

FAMILY LAW COURTS ADVISORY GROUP MEETING

Minutes of Meeting
5 March 2010 – Chief Justice's Chambers Melbourne

Present: Chief Justice Bryant (CJ), Chief Federal Magistrate Pascoe (CFM), Justice Watts (WJ), Federal Magistrate Baumann (BFM), Richard Foster (RF), Leisha Lister (LL) (Minutes)

Apologies: Ian Govey (IG)

Meeting commenced: 10 a.m.

1. Minutes from 13 August 2009 approved

CJ welcomed LL to the meeting as the secretariat.

1. No outstanding action items

Recommended that a list of action items be prepared after every meeting and circulated.

Agenda Items

3.1 Combined PAC 9 April 2010 Agenda

Draft Agenda for the 9 April meeting tabled. General discussion about the agenda and the purpose and the required outcomes for the meeting.

Recommended that Lynette Glendinning attend (via video link) to address the Committee and provide an analysis of the government's current financial landscape.

Recommended that FM Riethmuller and Stephen Andrew present at the April Combined PAC meeting an update on the Courts IT future directions.

Recommended that Tony Lansdell attend the April Combined PAC meeting for item 1.5.

Watts J and Baumann FM to prepare information for the Committee on the types of reports currently available to each Court in the area of performance reporting.

See database for the settled agenda

Action Items:

RF to invite Lynette Glendinning to introduce and discuss the current financial landscape of the government.

RF to invite Riethmuller FM and Stephen Andrew to provide an update and presentation to the CPAC on 9 April of information technology and future directions of the Courts.

RF to invite Tony Lansdell to attend the meeting for the discussion on performance reporting.

BFM and WJ to liaise about the types of reports that each Court has available to them with the purpose of providing to the Combined Policy Advisory Committee prior to the April meeting. LL to assist with the collection of the relevant reports.

CJ & CFM to provide information on respective Court's joint committees.

3.2 Proposed Administrative Structures

RF provided an update on the restructure of the to the Combined Administration.

Action Item:

No action items

3.3 Family Consultants/Registrars

Discussion about the types of information and reports required in order to make informed decisions about the requirements for Family Consultants and Registrars of both Courts.

RF discussed the need for both Courts to have an understanding of the costs associated with family consultants in a case in each court. A detailed analysis is underway that will provide the Courts with information in this area.

3.4 Merger Update

No further information has been formally provided to either Courts in relation to the outcome of Government's recommendation to merge the two Courts.

Action Item:

No action items

3.5 Cairns Registrar

CJ discussed her written response to Cope Lawyers which addresses their concerns raised in the letter dated XXX regarding the Registrar position in Cairns.

3.6 Conciliation Conference Pilot Brisbane/Sydney

Discussion regarding the successful outcomes from the Brisbane Conciliation Conference Pilot in Brisbane. BFM advised that the FMC will implement a similar pilot in Sydney.

3.7 Remuneration Tribunal Letters

The CJ and CFM tabled, for the information of the Group, letters received from the Remuneration Tribunal to the CFM and CJ dated 12 February 2010 (see database).

Action Item:

No action items

3.8 Family Violence Committee update

The CJ provided the Group with an update on the Family Violence Committee.

3.9 Budget Saving Measures

RF provided an update on the current financial climate of the Courts. Overspend of 5M [insert info re: financials coming from GH]

RF sought agreement in principle from FLCAG for the following savings measures identified at the Senior Management Workshop from FLCAG for the

[LEISHA INSERT Savings Items]

Recommended that a working group be established to look at XXXX. The Committee could be chaired by XXX with the following members.

Terms of Reference could be settled by the CPAC meeting scheduled for 9 April 2010.

Suggestion that Sally Mashman and Adele Byrne participate with the review of the ways that Divorces are conducted in the Courts. The Committee to be chaired by XXXX

Discussion about the current pilot in Brisbane and Sydney. CJ advised that the Department had written to her regarding changes to legislation. The proposed changes are similar to what the Family Law Council suggested.

Recommended that Watts J, Jarrett FM and another from Melbourne look at this issue further with the view to

Discussion regarding the costs of interpreter services. Recommended that the Courts Administration look at

Circuits recommended that the Courts Administration look at the

Discussion about the need for guards in rural and regional areas when there are no Courts in session. Agreed that the Courts look at the way these guarding services are arranged with a view to reducing these when Courts are not in session.

Travel and costs reduced – does not have an impact on circuits

Continuing review of loose leaf

CJ congratulated the group for their hard work to these reforms.

Resolved: {LEISHA INSERT}

Joint Committee to be established to look at

Joint committee re: divorces

Conciliation

RF to move forward with investigation the cost savings measures.

Action Item:

CJ to circulate letter from AGD regarding Conciliation

3.10 Indigenous Working Group – update

[LEISHA INSERT INFO]

Action Item:

No action items

3.11 Provision of Transcripts

Discussion about the different operating procedures between the Courts for the provision of transcripts to Lawyers. The FCoA enable lawyers to have a CD transcript of the Court proceedings. The FMC allow for lawyers to listen to the digital transcript at the Court only.

Discussion and general agreement that it would be desirable for the two Courts to establish a common position regarding the provision of digital transcripts for lawyers.

Action Item:

RF to circulate a copy of the current FCoA policy position.
BFM to raise the issue at the next FMC PAC with a view to establishing a common position.

3.12 Access to Commonwealth Courts Portal

RF provided the Board with an update on the Commonwealth Courts Portal and e-filing in both Courts. As at 1 March there were:

988 registered firms
14,000 registered users
12,000 supporting documents filed
2,000 Divorce Applications filed since 26th September, 90% were self represented litigants.

RF noted that the Courts are on track to implement e-filing of Final Orders on 1 July 2010. It is envisaged that this facility will be available earlier however the Courts want to continue to test the system further before launching on 1 July 2010.

The Board acknowledges the great work of the Portal and e-filing groups and appreciates their commitment and hard work. In particular the Group would like to thank Stephen Andrew for his continued management and vision in this area.

Action Item:

No action items

3.13 Judicial Complaints – recent correspondence

The CJ tabled correspondence from the AGD about judicial complaints handling – see database.

Action Item:

No action items

3.14 Court Security

Marshall's report tabled – see database

Discussion about whether there was a need for AGD to investigate and review the type of security required by Courts. It was noted that there is a current review of legislation regarding security in the Courts. The CJ noted that the Family Violence Committee is also looking at the issue of security for those attending the Court where there are allegations of Family Violence.

The Board acknowledged the continued hard work of Dave Watson and his team.

Action Item:

No action items

3.15 Web Site Development/Review

RF noted that the review and redesign of the Courts websites was ongoing.

Action Item:

No action items

3.16 E-Filing report

Item dealt with at 3.12

Action Item:


No action items

3.17 Accommodation (Sydney, Brisbane Newcastle) – update

RF provided an update on the accommodation in Sydney, Brisbane and Newcastle. Sydney is almost complete and level 9 has been very successful.

Newcastle is partly complete.

Brisbane works have been signed off with agreement from all Courts. It was acknowledge that the Courts do not have the money to re-develop level 3 in Brisbane.



It was noted that the JMT lease expires in 2011 and the Court has used all options. The State Court have requested the space back and alternative arrangements are being investigated for future accommodation.

Action Item:

No action items

3.18 Future Meeting Dates

Wed 1 April 1pm ESST - telelink

Wed 9 June 10-12 noon
Wed 11 Aug 10-12 noon
Wed 6 Oct 10-12 noon
Wed 8 Dec 10-12 noon

Action Item:

Meeting closed 12.15 noon