

# The Administration of the Family Court of Australia

## Performance Audit

Tabled 15 May 1997

Audit Report No. 33 1996-97

### Abbreviations / Glossary

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<i>Blackstone</i>	The Court's computer-based case-flow management system
<i>Case Management System</i>	Developed by the judiciary and administration of the Court as a way of tracking cases through the Family Court
<i>CEO</i>	Chief Executive Officer - a position created under section 38B of the <i>Family Law Act 1975</i> . A position which assists the Chief Justice in the management of the Court's administrative function
<i>CRIS</i>	Counselling Records Information System.
<i>Deputy registrar</i>	Registry-based lawyer whose principal function is conciliation and mediation in financial matters and who also exercises limited delegated judicial powers
<i>ICS</i>	Integrated Client Services - pilot scheme at the Parramatta registry focusing on better service delivery
<i>OCE</i>	Office of the Chief Executive - the central office of the Court, primarily located in Sydney, with elements in Canberra, Melbourne and Perth
<i>Operations manager</i>	Supervises the operations section of a Court registry, including records, client service, orders, outcomes and listings staff, and Court Officers.
<i>PDR</i>	Primary Dispute Resolution - designed to help parties reach agreement on the issues they have in dispute. If PDR is unsuccessful, the case will then proceed to trial before a Judge.
<i>Regional manager</i>	Oversees the non-judicial functions of a number of registries in a geographical region
<i>Registrar</i>	A position to which section 37A of the <i>Family Law Act 1975</i> allows limited judicial power to be delegated
<i>Registry</i>	Client service delivery point for public contact with the Court. A <i>filing registry</i> provides full Family Court facilities such as filing of documents, courtrooms, judicial staff, counselling and, in the larger ones, mediation services.  <i>A sub-registry</i> is a small registry providing counselling services and, in some instances, limited document filing facilities. Sub-

registries also provide a court room for circuit judges and registrars to hear matters.

*Registry manager* Responsible for the management of administrative functions in a Court registry. The registry manager is accountable for registrars and counsellors within a registry except in respect to their professional responsibilities.

## Summary

1. The primary role of the Family Court of Australia is as a federal court and a Court of Appeal. It exercises jurisdiction in proceedings for divorce, nullity, division and settlement of property, injunctions, maintenance, residence (previously known generally as custody), and contact. The Court also has a welfare jurisdiction relating to children (including ex-nuptial children).
2. The Court currently offers a diverse range of services for clients. In addition to its traditional judicial role, the Family Court offers counselling (both voluntary and court ordered) aimed primarily at resolving disputes regarding children, conciliation conferences and, more recently, mediation. The scope and availability of services varies across registries. However, the Court does not offer marriage, reconciliation or financial counselling.
3. Client service delivery is through registries and sub-registries in 21 locations around Australia, excluding Western Australia which has its own State Family Court. The Court is the largest superior court in Australia. Each year, more than 100 000 adults and more than 150 000 children are affected directly by proceedings in the Court. Many more are affected indirectly.
4. The Court is currently organised into two regions: Northern, centred in Sydney; and Southern, centred in Melbourne. Each regional office has responsibility for a number of registries and sub-registries.
5. At 30 June 1996, the Court's total paid staff, including the judiciary, was approximately 920 people. The average full-time equivalent staffing level (excluding the judiciary) for 1995-96 was 810.
6. The majority of the Court's resources are provided by parliamentary appropriations. The current annual appropriation for 1996-97 is \$106 million, including additional estimates. In 1995-96 the Court returned \$11 million to Consolidated Revenue, predominantly from the collection of fees.
7. In the Family Court, most of its client services, except litigation (and directly related matters such as family reports), come under the term Primary Dispute Resolution (PDR). PDR is designed to help parties reach agreement on the issues they have in dispute as an alternative to potentially costly litigation. If PDR is unsuccessful, the case will then proceed to a trial where a Judge will hear evidence and then make a decision according to the facts of the case and the applicable law. The audit investigated the Court's administrative processes relating to PDR. The litigation aspect is a judicial function and consequently

outside the ANAO's mandate.

### **Audit background**

8. The Family Court has been the subject of several internal and external reviews over the past six years. The latest of these was that of the Joint Select Committee on Certain Family Law Issues (known as the Evans Review after its chairman, Martyn Evans MP).

9. The Government is yet to respond to most of the recommendations contained in the Report of that Review. However, the Attorney-General accepted the recommendation of the Evans Review that the Auditor-General undertake an efficiency audit of the Court. In requesting the Auditor-General to undertake the audit, the Attorney-General placed particular emphasis on an examination of the financial position of the Court.

10. In response to the request by the Attorney-General the ANAO tabled a report in August 1996 titled *Use of Justice Statement Funds and Financial Position - Family Court of Australia*. The audit found that the Court had not fully expended the funds provided by the previous Government under its Justice Statement initiatives for the purposes for which they were provided. The Court reallocated this funding by not proceeding with some initiatives, implementing others at a reduced level and increasing expenditure on others. However, the report also noted that once funds had been appropriated, the Court had the legal discretion to allocate the funds for any purposes the Court saw fit. Furthermore, although there had been extensive consultation between the Court, the Attorney-General's Department and the former and current Attorneys-General, no such formal agreement had been reached. The ANAO considered that it would have been prudent for the Court to have obtained written endorsement for its revised priorities from the then Attorney-General beforehand.

11. The ANAO also noted in that report that workload was increasing by two to four percent per year and that the Court may face budgetary shortfalls by 1997-98 unless it can identify efficiencies to reduce costs. The ANAO concluded that the Court may need to review its priorities, methods and approaches or even consider reducing the number or quality of services it provides. This is essential risk management which requires an assessment of potential effects as well.

12. In a further response to the Attorney-General's request, the ANAO has undertaken the current audit to examine other issues affecting the operations of the Court.

13. The objectives of the audit were to examine and evaluate the efficiency, economy and administrative effectiveness of the non-judicial activities of the Family Court of Australia. A major aim of the audit was to identify administrative better practices that could be promulgated throughout the Court.

14. The scope of the audit recognised that several reviews have been undertaken of the Family Court and the ANAO sought not to duplicate the work of previous

reviews.

15. The criteria for the audit are at Appendix 1 and address the following issues:

- corporate planning;
- performance measurement;
- organisational structure;
- human resource management (HRM);
- human resource development;
- management information and reporting systems; and
- operational processes and procedures.

### **Overall finding**

16. The audit found that the Court is well focussed on a move towards best practice. In some areas it is meeting its performance targets and, on the basis of available information, compares well with the Family Court of Western Australia and other Australian superior courts of record. HRM was found to be generally well administered. However, in the following respects, there has not been a commensurate improvement:

- The Court had not laid an adequate groundwork for effective corporate planning by establishing an appropriate planning process or framework. The Court Plan, business plans and the consultative processes could be improved particularly by identifying specific outcomes to be achieved, stating clearly the priorities of the Court, and providing links to other levels of planning. The consequences of an inadequate planning groundwork are reflected in shortcomings in the content of Court plans. Many other public service agencies and entities are experiencing these and similar difficulties in developing appropriate corporate planning groundwork. The Court has advised the ANAO that it is reviewing the Court Plan, will review business plans and has taken steps to improve Court consultative processes.
- Key objectives and goals of the Court Plan are not linked to performance measures. Performance measures presently used by the Court are limited to throughput or compliance with Case Management Guidelines. There is a lack of quality control mechanisms to ensure the accuracy and completeness of data collected. In many cases, the data collected by the Court is not analysed in any strategic sense to improve the economy and/or efficiency of the Court's operations. Without adequate performance information it is difficult to assess the efficiency of the Court satisfactorily. The Court has commenced a review of its performance information and statistics.

- The Court does not routinely collect and analyse demographic data to determine the likely demand for its services. The ANAO concluded that the Court's resources are not being allocated in a strategic and planned manner based on a rigorous analysis of the areas of greatest demand for services.
- Regional management makes little contribution from an organisational viewpoint to the efficient and effective operation of the Court. The ANAO estimates that the Court could save up to \$600 000 net per year by the abolition of the regional structure. This is in addition to the \$750 000 per year that the Court estimates it will save through changes to the regional management structure already made. The Court has engaged Professor Peter Coaldrake to undertake a review of the top management structure of the Court.
- When benchmarked to other Australian superior courts of record and the Family Court of Western Australia, on average the Court compares favourably in terms of timeliness and administration costs per case. However, the ANAO notes the wide variation between different registries in terms of both service delivery and cost.
- The Court does not have an Executive Information System and its management information systems are generally inadequate. The ANAO also found that the Court does not make the best use of existing systems. A review of the Court's Information Technology Strategic Plan with the objective of addressing some of these issues has been completed. As a result a new Information Technology Strategic Plan was approved by the Chief Justice's Consultative Committee in February 1997.

17. The ANAO has made ten recommendations aimed at improving the efficiency, economy and administrative effectiveness of Court administration.

### **Family Court response**

18. The Court accepted all of the report's recommendations and advised that action is already in train to implement many of them. It found the report for the most part a sensible and fair analysis.

## **Key Findings**

1. The audit found that the Court is well focused on a move towards best practice. When benchmarked on available information against the Federal Court of Australia, the Family Court of Western Australia and other Australian superior courts of record, the Family Court's operations compare favourably in terms of timeliness and administration costs per case. Similarly, a recent benchmarking survey for the Public Service and Merit Protection Commission disclosed that the Court's HRM practices were generally as good as, or better than, the majority of

the Australian Public Service (APS).

2. The ANAO noted the following examples where the Court is undertaking improvements:

- reviews of the Court's corporate plan (referred to as the Court Plan) and the Information Technology Strategic Plan and of performance information and statistics to improve the Court's management information;
- a review of operational procedures across registries to ensure consistency and improvement in the delivery of client services;
- the trial of Integrated Client Services in the Parramatta Registry aimed at improved client service; and
- changes to date in the regional management structure which the Court estimates will save \$750 000 per year.

### **Corporate planning**

3. A threshold issue identified in the Evans Review Report and Audit Report No.4 1996-97 *Use of Justice Statement Funds and Financial Position - Family Court of Australia* is the resolution of what constitutes 'core business' for the Court. The Court has commented that it has constitutional independence from the Executive and in any event its core functions are well specified in the legislation.

4. The Court advised the ANAO that it had corresponded with the Attorney-General on a number of issues since the ANAO's first report. The ANAO considers issues of resourcing and priorities for the business of the Court necessarily remain a matter for ongoing dialogue between the Court and the Government, in a context where the Government determines the overall budget and the legislative framework in which the Court operates. The Court is responsible and accountable for its operational decisions within that framework. In the ANAO's view continued consultation is prudent to provide a common understanding between the Government and the Court before finalising the Court's strategic directions as outlined in its corporate plan.

5. In order to develop an effective corporate plan it is necessary first to undertake adequate planning groundwork such as the agreement of priorities, staff consultation and the determination of strategic directions.

6. The ANAO interviewed Court managers at various levels and reviewed the Court's administrative files to determine whether the Court had undertaken adequate planning groundwork. The ANAO found:

- generally there was not a common understanding of what was to be achieved by corporate planning;
- the roles of the various stakeholders in developing aspects of the Court's corporate and business plans had not been defined;

- performance information, where collected, is not usually analysed in any strategic sense; and
- the rationale for deciding what areas of the Court should have business plans and the way they are to be linked to the Court Plan were unclear.

7. The ANAO concluded that the Court had not undertaken adequate groundwork to assist in developing effective corporate plans which are fully understood by the staff and with sufficient involvement to ensure their commitment.

8. The Court is taking steps to address some of these issues. The Court has instituted a review of the Court Plan, a review of the IT Strategic Plan and a review of performance information and statistics. Following the completion of audit fieldwork, the Court has advised that a decision has been made on which areas of the Court will have business plans. The Court also advised the ANAO that the Strategic Planning Unit will be involved in development of plans at all levels.

9. The consequences of an inadequate planning groundwork are reflected in shortcomings in the content of Court plans.

10. The ANAO found that the current Court Plan:

- does not identify specific outcomes to be achieved by the Plan;
- does not state clearly the priorities of the Court;
- provides little guidance on how the Court will achieve its goals;
- does not refer to other levels of planning;
- does not include timeframes;
- does not identify the areas of the Court responsible for particular actions; and
- does not include specific performance indicators for each objective or strategy. Indeed, some objectives set out in the Plan seem incapable of measurement. For example, the Court's objective that 'Justice is provided in an environment which safeguards the independent exercise of judicial power' has, as its first strategy, 'ensure independence of the Court and judges, and others exercising judicial power from influences upon their impartiality'.

11. Business plans, where they exist, are not overtly linked to objectives and strategies in the Court Plan. Some key performance measures are not identified and some are not referred to in Court business plans.

12. The shortcomings in Court plans discussed above can lead to:

- a lack of accountability for decision-making by not linking Court objectives and strategies to specific outputs and outcomes; and
- difficulties for managers in being able to use business plans as an active management tool to promote improved service delivery, better use of resources and improved accountability.

13. The ANAO examined the way in which Court plans were promulgated and used and found that the Court would benefit from improved emphasis on communicating its corporate direction internally. The Court advised the ANAO that it has already taken steps to address this issue.

## **Corporate management**

### *Performance measurement*

14. The ANAO reviewed the performance information available to the Court and the way in which it was used to evaluate the efficiency, economy and administrative effectiveness of the Court's operations. It found that:

- there is a general absence of links between performance measures and the key objectives in the Court Plan;
- the Court's current identified performance measures are limited to measures of throughput or compliance with Case Management Guidelines. These Guidelines often relate to the time required by the client to perform certain activities rather than identifying the time needed to perform a task within the Court;
- the Court does not have available to it an activity cost accounting or similar system that would allow it to capture costs of its various activities;
- the Court lacks adequate quality control mechanisms to ensure the accuracy and completeness of performance information and statistics; and
- reporting of performance both internally and externally is largely based on presenting raw data with little in the way of analysis as to its implications or consequences.

15. The Court advised that it measures its performance, not by the speed with which it can carry out a task, but by its ability to provide the service at the time required. The ANAO recognises that the time taken by clients to complete certain processes is an important factor in setting time standards. However, so is the time taken by the Court to complete its tasks. The ANAO considers that at present the case management performance standards emphasise the time taken by clients to the exclusion of the time taken by the Court to complete its tasks. Without measuring the time it takes to perform its tasks the Court is not in a position to properly assess the efficiency of its own processes.

### *Administrative decision-making processes*



16. The ANAO examined the Court's administrative decision-making processes in relation to several administrative changes. In the cases reviewed by the ANAO each had at least one key element missing.

17. For example, the ANAO found instances where the Court;

- had not documented reasonable alternative strategies or actions and ranked them in order of merit;
- had not identified and documented all important and relevant resource, technology and/or operational issues;
- had not involved all relevant stakeholders in the consultative and decision-making processes;
- had not documented the rationale for decisions;
- had set unrealistic timetables for the implementation of particular projects; or
- had not adopted an adequate project management regime. The accountability for some projects was inadequate with the ANAO unsure from the evidence presented as to who was the ultimate manager responsible for the implementation of particular projects.

18. From an analysis of the Court's administrative decision-making processes, the ANAO concluded that, although the Court has shown a willingness to make changes, it has not always approached these tasks in a way that ensures that all relevant considerations are taken into account. In response, the Court has explained that, in the instances reviewed by the ANAO, it has tried to maintain a flexible approach to management and that many decisions do not warrant the kind of overheads that may result from adopting a more rigid formal approach. The ANAO recognises that risk management is appropriate but the above instances suggest a more disciplined approach to risk assessment and priority setting would enhance the administrative decision-making processes of the Court.

#### *Resource allocation*

19. In the ANAO's view a resource allocation approach for the Court ideally would:

- examine the likely demand for the Court's services flowing from analysis of population distributions relative to the location of registries;
- determine the level and type of service delivery to be provided to those populations;
- determine registry workload forecasts on the basis of the service needed; and
- allocate available resources according to the Court's priorities and client

demand.

20. The Court collects some data on workloads and advised the ANAO that it spends a good deal of time analysing and comparing trends. However, it was not apparent from the available documentation that this was the case. The ANAO found that the Court does not routinely collect and analyse demographic data and trends necessary to determine the demand for, and location of, its services or undertake such analysis to match forecast demand with actual demand.

### **Regional organisational structure**

21. Both the Evans Report and a report by Professor Coaldrake into the Court's operations (the Coaldrake Report) comment on the regional organisational structure of the Court. The Court has instituted changes to its organisational structure subsequent to the Coaldrake Report. These include the abolition of one region and the centralisation of the Regional Directors of Court Counselling and the Regional Registrars. These positions became Deputy Principal Directors of Court Counselling and Deputy Principal Registrars respectively in the Office of the Chief Executive (OCE). Savings from these decisions have been estimated by the Court at \$750 000 per year. Before receiving the Coaldrake Report, the Court had centralised HRM functions from regions to OCE as a savings measure and also to take advantage of economies of scale.

22. The regional organisational structure was originally established to bring about better coordination between registries within the regions. Regional managers have achieved substantial progress towards standardising operational procedures and consistency of client service delivery across Australia. Nevertheless, differences in practices between regions (and in some cases between registries within the same region) remain.

23. The Court argues that the organisation without the regional management level represents an excessively flat structure. In its view, the span of control for the Chief Executive Officer is too wide, with too much centralised decision-making, which tends to be remote and too slow, with insufficient knowledge of local factors.

24. However, the ANAO considers that the regional management layer no longer reflects the rationale for which it was set up. The organisational effect of subsequent decisions has been to weaken considerably the need for a regional level of management since some of its more significant functions are now located in OCE.

25. The ANAO considers that the Court is substantially operational in nature, being mainly responsible for the delivery of a specified set of services to clients across Australia. The imposition of a regional management level between OCE and registries extends the lines of communication, adds additional decision points and hence makes it more difficult to achieve consistency and ensure a 'whole of Court' approach to service delivery.

26. The ANAO concluded that regional management makes little contribution from an organisational viewpoint to the efficient and effective operation of the Court.

27. The ANAO notes that a revised organisational structure is under consideration by the Court to address concerns about the need for the regional level of management.

28. The ANAO estimates annual savings available from the abolition of the regional structure are about \$1 million, which would be offset by some \$400 000 for alternative coordination arrangements including the establishment of a Principal Director of Client Services position. This estimated saving is in addition to the \$750 000 per year that the Court estimates it will save through changes to the regional organisational structure already made.

29. The Court has engaged Professor Coaldrake to undertake a top structure review of the Court. The ANAO suggests that the Court reviews the need for regional management in the light of the matters raised by the ANAO and Professor Coaldrake's review.

## **Operational performance and procedures**

### *Operating performance*

30. The Court's current performance indicators are limited to measures of throughput or compliance with Case Management Guidelines. There are few performance measures for operational procedures and those that do exist are, in the majority of cases, registry-specific measures.

31. The ANAO reviewed the Court's reported performance against performance targets set out in the Case Management Guidelines. For the Counselling Service and matters before registrars, the Court is, in general, meeting its Guideline targets. However, the ANAO notes the wide variation of performance in registries against most targets.

32. The Court has deferred any attempt at internal benchmarking until it has a more comprehensive range of established performance measures. However, the ANAO's analysis shows that more use can be made of existing data in this respect. The ANAO would encourage the Court to examine how this might best be done in the context of the review of performance information and statistics.

33. The ANAO's analysis of the costs of providing services shows a wide variation between registries. The variable cost per file opened (or per case) ranges from \$725 to \$1614. The ANAO would expect a greater level of uniformity between registries. Productivity also varies significantly across registries. The ANAO considers that the Court should examine the reasons for these variations with a view to improving the overall economy and efficiency of the Court's operations.

### *Operating procedures in registries*

34. The ANAO noted procedures followed by the various registries are often significantly different. As the Rules of the Court and the Court's Case Management Guidelines apply to the Court as whole, the ANAO would expect a high level of uniformity of procedures across the Court. The consequence of this diversity is seen in different standards of client service at the different registries and that some registries have implemented more efficient procedures than others.

35. The trial of Integrated Client Services at the Parramatta Registry was seen by the ANAO to have potential to deliver better client service and improved efficiency.

36. The ANAO noted that the Court has mechanisms to bring operational matters to the attention of registry and senior management. The Court considers that these mechanisms have been reasonably effective and that there has been extensive transfer of best practice. During the audit the ANAO noted many examples of better practice. However, it was not clear that the Court had used these mechanisms to full advantage to maximise the benefits of better practices throughout the Court. In other words, the Court has not developed and implemented continuous improvement across all areas of the Court, resulting in marked differences in the costs and nature of client services.

37. The Court has implemented consultative arrangements for the representation of operational concerns within registries to senior and registry management, for example a network for Operations Managers. The ANAO's examination of administrative files showed that these arrangements have not been supported by all levels of management. The consultative arrangements are insufficient by themselves to improve administrative arrangements because they lack the executive authority to implement changes and are dependent on the cooperation of all levels of management.

## **Other issues**

### *Management information systems*

38. The Court does not have an Executive Information System and recognises that its management information systems do not assist it to manage resources effectively by providing adequate, relevant, timely and complete information on which to make strategic and operational decisions. The ANAO also found that the Court does not make the best use of existing systems. A review of the Court's Information Technology Strategic Plan with the objective of addressing some of these issues has been completed. As a result a new Information Technology Strategic Plan was approved by the Chief Justice's Consultative Committee in February 1997.

### *Human resource management*

39. Recent changes to centralise HRM functions (previously part of the regional offices responsibilities) have the advantages of economies of scale and the creation of a pool of HRM expertise that can be used by all areas of the Court. In addition, the Court estimates savings of \$115 000 per year from these changes.

40. The ANAO's comments in relation to overall strategic planning and the need to develop the necessary linkages between the Court Plan and business plans are relevant in an HRM context.

41. The HRM policies reviewed by the ANAO adequately address the Court's needs.

42. In a recent HRM benchmarking survey conducted by Deloitte Touche Tohmatsu for the Public Service and Merit Protection Commission, the Court's performance in personnel practices, when measured against APS norms, was found to be generally as good as or better than the majority of APS organisations.

43. The ANAO concluded that HRM within the Court is generally well administered.

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## Recommendations

*Set out below are the ANAO's recommendations with report paragraph references and the Court's abbreviated responses. More detailed responses and any ANAO comments are shown in the body of the report. The ANAO considers that the Court should give priority to Recommendations Nos. 1, 3, 5, 6 and 7.*

The ANAO *recommends* that as part of the current review of the Court Plan, the Court also:

- continues to consult the Attorney-General to ensure a common understanding of the Court's priorities, resources and any emerging pressures;
- articulates clearly the role of business plans in the context of overall Court strategic planning;
- formalises the links between corporate, business and operational plans, performance measurement, monitoring and reporting;
- establishes effective mechanisms for reviewing corporate plans; and
- ensures that the new Court Plan:
  - contains an introductory statement of its purpose and planning framework;
  - clearly sets out the Court's objectives, preferably measurable;
  - provides a means whereby the Court's priorities can be determined in line with the Court's objectives;
  - articulates the outcome expected from each objective;

Recommendation  
No. 1  
Para. 3.21

- includes the specific strategies for achieving each of the Court's objectives; and
- specifies performance measures and reporting timeframes for each strategy.

**Court response:** Accepted

Recommendation  
No. 2  
Para. 3.31

The ANAO *recommends* that the Court develops a strategy for involving and communicating its corporate direction to managers at all levels; with particular emphasis on promoting all Court plans as management tools.

**Court response:** Accepted

Recommendation  
No. 3  
Para. 4.17

The ANAO *recommends* that the Court, as part of the current review of performance information and statistics, ensures that:

- performance measures, targets and reporting timeframes are set for all key objectives of the Court;
- targets are set for each functional area of the Court, particularly in relation to timeliness, cost, workload and service standards;
- effective quality control of its data collection mechanisms is established; and
- the Court undertakes more systematic analysis of performance information and provides users with more information on trends (and their cause) in Court operations and activities.

**Court response:** Accepted

Recommendation  
No. 4  
Para. 4.27

The ANAO *recommends* that the Court adopts a systematic evaluation and management framework in its administrative decision-making process. This could include:

- identifying and considering reasonable alternative options;
- documenting reasons for decisions;
- assessing resource implications; and
- analysing and reporting the means whereby changes are to be implemented.

**Court response:** Accepted the thrust of the recommendation

Recommendation  
No. 5  
Para. 4.39

The ANAO *recommends* that the Court collects and analyses data to:

- examine the likely demand for the Court's services;
- determine the level and type of service delivery to accommodate that demand;
- determine registry workload forecasts on the basis of the

service delivery needs; and

- allocate available resources according to the Court's priorities and client demands.

**Court response:** Accepted

Recommendation  
No. 6

Para. 5.20

The ANAO *recommends* that the Court reviews the need for the regional management, in conjunction with Professor Coaldrake's review of the Court's top structure.

**Court response:** Accepted

Recommendation  
No. 7  
Para. 6.20

The ANAO *recommends* that the Court commences benchmarking across registries using existing data. Comparisons with the Family Court of Western Australia and material arising from the Council of Australian Governments' working party should be part of this exercise.

**Court response:** Accepted

The ANAO *recommends* the Court adopts procedures to develop and implement continuous improvement across the Court that includes the following:

Recommendation  
No. 8  
Para. 6.36

- confirmation that the responsibility for developing administrative policies and procedures for all functional areas rests with OCE;
- improved input from registries and other functional areas of the Court in investigating issues and developing draft policies and procedures; and
- improved capability to benchmark administrative processes.

**Court response:** Accepted

Recommendation  
No. 9  
Para. 7.17

The ANAO *recommends* that all relevant stakeholders, including the Information Technology Group, be involved in the process of defining the capabilities needed for replacement for all Court systems, particularly FINEST and NOMAD.

**Court response:** Accepted

Recommendation  
No. 10  
Para.7.21

The ANAO *recommends* that the Court provides cost-effective training of relevant registry staff in the capabilities and effective use of existing management information systems.

**Court response:** Accepted

## 1. Introduction

### The Family Court of Australia

1.1 The Family Court of Australia (the Court) was created by section 21 of the

*Family Law Act 1975* (the Act). The Court Plan states that the Court's objective is 'to serve the interests of the Australian community by providing for the just and equitable administration of justice in all matters within the Court's jurisdiction, with emphasis in its family jurisdiction on the conciliation of disputes and the welfare of children'.

1.2 The responsibility for the administration of the Court lies with the Chief Justice (s. 38A of the Act). The statutory office of the Chief Executive Officer (CEO) assists the Chief Justice in the administration of the Court. The CEO appoints officers of the Court and has all the powers of a Secretary of a Department of the Australian Public Service (APS) in relation to staff of the Court (s. 38Q of the Act). He also has the delegated financial powers held by a Secretary of a Department.

1.3 The Court currently offers a diverse range of services for clients. In addition to its traditional judicial role, the Court offers counselling (both voluntary and court ordered) aimed primarily at resolving disputes regarding children, conciliation conferences and, more recently, mediation.

1.4 Client service delivery is through registries and sub-registries in 21 locations around Australia, excluding Western Australia which has its own State Family Court. The Court is the largest superior court in Australia. Each year, more than 100 000 adults and more than 150 000 children are affected directly by proceedings in the Court. Many more are affected indirectly.

1.5 Chapter 2 provides further information of the activities of the Court.

## **Audit methodology**

### **Audit Background**

1.6 The report of the Joint Select Committee (JSC) on Certain Family Law Matters (the Evans Review) entitled *Funding and Administration of the Family Court of Australia* (November 1995) recommended that the Auditor-General undertake an efficiency audit of the Family Court. The Government has yet to respond to the majority of the Review's recommendations. However, the Attorney-General asked the Auditor-General to undertake an efficiency audit, with particular reference to an examination of the Court's financial position.

1.7 In response to the Attorney-General's request, the ANAO prepared a report on *Use of Justice Statement Funds and Financial Position - Family Court of Australia*. That report was tabled in Parliament in August 1996 and dealt with the Court's use of the funding provided under the previous Government's Justice Statement; and on the financial position of the Court

1.8 This report has also been prepared in response to the recommendation of the Evans Review and the request of the Attorney-General and follows the earlier ANAO audit.

### **Audit objectives**



1.9 The objectives of the audit were to assess the economy, efficiency, effectiveness and accountability of the Court's administrative functions. A major aim of the audit was to identify better practices to improve administrative procedures that can be promulgated throughout the Court. In undertaking the audit the ANAO developed audit criteria to assess the Court's administrative functions. However, the scope of the audit recognised that several reviews have been undertaken of the Family Court and the ANAO sought not to duplicate the work of previous reviews. The audit criteria addressed the following key segments;

- corporate planning;
- performance measurement;
- organisational structure;
- human resource management (HRM);
- human resource development;
- management information and reporting systems; and
- operational processes and procedures.

### **Structure of the report**

1.10 The structure of the report deals with the issues mentioned above in the following order:

- an overview of the Court's activities;
- corporate planning;
- corporate management;
- regional organisational structure;
- operational performance and procedures; and
- other issues including management information systems and Information Technology (IT); and HRM.

### **Conduct of the audit**

1.11 The ANAO undertook fieldwork for the audit between September and December 1996. Fieldwork primarily involved interviews with relevant Court officers and a review of Court administrative files and other documents. The ANAO visited the Office of the Chief Executive (OCE) in Sydney and Canberra, Northern Regional Office (Sydney), Southern Regional Office (Melbourne) and registries in Brisbane, Canberra, Melbourne, Newcastle, Parramatta and Sydney. In addition, the ANAO also held discussions with officers of the Attorney-General's Department.

1.12 This audit was undertaken in accordance with the ANAO Auditing Standards and cost \$261 000.

## 2. The Family Court of Australia - An Overview

### Jurisdiction of the Court

#### Roles and responsibilities

2.1 The primary role of the Family Court of Australia is as a federal court and a Court of Appeal. It exercises jurisdiction in proceedings for divorce, nullity, division and settlement of property, injunctions, maintenance, residence (previously known generally as custody), and contact. The Court also has a welfare jurisdiction relating to children (including ex-nuptial children). These powers primarily arise from the *Family Law Act 1975*, the *Child Support (Registration and Collection) Act 1988* and the *Child Support (Assessment) Act 1989*.

#### *Divorce*

2.2 The most common application to the Court is for a dissolution of marriage (divorce). Divorce is the legal termination of a valid marriage after a minimum of twelve months separation. Applications for divorce are usually heard about ten weeks after filing and involve comparatively little processing or judicial time. The Court has greatly simplified divorce procedures in recent years to the extent that, in 1995-96, 70 percent of applicants filed divorce applications without the assistance of a solicitor.

#### *Ancillary applications*

2.3 Although the majority of divorce applications are uncontested, divorce does not of itself resolve issues involving property or children. All applications to the Court, aside from divorces, are known as ancillary applications and these account for the bulk of the Court's workload. These issues are handled as separate applications. Where an application for divorce is made that involves children under the age of eighteen, the registrar or deputy registrar hearing the matter must be satisfied that suitable arrangements have been made for the children's welfare.

2.4 It is not necessary to be divorced to apply for an ancillary application or vice versa. For example, a couple may be separated but not divorced and be in dispute about where their children will live.

**Figure 1 - Dispute resolution - a range of processes**

PROCESS	Pre-Marriage and relationship Education	Marriage or Relationship Counselling	Negotiation	Mediation	Court Conciliation Counselling	Registrar's Property Conciliation Conference	Adjudication / Arbitration
PROVIDER	Educator	Impartial Counsellor /	Lawyer, Agent,	Impartial facilitator	Impartial Counsellor	Impartial Registrar	Judge / Arbitrator

		Therapist	Parties, (Often no neutral facilitator )				
<b>PROCESS GOAL</b>	<ul style="list-style-type: none"> <li>- Provide resources for the development of relationship skills</li> <li>- Promote successful relationships</li> <li>- Prevent marriage or relationship breakdowns</li> </ul>	<ul style="list-style-type: none"> <li>- Improved spousal/couple relationship</li> <li>- Prevent marriage or relationship breakdown</li> <li>- Enhance family functioning</li> </ul>	<ul style="list-style-type: none"> <li>- Legitimate agreement that satisfies both sides</li> </ul>	<ul style="list-style-type: none"> <li>- Consensual agreement concerning children, property and financial issues that is in the interest of both parties and children</li> <li>- Management and restructuring of post separation family relationships to promote parental obligations and meet the needs of children</li> <li>- Reduce litigation and prevent future family conflict.</li> </ul>	<ul style="list-style-type: none"> <li>- Change parents' behaviour and relationships as the means to reach child-focused agreement</li> <li>- Management and restructure of post separation family relationships to promote parental obligations and meet the needs of children</li> <li>- Reduce litigation and prevent future family conflict</li> </ul>	<ul style="list-style-type: none"> <li>- A just and equitable agreement on post separation property and financial arrangements taking into account the needs of the parties and children, if any.</li> </ul>	<ul style="list-style-type: none"> <li>- Outcome that is fair, just and equitable.</li> </ul>
<b>PROCESS SEQUENCE</b>	<ol style="list-style-type: none"> <li>1. Provide information on family life issues</li> <li>2. Raise awareness of community generally on these issues</li> <li>3. Target at an early stage young people and couples planning to enter a relationship.</li> </ol>	<ol style="list-style-type: none"> <li>1. Focus on process roles and communication patterns</li> <li>2. Deals with underlying emotion</li> <li>3. Deals with history of relationship and each partner's family of origin</li> <li>4. Affects family life and each partner's undertaking of spousal and parenting functions in the family</li> <li>5. Primary focus on couple relationships</li> </ol>	<ol style="list-style-type: none"> <li>1. Orientation and positioning</li> <li>2. Arguments to and fro</li> <li>3. Crises develop</li> <li>4. Agreement, or breakdown, in talks</li> </ol>	<ol style="list-style-type: none"> <li>1. Introduces structures, gains support for process</li> <li>2. Finds out facts and isolates issues</li> <li>3. Clarifies underlying needs and concerns of all family members</li> <li>4. Helps generate alternatives to solve issues in dispute</li> <li>5. Guides negotiation and decision-making</li> <li>6. Clarifies agreement</li> <li>7. Written plan or agreement</li> <li>8. Provides for legal review and processing</li> </ol>	<ol style="list-style-type: none"> <li>1. Introduces process and rules</li> <li>2. Deals with underlying emotions preliminary to overcoming impasses in negotiations</li> <li>3. Input given re children's needs</li> <li>4. Assists parties to reach agreement</li> <li>5. Agreement takes account of both children's and parents' needs</li> <li>6. Primary focus is on children's needs</li> <li>7. Advice to Court re appropriate Case Management</li> </ol>	<ol style="list-style-type: none"> <li>1. Introduces process and roles</li> <li>2. Gathers facts and clarifies legal issues</li> <li>3. Manages negotiations in a flexible and discretionary manner having regard to the dynamics of the case</li> <li>4. Gathers and evaluates options</li> <li>5. Develops agreement that is just and equitable according to law</li> <li>6. Undertakes appropriate case management</li> <li>7. Makes procedural consent orders</li> </ol>	<ol style="list-style-type: none"> <li>1. Listens to presentations from both sides</li> <li>2. Makes a decision that correctly applies rules or laws to the facts.</li> </ol>

Services offered by the Family Court of Australia. NB: Adjudication but not arbitration offered.

## Services offered by the Court

2.5 The Court currently offers a diverse range of services for clients. In addition to its traditional judicial role, the Family Court, offers counselling (both voluntary and court ordered) aimed primarily at resolving disputes regarding children, conciliation conferences and, more recently, mediation. The scope and availability of these early intervention mechanisms varies across registries. Figure 1 sets out the range of processes available for dispute resolution.

2.6 In the Family Court environment, most of its client services, except litigation (and directly related matters such as family reports), come under the term Primary Dispute Resolution (PDR). PDR is designed to help parties reach agreement on the issues they have in dispute as an alternative to potentially costly litigation. If PDR is unsuccessful, the case will then proceed to a trial where a Judge will hear evidence and then make a decision according to the facts of the case and the applicable law. The audit investigated the Court's administrative processes relating to PDR. The litigation stream is a judicial function and consequently outside the ANAO's mandate.

### *Information sessions*

2.7 The Court runs information sessions in all its filing registries and on some circuits. Information sessions are designed to provide information to the public about property and children's proceedings in the Court. The sessions deal with the services offered by the Court and what clients can expect if dealing with disputes over property or over children. Information sessions try to encourage the parties to settle their own matters (using the PDR facilities provided by the Court if necessary) without the need for litigation.

### *Conciliation*

2.8 The most common type of counselling performed by the Court's counselling service is conciliation counselling in children's matters. The aim of the service is 'to assist separated parents to reach agreement about the future arrangements for their children without litigation.'<sup>1</sup> Counselling in the Court is provided by counsellors in all registries and sub-registries. The Court does not normally provide reconciliation counselling if that is expressed to be the aim of the parties beforehand; these matters are referred to approved non-government organisations. However, reconciliation opportunities occasionally arise during other forms of counselling and, if able to be achieved within that session, the opportunity is usually taken to pursue the matter.

2.9 Conciliation counselling is available to clients before they file applications with the Court (voluntary counselling) or may be ordered by the Court after filing has occurred (Court-ordered counselling). Counselling is mandatory in all cases involving children. Court-ordered counselling may occur before the parties attend a First Directions Hearing (FDH) before a registrar or may be ordered by the registrar at the FDH.

2.10 Financial counselling is not offered by the Court but conciliation in financial

matters is done by the Court's deputy registrars. This is called a 'conciliation conference.'

#### *Joint Conciliation Conferences*

2.11 The majority of registries offer Joint Conciliation Conferences in complex cases involving both children's and financial issues. These are conducted in a similar manner to conciliation conferences but are run by both a deputy registrar and a counsellor.

#### *Mediation*

2.12 In the Sydney, Melbourne, Brisbane and Parramatta Registries, the Court offers a mediation service. The aims of mediation are set out in Figure 1 and are designed to deal with a broader range of issues than counselling whose sole focus is children's matters. At present mediation sessions usually involve a counsellor and deputy registrar co-mediating and trying to help the clients reach agreement on some or all of the issues in dispute. Clients are screened for their suitability for the mediation process.

2.13 Mediation is a small part of the Court's overall workload. Of the 61 211 files opened during 1995-96, the Mediation Service undertook 1055 individual intake interviews and opened 416 cases for mediation.

#### *Integrated Client Services*

2.14 The Family Court is currently trialing an Integrated Client Services (ICS) project at its Parramatta Registry. ICS emphasises the needs of the client. The principal features of ICS are:

- clients approach a dedicated information and inquiry counter staffed by officers trained to handle a range of client needs (similar to a 'one stop shop');
- ICS counter staff schedule an information session for the client on the same day as a case appraisal and the FDH, thus saving the client multiple visits to the Court;
- the case appraisal is run by a Court counsellor or deputy registrar who discusses the specific issues of the case with the client and explores options for the management of the case through the Court;
- the case appraisal results in a recommendation concerning the next logical step for that client (for example, conciliation, mediation or direct to litigation); and
- this recommendation is fed into the client's FDH for a formal decision on the future conduct of the case.

### **Organisational structure**

2.15 The Court's administrative head office, OCE, is primarily located in Sydney. Some of its operations are located in Canberra and Melbourne. The CEO is assisted in the management of the Court and the development of policies by Principal Directors of Administration and Court Counselling and the Principal Registrar. OCE also has responsibility for the 'corporate' functions of the Court such as property, finance and budgets, HRM, staff training and development and information services.

2.16 Currently, the Court is organised into two regions: Northern, centred in Sydney; and Southern, centred in Melbourne. Each regional office has responsibility for a number of registries and sub-registries.

2.17 The Principal Director of Court Counselling and the Principal Registrar, in OCE, are responsible for professional issues in all registries. All professional streams within a registry report directly to a local registry manager on administrative matters. Registry managers are accountable to the manager of their region. The organisational structure of the Court is shown in Figure 2.

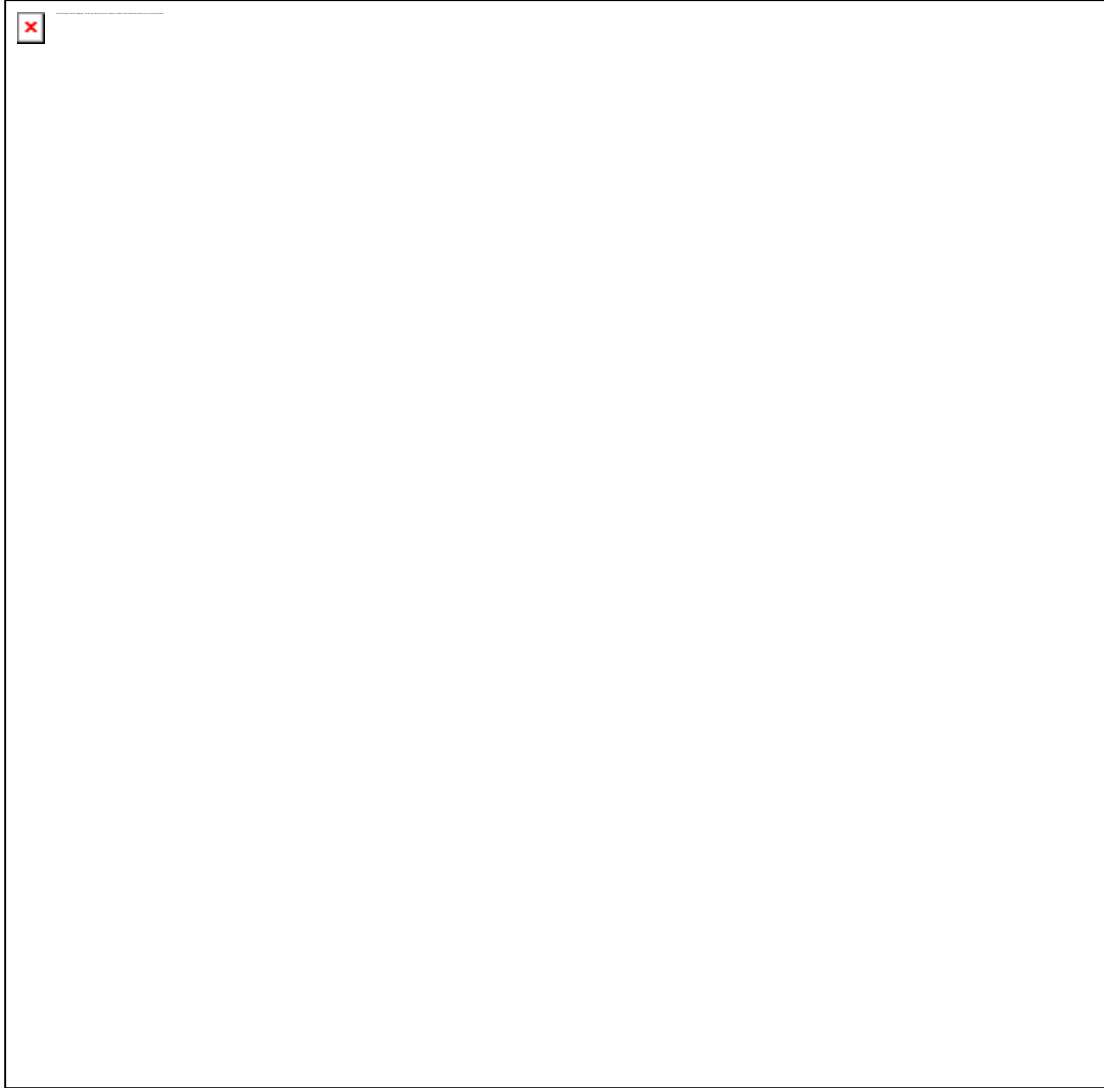
### **Staffing and financial resources**

2.18 At 30 June 1996, the Court's total paid staff, including the judiciary, was approximately 920 people. The average full-time equivalent staffing level (excluding the judiciary) for 1995-96 was 810.

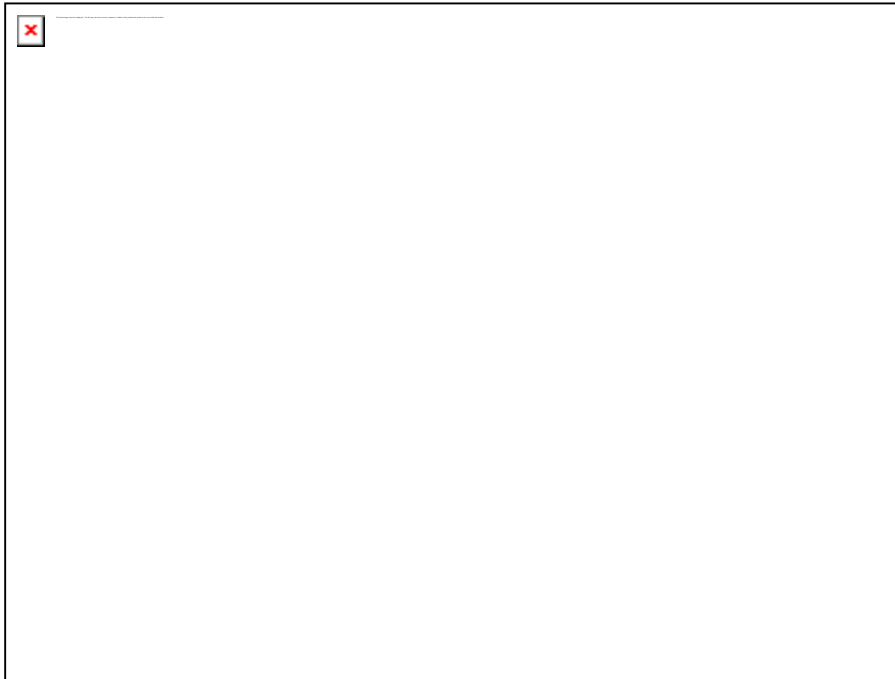
2.19 The majority of the Court's resources are provided by parliamentary appropriations. The current annual appropriation for 1996-97 is \$106 million including additional estimates. In 1995-96 the Court returned \$11 million to Consolidated Revenue, predominantly from the collection of fees.

2.20 Figures 3 and 4 show the Court expenditure for 1995-96 by functional area and management level respectively.

### **Figure 2 - Organisational chart - Family Court of Australia <sup>2</sup>**



**Figure 3 - 1995-96 Court expenditure by functional area**



Source: ANAO analysis of FCA data

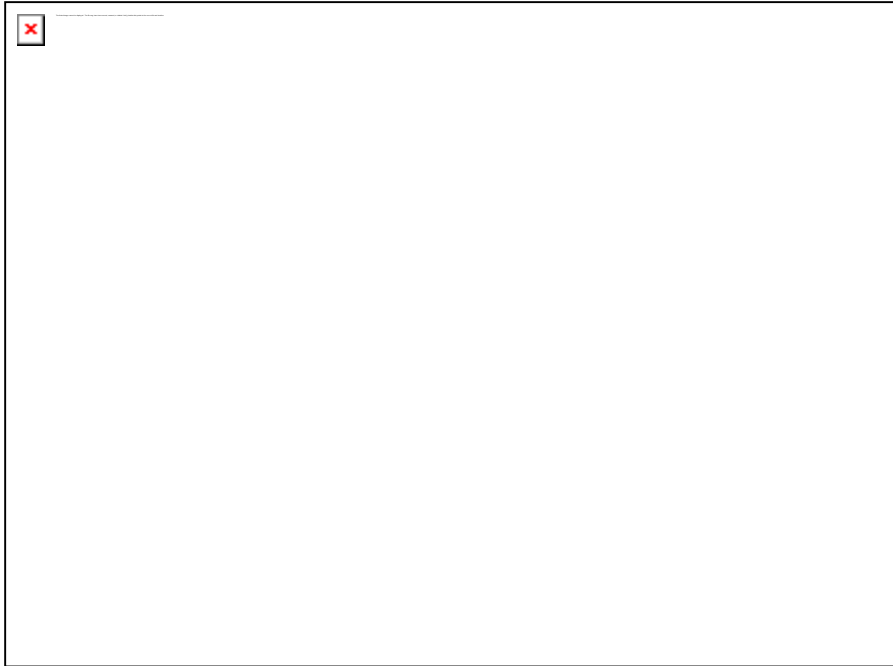
The Court does not allocate all administrative expenditure incurred over programs. Significant items NOT allocated across programs are:

	\$
NOMAD Charges	187 000
Comcare	439 000
FBT	893 000
Legal expenses	45 000
Security	719 000
Information technology	1 700 000
Library services	842 000

In addition, some items are only partially allocated, for example office requisites. The effect of this is to inflate the proportion allocated to the 'Corporate' program.

**Figure 4 - 1995-96 Court expenditure by management level**





Source: ANAO analysis of FCA data

Note: The Court does not allocate all expenditure incurred over programs or to Regions and registries. Where possible, the ANAO has adjusted Court figures to reflect the true area of expenditure; the most significant item so treated being POE. Nevertheless, a proportion of the expenditure identified as 'OCE' is actually paid on behalf of other areas.

## **Previous reviews**

2.21 The Court has been the subject of several internal and external reviews over the past six years.

### **The Buckley Report**

2.22 In anticipation of the Court becoming administratively independent from the Attorney-General's Department, a comprehensive review of the operations of the Court was undertaken by a working party chaired by Justice Neil Buckley, Judge Administrator (Northern Region), of the Family Court. The Review was undertaken within the Court but with the assistance of the Attorney-General's Department and the Department of Finance. The purpose of the Buckley Review was to assess the requisite services of the Court and the effectiveness and efficiency of the Court's operational arrangements at that time and develop structures for delivering the Court's services by the relevant legislation.

2.23 The Report from that Review (the 'Buckley Report') was issued late in 1990 and made recommendations on management improvement, resource deployment, conciliation counselling and organisational structure. The Court accepted the majority of the Buckley Report's recommendations but claims to have been limited in its ability to implement them because of a lack of funding from government. Nevertheless, the Court's current organisational structure and operational procedures are largely the result of its recommendations.

## **Review by Professor Peter Coaldrake**

2.24 One of the recommendations of the Buckley Report was that an evaluation be undertaken of the implementation of its recommendations. In 1995, the Court engaged Professor Peter Coaldrake, Deputy Vice-Chancellor of the Queensland University of Technology, to undertake a review of the implementation of the Buckley Report. The Coaldrake Report was presented to the Court in January 1996 and found that considerable progress had been made by the Court in improving its administrative efficiency and effectiveness. Nevertheless, the Coaldrake Report did recommend improvements. These included:

- updating the Court's corporate plan;
- the simplification of the Court's organisational structure;
- reconsideration of the roles of the Principal Registrar and the Principal Director of Court Counselling;
- organisation of the Court along programs and services rather than traditional discipline lines;
- the introduction of program budgeting and steps to ensure the Court operates within approved budget limits; and
- a commitment to improving the Court's management information systems and information technology in general.

2.25 The Court has accepted the thrust of the Coaldrake recommendations and has begun implementation. For example, the Court engaged a consultant to revise the Court's IT Strategic Plan. The Court also engaged consultants to report on the introduction of program budgeting.

2.26 At present, the Court is undertaking other reviews of its operations. An internal review of its performance information and statistics has commenced as has the revision of the Court's corporate plan. The Court has commenced a review of operational procedures with the aim of improving consistency across registries. All of these reviews and evaluations are scheduled to be completed by the end of June 1997. During 1997, the Court also intends to evaluate the outcomes and effectiveness of simplified procedures introduced in January 1996. The Court has also engaged Professor Coaldrake to undertake a review of the top management structure of the Court.

## **The McKiernan Review**

2.27 Two Parliamentary Joint Select Committees (JSCs) have reviewed aspects of the Family Court of Australia and the operations of the *Family Law Act 1975*. The first JSC, the McKiernan Review (named after its chairman, Senator Jim McKiernan), was formed in early 1991 to inquire into the operations and interpretation of certain aspects of the Act.

2.28 The McKiernan Review's main report, brought down in November 1992, contained 120 recommendations: the majority of which related to changes to the legislation rather than the operation of the Court. However, the Report did make recommendations on improving and extending the availability of Court counselling services and increased funding for information dissemination in the community.

### **The Evans Review**

2.29 After the General Election in March 1993 a new Committee (Joint Select Committee on Certain Family Law Issues) was established in May 1993; initially under the chairmanship of the Hon Roger Price MP and later Mr Martyn Evans MP. The Evans Review examined the outstanding matters from the original Review and an additional reference from the Attorney-General. This latter reference was to inquire into the office of Judicial Registrar within the Court and the possibility of the introduction of magistrates to the Family Court judicial structure.

2.30 The Evans Review reported to Parliament in November 1995. The Evans Review found that the Court was adequately resourced to meet its statutory obligations and made several recommendations to improve the administration of the Court.

2.31 The Government is yet to respond to most of the recommendations contained in the Evans Review. However, the Attorney-General accepted the recommendation of the Evans Review that the Auditor-General undertake an efficiency audit of the Court. In requesting the Auditor-General to undertake the audit, the Attorney-General placed particular emphasis on an examination of the financial position of the Court.

### **Auditor-General's Report No.4, 1996-97**

2.32 In August 1996, the ANAO tabled Audit Report No.4 1996-97 *Use of Justice Statement Funds and Financial Position - Family Court of Australia*. The audit arose from the request referred to in the previous paragraph.

2.33 The audit found that the Court had not fully expended the funds provided by the previous Government under its Justice Statement initiatives for the purposes for which they were provided. The Court reallocated this funding by not proceeding with some initiatives, implementing others at a reduced level and increasing expenditure to others.

2.34 By using the Justice Statement funding for purposes other than that for which it was provided, the Court in effect circumvented the decisions made by the previous Government and avoided the pressure placed on agencies to meet the efficiency dividend imposed by the Government. However, the report also noted that once funds had been appropriated, the Court had the legal discretion to allocate the funds for any purposes the Court saw fit. Furthermore, although there had been extensive consultation between the Court, the Attorney-General's Department and the former and current Attorneys-General, no such formal

agreement had been reached. The ANAO considered that it would have been prudent for the Court to have obtained written endorsement for its revised priorities from the then Attorney-General beforehand.

2.35 The ANAO also noted in that report that workload was increasing by two to four percent per year and that the Court may face budgetary shortfalls by 1997-98 unless it can identify efficiencies to reduce costs. The ANAO concluded that the Court may need to review its priorities, methods and approaches or even consider reducing the number or quality of services it provides. This is essential risk management which requires an assessment of potential effects as well.

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1

*Annual Report 1995-96, Family Court of Australia, p 47.*

2

Source: *Annual Report 1995-96, Family Court of Australia, p 23.*

### **3. Corporate Planning**

*The ANAO assessed the Court's corporate planning processes and the content of the Court Plan and subsidiary business plans. The ANAO found the Court had not laid an adequate groundwork for corporate planning and has proposed a model for the Court's planning groundwork. The Court's past approach has led to a range of specific shortcomings in the various Court plans, but it is taking action to address some of the issues identified.*

3.1 Corporate planning is a process whereby an entity sets its strategic direction in the light of its mandate, environment and available resources. Good corporate planning provides a framework for the organisation to make considered judgements about how its various parts will work together to achieve its objectives, and a basis to allocate priorities between different objectives in a rational manner.

3.2 There are two levels of plans within the Court:

- the corporate plan for the Court that sets out the major corporate directions for the Court as a whole and should provide an important unifying mechanism for the Court's various activities. Within the Family Court, this plan is called the Court Plan; and
- subsidiary plans that set out each significant element's contribution to the Court. These plans are called 'business plans'. Business plans should identify arrangements and action necessary within the areas of responsibility of the particular element to give effect to the strategies set out in the Court Plan.

### **Understanding and agreement of priorities**

3.3 A threshold issue identified in the Evans Report and Audit Report No.4 1996-97 *Use of Justice Statement Funds and Financial Position - Family Court of Australia* is the resolution of what constitutes 'core business' for the Court. The ANAO noted: 'The Attorney-General does not have any direct authority over how the Court determines its priorities and spends its funds. However, in the light of the priorities established by the former Government in the Justice Statement, there would be a clear expectation that the Court would, prior to changing its spending priorities, obtain the Attorney-General's formal agreement to any revised priorities for Justice Statement funding. In terms of monitoring and being accountable for performance in relation to specific program objectives there would seem to be benefit in the Court and the Attorney-General coming to an understanding on such matters to avoid similar circumstances recurring with their attendant uncertainties.' <sup>1</sup>

3.4 The Court has commented that it has constitutional independence from the Executive and in any event its core functions are well specified in the legislation.

3.5 The Court advised the ANAO that it had corresponded with the Attorney-General on a number of issues since the ANAO's first report.

3.6 The ANAO considers issues of resourcing and priorities for the business of the Court remain a matter for ongoing dialogue between the Court and the Government, in a context where the Government determines the overall budget and legislative framework in which the Court operates. The Court is responsible and accountable for its operational decisions within that framework. In the ANAO's view continued consultation is prudent to provide a common understanding between the Government and the Court before finalising the Court's strategic directions as outlined in its corporate plan.

### **The groundwork for corporate planning**

3.7 Effective organisations approach their corporate planning in a structured way that ensures that all relevant factors are adequately considered. An active corporate planning and review process is an invaluable tool in determining the Court's priorities and ensuring that resources are well targeted and used efficiently.

3.8 In order to develop an effective corporate plan it is necessary first to undertake adequate planning groundwork. This involves establishing:

- a common understanding of what the core functions of the Court are;
- a common understanding throughout the Court of what is to be achieved through the corporate planning process;
- what are the roles of the various stakeholders in developing corporate plans;
- what information needs to be considered and how information will be analysed; and

- an outline structure for corporate planning at all levels.

3.9 This groundwork will identify in particular:

- the implications of relevant legislation;
- the needs of the Court's clients;
- the special character of the Court. This would take account of the constitutional independence of the Court from the executive arm of government, while at the same time recognising the right of government to determine resources for the Court;
- the implications of providing a common standard of service across a wide geographical area;
- the need to find efficient and effective operational procedures and methodologies; and
- changing technologies, security requirements and staff employment arrangements.

3.10 The ANAO interviewed Court managers at various levels and reviewed the Court's administrative files to determine whether the Court had undertaken adequate planning groundwork. The ANAO found:

- generally there was not a common understanding of what was to be achieved by corporate planning;
- the roles of the various stakeholders in developing corporate plans had not been defined;
- performance information, where collected, is not usually analysed in any strategic sense, as noted in Chapters 4 and 6; and
- the rationale for deciding what areas of the Court should have business plans and the way they should be linked to the Court Plan were unclear.

3.11 The ANAO concluded that the Court had not undertaken adequate groundwork to assist in developing its corporate plans. Many other public service agencies and entities are experiencing these and similar difficulties in developing appropriate corporate planning groundwork.

3.12 The ANAO has suggested an example of the type of groundwork necessary for the development of effective corporate plans (see Figure 5). The key steps are:

- clarifying the Court's objectives. This involves the clarification of what the 'core' functions of the Court are, and will provide initial guidance on the priorities to be adopted by the Court;
- clarifying the roles of subsidiary plans and the links between corporate,

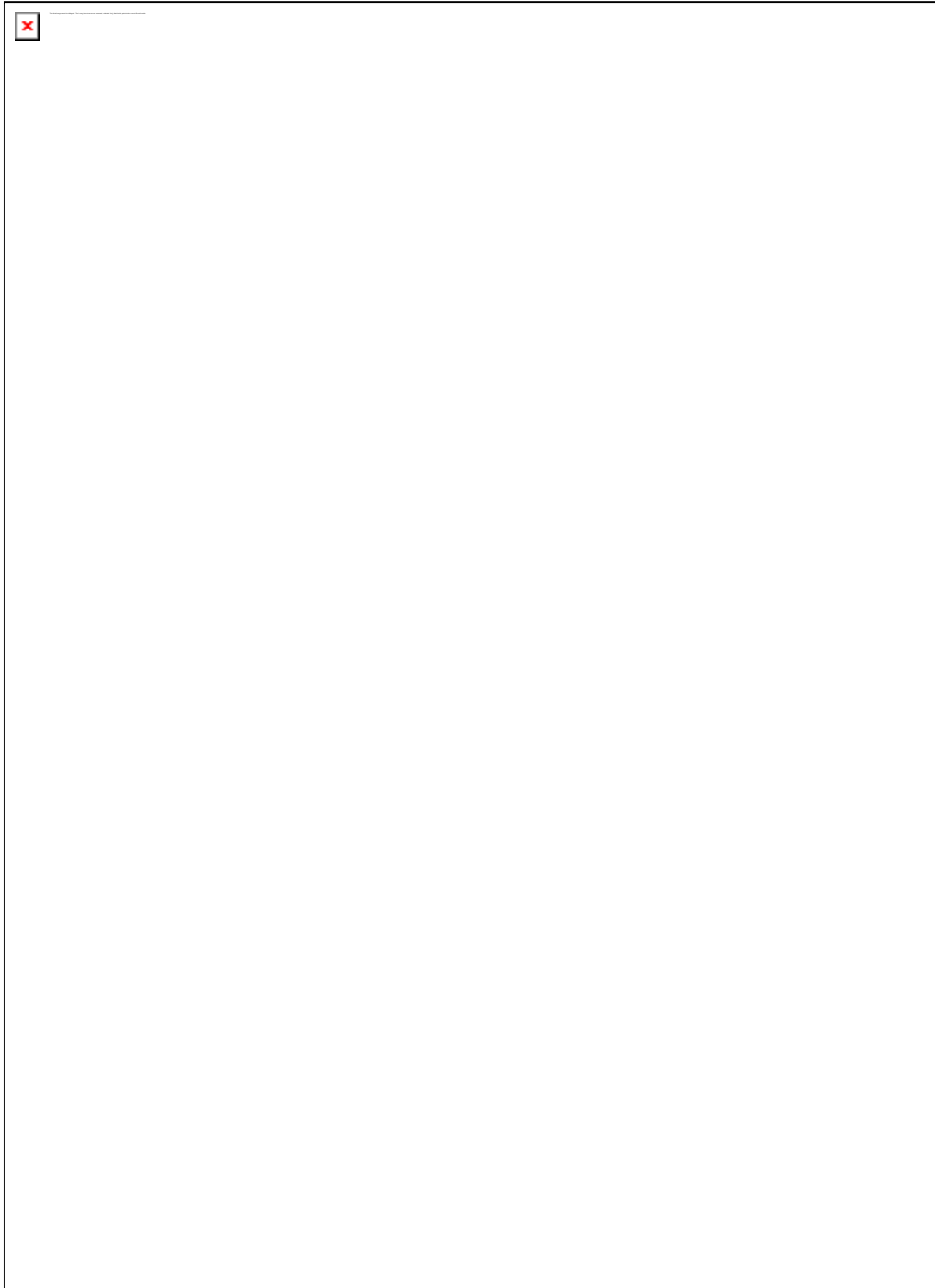
business and operational plans and performance agreements, performance measurements and reporting;

- reviewing the existing business plans and their links to the Court Plan;
- defining information requirements including specific performance measures, review mechanisms and timeframes;
- promoting ownership of the Court's corporate planning process and developing mechanisms for sufficiently involving all staff in the planning process to ensure their commitment to the Court Plan; and
- developing accountability/responsibility mechanisms for Court planning including defining the role and responsibility of the Strategic Planning Unit.

3.13 The Court is taking steps, as recommended by the Coaldrake Report, to address some of these issues: namely, the Court has instituted the review of the Court Plan, the review of the IT Strategic Plan and the review of performance information and statistics.

3.14 Following the completion of audit fieldwork, the Court has advised that, as part of the current review of the Court Plan and the consultative processes, the Court has decided that business plans will be developed by OCE, specific functional areas and each region and registry. The Court also advised the ANAO that the Strategic Planning Unit will be involved in development of plans at all levels.

### **Figure 5 - A suggested strategic planning framework**



### **The content of the Court's plans**

3.15 The consequences of an inadequate planning groundwork are reflected in shortcomings in the content of Court plans.

#### *The Court Plan*

3.16 The ANAO examined the Court's current Court Plan for the period 1995-98 and found that it does not provide sufficient detail to link objectives to specific strategies and performance measures. Appendix 2 sets out a possible structure for a corporate plan for the Court and shows that the current Court Plan:



- does not identify specific outcomes to be achieved by the Plan;
- does not state clearly the priorities of the Court;
- provides little guidance on how the Court will achieve its goals;
- does not refer to other levels of planning;
- does not include time frames;
- does not identify the areas of the Court responsible for particular action; and
- does not include specific performance indicators for all key objectives or strategies. Indeed, some objectives set out in the Plan seem incapable of measurement. For example, the Court's objective that 'Justice is provided in an environment which safeguards the independent exercise of judicial power' has, as its first strategy, 'ensure independence of the Court and judges, and others exercising judicial power from influences upon their impartiality'. Ideally objectives should be measurable and strategies articulate the means by which objectives are achieved. However, the ANAO questions whether the examples given provides stakeholders with sufficient information on how the Court intends to achieve its objective or know if it has been achieved.

*Business Plans*

3.17 The ANAO reviewed the business plans that were available during the audit. Figure 6 sets out the results of the examination.

3.18 Business plans, where they exist, are not directly linked to objectives and strategies in the Court Plan. For example:

- some of the business plans do not overtly link their objectives and strategies to the overall Court objectives; and
- in some cases, business plans are expressed in terms different from the Court Plan so that it is not clear that they are consistent with the direction of the current Court Plan.

3.19 Some key performance measures are either not set or not referred to in Court business plans. For example, although the Court has developed Case Management Guidelines that set specific timeframes and targets, these are not mentioned in the Court Plan or business plans.

**Figure 6 - Analysis of Family Court business plans**

<b>Plan</b>	<b>Objectives identified</b>	<b>Strategies identified</b>	<b>Approaches identified</b>	<b>Performance Indicators and</b>	<b>Comments</b>
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				timeframes	
Court Counselling Section (1993-95)	Yes	Yes	No	Some	Layout of this plan makes it difficult to link strategies to specific objectives and the Court Plan. Regional Directors are to develop their own approaches (action plans).
Human Resource Development (1995)	Yes	Yes	Yes	No	Performance indicators to be determined in consultation with project leaders.
Personnel Policy and Practices Unit Business Plan (Undated)	Yes	Yes	Yes	No	
Information Technology (1990 - Network component revised 1993)	Yes	Yes	Yes	Yes	Although most elements are present the format of the plan makes it difficult to extract information easily.  This plan is currently being revised.
Southern Regional Office (1991) - Draft only	Yes	Yes	No	No	
Dandenong Registry Action Plan (Sept, 1992)	Yes	Yes	Yes	No	

Source: ANAO fieldwork.

### Consequences of current planning arrangements

3.20 The shortcomings in Court plans can lead to:

- a lack of accountability for decision-making by not linking Court objectives to specific outcomes. There is evidence that responsibilities for developing the necessary strategies to achieve the desired outcomes are not clearly understood. The lack of strategies in the business plans to achieve Court objectives or specific performance measures and timeframes makes it difficult for stakeholders to assess easily the efficiency and effectiveness of the Court in achieving its objectives; and
- difficulties for managers in being able to use business plans as active

management tools to promote:

- improved service delivery (by benchmarking and better targeting of priority areas for attention);
- better use of resources (by a more rational basis for allocating resources and consistency of approach); and
- improved accountability (by the use of relevant performance indicators).

### **Recommendation No. 1**

3.21 The ANAO *recommends* that as part of the current review of the Court Plan, the Court also:

- continues to consult the Attorney-General to ensure a common understanding of the Court's priorities, resources and any emerging pressures;
- articulates clearly the role of business plans in the context of overall Court strategic planning;
- formalises the links between corporate, business and operational plans, performance measurement, monitoring and reporting;
- establishes effective mechanisms for reviewing corporate plans; and
- ensures that the new Court Plan:
  - contains an introductory statement of its purpose and planning framework;
  - clearly sets out the Court's objectives, preferably measurable;
  - provides a means whereby the Court's priorities can be determined in line with the Court's objectives;
  - articulates the outcome expected from each objective;
  - includes the specific strategies for achieving each of the Court's objectives; and
  - specifies performance measures and reporting timeframes for each strategy.

### **Court response**

3.22 The Court accepts this recommendation and confirms that these are the directions being pursued.

### **Consultation, promotion and use of Court plans**

3.23 To be effective, corporate plans require a program of consultation with management and staff at all levels. Wide consultation with all stakeholders will make it more likely that the corporate plan will be relevant, understood, used by managers and staff and implemented successfully.

3.24 The audit examined the consultative mechanisms used by the Court in developing the Court Plan, the way in which it was promoted and whether it was accepted as an active management tool.

#### *Consultation*

3.25 The audit found that:

- middle managers and staff reported that they had not been consulted adequately on strategic planning issues; and
- managers and staff also reported that they received little feedback on suggestions and the feedback that was received was not timely.

3.26 For example, several Court managers and staff mentioned that a meeting convened by the Chief Justice in June 1996 to discuss the Court Plan and strategic planning process was not representative of the make up of the Court. The Court responded that those attending the conference represented a cross section of the Court and that they were carefully chosen for their previous interest or contribution to Court planning. The ANAO also noted examples where the Court had invited contributions from all staff and the response rate was poor.

3.27 However, the ANAO concluded that the Court currently does not have a shared understanding among its staff of the strategic direction in which it wishes to move and has not articulated clearly the priorities set by senior management. The ANAO considers that the Court would benefit from an increased emphasis on communicating its corporate planning endeavours. The Court advised the ANAO that it has already taken steps to address this issue. As part of the current review of the Court Plan, the Director, Strategic Planning Unit is holding meetings with all registry managers to explain the strategic planning process. Following these briefings, registries will convene meetings of staff to discuss the draft Court Plan.

#### *Promoting strategic plans*

3.28 The Court has promoted the corporate plan by releasing a published version of the Court Plan, although the ANAO notes that this was done nearly twelve months after the Plan was developed.

3.29 The ANAO notes that the consultative process referred to at paragraph 3.27 will assist the Court in avoiding a similar delay in relation to the revised Court Plan.

#### *Plans as a management tool*

3.30 Although all managers knew of the existence of the Court Plan, none claimed

to use it as a management tool.

## **Recommendation No. 2**

3.31 The ANAO *recommends* that the Court develops a strategy for involving and communicating its corporate direction to managers at all levels; with particular emphasis on promoting all Court plans as management tools.

### **Court response**

3.32 The Court accepts this recommendation. The Court advised that its current consultative process is stressing the use of plans as a management tool.

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## **4. Corporate Management**

*In this chapter, the ANAO examines the ways in which the Court uses available information to assess operational performance. The audit found the way information is collected and analysed could be improved and that the Court is taking steps to address these issues. Although the Court has shown a willingness to make changes, its administrative decision-making processes have not always approached these tasks in a way that ensures that all relevant considerations are taken into account. The Court does not routinely collect and analyse demographic data to determine the likely demand for its services. The ANAO endorses the aims of the Court's current review of performance information.*

### **Performance measurement**

4.1 Accurate, relevant, complete and timely management information is crucial for good decision-making by the Court and external scrutiny of performance. <sup>2</sup> Well designed performance measures and statistics will:

- improve strategic and operational planning by ensuring that managers have adequate, accurate information on which to base their decisions;
- enable a better focus of Court activities and improve the use of resources; and
- enable external stakeholders (Parliament, Government, clients) to better gauge how well the Court is achieving its objectives.

4.2 An appropriate performance information regime for the Court would include:

- a clear relationship to the Court's corporate objectives;
- a clear relationship to the Court's corporate and business plans and, therefore, a clear relevance to the functions of the Court;
- targets and standards that are logically based, realistic and achievable;
- a process that is objective and efficient for gathering the information;
- a process of regular review; and

- arrangements to ensure that staff know what is expected of them.

4.3 The regime should also include a mix of quantitative and qualitative measures and cover inputs, processes, outputs and outcomes.

4.4 The ANAO reviewed the design and quality control aspects of performance information available to the Court and the way in which it was used to evaluate the efficiency, economy and administrative effectiveness of the Court's operations.

### **Design**

4.5 As indicated earlier, not all key objectives and goals of the Court Plan are directly linked to performance measures. Some existing performance measures are not referred to in Court plans.

4.6 The Court's current performance indicators are limited to measures of throughput or compliance with Case Management Guidelines. The Guidelines often relate to the time required by the client to perform certain activities rather than to identifying the time needed to perform a task within the Court. Performance measures have not been developed or targets set in a way that focuses attention on the efficiency or economy of the majority of the Court's operational activities, particularly at the registry level.

4.7 In response, the Court advised that the fundamental idea of case management is that control of the flow of cases through the process is taken out of the hands of the parties and put under the control of the Court. The Court could theoretically put all events on the pathway on consecutive days of the week but this would be nonsensical because the parties could not complete the work required for each stage. The Court argues that it is therefore illogical to base the event milestones on the time the Court needs to perform each task. The Court claims its performance is measured not by the speed with which it can carry out a task but by its ability to provide the service at the time required.

4.8 The ANAO recognises that the time taken by clients to complete certain processes is an important factor in setting time standards. However, so is the time taken by the Court to complete its tasks. The ANAO considers that at present the case management performance standards emphasise the time taken by clients to the exclusion of the time taken by the Court to complete its tasks. Without measuring the time it takes to perform its tasks the Court is not in a position to properly assess the efficiency of its own processes.

4.9 The Court does not have an activity cost accounting or similar system that would allow it to capture the costs of its various activities. For this reason, the ANAO has been unable to present an analysis of the Court's operations on an activity basis. Ideally, this information should be available as a by-product of the Court's management information systems.

### **Quality control**

4.10 The Court lacks adequate quality control mechanisms to ensure the accuracy and completeness of performance information and statistics. For example, the ANAO noted that some registries have developed different codes for recording information in *Blackstone* (the Court's computer-based caseflow management system). Although registries claim that local codes have been developed to provide greater detail, the consequence has been that one cannot be certain that the performance information produced is compatible across registries.

4.11 In another example, the records relating to counsellors day-sheets used to record the daily activities of counsellors contain a large number of errors. Remedial action to correct these errors has not been taken in a systematic way. As a result, counsellor performance information is incomplete.

4.12 The ANAO concludes that some of the Court's statistics are unreliable. This makes it difficult to analyse what the significance of variations in the Court's statistics might be or even to test properly anecdotal information about workload trends. The Court advised that it is aware of the problems and it knows which statistics are unreliable so is unlikely to be misled. Furthermore, significant improvements have been and are being made to improve the Court's statistics.

### **Use of existing information**

4.13 The Court collects a significant volume of information that would be useful in identifying client service priorities, focusing the Court's activities and allocating resources. In many cases, the Court has not analysed this material in any strategic sense to improve the economy and/or efficiency of the Court's operations. The cost of collecting this information, however, is significant.

4.14 The Court presents a large volume of information on activities and operations externally through its Annual Report and internally by a variety of management reports. The collection of information is labour-intensive because the Court's management information systems are not capable of producing them automatically (see Chapter 7). Reports generally contain raw data and lack trend analysis, for example identifying changing patterns of operational activities and client service demands. This reduces the benefit of the statistics that have been collected. Without adequate performance information it is difficult for stakeholders to assess the efficiency of the Court satisfactorily.

4.15 The ANAO notes that the Court has made progress to address this issue. For example, the Management Information and Research Unit now produces a quarterly Summary Report which identifies reasons for variations in reported case management indicators. Nevertheless, the ANAO considers that the application of a benchmarking approach would add value. This issue is further discussed in Chapter 6.

4.16 In November 1996, the Court instituted a review of its performance information and statistics. The review is well advanced and a draft report has been prepared for internal consideration. The ANAO supports this current review.

### **Recommendation No. 3**

4.17 The ANAO *recommends* that the Court, as part of the current review of performance information and statistics, ensures that:

- performance measures, targets and reporting timeframes are set for all key objectives of the Court;
- targets are set for each functional area of the Court, particularly in relation to timeliness, cost, workload and service standards;
- effective quality control of its data collection mechanisms is established; and
- the Court undertakes more systematic analysis of performance information and provides users with more information on trends (and their cause) in Court operations and activities.

#### **Court response**

4.18 The Court accepts this recommendation but notes that it has resource implications.

#### **Administrative decision-making processes**

4.19 The Evans Review expressed ' . . . its concern . . . at the way in which some new programs of the Family Court have been implemented without sufficient funding first being identified or allocated.'<sup>3</sup> The ANAO shared the Evans Review's concern and, in addition, considered that there are other aspects that need to be taken into account in the administrative decision-making process; otherwise, the outcomes may not achieve value for money.

4.20 The Court has implemented several significant changes aimed at improving client service and/or Court efficiency. To test the concerns of the Evans Review the ANAO reviewed the following administrative changes made by the Court. The changes were chosen at random by the ANAO:

- introduction of the Counselling Records Information System ;
- ICS Pilot;
- downgrading the Dandenong Registry; and
- centralising HRM and human resource development functions in OCE.

4.21 The ANAO looked for the following key information in assessing how the tasks were undertaken:

- proposal (what we want to do);
- the problem/opportunity (why we want to do it/what we hope to achieve);



- methodology (how we intend to do it);
- resourcing (how much it will cost/what we need);
- timeframes (when we are going to do it/when it will be ready or implemented);
- measures (how will we know we have been successful/we have met our objectives); and
- accountability (who is ultimately responsible for managing this proposal and its performance).

4.22 In the cases reviewed by the ANAO each had at least one of these key points missing. For example, the ANAO found instances where the Court:

- had not documented reasonable alternative strategies or action and ranked them in order of merit;
- had not identified and documented all important and relevant resource, technology and/or operational issues;
- had not involved all relevant stakeholders in the consultative and decision-making processes;
- had not documented the rationale for decisions;
- had set unrealistic timetables for the implementation of particular projects; or
- had not adopted an adequate project management regime. The accountability for some projects was inadequate with the ANAO unsure from the evidence presented as to who was the ultimate manager responsible for the implementation of particular projects.

4.23 Further details of the ANAO's review are to be found at Appendix 4.

4.24 The ANAO concluded that, although the Court has shown a willingness to make improvements, it has not always approached these tasks in a way that ensures that all relevant considerations are taken into account. Potentially, economy, efficiency, effectiveness and accountability were compromised. A more strategic outlook in administrative decision-making would help to more accurately identify these risks. Although the ANAO did not find any evidence that these considerations were actually jeopardised, by giving explicit and serious attention to the elements mentioned in paragraph 4.21, the ANAO considers there would be a better chance of ensuring risks were minimised and outcomes achieved value for money.

4.25 In response, the Court has explained that it has tried to maintain a flexible approach to management and that many decisions do not warrant the kind of overheads that may result from adopting a more rigid formal approach. In the

Court's view, the ANAO has characterised these tasks as 'projects' and judged them against a project management model which is inappropriate. The Court stated that it has very limited resources and believes that it is more important to achieve outcomes than to devote time to lengthy statements of reasons for decisions.

4.26 The ANAO agrees that an excessively rigid approach to tasks of this nature can be counterproductive, and that it is appropriate for the Court to take a risk management approach in its administrative decision-making processes. Although acknowledging that a risk management approach is appropriate, the ANAO suggests that the above instances suggest a more disciplined approach to risk assessment and priority setting would enhance the administrative decision-making processes of the Court. The ANAO considers that the factors set out in paragraph 4.21 provide a structure of sensible management considerations that will assist in reducing the risks of wasted effort and satisfy the accountability requirements placed on the Court.

#### **Recommendation No. 4**

4.27 The ANAO *recommends* that the Court adopts a systematic evaluation and management framework in its administrative decision-making process. This could include:

- identifying and considering reasonable alternative options;
- documenting reasons for decisions;
- assessing resource implications; and
- analysing and reporting the means whereby changes are to be implemented.

#### **Court response**

4.28 The Court accepts the thrust of this recommendation subject to considerations of proportionality and materiality.

#### **Resource allocation**

4.29 To allocate the resources needed throughout the Court effectively, it is important to match them to the workload of the various registries and other areas of the Court. In the ANAO's view a resource allocation model for the Court ideally would:

- examine the demand for the Court's services flowing from analysis of population distribution relative to the location of registries;
- determine the level and type of services to be provided to that population;
- determine registry workload forecasts on the basis of the services needed; and

- allocate available resources according to the Court's priorities and client demands.

4.30 The Court does not routinely collect and analyse demographic data to determine the demand for its services. There have been instances where the Court has used demographic data for particular purposes but they were not used to identify the likely overall demand for the Court's services.

4.31 The Court collects some data on workloads and advised the ANAO that it spends a good deal of time analysing and comparing trends. However, it was not apparent from the available documentation that this was the case. The ANAO found that the Court does not routinely collect and analyse demographic data and trends necessary to determine the demand for, and location of, its services or undertake such analysis to match forecast demand with actual demand.

4.32 The Court is of the view that the ANAO's emphasis on estimating demand is overstated when there is evidence of actual demand readily available. The Court further advised the ANAO that the existing geographical distribution of the Court largely reflects earlier government decisions as to locations of registries and the appointment of judicial officers and that the Court has been self administering only since 1990.

4.33 The ANAO acknowledges that the Court has statistics indicating existing demand for services and recognises the Court's comment that there are substantial human and resource constraints on changing locations. However, the Court's objective should be to better match resources to areas of demand and this may require the relocation of staff and resources in the long-term. This requires a pro-active approach. In this respect, the Court would benefit from analysing, in addition to the known service demand within existing registries, trends and projections for the Court's services across Australia.

4.34 At present, resource allocation in the Court is based on a simple workload apportionment to registries after OCE and regional offices' expenditure has been allocated. In 1995-96 OCE expenditure accounted for 15 percent and regional management three percent of budget allocation. A proportion of the expenditure identified as OCE and regional management is actually paid on behalf of other areas of the Court (see Figure 4).

4.35 The Court contends that no satisfactory formula for apportioning resources has yet been found and that the existing workload formula used by the Department of Finance is unsatisfactory at the micro level because it does not take sufficient account of local external factors. For example, it has been suggested that the legal profession in some States is more inclined to litigation than in others; this is not considered in the workload formula. The Court points out that it has already asked the Department of Finance to review the formula.

4.36 Despite the concerns mentioned in paragraph 4.10 et seq. over the accuracy of some Court data, the ANAO tested some of the Court's workload statistics against estimated population data to see if local external factors had a bearing on

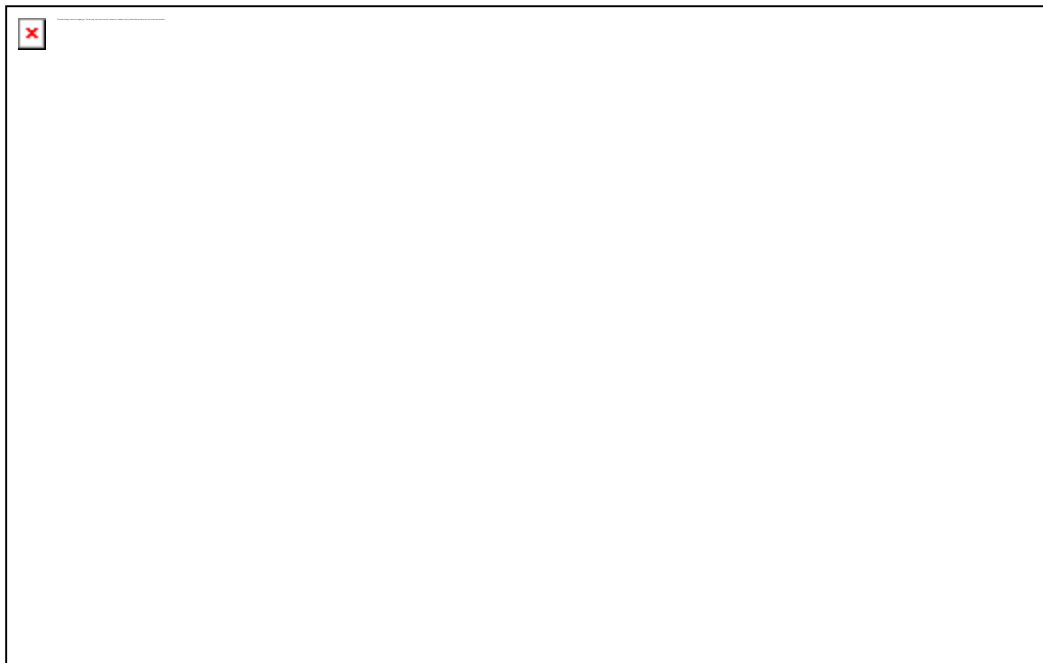
registry workloads. The ANAO found that generally the percentage of the Court's workload undertaken by each registry reflected the percentage of the population serviced by that registry (see Figure 7). That is, there is little evidence that these local external factors have a significant effect on the workload of the Court's registries.

4.37 The Court advised the ANAO that it had rejected previous attempts to use population ratios for internal resource allocation purposes because the results were not considered on empirical grounds to be equitable when compared to existing allocations. The ANAO is not advocating the mechanistic application of a workload formula to the Court resource allocation process. However, the ANAO considers that internal resource allocation could be improved if the Court identified the differences between different population areas, assessed the significance of such differences and their effect, if any, on the Court's workload, delivery of client services and resource requirements.

4.38 The collection and analysis of this and similar data could then be used by the Court in discussions with the Department of Finance regarding the Department's proposed review of the workload formula scheduled for 1997-98.

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**Figure 7 - Selected client services by registry 1995-96**



Source: ANAO analysis of FCA data

Indicators appearing in Figure 7 are:

- |                 |  |
|-----------------|--|
| Catchment       | The percentage of the estimated population serviced by each registry   |
| Divorces        | The percentage of the total number of divorces granted during the year   |
| Self Applicants | The percentage of the total number of clients serviced by the Court who are not represented by a legal practitioner. |

Form 7	The percentage of the total number of applications for final orders
Form 8	The percentage of the total number of applications for interim orders

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## **Recommendation No. 5**

4.39 The ANAO *recommends* that the Court collect and analyses data to:

- examine the likely demand for the Court's services;
- determine the level and type of service delivery to accommodate that demand;
- determine registry workload forecasts on the basis of the service delivery needs; and
- allocate available resources according to the Court's priorities and client demands.

### **Court response**

4.40 The Court accepts this recommendation. However, the Court is of the view that the ANAO's emphasis on estimating demand is overemphasised when there is evidence of actual demand readily available.

### **ANAO comment**

4.41 The ANAO acknowledges that the Court has statistics indicating the current demand for services. However, to better match resources to the changing demand for Court services may require the relocation of staff and resources in the long-term. This requires a pro-active approach. In this respect, the Court would benefit from analysing trends and projections for the Court's services across Australia.

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1

*Use of Justice Statement Funds and Financial Position - Family Court of Australia, Audit Report No.4 1996-97, p 7.*

2

The ANAO and the Department of Finance have developed a better practice guide entitled *Performance Information Principles*, (November 1996).

3

*Funding and Administration of the Family Court of Australia, Joint Select Committee on Certain Family Law Issues (Evans Review), November 1995, p 42.*

## 5. Regional Organisational Structure

*Both the Evans and Coaldrake Reports commented on the regional organisational structure of the Court. The Court argues that the organisation without the regional management level represents an excessively flat structure. However, the organisational effect of decisions to remove some positions and functions from the regions and centralise them in OCE has been to weaken considerably the need for a regional organisational structure. The ANAO concludes that the rationale for retaining the Court's regional organisational structure is no longer compelling.*

### Background

5.1 The Evans Review was of the view ' . . . that the Court should strip its bureaucratic and administrative layers and complexities and abolish regional management . . . ' <sup>1</sup>

5.2 In his review of the Court's organisation, Professor Coaldrake considered that the organisational structure was too complex, and there was not a sufficiently clear demarcation of roles among OCE, the regions, and the registries. <sup>2</sup> He recommended that the Court review the respective roles and relationships of OCE, the regions and the registries and that OCE's focus should be on:

- strategic and policy direction;
- matters of broad pastoral care of the organisation;
- implementing the decisions of the Chief Justice's Consultative Committee (an advisory group to the Chief Justice);
- planning and coordinating service delivery; and
- program monitoring. <sup>3</sup>

5.3 He recommended that the Court simplify its organisational structure, particularly in relation to the regions and registries.

### *Court's response*

5.4 The Court has instituted changes to its organisational structure following the Coaldrake review. These include the abolition of one region and the centralisation of the Regional Directors of Court Counselling and the Regional Registrars. These positions became Deputy Principal Directors of Court Counselling and Deputy Principal Registrars respectively in OCE. Savings from these decisions have been estimated by the Court at \$750 000 per year.

5.5 Before receiving the Coaldrake Report, the Court centralised HRM and human resource development functions from regions to OCE as an economy measure, and also to take advantage of resulting economies of scale and the creation of a centralised pool of HRM expertise.

### Justification for a regional structure

5.6 The regional organisational structure was originally established to bring about better coordination between registries within the regions. Regional managers have achieved substantial progress towards standardising operational procedures and consistency of client service delivery across Australia. Nevertheless, differences in practices between regions (and in some cases between registries within the same region) remain. The Court has recognised that different practices operate in registries and has seconded the Operations Manager of the Adelaide Registry to undertake a review of operations within the Court with the objective of achieving operational uniformity and to improve client services.

5.7 In response to the Evans Review recommendation to abolish the regional level of management, the Court quoted the Buckley Report (referred to at paragraph 2.22) in support of its regional organisational structure. The Court stated that the organisation without the regional management level ' . . . represents an excessively flat structure. The span of control for the CEO is too wide, with too much centralised decision-making, which tends to be remote and too slow, with insufficient knowledge of relevant local factors. The [Buckley] Working Party considers that the remoteness of central control has contributed significantly to the lack of co-operation and co-ordination between registries at a local level, particularly those registries in close proximity.'<sup>4</sup>

5.8 The Court claims that the relationship between regional managers and Judge Administrators is an important factor. The Buckley Report comments: ' . . . It is now widely accepted within the Court that the regionalisation of the judicial administration of the Court has been a success. . . . the lack of a similar structure for the other arms of the Court inhibits the efficiency and effectiveness of the judicial structure as difficulties experienced by the inability of such dissimilar systems to accommodate each other.'<sup>5</sup>

5.9 The ANAO accepts that the responsibility for the management of the Court is ultimately a judicial responsibility, but the majority of the cases coming before the Court are handled under delegation. However, the ANAO notes the comment by Professor Coaldrake who has pointed out: ' . . . it is important that the structure of the Court should be organised not on internally focussed disciplinary lines, but rather with an external focus on the services the Court seeks to provide.'<sup>6</sup>

### **The case against a regional organisational structure**

5.10 The ANAO considers that the regional management layer no longer reflects the rationale for which it was set up. At the same time the benefits of coordination between registries can be maintained at a lower cost. The organisational effect of the decision to transfer the Regional Directors of Court Counselling and Regional Registrars and the centralisation of the HRM function to OCE has been to weaken considerably the need for a regional level of management since some of its more significant functions are now located in OCE.

5.11 The ANAO considers that the Court is substantially operational in nature, being mainly responsible for the delivery of a specified set of services, both judicial and administrative, to clients across Australia. Given the nature of the

Court, the full range of its functions can be delivered (and in the major registries, is delivered) locally. It is the role of registry management to ensure that the necessary level of service is delivered to the Court's clients. The ANAO agrees with Professor Coaldrake that OCE is responsible to provide 'broad pastoral care', that is, corporate governance in terms of leadership and the appropriate management environment for the Court. The imposition of the regional management level between OCE and the registries extends the lines of communication, adds additional decision points and hence makes it more difficult to achieve consistency and ensure a 'whole of Court' approach to service delivery.

5.12 The ANAO estimates annual savings available from the abolition of the regional organisational structure are about \$1 million which would be offset by some \$400 000 for alternative coordination arrangements including the establishment of a Principal Director of Client Services position suggested below. This estimated saving is in addition to the \$750 000 per year that the Court estimates that it will save through changes to the regional organisational structure already made.

### **Proposed top structure review**

5.13 The Court has advised that it has engaged Professor Coaldrake to undertake a top structure review of the Court. His terms of reference include the structural implications of the move towards integrated client services. It would be appropriate for a decision on the future of regional management to await the outcome of Professor Coaldrake's review. This would allow the Court to take into account any other changes in organisational arrangements that might flow from Professor Coaldrake's review.

### **Conclusion and proposed options for a new organisational structure**

5.14 The ANAO concluded that regional management makes little contribution from an organisational viewpoint to the efficient and effective operation of the Court.

5.15 The ANAO recognises the continuing need for coordination and liaison and the need to maintain a manageable span of control for the CEO. The ANAO sees a place for a stronger organisational focus on client services on a 'whole of court basis'. One option could be the establishment of a position of Principal Director of Client Services as a Deputy to the CEO to serve as a coordination point within OCE for operational matters within the Court. Such a position would also shorten the lines of communication by reducing the number of senior managers between the Court's policy-making and client service delivery areas from two (the current regional managers) to one. In addition, this position would have direct responsibility for enhancing the client service focus at the senior level within the Court.

5.16 The Court already recognises that there is insufficient representation for operational matters in OCE. The secondment of the Operations Manager



mentioned in paragraph 5.6 is partly in response to the Court's recognition of this lack of representation.

5.17 Other issues such as possible groupings of existing registries or restructuring of registries to match client demands could then be resolved in line with the needs of the whole Court.

5.18 An outline organisational chart sets out a possible model developed by the ANAO for consideration by the Court (Appendix 5). It includes some suggested groups of registries. The groups take account of historical links. It would also allow resources to be pooled to provide a presence in areas where, in the ANAO's opinion, the Court may not have a 'critical mass' of demand for its services (see paragraph 6.14 below). The Court has already started to move in this direction with the amalgamation of Dandenong with Melbourne and Launceston with Hobart. Further grouping of registries is under consideration by the Court.

5.19 The essential difference between the groups of registries and the regional management layer is that the major registry is a working registry and not an additional level between the registries and OCE.

#### **Recommendation No. 6**

5.20 The ANAO *recommends* that the Court reviews the need for the regional management, in conjunction with Professor Coaldrake's review of the Court's top structure.

#### **Court response**

5.21 The Court accepts this recommendation and advised that it has already engaged Professor Coaldrake to undertake a top structure review that includes regional management.

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## **6. Operational Performance and Procedures**

*In this chapter the ANAO examines the operating performance in the different registries and the identification and promulgation of better practice throughout the Court. The ANAO concludes that there are many examples of good practice but they are not found in all registries and there is a wide variety of procedures and practices across the Court. There are opportunities to focus on the best practice within the Court to achieve efficiencies and better customer service.*

6.1 In examining the Court's operational performance and procedures the ANAO had regard to:

- performance against set targets;
- the use of benchmarking to compare performance across registries, regions and other functional areas and also to external organisations;
- consistency of service delivery across registries; and

- identification of better practice whereby processes are changed to improve client services and internal efficiencies.

6.2 The criteria used by the ANAO in this review are detailed in Appendix 1.

## Operational performance

### Performance against targets

6.3 As mention in Chapter 4, the Court's current performance indicators are limited to measures of throughput or compliance with Case Management Guidelines. There are few performance measures for operational procedures and those that do exist are, in the majority of cases, registry-specific measures.

6.4 The ANAO reviewed the Court's reported performance against performance targets set in the Case Management Guidelines. The summarised results of this review are set out in Figure 8 and details of performance against a range of particular indicators, including Counselling performance targets, are at Appendix 6. For the Counselling Service and matters before registrars, the Court is, on average, meeting its Guideline targets. However, the ANAO notes the wide variation of performance in registries against most targets. For example, 'long judicial' matters vary from under 20 weeks in one registry to over 90 weeks in another. The Court has advised that the provision of judicial resources is in the hands of the Government not the Court.

**Figure 8 - Registries performance against key activity targets 1995-96**



Source: ANAO analysis of FCA data.

The solid lines in the above chart represent the range of results achieved. The top of the line represents the worst result and the bottom of the line, the best result.

'Average' is FCA-wid average.

## **Activity results against Case Management Guidelines**

This chart shows the monthly performance of registries against Case Management Guidelines.

For matters before registrars, the Court is generally meeting its guideline targets.

ANAO notes the range of results for judicial matters from under 20 weeks in one registry to over 90 weeks in another in relation to long matters.

## **Benchmarking**

6.5 Benchmarking, whereby performance in the various registries is compared, can form part of a process of continual improvement that leads to efficiency gains. It also enables judgements to be made about the performance of the Court relative to similar organisations. The various internal and external benchmarking activities relevant to the Court are discussed below.

### *Internal benchmarking*

6.6 The Court has deferred any attempt at internal benchmarking until it has a more comprehensive range of performance measures. As indicated in Chapter 4, the Court is currently undertaking a review of its performance information and statistics.

6.7 However, as also discussed in Chapter 4, more use can be made of existing data. For example, the ANAO analysed the Court's counsellor activity statistics and estimated the number of interviews that could be held in a year given the number of counsellor days available and the Court's Counselling Service workload standards (see Figure 9). In some registries performance was roughly equivalent to the estimates based on the above analysis. In others performance was significantly better - in some cases more than 60 percent better.

6.8 Similarly, Figure 10 sets out the ANAO's analysis of some Court fixed and variable costs for 1995-96. The analysis covered the following:

- variable costs, that is, salary and administrative expenditure that generally allow for re-allocation in the short term;
- total costs, that includes fixed costs such as property operating expenses that do not allow for re-allocation in the short term; and
- productivity, that is, activity per staff member.

6.9 This information shows that there is a significant difference between registries in the cost of delivering services and productivity.

6.10 For example, when applicants apply to the Court for any of its services, the Court opens a file to cover all actions taken during the case. An opened file,

therefore, represents a new active case. The average number of files opened per staff member was 42 in Hobart, 60 in Canberra, 100 in Dandenong and 95 in Brisbane. The ANAO would expect a greater uniformity between registries. The registries with the largest volume of work were Brisbane with 11500 files opened and Melbourne, with 11053 files. Launceston, Darwin and Canberra handled a total of 600, 978 and 1965 cases respectively in the year.

**Figure 9 - Benchmark statistics for the Counselling Section 1995-96**

<b>Registry</b>	<b>Interviews per Counsellor Day</b>	<b>ANAO Interviews estimate (using Court performance standards)</b>	<b>Actual number of interviews</b>	<b>Difference (%)</b>
Melbourne	2.39	6740	8917	32.30
Sydney	1.94	5497	5860	6.60
Brisbane	2.12	5536	6575	18.76
Parramatta	2.19	4335	5267	21.51
Adelaide	1.89	5608	5826	3.89
Newcastle	2.53	3209	4320	34.61
Dandenong	2.47	2888	3810	31.92
Canberra	2.08	1820	2088	14.75
Darwin	1.96	1256	1231	-1.99
Lismore	2.84	1674	2379	42.11
Townsville	2.05	1784	1831	2.63
Hobart	2.15	1728	1854	7.29
Wollongong	1.83	1620	1485	-8.33
Gold Coast	2.15	1232	1327	7.71
Launceston	2.47	1412	1745	23.58
Albury	2.99	998	1494	49.70
Dubbo	2.50	754	942	24.93
Cairns	2.42	900	1089	21.00

Source: ANAO analysis of FCA data.

Despite concerns over the accuracy of some Court data, the ANAO prepared this figure to illustrate the variation in results between registries. The ANAO estimated the number of interviews that would be held in a year given the number of Counsellor days available and the Court's Counselling workload standards. The ANAO notes the wide variation between registries and would have a greater uniformity of results between similar sized registries.

**Figure 10 - Registry benchmark statistics 1995-96**

Registry	Input Data				Benchmarks			
	Total Expenses (Incl Judges, JRs & POE)	Salary and admin expenses	ASL (Incl Judges & JRs)	Total Files Opened	Variable costs per file opened (\$)	Total costs per file opened (\$)	No. of files opened per ASL	
Sydney	16,759,330	11,409,019	128.86	8,794	1,297.36	1,905.77	68.25	
Parramatta	11 975 231	7 493 405	90.20	6 553	1 143.51	1 827.44	72.65	
Newcastle	4 033 593	3 051 200	37.78	3 301	924.33	1 221.93	87.37	
Canberra	5 354 506	2 770 670	32.36	1 965	1 410.01	2 724.94	60.72	
Melbourne	16 073 239	12 728 308	147.33	11 053	1 151.57	1 454.20	75.02	
Dandenong	4 253 817	3 500 936	46.55	4 652	752.57	914.41	99.94	
Brisbane	17 309 532	10 374 593	120.42	11 500	902.14	1 505.18	95.50	
Townsville	2 902 141	2 327 453	28.45	1 967	1 183.25	1 475.41	69.14	
Adelaide	7 703 717	6 238 968	76.44	5 493	1 135.80	1 402.46	71.86	
Hobart	1 839 409	1 645 205	24.18	1 019	1 614.53	1 805.11	42.14	
Launceston	1 388 233	1 157 311	13.87	978	1 183.34	1 419.46	70.51	
Darwin	1 004 683	756 738	8.52	600	(Es 1 261.23	1 674.47	70.42	

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Source: ANAO analysis of FCA data

**Legend:**

- Sydney Includes Wollongong sub-registry
- Parramatta Includes Dubbo sub-registry
- Melbourne Includes Albury, Bendigo and Geelong sub-registries
- Brisbane Includes Coffs Harbour, Lismore, Gold Coast and Rockhampton sub-registries
- Townsville Includes Mackay and Cairns sub-registries
- Darwin Includes Alice Springs sub-registry
- Variable costs Salary and administrative expenditure
- Total costs Includes variable costs and fixed costs such as property operating expenses.
- ASL Average Staffing Level

6.11 The average cost per file opened is another useful benchmarking indicator. For the Court, the average cost per file opened was \$752 in Dandenong and \$1614 in Hobart. The 'total expenses' column in Figure 10 includes the property operating expenses (ie includes fixed costs) for the registries. This reflects the effects of the specially built premises at some locations, as well as the different property costs in different locations and shows that Canberra is the most expensive registry when those property operating expenses are taken into account.

6.12 The above analyses shows the wide variations in productivity and cost across registries, that is the number of files opened per staff member (ASL). Reasons for these variations may include:

- local external factors;
- variations in operational procedures between registries;
- registries may not be of sufficient size to provide an economic throughput of work, that is, there may be diseconomies of scale; and
- overstaffing or understaffing in some areas.

6.13 Given the shortcomings in the quality of the Court's data the ANAO has not been able to determine which of these is the dominant factor. However, the ANAO's analysis (see Chapter 4) suggests that local external factors are not significant. The ANAO considers that the Court should examine the reasons for variations between registries with a view to improving the overall economy and efficiency of the Court's operations.

6.14 The ANAO also sought to use benchmarking data to determine if there is an optimal size for a registry. It was not possible, with the information available in

the Court, to come to a conclusion on this issue. Nevertheless, the ANAO's analysis tends to suggest that some registries are only marginally viable from an economic perspective (that is the overhead cost associated with the workload is very high) and their continued existence would need to be justified on criteria other than the efficient and economical delivery of service. For example, it may be considered unreasonable to expect residents in Darwin to file applications at the Adelaide or Brisbane Registries.

#### *Benchmarking against the Family Court of Western Australia*

6.15 The ANAO compared the performance of the Court against that of the Family Court of Western Australia (FCWA) and found that in relation to most items the average performance achieved by registries is as good as or better than that achieved by the FCWA. The results are set out in Appendix 6. However, as indicated above, the ANAO is concerned at the wide range of performance against many targets.

6.16 For example, Figure 11 shows the settlement rate at various stages in the case management process. Although the ANAO's analysis indicates that the Court is generally achieving settlement at an earlier stage in the process than the FCWA (that is, before the parties become involved in potentially expensive litigation), the range of results achieved across registries gives some cause for concern. The ANAO sees this as a further reason for benchmarking to identify factors that assist in achieving best practice.

#### *COAG benchmarking*

6.17 The ANAO notes the Court's involvement in the benchmarking of Court activities with other Australian courts being conducted by a working party of the Council of Australian Governments (COAG). This review is the first attempt to benchmark Australian courts of superior record. The report shows that particularly in relation to timeliness and court administration costs per case, the Court compares favourably with other superior courts in Australia.

6.18 For example, in 1995-96 the proportion of civil cases finalised within twelve months or less the Family Court achieved 52 percent compared to an average of 59 percent for all Australian superior courts. The relevant figures for appeal cases are 98 percent for the Family Court compared to an average of 58 percent for all Australian superior courts.

6.19 When comparing the expenditure per civil case in 1995-96, the cost for the Family Court was \$800 per case, compared to an average for Australian superior courts of \$1249.

#### **Recommendation No. 7**

6.20 The ANAO *recommends* that the Court commences benchmarking across registries using existing data. Comparisons with the Family Court of Western Australia and material arising from the Council of Australian Governments' working party should be part of this exercise.

## Court response

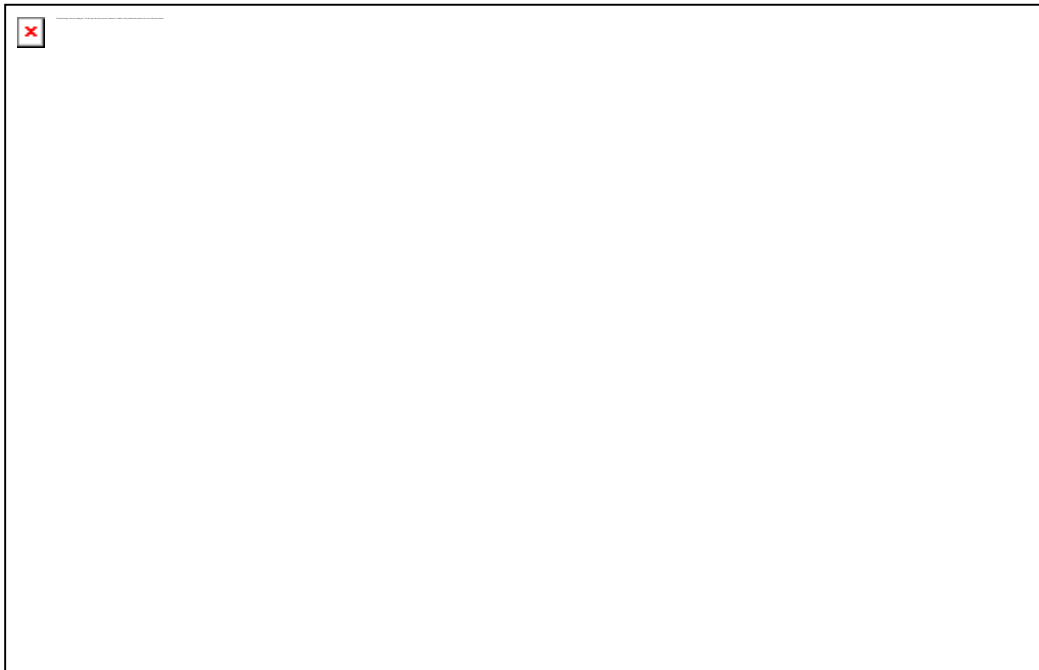
6.21 The Court accepts this recommendation.

## Operating procedures in registries

6.22 The Court has established certain operational procedures to deliver its range of services to clients. Some of these procedures arise from Court Rules and legislation; others are administrative in origin. The ANAO examined the procedures for consistency of service delivery across registries and the identification and implementation of better practice to improve client services and internal efficiencies.

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### Figure 11 - Settlement rates at the various stages of case management



Source: ANAO analysis of FCA and FCWA data

#### Settlement rates

The chart shows registry results for each month compared to the Family Court of Western Australia (FCWA). The line graphs set out the range of results for FCA with the average indicated.

For the earlier stages of the process, the FCA is generally doing better than the FCWA. This seems to indicate that, compared with the FCWA, the FCA is relatively successful, on average, in achieving settlement at the earlier stages of the process, ie before litigation.

The range of results for First Directions Hearings (FDH) and Further Directions Hearings (Further DH) figures for FCA gives some cause for concern, showing a very



wide variation in the performance between registries.

Settlement rates are affected by several factors including:

- the complexity of the case;
- the willingness of the parties to come to agreement;
- the presence of domestic violence, or allegations of child abuse;
- the attitude of legal practitioners; and
- the skill of registrars in achieving settlement.

ANAO has not sought to allocate weighting to the factors.

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### **Consistency of practice**

6.23 Appendix 3 describes a range of procedures carried out by registry staff. The ANAO noted that the procedures followed by the various registries are often significantly different. As the Rules of the Court and the Court's Case Management Guidelines apply to the Court as a whole the ANAO would expect a high level of uniformity of procedures across the Court.

6.24 A number of reasons have been suggested by staff and management, for example the State origins of the various registries or the preferences of the local legal profession. However, the consequence of this diversity is seen in different standards of client service at the different registries and that some registries have implemented more economic and efficient procedures than others.

6.25 The ANAO notes that the Court has started addressing the issue of inconsistency of practices with the secondment of the Adelaide Registry Operations Manager to undertake a review of operational procedures across the Court.

### **Identification of better practice**

6.26 The Court has pockets of better practice which, if implemented throughout the Court, would result in an improved standard of service and/or improved efficiency or economy.

#### *Specific areas of better practice*

6.27 The ANAO identified the following better practice examples:

- additional delegations from registrars to ASO staff in Brisbane Registry cut the amount of the duty registrar's time spent on client inquiries. Adoption of this practice across the Court would allow registrars to devote more time to activities that demand their higher level of professional skill and result in improved service to clients at a reduced cost;
- an initial screening point for general inquiries streamlines client service

although this may be at an additional cost to the Court. The ANAO noted that sophisticated queuing systems alone are not sufficient to ensure quality client service;

- having readily accessible Justices of the Peace (JPs) in registries reduces the number of times a client visits a registry and thereby reduces the workload on registry staff. This should, if generally adopted, improve client service and reduce backlogs. The appointment of JPs is a State Government activity and the practice in Victoria is not to appoint JPs. The Court is examining ways to avoid the use of JPs by, for example, reducing the use of affidavits;
- the way in which postal applications are processed can be arranged to reduce the double-handling of documents, resulting in gains in efficiency; and
- information sessions could be delegated to Administrative Service Officer (ASO) staff. If this procedure were adopted, the cost of delivering the information sessions would be reduced significantly. The Court has advised the ANAO that it intends to train ASO staff for this activity and ASO staff are presenting information sessions as part of the ICS pilot at the Parramatta Registry.

6.28 Although the ANAO has not audited all registries, it is likely that there are practices within other registries that give further opportunities for better service delivery and efficiency.

6.29 The trial of ICS at Parramatta Registry (see paragraph 2.14) was in progress during the audit. From observations the ANAO was able to make, there is much to commend the revised arrangements. In particular, the ANAO commends the assessment of client needs and the selection of the most appropriate Court processes to address those needs. The ANAO also noted the potential of this procedure to target the Court's resources better. Subject to the formal evaluation being undertaken by the Court, the ANAO would support the introduction of ICS across the Court.

#### *Implementation of continuous improvement*

6.30 Organisations striving for continuous improvement and efficiencies regularly review their operations to identify areas of better practice and then extend those areas throughout the organisation. The involvement of staff at all levels in this review process leads to a more vital continuous improvement program.

6.31 During the audit the ANAO noted many examples of better practice. Some of these are discussed above. However, it was not clear that the Court had used existing mechanisms to full advantage to maximise the benefits of better practices throughout the Court. In other words, the Court has not developed and implemented continuous improvement across all areas of the Court, resulting in marked differences in the costs and nature of client services.

6.32 The Court existing consultative arrangements include an Operations Managers' Network (known as OPSNET) to bring operational matters to the attention of registry and senior management. The Court considers that such mechanisms have been reasonably effective and that there has been extensive transfer of better practice. However, the ANAO's examination of Court administrative files showed that OPSNET has not been supported by all levels of management. The consultative arrangements are insufficient by themselves to improve administrative arrangements because they lack the executive authority to implement changes and are dependent on the cooperation of all levels of management.

6.33 The role of committees such as OPSNET (and RMAG - the Registry Managers' Advisory Group) could be modified to provide a more formal mechanism for liaison, consultation and coordination as well as a conduit for proposals for continuous improvement. The need for additional staffing to identify better practice and contribute to the development and implementation of procedural change could be reduced by allowing existing committees and operational staff to provide more extensive input into these processes.

6.34 The ANAO provided the Court with a possible model for identifying better practice and determining operational policies and procedures. The model includes an enhanced role for OPSNET and should facilitate the development of consistent better practice procedures across the Court.

6.35 The key elements of the ANAO's proposed model include:

- confirmation that the responsibility for developing administrative policies and procedures for all functional areas rests with OCE;
- enhanced input from registries and other functional areas of the Court in investigating issues and developing draft policies and procedures. Such activity, however, should be coordinated and results ultimately reported to OCE for decision and dissemination throughout the Court;
- identification and promulgation of the name of the officer or officers responsible for the development of operating policies, procedures or other changes under development or where planning has not been completed; and
- improved capability to benchmark administrative processes within the Court using existing data.

### **Recommendation No. 8**

6.36 The ANAO *recommends* the Court adopts procedures to develop and implement continuous improvement across the Court that includes the following:

- confirmation that the responsibility for developing administrative policies and procedures for all functional areas rests with OCE;

- improved input from registries and other functional areas of the Court in investigating issues and developing draft policies and procedures; and
- improved capability to benchmark administrative processes.

### **Court response**

6.37 The Court accepts this recommendation. The Court notes that the responsibility for policy at the highest level formally rests with the Chief Justice in accordance with the Act.

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## **7. Other Issues**

*The ANAO examined the adequacy of the Court's management information systems and HRM function. The Court recognises that its management information systems are inadequate for its needs. The Court has already started to address the shortcomings and planned actions should make a significant improvement to the Court's IT environment and contribute to improved management and customer service. HRM is generally well administered.*

### **Management information systems**

7.1 The ANAO examined the Court's management information and reporting systems (MIS) in the context of the criteria shown at Appendix 1.

7.2 The Court recognises that its management information systems are inadequate for its needs. A review of the Court's Information Technology Strategic Plan with the objective of addressing some of these issues has been completed. As a result a new Information Technology Strategic Plan was approved by the Chief Justice's Consultative Committee in February 1997.

7.3 In its review of the Court's MIS the ANAO did not canvass issues being addressed by the Court's IT Strategic Plan review. However, IT issues relevant to other segments of the audit (such as performance information and operational procedures) were considered.

### **Executive information system**

7.4 There is no Executive Information System (EIS) to enable senior management to extract the information it requires directly from Court data. As a result, much effort and many resources are used by Court staff in preparing information and management reports. The CEO identified the development of an EIS as a priority task as early as 1991.

7.5 One example of the consequences of a lack of an EIS noted during the audit is the defended hearing statistics requested by the Deputy Chief Justice. The ANAO noted that these statistics duplicated those in the standard case management reports regularly prepared for senior management. The ANAO calculated that the Court spent some 108 person days each year (costing approximately \$18 400) in compiling this one statistic. The staff involved in preparing this information were

also unavailable to undertake client services during this time. The Court has since advised that the duplication has been eliminated by phasing out the information from the standard case management report.

7.6 The ANAO sees a need to rationalise the executive information requirements of the Court to remove duplication and obsolete measures. The ANAO understands that this is being addressed as part of the review of performance information and statistics mentioned in paragraph 4.16.

### **Existing systems**

7.7 The Court currently uses a mixture of manually and electronically collected and prepared information. The primary electronic information systems used by the Court are:

- *Blackstone* case management system;
- FINEST financial and reporting system; and
- NOMAD human resource management system.

7.8 *Blackstone* was never designed to be a source of management performance information. The *Blackstone* system was developed in-house as a means of ensuring that cases continued through the Court process to a final outcome and did not 'fall between the cracks'. The Court states ' . . . that the major deficiency in its *Blackstone* system software is that it does not have a built-in management information system.'<sup>7</sup>

7.9 Neither NOMAD nor FINEST meets the needs of the Court adequately. The main areas of concern to both the Court and the ANAO include:

- it has not been easy to get appropriate information out of the systems for management purposes;
- the Court was unable to customise its information reports readily; and
- the Court found the design of report formats to be complicated and labour intensive.

7.10 In addition, registry management does not have information systems to monitor registry performance effectively. A lack of an adequate MIS has led to duplication of effort as registries develop their own methodologies and reporting formats.

### **Conclusions**

7.11 Existing management information systems do not assist the Court to manage resources effectively by providing adequate, relevant, timely and complete information on which to make strategic and operational decisions.

7.12 The Court is considering alternatives to its existing management information

systems. Replacements for FINEST and NOMAD are being considered within the context of the review of the Commonwealth's IT requirements by the Office of Government Information Technology. *Blackstone* is a Court-specific system and the Court has commenced planning for its eventual replacement.

7.13 The Court has set aside \$4.5 million over the next three years to implement its new IT Strategic Plan. As part of this process the ANAO encourages the Court to analyse all alternative strategies for funding the replacement systems including leasing (if available) and sharing systems with other Commonwealth organisations or the use of bureaus.

### **Involvement of key stakeholders in the decision-making process**

7.14 During its review of administrative files the ANAO noted instances where delays in the planning or implementation processes for changes to MIS resulted from inadequate involvement of key stakeholders.

7.15 For example, in the case of the replacement for FINEST, both the Information Technology Group (ITG) Manager and the Finance Manager expressed regret that ITG had not been involved in deliberations so far. In another case relating to the ICS Pilot, delays in involving ITG resulted in amendments to the implementation schedule (see comments in Appendix 4).

7.16 Communications between ITG and other areas of the Court can be improved so that the information needs of all relevant stakeholders are taken into account in developing improved information systems.

### **Recommendation No. 9**

7.17 The ANAO *recommends* that all relevant stakeholders, including the Information Technology Group, be involved in the process of defining the capabilities needed for replacement for all Court systems, particularly FINEST and NOMAD.

### **Court response**

7.18 The recommendation is accepted by the Court.

### **Training in existing systems**

7.19 Although acknowledging that existing systems need to be improved, the ANAO considers that more use can be made of existing systems if staff were properly trained in their use.

7.20 Registry staff have not been trained properly to extract from existing information systems information that would be useful in local decision-making. Registry managers are not making sufficient use of information currently available within the Court to improve their management of resources. For example, historical expenditure patterns are available that would help managers manage their cash flow more efficiently. Of the registries examined during the audit, only one had trained staff to use existing reporting capabilities and formats

properly.

### **Recommendation No. 10**

7.21 The ANAO *recommends* that the Court provides cost-effective training of relevant registry staff in the capabilities and effective use of existing management information systems.

#### **Court response**

7.22 The recommendation is accepted by the Court.

### **Human resource management**

7.23 Recent changes to centralise HRM functions (previously part of the regional offices) in OCE have resulted in economies of scale and the creation of a centralised pool of HRM expertise that can benefit all areas of the Court. The Court estimates savings of \$115 000 per year from the move.

#### *HRM strategic planning*

7.24 The ANAO reviewed the existing HRM business plans and the results of the review are included in Chapter 3. The ANAO's comments in relation to overall strategic planning and the need to develop the necessary links between the Court Plan and business plans are relevant in a HRM context. The Court is currently developing a new overall HRM Strategic Plan to take it to the year 2000. The Plan was to be issued in April 1997.

#### *Policy development*

7.25 The ANAO notes that the HRM Unit within OCE has been active in developing and promulgating appropriate HRM policies and procedures since responsibility for HRM functions was transferred from the Attorney-General's Department to the Court. The HRM policies reviewed by the ANAO adequately address the Court's needs.

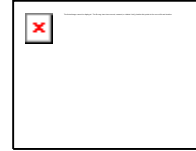
#### *Personnel practices*

7.26 In a recent HRM benchmarking survey conducted by Deloitte Touche Tohmatsu for the Public Service and Merit Protection Commission, the Court's performance in the area of personnel practices, when measured against APS norms, was found to be generally as good as, or better than, the majority of APS organisations. <sup>8</sup>

7.27 The ANAO noted some minor shortcomings identified in the above report and has discussed these with the Court. They relate primarily to the use of HRM management information statistics. The ANAO notes that the HRM benchmarking survey was resource intensive for the Court. This reflects the inadequacy of the Court's MIS referred to at the beginning of this chapter. Nevertheless, the ANAO would encourage the Court to use the results of the HRM benchmarking survey to identify further areas where HRM procedures

could be made more efficient. The Court advised the ANAO that it intends to review several areas of HRM practice during 1997.

7.28 The ANAO concluded that HRM within the Court is generally well administered.



Canberra ACT  
14 May 1997

P.J.Barrett  
Auditor-General

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1

Evans, p 108.

2

*Evaluation of the Implementation of the Recommendations of the Working Party on the Review of the Family Court (Buckley Report)* , Professor Peter Coaldrake, January 1996 p 5.

3

Coaldrake, p 6.

4

*Report of the Working Party on the Review of the Family Court, (Buckley Report)*, September 1990, p 82.

5

Buckley p 76.

6

Coaldrake, p 15.

7

Evans, p 29.

8

*HR Benchmarking - Some key results for the Family Court of Australia.*

## **Appendix 1 - Audit Criteria**

### **Corporate planning**

*Planning structures and processes*



The Court will have a strategic planning framework. The framework will be documented and be subject to periodic review and amendment in the light of feedback from those reviews.

The Court's planning process will have identified:

- each significant administrative function;
- the objectives of each of these functions;
- the clients of each function;
- these functions implemented;
- what resources are used; and
- what outputs are produced from these functions and how these relate to the overall mission of the Court.

The Court's planning process will identify and consider the environment in which the Court operates. It will identify and factor into Court plans:

- who are the potential and actual stakeholders for each major Court activity;
- whether the Court's environment is simple or complex, static or dynamic, certain or uncertain; and
- what external constraints affect the Court's service delivery (legislative, resource, technology, industrial relations).

The Court will have developed business plans for each major operating/functional area.

The Court will have clear allocation of the functional responsibility and accountability for developing and reviewing Court plans. (Court plans in the context of the audit criteria refers to any strategic, business, HRM, or IT plan developed by the Court, including the 'Court Plan').

The Court will have a review mechanism to regularly review and revise Court plans when and where necessary. Clearly defined timeframes for review will be set and responsibility for implementing reviews will be allocated to defined action officers.

The Court will have an effective consultative process for gaining input from stakeholders in the development and subsequent review of Court plans.

The Court will have mechanisms in place to ensure that all stakeholders have access to Court plans. The requirements of stakeholders with special needs, geographic or access considerations will be addressed in the Court's implementation mechanisms.

*Plan content and links*

The strategic plan will identify the Court's mission and objectives. The objectives in the Court's strategic plan will be achievable, measurable and relevant to the Court's mission.

The Court's strategic plan will detail strategies and timeframes for achieving the Court stated objectives.

Business plans will be relevant to the operational and functional activities of their respective areas. Business plans will link strategic plan objectives to operational and functional activities.

Business plans will contain sufficient detail, will set outcomes to be achieved from a particular activity (this should relate back to the objectives set in the strategic plan) and should have clearly defined timeframes and accountability structures for each planned action/activity.

The Court's HRM plan will be integrated with business plans.

Court plans will address implementation strategies and methodologies.

### **Performance measurement**

Corporate and business plans will be used by the Court as a management tool for monitoring performance. Where applicable, Court plan objectives will be included in management performance agreements.

The Court will have developed performance indicators to measure and report on the performance of core Court activities. Performance indicators will assist Court management and external users to assess the Court's performance for economy, efficiency, effectiveness and accountability as well as measuring activity levels and throughput.

The Court will set targets against which performance can be measured. Targets will be monitored and senior management will investigate if targets are not achieved.

Performance indicators and targets will be:

- related to the Court's strategic objectives;
- included in strategic and business plans;
- relevant to the functions undertaken;
- logically based, realistic and achievable;
- capable of being assessed in quantifiable terms;
- approved and documented;
- impartially gathered and reported;
- periodically reviewed; and
- effectively communicated to staff expected to achieve them.

Management information systems will be adequate and able to report against performance targets set in Court plans.

### **Organisational structure**

The Court organisational structure will promote the use of resources efficiently and effectively. Unnecessary levels of management will not occur and each level will add value to the management of the Court.

The organisational structure will be relevant to the needs of the Court and its functions and activities. In formulating the Court's organisational structure, consideration will be made of the Court's core activities, its clientele and their needs, the level of service the Court is expected to deliver by the Government and other stakeholders.

There will be clear lines of accountability and managers will possess appropriate delegations to enable them to undertake their activities in an efficient and effective manner.

There will be clear reporting mechanisms to senior management.

The Court will have mechanisms to determine its current and future staffing requirements. These mechanisms will consider:

- changes in systems and procedures;
- changes in organisational structures;
- changes in productivity and technology; and
- changes in the pattern of workforce availability.

The Court's staff resourcing mechanisms will maintain an up-to-date inventory of current human resources and skills levels across the Court's functional units, occupational groups and geographic locations. The staff resourcing mechanisms will monitor changes in labour patterns such as recruitment and separation characteristics, promotion rates, retirement profiles and standard labour costing measures.

### **Human resource management**

#### *Planning*

The Court will have a HRM strategic plan outlining how the Court intends to best utilise its human resources. There will be links from the Court's strategic plan and the business plans of major functional units to the HRM strategic plan.

The HRM planning function will have a clear methodology and framework for developing, disseminating, implementing, monitoring and reviewing HRM policies in major HRM areas. These would include areas such as performance appraisal and

the identification and treatment of non-performers.

## **Human resource development**

### *Planning*

The HRM Strategic Plan will include clear objectives and outcomes to be achieved from human resource development (HRD) and training and strategies for achieving those objectives and outcomes.

The Court will have mechanisms for identifying the needs of staff for development and training. This will include the use of Individual Development Programs (IDPs) to involve staff in identifying their own development needs.

When formulating HRD strategies the Court will determine its current and future HRD requirements by analysing the future strategic direction of Court activities, workloads, work performance standards, the level and competency of Court staff and any identified deficiencies in staff skills or competencies.

### *Delivery*

The Court will act in an effective and timely manner once HRD requirements are identified.

In deciding the method to deliver HRD and staff training the Court will consider:

- the use of external courses and training packages or externally contacted staff;
- the resources available within the Court and their ability to deliver the identified training;
- any special requirements of staff receiving training;
- timeframes in which training will be given;
- the geographical location of staff to receive training; and
- the expected outcomes to be achieved.

### *Evaluation*

HRD strategies will be periodically evaluated against the objectives and expected outcomes set in the HRM Strategic Plan. Evaluations will also include consideration of:

- the effectiveness and relevancy of delivery methodologies of HRD and training activities;
- the level of staff participation and feedback on training from staff and managers;

- whether the level of resources allocated was adequate and the extent of involvement of internal and external personnel and information resources; and
- the effects of HRD and training activities on staff performance and on the overall performance of the Court's activities.

## **Management information and reporting systems**

### *Systems*

The Court's MIS planning will make distinctions between operational and strategic issues. Appropriate linkages will be included to link strategic and operational considerations.

The Court's MIS will have identifiable systems/controls for:

- program information (policy/objectives/target clients)
- resource information (staff numbers/costs etc) and
- operational information (work processes/non-financial performance measures)

The Court's processes for the development, operation and maintenance of information systems will have:

- central responsibility for systems operations;
- users involved in systems design;
- systems development which includes consideration of alternatives, full-costing and/or budgeting and adequate project control;
- systems which are flexible and provide for modification and changing information requirements;
- strategic information which is a by-product of operational systems;
- system features/output/procedures which are appropriately authorised, prescribed, documented and communicated to managers and staff;
- system access which is restricted to users; and
- operating costs of systems which are budgeted/controlled.

The Court's MIS will not be unnecessarily duplicated by 'backup' systems.

### *Reporting*

The information collected, held and reported by the Court will be:

- relevant to users;
- selective and systematically related to objectives;
- accurate, complete and comprehensive;

- at an appropriate level of aggregation;
- timely and up-to-date; and
- accessible within a reasonable time.

Managers will use the information for monitoring performance.

Information will be reported once and production of the same information from different systems will not occur.

### **Operational processes and procedures**

The Court will link operational procedures to core functions and will focus on achieving desired outcomes as defined in the Court Plan.

The Court will possess mechanisms for identifying and removing unnecessary and redundant procedures. Major functional areas will be reviewed periodically to ensure that processes and procedures are still relevant.

The Court will have mechanisms to ensure processes are as cost efficient as practicable. Cost effectiveness will be measured by:

- achievement of specific performance targets set by senior management in consultation with line management; and
- the use of benchmarking to compare processes across registries, regions and other functional areas and also to external organisations.

The Court will have procedures to identify and evaluate the effects of change to operational processes and procedures before they are implemented. The Court will:

- identify the actual and potential effects of the envisaged changes and use risk management techniques to assess those effects;
- consider the options available and rank these in order of merit;
- consider resourcing, technology and other issues; and
- appoint an action officer in overall control of each major project or implementation. This officer will have the required knowledge and skills to undertake the project and will be made available as necessary to complete the project within the timeframes set by the Court.

The Court will encourage innovation in its processes and procedures. Management and staff will be encouraged to participate in efforts to improve the efficiency and effectiveness of the Court's operations. The Court's support of an innovative environment will be indicated by:

- encouragement and invitations for staff to contribute ideas on better ways of undertaking processes and procedures;
- a formal system of receiving and evaluating suggestions of improvement

from staff. Responsibility for the suggestion scheme will rest with a senior manager to ensure all suggestions are considered;

- constructive and timely feedback to staff on suggestions made will occur. The staff member will be kept informed of progress to implement their suggestions; and
- acknowledgment in staff publications (newsletters, bulletin boards, E-mail) of suggestions received from staff that are accepted by management.

### Communications

The Court will possess efficient and effective communication strategies and methodologies to inform managers and staff of decisions of the Court's senior management. These mechanisms will ensure that information is disseminated in a timely manner to all stakeholders.

Communications strategies will name contact officers (and make known that person to staff) where a policy, procedure or other change is under development or where planning has not been completed.

## Appendix 2 - ANAO analysis of the 1995-98 Court Plan of the Family Court of Australia

<b>Objectives</b> <i>Why we exist</i>	<b>Goals</b> <i>What we wish to achieve</i>	<b>Strategies</b> <i>How we intend to achieve our goals</i>	<b>Performance measure</b> <i>How we measure achievement of our goals</i>	<b>Supporting Mechanisms</b> <i>How we intend to link strategies to Court functions/procedures</i>
To serve the interests of the Australian community by providing for a just and equitable administration of justice in all matters within the Court's jurisdiction, with emphasis in its family jurisdiction on the conciliation of disputes and the welfare of children	1. Justice is provided in an accessible, equitable and timely manner	<ul style="list-style-type: none"> <li>• Adopt consistent, simple procedures and practices which set performance standards and minimise delay and cost to litigants.</li> <li>• Ensure equitable access to Court services is available to potential users.</li> <li>• Promote fairness and the avoidance of bias.</li> <li>• Ensure staff are aware of, and meet, customer needs effectively.</li> <li>• Ensure that the availability of information and resources reflects Court priorities in the provision of justice and customer service.</li> </ul>	<ul style="list-style-type: none"> <li>• Dissolutions heard within 10 weeks.</li> <li>• Form 7 applications listed within 6 weeks.</li> <li>• Form 8 applications listed within 4 weeks.</li> <li>• Conciliation Conference in Standard Track Financial Matters available within 12 weeks of Directions Hearing.</li> <li>• Conciliation</li> </ul>	<ul style="list-style-type: none"> <li>Chief Justice's Consultative Committee (CJCC)</li> <li>HRD Strategic Plan and Specific training strategies</li> <li>Registry Managers' Advisory Group (RMAG)</li> <li>Operations Managers Network (OPSNET)</li> <li>Information Sessions Steering Committee</li> <li>Integrated Client Service (ICS) Pilot</li> </ul>

			<p>Counselling available within 3 weeks from Directions Hearing.</p> <ul style="list-style-type: none"> <li>• Direct Track Matters heard within 6 months.</li> <li>• Standard Track Child Matters heard within 10 months.</li> <li>• Standard Track Financial Matters heard within 11 months.</li> <li>• Complex Track Matters heard within 12 months.</li> </ul>	
	2. Justice is provided in an environment which safeguards the independent exercise of judicial power	<ul style="list-style-type: none"> <li>• Ensure independence of the Court and judges, and others exercising judicial power from influences upon their impartiality.</li> <li>• Balance the complementary values of judicial independence and judicial accountability.</li> <li>• Emphasise the maintenance of professional standards and adherence to professional ethics.</li> <li>• Interpret and develop the law relating to matters within the jurisdiction of the Court.</li> </ul>	None identified	Chief Justice's Consultative Committee (CJCC)
	3. Disputes are resolved, where appropriate, without resort to litigation	<ul style="list-style-type: none"> <li>• Provide increased access to voluntary counselling or mediation opportunities.</li> <li>• Provide appropriate and timely dispute conciliation.</li> <li>• Promote and encourage the use of alternative dispute resolution techniques, including mediation and arbitration.</li> </ul>	<ul style="list-style-type: none"> <li>• 50 percent of counselling intercessions to be voluntary</li> <li>• Voluntary privileged counselling appointments available within two weeks.</li> <li>• Court-ordered pre-First Directions Hearing privileged counselling</li> </ul>	<p>Counselling Unit Strategic Plan</p> <p>Integrated Client Service (ICS) Pilot</p>



			<p>appointments available within three weeks.</p> <ul style="list-style-type: none"> <li>• Court ordered post-First Direction Hearing counselling appointments available within three weeks.</li> </ul>	
	<p>4. The welfare and rights of children within the Court's family jurisdiction are protected and advanced</p>	<ul style="list-style-type: none"> <li>• Resolve differences relating to children through information, counselling, conciliation and mediation services, and judicial determination.</li> <li>• Assist parents and their children to adjust to the consequences of separation.</li> <li>• In proceedings relating to children, ensure that paramount consideration is given to the welfare of the child according to law.</li> <li>• Adopt a consistent, coordinated approach to alleged child abuse.</li> <li>• Early identification and resolution of contact and enforcement problems.</li> <li>• Ensure that procedures exist to enable the provision of the proper level of financial support to children from their parents.</li> </ul>	None identified	<p>Registry-specific initiatives including;</p> <ul style="list-style-type: none"> <li>• Parent Groups</li> <li>• Fathers' Groups</li> <li>• Children's Groups</li> </ul>
	<p>5. The Australian community has an understanding of family law and the Court's role and responsibilities</p>	<ul style="list-style-type: none"> <li>• Provide full information concerning the Court's potential services.</li> <li>• Assist in education of the Australian community in family law and family relationships.</li> <li>• Develop, maintain and co-ordinate information bases in all areas of the Court's jurisdiction.</li> <li>• Meet current standards of public accountability.</li> </ul>	None identified	<p>Information Sessions Steering Committee</p> <p>Integrated Client Service (ICS) Pilot</p>
	<p>6. Responsible</p>	<ul style="list-style-type: none"> <li>• Be a fair and responsible</li> </ul>	HRM and HRD	Human Resource

	management ensures best application of available resources	<p>employer in the development and implementation of people-management policies and practices.</p> <ul style="list-style-type: none"> <li>• Ensure that the organisational structure reflects the deployment and level of responsibilities and recruit efficient, appropriately qualified staff to vacancies.</li> <li>• Provide relevant education, training and development opportunities.</li> <li>• Manage financial resources to ensure effective services are provided and priorities are met.</li> <li>• Develop and implement financial and property management and security policies and practices.</li> <li>• Provide suitable technological resources to staff and judicial officers in order to enhance performance of their duties.</li> <li>• Develop professionalism in management, directed towards strongly enhanced provision of Court services.</li> </ul>	<p>performance targets contained in their respective strategic plans</p> <p>Adherence to financial budgets</p>	<p>Policies</p> <p>Human Resource Strategic Plan</p> <p>HRD Strategic Plan</p> <p>Individual Development Plans</p> <p>Information Technology Strategic Plan</p> <p>Blackstone Users Group</p> <p>CRIS Users Group</p>
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### Appendix 3 - ANAO analysis of stages in the Court process

<b>Action</b>	<b>How action affects clients</b>	<b>Comments</b>
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STAGE: CLIENT'S INITIAL APPROACH

1. Client contacts

Court

a. Telephone listing	Client locates registry in their local telephone book (White Pages) under 'Family Court of Australia.' Client will normally speak to a client services officer or a switchboard operator before being transferred to the appropriate section to deal with query	There is no uniformity across registries. All listings should contain the same basic information and have the same font size and formatting (to enable the client to locate number easily). This reinforces a national court image regarding client service.
b. Client telephones registry; <i>or</i> . . .	Client asks for copies of relevant forms and brochures to be sent to them. May also be asked if they wish to attend an	The telephone queuing systems can assist in analysing client demand for better use of resources. The ICS pilot has the advantage that client queries

	information session (where considering filing for children's or property matters).	can be handled without the need to transfer to another officer.
c. Client visits registry in person.	Client asks for copies of relevant forms and brochures over the counter. May also be asked if they wish to attend an information session (where client is considering filing for children's or property matters).	Client waiting areas need to have sufficient space and comfort, especially during peak periods (eg. lunch times). Brochures are available to clients in all waiting areas, in addition to typewriting (free) and photocopying facilities (20 cents per page).
		The extra delegations in the one registry reduces the amount of Duty Registrar's time spent on client enquiries. The ICS pilot is intended to encompass this role as well. Both schemes enhance the quality of client service.

**Court Performance Standard:** Client waiting time not to exceed 20 minutes

### STAGE: INITIATION OF PROCEEDINGS

#### 2. Client makes an application

a. Client visits registry in person; <i>or</i> . . .	Client takes completed form, with any other documentation (e.g. marriage/birth certificate), to a filing registry. The form will be thoroughly checked (a basic check only for solicitors) and all mistakes must be corrected and re-witnessed, before filing.	An initial screening point for general enquiries streamlines client service. Readily accessible JPs reduce the number of times the client has to visit the registry as errors in applications can be changed 'on the spot.'
		Sophisticated electronic ticketing systems alone do not overcome client error (eg. taking the wrong ticket).
b. Client writes to registry	Client mails completed form, with copies of required documents (e.g. marriage / birth certificate), to a filing registry. If it is incorrect, the registry will return it with a 'requisition' of what needs to be done before the application can be filed.	The processing of postal applications needs to be done in such a way that does not result in the double handling of documents. The co-location of areas (e.g. Brisbane) opening mail and processing mail applications allows for this type of efficiency.

#### 3. Court accepts application

a. Registry staff create an electronic file on Blackstone and a corresponding physical file	Client is given their 'return date' (date of first appearance in Court) at this time. This is generated electronically by Blackstone (next available date). They also receive copies of the application (for both parties) and service information and forms.	See comment for 3c below
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**Court Performance Standard:** Dissolutions heard within 10

Standards: weeks  
 Ancillary applications listed within six weeks  
 Interim or Procedural Applications listed within four weeks

b. Fee or waiver accepted	Client pays filing fee to cashier, sends a cheque with postal application or applies for fee waiver (assessed the same day with in-person applications). Client receives a receipt for waiver or payment.	The Court has not created an "establishment" for the cashier position. In one registry for each transaction counter staff must find one of the trained cashiers and take them from their normal duties. <b>See following comments on fees waivers.</b>
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Fees: \* Filing fee for dissolutions is \$500 (includes the formal document - *decree*)  
 \* Filing fee for ancillary applications is \$150

Criteria for waiver of filing fees: \* Registrar determines that the client falls into the category of 'financial hardship.'

No fee is payable for: \* Holders of a welfare card from Social Security or Veteran's Affairs;  
 \* Clients eligible for AUSTUDY/ABSTUDY  
 \* Clients eligible for Legal Aid

c. Registry staff process application	Not visible to client	The priority of counter staff is to serve clients as quickly and efficiently as possible. Any processing that does not require the client to be present should be set aside to be done, either by the counter officer or someone else, during client-free time.
d. File is stored securely and new documents are added to the file by registry staff as they are received	Not visible to client	Records staff complained unanimously about the unauthorised movement of files. Blackstone has provision to record file movements but is not fully used.

Improvements to client waiting areas and document processing relies heavily on the layout of the Court building. The most efficient units noted by the ANAO were those where all processing was located on the same floors. This allows for integration of operational units with a resulting removal of double handling. It should be an important consideration in planning the physical layout of all Court buildings.

**STAGE: PRE-FIRST DIRECTIONS HEARING**

**4. Service of documents**

a. Client conducts service of	Client must serve documents on the other	The ANAO found the Court's 'service' document to be
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documents on the opposing party to notify them that an action has commenced	party at least 28 days before hearing. They should apply to a Deputy Registrar to dispense with or substitute the service, before the hearing date, if this is not possible (eg. the other party cannot be located).	self explanatory and user friendly. It is doubtful whether further action can reduce the incidence of incorrect service by the client below existing levels.
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## 5. Client gains further information

a. Client can obtain various brochures on all Court services	See 1b above	Information pamphlets in community languages are available on open access in all registries.
b. Registry runs information sessions for those clients who have filed an ancillary application for property or children's matters	Client attends information session relating to property and children's matters and family breakdown in general (presentation includes a 'showbag' of Court publications). <b>They are not informed about filling out Court forms or divorce applications.</b>	As a Court policy, information sessions are run by a Deputy Registrar and a Counsellor. These sessions are resource intensive. The Court could use ASO staff or video presentations. The Court has advised its intention to train ASO staff for this activity.

## 6. Court offers Conciliation Counselling

a. It is a requirement of the legislation that counselling occurs if a party files an application in relation to children's matters	Client makes appointment for counselling either before (voluntary) or after filing an application (Court ordered). Clients receives notification of date and time for counselling appointment and confirms with other party.	As each registry gets CRIS, counselling intake is moving away from manual based systems towards automation. All registries currently have admin staff arranging and recording appointments. A CRIS terminal allows counsellors to undertake this aspect.
		Initial screening of clients ensure counselling sessions are available to those most likely to benefit. This and 'overlisting' makes best use of resources. Registries arranging appointments on the same day as other services is good client service.

**Court Performance Standards:**

**Voluntary privileged counselling appointments available within two weeks**

**Court ordered pre-First Directions Hearing counselling appointments available within three weeks**

b. Registry staff screen clients for information on domestic violence and child abuse issues before making the counselling appointment	Client gives certain basic information to registry staff when making an appointment for counselling.	Most registries use intake forms to identify issues such as domestic violence but forms are usually registry-specific. DV procedures vary across registries. Some request copies of orders, one registry approaches external agencies for more information.
c. Counsellor conducts counselling session	Client attends counselling. This can be a joint or separate session and usually lasts between 1.5 - 2 hours. The counselling service aims to gain agreement between the parties on at least one major issue by the end of counselling.	

## STAGE: FIRST DIRECTIONS HEARING

### 7A. Proceedings for dissolution of marriage (divorce)

a. Directions hearing conducted on first return date. (Deputy) Registrar hears matter and decides whether (s)he is satisfied that all criteria have been met and that partners have made satisfactory arrangements for their children (where applicable).	Client(s) attend hearing on specified date. Where there are no children under the age of 18, attendance is not compulsory. Told whether or not divorce will be granted and why.	See comments at 7B b. below.
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**Fee:** \* If the divorce is contested, a hearing fee of \$300 is payable when matter is set down for hearing

**Other Fees:** \* Fee for extra copy of *decree / order* - where client's file stored off-premises / archived - \$20

\* Fee for extra copy of *decree / order* - where client's file held in registry - \$10

\* Fee for extra copy of *decree / order* - where client requires copy urgently (within 48 hours if file held off premises / archived) - \$35

b. Decision is recorded on an outcomes sheet and processed electronically by registry staff	Not visible to client	Some registries added extra pages onto the national outcomes sheet as they claim it was not detailed enough, or too ambiguous for them. This is an area that needs clarification and consistency of approach.
c. Registry staff print, check and seal <i>decree nisi</i> (and one month later, <i>decree absolute</i> ) and send out copies to both parties	Client receives <i>decree nisi</i> after Registrar grants the dissolution. The <i>decree absolute</i> is sent to the client one month later.	Two of the registries employ risk management to reduce time spent checking <i>decrees</i> against files. By giving any errors back to the section where the data was input, the registry increases accountability and helps to pinpoint problems that affect accuracy.

## 7B. Proceedings for ancillary applications

a. Directions hearing conducted on first return date. Judicial Officer hears the issues in dispute.	Client(s) attend hearing on specified date and supply information on the matters in dispute. The parties' specific requests will be contained in the documentation before the Judicial Officer.	
b. Judicial officer decides on next course of action (primary dispute resolution - eg. conciliation counselling, conciliation conference, mediation), makes appropriate procedural order(s) and adjourns matter to next hearing date	Clients obtain procedural order and are directed to next course of action.	ICS has not yet been fully evaluated but the ANAO believes client service is enhanced by the 'screening' process that diverts clients into the most appropriate service for their particular case.
c. Registry staff book client in for Court ordered primary dispute resolution.	Client(s) comply with order and attend appropriate primary dispute resolution. eg. conciliation counselling (children's matters), conciliation conference (property matters), mediation (in select cases), joint conciliation conference (complex matters) etc.	

**Court Performance Standards:**

**Court ordered counselling appointments available within three weeks from Directions Hearing**

**Conciliation Conference available within 12 weeks from Directions Hearing**

If primary dispute resolution is unsuccessful (no settlement of all the issues in dispute) the client now faces a trial

before a Judge.

**PRE-TRIAL  
PROCEEDINGS**

**8. Court prepares  
client for litigation**

<p>a. Registrar conducts Pre-Hearing Conference and the Contested List Clerk lists the matter for trial</p>	<p>Client is informed what will take place at trial and the Contested List Clerk gives them their trial date. Client is told whether or not their matter is an 'overlist' (a matter that is reserved to be heard only if another matter is not heard on that day).</p>	<p>Overlisting ratios are set by the Judge Administrator in each region. They depend upon the number of Judges available to hear trials in the registry, Judicial circuits, number of sitting days, rate at which matters settle before trial and other factors.</p>
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**Fee:** Hearing fee for all ancillary applications is \$300, payable at time matter is set down for hearing (within time limit set by registry)

**Court Performance Standards:**

- Direct Track Matters (one day or less) will be heard within six months (26 weeks) from date of filing
- Standard Track Child Matters (between two and five days) heard within 10 months (43 weeks) from date of filing
- Standard Track Financial Matters (between two and five days) heard within 11 months (48 weeks) from filing
- Complex Track Matters (more than six days) heard within 12 months (52 weeks) from date of filing

<p>b. Registry makes file available for review by appropriate parties</p>	<p>Legal practitioners and clients can come to the registry and review certain parts of the file. They are closely monitored by staff whilst doing so in order to prevent theft, or unauthorised photocopying, of documents.</p>	<p>Areas set aside to view documents should ideally be located near the files area to reduce inefficiencies in moving files. The area should be secure to prevent clients intruding into other areas. Clients should be told that they are being observed.</p>
<p>c. Compliance check conducted 3-4 weeks before trial (lasts about 5 minutes)</p>	<p>List clerks ascertain whether the parties are ready to appear before a judge otherwise the Court has the discretion to vacate their hearing date. The check can be done over the phone or by completing compliance forms.</p>	

**STAGE: TRIAL  
PROCEEDINGS**

**9. Trial takes place**



a. Hearing conducted on nominated date(s) and Judge hears evidence and makes appropriate Court order(s)	Client presents evidence on matters in dispute and answers evidence of opposing party.	
b. Registry staff engross and seal order and send to client	Client receives copy of their order. Clients must comply with order otherwise in contempt of Court.	In one registry the registrars' secretaries prepare orders in electronic format and passes them to the Orders Unit for production. This saves time in drafting and typing orders.
		Electronic pro formas as developed by one registry also streamline the production of orders.
c. File returned to storage	Not visible to client	See previous comments on filing at 1d above.

Note 1. The end of the trial is not necessarily the end of the process as the client may initiate an ongoing relationship with the Court:

- \* client may wish to obtain further copy of an order or decree
- \* clients may choose to file a new application (eg. for divorce);
- \* a party, dissatisfied with the decision, may appeal (on a point of law only) to the Appeal Division (three Judges) of the Family Court;
- \* parties may require further counselling;
- \* one party may need to apply for an enforcement of orders if the other party breaches an order of the Court; or
- \* a party may apply for a taxation of costs.

Note 2. Clients can settle their matter at ANY stage in the process.

Note 3. Any contact with the Court by a client can alternatively be done by a solicitor on their behalf, except conciliation counselling and information sessions.

Note 4. All fees are as at 31 December 1996

#### **Appendix 4 - ANAO analysis of the Court's administrative decision-making processes for selected administrative changes**

Project	CRIS system	HRM/HRD centralisation	ICS Pilot Parramatta	Dandenong downgrading
<b>Proposal</b> <i>what we want to do</i>	Develop a computer-based system for recording client information and recording client appointments.	Rationalise HRM/HRD functions within the Court by centralising function undertaken in regional offices.	Integrate the access to existing information and intervention services for clients	Restructure Dandenong as a sub-registry of Melbourne
<b>Problem or opportunity</b> <i>what we hope to achieve</i> <i>why we want to do it</i>	Initially system was developed to enable quicker access to client records then kept on 'Kardex' index system and provide some enhanced capability. System	Cost reduction with a view of returning savings to operational areas.	To provide a better service to clients; Involve clients more actively in the choice of intervention service for their case;	Cost savings.

	attributes were expanded as the potential of the 'Paradox' software was identified by the counsellor developing the system.		To make better use of Court resources by assessing clients and channelling them into the optimal intervention path for their circumstances and dispute.	
<b>Methodology</b> <i>how we intend to do it</i>	Further development and refinement of system developed in-house by Registry counsellor. Counsellor to be seconded from normal duties to undertake the developmental work required.	Training and staff development functions to be incorporated into HRM Unit within OCE; The majority of personnel and pay processing functions to be undertaken in OCE; Basic data entry (ie pay variation forms, leave applications, HAD) to be undertaken at Registries. Registries also responsible for their own recruitment activities.	Create an enquiry counter staffed by well trained officers able to provide the majority of the clients information needs as a 'one-stop shop' concept; Integrate appointments for Court initial-contact services such as information sessions and First Direction Hearings to minimise the inconvenience to clients; Assess the client's case and advise the most suitable Court intervention strategy.	Dandenong Registry to be integrated into the Melbourne registry. This involves the abolition of the Dandenong Registry Manager's position and a reorganisation of the administrative functions at Dandenong with a rationalisation of staff. Professional streams (counsellors, registrars) to eventually be integrated with Melbourne units.
<b>Resourcing</b> <i>what we need how much it will cost</i>	Estimates included in March 1993 'Counselling Feasibility Study' quoted \$505 000 for Blackstone modification; \$522 000 for optimal PC based system; and \$416 264 for "cheap" PC version. The ANAO did not note updates of these figures to reflect the cost of the actual CRIS system before it was approved for development. Total est cost (not including sub-registries) Oct 1993, \$435 228; Feb 1995, \$691 676. Budget increases were approved progressively	Cost savings of \$142 000 per year identified of which approximately \$115 000 will be available to registries for service delivery areas.	Proposal to be cost neutral but the ANAO did not find detailed costings of the proposal in the proposal papers reviewed "proving" this. It may have been addressed by the Steering Committee during its planning phase but costings of this phase occurred <b>after</b> the Parramatta registry had received approval from the Chief Justice to proceed with the pilot project.	Savings of \$33 000 per year to flow from reorganisation of the registry
<b>Timeframes</b> <i>when we are going to do it when it will be ready or implemented</i>	The ANAO did not find comprehensive project milestone information in the proposal documents reviewed. Later documents indicate Melbourne and Dandenong to be implemented by late 1994 with all registries implemented by the end of 1994-95.	Proposal to commence 1 March 1995. Handover of processing to central unit occurred on time.	Initially to commence from 1 July 1996. Early in the planning phase it was identified that this was unrealistic and the start date was postponed to 1 September 1996. Building delays on the ICS enquiries counter further postponed start date to 14 October 1996.	The ANAO did not sight documented evidence for when this project was to commence; this lack of documented notification was corroborated by comments in the Organisational Management report on the Dandenong restructure that states that commencement occurred on an informal basis from 1 July.

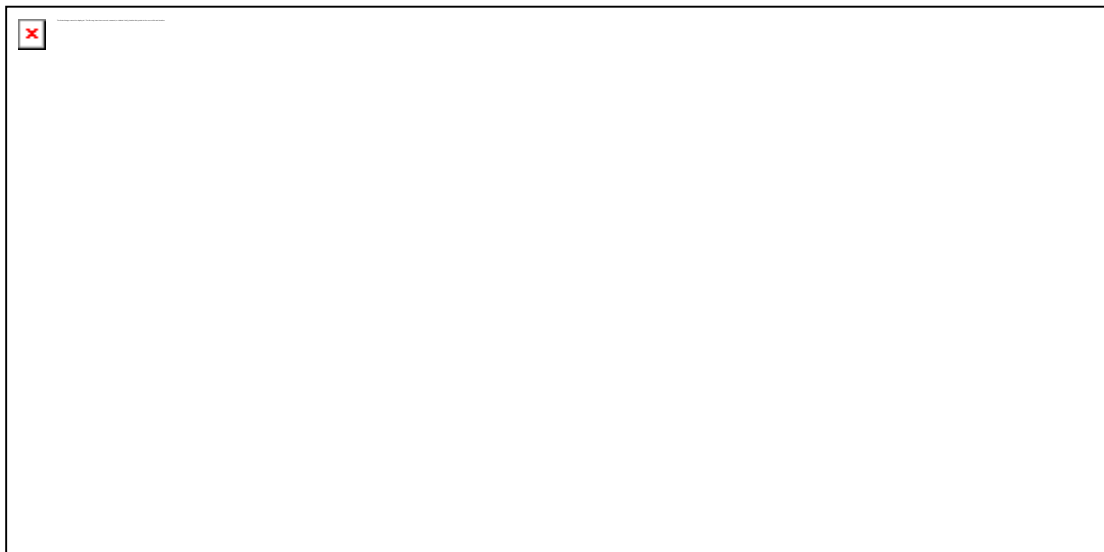
<p><b>Measurement</b> <i>how will we know we have been successful and have met our objectives</i></p>	<p>ITG undertook an evaluation of the two systems being considered in 1993 and did acceptance testing of the CRIS system in 1994. Evaluations of implementation of the system in Dandenong, Melbourne and Sydney have been completed.</p>	<p>Evaluation of the Unit's performance and service delivery to be undertaken within 12 months (ie, March 1996); an initial evaluation to occur after 6 months. Benchmarks to be determined and reported on by the new Unit.</p>	<p>Specific performance indicators not included in initial proposals. Evaluation strategy developed during the planning phase after approval of pilot; the strategy mainly comparing pre- and post-ICS service delivery and client satisfaction levels. Most recent papers provided to the ANAO state that evaluation of the requirement that the proposal be cost neutral has not yet been addressed.</p>	<p>Savings targets achieved. The ANAO sighted no evidence on how the Court intends to monitor other aspects of the restructure.</p>
<p><b>Accountability</b> <i>who is ultimately responsible for managing this proposal</i></p>	<p>Consultative and Development Group to advise of counselling unit requirements and a Co-ordination Committee to oversee the system development and installation.</p>	<p>A 'project manager' is not specifically named in any of the documents reviewed by the ANAO. The Director HRM planned the restructure and was responsible for developing a detailed implementation plan; so it is assumed she was in effect the project manager.</p>	<p>Working Party established to develop a preliminary plan, identify issues and prepare implementation timeframes. Steering Committee comprised of 6 small working groups looking at individual issues. Co-ordinator (ASO6) for planning and preparation of the project.</p>	<p>Not stated in papers reviewed by ANAO. Presume delegated to Melbourne Registry Manager.</p>

<p><b>General comments</b></p>	<p>The Court was keen to develop an electronic system for counsellors to and record client information and keep their appointments but felt that modifying Blackstone would be too costly and an interim solution needed to be found. CRIS appears to have been chosen mainly because it was developed in-house and the developer would be available to continue work on the project. CRIS was found the superior (but not significantly) of the two systems considered (the other developed in the</p>	<p>Although subject to some opposition, mainly from Regional offices, the centralisation of the HRM/HRD functions occurred reasonably smoothly. However, there are some areas of service delivery that need to be improved. Specifically, improved liaison and visibility of HRD staff and programs with Registries, more promotion of the functions undertaken by HRM Unit to other areas of the Court, and improvement in the reporting framework to</p>	<p>The ANAO is concerned that this proposal was approved before detailed planning had been undertaken and the primary issues involved identified. Documents obtained from the Court show that the ICS task raised complicated issues that necessitated departure from the original timeframes. Similarly identification of the costs, the technical requirements (for example, an integrated diary system) and</p>	<p>The ANAO could not obtain documented evidence on why this project was decided on. The first document quoting this decision sighted by the ANAO was an E-mail from the RM (South) to the PDA requesting a mini-review of establishments as a result of the decision; this was dated 29 May 1996. The CEO announced the decision in his memo of 4 July 1996. Although driven as a cost savings measure</p>
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	<p>Brisbane registry). The ANAO notes that there appears to have been a change in the scope of the system during development (a significant increase) which led to unexpected delays in developing and implementing the system. Similarly, resources have not been available to fully implement the system and take advantage of its full potential. Rollout has been severely affected by a lack of ITG resources to undertake work such as cabling. As a result original timeframes were not met.</p>	<p>include more use of key indicators and less reliance on descriptive information on performance. The Court considers that this was successful in terms of cost and service and points to the result of the APS benchmarking study</p>	<p>performance measures (including setting of targets for the level of improvement expected to be achieved) should have been identified before approval was given. The Court's view is that this was run as a pilot to test for problems in delivery with some 'before' and 'after' assessment. There is a further pilot to be run in a smaller registry. The Court looks on this project as crucial to the Court's future delivery of service.</p>	<p>there is little background information on file on which to base the decision. The Court has advised subsequently that a similar rationalisation took place in Tasmania and that key factors in the decision were:</p> <ul style="list-style-type: none"> <li>• nearly all Victoria's judicial officers are located in Melbourne;</li> <li>• the registries are close to each other and served equally by the legal profession in Melbourne; and</li> <li>• transport between Melbourne and Dandenong is good.</li> </ul>
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## Appendix 5 - ANAO proposal for the organisational structure for the Family Court of Australia



## **Appendix 6 - ANAO analysis of Court performance against Case Management Guidelines and comparison with the Family Court of Western Australia**

The ANAO obtained a set of the Court's quarterly Management Information Reports for 1995-96 and analysed the reported performance for each registry against the performance targets set in the Court's Case Management Guidelines and the performance of the Family Court of Western Australia.

The results of the ANAO's analysis are contained in the following pages. The ANAO found that for the Counselling Service and matters before registrars, the Court is on average meeting its Guideline targets. However, the ANAO notes the wide variation of performance in registries against most targets, indicating that there are inconsistencies between registries in the level of service provided to clients of the Court. For example, long judicial matters vary from under 20 weeks in one registry to over 90 weeks in another.

The following is a full list of the indicators analysed by the ANAO.

### *Registry performance against Counselling indicators:*

- Figure 12 Voluntary counselling appointments available within two weeks.
- Figure 13 Court ordered pre- FDH appointments available within three weeks.
- Figure 14 Court ordered post-FDH appointments available within three weeks.

### *Registry performance against legal process indicators:*

- Figure 15 Dissolutions can be heard within ten weeks from date of filing.
- Figure 16 Ancillary Applications listed within nine weeks.
- Figure 17 Registrar's Conference available within ten weeks of FDH.
- Figure 18 Short matters heard within seven months from date of filing.
- Figure 19 Long matters heard within 11 months from date of filing.

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**Figure 12 - Voluntary counselling appointments available within two weeks**



Source: ANAO analysis of  
FCA and FCWA data

### **Registry performance against counselling indicator 1995-96**

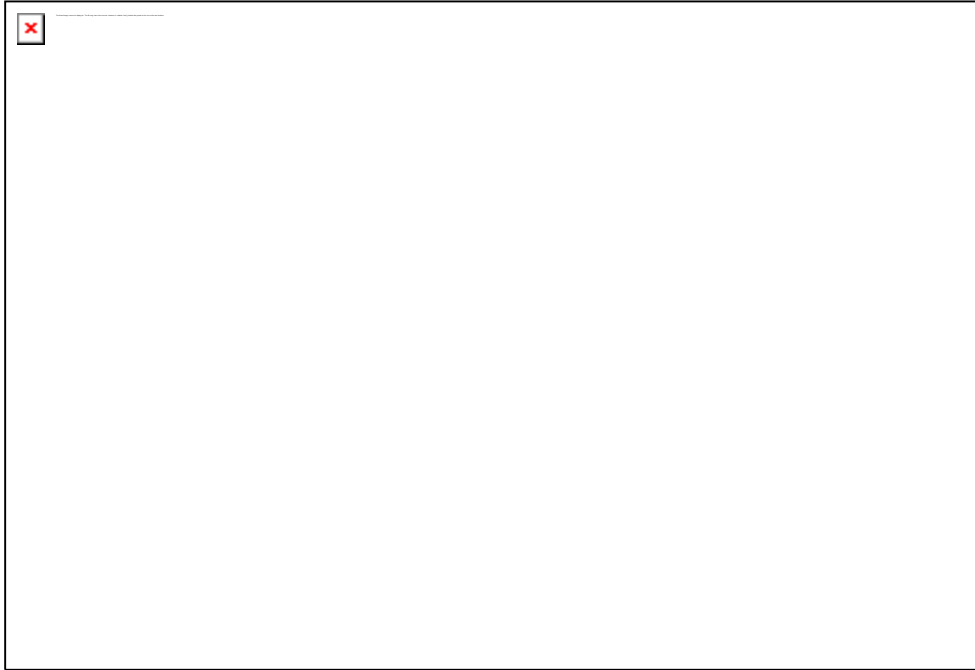
The bar chart shows FCA registry results for each month compared to the Family Court of Western Australia (FCWA).

It shows that the FCA registries are arranging voluntary counselling no more than one week beyond the target (ie within three weeks) for 70 percent of the time. FCWA is within one week of target 100 percent of the time.

For about 16 percent of the time FCA registries are unable to arrange counselling sessions within four weeks, ie twice the target time. FCWA was able to give appointments in less than two weeks in nearly 60 percent of the time.

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**Figure 13 - Court ordered pre-First Direction Hearing appointments available within three weeks**



Source: ANAO analysis  
of FCA and FCWA data

### **Registry performance against counselling indicator 1995-96**

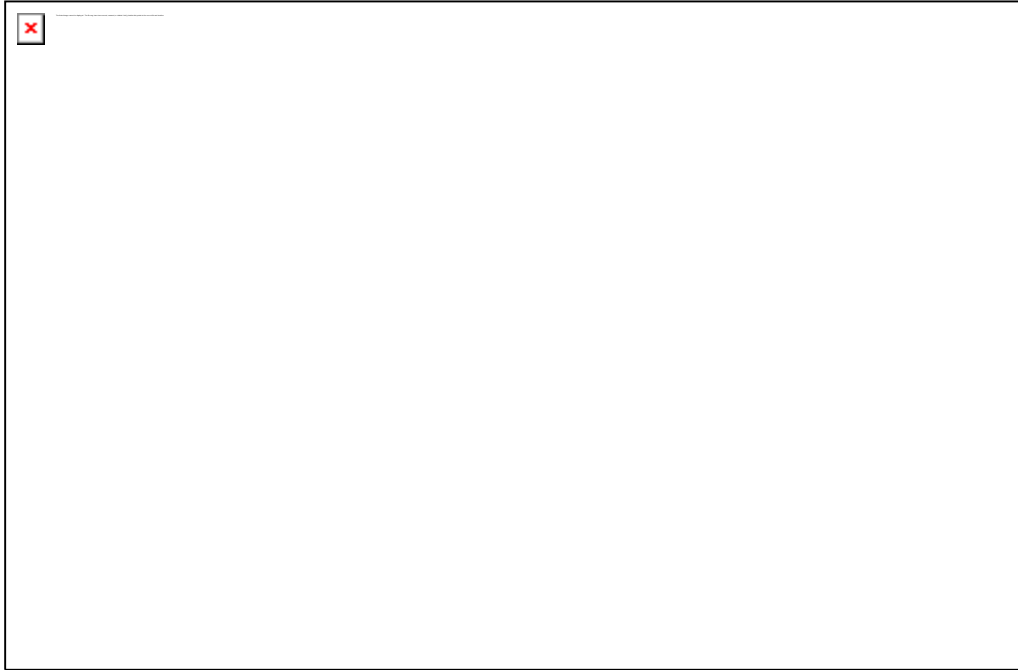
The bar chart shows registry results for each month compared to the FCWA.

The performance of registries of the FCA is marginally below that of the FCWA but is generally similar.

ANAO notes that 12 percent of the time FCA registries provide appointments within one week of the request. However, 10 percent of the time registries are unable to arrange court ordered pre-FDH sessions within five weeks.

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### **Figure 14 - Court ordered post-First Direction Hearing appointments available within three weeks**



Source: ANAO analysis  
of FCA and FCWA data

### **Registry performance against counselling indicator 1995-96**

The bar chart shows registry results for each month compared to the FCWA.

The chart shows that the FCA registries are better than FCWA at achieving the target. The ANAO notes particularly that 30 percent of the time appointments are available within two weeks. On the other hand, in 10 percent of the time the waiting times in FCA registries are five weeks or greater.

For the December quarter 1996-97, ten registries reported results better than the target. However, six registries (out of 21) report not meeting the target with the greatest mean waiting time being 5.8 weeks in one registry.

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### **Figure 15 - Dissolutions can be heard within ten weeks from date of filing**





Source: ANAO  
analysis of FCA  
and FCWA data

### **Registry performance against legal process indicator 1995-96**

The bar chart shows registry results for each month compared to the FCWA.

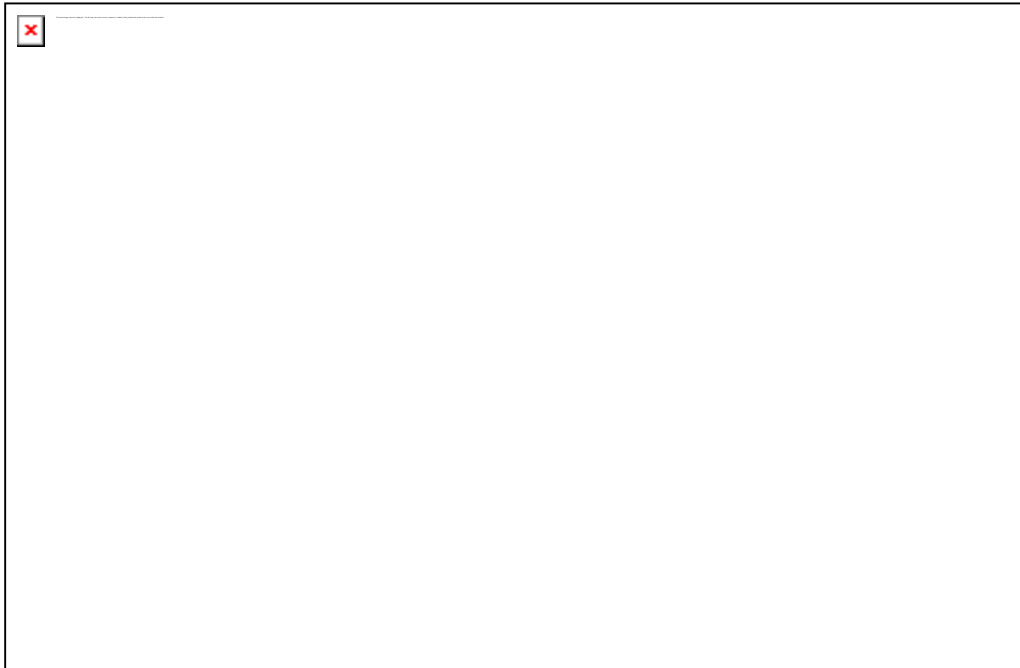
The FCA is generally granting dissolutions (divorces) within 11 weeks better than 70 percent of the time. The FCWA achieved the same result 100 percent of the time.

In just under 30 percent of the time, dissolutions can be granted in eight weeks or less. In approximately 15 percent it takes 12 weeks or more to grant a dissolution.

For the December quarter, 1996-97 the target was achieved in all but two registries; the worst result achieved was 11.2 weeks.

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### **Figure 16 - Ancillary applications listed within nine weeks**



Source: ANAO  
analysis of FCA and  
FCWA data.

### **Registry performance against legal process indicator 1995-96**

This bar chart shows registry results for each month compared to the FCWA.

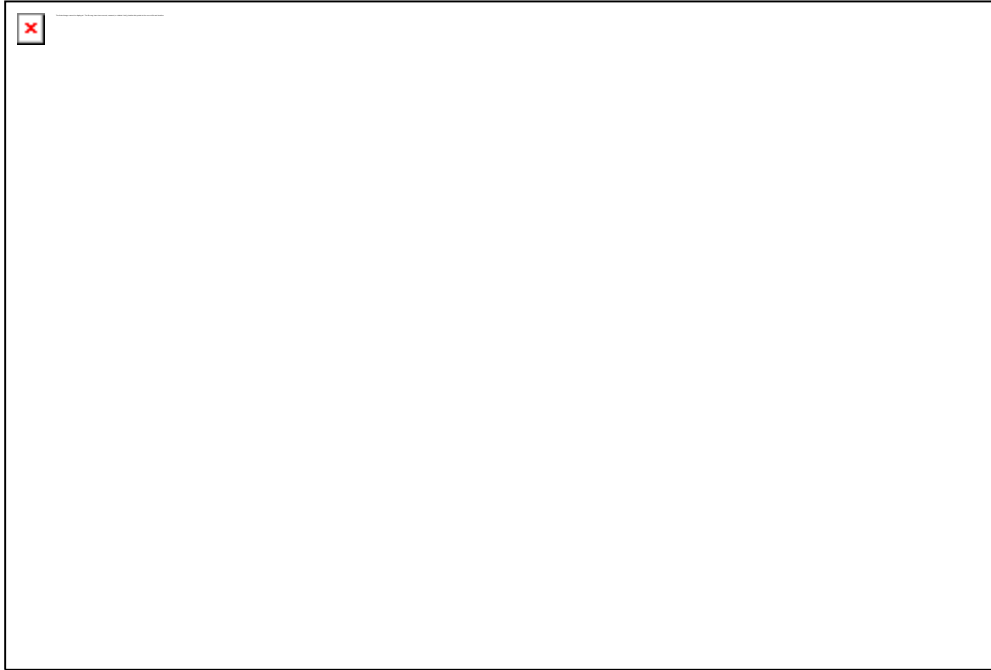
The chart shows the FCA is generally meeting its target and is performing marginally better than FCWA on this indicator.

The Court has revised its standard for this indicator and now has two indicators:

1. Form 7 (final orders) ancillary applications listed within six weeks
  - although only two out of twelve met this standard in the December quarter 1996-97, the ANAO notes that the worst result was a mean waiting time of 7.7 weeks. For same period the FCWA did not meet the target, achieving a mean waiting time of 7.3 weeks.
2. Form 8 (interim or procedural) ancillary applications listed within four weeks.
  - four registries (out of 11) met the target. A further five registries achieved a mean waiting time of less than six weeks. FCWA did not meet this target for the December quarter 1996-97.

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**Figure 17 - Registrar's conference available within ten weeks of First Directions Hearing**



Source: ANAO  
analysis of FCA and  
FCWA data.

### **Registry performance against legal process indicator 1995-96**

The bar chart shows registry results for each month compared to the FCWA.

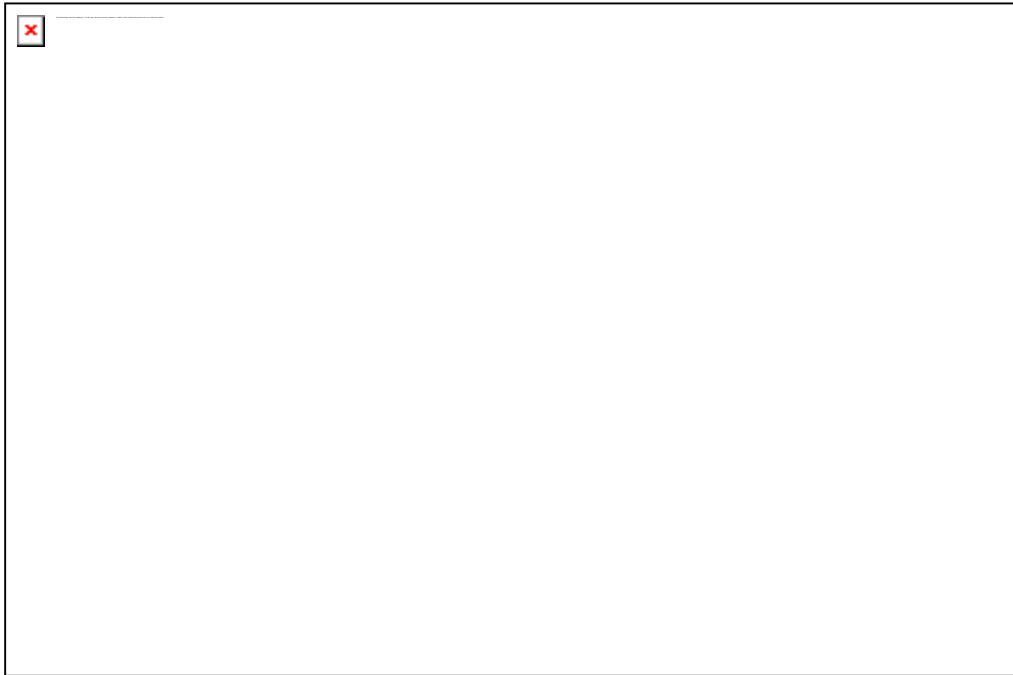
The FCA is within one week of this target 80 percent of the time. A similar result was achieved by the FCWA.

For better than 60 percent of the time, registrar's conferences were available in the FCA within eight weeks or less. For the FCWA a similar result was achieved about 10 percent of times.

This indicator has been replaced with a new indicator: Conciliation Conference in Standard Track Financial Matters available within 12 weeks from Directions Hearing. Four registries (out of 11) did not meet this target in the December quarter - the worst result was a mean waiting time of 18.5 weeks in one registry. For the same period FCWA did not meet this target and reported a mean waiting time of 12.7 weeks.

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### **Figure 18 - Short matters heard within seven months from date of filing**



Source: ANAO  
analysis of FCA and  
FCWA data.

### **Registry performance against legal process indicator 1995-96**

This bar chart shows registry results for each month compared to the FCWA.

The FCA heard matters within eight months or better 55 percent of the time, but 45 percent of the time there was a wait of nine months or more. For all months the FCWA heard matters in less than five months.

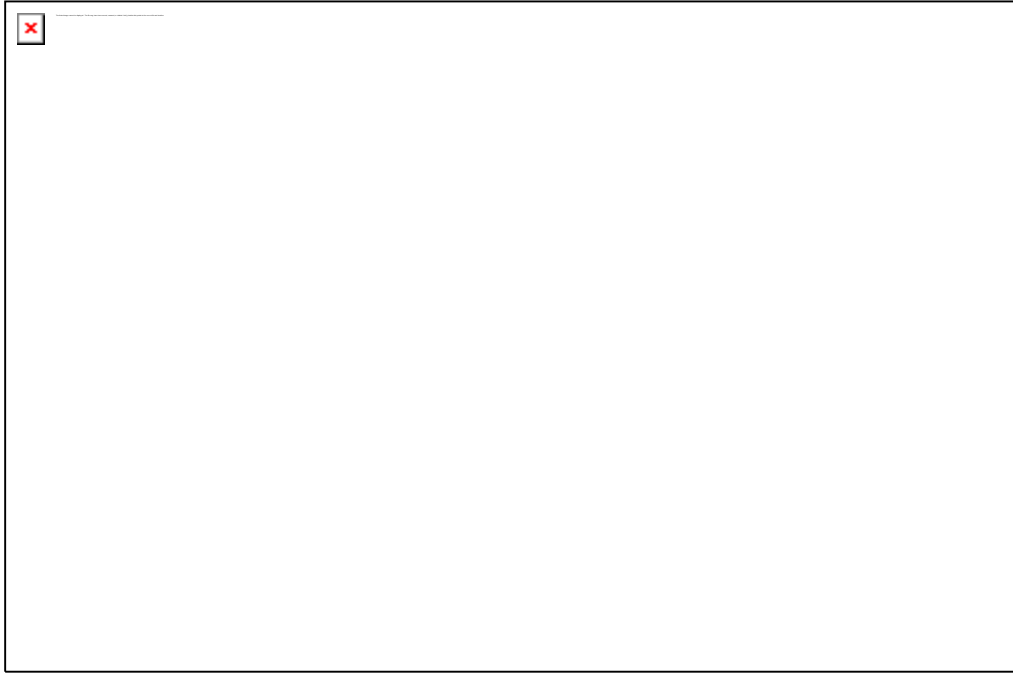
This indicator has been changed commencing July 1996. The new indicators are:

- Direct Track Matters heard within six months (26 weeks);
- Standard Track Children's Matters heard within 10 months (43 weeks); and
- Standard Track Financial Matters heard within 11 months (48 weeks).

In general, registries in the FCA experienced difficulties meeting these new targets during the December quarter, 1996-97. Two registries met the target for Direct Track Matters being heard within six months and one registry met the target for Standard Track Financial Matters being heard within 11 months. No registry achieved its target for Standard Track Children's Matters being heard within 10 months.

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**Figure 19 - Long matters heard within 11 months from date of filing**



Source: ANAO  
analysis of FCA and  
FCWA data.

### **Registry performance against legal process indicator 1995-96**

The bar chart shows registry results for each month compared to the FCWA.

For about 70 percent of the time the FCA is exceeding this target by two or more months in comparison to the FCWA which were within one month of the target all the time.

The new indicator introduced for 1996-97 is Complex Track Matters heard within twelve months. The FCA met this target in only one registry during the December quarter, 1996-97. The worst result was an average (mean) time from filing of 96 weeks in one registry. However, this was an improvement on the worst result for the September quarter of 103 weeks. For the same reporting period the FCWA reported meeting the target with an average (mean) time from filing of 48.7 weeks.

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## **Appendix 7 - Performance Audits in the Attorney-General's Portfolio**

*Set out below are the titles of the reports of the main performance audits by the ANAO in the Attorney-General's Portfolio tabled in the Parliament in the past three years.*

Audit Report No.26 1994-95  
*Inoperative Staff in the APS*

Audit Report No.27 1994-95  
*Studybank*

Audit Report No.27 1995-96  
*Financial Control and Administration Audit*  
*Asset Management*

Audit Report No.4 1996-97  
*Family Court of Australia*  
*Use of Justice Statement Funds and Financial Position*

Audit Report No.6 1996-97  
*Commonwealth Guarantees, Indemnities and Letters of Comfort*

Audit Report No.23 1996-97  
*Recovery of the Proceeds of Crime*