

**Question on notice no. 198**

**Portfolio question number: AE24-216**

**2023-24 Additional estimates**

**Legal and Constitutional Affairs Committee, Attorney-General's Portfolio**

**Senator David Shoebridge:** asked the Federal Court of Australia on 26 February 2024—

- (1. What registrar appointments have, since 1 January 2018, had significant concerns raised about the process involved?
2. What has the Federal Court's response been to these?
3. What policies or procedures have been changed since these were identified?

**Answer —**

Please see the attached answer.

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS**

**ATTORNEY-GENERAL'S PORTFOLIO**

**ADDITIONAL ESTIMATES 2023-2024**

**PA-Federal Court of Australia**

**AE24-216 - Registrar appointments**

**Senator David Shoebridge asked the following question on 26 February 2024:**

1. What registrar appointments have, since 1 January 2018, had significant concerns raised about the process involved?
2. What has the Federal Court's response been to these?
3. What policies or procedures have been changed since these were identified?

**The response to the senator's question is as follows:**

1. Concerns have been raised in respect of one individual recruitment exercise undertaken in 2016, and a broader recruitment exercise undertaken in 2018.

These could reasonably be considered 'significant' in that:

- the concerns were investigated by the Australian Public Service Commission (the APSC). The APSC investigation did conclude that the promotion made on 5 December 2016 breached the APS employment principles as an advertised essential role requirement was not met; and
- Senators asked questions on 21 November 2022, 28 February 2023, 25 May 2023, and 26 February 2024 in respect of these processes.

2. In response, the Court has:

- fully assisted the APSC with respect to its requests for information regarding the recruitment processes; and
- complied with the recommendations from the APSC.

3. The Court has complied with the recommendations from the APSC by:

- providing staff of the Court with refresher guidance and/or training about the APS Employment Principles prior to undertaking any recruitment action; and
- having relevant Court staff familiarise themselves with the APS Code of Conduct, and in particular paragraph 12(11)(a) of the Public Service Act 1999 (Cth), which states,

relevantly, that employees must at all times behave in a way that upholds the APS Employment Principles.

In addition, the APSC made specific recommendations relating to (a) recording the reason for shortlisting, interviewing and selecting candidates; and (b) more clear and transparent communications about role review processes. These requirements are outlined in the Federal Court's recruitment guide and associated recruitment system process support documentation. In November 2020, the Court introduced an electronic recruitment system which supports staff administering recruitment exercises to comply with requirements.