

Ann Tarragano

From: Warwick Soden
Sent: Wednesday, 15 January 2014 10:15 AM
To: Chief Justice Allsop
Cc: Fiona Piercy; Ann Tarragano
Subject: Courts Review

Follow Up Flag: Follow up
Flag Status: Completed

I met with Penny Armitage (KPMG) this morning. It went well. She has not received any instructions from the AG yet, and is planning to meet with him asap. She would like to meet with you as soon as possible after your return. I indicated that was likely to be the end of January. If possible, could you indicate some dates and times?

Warwick

John Mathieson

From: Warwick Soden
Sent: Monday, 14 July 2014 9:24 AM
To: All Judges; All Registries
Subject: Electronic Court Files.

Dear All

I am very very pleased to let you know that the first Electronic Court File has been created in South Australia following the successful implementation of the new elodgment and electronic court files systems over the weekend. This is a high level and exciting achievement for the Court. There are too many people to thank in this email for an outstanding result. As the implementation proceeds across the Court, there will be many opportunities to highlight who has been involved and to record our appreciation.

Warwick

John Mathieson

From: Warwick Soden
Sent: Monday, 1 September 2014 3:51 PM
To: Chief Justice Allsop; Justice Mansfield; Justice Dowsett; Justice Kenny; Justice Jacobson; Justice Siopis; Justice Perram; Justice Foster
Cc: Management Group; Eva Ryan
Subject: Employment of New Director, Corporate Services - Mr Mario Tomesan

Dear All

Gordon Foster proceeds on leave on Friday 12 September 2014 and will retire from employment early in 2015. Mario Tomesan commences as the Court's Director of Corporate Services a few days prior to Gordon going on leave, to enable an appropriate handover.

With Gordon's help, and with the suggestion of our Independent Auditors, O'Connor Marsden, we identified a number of possible replacements for Gordon. It is true to say that it would be impossible to replace Gordon, but both Gordon and I are optimistic about Mario's experience and capacity to undertake the role for the immediate future. When I interviewed Mario, I formed a very positive view about him.

As you may know, it is not possible to advertise for a Commonwealth Public Service SES position at the present time without securing the agreement of the Public Service Commissioner. It has been necessary to recruit for a temporary period of 12 months.

I attach some brief information about Mario.

When considering his engagement I spoke to people to whom he reported, including Managing Directors. All provided me with comments about his excellent performance in the corporate services roles.

Warwick

John Mathieson

From: Warwick Soden
Sent: Thursday, 23 October 2014 9:26 AM
To: All Judges; All Registries; All Executive Assistants; All Associates
Subject: Email security tagging

UNCLASSIFIED

Earlier this year the Chief Justice wrote to judges, and I informed staff, about the introduction of an email security classification system. The new system will be rolled out across the Court this Saturday 25 October. There is nothing you need to do to your computer in preparation for the system. You will know it is in place when the email classification box pops up when you hit send on an email. The default classification is 'unclassified'. You will simply need to hit ok for most emails.

Some Frequently Asked Questions about the classification system are available on the Court's intranet by clicking [here](#). Alternatively, if you have any questions about email security marking please contact the Service Desk on **02 9227 4050** or by email: Technology.ServiceDesk@fedcourt.gov.au

To assist in the deployment of the software, the IT staff have asked that when you finish using your computer tomorrow (Friday 24th October) that rather than choose 'Shutdown' you choose 'Restart'. Should you be taking your laptop home on the weekend or choose 'Shutdown' you may find that your computer takes an additional 3-5 minutes to install the software when you next connect to the Court's network. A reminder about not shutting down your computer will be circulated by the IT desk on Friday afternoon.

Warwick



CHIEF JUSTICE'S CHAMBERS
FEDERAL COURT OF AUSTRALIA
LAW COURTS, QUEENS SQUARE
SYDNEY NSW 2000

MEMORANDUM

To: All Staff
From: Chief Justice
Subject: **National Court Framework (NCF) – Update**
Date: 24 February 2015

Last week, the Commercial and Corporations National Practice Area (NPA) commenced as part of the roll-out of the National Court Framework (NCF). Other NPAs are expected to be fully integrated into the NCF by mid-2015.

The NCF is one of the most significant reforms that the Court has undertaken since its inception and will restructure the operation of the Court along NPA-lines, so as to maximise efficiency and improve practice and procedure within the Court. It is imperative that every effort is made to implement successfully the new arrangements that underpin the NCF.

Naturally, these reforms will also result in a number of changes within each Registry, and I appreciate the efforts that each of you have already made, and will make, in implementing new procedures and ensuring a smooth transition to implementing the NCF.

Each Registry will now have an NCF Co-ordinator who will be a key contact person in your Registry regarding the NCF. The Registry NCF Co-ordinator will be responsible for ensuring that all administrative aspects of the NCF are managed and implemented within your Registry and will also be a liaison point with the National Operations Registrar and the National Operations Team. The intranet is also being updated to include internal NCF support material.

Legal practitioners have been advised of the nature of the reforms and the commencement of the Commercial and Corporations NPA and further information about the NCF has been recently added to the Court's website. In addition, the Court will undertake consultation forums with the profession across all Registries in the coming months regarding the Commercial and Corporations NPA.

I appreciate your support as the Court takes these initial steps to introduce the National Court Framework and look forward to your ongoing involvement with this important reform.

Allsop CJ
(Signed and sent by email)



MEMORANDUM

To: All Judges, All Staff
From: Chief Justice
Subject: National Court Framework – Update
Date: 20 April 2015

National Court Framework

In February 2015, I provided an update on the National Court Framework (NCF), and in particular noted the commencement of the Commercial and Corporations National Practice Area (NPA) 'Pilot'.

The Commercial and Corporations NPA has been operating successfully within the NCF for two months. The Pilot has also provided the opportunity to analyse how and when other NPAs may be integrated into the NCF, as those NPAs currently operate under various different and pre-existing Registry-based systems.

The success of the Pilot, the enthusiasm of the Judges at the Judges' meeting and the need to minimise any difficulty in transition, means that we can with some confidence begin to bring forward the internal implementation of the other NPAs into the NCF. This will increase efficiencies by replacing, as soon as is reasonably practicable, the multiple systems currently in place with a cohesive national allocations system for all NPAs. The target date for the internal integration is early May 2015. This will also ready us for full external implementation of the NCF, which is expected to take place by 1 July.

National Operations

The National Operations Registrar (NOR) and the National Operations team are responsible for ensuring the proper implementation of the NCF and its ongoing functions. More particularly, the NOR team has four key responsibilities as part of the implementation and operation of the NCF:

1. Assisting with the design and implementation of key NCF structures;
2. Allocations, reallocations and workload analysis of all Federal Court judicial work;
3. The coherent operation of the NCF; and
4. Judicial support in the NPAs including case management and ADR.

These functions are critical to the proper implementation of the NCF. They are also essential components in the creation of a truly national and international Court with consistent practices, efficient use of judicial resources and excellent reporting and business intelligence systems.

The transition to the full internal implementation of the NCF will require additional staff within National Operations to address the additional workload of all NPAs. This team, including recently co-opted team members, will ensure that the above responsibilities are carried out successfully to manage the transition of all NPAs into the NCF by early May and to ready each NPA for external launch as soon as possible. While

each NOR team member will assist all others in the NOR work that needs to be undertaken, the NOR team will now have the following key sections:

National Operations:

- Sia Lagos National Operations Registrar
- David Pringle Deputy National Operations Registrar
- Andrea Jarratt Director – National Operations
- Stephanie Sanders National Operations Support & National Case Manager
- Nicholas Wallwork Appeals Case Analyst, National Case Manager & NOR Support

Allocations:

- Nellie Burke National Allocations and Workload Co-ordinator
- Alison Hird National Allocations and National Operations Support

Business Intelligence:

None of the NCF reforms can be properly analysed, implemented and refined without excellent business intelligence. The production of informative data and analysis of judicial workload and filing trends will be essential.

- David Priddle National Business Analysis, Workload and Reporting Co-ordinator
- Ahilan Manickam National Business Intelligence Analyst
- Rushdi Gamielien National Business Intelligence and Reporting & NOR Support

Communications:

The extensive NCF reforms being undertaken must be properly communicated to, and understood by, the profession relevant to each NPA. Many consultation forums with the profession must be organised and held. Website information must be developed and communicated and proper media liaison and other communications support is essential.

- Bruce Phillips NCF Communications Director
- Stephen Williams NCF Communications and Logistics & Court Services Co-ordinator
- Angela Fassoulas Manager Electronic Information Services (part-time secondment)
- Lany Fernandez Web Design and Content Officer (part-time secondment)

Judicial Support:

In addition, as part of the critical NOR function of judicial support, a number of National Practice Registrar positions have been integrated into the NOR team. While these Registrars will support the Judges in the management of the NPAs in addition to providing direct assistance to Judges in case management and ADR, it is important to emphasise that the NCF is dependent on all District and Deputy District Registrars nationally. That great body of Registrar knowledge and skill will be harnessed to assist Judges in each NPA across the country, particularly where Registrars have developed a special area of knowledge or critical area of practice.

The NCF National Practice Registrars will participate in all NPAs in addition to having a particular focus, as outline below:

- Heather Baldwin National Practice Registrar (ACLHR, Employment)
- Ian Irving National Practice Registrar (Native Title, IP)
- David Pringle National Practice Registrar (Commercial, IP)
- Tony Tesoriero National Practice Registrar (Admiralty, Tax)

These Registrars will be taken out of the District Registry functions. It has been necessary to keep the team as compact as reasonably possible. In some areas other Registrars will have specific skill and expertise that will be critical to use. It is not intended that this expertise and skill be lost or not used. The four NCF Practice Registrars will be responsible for harnessing this talent. I strongly encourage any Registrars who wish to contribute their special areas of knowledge or skill to contact the NOR or Deputy NOR to ensure that all such skills and knowledge are well known and fully utilised within the NCF.

Each of the above NOR team positions will report to the NOR who in turn is responsible for carrying out, through my delegated authority, the four key NOR functions and maintaining the NCF principles. Given that additional staff have been added to the NOR team to address immediate transitional NCF steps or ongoing NCF requirements, the above structure will need to be reviewed in the coming 6 – 9 months to assess how it is operating once the transitional steps are implemented.

During this transitional period and as the Court continues to implement its key reforms, opportunities exist for all staff to perform new and different roles within the NCF.

Appeals

The NOR team will work closely with the National Appeals Registrar and National Appeals Co-ordinating Judges and me in running and supporting the Full Court and appellate work and structure.

National and Local NCF Co-ordination

District Registrars have, and will continue to carry out, a vital role in ensuring the successful implementation of the NCF in each Registry. The NOR and District Registrars will work collaboratively towards the efficient local implementation of the NCF, including sharing of national and local knowledge and identifying issues as they arise so that those issues can be promptly addressed. District Registrars are also key to obtaining feedback from the profession regarding the NCF reforms. All staff should provide suggestions for improvement of the NCF and feedback from the profession to their District Registrars and to the NOR so that the reforms can be refined, as needed, to improve the practices of the Court and its reputation.

The NCF Co-ordinator roles created as part of the Pilot will now be further utilised to assist in the co-ordination of all allocations through the NOR at the Registry level.

Once again, these reforms will result in a number of changes within Registries, and I appreciate the efforts that each of you have already made, and will make, in ensuring the successful implementation of the NCF reforms.



Ailsop CJ
(Signed and sent by email)



CHIEF JUSTICE'S CHAMBERS
FEDERAL COURT OF AUSTRALIA
LAW COURTS, QUEENS SQUARE
SYDNEY NSW 2000

MEMORANDUM

To: All Judges
All Staff

From: Chief Justice

Subject: **National Court Framework – Allocations Processes Update**

Date: 7 May 2015

As noted in my memorandum of 20 April 2015, the internal implementation of all NPAs into the NCF is commencing in early May 2015. This will replace the multiple systems currently in place with a cohesive national allocations system for all NPAs.

This internal integration will take place from 11 May 2015 and will ready the Court for full external implementation of the NCF, which is expected to take place by mid-year.

The changes referred to in this memorandum relate only to Federal Court Judge-related filings and not Federal Circuit Court or Registrar-related filings.

Allocations Processes

Currently, all relevant filings are referred to the National Operations Registrar (NOR) for consideration. Under the 'Pilot', if the matter is a Commercial and Corporations NPA matter, it is allocated in accordance with the NCF Allocation Protocols. For all other NPAs, the matters are referred back to the relevant Registry for allocation in accordance with existing local Registry allocation procedures.

From 11 May 2015, all relevant filings for all NPAs will be allocated in accordance with the NCF Allocation Protocols.

Duty Arrangements

There is a specific NCF duty system already in place for Commercial and Corporations NPA matters, with dedicated Commercial and Corporations NPA Judges rostered to deal with duty matters in that NPA. Parties communicate directly with Duty Chambers, unless the party is a self-represented litigant, in which case that party is assisted by the Registry. Duty matters are provisionally docketed to the NOR and are allocated to a Judge in accordance with the NCF Allocation Protocols, at an appropriate time after the initial hearing, where necessary.

That NCF Commercial and Corporations NPA duty system is ongoing. In respect of duty arrangements for all other NPAs, a proposal for a national duty system is being developed for consideration by Judges. In the interim, from 11 May, for all NPAs other than Commercial and Corporations, local Registry duty arrangements will continue to operate until otherwise advised.

Registry Support

Registry support manuals are being updated to reflect these new arrangements and will be distributed shortly.

I enclose a revised list of judges in NPAs and sub-areas to accommodate the departure of Gordon J and some other changes after consultation with individual judges.

I appreciate everyone's efforts in ensuring the successful implementation of these NCF allocations changes.

A handwritten signature in blue ink, appearing to be 'Allsop CJ', written in a cursive style.

Allsop CJ
(Signed and sent by email)

Judges - National Practice Areas

5/5/2015

	Administrative Law, Human Rights, and Constitutional	Native Title	Taxation	Admiralty & Maritime	Employment & Industrial Relations	Intellectual Property (IP)			Criminal Cartel Trials
						IP Sub Area Patents and Associated Statutes	IP Sub Area Trademarks	IP Sub Area Copyright & Industrial Design	
NSW & ACT	Bennett J Rares J Buchanan J Flick J Perram J Jagot J Foster J Yates J Katzmann J Robertson J + * Griffiths J + * Farrell J Wigney J Perry J Gleeson J	Bennett J Rares J Jagot J * Robertson J Griffiths J Perry J	Bennett J Edmonds J + Perram J Jagot J Robertson J Griffiths J Farrell J Wigney J * Gleeson J	Rares J + * Buchanan J Perram J Jagot J	Rares J Buchanan J + * Flick J Perram J Katzmann J * Wigney J	Bennett J + Rares J Perram J Jagot J Nicholas J * Yates J * Robertson J	Bennett J + Rares J Perram J Jagot J Foster J Nicholas J * Yates J * Katzmann J Robertson J Gleeson J	Bennett J + Rares J Perram J * Jagot J * Nicholas J Yates J Robertson J	Besanko J Gilmour J White J Wigney J +
VIC & TAS (Kerr J – TAS List Judge)	North J Kenny J Tracey J * Middleton J Bromberg J Murphy J Pagone J Davies J Mortimer J + *	North J * Kenny J Bromberg J Murphy J Mortimer J	Kenny J Jessup J Middleton J Pagone J * Davies J	Middleton J Pagone J *	North J * Jessup J + Tracey J Bromberg J * Pagone J Mortimer J	Kenny J Besanko J Jessup J Middleton J * Beach J *	Besanko J Middleton J * Murphy J Pagone J Davies J Mortimer J Beach J *	Middleton J * Murphy J Pagone J Davies J Beach J *	
QLD	Dowsett J Greenwood J Collier J * Logan J Reeves J Rangiah J Edelman J	Dowsett J Collier J Reeves J + * Rangiah J	Dowsett J Greenwood J Logan J * Edelman J	Dowsett J Greenwood J Reeves J *	Collier J * Logan J Reeves J Rangiah J	Dowsett J Greenwood J + * Edelman J	Dowsett J Greenwood J + * Reeves J Edelman J	Dowsett J Greenwood J + * Reeves J Edelman J	
SA & NT	Mansfield J Besanko J * White J	Mansfield J + * White J	Mansfield J * Besanko J White J	Mansfield J Besanko J *	Mansfield J Besanko J White J *	Mansfield J Besanko J * White J	Mansfield J Besanko J * White J	Mansfield J Besanko J * White J	
WA	Siopis J * Gilmour J McKerracher J Barker J	McKerracher J Barker J + *	Siopis J * Gilmour J McKerracher J	Siopis J McKerracher J + *	Siopis J Gilmour J * Barker J	McKerracher J *	Siopis J Gilmour J McKerracher J *	Siopis J Gilmour J McKerracher J *	

+ National Co-ordinating Judge

*Registry Co-ordinating Judge

Judges - National Practice Areas

5/5/2015

Commercial and Corporations National Practice Area Judges

Commercial & Corporations						
	Commercial Contracts, Banking, Finance & Insurance	Corporations & Corporate Insolvency	General & Personal Insolvency	Economic Regulator, Competition & Access	Regulator & Consumer Protection	International Commercial Arbitration
NSW & ACT	Rares J Jagot J (ACT List Judge) Foster J +* Nicholas J Yates J Gleeson J *	Commercial & Corporations Duty Judges Jagot J (ACT List Judge) Foster J +* Yates J Gleeson J * Additional Corporations Judges Edmonds J Rares J Perram J Griffiths J Farrell J Wigney J	Edmonds J Rares J Buchanan J Flick J Perram J Jagot J Foster J +* Nicholas J Yates J Katzmann J Robertson J Griffiths J Farrell J Wigney J Perry J Gleeson J *	Perram J Foster J +* Yates J Robertson J Wigney J Gleeson J *	Bennett J Edmonds J Rares J Buchanan J Flick J Perram J Jagot J Foster J +* Nicholas J Yates J Katzmann J Robertson J Griffiths J Farrell J Wigney J Perry J Gleeson J *	Rares J (Admiralty) Foster J +* Gleeson J *
VIC & TAS	Middleton J +* Davies J Beach J *	Commercial & Corporations Duty Judges Middleton J +* Davies J Beach J * Additional Corporations Judges Murphy J	North J Jessup J Middleton J +* Davies J Beach J *	Middleton J +* Davies J Beach J *	North J Jessup J Tracey J Middleton J +* Murphy J Mortimer J Beach J *	Middleton J +* Murphy J
QLD	Dowsett J * Greenwood J * Edelman J	Commercial & Corporations Duty Judges Dowsett J * Greenwood J * Edelman J	Dowsett J * Greenwood J * Collier J Logan J Reeves J Rangiah J Edelman J	Dowsett J * Greenwood J * Logan J Edelman J	Dowsett J * Greenwood J * Logan J Reeves J Rangiah J Edelman J	Dowsett J * Greenwood J *
SA & NT	Mansfield J Besanko J White J *	Commercial & Corporations Duty Judges Mansfield J Besanko J White J *	Mansfield J Besanko J White J *	Mansfield J Besanko J White J *	Mansfield J Besanko J White J *	Besanko J White J *
WA	Siopis J Gilmour J * McKerracher J Barker J	Commercial & Corporations Duty Judges Siopis J Gilmour J * McKerracher J Barker J	Siopis J Gilmour J * McKerracher J Barker J	Siopis J Gilmour J * McKerracher J Barker J	Siopis J Gilmour J * McKerracher J Barker J	Siopis J Gilmour J * McKerracher J (Admiralty)

+ National Co-ordinating Judge

*Registry Co-ordinating Judge



CHIEF JUSTICE'S CHAMBERS
FEDERAL COURT OF AUSTRALIA
LAW COURTS, QUEENS SQUARE
SYDNEY NSW 2000

MEMORANDUM

To: All Federal Court Judges
Registrar Warwick Soden
National Operations Registrar
All District Registrars

From: Chief Justice

Subject: **Duty Systems within the Court under the NCF**

Date: 14 July 2015

I refer to my memorandum of 18 June 2015 (a copy of which I attach, together with its attachment).

I have had helpful comments from a number of judges for which I am very grateful. All the comments I received favoured option 2. There were some helpful comments in relation to the proposed process and consultation model. I do not think I need to amend the model or protocol to take those into account. I think, broadly, the kinds of matters raised will be adequately encompassed in the document.

The National Operations Registrar (Sia Lagos) returns from leave next week. The Acting National Operations Registrar (David Pringle) has a number of things on his plate at the moment. I propose that the duty judge system model be introduced after consultation between the District Registrars and the National Operations Registrar when she returns.

A handwritten signature in blue ink, appearing to be 'Allsop CJ'.

Allsop CJ



COPY

**CHIEF JUSTICE'S CHAMBERS
FEDERAL COURT OF AUSTRALIA
LAW COURTS, QUEENS SQUARE
SYDNEY NSW 2000**

MEMORANDUM

To: All Judges
Cc: Registrar
National Operations Registrar
From: Chief Justice
Subject: **Duty Systems Within the Court under the NCF**
Date: 18 June 2015

As you are aware, when the Commercial and Corporations NPA was launched, it included a new national Commercial & Corporations NPA Duty system. The key features of the Commercial and Corporations NPA Duty systems are:

1. Rostering of a limited number of Commercial and Corporations NPA Duty Judges (rosters operate on a monthly basis – but with a degree of flexibility);
2. In the smaller Registries of WA and SA / NT, the Commercial and Corporations NPA Duty Judge is also the General Duty Judge (but is referred to in the Daily Court List separately);
3. A 'direct to Chambers' approach is used for practitioners to liaise with the Court about the nature of the case and urgent hearing dates (except for self-represented litigants, who are assisted by the Registry); and
4. All duty matters that originate a proceeding are provisionally docketed to the NOR, and if necessary, are allocated to a Judge after the initial hearing.

It is now necessary to devise a duty model for all other NPA duty matters and not just the Commercial and Corporations NPA. This is particularly so because the Court has moved to full internal implementation of all NPAs into the NCF for allocation of Judge-related cases from 11 May.

At present, each Registry has its own unique and self-managed duty system for non-Commercial and Corporations NPA duty matters. These systems should be transitioned to a consistent national duty system as soon as possible.

The options for a non-Commercial and Corporations NPA duty system are many and varied, and it is not constructive to set out every permutation in this memorandum. The two main models are:

1. Specialist duty systems for each NPA or for a number of NPAs (**Option 1**); or
2. A general Duty Judge is used for all other NPA matters other than Commercial & Corporations matters (**Option 2**).

There are a number of pros and cons to each option (and the various permutations in between). The chief benefit of a system such as Option 1 is that judges with a high degree of familiarity in the relevant NPA or sub-area (eg patents) will deal with the matter. However, such a system is, in practice, difficult to structure and manage, particularly for the smaller Registries, and could lead to unmanageable rostering systems with as many as 5 or 6 duty judges operating at one time. Confusion for practitioners may arise.

Option 2 has the benefit of a much higher degree of functionality among all Registries, big and small, as one general Duty Judge is relatively easy to roster and manage. However, it has the downside that many important matters flowing through the duty system across the country may be dealt with in a way that is somewhat inconsistent with a core principle of the NCF – that is, by judges not usually in the relevant NPA.

I have raised the matter with the National Consulting Judges and National Co-ordinating Judges and considered, and taken into account, their views. I have also taken some time to consider the relevant merits of various different duty systems including the following:

- Limited statistical information on the volume of duty matters within the Registries and which NPAs those matters tend to fall within. (This data is limited because existing Court data does not automatically capture these views). Naturally, more duty matters arise in the larger Registries, but what is apparent is that the majority of duty matters arise across two NPAs – Commercial and Corporations, and Employment and Industrial Relations;
- The fact that a significant amount of duty matters are now managed through the appeals case-management process, such as extension of time and leave applications; and
- The practical differences between smaller and larger Registries.

The most appropriate model that is both practical and falls within the broad objectives of the NCF, is a General Duty Judge model with a consultation protocol.

Such a model will take into account the practical reality that multiple duty systems may be burdensome on the Court and confusing for practitioners, but also allows for a mechanism to ensure that judges within the NPA, where appropriate, will deal with certain types of duty applications. Equally, it provides an opportunity for judges not in an NPA to be exposed to a range of matters within that NPA, subject to a consultation protocol.

Attached is a short paper developed to obtain the views of Judges about the proposed model. Given the need to implement a consistent and national duty system in all NPAs as soon as possible, I ask that you provide your views on the proposed duty system.

It will then be my intention, depending on the nature of the responses, to implement the attached duty system model, perhaps with modifications, as soon as possible thereafter.



Allsop CJ

(Signed and sent by email)

PROPOSED GENERAL DUTY JUDGE MODEL – WITH CONSULTATION PROTOCOL
FOR CONSIDERATION

For the smooth operation of the General Duty Judge Model, it will always be an advantage to notify the NOR of any urgent application at the earliest opportunity.

General Duty Judge System – Key Features

The key features of this model are:

1. Subject to the Consultation Protocol below, a General Duty Judge is to hear all matters that do not fall within the Commercial and Corporations NPA.
2. Depending on volumes of work and the size of the Registry, that Judge may be the same Judge as the Commercial and Corporations Duty Judge (but advertised on the Daily Court List separately). Rosters, which will take account of the potential need for special arrangements in smaller Registries, will operate on a regular basis, perhaps on a monthly basis, but with some flexibility.
3. A 'direct to Chambers' approach will be used for practitioners to liaise with the Court about the nature of the case and urgent hearing dates (except for self-represented litigants, who will be assisted by the Registry).
4. All duty matters that originate a proceeding are provisionally docketed to the NOR, and if necessary, reallocated after the initial hearing.
5. In respect of duty matters that arise in existing matters, ie at an interlocutory stage, the application should be heard, wherever possible, by the Docket Judge. However, if the Docket Judge is unavailable or should not hear the application because of the nature of the application (eg certain types of legal privilege-related applications or bias applications), then the above processes and the protocol below apply for interlocutory duty applications also.

Consultation Protocol

As noted in point 1 above, the starting position is that the General Duty Judge will deal with all non-Commercial and Corporations NPA matters that arise during her/his duty period, regardless of which NPAs that Judge is aligned to.

However, where the General Duty Judge is not in the relevant NPA or Sub-Area and:

- The matter is not one which is readily disposed of; and/or
- Involves a lengthy hearing on substantive matters in dispute, rather than procedural matters; and/or
- Involves a degree of complexity that would warrant specialised skill or knowledge;

then the General Duty Judge shall confer with the relevant Registry or National Co-ordinating Judge in the relevant NPA (or if none is available, a Judge in that NPA in that Registry) as to the question of whether the General Duty Judge on the one hand, or a NPA-specific or sub-area specific Judge on the other hand, should more appropriately hear the duty matter.

The General Duty Judge and Registry or National Co-ordinating Judge or Judge in the NPA, as the case may be, will reach a consensus view on the matter. If no consensus can be reached, the Registry or National Co-ordinating Judge or Judge in the NPA will decide.

In all cases where a decision is made that a NPA-specific Judge should hear the matter, the NOR will be immediately notified by the General Duty Judge, so that the availability of relevant judges can be quickly identified and, if necessary, an allocation be made.

Exceptions

The following exceptions apply:

Admiralty & Maritime NPA

The system and protocols outlined above apply. However, if the matter concerns the arrest of a ship or maritime property, the following arrangements apply:

1. If the General Duty Judge is part of the Admiralty & Maritime NPA the General Duty Judge deals with the matter.
2. If the General Duty Judge is not part of the Admiralty & Maritime NPA the matter is referred to the:
 - (i) Admiralty & Maritime NPA Registry Co-ordinating Judge in that Registry to deal with the matter; or
 - (ii) If that Registry Co-ordinating Judge is not available then the matter is referred to another Admiralty & Maritime NPA Judge in that Registry to deal with the matter. The NOR will be immediately notified by the General Duty Judge, so that the availability of relevant judges in the Registry or elsewhere can be quickly identified and the matter attended to by an Admiralty and Maritime Judge.

Native Title NPA

For all Native Title matters not already docketed for final hearing to a Native Title NPA Docket Judge, the following arrangements apply:

Interlocutory Application:

1. The General Duty Judge refers the matter to the existing Native Title NPA Provisional Docket Judge.
2. If that Provisional Docket Judge is not available the matter is referred to the:
 - (i) Native Title NPA Registry Co-ordinating Judge in that Registry to deal with the matter; or
 - (ii) If that Registry Co-ordinating Judge is not available than to another Native Title NPA Judge in that Registry to deal with the matter.

Originating Application:

1. The General Duty Judge refers the matter to the:
 - (i) Native Title NPA Registry Co-ordinating Judge in that Registry to deal with the matter; or
 - (iii) If that Registry Co-ordinating Judge is not available then to another Native Title NPA Judge in that Registry to deal with the matter.

Charlotte McArthur

Subject: FW: VCF improvements - Phone on the Associate desk in court rooms.

From: Warwick Soden

Sent: Wednesday, 22 July 2015 10:33 AM

To: Chief Justice Allsop

Subject: VCF improvements - Phone on the Associate desk in court rooms.

UNCLASSIFIED

We have no clear policy on the use of the landline phone on Associate's desks in the court room. When discussing issues about how to improve VCF production, I have asked why court staff do not discreetly use the phone in the court room to contact the other court room to fix VCF issues. I am told that staff are reluctant to use the phone in the court room, as some judges have, in the past, prohibited use of the phone (and I can probably understand why if someone was using it and disrupting court proceedings).

I would like to implement a policy concerning the phone in the court room that makes it clear that court staff should use the phone, discreetly and softly, to communicate with another court room when a VCF production issue needs to be resolved. I would require that the phones do not ring but that the red light on the phone would flash to indicate an incoming call.

If OK by you in principle, I will prepare a memorandum from me to all the judges, to inform them about the improvements we are making to VCF equipment and the new approach to production elements, including the need to use the phone in the court room, and run the draft by you before I send it.

Warwick