

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
FEDERAL MAGISTRATES COURT

Question No. 162

Senator Ludwig asked the following question at the hearing on 24 May 2007:

Regarding the Recommendations for 'An Evaluation of Services for Self-Represented Litigants in the Federal Magistrates Court', provide a breakdown showing:

- a) Which recommendations have been implemented;
- b) Which recommendations have not been implemented, and when they are expected to be implemented.

The answer to the honourable senator's question is as follows:

Four recommendations have been completed and no further work is required. Six recommendations have been completed and their effectiveness is being monitored. For example, the current publications for self-represented litigants which have been provided to registries may need to be updated in the future. This will be monitored by Federal Magistrates Court staff. One recommendation is partly completed.

Recommendation 1: Determine the demand for court information products to be translated into languages other than English.

Completed

The Federal Magistrates Court of Australia (FMC) has approved funding for the translation of 'selected' publications.

The existing migration brochure was translated into 11 languages: Arabic, Bengali, Chinese, Farsi, Filipino, Hindi, Indonesian, Punjabi, Russian, Sinhalese, Spanish, Tamil and Urdu.

The FMC has updated the migration brochure and is currently arranging translations into 20 languages: Chinese, Bengali, Tamil, Sinhalese, Hindi, Gujurati, Punjabi, Urdu, Nepalese, Korean, Indonesian, Russian, Mongolian, Malayalam, Thai, Arabic, Tagalog, Farsi, Spanish and Vietnamese.

Over the past 12 months, the FMC and Family Court of Australia (FCoA) have updated most family law publications. A new translation provider has just been selected and work is currently underway to translate approximately six joint family law publications into the ten most commonly used languages, based on interpreter statistics.

Recommendation 2: Review the court's case management system (Casetrack) to determine the viability of extending data recording to cover self-representation at various court events and in general federal law cases.

Completed and ongoing monitoring

Since implementation of Casetrack, data on self represented litigant filings in family law has been able to be captured where provided and reasonably reliable information on representation has

become available. Work to improve the data capture on self represented litigants filing in general federal law will be undertaken in the near future. The figures obtained from Casetrack only include the applications that provide data on representation. That is, at the time of filing an initiating application with the Court; see figures in the FMC Annual Report 2005-2006 page 40.

Investigations confirm that Casetrack has the capacity to capture represented/unrepresented litigant statistics at court events (via attendance records). To capture these statistics associates/deputy associates would need to enter this information into Casetrack and due to current workload issues this has not been pursued at this stage.

Recommendation 3: Review induction and ongoing training requirements for telephone staff, particularly surrounding the needs of self-represented litigants at the Federal Magistrates Court, the Federal Court and the Family Court.

Completed

The training of registry staff is the responsibility of the Family Court and the Federal Court. The FMC is advised that part of the training for registry and telephone staff includes dealing with self-represented litigants and addressing their needs.

The FMC has worked closely with the FCoA and produced an e-learning package for registry and telephone staff. The package explains the difference between procedural information and legal advice. The package has two components; definitions and scenarios. The definition component explains that staff can give clients procedural information about the courts (its processes and procedures) and that staff cannot give clients legal advice. The second component enables staff to test their understanding of these concepts by providing answers to nine 'everyday' scenarios.

Recommendation 4: Review the court's website and develop a 'self-represented link' at www.fmc.gov.au

Completed and ongoing

The FMC continues to make changes to its website to assist self-represented litigants access, navigate and find information. Any major review of the website in the future will consider the needs of self-represented litigants.

The FMC has worked closely with the FCoA to create a new family law website. The joint website is user-friendly and has a lot of information for self-represented litigants, including an interactive court tour.

Recommendation 5: Review public information on primary dispute resolution (PDR) in all areas of the court's jurisdiction and publish more information about the process and increase accessibility to the information.

Completed

However due to major changes to family dispute resolution, most of this information is now provided by the Government; see

http://www.ag.gov.au/www/agd/agd.nsf/Page/FamiliesFamily_dispute_resolution

Recommendation 6: Review all court forms to determine the appropriateness of producing 'self-help kits' to assist self-represented litigants in identifying and completing forms.

Completed and ongoing

The FMC has simplified the divorce application and accompanying service forms and produced a self help kit for both.

The FMC is currently reviewing all its forms. The revised forms will be simplified and include a separate instruction sheet.

Recommendation 7: Develop the technology to enable the court's website forms to be in a format capable of being downloaded and saved.

Completed

Recommendation 8: Review signage at all registry locations and increase signage as required at entry points, registry areas and outside courtrooms.

Part complete and with balance expected to be completed within next six months

Completed with Family Court. Review yet to be completed with Federal Court.

Recommendation 9: Supply publications to all registries and request staff display them appropriately in the registry.

Completed and ongoing

Ongoing for revised and new publications.

Recommendation 10: Investigate the appropriateness of providing training and/or producing a management plan/guide for the judiciary and staff when dealing with self-represented litigants.

Completed and ongoing

The FMC provides training to new associates/deputy associates about self-represented litigants and addressing their needs.

The training aspect is an ongoing consideration for the judiciary.

Recommendation 11: Review existing publications and publish new user-friendly information for self-represented litigants. The court will aim to work collaboratively with the Federal Court, the Family Court and Legal Aid Commissions on this project.

Completed and ongoing

The FMC considers the information needs of the self-represented litigants in accessing the courts in the development of its publications.

The FMC has reviewed all its family law publications and produced a number of plain English publications, solely and together with the Family Court and the Federal Court.

The FMC and FCoA have produced a Writing Style Guide to assist court staff draft simple and easy to read publications. This guide has also been provided to the Federal Court.

The FMC has and continues to work with legal aid commissions and other agencies, for example, Child Support Agency.

Recommendation 12: Review the effectiveness of these recommendations and identify areas that require improvement or new areas that need to be addressed in order to meet the needs of self-represented litigants.

To be completed in October 2007.