

Eva Ryan

From: [REDACTED]
Sent: Wednesday, 15 October 2014 12:49 PM
To: Warwick Soden
Subject: Re: Electronic Court Files for the Federal Circuit Court of Australia [DLM=Sensitive:Legal] [SEC=UNCLASSIFIED]

Thanks Warwick.
Regards, John

John Pascoe, AO CVO
Chief Judge
Federal Circuit Court of Australia
Lionel Bowen Building
97-99 Goulburn Street
Sydney NSW 2000
Tel: [REDACTED]
Fax: [REDACTED] (Private)
email: [REDACTED]

From: Warwick Soden <[REDACTED]>
To: Judge Riethmuller
Cc: [REDACTED],
[REDACTED],
[REDACTED]
Date: 15/10/2014 10:35 AM
Subject: Electronic Court Files for the Federal Circuit Court of
Australia [DLM=Sensitive:Legal] [SEC=UNCLASSIFIED]

Dear Grant

As we discussed, I arranged for you to sit on the bench with one of the Federal Court's Deputy Registrars undertaking a Bankruptcy list as a Federal Circuit Court Registrar in a court room in Melbourne, in which you would have seen the electronic file being used for FCCA matters. I understand that you found that opportunity helpful in appreciating the efficiencies for Registrars using the ECF for FCCA Bankruptcy cases.

Daniel Caporale, the Acting District Registrar of the Federal for Victoria and Deputy Registrar Tim Luxton have been discussing with you arrangements to assist you and your colleagues in Melbourne use the ECF for FCCA matters. I understand that will involve printing a court file for FCCA judges, when they need a paper file. The Registry will maintain the paper file for those matters, for the time being, but I also understand that, as part of the pilot, your staff will use the ECF facilities and obtain the benefit of the efficiencies the ECF produces for them, without the possible burden of printing documents for a paper court file.

I am also advised that the solution now available to enable FCCA judges and their staff to obtain immediate desktop access to their ECF (not the Citrix solution) is being used by the FCCA judges and their staff in Melbourne and is being found to work very well. I am advised that there is no technical reason why this access could not be made available to other FCCA judges in other

Registries which raises the question of whether the members of the pilot group could or should be increased, to particularly include those FCCA judges who undertake only general jurisdiction work.

The ECF goes live in Sydney from Monday 20 October and all new FCCA files will be created within the ECF.

There is a meeting of the Sydney FCCA general jurisdiction judges being held at 4.30pm this afternoon and it is proposed to inform the judges of the arrangements that will be made for them for their FCCA ECF cases. I presume they know about the pilot project approach being undertaken in Melbourne and it is proposed to inform the Sydney judges that all FCCA cases in Sydney will be created in the ECF environment from 20 October but, in the meantime, any of those cases requiring the attention of a judge will be delivered in a paper file. I expect that it would take some time for an FCCA action commenced after 20 October to either be referred by a Registrar to a judge or be originally listed before a judge. I envisage that a Bankruptcy action could be referred to a judge sooner rather than later and, although the Registrar dealing with that action would be working in the ECF environment, it would be proposed that the paper file be produced for referral to the judge. That file would be maintained by the Registry. Alternatively, it would be a simple and efficient practice for referrals to be dealt with in the ECF with the judge receiving immediate access to the ECF by the matter being adjourned to a judge. But, in the meantime, the file will be printed and delivered to the judge if the view is maintained that the paper file is required.

I also understand that the Family Court has indicated that it would make court room equipment available for FCCA judges working with the ECF and I suggest that the equipment emulate that which is being used by the Federal Court and which has been found to be effective and efficient. Details of that equipment have been provided to your Steve Agnew and I understand he is making suitable arrangements for that equipment to be provided. It should be clear, of course, that the ECF does not need to be used in the court room and not all judges of the Federal Court use the ECF in the court room. They work with a working file of documents printed out from the ECF and their staff maintain the ECF file.

It does seem to me that it would be very desirable to make a decision that FCCA judges who only work in the general jurisdiction be given access to the ECF and the efficiencies it would deliver for those judges even if, in the meantime, arrangements are made to print the paper file for them when a paper file is required. Surely the pilot must include FCCA judges in places other than Melbourne to test the adequacy and efficiency of the new solution that enables access to the ECF by any FCCA judge and their staff?

Best Regards

Warwick

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

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, 13 October 2014 6:39 PM
To: Warwick Soden
Cc: [REDACTED]
Subject: Fed Ct ECF [DLM=Sensitive:Legal]

Dear Warwick,

Just confirming some of the details of our conversation today.

The FCCA is not opposed to an ECF in principle, but deeply concerned about whether we are yet ready for implementation, and the cost shifting that may effectively occur with the present version of 'print on demand' in a busy trial court. Our concerns fall into two main areas: First, that the court does not yet have suitable hardware in place to take advantage of a full ECF, and it will take some months to rectify this - indeed there does not seem to be a clear preferred or recommended model for hardware in court and chambers. Secondly, the 'print on demand' model leaves the costs (actual and staffing) of the printing in the judge's chambers, when until now they have been

in the registry. Whilst in areas such as Migration, this may be able to be shifted onto the Minister's lawyers (requiring court books of tribunal documents and court documents to be delivered to the registry) the same can't be said of much of the FCCA work where there are less experienced lawyers, real litigant budget constraints, and many unrepresented litigants.

Initially the FCCA understood that there would be an arrangement for the ECF to be printed to make a standard paper file working copy at the point it first came to the judge (by the Registry), for 6 to 12 months (for those judges that wanted it) to allow the FCCA to review and address the real impacts of your proposal. I understand that the FCA no longer accepts this course. I confirm that you will have a Registrar in Melb see me to demonstrate the system in a busy bankruptcy list and to discuss an interim solution to the print on demand system that you have proposed. I confirm that you will endeavour to have this in place over the next two days, before the meeting with our Sydney judges so that you can consider if any proposal can be provided nationally for those judges who are not ready to move to a full ECF. The Chief is available to consider any recommendations that I make as the IT Cttee chair without delay.

Warwick, I have been waiting to discuss these issues with you since I spoke to you by telephone from Shanghai when I understood that you would see me in the next week when you were next in Melbourne (and I even attended at the JCA colloquium at the Chief's request, primarily for the purpose of catching up with you, but unfortunately you quickly left). I hope that you will make some time available to work on these issues with me as Chair of the FCCA IT Committee so that we can find a workable solution for the FCCA that I can recommend to the Chief. It is not appropriate that these issues be taken up with judges of the FCCA individually (as seems to have been the unfolding preference of the FCA Registry) as this serves only to undermine the IT Committee and more importantly the Chief's authority to make strategic decisions for the FCCA, and would eventually result in further divergence of individual docket practices. It is essential that we resolve these issues in order to have an implementation of the FCA ECF that is workable for the FCCA so that litigant needs can be met efficiently. Given that the majority of federal filings are in the FCCA, (and must be disposed of by far fewer Judges than there are in the FCA), the FCCA has a significant stake in ensuring that the processes your court has designed (without any real consultation with the FCCA) can be made functional in the high volume environment of the FCCA.

I look forward to hearing from your nominee in Melbourne over the next couple of days, and a further discussion with you this week around what implementation arrangements can be put in place.

Yours faithfully

Grant Riethmuller
Judge

Federal Circuit Court of Australia
Level 14, Commonwealth Courts Bld
305 William St
Melbourne Vic 3000

Tel: [REDACTED]
Fax: [REDACTED]

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Charlotte McArthur

Subject: FW: Letter to David Fredericks 2Feb15
Attachments: Letter to David Fredericks 2Feb2015.pdf

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

From: [REDACTED] [mailto:[REDACTED]]
Sent: Monday, 2 February 2015 11:31 AM
To: Warwick Soden
Subject: Letter to David Fredericks 2Feb15 [SEC=UNCLASSIFIED]

(See attached file: Letter to David Fredericks 2Feb2015.pdf)

Warwick,

This is a copy of a letter that I have sent to David Fredericks setting out my concerns over the E&Y costings and savings. I thought that I should share it with you as I have grave concerns that services could be provided at any necessary levels into the future.

Happy to discuss.

Regards,

Richard

Richard Foster PSM
Chief Executive Officer
Family Court of Australia
Phone: [REDACTED]
Fax: [REDACTED]
Mobile: [REDACTED]
e-mail: [REDACTED]

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Charlotte McArthur

Subject: Copy of letter to David Fredericks - review
Attachments: Letter to David Fredericks - review 10Feb15.pdf; Attachment A 10Feb15.pdf; Attachment B 10Feb15.pdf

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

From: [REDACTED]
Sent: Tuesday, 10 February 2015 9:26 AM
To: Warwick Soden
Subject: Copy of letter to David Fredericks - review [SEC=UNCLASSIFIED]

Warwick,

Copy of letter that I sent to the Dept. today.

Regards,

Richard

(See attached file: Letter to David Fredericks - review 10Feb15.pdf)(See attached file: Attachment A 10Feb15.pdf)(See attached file: Attachment B 10Feb15.pdf)

Richard Foster PSM
Chief Executive Officer
Family Court of Australia

Phone: [REDACTED]
Fax: [REDACTED]
Mobile: [REDACTED]
e-mail: [REDACTED]

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- timelines and key dates (such as for budget development and periodic reporting);
- Efficiency Dividend(ED) management, including how any variations are to be managed across appropriations;
- surplus and deficit management principles ie how are surpluses or losses in one court to be managed across the total resource allocation, given the costed option has FCA with overall responsibility for the financial management of the single PGPA agency;
- capital funding and project management principles and allocation arrangements; and
- staffing principles to ensure service delivery, resourcing and management control of relevant staff within each court.

Thirdly, we wish to ensure the security arrangements for the courts and the FCA, which are managed by the Marshall, continue to operate effectively in the proposed shared service environment. Given, that the highest level of personal risk and security incidents relate to the family law jurisdictions, I believe it is important that the operational management and resource allocation for the Marshall remains within the Family Court, rather than being subsumed in the shared service structure provided by the FCA. We have also provided advice to the review team that an additional position of Deputy Marshall (EL1) be included in the staff structures going forward, given the high emphasis and workloads placed on the Marshall and his security team.

If you wish to discuss the above issues please do not hesitate to contact me on telephone [REDACTED]

Yours sincerely

A handwritten signature in black ink, appearing to read 'Richard Foster', written in a cursive style.

Richard Foster PSM

**List of ICT Services provided to
Family Court and Federal Circuit Court**

1. INTRODUCTION

This document provides a list of all ICT services that are currently provided to the Family Court and Federal Circuit Court. It also shows that to support these services a total of 53.5 staff is employed.

The table below gives a breakdown of positions by branch.

Branch	Number of Positions
Applications Development	10.5
Business Analysis Team	5
BSDO Team	6
Infrastructure Branch	26
Records Management	1
CIO and support staff	2
Online Services (Websites and Intranets)	3
TOTAL	53.5

Please note that this report does not include support for the Judgments Publication Team which is outside the scope of this exercise.

2. APPLICATIONS DEVELOPMENT

	SERVICE	DESCRIPTION	FTE	COMMENTS
1	Casetrack	Case Management system – program code development, enhancement, testing, issue resolution and daily support of the database and the user interfaces	7.0	For all family law jurisdictions including FCWA
2	CCP	Commonwealth Courts Portal – external facing web public access to Casetrack	1.5	Provided for all family law jurisdictions and FCA
3	eFiling	Electronic filing – web filing into Casetrack for practitioners and self-represented litigants	2.0	Provided for all family law jurisdictions including FCWA

3. BUSINESS ANALYSIS TEAM

	SERVICE	DESCRIPTION	FTE	COMMENTS
1	Casetrack	Case Management system – interacting with the Courts’ administrations for functionality, analysis, design, testing, issue resolution, general support and strategic progress in accordance with business plans and priorities	2.5	For all family law jurisdictions including FCWA
2	CCP	Commonwealth Courts Portal – external facing web public access to Casetrack	1.5	Provided for all family law jurisdictions and FCA
3	eFiling	Electronic filing – web filing into Casetrack for practitioners and self-represented litigants	1	Provided for all family law jurisdictions including FCWA

4. BUSINESS SYSTEMS DEVELOPMENT OFFICERS

The Business Systems Development Team consists of 6 FTE based in various locations around the country. The team contributes to the success of service delivery to clients, and the quality of data required by the Courts by providing services and support for the use of business systems, computer operations and AV equipment.

Some of the services provided by the BSDO Team include

- providing technical support to users of the Courts’ computer systems, aiding devices and other audio-visual equipment and providing on call helpdesk support for users
- providing assistance and training for existing and new technology within the Courts and working closely with the management of the Courts in identifying appropriate technology solutions
- developing and maintaining working partnerships with registry management teams and staff and responding to their needs, whilst being able to function as part of a national team
- chairing user forums at the registry level
- resolving problems directly where possible
- liaising with registry managers and users to identify and analyse their business objectives whilst focusing on national consistency
- understanding and accurately representing user requirements in national discussions about the future of the Courts’ case management system
- working closely with the Business Systems Analysis Services Team to identify user requirements, assist in the testing of new or enhanced case management system functionality and providing feedback to this team on issues raised by users
- providing coaching and training to users in all aspects of court technology
- undertaking project work and other tasks as directed
- undertaking UAT and QA Testing of changes to Casetrack prior to release
- managing testing and release process
- large scale training and handover in major projects such as new SOE, iPad rollout.

5. RECORDS MANAGEMENT

One FTE is employed to oversee the following tasks:

- manage Recall Contract
- support Objective Records Management System
- ensure compliance with National Archives Authority requirements
- oversee implementation of Records Management Framework including Records Authority

6. INFRASTRUCTURE SERVICE CATALOGUE

The Infrastructure Division utilises a Service Catalogue (as defined in ITIL- IT Infrastructure Library) to describe the services the Division provides to the Family Court and Federal Circuit Court.

This document provides an extract of the services listed in the Infrastructure Service Catalogue as of 5 February 2015. There are currently 71 services listed in the catalogue, in 6 categories. The Service Catalogue is currently maintained in a Wiki within the Courts IBM Connections system.

6.1 Personal Computing Services

Desktop
Notebook
Printer and Multifunction Device
BYO Devices
Recording Device
Tablet
Standard Operating Environment
Dictation Services
Office Applications
Email Services
Calendaring and Scheduling
Instant Messaging
Shared Databases and Mailboxes
Collaboration Software
Fax to the Desktop
Remote Desktop
Internet Access

6.2 Business Services

Business Continuity and Disaster Recovery
Case Management Systems - Family Law
Case Management Systems - Federal Law
Commonwealth Courts Portal
Court list publication
Court Recording Services
Data Backup and Recovery
Data Storage
eFiling
Electronic Document Records Management System (EDRMS)
Emergency Orders Infrastructure
eSearch
Finance Services

HR Services
Library Services
Mobile Court Services
NEC Live Chat
Public Access Computers
QFlow System Hosting
Security System Hosting
Senate Estimates Streaming
Software Packaging and Distribution
Statistical Reporting Services
Subpoena Viewing Computers
System Monitoring
System Security
Web Content Management - Intranet
Web Content Management - Internet

6.3 Network Services

Cabling Services
Extranets
Internet Connection
Mobile Broadband
Site Network (LAN)
Site Connectivity (WAN)
VPN
Video Conferencing

6.4 Voice Services

Malicious Call Tracing
Mobile Phone
Telephony Services
Smartphone

6.5 Support Services

Service Desk
On-Site Support
User Account Management
Judicial Conference Support
Incident Management
Problem Management

6.6 Technology Management Services

IT Lifecycle Management
Change and Release Management
Software Licensing and Compliance
Policy Development Implementation and Compliance
Reporting
Technical Architecture and Research
Infrastructure Auditing and Reviews
Capacity Management

6.7 Staffing levels for Infrastructure Services

Each service may be delivered by a number of staff, including technical specialists, generalists, or management staff. In addition, the amount of time each staff member spends on a service over a period of time varies depending on a number of factors, including the number of users for a service, the stability of the service, Court priorities for a service, changes that are made to the service (eg new functionality), and external factors (eg Government policy).

Because of this variability, it is not possible to allocate a particular FTE level against each service.

7. ONLINE SERVICES (WEBSITES AND INTRANETS)

A team of 3 FTE provide support for the 2 Intranets and the 3 websites.

8. CONSEQUENCES OF A MERGER

Whilst it is acknowledged that if a merger with the Federal Court IT Section were to take place there could be some savings through avoidance of duplicated functions and consolidation of functions and roles, at this time each of these 53.5 positions is required to ensure services are provided at an acceptable level.

MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING IN RELATION TO ADMINISTRATIVE
ARRANGEMENTS AND FUNCTIONS OF THE FEDERAL COURT OF AUSTRALIA AND
THE NATIONAL NATIVE TITLE TRIBUNAL

Between:

The Federal Court of Australia and the National Native Title Tribunal

AGD TRIM Reference: 12#768524DOC

This Memorandum of Understanding (MOU) is made in anticipation of the enactment of the Courts and Tribunals Legislation (Administration) Amendment Bill 2012 in the form in which it was introduced into the Commonwealth Parliament on 31 October 2012, insofar as the provisions of that Bill deal with administrative matters between the Federal Court of Australia and the National Native Title Tribunal (the Bill).

This MOU commences upon the date of the enactment of the Bill (the Effective Date).

Parties

This MOU is made between the following parties:

1. the Federal Court of Australia (**FCA**) and
2. the National Native Title Tribunal (which for the purposes of this MOU and all related purposes includes the Native Title Registrar) (**NNTT**).

Context

This MOU is made in the following context:

- A. The Australian Government has delivered a number of key native title institutional reforms focussed on improving the efficiency of the native title system and assisting the FCA and the NNTT to strengthen their ability to achieve native title outcomes. Importantly, the reforms preserve the NNTT's status as a separate statutory authority and ensure a continuing role with a strengthened focus on future acts functions.
- B. To achieve this, the Government has implemented significant changes to the administrative arrangements and functions between the FCA and the NNTT and further administrative changes are provided for in the Bill, including the repeal of s131 *Native Title Act 1993*.
- C. It is the Government's policy that work involving native title claims mediation and Indigenous Land Use Agreements related to native title claims mediation, will cease to be undertaken in the NNTT and will be taken up by the FCA.
- D. It is the Government's policy that all of the NNTT's statutory functions and powers will remain with the NNTT, insofar as they are not affected by the administrative changes made to date, the policy changes described in C., above, or the matters provided for in the Bill.
- E. The parties agree that, as and from the Effective Date, the administrative arrangements and functions between the FCA and the NNTT will be on the terms and conditions set out in this MOU.
- F. This MOU reflects the FCA's and the NNTT's intention to abide by the spirit of the agreement reached between them to give effect to the institutional reforms announced by the Government on 8 May 2012. Both agencies commit to managing and operating within this arrangement in an equitable, professional

and amicable manner for the mutual benefit of both agencies.

Term

This MOU commences upon the Effective Date and continues indefinitely unless the parties agree to terminate.

Scope of Services

The scope of changes to administrative arrangements and functions covered by this agreement may be varied at any time by the agreement of the FCA and NNTT.

The agreed scope of administrative arrangements and functions between the FCA and the NNTT during the term of this MOU comprises:

- structure
 - staffing
 - financial arrangements
 - corporate services
 - governance
 - accommodation, and
 - dispute resolution.
-

Provisions

1 Structure

1.1 The roles of NNTT President, Members and Native Title Registrar will continue.

1.2 Within the budget agreed in accordance with Part 3, the Native Title Registrar will be responsible for:

- the day-to-day management of the administrative affairs of the NNTT
- determining and maintaining a necessary and sufficient staffing structure to enable the NNTT to carry out its statutory functions and duties effectively, and
- the recruitment, day-to-day management and termination of staff assisting the NNTT, any Deputy Registrars, and consultants.

1.3 As soon as practicable after the Effective Date, the Federal Court Registrar will make delegations in accordance with new s129(5) of the *Native Title Act 1993*, s53 of the *Financial Management and Accountability Act 1997* and s78 of the

Public Service Act 1999 so as to facilitate the arrangements in this MOU, particularly those at clause 1.2.

2 Staffing

- 2.1** Within the budget agreed in accordance with Part 3, the Federal Court Registrar will make available staff to assist the NNTT in accordance with new s130(3) of the Native Title Act so as to facilitate the arrangements in this MOU, particularly those at clause 1.2.
 - 2.2** On the Effective Date the staff referred to in clause 2.1, above, will be all of those persons, including the Deputy Registrars, who were employed by the NNTT immediately prior to the Effective Date and who will be transferred to the FCA pursuant to s72 of the *Public Service Act 1999*.
 - 2.3** Subject to the budget agreed in accordance with Part 3, subsequent to the Effective Date other staff may be recruited for the purposes of assisting the NNTT as is provided for in clauses 2.1 and 1.2, above.
-

3 Financial Arrangements

- 3.1** Funding to enable the NNTT to effectively discharge its statutory functions will be provided by the FCA under a dedicated sub-program set out in the Portfolio Budget Statements (PBS).
 - 3.2** The costs of all staff assisting the NNTT, as well as remuneration and ancillary costs of the statutory officers of the NNTT, including the President, Deputy Presidents (if any), Members and the Native Title Registrar will be met from the sub-program noted in clause 3.1.
 - 3.3** The Federal Court Registrar and the Native Title Registrar will agree a budget within the provided sub-program which is sufficient to enable the NNTT to perform its statutory and related functions.
 - 3.4** The President of the Tribunal will include, in his or her report that relates to the Tribunal's activities during the year under s133 of the Native Title Act, information on both the operational and financial performance of the Tribunal. The Chief Justice of the FCA will include this report in his or her report of the management of the administrative affairs of the FCA during the year under s18S of the *Federal Court of Australia Act 1976*.
-

4 Corporate Services

4.1 The FCA will, in the context of the Federal Court Registrar's overall responsibility to manage the financial affairs of the FCA, provide all corporate services reasonably necessary to support the NNTT in the discharge of its statutory functions in each of the following areas:

- Financial services (including policy and procedural advice, transaction processing services and assisting the Native Title Registrar to prepare and review budget and providing regular reports)
- Human resources and employee relations (including policy and procedural advice, transaction processing services, and regular reporting)
- ICT services, including infrastructure and support of NNTT core business applications, NNTT email system and NNTT phone numbers including the 1800 freecall number
- External NNTT website and NNTT intranet services
- Document and records management systems (including paper and electronic systems, and external mail and courier services)
- Library services
- Accommodation and property services, including use of FCA facilities and the hire of other facilities, as required, and
- Any other corporate support services required by the NNTT President and Members and the Native Title Registrar.

5 Governance

5.1 The NNTT President and the Native Title Registrar will make policy, planning and implementation decisions in respect of the NNTT's retained functions.

5.2 The NNTT President and the Native Title Registrar will be consulted by the FCA on all decisions which might have a significant impact on NNTT operations or the performance of the NNTT's functions including major property relocations.

5.3 Committees specific or related to the performance of NNTT functions (including the Native Title Registrar's delegates committee, the ILUA delegates committee, and Future Act committee) will continue. The Native Title Registrar or his / her delegates will have the right to participate in liaison committees with the FCA. The Federal Court Registrar and the Native Title Registrar will establish a joint committee, to meet quarterly or as required, to monitor the NNTT's sub-program budget and deal with budget issues (to be called the 'FCA-NNTT Finance Committee'). In addition the FCA and the NNTT will establish a high level liaison Committee, chaired by the convener of the FCA's Native Title Practice Committee and including the President of the NNTT and relevant senior members of staff.

5.4 Generally, the FCA will not speak publicly on behalf of the NNTT. The President of the NNTT, the Native Title Registrar, or their delegate, will have the power to perform this function on behalf of the NNTT.

6 Accommodation, Artwork and Artefacts

- 6.1 To reflect the closer relationship between the NNTT and the FCA, the NNTT will collocate with the FCA in all locations where this is feasible.
- 6.2 The NNTT will have appropriate and adequate access to FCA facilities in every building in which it is collocated with the FCA (e.g. conference rooms, hearing rooms, videoconference and teleconference facilities).
- 6.3 Notwithstanding the transfer of all its assets and liabilities on 1 July 2012, the NNTT will maintain possession of and display that artwork and those artefacts which were the property of the NNTT as at 30 June 2012.
- 6.4 The FCA will ensure that signage clearly indicates the NNTT presence in all relevant FCA registries.
-

7 Dispute Resolution

- 7.1 Both agencies enter into this MOU in good faith and commit to managing and operating within this arrangement in an equitable, professional and amicable manner so that disputes arising from the arrangement are expected to be rare.
- 7.2 Where a difference of opinion arises regarding any matter the subject of this MOU, including changes to administrative arrangements and functions, it is expected that reasonable attempts will be made by both parties to resolve these differences at the operational manager level.
- 7.3 If issues cannot be resolved by each agency's operational managers, the issue will be escalated to the Federal Court Registrar and the Native Title Registrar, or their nominees. The Native Title Registrar or the Federal Court Registrar may request assistance in resolving the dispute from the Attorney-General's Department.
-

8 Representatives

- 8.1 Unless notified otherwise, FCA's representatives are:

Executive Representative:

Name: Warwick Soden

Title: Registrar

Phone: [REDACTED]

Email: [REDACTED]

- 8.2 Unless notified otherwise, NNTT's representatives are:

Executive Representative:

Name: Stephanie Fryer-Smith

Title: Native Title Registrar

Phone: [REDACTED]

Email: [REDACTED]

9 Formal Communications

- 9.1 The parties agree that for the purpose of transparency and accountability they will reduce to writing all formal communications (including amendments, variations and adjustments) between them in relation to their responsibilities and obligations under this MOU.

Unless notified otherwise, FCA's address for notices is:

Postal Address: Locked Bag A6000,
SYDNEY SOUTH NSW 1235

Email: [REDACTED]

Unless notified otherwise, NNTT's address for notices is:

Postal Address: GPO Box 9973
Perth WA 6848

Email: [REDACTED]

SIGNATORIES

SIGNED for and on behalf of the)
Federal Court of Australia by:)
)

W.G. SODEN



Signature

In the presence of:

E. RYAN



Signature of witness

SIGNED for and on behalf of the)
National Native Title Tribunal by:)
)

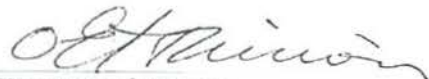
S FRYER-SMITH



Signature

In the presence of:

OLIVIA EFTHIMIOU



Signature of witness

John Mathieson

From: Warwick Soden
Sent: Friday, 27 March 2015 9:59 AM
To: All Judges
Cc: All Executive Assistants; Yvonne Little; Mario Torresan; Management Group
Subject: ECF Update
Attachments: Memo - Information for Judges on ECF Issues.docx

UNCLASSIFIED

Dear All

I attach for your information copy of memorandum dated 25 March 2015 from Yvonne Little which provides an update on the ECF. Improvements following suggestions, enhancements to support the National Court Framework and fine tuning will continue.

Warwick

Warwick Soden OAM | Registrar/CEO |
Federal Court of Australia
Level 16 Law Courts Building, Queens Square, NSW 2000
p. [REDACTED] f. [REDACTED]
m. [REDACTED]

Please consider the environment before printing this email

FEDERAL COURT OF AUSTRALIA

MEMORANDUM

TO: Warwick Soden

Cc:

FROM: Yvonne Little

SUBJECT: Information for Judges on ECF Issues

DATE: 25 March 2015

Dear Warwick,

I would like to provide some information relating to the ongoing rollout and improvement of the electronic court file system (ECF).

The Rollout in the Federal Circuit Court

As you are aware, the rollout of the ECF for the Federal Court completed with Perth registry in November last year. Since then, the rollout has progressively continued, to include the files initiated in the Federal Circuit Court. Our last state, NSW, will be creating ECFs for the Federal Circuit Court from March 30 this year. This is a key step for the Registries to benefit from the introduction of the ECF, with the District Registrars in each State being instrumental in leading this change.

Improvements that have already been implemented

In parallel, the team has been working to improve the functionality that exists in the ECF.

This is based on feedback received by the project team throughout the rollout and subsequently from registry staff. The improvements completed in the short term are focussed on addressing those issues, but there are benefits for Chambers also:

- Orders Update – This improves the usability of the on-line Orders solution so that a user cannot inadvertently deviate from the correct Orders procedure. This means Chambers staff should find orders processing more efficient.
- National Registers – This allows a central location for the pseudonym and vexatious litigants registers and will assist registry staff in managing these registers.
- Addressing performance - Craig Reilly has led work on piloting WAN accelerators which store (cache) documents locally to improve response times. He has also worked with our vendors and consultants to diagnose and implement solutions so the servers can be better utilised. You may have noticed that after the peak slowness in February, that March is much better with respect to the performance of the ECF. However, we recognise there is more to do in this area and performance remains under a watching brief.

A key change which is developed but waiting to be implemented is the reintroduction of Optical Character Recognition. This is the ability to make a document searchable and it is very important to Chambers. The reintroduction of this function was delayed due to the teams

refresh Judges training when the time is right for them. The model used to train the Federal Circuit Court judges was to train about a week prior to a listing event.

The next step is to take all the judicial feedback and document requirements against those improvements. The team will then seek endorsement through the ECF Implementation Committee. Once agreed, the changes will be costed and timelines established, then managed as a 'Judicial Release'.

Kind regards,

Yvonne Little
(sent by email)

John Mathieson

From: Warwick Soden
Sent: Wednesday, 1 July 2015 10:43 AM
To: All Judges; All Chambers; All Registries
Subject: Changes to eLodgement and ECF to support the NCF
Attachments: Memo rechanges to support ncf.pdf

UNCLASSIFIED

Dear All

Please see update attached.

Warwick

Warwick Soden OAM | Registrar/CEO |
Federal Court of Australia
Level 16 Law Courts Building, Queens Square, NSW 2000
p. [REDACTED] f. [REDACTED]
m. [REDACTED] www.fedcourt.gov.au

Please consider the environment before printing this email



OFFICE OF THE REGISTRAR
FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

MEMORANDUM

TO: All Judges
All Staff

FROM : Registrar

SUBJECT: Changes to eLodgement and ECF to support the NCF

DATE: 1 July 2015

Dear All,

I am very pleased to announce that over the weekend, improvements to the eLodgment, Casetrack and ECF systems were successfully made. These changes are an important initiative to support the reforms of the National Court Framework. The profession have been given advance notice of the changes and Judges, Chambers and Registry staff are being progressively trained on the new features.

This work is the culmination of many months of planning, collaboration and effort by the ECF Project, National Operations Registrar, IT Application and IT Infrastructure Solution teams.

I thank all of those involved in helping the Court reach this further significant milestone.

A handwritten signature in black ink, appearing to read 'Warwick Soden', with a long horizontal line extending to the right.

Warwick Soden



OFFICE OF THE REGISTRAR
FEDERAL COURT OF AUSTRALIA
PRINCIPAL REGISTRY
LAW COURTS BUILDING
QUEENS SQUARE
SYDNEY NSW 2000

Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

MEMORANDUM

TO: All Judges
All Staff

FROM : Registrar

SUBJECT: First Anniversary of the Introduction of Electronic Court Files

DATE: 17 July 2015

This week marks the first anniversary of the introduction of electronic court files (ECFs) by the Federal Court. This truly transformational event has significantly changed the way we operate. ECFs have also allowed the Court to undertake the significant reforms of the National Court Framework.

In the last twelve months, we have had:

- 9374 electronic court files created in both the Federal Court and Federal Circuit Court – general federal law matters;
- over 100 000 documents electronically lodged – a 66% increase from the previous year;
- 4291 files wholly started, managed and closed electronically; and
- a decrease from 100% paper files to now just 33% of all pending files in paper.

Twelve months ago, an extensive, national training and education program about working with the Court electronically began with the legal profession. The fruition of this program saw the number of people registering to use eLodgment increase by 43%. The total number of eLodgers now is over 10,000 with nearly 90% of documents being received electronically.

I have consulted with the Chief Justice and others and have decided mandating the use of eLodgment is no longer required. With our support, the profession have taken up the use of the Court's eServices voluntarily and are seeing the benefits of these systems for their work.

Efforts continue to build on this first year of success. Work on refining the ECF system and improving our work practices is planned for the coming year. The introduction of the ECF system positions the Court for the future and is a new phase in our Court's history.

Warwick Soden



FEDERAL CIRCUIT COURT OF AUSTRALIA
Office of the Chief Executive Officer

GPO Box 9991
Canberra ACT 2601

Phone: [REDACTED]
Fax: [REDACTED]

14 August 2015

Mr Warwick Soden OAM
L. 16 Law Courts Building
Queens Sq
Sydney NSW 2000

Warwick

Dear Mr ~~Soden~~,

I understand you recently repeated your proposal, made earlier in meetings with the Courts, Attorney-General's Department and Ernst and Young, to consider resource transfers to the Federal circuit court (FCC). I believe Stewart Fenwick indicated we would formalise our support for this move.

In this context I can also now advise that in principle agreement has been reached between the Chief Justice of the Family Court and the Chief Judge of the FCC that family law Registries be allocated to the FCC, and that a resource split among Registrars and Family Consultants also form part of the two Court's allocations.

There are significant benefits to the FCC in consolidation of their resources across jurisdictions. We have a recent breakdown of the GFL registry services provided free of charge to the FCC. I expect this will need to be discussed in a little more detail. Data to support a discussion around Registrar workload may also need to be provided by the FCA to assist in this conversation.

We would welcome an opportunity to establish a process around this as soon as possible.

Yours sincerely,

Richard Foster PSM
Chief Executive Officer

Charlotte McArthur

From: Chief Justice Allsop
Sent: Wednesday, 9 September 2015 1:02 PM
To: Denise.Healy@familycourt.gov.au; Warwick Soden
Cc: [REDACTED] Eva Ryan; John Mathieson; Bruce Phillips
Subject: RE: Media issues

UNCLASSIFIED

Thank you

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

From: Denise.Healy@familycourt.gov.au [mailto:Denise.Healy@familycourt.gov.au]
Sent: Wednesday, 9 September 2015 11:50 AM
To: Chief Justice Allsop; Warwick Soden
Cc: [REDACTED] Eva Ryan; John Mathieson; Bruce Phillips
Subject: Media issues [SEC=UNCLASSIFIED]

Dear Chief Justice Allsop and Warwick

In the absence of Bruce Phillips, I wish to update you on a couple of media issues that may be of interest.

The first media issue to bring to your attention is more relevant to the Federal Circuit Court (and how migration cases have been dealt with by Judge Street) however, the news report will also refer to the Federal Court.

Specifically, the journalist has advised that the report will:

"refer to direct criticism of Judge Street by the Full Federal Court in two recent matters, *Shrestha v Migration Review Tribunal* [2015] FCAFC, and *SZWBH v Minister for Immigration and Border Protection* [2015] FCAFC 88 (19 June 2015) in which the Full Federal Court expresses strong criticism concerning the denial of procedural fairness to applicants. I understand that there is also a recent application seeking leave to Appeal in the matter of *ALA15 v Minister for Immigration & Anor* [2015] FCCA 2047."

I believe that reference will be made to statistics collated by Sydney Barrister, Victor Kline who (as you may well know) is Editor of Federal Court Reports.

The report is likely to be aired on ABC TV News (Sydney) either tonight or tomorrow night. It will also be covered across ABC radio and online platforms.

The second matter relates to a request from Radio New Zealand (via the NZ courts' media manager) seeking an interview with Justice Logan to discuss the topic of His Honour's paper, "Closing the Borders: Current Developments in Refugee/Asylum Law" which is to be delivered at the CMJA conference in Wellington next week. Justice Logan has declined the request for a radio interview but has proposed to release a copy of the paper to the reporter in advance, on the condition that it not be reported until after the paper has been delivered. His Honour was keen for you to be aware of this request and response.

Please do not hesitate to contact me should you have any questions regarding these issues.

Kindest regards

Denise Healy

National Media & Public Affairs Manager
Family Court of Australia and Federal Circuit Court of Australia

(Acting) Federal Court of Australia

305 William St, Melbourne Vic 3000
p: 03 8600 4357
m: 0409 743 695
e: denise.healy@familycourt.gov.au

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Charlotte McArthur

From: Warwick Soden
Sent: Wednesday, 9 September 2015 2:09 PM
To: Denise.Healy@familycourt.gov.au; Chief Justice Allsop
Cc: [REDACTED] Eva Ryan; John Mathieson; Bruce Phillips
Subject: RE: Media issues

UNCLASSIFIED
Thanks for this.

Warwick

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

From: Denise.Healy@familycourt.gov.au [mailto:Denise.Healy@familycourt.gov.au]
Sent: Wednesday, 9 September 2015 11:50 AM
To: Chief Justice Allsop; Warwick Soden
Cc: [REDACTED] Eva Ryan; John Mathieson; Bruce Phillips
Subject: Media issues [SEC=UNCLASSIFIED]

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Kindest regards

Denise Healy

National Media & Public Affairs Manager
Family Court of Australia and Federal Circuit Court of Australia
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305 William St, Melbourne Vic 3000
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John Mathieson

Subject: FW: Courts Administration Amendment Bill 2015 [SEC=UNCLASSIFIED]
Attachments: Courts Administration and Amendment Bill 2015.docx; ATT00001.htm

----- Original message -----

From: Chief Justice Allsop
Date: 09/24/2015 14:38 (GMT+10:00)
To: Warwick Soden
Subject: Fwd: Courts Administration Amendment Bill 2015 [SEC=UNCLASSIFIED]

FYI

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 24 September 2015 2:34:26 pm AEST
To: [REDACTED]
Subject: Courts Administration Amendment Bill 2015 [SEC=UNCLASSIFIED]

Dear James,

I attach the document provided to the Attorney yesterday which I think makes the policy issues pretty clear and I am happy to negotiate on wording if something different but which achieves the same result can be agreed.

(See attached file: Courts Administration and Amendment Bill 2015.docx)

Kind regards
Diana

Helen Grist
Executive Assistant to
Chief Justice Bryant AO

ph: [REDACTED]
mob: [REDACTED]
email: [REDACTED]

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OFFICE OF THE REGISTRAR
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PRINCIPAL REGISTRY
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QUEENS SQUARE
SYDNEY NSW 2000

Phone: [REDACTED]
Fax: [REDACTED]
Email: [REDACTED]

9 October 2015

Mr Richard Foster, PSM
Chief Executive Officer
Family Court of Australia
and Federal Circuit Court of Australia
L 4, 15 London Circuit
CANBERRA ACT 2601

Email: [REDACTED]

Dear Richard

I am writing to request your endorsement and support for the two agencies to work more closely in developing strategies for the on-going management of Casetrack. As you are aware this is a key strategic issue for all three courts that use the application. In light of the courts reform project it is sensible for us to pool resources and align our thinking.

I see the following as the first areas of co-operation between the agencies for:

- 1) the Federal Court to join with the Family Court and Federal Circuit Court in the process being managed by Fujitsu to develop business requirements for the case management system; and
- 2) you to release the report prepared by Alan Piper Consulting from their review of case management system.

I trust that you will see this as a natural extension of the valued relationship between our agencies that has extended over many years both in terms of the development of Casetrack and the Commonwealth Courts Portal and in the more general sharing of ideas and information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Warwick Soden'.

Warwick Soden
Registrar/Chief Executive