

FAMILY LAW COURTS ADVISORY GROUP MEETING

Minutes of Meeting – Canberra
11 August 2010

Present: Chief Justice Bryant (CJ), Chief Federal Magistrate Pascoe (CFM), Justice Watts (WJ), Federal Magistrate Baumann (BFM), Richard Foster (RF), Elizabeth Kelly, Alison Playford, and Leisha Lister (LL).

Apologies: NIL

Meeting commenced: 10 a.m.

1. Minutes from 24 June 2010

Watts J raised a question about the minutes in relation to the budget item. Leisha to check that the figures are correct and balance. Minutes otherwise accepted as accurate.

1. Action items

All Action items completed.

Agenda Items

3.1 Budget

RF provided the following update:

Performance Summary for 2009/10

The Audit of FCoA & FMC Financial Statements is almost complete.

FCoA has a revised Operating Surplus of \$1.033m (rather than the preliminary figure of ██████ reported earlier). The difference is due to a reduction in accrued revenue of ██████.

FMC operating result remains as an Operating Loss of \$2.201m.

Performance Summary YTD 2010/11

Both Courts reporting small surpluses in July

FCoA

July actual underlying Surplus of \$0.143m compared with a budgeted underlying Loss of \$0.377m, resulting in a variance of \$0.520m.

Variance driven by lower than budgeted Employee (\$0.305m) and Property (\$0.128m), with higher than budgeted Revenue of \$0.086m.

FMC

July actual underlying Surplus of \$0.202m compared with a budgeted underlying Loss of \$0.167m, resulting in a variance of \$0.035m.

Variance driven by higher than budgeted Court Operations (\$0.064m), Travel (\$0.041m), and Consultants (\$0.027m), offset by lower than budgeted General Administration (\$0.085m).

Savings Strategies

RF provided an update on the agreed savings strategies – see database for the updated savings strategies and the committees tasked with these.

The Courts were very ambitious in the savings that they wanted to achieve. The updated reports from the committees were tabled for the Committee. The savings strategies include:

- Child Dispute Services - \$470K
- Review of Divorce - \$380K
- Conciliation Conferences - tbc
- Judicial Support - \$300K
 - With related redundancies - \$+870K
- Registrar & FC circuits - tbc
- Interpreters - \$150 pa
- Guarding Services – \$100K
- User Pays Options - \$520K
- Review of videolink & teleconferences - \$nil
- Library Services - \$tbc
- Savings have also been made in reductions in general administration, travel, suppliers, FBT and lease straight lining in Commonwealth Law Courts.

Action Item:

No action items



FM Baumann expressed concerns that the FMs needed to be out of JMT by October 2011 and the uncertainty of the accommodation is concerning to those FMs affected.

AF explained that process for the Military Court Bill has now lapsed. The Department of Defence is keen for the Military Court judicial officers to be appointed as soon as possible. It is possible that a couple of FMs could be housed with the Military Court in its proposed premises but unlikely that any more could be accommodated.

Watts J expressed concern about the limited number of Courtrooms in Sydney and the affect that this has on cases.

Action Item:

No action items

3.3 Courts Restructure – What happens if?



CFM discussed the differences between a Superior Court and a lower jurisdiction and the importance and merit of maintaining this separation. CFM further expressed his view that the joint administration is working well and that the allocation of resources under the current Acting CEO is also working very well. He raised concerns that the uncertainty of the outcomes or a merger is very unsettling and is very problematic for FMs and the Court.

EK will highlight the need for the new AG to meet urgently with the CFM and the CJ to discuss these issues.

Action Item:

RF to prepare a briefing paper that outlines the key issues related to the restructure.

3.4 Child Dispute Services (CDS)

See database for the following papers which relate to this agenda item:

CDS Working Group

CDS Records – storage, release and disposal
Family Assessment Reports (S 62G)
CDS Policy – Facilitated Exchange of Children
Children at Risk of Violence, Abuse & Neglect Framework
National Training Outline
Policy & Procedure Reg 7 Family Consultant

Dianne Gibson presented an overview of the various Child Dispute Services policies that have been recently reviewed. Dianne sought approval from FLCAG to adopt the following policies:

Storage, release and disposal of CDS records
Family Assessment reports (S 62G)
Regulation 7s
Facilitated exchange of children

Dianne sought approval from FLCAG for the appointment of a judicial officer from the FCoA and the FMC to be a reference person for judicial input into child dispute services policies and practice guidelines as required.

Watts J suggested that there were a number of changes he would like to make to the documents. Recommended that papers are prepared for both the FMC and FCoA Policy Advisory Committees (PAC) for further consideration. Watts J raised his concerns about the issue of the difference between the FCoA and FMC understanding and application of s69ZU.

Baumann FM raised his concerns about what FMs require, especially in relation to memoranda in interim applications and said that what has been presented would be of benefit to the FMC. Watts J suggested an availability of orders list in relation to memoranda and Family Reports similar to the Bench Book.

RF also noted that the final structure of Child Dispute Services was nearing completion and would be available to the Committee when complete.

RF raised the issue of delays for access to Contact Centres for the purpose of 'handover of children'.

Action Item:

RF to investigate the development of a Family Law Courts Intranet
CFM & CJ to nominate an FM and Judge as representative to assist CDS with policy formulation and advise Dianne Gibson.

3.5 Court Performance & Judicial Workload

Tony Lansdell (Consultant) provided an update on the Court Performance & Judicial Workload project.

As part of this project the Family Law Courts 'one-pager' is now complete at National and Location level (save for some specific items by location - e.g. attendance rate). See the database for a copy of this document.

The one-pagers have now been reviewed by senior judicial officers in each court. The 'acceptable range' values still need to be agreed/set by the respective courts, the values currently used in the report have been set by Tony as a guide only. The one-pagers will now be used by the respective courts in key workshops planned for late August/early September. Following these workshops, the one-pager will be more widely communicated to each region, involving the coordinating Judge/FM and Regional Registry Manager.

The one-pagers at a Location level will provide invaluable insight into local variances, and resource allocations etc. The data captured for FY09/10 can now be used to help estimate future workloads etc for FY10/11.

The one-pagers, both at National and Location level, are to be treated as **'Internal use only documents'**. The One-pagers at an individual judicial level will be provided by request of the judicial officer.

There is no plan to fully automate the production of the one-pagers until such time as the measures etc. have 'settled'. It is estimated that this will be Jan/Feb 2011. It is planned to update the one-pagers on a quarterly basis

Tony highlighted the following key observations:

- nett Family Law filings for FY09/10 up 7.3%
- nett Clearance Rate for FY09/10 of 107% of cases in the Family Court and 92% in the FMC.
- 50% FMC and 43% FCoA – cases finalise in less than 6 months although FCoA has still a number of long-term cases that are now finalizing (and the number of these cases is reducing)
- Attendance rate (number of events for clients) – 50% in the FCoA and 68% in the FMC finalized with less than 5 appearances
- The impact of the increased filings, and a clearance rate of less than 100% will need to be monitored closely in this first qtr of FY10/11 – it has the potential of very quickly growing the pending caseload.

General discussion about the use of this material as a management tool and for government to better understand the work of the Court. Committee is interested in whether this is of assistance to AGD. EK suggested that this type of information was really important for future costings however concerns were raised about FOI.

RF talked about the role Tony will now take at looking into the area of Court Excellence and the use of this data to enhance Court quality.

Action Item:
No Action items

3.6 New Business



3.7 Future Meeting Dates

- . Wed 6 Oct 10-12 noon - Melbourne
- Wed 8 Dec 10-12 noon - TBC