



# FEDERAL COURT OF AUSTRALIA



## Position Details

<b>Title</b>	Judicial Registrar - Federal Criminal Jurisdiction
<b>Division</b>	Federal Court of Australia
<b>Branch</b>	National Operations (Legal)
<b>Classification</b>	Executive Level 2 (EL 2)
<b>Salary</b>	\$148,351– \$154,166 per annum, plus 15.4% superannuation
<b>Employment type</b>	Ongoing, Full-time
<b>Location</b>	Melbourne, VIC
<b>Position number</b>	TBA

## Agency Overview

The Federal Court of Australia entity is the administrative organisation that engages employees under the [Public Service Act 1999](#) to work in support of one or more of the following courts or Tribunal:

- Federal Court of Australia
- Family Court of Australia
- Federal Circuit Court of Australia, and
- National Native Title Tribunal.

[The Courts Administration Legislation Amendment Act 2016](#) established the Federal Court entity however, each court continues to maintain its distinct statutory identity, with separate functions and judicial independence.

Employees are covered by the [Federal Court of Australia Enterprise Agreement 2018–2021](#).

## Court Jurisdiction

The Federal Court of Australia was created by the *Federal Court of Australia Act 1976* (Cth) as a superior court of record and a court of law and equity. Its overarching goal is to contribute to the social and economic development and wellbeing of all Australians by applying and upholding the rule of law. It sits in all capital cities and elsewhere in Australia when necessary. The Court has jurisdiction in relation to almost all civil matters and some summary and indictable criminal matters arising under Australian federal law. The Court is able to hear cases in relation to admiralty, bankruptcy, competition, consumer protection, corporations, fair work, human rights, intellectual property and native title. It also has the power to review some Federal Government decisions in areas such as social security, immigration and taxation.

## Position Overview

The Court has successfully implemented a number of important reforms through the National Court Framework (**NCF**). The NCF is a fundamental reform of the Court and the way it operates. The key purpose of the NCF is to reinvigorate the Court's approach to case management by further

modernising the Court's operations so that the Court is better placed to meet the demands of litigants and can operate as a truly national and international Court. The NCF reforms have focused on matters relevant to the work undertaken by the judges of the Court and it is now extending the NCF to the work undertaken by registrars. Key reforms include the allocation of case work to judges and registrars on a national basis, reform of the Court's practice and procedure through the introduction of a suite of new practice notes, including the Central Practice Note and the organisation and management of the Court's work nationally through the introduction of nine National Practice Areas (**NPA**s).

The Court manages and organises its criminal case work through a national set of arrangements under the Federal Crime and Related Proceedings NPA ("Federal Crime NPA"). The NPA is managed by National NPA Coordinating Judges. Recently, the Government responded to the Financial Services Royal Commission's Report by stating that it will expand the Federal Court's jurisdiction in relation to criminal corporate crime.

As a result of the pending conferral of a greater corporate criminal jurisdiction on the Court, a number of new positions have been created to support its implementation, including the Judicial Registrar – Federal Criminal Jurisdiction. The Judicial Registrar – Federal Criminal Jurisdiction (**JRFC**) will play a key role in supporting the Senior National Judicial Registrar – Federal Criminal Jurisdiction (**SNJRFC**) to implement and manage the ongoing operation of the Court's expanded corporate crime jurisdiction and the Federal Crime NPA, in the following areas:

- Perform delegated judicial functions, which may include presiding in committal/disclosure hearings, "Basha" inquiries and other ancillary and interlocutory hearings. Also, perform delegated judicial functions across other NPAs, as required.
- Engage with judges collaboratively to identify and undertake critical judicial support work for the effective case management and disposition of criminal and other proceedings.
- Support the development of the Court's policy and practice relating to the expanded corporate crime jurisdiction and Federal Crime NPA.
- Support the management and ongoing operation of the Federal Crime NPA.
- Undertake workload analysis and reporting in relation to criminal proceedings.
- Liaise with internal and external stakeholders in relation to the Court's criminal jurisdiction on a local and national basis.

In addition, the JRFC will be responsible, on a national basis, for managing all the elements of juries, including recruiting jury panels, supervising criminal juries and supervising jury officers to ensure that the needs of both the jurors and the Court are met.

## **Major Activities**

### Performing delegated judicial functions & case management support for judges

The JRFC will perform delegated judicial functions and case management, which may include:

- Presiding in Court, in circumstances where the Federal Court and its registrars are conferred with jurisdiction, which may include:
  - Committal/disclosure hearings;
  - "Basha" Inquiries (a mechanism already provided for in s 23CQ of the *Federal Court of Australia Act 1976*); and

- other ancillary and interlocutory hearings as delegated by the judge, such as subpoena disputes, case management and bail variations.
- Engaging with the NPA judges on a regular basis regarding the character and complexity of criminal cases in their dockets to identify and undertake critical judicial support work for the effective case management and disposition of proceedings.
- Undertaking case management support and analysis, including preparing summaries for summary and indictable matters.

In addition, the JRFC may also perform delegated judicial functions in other NPAs, as required. This may include:

- Conducting mediations, including in complex and multi-party matters in support of judges.
- Carrying out case management support for judges, such as expert witness conferences and case management.
- Carrying out delegated judicial functions by way of presiding over Court hearings in the area of corporations and bankruptcy.

#### Managing jury practices

The JRFC will work with the Sheriff and be responsible, on a national basis, for managing all the elements of juries, including:

- Arrangements for issuing questionnaires, serving summonses and providing information to jurors and potential jurors.
- Arrangements for receiving potential jurors at court and for selecting jury panels.
- Supervising the work of jury officers and other officers who deal with jurors and potential jurors.
- Liaising with appropriate officers (including Judges, Associates, the Sheriff, Building Manager) in relation to the procedures for providing accommodation and security for juries.
- Developing and maintaining training materials for staff regarding trial procedures and providing training on trial procedures.
- Maintaining and improving the Court's jury panel recruiting system.
- If appointed as a Deputy Sheriff, exercising powers as directed by the Sheriff.

#### Policy and practice development

The JRFC will support the development of the Court's policy, practice and procedure relating to the expanded corporate crime jurisdiction and Federal Crime NPA, including:

- Liaising with and being responsive to key stakeholder needs, including internal stakeholders (Chief Justice, National Coordinating NPA Judges, NPA Judges, Registrars, key judicial committees and other staff) and external stakeholders (legal profession, public agencies and parties to proceedings).
- Reviewing and supporting the development of essential resources to support the key policies and practices, including:
  - Developing new practice documents or revising practice documents.
  - Preparing training material for staff which covers operational aspects of the criminal jurisdiction.
  - Preparing material and resources for the Court's website.

### Workload Analysis

The JRFC will undertake workload analysis and reporting of criminal proceedings, including:

- Undertaking in-depth analysis, reporting and monitoring of judicial and registrar workload in the Federal Crime NPA, including analysing trends in filings (e.g. nature, complexity, filing party, location, allocation and resolution of matters).
- Preparing workload reports and information for auditing purposes and reporting to Senate Estimates Committee.

### Internal and external liaison

The JRFC will liaise with key internal and external stakeholders in the area of Federal Crime, including the conduct of jury trials. The key stakeholders include:

- National Coordinating NPA Judges and NPA Judges.
- Principal Judicial Registrar, Senior National Judicial Registrar – Federal Crime and Director Public Information.
- Other Commonwealth courts and other government agencies (e.g. Australian Federal Police, Australian Electoral Commission, Australian Securities and Investments Commission, Australian Competition and Consumer Commission).
- Relevant State and Territory courts, Sheriffs and Corrective Services.
- Sheriff and Deputy Sheriffs.

### **Key Relationships**

- *NPA Coordinating Judges*: Consult and liaise with, and provide advice to, in relation to criminal proceedings in the Court and the conduct of jury trials.
- *NPA Judges*: engage with judges collaboratively to identify critical judicial support work to be undertaken to support the effective disposition of matters.
- *SNJRFC*: consult and liaise with, and provide high level advice to, in relation to criminal proceedings and management of the Federal Crime NPA.
- *Court Staff*: provide guidance in relation to the conduct of criminal proceedings, including the conduct of jury trials.
- *Government organisations, legal profession & Court users*: liaise with these key external stakeholders regarding the operation of the criminal jurisdiction in the Court and criminal proceedings.
- *Sheriff*: consult with and make recommendations on matters which require a decision by the Sheriff.
- *Court IT Staff*: consult and liaise with, and provide advice to, in relation to the jury panel recruitment system.
- *Jurors and potential jurors*: key contact point in relation to all aspects of being a jury member.

### **Competencies & Attributes**

To undertake this role the successful applicant must have:

- considerable experience in criminal litigation, and experience in civil litigation is also desirable;
- a detailed understanding of the jurisdiction and practices and procedures of the Federal Court;

- a comprehensive understanding of how high level case management is undertaken;
- experience leading and managing staff;
- a proven ability to:
  - work autonomously and with the necessary authority and accountability;
  - manage multiple responsibilities effectively and prioritise matters appropriately; and
  - build and sustain positive relationships with a network of key stakeholders internally and externally.

### **Formal Qualifications**

This position requires the occupant to perform statutory legal functions, as required, including presiding in Court. Therefore, legal qualifications and admission as a practitioner of the High Court and/or the Supreme Court of a State or Territory of Australia is essential. In addition, it is desirable for the applicant to:

- have experience working with juries and jury officers; and
- be accredited as a mediator with experience in conducting mediations.

### **Selection Criteria**

1. Demonstrated experience in criminal law litigation and case management practice in superior courts of Australia. In addition, experience in civil litigation and practice in superior courts and conducting mediations is also desirable.
2. Demonstrated experience and understanding, or ability to acquire such knowledge quickly, of the jurisdiction and practices and procedures of the Federal Court, in particular the criminal jurisdiction and the conduct of juries.
3. Demonstrated ability to critically evaluate large volumes of information and demonstrate sound judgment in decision-making in a high pressure environment.
4. Highly developed communication skills, including a proven ability to deal with a wide range of internal and external stakeholders effectively, build and maintain professional relationships and influence behaviour and attitudes.
5. Excellent analytical and conceptual skills and demonstrated achievements in developing and implementing improved and innovative services and processes.
6. Demonstrated experience and ability in leading a team.

### **How to Apply**

To apply for this position please click on the "apply now" button on the Federal Court [website](#)

To be considered you will need to:

- enter a statement of claims against the selection criteria
- upload an up to date resume
- upload relevant qualifications

**by 11:55pm AEDT on 8 June 2020.**

For more information contact Andrea Jarratt, by phone (03) 8600 3504.