
8 Court administration

Court administration agencies throughout Australia provide a range of services integral to the effective performance of the judicial system. This chapter covers the performance of court administration for State and Territory supreme, district/county and magistrates' courts, coroner's courts, probate registries, the Federal Court of Australia, the Family Court of Australia and the Family Court of Western Australia. Performance data are presented for court administration of electronic courts for the first time in this Report. Section 8.1 outlines the coverage of services.

The focus of this Report is on the administration of the courts, not the outcomes of the legal process. Policy developments (section 8.2) have been included for the first time. Given the multiple jurisdictions, the chapter's presentation is selective. A framework of performance indicators is outlined in section 8.3, and data are discussed in section 8.4. Section 8.5 contains further information about changes to reporting. Full reporting of data is included in attachment 8A. The chapter concludes with jurisdiction comments.

Differences in court jurisdiction levels are summarised (table 8.1) and descriptors have been improved, with separate reporting for electronic courts (box 8.1). Quality indicators for client satisfaction and additional efficiency indicators using finalisations data have also been reported.

8.1 Profile of court administration services

The primary functions of court administration agencies are to:

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

The allocation of responsibility between court administration and other elements of the system (including the judiciary) vary across the State, Territory and Commonwealth legal systems. The performance indicators presented here need to be interpreted in this context.

Box 8.1 Electronic courts

Electronic courts are operated in NSW, Victoria and Queensland to process infringements, on-the-spot fines and summary offences capable of expiated processing for offences. Electronic courts have the status of a court despite minimal judicial involvement because of their capacity to produce enforceable orders against defendants. Orders can impose penalties such as fines which may be enforced by warrants or license cancellation, asset seizure, garnishment, community correction orders, arrest and incarceration. The defendant needs to actively nominate to have the matter heard by a magistrate for the matter to be listed for hearing.

Remaining jurisdictions do not separately operate electronic courts from their magistrates' court, but instead enforce infringements and on-the-spot fines through a registry which automatically imposes minor penalties such as fines, demerit points and license cancellation. WA, SA and the NT process electronic matters in their magistrates' court. The imposition of more serious penalties, including for failure to pay to the initial fine, can lead to the defendant being arrested and brought before the magistrates' court for a hearing.

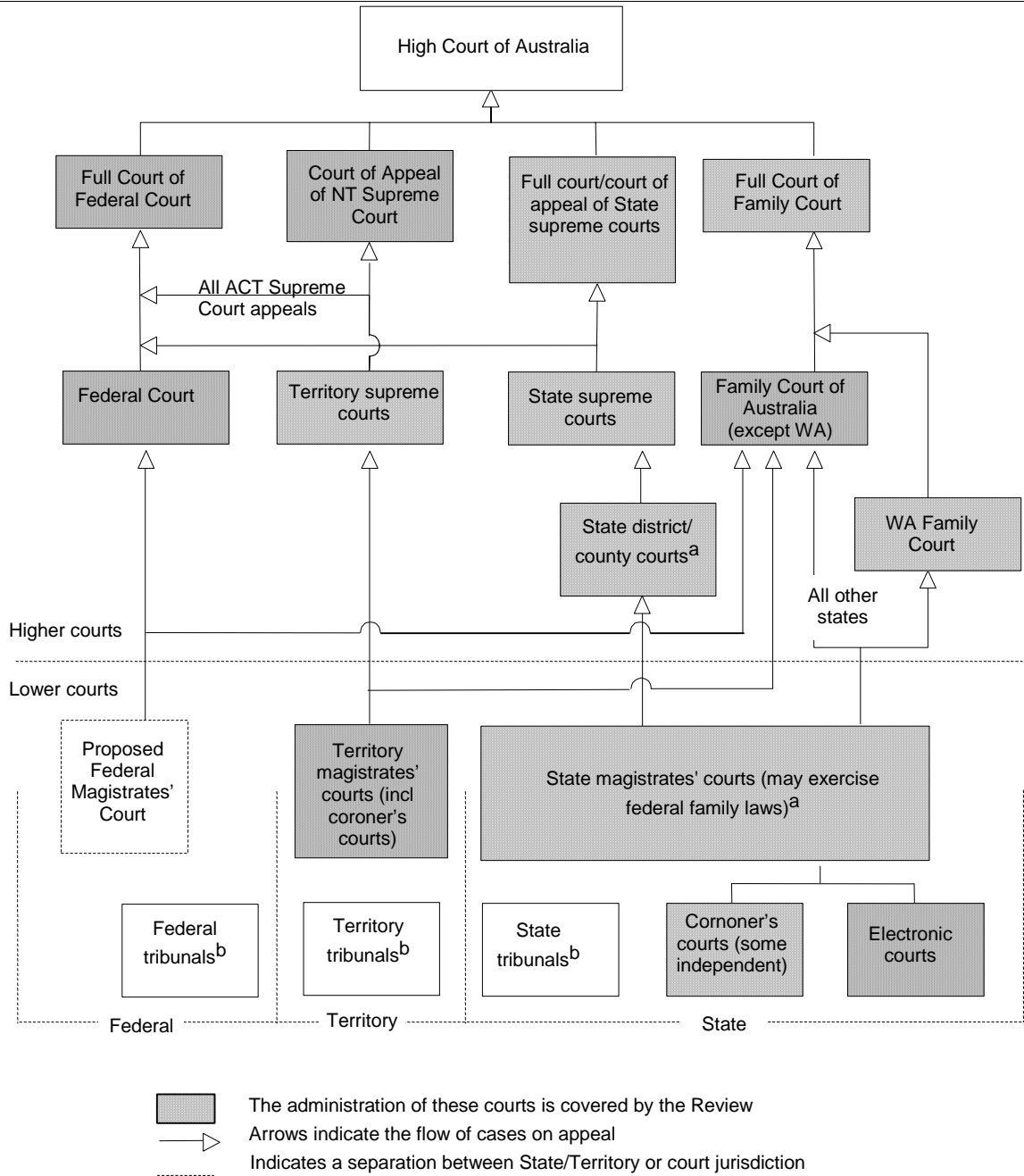
Source: Court Administration Data Collection Manual

Structure of courts

There is a hierarchy of courts at both the State and Territory level and the Commonwealth level. All courts handle a number of matters that appear in the court system for the first time (an originating jurisdiction). Higher courts hear disputes of greater seriousness than those in the lower courts. They also develop the law and operate as courts of judicial review or appeal (figure 8.1).

The structure of courts differs across States and Territories. Tasmania and the Territories do not have district/county courts (two-tier systems), and only WA has a Family Court (that is, the Family Court of Australia has jurisdiction in all other States and Territories). There are also differences in the jurisdictions of courts in states/territories. In general, magistrates' courts have jurisdiction over summary criminal matters, traffic infringements and committal proceedings. District/county courts have jurisdiction over indictable criminal matters and appeals from magistrates' courts. Generally, supreme courts have jurisdiction over serious criminal matters. Other significant differences in court jurisdictions are described table 8.1.

Figure 8.1 Major relationships between courts in Australia



^a Appeals from lower courts in NSW go directly to the Court of Appeal in NSW Supreme Court. ^b Federal, state and territory tribunals, while subordinate to their respective Federal Court or Magistrates' Court, may appeal to any higher court in the federal, state or territory jurisdiction.

Table 8.1 Summary of differences in Australian courts' jurisdiction levels

	<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>Criminal</i>								
Magistrates' Court ^a	<ul style="list-style-type: none"> Some family law matters Juvenile prosecutions 	No difference	<ul style="list-style-type: none"> Matters with a maximum penalty of up to three years imprisonment, includes some indictable offences dealt with summarily 	No difference	<ul style="list-style-type: none"> Matters with a maximum penalty of up to two years imprisonment Juvenile prosecutions Intervention orders (including breaches) 	Not available	<ul style="list-style-type: none"> Matters with a maximum penalty of up to 10 years imprisonment Matters relating to money or other property with a maximum penalty of up to 14 years imprisonment 	<ul style="list-style-type: none"> Some drug charges Some fraud charges Matters with a maximum penalty of up to 10 years imprisonment Matters with maximum penalty of 10-14 years imprisonment (heard with the consent of the accused)
District/ County Court ^b	No difference	No difference	No difference	No difference	No difference	Not applicable	Not applicable	Not applicable
Supreme Court ^c	No difference	No difference	No difference	No difference	No difference	Not available	No difference	<ul style="list-style-type: none"> Some matters with a maximum term of more than 10 years imprisonment All matters with a maximum term of 14 years or more Property damage over \$5000

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Table 8.1 (Continued)

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT
<i>Civil</i>								
Magistrates' Court	<ul style="list-style-type: none"> • Up to \$40 000 for monetary damages • Some family law matters 	<ul style="list-style-type: none"> • Up to \$40 000 for monetary damages • Applications for equitable relief • Applications under the <i>Crimes (Family Violence) Act 1987</i> 	<ul style="list-style-type: none"> • Small claims (includes Residential Tenancy Disputes) up to \$5000 • Small debts up to \$5000 • Other claims up to \$50 000 	<ul style="list-style-type: none"> • <i>Local Courts Act</i> claims for recovery of debt up to \$25 000 • Small disputes up to \$3000 • Residential tenancy disputes up to \$6000 	<ul style="list-style-type: none"> • Small claims up to \$5000 • Commercial causes up to \$30 000 • Personal injury claims up to \$60 000 	Not available	<ul style="list-style-type: none"> • Small claims up to \$10 000 • Workers compensation • Some family law matters • Other claims up to \$50 000 • Domestic Relations Act 	<ul style="list-style-type: none"> • Up to \$100 000 • Workers compensation
District/ County Court	<ul style="list-style-type: none"> • Up to \$750 000 • Unlimited in motor accident cases 	<ul style="list-style-type: none"> • Liquidated damages up to \$200 000 • Appeals under the <i>Crimes (Family Violence) Act 1987</i> • Unlimited for compensation resulting from injury or death • Adoption matters • Change of name applications 	<ul style="list-style-type: none"> • Between \$50 000 and \$250 000 	<ul style="list-style-type: none"> • Up to \$250 000 • Unlimited for personal injuries 	<ul style="list-style-type: none"> • Unlimited for general and personal injury matters 	Not applicable	Not applicable	Not applicable

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Table 8.1 (Continued)

	<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/ Federal Court	• Unlimited	• Unlimited	• Over \$250 000 • Administrative law matters	• Unlimited	• General claims of more than \$30 000 • Personal injury claims of more than \$60 000 arising from motor vehicle accidents • Possession of property of value more than \$60 000 • Interpleader of property of value more than \$60 000 • Cases for lower amounts at cost penalty	• Unlimited	• Unlimited	• Unlimited • Mental health, family law and <i>Coroners Act</i> applications
Family Court	Not applicable	Not applicable	Not applicable	• Family law matters	Not applicable	Not applicable	Not applicable	Not applicable

^a All State and Territory magistrates' courts have jurisdiction over summary criminal matters (such as wilful damage to property and shoplifting), traffic infringements and committal proceedings for serious criminal matters. ^b All State and Territory district/county courts have jurisdiction over indictable criminal matters such as rape and armed robbery (except for murder and treason) and appeals from magistrates' courts. ^c All State and Territory supreme courts have jurisdiction over serious criminal matters (such as murder, treason and certain serious drug offences). **No difference** Court jurisdiction level is not substantially different from similar courts' jurisdiction levels in other States and Territories.

Sources: State, Territory and Commonwealth court administration authorities and departments.

Differences in court jurisdictions can mean that the allocation of cases to courts vary across states and territories. The proportion of civil matters heard in the Tasmanian Supreme Court (under the two-tier system), for example, is almost 20 per cent more than the proportion of civil matters heard in the Victorian Supreme Court. As a result, the seriousness and complexity of cases heard in each jurisdiction's equivalent court often varies. These factors should be taken into account when comparing performances across States and Territories for specific court jurisdictions' indicators.

Most courts operate in both the civil and criminal jurisdictions. The essential difference between these jurisdictions is the source of the lodgment and the parties in dispute. Criminal matters are brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions but can also be the Attorney General, the police, local councils and traffic camera branches. Civil matters are lodged by individuals or organisations (the plaintiff) against another party (the defendant) who responds to the file. Further, coroner's courts (which generally operate under the auspices of State and Territory magistrates' courts), inquire into the cause of sudden and unexpected deaths and into suspicious fires; their findings can be the source of criminal prosecutions.

Administrative structures

Most courts use the same court infrastructure for civil and criminal case types. However, because separate information systems and case flow management practices have been established for each of the civil and criminal jurisdictions, the Steering Committee has sought to distinguish between them where possible.

Lodgments

Approximately 2.9 million matters were lodged with courts in 1998-99. The largest numbers of lodgments were processed by magistrates' courts in their criminal jurisdictions, with approximately 1.9 million cases initiated in these courts in 1998-99. District/county courts accounted for only 28 800 lodgments in criminal matters and the supreme courts processed a further 4900. The largest criminal court in Australia is the Victorian Magistrates' Court (which received 579 000 lodgments). This included 486 800 minor lodgements, comprising electronic court lodgments (box 8.1) and minor traffic matters processed by magistrates' courts. The next largest criminal court was the NSW Magistrates' Court, which received 467 100 lodgments (274 600 minor lodgments) (table 8.2). In the civil jurisdiction there were a total of 785 300 lodgments in 1998-99. The largest civil court in Australia is the NSW Magistrates' Court (which received 263 800 lodgments),

followed by the Magistrates' Court in Victoria (which received 197 200 lodgments) (table 8.2).

Probate lodgments encompass applications for the appointment of an executor or administrator to the estate of a deceased person. The two most common applications are where the executor nominated by a will applies to have the will proved, and where the deceased died intestate (or without a will) and a person entitled to administer the estate applies for letters of administration. There were 49 300 probate applications in 1998-99, with the highest in NSW (20 100 applications), followed by Victoria (14 600) (table 8.2).

Table 8.2 Court lodgments, 1998-99 ('000)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT^a</i>	<i>NT</i>	<i>Cwlth</i>	<i>Total</i>
Criminal										
Magistrates' Court (incl. Electronic Court)	467.1	579.0	359.9	198.5	205.0	16.6	12.0	19.3	..	1 857.5
Electronic Court ^b	274.6	486.8	203.9	116.6	119.2	na	..	9.9	..	1 211.0
District/County Court	10.2	4.6	9.7	3.0	1.2	..	..	..	..	28.8
Supreme Court	0.7	0.5	1.4	0.5	0.5	0.6	0.3	0.3	..	4.9
All courts	478.0	584.2	371.1	202.0	206.8	17.2	12.3	19.6	..	1 891.2
Civil										
Magistrates' Court	263.8	197.2 ^c	109.2	62.2	47.5	10.0	11.0 ^c	5.7	..	706.5
District/County Court	14.6	7.6 ^c	8.8	7.8	2.7	..	..	..	..	41.5
Supreme Court	8.9	4.4	6.6	3.1	1.5	2.8	1.5	0.5	8.0	37.3
All courts	287.3	209.2	124.6	73.0	51.7	12.8	12.5	6.2	8.0	785.3
Family Court	..	..	..	14.5	..	..	..	..	122.2	136.7
Coronial										
Magistrates' Court	7.3	3.9	4.3	2.2	3.5	0.4	0.8	0.3	..	22.7
Probate										
Supreme Court	20.1	14.6	2.9	4.7	4.6	1.9	0.4	0.1	..	49.3

^a The motor vehicle registry rather than the Magistrates' Court enforced unpaid infringement notices. Infringements did not become court lodgments until the defendant elected to have the matter heard by a magistrate. ^b Includes electronic court matters and minor traffic matters processed electronically in magistrates' courts (box 8.1). ^c Includes workers compensation matters. .. Not applicable.

Source: table 8A.1.

The majority of matters initiated in the lower courts were criminal cases, while civil cases outnumbered criminal cases in the intermediate and higher courts. Victoria and SA had the highest proportion of criminal matters in their Magistrates' Courts (99.1 per cent), followed the NT (98.6 per cent). Victoria also had the highest proportion of civil cases in its Magistrates' Courts (94.3 per cent), followed by the NT (92.2 per cent). Of the two-tier court systems, the NT had the highest proportion

of both criminal and civil lodgments (98.6 and 92.2 per cent respectively) in its Magistrates' Courts (table 8.3).

Table 8.3 Proportion of court lodgments, by court level, 1998-99 (per cent)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT^a</i>	<i>NT</i>	<i>Cwlth</i>	<i>Avg</i>
Criminal										
Magistrates' Court ^b	97.7	99.1	97.0	98.3	99.1	96.3	97.5	98.6	..	98.2
District/County Court	2.1	0.8	2.6	1.5	0.6	..	..	..	..	1.5
Supreme Court	0.1	0.1	0.4	0.2	0.3	3.7	2.5	1.4	..	0.3
All courts	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	..	100.0
Civil										
Magistrates' Court	91.8	94.3	87.7	85.1	91.9	78.1	88.0	92.2	..	90.0
District/County Court	5.1	3.6	7.1	10.6	5.2	..	..	..	..	5.3
Supreme Court	3.1	2.1	5.3	4.3	2.9	21.9	12.0	7.8	..	4.8
All courts	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	..	100.0

^a The motor vehicle registry rather than the Magistrates' Court enforced unpaid infringement notices. Infringements did not become court lodgments until the defendant elected to have the matter heard by a magistrate. ^b Includes minor lodgments. .. Not applicable.

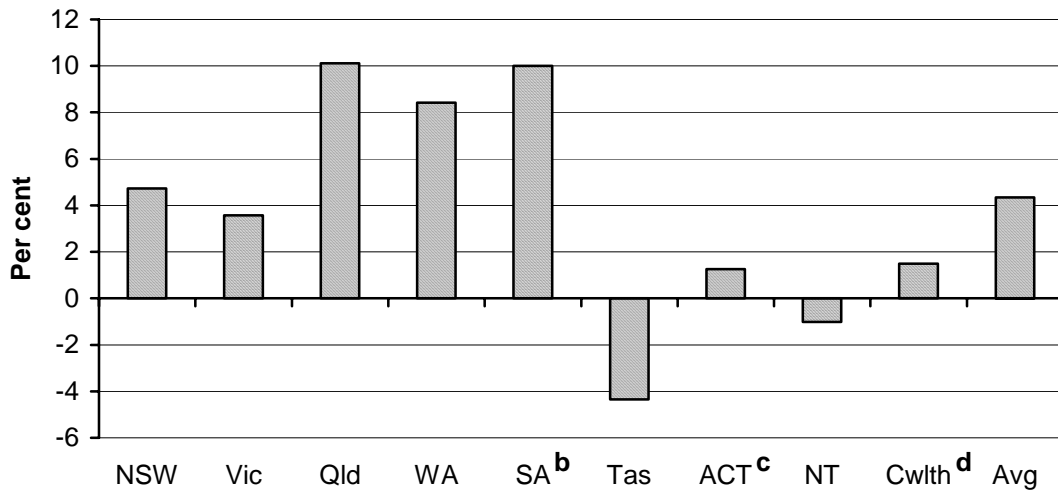
Source: table 8A.1.

There has been an average annual increase of 4.3 per cent in the number of lodgments received by courts throughout Australia since 1994-95. The largest average annual increase occurred in Queensland (10.1 per cent), while lodgments in Tasmania decreased by 4.4 per cent (figure 8.2).

Coroner's courts investigate the cause and circumstances of reportable deaths. The definition of a reportable death differs across States and Territories but generally includes deaths for which the cause is violent, suspicious or unknown. The coroner in some States and Territories has the power to commit for trial, while in others they are prohibited from making any finding of criminal or civil liability.

The total number of deaths reported to a coroner was 20 262 across Australia in 1998-99. The highest number of reported deaths was in NSW (6657), followed by Victoria (3924) (table 8A.1). Reporting rates varied as a result of different reporting requirements — for example, deaths in institutions such as nursing homes for persons suffering intellectual impairment of any kind must be reported in SA. The number of deaths reported to the coroner as a proportion of total deaths across Australia in 1998-99 was 16 per cent. This proportion ranged from 36 per cent in NT to 4 per cent in Tasmania (figure 8.3).

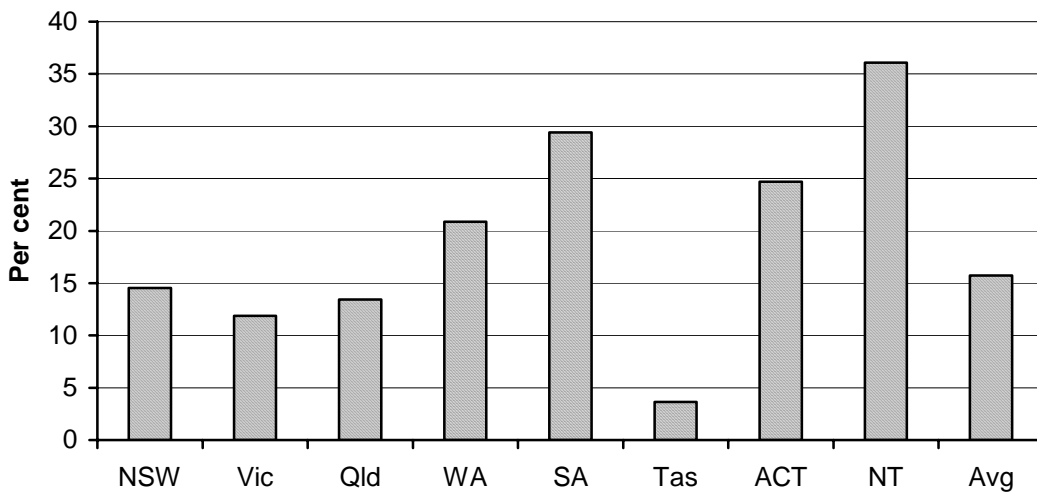
Figure 8.2 Average annual growth of court lodgments, 1994-95 to 1998-99^a



^a Excludes probate. ^b Expiation of offences legislation was introduced in the Magistrates' Court in 1996. ^c The motor vehicle registry rather than the Magistrates' Court enforced unpaid infringement notices. Infringements did not become court lodgments until the defendant elected to have the matter heard by a magistrate. ^d A large number of low cost, short matters in bankruptcy were transferred from the Federal Court of Australia to the Insolvency Trustee Service of Australia in 1996.

Source: table 8A.1.

Figure 8.3 Deaths reported to a coroner as a proportion of total deaths, 1998-99^a



^a Calculated as deaths reported to the Coroner divided by the number of deaths in 1998.

Source: table 8A.1.

The total number of fires reported to a coroner was 2424 across Australia in 1998-99. The highest number of reported fires was in Queensland (1326), followed

by NSW (624) (table 8A.1). Reporting requirements also varied for fires: for example, fires may be reported and investigated in Victoria and SA at the Coroner's discretion, but they are excluded from the Coroner's jurisdiction in WA and the NT.

A significant proportion of court cases are largely routine or minor. These matters are generally less costly to finalise because they do not require full court hearings. These include:

- civil lodgments finalised by registrars — for example, probate applications, winding up applications, and joint applications for divorce;
- civil lodgments settled as undefended; and
- criminal lodgments processed by electronic courts (for example, traffic infringements).

Minor lodgments were particularly common in magistrates' courts in 1998-99. Across Australia 65 per cent of criminal lodgments in magistrates' courts were minor. Across jurisdictions, Victoria had the highest proportion (84 per cent) and NT had the lowest (51 per cent). In the civil jurisdiction, 50 per cent of lodgments in magistrates' courts across Australia were minor. Across jurisdictions, the proportion ranged from 92 per cent (SA) to 1 per cent (Tasmania) (table 8.4).

Nationally 15 per cent of lodgments in the district/county courts were minor in 1998-99. This proportion ranged from 64 per cent in WA to zero per cent in Victoria. Minor matters accounted for a significant proportion (22 per cent) of the national total of civil lodgments among Supreme/Federal courts. Across jurisdictions, the proportion ranged from 60 per cent in Victoria to one per cent in Queensland. Four per cent of Federal Court lodgments were minor (table 8.4).

Hearings

Hearings, particularly full court hearings and trials, are the primary cost driver for court administrations. Hearings encompass court trials, appeals and rehearings in the criminal and civil jurisdictions heard before a judicial officer, as well as inquests and inquiries in the coronial jurisdiction. Hearings do not include conferences, mediation and arbitration sessions, or hearings to process secondary applications associated with the primary case. Each lodgment is subject to only one hearing, although it may be adjourned at various times. The Report treats committals and appeals as separate lodgments. Nationally, approximately 960 000 court hearings (649 000 criminal and 310 000 civil) were listed in 1998-99, of which the majority occurred in the lower courts (table 8A.2).

Table 8.4 Proportion of criminal and civil courts lodgments that were minor, 1998-99 (per cent)^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>Cwlth</i>	<i>Avg</i>
Criminal										
Magistrates' Court	59	84	57	59	58	na	0 ^b	51	..	65
Civil										
Magistrates' Court	5	75	83	76	92	1	52	70	..	50
District/County Court	0 ^c	0	5	64	36	..	..	..	..	15
Supreme ^d /Federal Court	27 ^e	60	1	19	13	42	54 ^f	15	4	22
Family Court	..	..	..	0	..	..	..	..	39	35

^a Minor lodgments include minor traffic lodgments and other infringement notices enforced through electronic courts, undefended general civil lodgments and applications of an administrative nature (such as winding-up applications, Criminal Injury Compensation applications, Australian Registered Judgments, intervention orders (excluding the prosecution of a breach of an order), residential tenancy disputes, joint applications for divorce and applications for debt recovery). ^b The motor vehicle registry rather than the Magistrates' Court enforced unpaid infringement notices. Infringements did not become court lodgments until the defendant elected to have the matter heard by a magistrate. ^c There are no minor lodgments in the NSW case flow management system. ^d Excludes probate. ^e In NSW, winding-up applications are excluded from minor matters and included as primary matters. ^f Increased number of Criminal Injury Compensation applications due to impending changes in legislation. .. Not applicable.

Source: table 8A.4.

Most jurisdictions attempt to encourage pre-trial settlement of civil disputes through mediation and arbitration to minimise the cost to the court and parties, and to ensure that only cases that require judicial determination proceed to a full hearing. Similarly, a guilty plea by the defendant generally reduces hearing length and cost in the criminal jurisdiction.

Finalisations

Finalisations are reported as a measure of court administration activity for the first time in this year's Report. A finalised defendant is a defendant who has had all charges formally completed so they are no longer a matter for the courts. Finalisations data are included to improve the measurement of court administration activity, because the majority of court administration costs are committed towards the end of a matter. Reported finalisations data are not strictly comparable with reported lodgments data because some matters may be lodged in one year but finalised in the next, and in some jurisdictions matters that are withdrawn or expire after the initial lodgment (such as bench warrants) may not be reported as finalised. Reported finalisations data for criminal matters in magistrates' courts are also not strictly comparable to reported lodgments data because they do not include electronic court matters.

Approximately 1.1 million matters were reported finalised with courts in 1998-99. The largest numbers of finalisations are disposed of by magistrates' courts in their criminal jurisdictions, with 732 200 cases completed in these courts in 1998-99. District/county courts accounted for only 26 300 finalisations of criminal matters, and the supreme courts disposed of a further 4400 (table 8.5).

The civil jurisdiction had a total of 338 600 finalisations in 1998-99. The largest civil court in Australia is the NSW Magistrates' Court (which disposed of 92 100 finalisations), followed by the Magistrates' Court in Victoria (which disposed of 67 300 finalisations) (table 8.5).

Table 8.5 Court finalisations, 1998-99 ('000)^a

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
Criminal^b										
Magistrates' Court ^c	126.6	113.6	187.7	87.1	187.7	na	16.3	13.1	..	732.2
District/County Court	9.1	4.7	8.7	2.7	na	..	..	..	..	26.3
Supreme Court	0.8	0.4	1.3	0.4	na	0.5	0.2	0.2	..	4.4
All Courts	136.5	118.8	197.8	90.1	na	na	16.5	13.3	..	762.9
Civil^d										
Magistrates' Court	92.1	67.3	51.1	24.1	43.9	na	6.7	1.4	..	286.4
District/County Court	12.8	7.9	2.8	6.1	na	..	..	..	..	29.7
Supreme Court	6.4	2.0	1.3	2.4	na	1.2	1.4	0.4	7.4	22.5
All Courts	111.2	77.2	55.2	32.5	na	na	8.1	1.7	7.4	338.6

^a Lodgments will not equal finalisations in any given year as matters lodged in one year, may be finalised in the next. ^b The expiration of cases after lodgment, such as following a bench warrant, may not be recorded as a finalisation in some jurisdictions. ^c Includes finalisation of minor traffic matters processed electronically in magistrates' courts. Excludes finalisation of electronic court matters (box 8.1). ^d Cases withdrawn after initial lodgment may not be recorded as a finalisation in some jurisdictions. .. Not applicable.

Source: table 8A.3.

Finalisations data for criminal matters are also presented by method of finalisation from the ABS Higher Criminal Courts collection (ABS 1999) for the reference period 1997-98 (table 8.6). Differences in the data collection methods and reference periods should be considered when comparing these data with other finalisations data for criminal matters presented in the chapter.

The method of finalisation describes how a charge leaves a particular court level (ABS 1999). In the supreme courts, more defendants in criminal matters were finalised by adjudication (86.6 per cent) than by non-adjudicated means (13.4 per cent). This was also the case in the district/county courts, where 84.8 per cent were finalised by adjudication and 15.2 per cent were finalised by non-adjudicated means. Nationally, a guilty plea was the most common method of finalising adjudications in the supreme courts (66.9 per cent). This ranged from 80.4 per cent in Queensland to 37.2 per cent in Victoria in their respective supreme

courts. Nationally, 'withdrawn' was the most common means of non-adjudicated finalisations in the supreme courts (9.5 per cent) and the district/county courts (11.8 per cent). Across jurisdictions, the 'withdrawn' proportion ranged from 16.2 per cent in the Queensland District Court to 4.7 per cent in the WA Supreme Court (table 8.6).

Table 8.6 Defendants in criminal matters finalised, by method of finalisation, 1997-98 (per cent)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Avg</i>
District/County Court									
Adjudicated									
Acquitted	12.5	10.1	5.2	9.7	7.3	..	..	..	8.6
Proven guilty									
Guilty verdict	10.3	10.2	5.4	11.5	11.5	..	..	..	8.6
Guilty plea	60.6	73.1	69.3	64.9	58.6	..	..	..	66.0
Proven guilty n.f.d. ^a	0.0 ^b	0.0 ^b	4.0	0.0 ^b	0.0 ^b	..	..	..	1.6
Total	70.9	83.3	78.6	76.4	70.0	..	..	..	76.2
Total	83.4	93.5	83.8	86.1	77.4	..	..	..	84.8
Non-adjudicated									
Bench warrant issued	5.2	1.4	na	4.7	7.5	..	..	..	2.8 ^c
Withdrawn	10.0	5.1	16.2	8.1	13.9	..	..	..	11.8
Other finalisation ^d	1.4	0.1	0.1	1.1	1.2	..	..	..	0.7
Total	16.6	6.5	16.2 ^c	13.9	22.6	..	..	..	15.2 ^c
Total	100	100	100^c	100	100	..	..	..	100^c
Supreme Court									
Adjudicated									
Acquitted	12.9	20.5	2.8	8.6	17.9	7.1	9.8	13.8	7.7
Proven guilty									
Guilty verdict	33.3	37.2	6.8	21.1	24.1	8.5	5.1	11.5	11.9
Guilty plea	41.9	37.2	80.4	61.2	43.8	64.1	64.9	60.8	66.9
Total	75.3	74.4	87.2	82.3	67.9	72.6	69.9	72.3	78.9
Total	88.2	94.9	90.0	90.9	85.7	79.8	79.7	86.2	86.6
Non-adjudicated									
Bench warrant issued	0.0 ^b	0.0 ^b	na	3.9	3.6	5.7	10.8	1.5	3.2 ^c
Withdrawn	7.5	5.1	10.1	4.7	8.0	13.4	9.5	10.0	9.5
Other finalisation ^d	4.3	0.0 ^b	0.0 ^b	0.4	2.7	1.1	0.0 ^b	2.3	0.7
Total	11.8	5.1	10.0 ^c	9.1	14.3	20.2	20.3	13.8	13.4 ^c
Total	100	100	100^c	100	100	100	100	100	100^c

^a Where the distinction between guilty verdict and guilty plea is unavailable, data are classified to proven guilty not further defined (n.f.d). ^b Zero or rounded to zero. ^c These totals exclude Queensland defendants finalised by a bench warrant being issued. ^d Includes defendants who were remitted to the Magistrates Court or finalised by another non-adjudicated method. .. Not applicable.

Source: ABS (1999).

Expenditure

Total expenditure is reported as salary expenditure, non-salary expenditure (such as charges for the use of land and buildings, contract fees, sheriff and bailiff expenses, jury fees, counselling and mediation services, library services, information technology expenses and other court operating expenses) and court administration expenditure by umbrella and other departments. Payroll tax payments have not been included when reporting 1998-99 expenditure data for all jurisdictions, to improve comparability of the data from those jurisdictions where this tax is levied on courts administration (NSW, Victoria, Queensland, SA, Tasmania and NT) with those where it is not (WA, ACT and the Commonwealth) (SCRCSSP 1999). Where time series data is reported, payroll tax continues to be included in all years' data for the relevant jurisdictions to retain comparability over time.

Total expenditure by State, Territory and Commonwealth court authorities (excluding the High Court) was approximately \$816 million in 1998-99. Nationally, court administration expenditure in the criminal jurisdiction (\$373 million) was higher than in the civil jurisdiction (\$300 million) (table 8.7).

Table 8.7 Court administration expenditure less in-house revenue, 1998-99 (\$ million)^{a, b}

	NSW ^c	Vic ^c	Qld ^d	WA	SA ^c	Tas ^e	ACT	NT ^d	Cwlth	Total
All criminal courts	141.7	64.6	70.2	40.7	31.7	7.4	6.9	9.3	..	372.6
All civil courts ^f	88.6	47.5	30.2	34.6	23.8	4.2	7.3	4.7	59.3	300.1
Family court	..	..	..	9.6	..	..	..	..	116.8	126.4
Coronial										
Magistrates' Court ^g	3.7	3.0	2.3	2.1	1.3	0.3	1.1	1.2	..	15.0
Probate										
Supreme Court ^h	0.7	0.5	0.1	0.2	0.3	0.1	0.0	0.1	0.0	2.0
Total	234.8	115.5	102.8	87.2	57.2	12.0	15.3	15.3	176.1	816.0

^a In-house revenue included revenue earned by in-house providers of library, court reporting and civil bailiff services provided to external purchasers. ^b District/county courts do not operate in Tasmania, the ACT or the NT. The Commonwealth does not operate magistrates', district/county or supreme courts. ^c Payroll tax was excluded from reported expenditure as defined in new counting criteria this year. ^d Payroll tax (derived from salary data) was excluded from reported expenditure as defined in new counting criteria this year. ^e Payroll tax was excluded from reported expenditure as defined in new counting criteria this year. The excluded amount for the Magistrates' Court was provided by the jurisdiction and the excluded amount for the Supreme Court was estimated from salary data. ^f Excludes the Family Court of WA and the Family Court of Australia, probate registries and coroner's courts. ^g Excludes the cost of conducting autopsies. ^h Payroll tax was not estimated for probate registries. .. Not applicable.

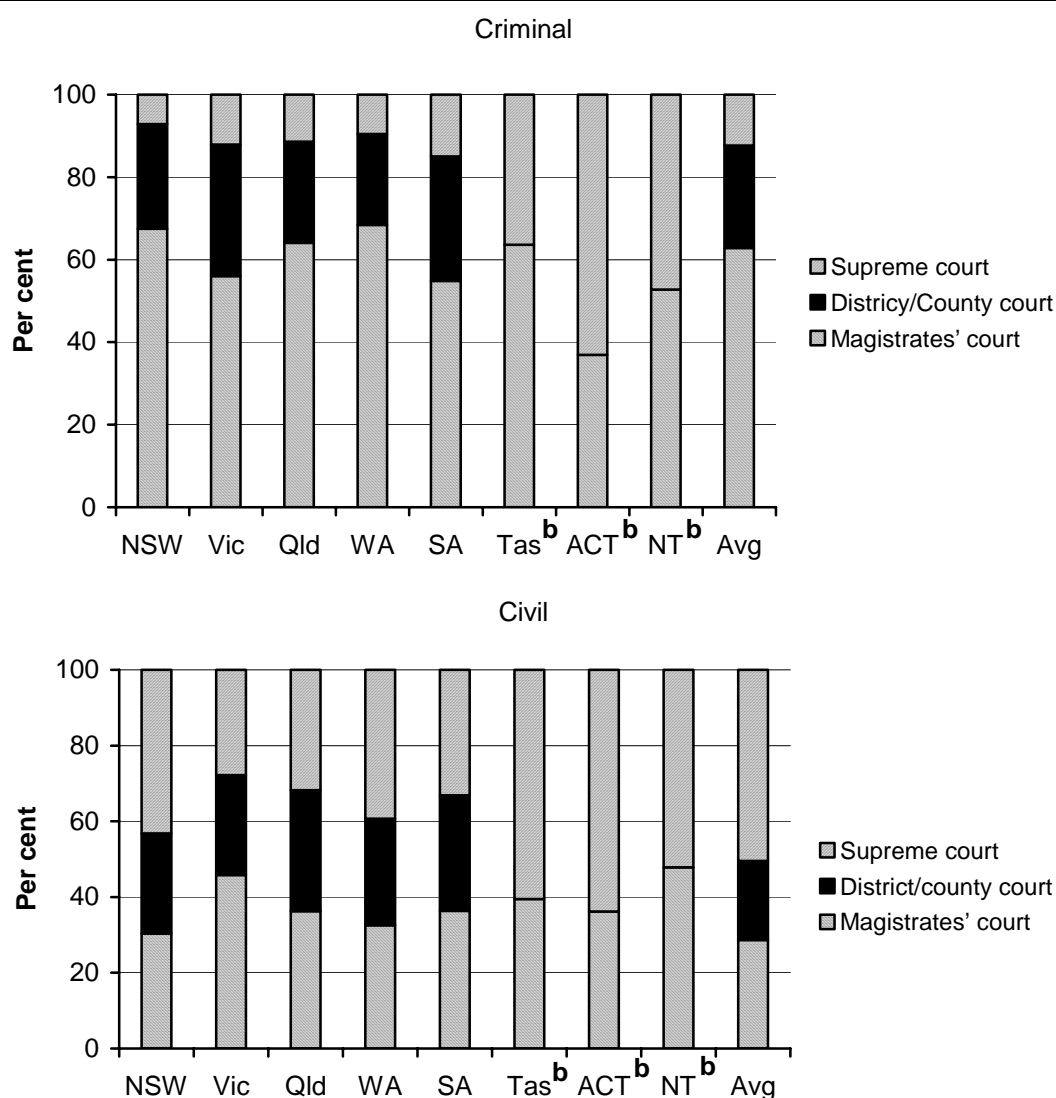
Source: table 8A.5.

The magistrates' courts (in States and Territories having all three court levels) represented 63 per cent of total criminal expenditure nationally in 1998-99, followed

by the district/county courts (25 per cent) then the supreme courts (12 per cent). Across jurisdictions, WA had the highest magistrates' court share (68 per cent) while the ACT (under the two-tier system) had the lowest (37 per cent); Victoria had the highest district/county court share (32 per cent) while WA had the lowest (22 per cent); ACT had the highest supreme court share (63 per cent) and NSW had the lowest (7 per cent) (figure 8.4).

Nationally, supreme courts represented 50 per cent of civil expenditure in 1998-99, followed by magistrates' courts (29 per cent) and district/county courts (21 per cent) (figure 8.4).

Figure 8.4 Proportion of expenditure less in-house revenue, by court level, 1998-99^a



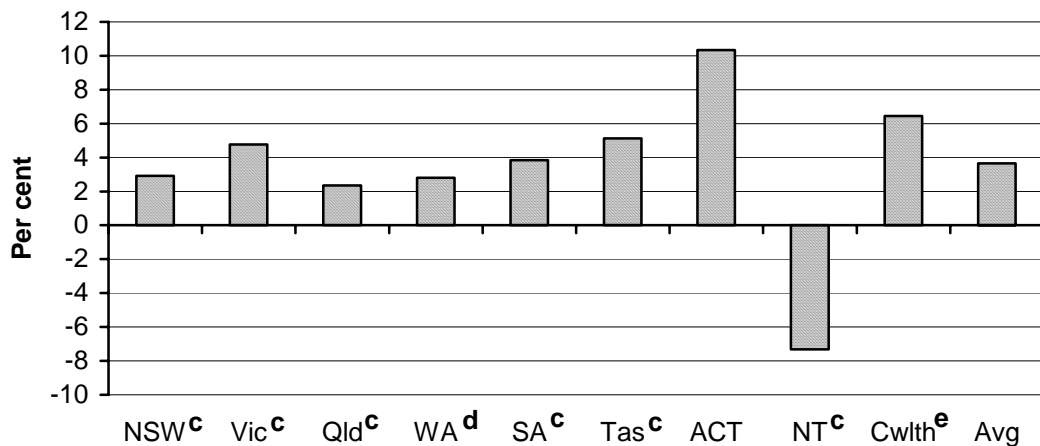
^a In-house revenue includes revenue earned by in-house providers of library court reporting and civil bailiff services to external purchasers. ^b There is no district/county court in these States/Territories.

Source: table 8A.5.

Across jurisdictions, the share of the supreme courts ranged from 64 per cent in ACT to 28 per cent in Victoria; the share of the magistrates' courts varied from 48 per cent in the NT (under the two-tier system) to 30 per cent in NSW; and the share of the district/county courts ranged from 32 per cent in Queensland to 26 per cent in Victoria (figure 8.4).

Average annual growth in real expenditure on court administration increased by 4 per cent (in real terms) between 1994-95 and 1998-99. The trend in expenditure varied across the States and Territories. The NT exhibited a substantial (albeit artificial) real reduction in the average annual growth rate (7 per cent), largely as a result of changes in the valuation method of court properties. The ACT's average annual growth rate was 10 per cent (figure 8.5).

Figure 8.5 **Average annual growth in real court administration expenditure less in-house revenue, 1994-95 to 1998-99^{a, b}**



^a In-house revenue includes revenue earned by in-house providers of library court reporting and civil bailiff services to external purchasers. ^b Excludes coronial and probate expenditure. ^c Includes payroll tax payments for all years to maintain comparability over time. ^d Includes the WA Family Court. Average annual growth excludes expenditure for 1998-99 as a result of an improved capacity to value accrual costs associated with salary entitlements in 1999. ^e Includes the Federal Court and Family Court of Australia.

Source: table 8A.5.

8.2 Policy developments in court administration services

Specialist courts

A major policy issue for the court administration sector is to improve the responsiveness of courts to the special needs of some clients. A number of courts and tribunals have been established or operate under the auspices of general courts (magistrates' courts in most cases) to deliver this need.

Specialist courts have been developed in the areas of land and environment, industrial relations, workers compensation and youth. SA recently established a Family Violence Court under the auspices of the Adelaide Magistrates' Court to deal with criminal matters arising from domestic violence incidents and all applications for domestic violence restraining orders. A similar court has been operating with considerable success at Elizabeth (SA) for two years. The ACT also operates a Family Violence Court under the auspices of their Magistrates' Court.

NSW recently introduced a specialist Drug Court at the Parramatta Court Complex. This court refers non-violent drug dependent offenders to a 12-month program, where they are closely supervised by the Drug Court and must comply with an individualised treatment plan. Victoria commenced the Court Referral and Evaluation for Drug Intervention and Treatment program in the Magistrates' Court in November 1998. The program, initiated early in the arrest process, aims to reduce the likelihood of offenders reoffending and diverts offenders from prison.

Most jurisdictions operate either separate electronic courts under the auspices of magistrates' courts to process traffic infringement notices and expiated offences; for example, Victoria operates the PERIN (Penalty Enforcement and Registration of Infringement Notices) Court under the auspices of the Magistrates' Court or lodge matters electronically in their magistrates' courts. These items have been reported as a subset of matters in the magistrates' courts in this Report (see section 8.1).

Indigenous access

An important objective of the justice sector is to improve justice outcomes for Indigenous Australians. One area currently being addressed in the court administration sector is improved access of Indigenous people to the court system. A variety of existing programs assist Indigenous people using the court system.

Queensland has successfully trialed two remote community magistrates' courts constituted by two Indigenous Australian Justices of the Peace. The courts hear remands and simple offences, and provide quicker access to justice for remote communities. The project will be extended to four more communities over the next year. The development of communication facilitators is also underway in Queensland to assist judges, magistrates and barristers in communicating with defendants and witnesses who use Aboriginal English as a first language. The Family Court of Australia employ Indigenous family consultants based in Darwin, Alice Springs and Cairns.

Aboriginal Court Day, held every fortnight at the Port Adelaide Magistrates' Court, was recently initiated in SA to create a more culturally sensitive court setting for Aboriginal people. The magistrate sits in the body of the court (rather than at a raised bench) with a respected member of the Aboriginal community, and defendants sit with their legal representative and can speak directly to the magistrate. The defendant's family is also encouraged to attend and tell the court how they have been affected by the defendant's offending.

An Aboriginal justice plan is being developed in Victoria. The plan will outline a range of reforms to enhance and develop partnerships and link between justice agencies and the Koori community. The aims are to address the ongoing issue of Indigenous over-representation in the criminal justice system and to improve Koori access to justice related services.

Technological access

A common objective of the court administration sector is to improve accessibility to court services (box 8.2). SA has introduced a 'final notice of claim' pre-lodgment system. This system encourages litigants to resolve civil disputes without resorting to formal court processes. Victoria currently operates an electronic document interchange in the Magistrates' Court for the lodgment of civil matters. This system accounts for approximately 34 per cent of all civil lodgments in the Magistrates' Court.

Video conferencing systems have been adopted by courts in a number of jurisdictions. These have been used for functions such as the video remand of prisoners and the presentation of evidence by witnesses in remote areas. Recent developments in video conferencing systems across jurisdictions include:

- the involvement of the Perth District Court in the world's first co-mediation pilot with the Singapore Subordinate Courts using video conferencing. WA first installed video conferencing facilities in 1995, and recently extended the system to the South Hedland, Bunbury and Geraldton courts. This network will be

expanded in the next 12-18 months to include the Busselton, Rockingham and Fremantle courts;

- the establishment of a fully integrated audiovisual system in all Melbourne courts and 11 regional courts in Victoria, incorporating recording, video conferencing, closed circuit television playback and witness amplification. This system also provides access for the Victorian Civil and Administrative Tribunal;
- a video conferencing link to the Belconnen Remand Centre (with capabilities to link to any Court in Australia or any other video facility) in the ACT and the introduction of agreed model legislation to enable the ACT to participate in an Australia wide network; and
- a video conferencing system linking Adelaide with remote and regional areas in SA was implemented in December 1999.

Currently, Queensland is expanding its videoconferencing network in two more courts.

WA introduced four digital courtrooms in 1999. Features of these courtrooms include: high resolution screens to display video and computer generated images; a local area network to provide access for the judiciary and counsel to the Internet, court databases and multimedia applications; and electronic transcripts, exhibits and evidence.

8.3 Framework of performance indicators

Box 8.2 Objectives for court administration

Court objectives have been reported as the following:

- to be open and accessible;
- to process matters in an expeditious and timely manner;
- to provide due process and equal protection before the law; and
- to be independent yet publicly accountable for performance.

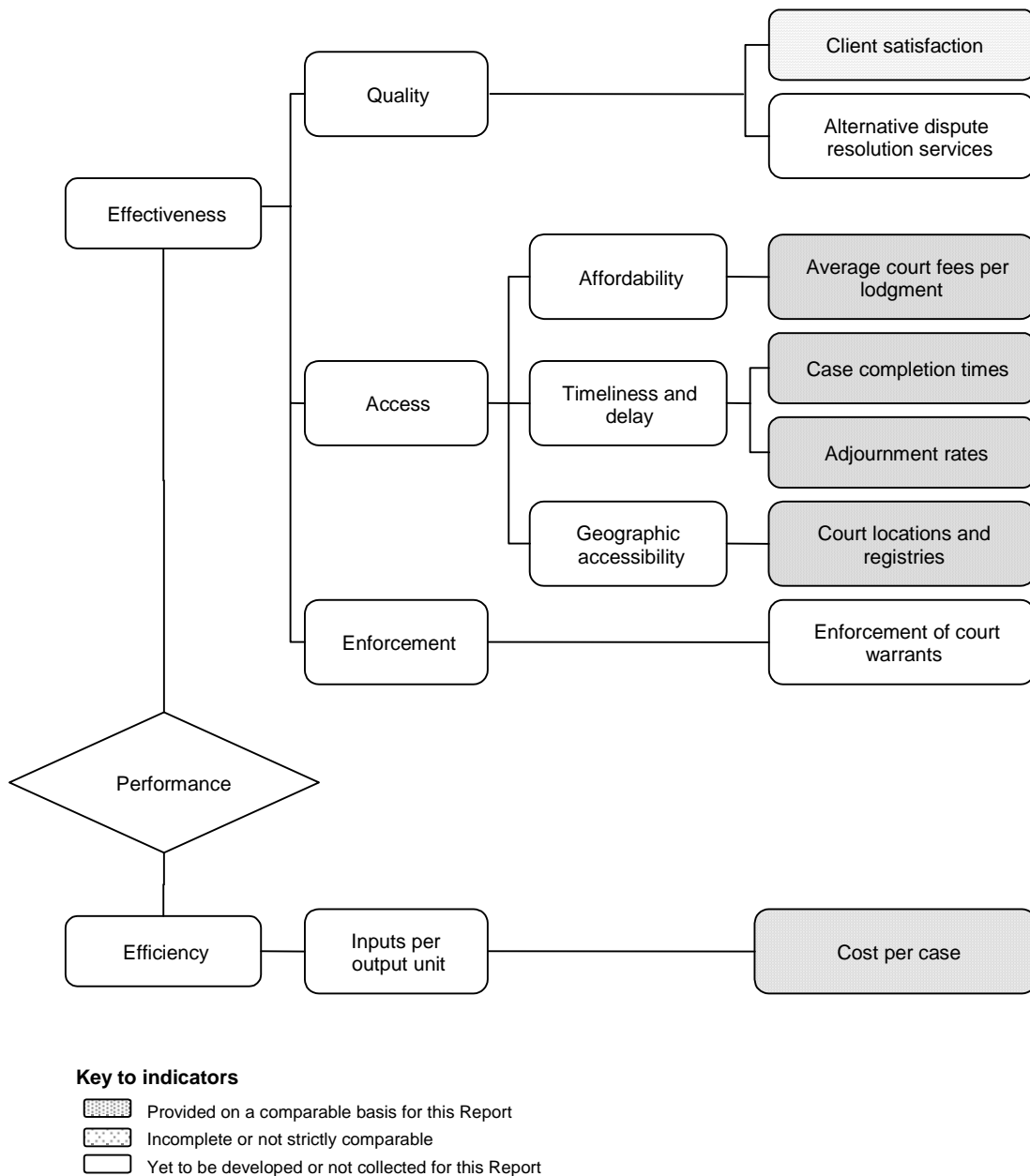
(Commission on Trial Court Performance Standards, 1989)

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

The framework of indicators for court administration has changed with the addition of new efficiency and effectiveness indicators for parts of the court system (figure 8.6). A description of all indicators is provided in attachment 8A.

The development of quality indicators has also progressed in the area of client satisfaction. Data on client satisfaction is presented for the first time this year for selected jurisdictions. Approaches to improve the comparability of efficiency indicators for court levels across jurisdictions are being considered.

Figure 8.6 Performance indicators for court administration



8.4 Key performance indicator results

Different delivery contexts, locations and client types may affect the effectiveness and efficiency of court administration services. There are also differences in allocation of cases to different courts within a jurisdiction (table 8.1). These factors should be taken into account when comparing performance across States and Territories for specific court jurisdictions' indicators. Appendix A contains detailed statistics and short profiles on each State and Territory, which may assist in interpreting the performance indicators presented in this chapter.

Effectiveness indicators

Quality

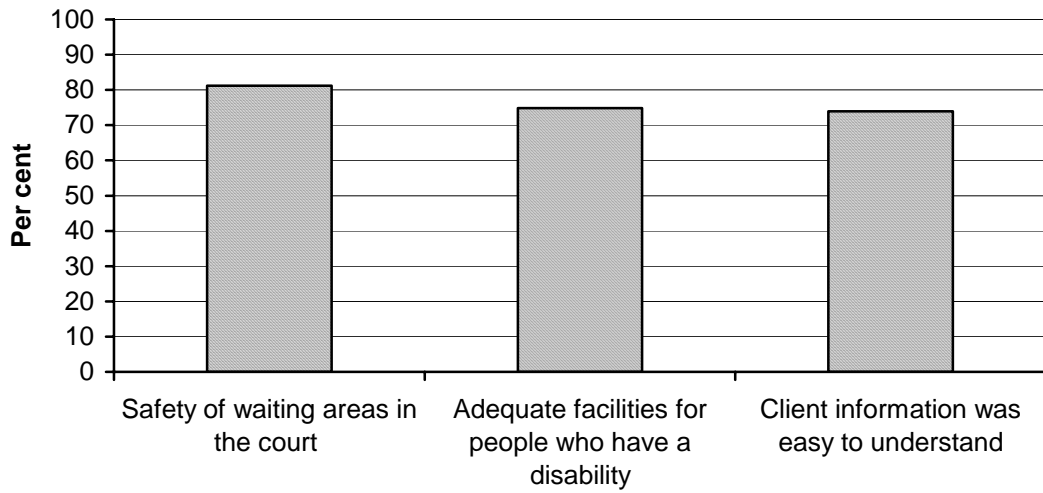
Comparative data about the views of court users regarding court administration services (such as court staff, facilities and information) are being generated by a number of surveys by different courts in individual jurisdictions. The results are not comparable, however the surveys collect data on clients' views about similar aspects of court administration and provide an insight into client views of court administration services.

Recent surveys were conducted in the Family Court of Australia, NSW lower courts and WA Magistrates', District and Supreme Courts. The survey conducted in the Family Court of Australia focussed on applicants, respondents and voluntary counselling attendees. It found that 81 per cent of clients felt safe in the court waiting areas, 75 per cent of clients believed that facilities for people with a disability were adequate and 74 per cent found that information they received from the court was easy to understand (figure 8.7).

The survey conducted in WA focussed on practitioners and the judiciary as well as litigants. It found that overall satisfaction with court services was higher for litigants (68.9 per cent) than practitioners (62.4 per cent) (figure 8.8).

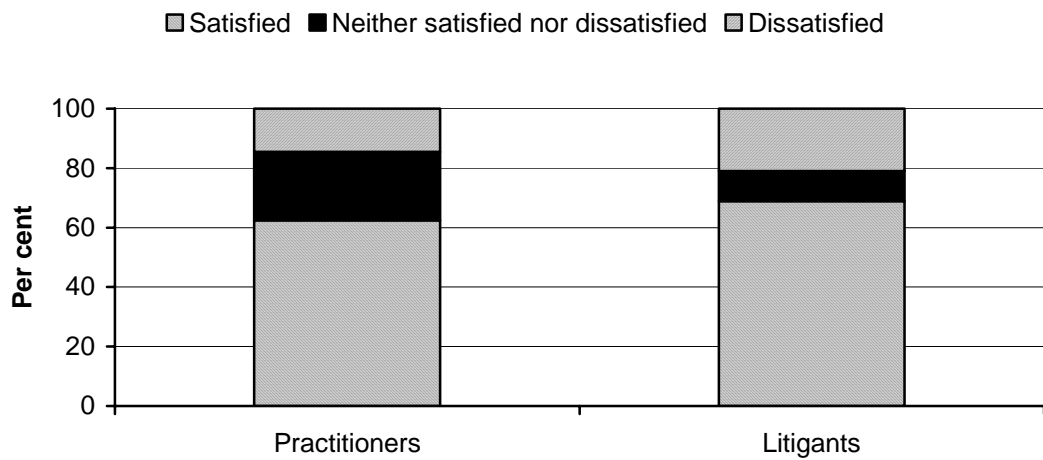
Clients at NSW lower courts were asked to indicate how long they waited before being served at the court registry and whether they were satisfied with the time they waited. 65 per cent of the 849 respondents indicated that they had waited up to 5 minutes to be served, while 9 per cent waited over 30 minutes. Approximately 74 per cent of respondents were satisfied with the time it took to be served at the registry. (figure 8.9).

Figure 8.7 **Satisfaction with selected court administration services, Family Court of Australia, 1999 (per cent)**



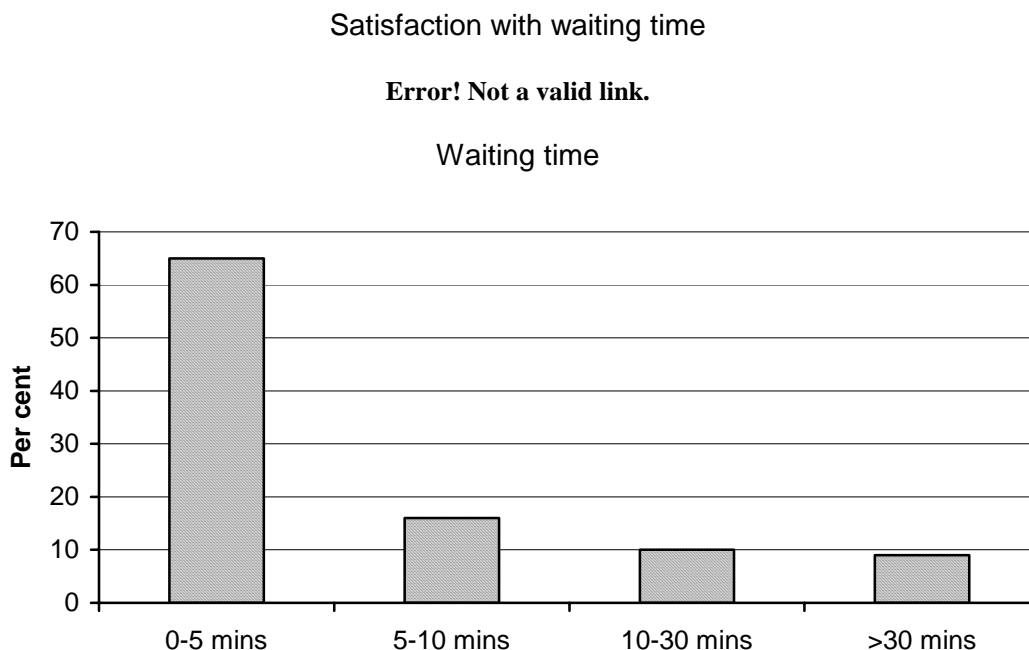
Source: table 8A.7.

Figure 8.8 **Overall satisfaction with court services, WA, 1999 (per cent)**



Source: table 8A.8.

Figure 8.9 **Satisfaction with waiting time for service, NSW lower courts, 1999 (per cent)**



Source: tables 8A.9 and 8A.10.

Affordability

Court filing fees largely relate to civil cases. They are only part of the costs faced by litigants — legal fees being more significant — but they can be considerable. Different States and Territories also provide additional support and services to clients which do not carry a cost. Comparisons should take into account that courts operate on a cost-recovery basis and additional services may be provided to the client where the cost is borne by the court.

In 1998-99, average court fees collected per lodgment in the higher courts were generally higher than in the intermediate and lower courts. Victoria had the highest level of average fees collected per lodgment (\$1260). NSW had the highest average fees collected among the district/county courts (\$682). Queensland had the highest level of average fees collected among magistrates' courts (\$155). Average probate fees collected were highest in the ACT (\$517) (table 8.8).

Table 8.8 Average court fees collected per lodgment, 1998-99 (\$)

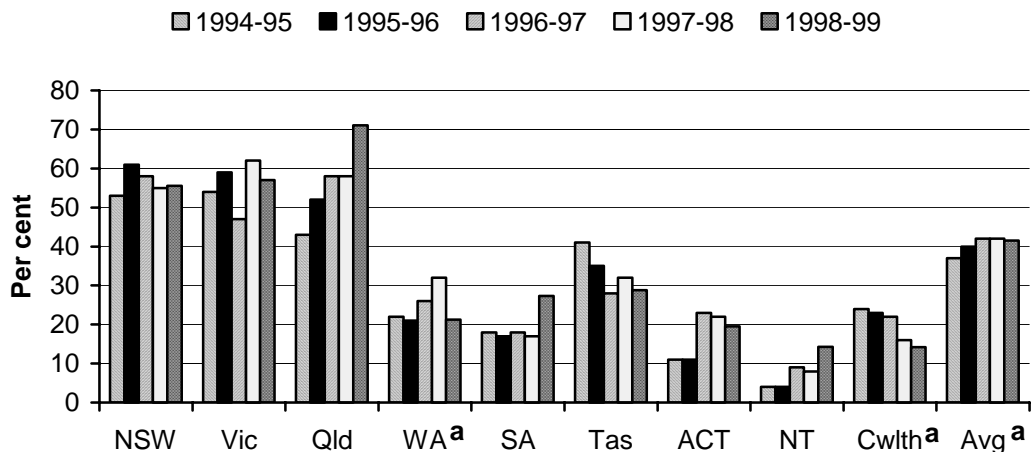
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Avg
Civil										
Magistrates' Court	88	70	155	49	56	78	77	70	..	87
District/County Court	682	588	217	327	211	..	..	..	..	460
Supreme/Federal Court	772	1 260	440	278	468	91	391	274	1 071	305
All courts	130	104	170	83	70	71	108	85	1 071	128
Family Court	..	..	..	125	..	..	..	..	119	119
Probate										
Supreme Court	480	205	na	153	489	106	517	300	..	325

.. Not applicable.

Source: table 8A.11.

The level of cost recovery through court fees for the civil jurisdiction remained fairly stable on average, with civil court fees collected representing 42 per cent of total expenditure in 1998-99 compared to 37 per cent in 1994-95. The proportion increased from 1994-95 to 1998-99 in all jurisdictions except WA, Tasmania and the Commonwealth. The proportion increased between 1997-98 and 1998-99 in all jurisdictions except Victoria, WA, Tasmania, the ACT and the Commonwealth (figure 8.10).

Figure 8.10 Civil court fees collected as a proportion of total civil expenditure, all courts



^a Included family courts.

Source: table 8A.10.

Timeliness

Timeliness is the duration between the lodgment of a matter with the court and its finalisation. Generally, lower courts complete a greater proportion of their workload in a shorter period of time, given the less complex nature of the matters heard.

The criminal jurisdiction of magistrates' courts in all States and Territories finalised 94 per cent of cases within six months in 1998-99. This ranged from 95 per cent of cases finalised within six months in Queensland to 74 per cent in ACT. The civil jurisdiction of magistrates' courts in all States and Territories finalised 84 per cent of cases within six months in 1998-99. This ranged from 97 per cent of cases finalised within six months in Victoria to 58 per cent in SA. Case finalisation times were longer in the civil jurisdiction, reflecting the different case flow management practices and the priority given to criminal matters (table 8.9).

District/county courts in NSW, Victoria, Queensland, WA and SA finalised 62 per cent of criminal cases within six months. This ranged from 72 per cent of cases finalised within six months in SA to 38 per cent in NSW. District/county courts in NSW, Victoria, Queensland and WA finalised 23 per cent of civil cases within six months. This ranged from 46 per cent of cases finalised within six months in WA to 14 per cent in NSW (table 8.9).

Across Australia, on average, 83 per cent of coronial cases were finalised within six months in 1998-99. SA had the largest proportion of coronial matters finalised within six months (97 per cent) and Tasmania the lowest (66 per cent) (table 8.9).

On average, supreme courts in all States and Territories finalised 86 per cent of criminal cases within twelve months. This ranged from 97 per cent of cases finalised within twelve months in WA to 22 per cent in NSW. Supreme/federal courts in the Commonwealth and all States and Territories except SA finalised 76 per cent of civil cases within twelve months, on average. This proportion ranged from 85 per cent in the Federal Court of Australia to 37 per cent in NT (table 8.9, figure 8.11).

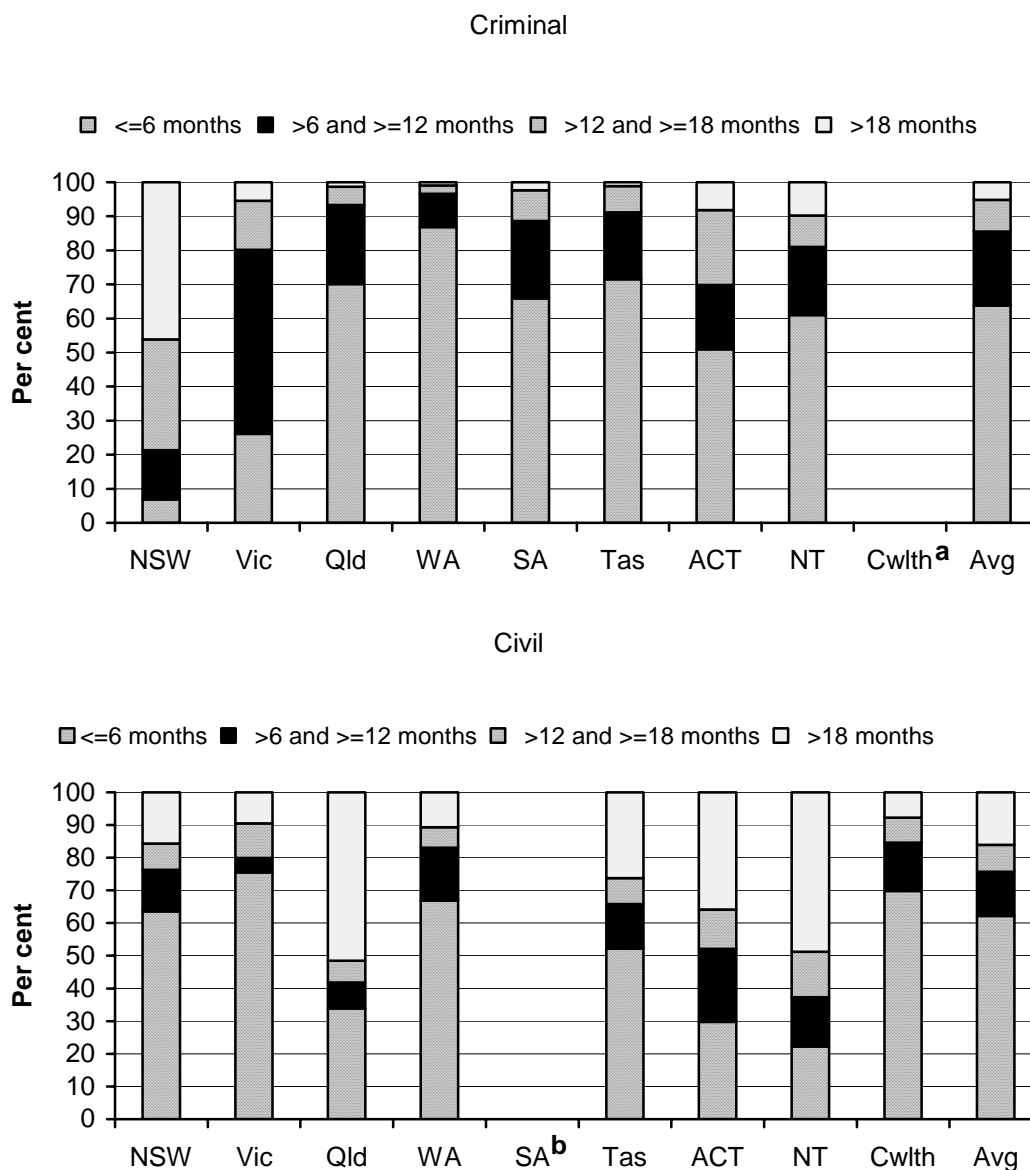
Table 8.9 Non-appeal matters finalised, 1998-99 (per cent)

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Cwlth</i>	<i>Avg</i>
Criminal										
Magistrates' Court										
<6 months	94	93	95	94	94	na	74	87	..	94
6-12 months	5	6	3	5	4	na	15	9	..	4
12-18 months	1	1	1	1	1	na	5	2	..	1
>18 months	0	1	1	1	1	na	6	2	..	1
District/County Court										
<6 months	38	59	70	67	72	..	..	..	..	62
6-12 months	29	21	23	12	23	..	..	..	..	22
12-18 months	15	12	5	16	3	..	..	..	..	9
>18 months	17	8	3	5	2	..	..	..	..	7
Supreme Court										
<6 months	7	26	70	87	66	72	51	61	..	64
6-12 months	15	54	23	10	23	20	19	20	..	22
12-18 months	32	14	5	2	9	8	22	9	...	9
>18 months	46	5	1	1	2	1	8	10	..	5
Coronial										
Magistrates' Court										
<6 months	91	77	71	78	97	66	87	76	..	83
6-12 months	7	16	19	15	2	24	6	18	..	12
12-18 months	2	4	7	4	0	5	2	4	..	3
>18 months	0	4	3	3	0	5	4	2	..	2
Civil										
Magistrates' Court										
<6 months	87	97	84	90	58	na	61	79	..	84
6-12 months	8	2	10	7	35	na	28	11	..	12
12-18 months	2	0	3	2	3	na	6	3	..	2
>18 months	2	1	3	1	3	na	6	7	..	2
District/County Court										
<6 months	14	20	25	46	na	..	..	..	..	23
6-12 months	35	21	19	29	na	..	..	..	..	29
12-18 months	20	40	17	11	na	..	..	..	..	23
>18 months	31	19	40	13	na	..	..	..	..	25
Supreme/Federal Court										
<6 months	64	76	34	67	na	52	30	22	70	62
6-12 months	13	4	8	16	na	14	22	15	15	14
12-18 months	8	11	7	6	na	8	12	14	8	8
>18 months	16	9	52	11	na	26	36	49	8	16

.. Not applicable.

Source: table 8A.12.

Figure 8.11 Proportion of non-appeal matters finalised, supreme/federal courts, 1998-99



^a Did not operate in this jurisdiction. ^b Not available.

Source: table 8A.12.

Appeals from lower courts are predominantly heard by the district courts and supreme courts of the States and Territories. The full bench of the Federal Court also hears appeals from a single Federal Court Justice. Criminal appeals are generally shorter than civil ones. Approximately 88 per cent of criminal appeals and 70 per cent of civil appeals (excluding SA) were finalised within twelve months. The Queensland and SA Supreme Court finalised 99 per cent of criminal appeals in less than twelve months while the NSW Supreme Court finalised 74 per cent. The

NT Supreme Court finalised 99 per cent of civil appeals in less than twelve months while the NSW Supreme Court finalised 52 per cent (table 8.10).

Table 8.10 Appeal matters finalised, supreme/federal courts, 1998-99 (per cent)

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Avg
<i>Criminal</i>										
<6 months	29	58	89	58	94	56	77	33	..	63
6-12 months	45	32	10	26	5	22	21	47	..	25
12-18 months	18	6	1	9	0	13	2	20	..	8
>18 months	7	4	0	6	0	9	0	0	..	4
<i>Civil</i>										
<6 months	23	48	56	50	na	29	53	71	38	39
6-12 months	29	23	32	29	na	28	30	28	38	31
12-18 months	22	22	8	15	na	20	13	1	10	15
>18 months	26	6	4	7	na	23	4	0	15	15

na Not available. .. Not applicable.

Source: table 8A.14.

Committals are the first stage of hearing indictable (serious) matters in the criminal court system. A magistrate in a committal hearing assesses the sufficiency of evidence presented against the defendant and decides whether to commit the matter for trial in a superior court. Defendants are often held in custody pending a committal hearing and trial if ordered. The timely conduct of the committal hearing, on the court's receipt of the charge sheet, is therefore important for timely adjudication of the charges against the defendant.

Overall in 1998-99, 55 per cent of committal hearings were finalised within three months of the receipt of charges by the court and a further 30 per cent were finalised in the subsequent three months. Performance varied considerably across the States and Territories: for example, while Queensland finalised 63 per cent of committals within three months, Victoria finalised 33 per cent. NT had the largest proportion of cases finalised in more than 12 months (12 per cent) (table 8.11).

Table 8.11 Committal (criminal) matters finalised, magistrates' courts, 1998-99 (per cent)

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Avg
<3 months	57	33	63	41	54	na	40	37	..	55
3-6 months	23	36	28	42	36	na	28	29	..	30
>6-12 months	12	25	7	15	8	na	24	21	..	11
>12 months	7	5	1	2	1	na	7	12	..	3

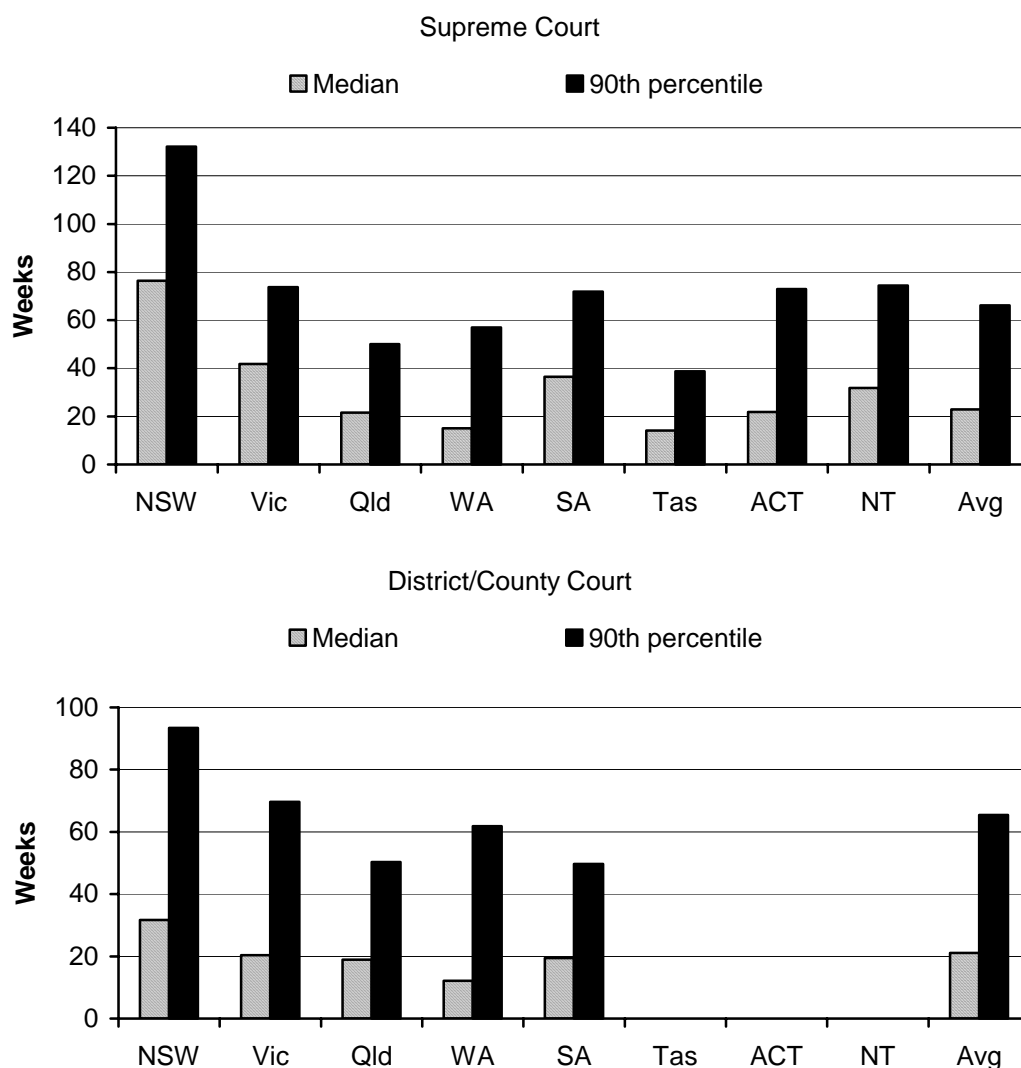
na Not available .. Not applicable.

Source: table 8A.15.

The median period between initiation and finalisation (point at which half the cases had been finalised) was 23 weeks in Australia in 1997-98 for supreme courts. This ranged from 76 weeks in NSW to 14 weeks in Tasmania. The median period for district/county courts was 21 weeks. This ranged from 32 weeks in NSW to 12 weeks in Tasmania (figure 8.12).

Ninety per cent of cases were finalised within 66 weeks in Australia in 1997-98 for supreme courts. This proportion ranged from 132 weeks in NSW to 39 weeks in Tasmania. Ninety per cent of cases were finalised within 65 weeks in Australia for district/county courts. This ranged from 93 weeks in NSW to 50 weeks in Queensland and SA (figure 8.12).

Figure 8.12 **Criminal matters duration, district/county and supreme courts, 1997-98^a**



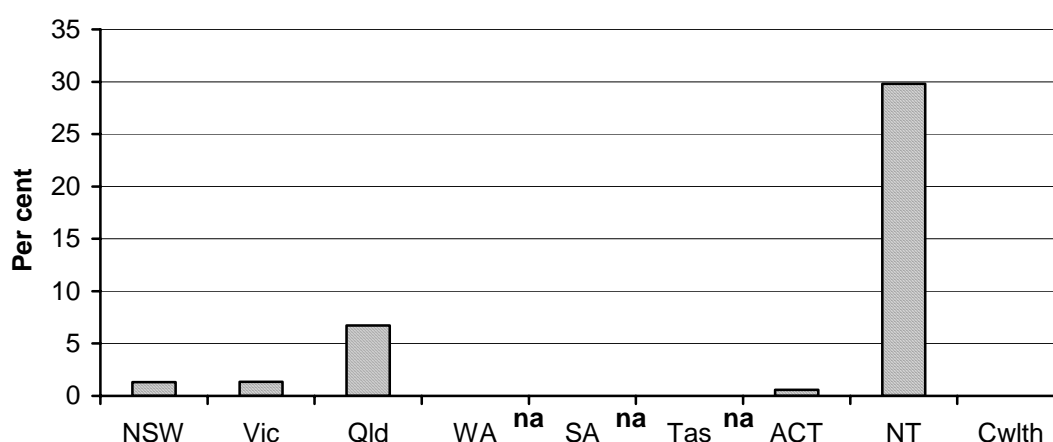
^a Measured from initiation to finalisation.

Source: table 8A.16.

Adjournments on the first day of hearing

The varying timeliness of courts partly reflects the number of adjournments. Adjournments at the request of the parties are generally considered to be outside the control of the court, and they may occur when the parties are not ready or a witness is not available. Adjournments may also be ordered by the court in instances such as overlisting (where court administrators expect a proportion of their case load on any particular day to not proceed and therefore list some standby matters so as to maximise the use of court proceedings). Court ordered adjournments can be used to approximate adjournments as a result of the unavailability of judicial time. In 1998-99, court ordered adjournments as a proportion of total civil hearings initiated in the supreme/federal courts varied from around 30 per cent in the NT to zero in the Federal Court (figure 8.13).

Figure 8.13 Court ordered adjournments on the first day of hearing as a proportion of total civil hearings, supreme/federal courts, 1998-99



na Not available.

Source: table 8A.17.

Geographic accessibility

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

- judicial circuits where magistrates and Judges tour rural court houses to hear cases;
- the location of magistrates' courts in police stations, whereby police officers and Justices of the Peace staff the courts (when magistrates are not available);

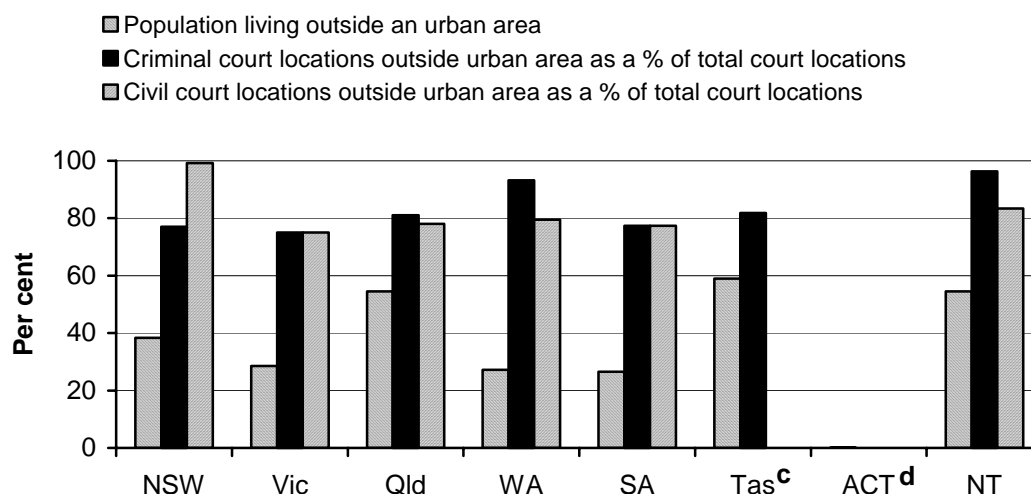
- occasional caravan courts by superior courts in remote areas; and
- video conferencing facilities to link capital city court houses to witnesses in remote locations.

One indicator of the accessibility of court services is the relationship between the proportion of magistrates' court locations in either urban or non-urban areas and the proportion of the population residing in either urban or non-urban areas of the State or Territory. Except for the ACT, all States and Territories had a larger proportion of their court locations in both the criminal and civil jurisdictions in non-urban areas in 1998-99 (figure 8.14).

Generally in 1998-99, States and Territories with relatively high proportions of their population in non-urban areas also had a higher proportion of court locations in non-urban areas. In the criminal jurisdiction, Tasmania had 59 per cent of their populations outside an urban area and 82 per cent of court locations outside an urban area. The ACT had the smallest proportion of population in a non-urban area (zero per cent). The ACT also had the lowest share of court locations in a non-urban area (zero per cent), while the NT had the highest (96 per cent) (figure 8.14).

In the civil jurisdiction, NSW had the highest proportion of court locations in non-urban areas (99 per cent), while the ACT had the lowest share of court locations in a non-urban area (zero per cent) (figure 8.14).

Figure 8.14 Locations and populations in non-urban areas, magistrates' courts, 1998-99^{a, b}



^a Court locations includes permanent, temporary and registries without hearings. ^b Urban areas includes State and Territory capital city statistical divisions and other urban areas (with populations of 100 000 or more). Non-urban areas includes remote areas (defined in terms of low population density and long distances to large population centres) and rural areas (includes the remainder of non-urban statistical local areas). ^c Data for civil court locations unavailable. ^d The ACT have no court locations in non-urban areas.

Source: table 8A.18.

Efficiency indicators

Significant efforts have been made to improve the comparability of estimates of costs in this Report (box 8.3).

Box 8.3 Comparability of cost estimates

It is an objective of the Review to report comparable estimates of costs. Ideally, the full range of costs to government is counted on a comparable basis. Where the full costs cannot be counted, costs should be estimated on a consistent basis.

The Steering Committee has identified several areas that could diminish the comparability of costs across government and private providers. Costs for the court administration sector are broadly comparable for superannuation, depreciation and payroll tax:

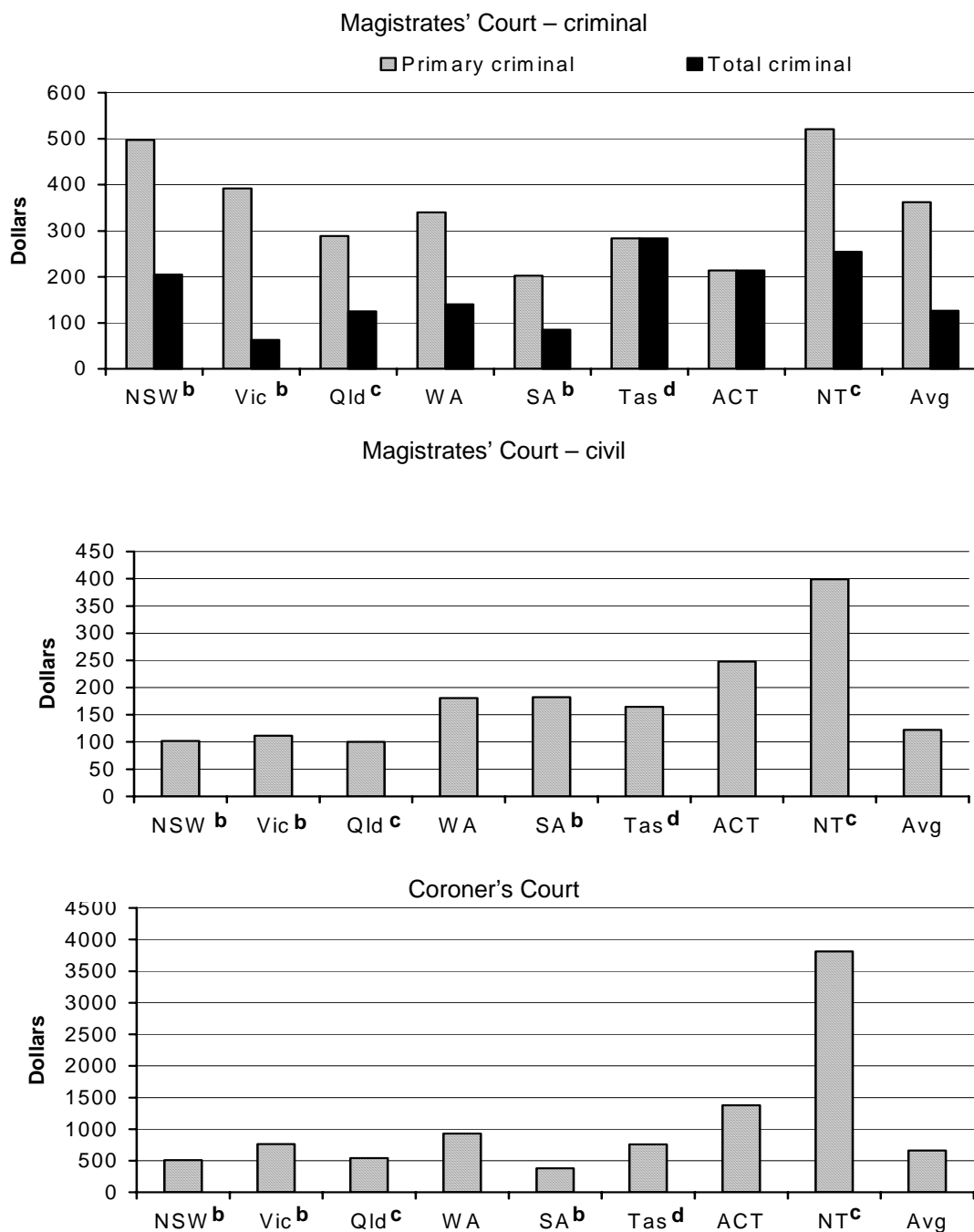
- superannuation costs are currently included in cost estimates on an accrual actuarial basis;
- depreciation costs are included in all cost estimates;
- payroll tax is payable by court administration services in New South Wales, Victoria, Queensland, South Australia, Tasmania and the Northern Territory and was deducted from expenditure and unit cost estimates to achieve comparability across jurisdictions.

The user cost of capital is currently not included in unit cost estimates for court jurisdictions, although it is reported separately. The user cost of capital represents the opportunity cost to government of funds tied up in court assets. Comparability can be improved by adding the reported user cost of capital to unit costs if debt servicing costs and State-based capital asset charges are deducted from the cost estimates used to derive the unit costs.

Expenditure per lodgment (including accommodation costs) for each court jurisdiction varied considerably both among States and Territories and over time.

In 1998-99, expenditure per lodgment for magistrates' courts (criminal) was highest in Tasmania (\$284) and lowest in Victoria (\$62). Expenditure per primary criminal lodgment (that is, excluding minor traffic matters) was highest in the NT (\$521) and lowest in SA (\$203). Expenditure per lodgment in the civil jurisdiction was highest in NT (\$399) and lowest in Queensland (\$100). The coroner's court cost per reported death and fire was highest in NT (\$3815) and lowest in SA (\$380) (figure 8.15).

Figure 8.15 Expenditure less in-house revenue per lodgment, lower courts, 1998-99^a

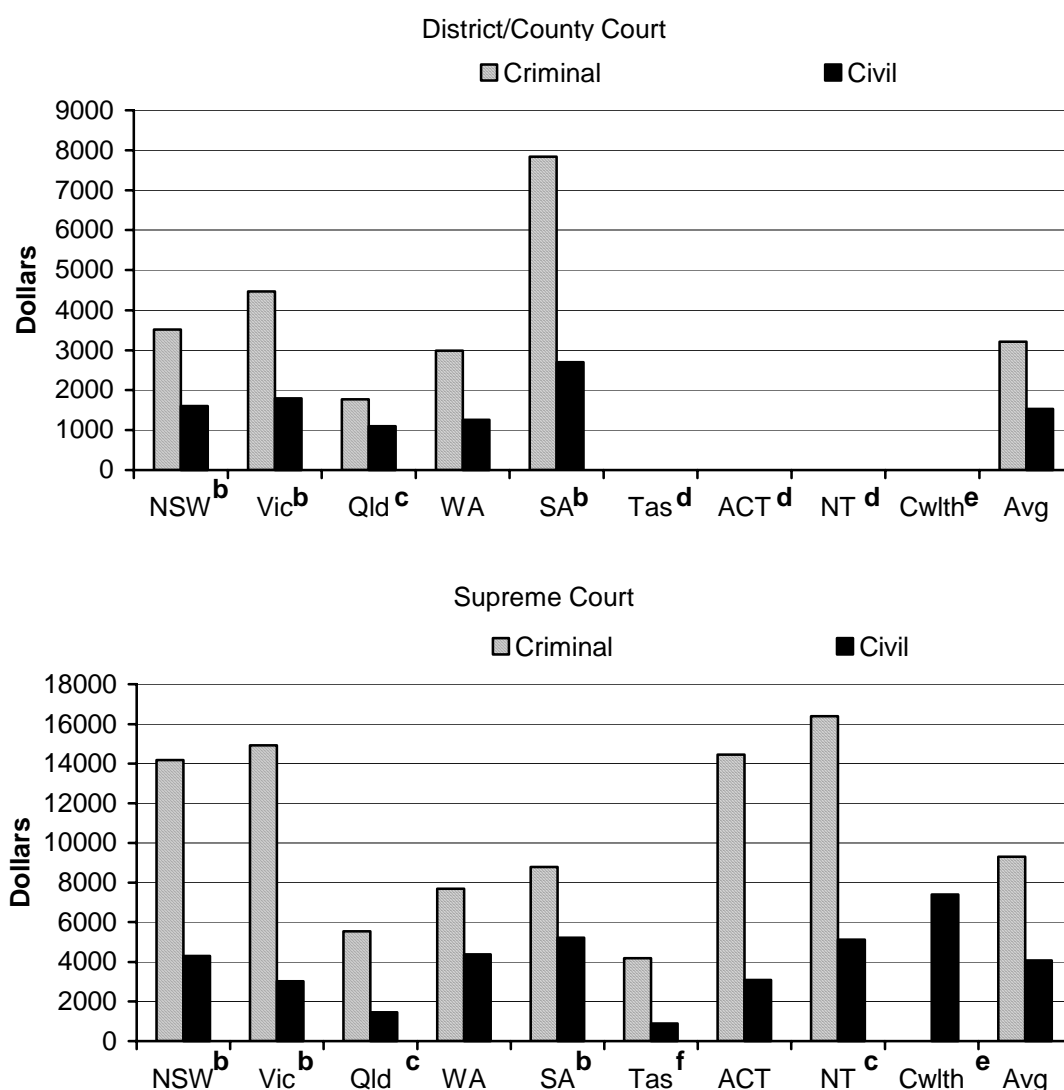


^a In-house revenue includes revenue earned by in-house providers of library court reporting and civil bailiff services to external purchasers. ^b Payroll tax has been excluded from reported expenditure as defined in new counting criteria this year. ^c Estimated payroll tax (derived from salary data) has been excluded from reported expenditure as defined in new counting criteria this year (based on the method in SCRCSSP 1999, p.21). ^d Payroll tax has been excluded from reported expenditure as defined in new counting criteria this year. The excluded amount was provided by the jurisdiction for the Magistrates' Court and was derived from salary data for the Supreme Court.

Sources: table 8A.19 and table 8A.20.

District/county court expenditure per lodgment was highest in SA for the criminal jurisdiction (\$7835) and civil jurisdiction (\$2698). Queensland had the lowest unit costs for criminal cases (\$1772) and civil cases (\$1097). NT had the highest criminal supreme court costs per lodgment (\$16 407) while Tasmania had the lowest (\$4174). The Commonwealth had the highest civil costs per lodgment in the Federal Court (\$7391) while Tasmania had the lowest costs per lodgment in its supreme court (\$904) (figure 8.16).

Figure 8.16 **Expenditure less in-house revenue per lodgment, superior courts, 1998-99^a**



^a In-house revenue includes revenue earned by in-house providers of library court reporting and civil bailiff services to external purchasers. ^b Payroll tax was excluded from reported expenditure as defined in new counting criteria this year. ^c Estimated payroll tax (derived from salary data) was excluded from reported expenditure as defined in new counting criteria this year (based on the method in SCRCSSP 1999, p.21). ^d District/county courts do not exist or operate in Tasmania, ACT, NT or the Commonwealth. ^e Supreme Court criminal did not operate in the Commonwealth jurisdiction. ^f Payroll tax was excluded from reported expenditure as defined in new counting criteria this year. The excluded amount was provided by the jurisdiction for the Magistrates' Court and was derived from salary data for the Supreme Court.

Source: table 8A.19.

Expenditure per lodgment among family courts was \$662 for the Family Court of WA and \$956 for the Family Court of Australia. Expenditure per lodgment for the family courts compared favourably to that of the other superior courts (table 8A.19).

Nationally, average annual growth in real expenditure (accounting for differences in inflation) per lodgment decreased in the criminal jurisdiction of magistrates' and district/county courts (-4.5 and -3.2 per cent respectively) while it increased in the criminal jurisdiction of supreme courts and all civil courts between 1994-95 and 1998-99. Across all criminal courts, this rate ranged from an increase of 16.1 per cent in the SA District Court to a decrease of 10.6 per cent in the Tasmanian Supreme Court. Average annual growth in expenditure per civil case was highest in the Federal Court (36.7 per cent) and lowest in the NT Supreme Court (-21.0 per cent). A change in jurisdiction has resulted in a change in cost structure for the Federal Court following the transfer of a large number of low cost, short matters in bankruptcy to the Insolvency Trustee Service of Australia. However, the Federal Court has been given new jurisdiction for other areas of complex law, which will help to equalise that cost structure (table 8.12).

Table 8.12 Average annual growth in real expenditure less in-house revenue per lodgment 1994-95 to 1998-99 (per cent)^a

	<i>NSW^b</i>	<i>Vic^b</i>	<i>Qld^b</i>	<i>WA</i>	<i>SA^b</i>	<i>Tas^b</i>	<i>ACT</i>	<i>NT^b</i>	<i>Cwlth</i>	<i>Avg</i>
Criminal										
Magistrates' Court	-4.7	-4.2	-6.6	-0.8	-6.0	6.7	-7.1	1.9	..	-4.5
District/County Court	-2.3	-1.9	-7.3	-8.1	16.1	..	..	..	..	-3.2
Supreme Court	8.1	-1.3	4.0	1.3	-2.3	-10.6	9.7	-6.3	..	0.6
Civil										
Magistrates' Court	0.1	14.5	-2.2	-5.7	2.2	11.8	5.8	-9.0	..	1.6
District/County Court	31.6	18.9	-8.9	1.0	-9.5	..	..	..	..	10.9
Supreme/Federal Court	7.5	9.1	-17.2	-4.3	18.4	18.7	2.1	-21.0	36.7	12.3
Family Court	..	..	..	-4.9	..	..	..	..	0.9	0.4

^a In-house revenue includes revenue earned by in-house providers of library court reporting and civil bailiff services to external purchasers. ^b Includes payroll tax payments for all years to maintain comparability over time. .. Not applicable.

Source: table 8A.19.

Ongoing work to provide a more comprehensive set of performance indicators and to improve existing indicators and the data is discussed in 'future directions in performance reporting' (see section 8.5).

8.5 Future directions in performance reporting

Developing indicators and data

Specialist courts covered in the current scope of the Report include:

- family courts;
- coroner's courts; and
- electronic infringement processing courts.

Other specialist courts included in the data collection but not separately reported include:

- drug courts; and
- children's courts.

Data are currently reported separately for family courts, coroner's courts and electronic courts in NSW, Victoria and Queensland to improve the comparability of court administration activities between court levels. Separate reporting could be expanded in future Reports to cover other electronic infringement processing courts, drug courts and children's courts.

Opportunities exist to develop new and refined indicators for court administration, including:

- the use of finalisations as the primary court administration activity measure;
- the use of a case 'weighting system' to improve the comparability of efficiency indicators;
- the representation of Aboriginal and Torres Strait Islander people before the courts and the outcomes of their trials (to be reported in the context of the 'Justice preface');
- the availability of court services (such as interpreters and the provision of court forms in languages other than English) to people from diverse cultural and linguistic backgrounds;
- the performance of diversionary strategies for settling disputes through mediation and conciliation; and
- the performance of the sheriff and bailiff offices in enforcing court orders and warrants.

The development of some of these indicators represent long-term goals. Progress with each indicator may be affected by the complexity of development, the

availability of data, and the priorities of the court administration sector and the Steering Committee. The Australian Bureau of Statistics is expanding its role in collecting and validating court administration data which should aid progress. Some indicators may take several years to develop.

Improving the measurement of unit costs

The Steering Committee is working with the court administration sector to improve unit costs by introducing a more consistent treatment of:

- superannuation costs (see SCRCSSP 1998);
- payroll tax (see SCRCSSP 1999); and
- depreciation and the user cost of capital.

Accounting for these cost elements should improve the comparability and accuracy of unit cost information in future Reports.

Measuring client satisfaction

The 1999 Report foreshadowed reporting on client satisfaction in this year's Report. This project has taken longer than anticipated, but a draft client satisfaction survey form for the users of court administration services, developed from established survey instruments used in the Family Court of Australia, and courts in NSW and WA, is nearing completion.

Information on client satisfaction with court administration processes, staff, facilities, and information provided by the court will be collected on the survey. The results of the survey are expected to be completed for the 2001 Report.

Widening the collection scope

Tribunals represent an important specialist component of the delivery of dispute resolution services by the justice system. The data collection already covers small claims, credit, and residential tenancies tribunals that operate as part of the magistrates' courts in some States and Territories. Specialist tribunals also operate in most States and Territories in the following areas, and could be covered in future Reports. They include:

- industrial relations;
- administrative appeals;
- equal opportunity and discrimination;

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- environment, resource and development; and
 - building reviews.

This direction represents a longer term goal. The focus is on improving the quality of information about services within the current scope.

Aboriginal and Torres Strait Islander peoples' access to mainstream services

In May 1997, the Prime Minister requested that the Steering Committee give priority to developing indicators that report the performance of mainstream services in meeting the needs of Indigenous Australians. This is an important task, but large gaps remain. This Report is unable to detail any Indigenous-specific data relating to court administration. However, information on the experiences of Indigenous people with the criminal justice system in WA is included in *Our Mob Our Justice: Keeping the Vision Alive* (The Aboriginal Justice Council 1999). This report includes time series data on Indigenous offenders and Indigenous victims of crime and spans the entire justice system, including court administration.

Work is progressing to increase the availability and coverage of nationally consistent data relating to the delivery of services to Indigenous clients in future Reports.

8.6 Jurisdictions' comments

This section provides comments from each jurisdiction on the services covered in this chapter. Appendix A contains detailed statistics and short profiles on each State and Territory, which may assist in interpreting the performance indicators presented in this chapter. The information covers aspects such as age profile; geographic distribution of the population; income levels; education levels; tenure of dwellings; and cultural heritage (such as aboriginality and ethnicity).

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Commonwealth Government comments

Federal Court of Australia

During the year the Federal Court of Australia continued to adopt deliberate strategies to ensure accessibility to the administration of justice and efficient and effective service delivery.

Since the last Report on Government Services, the Federal Court was subject to independent review by the Australian Law Reform Commission. The Commission was able to confirm that the Court's introduction of the innovative single docket case management process is delivering the case processing benefits predicted of it. This also led the Financial Review on 20 August 1999 to describe the Federal Court as a 'world class superior court whose individual docket system was a major initiative in case management practice in Australia'.

Finalisation of lodgments within the benchmark target developed by the Court in 1995-96 (98 per cent within 18 months) continued to show improvement from 83.2 per cent in 1995-96, 85.1 per cent in 1996-97, 87.0 per cent in 1997-98 to 90.6 per cent in 1998-99.

Family Court of Australia

The Family Court of Australia is a superior court of record sitting at first instance in all States except WA. The Court continues to handle a large caseload. During 1998-99, it embarked on planning to increase effectiveness and efficiency in meeting client needs. Major activities have included a Strategic Plan and Client Service Charter and a Future Directions Committee to act as a catalyst and coordinator of improvements in services.

Support activities included a number of process design and improvement projects:

- trial management initiatives;
- mapping and improving the Court's core case management processes;
- reforming and reorganising key functional elements;
- re-engineering information management (including library) services;
- assessing support and other functions for contracting-out; and
- investing in new technologies, eg video conferencing.

At the operational level, the Court is placing greater emphasis on teamwork in the delivery of services. Client Service Improvement Plans have been prepared by every area of the Court, each incorporating at least five initiatives for improving productivity and services. They have been developed in close consultation with clients (including the legal profession), community groups and support organisations. Key activities during 1999-2000 include a new case management system, greater resolution of cases within four months of filing and a new Management Information System to monitor performance in terms of the Court's strategic objectives.

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New South Wales Government comments

NSW has adopted new and innovative approaches to improve access and accountability in the administration of justice and in the delivery of services to the people of NSW. These include:

- the use of leading edge technology by the Supreme Court to provide timely access to judgments through the Lawlink site on the Internet and the department's intranet;
- new monitoring procedures in the District Court for the review of civil cases not listed for hearing after nine months and after 18 months;
- integration of services provided by the District Court registries in the Sydney West region with those of local courts, providing a “one-stop shop” for all users of the court house; and
- successful implementation of a centralised committal project in the Sydney region focusing on greater cooperation between the District Court and the local courts. The project is now being trialed in the Sydney West region.

Key initiatives for the courts next year include:

- implementation of new systems of statistical reporting within the Supreme Court to guide caseload management strategies and allocation of judicial resources, and to provide better public accountability of its activity;
- development of a State-wide criminal computer database in the District Court for the management of exhibits, production of court lists and the management of the court's criminal caseload; and
- local courts and the District Court cooperating on a project to produce a series of information sheets for clients on a range of topics common to both jurisdictions.

The following comments are made in respect of this Report:

- increases in net expenditure for the NSW Supreme Court and the NSW District Court reflect the changes to work practices and the Government's ongoing commitment to reduce the backlog of matters through enhanced funding for acting judges;
- a significant increase in net expenditure for the NSW local courts reflects the Government's commitment to court security; and
- court administrators recognise that further work is needed to develop statistical reports that take into account the differences across jurisdictions with regard to volumes, casemix and resourcing.

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Victorian Government comments

The Victorian court system continues to deliver the most cost effective services in the combined criminal and civil jurisdictions. During 1998-99 Victoria introduced a range of infrastructure, technology and legislative reforms to enhance the delivery of court services. A number of the major achievements are listed below:

- major court facilities are being completed, including a new Children's Court in Melbourne and court and police complexes at Sunshine and Ballarat;
- the Magistrates' Court completed a Data Improvement Project which enables the Court's computer system to accept electronic initiation from the Victorian Police computer system (LEAP);
- from July 1999, all Court of Appeal and the majority of Supreme Court Trial Division judgements are published on the Internet;
- the Victorian Government Reporting Service provided real time transmission of Commission proceedings on the Internet for the Longford Royal Commission of Inquiry;
- the Magistrates' Court commenced a nine month pilot project for the CREDIT (*Court Referral and Evaluation for Drug Intervention and Treatment*) Program. This Program aims to provide early treatment plans, reduce the incidence of reoffending, and to divert offenders from prison;
- the Supreme Court has established a high technology facility incorporating video conferencing, remote recording, real time transcript, and the presentation of evidence in electronic form;
- the Magistrates' Court Act has been amended to improve the effectiveness of committal hearings and the appeals system. The amendments strengthen the disclosure function of committals to assist in the identification and refinement of issues. In addition, provisions relating to criminal appeals, from the Magistrates' Court to the County Court, have been amended to provide a fairer and more efficient appeals system;
- a package of reforms to the criminal trial process was introduced during 1998-99. These reforms are designed to enhance judicial management of cases, enable the identification of issues in dispute to be resolved prior to the trial, and to facilitate discussions between the parties. The County Court introduced judicially managed case conferences and direction hearings in November 1999 to implement these reforms; and
- the Supreme, County and Magistrates' Courts have commenced a business excellence process using the framework developed by the Australian Quality Council.

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Queensland Government comments

Queensland courts continued to provide efficient and effective services to their clients in 1998-99, maintaining high standards of accessibility, affordability and timeliness across all jurisdictions. Significant improvements during the year included:

- appointment of an additional Court of Appeal judge, bringing the total to five;
- increasing the number of female supreme court judges to four (including the President of the Court of Appeal), with four female District Court judges (including the Chief Judge) and ten female magistrates (including the Chief Stipendiary Magistrate);
- appointment of seven acting District Court judges for varying periods;
- continuation of stage two of the upgrade and extension of the computerised information system in the courts known as the Queensland Wide Interlinked Courts system (QWIC);
- preparation for the establishment of a central office for the collection and enforcement of all State monetary penalties;
- planning in train to set up a drug diversion court;
- construction of three Arrest Courts in conjunction with the new Brisbane Watchhouse;
- commencement or completion of five other courthouses, three in remote communities;
- successful trialing in two remote communities of Magistrates' Courts constituted by Indigenous Justices of the Peace, with four more in preparation;
- development of a program of communications facilitators to assist Indigenous defendants in all courts; and
- successful piloting of remote recording and transcription systems in two regional centres.

Queensland's population is widely dispersed and the relatively higher costs of Magistrates' Courts reflect the need to provide accessible services across the whole State. Despite this, for the fourth consecutive year, the unit costs per lodgment in the Magistrates' Courts declined. The implementation of the QWIC system in 2000 is expected to further improve the efficiency and level of service delivery in this jurisdiction.

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Western Australian Government comments

Western Australia welcomes the improvements in this years data collection and specifically those reflecting an output based reporting methodology, that is more closely aligned to this states performance reporting regime. Continued development of this form of reporting will lessen the significant annual data collection burden required to be undertaken for both this report and also the performance reporting requirements required at state level.

It is evident that the general move by governments towards output based reporting that also incorporates accrual accounting methods, provides a unique opportunity to review and refine performance information contained within this data collection in future years. Continued improvement of benchmarking data to mirror output based reporting formats will serve not only to provide for more comparable and meaningful indicators within Australia, but also allow for benchmarking within the immediate region (New Zealand for instance) and elsewhere.

Western Australia is committed to improving data collection techniques, and significantly in this collection has implemented an improved and more accurate methodology for determining costs relating to current and accrued leave entitlements and the associated cost liability.

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South Australian Government comments

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Overall expenditure for that part of court administration covered by the Report of Government Services has increased this year due to:

- wage increases;
- impact of 27th pay; and
- cost of re-engineering of court information systems.

Expenditure also reflects some planning costs associated with the implementation of the new fines enforcement system. The positive impact of increased revenue from the initiative will be reflected when the system is fully implemented from 6 March 2000.

Any significant change in lodgment numbers is more likely to be the result of statistical or reporting variations than real changes in workload.

Improvements in service delivery have been achieved with the introduction of initiatives such as family violence courts and court diversion programs.

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Tasmanian Government comments

The ACT, Northern Territory and Tasmania have a two tiered court system. In the civil jurisdiction, unlike the ACT and Northern Territory, the jurisdiction is limited to \$20 000 which is reflected in the lowest per unit cost of any Supreme Court jurisdiction and the high number of minor matters dealt with in the Supreme Court. In 1998/99 there has been a significant transfer of debt recovery matters to the Magistrates Court, but little shift in the real work load in other matters.

In the criminal area the data supplied by Tasmania is not satisfactory, but is reflective of the low levels of data recorded, particularly in the Magistrates Court. In 2000-01 the Magistrates Court will establish a statewide registry and case management system that will provide reliable data.

The survey is used for performance monitoring in the Courts and the Courts and Department of Justice and Industrial Relations are committed to improving the collection process. This jurisdiction considers, however, that comparisons between jurisdictions, particularly in the civil area, are not valid because of the variations in type of work and cases in the various jurisdictions. This jurisdiction supports the development outlined in the Report of new and refined indicators for court administration, particularly the use of case "weighting system" and the measurement of the performance of courts' diversionary strategies for settling disputes.

The Courts continue to improve procedures for the timely and efficient disposal of matters. New Rules will be introduced in the civil jurisdiction of the Supreme Court in 2000 for case management of civil matters.

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Australian Capital Territory Government comments

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The ACT has a two-tiered court system with a Supreme Court and a Magistrates Court. There is no intermediate court. The Report properly recognises that the structural differences between the different court systems must be taken into account when comparing performance between the respective jurisdictions. In many cases the most appropriate comparison for both the Magistrates Court and the Supreme Court will be with the intermediate courts of other jurisdictions or with the average across the jurisdiction figures.

In the current reporting period efficiencies in the Supreme Court are demonstrated by the fact that there has been a significant increase in the number of criminal primary lodgments from the previous year (+33 per cent) as well as an overall increase in both civil (+27per cent) and criminal (+110per cent) hearings without any significant decrease in timeliness standards.

In the Magistrates Court there was a 13% increase the total number of lodgements with a significant decrease in both net and gross expenditure per case. Improved case management techniques led to a 4% improvement in the number of criminal cases finalised under 6 months. Civil case disposition rates have been distorted by in the inclusion of lapsed case statistics in the 6 to 12 months disposition category. However, overall, there was a 12% increase in the total number of cases disposed of during the reporting period, with no real change in the disposition rates of defended civil cases.

Coronial costs have significantly increased but these increases are solely because of one long running inquest which has only recently been finalised.

The ACT courts continue to embrace case management practices and technology to improve efficiency in the administration of justice. Recent examples in the Supreme Court are; computerisation of the Criminal Case Management system linked into a receipts module; development of a comprehensive sentencing database; a change to the use of Ethernet, upgrading to new PC's and adopting a new operating system (NT4).

Significant developments in the Magistrates Court include; the introduction of revised case management techniques in the civil jurisdiction and case management hearings for defended criminal cases; video conferencing for bail hearings; an expanded home page with access to online listing information; a specialist Family Violence Court.

Both Courts now have new fine enforcement legislation utilising civil enforcement procedures, licence suspension and motor vehicle registration sanctions with imprisonment as a last resort;

Targets for 1999-2000 include; the appointment of a Courts Administrator and an integrated court's administration; continued improvement in service delivery with a focus on meeting clients needs.

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Northern Territory Government comments

“ In the past statistical collection within the Northern Territory courts has been uncoordinated. Many of the figures collected for the review of government services have of necessity been estimated. Figures provided for the Review of Government Services 2000 will be subjected to significant internal auditing. Procedures are currently being implemented to both improve the process of gathering the data and the quality of the final figures. In short, the Territory now has a coordinated approach to data collection.

Various initiatives, practices and reforms are being implemented to improve the effectiveness and efficiency of court services. These include:

- an increase in the use of pre-hearing conferences to promote a management view of cases;
- involving magistrates in the final pre-hearing stages of work health matters to improve the timeliness of those cases;
- introduction of an automated fine tracking and enforcement system improving the efficiency of warrants and enforcement of minor traffic matters; and
- increasing the use of video conference facilities to reduce travelling time and cost.

When using the information contained in this report it is important to note the differences in population, structure of the courts and data collection processes across all States and Territories.

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