
6 Court administration

This chapter covers the performance of court administration for State and Territory supreme, district/county and magistrates' (including children's) courts, electronic courts, coroners' courts and probate registries. It also covers the performance of court administration for the Federal Court of Australia, the Federal Magistrates Court, the Family Court of Australia and the Family Court of WA. The focus of this Report is on the administration of the courts, not the outcomes of legal processes.

A profile of court administration is presented in section 6.1. The framework of performance indicators is outlined in section 6.2 and data are discussed in section 6.3. Future directions for performance reporting are discussed in section 6.4. Jurisdictions' comments are provided in section 6.5, followed by definitions in section 6.6.

Supporting tables

Supporting tables for chapter 6 are provided on the CD-ROM enclosed with the Report. The files are provided in Microsoft Excel 97 format as `\Publications\Reports\2004\Attach6A.xls` and in Adobe PDF format as `\Publications\Reports\2004\Attach6A.pdf`.

Supporting tables are identified in references throughout this chapter by an 'A' suffix (for example, table 6A.3 is table 3 in the electronic files). These files can be found on the Review web page (www.pc.gov.au/gsp/2004/index.html). Users without Internet access can contact the Secretariat to obtain these tables (see details on the inside front cover of the Report).

6.1 Profile of court administration services

Service overview

Court administration agencies throughout Australia provide a range of services integral to the effective performance of the judicial system. The primary functions of court administration agencies are to:

- manage court facilities and staff, including buildings, security and ancillary services such as registries, libraries and transcription services
- provide case management services, including client information, scheduling and case flow management
- enforce court orders through the sheriff's department or a similar mechanism.

Roles and responsibilities

State and Territory court levels

There is a hierarchy of courts within each State and Territory. The supreme court hears disputes of greater seriousness than those heard in the other courts. It also develops the law and operates as a court of judicial review or appeal. For the majority of jurisdictions, the hierarchy of courts are as outlined below (although Tasmania and the Territories do not have a district/county court):

- the supreme court
- the district/county court
- the magistrates' court.

Within certain court levels, a number of specialist courts (such as drug courts and children's courts) aim to improve the responsiveness of courts to the special needs of particular clients. Tribunals can also improve responsiveness and assist in alleviating the workload of courts — for example, small claims tribunals may assist in shifting work away from a magistrates' court.

Differences in court jurisdictions, along with the use of specialist courts and tribunals, can mean that the allocation of cases to courts varies across States and Territories (boxes 6.1–6.3). As a result, the seriousness and complexity of cases heard in each jurisdiction's equivalent court often vary. Any performance comparison needs to account for these factors.

Box 6.1 Magistrates' court jurisdiction across States and Territories

Criminal

All magistrates' courts deal with criminal matters that can be decided without a jury (for example, summary offences such as minor stealing and offensive behaviour) and committal proceedings. There are, however, differences across jurisdictions in the type of additional work undertaken and in the sentencing limits imposed:

NSW: Also deals with juvenile prosecution and care matters.

Victoria: Hears and determines some indictable offences (if the court is of the opinion that the charge is appropriate to be dealt with summarily, and the defendant consents).

Queensland: Deals with matters with a maximum penalty of up to three years imprisonment, including some indictable offences dealt with summarily.

WA: Hears and determines some indictable offences (if the court is of the opinion that the charge can be dealt with summarily).

SA: Deals with matters with a maximum penalty of up to two years imprisonment, juvenile prosecutions and intervention orders (including breaches).

Tasmania: Deals with matters with a maximum penalty of up to two years imprisonment, including some indictable offences dealt with summarily.

ACT: Deals with matters with a maximum penalty of up to 14 years imprisonment if the offence relates to money or property and up to 10 years imprisonment in other cases.

NT: Some drug and fraud charges and matters with a maximum penalty of up to 10 years imprisonment (or 10–14 years imprisonment if the accused consents).

Civil

NSW: Up to \$40 000 for monetary damages, as well as some family law matters.

Victoria: Up to \$40 000 for monetary damages, as well as applications for equitable relief and applications under the *Crimes (Family Violence) Act 1987*.

Queensland: Small claims (including residential tenancy disputes) up to \$7500, minor debt claims up to \$7500 and other claims up to \$50 000.

WA: Deals with claims for recovery of debt and damages (other than personal injury) up to \$25 000. It has a small disputes division that operates with an upper limit of \$3000 and deals with residential tenancy disputes to a limit of \$6000.

SA: Small claims up to \$5000, commercial cases up to \$30 000 and personal injury claims up to \$60 000.

Tasmania: Deals with claims up to \$20 000 for monetary damages, debt recovery up to \$20 000, small claims up to \$3000, residential tenancy disputes and restraint orders.

ACT: Small claims up to \$10 000, workers compensation claims, some family law matters, other claims up to \$50 000 and matters under the *Domestic Relations Act*.

NT: Claims up to \$100 000 and workers compensation claims.

Source: State and Territory court administration authorities and departments.

Box 6.2 District/county court jurisdiction across States and Territories

The district/county court does not operate in Tasmania, the ACT or the NT.

Criminal

All State district/county courts have jurisdiction over indictable criminal matters (such as rape and armed robbery) except murder and treason, but differences exist across jurisdictions. The following are examples of the jurisdiction of the criminal district/county courts:

NSW: District Court deals with most of the serious criminal cases that come before the courts in NSW. It has responsibility for indictable criminal offences that are normally heard by a judge and jury, but on occasions by a judge alone. It does not deal with treason, piracy or murder.

Victoria: County Court deals with all indictable offences, except the following (which must be heard in the Supreme Court): murder; attempted murder; child destruction; certain conspiracy charges; treason; and concealing an offence of treason. Examples of criminal offences heard in the County Court include: drug trafficking; serious assaults; serious theft; rape; and obtaining financial advantage by deception.

Queensland: District Court deals with more serious criminal offences than heard by the Magistrates' Court — for example, rape, armed robbery and fraud.

WA: District Court deals with any indictable offence except those that carry a penalty of life imprisonment.

SA: District Court has jurisdiction to try a charge of any offence except treason or murder. Almost all matters have been referred following a committal process in the Magistrates' Court.

Appeals from magistrates' courts are heard in the district/county courts in NSW, Victoria and Queensland, but not in WA and SA.

Civil

All district/county civil courts hear appeals.

NSW: Up to \$750 000, and unlimited claims in motor accident cases.

Victoria: Damages for non-personal injuries claims up to \$200 000, appeals under the *Crimes (Family Violence) Act 1987*, unlimited claims for compensation resulting from injury or death, adoption matters and change-of-name applications.

Queensland: Claims between \$50 000 and \$250 000.

WA: Up to \$250 000 and unlimited claims for personal injuries.

SA: Unlimited claims for general and personal injury matters.

Source: State and Territory court administration authorities and departments.

Box 6.3 Supreme court jurisdiction across States and Territories

Criminal

All State and Territory supreme courts have jurisdiction over serious criminal matters such as murder, treason and certain serious drug offences, but significant differences exist across jurisdictions:

- Given that district/county courts do not operate in Tasmania, the ACT or the NT, the supreme courts in these jurisdictions generally exercise a jurisdiction equal to that of both the supreme and district/county courts in other States.
- The Queensland Supreme Court deals with a significant amount of minor drug matters, which supreme courts in other States and Territories do not hear.
- In the NSW Supreme Court, almost all indictments are for offences of murder and manslaughter, whereas the range of indictments routinely presented in other States and Territories is broader.

All State and Territory supreme courts hear appeals, but the amount and type of appeals vary because only NSW, Victoria and Queensland hear appeals in their district/county court.

Civil

All supreme courts deal with appeals and probate applications.

NSW: Court deals with unlimited claims. The court's jurisdiction is usually confined to complex cases, including matters involving large monetary sums, test cases, administrative law, defamation, possession/mortgage, professional negligence, commercial, technology and construction cases, and the administration of corporations, partnerships and trusts.

Victoria: Court deals with unlimited claims.

Queensland: Court deals with claims over \$250 000 and administrative law matters.

WA: Court deals with unlimited claims.

SA: Court deals with general claims of more than \$30 000, personal injury claims of more than \$60 000 arising from motor vehicle accidents, and the possession of property of more than \$60 000 value. Cases awarded less than the amounts shown are subject to cost penalties.

Tasmania: Court deal with unlimited claims.

ACT: Court deals with unlimited claims.

NT: Court deals with unlimited claims, as well as mental health, family law and *Coroner's Act 1993* applications.

Source: State and Territory court administration authorities and departments.

State and Territory court levels — specific elements

The data in this chapter are reported by each State and Territory court level. In addition, the chapter separates out certain data items from each court level to improve the comparability and understanding of the data presented. In certain instances, the data sets from the following areas are reported separately from their court level:

- probate registries (separate from the supreme court level)
- children's courts (separate from the magistrates' court level)
- electronic courts (separate from the magistrates' court level)
- coroners' courts (separate from the magistrates' court level).

The following section outlines the role of these areas and their coverage within each State/Territory.

Probate

In all jurisdictions, probate issues are heard in supreme courts and encompass applications for the appointment of an executor or administrator to the estate of a deceased person. The two most common types of application are:

- where the executor nominated by a will applies to have the will proved
- where the deceased died intestate (without a will) and a person entitled to administer the estate applies for letters of administration.

Children's courts

In all jurisdictions, the children's court deals with all complaints of offences alleged to have been committed by young people (with the minimum age varying across jurisdictions). The children's court also hear matters if a child has been seriously abused or neglected, in these instances, the court has jurisdiction to determine matters relating to the child's care and protection.

Electronic courts

Electronic courts operate to process infringements, on-the-spot fines and summary offences. They have the status of courts (despite minimal judicial involvement), because they have the capacity to produce enforceable orders against defendants. The orders impose penalties such as fines (which may be enforced by warrants or

licence cancellation), asset seizure, garnishment, arrest, community correction orders and incarceration.

Electronic courts included in the scope of this data collection operate in Victoria, Queensland, WA and SA. In these jurisdictions, the electronic court comes under the ambit of the magistrates court, but the workload and expenditure of the electronic courts have been separately identified to allow for a more comparable interpretation of magistrates' court data. In other jurisdictions, the magistrates' court may enforce infringements and on-the-spot fines, or state debt recovery offices and/or fines enforcement units may operate outside the auspices of a court.

Coroners' court

In all States and Territories, coroners' courts (which generally operate under the auspices of State and Territory magistrates' courts) inquire into the cause of sudden and unexpected reported deaths. The definition of a reported death differs across States and Territories, but generally includes deaths for which the cause is violent, suspicious or unknown. In some States and Territories, the coroner has the power to commit for hearing, while the coroner in other jurisdictions is prohibited from making any finding of criminal or civil liability (that is, the matter may be referred to the Director of Public Prosecutions). Suspicious fires are generally in the jurisdiction of the coroner's court (except in WA, SA and the NT). The coroners' court is distinct from other courts not only because it has a role in inquiring into the cause of sudden and unexpected deaths (and suspicious fires), but also because it has other functions, including reporting inadequacies in regulatory systems.

Australian courts

The following hierarchy of courts exists within the Australian courts jurisdiction:

- the High Court of Australia
- the Federal Court of Australia and the Family Court of Australia
- the Federal Magistrates Court.

Data on the High Court of Australia are not reported in this chapter. The following sections highlight the relationship between the other three Australian courts.

Federal Court of Australia

This court has jurisdiction to hear and determine all civil matters arising under an Act of the Australian Parliament, including matters in which a federal issue is raised as part of a claim or defence, or where the subject matter in dispute owes its

existence to a federal statute. The court also has original jurisdiction conferred by over 150 Australian Parliamentary statutes on particular matters, such as corporations, native title, trade practices, taxation, intellectual property, workplace relations and bankruptcy. It has jurisdiction under the *Judiciary Act 1903* to hear applications for judicial review of decisions by officers of the Australian Government, including certain decisions under the *Migration Act 1958*.

The court exercises appellate jurisdiction over decisions of single judges of the court, decisions of the Supreme Court of Norfolk Island, decisions of the Federal Magistrates Court in non-family law matters and certain decisions of supreme courts exercising federal jurisdiction.

Family Court of Australia

The Family Court of Australia has jurisdiction in all States and Territories except WA (which has its own Family Court). It has jurisdiction over all matrimonial cases and associated responsibilities, including divorce proceedings and children's matters such as residence, contact and special issues orders (Family Court of Australia 2002).

Federal Magistrates Court

The first sittings of the Federal Magistrates Court were on 3 July 2000. The court was established to provide a simpler and more accessible service for litigants and to ease the workload of both the Family Court of Australia and the Federal Court of Australia. Its jurisdiction includes family law and child support, administrative law, bankruptcy, consumer protection, human rights, privacy law and migration matters. State courts also continue to do some work in these areas (FMS 2002).

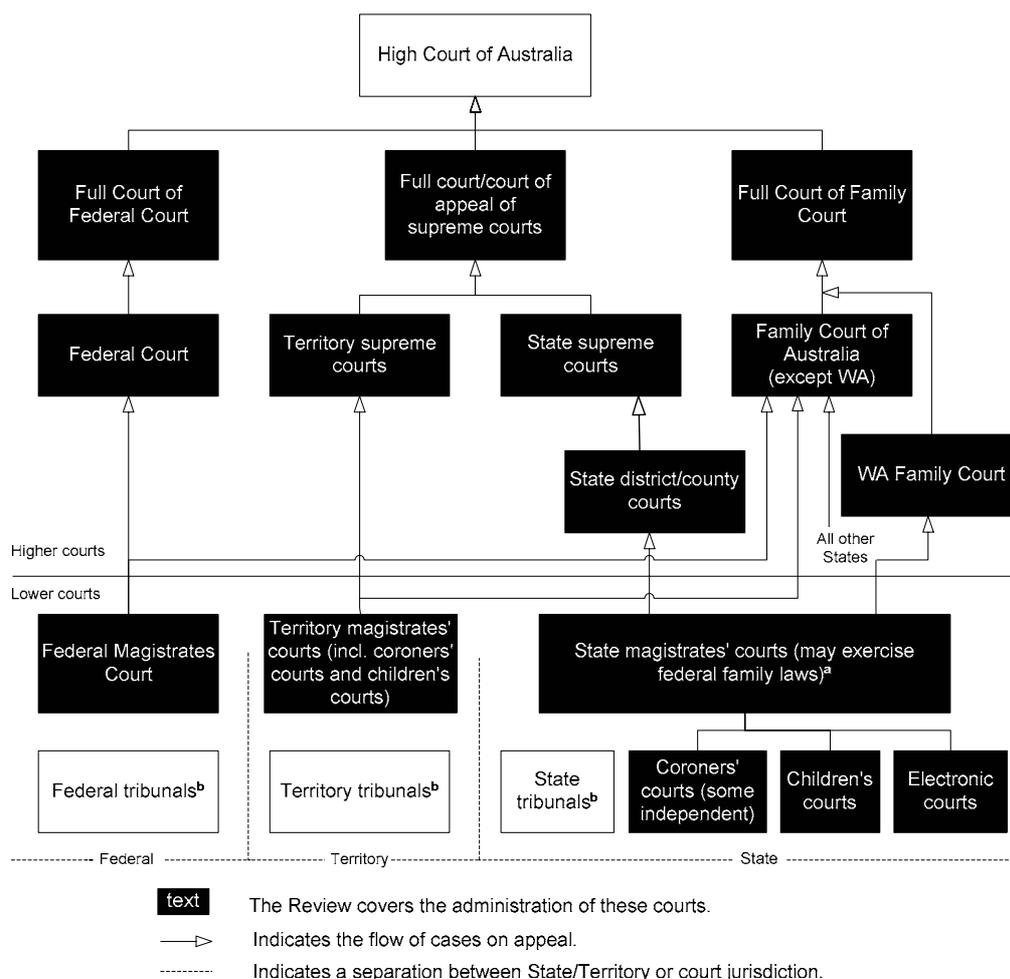
The Federal Magistrates Court shares its jurisdiction with the Family Court of Australia and the Federal Court of Australia. In family law matters, the Court's jurisdiction is similar to that of the Family Court, except that only the Family Court can consider adoption, property disputes worth over \$700 000, and applications concerning the nullity and validity of marriage. In trade practices matters, the Federal Magistrates Court has the same jurisdiction as that of the Federal Court in relation to unfair trade practices, product safety and information matters, although only with a power to award damages up to a maximum of \$200 000 (FMS 2002).

The intention is for the Family Court and the Federal Court to focus on more complex legal matters. While there is no strict indicator of complexity, a general guide is that less complex matters require less than two days of Court hearing time. There are arrangements for the transfer of matters between the Federal Magistrates Court and the Family Court and the Federal Court. These arrangements enable a

matter to be transferred to the most appropriate court, having regard to the complexity of the legal issues involved or the evidence in the matter (FMS 2002).

The major relationships between, and hierarchy of, courts in Australia are summarised in figure 6.1.

Figure 6.1 Major relationships of courts in Australia



^a In some jurisdictions, appeals from lower courts may go directly to the court of appeal in the supreme court. In the ACT, the Court of Appeal of the Supreme Court commenced exercising limited jurisdiction on 31 October 2001; full jurisdiction commenced on 14 October 2002. ^b Appeals from Federal, State and Territory tribunals may go to any higher court in their jurisdiction.

Administrative structures

Most courts use the same court infrastructure (such as court buildings and facilities) for civil and criminal case types. Given that separate information systems and case flow management practices have been established for civil and criminal case types, the Steering Committee has sought to report the two case types separately where possible. In addition, the allocation of responsibilities between court administration and other elements of the system (including the judiciary) varies across the Australian, State and Territory legal systems.

Recurrent expenditure less income

A number of factors affect a jurisdiction's expenditure and income, including the volume and type of work undertaken. In some jurisdictions, court fees (which are part of income) are set by government and not by court administrators, and some jurisdictions apportion expenditure between their criminal and civil courts.

Total recurrent expenditure by Australian, State and Territory court authorities (excluding the High Court) was approximately \$1.1 billion in 2002-03 (table 6.1). Nationally, court administration expenditure for the States and Territories in that year was higher in the criminal jurisdiction of the supreme, district/county and magistrates' courts (\$468.1 million) than in the civil jurisdiction of those courts (\$339.1 million). The coroners' court expenditure was \$27.1 million in 2002-03, while the electronic court expenditure and probate court expenditure were \$16.5 million and \$2.7 million respectively (table 6.1). In the Australian courts jurisdiction, recurrent expenditure in 2002-03 was around \$109.6 million for the Family Court of Australia, \$72.9 million for the Federal Court of Australia and \$26.5 million for the Federal Magistrates Court (table 6.1).

Total income (excluding fines) by Australian, State and Territory court authorities (excluding the High Court) was approximately \$259.3 million in 2002-03 (table 6.1). Income was \$133.5 million in the civil courts, \$12.1 million in the criminal courts and \$73.9 million in electronic courts. Income from probate was \$22.6 million nationally. In the Australian courts jurisdiction, income was \$10.1 million for the Federal Magistrates Court, \$5.2 million for the Family Court of Australia and \$6.0 million for the Federal Court of Australia (table 6.1).

Total recurrent expenditure less income (excluding fines) by Australian, State and Territory court authorities (excluding the High Court) was approximately \$818.0 million in 2002-03. Nationally, court administration expenditure less income for the States and Territories was higher in the criminal jurisdiction of the supreme, district/county and magistrates' courts (\$456.0 million) than in the civil jurisdiction

of those courts (\$211.7 million). The coroners' court expenditure less income was \$26.8 million, while both the probate registries and electronic courts had greater income than expenditure during 2002-03 (by \$19.9 million and \$57.4 million respectively) (table 6.1).

In the Australian courts jurisdiction, recurrent expenditure less income was around \$104.5 million for the Family Court of Australia, \$66.9 million for the Federal Court of Australia and \$16.3 million for the Federal Magistrates Court (table 6.1).

Real recurrent expenditure less income (excluding fines) on court administration from 2000-01 to 2002-03 for each Australian, State and Territory court level is contained in tables 6A.12 and 6A.13.

Table 6.1 Court administration recurrent expenditure less income (excluding fines), 2002-03 (\$ million)^{a, b, c, d}

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>	<i>Total</i>
<i>Court administration recurrent expenditure</i>										
Civil courts ^{e, f}	137.3	67.0	40.9	43.9	29.9	4.4	7.2	8.5	72.9	412.0
Criminal courts ^g	178.3	83.9	81.7	57.1	39.6	10.1	7.8	9.7	..	468.1
Electronic courts	..	1.7	8.1	3.3	3.4	..	..	..	..	16.5
Family courts ^f	..	..	..	14.8	..	..	..	..	109.6	124.4
Federal Magistrates ^h	..	..	..	..	..	..	..	..	26.5	26.5
Coroners' courts ⁱ	8.2	4.8	2.1	6.3	3.4	0.5	1.0	0.8	..	27.1
Probate — supreme ^j	1.5	0.5	—	0.2	0.4	0.1	—	—	..	2.7
Total	325.3	157.9	132.7	125.6	76.7	15.1	16.0	19.0	209.0	1 077.3
<i>Court administration income (excluding fines)</i>										
Civil courts ^{e, f}	59.0	31.2	16.3	11.1	5.9	1.1	2.2	0.7	6.0	133.5
Criminal courts ^g	6.3	—	0.3	3.2	1.2	0.3	0.7	0.1	..	12.1
Electronic courts ^k	..	36.6	18.7	9.7	8.9	..	..	..	..	73.9
Family courts ^f	..	..	..	1.6	..	..	..	..	5.2	6.8
Federal Magistrates	..	..	..	..	..	..	..	..	10.1	10.1
Coroners' courts	0.1	—	—	0.1	—	—	—	—	..	0.3
Probate — supreme	13.8	3.6	—	2.1	2.6	0.2	0.3	np	..	22.6
Total^k	79.2	71.4	35.2	27.8	18.6	1.6	3.2	0.8	21.3	259.3
<i>Court administration recurrent expenditure less income (excluding fines)</i>										
Civil courts ^{e, f}	78.3	35.9	24.6	32.8	24.0	3.4	5.0	7.8	66.9	278.6
Criminal courts ^g	172.0	83.9	81.4	53.8	38.4	9.8	7.1	9.6	..	456.0
Electronic courts ^k	..	-34.9	-10.6	-6.3	-5.5	..	..	..	..	-57.4
Family courts ^f	..	..	..	13.2	..	..	..	..	104.5	117.6
Federal Magistrates ^h	..	..	..	..	..	..	..	..	16.3	16.3
Coroners' courts ⁱ	8.1	4.7	2.1	6.2	3.4	0.5	1.0	0.8	..	26.8
Probate — supreme ^j	-12.3	-3.1	—	-1.9	-2.2	-0.1	-0.3	—	..	-19.9
Total^k	246.1	86.5	97.5	97.8	58.1	13.6	12.8	18.1	187.7	818.0

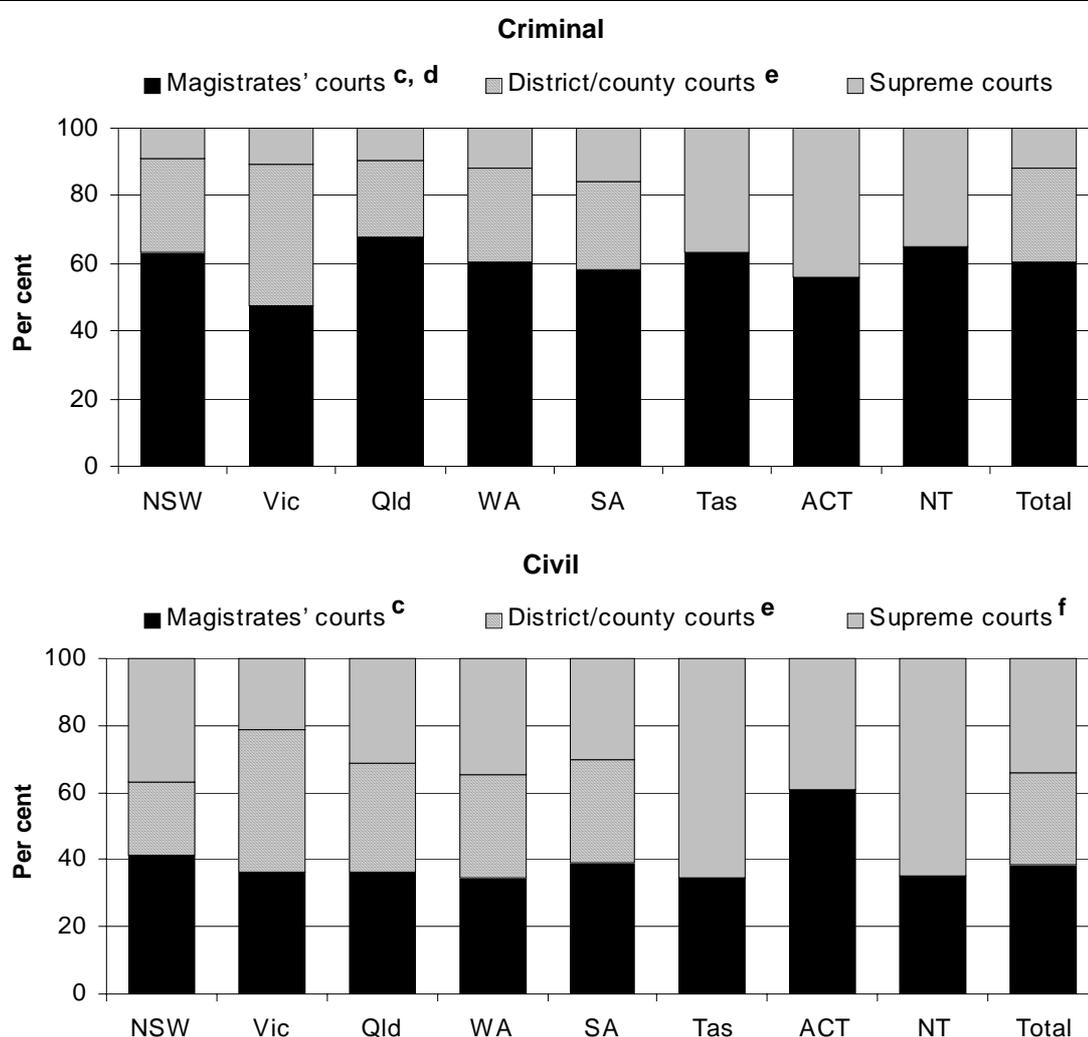
Aus cts = Australian courts. ^a Totals may not sum as a result of rounding. ^b Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). ^c District/county courts do not operate in Tasmania, the ACT or the NT. The Australian courts do not operate magistrates', district/county or supreme courts. ^d Payroll tax is included, where relevant, in reported expenditure. ^e Includes data for the supreme, district/county and magistrates' courts (including children's courts), and the Federal Court of Australia. Excludes data for the probate, family courts and the Federal Magistrates Court. ^f The data for the Family Court of Australia exclude a preliminary estimate of the 'free' allocation of Family Court resources to the Federal Magistrates Court. Data for the Federal Court include the cost of resources provided free of charge to the Federal Magistrates Court. ^g Includes data for supreme, district/county and magistrates' courts (including children's courts). Excludes data for the electronic and coroners' courts. ^h The Federal Magistrates Court notes that this expenditure data contain \$4.5 million worth of resources received free of charge from the Federal Court. ⁱ WA and ACT expenditure includes autopsy and chemical analysis work. WA expenditure includes direct and indirect expenditure of \$1.1 million and \$2 million respectively for autopsy and chemical analysis work. Some jurisdictions could not ascertain autopsy and chemical analysis costs because these costs are incurred outside their immediate control. ^j The full cost of probate may not be identified as rent or depreciation may be included under general supreme court figures. ^k NSW, Tasmania, the ACT and the NT do not include income from electronic courts. These jurisdictions' debt recovery offices (or the equivalent) are not part of the justice or attorney-general's department. .. Not applicable. — Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.9–6A.13.

Distribution of criminal and civil court administration expenditure

The distribution of court administration expenditure (less income) on the magistrates', district/county and supreme courts varied across States and Territories in 2002-03. A greater proportion of funds were distributed to the supreme courts of Tasmania, the ACT and the NT (under the two-tier court system), for example, than to the supreme courts of other jurisdictions (under the three-tier court system) (figure 6.2).

Figure 6.2 **Distribution of court administration expenditure (less income), by court level, 2002-03^{a, b}**



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). ^b Excludes payroll tax. ^c Includes expenditure on children's courts. ^d Excludes expenditure on coroners' courts. Excludes expenditure on electronic courts for Victoria, Queensland, WA and SA. ^e There are no district/county courts in Tasmania, the ACT or the NT. ^f Includes probate.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.12 and 6A.13.

In 2002-03, magistrates' courts (excluding electronic courts) in the criminal jurisdiction accounted for 60.2 per cent of expenditure (less income) across State and Territory criminal courts. District/county courts in the criminal jurisdiction accounted for 27.7 per cent of expenditure (less income), while supreme courts accounted for 12.1 per cent. Comparing States and Territories, the magistrates' court share of expenditure (less income) was highest in Queensland (67.8 per cent) and lowest in Victoria (47.2 per cent); the district/county court share was highest in Victoria (42.1 per cent) and lowest in Queensland (22.3 per cent); and the supreme court share was highest in the ACT (44.2 per cent) and lowest in NSW (9.0 per cent) (figure 6.2).

In 2002-03, magistrates' courts in the civil jurisdiction accounted for 38.6 per cent of expenditure (less income) in State and Territory courts as a whole. The supreme courts in the civil jurisdiction accounted for 34.0 per cent of expenditure (less income), while district/county courts accounted for 27.4 per cent. Comparing jurisdictions, the share of civil expenditure (less income) on the magistrates' courts varied from 60.7 per cent in the ACT to 34.6 per cent in Tasmania; the share for the supreme courts ranged from 65.4 per cent in Tasmania to 21.2 per cent in Victoria; and the share for the district/county courts ranged from 42.4 per cent in Victoria to 22.2 per cent in NSW (figure 6.2).

Size and scope of court activity

Lodgments

Lodgments are matters initiated in the court system. Box 6.4 explains how lodgment data are collected for this chapter. Table 6.2 (criminal) and table 6.3 (civil) outline the number of lodgments in 2002-03, by court level, for the Australian courts and for each State and Territory.

Box 6.4 Explanation of lodgment data used in this chapter

Lodgments reflect the degree to which the Australian community demands court services, such as dispute resolution and criminal justice. The different ways of counting a court's workload reflect the variety of work undertaken within the court system. The units of measurement of workload (or counting units) used within this chapter are:

- *criminal courts*: the number of defendants
- *civil courts*: the number of cases
- *family courts*: the number of forms (that is, the number of applications made to the court)
- *electronic courts*: the number of unpaid infringement notices
- *coroners' courts*: the number of reported deaths (and, if relevant, reported fires).

The following types of lodgment are excluded from the criminal and/or civil lodgment data reported in this chapter:

- any lodgment that does not have a defendant element (such as applications for telephone taps etc.)
- extraordinary driver's licence applications
- bail procedures (including applications and review)
- directions
- bench warrants
- cross-claims
- secondary processes (for example, interlocutory matters, breaches of penalties [that is, bail, suspended sentences, probation])
- applications for default judgments (because the application is a secondary process).

Source: SCRGSP (2003).

Nationally, in the criminal jurisdiction in 2002-03, there were approximately 860 500 defendants in the magistrates', district/county and supreme courts; approximately 1.5 million lodgments of unpaid infringement notices in electronic courts; and around 22 000 reported deaths and fires in the coroners' courts (19 000 deaths and 3000 fires) (table 6A.1 and table 6.2).

Reporting rates for deaths reported to a coroner varied as a result of different reporting requirements. Deaths in institutions (such as nursing homes) of persons suffering intellectual impairment of any kind, for example, must be reported in SA but not in other jurisdictions. Reporting requirements also vary for fires. Fires may be reported and investigated at the discretion of the coroner in Victoria, but they are excluded from the coroner's jurisdiction in WA, SA and the NT.

Table 6.2 Court lodgments — criminal, by court level, 2002-03 ('000)^a

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
Magistrates' (total) ^{b, c}	285.0	142.9	178.6	72.3	73.2	57.9	7.5	12.5	829.8
<i>Magistrates' (only)</i>	265.5	132.4	166.8	65.2	65.6	55.8	6.7	11.6	769.7
<i>Children's</i>	19.5	10.5	11.8	7.1	7.6	2.1	0.8	0.9	60.1
District/county ^c	8.9	4.9	8.5	2.8	1.4	..	..	..	26.5
Supreme	0.5	0.6	1.2	0.5	0.3	0.6	0.2	0.3	4.3
All criminal courts	294.4	148.4	188.3	75.6	74.9	58.5	7.6	12.8	860.5
Electronic courts ^d	..	882.8	343.3	196.5	122.0	..	..	..	1544.5
Coroners' courts ^e	6.5	4.2	3.7	1.4	3.7	0.6	1.6	0.3	22.0

^a Totals may not add as a result of rounding. ^b Tasmanian magistrates' and children's court data are derived from lodgments in the Hobart Magistrates' Court, based on the assumption that the southern region represents 50 per cent of the population base of the whole State. ^c In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates' court will lead to a slight overestimation of the magistrates' court total and an underestimation in the district court total. ^d Electronic courts are fines enforcement registries that have the status of a court. Only Victoria, Queensland, WA and SA have electronic courts. In other jurisdictions, unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office). ^e Includes data for 403 reported fires in NSW, 1141 in Queensland and 1286 in the ACT. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.1.

Nationally, in the civil jurisdiction in 2002-03, there were approximately 680 900 cases in the supreme, district/county and magistrates' courts, with an additional 55 400 probate lodgments in the supreme court (table 6A.2 and table 6.3).

In 2002-03, there were around 4800 cases lodged in the Federal Court of Australia. Lodgments in the Federal Magistrates Court were made up of 54 700 family law forms and 5000 federal law cases. Around 79 900 forms were filed in the family courts (table 6.3).

The number of lodgments per 100 000 people can be used to assist in understanding the comparative workload of a court (in relation to the size of the State or Territory population). Tables 6A.3 and 6A.4 provide data on criminal and civil lodgments (per 100 000 people) respectively for each State and Territory court and the Federal Court of Australia. There were 4213 criminal court defendants in the magistrates' court per 100 000 people in Australia in 2002-03. This number ranged from 12 233 magistrates' court defendants per 100 000 people in Tasmania to 2320 in the ACT (table 6A.3). In the civil jurisdiction, there were 3151 civil court lodgments in the magistrates' court per 100 000 people in Australia. This number ranged from 3691 in Victoria to 2153 in SA (table 6A.4).

Table 6.3 **Court lodgments — civil, by court level, 2002-03 ('000)^a**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus cts	Total
Magistrates' (total) ^{b, c}	231.4	180.2	90.2	58.5	32.8	12.9	8.6	6.1	..	620.6
Magistrates' (only) ^{b, c}	228.2	177.8	89.1	57.8	32.2	12.7	8.4	6.0	..	612.3
Children's	3.1	2.3	1.2	0.7	0.6	0.2	0.2	0.1	..	8.3
District/county	9.2	8.0	7.4	3.5	3.1	..	..	..	..	31.2
Supreme ^d /Federal ^e	10.3	5.5	5.2	2.9	1.9	1.7	1.1	0.5	4.8	33.9
All civil courts	250.9	193.7	102.8	64.9	37.8	14.6	9.6	6.6	4.8	685.7
Federal Magistrates ^f	..	..	..	..	..	..	..	..	59.7	59.7
Family courts ^{e, g}	..	..	..	14.9	..	..	..	..	65.0	79.9
Probate										
Supreme courts ^h	22.2	15.9	4.4	5.0	5.0	2.2	0.5	0.1	..	55.4

Aus cts = Australian courts. ^a Totals may not add as a result of rounding. ^b The Victorian data include around 66 200 residential tenancies matters and 5100 civil claims list applications lodged in the Victorian Civil Administrative Tribunal. As well, applications for an Intervention order made in the children's court have been reported under magistrates' court lodgments. ^c Queensland has included lodgments at its small claims tribunal. ^d Queensland supreme court data are extrapolated. ^e The Federal Magistrates Court has implications for the number of lodgments in the Federal Court and the Family Court of Australia. The Family Court of Australia does not include family law matters dealt with in the Federal Magistrates Court (reported separately). ^f Lodgments in the Federal Magistrates Court are made up of 54 700 family law forms and 5000 federal law cases. ^g The Family Court of Australia civil lodgment data exclude instances where Family Court of Australia deputy registrars were given delegation to conduct Federal Magistrate Court divorce applications. The Family Court of WA does elements of both the Family Court of Australia and Federal Magistrates Court work, so direct comparisons must be made with caution. ^h Tasmanian data include elections to administer. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.2.

Distribution of court lodgments

The majority of criminal matters in Australia in 2002-03 were lodged in the magistrates' courts (96.4 per cent), followed by the district/county courts (3.1 per cent) and the supreme courts (0.5 per cent). Tasmania had the highest proportion of criminal matters lodged in the magistrates' court (99.0 per cent), Queensland had the highest proportion lodged in the district/county court (4.5 per cent) and the NT had the highest proportion lodged in the supreme court (2.7 per cent) (table 6.4).

The majority of civil matters in Australia in 2002-03 were lodged in the magistrates' courts (90.5 per cent), followed by the supreme courts (4.9 per cent) and the district/county courts (4.6 per cent). Victoria had the highest proportion of civil cases lodged in the magistrates' court (93.0 per cent), SA had the highest proportion lodged in the district/county court (8.3 per cent) and Tasmania had the highest proportion lodged in the supreme court (11.7 per cent) (table 6.4).

In the Australian courts jurisdiction, no attempt has been made to calculate the proportion of lodgments going to the Federal Court, the Family Court of Australia and the Federal Magistrates Court, because each of these courts uses different counting units for their lodgments. (The Federal Court uses cases, the Family Court uses forms, and the Federal Magistrates Court uses a mix of cases and forms). As a result, any comparison of the proportion of lodgments within the Australian courts jurisdiction would be meaningless.

Table 6.4 Distribution of court lodgments, by court level, 2002-03^a

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
<i>Criminal courts</i>										
Magistrates' (total) ^{b, c}	%	96.8	96.3	94.8	95.5	97.7	99.0	97.7	97.3	96.4
District/county ^c	%	3.0	3.3	4.5	3.7	1.8	..	..	..	3.1
Supreme	%	0.2	0.4	0.7	0.7	0.4	1.0	2.3	2.7	0.5
All courts	'000	294.4	148.4	188.3	75.6	74.9	58.5	7.6	12.8	860.5
<i>Civil courts</i>										
Magistrates' (total) ^d	%	92.2	93.0	87.8	90.2	86.7	88.3	88.7	92.7	90.5
District/county	%	3.7	4.1	7.2	5.4	8.3	..	..	..	4.6
Supreme ^e	%	4.1	2.8	5.0	4.4	5.0	11.7	11.3	7.3	4.9
All courts ^f	'000	250.9	193.7	102.8	64.9	37.8	14.6	9.6	6.6	685.7

^a Totals may not sum to 100 per cent as a result of rounding. ^b Excludes electronic court lodgments to provide a more meaningful comparison across jurisdictions. Also excludes coroners' courts data. ^c In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates' court will lead to a slight overestimation of the magistrates' court proportion and an underestimation in the district court proportion. ^d The Victorian data include around 66 200 residential tenancies matters and 5100 civil claims list applications lodged in the Victorian Civil Administrative Tribunal. Queensland data include lodgments at the Small Claims Tribunal. ^e Excludes probate data. ^f Excludes data for the Family Court of WA, the Family Court of Australia and the Federal Magistrates Court because lodgment data are based on forms that are not comparable with the State and Territory civil data or Federal Court data (which are based on cases). .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.1 and 6A.2.

Finalisations

Finalisations represent the completion of matters in the court system. Each lodgment can be finalised only once. Matters may be finalised by adjudication, transfer or another non-adjudicated method (such as withdrawal of a matter by the prosecution, or settlement by the court or an external mediator).

Tables 6.5 (criminal) and 6.6 (civil) outline the number of finalisations in 2002-03, by court level, for the Australian Government and each State and Territory. Lodgments do not equal finalisations in any given year because matters lodged in one year may be finalised in the next.

In 2002-03, there were approximately 790 700 criminal finalisations in the magistrates', district/county and supreme courts; approximately 1.8 million electronic court unpaid infringement notice finalisations; and around 20 600 finalisations (involving reported deaths and fires) in the coroners' court (tables 6A.5 and 6.5).

Table 6.5 **Court finalisations — criminal, 2002-03 ('000)^{a, b}**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
Magistrates' (total) ^{c, d}	278.8	130.5	164.5	68.8	57.9	40.9	7.0	12.6	760.9
<i>Magistrates' (only)</i>	260.1	120.1	155.0	62.1	52.5	38.9	6.2	11.7	706.7
<i>Children's^e</i>	18.7	10.5	9.5	6.7	5.3	2.0	0.8	0.8	54.2
District/county ^c	9.0	4.6	7.6	2.8	1.2	..	..	..	25.3
Supreme	0.9	0.5	1.1	0.5	0.4	0.7	0.2	0.3	4.5
All criminal courts	288.7	135.7	173.2	72.1	59.5	41.5	7.2	12.9	790.7
Electronic courts	..	1127.9	430.1	105.3	92.3	..	..	..	1755.7
Coroners' courts ^f	6.1	4.1	3.0	1.3	3.5	0.7	1.6	0.3	20.6

^a Lodgments do not equal finalisations in any given year because matters lodged in one year may be finalised in the next. ^b Totals may not add as a result of rounding. ^c In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates court will lead to a slight over-estimation of the magistrates' court total and an underestimation in the district court total.

^d Tasmanian data are estimated, based on finalisations made in Hobart. ^e Excludes finalisations data for committals heard in the children's court (except four committals in the ACT and 13 committals in the NT).

^f Includes finalisations data for fires reported in NSW, Queensland and the ACT. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.5.

In 2002-03, approximately 439 200 civil cases were finalised in the magistrates', district/county and supreme courts. The Federal Court finalised 5100 cases, the Federal Magistrates Court finalised around 52 800 matters (a combination of family law forms and federal law cases) and the Family Court of Australia finalised 57 500 family law forms (tables 6A.6 and 6.6).

The number of finalisations per 100 000 people provides a better understanding of the comparative workload of a court (in relation to the size of the State or Territory population). Tables 6A.7 and 6A.8 provide data on criminal and civil finalisations (per 100 000 people) respectively for each State and Territory court and the Federal Court. There were 3863 criminal court finalisations per 100 000 people in the magistrates' courts in Australia in 2002-03, with the number ranging across individual jurisdictions from 8639 in Tasmania to 2164 in the ACT (table 6A.7). There were 1910 civil court finalisations per 100 000 people in the magistrates' courts in Australia, with the number ranging across jurisdictions from 3873 in the ACT to 1240 in NSW (table 6A.8).

Table 6.6 **Court finalisations — civil, 2002-03 ('000)^{a, b, c}**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus cts	Total
Magistrates' (total) ^{d, e, f}	82.5	156.5	47.8	32.8	28.0	12.8	12.5	3.4	..	376.2
Magistrates' (only) ^{e, f}	80.0	153.1	47.8	31.9	28.0	12.8	12.4	3.4	..	369.3
Children's	2.5	3.4	na	0.8	na	–	0.1	na	..	6.9
District/county ^{g, h}	16.6	8.2	5.3	3.5	2.7	..	..	..	..	36.3
Supreme/Federal ^{g, i}	10.5	3.6	5.0	3.0	1.1	2.1	1.0	0.4	5.1	31.9
All civil courts	109.6	168.2	58.1	39.3	31.8	14.9	13.5	3.8	5.1	444.3
Federal Magistrates	..	..	..	..	..	..	..	..	52.8	52.8
Family ⁱ	..	..	..	na	..	..	..	..	57.5	57.5

Aus cts = Australian courts. ^a Lodgments do not equal finalisations in any given year because matters lodged in one year may be finalised in the next. ^b Totals may not add as a result of rounding. ^c Cases withdrawn after initial lodgment may not be recorded as a finalisation in some jurisdictions. ^d In Queensland and SA, magistrates' court (total) data exclude children's finalisations. ^e The Victorian data include around 68 100 residential tenancy matters and 4800 civil claims applications that were finalised in the Victorian Civil Administrative Tribunal. As well, applications for an intervention order finalised in the children's court have been reported under magistrates' court finalisations. ^f Queensland includes finalisations at the Small Claims Tribunal. ^g In Victoria, the 12 month deeming rule for inactive cases has not been used for the county or supreme courts. ^h In Queensland, not all inactive matters have been identified or finalised. ⁱ The introduction of the Federal Magistrates Court has implications for the finalisations data of the Federal Court and the Family Court of Australia. **na** Not available. **..** Not applicable. **–** Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.6.

6.2 Framework of performance indicators

The framework of performance indicators is based on common objectives for court administration services across Australia (box 6.5). The emphasis placed on each objective varies across jurisdictions.

Box 6.5 Objectives for court administration

Objectives for court administration are:

- to be open and accessible
- to process matters in an expeditious and timely manner
- to provide due process and equal protection before the law
- to be independent yet publicly accountable for performance (Commission on Trial Court Performance Standards 1989).

In addition, all governments aim to provide court administration services in an efficient manner.

The new performance indicator framework

This year's Report includes a new performance indicator framework. The indicators that form part of this new framework are based on a discussion paper prepared by Professor Ted Wright for the NSW Attorney-General's Department (Wright 2002). Each jurisdiction undertook extensive consultation on the performance indicators contained within this paper. After the indicators were refined and improved, the Steering Committee agreed to a finalised set of indicators that would form part of the new framework.

The new indicators are regarded as more meaningful and valuable than the previous ones. The new indicators and definitions will be refined over time, so data quality and comparability will also take time to be perfected. The new performance indicator framework is shown in figure 6.3. For data that are not considered strictly comparable, the text includes relevant caveats and supporting commentary. Chapter 1 discusses data comparability from a Report-wide perspective (see section 1.6).

A brief description of each indicator in the new performance indicator framework is outlined below:

- *fees paid by applicants* — an indicator of affordability that measures the average fee cost per lodgment (also part of the old performance indicator framework)
- *backlog index* — a measure of timeliness that relates the age of each court's pending caseload to uniform reporting standards
- *attendance index* — a measure of expedition and access (that is also a proxy indicator for cost) that examines the number of attendances of parties, or their representatives, for each finalised matter
- *judicial officers* — the number of judicial officers, which is a measure of access and provides data on available resources
- *clearance index* — a measure of productivity that relates the volume of completed cases to the volume of new cases
- *cost per finalisation* — a measure of efficiency that shows the average net recurrent expenditure per finalisation (also part of the old performance indicator framework).

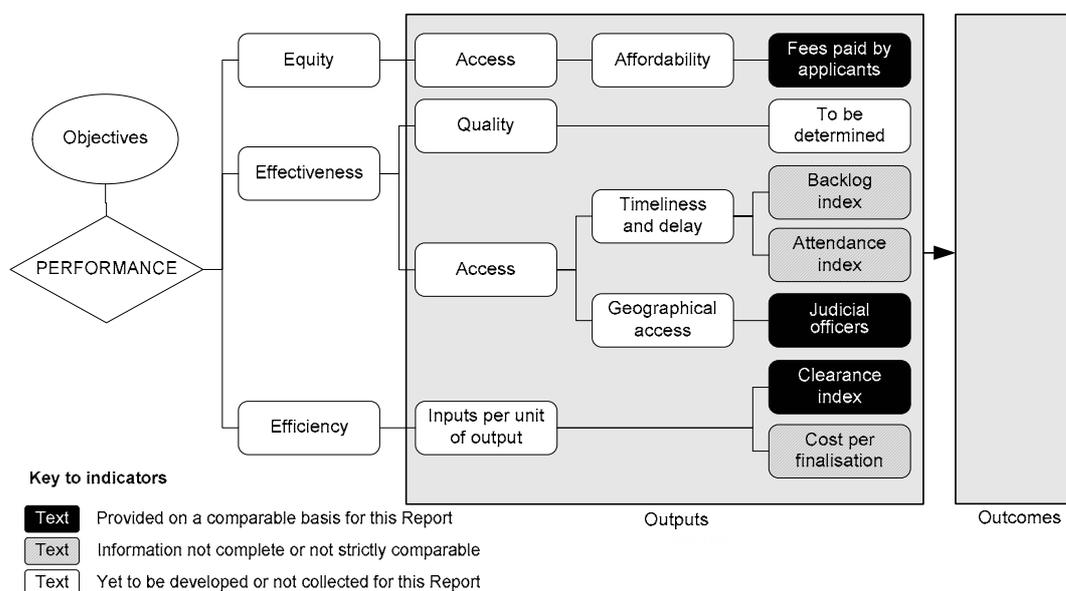
A full description of each indicator is provided when the corresponding data are reported in the key performance indicator results (see section 6.3). Given that this is a transition year between the old and new performance indicator frameworks, this

year's chapter also reports against two old indicators that are no longer part of the new framework:

- *case completion times* — a measure of how long (in months) each finalised matter in 2002-03 took to be finalised within each court level
- *court location and registries* — a measure of access to the location of courts and registries in non-urban communities.

As shown in figure 6.3, there are no outcome indicators for court administration. The activities of court administrators lead to broader justice-wide outcomes that are not readily picked up in this service specific chapter.

Figure 6.3 New performance indicator framework for court administration



6.3 Key performance indicator results

Different delivery locations, case loads, case types and government policies may affect the equity, effectiveness and efficiency of court administration services. The allocation of cases to different courts also differs across jurisdictions. Performance comparison across States and Territories and Australian courts for specific indicators needs to account for these factors. Appendix A contains detailed statistics and short profiles on each State and Territory, which may assist in interpreting the performance indicators presented in this chapter.

Outputs

Equity — fees paid by applicants

This indicator is part of the new performance indicator framework (retained from the old framework). A description of the indicator is contained in box 6.6.

Box 6.6 Indicator: ‘fees paid by applicants’

The fees paid by applicants are an indicator of affordability, measuring the cost of the average fee per lodgment.

Court filing fees largely relate to civil cases. While court fees can be considerable, they are only part of the costs faced by applicants (with legal fees being more significant). As such, the average civil court fees per lodgment are only a general guide to the costs faced by individual applicants.

Comparisons need to account for courts not operating on a full cost recovery basis. Issues such as case type and the extent of user pay policies have a major bearing on affordability.

In 2002-03, average court fees collected per lodgment were generally greater in higher courts than in intermediate and lower courts. NSW had the highest average civil fees collected per lodgment in the supreme court (\$1565) and also the highest in the district/county courts (\$1066). The lowest average civil fees collected per lodgment in the supreme court were in Tasmania (\$119); the lowest in the district/county court were in SA (\$213). For magistrates’ courts (including children’s courts), NSW had the highest average fees collected per lodgment (\$112) and Tasmania had the lowest (\$45). Average probate fees collected per lodgment were highest in NSW (\$622) and lowest in Tasmania (\$101) (table 6.7).

In 2002-03, the average fee per lodgment in the Federal Court was \$871. The average civil court fees collected were \$90 for the Family Court of WA and \$54 for the Family Court of Australia. (The WA Family Court does elements of work of both the Federal Magistrates Court and the Family Court of Australia, so direct comparisons are not appropriate). The introduction of the Federal Magistrates Court reduced fees received by the Family Court of Australia and the Federal Court. The Federal Magistrates Court’s average civil court fees per lodgment were \$169 (table 6.7).

Table 6.7 Average civil court fees collected per lodgment, 2002-03 (dollars)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>	<i>Total</i>
Magistrates' (total) ^{a, b}	112	74	74	51	75	45	63	75	..	85
<i>Magistrates' (only)</i>	114	75	75	52	76	45	64	76	..	87
District/county	1066	784	490	704	213	..	..	..	..	732
Supreme/Federal ^c	1565	1190	1007	1144	448	119	724	315	871	1104
Probate — supreme	622	223	na	430	513	101	560	300	..	443
Federal Magistrates ^d	..	..	..	..	..	..	..	..	169	169
Family courts ^c	..	..	..	90	..	..	..	..	54	60

Aus cts = Australian courts. ^a The Victorian magistrates' court fees incorporate both criminal and civil case types, but the civil court fees are likely to account for a more significant proportion. As well, the data include around 66 200 residential tenancies matters and 5100 civil claim applications lodged in the Victorian Civil Administrative Tribunal. ^b Queensland includes lodgments (and fees) at its small claims tribunal. ^c The Federal Magistrates Court has reduced fees payable by applicants to the Federal Court and the Family Court of Australia. Many of the Family Court of Australia's applications do not attract a fee. The Family Court of WA does elements of work of both the Federal Magistrates Court and the Family Court of Australia, so direct comparisons with either are not possible. ^d Lodgments are made up of around 54 700 family law forms and 5000 federal law cases. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.16.

The level of cost recovery from the collection of court fees varied across court levels and across jurisdictions in 2002-03. The proportion of costs recovered for the magistrates' courts and district/county courts was highest in NSW (49.9 per cent and 35.1 per cent respectively). In the supreme courts, the proportion of costs recovered was highest in Victoria and Queensland (both 40.4 per cent). The level of cost recovery varied across the Australian courts: 5.8 per cent in the Federal Court, 38.2 per cent in the Federal Magistrates Court and 3.2 per cent the Family Court of Australia. The Family Court of WA recovered 9.1 per cent of costs (table 6.8).

Table 6.8 Civil court fees collected as a proportion of total civil recurrent expenditure (cost recovery), 2002-03 (per cent)^{a, b}

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>	<i>Total</i>
Magistrates' (total) ^c	49.9	45.3	43.2	19.5	21.3	31.4	12.6	14.6	..	39.8
District/county	35.1	32.5	31.4	20.3	8.9	..	..	..	..	29.1
Supreme/Federal ^{d, e}	30.4	40.4	40.4	20.1	8.6	8.2	26.6	3.0	5.8	19.5
Federal Magistrates	..	..	..	..	..	..	..	..	38.2	38.2
Family ^e	..	..	..	9.1	..	..	..	..	3.2	3.9

Aus cts = Australian courts. ^a Recurrent expenditure with no income deducted. ^b Includes payroll tax where relevant. ^c The Victorian magistrates' court fees incorporate both criminal and civil case types, but the civil court fees are likely to account for a more significant proportion. ^d Excludes probate costs. ^e The Federal Magistrates Court has reduced fees payable by applicants to the Federal Court and the Family Court of Australia. Many of the Family Court of Australia's applications do not attract a fee. The Family Court of WA does elements of work of both the Federal Magistrates Court and the Family Court of Australia, so direct comparisons with either are not possible. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.15.

Effectiveness indicators — timeliness and delay — factors to consider

The three indicators for timeliness and delay:

- case duration (part of the old indicator framework)
- backlog index (part of the new indicator framework)
- attendance index (part of the new indicator framework).

Timeliness is the time taken between the lodgment of a matter with the court and its finalisation. It can be affected by delays caused by factors other than those related to the workload of the court (for example, a witness not being available).

Differences in court levels and workloads

Tasmania, the ACT and the NT have a two-tier court system (that is, they do not have a district/county court), while the other jurisdictions have a three-tier court system. This difference needs to be taken into account when comparing timeliness performance. Further, complexity and distribution of cases may vary across jurisdictions. Some differences across State and Territory courts are covered on pp. 6.3–6.7. Some differences in Australian courts are covered on pp. 6.7–6.8.

Collection of national data

Timeliness data are collected in accordance with the nationally agreed *2003 Court Administration Data Collection Manual* (SCRGSP 2003). This data collection is based on national counting rules, so data presented in this chapter may differ from data published by individual jurisdictions in their annual reports. There also may be differences from the data reported in the Australian Bureau of Statistics (ABS) *Criminal Courts* publication.

The Steering Committee focuses on providing the best available data in a timely fashion. Jurisdictions, when signing off the data, acknowledge that the data have been supplied according to the nationally agreed counting rules. Where a jurisdiction advises that it has diverged from these counting rules, this divergence is appropriately footnoted in the table and surrounding text.

The Steering Committee recognises, however, that this collection (unlike some other data collections) does not have an intermediary data collector or validator such as the Australian Institute of Health and Welfare or the ABS. The process in the court administration chapter is one of continual improvement and refinement, with the long term aim of ensuring a national data collection that covers court

activities across the Australian, State and Territory jurisdictions in a timely and comparable way.

Civil timeliness data

The following factors may affect the timeliness of cases in the civil courts:

- Where civil cases are contested, a single case may involve several related applications or issues that require judgments and decisions by the court.
- The parties to a case can significantly affect the conduct and timeliness of a case; that is, matters often may be adjourned at the instigation of, and by the consent of, the parties. Such consent arrangements are outside the control of the court.
- The court may employ case management practices (for example, mediation) that may take time but are cheaper than attending court.
- A case is regarded as finalised (or closed) two years after the last action on the case (or according to the individual jurisdiction's own expiry date rules).

Longer case completion times in the civil jurisdiction generally reflect different case flow management practices and the priority given to criminal matters.

Effectiveness — timeliness and delay — case duration

This indicator (part of the old performance indicator framework) is reported on this year as part of the transition to the new framework (box 6.7).

Box 6.7 Indicator: 'case duration'

Case duration is a simple measure of how long (in months) each finalised matter in 2002-03 took to be finalised within each court level. The data are shown (where appropriate) for both the criminal and civil jurisdictions. The aspects of case duration that are examined include:

- non-appeal matters
- trial matters
- committal matters
- appeal matters
- coroner's court matters.

Case duration – non-appeal matters

Box 6.1 contains a brief description of the differences in the criminal jurisdiction of each State/Territory magistrates' court. Nationally, the criminal jurisdiction of the magistrates' courts (including children's courts) finalised 91.0 per cent of all non-appeal matters within six months in 2002-03. This proportion ranged from 94.8 per cent in NSW to 77.2 per cent in SA (table 6.9).

Nationally, children's courts in 2002-03 finalised 90.1 per cent of criminal matters within six months. This proportion ranged from 94.7 per cent in Victoria to 63.0 per cent in Tasmania (table 6.9).

In the higher courts, timeliness can be measured from the date of the committal order to the date of finalisation. In most jurisdictions, there is little time difference between the date of the committal order and the date in which the higher court takes responsibility for the matter. However, in some jurisdictions (such as Queensland), the time elapsed can be as large as six months, and the timeliness results need to be considered in this context.

Box 6.2 contains a brief description of the differences in the criminal jurisdiction of each State and Territory district/county court. Nationally, district/county courts finalised 66.8 per cent of all non-appeal criminal matters within six months in 2002-03. This proportion ranged from 71.8 per cent in Queensland to 55.1 per cent in Victoria (table 6.9).

Box 6.3 contains a brief description of the differences in the criminal jurisdiction of each State and Territory supreme court. In particular, significantly more matters are heard in the Queensland Supreme Court because all second offences for drug matters go automatically to that court (a practice that does not occur in any other jurisdiction). In the supreme courts, a 12 month benchmark for finalising matters is used because the proceedings are generally more complex. Nationally, supreme courts finalised 83.0 per cent of all non-appeal criminal matters within 12 months in 2002-03. Across jurisdictions, this proportion ranged from 95.7 per cent in WA to 59.6 per cent in NSW (table 6.9).

Table 6.9 All non-appeal matters finalised — criminal, 2002-03^{a, b, c}

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Supreme^{d, e}									
No. of matters	114	158	730	254	105	619	174	288	2 442
<6 months (%)	18.4	53.8	59.5	82.7	52.4	58.6	36.8	48.3	56.1
6–12 months(%)	41.2	36.7	25.5	13.0	24.8	28.3	28.7	28.5	26.9
12–18 months (%)	35.1	8.2	10.5	2.4	11.4	8.2	10.3	10.8	10.2
>18 months (%)	5.3	1.3	4.5	2.0	11.4	4.8	24.1	12.5	6.8
District/county^f									
No. of matters	3 531	2 219	7 426	2 825	1 180	..	..	..	17 181
<6 months (%)	68.8	55.1	71.8	63.2	60.3	..	..	..	66.8
6–12 months(%)	23.0	28.5	19.6	11.1	24.2	..	..	..	20.3
12–18 months (%)	5.6	9.9	4.7	17.3	9.7	..	..	..	8.0
>18 months (%)	2.6	6.5	4.0	8.4	5.8	..	..	..	4.9
Magistrates' (total)^{e, f, g}									
No. of matters ('000)	275	128	156	67	57	40	7	12	743
<6 months (%)	94.8	90.5	93.3	93.3	77.2	78.0	79.9	82.8	91.0
6–12 months(%)	4.8	6.9	3.9	4.9	13.1	13.1	13.3	8.3	6.2
12–18 months (%)	0.3	1.3	1.4	1.0	3.3	4.7	3.0	3.1	1.3
>18 months (%)	0.1	1.3	1.4	0.9	6.5	4.1	3.9	5.8	1.5
Children's^{g, h}									
No. of matters ('000)	19	10	9	7	5	2	1	1	54
<6 months (%)	93.7	94.7	92.3	93.5	73.9	63.0	86.6	66.6	90.1
6–12 months(%)	5.9	4.5	5.2	5.2	17.8	22.4	7.8	16.6	7.4
12–18 months (%)	0.3	0.5	1.5	0.7	4.0	8.5	2.0	6.4	1.4
>18 months (%)	0.1	0.2	1.0	0.6	4.3	6.2	3.6	10.4	1.2

^a Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary. ^b Totals may not sum to 100 per cent as a result of rounding. ^c Excludes data for bench warrants for all court levels, which may lead to some increase in timeliness but is consistent with the definition of finalisation. ^d The significantly large amount of cases heard in Queensland relates to all second offences for drug matters going automatically to the supreme court. This practice does not occur in any other jurisdiction. In contrast, in NSW, almost all cases heard in the supreme court relate to murder or manslaughter. ^e Tasmania, the ACT and the NT do not have a district/county court. This difference needs to be considered when comparing timeliness across States and Territories. ^f In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates' court will slightly affect the timeliness data shown. ^g In Tasmania, the data are estimated based on finalisations in Hobart. ^h The ACT included four committals and the NT included 13 committals, all other jurisdictions excluded data on committals heard in the children's courts. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.17.

Box 6.1 contains a brief description of the differences in the civil jurisdiction of each State and Territory magistrates' court. Nationally, the civil jurisdiction of magistrates' courts finalised 83.8 per cent of all non-appeal cases within six months in 2002-03. Across jurisdictions, this proportion was highest in Victoria (95.1 per cent) and lowest in Tasmania (22.8 per cent) (table 6.10). The Victorian data include around 68 100 residential tenancy matters and 4800 civil claims applications that were finalised in the Victorian Civil Administrative Tribunal.

Box 6.2 contains a brief description of the differences in the civil jurisdiction of each State and Territory district/county court. Nationally, the civil jurisdiction of district/county courts finalised 24.6 per cent of all non-appeal cases within six months in 2002-03. Across jurisdictions, this proportion ranged from 43.3 per cent in SA to 17.3 per cent in NSW (table 6.10). NSW could not include all of its undefended matters and default judgments in its timeliness data, which means a number of matters that could have been resolved quickly may not be included.

Box 6.3 contains a brief description of the differences in the civil jurisdiction of each State and Territory supreme court. In the supreme courts, a 12 month benchmark is used because the proceedings are generally more complex than those in lower courts. Supreme courts and the Federal Court finalised 69.1 per cent of all non-appeal civil cases within 12 months in 2002-03. Across jurisdictions, this proportion ranged from 84.7 per cent in SA to 27.8 per cent in Tasmania (table 6.10). The Federal Court finalised 70.1 per cent of cases within 12 months.

The Federal Magistrates Court in 2002-03 finalised 97.7 per cent of its cases within 12 months. The Family Court of Australia finalised 91.7 per cent of non-appeal matters within 12 months (table 6.10).

Table 6.10 All non-appeal cases finalised — civil, 2002-03^{a, b, c}

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus cts	Total
Supreme^{d, e}/Federal										
No. of cases	9 706	3 291	4 696	2 643	935	2 070	965	242	4 357	28 905
<6 months (%)	59.7	51.2	69.7	49.8	73.3	14.5	19.7	40.9	58.8	55.1
6–12 months (%)	17.9	17.0	9.0	11.8	11.4	13.3	11.3	10.7	11.3	14.0
12–18 months (%)	6.7	12.8	5.9	12.8	5.0	21.4	18.7	12.4	6.3	9.2
>18 months (%)	15.7	19.0	15.4	25.6	10.3	50.7	50.4	36.0	23.6	21.8
District/county^{e, f}										
No. of cases	16572	8 020	4 916	3 387	2 589	..	..	..	..	35 484
<6 months (%)	17.3	22.0	38.5	31.9	43.3	..	..	..	..	24.6
6–12 months (%)	35.0	18.0	20.1	27.1	24.0	..	..	..	..	27.5
12–18 months (%)	28.4	33.0	16.7	19.3	13.9	..	..	..	..	25.9
>18 months (%)	19.3	27.0	24.7	21.7	18.8	..	..	..	..	22.0
Magistrates' (only)^{g, h}										
No. of cases ('000)	80	153	48	32	28	13	12	3	..	369
<6 months (%)	84.6	95.1	91.6	90.6	46.4	22.8	44.6	70.5	..	83.8
6–12 months (%)	9.3	3.4	5.7	5.6	16.8	32.2	9.9	15.1	..	7.5
12–18 months (%)	2.9	0.8	1.3	1.9	24.0	30.4	22.7	6.8	..	5.0
>18 months (%)	3.2	0.7	1.4	1.9	12.9	14.6	22.7	7.6	..	3.6
Federal Magistratesⁱ										
No. of cases	..	..	..	..	..	..	..	..	52 849	52 849
<6 months (%)	..	..	..	..	..	..	..	..	90.5	90.5
6–12 months (%)	..	..	..	..	..	..	..	..	7.2	7.2
12–18 months (%)	..	..	..	..	..	..	..	..	1.5	1.5
>18 months (%)	..	..	..	..	..	..	..	..	0.8	0.8
Family^{i, j}										
No. of cases	..	..	..	na	..	..	..	..	57 045	57 045
<6 months (%)	..	..	..	na	..	..	..	..	83.3	83.3
6–12 months (%)	..	..	..	na	..	..	..	..	8.4	8.4
12–18 months (%)	..	..	..	na	..	..	..	..	4.3	4.3
>18 months (%)	..	..	..	na	..	..	..	..	4.0	4.0

Aus cts = Australian courts. ^a Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary. ^b The parties to a case can significantly affect the conduct and timeliness of a case (for example, matters adjourned by the consent of the parties are outside the control of the court). ^c Tasmania, the ACT and the NT have a two-tier court system (that is, they do not have a district/county court), while the other jurisdictions have a three-tier court system. This difference needs to be considered when comparing timeliness across States and Territories. ^d To provide finalisation and timeliness data, including deemed finalisations in accordance with the national counting rules, Tasmania has adopted processes that provide an estimate. ^e In Victoria, the 12 month deeming rule has not been used for civil timeliness data. ^f In WA, not all inactive matters may have been identified or finalised. ^g Victorian data include 68 100 residential tenancy matters and 4800 civil claims applications that were finalised in the Victorian Civil Administrative Tribunal. ^h Queensland includes finalisations at the Small Claims Tribunal. ⁱ The Federal Magistrates Court and the Family Court of Australia data exclude responses. ^j Family Court of WA data are not available, because the national case track system was implemented only part way through 2002-03. The data will be available in future years. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.18.

Case duration — finalisations by trial

A criminal trial is defined as ‘the examination of, and decision on, a matter of law or fact by a court. In the higher courts, trials are usually conducted before a judge and jury whereby the judge rules on questions of law and the jury is responsible for determining whether or not the defendant is guilty. Some States and Territories also allow for a trial before a judge alone in the higher courts. Trials are finalised by a guilty verdict or an acquittal’ (SCRGSP 2003). A civil trial is defined as ‘the final determination of a cause of action by a judge (magistrate) by way of an evidentiary hearing in court’ (SCRGSP 2003).

The data for finalisations by trial should be viewed as only preliminary. Changes to the definition and data collection practices will occur over time to ensure improvements in the quality of the data. The reporting of these trial data in the future is likely to add to information about timeliness by removing many matters that are minor or dealt with before trial.

The criminal jurisdiction of total magistrates’ courts in all States and Territories finalised 75.5 per cent of matters by trial within six months in 2002-03. This proportion ranged from 87.3 per cent in Queensland to 20.3 per cent in SA (table 6.11).

In the higher courts, timeliness can be measured from the date of the committal order to the date of finalisation. In most jurisdictions, there is little time difference between the date of the committal order and the date in which the higher court takes responsibility for the matter. However, in some jurisdictions (such as Queensland), the time elapsed can be as large as six months, so the timeliness results need to be considered in this context.

Nationally, district/county courts finalised 34.7 per cent of criminal matters by trial within six months. Across jurisdictions, this proportion ranged from 64.6 per cent in Queensland to 5.3 per cent in WA (table 6.11).

In the supreme courts, a 12 month benchmark is used because the proceedings are generally more complex than in lower courts. Nationally, supreme courts finalised 69.5 per cent of criminal matters by trial within 12 months. Across jurisdictions, this proportion ranged from 83.8 per cent in Tasmania to 31.5 per cent in SA (table 6.11).

Table 6.11 Matters finalised by trial — criminal, 2002-03 (per cent)^{a, b, c}

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Supreme									
No. of cases	53	85	95	93	35	136	33	42	572
<6 months (%)	5.7	28.2	44.2	33.3	8.6	36.0	27.3	9.5	28.8
6–12 months (%)	34.0	55.3	29.5	38.7	22.9	47.8	36.4	45.2	40.7
12–18 months (%)	45.3	14.1	18.9	19.4	40.0	9.6	9.1	23.8	19.6
>18 months (%)	15.1	2.4	7.4	8.6	28.6	6.6	27.3	21.4	10.8
District/county^d									
No. of cases	596	320	823	544	202	..	..	..	2 485
<6 months (%)	40.4	10.6	64.6	5.3	13.4	..	..	..	34.7
6–12 months (%)	42.1	44.7	24.9	18.4	37.1	..	..	..	31.1
12–18 months (%)	12.9	25.3	6.3	53.9	29.7	..	..	..	22.7
>18 months (%)	4.5	19.4	4.1	22.4	19.8	..	..	..	11.5
Magistrates' (total)^{d, e, f, g}									
No. of cases	22 478	8 275	5 609	7 237	686	4 035	148	775	49 243
<6 months (%)	82.0	64.0	87.3	64.0	20.3	79.2	42.6	68.3	75.5
6–12 months (%)	14.6	20.5	8.7	27.3	45.9	12.0	49.3	19.6	17.2
12–18 months (%)	2.4	8.7	2.3	5.4	20.6	5.7	6.1	6.3	4.5
>18 months (%)	1.0	6.8	1.6	3.3	13.3	3.1	2.0	5.8	2.8

^a A trial is defined as 'the examination of, and decision on, a matter of law or fact by a court. In the higher courts, trials are usually conducted before a judge and jury whereby the judge rules on questions of law and the jury is responsible for determining whether or not the defendant is guilty. Some States and Territories also allow for a trial before a judge alone in the higher courts. Trials are finalised by a guilty verdict or an acquittal'.

^b Care should be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary. ^c Totals may not sum to 100 per cent as a result of rounding. ^d In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates' court will slightly affect the timeliness data shown. ^e In the Victorian children's court, some of the matters included in figures for 'finalised by trial' are matters finalised as a plea of guilty. Victoria could not split cases that were finalised as a plea of guilty from cases finalised as a contested hearing. This will not be an issue next year. ^f Tasmanian data are estimated based on finalisations from Hobart. ^g ACT magistrates' court data are for substantial cases only. The data exclude trials on minor matters such as traffic offences. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.19.

The data on timeliness in civil trials are reported in table 6A.20. The data are reported in the attachment, but not in the chapter, because the data still require work to improve comparability across jurisdictions.

Case duration — committal proceedings

Committals are the first stage of hearing indictable (serious) matters in the criminal court system. A magistrate in a committal hearing assesses the sufficiency of evidence presented against the defendant and decides whether to commit the matter for trial or sentence in a superior court. Defendants are often held in custody pending a committal hearing and trial if ordered. The timely conduct of the

committal hearing on the court's receipt of the charge sheet is important for timely adjudication of the charges against the defendant.

Nationally, 35.7 per cent of committal hearings in 2002-03 were finalised within three months of the court's receipt of charges. A further 33.9 per cent were finalised in the subsequent three months. Across jurisdictions, the proportion of committal hearings finalised within three months ranged from 52.6 per cent in WA to 29.4 per cent in Tasmania (table 6.12).

Table 6.12 Committal (criminal) matters finalised, magistrates' courts, 2002-03^a

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas^b</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
<i>No. of cases</i>	3 338	2 363	8 600	2 132	520	572	190	223	17 938
<3 months (%)	35.5	31.0	32.5	52.6	48.1	29.4	31.1	38.6	35.7
3–6 months (%)	36.8	24.9	36.2	33.0	33.5	24.5	31.6	30.0	33.9
>6–12 months (%)	25.5	23.6	24.0	11.4	16.7	25.9	32.6	19.3	22.6
>12 months (%)	2.1	20.5	7.4	2.9	1.7	20.3	4.7	12.1	7.9

^a Totals may not sum to 100 per cent as a result of rounding. ^b Tasmanian data are estimated, based on Hobart committals.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.22.

Case duration — appeals

Appeals from lower courts are predominantly heard by the district/county courts and supreme courts of the States and Territories. The full bench of the Federal Court hears appeals from cases heard by a single justice of the Federal Court and decisions of the Federal Magistrates Court. As well, the Federal Court hears certain decisions of State supreme courts exercising federal jurisdiction, and decisions of the Administrative Appeals Tribunal where a judicial member is involved.

Criminal appeals are generally shorter than civil ones. In supreme courts, a 12 month benchmark is used, given the generally more complex nature of the proceedings. Within supreme courts in 2002-03, 82.5 per cent of criminal appeals were finalised within 12 months. For civil appeals, 80.8 per cent were finalised within 12 months within the supreme courts and the Federal Court (table 6.13).

The highest proportion of criminal appeals in 2002-03 finalised within 12 months was in Queensland (98.9 per cent). The lowest proportion was in Victoria (71.7 per cent). SA finalised the highest proportion of civil appeals within 12 months (97.7 per cent), while WA finalised the lowest proportion (42.0 per cent) (table 6.13). The Federal Court of Australia finalised 92.1 per cent of civil cases

within 12 months. Care should be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary.

Table 6.13 **Appeal matters finalised, supreme courts and the Federal Court, 2002-03^{a, b}**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>	<i>Total</i>
Criminal										
<i>No. of cases</i>	745	350	360	230	311	41	35	13	..	2 085
<6 months (%)	35.2	44.3	88.9	35.2	70.4	48.8	62.9	69.2	..	52.2
6–12 months (%)	42.7	27.4	10.0	39.1	21.2	31.7	31.4	7.7	..	30.3
12–18 months (%)	14.6	13.1	1.1	12.2	4.2	14.6	5.7	7.7	..	10.0
>18 months (%)	7.5	15.1	–	13.5	4.2	4.9	–	15.4	..	7.5
Civil										
<i>No. of cases</i>	816	292	256	388	129	38	76	201	788	2 984
<6 months (%)	47.5	43.5	55.9	20.9	80.6	57.9	59.2	70.6	62.8	51.8
6–12 months (%)	37.7	18.5	37.1	21.1	17.1	28.9	27.6	20.9	29.3	29.0
12–18 months (%)	10.8	8.9	7.0	22.7	2.3	10.5	9.2	5.0	5.6	9.7
>18 months (%)	3.9	29.1	–	35.3	–	2.6	3.9	3.5	2.3	9.5

Aus cts = Australian courts. ^a Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary. ^b Totals may not sum to 100 per cent as a result of rounding. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.21.

Within the district/county courts in 2002-03, 89.8 per cent of criminal appeals and 67.4 per cent of civil appeals were finalised within six months through the district/county courts (table 6.14). Across jurisdictions, criminal appeals are heard only in the NSW, Victorian and Queensland district/county courts. The highest proportion of criminal appeals in 2002-03 finalised within six months was in NSW (90.5 per cent). The lowest proportion was in Queensland (66.1 per cent) (table 6.14).

SA finalised the largest proportion of civil appeals in 2002-03 within six months (96.4 per cent), while WA finalised the lowest proportion (40.0 per cent) (table 6.14). Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary.

Table 6.14 **Appeal matters finalised, district/county courts, 2002-03^{a, b}**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Criminal									
No. of cases	5 508	2 392	180	..	..	..	..	..	8 080
<6 months (%)	90.5	89.9	66.1	..	..	..	..	..	89.8
6–12 months (%)	8.2	8.4	25.6	..	..	..	..	..	8.7
12–18 months (%)	0.9	1.0	5.0	..	..	..	..	..	1.0
>18 months (%)	0.4	0.7	3.3	..	..	..	..	..	0.6
Civil									
No. of cases	73	159	395	90	83	..	..	..	800
<6 months (%)	63.0	89.9	59.2	40.0	96.4	..	..	..	67.4
6–12 months (%)	16.4	8.2	21.0	35.6	3.6	..	..	..	17.9
12–18 months (%)	6.8	0.6	5.3	12.2	–	..	..	..	4.8
>18 months (%)	13.7	1.3	14.4	12.2	–	..	..	..	10.0

Aus cts = Australian courts. ^a Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary. ^b Totals may not sum to 100 per cent as a result of rounding. .. Not applicable. – Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.21.

The Family Court of Australia finalised 421 forms in 2002-03, of which 72.2 per cent were completed within six months and 92.6 per cent were completed within 12 months (table 6.15).

Table 6.15 **Appeal cases finalised, family courts, 2002-03^{a, b}**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aus cts	Total
Civil										
No. of cases	na	..	..	..	..	421	421
<6 months (%)	na	..	..	..	..	72.2	72.2
6–12 months (%)	na	..	..	..	..	20.4	20.4
12–18 months (%)	na	..	..	..	..	5.2	5.2
>18 months (%)	na	..	..	..	..	2.1	2.1

Aus cts = Australian courts. ^a Totals may not sum to 100 per cent as a result of rounding. ^b Family Court of WA data are not available, because the national case track system was implemented only part way through 2002-03. The data will be available in future years. na Not available. .. Not applicable.

Source: Australian and State court administration authorities and departments (unpublished); table 6A.21.

Case duration — coroners' courts

Nationally, 75.4 per cent of coronial cases were finalised within six months in 2002-03. Across jurisdictions, the proportion was highest in the ACT (93.0 per cent) and lowest in Tasmania (49.4 per cent) (table 6.16).

The timeliness data for the coroners' courts include finalisations of fire matters within NSW, Queensland and the ACT.

Table 6.16 Matters finalised, coroners' courts, 2002-03^{a, b}

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
<i>No. of cases</i>	6 094	4 060	3 049	1 289	3 544	714	1 576	265	20 591
<6 months (%)	74.6	72.6	71.8	61.0	86.6	49.4	93.0	60.0	75.4
6–12 months (%)	18.8	15.2	20.3	28.4	7.1	17.1	5.0	28.7	15.9
12–18 months (%)	3.5	4.2	4.6	5.0	2.6	10.8	1.1	4.9	3.8
>18 months (%)	3.1	8.0	3.3	5.6	3.7	22.7	0.9	6.4	4.9

^a Totals may not sum to 100 per cent as a result of rounding. ^b The timeliness data include finalisations of fire matters for NSW, Queensland and the ACT.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.17.

Effectiveness indicators — timeliness and delay — backlog index

This new indicator is reported for the first time as part of the new performance indicator framework (box 6.8). As a result, the data for the backlog indicator are experimental for this reporting year.

In the criminal jurisdiction, those defendants who have bench warrants associated with them have been excluded from the count; in the civil jurisdiction, those lodgments that have not been acted on in the previous 12 months have been excluded. The aim has been to focus on those matters that are part of an 'active pending' population (see table 6.26 for definitions).

Box 6.8 Indicator: 'backlog index'

Backlog is a measure of case processing timeliness. The measure is *reported in terms of the proportion of a court's pending caseload older than a standard*. The indicator recognises that case processing must take some time and that such time does not necessarily equal delay.

The formula for calculating the backlog index is the number of cases older than the applicable reporting standard, divided by the total pending caseload (multiplied by 100 to convert to a percentage).

The following national standards have been agreed on for the magistrates', children's and coroners' courts and the Federal Magistrates Court:

- No more than 10 per cent of lodgments pending completion are to be more than 6 months old.
- Zero per cent of lodgments pending completion are to be more than 12 months old.

The following national standards have been agreed on for the district, supreme and family courts and the Federal Court:

- No more than 10 per cent of lodgments pending completion are to be more than 12 months old.
- Zero per cent of lodgments pending completion are to be more than 2 years old.

The following national standards have been agreed on for appeals:

- No more than 10 per cent of lodgments pending completion are to be more than 12 months old.
- Zero per cent of lodgments pending completion are to be less than 2 years old.

The agreed national standards are expected to be re-evaluated and possibly refined after this initial year of reporting.

Source: Australian, State and Territory court administration authorities and departments; Wright (2002).

All matters

As stated in box 6.8 and shown in tables 6.17 and 6.18, there are two national standards for each court level. In the supreme and district courts, the first national standard is that no more than 10 per cent of criminal lodgments pending completion are to be more than 12 months old. In the supreme court, Queensland was the only jurisdiction that met this standard. In the district court, NSW was the only jurisdiction that met this national standard (table 6.17).

In the magistrates', children's and coroner's courts, the first national standard is that no more than 10 per cent of criminal lodgments pending completion are to be more than 6 months old. No jurisdiction met this standard in the magistrates' court, with

NSW and Queensland having the lowest proportions of pending caseload older than the standard (4.7 per cent and 4.8 per cent respectively). In the children's court, Victoria was the only jurisdiction to meet this national standard. In the coroner's court, no jurisdiction met this standard, with Victoria having the lowest proportion of pending caseload older than the standard (28.4 per cent) (table 6.17).

In each of the courts, the second national standard is that zero per cent of criminal matters are to be more than a certain age (12 months old for magistrates', children's and coroners' court matters; 2 years old for district and supreme courts). The SA supreme court is the only court that met the second national standard. The results of the backlog index against this second standard are shown in table 6.17, which reports results in terms of the number and proportion of a court's pending caseload that is older than the standard.

In the supreme, district and family courts, the first national standard is that no more than 10 per cent of civil lodgments pending completion are to be more than 12 months old. In the supreme court, no jurisdiction met this standard, with SA having the lowest proportion of pending caseload older than the standard (6.0 per cent). In the district court, no jurisdiction met this national standard, with SA again having the lowest proportion of a pending caseload older than the standard (24.9 per cent) (table 6.18). The Family Court of Australia had 16.3 per cent of forms that were older than the standard.

In the magistrates' courts and the Federal Magistrates Court, the first national standard is that no more than 10 per cent of civil lodgments pending completion are to be more than 6 months old. In the magistrates' court, Queensland met the standard (only 0.1 per cent of the court's pending caseload was older than the standard). In the Federal Magistrates Court, 17.4 per cent of civil lodgments pending completion were older than the standard (table 6.18).

In each of the courts, the second national standard is that zero per cent of civil matters are to be more than a certain age (12 months for magistrates', children's, and the Federal Magistrates Court; 2 years for district, supreme, family courts and the Federal Court). No court in 2002-03 met this standard. The results of the backlog index against this standard are shown in table 6.18, which reports results in terms of the number and proportion of a court's pending caseload that is older than the standard.

Table 6.17 **Backlog index — the number and proportion of a court's pending caseload that is older than the standard, all criminal matters, 2002-03^a**

	NSW	Vic ^b	Qld	WA	SA	Tas ^c	ACT ^d	NT
Supreme								
Number > 12 mths old standard	67	19	–	45	1	12	5	na
<i>Per cent > 12 mths old standard</i>	17.6	4.8	–	13.4	1.3	4.4	4.9	na
Number > 2 yrs old standard	20	8	5	21	–	9	6	na
<i>Per cent > 2 yrs old standard</i>	5.2	2.0	0.7	6.2	–	3.2	6.4	na
District/county								
Number > 12 mths old standard	–	117	185	523	51	..	..	..
<i>Per cent > 12 mths old standard</i>	–	5.2	6.9	27.5	8.9	..	..	..
Number > 2 yrs old standard	28	73	130	125	15	..	..	..
<i>Per cent > 2 yrs old standard</i>	1.1	3.3	4.8	6.6	2.6	..	..	..
Magistrates'								
Number > 6 mths old standard	1169	2378	1292	na	2014	16 596	357	na
<i>Per cent > 6 mths old standard</i>	4.7	8.9	4.8	na	22.1	38.5	17.1	na
Number > 12 mths old standard	731	1256	1588	na	1207	8538	259	na
<i>Per cent > 12 mths old standard</i>	3.0	4.7	5.9	na	13.3	19.8	12.4	na
Children's								
Number > 6 mths old standard	91	–	106	20	114	794	4	na
<i>Per cent > 6 mths old standard</i>	5.9	–	10.7	3.7	1.2	53.0	12.0	na
Number > 12 mths old standard	68	26	136	40	90	360	16	na
<i>Per cent > 12 mths old standard</i>	2.9	1.4	5.5	4.6	12.0	20.0	7.7	na
Coroners'								
Number > 6 mths old standard	na	704	475	186	na	113	37	52
<i>Per cent > 6 mths old standard</i>	na	28.4	51.5	33.2	na	45.4	37.0	40.4
Number > 12 mths old standard	na	604	244	117	na	83	37	29
<i>Per cent > 12 mths old standard</i>	na	24.4	26.5	20.9	na	33.3	37.0	22.5

^a This is a new indicator. As a result, the data for the backlog indicator are 'experimental' for this reporting year. ^b In the Victorian magistrates' court, defendants can be entered in to the Criminal Justice Diversion Program and the proceedings are adjourned for a period of up to 12 months. These defendants remain 'pending' so may misrepresent the true case processing timeliness. ^c Tasmania's magistrates' and children's court data are derived from lodgments in the Hobart Magistrates' Court, based on the assumption that the southern region represents 50 per cent of the population base of the whole State. To provide finalisation and timeliness data, in accordance with the national counting rules, Tasmania has adopted processes that provide an estimate. ^d The ACT magistrates' and children's court estimates are based on pending cases at 10 October 2003. **na** Not available. **..** Not applicable. **–** Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.23.

Table 6.18 Backlog index — the number and proportion of a court's pending caseload that is older than the standard, all civil cases, 2002-03^a

	NSW ^b	Vic ^c	Qld ^d	WA ^e	SA	Tas ^f	ACT	NT	Aus cts ^g
Supreme									
Number > 12 mths old standard	1966	1037	1931	1348	142	1414	489	na	1383
<i>Per cent > 12 mths old standard</i>	<i>28.7</i>	<i>24.2</i>	<i>32.4</i>	<i>40.8</i>	<i>6.0</i>	<i>64.1</i>	<i>40.9</i>	<i>na</i>	<i>34.6</i>
Number > 2 yrs old standard	1398	102	1263	842	118	969	343	na	1178
<i>Per cent > 2 yrs old standard</i>	<i>20.4</i>	<i>2.4</i>	<i>21.2</i>	<i>25.5</i>	<i>5.0</i>	<i>43.9</i>	<i>28.7</i>	<i>na</i>	<i>29.5</i>
District/county									
Number > 12 mths old standard	na	na	3560	1780	883	..	..	..	..
<i>Per cent > 12 mths old standard</i>	<i>na</i>	<i>na</i>	<i>36.8</i>	<i>36.0</i>	<i>24.9</i>	..	..	..	..
Number > 2 yrs old standard	na	na	1897	1122	421	..	..	..	..
<i>Per cent > 2 yrs old standard</i>	<i>na</i>	<i>na</i>	<i>19.6</i>	<i>22.7</i>	<i>11.9</i>	..	..	..	..
Family									
Number > 12 mths old standard	..	..	..	..	..	..	..	..	4 803
<i>Per cent > 12 mths old standard</i>	..	..	..	<i>na</i>	..	..	..	..	<i>16.3</i>
Number > 2 yrs old standard	..	..	..	..	..	..	..	..	29 500
<i>Per cent > 2 yrs old standard</i>	..	..	..	<i>na</i>	..	..	..	..	<i>7.7</i>
Magistrates'									
Number > 6 mths old standard	na	1545	28	na	6782	5457	982	na	..
<i>Per cent > 6 mths old standard</i>	<i>na</i>	<i>10.2</i>	<i>0.1</i>	<i>na</i>	<i>36.4</i>	<i>41.5</i>	<i>35.9</i>	<i>na</i>	..
Number > 12 mths old standard	na	1463	1555	na	2538	3052	440	na	..
<i>Per cent > 12 mths old standard</i>	<i>na</i>	<i>9.6</i>	<i>5.3</i>	<i>na</i>	<i>13.6</i>	<i>23.2</i>	<i>16.1</i>	<i>na</i>	..
Federal Magistrates Court									
Number > 6 mths old standard	..	..	..	..	..	..	..	..	3501
<i>Per cent > 6 mths old standard</i>	..	..	..	..	..	..	..	..	<i>17.4</i>
Number > 12 mths old standard	..	..	..	..	..	..	..	..	20 162
<i>Per cent > 12 mths old standard</i>	..	..	..	..	..	..	..	..	<i>10.1</i>

Aus cts = Australian courts. ^a This is a new indicator. As a result, the data for the backlog indicator are 'experimental' for this reporting year. ^b In NSW, the district and magistrates' courts can provide only pending data in respect of substantial ('case management') matters and the current database is unable to apply the 12 month deeming rule. ^c In the Victorian county and supreme courts, the 12 month deeming rule has not been used for civil timeliness data. Data are calculated using a count 'of substantive matters pending'. These are claims pending on 30 June 2003 where a defence notice had been filed. The measure excludes Victorian Civil Administrative Tribunal Residential Tenancies and Civil Claims List matters, complaints for intervention orders, Family Law Act applications and applications to the Victims of Crime Assistance Tribunal. ^d In Queensland, all court data for the purposes of the backlog index are extrapolated. ^e Family Court of WA data are not available, because the national case track system was implemented only part way through 2002-03. The data will be available in future years. ^f In the Tasmanian supreme court, to provide finalisation and timeliness data (including deemed finalisations in accordance with the national counting rules) Tasmania has adopted processes that provide an estimate. ^g In the Family Court of Australia and the Federal Magistrates Court, data exclude responses to applications. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.24.

Appeal and non-appeal matters

While the above tables examined the backlog indicator as it pertained to ‘all matters’, data are also available on ‘appeal’ and ‘non-appeal’ matters. These data are available for the supreme, district/county, and family courts and the Federal Court. The backlog index for (criminal and civil) non-appeal and appeal matters are available for these courts in tables 6A.23–24.

Effectiveness — timeliness and delay — attendance index

This new indicator is reported for the first time this year as part of the new performance indicator framework (box 6.9). The data should be viewed as experimental.

Box 6.9 Indicator: ‘attendance index’

The attendance index is based on a count of the number of times each case comes before the court before it is finalised. This is a measure of expedition or ‘dispatch’ (in the sense of getting things done) that emphasises the amount and effectiveness of activity (whereas the backlog indicator reflects the passage of time). The number of ‘trips to the courthouse’ is highly correlated with both the litigants’ costs and the use of court resources.

The number of attendances is determined by ‘the number of times that parties or their representatives were required to be present in court (including any appointment which is adjourned or rescheduled) for all finalised matters during the year. The actual attendance should be one which is heard by a judicial officer or mediator/arbitrator’ (SCRGSP 2003, p.6-26).

Few courts have much, if any, experience with analysing data on court attendances. The aim for this year’s chapter is simply to present the total number of finalisations in the period for each court and the number of attendances associated with these matters (no matter when the attendance occurred). This approach simply represents an average number of attendances per finalisation.

In future, one possible presentation of data may be the distribution of the number of attendances (that is, how many finalisations had one attendance, two attendances etc.)

Source: SCRGSP (2003); Wright (2002).

Some jurisdictions could not provide information on attendances but instead supplied information on listings or hearings. The data, therefore, should not be viewed as comparable or used for cross-jurisdictional comparison; instead, they provide indicative results.

In the criminal jurisdiction, the average number of attendances per finalisation ranged: in the supreme court from 9.3 in Tasmania to 2.2 in Victoria; in the district/county court from 6.6 in SA to 3.9 in WA; in the magistrates court from 4.7 in the ACT to 1.2 in Queensland; and in the children's court from 5.2 in SA to 1.4 in Queensland (table 6.19).

Table 6.19 Attendance index — criminal, 2002-03

	NSW ^a	Vic	Qld ^b	WA	SA	Tas	ACT ^c	NT
<i>Average attendances per finalisation</i>								
Supreme	na	2.2	3.7	na	6.1	9.3	7.3	na
District/county ^d	na	na	5.3	3.9	6.6	..	..	..
Magistrates ^e	na	2.7	1.2	2.5	3.3	2.7	4.7	na
Children's	na	2.3	1.4	3.1	5.2	5.1	4.0	na
Coroners'	na	0.1	—	—	na	—	0.1	—

^a Courts do not have data available to enable them to identify the number of times parties are present in court.

^b Data are extrapolated ^c Total number of attendances based on total number of listings. ^d In WA, the criminal case management computer system does not record the number of hearings, which occurred per defendant. Data extracted are based on the number of listings recorded. Information may be refined in future.

^e Tasmanian data are based on a 50 per cent sample of southern courts. **na** Not available. **..** Not applicable. — Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.25.

In the civil jurisdiction, the average number of attendances per finalisation ranged in the supreme court from 5.2 in SA to 1.2 in Victoria and in the district court from 5.5 in SA to 1.2 in Queensland. The average number of attendances per finalisation was 2.5 in the Family Court of Australia and 1.7 in the Federal Magistrates Court (table 6.20). All jurisdictions that reported for the civil jurisdiction of the magistrates' courts had, on average, around one attendance per finalisation.

Table 6.20 **Attendance index — civil, 2002-03**

	NSW ^a	Vic ^b	Qld ^c	WA ^a	SA	Tas ^d	ACT ^e	NT	Aus cts
<i>Average attendances per finalisation</i>									
Supreme	na	1.2	1.6	na	5.2	na	4.7	na	3.8
District/county	na	2.0	1.2	3.9	5.5	..	..	..	..
Magistrates	na	1.0	0.9	na	1.1	na	1.3	na	..
Children's	na	na	na	3.8	na	na	5.9	na	..
Federal Magistrates ^f	..	..	..	..	..	..	..	..	1.7
Family ^{g, h}	..	..	..	na	..	..	..	..	2.5

Aus cts = Australian courts. ^a Courts do not have data available to enable them to identify the number of times parties are present in court. ^b Supreme court data are an estimate and the county court data are an extrapolation. As well, the 12 month deeming rule has not been used for civil timeliness data for the supreme and county courts. The magistrates' court attendances for the Victims of Crime Assistance Tribunal and family law applications are estimates, with the estimate being one attendance per finalisation. ^c Court data are extrapolated. ^d Courts do not have a civil case management system, so data cannot be produced. ^e Total number of attendances is based on total number of listings. ^f Excludes 'responses' to applications. ^g Family Court of Australia data include alternative dispute resolution, court and conference events held in the Family Court of Australia. Contains events that may not typically require attendance of parties, but these are included because they form part of the lodgments and finalisation figures. Excludes responses to applications. ^h Family Court of WA data are not available, because the national case track system was implemented only part way through 2002-03. The data will be available in future years. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.25.

Effectiveness — accessibility — judicial officers

This new indicator is reported for the first time as part of the new performance indicator framework (box 6.10).

Box 6.10 Indicator: 'judicial officers'

The number of judicial officers is a simple way of representing resources (that is, the number of staff who can make enforceable orders of the court). It also indicates access to the judicial system. The intention is that this indicator will take on a geographic component in the future.

For the purposes of this chapter, the definition of a judicial officer includes:

- judges
- magistrates
- masters
- coroners
- judicial registrars
- all other officers who, following argument and giving of evidence, make enforceable orders of the court.

Numbers are expressed in full time equivalent terms and based on the proportion of time spent on judicial functions.

Source: SCRGSP (2003).

The numbers of full time equivalent judicial officers (broken down into criminal and civil) for each court level are outlined in table 6.21. As would be expected, the number of judicial officers is related to the size of the jurisdiction. In each State and Territory, there were more judicial officers in the magistrates' courts than in the district/county courts, and more officers in the district/county courts than in the supreme courts. As well, in each State and Territory, judicial officers in the criminal jurisdiction predominated in the magistrates' and district/county courts, while those in the civil jurisdiction predominated in the supreme courts (table 6.21).

Table 6.21 **Judicial officers, full time equivalent, 2002-03^{a, b}**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>	<i>Total</i>
Supreme/Federal										
Criminal	15.0	11.0	9.1	8.0	4.9	4.0	2.8	2.4	..	57.2
Civil	46.3	28.0	13.6	18.0	11.5	3.0	2.3	5.5	45.0	173.2
<i>Total</i>	<i>61.3</i>	<i>39.0</i>	<i>22.7</i>	<i>26.0</i>	<i>16.4</i>	<i>7.0</i>	<i>5.1</i>	<i>7.9</i>	<i>45.0</i>	<i>230.4</i>
District/county										
Criminal	46.0	32.0	17.6	16.0	11.3	..	..	..	..	122.9
Civil	28.0	22.0	14.0	10.6	9.5	..	..	..	..	84.1
<i>Total</i>	<i>74.0</i>	<i>54.0</i>	<i>31.6</i>	<i>26.6</i>	<i>20.8</i>	..	..	..	..	<i>207.0</i>
Magistrates'										
Criminal	112.0	65.0	51.4	29.0	24.8	9.4	4.2	6.9	..	302.8
Civil	10.0	41.0	15.1	11.7	8.3	1.6	3.0	5.3	..	96.0
<i>Total</i>	<i>122.0</i>	<i>106.0</i>	<i>66.5</i>	<i>40.7</i>	<i>33.1</i>	<i>11.0</i>	<i>7.3</i>	<i>12.2</i>	..	<i>398.8</i>
Children's										
Criminal	7.0	2.0	4.0	4.0	3.0	0.3	1.0	0.5	..	21.8
Civil	3.0	6.0	1.0	1.0	1.0	0.2	0.1	0.1	..	12.4
<i>Total</i>	<i>10.0</i>	<i>8.0</i>	<i>5.0</i>	<i>5.0</i>	<i>4.0</i>	<i>0.5</i>	<i>1.0</i>	<i>0.6</i>	..	<i>34.2</i>
Electronic ^c	..	na	na	na	na	..	..	..	..	na
Coroners'	5.0	5.0	3.3	2.0	1.0	0.5	0.8	1.5	..	19.1
Family	..	..	..	12.0	..	..	..	..	59.7	71.7
Federal										
Magistrates	..	..	..	..	..	..	..	..	21.0	21.0
Grand Total	272.3	212.0	129.1	112.3	75.3	19.0	14.2	22.2	125.7	982.1

Aus cts = Australian courts. ^a Totals may not add as a result of rounding. ^b Judicial officers are defined to include judges; magistrates; masters; coroners; judicial registrars; and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on judicial activities. ^c No electronic courts have open court sittings. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.26.

The number of judicial officers can be viewed in the context of the population in each jurisdiction. As a result, table 6.22 shows the number of judicial officers per 100 000 people. For the supreme courts, the number ranged from 4.0 judicial officers per 100 000 people in the NT to 0.6 in Queensland. In the district courts, it ranged from 1.4 in both WA and SA to 0.8 in Queensland. In the magistrates' courts, it ranged from 6.2 in the NT to 1.8 in both NSW and Queensland (table 6.22).

Table 6.22 **Judicial officers, full time equivalent, per 100 000 people, 2002-03^{a, b}**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>	<i>Total</i>
<i>Population ('000)</i>	6 650	4 881	3 718	1 931	1 521	473	322	198	..	19 697
<i>Judicial officers per 100 000 people</i>										
Supreme/Federal										
Criminal	0.2	0.2	0.2	0.4	0.3	0.8	0.9	1.2	..	0.3
Civil	0.7	0.6	0.4	0.9	0.8	0.6	0.7	2.8	0.2	0.9
<i>Total</i>	<i>0.9</i>	<i>0.8</i>	<i>0.6</i>	<i>1.3</i>	<i>1.1</i>	<i>1.5</i>	<i>1.6</i>	<i>4.0</i>	..	<i>1.2</i>
District/county										
Criminal	0.7	0.7	0.5	0.8	0.7	..	..	..	..	0.6
Civil	0.4	0.5	0.4	0.5	0.6	..	..	..	..	0.4
<i>Total</i>	<i>1.1</i>	<i>1.1</i>	<i>0.8</i>	<i>1.4</i>	<i>1.4</i>	..	..	..	..	<i>1.1</i>
Magistrates'										
Criminal	1.7	1.3	1.4	1.5	1.6	2.0	1.3	3.5	..	1.5
Civil	0.2	0.8	0.4	0.6	0.5	0.3	0.9	2.7	..	0.5
<i>Total</i>	<i>1.8</i>	<i>2.2</i>	<i>1.8</i>	<i>2.1</i>	<i>2.2</i>	<i>2.3</i>	<i>2.3</i>	<i>6.2</i>	..	<i>2.0</i>
Children's										
Criminal	0.1	–	0.1	0.2	0.2	0.1	0.3	0.3	..	0.1
Civil	–	0.1	–	0.1	0.1	–	–	0.1	..	0.1
<i>Total</i>	<i>0.2</i>	<i>0.2</i>	<i>0.1</i>	<i>0.3</i>	<i>0.3</i>	..	<i>0.3</i>	<i>0.3</i>	..	<i>0.2</i>
Electronic ^c	..	na	na	na	na	..	..	..	..	na
Coroners'	0.1	0.1	0.1	0.1	0.1	0.1	0.2	0.8	..	0.1
Family	..	..	..	0.6	..	..	..	..	0.3	0.4
Federal										
Magistrates	..	..	..	..	..	..	..	..	0.1	0.1
Grand Total	4.1	4.3	3.5	5.8	4.9	4.0	4.4	11.2	0.6	5.0

Aus cts = Australian courts. ^a Totals may not add as a result of rounding. ^b Judicial officers are defined to include judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on judicial activities. ^c No electronic courts have open court sittings. **na** Not available. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); ABS (unpublished); table 6A.26.

Effectiveness — geographic accessibility — court locations and registries

This indicator (part of the old performance indicator framework) is reported on this year as part of the transition to the new framework (box 6.11).

Box 6.11 Indicator: ‘court locations and registries’

One indicator of the accessibility of court services is the relationship between the proportion of magistrates’ court locations in either urban or non-urban areas and the proportion of the population residing in the corresponding urban or non-urban areas of the State or Territory.

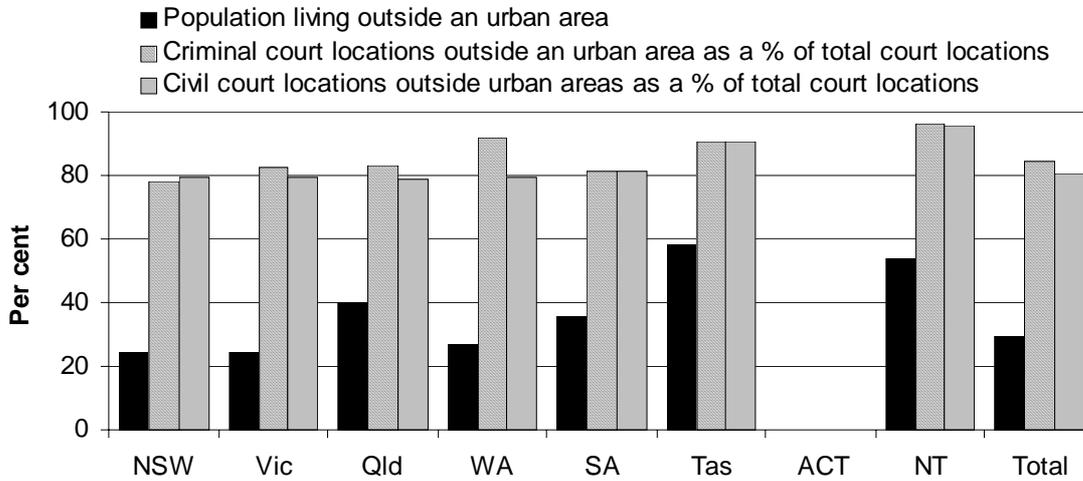
Providing rural communities with access to judicial services can involve significant costs for court administration agencies. The services provided to improve the accessibility of courts to rural and remote communities include:

- judicial circuits, whereby magistrates/judges tour rural courthouses to hear cases
- the location of magistrates’ courts in police stations, whereby police officers and Justices of the Peace staff the courts (when magistrates are not available)
- occasional caravan courts by superior courts in remote areas
- video conferencing facilities to link capital city courthouses to witnesses in remote locations.

In all States and Territories, the proportion of magistrates’ court locations (in both the criminal and civil jurisdictions) in non-urban areas in 2002-03 exceeded the proportion of the population residing in non-urban areas (figure 6.4). States and Territories with relatively high proportions of their population in non-urban areas generally also had a higher proportion of magistrates’ courts located in non-urban areas. Court locations include permanent locations, temporary locations and registries that do not hold hearings.

In the criminal jurisdiction, the NT had the highest proportion (96.3 per cent) of magistrates’ courts located outside an urban area, while NSW had the lowest proportion (78.1 per cent). In the civil jurisdiction, the NT again had the highest proportion (95.8 per cent) of magistrates’ courts located outside urban areas, while (excluding the ACT) Queensland had the lowest (78.6 per cent) (figure 6.4). The ACT magistrates’ court is housed in one urban building — which provides administration and resources for the criminal, civil, coroner’s and children’s court jurisdictions — but there are no non-urban areas within the ACT (figure 6.4).

Figure 6.4 **Criminal and civil magistrates' court locations outside an urban area, 2001-02 (per cent)^{a, b, c, d}**



^a Court locations include permanent locations, temporary locations and registries without hearings. ^b Urban areas include State and Territory capital city statistical divisions and other urban areas (with populations of 100 000 or more). Non-urban areas include remote areas (defined in terms of low population density and long distances to large population centres) and rural areas (which include the remainder of non-urban statistical local areas). ^c The ACT magistrates' court is housed in one building, which provides administration and resources for the criminal, civil, coroner's and children's court jurisdictions. ^d In Tasmania, all civil and criminal courts are co-located. Victoria, SA and the ACT either have their courts co-located or cannot split between their criminal and civil locations.

Source: State and Territory court administration authorities and departments (unpublished); ABSa (unpublished); DPIE and DSHS (1994); table 6A.27.

Efficiency indicators

Efficiency — inputs per output unit — clearance index

This new indicator is reported for the first time as part of the new performance indicator framework (box 6.12).

Box 6.12 Indicator: 'clearance index'

The clearance index is an extremely simple, easily understood and useful index of productivity. It unambiguously relates to a desirable outcome, indicating whether a court is keeping up with its workload.

The clearance index is the number of finalisations in the reporting period divided by the number of lodgments in the same period (multiplied by 100 to convert to a percentage).

The following should assist in understanding the clearance index:

- A figure of 100 per cent indicates that a court is keeping up with its workload.
- A higher figure means the court is reducing its pending caseload (and a decrease in case processing times can be expected to follow).
- A figure less than 100 per cent means that the court is accumulating cases (and case processing times can be expected to increase in the immediate future).

Source: Wright (2002).

All matters

For all matters (including both criminal and civil matters) in the supreme courts in 2002-03, those jurisdictions that kept up with their workload or reduced their pending caseload (that is, those with a clearance index of 100 per cent or above) were NSW, WA and Tasmania. The Federal Court of Australia was 106.3 per cent. In the district courts, the jurisdictions that had a clearance index of 100 per cent or over were NSW and WA. In the magistrates' courts, the ACT was the only jurisdiction to have a clearance index of over 100 per cent (table 6.23). Table 6.23 also provides a criminal and civil breakdown for each jurisdiction. There were some differences in the clearance index, depending on whether the matter was criminal or civil.

In the electronic courts, the jurisdictions that had a clearance index of 100 per cent or over were Victoria and Queensland. In the coroners' courts, the only jurisdiction with a clearance index of 100 per cent or over was Tasmania. The clearance index in the Family Court of Australia and the Federal Magistrates Court was 88.5 per cent (table 6.23).

Table 6.23 Clearance index (finalisations/lodgments), all matters, 2002-03 (per cent)

	NSW	Vic ^a	Qld	WA	SA	Tas	ACT	NT	Aus cts
Supreme									
Criminal	171.8	92.4	88.0	88.8	126.1	115.2	120.1	88.0	..
Civil	101.8	65.0	95.8	105.5	56.6	123.4	95.9	91.7	106.3
<i>Total</i>	<i>105.0</i>	<i>67.5</i>	<i>94.3</i>	<i>102.8</i>	<i>67.0</i>	<i>121.4</i>	<i>99.2</i>	<i>90.2</i>	<i>106.3</i>
District/county									
Criminal	101.7	94.2	89.6	100.0	86.4	..	..	..	..
Civil	180.6	102.3	71.7	99.8	85.3	..	..	..	..
<i>Total</i>	<i>141.9</i>	<i>99.2</i>	<i>81.3</i>	<i>99.9</i>	<i>85.6</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>..</i>
Magistrates'									
Criminal	98.0	90.7	93.0	95.3	80.0	69.8	92.6	100.8	..
Civil	na	na	53.7	55.3	87.0	100.6	146.9	55.8	..
<i>Total</i>	<i>na</i>	<i>na</i>	<i>79.3</i>	<i>76.5</i>	<i>82.3</i>	<i>75.5</i>	<i>122.8</i>	<i>85.4</i>	<i>..</i>
Children's									
Criminal	95.7	99.8	80.4	94.7	70.7	92.0	99.9	95.7	..
Civil	79.8	na	na	115.2	na	22.5	80.1	na	..
<i>Total</i>	<i>93.5</i>	<i>na</i>	<i>na</i>	<i>96.6</i>	<i>na</i>	<i>86.8</i>	<i>96.5</i>	<i>na</i>	<i>..</i>
Electronic	..	127.8	125.3	53.6	75.7	..	..	..	..
Coroners'	93.1	96.2	82.8	91.9	96.5	129.3	98.3	83.6	..
Family ^b	..	..	..	na	..	..	..	..	88.5
Federal									
Magistrates	..	..	..	..	..	..	..	..	88.5

Aus cts = Australian courts. ^a In the magistrates' court, the clearance index cannot be applied to the civil jurisdiction (ie. debt recovery). The clearance index could be determined if reporting was done according to substantive matters finalised. In the children's court, due to the structure of the case management system, data could not be provided. In the county and supreme courts, the 12 month deeming rule has not been used for civil timeliness data. ^b Family Court of WA data are not available, because the national case track system was implemented only part way through 2002-03. The data will be available in future years. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.28 and 6A.29.

Appeal and non-appeal matters

Where relevant, the clearance index has also been disaggregated between appeal and non-appeal matters. For non-appeal matters in the supreme courts in 2002-03 (including both criminal and civil matters), those jurisdictions that kept up with their workload or reduced their pending caseload (that is, those with a clearance index of 100 per cent or above) were NSW, WA, Tasmania, the ACT and the NT. In the district courts, the jurisdictions that had a clearance index of 100 per cent or above were NSW and WA (table 6.24). Table 6.24 also provides a criminal and civil breakdown for each jurisdiction. There were some differences in the clearance index, depending on whether the matter was criminal or civil.

The clearance index for non-appeal matters was 88.4 per cent for the Family Court of Australia and 108.0 per cent for the Federal Court of Australia (table 6.24).

Table 6.24 **Clearance index (finalisations/lodgments), non-appeal matters, 2002-03 (per cent)**

	<i>NSW</i>	<i>Vic^a</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>
Supreme									
Criminal	68.3	118.8	95.7	81.7	128.0	114.6	134.9	90.6	..
Civil	102.8	63.4	96.5	103.4	55.7	132.5	95.5	114.7	108.0
<i>Total</i>	<i>102.2</i>	<i>64.8</i>	<i>96.4</i>	<i>101.0</i>	<i>59.1</i>	<i>127.9</i>	<i>99.9</i>	<i>100.2</i>	<i>108.0</i>
District/county									
Criminal	95.2	89.2	90.7	100.0	86.4	..	..	..	..
Civil	181.7	102.2	74.3	100.7	84.9	..	..	..	..
<i>Total</i>	<i>156.7</i>	<i>99.0</i>	<i>83.4</i>	<i>100.4</i>	<i>85.3</i>	..	..	..	..
Family ^b	..	..	..	na	..	..	..	..	88.4

Aus cts = Australian courts. ^a In the county and supreme courts, the 12 month deeming rule has not been used for civil timeliness data. ^b Family Court of WA data are not available, because the national case track system was implemented only part way through 2002-03. The data will be available in future years. **na** Not available. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.28 and 6A.29.

For appeal matters in the supreme courts in 2002-03 (including both criminal and civil matters), NSW and WA kept up with their workload or reduced their pending caseload (that is, they had a clearance index of 100 per cent or above). In the district courts, only NSW and Victoria had a clearance index of 100 per cent or above for appeal matters. Within each of these court levels, the clearance index within each jurisdiction differed depending on whether the matter was criminal or civil. Table 6.25 identifies the clearance index broken down by criminal and civil case types for each jurisdiction. The clearance ratio for appeal matters was 95.0 per cent in the Family Court of Australia and 97.9 per cent in the Federal Court.

Table 6.25 **Clearance index (finalisations/lodgments), appeal matters, 2002-03 (per cent)**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aus cts</i>
Supreme									
Criminal	223.7	83.9	75.8	98.3	125.4	124.2	77.8	54.2	..
Civil	90.7	90.7	85.6	122.4	64.5	26.0	101.3	73.9	97.9
<i>Total</i>	<i>126.6</i>	<i>86.9</i>	<i>79.6</i>	<i>112.2</i>	<i>98.2</i>	<i>44.1</i>	<i>92.5</i>	<i>72.3</i>	<i>97.9</i>
District/county									
Criminal	106.3	99.4	59.6	na	na	..	..	..	..
Civil	76.8	106.7	50.3	73.2	101.2	..	..	..	..
<i>Total</i>	<i>105.7</i>	<i>99.8</i>	<i>52.8</i>	<i>na</i>	<i>na</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>..</i>
Family ^a	..	..	..	na	..	..	..	..	95.0

Aus cts = Australian courts. ^a Family Court of WA data are not available, because the national case track system was implemented only part way through 2002-03. The data will be available in future years. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.28 and 6A.29.

Efficiency — inputs per output unit — cost per finalisation

This indicator is part of the new performance indicator framework (and has been retained from the old framework) (box 6.13).

The expenditure data exclude payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT (except where otherwise stated) to improve the comparability of efficiency indicators with the remaining jurisdictions (which are exempt from payroll tax). The national or total figures exclude jurisdictions that have not provided data.

Box 6.13 Indicator: ‘cost per finalisation’

Cost per finalisation is calculated by dividing the total net recurrent expenditure within each court for the financial year by the total number of finalisations for the same period.

It is an imperfect measure of an individual jurisdiction’s efficiency. The following points should be considered in interpreting the cost per finalisation efficiency results presented within this chapter:

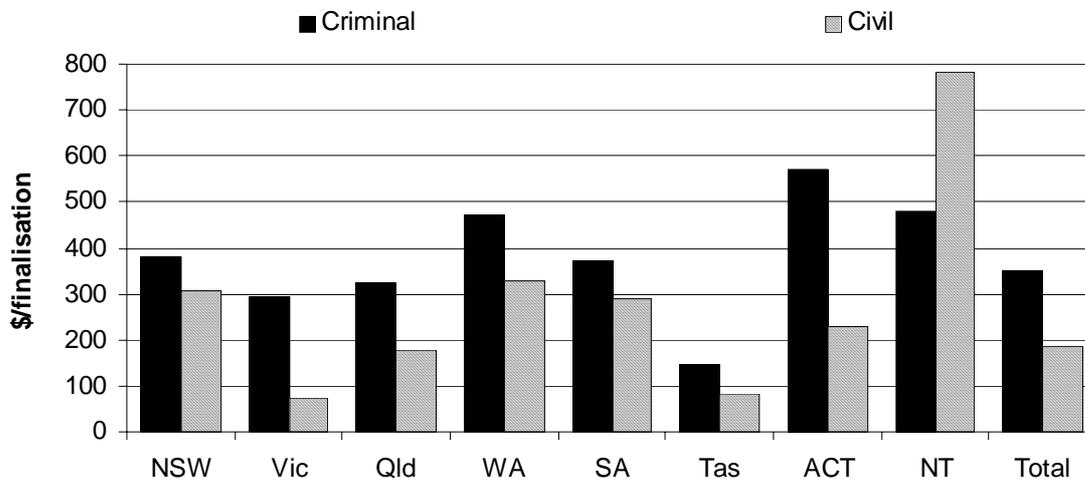
- Some finalisations will take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials.
- The finalisation of a case may not provide a true indication of the resources expended by the court, because any one case may involve several related applications or issues that require judgments and decisions by the court.
- The expenditure provided may include arbitrary financial splits between criminal and civil.
- The income deducted from court expenditure includes court fees, which in some jurisdictions are set by government and not by court administrators.
- A number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors.
- The efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between equity, effectiveness and efficiency.

Net expenditure per finalisation for total magistrates’ courts (including magistrates’ and children’s courts)

Nationally, net expenditure per criminal finalisation for total magistrates’ courts (including children’s courts but excluding electronic courts) was \$352 in 2002-03. Across jurisdictions, it was highest in the ACT (\$570) and lowest in Tasmania (\$147) (figure 6.5).

Nationally, net expenditure per civil finalisation for total magistrates’ courts (including children’s courts) was \$188. Across jurisdictions, it was highest in the NT (\$784) and lowest in Victoria (\$72) (figure 6.5). The Victorian data include around 68 100 residential tenancy matters and 4800 civil claims applications, and their associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. The Australian courts do not operate in this court jurisdiction.

Figure 6.5 Net expenditure per finalisation, total magistrates' courts (excluding electronic courts), 2002-03^{a, b, c, d, e, f, g}



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). ^b Excludes electronic court data but includes children's court data. ^c Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. ^d The Australian courts do not operate in this court jurisdiction. ^e In the civil jurisdiction, the Victorian data include around 68 100 residential tenancy matters and 4800 civil claims applications, and the associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. ^f In the criminal court jurisdiction in Queensland, some children's court expenditure and finalisations are heard in the district court. This has not been taken into account in the above analysis. ^g In the civil jurisdiction, Queensland and SA data exclude children's court finalisations but include children's court expenditure, which creates a slightly increased expenditure per finalisation for the magistrates' courts (total). All other jurisdictions include civil children's court data.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.30 and 6A.31.

The analysis of the magistrates' court efficiency in figure 6.5 excludes electronic court expenditure and finalisations. Box 6.14 shows the impact of including electronic courts within the efficiency results of the magistrates' courts.

Box 6.14 The impact of the electronic courts on the magistrates' courts

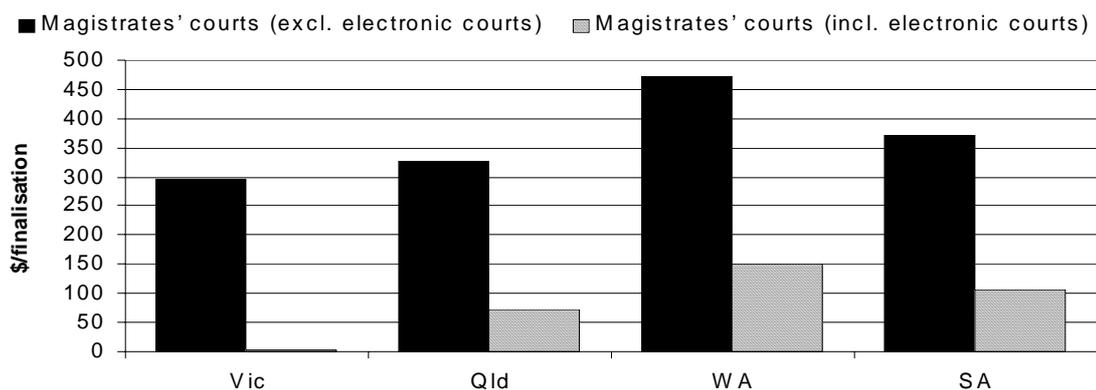
All State, Territory and Australian jurisdictions operate tribunals and specialist courts, partly to reduce the workload on courts such as the magistrates' courts.

Electronic courts — which are infringement and offence processing systems that have the status of a court and deal with matters such as unpaid infringement notices for minor traffic offences — can also reduce the workload on the magistrates' courts.

Electronic courts currently operate only in Victoria, Queensland, WA and SA. For the sake of comparability, electronic court data have been removed from the analysis of magistrates' court efficiency, as shown in figure 6.5.

The impact of the electronic court on the magistrates' court efficiency data is shown when those data include the cost (less income) of operating electronic courts, and the finalisations generated from electronic courts.

The consequent expenditure less income per finalisation for the magistrates' courts is reduced within each jurisdiction (assuming all of the matters dealt with by the electronic courts would otherwise have been dealt with by the magistrates' courts). This effect is shown in the figure below and table 6A.30.



While NSW, Tasmania, the ACT and the NT do not operate electronic courts that fall under the jurisdiction of the magistrates' courts, they have bodies (such as the NSW State Debt Recovery Office and the Motor Vehicle Registry in the ACT) that deal with unpaid infringement notices and that may have a similar impact in reducing the workload of the magistrates' courts.

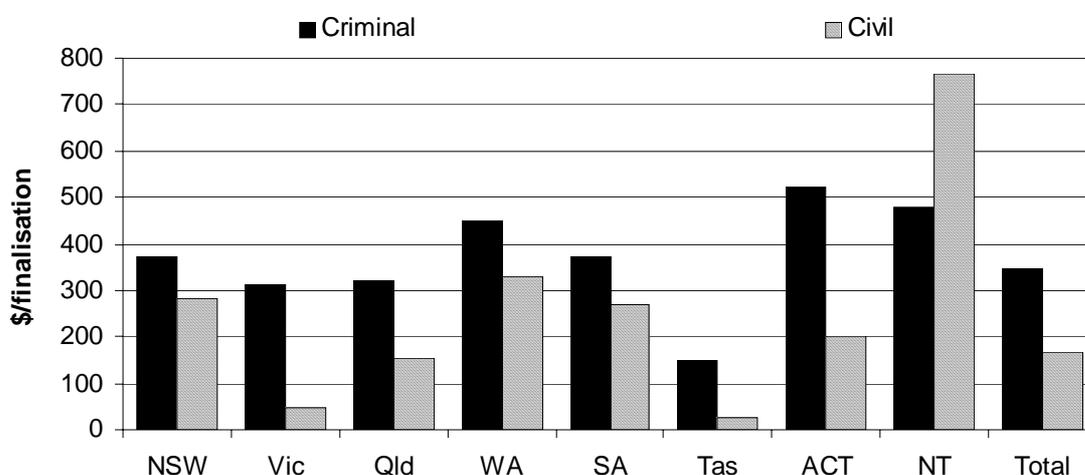
Net expenditure per finalisation for magistrates' courts only (excluding electronic and children's courts)

In 2002-03, net expenditure per criminal finalisation for magistrates' courts only (excluding electronic and children's courts) was \$348 nationally. Across jurisdictions, it was highest in the ACT (\$522) and lowest in Tasmania (\$150) (figure 6.6).

Nationally, net expenditure per civil finalisation for the magistrates' courts only (excluding children's courts) was \$165. Across jurisdictions, it was highest in the NT (\$765) and lowest in Tasmania (\$26) (figure 6.6).

The Victorian data include around 68 100 residential tenancy matters and 4800 civil claims applications, and the associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. The Australian courts do not operate in this court jurisdiction.

Figure 6.6 Net expenditure per finalisation, magistrates' courts only (excluding electronic and children's courts), 2002-03^{a, b, c, d, e, f}



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). ^b Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. ^c The Australian courts do not operate in this court jurisdiction. ^d In the civil jurisdiction, the Victorian data include around 68 100 residential tenancy and 4800 civil claims applications, and the associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. ^e In the civil jurisdiction, Queensland data include finalisations and associated expenditure from the Small Claims Tribunal. ^f The NT does not provide civil magistrates' court data and children's court data separately.

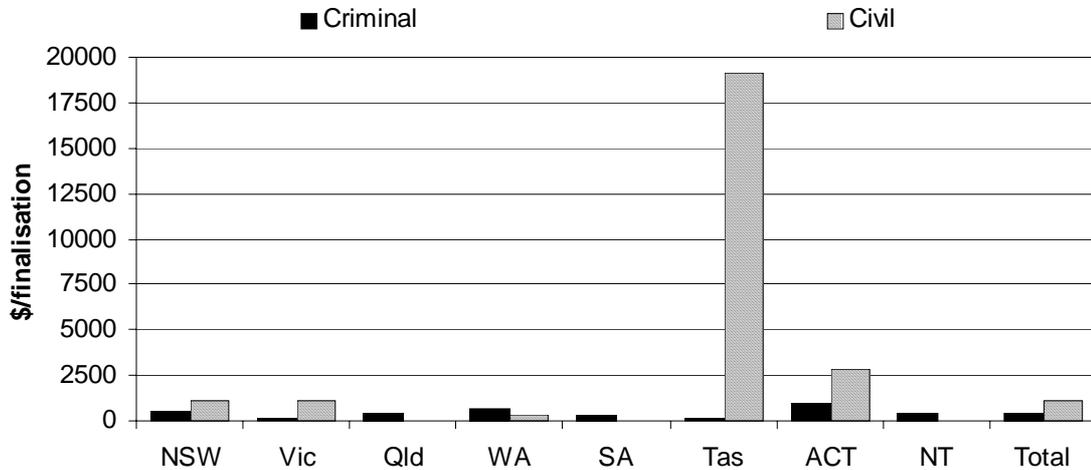
Source: State and Territory court administration authorities and departments (unpublished); tables 6A.30 and 6A.31.

Net expenditure per finalisation for children's courts

In 2002-03, net expenditure per criminal finalisation for children's courts was \$408 nationally. Across jurisdictions, it was highest in the ACT (\$967) and lowest in Victoria (\$89) (figure 6.7).

Nationally, net expenditure per civil finalisation for the children's courts was \$1141. Across jurisdictions, it was highest in Tasmania (\$19 114) and lowest in WA (\$377) (figure 6.7). The Australian courts do not operate in this court jurisdiction.

Figure 6.7 **Net expenditure per finalisation, children's courts, 2002-03^{a, b, c, d, e}**



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).
^b Excludes payroll tax for Victoria, Queensland, SA, Tasmania and the NT. ^c The Australian courts do not operate in this court jurisdiction. ^d Excludes finalisations for committals heard in the children's courts.
^e Queensland, SA and the NT have not provided children's court civil finalisations data.

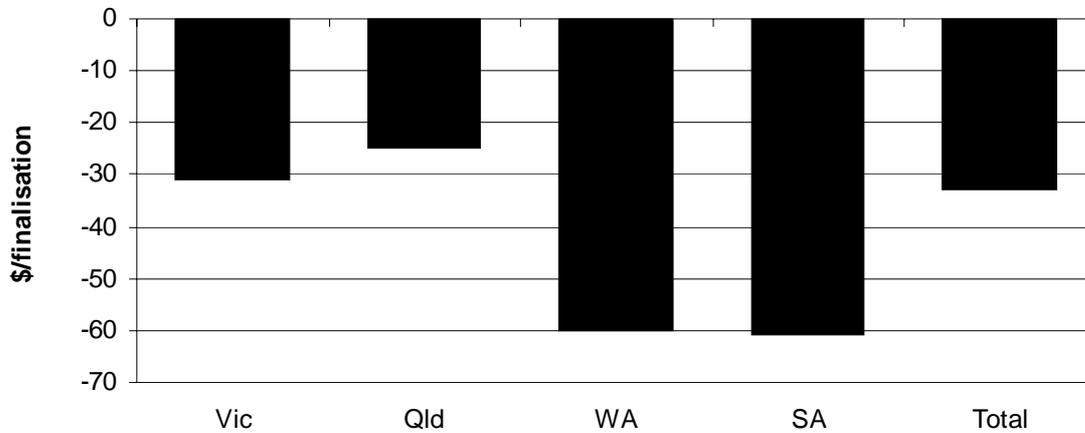
Source: State and Territory court administration authorities and departments (unpublished); tables 6A.30 and 6A.31.

Net expenditure per finalisation for electronic courts

All electronic courts in 2002-03 had income that outweighed any associated expenditure. Nationally, the income generated over expenditure per finalisation (based on unpaid infringement notices) was \$33. Across jurisdictions, it was highest in SA (\$61) and lowest in Queensland (\$25) (figure 6.8).

New South Wales, Tasmania, the ACT and the NT do not operate electronic courts. They may, however, operate bodies (such as a debt recovery office) that perform similar functions but do not operate under the auspices of a court.

Figure 6.8 Net expenditure per finalisation, electronic courts, 2002-03^{a, b, c}



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).

^b Excludes payroll tax for Victoria, Queensland and SA. ^c Electronic courts (infringement and expiated offence processing systems that have the status of a court) operate only in Victoria, Queensland, WA and SA. The electronic court data are based on unpaid infringement notices. Other jurisdictions may operate similar bodies that do not operate under the auspices of a court.

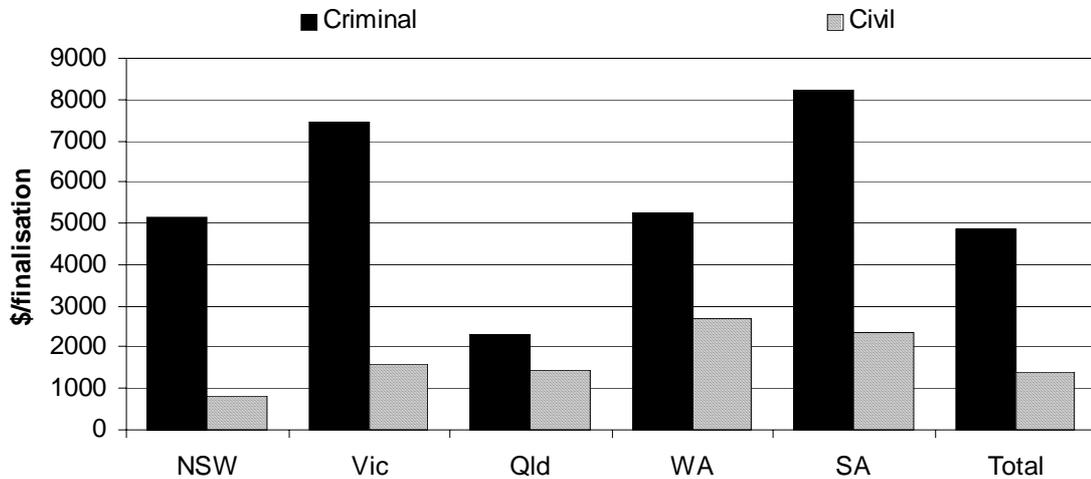
Source: State court administration authorities and departments (unpublished); table 6A.30.

Net expenditure per finalisation for district/county courts

In 2002-03, net expenditure per criminal finalisation for district/county courts was \$4879. Across jurisdictions, it was highest in SA (\$8219) and lowest in Queensland (\$2323) (figure 6.9).

Nationally, net expenditure per civil finalisation for district/county courts was \$1385. Across jurisdictions, it was highest in WA (\$2706) and lowest in NSW (\$826) (figure 6.9). Tasmania, the ACT, the NT and the Australian courts do not operate in this court jurisdiction.

Figure 6.9 **Net expenditure per finalisation, district/county courts, 2002-03^{a, b, c, d}**



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).

^b Excludes payroll tax for NSW, Victoria, Queensland and SA. ^c Tasmania, the ACT, the NT and the Australian Government do not operate district/county courts. ^d In the criminal court jurisdiction in Queensland, some children's court expenditure and finalisations are heard in the district court. This has not been taken into account in the above analysis.

Source: State court administration authorities and departments (unpublished); tables 6A.30 and 6A.31.

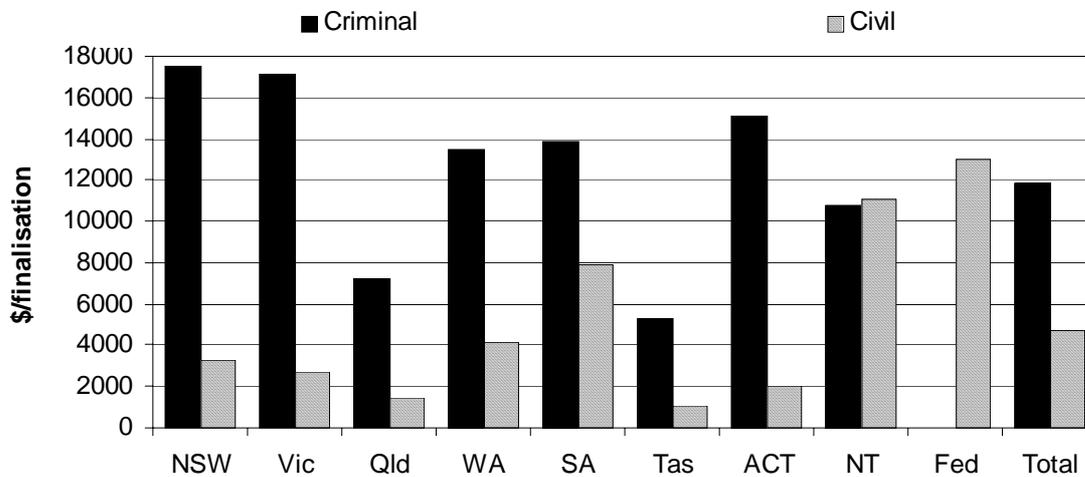
Net expenditure per finalisation for the supreme courts and the Federal Court

In 2002-03, net expenditure per criminal finalisation in the supreme courts was \$11 886. Across jurisdictions, it was highest in NSW (\$17 566) and lowest in Tasmania (\$5300) (figure 6.10).

Nationally, net expenditure per civil finalisation was \$4674. Across jurisdictions, it was highest in the NT (\$11 033) and lowest in Tasmania (\$1038) (figure 6.10).

The Federal Court's net expenditure per finalisation in the civil jurisdiction was \$13 004 (figure 6.10). Data for the Federal Court include the cost of resources provided free of charge to the Federal Magistrates Court.

Figure 6.10 Net expenditure per finalisation, supreme courts and the Federal Court, 2002-03^{a, b, c}



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).
^b Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. ^c Data for the Federal Court include the cost of resources provided free of charge to the Federal Magistrates Court. As well, the Federal Magistrates Court has an impact on the workload and costs of the Federal Court. The Federal Court does not operate in the criminal jurisdiction.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.30 and 6A.31.

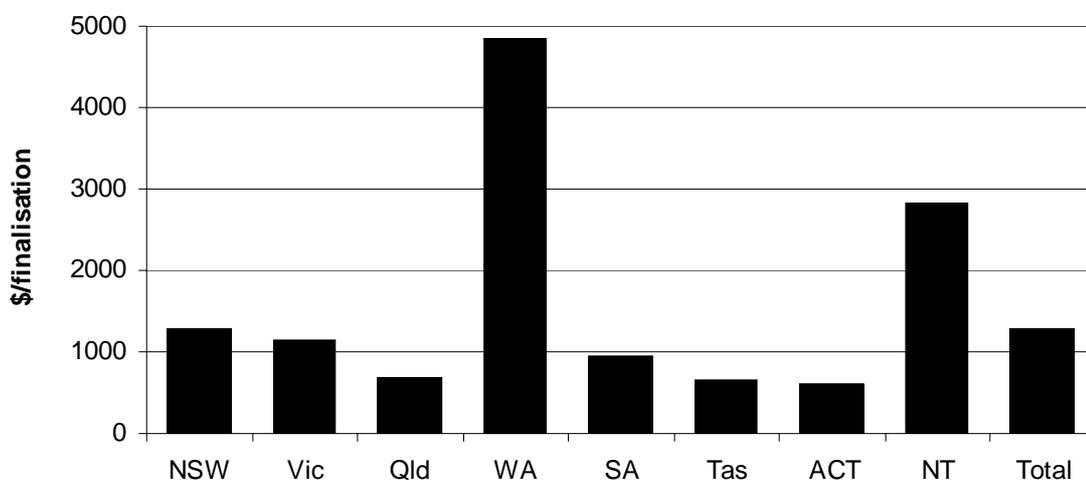
Net expenditure per reported death and fire for coroners' courts

Nationally, the coroners' courts' expenditure per reported death and fire was \$1283 in 2002-03. Across jurisdictions, it was highest in WA (\$4846) and lowest in the ACT (\$615) (figure 6.11).

Some jurisdictions have included autopsy and chemical analysis costs within their expenditure data, but others have excluded these costs because they are incurred outside their immediate control.

Data for NSW, Queensland and the ACT include fires reported to the coroner; all other jurisdictions exclude these data, so care needs to be taken when making comparisons. The Australian courts do not operate in this court jurisdiction.

Figure 6.11 Net expenditure per finalisation, coroners' courts, 2002-03^{a, b, c, d}



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).

^b Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. ^c Data for NSW, Queensland and the ACT include fires reported to the coroner. All other jurisdictions do not include these data.

^d WA and ACT include expenditure on autopsy and chemical analysis work. WA expenditure includes \$1.1 million and \$2 million incurred directly and indirectly, respectively, for autopsy and chemical analysis work. Some jurisdictions could not ascertain autopsy and chemical analysis costs because they are incurred outside their immediate control.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.30.

Net expenditure per lodgment for family courts and the Federal Magistrates Court

The Family Court of WA could not compile information on the number of finalisations for this reporting period. Lodgment data, however, are available. As a result, the efficiency measure used is 'expenditure less income per lodgment'.

The establishment of the Federal Magistrates Court has implications for the number of finalisations and expenditure associated with the Family Court of Australia. The intention is for the Federal Magistrates Court to take on some of the workload previously managed by the Family Court of Australia (and the Federal Court).

In 2002-03, net expenditure per lodgment was \$1608 for the Family Court of Australia and \$883 for the Family Court of WA (figure 6.12). The data for the Family Court of Australia exclude an estimate of the 'free' allocations of the Family Court's resources to the Federal Magistrates Court. The introduction of the Federal Magistrates Court also has implications for comparisons between the two family courts. The Federal Magistrates Court received \$4.5 million worth of resources provided free of charge from the Federal Court and Family Court of Australia. In 2002-03, expenditure less income per lodgment for the Federal Magistrates Court was \$274.

Figure 6.12 Net expenditure per lodgment, family courts, 2002-03^{a, b}



^a Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). ^b The introduction of the Federal Magistrates Court has expenditure and lodgment implications for the Family Court of Australia. The Family Court of Australia's civil lodgment data exclude instances where Family Court of Australia's deputy registrars are given delegation to conduct Federal Magistrate Court divorce applications.

Source: Australian and WA court administration authorities and departments (unpublished); tables 6A.2 and 6A.13.

Outcomes

There are no outcome indicators for court administration. It is noted, however, that the activities of court administrators lead to broader justice-wide outcomes that are not readily picked up in this service specific chapter.

6.4 Future directions in performance reporting

Improving data quality

Differences across States and Territories in the jurisdiction of courts, and in the allocation of cases between courts, affect the comparability of equity, efficiency and effectiveness data. The different methods undertaken to collect the data can also have an impact on data consistency and quality.

The Review, through the Court Administration Working Group and the Courts Practitioner Group, is taking substantive steps to improve data quality, including:

-
- assessing and implementing recommendations associated with the *ABS Courts Administration Data Collection National Report* on lodgments and finalisations
 - clearly defining issues pertaining to the scope of the data collection and reporting within the chapter
 - assessing the most appropriate way in which to collect and publish data
 - amending data definitions
 - improving data verification and data quality

These changes are ongoing and incremental.

6.5 Jurisdictions' comments

This section provides comments from each jurisdiction on the services covered in this chapter. Appendix A contains data that may assist in interpreting the performance indicators presented in this chapter. These data cover a range of demographic and geographic characteristics, including age profile, geographic distribution of the population, income levels, education levels, tenure of dwellings and cultural heritage (including Indigenous and ethnic status).

New South Wales Government comments

“ In 2002-03 the NSW Attorney General’s Dept has focused on continued improvements in court performance, the expansion of crime prevention programs, the development of initiatives to improve outcomes for Aboriginal people who come into contact with the justice system, the delivery of electronic services for the community, and the use of information technology in transforming the Department’s business processes.

The courts saw a continuation of the trend of reducing pending caseloads, court waiting times and delays from committal to outcome, and increasing the percentages of proceedings finalised within six and 12-month periods.

An expansion of the Magistrates Early Referral Into Treatment (MERIT) program for offenders with illicit drug problems means the program is now available in 50 Local Courts.

A specialist child sexual assault jurisdiction is being piloted in Western Sydney, which aims to protect children involved as complainants in criminal proceeding from further trauma and victimisation.

The circle sentencing trial begun in Nowra in 2002 is continuing. Preparations have begun to implement circle sentencing at Dubbo, with Brewarrina and Walgett to follow in the coming year. The Aboriginal Specialist program has created 15 Aboriginal and Torres Strait Islander positions at Local Courts in metropolitan and regional areas with high Aboriginal and Torres Strait Islander populations. This program improves access to the Department’s services and these specialists also work with other agencies to run crime prevention programs and programs to reduce re-offending.

The Lawlink NSW website (www.lawlink.nsw.gov.au) experienced significant growth during the year, maintaining Lawlink’s position as one of Australia’s premier legal and government websites. For example, the Caselaw site now regularly receives some 900,000 hits per month, an increase of 100 per cent in 12 months.

There has been further development of NSW new computerised courts administration system, CourtLink. The system was successfully implemented in the Adoptions area of the Supreme Court in June 2003. This is the system’s first implementation and represents a major milestone for the project and the Department. Extensive work is also being undertaken to review and streamline business processes across the Supreme, District and Local Courts to prepare them for CourtLink.”

Victorian Government comments

“ In 2002-03, Victorian Courts introduced new technology, pilot programs and improved listing protocols furthering a commitment to the delivery of an accessible, efficient justice system and improved case management. Major initiatives and achievements included:

- Enhanced "in-court" technology at the Supreme Court (including real-time transcript, e-court technology, transcript analysis tools and video-conferencing facilities) facilitated a more efficient use of courtroom and judicial resources. The introduction of a new Juries Information Management System enabled the Juries Commissioner to meet the more demanding requirements of the Juries Act 2000.
 - The County Court implemented intensive criminal pre-trial management practices to support the Crimes (Criminal Trials) Act 1999. A comprehensive civil trial-listing regime was introduced to strategically address the caseload arising from the reintroduction of the common law right to sue for work related injuries. In addition, a new program for early inspection of subpoenaed materials before the registrar assisted in reducing civil trial case processing times.
 - Pilot mediation programs for civil claims above \$30,000 and for designated Intervention Order complaints was introduced at the Magistrates' Court. Improved Listing Protocols and extended operation of the CREDIT program and the Koori Court to include more regional courts/areas were further achievements. The Enforcement Review Program commenced at Melbourne Magistrate's Court and provided support to offenders with special needs (mental illness, physical disability) who incurred multiple fines.
 - Court Services facilitated improved communications between Courts and Tribunals and the government, and provided a focus for the administrative and strategic planning of Courts and Tribunals. The Attorney-General's Justice Statement and the Court Strategic Directions framework projects continued to develop strategic directions for the Attorney-General's portfolio over the next 10 years.
 - During 2002-03, the regional courthouses in Horsham, Wangaratta, and Bendigo were upgraded at a cost of \$2.64 mil. Works included building extensions and upgrades, disability access and heating / cooling systems. Construction of two new court houses commenced at Mildura and Warrnambool. Both are due to be completed in late 2004.
- ”

Queensland Government comments

“ Queensland courts' performance in 2002-03 continues to achieve high standards of efficiency and effectiveness. Key initiatives not covered in the Report include:

- The Integrated Justice Information System project is a whole-of-government initiative charged with planning and implementing integrated justice solutions in collaboration with government agencies. The project will deliver a number of initiatives over five years. The first stage in 2003-4 involves the electronic transfer of bench charge sheets and related information from police to courts, with wide enquiry access to court lists.
 - The Coroners Act 2003 will commence on 1 December 2003. This is a major reform of the coronial jurisdiction. It provides for the coordination of the activities of coroners across the State by a new Office of the State Coroner, changes the criteria for deaths that must be subject to an inquest and creates new autopsy procedures.
 - The Evidence (Protection of Children) Amendment Act 2003 is designed to minimise the exposure of child witnesses to cross-examination in court. It enables a video recording of a child's evidence and cross-examination given through Closed Circuit Television from a protected witness room at a preliminary hearing in a higher court, to be admissible at a subsequent trial.
 - An expansion program for the courts videoconferencing network will see an increase from eight courts to 35 by June 2004, with a further three the following year. The program includes sound reinforcement in courts and the installation of inductions loops for the hearing impaired.
 - The Queensland Drug Court initiative diverts eligible offenders from custody into intensive treatment for their drug dependency with a suspended sentence. Since its commencement in SE Queensland in June 2000, over 70 participants have graduated. An evaluation of the court by the Australian Institute of Criminology recommended minor improvements. The extension of the court to North Queensland in November 2002 has been successful with one graduate to date.
 - The Murri Court for Indigenous defendants in Brisbane has been accepted well, and a second court has commenced in Rockhampton.
 - The new Central Magistrates Courts complex in Brisbane is expected to be completed by October 2004. The design has given priority to security and convenience to members of the public. Innovative technology has been used throughout the building. In line with Government policy, 2 per cent of the capital cost is being spent on public art.
 - New courthouses will be opened at Mackay, Richlands and Cooktown during the year.
- ”

Western Australian Government comments

“ Western Australian courts welcome the new performance indicator framework that has been implemented during the 2002-03 year. As this is the transition year, between the old and new reporting framework, comparative data has not been available for all data items and tables within the report. The provision of the new data has been further complicated by the implementation of new information technology systems during the course of the year. It is anticipated that Western Australian courts will provide a complete data set in 2003-04.

Western Australia's major jurisdictions generally continue to resolve the majority of their caseloads in a timely manner. The timeliness for resolution of trial cases is in some cases less than consistent with national trends, as are some backlog results. There are a number of reasons for these results including the fact that the various jurisdictions work to clear their caseloads within agreed state timeliness standards (rather than the national benchmarks) and operational issues including case management practices relative to specific case types.

Although care should be taken in interpreting attendance and case clearance rates, Western Australia's results are generally consistent with other jurisdictions.

In terms of average cost per finalisation, Western Australia's jurisdictions generally rate in the middle of comparative jurisdictions.

Major projects underway with Western Australia include:

- Implementation of the Integrated Courts Management System (ICMS) that aims to provide a single information technology system to replace 14 existing legacy Information technology systems. The system was successfully implemented into the District Court civil jurisdiction during the year.
 - Development of a detailed case study for a proposed Central Business District Courts complex was completed during the year. The facility plans to bring together the criminal case requirements of the Supreme, District, and Magistrates' courts, thereby providing for all criminal trials in the central business district to be managed in the one facility.
 - Draft legislation has been introduced into Parliament to establish a State Administrative Tribunal (SAT), a single independent appeal body to replace nearly 50 separate industry and public tribunals and boards. If the legislation is passed SAT will be the most comprehensive administrative appeals system of any jurisdiction in Australia.
- ”

South Australian Government comments

“ The South Australian Courts have continued to pursue a range of strategies designed to improve the flow of matters through the various Courts.

In the Magistrates Court, two projects have been undertaken in collaboration with the Attorney-General's Department and other organisations involved in the processes of the Courts. One has had the aim of understanding the reasons for the currently high level of adjournments before a matter is finalised. The other has assessed the potential for making greater use of video conferencing, particularly between prisons and Courts, to expedite simple process hearings.

Each of these projects produced a number of recommendations which are proceeding to implementation. The Report of Government Services 2004 highlights the relatively low number of criminal matters proceeding to trial in South Australia in all Courts but particularly in the Magistrates Court. Over 98 per cent of criminal matters in the Magistrates Court are resolved by guilty plea. However, the proportion of initial pleas of not guilty is believed to be reasonably high for a Court of Summary jurisdiction. Much of the work of the Magistrates Court involves hearings and conferences from which guilty pleas emerge. Whilst this avoids expensive trials the Courts are interested in whether these processes can occur more quickly.

It is evident from the 2004 Report that in all Civil jurisdictions and in Magistrates Court (Criminal) South Australia has a low proportion of matters resolved by trial relative to lodgments. This reflects a desire by all Courts in civil matters to achieve resolution by alternative dispute resolution methods. However, this does impact on the timeliness of disposition as resolution is not always within the control of the Court.

In the District and Supreme Courts, a detailed examination has occurred of the listing processes to see if greater consistency can be achieved between what is expected to take place when a matter is listed for trial and what actually takes place. Although not covered by data included in the Report of Government Services, South Australian Court administrators have noted that a high proportion of trials listed do not take place on the day that they are scheduled. Many reasons seem to exist for this although very few of them are within the control of the Courts (such as unavailability of Courtrooms, Judicial Officers or Court staff). However, the changes, often at very late notice, do impact greatly on the Courts' ability to achieve more timely disposition of cases. Understanding the causes of such a high proportion of late notifications that a trial will not be proceeding and, where appropriate, dealing with the causes, remains a priority. ”

Australian Capital Territory Government comments

“

The report properly reflects the structural differences between the two-tiered court systems that operate in the ACT, the Northern Territory and Tasmania, and the three-tiered systems operating in the balance of the States. It remains important that the results in this report are interpreted in that context.

Overall, the ACT is very supportive of this year's adoption of an improved reporting framework based on revised national Key Performance Indicators. The potential improvements in accuracy and comparability enabled by this change represent a long-term strategy to delivery better value in terms of public transparency and accountability for the considerable data collection investment made each year. The new framework provides far more relevant, and therefore useful, indicators of better practice in courts administration. Stability in the core elements in the new framework will become increasingly important over time as the national KPI's are embedded into the operating systems and other reporting frameworks for the ACT's Courts and Tribunals.

During the reporting year, ACT Law Courts and Tribunals successfully completed implementation of a new proprietary computerised case management system for the Court of Appeal. Preparatory work for Stage 2 of the project (the criminal jurisdictions) is well advanced and the target of completing the replacement of all legacy systems by 2005-06 remains on track and on budget.

The occurrence of the most significant natural disaster in the Territory's history, the January 2003 firestorm, required a new approach to providing in-court information technology support to the ACT Coroner's Bushfire Inquiry. These innovations will, no doubt, have implications for how this type of support is provided to our courts into the future.

2002-03 also saw real advances in the areas of:

- reducing the number of Supreme Court pending criminal cases
- introducing additional dispute resolution systems by external mediation for both Supreme Court civil and Administrative Appeals Tribunal cases
- a shared commitment by the Government and the Judiciary to harmonised and simplified court rules across all jurisdictions
- common-form customer service surveys for both courts, to better understand and address the comparative quality issues most relevant to our services.

ACT Law Courts & Tribunals also became an active partner with the other justice and community sector agencies under the ACT Criminal Justice Strategic Plan, reflecting the Government's commitment to better social outcomes through whole-of-government cooperation and collaboration.

”

Northern Territory Government comments

“ In conjunction with the Department’s strategic management and continuous improvement process, Courts Administration refreshed the business plan this reporting year. Highlights and plans and that have come to fruition follow:

- The Drug Court commenced operating in the Magistrates Court in Alice Springs and Darwin in June 2003. The program operates as a Bail program and offenders are not required to enter a plea prior to being eligible for assessment. A defendant’s commitment to rehabilitation can be monitored by the presiding Magistrate and where eligible, may have successful treatment taken into consideration at sentencing. Offenders outside of Darwin can be assessed but must be able to reside in either Darwin or Alice Springs for any treatment period.
- Circuit Courts, which are primarily the Court of Summary Jurisdiction sitting in remote locations, continued to be well received and highly regarded by communities, leading to an increase in locations (currently 25) and sitting days. The monthly and bi-monthly visits by presiding Magistrates enhance the justice process through a range of factors including increased rate of attendance by defendants, as well as reducing apprehension, witness and adjournment costs. By spending the time in each community, the magistrate builds trust, develops an understanding of the social and cultural views, particularly those of elders, while the community benefits through education and a sense of involvement in the justice system.
- Courts Administration continued to assist the Chief Justice and the Chief Magistrate in the implementation of a number of Courts and the Public initiatives to enhance public confidence in, improve access to and encourage knowledge of the courts system. An Education Liaison Officer was appointed to provide services on behalf of the Higher and Lower Courts. The education officer also worked closely with the Department of Education Employment and Training to facilitate the Courts’ contribution to the National Discovering Democracy Project.
- The continued expansion of Video Conferencing facilities has resulted in the successful installation and use of facilities in Tennant Creek. A special project team is piloting expanded use of technology in remote centres as a way to compliment Circuit Courts, while reducing non-essential travel.
- In partnership with the judiciary, a Courts and Technology Strategy committee was established to develop, monitor and drive the implementation and ongoing strategies for the use of all technologies, including information and information systems, within the Northern Territory Courts. The committee will determine the Court's priorities and future needs, while Courts Administration will be responsible for their implementation.”

6.6 Definitions

Table 6.26 Terms and indicators

<i>Terms</i>	<i>Definition</i>
Accommodation expenditure	Depreciation, actual rent or imputed rent on court owned or occupied land and buildings, as well as expenditure on electricity, gas, water, telecommunications, cleaning, gardening and maintenance. Where used, the imputed rent is calculated using the market lease value of the floor area of all properties occupied by the court. Imputed rent equals the square metres multiplied by the market price per square metre of similar grade office space in a similar location.
Active pending population	A lodgment that is yet to be finalised but is part of the case management of court administrators.
Average expenditure per civil case	The total cost of the administrative services provided to civil matters divided by the total number of civil files handled. Includes salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses.
Attendance Index	The average number of attendances for each finalisation in the reporting period. An attendance is defined as 'the number of times that parties or their representatives were required to be present in court (including any appointment which is adjourned or rescheduled) for all finalised matters during the year. The actual attendance is one which is heard by a judicial officer or mediator/arbitrator.'
Backlog Index	A measure of case processing timeliness. It is the number of cases older than the applicable reporting standard, divided by the total pending caseload (multiplied by 100 to convert to a percentage).
Bench warrant	A warrant issued by a court for the arrest of a person who has been indicted.
Case	The measurement of workload in the civil jurisdiction. It is the issues, grievances or complaints that constitute a single and related series of disputes brought by an entity (or group of entities) against another entity (or group).
Clearance index	A measure of whether a court is keeping up with its workload. It is the number of finalisations in the reporting period divided by the number of lodgments in the same period (multiplied by 100 to convert to a percentage).
Cost recovery	The level of court fees divided by the level of court expenditure.
Court fees collected	Total court income from fees charged in the civil jurisdiction. Includes filing, sitting hearing and deposition fees, and excludes transcript fees.
Court locations	A single street address of a court. Where a location or facility provides services for both criminal and civil cases, or where superior courts sit in lower court facilities on circuit, these locations are counted separately for each jurisdiction. This category includes: locations that provide registry services on a permanent basis, at which a court hearing is listed for determination before a judicial officer; locations where hearings are listed for determination before a judicial officer in a facility that does not provide full time or part time registry services; and all permanent court locations providing full time or part time registry services, at which there are no matters listed before a judicial officer.

(Continued on next page)

Table 6.26 (Continued)

<i>Terms</i>	<i>Definition</i>
Electronic court	A court with the capacity to produce enforceable orders against defendants (such as fines, licence cancellation and incarceration) and to process infringements, on-the-spot fines and summary offences.
Excluded courts and tribunals	Guardianship boards, environment resources and development courts, and administrative appeals tribunals.
Finalisation	The completion of a matter so it ceases to be an item of work to be dealt with by the court. Finalisations are derived from timeliness data that may not reflect the total matters disposed by the courts in the reporting period.
Forms	The counting unit used in the family courts and family law matters pertaining to the Federal Magistrates Court. Forms are applications or notices lodged with the court.
Geographic accessibility	The number of metropolitan locations, divided by the total number of court locations, expressed as a percentage.
Income	Income derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).
Information technology expenditure	Non-salary and salary expenditure on information technology. Excludes capital expenditure on information technology infrastructure and includes licensing costs, computer leasing costs, the cost of consumables (such as data lines, paper and disks), training fees, access fees (for example, catalogue search and Internet access) and maintenance charges for software and hardware.
Inquests and inquiries held	Court hearings to determine the cause and circumstances of deaths reported to the coroner. Includes all coronial inquests and inquiries in full court hearings.
Judicial officer	Judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on the judicial activity.
Judicial and judicial support salaries	All salary expenditure and payments in the nature of salary, paid to employees of court administration. Includes base salaries, the employer-contributed component of superannuation, workers compensation (full cost, inclusive of any levies, bills and legal fees), higher duty allowances, overtime, actual and accruing terminal and long service leave, fringe benefits tax, and untaxed fringe benefits and payroll tax. (Judicial officers include judges, magistrates, masters, judicial registrars and other judicial officers who fulfil a primarily judicial function. Judicial support staff include judicial secretaries, tipstaff and associates).
Library expenditure	Non-salary and salary expenditure on court operated libraries. Non-salary expenditure includes book purchases, journal subscriptions, fees for interlibrary loans, copyright charges, news clippings service fees and photocopying. Expenditure also includes current information technology costs and court administration contributions towards the running costs of non-government operated libraries. Any costs recovered through borrowing and photocopy fees by court operated libraries are subtracted from expenditure.

(Continued on next page)

Table 6.26 (Continued)

<i>Terms</i>	<i>Definition</i>
Lodgment	The initiation or commencement of a matter before the court. The date of commencement is counted as the date of registration of a court matter.
Matters	<p><i>Coronial matters:</i> Deaths and fires reported to the coroner in each jurisdiction, including all reported deaths and fires regardless of whether the coroner held an inquest or inquiry. Coronial jurisdictions could extend to manners of death of a person who was killed; was found drowned; died a sudden death of which the cause is unknown; died under suspicious or unusual circumstances; died during or following the administration of an operation of a medical, surgical, dental, diagnostic or like nature; died in a prison remand centre or lockup; or died under circumstances that (in the opinion of the Attorney-General) require that the cause of death be more clearly ascertained.</p> <p><i>Criminal matters:</i> Matters brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions but could also be the Attorney-General, the police, local councils and traffic camera branches.</p> <p><i>Civil matters:</i> Matters brought before the court by individuals or organisations against another party, such as small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction.</p> <p><i>Excluded matters:</i> Extraordinary driver's licence applications; any application on a pending dispute; applications for bail directions or judgment; secondary processes (for example, applications for default judgments); interlocutory matters; investigation/examination summonses; firearms appeals; escort agents' licensing appeals; pastoral lands appeals; local government tribunals; police promotions appeals; applications appealing the decisions of workers compensation review officers.</p> <p><i>Probate:</i> Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person.</p>
Method of finalisation	The process that leads to the completion of a criminal charge within a higher court so it ceases to be an item of work in that court.
Method of initiation	How a criminal charge is introduced to a court level.
Non-adjudicated finalisation	A judgment or decision by the court as to whether the defendant is guilty of the charge laid against him or her — for example, whether the defendant pleaded guilty or was found guilty by the court, or was acquitted.
Non-urban area	Remote areas (defined in terms of low population density and long distances to large population centres) and rural areas (which include the remainder of non-urban statistical local areas).
Other expenditure	Expenditure on consultants, expert witnesses, mediators, interpreters, motor vehicles, court registries, first-line support staff, and overheads where incurred by the court administration agency.

(Continued on next page)

Table 6.26 (Continued)

<i>Terms</i>	<i>Definition</i>
Probate registry expenditure	Salary expenditure of the probate registrar and probate clerks, along with non-salary expenditure directly attributable to probate registries.
Real expenditure	Actual expenditure adjusted for changes in prices using the GDP(E) price deflator and expressed in terms of final year prices.
Sheriff and bailiff expenditure	Expenditure on court orderlies, court security, jury management and witness payment administration. For the civil jurisdiction, it includes expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it includes expenditure on police officers permanently attached to the coroner for the purpose of assisting in coronial investigations. Excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security.
Timeliness	<p>The proportions of <i>total criminal cases</i> completed that are completed within six months, six to 12 months, 12 to 18 months and more than 18 months after lodgment. Cases are sorted according to the time taken to finalise after lodgment.</p> <p>The proportions of <i>total civil cases</i> completed that are completed within six months, six to 12 months, 12 to 18 months and more than 18 months after lodgment. Cases are sorted according to the time taken to finalise after lodgment.</p>
Umbrella department expenditure	Expenditure incurred by the umbrella department (the ministry or department of justice or the Attorney-General). Includes expenditure on accounting, human resources functions, training, media liaison, research, policy, property management and administration.
Urban area	State and Territory capital city statistical divisions and other urban areas (which are urban centres of 100 000 people or more).
Withdrawn	The formal withdrawal of charges by the prosecution (that is, by police, the Director of Public Prosecutions or the Attorney-General).

6.7 References

ABS (Australian Bureau of Statistics) unpublished, *Australian Demographic Statistics*, Cat. no. 3101.0, Canberra

——a unpublished, *Estimated Residential Population by Age and Sex in Statistical Local Areas, Australia*, Cat. no. 3227.0, Canberra.

Commission on Trial Court Performance Standards 1989, *Tentative Trial Court Performance Standards with Commentary*, National Center for State Courts and Bureau of Justice Assistance, US Department of Justice, United States.

DPIE (Department of Primary Industries and Energy) and DSHS (Department of Human Services and Health) 1994, *Rural, Remote and Metropolitan Classification 1991 Census Edition*, AGPS, Canberra.

Family Court of Australia 2002, www.familycourt.gov.au (accessed October 2002).

FMS (Federal Magistrates Service) 2002, www.fms.gov.au (accessed October 2002).

SCRGSP (Steering Committee for the Review of Government Service Provision) 2003, *2003 Data Collection Manual*, Courts Administration Working Group, Melbourne.

Wright, T. 2002, *National Key Performance Indicators for Courts*, Discussion paper prepared for the Attorney-General's Department of NSW, Sydney.

