

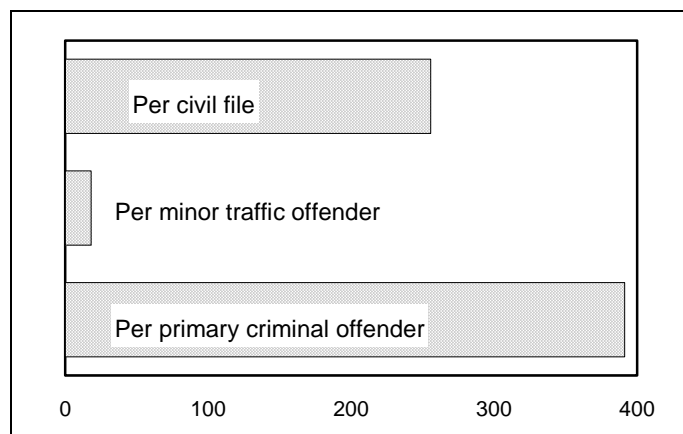
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## 8 COURTS ADMINISTRATION

### Summary

Courts administration agencies throughout Australia provide a range of services integral to the effective performance of the judicial system. Although an increase in scope is planned for future reports, this Chapter focuses on the administration of State and Territory Supreme, County/District and Magistrates' Courts. While there are some limitations to the data, there appears to be considerable variation in the results across jurisdictions. A significant factor in this variation is the diversity of the environments in which the different agencies operate. Key results include:

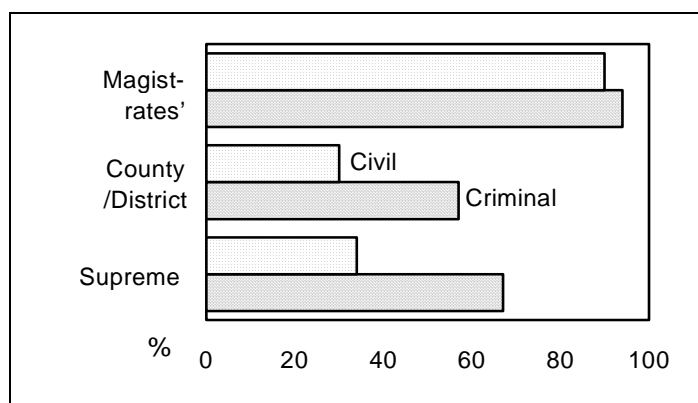
Average unit cost, Australia, 1993–94 (\$)



### Average cost per case

There is significant variation in unit costs across types of cases and across States and Territories (see Table 8.7). Technological developments, such as electronic courts for minor traffic offences, have had a significant impact on administration costs.

Cases resolved within six months, Australia, 1993–94 (per cent)



### Timeliness

While there is considerable variation across the jurisdictions, a large proportion of criminal and civil cases are resolved within six months of filing and readiness respectively (see Tables 8.3 and 8.4).

Note: These figures are based on a census of all cases resolved in the month of March 1994.

### *Future directions*

An overriding issue for the collection of courts' data in the future is the need to establish an ongoing data collection system. Most of the data available for inclusion in this Chapter were the product of a special collection organised by the senior officials of court administration agencies across Australia. While States and Territories acknowledge the benefits of continuing this collection on an annual basis, no formal mechanisms for achieving this have been put in place. Other issues include: extending the coverage of this Chapter to include additional areas (for example, Commonwealth Courts); the resolution of a number of definitional issues; and the development of additional indicators relating to the quality of services provided.

## **8.1 Profile of the sector**

This Chapter focuses on the administration of State and Territory courts which includes: facilities management, case management, client advice, and enforcement of court orders. In total, providing these services cost State and Territory governments over \$524 million in 1993–94. While this is a relatively small area of responsibility for the States and Territories, accounting for about 0.7 per cent of their total general government expenditure, around 2.4 million matters were handled in State and Territory courts in 1993–94.

### **Courts administration and the legal system**

The boundary between courts administration and the other elements of the legal system is not always clear, and varies across jurisdictions. The main functions provided by courts administration are:

- management of court facilities, including management of court buildings, provision of court staff, maintenance of court security, and the provision of ancillary services such as registry and transcription services;
- case management services, including client advice; and
- enforcement of court orders ( for example, through Sheriffs' offices).

In providing these services, courts administration agencies strive to work with the judiciary in an effort to provide a comprehensive and responsive court system, which allows for the prompt resolution of disputes and appropriate access to justice by the community. Clearly, however, other elements of the legal system have a substantial impact on these outcomes. The major influences on the timing of the commencement and subsequent duration of cases, for example, are the activities of the legal profession. Similarly, while court fees are a factor affecting affordability, and hence accessibility to justice, legal fees are a more significant determinant.

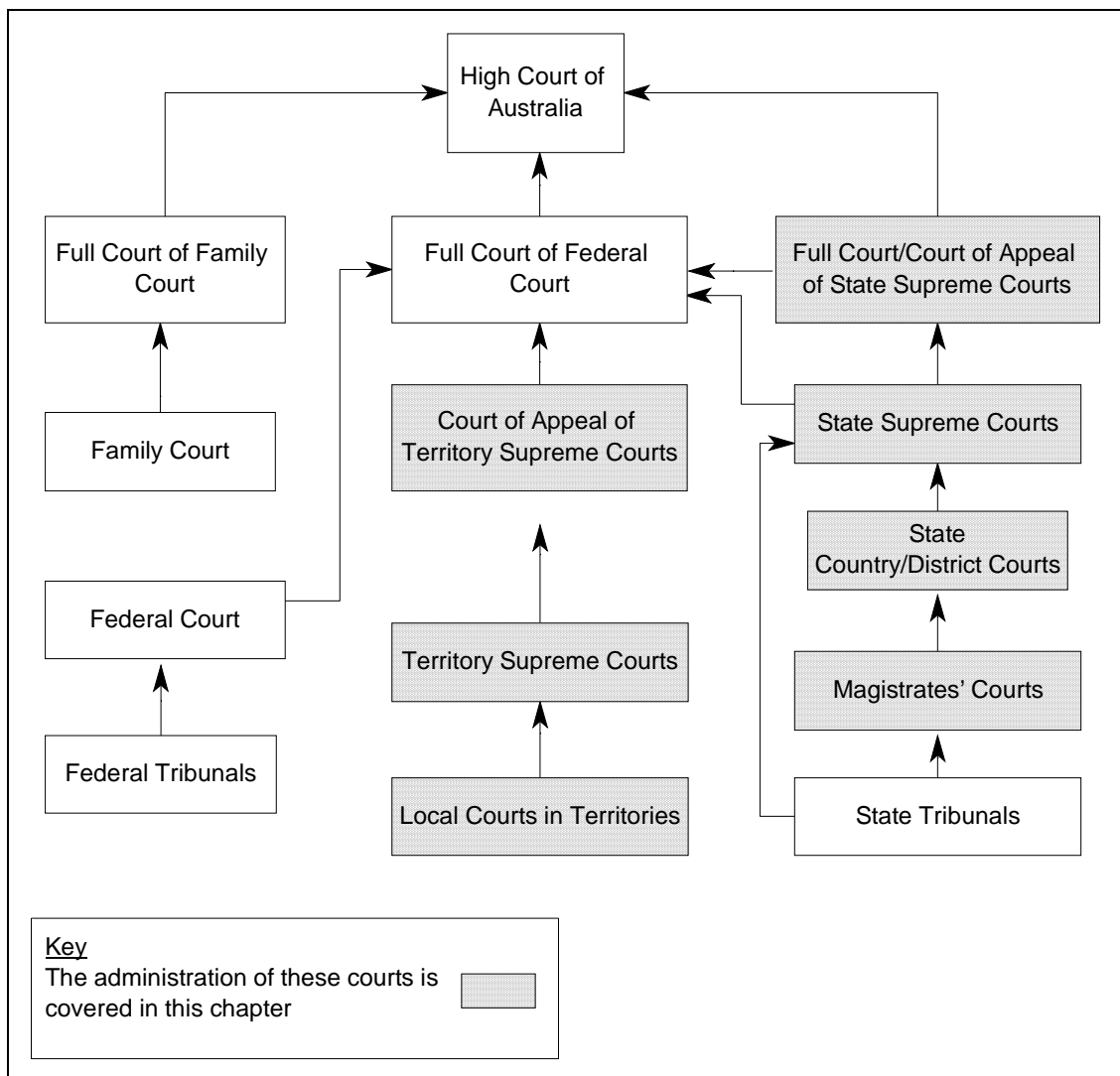
Accordingly, the performance indicators presented in this Chapter need to be understood in this context.

### Structure of courts

There is a hierarchy of courts in each State and Territory, and at the Federal level. This Chapter focuses on the activities of the main courts at the State and Territory level; the Supreme, County/District and Magistrates' Courts<sup>1</sup>.

Commonwealth courts, and specialist tribunals and boards at the State and Territory level are excluded, but may be considered in future reports (see Section 8.3).

**Figure 8.1: Hierarchy of courts in Australia**



<sup>1</sup> Magistrates' Courts figures include data on Children's Courts and Youth Courts. 'Virtual' County/District Court figures for Tasmania, Northern Territory and the ACT (which do not have County/District Courts) have been included in Supreme and Magistrates' Court data for those States and Territories.

## **8.2 Recent developments**

Long term case backlogs and delays in both the criminal and civil justice systems have led to a re-evaluation of court administration procedures in many States and, in particular, a streamlining of caseload management practices. Two key innovations have been:

- the introduction of “electronic courts”, where, upon detection by police, subsequent fines and other correspondence is a fully computerised process; and
- an increase in the use of alternative dispute resolution mechanisms including arbitration and mediation for individual cases.

### **Technological developments**

Matters handled through electronic courts are not brought before a Magistrate unless a not guilty plea is entered or upon application by the defendant. Consequently, electronic courts enable a reduction in disposition times and an easing in court caseloads. Electronic courts are currently used to varying degrees in Victoria, Queensland, NSW, WA and the NT. Electronic lodgment of documents has also been introduced in some jurisdictions, as has the use of both real time court reporting and electronic exhibits.

### **Alternative dispute resolution**

Alternative dispute resolution (ADR) refers to those services that provide the community with a means to resolve disputes other than through the traditional forms of litigation offered by the courts. ADR may take place independently or as part of the court process. The main forms of ADR include; mediation, arbitration, conciliation, and expert determination. In mediation, for example, a neutral person, the mediator, assists the parties involved to explore alternatives so as to reach a settlement themselves.

The use of ADR and the range of ADR service providers has increased significantly over recent years due to its less expensive and more informal nature. ADR contributes to the easing of court caseloads and thus assists in efforts to reduce case backlogs and delays. Some concerns however, have been expressed that weaker groups may be disadvantaged by ADR (AJAC 1994).

### **Structural developments**

In addition to procedural changes, over the last few years there have also been a number of structural changes. Courts administration has been traditionally the responsibility of government departments responsible to a cabinet minister (usually the Attorney-General). However, some States and Territories have moved away from the traditional model of court administration toward a greater degree of autonomy. For example, SA courts (including administrative

responsibilities) are now collectively administered by an independent judicial body, and Victoria is currently trialing self-administration of the Magistrates' Court.

## 8.3 Summary of results

### Interpreting results in context

This section provides an overview of the more detailed results presented for each jurisdiction in Section 8.5. There are a number of important environmental differences between the jurisdictions which need to be considered when interpreting the results. Certain limitations of the data, which are mentioned where relevant, also mean that the results should be interpreted with care.

The different environment in which each courts administration agency operates affects the cost structure of their operations. Three important influences are: the overall size of the court system; the mix of cases handled; and the geographic dispersion of the population.

As shown in Table 8.1, the overall size of operations varies dramatically across the States and Territories. This factor impacts on relative costs, given that there are likely to be economies of scale in courts administration, particularly in terms of the computerisation of bulk processing for minor traffic offences.

**Table 8.1:** Total criminal and civil cases filed with each court, by State and Territory, 1993–94

<i>Matters filed</i>	<i>Units</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT</i>	<i>ACT</i>	<i>Total<sup>1</sup></i>
<i>Criminal</i>										
Supreme Court	000	1.0	0.8	1.3	0.4	0.5	0.4	0.1	0.2	4.7
County/District Court	000	10.6	4.3	5.7	2.3	2.3	-	-	-	25.2
Magistrates' Court	000	400.0	522.5	219.1	181.6	142.7	25.9	15.7	8.0	1515.5
Minor traffic	000	169.2	412.1	68.0	73.5	34.7	6.0	2.4	1.1	766.9
Primary <sup>2</sup>	000	230.8	110.4	151.0	108.1	110.9	19.9	13.5	6.9	751.6
<i>Civil</i>										
Supreme	000	14.1	6.5	6.5	1.7	2.7	3.8	0.3	1.2	36.6
County/District Court	000	13.4	12.7	6.2	9.4	2.6	-	-	-	44.3
Magistrates' Court	000	211.2	191.7	76.4	50.5	46.2	19.9	15.4	12.6	623.9

Notes: 1 Totals may not add due to rounding.

2 "Primary" is defined as total criminal lodgments *less* minor traffic lodgments.

- Not applicable, there are no County/District Courts in the ACT, NT or Tas.

Table 8.1 also illustrates the variations in the mix of cases filed. Differences in the mix of cases filed in a period will clearly influence average costs and average timeliness for completion of cases.

Geographic dispersion is a significant influence on the cost of courts administration because of the need to ensure that court facilities are accessible to those who need them regardless of where they live. For example, the widely dispersed population in WA has led to the number of Magistrates' Courts in that

State being greater than that of Victoria despite WA having a population a third the size.

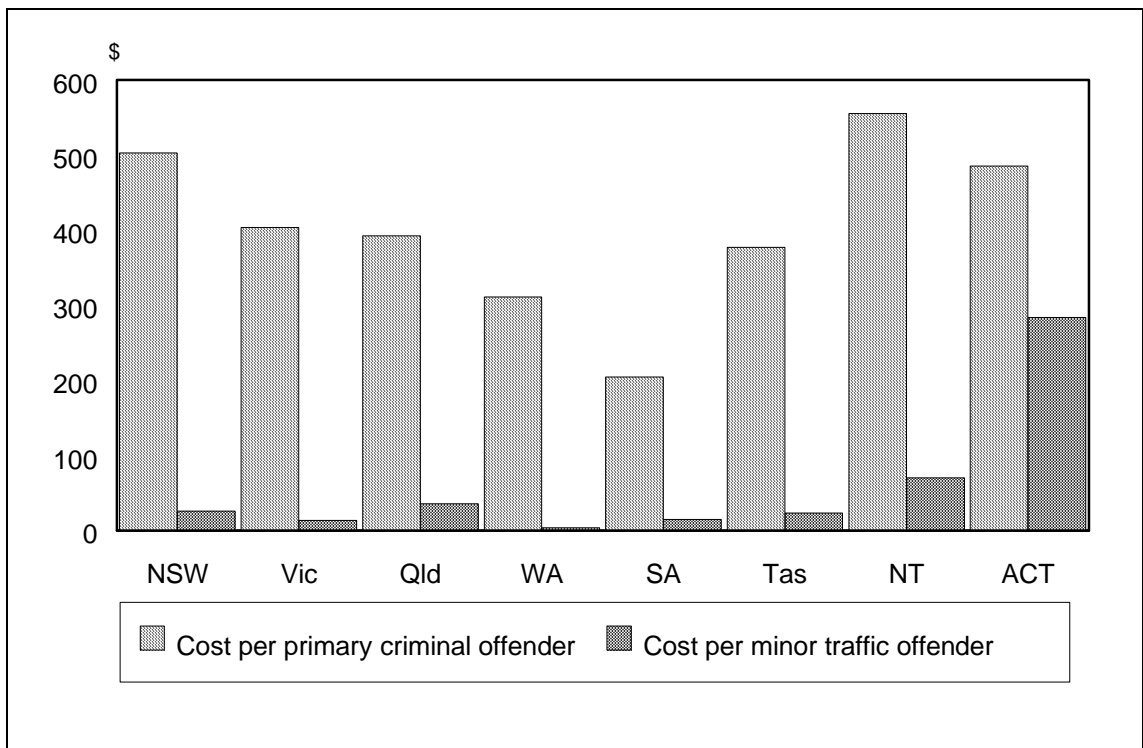
A further major influence on costs is the quality and range of services provided to clients by court administration agencies. Variations in quality of service would be reflected in client satisfaction information, which is not currently included in the set of indicators but may be examined in the future (see Section 8.4).

## Courts administration costs

### *Criminal cases – average costs per offender*

Average costs per primary offender (that is, costs relating to all offences other than minor traffic offences) vary significantly across the States and Territories, from a \$205 in SA to \$555 in the NT (see Figure 8.2).

**Figure 8.2:** Average costs per offender: criminal matters, by State and Territory, 1993–94, (\$)



Notes: "Primary" is defined as total criminal offender *less* minor traffic offenders.

NT unit costs are affected by the treatment of charges relating to the government owned facilities used by the NT courts.

Average costs per offender for minor traffic offences have been separated out because they are high volume cases and are dealt with in very different ways in the various States and Territories. In Victoria, NSW, Queensland, WA and the NT a significant proportion of these matters are dealt with by "electronic court"

(see Section 8.2). Unpublished figures collected indicate that the cost per offender of cases handled in this way ranged from \$3 to \$5. While SA does not have electronic courts the cost of processing minor traffic matters is reduced by the majority of matters of this type being heard before Justices of the Peace.

*Civil cases – average costs per file*

As with criminal cases, there appears to be significant variation across the different States and Territories in the unit cost of civil cases (see Figure 8.3). The highest reported costs were again in the NT (\$541 per file), while the lowest where in Tasmania (\$142 per file).

**Figure 8.3:** Average cost per file: civil matters by State and Territory, 1993–94, (\$)

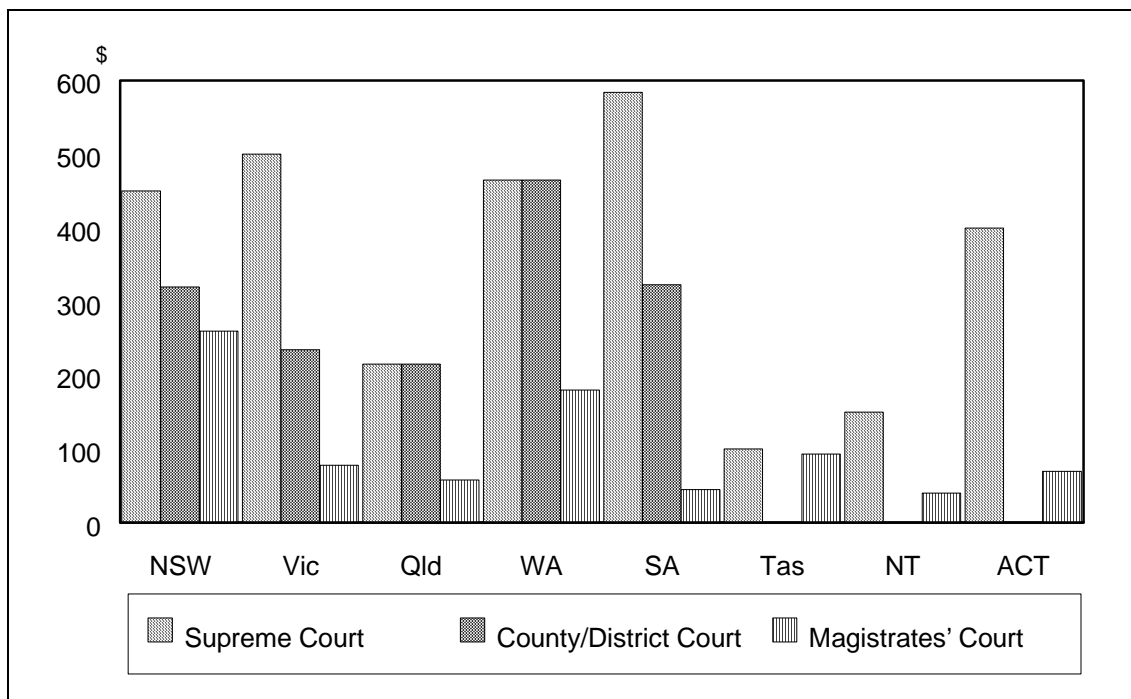


Note: NT unit costs are affected by the treatment of charges relating to the government owned facilities used by the NT courts.

*Costs faced by litigants*

Court fees are only a part of the overall costs faced by litigants, the most significant component of which is legal fees. Nevertheless, court fees can in themselves be significant. While there is a great deal of variety in the pricing schemes employed by the different jurisdictions, an indication of the fees levied by the courts per day can be obtained from estimates of the revenue per sitting day per judge or magistrate (Figure 8.4).



**Figure 8.4:** Estimated daily court fees by State and Territory, 1993–94 (\$)

Notes: A sitting fee has been included in calculating the notional fees for WA, while the SA figures for the Supreme and County/District Courts include a hearing fee. A setting down fee has been included in the notional fee for the Victorian Supreme Court. The figures depicted above are based on the cost of the first day of hearing. In some jurisdictions the cost of additional days may lower than the first. NT, ACT, and, TAS do not have County/District Courts.

These fees, together with court transcript fees, represent over 8.5 per cent of total court administration expenditure (civil and criminal combined).

### *Timeliness*

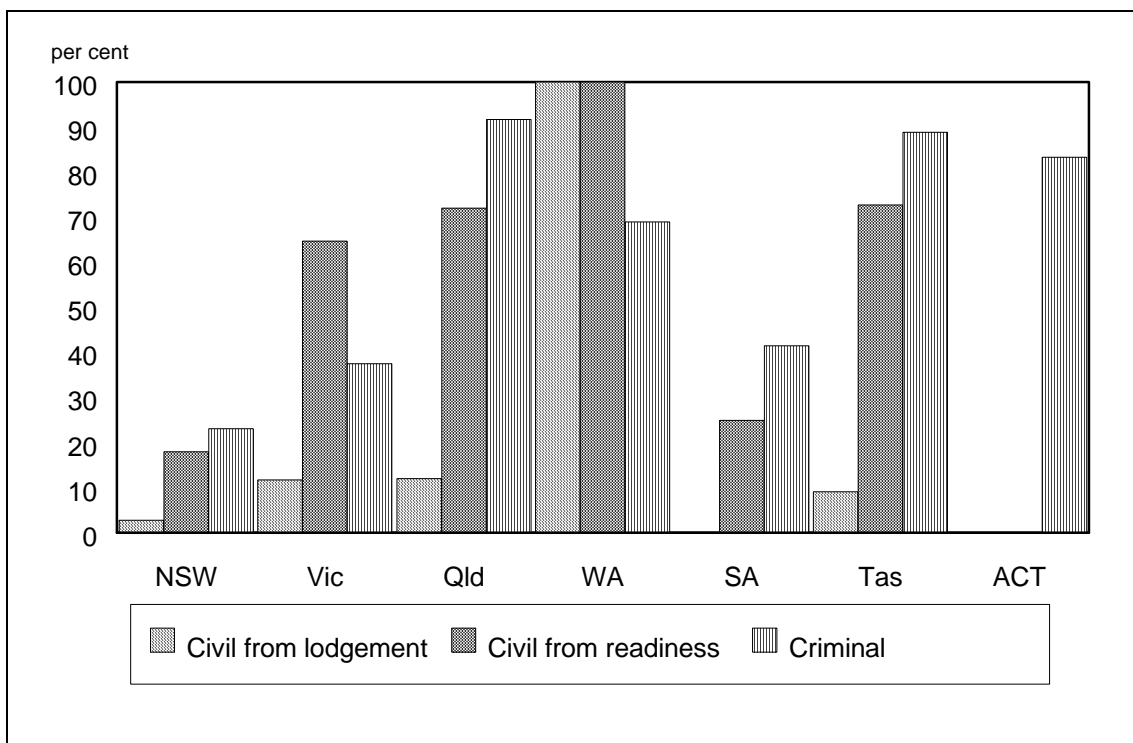
In discussing the time necessary to reach a decision in civil cases it is useful to distinguish between the time taken to complete a case from lodgment, and the time taken to complete a case from readiness to go to trial. This is because a large proportion of lodged cases are resolved without ever going to trial. In NSW for example, only 14 per cent of civil matters lodged in the Magistrates' Court were settled by hearing, with the remainder settled out of court through alternative dispute resolution, or because no further action was taken by the plaintiff. Further, for those cases that do go to trial, the time interval between a civil case being lodged and being ready to go to trial may be significant and is, to a large extent, out of the control of courts administration processes.

While the results suggest a significant variation in timeliness across jurisdictions and within jurisdictions for different courts, care should be exercised when interpreting these results as the data on which they are based is drawn from a single month and thus may be subject to sampling error. The impact of the

limited time frame of the sample is heightened when combined with the lower caseloads of the smaller States.

In the Supreme Court a significant proportion of criminal and civil cases are resolved within six months. For example, Queensland, Tasmania, and the ACT, appear to complete over 80 per cent of criminal cases within six months. Supreme Courts in Queensland and Tasmania appear to complete a high proportion of the civil cases within that time also (see Figure 8.5). Supreme court cases in NSW appear to be of a longer duration than in other States and Territories.

**Figure 8.5:** Proportion of Supreme Court cases spanning six months or less, by State and Territory, March 1994, (per cent)



Notes: These figures are based on a census of all cases resolved in the month of March 1994. The NT sample was too small to provide a reliable result.

The apparent distribution of the time taken to complete County/District Court cases across the States and Territories is similar to that of the Supreme Court (see Figure 8.6). Cases in NSW appear to take significantly longer to resolve than in other jurisdictions. For example, only 30 per cent of criminal cases completed in March 1994 in NSW had been resolved within six months of filing compared to 75 per cent in Victoria, and 64 per cent in Queensland.

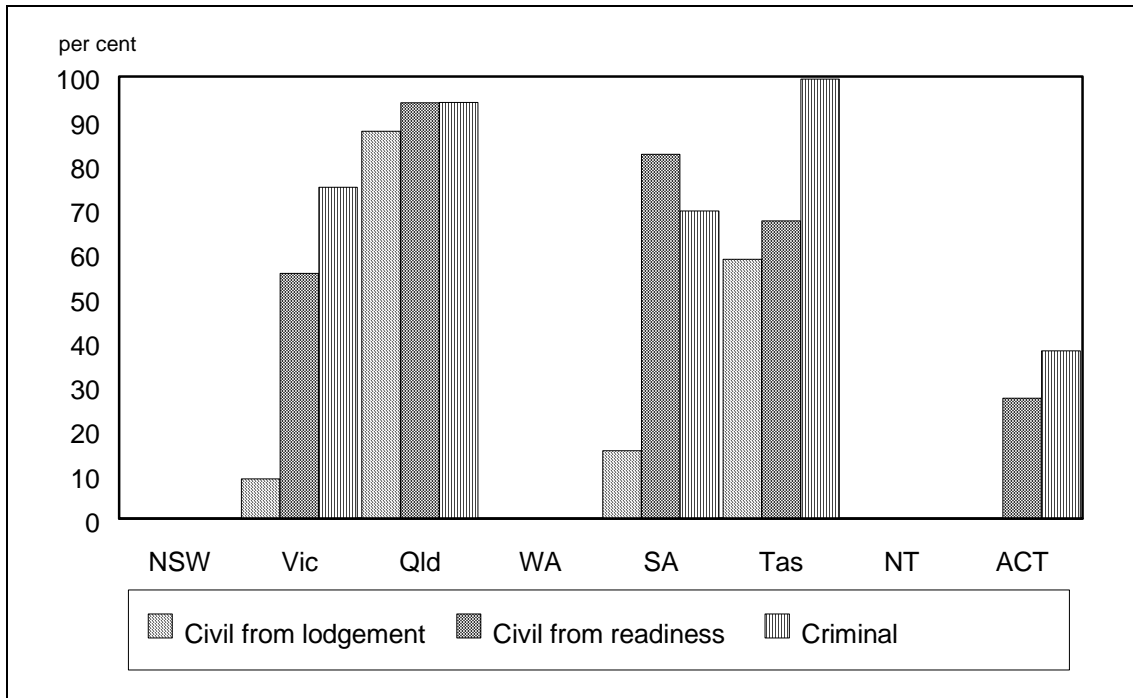
**Figure 8.6:** Proportion of County/District Court cases spanning six months or less, by State and Territory, March 1994, (per cent)



Notes: These figures are based on a census of all cases resolved in the month of March 1994. NT, ACT and Tas. do not have County/District Courts, while WA data on County/District Court criminal cases was not available.

The time taken to complete a case in the Magistrates' Court appears to be significantly shorter than in other courts with most States and Territories resolving two thirds of cases within three months (see Figure 8.7).

**Figure 8.7:** Proportion of Magistrates' Court cases spanning three months or less, by State and Territory, March 1994, (per cent)



Notes: These figures are based on a census of all cases resolved in the month of March 1994. No information was available for criminal cases in NSW, WA and the NT. WA and the NT were also unable to provide information on civil cases.

### 8.4 Future directions

Future work on the performance data collected for courts administration needs to focus on improving data collection and the quality and comparability of the indicators. Further indicators also need to be developed and are discussed in terms of a preliminary framework of indicators for courts administration (see Figure 8.8).

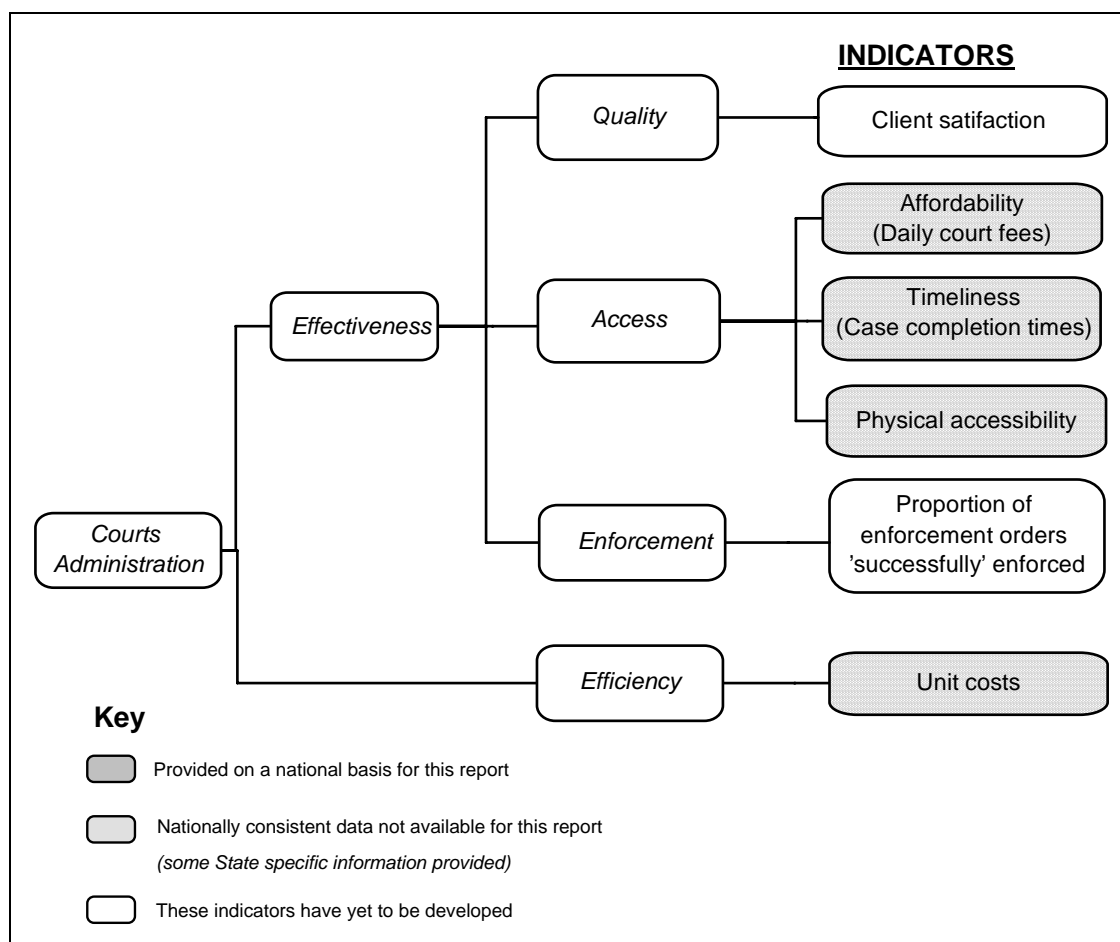
#### Data collection

An overriding issue for the collection of courts data in the future is the need to establish an ongoing data collection system. Most of the data available for inclusion in this Chapter were the product of a special collection organised by the senior officials of court administration agencies across Australia. A formal collection process will need to be established if future collections are to take place.

A potentially important contributor to future data collections is the Australian Bureau of Statistics (ABS). The National Criminal Courts Statistics Unit of the ABS has a general role in the development of national standards for court

statistics, and many of these standards will be applicable to the requirements of the COAG collection. In 1996, the ABS plans to release the first in a series of statistical publications on criminal courts. While the ABS collection currently only includes higher court caseload statistics, it is planned to increase coverage in subsequent years to include defendant characteristics, penalty measures, lower courts and appeal matters. The possibility of the ABS collection addressing the needs of the Review for financial statistics and information on civil matters will also be examined in the future.

**Figure 8.8:** Preliminary framework of performance indicators for courts administration



### Improving the quality and comparability of existing indicators

There are a number of refinements that are required to the indicators presented in this report. These include:

- extending the coverage of timeliness data from one month to whole year;
- developing an improved measure of accommodation costs;
- improving the collection of information on transcript fees by defining a standard unit of measurement; and

- the refinement of a number of definitions.

## **Additional indicators for State and Territory courts**

### *Client satisfaction*

As is the case in other areas of service provision, there have been some State and Territory-specific efforts to assess client satisfaction with court services. For example, Queensland, South Australia and Victoria have conducted client attitude surveys. These surveys have differed substantially, ranging from surveys of broad client attitudes to court proceedings, to surveys of the attitudes of users of court registry services.

An issue for consideration is whether an Australia-wide client survey, focusing on attitudes of clients to services provided by court administration agencies, should be pursued. While there are obvious economies in a single survey approach, an Australia-wide survey would need to take account of the survey instruments that are already in place. In structuring client surveys, an important issue is the need to isolate perceptions about court administration services compared to the wider legal system.

### *Civil enforcement*

It is intended that an indicator will be developed relating to the performance of the enforcement services provided by court administration agencies (see Figure 8.8). In particular, data will be sought for next year's Report relating to the number of enforcement orders "successfully executed" as a proportion of those referred to the Sheriffs' offices for action. This will require further work in developing a standard definition of "successfully executed".

## **Expanding the coverage of activities**

The scope for including the Federal and Family Courts in next year's Report will be examined.

A further issue relating to the boundary of this exercise for future reports concerns the separation of court administration functions from judicial activities. While comparative reporting of performance is an issue that the judiciary would need to investigate on a collaborative basis through its own mechanisms, the inclusion of courts administration in this Report may create an opportunity to examine this issue.

## **8.5 Performance indicators by jurisdiction**

The source of the data used in the tables presented in this section has been provided by the States and Territories themselves unless otherwise noted.

### **New South Wales – jurisdiction's own comments**

“ A number of factors unique to Sydney impact on the delivery of services by New South Wales courts. These factors include:

- Sydney's status as the national commercial centre is reflected in the large number of civil matters dealt with in New South Wales courts, particularly in the Supreme Court. Commercial matters tend to be more complex than other civil matters and it is suggested that this may have an impact on the length of hearings and the cost of delivering services;
- As the largest city in Australia, a significant proportion of Australia's serious crimes are committed in Sydney and this is particularly reflected in the work of the District Court; and
- Sydney has the largest number of people from non-English speaking backgrounds of any Australian city and this adds complexity to the delivery of court services, impacting both in the provision of registry services and in the processing of matters through the courts.

Court services are delivered differently in the various States and Territories of Australia. Key aspects of the delivery of New South Wales court services include:

- Local Court chamber magistrates provide a unique service in the provision of legal assistance to members of the public on procedural issues. Approximately 170,000 people consult chamber magistrates each year in New South Wales.
- There are more than 160 permanent court locations in New South Wales. Clerks of courts in rural areas act as coroner. Registry services for the District and Supreme Courts and services for other Government agencies, such as the Registry of Births, Deaths, and Marriages are provided by Local Courts in rural areas.
- The Supreme and District Courts spend a significant proportion of time on County circuits. This adds to the cost of providing court services in New South Wales.

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## Victoria – jurisdiction's own comments

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The Review of Commonwealth/State Government Service Provision has proven to be a valuable process as it has served to focus attention on court systems and processes and to facilitate the development of a range of preliminary measures against which the performance of each court and State and Territory can be analysed. In light of the overlapping jurisdiction of the Federal Court and the State and Territory Supreme Courts, it is essential that the Federal Court be included in the next data collection exercise. The review process should be continued so that over the next few years more refined and comparable performance measures and results can be produced. Furthermore, the collection process should become more focused on those major court policies, processes and systems that are recognised as achieving best practice.

The following specific comments are provided to assist interpretation of the major results applicable to Victoria.

- The substantial variation between the number of permanent Magistrates' Courts and visited courts shown in Table "Access — location of Magistrates' Courts 1993–94" at the end of the chapter reflects the strong regional management focus in Victoria. This has led to the development of a number of high quality regional courts that are supported by a range of local facilities that are utilised by the community.
- The Penalty Enforcement by Registration of Infringement Notice (PERIN) Court provides a flexible and low cost method of servicing a large volume of minor traffic and parking offences. As a result only the more complex criminal matters are dealt with by Magistrates in the open court.
- The cost of dealing with civil matters in Victoria is amongst the lowest of all the States and Territories.
- Victoria has a favourable cost effectiveness outcome across the combined criminal and civil jurisdictions based upon the variation from average cost.

The efficiency and effectiveness measures provided with this Chapter must be analysed carefully in order to avoid misleading inferences and conclusions. Victoria considers that the following refinements are required to improve the comparability of the data.

- Whilst definitions underpinning the review process were generally stringent some differences of interpretation were included in the figures.
- The timeliness measures are based upon a one month sample of court activity and therefore may not be representative of the performance of a court throughout the year.
- Unit cost measures only reflect the level of resources provided to deliver a current level of demand. These measures do not reflect whether the court systems have the capacity to process a lower or greater level of demand.

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## Queensland – jurisdiction's own comments

This study is a promising start. Further refinement of the indicators will enable a sharper focus on specialist areas. Queensland practices that need to be taken into consideration, and problem areas where indicators may render comparisons less useful, are:

- *Accommodation*

Queensland has a large number of courthouses to service a wide population dispersion and accommodation is the largest single item of expenditure. The method of assessing the lease value equivalent for government-owned property, based on a rough calculation of the commercial value, needs to be refined as it is subject to the vagaries of the market place.

- *Court reporting*

More specialised indicators need to be used when benchmarking these agencies. Current indicators are too broad to give an accurate assessment of efficiency.

- *Information technology*

The low comparative expenditure on computerisation revealed in this study, has been improved by funding of an information technology modernisation program, currently in its initial development phase. This will be reflected in future benchmarking figures.

- *Split between judicial support and registry staffing*

Judges in Queensland do not have tipstaves or the personal use of bailiffs (who are listed under the sheriff's office). This reduces judicial support costs below the national average and subsumes these within registry staffing costs.

- *Jurisdictional mix in Queensland*

Higher courts hear certain offences that in other jurisdictions would be heard in Magistrates' Courts. Serious drug offences, for instance, are heard in the Supreme Court, and less serious drug offences in the Magistrates' Courts with none going to the District Courts. The local mix

not only affects the cost of each case disposed of, but also the disposal times.

- *Capital investment in information technology (IT)*

Amortisation of past capital investment in IT was not included. This is viewed as being inappropriate and inconsistent with the general approach taken on other matters and is likely to distort the real costs and make comparisons less meaningful.

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## Western Australia – jurisdiction's own comments

“When comparing efficiency indicators with other States, allowances should be made for the unique circumstances in which justice is provided in Western Australia.

As the largest State in Australia with a sparse population the provision of equitable justice services is costly. Magisterial circuits cover more than 70 towns and higher courts sit in 12 major country locations.

### *Salaries*

Salaries for "general staff" have been estimated on the basis of "average salaries" because there are a number of incremental levels within each classification. The cost of Judicial Services are actual, however, it also includes Registrars of the Supreme and District Courts.

### *'On Costs'*

It has been difficult to establish an accurate figure for 'on costs'.

Estimates provided varied between 20 per cent and 50 per cent depending upon which costs were taken into account. It also appears that the calculation of 'on costs' for comparison to other States may be difficult as there are items not paid by Western Australian Departments which may be paid elsewhere. An example is Pay Roll Tax.

For the purpose of the benchmarking exercise, percentages broadly based on those used by South Australia have been applied. They are – (i) Supreme and District Court Judges – 38 per cent, (ii) Magistrates – 28 per cent, (iii) General Salaries – 21 per cent.

### *Departmental Overheads*

Corporate Services were provided by a separate Directorate within the Ministry of Justice for the 1993–94 year. The cost "apportioned" to Courts for the benchmarking exercise was \$5.4 million but it was not an "actual" expenditure for courts.

### *Court Accommodation*

As nearly all Court Accommodation is owned in Western Australia, only 22 per cent of costs in this category were actuals. Considering the number of courts and the estimated rental value provided by the Valuer General the notional cost imposed had a significant impact on overall court costs in Western Australia.

### *Information Technology*

A considerable portion of information technology (IT) costs were absorbed by the Ministry's Corporate Services Directorate, therefore the identification of exact IT costs for each jurisdiction is not possible.

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### South Australia – jurisdiction's own comments

The selection of the 1993–94 financial year was somewhat unfortunate from a South Australian perspective. A number of factors impinge upon the resultant benchmarking indicators (for both efficiency and effectiveness) and require some detailed explanation. Discussion of these factors appears below.

Significantly reduced civil lodgments (most notably in the District Court where lodgment fell by almost 50 per cent) in 1993–94 had an adverse impact upon the civil efficiency figures. While lodgments declined in the year under review, workloads and resource utilisation did not decline. The use of lodgments as a workload indicator is therefore arguably misleading.

The budget reduction that occurred in the following year resulted in packages being accepted by four District Court Judges, the non-replacement of three Magistrates and an across the board staff reduction of approximately 10 per cent. In terms of the packages ultimately taken up by judges and staff, the actual packages cost was borne by central government reserves. However, termination payments (ie, for example, accrued Long Service and Annual Leave) were effectively brought forward from the future.

In addition to these ‘influences’ during 1993–94 various special programs, government initiatives, and internal arrangements having budgetary impact upon the Courts Administration Authority commenced. These included a *Vulnerable Witness Program* which involved the installation of screens and closed circuit television facilities within the courts to facilitate the giving of evidence by vulnerable witnesses. These costs were essentially one-off establishment costs. The expense and will, therefore, not be reflected in subsequent year’s financial data.

Further initiatives in relation to *Juvenile Justice* and *Family Conferencing* were introduced and established in January 1994. The establishment costs for these initiatives were, therefore, reflected in financial data for the 1993–94 year. As a major proportion of these costs were one-off establishment costs, the expense will not be reflected in subsequent financial year’s data.

For these reasons, the selection of the 1993–94 financial year for the commencement of a National Courts Benchmarking Exercise is unfortunate from a South Australian perspective.

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## Tasmania – jurisdiction's own comments

“ Tasmania supports the benchmarking studies undertaken for the Review of Commonwealth/State Government Service provision. It believes that the Tasmanian figures generally provide a reasonable basis for future studies, although they should be treated as indicative rather than definitive.

### *Criminal Matters*

Tasmania believes that the performance of Courts administration in criminal matters is affected by the effectiveness of the relevant criminal justice system as a whole. An example relates to the use by Tasmanian Police of video taping facilities for interviews with accused persons. Since the introduction of this system, the Director of Public Prosecutions has reported a significant increase in the number of guilty pleas, which assists both the timeliness and the effectiveness of criminal matters dealt with by the Supreme Court in particular.

Other initiatives, such as the revision of listing arrangements in the Magistrates' Court, have supported these directions.

### *Civil Matters*

Tasmania's performance in relation to civil matters reflects the benefits of active case management at the Supreme Court level since 1988, and the introduction of Court based mediation facilities in 1993–94.

It is anticipated that improvements will be achieved in the Magistrates' Court through the establishment of a new Civil Division, again focusing on enhanced case management and use of alternative resolution techniques.

### *Information Technology*

Tasmania believes there are opportunities for enhanced effectiveness through investment in information technology in its Court system.

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### Northern Territory – jurisdiction's own comments

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The costs of courts administration in the Northern Territory are affected by diseconomies of small scale and the dispersion of the population over the Northern Territory's 1.3 million square kilometres. Because of the need to provide reasonable access to the community, there are five court registries servicing the main population areas and the courts sit in 26 separate locations around the Territory. In addition to the significant travel costs, almost 10 per cent of available sitting time is lost in travel.

The major costs associated with the development of a comprehensive computer application to support the NT court system was incurred during 1993–94. Further costs will be incurred in 1994–95, but thereafter the percentage cost of computer support for courts in the Northern Territory should be similar to other jurisdictions.

There are a number of other factors which contribute to higher costs in the Northern Territory. In the year under review, there were eleven murder trials. This was far in excess of Australia-wide averages. For a population the size of the Territory, the number of murder trials per annum should have been closer to 2.5. Such trials are by their nature lengthier and costlier than other trials. More than half of all trials involved Aboriginals and Torres Strait Islanders and for a variety of reasons these proceedings were also lengthier and costlier.

Supreme Court civil and criminal trials are held in Alice Springs and Darwin and both centres have basic law libraries to support the judiciary. There are again no economies of scale, as the same libraries could be used to support many more judges and magistrates, while smaller libraries would not provide the basic support that is needed. This is reflected in the fact that the percentage contribution of library costs to total court costs is nearly twice the national average.

Over thirty per cent of the cost attributable to the Supreme Court is the notional economic rent of the Darwin Supreme Court building. This building was completed three years ago and was designed to accommodate the needs of the court well into the twenty first century. Some working areas of the building are currently not in use, but the notional costs included in the figure for court administration are based on a market rent for the whole building.

If the above considerations were factored into the Northern Territory's court costs, they would be seen to be comparable with the average for other jurisdictions.

In relation to the table concerning “timeliness” of courts in handling civil matters, it should be noted that the Northern Territory data are based on only one case which fell within the period under review.

”

## **Australian Capital Territory – jurisdiction's own comments**

“ The ACT has a two-tiered Court system with the Magistrates' Court having an extensive criminal and civil jurisdiction.

In its criminal jurisdiction, the Magistrates' Court deals with many matters that are dealt with in the County and District Courts in the various States and Territories. The Court's civil monetary jurisdiction is \$50 000 and it also has an extensive jurisdiction in workers' compensation matters.

The number of defendants actually appearing before the Court on criminal matters has been given as 8039 in the Magistrates' Court including 1131 on traffic matters. This figure is probably understated to some extent as there were some 20 080 charges resulting in 56 061 listings before the Court and defendant's who appeared several times during the year on separate multiple charges were not counted on all occasions.

Most minor traffic matters do not come before the Court and the ACT has an on the spot fine system for minor drug offences involving marijuana and practically no street offences. This accounts for the relatively low number of criminal offenders in the ACT in comparison with other States and Territories.

In relation to the data supplied on the effectiveness measures, certain assumptions were made. The figure on criminal cases going to verdict in March 1994 is open to criticism as change of pleas are difficult to determine.

There were some difficulties in categories when counting defendants and types of charges, with the defendant being listed either against the more serious offence first, or the first recorded against them on the computer (ie, property, offences against the person, breach of domestic violence orders (DVO)).

The ACT Magistrates' Court processing time for matters finalised in March 1994 in its Civil jurisdiction was a relatively small sample of 11 cases and did not include Small Claims matters. It is not representative of a far larger sample and 96 per cent of Civil cases are settled using case management techniques without the need for a Court appearance.

### *Minor Traffic Matters*

The bulk of minor traffic cases have been diverted from the Courts system in the ACT including drink driving offences up to 0.08. In the main, such matters can only come before the Court where liability is disputed. Therefore the traffic matters dealt with in the ACT Magistrates' Court are of a more serious nature or are defender proceedings.

It has not been possible to estimate the cost of traffic cases dealt with by the ACT Magistrates' Court as the data is not available and the costs figures provided are an average of the total costs associated with criminal proceedings dealt with by the Court.

”



## All States & Territories, 1993–94, descriptors

**Table 8.2:** Expenditure, staffing, and matters filed

<i>Indicator</i>	<i>Units</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT</i>	<i>ACT</i>	<i>Total<sup>1</sup></i>
<i>Expenditure, and Staffing</i>										
Total expenditure	\$'000	190,112	96,501	89,632	65,295	47,110	11,144	16,113	8,223	524,130
Total staffing	FTE	2,296	912	905	575	500	133	122	115	5,558
<i>Matters filed - Criminal</i>										
Supreme Court	'000	1.0	0.8	1.3	0.4	0.5	0.4	0.1	0.2	4.7
County/District Court	'000	10.6	4.3	5.7	2.3	2.3	-	-	-	25.2
Magistrates' Court	'000	400.0	522.5	219.1	181.6	142.7	25.9	15.7	8.0	1515.5
Minor traffic	'000	169.2	412.1	68.0	73.5	34.7	6.0	2.4	1.1	766.9
Primary <sup>2</sup>	'000	230.8	110.4	151.0	108.1	110.9	19.9	13.5	6.9	751.6
<i>Matters filed - Civil</i>										
Supreme Court	'000	14.1	6.5	6.5	1.7	2.7	3.8	0.3	1.2	36.6
County/District Court	'000	13.4	12.7	6.2	9.4	2.6	-	-	-	44.3
Magistrates' Court	'000	211.2	191.7	76.4	50.5	46.2	19.9	15.4	12.6	623.9

Notes: 1 Totals may not add due to rounding.

2 "Primary" is defined as total criminal lodgments less minor traffic lodgments.

- Not applicable, NT, ACT, and TAS do not have County/District Courts.

**All States & Territories, 1993–94, effectiveness****Table 8.3:** Timeliness – period from commencement to verdict for criminal matters completed in March 1994

<i>Indicator</i>	<i>Units</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT</i>	<i>ACT</i>	<i>Total<sup>1</sup></i>
<b>Supreme Court</b>										
3 months or less	%	0	13	42	28	12	41	na	17	27
3-6 months	%	23	25	50	41	29	48	na	67	40
6-9 months	%	23	38	3	14	17	11	na	17	15
9-12 months	%	23	13	0	14	17	0	na	0	8
12-15 months	%	31	13	3	3	5	0	na	0	5
15-18 months	%	0	0	0	0	2	0	na	0	0
over 18 months	%	0	0	2	0	17	0	na	0	4
<b>County/District Court</b>										
3 months or less	%	9	27	32	na	32	-	-	-	26
3-6 months	%	21	48	32	na	21	-	-	-	31
6-9 months	%	23	4	22	na	24	-	-	-	20
9-12 months	%	18	5	7	na	11	-	-	-	10
12-15 months	%	11	4	4	na	5	-	-	-	6
15-18 months	%	5	1	2	na	6	-	-	-	3
over 18 months	%	13	10	1	na	1	-	-	-	6
<b>Magistrates' Court</b>										
3 months or less	%	na	75	94	na	70	99	na	38	84
3-6 months	%	na	18	4	na	18	1	na	22	10
6-9 months	%	na	4	1	na	6	0	na	10	3
9-12 months	%	na	1	0	na	2	0	na	8	1
12-15 months	%	na	1	0	na	1	0	na	4	0
15-18 months	%	na	0	0	na	1	0	na	2	0
over 18 months	%	na	1	0	na	3	0	na	17	1

Notes: The above figures are drawn from a small sample and thus care should be exercised in their interpretation.

1 Totals are based on those States and Territories for which information is available. Totals for each court may not add to one hundred per cent due to rounding.

na Not available.

- Not applicable.

## All States & Territories, 1993–94, effectiveness

**Table 8.4:** Timeliness – period from readiness to decision for civil matters completed in March 1994

<i>Indicator</i>	<i>Units</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT</i>	<i>ACT</i>	<i>Total<sup>1</sup></i>
<b>Supreme Court</b>										
3 months or less	%	2	24	24	75	0	36	na	0	11
3-6 months	%	15	41	48	25	25	36	na	0	23
6-9 months	%	22	6	0	0	50	18	na	75	19
9-12 months	%	14	18	16	0	25	9	na	0	14
12-15 months	%	8	6	4	0	0	0	na	25	7
15-18 months	%	2	0	0	0	0	0	na	0	1
over 18 months	%	37	6	8	0	0	0	na	0	25
<b>County/District Court</b>										
3 months or less	%	0	0	38	0	15	-	-	-	8
3-6 months	%	8	24	32	18	42	-	-	-	22
6-9 months	%	5	16	14	7	27	-	-	-	12
9-12 months	%	5	15	11	16	8	-	-	-	11
12-15 months	%	0	21	5	30	4	-	-	-	13
15-18 months	%	2	23	0	4	0	-	-	-	7
over 18 months	%	80	2	0	27	4	-	-	-	27
<b>Magistrates' Court</b>										
3 months or less	%	0	56	94	na	82	67	na	27	55
3-6 months	%	83	32	5	na	12	28	na	27	35
6-9 months	%	11	8	0	na	5	4	na	36	6
9-12 months	%	0	2	1	na	1	0	na	0	1
12-15 months	%	0	1	0	na	0	0	na	0	0
15-18 months	%	0	2	0	na	0	0	na	9	0
over 18 months	%	6	0	0	na	0	0	na	0	2

Notes: The above figures are drawn from a small sample and thus care should be exercised in their interpretation.

1 Totals are based on those States and Territories for which information is available. Totals for each court may not add to one hundred per cent due to rounding.

na not available.

- not applicable.

## All States & Territories, 1993–94, effectiveness

**Table 8.5:** Access – location of Magistrates' Courts, 1993–94

<i>Indicator</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT</i>	<i>ACT</i>	<i>Total</i>
Number of court locations providing permanent registry services	161	48	125	126	20	4	5	1	490
Number of locations where courts sat	160	69	100	126	70	4	26	1	556

**Table 8.6:** Access – estimated daily total court fees, as at March 1994<sup>1</sup>

<i>Indicator</i>	<i>Units</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT</i>	<i>ACT</i>	<i>Total</i>
Supreme Court	\$	450 <sup>(2)</sup>	500 <sup>(4)</sup>	215	465	584 <sup>(8)</sup>	100	150	400	318
County/District Court	\$	320	235 <sup>(4)</sup>	215	465	323	-	-	-	91
Magistrates' Court	\$	260 <sup>(3)</sup>	78 <sup>(5)</sup>	58 <sup>(6)</sup>	180 <sup>(7)</sup>	45 <sup>(9)</sup>	93	40	70 <sup>(10)</sup>	277

Notes: 1 The figures depicted above are based on the cost of the first day of hearing. In some jurisdictions the cost of additional days may be lower than the first.

2 NSW - Supreme Court Other Filing Fees - Commercial Division \$2050; Court of Appeal: Summons \$500, Holding Appeal \$200, Appeal with appointment \$1500. Where a summons or holding appeal is lodged, the fee for appeal with appointment is reduced accordingly.

3 NSW - Magistrates' Court Personal Injury Filing Fees - no fee if claim arises out of a motor vehicle accident.

4 Victoria - Supreme and County Courts Total Court Fees is a Composite Fee in 1993/94 for Supreme and County Courts. The only fee applicable for matters to trial (excluding jury fees and transcript fees) in County Courts was the filing fee as shown above, and in the Supreme Court, an additional setting down fee.

5 Victoria - Magistrates' Court Filing Fee scale: Over \$1000 = \$78, Under \$1000 = \$39.

6 QLD - Magistrates' Court Filing Fee - is a weighted average for the sliding scale of fees for Magistrates' Courts, Small Claims and Small Debts.

7 WA - Magistrates' Court Filing Fees - under \$5000 = \$40.20, \$5000-\$10000 = \$80.20, over \$10000 = \$160.20. Hearing Fees - under \$5,000 = \$50, \$5000-\$10000 = \$100, over \$10000 = \$150.

8 SA Supreme Court Sitting Fee is a "per day" amount, fees Postpones is an estimate, and transcript fees not included.

9 SA - Magistrates' Court Filing Fees - Up to \$5000 = \$45; over \$5000 = \$88.

10 ACT - Magistrates' Court Filing Fee - is a weighted average for the sliding scale of fees for Magistrates' Court, Small Debt and Small Claims Courts. Filing Fee - under \$10,000 = \$70; over \$10,000 = \$250. Other cases - small claims - under \$2000 = \$28; over \$2000 = \$70.

ACT - Magistrates' Court Filing Fees - Other Cases - under \$3000 = \$46; up to \$10,000 = \$62; over \$10,000 = \$115 Court Fees - Up to \$3,000 = nil; up to \$10,000 = \$85; over \$10,000 = 145; extra fees incurred eg. fee for filing Certificate of Readiness.

- not applicable.

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**All States & Territories, 1993–94, unit cost**
**Table 8.7:** Unit cost, 1993–94

<i>Indicator</i>	<i>Units</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT<sup>2</sup></i>	<i>ACT</i>	<i>Total</i>
<i>Criminal</i>										
Average cost per primary criminal offender <sup>1</sup>	\$	503.0	403.5	392.8	311.2	204.5	377.3	555.3	485.6	391.6
Average cost per minor traffic offender	\$	26.2	13.9	36.0	3.8	15.0	23.5	70.6	284.1	18.3
<i>Civil</i>										
Average cost per file	\$	268.3	209.3	281.7	496.7	465.0	142.0	540.5	323.9	256.1

Notes: 1 Primary is defined as total criminal lodgments *less* Minor Traffic lodgments.

2 NT unit costs are affected by the treatment of charges relating to the government owned facilities used by the NT courts.

## 8.6 Definitions and explanatory notes

### Definition of effectiveness indicators

<i>Indicator</i>	<i>Explanation/definition</i>
1. Timeliness	Criminal matters: The percentage of cases completed in March 1994 that fall within each of the seven specified time categories. Cases are sorted according to the time taken to reach a verdict after cases are lodged. Civil matters: The percentage of cases completed in March 1994 that fall within each of the seven specified categories. Cases are sorted according to the time taken to reach a decision after the parties involved notify the court that they are ready to proceed to trial.
2. Access - number of locations providing permanent registry services	Number of locations where permanent registry services were provided. A location is defined as a town or city rather than a specific building, thus a given location may provided a number of permanent services.
3. Access - number of locations where courts sat	Number of locations Magistrates' Courts sat. A location is defined as a town or city rather than a specific building.
4. Estimated daily court fees	Total court income divided by notional sitting days divided by the number of judicial officers. Total court income includes filing fees and in some instances a sitting fee but does not include transcription fees.

### Definitions of unit cost and productivity indicators

<i>Indicator</i>	<i>Explanation/definition</i>
5. Average costs per primary criminal offender	The total costs of the administration services provided to primary criminal matters divided by the total number of primary criminal matters handled. Included in total costs are salaries, sheriff expenses, juror costs, court reporting costs, accommodation costs, library services, information technology, departmental over heads and court operating expenses.
6. Average costs per minor traffic offender	The total costs of the administration services provided to minor traffic matters divided by the total number of total minor traffic matters handled. Included in total costs are salaries, sheriff expenses, juror costs, court reporting costs, accommodation costs, library services, information technology, departmental over heads and court operating expenses.
7. Average costs per file offender	The total costs of the administration services provided to civil matters divided by the total number of civil files handled. Included in total costs are salaries, sheriff expenses, juror costs, court reporting costs, accommodation costs, library services, information technology, departmental over heads and court operating expenses.

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**Definitions of variables**

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<i>Variable</i>	<i>Definition</i>
Criminal matters	Include matters handled by originating courts (eg committals) youth courts, courts of appeal, and courts that hear minor traffic matters.
Civil matters	Include small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction. Excluded from this definition are matters dealt with by guardianship boards, environmental, resources and development courts, administrative appeals tribunals, probate offices and coroner's courts.
Primary matters	Primary matters are defined as total criminal lodgments <i>less</i> minor traffic lodgments.

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