



**FEDERAL CIRCUIT  
COURT OF AUSTRALIA**

**Report to Chief Judge Pascoe AO CVO**  
Federal Circuit Court of Australia  
from Judicial Committee  
for Implementation of the  
**International Framework for Court Excellence**

**2014**

## INTRODUCTION

1. At this Court's plenary sessions held in 2013, the judges present resolved to assess this Court's performance utilising the tools established by the International Framework for Court Excellence. Consequently, the Chief Judge established a committee to oversee the implementation of the Framework. The Committee consists of Judges Baker, Burchardt, Scarlett and Jarrett (Chair). The Committee is assisted in its work by Ms Jane Reynolds.
2. Terms of reference were established and approved by the Chief Judge in consultation with the Court's Policy and Advisory Committee. The Terms of Reference provide for the Court to undertake the self assessment process, to analyse the data produced and for the Committee to report to the members of the Court in plenary session as to those matters. The Committee is tasked to make any recommendations about work that might be undertaken to address areas of concern revealed by the survey data.
3. This paper reports the results of the self assessment survey administered to the members of the Court and some administrative staff in February, 2014. The report attempts to analyse the data revealed by the survey and to make some recommendations to address areas of concern.

## RECOMMENDATIONS

4. The results of the survey revealed that there are some general areas of concern that will need to be addressed by the Court. Those general areas of concern are best addressed by the development of policies dealing with those particular areas, or where policies already exist, reviewing and refining those policies. Positive steps should then be taken to implement those policies.
5. The Committee recommends that consideration be given to the immediate development, or review, of policies in relation to the following general broad areas:
  - (a) strategies for regular and effective communication between the various organs of the Court's leadership and management and the judges of the Court;
  - (b) strategies for regular and effective communication between the various organs of the Court's leadership and management and the non-judicial staff of the Court;
  - (c) strategies for regular and effective communication about matters concerning the Court with court users and in particular how the Court has implemented changes identified as necessary from feedback given by those court users;
  - (d) regular and ongoing judicial education, including the development of resources in multimedia formats, readily available wherever the Court might sit;
  - (e) regular and ongoing training and development for non-judicial Court staff, including the development of resources in multimedia formats;
  - (f) the health, well-being and workload of the judges of the Court;
  - (g) the health, well-being and workload of non-judicial staff members, and in particular associates and deputy associates;
  - (h) self-represented litigants across all areas of the Court's jurisdiction;

- (i) remote access, both for court users not based in areas with a local registry and for judges and chambers staff when on circuit;
  - (j) the analysis and improvement of business practices and processes utilised by the Court, especially in chambers; and
  - (k) a comprehensive technology and innovation policy that facilitates the identification of areas for improvement and provides clear pathways to engage administrative officers so as to deliver outcomes.
6. The results also revealed that there are some particular areas of concern amongst survey respondents that are more immediate and pressing. In respect of those matters, the Committee makes the following recommendations:
- (a) the Court should immediately review the statement of its objectives as appears in the current Annual Report so that it properly articulates the current purpose and vision of the Court;
  - (b) the Court should immediately review, update and disseminate, the Court's strategic plan;
  - (c) work should be undertaken to properly analyse and identify the areas in respect of which further training, both for judges and administrative staff is desired or required. That process, in so far as administrative staff are concerned, should engage and perhaps be led by associates; and
  - (d) a detailed analysis of the business processes currently adopted by judges and chambers staff should be undertaken so as to identify opportunities for improvement.
7. In addition to the above, the Committee recommends that a thorough and comprehensive inventory be prepared of the policies that are in place which directly affect the work undertaken by the judges of the Court and their immediate chambers staff. Each of those policies should then be reviewed by appropriate working groups so as to ensure that they remain consistent with the vision and purpose of the Court.

## THE INTERNATIONAL FRAMEWORK FOR COURT EXCELLENCE

8. The International Framework for Court Excellence is a tool developed by a consortium of courts and judicial administration bodies, a leading member of which is the Australasian Institute of Judicial Administration. The purpose of the Framework is to assist the courts to assess their performance, identify areas for improvement and assist in the development of strategies to deliver improvements. Implementation of the Framework across time ensures the opportunity to monitor the progress made by a court towards the improvements identified by the self assessment process.
9. As stated in the short version of the revised Framework released in 2013:

*“The Framework is a quality management system designed to assist courts wishing to improve the performance of their courts. It assists courts to identify areas of court performance capable of improvement and to develop innovative ways to address issues, improve transparency and clarity, enhance access, and reduce backlogs and overly complex procedures, which detract from court quality and efficiency.*

*The Framework identifies ten universally accepted core values of courts that are the most important values to the successful functioning of courts:*

- *Equality before the law,*
- *Fairness,*
- *Impartiality,*
- *Independence of decision-making,*
- *Competence,*
- *Integrity,*
- *Transparency,*

- *Accessibility,*
- *Timeliness, and*
- *Certainty.*

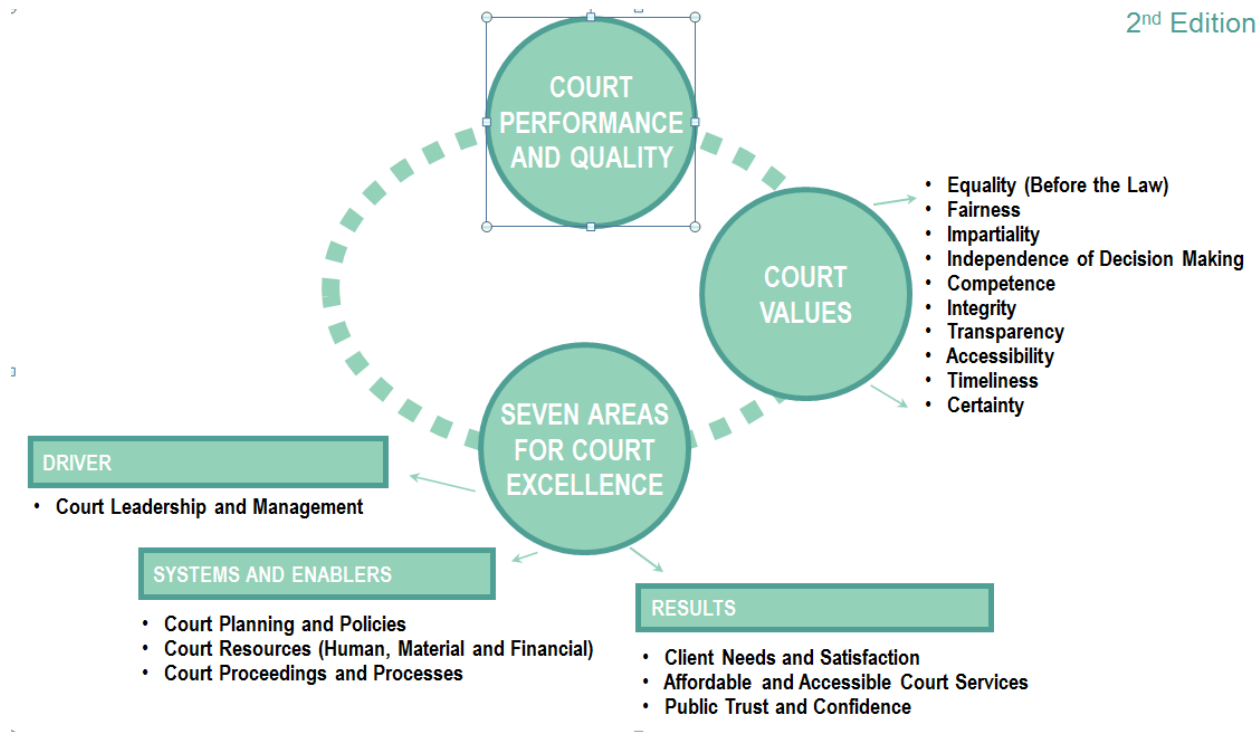
*The Framework is built on the basis that these core values guarantee due process and equal protection of the law to all those who have business before the courts. The framework argues that these core values provide the backbone of integrity and respect for courts.”*

10. The Framework identifies Seven Areas for Court Excellence. Each area captures an important focus for a court in its pursuit of excellence. Each area has a critical impact on the ability of the court to adhere to its core values and to deliver excellent court performance. There will be overlap between some of the areas but the intention of the Framework is to assess how a court is performing in relation to each area and to develop improvement actions specifically directed to addressing concerns within each area. The Framework does not attempt to dictate solutions. Instead, it suggests seven broad areas of work which will likely help court leaders to develop their own solutions and approaches to areas identified by the court as needing improvement.

11. The Seven Areas for Court Excellence are:

- Court Leadership and Management
- Court Planning and Policies
- Court Resources (Human, Material and Financial)
- Court Proceedings and Processes
- Client Needs and Satisfaction
- Affordable and Accessible Court Services
- Public Trust and Confidence

12. The Framework seeks to examine the seven core areas of a court’s functioning and processes. It attempts to evaluate a court’s performance by self-assessment so that a court can assess its performance, identify areas in need of improvement and assist a court to prioritise those areas. The Framework attempts to present the court with a series of scored results that can be measured against a standard established by the Framework. Although the emphasis in the Framework is on self assessment, other courts and tribunals that have implemented the Framework have engaged external stakeholders in the assessment process. We have not done that at this stage.



## IMPLEMENTATION OF THE FRAMEWORK

13. The Framework encourages a court to assess its performance against seven core areas of functioning. The assessment is carried out by means of a survey. The Framework contains a suggested form of self assessment survey.
14. However, as the Framework document itself provides, the Framework is a flexible tool that can be adapted by a court to suit its own particular needs. Clearly, one size will not fit all. Courts need to be able to assess their performance and set their goals in a realistic way. Thus, the Framework, or parts of it, can be applied to suit the particular circumstances of any court. There are no hard and fast rules.
15. With this in mind, the Committee decided that some departure from the suggested implementation of the Framework was warranted for our Court. There are some respects in which we have approached the implementation of the Framework in a way which departs from the suggested model.
16. Bearing in mind the inherent flexibility of the Framework, the self assessment survey that we administered was different, significantly so in some respects, from the suggested survey instrument contained in the Framework. We modified some of the survey questions in ways which we considered more properly articulated the point of the enquiry for our purposes. We added questions. And, borrowing from the example set by the District Courts of New Zealand, we added a section which was aimed specifically at the judges of the Court.
17. Another area of departure, perhaps more radical, was to, in the first instance at least, eschew any scoring of responses leading to an overall performance score for the Court. You will see from the Framework document itself that one of the outcomes of the survey process is the production of a score which is then used to locate the position of the Court within banding tables published in the Framework document. The Committee thought that it was far more important, at least in the first instance, to administer the survey, analyse the results and make some practical recommendations to address areas of concern highlighted by the survey results. That is not to say that the results now obtained cannot be scored - they can. With the survey results to hand, scoring of the results is able to be carried out and a net score and banding table position derived from those results, if it is thought necessary.
18. Ultimately, the position of the Court in the banding tables may be important, particularly if the overall results and conclusions are to be used in the Court's efforts to secure more resources.



## THE SURVEY INSTRUMENT

19. The Committee wishes to thank all those judges and administrative staff who participated in the survey. Participation rates were high:- 57 out of 65 judges completed the survey; and 90 associates, deputy associates and judicial support staff completed the survey, along with all of the four senior administrative staff to whom the survey was issued. We think that the results are truly representative of the views of the Court.
20. The survey has not yet been offered to administrative staff other than those groups referred to above, principally for practical reasons. To get a picture of the Court's performance as a whole, it is necessary to engage all of the Court's "staff". The unique administrative arrangements in place for this Court, mean that the administrative staff who provide services for this Court in family law matters and administrative staff who provide services for the court in non-family law matters both need to be surveyed. The administration of the survey to all of those members of staff requires some additional work. In any event, the Committee does not think that in any way impinges on what has already been done.
21. The Committee opted for survey responses to be anonymous. Primarily it was thought that anonymity would produce more candid results. Further, respondents were not required to specify their location. It was thought that to do so might have compromised respondents' anonymity, particularly those in single person registries. Future iterations of the self assessment survey may not, however, be anonymous. It may be necessary, particularly for the purposes of addressing local or registry specific issues, for the veil of anonymity to be lifted.
22. Many questions were left deliberately general. Whilst the Committee expected that the general nature of some of the questions would attract criticism (and we were not disappointed in that regard), overall we thought that descending too far into specificity would make the survey instrument unwieldy, excessively long and ultimately might prove a disincentive to participation. We also decided to limit the number of questions which permitted a "Don't know" answer. These were generally where the answer was otherwise a "Yes/No" type question. The Committee figured that a "No" answer was a sufficient response to the relevant enquiry.
23. Freeform comments were invited from respondents however, very few comments were made. Those comments which were made, were carefully considered by the Committee in the analysis stage.

## THE RESULTS

### AREA 1 - COURT LEADERSHIP AND MANAGEMENT

24. The responses from the judges of the Court and the administrative staff were more or less identical in relation to these areas of inquiry. It was thought by a majority of people that the Court has published a statement of its purpose and vision. We are not sure that it has, although a statement of the Court's objectives appears in the Annual Report for 2012-2013.<sup>1</sup>
25. The majority of respondents thought that the Court engaged well with stakeholders including staff so as to provide information about the Court and to obtain feedback.
26. Overwhelmingly respondents thought that the court kept data on key aspects of the Court's performance and published that data.
27. Seventy-nine per cent of judicial respondents thought that the Court met its fundamental values of timeliness, accessibility and fairness. So too did administrative staff, although the percentage who agreed with that proposition was slightly less than the judicial response.
28. Strong positive results were recorded concerning the involvement of the Court's leadership in the setting of time and service standards, reviewing judicial and administrative performance against those standards and informing the community of those standards and the Court's performance as measured against them.
29. Strong positive results were also recorded for the propositions that the Court has plans for the future and that the Court actively identifies area for improvement in its performance.
30. Weaker results were achieved about the questions relating to the promotion of a culture of innovation within the Court and communication within the Court more generally.

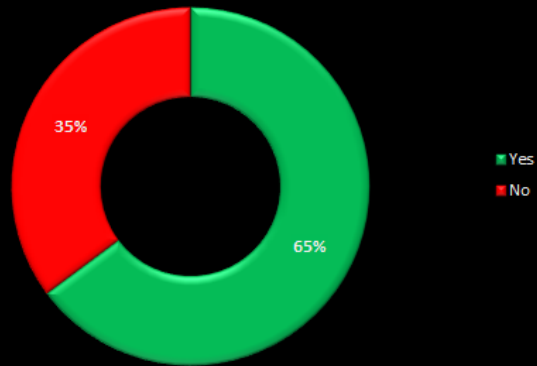
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<sup>1</sup> Refer Federal Circuit Court of Australia Annual Report 2012-2013, page 22 "*The objective of the Court is to provide a simple and more accessible alternative to litigation in the Family Court of Australia and the Federal Court of Australia and to relieve the workload of the superior federal courts*".

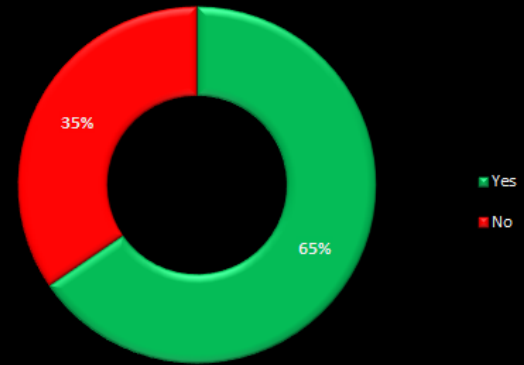
## **Summary**

31. Overall the results in this area of the survey were very positive. The weaker results tend to suggest that Court leadership needs to develop better communication strategies generally.
32. Graphical representation of the survey results follow below. The “yes/no” results appear first and then those results for questions which required a rating response.

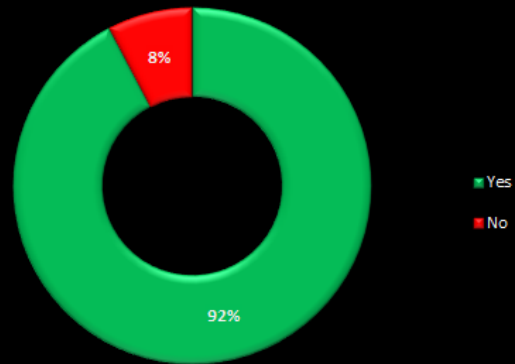
**1.1 Has the Court published a statement of its purpose and vision?**



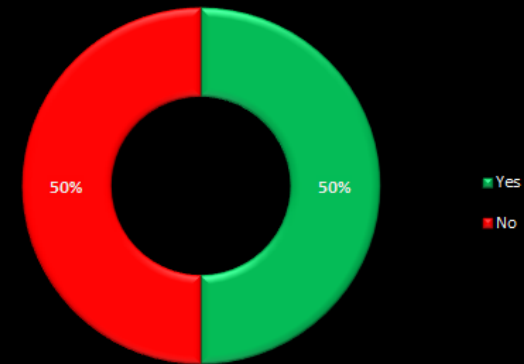
**1.5 Does the Court hold regular meetings with court users to provide information on the court and seek feedback?**



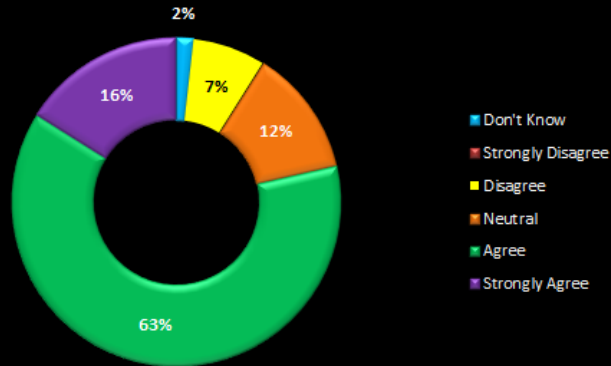
**1.7 Does the Court keep data on key aspects of the Court's performance and publish data on the court's work?**



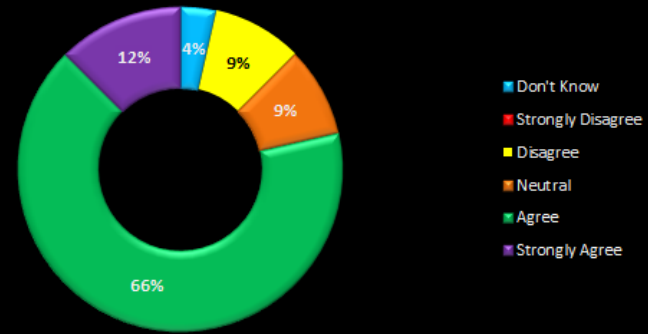
**1.12 Does the Court hold regular meetings with staff to provide information on the court and seek feedback?**



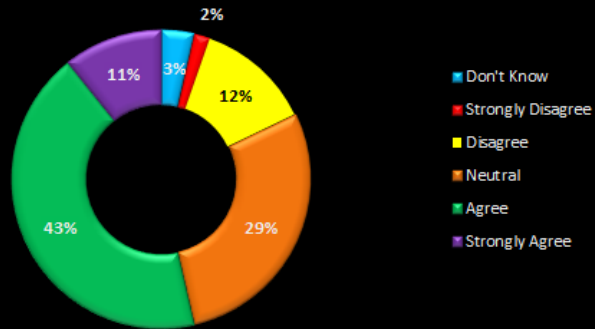
**1.2 The Court meets the fundamental values of accessibility, timeliness and fairness.**



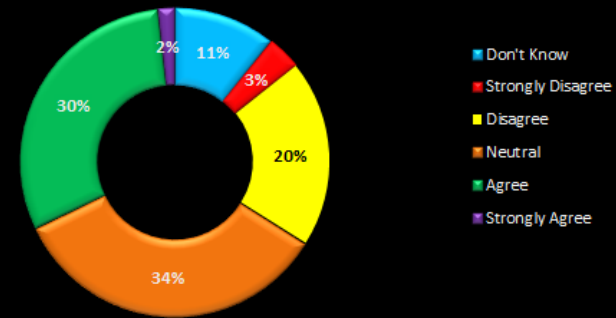
**1.3 The Court's leadership is actively involved in setting time and service standards.**



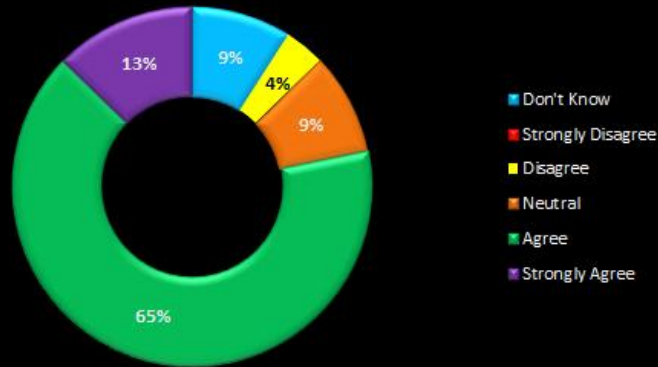
**1.4 The Court's leadership is involved in reviewing judicial and administrative performance against those standards.**



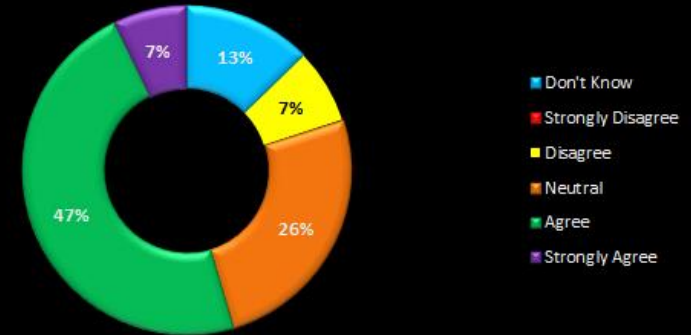
**1.6 The Court actively informs the community and court users on its services, standards and performance.**



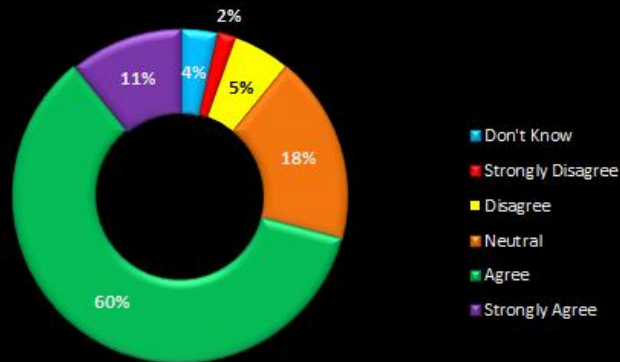
**1.8 The Court has plans for the future.**



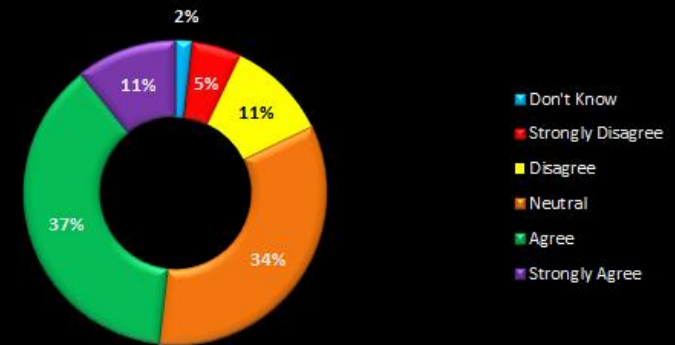
**1.9 The Court reviews feedback from community and court users.**



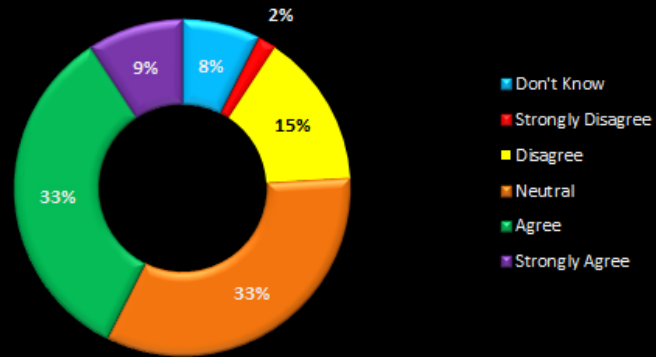
**1.10 The Court identifies areas for improvement.**



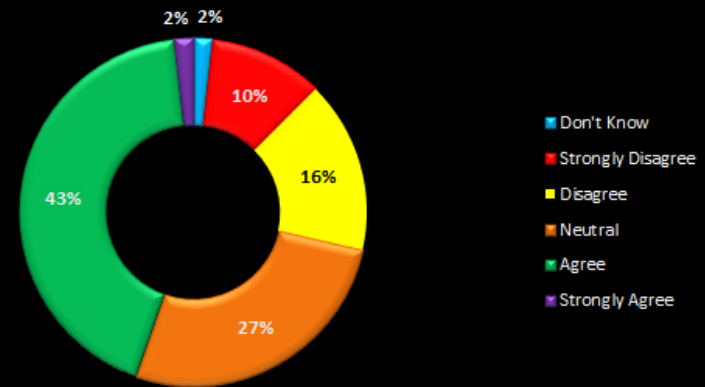
**1.11 The Court and its leaders promote a culture of innovation.**



**1.13 The Court actively informs staff about changes to its services, standards and performance.**



**1.14 Communication within the Court is good.**



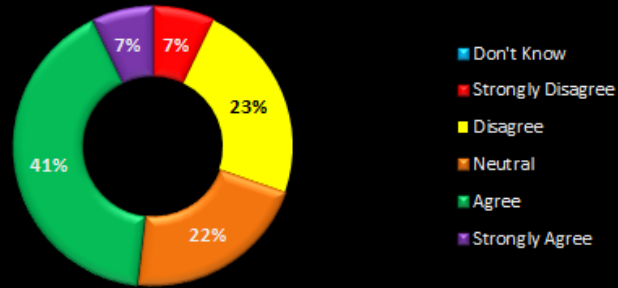
## AREA 2 - COURT PLANNING AND POLICIES

33. The results from the judicial responses demonstrated a perception amongst judges that the Court had published both internal and external policies that supported its values, targets and plans. However the responses were evenly divided in respect of the proposition that the Court had a strategic plan setting out its goals targets and plans for improvement.
34. In four of the other six areas covered by this aspect of the survey, less than half of the judicial members of the Court agreed with the propositions put for a response. That tends to indicate, in our view, a need to develop better education strategies for judges and administrative staff so that they:
- (a) understand how judges and staff are involved in planning and problem solving and how they might become involved;
  - (b) understand the opportunities that exist for judges and staff to express their opinions about the day-to-day work of the Court;
  - (c) understand how they might participate in the review of policies that affect their day-to-day work; and
  - (d) understand and participate in the development of an innovation strategy for the Court.
35. Graphical representation of the survey results follow below. The “yes/no” results appear first and then those results for questions which required a rating response.

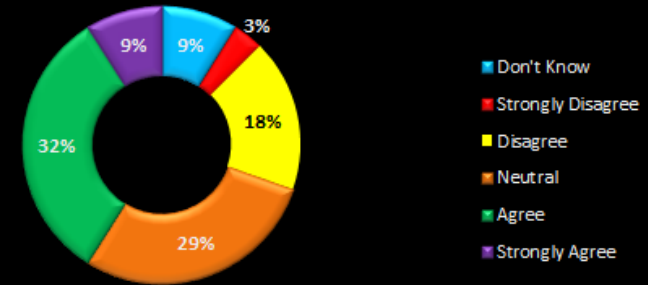




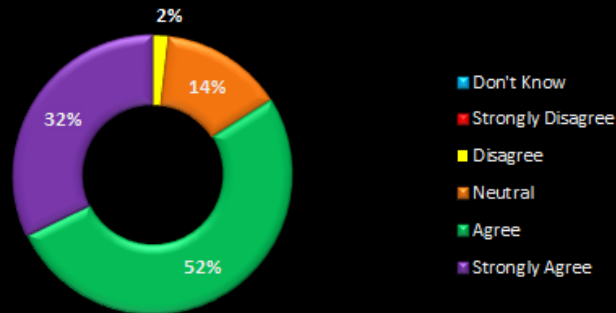
**2.2 The Court actively involves judges and staff in planning and problem solving tasks.**



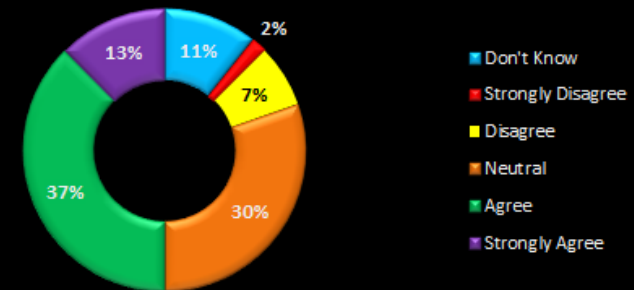
**2.3 Court staff have the opportunity to express opinions about the day-to-day work of the court.**



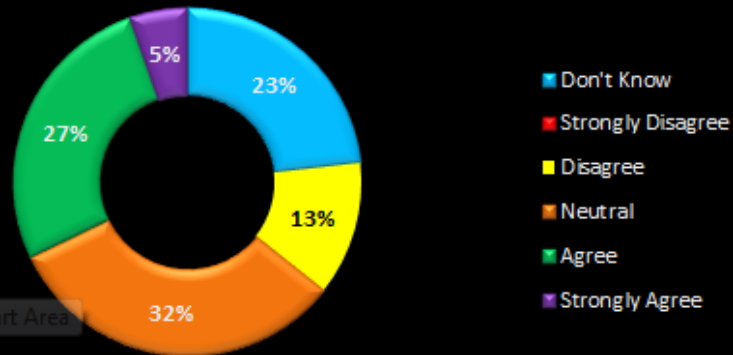
**2.4 I understand the relationship between the work that I do and the goals of the Court.**



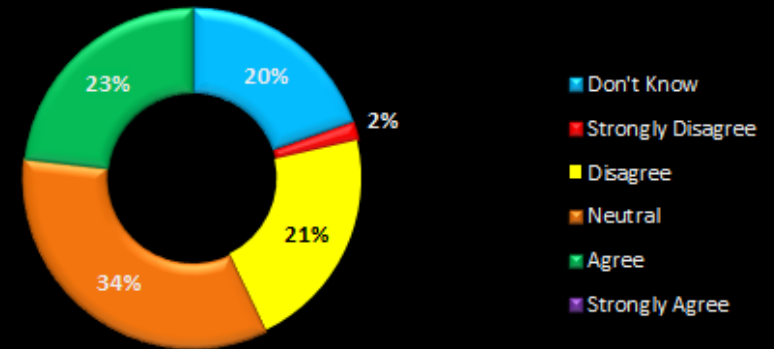
**2.5 The Court regularly reviews its performance against its targets.**



**2.8 The Court regularly reviews its policies to ensure their continuing effectiveness.**



**2.9 Does the Court have a court innovation strategy as an integral part of its strategic planning?**



### AREA 3 - COURT RESOURCES (HUMAN, MATERIAL AND FINANCIAL)

37. Eighty eight per cent of judicial respondents thought that the Court provides access to information to support judicial decision making. Sixty nine per cent thought that the Court's facilities were adequate and safe.
38. Most judges (78%) thought that the Court staff worked well together and only 6 per cent disagreed. Judges were quite clearly of the view that the members of the Court and their associated staff were committed to providing quality services to others within the Court (87% agreed) and to court users (84%).
39. Fifty per cent of judicial respondents thought that the Court's staff had the resources to do their job well. Only 28 per cent disagreed. Fifty five per cent thought that the working environment enabled Court staff to perform their tasks well while 18 per cent disagreed.
40. Thirty five percent of the judges responding agreed that the Court's budget process and the process for regular monitoring of expenditure is appropriate while 29% disagreed.
41. The training available for staff was identified as an area of concern. Only 34% of judicial respondents agreed that the training needs of Court staff had been identified.
42. The clearest area of concern was the perceived failure of the Court to properly meet the training needs of staff, where only 23 % of judicial respondents agreed and 34% disagreed, (7% of them strongly disagreeing).
43. This is consistent with other judicial responses which indicated the Court did not conduct regular professional development for staff nor provide training support in recognition for innovation.
44. The responses from Chambers staff were, broadly speaking, not in the main radically different from those of the judicial respondents. Without giving the figures, the areas of greater strength identified by judges were also identified by Court staff namely, the fact that they work well together and care about the quality of the services they provide.
45. The other responses were generally within a relatively close range to judicial respondents save that, perhaps surprisingly, fewer Chambers staff felt that the Court failed to meet the needs of Chambers staff for training and fewer felt that there was an

inappropriate balance of judicial administrative workload. There were some individual comments which suggested a measure of discontent both with the allocation of work between chambers and the level of training provided.

46. The Senior Executives' response painted a picture of general satisfaction save that one respondent felt the Court did not have an appropriate budget process and regular monitoring of expenditure.

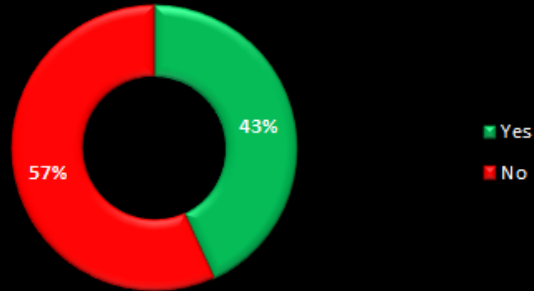
## **Summary**

47. The good news is that there seems to be a general agreement that the staff work well together and are committed to providing a good service to each other and to the Court's users generally. Areas that require further consideration relate to the training and professional development of Court staff.

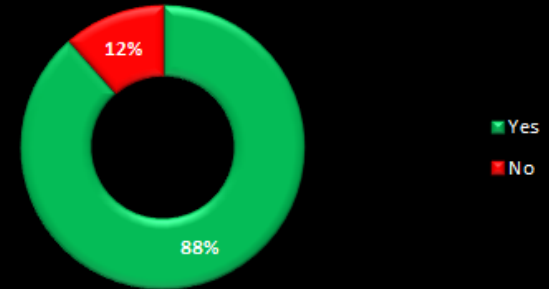
48. In that regard, work should be done to properly analyse and identify the areas in respect of which further training, both for judges and administrative staff is desired. That process, in so far as administrative staff are concerned, should engage and perhaps be led by Associates.

49. Graphical representation of the survey results follow below. The "yes/no" results appear first and then those results for questions which required a rating response.

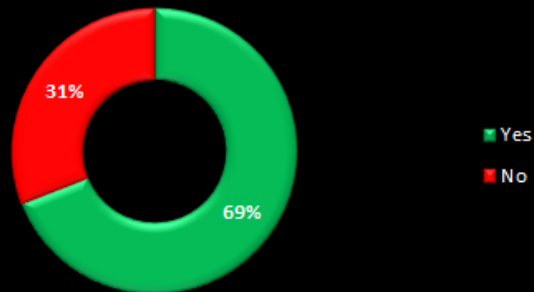
**3.4 Does the Court conduct regular professional development for staff?**



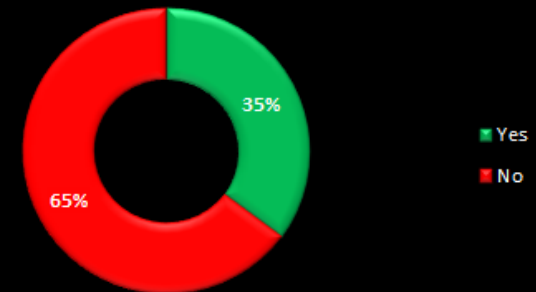
**3.8 Does the Court provide access to information to support judicial decision making?**



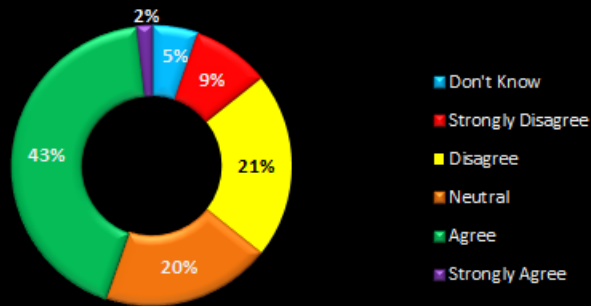
**3.10 Are the Court's facilities adequate and safe?**



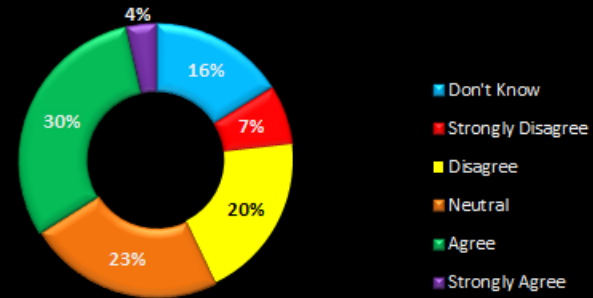
**3.14 Does the Court provide training, support and recognition for innovation?**



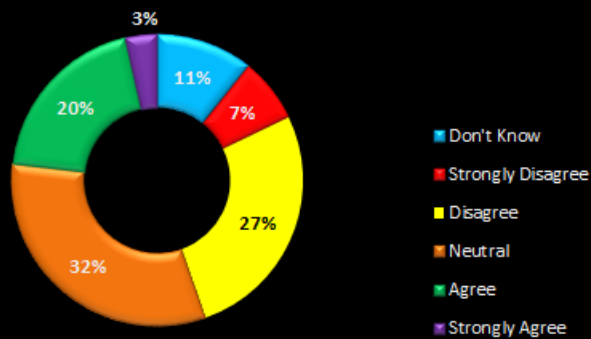
**3.1 The Court manages resources proactively to balance judicial and administrative workload over the whole of the Court's operations to enable timely service.**



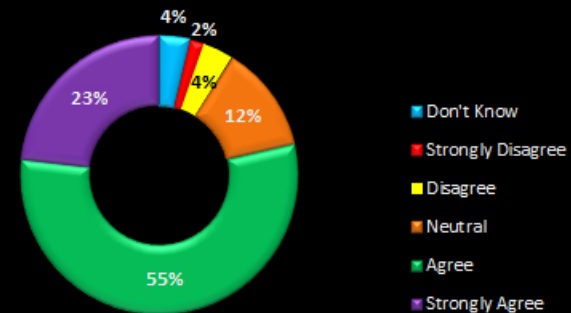
**3.2 The Court has identified training needs of staff.**



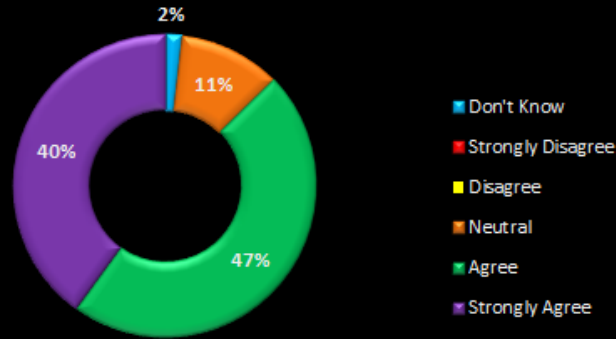
**3.3 The Court meets the training needs of staff.**



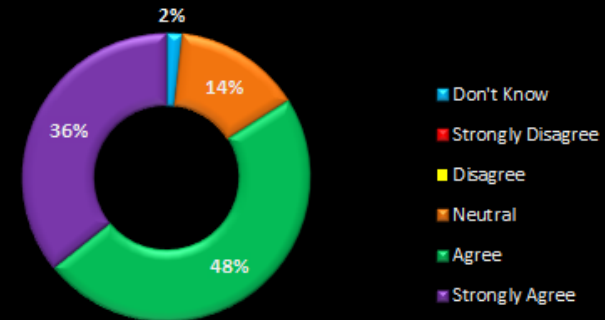
**3.5 Court staff work well together.**



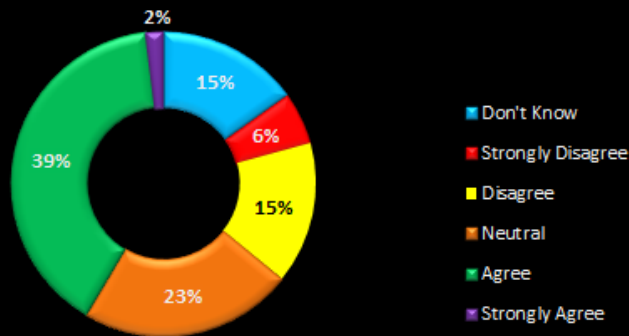
**3.6 Court staff care about the quality of the services that they provide to others within the Court.**



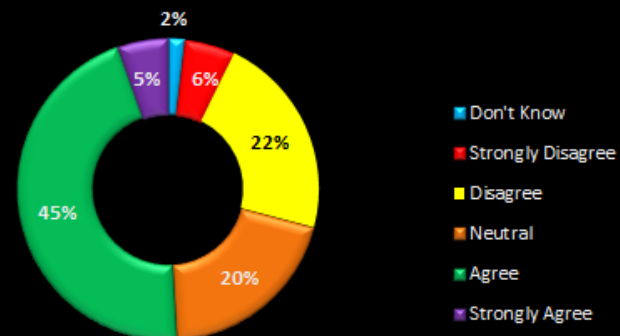
**3.7 Court staff care about the quality of the services that they provide to court users.**



**3.9 The Court effectively manages its material resources.**



**3.11 Court staff have the resources (material, equipment and supplies) to do their job well.**





### 3.12 The working environment enables court staff to perform their tasks well..

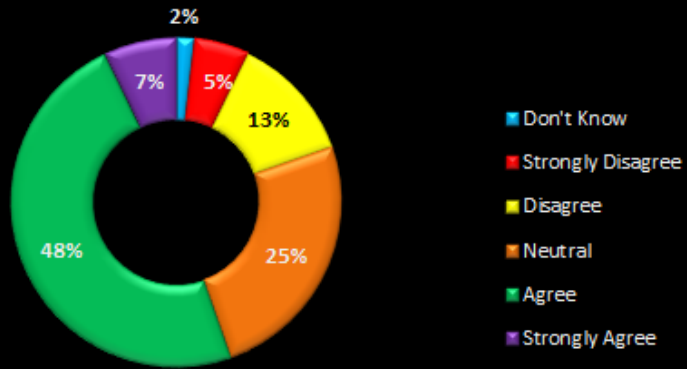
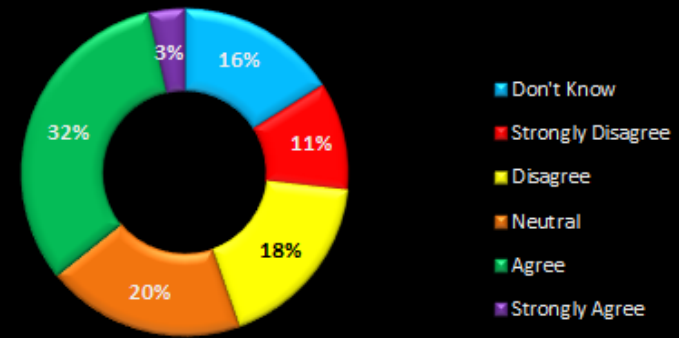


Chart Area

### 3.13 The Court has an appropriate budget process and regularly monitors expenditure.



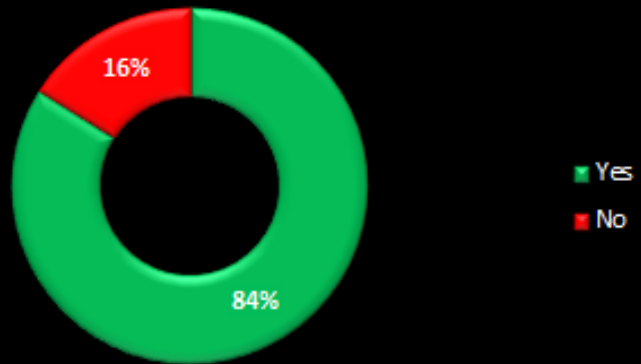
#### AREA 4 - COURT PROCEEDINGS AND PROCESSES

50. The responses in this area generally reflected a perception that the Court dispatches its business efficiently while maintaining quality and timeliness of decisions. Sixty six per cent of the Court's judicial respondents thought that the Court was producing quality decisions. Twelve per cent disagreed. Most respondents (61%) thought decisions were timely with only 18% disagreeing.
51. Seventy-five per cent of judicial respondents agreed that the Court's current system actively manages cases and looks for ways to improve the resolution of cases effectively. That can only be seen as a ringing endorsement for the docket system operated by the Court.
52. Judges were generally concerned about the balance of the workload of the Court's staff and judges. Only 24 % of judicial respondents thought that the Court successfully balanced the workload of Court staff and no less than 46% disagreed. The figure was even higher in relation to the workload of judges with only 14 per cent of judicial respondent regarding the balance as appropriate and 65 per cent disagreeing.
53. No less than 84% of judicial respondents regard the Court's maintenance of case files and record systems as efficient and 63% thought that the Court encourages innovation in case management.
54. The responses of Chambers staff were slightly different although the general trend was the same. Here, an even greater proportion of respondents (77%) thought that the Court deals with matters efficiently while maintaining quality of decisions and a slightly greater percentage had the same view about timeliness of decisions (66%).
55. The next area of strength identified, as with judges, was that the Court's current system accurately manages cases and looks for ways to improve the resolution of cases effectively in which the total agreeing percentage was 67% with only 8% disagreeing.
56. The judicial support staff responses in relation to balancing the workload of judges was not markedly different and somewhat surprisingly, the percentage who thought that the workload of Court staff was balanced successfully, was slightly higher (a total of 30 per cent and a slightly lower number disagreeing).

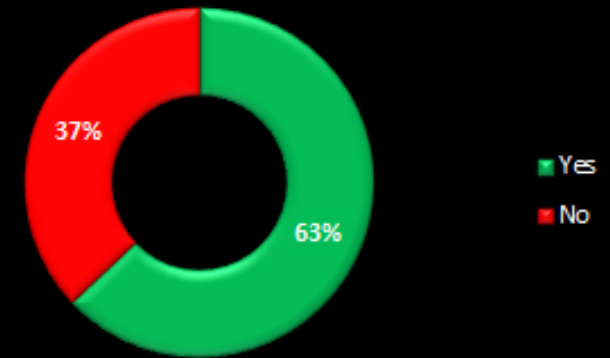
## Summary

57. In the circumstances it is fair to say that the Court's management of its cases, the innovation brought to bear upon the resolution of matters, and the general timeliness and efficiency of decision making are clearly strengths.
58. It is equally obvious that both judges and staff feel significantly pressured by their workload. Workloads could be more effectively managed through the better development of work flows and business processes. This is particularly so for chambers staff. Generally speaking, the technology available to assist both judges and staff has not been usefully developed or deployed so as to assist in managing work load issues.
59. The starting point for any work in this area is a detailed analysis of the business processes currently adopted by judges and staff so as to identify opportunities for improvement.
60. Graphical representation of the survey results follow below. The "yes/no" results appear first and then those results for questions which required a rating response.

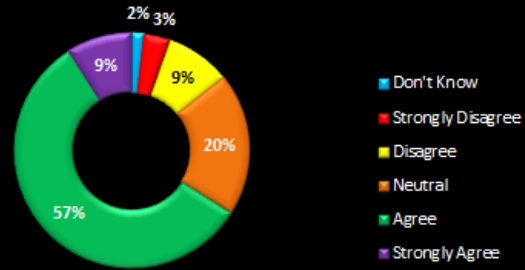
**4.6 Does the Court maintain efficient case files and records systems?**



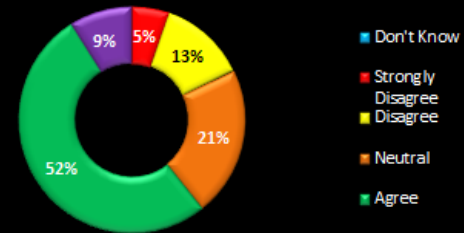
**4.7 Does the Court encourage innovation in case management?**



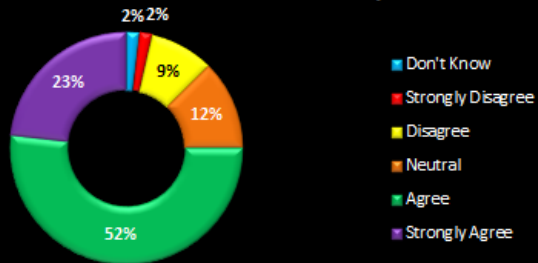
**4.1 The Court ensures it deals with matters efficiently while maintaining quality of decisions**



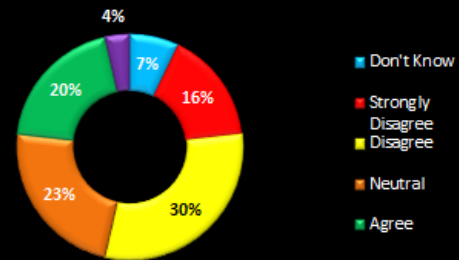
**4.2 The Court ensures it deals with matters efficiently while maintaining the timeliness of decisions.**



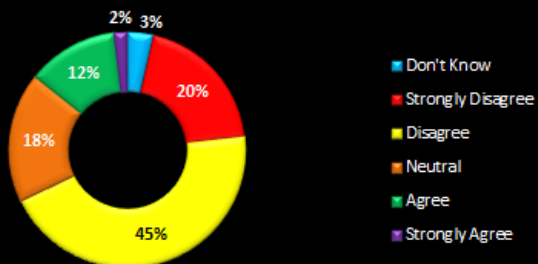
**4.3 The Court's current system actively manages cases and looks for ways to improve the resolution of cases effectively.**



**4.4 The Court successfully balances the workload of court staff.**



**4.5 The Court successfully balances the workload of judges.**



## AREA 5 - CLIENT NEEDS AND SATISFACTION

61. A slight majority of the Court's judges (56%) were aware that the Court surveys its users in relation to satisfaction with its processes and that it uses procedures other than surveys to obtain feedback (53%).
62. However, judges were overwhelmingly of the view that the Court does not report publicly and regularly on changes made in response to surveys and feedback (76%). This is a concern, because an inability to share or understand results and responses to such surveys might affect participation rates. Only 26% of judges agreed that the Court implements changes identified by surveys and feedback while 27% were neutral and 31% simply did not know.
63. Only 50% of judges agreed that the Court makes use of technology and innovation to deliver higher quality services to all court users. Twenty three per cent disagreed and 22% were neutral on the issue.
64. The responses from Associates and Deputy Associates were largely consistent with the judges' responses. A majority were aware that the Court surveys its users, although 52% considered that the Court does not seek feedback other than by surveys. Fifty-eight percent considered that the Court makes use of technology and innovation to deliver quality services to all users. However, the majority (56%) considered that the Court does not report publicly and regularly on changes made in response to surveys and feedback. Only 10% agreed, while 27% were neutral and 51% did not know that the Court implements changes identified by surveys and other feedback.
65. Again, amongst Senior Executives there was agreement that the Court surveys its users and seeks feedback and that Court made use of technology and innovation appropriately.
66. There was disagreement, however, on whether the Court reports publicly and regularly on changes made in response to user surveys and feedback. It was suggested that reporting was done mainly through its annual report.

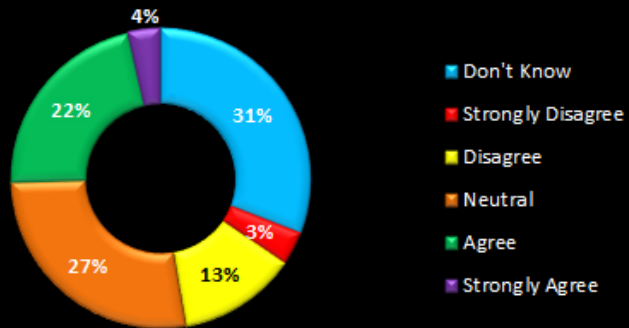
## Summary

67. It was generally known that the Court seeks feedback from court users, although Chambers staff generally only know about survey feedback. Large scale user surveys are done periodically and it is probably the case that newer members of the Court and administrative staff are unaware of those surveys.
68. More importantly, the general view was that the Court does not implement changes identified by feedback and does not report publicly and regularly on any changes made. There was a level of dissatisfaction about the use of technology and innovation to deliver quality services.
69. The results for this section reveal that the Court has a strategy, generally well known, to obtain feedback about its performance and services. Whether the Court implements change in response to results is less well known. That might be because the Court does not respond to the feedback it obtains, or alternatively if it does so, its responses are not publicised widely enough.
70. The Court could consider methods of improving use of technology and innovation. The Committee notes that this is already being considered, as Chief Judge Pascoe has recently established a committee to consider improvement of IT processes.
71. Graphical representation of the survey results follow below. The “yes/no” results appear first and then those results for questions which required a rating response.

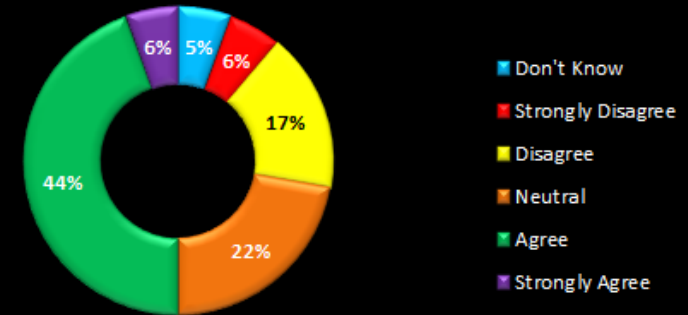




### 5.3 The Court implements changes identified by surveys and feedback.



### 5.5 The Court makes use of technology and innovation to deliver higher quality services to all court users.



## AREA 6 - AFFORDABLE AND ACCESSIBLE COURT SERVICES

73. Judges' responses in this area revealed that 93% considered that the Court publishes information on court services and access. Almost all (91%) considered that physical access to court buildings is easy and accessible to all users. Seventy-three per cent considered that the Court has processes in place which promotes affordable court proceedings.

74. A majority of responses revealed that:

- (a) the Court's policies ensure equal treatment for all users (70%);
- (b) the Court provides a good level of communication to assist unrepresented litigants (68%);
- (c) the Court uses plain language to assist all court users (69%); and
- (d) the Court uses technology and innovation to improve access for all court users (63%).

75. The current level of electronic and remote access was of some concern to judges in this area with only 45% agreeing that it is adequate. Thirty-one per cent of the judicial responses disagreed that it was adequate. Fifty-nine per cent agreed that the support currently available to people with disabilities was good. Only 9% disagreed.

76. Associates and deputy associates' responses in this area were generally more positive than the judicial responses to similar questions. Chambers staff generally agreed that there is good support for people with disabilities to ensure easy access to services (81%) and agreed that the Court's current level of electronic and remote access is adequate (69%). Those responses probably reflect closer contact that chambers staff have with litigants in the Court. Associates and Deputy Associates did not identify any areas of weakness or concern.

77. Senior Executives were very positive in this area of the assessment. The only weakness was in respect of processes in place to promote affordable court proceedings. One respondent considered that there was work to be done to improve e-filing rates and general access to technology. One respondent also considered that the current level of electronic and remote access was not adequate.

## **Summary**

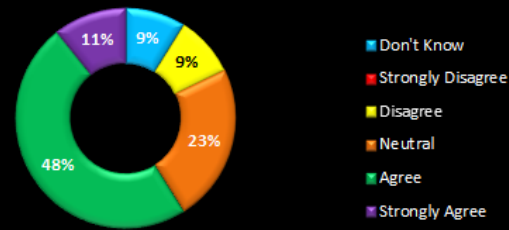
78. The results in this area revealed that there was a significant level of satisfaction with the provision of information and facilities for court users to promote affordability and accessibility. There was, however, significant concern about the current level of electronic and remote access.

79. In terms of the Framework, one might consider that there is a sound and effective approach in place when one considers the physical environment in which the Court operates. Information, facilities and services for court users that promote access and affordability are evident. Generally, survey recipients thought that the Court implemented its strategies well in this regard. However, this is in stark contrast to the Court's deployment of technology for the same purposes. There was significant dissatisfaction in this area of the Court's functioning, and at best, a reactive response only.

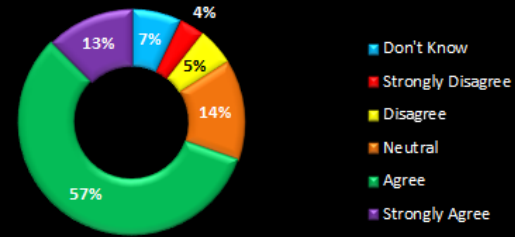
80. Graphical representation of the survey results follow below. The "yes/no" results appear first and then those results for questions which required a rating response.



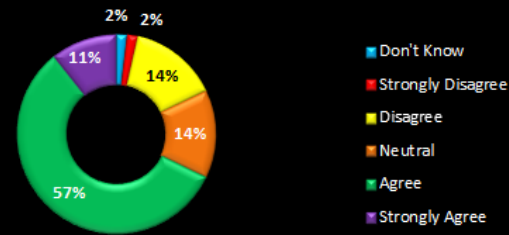
**6.4 The Court provides good support for people with disabilities to ensure they have easy access to its services.**



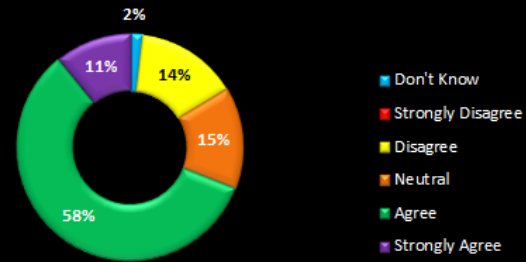
**6.5 The Court's policies ensure equal treatment for all court users.**



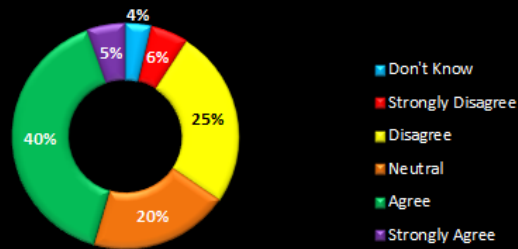
**6.6 The Court provides a good level of information to assist those who are unrepresented.**



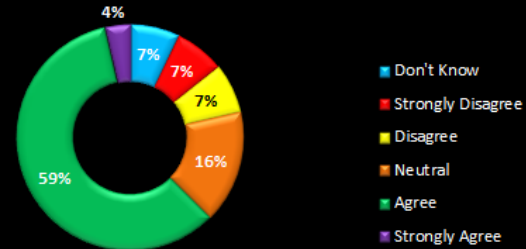
**6.7 The Court uses plain language to assist all court users.**



**6.8 The Court's current level of electronic and remote access is adequate.**



**6.9 The Court uses technology and innovation to improve access for all court users.**



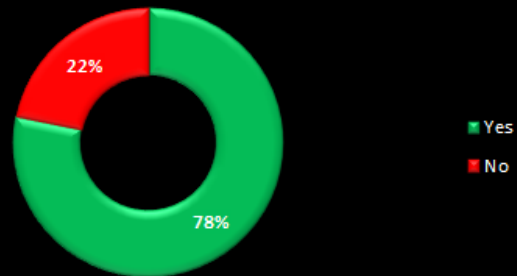
## AREA 7 – PUBLIC TRUST AND CONFIDENCE

82. Most judicial respondents (61% agreed and 18% strongly agreed) that the Court publicly accounts for its role and performance. Most respondents (45% agreed and 16% strongly agreed) that the Court makes sufficient information on performance against time and service standards available to the public.
83. Most judicial respondents (69%) were aware that the Court has a complaints policy and reports on its handling of complaints. Seventy-eight per cent agreed that the Court conducts regular independent audits on its expenditure. Ninety-six per cent of respondents agreed that the Court is respected in the community.
84. However, question 7.6 attracted more comments than any other question in this area. One judicial respondent expressed the opinion that the family law side of the court is less respected than the general federal law side. Another said that there are negative views formed by the public based on poor media reporting and litigants expressing their own biased view when the Court did not decide in their favour. A third respondent criticised the wording of the question as “pretty inadequate” but felt that the vast majority of litigants respect the Court.
85. The survey results revealed that only 37% of judicial respondents agreed, and 6% strongly agreed, that the Court ensures all court users understand the Court’s processes, services and any decisions made. Thirty per cent were neutral on that point, the highest “neutral” rating of any of the six questions in this section. Eighteen per cent of judicial respondents disagreed and 4% strongly disagreed.
86. Associate and executive staff responses were not materially different to those of judges.

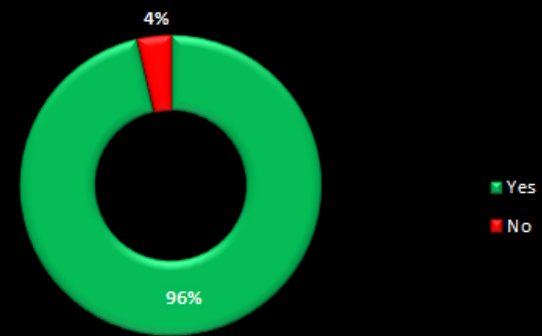
### Summary

87. The results revealed that the members and staff of the Court generally perceived that the Court is well regarded in the community. There was adequate reporting of its performance. However, some consideration should be given to improving the ways in which the Court addresses the needs of self-represented parties across all jurisdictions exercised by the Court.
88. Graphical representation of the survey results follow below. The “yes/no” results appear first and then those results for questions which required a rating response.

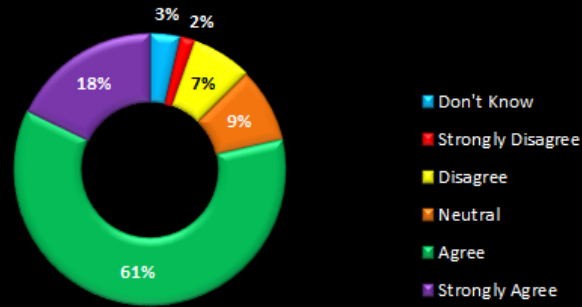
**7.5 Does the Court conduct regular independent audits on expenditure?**



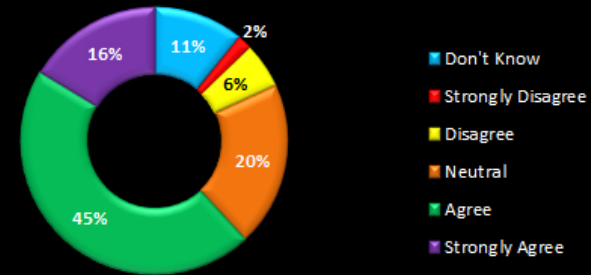
**7.6 The court is respected in the community.**



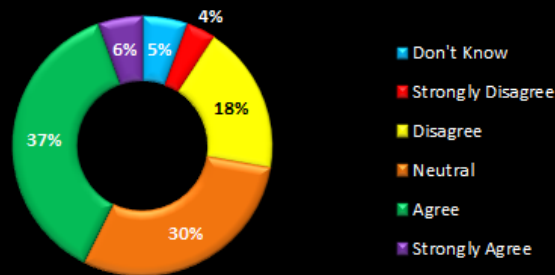
**7.1 The Court publicly accounts for its role and performance.**



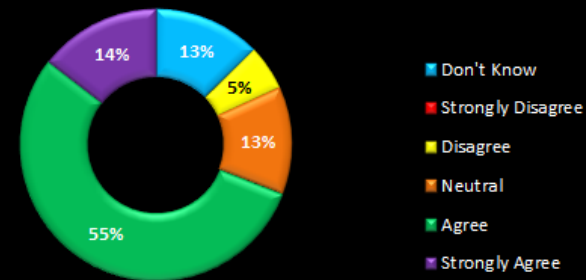
**7.2 The Court makes sufficient information on performance against time and service standards available to the public.**



**7.3 The Court ensures all court users understand the court's processes, services and any decisions made.**



**7.4 The Court has a complaints policy and reports on its handling of complaints.**





## AREA 8 – JUDICIAL SPECIFIC ASSESSMENT

89. The areas of greatest strength demonstrated by the survey results in this area were:

- (a) 47% agreed and 16% strongly agreed that the ethics and standards expected of judges of the Court are clearly communicated to them;
- (b) 55% agreed and 25% strongly agreed that there is a collegial approach by the judges of the Court to the timely dispatch of the Court's workload;
- (c) 37% agreed and 16% strongly agreed that there are processes in place to ensure that judges of the Court deliver their decisions within an appropriate time frame;
- (d) 54% agreed and 29% strongly agreed that the docket system operated by the Court properly meets the needs of court users;
- (e) 42% agreed and 24% strongly agreed that the docket system properly meets the needs of the judges of the Court; and
- (f) 42% agreed and 11% strongly agreed that judges always treat Court participants equally and with fairness and respect.

90. The survey responses identified certain areas of weakness, and in particular:

- (a) only 22% agreed and 5% strongly agreed that the ethics and standards expected of judges of the Court are published and accessible to the public; 32% were neutral on that point;
- (b) only 36% agreed and 2% strongly agreed that judges of the Court always deliver quality decisions; 25% of respondents disagreed and 2% strongly disagreed;
- (c) only 40% agreed and 4% strongly agreed that the listing arrangements for judges properly meet the needs of Court users; 22% of respondents disagreed and 5% strongly disagreed;

- (d) 36% agreed and 11% strongly agreed that the Court's judicial organisational structure properly meets the needs of the Court; 14% of respondents disagreed and 5% strongly disagreed on this point;
- (e) disturbingly, only 16% agreed and 2% strongly agreed that there are sufficient mechanisms in place to ensure the health and wellbeing of judges; 37% of respondents disagreed and 9% strongly disagreed on this point – the highest rate of disagreement of any question in this section;
- (f) of the 30 judges out of 54 who responded to question 8.14, some 57% did not agree that there was a structure that provides adequate representation to reflect judges' needs and concerns;
- (g) 31 judges out of 55, also about 57%, did not agree with the proposition that the Court ensures that there are good quality education programs for judges;
- (h) Only 24% agreed and 2% strongly agreed that the induction process for new judges is appropriate, fair and supportive (8.16); 20% of respondents said they did not know and 34% were neutral on this point; and
- (i) Only 36% agreed and 2% strongly agreed that there are adequate processes to enable judges of the Court to maintain their level of competence; 20% disagreed and 7% strongly disagreed.

## Summary

91. There is a view that the Court meets its target of being publicly accountable and is respected in the community. The docket system has received an endorsement.

92. However, there are areas of concern:

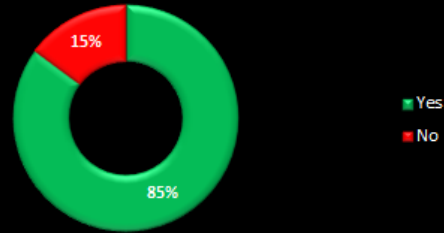
- (a) The most serious area of concern is the fact that 46% of judges do not agree that there are sufficient mechanisms in place to ensure their health and wellbeing. Only 18% of Judges gave a positive response and 32% chose to remain neutral.

- (b) The answers to question 8.13 point to an issue of judicial morale that needs to be addressed. A significant number of judges who answered question 8.14 did not feel that there was an adequate structure to reflect their needs and concerns. This is another sign of a morale issue.
  
- (c) In addition, there are three other areas where a total of 27% of respondents either disagreed or strongly disagreed with the proposition in the question:
  - i. 8.4 – whether judges always deliver quality decisions;
  - ii. 8.6 – notwithstanding the ringing endorsement of the docket system, whether the listing arrangements for judges properly meet the needs of court users; and
  - iii. 8.17 – whether there are adequate processes to enable judges of the Court to maintain their levels of competence.
  
- (d) A significant number of judges who answered question 8.15 expressed concern about quality continuing education programs for judges.

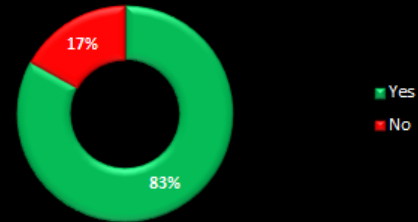
93. These issues need to be addressed and will require further investigation.

94. Graphical representation of the survey results follow below. The “yes/no” results appear first and then those results for questions which required a rating response.

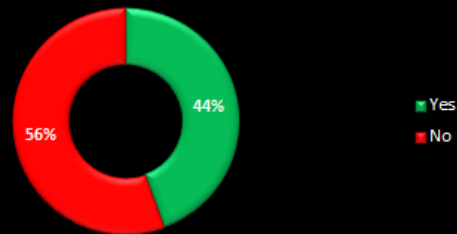
8.11 Are there sufficient resources to enable Judges to feel safe and secure at work?



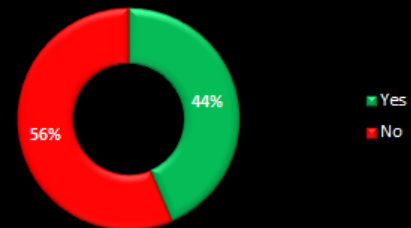
8.12 Are there sufficient resources to enable Judges to feel safe and secure at home?



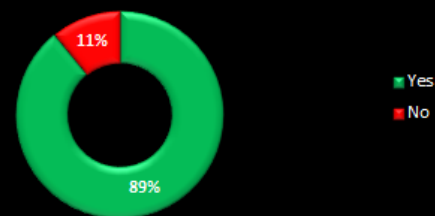
8.14 Is there a structure that provides adequate representation to reflect Judges' needs and concerns?



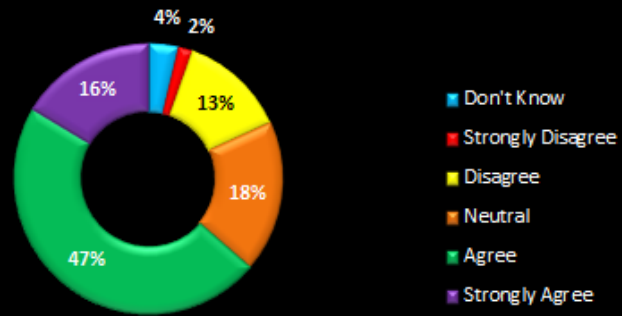
8.15 The Court ensures that there are good quality continuing education programmes for Judges.



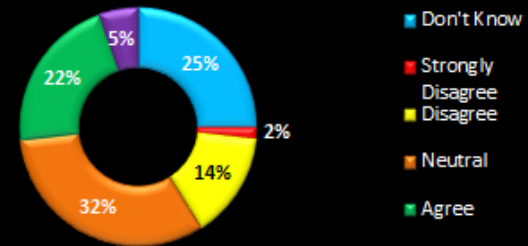
8.18 The leadership of the Court encourages the Judges of the Court to engage with the community and communicate its values and aspirations?



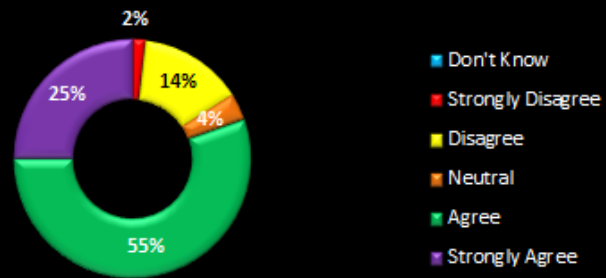
**8.1 The ethics and standards expected of Judges of the Court are clearly communicated to them.**



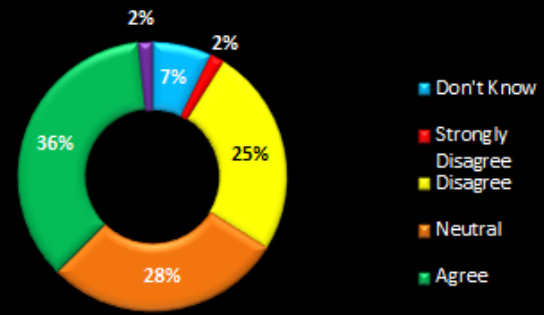
**8.2 The ethics and standards expected of Judges of the Court are published and accessible to the public.**



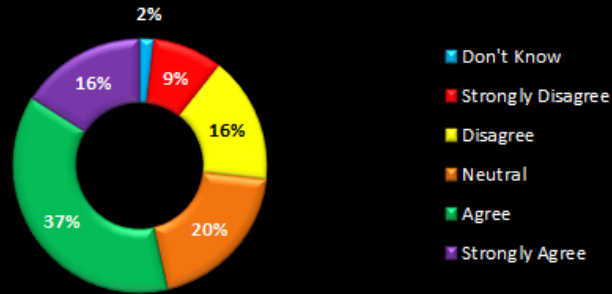
**8.3 There is a collegial approach by the Judges of the Court to the timely dispatch of the Court's workload.**



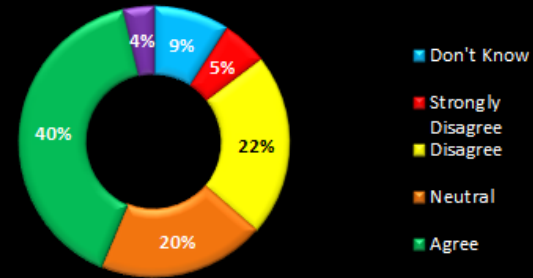
**8.4 Judges of the Court always deliver quality decisions.**



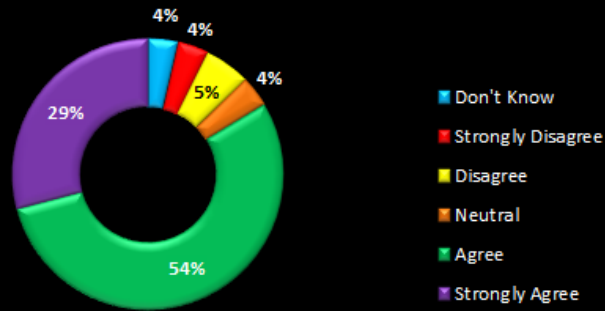
**8.5 There are processes in place to ensure that Judges of the court deliver their decisions within an appropriate time frame.**



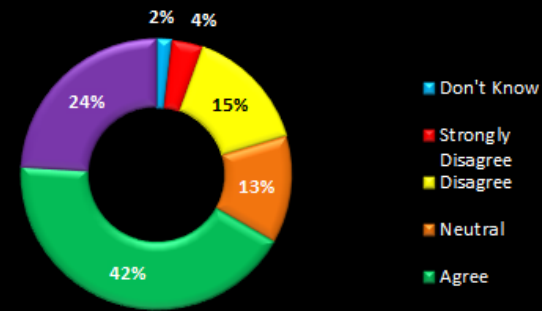
**8.6 The listing arrangements for Judges properly meet the needs of Court users.**



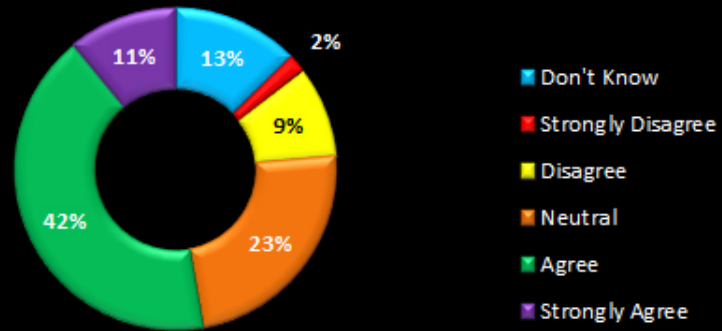
**8.7 The docket system operated by the Court properly meets the needs of Court users.**



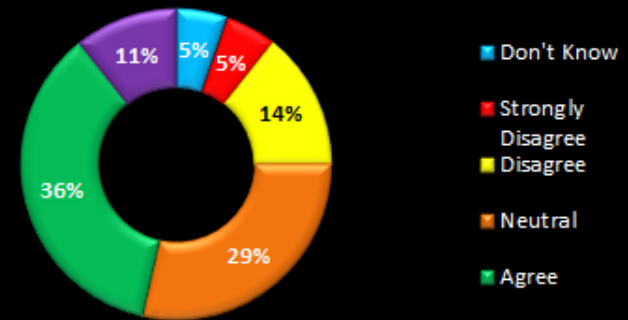
**8.8 The docket system properly meets the needs of the Judges of the Court.**



**8.9 Judges always treat Court participants equally and with fairness and respect.**



**8.10 The Court's judicial organisational structure properly meets the needs of the Court.**







## CONCLUSION

95. In general terms, the survey revealed that overall, of those that responded to the survey, most considered that the Court was well managed and was operating efficiently. The survey results revealed room for improvement in certain areas and in particular these are the areas of: training and development for both judges and administrative staff of the Court; business processes and practices around the dispatch of the Court's business; communication both within the Court and with court users; and measures to support the health and well-being of judges and court staff who regularly work long hours.
96. The survey results revealed that a large majority of the Court thought that the docket system utilised by the Court served litigants well. On our analysis of the survey data, there is no impetus for a change to the docket system. At the same time, some concern was expressed about workload and about whether listing arrangements do meet the needs of court users.
97. We commend the results of the survey to the Court for the consideration of its members.