



Law Council
OF AUSTRALIA

*From the Office of
the President*

30 June 2009

The Hon. Michael Black AC
Chief Justice
Federal Court of Australia
305 William St
MELBOURNE VIC 3001

JOHN CORCORAN
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Dear Chief Justice

Re Federal Court – Tasmanian District Registry

I refer to the internal review of small registries currently being conducted by a number of Federal Court Registrars. In particular, I refer to the recommendation by the review team that the position of District Registrar in Tasmania be abolished and replaced by a non-resident District Registrar based in Melbourne.

The Law Council is strongly opposed to this recommendation.

In the Law Council's view it must be considered unlikely that Tasmanian residents would receive a comparable level of service from the Federal Court to other States if it no longer had a legally-qualified District Registrar present in the Tasmanian Registry. The Law Council believes that as a matter of principle, it is not appropriate for there to be no senior court official based in Tasmania and to subsequently force litigants to obtain services remotely. This would not provide an equitable level of access to justice for Tasmanian residents.

On the materials sighted by the Law Council, it certainly seems that the proposal to abolish the Deputy Registrar position in Tasmania may be ill-conceived and not likely to produce the savings identified by the reviewers. The savings obtained by abolishing the position could be substantially diminished by the expenses associated with providing remote services to Tasmania from Victoria. Another consequence of adopting the recommendation may be that the AAT would cease its registry functions from the Hobart Registry of the Federal Court and transfer these activities to its Melbourne Registry. This would be a further blow to litigants in Tasmania.

Finally, the recommendation also appears contrary to the *Federal Court of Australia Act 1976*, which states at section 34 that "at least one Registry shall be established in each State, in the Australian Capital Territory and in the Northern Territory." As you are aware, section 18N adds that there shall be "a District Registrar of the Court for each District Registry".

The Law Council urges the Federal Court to undertake more thorough consultation with the legal profession, through both the Law Council and the Law Society of Tasmania, before it commits to this recommendation.

I would be happy to discuss this issue with you further.

Yours sincerely

John Corcoran