, Tony, 67

McGuire, Judge Terry  
 professional activities, 100

management and accountability, 59–71

maritime jurisdiction, 2, 14, 41–2

media engagement, 69–70

mediation and mediators, 47, 52–4  
 administered fund for dispute resolution, 54  
 cause of action, 52–3  
 family law matters, 54  
 judicial mediation, 54  
 outcomes, 53  
*see also* dispute resolution

memorandum of understanding on budget and staff, 59

Mercuri, Judge Patrizia  
 professional activities, 105–106

Middleton, Judge Steven  
 professional activities, 104

migrant worker exploitation, 44–5

Migrant Workers' Taskforce Final Report, 44–5

*Migration Act 1958*, 13, 39, 51, 77, 78, 84

migration jurisdiction, xi, 3, 13  
 appeals, 51–2  
 initiatives, 39–41  
 judgments of interest, 77–9  
 statistics at a glance, 2  
 workload, 3–4, 8, 13, 25, 37–9, 51–2

migration panel, 27

Minister for Home Affairs, 13

Myers, Judge Matthew  
 professional activities, 102

**N**

National Arbitration List, 7, 36

*National Consumer Credit Protection Act 2009*, 14–15

National Enquiry Centre, 29, 55  
 contact details, 111

National Intellectual Property list, 47, 48

National Practice Area Committee, 61, 84

national security panel, 27

Neville, Judge Monica  
 professional activities, 109

Nicholls, Judge Nick  
 professional activities, 96

*Notice of Child Abuse, Family Violence or Risk*, 6

**O**

Obradovic, Judge Brana  
 professional activities, 105

Ombudsman, 69

online court files, 70

organisational structure, 17  
 amalgamation of Courts, 12, 59

*Our Kids* (film), 67, 68

outcome and program statement, 12, 73

overview of the Federal Circuit Court, 11–21

## P

parliamentary committees, 44  
 performance analysis and report see court performance  
 personal insolvency see bankruptcy jurisdiction  
 plans and planning  
     Family Violence Plan, 63  
     Reconciliation Action Plan, 8, 67  
 police and child welfare authorities co-location, 36–7, 63–4  
 Ponzi schemes, 80–1  
 Poole, Emma, 6, 37  
 Practice Directions  
     admiralty and maritime matters, 42  
     COVID-19 Lists, 33  
     COVID-19 special measures, 4  
     family law core principles, 5  
     family law property matters, 35  
     intellectual property matters, 48  
     Joint Practice Directions, 4, 5, 33  
     judicial mediation, 54  
 Pringle, David, 8–9, 60 see also Chief Executive Officer and Principal Registrar  
 Priority Property Pools under \$500,000 (PPP500) Pilot, 7, 13, 34–6  
*Privacy Act 1988*, 16, 84–5  
 Privacy Commissioner, 16  
 privacy law jurisdiction, 16  
 privacy of records, 84–5  
 pro bono schemes, 40–1, 49  
 Productivity Commission inquiry into IP arrangements in Australia, 48  
 professional activities of judges, 95–110  
 professional development, 23, 64, 91  
 property cases, 7, 13, 34  
 property mediation, 54  
 protection visas, 13  
*Public Governance, Performance and Accountability Act 2013*, i, 59, 60, 66, 93  
*Public Service Act 1999*, i, 59, 60, 74  
 publication  
     access to information outside FOI Act, 83–4  
     under FOI Act, 83  
     of judgments, 56–7  
     online court files, 70  
     on social media, 70–1  
 Purdon-Sully, Judge Susan  
     professional activities, 99

## R

*Racial Discrimination Act 1975*, 15, 46  
 Reconciliation Action Plan, 8, 67  
 Registrar of Designs, 16  
 Registrar of Trade Marks, 15, 48, 82  
 registrars, 33  
     delegations to, 6  
     number of, 74  
 registry services  
     court service locations, 21  
     circuit program, 32–3  
     family law registries, 36–7, 63–4, 112–13  
     general federal law registries, 114  
 regulations see Family Law (Fees) Regulation 2012; Federal Court and Federal Circuit Court Regulation 2012  
 Relationships Australia (Victoria), 54  
 Remedio, Dennis, 67–8  
 remuneration, 18  
 Research and Ethics Committee, 65, 91  
 Riethmuller, Judge Grant  
     professional activities, 96  
 risk management see Audit and Risk Management Committee  
 risk screening and triage pilot (child abuse/ family violence, 6–7  
*Road Transport (Long Distance Operations) Award 2010*, 80  
 roles and functions  
     CEO and Principal Registrar, 59, 60  
     Chief Judge, 59  
     Deputy Principal Registrar, 60  
     Executive Director, Child Dispute Services, 60  
     see also jurisdiction of the Federal Circuit Court  
 Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, 44  
 rules  
     harmonisation, 5–6, 14, 37, 43  
     see also *Admiralty Rules 1988*; *Family Law Rules 2004*; *Federal Circuit Court (Bankruptcy) Rules 2016*; *Federal Circuit Court Rules 2001*; *Federal Court (Bankruptcy) Rules 2016*; *Federal Court Rules 2011*; *High Court Rules 2004*; Joint Rules Harmonisation Working Group

## S

scrutiny, external and internal, 69  
 security committee, 67, 93  
 self-represented litigants, 49  
 Senate Economics References Committee, 44  
 senior executives, 60  
     remuneration, 18  
*Sex Discrimination Act 1984*, 15, 46  
 Sexton J, 68  
 Small, Judge Judith, 8, 20  
 small claims jurisdiction, 15, 45, 49  
 Smith, Judge Bruce  
     professional activities, 108  
 social media, 70–1  
     contact details, 111  
 specialist panel arrangements, 27  
 staff  
     administrative responsibilities for, 59  
     average staffing level, 73  
     staffing profile, 74  
     training, 23, 32, 85  
 stakeholder engagement, 38, 69–70, 86–7  
 statistical summaries see court performance  
 Summer Campaign, 6–7

## T

television access to courtrooms, 70  
 terminology (definitions), iv–v  
 timeliness, 12, 23, 24, 37, 41  
 Tonkin, Judge Amanda  
     professional activities, 105  
 trade mark matters see intellectual property  
     jurisdiction  
*Trade Marks Act 1995*, 15, 82  
*Trade Practices Act 1974*, 14  
 training  
     family consultants, 32  
     judges, 23  
     staff, 23, 32, 85  
 transport industry, 80  
 Turner, Judge Leanne  
     professional activities, 102  
 Twitter, 70–1

## U

unlawful discrimination see human rights  
     jurisdiction  
 unrepresented litigants, 31, 40, 49, 50

## V

Vasta, Judge Salvatore  
     professional activities, 104  
 videoconferencing, 4  
 videos, 71  
 violence see family violence initiatives  
 visa-related decisions, judicial reviews of  
     see migration jurisdiction  
 Vlahos, William, 80–1  
 vulnerable litigants, video conference court  
     attendance, 5

## W

webinars, 70  
 website, 111  
 Welsh, Ricky, 68  
 whistle blowers, 44  
 Willis, Judge Josephine, 67  
     professional activities, 101–102  
 Wilson, Virginia, 9, 60 see also Chief Executive  
     Officer and Principal Registrar  
 working groups and committees see committees  
 workload, 3–4  
     child support, 30–1  
     circuit program, 32–3  
     family law, 25, 28–9, 31  
     general federal law, 8, 25, 41, 43, 45, 46, 47  
     migration jurisdiction, 3–4, 8, 13, 25, 37–9, 51–2  
     see also case management  
*Workplace Relations Act 1996*, 15

## Y

Young, Judge Tony  
     professional activities, 104  
 YouTube, 71



