
7 Court administration

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Attachment tables

Attachment tables are identified in references throughout this chapter by an 'A' suffix (for example, table 7A.3). A full list of attachment tables is provided at the end of this chapter, and the attachment tables themselves are available on the CD-ROM enclosed with the Report or from the Review website at <www.pc.gov.au/gsp>.

7.1 Profile of court administration services

This chapter focuses on administrative support functions for the courts, not on the judicial decisions made in the courts. The primary support 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.

The courts for which these services are covered in the chapter are State and Territory supreme, district/county and magistrates' (including children's) courts, electronic infringement and enforcement systems, coroners' courts and probate registries. The chapter also covers the Federal Court of Australia, the Family Court of Australia, the Family Court of WA and the Federal Magistrates Court of Australia. The chapter does not include information on the High Court of Australia, and broadly excludes tribunals and specialist jurisdiction courts (for example, Indigenous and circle sentencing courts and drug courts are excluded).

Roles and responsibilities

State and Territory court levels

There is a hierarchy of courts within each State and Territory. Supreme courts hear disputes of greater seriousness than those heard in the other courts. Supreme courts also develop the law and operate as courts of judicial review or appeal. For the majority of states and territories, the hierarchy of courts is as outlined below (although Tasmania, the ACT and the NT do not have a district/county court):

- supreme courts
- district/county courts
- magistrates' courts.

Within certain court levels, a number of specialist jurisdiction courts (such as Indigenous and circle sentencing courts and drug 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. Specialist jurisdiction courts (other than the children's courts, family courts and coroners' courts) and tribunals are outside the scope of this Report and excluded from reported data where possible.

Differences in State and Territory court levels mean that the allocation of cases to courts varies across states and territories (boxes 7.1 to 7.3). As a result, the seriousness and complexity of cases heard in a court level can also vary across States or Territories. Therefore, any comparison of administrative performance needs to account for these factors.

Box 7.1 Supreme courts 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 in this court level across the states and territories:

- given that district/county courts do not operate in Tasmania, the ACT or the NT, the supreme courts in these states and territories 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 number and type of appeals vary because NSW, Victoria and Queensland also hear some appeals in their district/county courts.

Civil

All supreme courts deal with appeals and probate applications.

NSW: Has an unlimited jurisdiction on claims, but usually deals with complex cases, all claims over \$750 000 (except claims related to motor vehicle accidents or worker's compensation) and various other civil matters.

Victoria: Has an unlimited jurisdiction on claims.

Queensland: Has an unlimited jurisdiction on claims, but usually deals with claims over \$250 000 and administrative law matters.

WA: Has an unlimited jurisdiction on claims, but usually deals with claims over \$500 000.

SA: Deals with unlimited claims for general and personal injury matters.

Tasmania: Has an unlimited jurisdiction on claims, but usually deals with claims over \$20 000.

ACT: Has an unlimited jurisdiction on claims.

NT: Has an unlimited jurisdiction on claims, and also deals with mental health, family law and *Coroners Act 1993* applications.

Source: State and Territory court administration authorities and departments.

Box 7.2 District/county courts jurisdiction across states and territories

A district/county court level 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 this court level in each State that has a district/county court. The following are examples of the jurisdiction of the criminal district/county courts:

NSW: The 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 or murder.

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

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

SA: The SA District Court is the principal trial court and has jurisdiction to try a charge of any offence except treason or murder or offences related to those charges. 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: Deals with claims up to \$750 000 and unlimited claims in motor accident cases.

Victoria: Has unlimited jurisdiction in both personal injury claims and other claims. Also deals with appeals under the *Crimes (Family Violence) Act 1987*, adoption matters and change-of-name applications.

Queensland: Deals with claims between \$50 000 and \$250 000.

WA: Deals with claims up to \$500 000 and unlimited claims for personal injuries.

SA: Deals with unlimited claims for general and personal injury matters.

Source: State and Territory court administration authorities and departments.

Box 7.3 Magistrates courts jurisdiction across states and territories

Criminal: All magistrates' courts deal with criminal matters.

NSW: Deals summarily with matters with a maximum penalty of up to two years imprisonment for a single offence, and up to five years imprisonment for multiple offences, including some indictable offences.

Victoria: Deals with summary offences and determines some indictable offences summarily.

Queensland: Deals with summary offences and determines summarily some indictable matters which have a maximum penalty of up to three years imprisonment imposed.

WA: Deals with summary offences and determines some indictable offences 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 for a single offence and up to five years imprisonment for multiple offences. Also deals with some indictable offences 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: Deals with 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: Deals with small claims up to \$10 000 and general division claims up to \$60 000, as well as family law matters.

Victoria: Deals with up to \$100 000 for monetary damages, as well as applications for equitable relief and applications under the *Crimes (Family Violence) Act 1987*.

Queensland: Deals with 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 debt recovery and damages (not personal injury) up to \$50 000, minor cases up to \$7500, residential tenancy disputes and restraining orders.

SA: Deals with small claims up to \$6000, commercial cases up to \$40 000 and personal injury claims up to \$80 000.

Tasmania: Deals with claims up to \$20 000 (or more if both parties consent) for monetary damages and debt recovery, minor civil claims up to \$5000, residential tenancy disputes, restraint orders and family violence orders.

ACT: Deals with small claims up to \$10 000, other claims up to \$50 000, residential tenancy disputes over \$10 000 and matters under the *Domestic Relations Act 1994*.

NT: Deals with claims up to \$100 000 and workers' compensation claims.

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 courts level)
- children's courts (separate from the magistrates' courts level)
- electronic infringement and enforcement systems (separate from the magistrates' courts level)
- coroners' courts (separate from the magistrates' courts level).

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

Probate

In all states and territories, 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

Children's courts are specialist jurisdiction courts that, depending on the State or Territory legislation, may hear both criminal and civil matters.

Children's courts deal with complaints of offences alleged to have been committed by young people. In all states and territories except Queensland, defendants under the age of 18 are considered as children or juveniles. In Queensland, defendants are considered adults if aged 17 or older at the time the offence was committed. In all states and territories, children under the age of 10 years cannot be charged with a criminal offence (ABS 2007).

Children's courts may also hear matters where 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 infringement and enforcement systems

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

Data for electronic infringement and enforcement systems are presented with criminal jurisdiction data in this chapter.

Coroners' courts

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/or 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 in others the coroner is prohibited from making any finding of criminal or civil liability (but may refer the matter to the Director of Public Prosecutions). Suspicious fires are generally within the jurisdiction of the coroners' courts (except in Queensland, WA, SA and the NT). Coroners' courts are distinct from other courts not only because they have a role in inquiring into the cause of sudden and unexpected deaths (and suspicious fires), but also because they have other functions, including reporting inadequacies in regulatory systems.

Data for coroners' courts are presented with civil jurisdiction data in this chapter.

Australian court levels — specific elements

The following hierarchy of courts exists for the Australian courts:

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

Data for the High Court are not published in this Report.

The following sections highlight the relationship between the other three Australian courts.

Federal Court of Australia

This court is a superior court of record and a court of law and equity. It sits in all capital cities and elsewhere in Australia from time to time.

The Federal Court has jurisdiction to hear and determine any civil matter arising under laws made by the Federal Parliament, as well as any matter arising under the Constitution or involving its interpretation. The Federal Court also has original jurisdiction in respect of specific subject matter conferred by over 150 statutes of the Federal Parliament.

The Federal Court has a substantial and diverse appellate jurisdiction. It hears appeals from decisions of single judges of the Federal Court, decisions of the Federal Magistrates Court in non-family law matters, decisions of the Supreme Court of Norfolk Island and certain decisions of State and Territory supreme courts exercising federal jurisdiction.

The Federal Court does not have a criminal jurisdiction.

Family Court of Australia and Family Court of Western Australia

The Family Court of Australia has jurisdiction in all states and territories except WA (which has its own Family Court). It has jurisdiction to deal with matrimonial cases and associated responsibilities, including divorce proceedings, financial issues and children's matters such as who the children will live with, spend time with and communicate with, as well as other specific issues relating to parental responsibilities. It can also deal with ex-nuptial cases involving children's matters. A practice direction was issued by the Family Court of Australia with agreement from the Federal Magistrates Court, that from November 2003 all divorce

applications are to be lodged in the Federal Magistrates Court. However, registrars of the Family Court of Australia, under delegated powers from the Federal Magistrates Court, still determine about 10 per cent of divorce applications lodged in the Federal Magistrates Court. A small number of divorce applications are initiated in the Family Court of Australia when these arise within other proceedings before the Family Court of Australia. This practice direction does not affect the Family Court of WA. The Family Court of WA, unlike the federal family law courts, has an additional jurisdiction (since 2004) to deal with financial matters between parties that were in a de facto relationship. On 21 November 2008, the Commonwealth Parliament passed the *Family Law Amendment (De Facto Financial Matters And Other Measures) Act 2008*. This act confers jurisdiction on the Family Court of Australia and the Federal Magistrates Court to deal with financial matters between parties that were in a same sex or opposite sex de facto relationship. This jurisdiction will commence upon proclamation, which is expected to occur in March 2009.

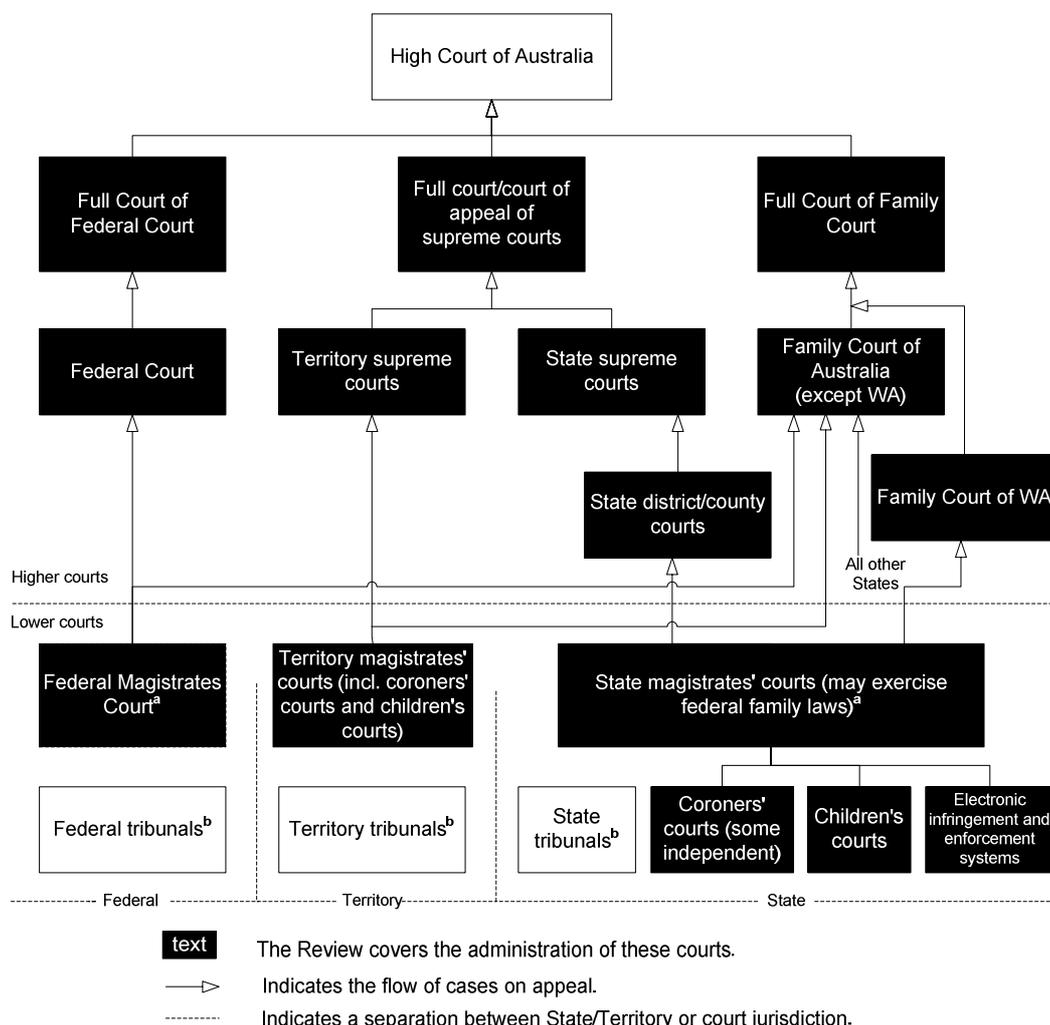
Federal Magistrates Court of Australia

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 workloads of both the Federal Court and the Family Court of Australia. Its jurisdiction includes family law and child support, administrative law, admiralty, anti-terrorism, bankruptcy, copyright, human rights, migration, privacy and trade practices. State/Territory courts also continue to do some work in these areas.

The Federal Magistrates Court shares its jurisdiction with the Federal Court and the Family Court of Australia. The intention is for the latter two courts to focus on more complex legal matters. The Federal Magistrates Court hears most first instance judicial reviews of migration matters. In trade practices matters it can award damages up to \$750 000. In family law matters its jurisdiction is similar to that of the Family Court of Australia, except that only the Family Court of Australia can consider adoption disputes and applications concerning the nullity and validity of marriage. Otherwise, the Federal Magistrates Court has jurisdiction to hear any matter transferred to it by either the Federal Court or the Family Court of Australia.

The major relationships between, and hierarchy of, courts in Australia are summarised in figure 7.1.

Figure 7.1 Major relationships of courts in Australia^a



^a In some jurisdictions, appeals from lower courts or district/county courts may go directly to the full court or court of appeal at the supreme/federal level; appeals from the Magistrates Court can also be heard by a single Judge exercising the Federal/Family Courts' appellate jurisdiction. ^b Appeals from federal, State and Territory tribunals may go to any higher court in their jurisdiction.

Administrative structures

Most courts use similar infrastructure (such as court buildings and facilities) for the civil and criminal jurisdictions. However, separate information systems and case flow management practices have been established for civil and criminal case types. The Steering Committee has therefore sought to report the criminal and civil jurisdictions separately where possible.

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 court-related 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 states and territories apportion, rather than allocate, expenditure (and income) between the criminal and civil jurisdictions of their courts.

Recurrent expenditure provides an estimate of annual service costs. Recurrent expenditure on court administration covers costs associated with the judiciary, court and probate registries, sheriff and bailiff's offices, court accommodation and other overheads. The components of the expenditure include salary and non-salary expenditure, court administration agency and umbrella department expenditure, and contract expenditure. Total recurrent expenditure by Australian, State and Territory court authorities (excluding the High Court and specialist jurisdiction courts — except for family courts, children's courts and coroners' courts) was \$1.44 billion in 2007-08 (table 7.1).

Court administration 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). Total income (excluding fines) for the Australian, State and Territory courts covered in this Report was \$363 million in 2007-08 (table 7.1).

Nationally, the civil jurisdiction of the courts reported the largest income, followed by the electronic infringement and enforcement systems (reported separately within the criminal jurisdiction). Income from electronic infringement and enforcement systems is reported for Victoria, Queensland, SA and WA. In other states and territories (NSW, the ACT, the NT and, from April 2008, Tasmania), unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State/Territory debt recovery office) and are therefore considered out of scope for this Report. This will have an impact on the income reported for these states and territories.

Total recurrent expenditure less income (excluding fines), for the Australian, State and Territory courts covered in this Report, was \$1.08 billion in 2007-08 (table 7.1). Expenditure exceeds income in all court jurisdictions except for electronic infringement and enforcement systems, and probate registries in the supreme courts. As reported in table 7.1, expenditure is relatively low on probate matters, as these are limited to uncontested matters that are dealt with by probate registrars (or other registry staff). Where a probate matter is contested, it is reported as part of supreme court data in the civil jurisdiction. Likewise, electronic infringement and enforcement system matters are dealt with by registry staff, unless contested, in which case the matter will generally be dealt with in the magistrates' courts.

Table 7.1 Court administration recurrent expenditure less income (excluding fines), 2007-08 (\$ million)^{a, b}

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
<i>Court administration recurrent expenditure</i>										
Civil courts ^{c, d, e}	154.3	95.1	53.1	59.6	29.3	5.1	9.9	9.3	105.5	521.3
Criminal courts ^f	188.5	134.4	105.6	97.2	49.8	14.1	9.6	17.3	..	616.5
Electronic systems	..	2.1	10.5	7.7	6.4	..	..	..	..	26.7
Family courts ^g	..	..	..	19.6	..	..	..	..	120.7	140.3
Federal Magistrates ^h	..	..	..	..	..	..	..	..	77.8	77.8
Coroners' courts ⁱ	8.4	17.4	12.3	10.5	4.9	1.3	1.3	1.1	..	57.2
Probate — Supreme ^j	1.3	0.4	0.1	0.3	0.8	0.1	—	—	..	3.0
Total	352.5	249.4	181.6	194.9	91.2	20.6	20.8	27.7	304.1	1442.9
<i>Court administration income (excluding fines)</i>										
Civil courts ^c	66.0	29.9	14.4	12.8	9.4	1.5	2.2	0.5	11.5	148.2
Criminal courts ^f	13.2	0.1	1.4	4.5	1.0	0.4	0.6	0.1	..	21.1
Electronic systems	..	75.4	22.0	17.4	13.6	..	..	..	..	128.4
Family courts	..	..	..	3.6	..	..	..	..	6.6	10.1
Federal Magistrates	..	..	..	..	..	..	..	..	19.6	19.6
Coroners' courts	0.2	—	0.1	—	—	—	—	—	..	0.3
Probate — Supreme	19.2	4.5	3.6	3.0	3.3	0.8	0.4	0.1	..	34.9
Total	98.6	109.9	41.5	41.3	27.3	2.7	3.2	0.7	37.7	362.7
<i>Court administration recurrent expenditure less income (excluding fines)</i>										
Civil courts ^{c, d, e, k}	88.3	65.2	38.7	46.8	19.9	3.6	7.7	8.8	94.0	373.1
Criminal courts ^{f, k}	175.3	134.3	104.2	92.8	48.8	13.7	9.0	17.3	..	595.4
Electronic systems	..	-73.2	-11.5	-9.7	-7.2	..	..	..	..	-101.7
Family courts ^g	..	..	..	16.0	..	..	..	..	114.2	130.2
Federal Magistrates ^h	..	..	..	..	..	..	..	..	58.2	58.2
Coroners' courts ⁱ	8.2	17.4	12.2	10.5	4.9	1.3	1.3	1.1	..	56.9
Probate — Supreme ^j	-17.9	-4.2	-3.4	-2.8	-2.5	-0.7	-0.4	-0.1	..	-32.0
Total	254.0	139.5	140.1	153.6	63.9	17.9	17.6	27.1	266.4	1080.1

^a Totals may not sum as a result of rounding. ^b Payroll tax is excluded from expenditure. ^c Includes data for the supreme, district/county and magistrates' courts (including children's courts), and the Federal Court. Excludes data for probate, family courts, the Federal Magistrates Court and coroners' courts. ^d Data for the Federal Court do not include the cost of resources provided free of charge to the Federal Magistrates Court. ^e The Victorian Magistrates' Court civil data include a proportion of expenditure from the Victorian Civil and Administrative Tribunal. ^f Includes data for supreme, district/county and magistrates' courts (including children's courts). Excludes data for electronic infringement and enforcement systems. ^g The figures for the Family Court of Australia exclude, where possible, costs of resources provided free of charge to the Federal Magistrates Court, noting that some relevant resource costs cannot be reliably estimated for exclusion. ^h The Federal Magistrates Court expenditure data include resources received free of charge from the Federal Court and the Family Court. ⁱ The inclusion of expenditure for autopsy and chemical analysis work varies between states and territories. Queensland Coroners Court expenditure data includes the full costs of government assisted burials/cremations, autopsies performed by Government Medical Officers and legal fees incurred in briefing counsel assisting for inquests and costs of preparing matters of inquest, including the costs of obtaining independent expert reports. ^j The true net revenue may not be identified because rent or depreciation attributable to probate matters may be reported with data for supreme courts. ^k The increase in expenditure for WA civil and criminal courts in 2007-08 is primarily due to the increase in the actuarial assessment of the Judicial Pension scheme applicable to the Supreme Court and District Court. The methodology used to calculate expenses in relation to the Judicial Pension Scheme varies between states and therefore comparison should be made with caution. .. Not applicable. — Nil or rounded to zero.

(Continued on next page)

Table 7.1 (Continued)

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.9–13.

Real recurrent expenditure less income (excluding fines) on court administration from 2003-04 to 2007-08, for each of the Australian, State and Territory court levels covered by this Report, is reported in tables 7A.12 and 7A.13.

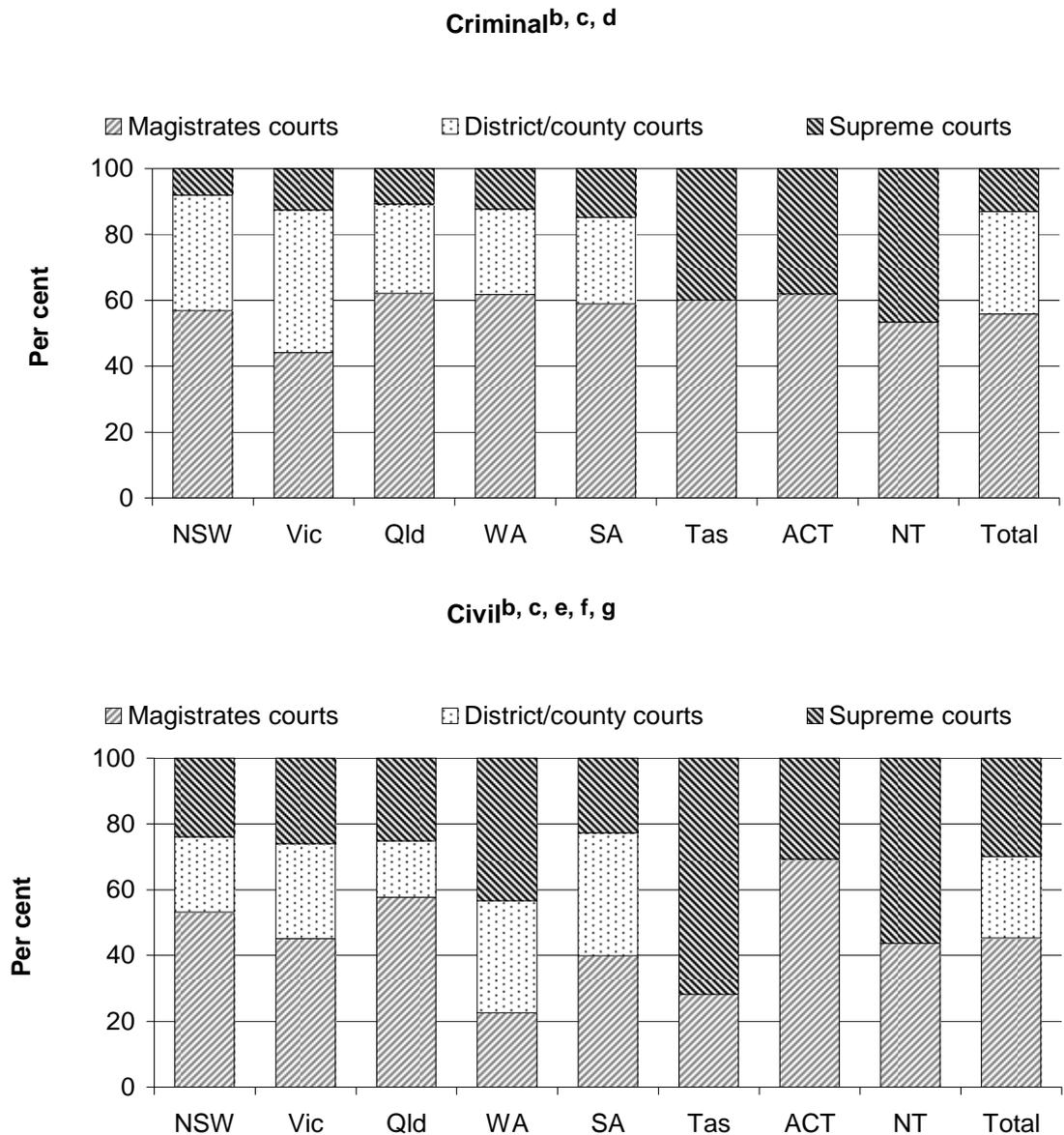
Distribution of criminal and civil court administration expenditure

The distribution of court administration expenditure (less income) on magistrates', district/county and supreme courts varied across states and territories in 2007-08. A greater proportion of funds were expended by the supreme courts of Tasmania, the ACT and the NT (under the two-tier court system), for example, than by the supreme courts of other states and territories (under the three-tier court system) (figure 7.2).

In 2007-08, magistrates' courts (excluding electronic infringement and enforcement systems) in the criminal jurisdiction accounted for the largest proportion nationally of recurrent expenditure (less income) across State and Territory criminal courts (55.9 per cent). In the civil jurisdiction, magistrates' courts accounted for a smaller proportion of recurrent expenditure (less income) nationally (45.3 per cent). The key difference between the civil and criminal jurisdictions comes from the proportionally greater recurrent expenditure (less income) in the supreme courts in the civil jurisdiction relative to the criminal jurisdiction (detail is contained in tables 7A.12 and 7A.13).

Comparison of court expenditure across states and territories should bear in mind the difficulty in apportioning income and expenditure between civil and criminal jurisdictions within court levels. The apportionments are determined within individual states and territories and different approaches to apportionment are used.

Figure 7.2 **Distribution of court administration recurrent expenditure (less income), by court level, 2007-08^a**



^a Payroll tax is excluded from expenditure. ^b There are no district/county courts in Tasmania, the ACT or the NT. ^c Magistrates' courts include expenditure on children's courts. ^d In the criminal jurisdiction, magistrates' courts data exclude expenditure on electronic infringement and enforcement systems (applicable to Victoria, Queensland, WA and SA). ^e In this figure, civil jurisdiction supreme courts expenditure is reduced by net proceeds from probate courts. ^f In the civil jurisdiction, magistrates' courts data exclude expenditure on coroners' courts (all states and territories). ^g The Australian courts are not included.

Source: State and Territory court administration authorities and departments (unpublished); tables 7A.12-13.

Size and scope of court activity

Lodgments

Lodgments are matters initiated in the court system. Box 7.4 explains how lodgment data are collected for this chapter.

Box 7.4 Explanation of lodgment data used in this chapter

Lodgments reflect community demand for 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 — lodgment counts are based on the number of defendants
- civil and family courts — lodgment counts are based on the number of cases (except in children's courts where, if more than one child can be involved in an application, the counting unit is the number of children involved in the originating application)
- electronic infringement and enforcement systems — lodgment counts are based on the number of unpaid infringement notices
- coroners' courts — lodgment counts are based on the number of reported deaths (and, if relevant, reported fires).

Unless otherwise noted, 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
- warrants
- admissions matters (original applications to practise and mutual recognition matters)
- 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 (2007), p. 6.2.

Table 7.2 (criminal) and table 7.3 (civil) outline the number of lodgments in 2007-08, by court level, for the Australian courts and for each State and Territory.

Nationally, in the criminal jurisdiction in 2007-08, there were 869 700 lodgments registered in the supreme, district/county and magistrates' courts, and approximately 2.1 million infringement notices processed in electronic infringement and enforcement systems (table 7.2).

Table 7.2 Court lodgments — criminal, by court level, 2007-08 ('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>
Supreme ^b	0.5	0.7	1.9	0.6	0.3	0.7	0.4	0.4	5.6
District/county ^{b, c}	10.5	4.7	6.9	2.4	1.6	..	..	..	26.3
Magistrates' (total) ^c	195.7	170.7	201.8	115.2	75.4	59.5	6.5	13.0	837.8
<i>Magistrates' (only)</i>	183.4	154.7	190.9	104.4	68.0	57.5	5.9	12.0	776.8
<i>Children's</i>	12.3	16.0	10.9	10.8	7.4	2.0	0.6	1.0	61.0
All criminal courts	206.7	176.1	210.7	118.2	77.4	60.2	7.0	13.4	869.7
Elec. infringement and enforcement systems ^{d, e}	..	1 148.3	529.2	252.0	167.8	..	..	..	2 097.3

^a Totals may not add as a result of rounding. ^b Queensland Supreme and District Court data for the number of originating criminal lodgments is based on a count of the number of defendants who had a Court Record entered on the computerised Case Management System in the financial year, it is not a count of the number of defendants committed to the Supreme/District Court for trial or sentencing. Data for the reference periods prior to 2005-06 include some secondary processes in the count of defendants lodged, finalised and pending. ^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 of the District Court total. ^d Only Victoria, Queensland, WA and SA have electronic infringement and enforcement systems. In other states and territories, 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 Excludes unpaid court fines. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.1.

Nationally, 628 800 cases were lodged in civil jurisdiction courts (excluding family courts, the Federal Magistrates Court, coroners' and probate courts), comprising 619 300 cases in the State and Territory supreme, district/county and magistrates' courts, and 9500 cases in the Federal Court (table 7.3). In the states and territories, an additional 59 800 probate matters were lodged in the supreme courts.

In the Australian court jurisdiction, in addition to the 9500 cases lodged in the Federal Court, 84 200 matters were lodged in the Federal Magistrates Court. Around 34 600 matters were filed in the family courts (nearly two thirds of these were filed in the Family Court of Australia and one third in the Family Court of WA).

In the coroners' courts, there were 21 200 reported deaths and fires. Reporting rates for deaths reported to a coroner varied across jurisdictions 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 NSW, Victoria, Tasmania and the ACT, but are excluded from the coroners' jurisdiction in Queensland, WA, SA and the NT. A disaggregation of coroners' courts data by reported deaths and fires is in table 7A.2.

Table 7.3 Court lodgments — civil, by court level, 2007-08 ('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>Aust courts</i>	<i>Total</i>
Supreme (excl probate)/Federal	13.4	6.7	5.7	2.1	1.4	1.0	1.0	0.3	9.5	41.2
District/County	8.6	5.5	4.9	3.9	2.8	..	..	..	..	25.7
Magistrates' (total)	194.1	185.7	83.3	48.6	28.7	9.9	5.5	5.9	..	561.8
Magistrates' (only) ^b	185.7	180.4	79.5	47.0	27.6	9.6	5.4	5.8	..	540.9
Children's ^{c, d, e}	8.4	5.3	3.9	1.6	1.1	0.4	0.1	0.1	..	20.9
All civil courts	216.2	197.9	94.0	54.6	32.8	11.0	6.5	6.2	9.5	628.8
Family courts ^f	..	..	..	14.0	..	..	..	..	20.6	34.6
Federal Magistrates	..	..	..	..	..	..	..	..	84.2	84.2
Coroners' courts	6.5	5.4	3.5	1.8	1.9	0.5	1.3	0.3	..	21.2
Probate — Supreme	21.8	17.1	7.3	5.6	5.1	2.1	0.6	0.2	..	59.8

^a Totals may not add as a result of rounding. ^b The Victorian Magistrates' Court civil data include a proportion of lodgments from the Victorian Civil and Administrative Tribunal. ^c NSW lodgment data for children in the civil court are based on a count of each child listed in all new applications for care and protection, not just the originating application. ^d Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. ^e In the NT a perpetual file is held for each child, therefore additional applications are not lodged separately but as part of the original application. ^f Family Court of Australia data do not include instances where Family Court of Australia Registrars are given delegation to conduct Federal Magistrate Court divorce applications. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 7A.2.

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 population size of the State or Territory. Tables 7A.3 and 7A.4 provide data on criminal and civil lodgments (per 100 000 people) respectively for each State and Territory.

Distribution of court lodgments

The majority of both criminal and civil matters in Australia in 2007-08 were lodged in magistrates' courts (table 7.4). Although a greater proportion of criminal matters were lodged in district/county courts compared to supreme courts, the opposite was true for civil matters.

Table 7.4 Distribution of court lodgments, by court level, 2007-08^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>										
Supreme	%	0.3	0.4	0.9	0.5	0.4	1.2	5.7	3.0	0.6
District/county ^b	%	5.1	2.7	3.3	2.0	2.1	..	..	..	3.0
Magistrates' (total) ^b	%	94.6	96.9	95.8	97.5	97.4	98.8	92.9	97.0	96.3
All criminal courts^c	'000	206.7	176.1	210.7	118.1	77.4	60.2	7.0	13.4	869.6
<i>Civil courts</i>										
Supreme ^d	%	6.2	3.4	6.1	4.0	4.3	9.1	15.4	4.8	5.1
District/county	%	4.0	2.8	5.2	7.1	8.5	..	..	..	4.1
Magistrates' (total) ^e	%	89.8	93.8	88.6	88.8	87.5	90.0	84.6	95.2	90.7
All civil courts^f	'000	216.2	197.9	94.0	54.7	32.8	11.0	6.5	6.2	619.3

^a Totals may not add as a result of rounding. ^b In Queensland, some children's courts matters are heard in district courts. As a result, the inclusion of all children's courts matters in magistrates' courts data will lead to a slight overestimation of the magistrates' courts total and an underestimation of the district courts total. ^c Excludes electronic infringement and enforcement systems (Victoria, Queensland, WA, SA). ^d Excludes probate matters. ^e The Victorian Magistrates' Court civil data include a proportion of lodgments from the Victorian Civil and Administrative Tribunal. ^f Excludes data for the Federal Court, family courts, the Federal Magistrates Court, and coroners' courts. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.1-2.

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 parties).

Tables 7.5 (criminal) and 7.6 (civil) outline the number of finalisations in 2007-08, by court level, for the Australian courts and each State and Territory. Lodgments need not equal finalisations in any given year, because not all matters lodged in one year will be finalised in the same year.

In 2007-08, there were: 883 300 criminal finalisations in the supreme, district/county and magistrates' courts; and approximately 1.8 million infringement notices finalised through electronic infringement and enforcements systems (table 7.5).

Nationally, in 2007-08, 615 400 cases were finalised in the civil jurisdiction (excluding family courts, the Federal Magistrates Court, coroners' and probate courts), comprising 599 400 civil cases finalised in State and Territory supreme, district/county and magistrates' courts, and 9000 cases finalised in the Federal Court. In addition, the Federal Magistrates Court finalised 82 700 matters (mainly

family law forms plus some federal law cases) and the two family courts finalised 36 700 matters. The Family Court of WA processes a mixture of work that includes elements of the work dealt with by the different federal courts. There were around 19 900 finalisations (involving reported deaths and fires) in coroners' courts (table 7.6).

Table 7.5 Court finalisations — criminal, 2007-08 ('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>
Supreme	0.5	0.7	1.9	0.6	0.3	0.6	0.3	0.4	5.1
District/County ^b	10.6	4.5	7.2	2.7	1.7	..	..	..	26.7
Magistrates' (total) ^b	190.6	173.8	198.4	126.6	82.4	60.9	6.3	12.6	851.5
Magistrates' (only)	178.5	156.3	187.4	114.7	74.8	59.3	5.7	11.7	788.4
Children's	12.1	17.4	10.9	11.9	7.6	1.6	0.6	0.9	63.1
All criminal courts	201.7	179.0	207.5	129.9	84.4	61.5	6.6	13.0	883.5
Elec. infringement and enforcement systems ^{c, d}	..	938.3	459.0	249.8	166.7	..	..	..	1 813.8

^a Totals may not add as a result of rounding. ^b In Queensland, some children's courts matters are heard in district courts. As a result, the inclusion of all children's courts matters in the magistrates courts will lead to a slight overestimation of magistrates courts total and an underestimation of district courts total. District Court civil files are now managed by a computerised case management system. There has been no extrapolation of civil data for 2007-08. ^c Only Victoria, Queensland, WA and SA have electronic infringement and enforcement systems. 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). Lodgment data for electronic infringement and enforcement systems exclude unpaid court fines. ^d WA electronic infringement and enforcement system finalisation data include all adjudicated finalisations except those where a time to pay arrangement has been entered into, but is not yet complete. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.5.

Table 7.6 Court finalisations — civil, 2007-08 ('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>Aust courts</i>	<i>Total</i>
Supreme ^b /Federal	14.2	8.0	5.7	2.3	1.4	1.1	0.9	0.3	9.0	43.0
District/County ^b	8.5	5.5	4.8	3.8	3.1	..	..	..	..	25.6
Magistrates' (total)	181.0	180.8	85.2	47.6	31.2	10.5	5.1	5.6	..	546.9
Magistrates' (only) ^c	173.7	176.0	81.6	46.0	30.1	10.1	5.0	5.4	..	527.9
Children's ^d	7.3	4.8	3.6	1.6	1.1	0.4	0.1	0.1	..	19.0
All civil courts	203.7	194.2	95.7	53.7	35.7	11.5	6.0	5.9	9.0	615.3
Family courts ^{e, f}	..	..	..	12.8	..	..	..	..	24.1	36.9
Federal Magistrates	..	..	..	..	..	..	..	..	82.7	82.7
Coroners' courts	6.4	4.2	3.7	1.6	1.8	0.5	1.3	0.3	..	19.9

^a Totals may not add as a result of rounding. ^b Supreme courts data exclude finalisations of uncontested probate cases. Supreme and District Court civil files are now managed by a computerised case management system. There has been no extrapolation of civil data for 2007-08. ^c The Victorian Magistrates' Court civil data include a proportion of finalisations from the Victorian Civil and Administrative Tribunal. ^d Queensland children's courts data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. ^e Family Court of Australia data do not include instances where its Registrars: are given delegation to conduct Federal Magistrates Court divorce applications; or accept settlement agreements while conducting conferences on Federal Magistrates Court matters. ^f The Family Court of Australia does not deem a matter finalised even if it has not had a court event for at least 12 months as this is not consistent with its case management practices. .. Not applicable.

Source: Australian, State and Territory court administration authorities/departments (unpublished); table 7A.6.

The number of finalisations per 100 000 people is available in tables 7A.7 and 7A.8.

7.2 Framework of performance indicators

The framework of performance indicators is based on common objectives for court administration services across Australia (box 7.5). The emphasis placed on each objective may vary across states and territories and court level.

Box 7.5 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.

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

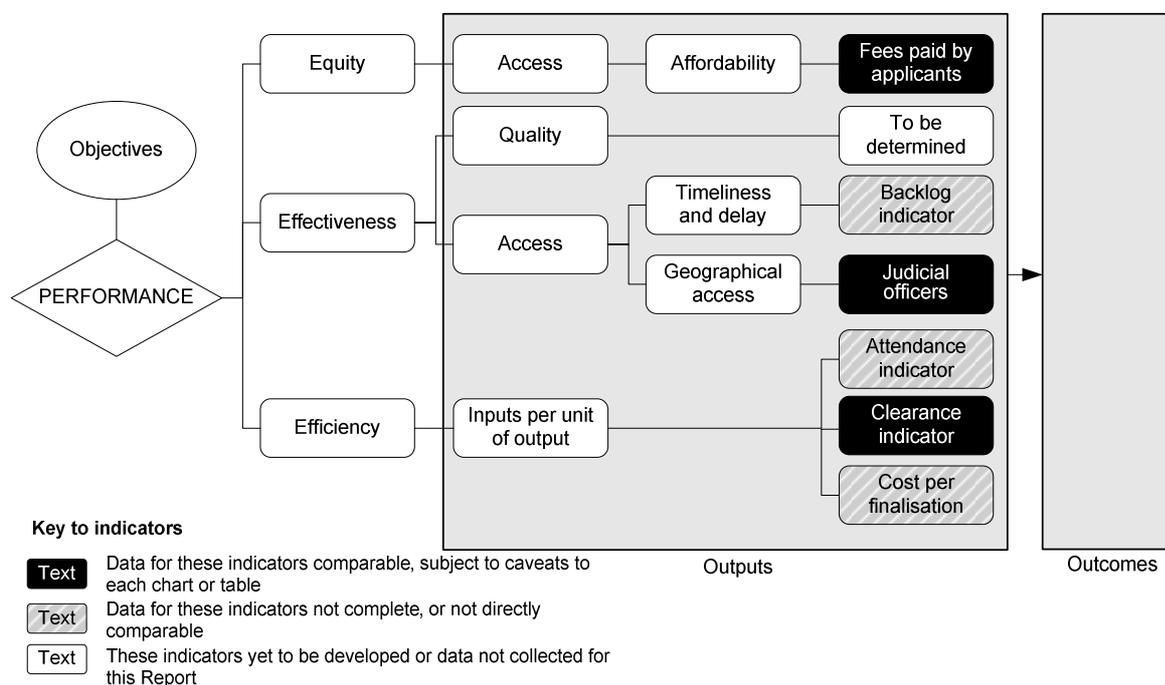
The performance indicator framework

The performance indicator framework is shown in figure 7.3. For all data, the text includes relevant caveats and supporting commentary. Indicators that are considered comparable are only comparable subject to the caveats and footnotes accompanying the definition of the indicator, and tables of indicator results. Chapter 1 discusses data comparability from a Report-wide perspective (see section 1.6).

Each indicator in the framework is briefly described below, while more information about each indicator can be found in relevant text boxes that are provided with the performance indicator results in section 7.3:

- *fees paid by applicants* — an indicator of the average court fees paid per lodgment (box 7.6)
- *backlog indicator* — an indicator of case processing timeliness that relates the age (in elapsed time) of a court’s pending caseload against time standards (box 7.8)
- *judicial officers* — an indicator that represents the availability of resources (that is, the number of officers who can make enforceable orders of the court) (box 7.11)
- *attendance indicator* — an efficiency indicator derived from the average number of attendances required to reach finalisation for all cases finalised during the year (box 7.12)
- *clearance rate* — an indicator showing whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court’s pending caseload has increased or decreased over that period (box 7.13)
- *cost per finalisation* — an efficiency indicator derived by dividing the total net recurrent expenditure within each court for the financial year by the total number of finalisations for the same period (box 7.14).

Figure 7.3 Performance indicator framework for court administration



As shown in figure 7.3, all of the indicators reported in this chapter are output indicators. Outputs are the actual services delivered, while outcomes are the impact of these services on the status of an individual or group (see chapter 1, section 1.5). To date, no specific outcome indicators have been identified for court administration. The activities of court administrators lead to broader outcomes within the overall justice system that are not readily addressed by this service specific chapter.

7.3 Key performance indicator results

Different delivery locations, caseloads, casemixes and government policies may affect the equity, effectiveness and efficiency of court administration services. The allocation of cases to different courts also differs across states and territories and Australian courts. Performance comparison needs to account for these factors. In addition to the material in boxes 7.1, 7.2 and 7.3, appendix A — the statistical appendix — contains detailed statistics and short profiles on each State and Territory, and other data which may assist in interpreting the performance indicators presented in this chapter.

The court administration 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 (ABS 2007).

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 that this collection (unlike some other data collections) does not have an intermediary data collector or validator akin to the Australian Institute of Health and Welfare or the ABS. The reporting process in this chapter is one of continual improvement and refinement, with the long term aim of developing a national data collection that covers court administration activities across the Australian, State and Territory jurisdictions in a timely and comparable way.

Outputs

Outputs are the actual services delivered (while outcomes are the impact of these services on the status of an individual or group) (see chapter 1, section 1.5).

Equity — fees paid by applicants

A description of this indicator is contained in box 7.6.

Box 7.6 Fees paid by applicants

'Fees paid by applicants' is an indicator of the average court fees paid per lodgment.

It is derived by dividing the total court fees collected by the number of lodgments in a year.

Court fees largely relate to civil cases. Providing court administration service quality is held constant, lower court fees help keep courts accessible.

It is important to note that court fees are only part of the costs faced by litigants (with legal fees being more significant).

In 2007-08, average court fees paid per lodgment were greater in supreme courts than in district/county and magistrates' courts (table 7.7). This was consistent across all jurisdictions.

Table 7.7 Average civil court fees collected per lodgment, 2007-08 (dollars)^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>Aust courts</i>	<i>Total^b</i>
Supreme (excl probate)/Federal	1 722	1 175	509	1 564	1 399	493	988	658	1 031	1 230
District/county	1 109	1 010	495	771	625	..	..	..	..	867
Magistrates' (total) ^c	140	80	98	87	116	66	56	48	..	105
<i>Magistrates' (only)</i>	146	83	103	90	120	69	57	49	..	109
<i>Children's</i>	–	..	–	–	3	..	..	..	..	–
Family courts ^d	..	..	..	153	..	..	..	..	55	95
Federal Magistrates	..	..	..	..	..	..	..	..	207	207
Probate — Supreme	881	264	485	545	642	359	645	923	..	584

^a Some jurisdictions charge corporations twice the amount individuals are charged, therefore the average fees do not always represent the charge to individuals. ^b Totals are derived for each court level in the table by dividing the total fees for that court level by the lodgments for that court level. ^c The Victorian Magistrates Court fees include fees paid through the Victorian Civil Administrative Tribunal. ^d Many of the Family Court of Australia's applications do not attract a fee. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 7A.16.

The average fees collected by the Australian, State and Territory courts vary for many reasons and caution should be used in making direct comparisons.

The level of cost recovery from the collection of court fees varied across court levels and across jurisdictions in 2007-08 (table 7.8). Nationally, for the states and territories in total, the proportion of costs recovered via court fees was greatest for magistrates' courts, followed by district/county courts and then supreme courts. Cost recovery was lowest in the children's courts and in the Family Court of Australia — where many applications do not attract a fee.

Table 7.8 Civil court fees collected as a proportion of civil recurrent expenditure (cost recovery), 2007-08 (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>Aust courts</i>	<i>Total</i>
Supreme ^c /Federal	38.6	28.0	18.9	13.1	21.4	15.2	26.6	3.5	9.3	19.8
District/County	33.6	24.0	28.6	16.6	20.0	..	..	..	..	25.6
Magistrates' (total) ^d	41.2	33.9	27.9	26.5	28.1	38.0	5.1	7.0	..	33.0
<i>Magistrates' (only)</i> ^d	46.9	39.2	32.5	27.9	30.1	38.5	5.6	7.1	..	37.3
<i>Children's</i>	–	..	–	–	0.4	..	..	..	..	–
Family courts ^e	..	..	..	11.0	..	..	..	..	0.9	2.3
Federal Magistrates	..	..	..	..	..	..	..	..	22.4	22.4

^a Recurrent expenditure excludes payroll tax. ^b Some jurisdictions charge corporations twice the amount individuals are charged, therefore the average fees do not always represent the charge to individuals.

^c Excludes probate costs. ^d The Victorian Magistrates' Court fees include civil and criminal court fees paid through the Victorian Civil Administrative Tribunal. ^e Many of the Family Court of Australia's applications do not attract a fee. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 7A.15.

Effectiveness — quality

The Steering Committee has identified quality as an important measure of court administration performance (box 7.7).

Box 7.7 Indicators of quality

Indicators of quality for court administration have not yet been identified. The perceptions of court users about the quality of the services delivered by courts may be strongly influenced by the outcomes of judicial decisions (which are not the subject of this chapter). Isolating perceptions of the quality of court administration may be difficult.

Effectiveness — backlog indicator

The backlog indicator is an indicator of case processing timeliness, described in box 7.8. This indicator compares the age (in elapsed time) of a court's pending caseload against nominated time standards. Pending counts are taken at 30 June each year and, at the same time, an age analysis of the pending caseload is undertaken against the time standards.

Results can be affected by the complexity and distribution of cases, which may vary across court levels within each State and Territory and the Australian courts (boxes 7.1, 7.2 and 7.3). Additionally, Tasmania, the ACT and the NT have a two-tier court system (that is, they do not have a district/county court level),

whereas the other states and territories have a three-tier court system. This difference needs to be taken into account when comparing the results of the backlog indicator.

Case processing timeliness, and the age of the pending workload, can also be affected by delays caused by factors outside the direct control of court administration.

Box 7.8 Backlog indicator

The 'backlog indicator' is an indicator of case processing timeliness.

It is derived by comparing the age (in elapsed time) of a court's pending caseload against time standards.

The following national standards have been set:

The Federal Magistrates Court, magistrates' and children's courts:

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

Supreme courts, the Federal Court, district/county, family and coroners' courts and all appeals:

- no more than 10 per cent of lodgments pending completion are to be more than 12 months old
- no lodgments pending completion are to be more than 24 months old.

Performance relative to the timeliness standards indicates effective management of caseloads, and court accessibility.

Time taken to process cases is not necessarily court administration delay. Some delays are caused by factors other than those related to the workload of the court (for example, a witness being unavailable).

Data on the backlog indicator for criminal matters are contained in table 7.9. In the criminal jurisdiction, those defendants who failed to appear when required and had warrants issued have been excluded from the pending caseload count.

Table 7.9 **Backlog indicator — all criminal matters, as at 30 June 2008**

	<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>
Higher^{a, b} — appeal									
Pending caseload	no.	1 612	1 435	483	144	90	13	65	6
cases > 12 mths	%	2.8	12.8	22.6	5.6	2.2	–	3.1	–
cases > 24 mths	%	0.2	2.9	2.3	2.1	1.1	–	–	–
Higher^{a, b} — non-appeal^c									
Pending caseload	no.	1 853	2 507	2 559	1 074	1 307	307	296	109
cases > 12 mths	%	9.5	27.8	18.8	19.3	25.9	7.8	24.0	4.6
cases > 24 mths	%	1.1	6.0	7.8	3.6	7.1	3.6	5.1	0.9
Supreme^b — appeal									
Pending caseload	no.	210	489	172	144	90	13	65	6
cases > 12 mths	%	6.2	19.4	1.7	5.6	2.2	–	3.1	–
cases > 24 mths	%	1.0	2.7	0.6	2.1	1.1	–	–	–
Supreme^b — non-appeal^c									
Pending caseload	no.	105	166	436	102	49	307	296	109
cases > 12 mths	%	29.5	33.7	14.4	8.8	26.5	7.8	24.0	4.6
cases > 24 mths	%	2.9	10.2	4.6	–	8.2	3.6	5.1	0.9
District/County^b — appeal^d									
Pending caseload	no.	1 402	946	311	..	..	..	..	..
cases > 12 mths	%	2.3	9.4	34.1	..	..	..	..	..
cases > 24 mths	%	0.1	3.0	3.2	..	..	..	..	..
District/County^b — non-appeal									
Pending caseload	no.	1 748	2 341	2 123	972	1 258	..	..	..
cases > 12 mths	%	8.3	27.4	19.6	20.4	25.9	..	..	..
cases > 24 mths	%	1.0	5.7	8.4	4.0	7.1	..	..	..
Magistrates'									
Pending caseload	no.	19 617	34 701	36 151	11 488	21 197	14 400	1 611	2 667
cases > 6 mths	%	11.2	24.4	29.5	22.8	29.1	28.1	17.8	36.9
cases > 12 mths	%	2.1	7.2	16.1	8.6	12.4	12.0	6.3	33.7
Children's									
Pending caseload	no.	1 766	5 591	2 374	1 789	1 918	940	194	243
cases > 6 mths	%	11.7	13.8	30.0	21.0	21.6	28.6	13.4	18.9
cases > 12 mths	%	1.4	2.9	14.6	7.3	7.5	9.1	2.6	16.5

^a Higher refers to supreme and district/county courts combined. ^b In NSW, the criminal casemix of the Supreme Court is principally murder and manslaughter cases and therefore not directly comparable with supreme courts in other states and territories. ^c Queensland supreme and district courts data in respect to the age of pending non-appeal cases are calculated based on the date the Court Record was entered on the computerised Case Management System in the supreme or district court, not the committal order date in the magistrates' courts. ^d There is no criminal appellate jurisdiction in the district courts in WA or SA. All criminal appeals from magistrates' courts go directly to supreme courts in these states. .. Not applicable. – Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.17.

The age of the pending workload and civil case processing timeliness can be affected by several factors (box 7.9).

Box 7.9 Civil timeliness factors

The following factors may affect the timeliness of case processing 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 or other dispute resolution processes (for example, mediation) that are alternatives to formal adjudication
- an inactive case is regarded as finalised (or closed) one year after the last action on the case (as per the rules for this data collection).

The age of the pending caseload and case processing timeliness in criminal cases (and for some civil cases) can also be affected by orders or programs that are initiated following a court lodgment, but prior to a court finalisation. These programs or orders are commonly referred to as diversion programs and are outlined in more detail in box 7.10.

Different case completion times in the civil jurisdiction of the states and territories generally reflect different case flow management practices, the individual needs of cases, and the priority given to criminal matters.

Data for the backlog indicator for civil matters are contained in table 7.10. In the civil jurisdiction, those lodgments that have not been acted upon in the past 12 months are counted as finalised for the purpose of this Report, the aim being to focus on those matters that are part of an ‘active pending’ population. Some courts (for example, the Australian courts) proactively manage all their civil cases and apply this deeming rule to very few, if any, cases.

Box 7.10 Diversion programs and the impact on timeliness

Courts offer diversion programs to improve the quality of outcomes within the justice system and for the community generally. Diversion programs can involve processes that are outside the control of court administration. The period between lodgment and finalisation can be affected by those processes.

(Continued on next page)

Box 7.10 (Continued)

Within the criminal justice system, diversion programs are usually focussed on rehabilitation for the defendant and/or restoration for the victim. They are most often (but not exclusively) used in magistrates' courts, and usually are voluntary. Examples include:

- referral of defendants to drug programs (from counselling through to treatment programs) — available in all states and territories except Tasmania
- referral of defendants to a mental health court (Queensland and SA) or for various mental health assessments (NSW, WA and the ACT)
- referral of defendants to a family violence court (WA and SA) for participation in targeted programs
- referral of defendants to an Indigenous court or Circle Sentencing program (NSW, Victoria, Queensland, SA and the ACT). WA commenced piloting this program in November 2006. Evaluation of this program will commence in November 2008.

The processes listed above can range in completion times between one week and seven years. With some diversion programs, success will delay finalisation significantly. For example, some drug court programs can require compliance for 12 months or longer before the defendant is considered to have completed the program.

Within the civil justice system, diversion programs can be a quicker and cheaper form of dispute resolution. Examples include:

- mediation — referrals can be made at any time during the proceedings. A court may require parties to complete a mediation program within a specified time, or can consider the timeframe to be 'open-ended' (for example, referrals to the Native Title Tribunal). Completion time can also be affected by the complexity of the dispute and the number of parties involved, and can therefore vary significantly from case to case. Usually all parties consent to use mediation, but in some states parties can be ordered to mediate their dispute
- arbitration — referrals are usually made early in the proceedings and the court supervises the process. The hearing is shorter than a court hearing. Participation can be voluntary or by order
- reference to a referee — technical issues arising in proceedings may be referred to suitably qualified experts (referees) for inquiry and report. The court supervises the process and may adopt, vary or reject the report.

Success at mediation (settlement of the case) or at arbitration (acceptance of the arbitrator's award) generally finalises cases earlier than if finalised by trial and judgment. Where the mediation or arbitration is unsuccessful, the delaying effect on finalisation is highly variable.

Table 7.10 **Backlog indicator — all civil matters, as at 30 June 2008**

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
Higher^a — appeal										
Pending caseload	no.	638	405	186	193	55	67	51	27	407
cases > 12 mths	%	11.8	26.4	17.2	34.2	10.9	19.4	13.7	18.5	6.6
cases > 24 mths	%	1.7	7.7	2.2	6.7	—	—	3.9	7.4	2.2
Higher (excl probate)^a — non-appeal^b										
Pending caseload	no.	14 120	9 612	9 420	4 706	3 728	1 042	1 541	184	4 000
cases > 12 mths	%	27.5	20.4	24.3	29.4	40.8	33.3	46.1	49.5	35.0
cases > 24 mths	%	10.0	7.0	6.2	14.8	20.0	9.5	23.4	29.9	20.6
Supreme/Federal — appeal^a										
Pending caseload	no.	613	348	76	131	46	67	51	27	407
cases > 12 mths	%	12.2	26.7	—	42.0	13.0	19.4	13.7	18.5	6.6
cases > 24 mths	%	1.8	8.6	—	6.1	—	—	3.9	7.4	2.2
Supreme (excl probate)/Federal — non-appeal^b										
Pending caseload	no.	7 083	3 914	5 042	1 972	682	1 042	1 541	184	4 000
cases > 12 mths	%	26.0	9.1	26.0	36.3	30.2	33.3	46.1	49.5	35.0
cases > 24 mths	%	12.2	3.9	7.3	20.2	15.0	9.5	23.4	29.9	20.6
District/county — appeal										
Pending caseload	no.	25	57	110	62	9	..	..	..	..
cases > 12 mths	%	—	7.0	29.1	17.7	—	..	..	..	..
cases > 24 mths	%	—	1.8	3.6	8.1	—	..	..	..	..
District/county — non-appeal										
Pending caseload	no.	7 037	5 698	4 378	2 734	3 046	..	..	..	..
cases > 12 mths	%	29.0	28.2	22.4	24.5	43.1	..	..	..	..
cases > 24 mths	%	7.9	9.2	4.9	10.9	21.1	..	..	..	..
Magistrates^{c, d}										
Pending caseload	no.	na	16 151	34 598	24 381	13 830	4 629	2 169	514	..
cases > 6 mths	%	na	23.4	42.4	34.9	42.4	32.0	37.2	54.3	..
cases > 12 mths	%	na	11.1	6.6	5.3	10.1	3.7	7.5	40.1	..
Family courts — appeal										
Pending caseload	no.	..	..	..	22	..	..	..	..	216
cases > 12 mths	%	..	..	..	40.9	..	..	..	..	24.54
cases > 24 mths	%	..	..	..	22.7	..	..	..	..	18.5
Family courts — non-appeal^e										
Pending caseload	no.	..	..	..	12 239	..	..	..	..	6 160
cases > 12 mths	%	..	..	..	44.9	..	..	..	..	27.8
cases > 24 mths	%	..	..	..	18.9	..	..	..	..	9.9
Federal Magistrates										
Pending caseload	no.	..	..	..	..	..	..	..	..	26 545
cases > 6 mths	%	..	..	..	..	..	..	..	..	33.5
cases > 12 mths	%	..	..	..	..	..	..	..	..	17.2
Coroners' courts										
Pending caseload	no.	2 602	4 295	2 158	1 459	1 777	222	230	341	..
cases > 12 mths	%	20.5	28.0	25.5	29.5	24.6	24.8	35.7	21.7	..
cases > 24 mths	%	10.0	10.6	9.6	6.2	4.9	6.8	19.1	7.3	..

(Continued on next page)

Table 7.10 (Continued)

^a Higher refers to State and Territory supreme and district/county courts combined, and includes the Federal Court. The percentage in backlog for the WA Court of Appeal is high because the numbers in backlog are measured as a percentage against significantly reduced numbers in the total civil appeal pending list. (see the clearance rate in table 7.16). ^b Non-appeal matters for the Federal Court include a significant number of Native Title matters which by nature are both long and complex. ^c Excludes children's courts. ^d The Victorian Magistrates' Court civil data include a proportion of pending caseload from the Victorian Civil and Administrative Tribunal. ^e The Family Court of Australia does not 'deem' a matter finalised even if it has not had a court event for at least 12 months because of its case management practices. Therefore some matters may be affected by proceedings in other courts and are counted as pending but are currently inactive. **na** Not available. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court authorities and departments (unpublished); table 7A.18.

Effectiveness — judicial officers

This indicator relates access to the number of judicial officers available to deal with cases. It reports the number of judicial officers available to deal with cases, in relation to population size (box 7.11).

Box 7.11 Judicial officers

'Judicial officers' is an indicator that represents the availability of resources.

Judicial officers are officers who can make enforceable orders of the court. 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. They are also presented in comparison to the population of each jurisdiction.

A higher proportion of judicial officers in the population indicates potentially greater access to the judicial system. Factors such as geographical dispersion, judicial workload and population density are also important to consider when comparing figures concerning judicial officers.

The number of full time equivalent judicial officers for each court level is outlined in table 7.11. In all State and Territory jurisdictions with a three-tier system, there were more judicial officers in magistrates' courts than in district/county courts, and

(apart from WA) more officers in the district/county courts than in the supreme courts.

Table 7.11 Judicial officers, full time equivalent, 2007-08^a

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Supreme/Federal	63.4	44.0	25.7	31.1	14.0	6.8	6.3	7.9	65.0	264.1
District/County	67.0	51.8	32.9	28.5	20.3	..	..	..	..	200.5
Magistrates ^b	111.0	125.0	63.8	46.0	36.3	11.4	5.6	12.1	..	411.2
Children's	17.5	10.0	5.9	5.1	4.0	0.8	0.9	0.9	..	45.1
Family courts ^c	..	..	..	14.6	..	..	..	..	41.0	55.6
Federal Magistrates	..	..	..	..	..	..	..	..	52.0	52.0
Coroners' courts	5.0	7.0	7.8	2.0	2.1	0.4	0.3	1.5	..	26.1
Total^d	263.9	237.8	136.0	127.3	76.7	19.4	13.1	22.4	158.0	1 054.6

^a Totals may not add as a result of rounding. ^b Data for Victoria include a proportion of judicial officers from the Victorian Civil and Administrative Tribunal. ^c Family Court of Australia figures include FCoA judges assigned to the Full Court Appeals division. ^d Excludes electronic infringement and enforcement systems as they do not have open court sittings and therefore do not require judicial officers. .. Not applicable.

Source: Australian, State and Territory court administration departments (unpublished); table 7A.20.

Table 7.12 shows the number of judicial officers per 100 000 people.

Table 7.12 Judicial officers, full time equivalent, per 100 000 people, 2007-08

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts ^a	Total ^b
<i>Population ('000)^{c, d}</i>	6 927	5 246	4 228	2 131	1 592	496	341	218	..	21 181
<i>Judicial officers per 100 000 people</i>										
Supreme/Federal	0.9	0.8	0.6	1.5	0.9	1.4	1.8	3.6	0.3	1.2
District/County	1.0	1.0	0.8	1.3	1.3	..	..	..	..	0.9
Magistrates ^e	1.6	2.4	1.5	2.2	2.3	2.3	1.6	5.6	..	1.9
Children's	0.3	0.2	0.1	0.2	0.3	0.2	0.3	0.4	..	0.2
Family courts ^f	..	..	..	0.7	..	..	..	..	0.2	0.3
Federal Magistrates	..	..	..	..	..	..	..	..	0.2	0.2
Coroners' courts	0.1	0.1	0.2	0.1	0.1	0.1	0.1	0.7	..	0.1
Total^g	3.8	4.5	3.2	6.0	4.8	3.9	3.9	10.3	0.7	5.0

^a The Australian courts results have been derived using the total population figure for Australia. ^b Totals are derived by dividing the total number of judicial FTE at each court level by the Australian population (per 100 000). ^c Population total for Australia includes 'Other territories'. ^d Population data for the financial year is the midpoint (i.e. 31 December) estimate. ^e Data for the Victorian Magistrates' Court include a proportion of judicial officers from the Victorian Civil and Administrative Tribunal. ^f Family Court of Australia figures include FCoA judges assigned to the Full Court Appeals division. ^g Excludes electronic infringement and enforcement systems as they do not have open court sittings and therefore do not require judicial officers. .. Not applicable.

Source: Australian, State and Territory court administration departments (unpublished); table 7A.20. Population figures from statistical appendix Table AA.2.

Efficiency — attendance indicator

The Steering Committee has identified the number of court attendances required to reach finalisation as an indicator of efficiency in the courts (box 7.12). Attendance data can be difficult to collect. Due to system limitations, some jurisdictions supply data on listed hearings rather than actual attendances in court.

Box 7.12 Attendance indicator

The 'attendance indicator' is an indicator where court attendances act as a proxy for input costs. Alternative efficiency indicators are under development.

The number of attendances is the number of times that parties or their representatives are required to be present in court to be heard by a judicial officer or mediator/arbitrator where binding orders can be made. The number includes appointments that are adjourned or rescheduled.

The attendance indicator is presented simply as the average number of attendances required to reach finalisation for all cases finalised during the year (no matter when the attendance occurred).

Fewer attendances may suggest a more efficient process. However, this should be balanced against the argument that the number of attendances will increase if rehabilitation or diversionary programs are used, or if intensive case management is used. Both these aspects are believed to improve the quality of outcomes:

- rehabilitation and diversionary programs aim to provide therapeutic benefits for the offenders, and benefits of reduced recidivism for the community
- intensive case management is believed to maximise the prospects of settlement (and thereby reduce the litigant's costs, the number of cases queuing for hearing, and the flow of work on to appellate courts), or, alternatively, to narrow the issues for trial (thus shortening trial time and also reducing costs and the queuing time for other cases waiting for hearing).

Attendance indicator results for criminal proceedings are reported in table 7.13.

Table 7.13 Attendance indicator — criminal, 2007-08^a

	NSW ^b	Vic	Qld	WA	SA	Tas	ACT	NT
<i>Average attendances per finalisation</i>								
Supreme	na	2.4	2.8	2.3	4.6	5.9	5.5	6.9
District/County	na	5.1	4.0	4.7	6.9	..	..	..
Magistrates ^c	na	3.0	2.1	2.0	3.1	2.0	3.4	3.4
Children's	na	3.4	2.4	2.7	3.4	5.1	6.0	5.4

^a Excludes data for the electronic infringement and enforcement systems. ^b NSW data are not available.

^c The data for Victoria include a proportion of hearings from the Victorian Civil and Administrative Tribunal. **na** Not available. **..** Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.19.

Attendance indicator results for civil proceedings are reported in table 7.14.

Table 7.14 Attendance indicator — civil, 2007-08

	NSW ^a	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
<i>Average attendances per finalisation</i>									
Supreme (excl probate) ^b /Federal	na	1.2	1.4	3.1	4.9	na	5.2	5.2	2.2
District/county ^b	na	2.1	0.8	2.9	4.7	..	..	..	..
Magistrates ^c	na	0.8	0.7	0.8	0.7	na	1.5	1.8	..
Children's ^d	na	1.5	2.5	4.7	2.8	..	6.9	1.6	..
Family courts ^e	..	..	..	1.4	..	..	..	..	3.1
Federal Magistrates ^f	..	..	..	..	..	..	..	..	2.1
Coroners' courts	na	1.0	2.9	1.0	1.1	1.0	2.8	1.0	..

^a NSW attendance data are not available. ^b Queensland's supreme and district courts data for the count of attendances in the civil jurisdiction varies from the national counting rules. Multiple attendances are counted for a single court event, e.g. trials listed for multiple consecutive days. It also includes attendances for unfinalised cases. Attendances are not counted for case managed court events. ^c The Victorian Magistrates' Court data include a proportion of hearings from the Victorian Civil and Administrative Tribunal. ACT data are based on all listings for a case, including return of subpoenas, settlement and case management conferences. Multiple attendances are counted for a single event. ^d Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. ACT data are based on all listings for a case, including return of subpoenas, settlement and case management conferences. Multiple attendances are counted for a single event. ^e Family Court of Australia data include all conference events that may have a binding order made. It also contains events that may not require attendance of parties, such as a divorce hearing, and are included as they form part of the lodgment and finalisation data. Attendances for appeal cases were not available, however the number of appeal hearings is relatively small and the effect on the attendance indicator is not significant. ^f Federal Magistrates Court attendance data exclude responses to applications. na Not available. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 7A.19.

In the context of the attendance indicator, it is important to note that Alternative Dispute Resolution (ADR) can resolve certain matters out of court and thereby reduce the need for judicial hearings. Accordingly, differences between and within states and territories in the availability and use of ADR can affect the comparability of the attendance indicator.

Efficiency — clearance rate

The clearance rate shows whether the volume of finalisations matched the volume of lodgments in the same reporting period (box 7.13).

Box 7.13 Clearance rate

The 'clearance rate' shows whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court's pending caseload would have increased or decreased over that period.

It is derived by dividing the number of finalisations in the reporting period by the number of lodgments in the same period. The result is multiplied by 100 to convert to a percentage. The following can assist in interpretation of this indicator:

- a figure of 100 per cent indicates that, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload should be similar to the pending caseload 12 months earlier
- a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload should have decreased
- a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload should have increased.

The clearance rate should be interpreted alongside lodgment and finalisation data, and the backlog indicator, reported earlier in this chapter. Trends over time should also be considered.

The clearance rate can be affected by external factors (such as those causing changes in lodgment rates), as well as by changes in a court's case management practices.

Lodgments are a reflection of demand for court services. As noted previously, lodgments need not equal finalisations in any given year because not all matters lodged in one year will be finalised in the same year. Consequently, results for this indicator need to be interpreted alongside changes in lodgment, finalisation and pending counts. Trends over time may also provide additional context when interpreting results for the clearance rate indicator.

Tables for clearance rate data in 2007-08 are presented separately for the criminal and civil jurisdictions in tables 7.15 and 7.16. Where relevant, the clearance rate data have been disaggregated between appeal and non-appeal matters.

Table 7.15 Clearance indicator — all criminal matters, 2007-08^a

	<i>units</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>
Supreme — appeal									
Lodgments	'000	0.41	0.53	0.44	0.29	0.27	0.03	0.10	0.02
Finalisations	'000	0.40	0.47	0.40	0.34	0.28	0.02	0.07	0.03
<i>Clearance rate</i>	%	97.8	88.4	90.7	115.7	100.7	80.0	72.3	136.4
Supreme — non-appeal^b									
Lodgments	'000	0.11	0.16	1.49	0.26	0.07	0.69	0.32	0.38
Finalisations	'000	0.13	0.20	1.54	0.23	0.06	0.55	0.22	0.32
<i>Clearance rate</i>	%	114.2	125.2	103.0	91.1	85.1	79.5	70.2	84.5
District/County — appeal^c									
Lodgments	'000	7.11	2.22	0.34	..	..	..	..	..
Finalisations	'000	7.21	2.11	0.32	..	..	..	..	..
<i>Clearance rate</i>	%	101.5	94.9	93.5	..	..	..	..	..
District/County — non-appeal^b									
Lodgments	'000	3.43	2.50	6.61	2.43	1.65	..	..	..
Finalisations	'000	3.42	2.41	6.84	2.71	1.66	..	..	..
<i>Clearance rate</i>	%	99.6	96.5	103.5	111.6	101.1	..	..	..
Magistrates'									
Lodgments	'000	183.37	154.73	190.87	104.43	68.00	57.50	5.92	11.98
Finalisations	'000	178.48	156.34	187.45	114.69	74.82	59.29	5.65	11.69
<i>Clearance rate</i>	%	97.3	101.0	98.2	109.8	110.0	103.1	95.6	97.6
Children's									
Lodgments	'000	12.31	15.96	10.93	10.84	7.42	1.95	0.62	0.98
Finalisations	'000	12.08	17.45	10.93	11.94	7.56	1.61	0.61	0.93
<i>Clearance rate</i>	%	98.1	109.3	100.1	110.1	101.8	82.7	98.5	95.6
Electronic infringement and enforcement systems^d									
Lodgments	'000	..	1 148.29	529.21	251.99	167.83	..	..	..
Finalisations	'000	..	938.27	458.99	249.81	166.70	..	..	..
<i>Clearance rate</i>	%	..	81.7	86.7	99.1	99.3	..	..	..

^a Clearance rate results are derived from finalisation and lodgment data presented in tables 7A.1 and 7A.5.

^b Queensland supreme and district courts data for the number of originating criminal lodgments are based on a count of the number of defendants who had an indictment presented in the financial year — it is not a count of the number of defendants committed to the supreme/district courts for trial or sentencing. ^c Appeals are not heard in the district courts in WA or SA, instead they are referred to the supreme courts in these states.

^d Data for the electronic infringement and enforcement systems exclude unpaid court fines... Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.1, 7A.5, and 7A.21.

Table 7.16 Clearance indicator — all civil matters, 2007-08^a

	<i>units</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>Aust courts</i>
Supreme/Federal — appeal										
Lodgments	'000	0.89	0.42	0.24	0.14	0.13	0.12	0.06	0.11	1.50
Finalisations	'000	0.88	0.35	0.27	0.19	0.15	0.11	0.05	0.11	1.64
<i>Clearance rate</i>	%	99.0	84.2	112.7	136.0	120.5	96.6	87.7	94.6	108.8
Supreme (excl probate)/Federal — non-appeal										
Lodgments	'000	12.55	6.24	5.46	2.00	1.23	0.93	0.99	0.17	8.04
Finalisations	'000	13.29	7.64	5.44	2.10	1.23	0.96	0.85	0.21	7.35
<i>Clearance rate</i>	%	105.8	122.4	99.7	105.3	100.2	103.1	86.0	124.4	91.4
District/County — appeal										
Lodgments	'000	0.08	0.12	0.10	0.09	0.04	..	..	..	..
Finalisations	'000	0.09	0.11	0.08	0.12	0.04	..	..	..	..
<i>Clearance rate</i>	%	106.2	95.8	78.4	137.6	108.6	..	..	..	..
District/County — non-appeal										
Lodgments	'000	8.53	5.39	4.85	3.83	2.72	..	..	..	..
Finalisations	'000	8.44	5.34	4.79	3.80	3.06	..	..	..	..
<i>Clearance rate</i>	%	99.0	99.1	97.2	96.2	111.2	..	..	..	..
Magistrates^b										
Lodgments	'000	185.74	180.41	79.46	46.96	27.58	9.56	5.39	5.79	..
Finalisations	'000	173.66	176.04	81.58	46.02	30.10	10.12	4.97	5.41	..
<i>Clearance rate</i>	%	93.5	97.6	102.7	98.0	109.1	105.9	92.3	93.4	..
Children's^{c, d}										
Lodgments	'000	8.40	5.33	3.89	1.59	1.15	0.37	0.10	0.12	..
Finalisations	'000	7.30	4.75	3.63	1.57	1.13	0.35	0.09	0.15	..
<i>Clearance rate</i>	%	86.8	89.1	93.3	98.7	98.8	96.2	89.7	126.1	..
Family — appeal										
Lodgments	'000	..	..	..	0.02	..	..	..	..	0.35
Finalisations	'000	..	..	..	0.03	..	..	..	..	0.32
<i>Clearance rate</i>	%	..	..	..	133.3	..	..	..	..	91.1
Family — non-appeal										
Lodgments	'000	..	..	..	13.99	..	..	..	..	20.28
Finalisations	'000	..	..	..	12.80	..	..	..	..	23.76
<i>Clearance rate</i>	%	..	..	..	91.5	..	..	..	..	117.2
Federal Magistrates										
Lodgments	'000	..	..	..	..	..	..	..	..	84.17
Finalisations	'000	..	..	..	..	..	..	..	..	82.69
<i>Clearance rate</i>	%	..	..	..	..	..	..	..	..	98.2
Coroners'										
Lodgments	'000	6.54	5.36	3.51	1.77	1.90	0.53	1.30	0.34	..
Finalisations	'000	6.36	4.21	3.66	1.64	1.78	0.55	1.33	0.33	..
<i>Clearance rate</i>	%	97.3	78.7	104.0	92.8	93.5	103.2	102.6	96.5	..

^a The clearance rate is derived from finalisation and lodgment data presented in tables 7A.2 and 7A.6. ^b The Victorian Magistrates' Court civil data include a proportion of lodgments and finalisations from the Victorian Civil and Administrative Tribunal. ^c NSW lodgment data for children in the civil court is based on a count of each child listed in all new applications for care and protection, not just the originating application. ^d Queensland children's courts data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.2, 7A.6 and 7A.22.

All matters

Table 7.17 contains information on the clearance rates for all court matters (both criminal and civil) in 2007-08, and combines appeal and non-appeal matters.

Table 7.17 Clearance indicator — all matters, 2007-08 (per cent) ^a

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
Supreme/Federal									
Criminal	101.3	93.9	100.2	104.2	97.7	79.5	70.7	87.3	..
Civil ^b	105.4	119.9	100.3	107.3	102.1	102.4	86.1	112.5	94.2
<i>Total</i>	<i>105.2</i>	<i>117.4</i>	<i>100.2</i>	<i>106.6</i>	<i>101.2</i>	<i>93.1</i>	<i>81.7</i>	<i>97.7</i>	<i>94.2</i>
District/county									
Criminal	100.8	95.7	103.0	111.6	101.1	..	..	..	..
Civil	99.1	99.0	96.9	97.1	111.1	..	..	..	..
<i>Total</i>	<i>100.1</i>	<i>97.5</i>	<i>100.4</i>	<i>102.7</i>	<i>107.4</i>	<i>..</i>	<i>..</i>	<i>..</i>	<i>..</i>
Magistrates'									
Criminal	97.3	101.0	98.2	109.8	110.0	103.1	95.6	97.6	..
Civil ^c	93.5	97.6	102.7	98.0	109.1	105.9	92.3	93.4	..
<i>Total</i>	<i>95.4</i>	<i>99.2</i>	<i>99.5</i>	<i>106.2</i>	<i>109.8</i>	<i>103.5</i>	<i>94.0</i>	<i>96.2</i>	<i>..</i>
Children's									
Criminal	98.1	109.3	100.1	110.1	101.8	82.7	98.5	95.6	..
Civil ^{d, e}	86.8	89.1	93.3	98.7	98.8	96.2	89.7	126.1	..
<i>Total</i>	<i>93.5</i>	<i>104.3</i>	<i>98.3</i>	<i>108.6</i>	<i>101.4</i>	<i>84.8</i>	<i>97.4</i>	<i>98.8</i>	<i>..</i>
Elec. infringement and enforcement systems^f	..	81.7	86.7	99.1	99.3	..	..	..	..
Family courts	..	..	..	91.6	..	..	..	..	116.7
Federal Magistrates	..	..	..	..	..	..	..	..	98.2
Coroners' courts	97.3	78.7	104.0	92.8	93.5	103.2	102.6	96.5	..

^a Clearance rates are derived from finalisation and lodgment data presented in tables 7A.1–2 and 7A.5–6.

^b Supreme courts data exclude probate matters. ^c The Victorian Magistrates' Court civil data include a proportion of hearings from the Victorian Civil and Administrative Tribunal. ^d NSW lodgment data for children in the civil court are based on a count of each child listed in all new applications for care and protection, not just the originating application. ^e Queensland children's courts data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. ^f The clearance rate relates to processing of unpaid infringement notices only (unpaid court fines are excluded). .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.1–2, 7A.5–6, and 7A.21–22.

Efficiency — cost per finalisation

Cost per finalisation is an efficiency indicator (box 7.14). Cost is taken as the total net recurrent annual expenditure, excluding payroll tax. Net expenditure refers to expenditure minus income (where income is derived from court fees and other revenue but excludes revenue from fines).

Box 7.14 Cost per finalisation

'Cost per finalisation' is an indicator of efficiency. This indicator is not a measure of the actual cost per case.

It is derived by dividing the total net recurrent expenditure within each court for the financial year by the total number of finalisations for the same period. The following points need to be considered in interpreting the cost per finalisation indicator results:

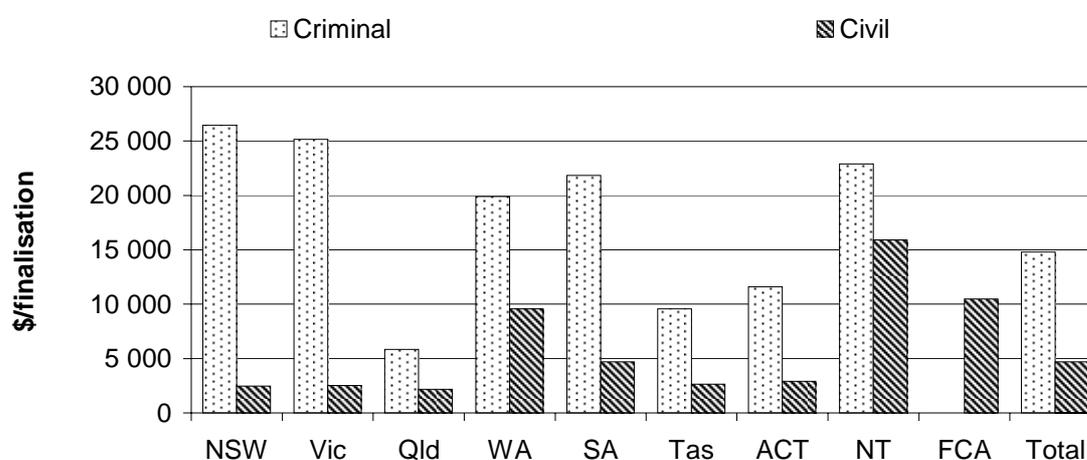
- some finalisations take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions
- cases in the civil jurisdiction that have not been acted upon in the last 12 months are counted (deemed) as finalised (although some jurisdictions are unable to comply with this deeming rule)
- expenditure data may include arbitrary allocation between criminal and civil jurisdictions
- net expenditure is calculated by deducting income (court fees) from total expenditure, noting that in some jurisdictions court fees are set by government rather than by court administrators
- a number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors
- efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between efficiency on the one hand and equity, effectiveness and quality, on the other.

In general, the net recurrent expenditure per finalisation results for civil courts will be lower than criminal courts, because, with the exception of electronic infringement and enforcements systems, relatively little income is generated by the criminal court system (table 7A.11). Civil court fee structures may also impact on cost per finalisation results (table 7A.15).

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

Nationally, in 2007-08, total net expenditure per finalisation in the criminal jurisdiction of supreme courts was around three times greater than the total net expenditure per finalisation for the civil jurisdiction, including the Federal Court — the Federal Court has no criminal jurisdiction (figure 7.4).

Figure 7.4 Net recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2007-08^{a, b, c, d}



FCA=Federal Court of Australia

^a Expenditure excludes payroll tax. ^b Supreme courts data for the civil jurisdiction exclude uncontested probate matters. ^c The Federal Court does not operate in the criminal jurisdiction. ^d For the WA Supreme court, net expenditure increased significantly in 2007-08 due to the increase in the actuarial assessment of the liability for currently serving Judges under the Judicial Pension Scheme. The methodology used to calculate expenses in relation to the Judicial Pension Scheme varies between the states and therefore comparison should be made with caution.

Source: State and Territory court administration authorities and departments and the Federal Court of Australia (unpublished); tables 7A.23–24.

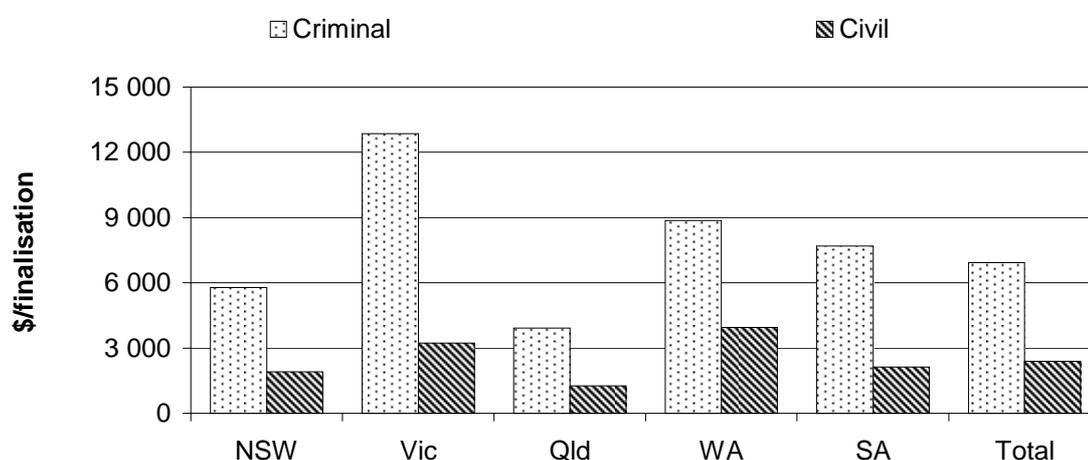
Tasmania, the ACT, and the NT have a broader range of matters that are heard in their supreme courts as none of these jurisdictions have district/county courts. The difference in scope of supreme court work (box 7.1) should be considered when making comparisons between states and territories.

Net expenditure per finalisation for district/county courts

In 2007-08, total net expenditure per finalisation in the criminal jurisdiction of district/county courts was more than twice that in the civil jurisdiction (figure 7.5). This trend was similar across all states and territories, and is consistent over time (tables 7A.23–24).

Tasmania, the ACT, the NT and the Australian Government do not operate district/county courts.

Figure 7.5 **Net recurrent expenditure per finalisation, district/county courts, 2007-08^{a, b, c}**



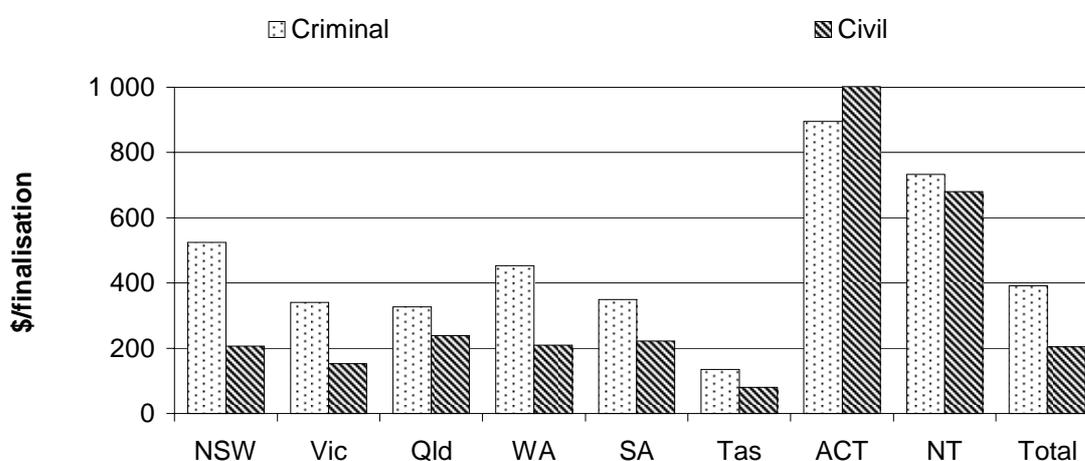
a Expenditure excludes payroll tax. **b** In Queensland some children's courts criminal matters are heard in district courts, but for this Report, these matters have been included with children's court data. **c** For the WA District court, net expenditure increased significantly in 2007-08 due to the increase in the actuarial assessment of the liability for currently serving Judges under the Judicial Pension Scheme. The methodology used to calculate expenses in relation to the Judicial Pension Scheme varies between the states and therefore comparison should be made with caution.

Source: State and Territory court administration authorities and departments (unpublished); tables 7A.23–24.

Net expenditure per finalisation for magistrates' courts (including children's courts)

Nationally for magistrates' courts, net expenditure per criminal finalisation was greater than net expenditure per civil finalisation. This was also the case across most of the states and territories (figure 7.6).

Figure 7.6 Net recurrent expenditure per finalisation, total magistrates' courts (including magistrates' and children's courts), 2007-08^{a, b, c, d, e}



^a Expenditure excludes payroll tax. ^b The Victorian Magistrates Court civil data include a proportion of expenditure and finalisations from the Victorian Civil and Administrative Tribunal. ^c In Queensland some children's courts criminal matters are heard in district courts, but for this Report, these matters have been included with children's courts data. ^d Queensland children's courts data for civil cases are based on a count of cases, not the number of children involved in each care and protection case. ^e In Tasmania, unpaid minor traffic infringements are dealt with in the magistrates' courts.

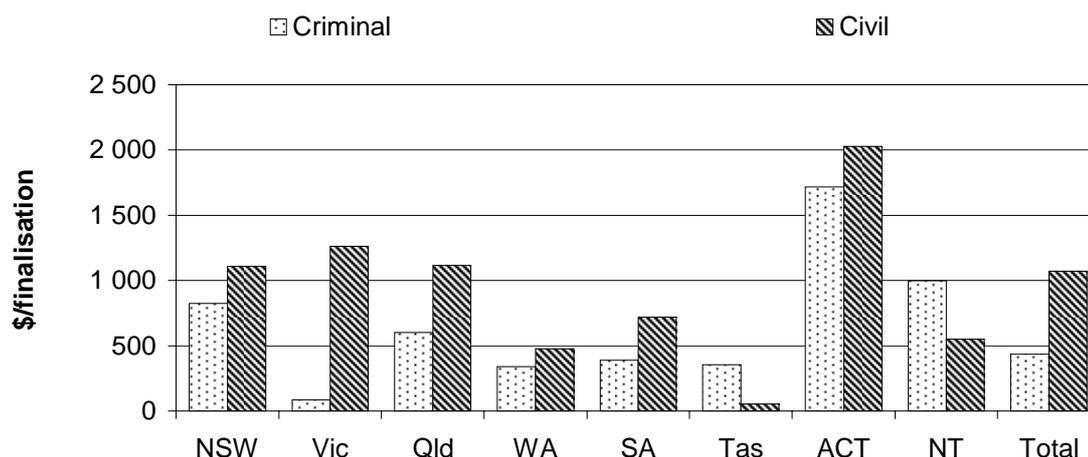
Source: State and Territory court administration authorities and departments (unpublished); tables 7A.23–24.

Net expenditure per finalisation for children's courts

Net expenditure per finalisation for children's courts varies across states and territories, particularly for civil matters, but also for criminal matters (figure 7.7). The bulk of matters dealt with in the civil jurisdiction of children's courts are care and protection orders. However, some jurisdictions will also hear matters such as applications for intervention orders. In Tasmania, child protection matters are lodged in the criminal registry as urgent.

Unlike all other court levels where there are both criminal and civil jurisdictions, nationally, net expenditure per finalisation for the children's courts level was, in most jurisdictions, higher in the civil jurisdiction.

Figure 7.7 **Net recurrent expenditure per finalisation, children's courts, 2007-08** a, b, c, d, e



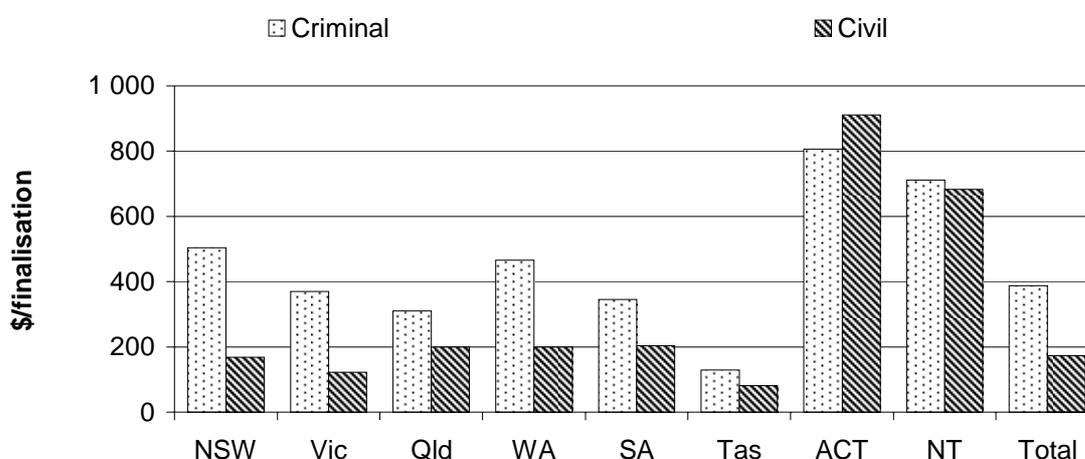
a Expenditure excludes payroll tax. **b** In Victoria, children's criminal matters not heard in the Melbourne Children's Court are heard in magistrates' courts in regional areas. It is not possible to apportion the expenditure on these matters to children's courts as such this expenditure is reported with expenditure data for the magistrates' courts. However, the matters heard are separately identifiable and are reported against children's courts (including where a children's courts matter is dealt with in a regional magistrate's court). **c** In Queensland some children's courts criminal matters are heard in district courts — but for reporting purposes have been included with the children's courts. **d** Queensland children's courts data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. **e** In Tasmania child protection matters are lodged in the criminal registry as urgent. Expenditure in the civil jurisdiction of the Tasmanian Children's Court in 2007-08 relates to counselling and mediation services only.

Source: State and Territory court administration authorities and departments (unpublished); tables 7A.23–24.

Net expenditure per finalisation for magistrates' courts only

Net expenditure per criminal and civil finalisation for magistrates' courts only, excluding children's courts and electronic infringement and enforcement systems, is presented in figure 7.8. Nationally, and in all states and territories except for the ACT, net recurrent expenditure per finalisation is higher in the criminal jurisdiction.

Figure 7.8 Net recurrent expenditure per finalisation, magistrates' courts only (excluding children's courts), 2007-08^{a, b, c, d}



^a Expenditure excludes payroll tax. ^b In Victoria, children's criminal matters not heard in the Melbourne Children's Court are heard in magistrates' Courts in regional areas. It is not possible to apportion the expenditure on these matters to children's courts as such this expenditure is reported with expenditure data for the magistrates' courts. However, the matters heard are separately identifiable and are reported against children's courts (including where a children's courts matter is dealt with in a regional magistrate's court). ^c The Victorian Magistrates' Court civil data include a proportion of expenditure and finalisations from the Victorian Civil and Administrative Tribunal. ^d In Tasmania, unpaid minor traffic infringements are dealt with in the magistrates' courts.

Source: State and Territory court administration departments (unpublished); tables 7A.23–24.

Net expenditure per finalisation for electronic infringement and enforcement systems

All electronic infringement and enforcement systems in 2007-08 had income that outweighed any associated expenditure (figure 7.9).

Figure 7.9 Net recurrent expenditure per finalisation, electronic infringement and enforcement systems, 2007-08^{a, b}



a Expenditure excludes payroll tax. **b** Electronic infringement and enforcement systems (infringement and expiated offence processing systems that have the status of a court) operate only in Victoria, Queensland, WA and SA. Other states and territories may operate similar bodies that do not operate under the auspices of a court.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.23.

The analysis of magistrates' courts efficiency in figures 7.6 and 7.8 excluded electronic infringement and enforcement system expenditure and finalisations. Box 7.15 shows the impact of including electronic infringement and enforcement systems within the efficiency results of the magistrates' courts.

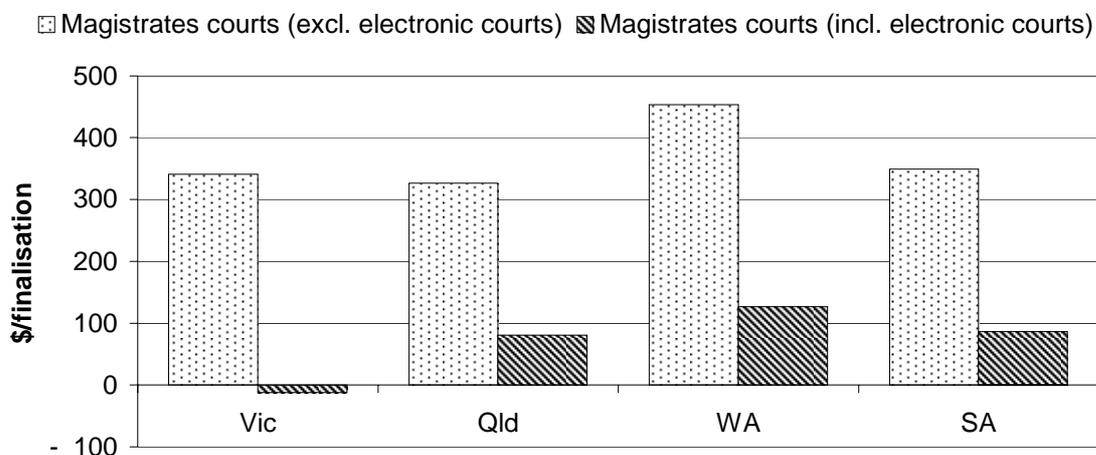
Box 7.15 The impact of the electronic infringement and enforcement systems on the cost per criminal finalisation for magistrates' courts

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

Electronic infringement and enforcement systems — 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 magistrates' courts.

Electronic infringement and enforcement systems, as defined above, currently operate only in Victoria, Queensland, WA and SA. The figure in this box shows the impact that including electronic infringement and enforcement systems data for these jurisdictions would have on the magistrates' courts (including children's courts) efficiency results reported in figure 7.6.

The impact is a reduction in net recurrent expenditure per criminal finalisation for magistrates' courts in all four jurisdictions (assuming all of the matters dealt with by the electronic infringement and enforcement systems would otherwise have been dealt with by magistrates' courts). The magnitude of the reductions under this assumption is shown in the figure below and table 7A.23. In Victoria the result is net income of \$13 per finalisation.



Source: State and Territory court administration authorities and departments (unpublished); table 7A.23.

Although NSW, Tasmania, the ACT and the NT do not operate electronic infringement and enforcement systems that fall under the jurisdiction of magistrates' courts, they have bodies (such as the NSW State Debt Recovery Office, the Motor Vehicle Registry in the ACT, and the Fines Recovery Unit in the NT) that deal with unpaid infringement notices and may have a similar impact in reducing the workload of their magistrates' courts. In Tasmania, unpaid minor traffic infringements are dealt with by way of complaint and summons in the magistrates' courts, and this has the effect of reducing net expenditure per finalisation in the criminal jurisdiction of their magistrate's courts.

Net expenditure per finalisation for family courts and the Federal Magistrates Court of Australia

The Family Court of Australia, Family Court of WA and the Federal Magistrates Court are responsible for determining matters related to family law and child support, but each court has a different focus, breadth and complexity of work, which contribute to the differences in net recurrent expenditure per finalisation results presented in figure 7.10. For example, the Family Court of WA differs from the Family Court of Australia in that it has jurisdiction to deal with financial matters between parties that were in a de facto relationship.

Figure 7.10 Net recurrent expenditure per finalisation, family courts and the Federal Magistrates Court of Australia, 2007-08^{a, b, c}



^a Expenditure per finalisation for the Federal Magistrates Court is based on the total net expenditure and all finalisations for that court; it does not isolate family law work from general federal law work and is therefore not strictly comparable with the results for either the Family Court of Australia or the Family Court of WA. ^b The Family Court of Australia expenditure figures have been discounted (estimated) for resources and services (work of Court staff and accommodation) provided free of charge to the Federal Magistrates Court in accordance with the *Federal Magistrates Act 1999*. In addition, the Family Court of Australia provides further shared services, including IT services, accommodation, work of Court staff and depreciation and amortisation that are currently not quantified and as such no additional discount could be applied. This will cause an overestimate for the Family Court of Australia figure (and an underestimate for Federal Magistrates Court). ^c For the WA Family Court, a revision of the cost allocation methodology applied to Department's corporate overheads has reduced overall expenditure attributed to the FCWA in 2007-08. This revised methodology was aligned with the model developed as part of the current Commonwealth funding review.

Source: Australian court administration authorities (unpublished); table 7A.24.

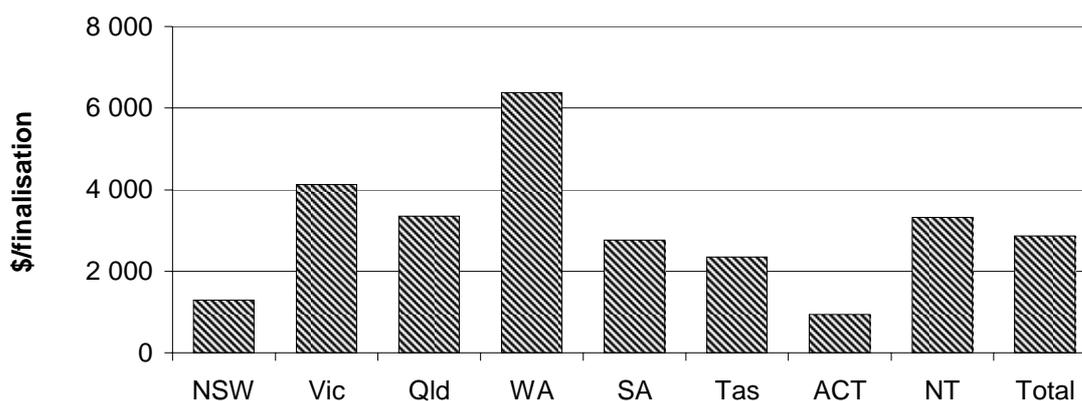
The establishment of the Federal Magistrates Court in 2000 has had implications for the finalisations and expenditure reported for the Family Court of Australia, because the Federal Magistrates Court now deals with some of the matters previously managed by the Family Court of Australia. For example, before the establishment of the Federal Magistrates Court, all divorce applications (other than those lodged in

the Family Court of WA) were lodged in the Family Court of Australia; now (aside from those lodged in the Family Court of WA) almost all divorce applications are lodged in the Federal Magistrates Court. In general federal law, the Federal Magistrates Court also deals with the less complex administrative law, bankruptcy law, discrimination, workplace relations and consumer protection law matters that were previously dealt with in the Federal Court of Australia.

Net expenditure per reported death and fire for coroners' courts

Nationally, expenditure per reported death and fire in coroners' courts was approximately \$2865 in 2007-08 (figure 7.11).

Figure 7.11 Net recurrent expenditure per finalisation, coroners' courts, 2007-08^{a, b, c}



^a Expenditure excludes payroll tax. ^b Data for NSW, Victoria and the ACT include reported fires. ^c The inclusion of expenditure for autopsy and chemical analysis work varies between states and territories and can affect the comparability of this expenditure series. For example, the WA Coroner's court data includes costs for pathology, toxicology and body removals totalling the relatively large amount of \$5.17m in its cost per finalisation. Similarly, recurrent expenditure for the Coroners' Court in Victoria has been adjusted to include for the first time the costs of autopsy and forensic science services provided to the Coroners' Court by the Victorian Institute of Forensic medicine. This adjustment has been made to the 2007-08 (and previous) year(s), and accounts for the most significant proportion of Victoria's Coroners' Court expenditure.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.24.

Some states and territories include autopsy and chemical analysis costs in their expenditure data, but others exclude these costs because they refer to services administered and funded outside the court administration agency's umbrella department. This can lead to large variations in the net expenditure per finalisation.

Data for NSW, Victoria, Tasmania and the ACT in 2007-08 include fires reported to the coroner. Fires are not reported to the coroner in other jurisdictions. Care needs to be taken when making comparisons across the states and territories.

Outcomes

Outcomes are the impact of services on the status of an individual or group (while outputs are the actual services delivered) (see chapter 1, section 1.5).

No outcome indicators for court administration are currently reported. It is noted, however, that the activities of court administrators lead to broader outcomes within the overall justice system that are not readily addressed in this service-specific chapter. The Steering Committee has identified outcome indicators as an important element of the performance indicator framework to develop for future reports.

7.4 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 (CAWG) and the Courts Practitioner Group (CPG), seeks to continuously improve data quality. Some of the activities and processes by which this is done include:

- 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.

At a broader level, the CAWG is monitoring studies by the Australian Institute of Judicial Administration (AIJA) of the quality and performance of courts systems worldwide. The AIJA is a research and educational institute funded by the Standing Committee of Attorneys-General and also from subscription income from its

membership. It recently held a Court Quality Forum at which an *International Framework of Court Excellence* (AIJA 2008) was discussed. The Framework identified a set of values, concepts and tools with which court systems worldwide can assess the quality of justice and court administration they deliver. In discussing the International Framework, the Forum identified cost and timeliness measures of the kind already published in this chapter, plus a number of presently unreported quality measures that could be evaluated by the CAWG for possible inclusion in the this Report.

7.5 Jurisdictions' comments

This section provides comments from the Australian courts and each State and Territory on the services covered in this chapter.

New South Wales Government comments

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NSW continues to improve its level of performance. The NSW District Court reduced its criminal backlog for the third year in a row. The Coroner's Court has also significantly improved its backlog performance, almost halving the 12-month backlog in just two years. NSW courts continue to improve their efficiency, with the real net cost per finalisation falling for all courts. This measure has been falling for the past three years in the NSW Supreme, District and Coroner's Courts.

A Strategic Plan has been developed for the Attorney General's Department to guide court administration in NSW from 2008 to 2011. This plan focuses on three major areas to further improve the court system.

The first area is promotion of alternative dispute resolution, non-adversarial justice and fair play. The NSW Supreme Court has led in this, its officers conducting a record 266 mediations between January and June 2008 with a 59 per cent same-day settlement rate. NSW Community Justice Centres also continue to provide mediations as an alternative for the NSW Local (Magistrate's) Court. An alternative dispute resolution strategy is currently being developed to increase the use of mediation in all NSW courts.

The second area of focus is courts modernisation. NSW continues to innovate in this area, harnessing technology to provide clients with superior services in more convenient ways. Use of JusticeLink, the online system for conducting court business, will continue to grow in 2009. It has already been successfully implemented in the criminal jurisdictions of the NSW Supreme and District Courts, with thousands of documents now being filed electronically. Court security systems have been updated and the use of audio-visual links extended to enable vulnerable and remote witnesses to give evidence from outside the courtroom. Analogue court recording equipment is being replaced by digital systems to produce a faster and more accurate court transcript service. NSW is making its legal library – one of Australia's largest – available online for the judiciary, the legal profession and the wider community.

The third area of focus is early intervention and diversionary strategies. A number of outreach services have been trialled, including court staff visiting remote communities and homeless shelters in 2007-08. The successful Domestic Violence Intervention Court Model is being expanded. A new research centre has been set up in partnership with University of Technology, Sydney, to develop technological innovation and environmental design to reduce crime. Defendants in NSW courts can be referred to programs such as MERIT for specialist help with problems such as drug, alcohol and gambling addiction, mental illness, unemployment and homelessness. Circle Sentencing – a community-based and more targeted approach to the sentencing process – continues to succeed. NSW is exploring a range of similar initiatives to strengthen the role of courts in addressing the underlying problems that contribute to re-offending, particularly in Aboriginal communities.

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Victorian Government comments

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- The Supreme Court figures published this year demonstrate that the efficiency and productivity improvements implemented in previous years are reducing the backlog numbers, reducing the volume of matters pending, increasing clearances and reducing the volume of years of work on hand. These results arise from a number of factors, including improved management of each jurisdiction by the Civil and Criminal Divisions, the use of Practice Notes to effect change, together with the use of court-wide audits to increase the timeliness of disposals (finalisations). The Court continues to meet growth in demand and complexity by introducing new initiatives such as docketing, continued use of mediations by Master, growth of the role and jurisdiction of Masters (now to be called Associate Judges), and expansion of the Supreme Court's specialist list system of managing litigation.
 - The increase in delays in criminal appeals principally arises from the increased listing of criminal trials in the County Court followed by appeals. The hearing of civil appeals has been affected by the increased volume of criminal appeals. A number of reforms are being introduced to reduce delays.
 - In 2007-08 the County Court continued to focus on addressing delays in the Criminal List, with a number of initiatives implemented that have improved the productivity of the County Court, including changes to listing procedures. The sexual assault legislative reforms in Victoria have been highly successful in providing a more positive court-based response to witnesses in sex offence cases. Sex offences proceeding to trial now constitute almost 50 per cent of all trials – with 50 per cent of these involving child and cognitively impaired witnesses, which require a special hearing, and the trial commenced, before the same Judge within three months of the accused person being committed for trial. These generally more complex and lengthy cases are taking priority and pushing non-sex cases down the list. Consequently, whilst clearance rates are increasing for sex offence cases, they are decreasing for non-sex cases.
 - The Magistrates' Court of Victoria has continued to develop its highly innovative therapeutic justice initiatives including the Courts Integrated Services Program, specialist Family Violence Courts, Diversion, Drug Court and Koori Court programs. The Court's clearance rates in both criminal and civil matters have improved significantly since the last Report which reflects an increased focus on the efficient disposal of matters. The criminal clearance rate is now in excess of 100 per cent. Further improvements in this area are expected as the Court progressively reviews and enhances its case management and listing practices but this will be affected by the growing workload the Court is experiencing.”

Queensland Government comments

“ Queensland Courts have continued to implement processes that will deliver an open and accessible justice system.

- The Torres Strait Region Court Circuit commenced in January 2008, allowing Magistrates Courts to be conducted on the outer islands of the Torres Strait. Each island represents cluster groups of between three and five island groups. Court has now been held in eight new Island communities, as well as the continuation of court being held at Badu Island.
- The Judicial Registrar pilot program commenced in January 2008 with the appointment of five Judicial Registrars. The Judicial Registrars finalise less complicated criminal and civil matters. The pilot program was set up to reduce backlog of workloads and improve clearance rates, and a review will be conducted in early 2009.
- Office of the State Coroner - Two full time coroners and dedicated coronial support teams were appointed in response to increasing demand for coronial services in South East Queensland and Far North Queensland. Work also commenced on the development of a custom designed coronial case management system, scheduled for implementation during 2008-09. This system will deliver significantly improved system functionality, more efficient use of registry resources and assist in improving the quality of Queensland's coronial service.
- The State Penalties Enforcement Registry (SPER) undertook a review of its instalment payment plan processes for paying fines. Client feedback was sought about ways to improve payment methods to assist low income earners better pay their fines. The automation of the instalment plan process will free up valuable resources for other compliance options and enforcement investigations.
- The Future Courts Program has added a modern web-base interface to the existing Civil Information Management System (CIMS) to create CIMSlite. This upgrade will provide the community, litigants and the legal profession with benefits including improved registry practices and procedures, access to files on-line, increased efficiency and better client service.
- Video-conferencing systems continue to be upgraded with new facilities installed at the Arthur Gorrie and Brisbane Correctional Centres. Video-court systems were also installed or upgraded in 27 courtrooms. This combination of facilities will allow for increased use of video-conferencing and reduce physical transfer of prisoners for court appearances.
- accessCourts is an initiative that incorporates three separate programs into a service that provides support for self-represented litigants in the Supreme and District Courts at Brisbane. This initiative will ensure that self-represented litigants are not disadvantaged in their dealings with the processes of the Supreme and District Courts.

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Western Australian Government comments

“ The Department of the Attorney General continued its focus on improving court performance. Significant initiatives and achievements in 2007-08 included:

- An Indigenous Justice Taskforce was set up by the Chief Justice in response to the increased number of sexual offence charges in the Kimberley region. This brought together the judiciary and the relevant agencies to hasten adult and juvenile cases so that the communities concerned can start the healing process.
- The establishment of an early case management process and improved listing protocols by the Supreme Court has guaranteed criminal indictable matters are efficiently managed at the earliest stage of the committal process. The introduction of the criminal listings project to the District Court contributed to better case management of criminal trials. These initiatives have reduced the time to trial in each jurisdiction.
- Family Violence Courts have continued to break the cycle of family violence and improve the level of safety for victims. After a pilot in Joondalup in 2000, similar courts were opened in Fremantle, Rockingham and Midland in 2007-08 with additional courts planned for Armadale and central Perth in 2008-09. In 2007-08, 2789 new victims of family violence were assisted in the metropolitan area and 137 offenders were referred for assessment with 77 of these accepted into a program. An Aboriginal specific program known as the Barndimalgu Court has also commenced in Geraldton.
- A new, state of the art District Court building was opened in central Perth in June 2008. This fulfilled an urgent need for more jury courtrooms, video courts, remote witness facilities and dedicated zones for jurors. It also allows more witnesses and victims of crime to present their evidence remotely through the use of video conferencing.

WA courts continue to provide effective state-wide services. Of note in 2007-08:

- The appointment of additional judicial officers in the District Court and Magistrates Courts has improved access to justice and expedited the efficiency and effectiveness of court performance across jurisdictions.
 - The Supreme Court, Court of Appeal has a significant reduction in criminal and civil appeals matters pending completion which was a direct result of a heavy judicial workload.
 - The Family Court continued to improve support and intervention mechanisms for the community through case management of applications that involve children.
 - The Coroner made recommendations relating to issues affecting the aboriginal community as a result of inquests into 22 Aboriginal people who died in the Kimberley region. The Coroner has taken a proactive approach in identifying issues or trends which affect specific ethnic, cultural, gender or age groups, or geographical areas.
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South Australian Government comments

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The SA Courts Administration Authority (CAA) continued its focus on data quality and developing internal key performance indicators across all jurisdictions.

Improvements implemented have increased the quality of information for national and internal management reporting.

In 2007-08, the Courts have performed consistently with the previous year. There has been a slight decrease in civil lodgments across jurisdictions with criminal lodgements and finalisations remaining constant.

In the District Court, there have been concerns regarding the length of the criminal trial delay and as a result the State Government has given approval for two extra courtrooms to be recommissioned to address this issue. It will provide two fully functional criminal courtrooms with the appointment of two additional Judges. This initiative is due to be completed in 2009. Part of this process also includes a review of current listings practices and refining of methods for statistical collection and analysis. It is expected that this will reduce backlogs in the Higher Courts and should be evident in the 2010 Report on Government Services.

The CAA has commenced a project to increase the use of Audio Visual Links in the courtroom, providing up-to-date equipment, operational guidelines and technical support. Vulnerable witnesses and victims will use this technology to conduct 'remote' appearances in court. It is also an efficient way of dealing with some court appearances when defendants are in custody.

The Magistrates Court has increased the use of Special Justices during the reporting period. Special Justices assist the Magistracy in dealing with matters in petty sessions. They also assist on an ad hoc basis in some country locations for the purpose of bail applications under the *Bail Act* 1985 where a Magistrate is not available.

The Magistrates Court has also instituted Aboriginal Conferencing at Port Lincoln, and continues to operate Aboriginal Courts in Port Augusta, Port Adelaide, Murray Bridge and Berri.

In 2008 the CAA undertook a partial asset replacement of obsolete analogue in-court recording equipment with Digital Audio technology. Digital Audio technology will be installed in courtrooms in all jurisdictions. The solutions are a mixture of software and stand-alone 'plug and play' options. Procurement of further Digital Audio technology will occur in 2009.

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Tasmanian Government comments

“ In 2007-08 a number of significant reforms commenced in the Tasmanian Criminal Courts.

In February 2008 changes were made to the process for dealing with defendants charged with indictable offences. The changes are designed to reduce the time taken from the first appearance in the Court of Petty Sessions to eventual disposition of the matter in the Supreme Court, and in particular shorten the committal process. The impact is already apparent with a reduction in the time required for the committal process to complete in the Magistrates Court and a consequential increase in lodgements in the Criminal jurisdiction of the Supreme Court.

The number of pending cases in the Criminal Jurisdiction of the Magistrates Court at 30 June 2008 has reduced by over 40 per cent when compared with 30 June 2007. This is a result of the commencement of Monetary Penalties legislation which redirects unpaid infringement notices from the courts to the Monetary Penalties Enforcement Service. In 2008-09 the Magistrates Court expects to report a related decrease in the number of lodgements and finalisations of criminal matters. This will have a consequential impact on the cost per finalisation in this court.

The Magistrates Court implemented a Court Mandated Drug Diversion Program for the diversion of eligible offenders to drug treatment programs together with a trial of a Mental Health list in the Hobart Magistrates Court. Both initiatives reflect an increased focus by the courts on therapeutic options for dealing with offenders. It is anticipated that the additional judicial supervision of these offenders will increase the time taken to finalise these cases, thereby affecting backlog and clearance rates.

The Supreme Court completed the implementation of a new Civil Registry Case Management System during the year. The system provides the court with the tools required to more closely monitor pending cases to support the speedy resolution of civil cases. The same software will be implemented in the Civil Jurisdiction of the Magistrates Court in 2008-09.

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Australian Capital Territory Government comments

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The ACT Courts initiatives of recent years to address case management and operation of the Courts have met with mixed success. While criminal finalisations have improved (by 11 per cent for Supreme Court appeals and 21 per cent for non-appeals, and 5 per cent in the Magistrates Court), the report reflects that lodgements have increased further (by 60 per cent, 47 per cent and 15 per cent respectively), resulting in an increased backlog. Several factors appear to have influenced this outcome. Following appointment of two new judges to the four person bench of the Supreme Court in January 2008, the lead time for their appropriate induction and training, and initial exclusion of one judge from matters relating to his previous employment, slowed backlog management. Limited jury facilities have also continued to allow for only two concurrent jury trials at any one time. An increase in the threshold for matters to be dealt with summarily in the Magistrates Court (due to commence in 2009) is likely to reduce criminal lodgements in the Supreme Court and is expected to speed finalisation times overall.

In the civil arena overall lodgements have increased in the reporting period (from 891 to 1049 in the Supreme Court and from 6025 to 6532 in the Magistrates Court), but both areas are about average in 5-year trend terms (1093 and 6473 respectively). While there is some evidence that civil cases in the Supreme Court are increasingly complex and therefore difficult to finalise quickly, the reported statistics indicate that further improvements to case management techniques are still required. In this regard examination of the Magistrates Court listing arrangement introduced last year has begun with a view to improvements in outcomes in the Magistrates Court being a focus in 2009.

Costs per finalisation decreased in relation to Supreme Court matters in the year, and increased in the Magistrates court. Delays in completion of capital works during the year and accurate rental expenditure reporting for the Magistrates Court was included in the calculations for the first time, having the effect of increasing the costs overall. Some of the work of the registries is not measured by the ROGS data. A growing area of work for the ACT Courts has been bail applications, especially in the Supreme Court, which are not captured by any of the measures. Initiatives for the coming year include:

- Finalisation of a strategic plan for the years 2008 – 2011;
- Upgrade of courts technology to enable both courts to deal with more matters where a victim of sexual assault, child, or vulnerable witness is required to give evidence;
- Continuing upgrade of the court case management system especially to improve supreme Court case management efficiency; and
- Implementation and commencement of a consolidated ACT Civil and Administrative Tribunal.

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Northern Territory Government comments

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- The Alcohol Court, which commenced in July 2006, was expanded into Katherine, Nhulunbuy and Tennant Creek as part of the NT Government's 'Closing the Gap' Generational Plan of Action. The Alcohol Court provides for diversion of certain alcohol-dependent offenders into treatment programs and for Prohibition Orders, in line with the Department of Justice's strategies to address re-offending and develop alternative sentencing practices.
 - The first phase of expansion of Community Courts as part of 'Closing the Gap' commenced. Community Courts are part of the Department's strategies to address re-offending and develop alternative sentencing practices. They apply principles of restorative justice by allowing communities and victims to play a role in the sentencing process. Magistrates and court support staff held initial discussions with a number of communities to lay the groundwork for Community Courts. Community Courts were held in Darwin, Nguiu, Pirlingimpi, Nhulunbuy, Galiwinku and Yuendumu.
 - The Court Referral and Evaluation for Drug Intervention and Treatment Program (CREDIT NT) expanded into the Tennant Creek region.
 - Videoconferencing facilities at the Alice Springs Supreme Court were upgraded. The new system allows for greater ease of use for operators and greater protection for vulnerable witnesses by incorporating touch pad technology with the latest state of the art equipment.
 - The first Indigenous Court Liaison Officer was appointed at Katherine. The officer's main responsibilities are to explain the process and orders of the court to indigenous clients, particularly those involved in domestic violence applications. The officer also has a community education role.
 - Supreme Court Judges commenced mediating civil actions to reduce the time and expense involved in conducting civil trials.
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7.6 Definitions of key terms and indicators

Active pending population	A lodgment that is yet to be finalised but is part of the active 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 indicator	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 are 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 that is heard by a judicial officer or mediator/arbitrator.
Backlog indicator	A measure of case processing timeliness. It is the number of pending cases older than the applicable reporting standards, 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 rate	An indicator that shows whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court's pending caseload has increased or decreased over that period.
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.
Electronic infringement and enforcement system	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	This includes such bodies as guardianship boards, environment resources and development courts, and administrative appeals tribunals. The types of excluded courts and tribunals vary among the states and territories.
Extraordinary driver's licence	An extraordinary licence is a licence granted at the discretion of the court. It authorises the holder to drive in certain circumstances even though the holder's normal driver's licence has been suspended.
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.

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 that are 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. (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 recurrent 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.
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	<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 can extend to the manner of the 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. <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 or traffic camera branches.

	<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 matters:</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 non-adjudicated finalisation is where a charge is considered completed and ceases to be active in a court even though there has not been a determination on whether the defendant is guilty, that is, the charge(s) have not been adjudicated. The methods of non-adjudicated finalisation include but are not limited to defendant deceased; unfit to plead; withdrawn by the prosecution; diplomatic immunity and statute of limitation applies.
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 Gross Domestic Product (GDP) price deflator and expressed in terms of final year prices (i.e. for the court administration chapter with 2007-08 as the base year). Additional information about the GDP index can be found in the statistical appendix and in table AA.26.
Recurrent expenditure	Expenditure that does not result in the creation or acquisition of fixed assets (new or second hand). It consists mainly of expenditure on wages, salaries and supplements, purchases of goods and services, and the consumption of fixed capital (depreciation).
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.
Specialist jurisdiction court	A court which has exclusive jurisdiction in a field of law presided over by a judicial officer with expertise in that area. Examples of these types of courts which are within the scope of this Report are the family courts, the Children's Courts and the Coroners' Courts. Examples of specialist jurisdiction courts which are excluded from this Report include Indigenous and circle sentencing courts and drug courts.
Withdrawn	The formal withdrawal of charges by the prosecution (that is, by police, the Director of Public Prosecutions or the Attorney-General).

7.7 Attachment tables

Attachment tables are identified in references throughout this appendix by an ‘A’ suffix (for example, table 7A.3 is table 3 in the attachment). Attachment tables are provided on the CD-ROM enclosed with the Report and on the Review website (www.pc.gov.au/gsp). Users without access to the CD-ROM or the website can contact the Secretariat to obtain the attachment tables (see contact details on the inside front cover of the Report).

Preamble	Court administration — attachment tables
Table 7A.1	Lodgments, criminal
Table 7A.2	Lodgments, civil
Table 7A.3	Lodgments, criminal, per 100 000 people
Table 7A.4	Lodgments, civil, per 100 000 people
Table 7A.5	Finalisations, criminal
Table 7A.6	Finalisations, civil
Table 7A.7	Finalisations, criminal , per 100 000 people
Table 7A.8	Finalisations, civil, per 100 000 people
Table 7A.9	Real recurrent expenditure, criminal, 2007-08 dollars (\$'000)
Table 7A.10	Real recurrent expenditure, civil, 2007-08 dollars (\$'000)
Table 7A.11	Real income (excluding fines), criminal and civil, 2007-08 dollars (\$'000)
Table 7A.12	Real net recurrent expenditure, criminal, 2007-08 dollars (\$'000)
Table 7A.13	Real net recurrent expenditure, civil, 2007-08 dollars (\$'000)
Table 7A.14	Real net recurrent expenditure, criminal and civil, 2007-08 dollars (\$'000)
Table 7A.15	Cost recovery – civil court fees collected as a proportion of civil expenditure excluding payroll tax (per cent)
Table 7A.16	Real average civil court fees collected per lodgment, 2007-08 dollars (\$)
Table 7A.17	Backlog indicator, criminal (as at 30 June)
Table 7A.18	Backlog indicator, civil (as at 30 June)
Table 7A.19	Attendance indicator (average number of attendances per finalisation)
Table 7A.20	Judicial officers (FTE and number per 100 000 people)
Table 7A.21	Clearance rate – finalisations/lodgments, criminal (per cent)
Table 7A.22	Clearance rate – finalisations/lodgments, civil (per cent)
Table 7A.23	Real net recurrent expenditure per finalisation, criminal, 2007–08 dollars (\$)
Table 7A.24	Real net recurrent expenditure per finalisation, civil, 2007–08 dollars (\$)
Table 7A.25	Real net recurrent expenditure per finalisation, criminal and civil, 2007–08 dollars (\$)
Table 7A.26	Treatment of assets by court administration agencies

7.8 References

ABS (Australian Bureau of Statistics) 2007, *Criminal Courts 2005-06, Australia*, Cat. no. 4513.0, Canberra.

Australian Institute of Judicial Administration (AIJA) 2008, Proceedings of Court Quality Forum, 21-23 September 2008, Sydney Australia.

SCRGSP (Steering Committee for the Review of Government Service Provision) 2007, *2007 Data Collection Manual*, Court Administration Working Group, (unpublished), Melbourne.

