

# Response Senator Brandis - Integration of Courts Administration

---

- Document 1 - letter dated 15 August 2008 from Mr John Mathieson to Mr Ian Govey, Deputy Secretary of the Attorney-General's Department.
- Document 2 – email dated 23 August 2008 from Mr Ian Govey to Mr John Mathieson.
- Minutes Family Law Courts Board (FLCB) 4 September 2008.
- Letter to Ian Govey, dated 5 September 2008, from John Mathieson.
- Email dated 1 October 2008 from the Acting CEO, Mr Glenn Smith, to Richard Foster requesting that, as part of the process ratified by the Board on 4 September 2008, a transfer of FMC Information Management to the Family Court also occur.
- Executive Directors' report, and associated documents, tabled at the FLCB on 23 October 2008.
- Notice of appointment, sent by Chief Federal Magistrate on 25 November 2008, announcing the appointment of Richard Foster as the Acting Chief Executive Officer of the Federal Magistrates Court of Australia.
- Minutes of the Family Law Courts Advisory Group at a joint meeting in Melbourne on 23 March 2009.

Senate Legal & Constitutional Affairs Committee  
Budget Estimates 2008-2009  
25-28 May 2009

Tabled Document No 9

By: MR RICHARD FOSTER  
FAMILY COURT OF AUSTRALIA  
Date: 25/5/09



FEDERAL MAGISTRATES COURT OF AUSTRALIA

Office of the Chief Executive Officer  
John Mathieson

Federal Magistrates Court of Australia  
Level 11, Macquarie House  
167 Macquarie Street  
Sydney NSW 2000

Telephone: (02) 9234 0004  
Facsimile: (02) 9234 0050  
Email: john.mathieson@fmc.gov.au

15 August 2008

Mr Ian Govey  
Deputy Secretary  
Attorney-General's Department  
Robert Garran Offices  
BARTON ACT 2600

Dear Ian,

I am writing to update you on the Court's operating environment and forecast financial position pending the outcome of the review of delivery of family law services and related court administration. I need also to highlight several concerns as to the Court's capacity to maintain services under the current arrangements.

I note that prior to the commencement of Mr Semple's review in March 2008, the Federal Court, Family Court and Federal Magistrates Court were working towards a separation of funding more closely aligned to the actual workload of each Court. Those discussions ceased in March, pending completion of the Review (then estimated to be late May 2008). The resultant, and still ongoing, lacuna has resulted in the Federal Magistrates Court having to manage additional workload without a transfer of corresponding resources. In the short term the FMC has been able to meet its commitments, but I am very concerned about the Court's capacity to sustain current work requirements under the present funding and resourcing arrangements, particularly with the possibility of further increases in workload over the coming months.

On 25 June 2008 I wrote to the Attorney-General advising that the Court will be reporting an operating loss in 2007-08. Based on the current funding arrangements and projected workload of the Court for 2008-09, without a realignment of funding to provide more appropriate and adequate resourcing it is anticipated that a further loss will be reported in 2008-09. This projected loss will be exacerbated with the appointment of additional federal magistrates.

Since inception the Federal Magistrates Court has received funding for the appointment of federal magistrates from several sources. Where the appointment is a new

appointment by Government, the Court is fully funded for the federal magistrate. However, when a federal magistrate has been appointed to replace a Family Court Judge or a Family Court Judicial Registrar, the Court has not received full funding for the federal magistrate. The gap between funding required and funding received is largely due to costs in relation to superannuation, property, capital equipment and staffing arrangements. By necessity the FMC has incurred a range of expenditure to support federal magistrates from within its base funding, however as a consequence of this shortfall and the additional 2% efficiency dividend applying from 2007-08, the impact upon the Court's resources has compounded with the FMC now facing an extremely precarious financial position. I have advised previously, in light of the FMC's current and forecast financial position, the Court is unable to absorb the funding gap for any future replacement appointments.

Of great concern is the proposed appointment of an additional five federal magistrates to replace Family Court Judges and one additional federal magistrate to replace a Family Court Judicial Registrar. Also of concern is that of the eight new appointments proposed immediately, four will involve the appointee relocating. The resultant relocation costs which the Court will need to meet will be a further significant impost to the Court for which it is not funded. I wish to avoid any embarrassment to the Government as a consequence of what I consider to be a very concerning situation. I note from my discussions with officers of your Division today the view was put that there was sufficient funding currently "within the family law system" and that there is appropriate funding was available to meet the costs of replacement appointments. I therefore seek your urgent advice on the arrangements made for the Court to receive full funding for the appointments made in replacement of Family Court Judges and Judicial Registrars now proposed and into the future.

Further I would like to, once again, draw your attention to the fact that the Court is currently relying upon infrastructure and systems established in 2000 to support 16 federal magistrates, with minimal support staff. When I last wrote to you on 20 March 2008, it was intended that the Review would be completed by May 2008. With the passage of time my concerns deepen in relation to the Court's capacity to continue to meet its obligations with an inadequate infrastructure and constantly increasing workload.

With growth to more than 60 federal magistrates within the coming months, an additional 45 personnel will critically impact upon the ability of the Court and its personnel to meet its and their statutory obligations and, in time, the Court's ability to maintain its high level of quality service to litigants. The Court's infrastructure is now stretched to capacity, with opportunities for assistance from other jurisdictions severely limited due to budgetary pressure upon those Courts. There is currently a very high level of risk, in relation to fraud and sustainability in regard to the Court's corporate systems. This risk is compounding daily. Solutions have been identified to mitigate these risks, but implementation has been delayed as a consequence of the Review.

A further pressure upon the Court to which I feel also needs to be highlighted, is the impact of the feasibility study for a Commonwealth Law Courts Building in Newcastle.

In 2008-09 the Family Court and Federal Magistrates Court sought funding through a new policy proposal for construction of a Commonwealth Law Courts building in Newcastle. In response to the new policy proposal both courts were directed to undertake a scoping study and prepare a detailed business case for consideration in the 2009-10 budget. Further, the courts were directed to fully offset and absorb the cost of the scoping study from existing funding.

A preliminary tender has been undertaken by the Department of Finance & Deregulation on behalf of the Family Court of Australia, Federal Magistrates Court and your Department. A requirement for preliminary funds totalling \$1.550m has been identified from the tender process. This funding is to be provided in equal shares by the Family Court and Federal Magistrates Court. Given the FMC's minimal property funding, shortfalls in funding for federal magistrates and current workload pressures, a contribution of over \$0.775m to this project will further increase the Court's projected operating loss for 2008-09.

In summary, the Court is currently operating in a high risk environment. Whilst, as always, the Court and its personnel will continue to strive to maintain the high level of service delivered to date, I feel I have an obligation to draw to your attention the severity of the issues currently facing this Court and the compounding effects of the issues on the Court.

Yours sincerely,



John Mathieson  
Chief Executive Officer

email 23 August 2008

John

Thanks for your letter of 15 August. I appreciate your willingness to provide such frank advice.

My understanding is that a number of the concerns you have raised would be addressed if the Family Court and FMC were to merge their administrative support more fully and that this could occur (with both Courts' agreement) quite separately from the Government's consideration of the outcome of the current review.

If you were willing to pursue this option I would be happy to provide whatever support I could.

I expect the report to be finalised this month and will keep you informed about the process and timing from there as soon as possible.

Given his interest in the matter I have copied your letter and this response to Richard Foster.

Regards

Ian

-----Original Message-----

**From:** jo.flores@fmc.gov.au [mailto:jo.flores@fmc.gov.au] **On Behalf Of**  
John.Mathieson@fmc.gov.au

**Sent:** Friday, 15 August 2008 4:22 pm

**To:** Govey, Ian

**Subject:** My letter to you re Court's operating environment & financial forecast  
[SEC=UNCLASSIFIED]

Ian,  
Further to my earlier message, I noted a typographical error on page 2, first complete paragraph, line 10 an unnecessary 'was', before dispatch of the hard copy. The hardcopy has been corrected and attached is a revised soft copy.

Apologies.

John Mathieson  
Chief Executive Officer  
Federal Magistrates Court of Australia  
Ph: 02 9234 0004

---

Ian,  
Please find below my letter dated today. A hard copy is in the mail.  
Regards  
John Mathieson

Chief Executive Officer  
Federal Magistrates Court of Australia  
Ph: 02 9234 0004

[attachment "Ltr to Ian Govey re Courts operating environment and financial forecast 15 August 08.pdf" deleted by Jo Flores/FedMag]

\*\*\*\*\*  
The information contained in this e-mail (including any attachments) is for the exclusive use of the addressee. If you are not the intended recipient please notify the sender immediately and delete this e-mail. It is noted that legal privilege is not waived because you have read this e-mail.  
\*\*\*\*\*

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-

mail or attachments.

---

## FAMILY LAW COURTS BOARD MEETING

Minutes of Meeting on  
4 September 2008 Sydney

**Present:** Chief Justice Bryant (CJ), Chief Federal Magistrate Pascoe (CFM), Richard Foster (RF), John Mathieson (JM), *Steve Agnew (SA) (Minutes)*

Meeting commenced: 5 p.m.

1. The CFM advised that JM will be taking leave of absence from the FMC from 22 September 2008 and will be taking up a position with the NSW Attorney General's Department most probably working with the Local Court. It will be an opportunity for the NSW Local Court, another court of high volume, and the FMC to exchange information. This is yet to be announced to the FMC but it will be done tomorrow morning.

Mr Glenn Smith will act as the CEO from 22 September pending the outcome of the Semple Review. The court will remain in limbo until the outcome of the review is known.

The Board thanked JM for his contribution to the establishment and running of the FLCB and the manner in which he has assisted the Board in its deliberations and implementation of its decision making.

2. JM raised concerns regarding the sustainability of the FMC's current HR, payroll and finance systems. JM noted that he had tried on several occasions to bring this to the attention of the Attorney-General's Department, particularly on the announcement of the review. JM advised that he had again recently written to Mr Ian Govey and Mr Govey had responded that the Courts could integrate their systems without necessarily waiting for the outcome of the review. JM tabled his letter to Mr Govey of 15 August 2008 and the email response of 23 August 2008 as well as a proposal for an approach for a speedy investigation of the integration of corporate functions and systems and development of an implementation plan in a way which should provide afford safety and comfort to both courts.

RF noted that the suggestion is quite sensible and expects that the implementation would take around 6 to 8 weeks.

The Board resolved that under the joint direction of the CEOs of both Courts;

- the Executive Director, Corporate FCoA and the Executive Director, Corporate Services FMC meet as soon as possible to discuss the corporate functions of

---

human resource management and payroll, property services and financial management with a view to analysing the requirements of both Courts, including their respective obligations and reporting requirements, and the opportunities and necessary changes required to combine these functions, as well as possible timeframes;

- the Executive Director, Corporate FCoA and the Executive Director, Corporate Services FMC will, in undertaking that analysis and consideration, liaise internally and externally as they consider appropriate;
- the Executive Director, Corporate FCoA and the Executive Director, Corporate Services FMC provide a report to the Board by no later than 6 October 2008 on their findings and considerations together with recommendations on the most efficient and effective approach to moving to a shared services model;
- if possible the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC will at the same time provide a proposed implementation plan or framework;
- it is agreed that any integration of functions will occur in a staged manner under the joint direction of both the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC; and
- it was also agreed in principle, but subject to reconsideration should the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC advise against this, that any such integration be commenced with payroll functions.

The Board noted that the CEO of the FMC had highlighted in his letter to Mr Govey of 15 August 2008 his concern about a number of funding issues for the FMC particularly in light of the new appointments announced on 29 August 2008.

The Board noted the CFM's concerns at some of the unusual expenses that come with some of the new appointments including relocation expenses and appointments of federal magistrates with accumulated long leave which, although the current entitlement may be transferred across, have to be paid by the court post appointment at a significantly higher rate. This is both financial impediment and also has an effect on the morale of existing federal magistrates.





FEDERAL MAGISTRATES COURT OF AUSTRALIA

Office of the Chief Executive Officer  
John Mathieson

Federal Magistrates Court of Australia  
Level 11, Macquarie House  
167 Macquarie Street  
Sydney NSW 2000

Telephone: (02) 9234 0004  
Facsimile: (02) 9234 0050  
Email: john.mathieson@fmc.gov.au

5 September 2008

Mr Ian Govey  
Deputy Secretary  
Attorney-General's Department  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

Dear Ian,

**Financial Systems**

I refer to my letter to you of 15 August 2008 and your email response (copied to Richard Foster) of 23 August 2008.

The concerns which I raised in my letter and your suggestion in response were raised by me at an extraordinary meeting of the Family Law Courts Board on 4 September 2008. I tabled, for the information of the Board, both my letter and your email response referred to above.

The Board resolved:

'The following shall occur under the joint direction of the CEOs of both Courts;

- Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC meet as soon as possible to discuss the corporate functions of human resource management and payroll, property services and financial management with a view to analysing the requirements of both Courts, including their respective obligations and reporting requirements, and the opportunities and necessary changes required to combine these functions, as well as possible timeframes;
- Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC will, in undertaking that analysis and consideration, liaise internally and externally as they consider appropriate;
- Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC provide a report to the Board by no later than 6 October 2008

on their findings and considerations together with recommendations on the most efficient and effective approach to moving to a shared services model;

- If possible the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC will at the same time provide a proposed implementation plan or framework;
- It is agreed that any integration of functions will occur in a staged manner under the joint direction of both the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC; and
- It was also agreed in principle, but subject to reconsideration should the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC advise against this, that any such integration be commenced with payroll functions.'

The Board requested that I write to you to advise of its resolution.

Yours sincerely,



John Mathieson  
Chief Executive Officer

email 1/10/2008

Richard,

I refer to our conversation yesterday in Adelaide regarding the transfer of administrative functions, as commissioned by the Family Law Courts Board on 4 September 2008. I can confirm that I support the recommended transfer of functions as per the timetable outlined in the paper submitted by Mr Harriott and Ms Hicking. I would note, however, as per our discussion yesterday, that the FMC will maintain the current EL1 HR Manager for a period into 2009, anticipated to be by the end of the first quarter of next year. As we both commented, there will be a number of HR matters that will need to be managed internal to the FMC, as they relate to our ongoing Collective Agreement and on matters that relate to Federal Magistrates. The current HR Manager is on temporary transfer from Medicare and will return there as soon as we are able to move the management of HR to the FCoA.

I would recommend that we submit to the Chief Justice and the Chief Federal Magistrate that we move to implement the transfer of administrative functions with that one amendment.

I would also like to take the opportunity to include as part of the process ratified by the Board on 4/9/08 the transfer of FMC Information Management. We would propose to transfer our data management and reporting function to the FCoA, and to facilitate that transfer offer to fund an APS6 top increment position, to be based in NSO working within the FCoA's existing information management framework. As part of that transfer we would seek to establish a service level agreement outlining our requirements on a financial year basis. If you were to agree to that proposal I would ask that we similarly present that process as part of the overall transfer package to the Chiefs.

For your consideration

Glenn Smith  
a/g Chief Executive Officer  
Federal Magistrates Court of Australia  
Level 11  
Macquarie House  
167 Macquarie St  
Sydney 2000  
Tel: 029234 0003  
Fax: 029234 0050  
Mob:0421615303

## Family Law Courts Board paper: Transfer of Administrative Functions

### Background

At its meeting of 4 September 2009 the Family Law Courts Board agreed that:

"The following shall occur under the joint direction of the CEOs of both Courts;

- Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC meet as soon as possible to discuss the corporate functions of human resource management and payroll, property services and financial management with a view to analysing the requirements of both Courts, including their respective obligations and reporting requirements, and the opportunities and necessary changes required to combine these functions, as well as possible timeframes
- Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC will, in undertaking that analysis and consideration, liaise internally and externally as they consider appropriate
- Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC provide a report to the Board by no later than 6 October 2008 on their findings and considerations together with recommendations on the most efficient and effective approach to moving to a shared services model
- If possible the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC will at the same time provide a proposed implementation plan or framework
- It is agreed that any integration of functions will occur in a staged manner under the joint direction of both the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC
- It was also agreed in principle, but subject to reconsideration should the Executive Director, Corporate FCoA and Executive Director, Corporate Services FMC advise against this, that any such integration be commenced with payroll functions."

### Executive Summary

The Family Court of Australia (FCoA) and Federal Magistrates Court (FMC) are FMA Agencies for the purposes of the Financial Management and Accountability Act 1997. Each Court therefore has a separate reporting and governance structure, however the activities within that structure are similar in nature. (*Attachment A, Obligations and Reporting Requirements & Attachment B, Scoping of services required*).

As long as each Court remains a separate entity, savings will be achieved from implementing a shared services structure although these will be minimal in the

short term due to the duplicate nature of reporting obligations and employee retrenchment costs. A single court model would reduce duplicate reporting and deliver greater savings opportunities (*Attachment C, Shared Services Duplication*).

In the current environment, opportunities exist for the FMC to leverage off the existing FCoA infrastructure, however in doing so FMC will be required to adopt the existing business practices of the FCoA. This may require some change in the FMC to meet different business practices within the FCoA, eg processing of travel, procurement, budget management etc. If the existing business practices of the FCoA are adopted by the FMC, a shared services model could be implemented within a 3 month timeframe commencing 1 October 2008. (*Attachment D, Project Plan*).

A formal risk assessment has been undertaken and appropriate treatment strategies developed. (*Attachment E, Risk Assessment*). Given the compressed timeline and to minimise risk to both Courts, whilst ensuring an effective change management and communication strategy is in place, it is recommended that a dedicated project manager is engaged to analyse transfer needs, manage the transfer of data and oversight the implementation of new systems within the FCoA, from across the various geographical locations of the FMC.

The proposed functions to be transferred from the FMC to FCoA are:

- Human Resources- by the end of first quarter 2009
- Payroll Management - from 27/11/2008 (with first FMC pay day being 11/12)
- Property Management - from 7/10/2008
- Financial Management - from 1/1/2009
- Contracts & Procurement - from 1/12/2008
- Information Management – to be confirmed.

Estimated net savings from the transfer of functions is \$0.712m ( excludes information Management tbc)

	2008-09 \$m	2009-10 \$m
Implementation & ongoing staffing costs	0.516	0.524
FMC redundancy costs	0.520	
<b>Total</b>	<b>1.036</b>	<b>0.524</b>
FMC savings	0.649	1.203
FMC technology savings	0.400	.033
<b>Net result</b>	<b>(0.013)</b>	<b>0.712</b>

Detail of implementation costs is provided in Attachment F, *Standard Costing Template*.

Detailed functional specific implications of moving to a shared service arrangement is discussed in the remainder of this paper.

### **Human Resources Management and Payroll**

The FCoA currently employs 14 staff for the provision of payroll and HR services to 654 judicial officers and employees. The FMC employs one dedicated officer for payroll, a human resources manager and assistant.

It is proposed to initially transfer the FMC payroll to the FCoA with FMC HR advisory services subsequently transferred by the end of the first quarter 2009.

The scope of services for these functions is attached (*Attachment E, Scoping of Services*).

#### **Key accountabilities:**

- Judicial officers and staff are remunerated in accordance with employment agreements
- Payments in relation to taxation/superannuation are completed within statutory limits
- Recruitment services undertaken in a manner to support the needs of the Court and legislative requirements
- Training advice and support
- Occupational Health & Safety
- Workplace Relations

#### **Resource requirements:**

FCoA will need one additional payroll officer. HR/Payroll staff within the FMC are non ongoing, costs of abolition of positions are minimal.

### **Property/Facilities Management**

Functions of the property/facilities management area of both courts include management of:

- capital works
- strategic property planning

- contract management of outsourced property services
- lease management
- property support services

**Key accountabilities:**

- strategic property planning
- capital works managed effectively, on time and on budget
- facilities managed to ensure a safe, clean and suitable environment
- lease negotiations and reviews completed within prescribed timeframes
- appropriate representation at external committees (e.g NLCBMC)

**Resource requirements:**

The FCoA currently employ 3 staff. The FMC currently engages the services of two non-ongoing property co-ordinators (1 x full time/1 x part time). With the expiration of a fulltime non-ongoing contract at the end of October, it is considered that property management services could be effectively managed on behalf of the FMC by the FCoA within existing resources- subject to retaining the services of the part time FMC property co-ordinator to assist in the handover of works and provision of support to FMC regional managers until December 2008.

**HR Issues**

FMC to advise non ongoing staff of completion of contract.

**Financial Management**

The FCoA employs 14 staff (including 2 systems administrators). FMC employ 9.4 FTE.

Under the Financial Management and Accountability Act 1997 the FCoA and FMC are separate reporting entities with similar reporting responsibilities. The FCoA is classified as a material agency for reporting purposes, the FMC is classified as a small agency. Given the financial framework, legislation and accountability requirements, the provision of financial management services by the FCoA to the FMC will require a duplicate set of books and reporting schedule to be maintained on behalf of the FMC (*Attachment A, Obligations & Reporting Requirements*).

To establish this system, the FCoA will draw upon its existing finance system. The system will require some configuration to create a separate reporting entity.

Further, some additional resourcing will be required by the FCoA to assist the additional processing, budgeting and reporting workload.

As both courts will be continue to be accountable for their individual resourcing, separate governance models will continue to apply. For example, the FMC Audit Committee will remain, separate risk management strategies, fraud control plans etc will be required.

### **Key accountabilities:**

- Accounting operations
- Financial services, statements, systems and support
- Financial Framework policy and compliance
- Budgeting and reporting – including PBS, PAES, & NPP's
- Management accounting services including resource modelling
- Risk Management
- Internal audit
- Business Continuity
- Fraud Control

### **Resource requirements:**

The FCoA will require four additional staff to meet the additional workload:

Executive Level 1 – Financial accountant

APS 6 – Assets management, reconciliation and statutory reporting

APS 4 (two officers) – accounts payable & accounts receivable

### **HR Issues**

The transfer of finance functions to the FCoA will result in nine positions in the FMC being no longer required. These positions are:

- Chief Finance Officer
- Finance Manager
- Manager, Administration
- Reconciliation Officer
- Project Officer
- Purchasing Officer x 2
- Accounts payable



- Accounts receivable

The occupants of these positions vary from permanent officers, non ongoing officers and agency staff. The costs and savings to be achieved from the abolition of these positions are included within the figures above.

### **Contracts & Procurement (*includes EVS vehicle administration*)**

Functions of the Contracts & Procurement area of the Family Court include:

- Procurement support to the Court to ensure value for money outcomes and compliance with the Commonwealth Procurement Guidelines (CPG);
- Support services to Court staff managing contracts; and
- Management of national contracts such as Transcription and Recording Services, Qantas Business Travel and memberships, Corporate Express, Kyocera and LeasePlan

In contrast the FMC has previously had up to 2 purchasing officers however these role have recently been eroded by regionalisation within FMC. Many of the tasks previously performed have been picked up by the Regional Managers Administrative Assistants.

Under the proposed shared services model these tasks will primarily be centralised & undertaken by the Contracts & Procurement team.

### **Resource requirements:**

The FCoA employs 3 staff. FMC currently employ 1. It is considered that Contracts & Procurement services could be effectively managed on behalf of the FMC by the FCoA within existing resources.

FMC has 1 ongoing Procurement officer and will incur redundancy costs by abolishing this position.

## **Other Issues:**

### **Information Management**

The FMC has proposed that their information & data management functions be also transferred to the Family Court as part of the transfer of Administrative functions. To facilitate the transfer the FMC have proposed to fund an APS6 position, to be based in NSO working within the FCoA's existing information management framework. It is recommended that this function also be transferred as part of the *transfer of administrative functions*.

### **Information technology, records management & library services**

The FMC currently employs two officers to provide information technology, records management and library services to the FMC. Further savings in 2009-10 may be available through the transfer of these functions to the FCoA.

Grahame Harriott  
Executive Director, Corporate  
Family Court of Australia  
06/10/2008

Anne Hicking  
Executive Director, Corporate Services  
Federal Magistrates Court of Australia  
06/10/2008

## Obligations & reporting requirements

<b>Family Court of Australia</b>	
Created	under Section 21 of the Family Law Act (FLA)
Financial Management & Accountability	under Section 38Q of the FLA statutory Agency for the purposes of the Public Service Act 1999
	the Court is a prescribed agency under the Financial Management and Accountability Act (FMA)
Appropriations provided	Appropriations, in the relevant Appropriation bills, are provided to the Court as an agency within the meaning of the FMA Act
	Section 19 of the FMA act requires proper accounts & records to be kept in relation to the receipt & expenditure of public money
	Section 48 & 49 of the FMA act require that accounts & records are kept as required by the <b>Finance Ministers Orders</b> and that annual financial statements are provided to the Auditor General
Finance Ministers orders	Section 7.1 require that the Court produces a full set of annual financial statements
Annual Reporting	prepared in accordance with FLA Section 38s

<b>Federal Magistrates Court</b>	
Created	under section 8 of the Federal Magistrates Act (FM)
Financial Management & Accountability	under Section 97Q of FM a statutory Agency for the purposes of the Public Service Act 1999
	the Court is a prescribed agency under the Financial Management and Accountability Act (FMA)
Appropriations provided	Appropriations, in the relevant Appropriation bills, are provided to the Court as an agency within the meaning of the FMA Act
	Section 19 of the FMA act requires proper accounts & records to be kept in relation to the receipt & expenditure of public money
	Section 48 & 49 of the FMA act require that accounts & records are kept as required by the <b>Finance Ministers Orders</b> and that annual financial statements are provided to the Auditor General
Finance Ministers orders	Section 7.1 require that the Court produces a full set of annual financial statements
Annual Reporting	prepared in accordance with FM Section 117

<b>comment</b>	
	enabling legislation
	<i>the main object of the Public Service Act is to provide a framework for the effective and fair employment, management &amp; leadership of APS employees</i>
	<i>the main purpose of the Financial Management and Accountability Act is to provide a framework for the proper management of public money and public property</i>
	<i>this means two separate external budgets to be maintained i.e. Portfolio Budget Statements &amp; Portfolio Additional Estimates</i>
	<i>this means two separate sets of books &amp; two separate financial statements (monthly &amp; annual) required</i>
	<i>this means two sets of financial statements</i>
	<i>this means two sets of financial statements</i>
	<i>this means two sets of annual reports</i>

## Scoping of services

SHARED SERVICES		FOCoA FUNCTION	ROLE	SERVICE LEVELS	FMC Included?
General Principles	Cost Effective Service Delivery		Payroll disbursements processed correctly and on time		Yes
	Value for money through economies of scale (where applicable)		Recruitment services to be undertaken in an effective manner in accordance with the relevant legislation		Yes
	Shared services to meet all operational requirements		Timely and quality training advice and support to be provided to FMC managers and staff		Yes
Human Resources	Rationalisation of duplicate systems/ services		OH&S Policies and Procedures to be effectively managed and to encompass FMC operating requirements		Yes
	Client focused outcomes		Effective and accurate Workplace Relations advice and support to be provided in line with relevant legislation and government policy for employer-employee agreement negotiations and other workplace issues (including code of conduct and disciplinary breaches)		Yes
			HR Policies and Procedures to be effectively managed and to encompass FMC operating requirements		Yes
			HR Policies and Procedures to be effectively managed and to encompass FMC operating requirements		Yes
			Timely and quality HR advice and support to be provided to FMC to managers and staff		Yes
			Receivables and Payables Management		Yes
			Resolution of Audit Issues, Clearance of Statements		Yes
			External Audit Management		Yes
			Taxation Compliance, Control Systems, Asset Management, Treasury & Banking		Yes
			Annual Statutory Reporting & Monthly AIMS /BEAMS to DoFA Schedule		Yes
Financial Services			Provision of FMS System, integrated with Casetrack & HR Systems		Yes
			Policy & Compliance including CEI's & AEIFRS		Yes
			Policy, Payment & Compliance Services		Yes
			Policy, Payment and Compliance Services		Yes
			Travel Management		Yes
			Estimates maintenance (ie BEAMS, PBS, PAES)		Yes
			All Dept of Finance timeframes met		Yes
			All budgets & budget reviews completed within agreed timeframes		Yes
			All reporting completed within agreed timeframes		Yes
			Agreed frameworks applied (eg Activity Based Costing or Resource Planning Model)		Yes
Budgets and Business Improvement			Project methodology applied to all national initiatives		Yes
			Tendering undertaken in accordance with the Commonwealth Procurement Guidelines and represents value for money		Yes
			Contracts effectively managed in line with best practice principles and in line with legislative requirements		Yes
			Support and ongoing management undertaken in a timely manner		Yes
			Review and update annually		Yes
			Business support services that integrate with the Court's operational parameters		Yes
			All reporting is accurate, completed in a timely manner and in accordance with legislative requirements		Yes
			Capital works managed effectively, on time and on budget.		Yes
			Ongoing management to ensure a safe, clean and suitable environment		Yes
			Lease negotiations and reviews completed within prescribed timeframes		Yes
Property			Strong and knowledgeable representation at external committees		Yes
			Risk management and fraud control plans are completed and reviewed regularly to ensure they remain current.		Yes
			The internal audit plan supports Court operations		Yes
			The Business Continuity Plan supports the provision of critical Court functions in an emergency.		Yes
Risk and Business Continuity			Support services provided in an efficient manner		Yes
			Administrative Support		ND

\*. includes all national corporate contracts, eg Telstra, IT services, property services, stationery, forms management, air travel, etc

Single Court with single corporate services	Two Courts with shared corporate services
<p><b>Overall</b> Option allows for rationalisation of existing resources &amp; provides scope for significant savings - avoids duplication of all Corporate functions &amp; the ongoing overheads this entails - for example Corporate Systems, Annual reporting, Financial statements, Portfolio Budgets &amp; Additional Estimates, Internal budgeting &amp; reporting, Chief Executive instructions, Delegations, Policy &amp; Procedures, Collective Agreements, bank reconciliations, all processing functions such as vendor &amp; staff payment runs, internal management reports, procurements including contracts, leases etc.</p>	<p><b>Overall</b> Option will require duplication &amp; cost more than a single court</p>
<p>Corporate staff only need to understand a single Court's business requirements to provide quality services</p>	<p>Corporate staff need to understand different Court's business requirements to provide quality services</p>
<p><b>HRM</b> common Collective Agreement &amp; culture to administer single HR system to administer leverages off the existing trained staff base &amp; economies of scale single HR reporting single set of delegations and policies to be maintained</p>	<p>separate Collective Agreement &amp; cultures to administer duplicate systems to administer dis-economies of scale duplicate HR reporting duplicate delegations, &amp; policy's to be maintained</p>
<p><b>Finance</b> leverages off the existing systems single systems administration allows for single set of Chief Executive instructions (CEI's) &amp; delegations single asset register &amp; stock take single payment runs single bank reconciliations, &amp; single bank account structure single set of monthly and annual financial statements</p>	<p>duplication of systems duplication in systems administration duplicate sets of CEI's &amp; Delegations duplicate invoicing by Courts vendors duplicate asset registers &amp; stock takes duplicate payment runs duplicate bank reconciliations &amp; duplicated bank account structures duplicated monthly financial statements &amp; annual financial statements</p>
<p><b>Budgets &amp; Business Improvement</b> single external budget to maintain (PBS, PAES, NPP's, Monthly budget profiles) single internal "standard" budget process single suite of reports single resource model single project framework</p>	<p>duplicate external budgets to maintain (includes PBS, PAES, Monthly budget profiles, NPP's etc) duplicate internal budget process duplicate sets of reports duplicate resource modelling duplicate project frameworks</p>
<p><b>Property</b> single leases single Commonwealth Law Court's (CLC's) allocation single point of contact for providers (eg United Group) &amp; common approach</p>	<p>duplicate leasing (eg Newcastle) duplicate CLC allocations duplicate points of contact for providers &amp; differing approaches (reporting, budgets, property management requirements etc)</p>
<p><b>Audit &amp; Risk</b> single audit program &amp; audit committee single business continuity plan single fraud control &amp; strategic risk plans</p>	<p>duplicate audit programs &amp; audit committees duplicate business continuity plans duplicate (&amp; differing) fraud control &amp; strategic risk plans</p>
<p><b>Contracts</b> single procurement activity (orders, RFT's &amp; contracts)</p>	<p>duplicated procurement activity</p>
<p><b>Annual reports</b> single annual report</p>	<p>duplicated annual reports</p>

Single Court with single corporate services	Two Courts with shared corporate services
<p><b>Overall</b></p> <p>Option allows for rationalisation of existing resources &amp; provides scope for significant savings - avoids duplication of all Corporate functions &amp; the ongoing overheads this entails - for example Corporate Systems, Annual reporting, Financial statements, Portfolio Budgets &amp; Additional Estimates, Internal budgeting &amp; reporting, Chief Executive Instructions, Delegations, Policy &amp; Procedures, Collective Agreements, bank reconciliations, all processing functions such as vendor &amp; staff payment runs, internal management reports, procurements including contracts, leases etc.</p>	<p><b>Overall</b></p> <p>Option will require duplication &amp; cost more than a single court</p>
<p>Corporate staff only need to understand a single Court's business requirements to provide quality services</p>	<p>Corporate staff need to understand different Court's business requirements to provide quality services</p>
<p><b>HRM</b></p> <p>common Collective Agreement &amp; culture to administer  single HR system to administer  leverages off the existing trained staff base &amp; economies of scale  single HR reporting  single set of delegations and policies to be maintained</p>	<p>separate Collective Agreement &amp; cultures to administer  duplicate systems to administer  dis-economies of scale  duplicate HR reporting  duplicate delegations &amp; policy's to be maintained</p>
<p><b>Finance</b></p> <p>leverages off the existing systems  single systems administration  allows for single set of Chief Executive Instructions (CEI's) &amp; delegations  single invoicing per Court vendor  single asset register &amp; stock take  single payment runs  single bank reconciliations &amp; single bank account structure  single set of monthly and annual financial statements</p>	<p>duplication of systems  duplication in systems administration  duplicate sets of CEI's &amp; Delegations  duplicate invoicing by Courts vendors  duplicate asset registers &amp; stock takes  duplicate payment runs  duplicate bank reconciliations &amp; duplicated bank account structures  duplicated monthly financial statements &amp; annual financial statements</p>
<p><b>Budgets &amp; Business Improvement</b></p> <p>single external budget to maintain (PBS, PAES, NPP's, Monthly budget profiles)  single internal "standard" budget process  single suite of reports  single resource model  single project framework</p>	<p>duplicate external budgets to maintain ( includes PBS, PAES, Monthly budget profiles, NPP's etc)  duplicate internal budget process  duplicate sets of reports  duplicate resource modelling  duplicate project frameworks</p>
<p><b>Property</b></p> <p>single leases  single Commonwealth Law Court's (CLC's) allocation  single point of contact for providers (eg United Group) &amp; common approach</p>	<p>duplicate leasing ( eg Newcastle)  duplicate CLC allocations  duplicate points of contact for providers &amp; differing approaches ( reporting, budgets, property management requirements etc)</p>
<p><b>Audit &amp; Risk</b></p> <p>single audit program &amp; audit committee  single business continuity plan  single fraud control &amp; strategic risk plans</p>	<p>duplicate audit programs &amp; audit committees  duplicate business continuity plans  duplicate (&amp; differing) fraud control &amp; strategic risk plans</p>
<p><b>Contracts</b></p> <p>single procurement activity ( orders, RFIT's &amp; contracts)</p>	<p>duplicate procurement activity</p>
<p><b>Annual reports</b></p> <p>single annual report</p>	<p>duplicate annual reports</p>

ID	Task Name	Duration	Start	Finish
30	Commence FMC Finance transaction processing	1 day	Mon 5/01/09	Mon 5/01/09
31	Data Migration (transfer ledger balances only- not historical transactional information- except for assets which requires	15 days	Mon 12/01/09	Fri 30/01/09
32	Data Validation- includes audit review	20 days	Mon 19/01/09	Fri 13/02/09
33	First FMC end of month & Beams actual reporting for January 09	10 days	Wed 28/01/09	Tue 10/02/09
34	Establish salary packaging arrangements	15 days	Mon 5/01/09	Fri 23/01/09
35	Review CEI - Delegations	20 days	Mon 5/01/09	Fri 30/01/09
36	Taxation - includes FBT & GST.	30 days	Mon 5/01/09	Fri 13/02/09
37	Implement transition plan for Contracts	20 days	Mon 3/11/08	Fri 28/11/08
38	Gather procurement information in liason with FMC procurement staff	2 days	Mon 3/11/08	Tue 4/11/08
39	Review and revise related policy & procedures eg procurement framework, decision tree, EVS, membership, judicial v	3 days	Wed 5/11/08	Fri 7/11/08
40	Arrange with AusTender for access for publishing FMC contracts/standing offers	5 days	Mon 10/11/08	Fri 14/11/08
41	Transfer and review procurement files	5 days	Mon 17/11/08	Fri 21/11/08
42	Update contracts database to include all FMC contract information	5 days	Mon 24/11/08	Fri 28/11/08
43	Implement transition plan for Property	20 days	Fri 3/10/08	Thu 30/10/08
44	Transfer changes to financial/budget information on leasing/capital commitments	10 days	Fri 3/10/08	Thu 16/10/08
45	Access records and arrange transfer of information	10 days	Fri 3/10/08	Thu 16/10/08
46	Implement revised delegation controls	5 days	Fri 3/10/08	Thu 9/10/08
47	Implement changes/ amendments to contract obligations for lease and capital commitments	20 days	Fri 3/10/08	Thu 30/10/08
48	Implement transition plan for Budgets and Business Improvement functions	20 days	Wed 3/12/08	Tue 30/12/08
49	review & takeover budget models for internal & external budgeting	10 days	Wed 3/12/08	Tue 16/12/08
50	set up of month end reports- includes regional & executive reporting	10 days	Wed 17/12/08	Tue 30/12/08
51	Post implementation review	5 days	Thu 19/02/09	Wed 25/02/09
52	Conduct post implementation review	5 days	Thu 19/02/09	Wed 25/02/09

Task

Split

Progress

Milestone

Summary

Rolled Up Task

Rolled Up Split

Rolled Up Milestone

Rolled Up Progress

External Tasks

Project Summary

External Milestone

Deadline

Project: Project plan 2  
Date: Mon 6/10/08

ID	Task Name	Duration	Start	Finish
1	<b>Governance Arrangements</b>	1 day	Mon 22/09/08	Mon 22/09/08
2	Establish steering committee and project management framework (includes Projects team)	1 day	Mon 22/09/08	Mon 22/09/08
3	<b>Scope of services</b>	1 day	Tue 23/09/08	Tue 23/09/08
4	Confirm high level services required for FMC	1 day	Tue 23/09/08	Tue 23/09/08
5	Deliverable scoping document	1 day	Tue 23/09/08	Tue 23/09/08
6	<b>Planning</b>	2 days	Wed 24/09/08	Thu 25/09/08
7	Conduct initial risk assessment	1 day	Wed 24/09/08	Wed 24/09/08
8	Develop a high level project plan	2 days	Wed 24/09/08	Thu 25/09/08
9	<b>Communication strategy</b>	1 day	Fri 26/09/08	Fri 26/09/08
10	Develop change management and communication plan	1 day	Fri 26/09/08	Fri 26/09/08
11	<b>Due Diligence</b>	5 days	Thu 25/09/08	Wed 1/10/08
12	Establish a due diligence framework and comprehensive list of questions relevant to transferring function	2 days	Thu 25/09/08	Fri 26/09/08
13	Conduct due diligence interviews	3 days	Mon 29/09/08	Wed 1/10/08
14	<b>Development of transition plans</b>	2 days	Thu 2/10/08	Fri 3/10/08
15	Based on findings of due diligence develop transition plan for HR functions	2 days	Thu 2/10/08	Fri 3/10/08
16	Based on findings of due diligence develop transition plan for Finance Function	2 days	Thu 2/10/08	Fri 3/10/08
17	Based on findings of due diligence develop transition plan for Contracts function	2 days	Thu 2/10/08	Fri 3/10/08
18	Based on findings of due diligence develop transition plan for Property function	2 days	Thu 2/10/08	Fri 3/10/08
19	Based on findings of due diligence develop transition plan for Budgets and Business Improvement function	2 days	Thu 2/10/08	Fri 3/10/08
20	<b>Implementation of transition plans</b>	104 days	Fri 3/10/08	Wed 25/02/09
21	<b>Implement transition plan for Human Resources function</b>	34 days	Mon 27/10/08	Thu 11/12/08
22	Aurion contract establishment	1 day	Mon 27/10/08	Mon 27/10/08
23	System configuration & testing	10 days	Tue 28/10/08	Mon 10/11/08
24	migration of data & base set up	10 days	Tue 11/11/08	Mon 24/11/08
25	transfer of physical records	5 days	Tue 18/11/08	Mon 24/11/08
26	first FMC pay run on 11 December	11 days	Thu 27/11/08	Thu 11/12/08
27	<b>Implement transition plan for Finance function</b>	75 days	Mon 3/11/08	Fri 13/02/09
28	Configure Financial system- includes copies of existing FCoA chart of accounts & copy of existing FCoA vendors	30 days	Mon 3/11/08	Fri 12/12/08
29	Create additional FMC staff creditors	1 day	Fri 12/12/08	Fri 12/12/08

Project: Project plan 2  
Date: Mon 6/10/08



### RISK REGISTER TEMPLATE

<b>Context/Objective:</b>	Provision of Corporate Services to FMC by FCoA by the 1 January 2009.	<b>Compiled by:</b>		<b>Date:</b>	18/09/08
<b>Business Unit: Specify NSO and sub-business unit, or Registry Location</b>	FABS	<b>Reviewed by:</b>		<b>Date:</b>	

### PART A – RISK ASSESSMENT

RISK No	THE RISK WHAT COULD GO WRONG?	EXISTING KEY CONTROLS <i>What is the current controls in place to mitigate the risk?</i>	CONTROL EFFECTIVENESS	CONSEQUENCES	LIKELIHOOD	CURRENT RISK RATING (CONSEQUENCE X LIKELIHOOD)	TOLERABLE/ NOT TOLERABLE	FURTHER ACTION REQUIRED?	TARGET RISK RATING
1	Ineffective planning & change management adversely impacting on delivery of shared services	Draft Project plan developed and consultations with key systems vendors regarding system requirements have been completed. High level shared service scoping discussions completed.	NS	Major	Possible	High	Not Tolerable	Yes	Medium
2	FCoA not adequately resourced to take on the additional workload	Initial assessment has been undertaken regarding likely additional resourcing required.	NS	Moderate	Possible	High	Not Tolerable	Yes	Medium
3	FMC systems fail before shared services can be	Utilise system back up arrangements that already exist.	NS	Moderate	Possible	High	Not Tolerable	Yes	Medium

RISK NO	THE RISK WHAT COULD GO WRONG?	EXISTING KEY CONTROLS What is the current controls in place to mitigate the risk?	CONTROL EFFECTIVENESS	CONSEQUENCES	LIKELIHOOD	CURRENT RISK RATING (CONSEQUENCE X LIKELIHOOD)	TOLERABLE/ NOT TOLERABLE	FURTHER ACTION REQUIRED?	TARGET RISK RATING
	implemented								
4	Loss of key FMC staff upon announcement of review outcomes	Communicate on likely impacts & timing of changes to reduce uncertainty for FMC staff affected.	NS	Moderate	Possible	High	Not Tolerable	Yes	Medium
5	FMC unable to produce full set of closing final statements & supporting records	FMC Staff to provide full set of closing final statements and supporting records.	I	Moderate	Possible	High	Not- tolerable	Yes	Medium
6	Systems implementation support not available from Technology 1 or Aurion ( where it may be required)	Strategy adopted of making no change to systems- that is, accommodate FMC requirements within existing FCoA business rules	Effective	Minor	Unlikely	Low	Tolerable	No	
7	Contractors not available to provide additional assistance with implementation eg bulk data entry	Planning & early notice to placement agencies to source required staff.	Effective	Minor	Unlikely	Low	Tolerable	No	
8	Transfer of data results in a material	No existing controls.	I	Moderate	Possible	High	Not Tolerable	Yes	Medium

RISK No	THE RISK WHAT COULD GO WRONG?	EXISTING KEY CONTROLS What is the current controls in place to mitigate the risk?	CONTROL EFFECTIVENESS	CONSEQUENCES	LIKELIHOOD	CURRENT RISK RATING (CONSEQUENCE X LIKELIHOOD)	TOLERABLE/ NOT TOLERABLE	FURTHER ACTION REQUIRED?	TARGET RISK RATING
	error.								
9	Delay in processing supplier payments as a result of redirected accounts processing.	Maintain accounts processing in existing location until vendors advised of updated postal address.	E	Minor	Unlikely	Low	Tolerable	No	
10	Expectations of Key Stakeholders not met	Regular communication and consultation with CEOs of both Courts.	E	Moderate	Unlikely	Medium	Tolerable	No	

**PART B – ACTION REQUIRED**

RISK No	THE RISK WHAT COULD GO WRONG?	EXISTING KEY CONTROLS <i>What is the current controls in place to mitigate the risk?</i>	TREATMENT STRATEGIES	IMPLEMENTATION TIMELINE	RISK OWNER	CONSEQUENCES	LIKELIHOOD	REVISED RISK RATING (CONSEQUENCE X LIKELIHOOD)	TOLERABLE/ NOT TOLERABLE
1	Ineffective planning & change management adversely impacting on delivery of shared services	Draft Project plan developed and consultations with key systems vendors regarding system requirements have been completed. High level shared service scoping discussions completed.	Detailed scoping to be undertaken for each component of shared services to be implemented & following this a clear set of requirements to be provided to FMC regarding information & records required to implement shared services Experienced Project Manager to be engaged.	TBA	TBA	Major	Unlikely	Medium	Tolerable
2	FCoA not adequately resourced to take on the additional workload	Initial assessment has been undertaken regarding likely additional resourcing required.	Project team to be established, with a dedicated Project manager. Post Implementation Review undertaken to include review of resourcing.	TBA	TBA	Moderate	Unlikely	Medium	Tolerable
3	FMC systems fail before shared services can be implemented	Utilise system back up arrangements that already exist.	Transitioning of highest risk services firstly, for example payroll Ensure back-up of FMC systems daily	TBA	TBA	Moderate	Unlikely	Medium	Tolerable
4	Loss of key FMC staff upon announcement of review outcomes	Communicate on likely impacts & timing of changes to reduce uncertainty for FMC staff affected.	Consideration of a retention bonus until transition completed for key FMC staff. Engage Employee Advisory Program services to assist staff in understanding	TBA	TBA	Moderate	Unlikely	Medium	Tolerable

RISK No	THE RISK WHAT COULD GO WRONG?	EXISTING KEY CONTROLS What is the current controls in place to mitigate the risk?	TREATMENT STRATEGIES	IMPLEMENTATION TIMELINE	RISK OWNER	CONSEQUENCES	LIKELIHOOD	REVISED RISK RATING (CONSEQUENCE X LIKELIHOOD)	TOLERABLE/ NOT TOLERABLE
			<p>impacts.</p> <p>Provide key staff who remain with FMC with access to retraining opportunities &amp; separation assistance (eg financial counselling).</p>						
5	FMC unable to produce full set of closing final statements & supporting records	FMC Staff to provide full set of closing final statements and supporting records.	Use external service provider to assist in the production of closing statements and supporting records.	TBA	TBA	Moderate	Unlikely	Medium	Tolerable
8	Transfer of data results in a material error.	No existing controls.	<p>Audit engaged to oversee agreed transfer process.</p> <p>Audit of figures post transfer (eg complete HR file audit).</p> <p>Reconciliation and validation of all transferred data.</p>	TBA	TBA	Moderate	Unlikely	Medium	Tolerable

---

## **FAMILY LAW COURTS BOARD MEETING**

Minutes of Meeting on  
23 October 2008 by telephone link

**Present:** Chief Justice Bryant (CJ), Chief Federal Magistrate Pascoe (CFM), Richard Foster (RF), *Steve Agnew (SA) (Minutes)*

Meeting commenced: 4 p.m.

CJ asked that the FLCB formalise the arrangements regarding the transfer of corporate services from the FMC to the FCoA.

RF noted that there were concerns regarding the stability of the financial system and that it was at risk of breaking down. The transfer will take approximately 6 to 8 weeks and that it needed to commence. RF also noted that Anne Hicking (CFO) was away until the following week however there was a need to brief the FMC finance staff as soon as possible. RF requested approval from the FLCB for a meeting with the finance staff to advise them as to the corporate transfer.

CFM noted that it was important to get this moving and that there was absolutely no reason why we shouldn't move at break neck speed as John Mathieson had advised that the FMC finance systems were horribly exposed.

FLCB agreed that RF and SA consult with FMC finance staff as soon as possible. SA is to make the necessary arrangements for the meeting.

The FLCB agreed that an email regarding the meeting should go to Anne Hicking, FM Connolly and Adele Byrne advising of the FLCB resolution.

Notice of Appointment  
emailed 25 November 2008

**Cahill, Margaret (SEN)**

---

**From:** Leisha.Lister@familycourt.gov.au  
**Sent:** Monday, 25 May 2009 5:57 PM  
**To:** Cahill, Margaret (SEN)  
**Subject:** Senator Brandis - Appointment of Acting CEO [SEC=UNCLASSIFIED]  
**Importance:** High

Dear Margaret

Could you please print and table and provide a copy to us?

Regards  
Leisha

---

Leisha Lister  
Executive Advisor to the Chief Executive Officer  
Family Court of Australia

P: +61 2 6243 8696  
F: +61 2 6243 8737  
M: +61 408 633 380

CFM Pascoe/FedMag  
Sent by: Thu-Ha  
Nguyen/FedMag

&FMC All Users

To

cc

26/11/2008 10:00

Subject

Appointment of Acting CEO  
[SEC=IN-CONFIDENCE: FMC]

For some weeks now the Court has been operating without an acting CEO and this position is not sustainable.

I was recently advised that Glenn Smith cannot return to the Court in the short-term due to ill-health.

I have therefore appointed Richard Foster as Acting CEO of the Federal Magistrates Court from Tuesday 25 November 2008. I know Richard plans to meet with staff and to visit major registries as soon as possible.

I wish to thank Steve Agnew for the hard work he has put in over the past few weeks as Acting Deputy CEO.

Regards, John

John Pascoe, AO  
Chief Federal Magistrate

Lionel Bowen Building  
97-99 Goulburn Street  
Sydney NSW 2000  
Tel: +61 2 9234 0002  
Fax: +61 2 9234 0052 (Private)  
email: [john.pascoe@fmc.gov.au](mailto:john.pascoe@fmc.gov.au)

\*\*\*\*\*  
The information contained in this e-mail (including any attachments) is for the exclusive use of the addressee. If you are not the intended recipient please notify the sender immediately and delete this e-mail. It is noted that legal privilege is not waived because you have read this e-mail.  
\*\*\*\*\*



---

■

Minutes of Meeting on  
23 March 2009 by telephone link

**Present:** Chief Justice Bryant (CJ), Chief Federal Magistrate Pascoe (CFM), Richard Foster (RF), *Steve Agnew (SA) (Minutes)*

Meeting commenced: 1 p.m.

- 1. Minutes from 13 February 2009 approved**
- 2. No outstanding action items**
- 3. Agenda Items**

**3.1 Access to Justice Task force**

**3.2 Transfer of resources**

RF noted that it was timely to re-visit the 2007 offer of transfer of resources and advised that Deb Fry was currently considering the requirements of the Family Court Judges in respect to family consultant services. Des Semple (DS) is also looking at the numbers of family consultants to see if they should change from the 2007 position having regard to the workload. DS has also spoken to Federal Magistrate Baumann who agrees that there should be a staged approach to the transfer of resources.

The Board noted that the transfer in respect to family consultants would be a transfer in kind and would be easier to manage first. The Board will ask the Senior Management Planning meeting to devise a strategy on how this may occur and to prepare a report for the Board.

RF noted that the 2007 offer was significant as it provided for not less than 1200 family reports and \$2.7m of registrar and Reg 7 resources. This represents a total value of approximately \$5m.

In respect to registrars RF noted that the 2007 offer provided for 20 FTE positions and that was not insignificant. CJ noted that the transfer of registrar resources would also need to be staged. This will allow the courts to pilot work by registrars.

The Senior Management Planning day will focus on the family consultants.

---

CJ and CFM will address the Senior Management Planning meeting.

Meeting closed 2 pm