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## 6 Court administration

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

A profile of court administration is presented in section 6.1 and policy developments are summarised in section 6.2. A framework of performance indicators is outlined in section 6.3 and data are discussed in section 6.4. Future directions for performance reporting are discussed in section 6.5. Jurisdictions' comments are provided in section 6.6, definitions in section 6.7, and the chapter concludes with a reference list in section 6.8.

### *Supporting tables*

Supporting tables for chapter 6 are provided on the CD-ROM enclosed with the Report. The files are provided in Microsoft Excel 97 format as `\Publications\Reports\2003\Attach6A.xls` and in Adobe PDF format as `\Publications\Reports\2003\Attach6A.pdf`.

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

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## 6.1 Profile of court administration services

### Service overview

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

- manage court facilities and staff, including buildings, court security and ancillary services such as registries, 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.

### Roles and responsibilities

#### *State and Territory court levels*

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

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

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

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

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## Box 6.1 Magistrates' court jurisdiction across States/Territories

### Criminal

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

*New South Wales:* Also deals with juvenile prosecution and care matters.

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

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

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

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

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

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

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

### Civil

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

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

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

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

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

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

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

*NT:* Up to \$100 000 and workers compensation claims.

*Source:* State and Territory court administration authorities and departments.

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## Box 6.2 District/county court jurisdiction across States/Territories

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

### **Criminal**

All State district/county courts have jurisdiction over indictable criminal matters such as rape and armed robbery (except for murder and treason), but differences exist across those jurisdictions.

Examples of the jurisdiction of the criminal district/county courts are:

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

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

*Queensland:* Deals with more serious criminal offences than the Magistrates' Court, for example, rape, armed robbery or fraud.

*WA:* Deals with any indictable offence except those that carry a penalty of life imprisonment.

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

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

### **Civil**

All district/county civil courts hear appeals.

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

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

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

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

*SA:* Unlimited claims for general and personal injury matters.

*Source:* State and Territory court administration authorities and departments.

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## Box 6.3 Supreme court jurisdiction across States/Territories

### **Criminal**

All State and Territory supreme courts have jurisdiction over serious criminal matters such as murder, treason and certain serious drug offences, but significant differences exist across jurisdictions. The following are examples of these differences.

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

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

### **Civil**

All supreme courts deal with appeals and probate applications.

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

*Victoria:* Unlimited claims.

*WA:* Unlimited claims.

*Tasmania:* Unlimited claims.

*ACT:* Unlimited claims.

*Queensland:* Over \$250 000, and administrative law matters.

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

*NT:* Unlimited claims, as well as mental health, family law and *Coroner's Act* applications.

*Source:* State and Territory court administration authorities and departments.

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### *State and Territory court levels — specific elements*

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

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

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

#### *Probate*

In all jurisdictions, probate issues are heard in supreme courts and encompass applications for the appointment of an executor or administrator to the estate of a deceased person. The two most common types of application are where the executor nominated by a will applies to have the will proved and where the deceased died intestate (without a will) and a person entitled to administer the estate applies for letters of administration.

#### *Children's courts*

In all jurisdictions, the children's court deals with all complaints of offences alleged to have been committed by young people (with the minimum age varying across jurisdictions). The children's court does not only hear criminal matters; if a child has been seriously abused or neglected, then the court has jurisdiction to determine matters relating to the care and protection of that child.

#### *Electronic courts*

Electronic courts operate to process infringements, on-the-spot fines and summary offences capable of expiated processing. They have the status of courts, despite minimal judicial involvement, because they have the capacity to produce enforceable orders against defendants. Those orders can impose penalties such as fines (which may be enforced by warrants or licence cancellation), asset seizure, garnishment, community corrections orders, arrest and incarceration.

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

### *Coroners' court*

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

### *Commonwealth court levels*

The following hierarchy of courts occurs within the Commonwealth jurisdiction:

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

Data on the High Court of Australia are not contained as part of this chapter. The following sections highlight the relationship between the Federal Court of Australia, the Family Court of Australia and the Federal Magistrates Service.

### *Federal Court of Australia*

The Federal Court deals with over 120 federal Acts of Parliament. The Court has jurisdiction in relation to almost all civil matters arising under Australian federal law. The Court is able to hear cases in relation to human rights, bankruptcy, native title, workplace relations, trade practices, intellectual property and consumer protection. It also has the power to review some Commonwealth Government

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decisions in areas such as social security, immigration and taxation (Federal Court of Australia 2002).

### *Family Court of Australia*

The Family Court of Australia has jurisdiction throughout Australia except in Western Australia (which has its own Family Court). The Family Court of Australia has jurisdiction over all matrimonial cases and associated responsibilities, including divorce proceedings; children's matters such as residence, contact and special issues orders; and the provision of mediation services (Family Court of Australia 2002).

### *Federal Magistrates Service*

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

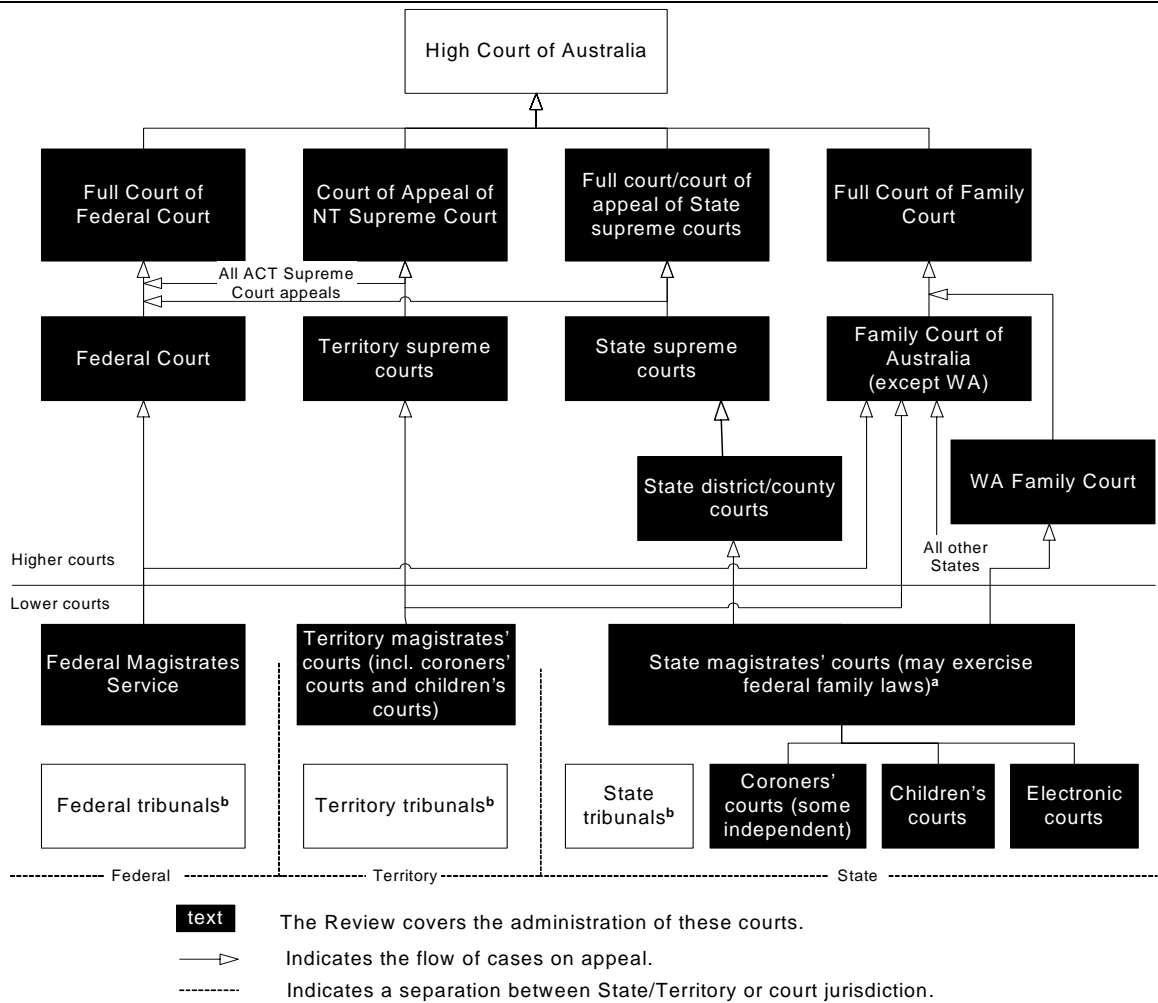
There is no jurisdiction that solely belongs to the Federal Magistrates Service, which shares its jurisdiction with the Family Court of Australia and the Federal Court of Australia. In family law matters, the Federal Magistrates Service jurisdiction is similar to that of the Family Court of Australia, except that only the Family Court can consider adoption, property disputes worth over \$700 000, and applications concerning nullity and validity of marriage. In trade practices matters, the Federal Magistrates Service has the same jurisdiction as the Federal Court in relation to unfair trade practices matters and product safety and information matters, although only with a power to award damages up to a maximum of \$200 000 (FMS 2002).

The intention is for the Family Court of Australia and the Federal Court of Australia to focus on more complex legal matters. While there is no strict indicator of complexity, a general guide is that less complex matters require less than two days court hearing time. There are arrangements for the transfer of matters between the Federal Magistrates Service and the Family and Federal courts. These arrangements enable a matter to be transferred to the most appropriate court, having regard to the complexity of the legal issues involved or the evidence in the matter (FMS 2002).

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



Figure 6.1 Major relationships between courts in Australia



<sup>a</sup> In some jurisdictions, appeals from lower courts may go directly to the court of appeal in the supreme court. In the ACT, the court of appeal of the Supreme Court commenced exercising limited jurisdiction on 31 October 2001, full jurisdiction did not commence until 14 October 2002. <sup>b</sup> Appeals from Federal, State and Territory tribunals may go to any higher court in their jurisdiction.

### Administrative structures

Most courts use the same court infrastructure (such as court buildings and facilities) for civil and criminal case types. Given that separate information systems and case flow management practices have been established for each of the civil and criminal jurisdictions, the Steering Committee has sought to distinguish between them where possible. As well, the allocation of responsibility between court administration and other elements of the system (including the judiciary) also varies across the Commonwealth, State and Territory legal systems.

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## Recurrent expenditure

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

Total recurrent expenditure by Commonwealth, State and Territory court authorities (excluding the High Court) was approximately \$1.0 billion in 2001-02 (table 6.1). Nationally, court administration expenditure for the States and Territories in that year was higher in the criminal jurisdiction of the supreme, district/county and magistrates' courts (\$431 million) than in the civil jurisdiction of those courts (\$318 million). The coroners' court expenditure was \$25 million in 2001-02, while the electronic court expenditure and probate court expenditure were \$19 million and \$3 million respectively (table 6.1). In the Commonwealth jurisdiction, recurrent expenditure in 2001-02 was around \$107 million for the Family Court of Australia, \$73 million for the Federal Court of Australia and \$21 million for the Federal Magistrates Service (table 6.1).

Income (excluding fines) in 2001-02, was \$137 million in the civil courts, \$11 million in the criminal courts and \$53 million in electronic courts. Income from probate was \$20 million nationally. In the Commonwealth jurisdiction, income was \$9 million for the Federal Magistrates Service, \$8 million for the Family Court of Australia and \$6 million for the Federal Court of Australia (table 6.1).

Total recurrent expenditure less income (excluding fines) by Commonwealth, State and Territory court authorities (excluding the High Court) was approximately \$770 million in 2001-02. Nationally, court administration expenditure less income for the States and Territories was higher in the criminal jurisdiction of the supreme, district/county and magistrates' courts (\$420 million) than in the civil jurisdiction of those courts (\$187 million). The coroners' court expenditure less income was \$25 million, while nationally, both the probate and electronic courts had greater income than expenditure during 2001-02 (by \$17 million and \$33 million respectively) (table 6.1).

In the Commonwealth jurisdiction, recurrent expenditure less income was around \$99 million for the Family Court of Australia, \$67 million for the Federal Court of Australia and \$12 million for the Federal Magistrates Service (table 6.1).

Real recurrent expenditure less income (excluding fines) on court administration from 1999-2000 to 2001-02 for each Commonwealth, State and Territory court level is contained in tables 6A.14 and 6A.15.

**Table 6.1 Court administration recurrent expenditure less income (excluding fines), 2001-02 (\$ million)<sup>a, b, c, d</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
<i>Court administration recurrent expenditure</i>										
Civil courts <sup>e, f</sup>	127	61	40	41	28	4	7	10	73	391
Criminal courts <sup>g</sup>	160	74	81	50	38	9	7	12	..	431
Electronic courts	..	4	8	4	4	..	..	..	..	19
Family courts <sup>f</sup>	..	..	..	12	..	..	..	..	107	119
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	21	21
Coroners' courts <sup>i</sup>	7.3	4.1	2.6	5.5	3.3	0.5	0.8	1.3	..	25.4
Probate — supreme <sup>j</sup>	1.3	0.4	0.1	0.4	0.4	0.1	—	—	..	2.7
<b>Total</b>	<b>295</b>	<b>144</b>	<b>131</b>	<b>113</b>	<b>73</b>	<b>13</b>	<b>15</b>	<b>23</b>	<b>202</b>	<b>1 010</b>
<i>Court administration income (excluding fines)</i>										
Civil courts <sup>e, f</sup>	69	30	13	10	5	1	2	1	6	137
Criminal courts <sup>g</sup>	6.7	0.8	0.8	1.3	1.1	0.2	0.1	0.1	..	11
Electronic courts	..	18	19	7	8	..	..	..	..	53
Family courts <sup>f</sup>	..	..	..	2	..	..	..	..	8	9
Federal Magistrates	..	..	..	..	..	..	..	..	9	9
Coroners' courts	0.1	—	0.1	0.1	—	—	—	—	..	0.4
Probate — supreme	12.1	3.5	—	1.3	2.4	0.2	0.3	—	..	19.8
<b>Total</b>	<b>88</b>	<b>52</b>	<b>33</b>	<b>22</b>	<b>17</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>23</b>	<b>240</b>
<i>Court administration recurrent expenditure less income (excluding fines)</i>										
Civil courts <sup>e, f</sup>	58	31	27	31	22	3	5	9	67	254
Criminal courts <sup>g</sup>	153	73	80	49	37	9	7	12	..	420
Electronic courts	..	-13.9	-11.0	-3.3	-4.8	..	..	..	..	-33
Family courts <sup>f</sup>	..	..	..	10	..	..	..	..	99	110
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	12	12
Coroners' courts <sup>i</sup>	7.2	4.1	2.5	5.4	3.3	0.5	0.8	1.3	..	25.0
Probate — supreme <sup>j</sup>	-10.7	-3.1	0.1	-1.0	-2.0	-0.1	-0.3	—	..	-17.1
<b>Total</b>	<b>207</b>	<b>92</b>	<b>99</b>	<b>91</b>	<b>56</b>	<b>12</b>	<b>13</b>	<b>22</b>	<b>179</b>	<b>770</b>

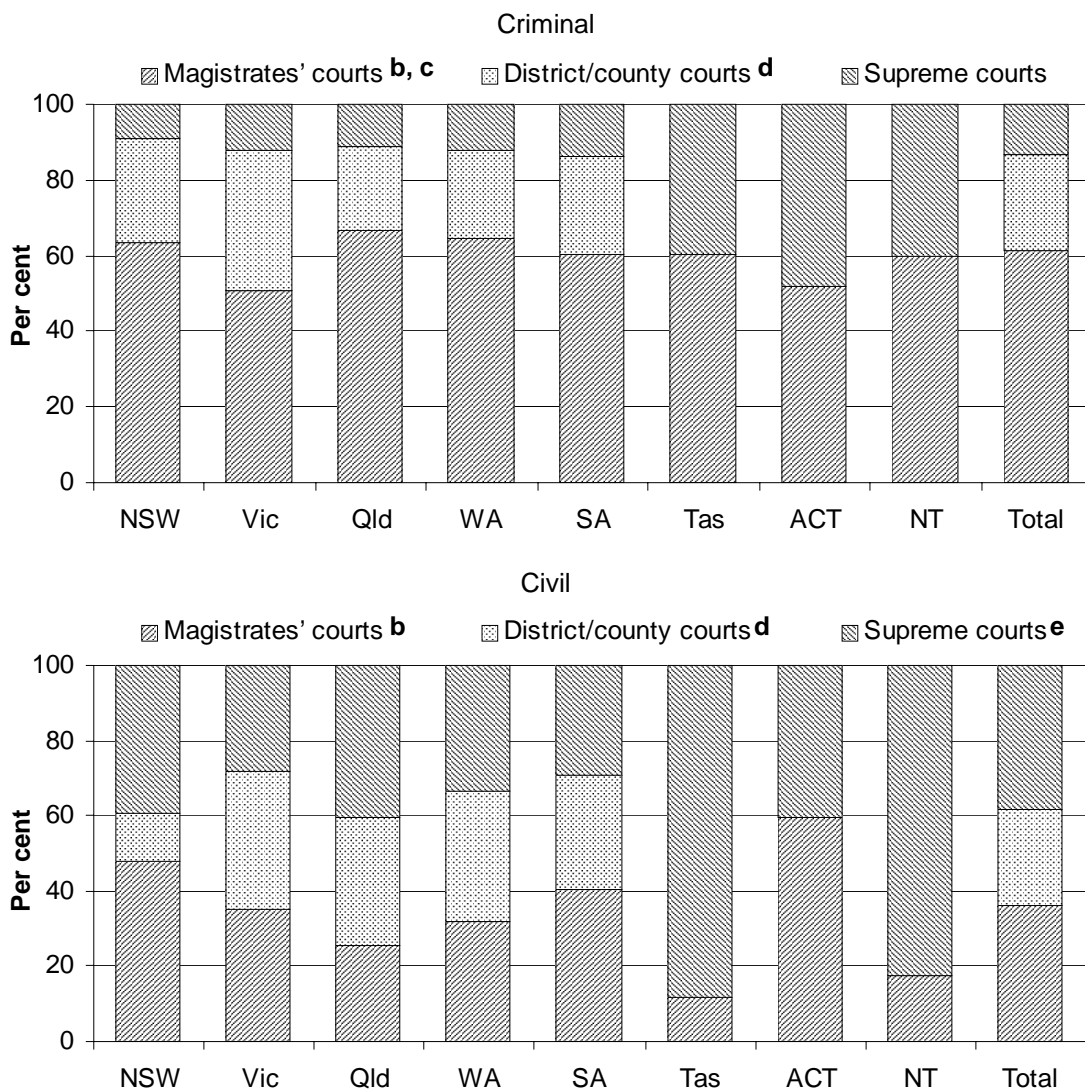
<sup>a</sup> Totals may not sum as a result of rounding. <sup>b</sup> Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). <sup>c</sup> District/county courts do not operate in Tasmania, the ACT or the NT. The Commonwealth does not operate magistrates', district/county or supreme courts. <sup>d</sup> Payroll tax is included, where relevant, in reported expenditure. <sup>e</sup> Includes data for the supreme, district/county and magistrates' courts (including children's courts), and the Federal Court of Australia. Excludes data for the probate, family courts and the Federal Magistrates Service. <sup>f</sup> The data for the Family Court of Australia exclude a preliminary estimate of the 'free' allocation of Family Court resources to the Federal Magistrates Service. Data for the Federal Court includes the cost of resources provided free of charge to the Federal Magistrates Service. <sup>g</sup> Includes data for supreme, district/county and magistrates' courts (including children's courts). Excludes data for the electronic and coroners' courts. <sup>h</sup> The Federal Magistrates Service notes that this expenditure data contains around \$10.0 million worth of resources received free of charge from the Federal Court and the Family Court of Australia. <sup>i</sup> WA expenditure includes \$1.7 million and \$1.4 million incurred directly and indirectly, respectively, for autopsy and chemical analysis work. Some jurisdictions are not able to ascertain autopsy and chemical analysis costs as they are incurred outside their immediate control. <sup>j</sup> The full cost of probate may not be identified because costs such as rent or depreciation might have been included under general supreme court figures. .. Not applicable. — Nil or rounded to zero.

Source: Commonwealth, State and Territory governments (unpublished); tables 6A.11–6A.15.

*Distribution of criminal and civil court administration expenditure in 2001-02*

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

**Figure 6.2 Distribution of court administration expenditure (less income), by court level, 2001-02<sup>a</sup>**



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

Source: State and Territory governments (unpublished); tables 6A.14–6A.15.

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In 2001-02, magistrates' courts (excluding electronic courts) in the criminal jurisdiction accounted for 61.4 per cent of criminal expenditure (less income) across State and Territory courts. District/county courts, in the criminal jurisdiction, accounted for 25.6 per cent of expenditure (less income) and supreme courts accounted for 13.0 per cent. Across States and Territories, the magistrates' court share of expenditure (less income) was highest in Queensland (66.9 per cent) and lowest in Victoria (50.6 per cent); the district/county court share was highest in Victoria (37.4 per cent) and lowest in Queensland (21.8 per cent); and the supreme court share was highest in the ACT (47.9 per cent) and lowest in NSW (9.1 per cent) (figure 6.2).

In 2001-02, supreme courts in the civil jurisdiction accounted for 38.5 per cent of civil expenditure (less income) across State and Territory courts. Magistrates' courts, in the civil jurisdiction, accounted for 36.4 per cent of expenditure (less income) and district/county courts accounted for 25.1 per cent. Across jurisdictions, the share of civil expenditure (less income) on the supreme courts ranged from 88.5 per cent in Tasmania to 28.1 per cent in Victoria; the share for the magistrates' courts varied from 59.5 per cent in the ACT to 11.5 per cent in Tasmania; and the share for the district/county courts ranged from 36.9 per cent in Victoria to 12.7 per cent in NSW (figure 6.2).

## **Size and scope of court activity**

### *Staffing*

The staffing numbers shown in table 6.2 and 6.3 represent the full time equivalent (FTE) staff numbers for staff employed by each court administration body. The staffing numbers in these tables are disaggregated by staffing type.

- Judicial staff include judicial officers (for example, judges, magistrates, masters, coroners and judicial registrars) and judicial support staff (persons employed primarily as assistants to judicial officers, including associates, secretaries, tipstaff/orderlies and personal support staff).
- Registry staff include the registrar, the deputy registrar, clerks of the court, clerks of arraign, registry counter staff, administration staff and probate staff.
- Other staff include information technology staff, first-line support staff, court security and sheriff-type staff, court reporters, library staff and interpreters, cleaning/gardening/maintenance staff, and counsellors/mediators.

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- Umbrella department staff include staff employed by umbrella and other departments whose time is primarily devoted to court administration and related functions but who are not paid (in part or full) by the court administration authority. These staffing functions may incorporate corporate administration, court security, information technology, library work and court reporting.

This is the first time that staffing data have been included in the chapter. It should be viewed, especially as it pertains to the staffing breakdown, as preliminary data that will continue to be refined in future years.

In the criminal jurisdiction nationally, the majority of staff in 2001-02 were employed within the magistrates' courts (2288 FTE staff), followed by the district/county courts (814) and the supreme courts (417). Of those employed in the magistrates' courts, the majority (58.8 per cent) undertook registry staffing functions; in the supreme courts and district/county courts, the largest proportion of staff undertook judicial staffing (including support) functions (43.2 per cent and 37.5 per cent respectively) (table 6.2).

Across the States and Territories, the largest number of staff in the civil jurisdiction in 2001-02 were employed in the magistrates' court (1256 FTE staff), followed by the supreme courts (925) and the district/county courts (544) (table 6.3). Of those employed in the civil jurisdiction of the magistrates' court, the majority (68.1 per cent) undertook registry staff functions; in the supreme courts and district/county courts, the highest proportion of staff undertook judicial staffing (including support) functions (40.9 per cent and 36.5 per cent respectively) (table 6.3).

In the Commonwealth jurisdiction in 2001-02, the Family Court of Australia employed 666 FTE staff (and the Family Court of WA employed 102), the Federal Court employed 387 and the Federal Magistrates Service employed 70 (table 6.3). In the Federal Magistrates Service, registry support services are provided by Family Court of Australia and Federal Court staff.

Of those staff employed in 2001-02, the majority in the Family Court of Australia were registry staff (51.5 per cent) and the majority in the Federal Magistrates Service were judicial (including support) staff (78.4 per cent), while the Federal Court proportions were 49.9 per cent registry staff and 39.5 per cent judicial staff (table 6.3).

Table 6.2 **Staffing, by court level, criminal, 2001-02<sup>a, b</sup>**

	<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>Total</i>
<b>Supreme courts</b>										
<i>No. of FTE staff</i>	117	72	69	42	46	27	27	18	..	417
% judicial staff <sup>c</sup>	39.4	52.4	38.8	57.8	38.1	46.3	30.3	42.2	..	43.2
% registry staff <sup>d</sup>	6.8	7.0	21.7	27.1	10.1	10.1	4.1	13.9	..	12.0
% other staff <sup>e</sup>	5.1	12.0	28.1	15.1	51.8	43.6	47.1	40.6	..	23.0
% umbrella department <sup>f</sup>	48.7	28.7	11.4	–	–	–	18.5	3.3	..	21.8
<b>District/county courts</b>										
<i>No. of FTE staff</i>	281	199	154	95	85	..	..	..	..	814
% judicial staff	30.6	50.3	24.4	47.4	43.2	..	..	..	..	37.5
% registry staff	8.2	5.0	23.5	15.9	9.7	..	..	..	..	11.4
% other staff	6.8	31.7	40.9	31.4	47.0	..	..	..	..	26.4
% umbrella department	54.4	13.1	11.2	5.3	–	..	..	..	..	24.7
<b>Magistrates' courts<sup>g</sup></b>										
<i>No. of FTE staff</i>	785	336	600	222	215	52	35	43	..	2288
% judicial staff	14.6	18.2	12.9	27.5	16.3	35.5	21.6	24.5	..	16.8
% registry staff	59.9	64.6	62.0	61.8	44.5	52.2	34.5	34.2	..	58.8
% other staff	0.8	8.6	14.3	4.8	39.2	12.3	11.7	38.3	..	10.7
% umbrella department <sup>h</sup>	24.7	8.6	10.7	6.0	–	–	32.2	2.9	..	13.7
<b>Coroners' courts</b>										
<i>No. of FTE staff</i>	52	38	21	16	16	4	2	8	..	157
% judicial staff	8.9	15.7	24.2	27.9	12.8	35.8	17.8	60.9	..	18.5
% registry staff	42.4	44.6	27.1	43.3	65.1	51.8	66.7	10.7	..	42.1
% other staff	0.6	23.6	39.1	15.5	22.1	12.4	9.8	26.1	..	16.7
% umbrella department	48.2	16.0	9.7	13.3	–	–	5.8	2.4	..	22.7

<sup>a</sup> This is the first time that staffing data have been included in the chapter. It should be viewed, especially as it pertains to the staffing breakdown, as preliminary data that will continue to be refined in future year's.

<sup>b</sup> Staffing based on full-time equivalence. If, for example, a staff member works part time for two days a week, then they will be counted as 0.4. <sup>c</sup> Judicial staff include judicial officers (for example, judges, magistrates, masters, coroners and judicial registrars) and judicial support staff (persons employed primarily as assistants to judicial officers). <sup>d</sup> Registry staff include the registrar, the deputy registrar, clerks of the court, clerks of arraign, registry counter staff and administration staff. <sup>e</sup> Other staff include information technology staff, first-line support staff, court security and sheriff-type staff, court reporters, library staff and interpreters, cleaning/gardening/maintenance staff and counsellors/mediators. <sup>f</sup> Umbrella department staff include staff who are employed by umbrella and other departments whose time is firstly and primarily devoted to court administration and related functions but who are not paid (in part or full) by the court administration authority. <sup>g</sup> Excludes data for children's court staff. In Victoria, the staffing figure includes electronic court staff. <sup>h</sup> ACT data include court transport staff. .. Not applicable. – Nil or close to zero.

Source: State and Territory governments (unpublished); table 6A.17.

**Table 6.3 Staffing, by court level, civil, 2001-02<sup>a, b</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
<b>Supreme/Federal courts</b>										
<i>No. of FTE staff</i>	411	149	109	89	86	29	25	27	387	1312
% judicial staff <sup>c</sup>	33.0	58.7	33.8	60.8	48.3	36.3	25.9	42.2	39.5	40.9
% registry staff <sup>d</sup>	17.2	25.5	23.9	36.9	18.9	40.3	38.7	13.7	49.9	30.6
% other staff <sup>e</sup>	10.9	11.0	30.7	2.3	32.8	23.4	28.4	40.7	10.6	14.5
% umbrella department <sup>f</sup>	38.9	4.8	11.6	–	–	–	6.9	3.3	–	13.9
<b>District/county courts</b>										
<i>No. of FTE staff</i>	213	123	93	49	66	..	..	..	..	544
% judicial staff	23.9	55.3	32.0	46.6	40.7	..	..	..	..	36.5
% registry staff	24.4	25.2	28.0	39.9	18.9	..	..	..	..	25.9
% other staff	7.0	5.7	27.8	–	40.4	..	..	..	..	13.7
% umbrella department	44.6	13.8	12.2	13.5	–	..	..	..	..	23.9
<b>Magistrates' courts<sup>g</sup></b>										
<i>No. of FTE staff</i>	594	231	159	100	93	12	43	24	..	1256
% judicial staff	1.7	17.3	14.4	17.3	11.7	30.7	19.6	16.7	..	9.3
% registry staff	72.8	71.0	55.9	70.6	57.4	46.7	61.5	56.4	..	68.1
% other staff	0.8	5.6	19.0	4.1	30.9	22.5	10.5	25.0	..	7.5
% umbrella department	24.7	6.1	10.8	8.0	–	–	8.5	1.9	..	15.1
<b>Family courts<sup>h</sup></b>										
<i>No. of FTE staff</i>	..	..	..	102	..	..	..	..	666	768
% judicial staff	..	..	..	29.4	..	..	..	..	18.2	19.6
% registry staff	..	..	..	42.9	..	..	..	..	52.8	51.5
% other staff	..	..	..	20.2	..	..	..	..	29.1	27.9
% umbrella department	..	..	..	7.6	..	..	..	..	–	1.0
<b>Federal Magistrates<sup>i</sup></b>										
<i>No. of FTE staff</i>	..	..	..	..	..	..	..	..	70	70
% judicial staff	..	..	..	..	..	..	..	..	78.4	78.4
% registry staff	..	..	..	..	..	..	..	..	–	–
% other staff	..	..	..	..	..	..	..	..	21.6	21.6
% umbrella department	..	..	..	..	..	..	..	..	–	–

<sup>a</sup> This is the first time that staffing data have been included in the chapter. It should be viewed, especially as it pertains to the staffing breakdown, as preliminary data that will continue to be refined in future year's.

<sup>b</sup> Staffing based on full-time equivalence. If, for example, a staff member works part-time for two days a week they will be counted as 0.4. <sup>c</sup> Judicial staff include judicial officers (for example, judges, magistrates, masters, coroners and judicial registrars) and judicial support staff (persons employed primarily as assistants to judicial officers). <sup>d</sup> Registry staff include the registrar, the deputy registrar, clerks of the court, clerks of arraign, registry counter staff, probate staff and administration staff. <sup>e</sup> Other staff include information technology staff, first-line support staff, court security and sheriff-type staff, court reporters, library staff and interpreters, cleaning/gardening/maintenance staff and counsellors/mediators. <sup>f</sup> Umbrella department staff include staff who are employed by umbrella and other departments whose time is firstly and primarily devoted to court administration and related functions but who are not paid (in part or full) by the court administration authority. <sup>g</sup> Excludes data for children's court staff. Victorian staffing data include residential tenancies tribunals staff. Residential tenancy matters are heard in the magistrates' court of other jurisdictions. Queensland staffing data include staff from its small claims tribunal. <sup>h</sup> Family Court of Australia staffing data include effort for services to the Federal Magistrates Service provided free of charge. Staff include 14 mediators/counsellors in the WA Family Court and 87 mediators/counsellors in the Family Court of Australia. <sup>i</sup> In the Federal Magistrates Service, registry support services are provided by Family Court of Australia and Federal Court staff. .. Not applicable. – Nil or close to zero.

Source: Commonwealth, State and Territory governments (unpublished); table 6A.17.



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## Lodgments

Lodgments are matters initiated in the court system. Box 6.4 explains how lodgment data are collected for the chapter. Table 6.4 (criminal) and table 6.5 (civil) outline the number of lodgments in 2001-02, by court level, for the Commonwealth and each State and Territory.

### Box 6.4 Explanation of lodgment data used in this chapter

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

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

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

- extraordinary driver's licence applications;
- bail procedures (including applications and review);
- directions;
- bench warrants; and
- secondary processes (for example, interlocutory matters, firearms appeals, escort agency licensing appeals, investigation/examination summonses, pastoral appeals, local government tribunal appeals, police promotions appeals and applications for default judgments).

Source: SCRCSSP, 2002.

Nationally, in the criminal jurisdiction in 2001-02, there were approximately 817 000 defendants in the magistrates', district/county and supreme courts; 1.4 million lodgments of unpaid infringement notices in electronic courts; and 22 555 reported deaths and fires in the coroners' courts (with 19 467 reported deaths and 3088 reported fires) (table 6A.1 and table 6.4).

Reporting rates for deaths reported to a coroner varied as a result of different reporting requirements; for example, deaths in institutions such as nursing homes of

persons suffering intellectual impairment of any kind must be reported in SA, but not in other jurisdictions. Reporting requirements also varied for fires; for example, fires may be reported and investigated at the discretion of the coroner in Victoria, but they are excluded from the coroner's jurisdiction in WA, SA and the NT.

**Table 6.4 Court lodgments, criminal, by court level, 2001-02 ('000)<sup>a</sup>**

	<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>Total</i>
Magistrates' (total) <sup>b</sup>	264	124	166	71	88	56	5	13	..	786
<i>Magistrates' (only)</i>	247	114	155	64	82	54	5	12	..	732
<i>Children's</i>	17	9	11	7	6	2	1	1	..	54
District/county	9	4	8	3	2	..	..	..	..	26
Supreme	1.1	0.6	1.2	0.4	0.4	0.6	0.2	0.3	..	4.7
<b>All criminal courts</b>	<b>275</b>	<b>128</b>	<b>175</b>	<b>74</b>	<b>90</b>	<b>56</b>	<b>5</b>	<b>13</b>	..	<b>817</b>
Electronic courts <sup>c</sup>	..	665	362	218	115	..	..	..	..	1360
Coroners' courts <sup>d</sup>	6.4	4.0	4.2	1.4	3.7	0.6	1.9	0.3	..	22.6

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> Tasmanian Magistrates' Court data are based on a 50 per cent sample using statistics for the southern region. In addition, due to information technology difficulties experienced by a major court user, the Magistrates' Court received approximately 8000 to 10 000 fewer lodgments. <sup>c</sup> Electronic courts are fines enforcement registries that have the status of a court. As such, only Victoria, Queensland, WA and SA have electronic courts. In other jurisdictions, unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office). <sup>d</sup> Includes data for 171 reported fires in NSW, 1342 in Queensland and 1575 in the ACT. .. Not applicable.

Source: State and Territory governments (unpublished); table 6A.1.

Nationally, in the civil jurisdiction in 2001-02, there were approximately 686 000 cases in the supreme, district/county and magistrates' courts, with an additional 52 000 probate lodgments in the supreme court (table 6.5).

In 2001-02, there were around 4500 cases lodged in the Federal Court of Australia. There were 97 000 forms filed in the family courts. Lodgments in the Federal Magistrates Service were made up of around 47 000 family law forms and 3000 federal law cases (table 6.5).

**Table 6.5 Court lodgments, civil, by court level, 2001-02 ('000)<sup>a</sup>**

	<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>Total</i>
Magistrates' (total) <sup>b, c</sup>	230	179	87	55	31	14	8	7	..	610
Magistrates' (only) <sup>b, c</sup>	227	176	87	54	31	14	8	na	..	596
Children's	3.1	2.6	0.1	0.9	0.5	0.5	0.2	na	..	7.8
District/county	21	7	10	4	3	..	..	..	..	45
Supreme/Federal <sup>d</sup>	10.7	5.0	4.5	3.3	3.9	2.0	1.1	0.4	4.5	35.4
<b>All civil courts</b>	<b>261</b>	<b>191</b>	<b>101</b>	<b>62</b>	<b>39</b>	<b>16</b>	<b>9</b>	<b>7</b>	<b>5</b>	<b>691</b>
Federal Magistrates <sup>e</sup>	..	..	..	..	..	..	..	..	50	50
Family courts <sup>d, f</sup>	..	..	..	15	..	..	..	..	82	97
Probate										
Supreme courts	20.8	15.4	3.7	4.7	5.0	2.1	0.5	0.1	..	52.4

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The Victorian data include 74 315 residential tenancies and civil claim applications lodged in the Victorian Civil Administrative Tribunal. These tribunal matters are included as other States and Territories (such as NSW) deal with residential tenancy and civil claim matters in their magistrates' courts. <sup>c</sup> Queensland has included lodgments at its small claims tribunal. <sup>d</sup> The introduction of the Federal Magistrates Service had implications for the number of lodgments in the Federal Court and Family Court of Australia. <sup>e</sup> Lodgments in the Federal Magistrates Service are made up of 46 873 family law forms and 3393 federal law cases. <sup>f</sup> The Family Court of Australia civil lodgment data exclude instances where Family Court of Australia deputy registrars were given delegation to conduct Federal Magistrate Service divorce applications. The Family Court of WA does elements of Family Court of Australia and Federal Magistrates Service work, so direct comparisons must be made with caution. **na** Not available. **..** Not applicable.

Source: Commonwealth, State and Territory governments (unpublished); table 6A.2.

The larger States have a higher number of criminal and civil lodgments. The number of lodgments per 100 000 people can be used to assist in understanding the comparative workload of a court (in relation to the size of the State or Territory population). For instance, there were 4011 criminal court lodgments in the magistrates' court per 100 000 people in Australia in 2001-02. This ranged from 11 761 magistrates' court lodgments per 100 000 people in Tasmania to 1645 in the ACT (table 6A.3). In the civil jurisdiction, there were 3113 civil court lodgments in the magistrates' court per 100 000 people in Australia. This ranged from 3684 in Victoria to 2063 in SA (table 6A.4). Tables 6A.3 and 6A.4 provide data on lodgments (per 100 000 population) for each State and Territory court and the Federal Court of Australia.

### *Distribution of court lodgments*

The majority of criminal matters in Australia in 2001-02 were lodged in magistrates' courts (96.3 per cent), followed by the district/county courts (3.2 per cent) and supreme courts (0.6 per cent). Tasmania had the highest proportion of

criminal matters lodged in the magistrates' court (98.9 per cent), Queensland had the highest proportion of criminal matters lodged in the district/county court (4.6 per cent) and the ACT had the highest proportion of criminal matters lodged in the supreme court (3.3 per cent) (table 6.6).

The majority of civil matters in Australia in 2001-02 were lodged in the magistrates' court (88.9 per cent), followed by the district/county court (6.6 per cent) and supreme court (4.5 per cent). The NT had the highest proportion of civil cases lodged in the magistrates' court (94.4 per cent), Queensland had the highest proportion in the district/county court (9.7 per cent) and Tasmania had the highest proportion of civil cases lodged in the supreme court (12.2 per cent) (table 6.6).

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

**Table 6.6 Distribution of court lodgments, by court level, 2001-02<sup>a, b</sup>**

		<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Cwlth</i>	<i>Total</i>
<b>Criminal courts</b>												
Magistrates' (total) <sup>c</sup>	%	96.2	96.5	94.8	95.4	97.8	98.9	96.7	97.6	..	..	96.3
District/county	%	3.4	3.1	4.6	4.1	1.7	..	..	..	..	..	3.2
Supreme	%	0.4	0.4	0.7	0.6	0.5	1.1	3.3	2.4	..	..	0.6
All courts	'000	275	128	175	74	90	56	5	13	..	..	817
<b>Civil courts</b>												
Magistrates' (total) <sup>d</sup>	%	87.9	93.7	85.9	88.2	81.1	87.8	87.9	94.4	..	..	88.9
District/county	%	8.0	3.7	9.7	6.4	8.9	..	..	..	..	..	6.6
Supreme <sup>e</sup>	%	4.1	2.6	4.4	5.4	10.0	12.2	12.1	5.6	..	..	4.5
All courts <sup>b</sup>	'000	261	191	101	62	39	16	9	7	..	..	686

<sup>a</sup> Totals may not sum to 100 per cent as a result of rounding. <sup>b</sup> Excludes data for the Family Court of WA, the Family Court of Australia and the Federal Magistrates Service because lodgment data are based on forms that are not comparable with the State and Territory civil data or Federal Court data (which are based on cases).

<sup>c</sup> Excludes electronic court lodgments to provide a more meaningful comparison across jurisdictions. Also excludes coroners' court data. <sup>d</sup> The Victorian data include 74 315 residential tenancies and civil claim applications lodged in the Victorian Civil Administrative Tribunal. These tribunal matters are included because other States and Territories (such as NSW) deal with residential tenancy and civil claim matters in their magistrates' courts. Queensland data include lodgments at its small claims tribunal. <sup>e</sup> Excludes probate data. .. Not applicable.

Source: State and Territory governments (unpublished); tables 6A.1 and 6A.2.

## Finalisations

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

Table 6.7 (criminal) and table 6.8 (civil) outline the number of finalisations in 2001-02, by court level, for the Commonwealth and each State and Territory. Finalisation data are not strictly comparable with lodgment data in the reported year because some lodgments from a previous year may be finalised in the current year.

In 2001-02, there were 618 000 criminal finalisations in the magistrates', district/county and supreme courts; 1.2 million electronic court unpaid infringement notice finalisations; and, in the coroner's court, around 21 300 finalisations involving reported deaths and fires (table 6.7).

**Table 6.7 Court finalisations, criminal, 2001-02 ('000)<sup>a, b</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
Magistrates' (total) <sup>c, d</sup>	133	118	153	67	60	40	6	13	..	588
Magistrates' (only)	133	110	144	60	55	39	5	12	..	557
Children's <sup>e</sup>	na	8.4	8.4	6.5	4.7	1.8	0.6	0.7	..	31.2
District/county	9	3	8	3	1	..	..	..	..	25
Supreme	1.1	0.6	1.0	0.4	0.4	0.5	0.2	0.3	..	4.5
<b>All criminal courts</b>	<b>143</b>	<b>122</b>	<b>162</b>	<b>70</b>	<b>61</b>	<b>41</b>	<b>6</b>	<b>13</b>	..	<b>618</b>
Electronic courts	..	741	286	109	102	..	..	..	..	1238
Coroners' courts <sup>f</sup>	5.2	4.5	3.9	1.4	3.7	0.6	1.8	0.2	..	21.3

<sup>a</sup> Lodgments do not equal finalisations in any given year because matters lodged in one year may be finalised in the next. <sup>b</sup> Totals may not add as a result of rounding. <sup>c</sup> NSW magistrates' court (total) data exclude children's court finalisations. <sup>d</sup> In Tasmania, the number of lodgments declined by between 8000 and 10 000 matters due to information technology difficulties experienced by a major court user. This has had a considerable flow on effect on finalisations. The matters lodged by this user are usually resolved within the year of lodgment. It is estimated, therefore, that finalisations are affected by between 8000 and 10 000 matters. <sup>e</sup> Excludes finalisations data for committals heard in the children's court. <sup>f</sup> Includes finalisations data for fires reported in NSW, Queensland and the ACT. **na** Not available. **..** Not applicable.

Source: State and Territory governments (unpublished); table 6A.5.

In 2001-02, there were 406 000 civil cases finalised in the magistrates', district/county and supreme courts. The Federal Court of Australia finalised 5000 cases and the Federal Magistrates Service finalised around 3000 federal law cases. The number of family law forms finalised in the Federal Magistrates Service, Family Court of WA and the Family Court of Australia are not available for 2001-02 (table 6.8).

**Table 6.8 Court finalisations, civil, 2001-02 ('000)<sup>a, b, c</sup>**

	<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>Total</i>
Magistrates' (total) <sup>d, e, f</sup>	80	155	38	28	24	4	11	4	..	344
<i>Magistrates' (only)<sup>e, f</sup></i>	80	153	38	27	24	4	11	na	..	336
<i>Children's</i>	na	2.0	na	0.8	na	0.4	0.1	na	..	3.4
District/county	17	8	7	4	1	..	..	..	..	38
Supreme/Federal <sup>g</sup>	11.5	3.8	3.6	1.9	1.2	1.6	0.8	0.4	4.7	29.5
<b>All civil courts</b>	<b>108</b>	<b>167</b>	<b>50</b>	<b>34</b>	<b>27</b>	<b>6</b>	<b>12</b>	<b>4</b>	<b>5</b>	<b>411</b>
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	3	3
Family <sup>g</sup>	..	..	..	na	..	..	..	..	na	na

<sup>a</sup> Lodgments do not equal finalisations in any given year because matters lodged in one year may be finalised in the next. <sup>b</sup> Totals may not add as a result of rounding. <sup>c</sup> Cases withdrawn after initial lodgment may not be recorded as a finalisation in some jurisdictions. <sup>d</sup> In NSW, Queensland and SA, magistrates' court (total) data exclude children's finalisations. <sup>e</sup> The Victorian data includes 72 778 residential tenancy and civil claims applications that were finalised in the Victorian Civil Administrative Tribunal. These tribunal matters are included because other States and Territories (such as NSW) deal with residential tenancy and civil claims matters in their magistrates' courts. <sup>f</sup> Queensland includes finalisations at its small claims tribunal. <sup>g</sup> The introduction of the Federal Magistrates Service has implications for the finalisations data of the Federal Court and Family Court of Australia. During the transition to its new case management system (Casetrack), data from the old case management system cannot be used for the Family Court of WA and Family Court of Australia. <sup>h</sup> Based on the number of cases finalised in the federal law jurisdiction. The results do not include finalisations in the family law jurisdiction, so are likely to significantly underestimate the true level of finalisations. **na** Not available. .. Not applicable.

Source: Commonwealth, State and Territory governments (unpublished); table 6A.6.

The larger States have a higher number of criminal and civil finalisations. The 'number of finalisations per 100 000 people' is used to enable a better understanding of the comparative workload of a court (in relation to the size of the State or Territory population). For example, there were 3002 criminal court finalisations per 100 000 people in the magistrates' court in Australia in 2001-02. This ranged from 8547 in Tasmania to 1795 in the ACT (table 6A.7). There were 1753 civil court finalisations per 100 000 people in the magistrates' court in Australia. This ranged from 3418 in the ACT to 841 in Tasmania (table 6A.8). Tables 6A.7 and 6A.8 provide data on finalisations (per 100 000 population) for each State and Territory court and the Federal Court of Australia.

## **6.2 Policy developments in court administration services**

The Australian community and the legal profession increasingly rely on the use of technology to obtain information, transact business and use online services. The court administration sector is responding to this demand by providing online court

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services that will increase the level of accessibility (particularly for regional areas), extend the range of services and enhance current over-the-counter services.

Courts in a number of jurisdictions are developing a range of online services that are innovative in their approach, endeavouring to address the needs of court users and to provide for more streamlined processes for parties to court proceedings. Recent online and service developments include:

- the development of a web interface with the High Court's case management system and integration with an electronic document system to support extensive hard copy records;
- the implementation by the Family Court of Australia of: an integrated case management system (Casetrack) for that Court, the Federal Magistrates Service and the Family Court of WA; digital recording of all Family Court hearings; and an innovative and comprehensive enhancement to the Family Court's web site to support family law litigants, including self-represented litigants;
- the use of digital recording technology in the Federal Magistrates Service to assist judgment production, and the provision of example applications on the Federal Magistrates Service web site to assist self-represented litigants;
- the development of e-business applications in Queensland, which include electronic court bookings, electronic lodgment, electronic information on courts and electronic access to the civil information management system;
- the development in WA of: a web enabled e-lodgment module for its integrated court management system for the civil jurisdiction; 'e-brief' for the criminal jurisdiction in the Magistrates' Court; and an 'e-Appeal' to enable litigants to create their own electronic books;
- the implementation in SA of an online fines and enquiries system and an e-lodgment system that interfaces with its case management system, and the set-up of an e-mail response centre;
- in Tasmania, the roll out of a new criminal case management system during 2002-03 to enhance community access to information about criminal matters through the development of web-based views of sections of the database;
- in the ACT, the pilot of a case management system in its Court of Appeal, to assess the system's suitability for all ACT courts and tribunals; and
- the development in the NT of a web interface with its Integrated Justice Information System, and the use of a fines and penalties system that enables online payments.

The Federal Court's eCourt Strategy continues the Court's commitment to improving its practices and procedures. eCourt is a web-based courtroom that

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assists in the management of interlocutory matters online. The technology enables parties to participate in the proceedings from their office or home. Two recent eCourt enhancements include a tutorial facility and a public transcript facility. Both eCourt and electronic filing are available through the Court's web site. Electronic filing allows for both the lodgment of documents and the payment of fees (where fees apply) online. e-trial was piloted during the year, whereby the majority of documents and related papers are stored and accessed electronically throughout the proceedings. The pilot involved using the technology on a remotely located Native Title hearing, enabling parties to access the trial documents and transcript electronically onsite or by dialing remotely into an Internet version of the case documentation. The e-trial pilot enabled the Court to examine issues of standards and protocols for courtroom technology.

The NSW Attorney-General's Department web site (Lawlink NSW) offers: electronic judgments for all NSW courts and tribunals available through Caselaw immediately after they are handed down; a one-stop help for victims of crime to find the support and information they need; and downloadable forms from many courts and other justice agencies. Other areas of technological access are also available in NSW, including: authenticated online lodgment of court documents, which was trialled in the Land and Environment Court; cooperation among justice agencies, which has been substantially improved through the Justice Agencies Data Exchange project; a video network covering 48 locations, which allows experts and other witnesses to give evidence to courts from remote and overseas locations; computer voice recognition for dictation, which is revolutionising the quality and efficiency of judicial work; and a major upgrade of court transcript services, with 16 district court rooms already networked with remote video and audio recording equipment.

### **6.3 Framework of performance indicators**

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

The performance indicator framework shows which data are comparable in the 2003 Report (figure 6.3). For data that are not considered strictly comparable, the text includes relevant caveats and supporting commentary. Chapter 1 discusses data comparability from a Report-wide perspective (see section 1.6).

The performance indicator framework for court administration services is under review, and changes may be included in next year's report. Processes to improve the



comparability of existing data and the completeness of the performance indicator framework are discussed in section 6.5.

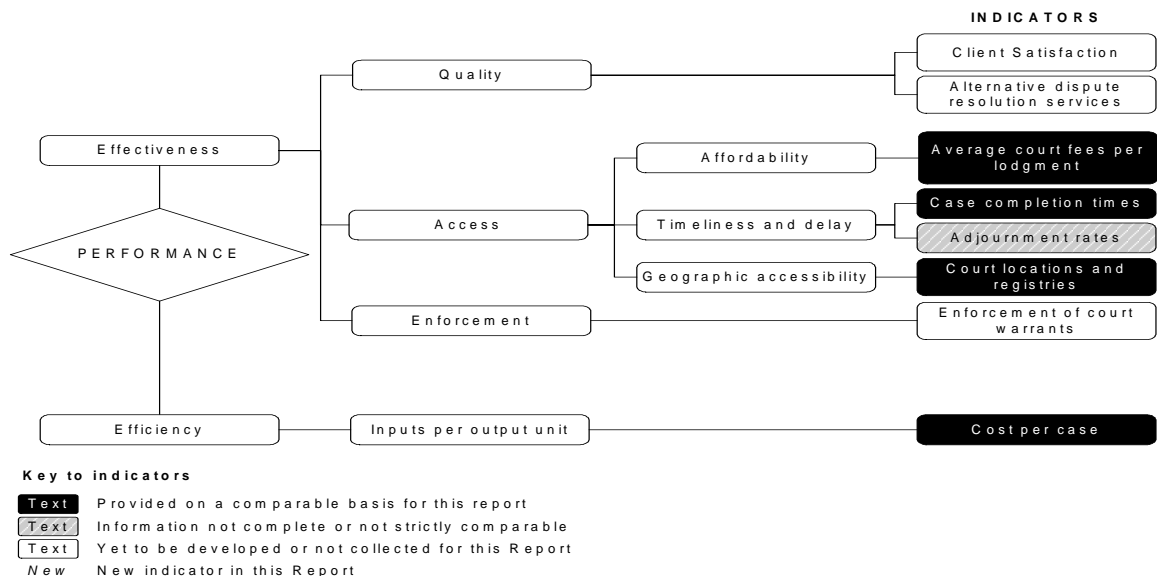
### Box 6.5 Objectives for court administration

Objectives for court administration are:

- to be open and accessible;
- to process matters in an expeditious and timely manner;
- to provide due process and equal protection before the law; 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.

Figure 6.3 Performance indicators for court administration



## 6.4 Key performance indicator results

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

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## Effectiveness indicators

### *Quality*

Court administration authorities undertake surveys on court quality by obtaining court users' views on court administration services (such as court staff, facilities and available information). A number of surveys by different courts in individual jurisdictions have generated data on court users' views. These surveys generally used different methods and sample sizes, and took place in different courts. It is not possible, therefore, to publish comparable data across jurisdictions on the outcomes of client satisfaction surveys.

The success of alternative dispute resolution services can also be a measure of quality. Alternative dispute resolution can be a more cost efficient and timely means of resolving disputes between civil parties without taking up court time. Comparability issues (particularly as they pertain to the service definition and to the mix of public and private providers) mean data on alternative dispute resolution procedures are not currently published.

### *Affordability*

Court filing fees largely relate to civil cases. While court fees can be considerable, they are only part of the costs faced by litigants (with legal fees being more significant). As such, the 'average civil court fees per lodgment' are only a general guide to the costs faced by individual litigants. Comparisons need to account for courts not operating on a full cost recovery basis. Issues such as case type and the extent of user pay policies have a major bearing on affordability.

In 2001-02, average court fees collected per lodgment in higher courts were generally greater than those in intermediate and lower courts. NSW had the highest level of average civil fees collected per lodgment in the supreme court (\$1842) and Victoria had the highest in the district/county courts (\$783). For magistrates' courts (including children's courts), NSW had the highest level of average fees collected per lodgment (\$112) and Tasmania had the lowest (\$40). Average probate fees collected per lodgment were highest in NSW (\$578) and lowest in Tasmania (\$98) (table 6.9). In 2001-02, the average fee per lodgment in the Federal Court was \$939. The average civil court fees collected were \$106 for the Family Court of WA and \$45 for the Family Court of Australia. The WA Family Court does elements of work of both the Federal Magistrates Service and the Family Court of Australia so direct comparisons are not appropriate. The introduction of the Federal Magistrates Service has reduced fees received by the Family Court of Australia and the Federal Court. The Federal Magistrates Service average civil court fees per lodgment were \$174 (table 6.9).

**Table 6.9 Average civil court fees collected per lodgment, 2001-02 (dollars)**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
Magistrates' (total) <sup>a, b, c</sup>	112	74	78	75	69	40	62	105	..	89
<i>Magistrates' (only)</i>	114	75	78	77	70	42	64	na	..	89
District/county	777	783	266	528	195	..	..	..	..	601
Supreme/Federal <sup>d</sup>	1842	1184	594	480	208	108	658	429	939	1019
Probate — Supreme	578	227	na	286	492	98	548	300	..	379
Federal Magistrates <sup>e</sup>	..	..	..	..	..	..	..	..	174	174
Family courts <sup>d</sup>	..	..	..	106	..	..	..	..	45	54

<sup>a</sup> The ACT court fees rise with inflation and traditionally have been low, with fees being charged only on lodgments and enforcements, and not for hearings in civil matters. <sup>b</sup> The Victorian Magistrates' Court fees incorporate both the criminal and civil jurisdictions, but the civil court fees are likely to account for a significant proportion. As well, the data include 74 315 residential tenancies and civil claim applications lodged in the Victorian Civil Administrative Tribunal. These tribunal matters are included because other States and Territories (such as NSW) deal with residential tenancy and civil claim matters in their magistrates' courts. <sup>c</sup> Queensland includes lodgments (and fees) at its small claims tribunal. <sup>d</sup> The introduction of the Federal Magistrates Service has reduced fees received for the Federal Court and the Family Court of Australia. The WA Family Court does elements of work of both the Federal Magistrates Service and the Family Court of Australia, so direct comparisons with each are not possible. <sup>e</sup> Lodgments are made up of 46 873 family law forms and 3393 federal law cases. **na** Not available. **..** Not applicable.

Source: Commonwealth, State and Territory governments (unpublished); table 6A.19.

The level of cost recovery from the collection of court fees varied between court levels and jurisdictions. The proportion of costs recovered for the magistrates' courts (53.0 per cent), the district/county court (60.0 per cent) and the supreme court (38.7 per cent) was highest in NSW. The level of cost recovery varied across the Federal Court (5.8 per cent), the Federal Magistrates Service (41.3 per cent), the Family Court of Australia (3.4 per cent) and the Family Court of WA (13.3 per cent) (table 6.10). Data for 2000-01 are available in table 6A.18.

**Table 6.10 Civil court fees collected as a proportion of total civil expenditure (cost recovery), 2001-02 (per cent)<sup>a, b</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
Magistrates' (total) <sup>c, d</sup>	53.0	46.9	47.9	26.7	19.4	49.2	12.3	29.0	..	43.0
District/county	60.0	35.4	21.7	16.6	9.2	..	..	..	..	36.4
Supreme/Federal <sup>e, f</sup>	38.7	34.5	19.3	12.1	8.5	7.5	23.7	2.3	5.8	18.9
Federal Magistrates	..	..	..	..	..	..	..	..	41.3	41.3
Family <sup>f</sup>	..	..	..	13.3	..	..	..	..	3.4	4.4

<sup>a</sup> Recurrent expenditure with no income or revenue deducted. <sup>b</sup> Includes payroll tax where relevant. <sup>c</sup> The Victorian Magistrates' Court fees incorporate both the criminal and civil jurisdictions, but the civil court fees are likely to account for a significant proportion. <sup>d</sup> The ACT court fees rise with inflation and traditionally have been low, with fees being charged only for lodgments and enforcements, and not for hearings in civil matters. <sup>e</sup> Excludes probate costs. <sup>f</sup> The introduction of the Federal Magistrates Service has reduced fees received for the Federal Court and the Family Court of Australia. The WA Family Court does elements of work of both the Federal Magistrates Service and the Family Court of Australia, so direct comparisons with each are not possible. **..** Not applicable.

Source: Commonwealth, State and Territory governments (unpublished); table 6A.18.

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### Box 6.6 Explanation of timeliness data presented in this chapter

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

#### *Differences in court levels and workloads*

Tasmania, the ACT and the NT have a two-tier court system (that is, they do not have a district/county court) while the other jurisdictions have a three-tier court system. This difference needs to be taken into account when comparing timeliness performance.

As well, in all jurisdictions, the complexity and distribution of cases may vary. Some of the differences between State and Territory courts are covered on pp. 6.3–6.7. Some of the differences in Commonwealth courts are covered on pp. 6.7–6.8.

#### *Collection of national data*

Timeliness data are collected in accordance with the nationally agreed *2002 Court Administration Data Collection Manual*. This data collection is based on national counting rules, so there will be divergences between data presented in this chapter and data published by individual jurisdictions within their annual reports. There will also be differences with the Australian Bureau of Statistics (ABS) *Higher Criminal Courts* publication, which uses different data collection methods and reference periods.

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

The Steering Committee recognises, however, that unlike some other data collections, this collection does not have an intermediary data collector or validator such as the Australian Institute of Health and Welfare or the ABS. Instead, the process is one of continual improvement and refinement, with the long-term aim of ensuring a national data collection that covers court activities across the Commonwealth, State and Territory jurisdictions in a timely and comparable way.

#### *Timeliness data reported*

The following part of the chapter covers timeliness data on:

- 'all non-appeal matters finalised' for the criminal and civil courts of each State and Territory and the Commonwealth;
- 'matters finalised by trial' for the criminal and civil courts of each State and Territory and the Commonwealth;
- 'committal matters finalised' in the magistrates' court;
- 'appeal matters finalised' for the criminal and civil jurisdictions of the supreme courts and for the civil jurisdiction of the Federal Court and family courts; and
- 'coronial court matters finalised' in the magistrates' courts.

**Box 6.7 What ‘all non-appeal matters finalised’ means**

Part of the timeliness data in this chapter are reported according to ‘all non-appeal matters finalised’. This expression refers to all matters that have gone before the court, with the exception of appeals to higher courts and committals in the magistrates’ court, and that have been finalised. The two methods of finalisation are through:

- adjudication (a final judgment or decision by the court); or
- non-adjudication.

Non-adjudication can occur through a variety of means in both the criminal and civil courts. These means may include: withdrawn by prosecution; unfit to plead; accused dies; diplomatic immunity; statute of limitation applies; the matter is transferred to another court; settlement out of court; or the matter has expired (two years after the last action on the case for civil matters).

*Source: SCRCSSP 2002.*

Court administrators can influence the timeliness of criminal proceedings through case management, court rules and different practices and procedures. The timeliness data for the criminal courts should be considered in conjunction with the issues raised in boxes 6.6 and 6.7.

Timeliness is measured by the time taken between the lodgment of a matter with the court and the matter’s finalisation. In the criminal jurisdiction, a lodgment is determined according to the date on which the documentary evidence for a defendant is initially received/date stamped. The finalisation is the date on which all charges laid against a defendant are regarded as formally completed by the court and the defendant ceases to be an active unit of work to be dealt with by the court (eg. at acquittal or sentencing). This year’s data collection excludes bench warrants (warrants issued by a court for the arrest of a person who has been indicted) for all court levels. This may lead to some increase in timeliness but is consistent with the national definition of finalisation.

A brief description of the differences in the jurisdiction of each State/Territory magistrates’ court are outlined in box 6.1 on page 6.3. The criminal jurisdiction of total magistrates’ courts (including children’s courts) in all States and Territories finalised 90.5 per cent of all non-appeal matters within six months in 2001-02. This proportion ranged from 96.0 per cent in NSW to 75.2 per cent in the ACT (table 6.11). Timeliness data for magistrates’ courts only (excluding children’s courts) are contained in table 6A.20.

Nationally, children's courts in 2001-02 finalised 87.8 per cent of criminal matters within six months. This proportion ranged from 95.5 per cent in Victoria to 43.7 per cent in the NT (table 6.11).

**Table 6.11 All non-appeal matters finalised, criminal, 2001-02<sup>a, b, c</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
<b>Supreme<sup>d, e</sup></b>										
No. of cases	145	226	685	131	79	466	163	275	..	2 170
<6 months (%)	33.8	69.9	78.2	80.2	54.4	64.4	39.9	67.6	..	66.5
6-12 months(%)	45.5	27.4	17.1	17.6	31.6	20.4	33.1	18.2	..	22.7
12-18 months (%)	11.7	1.8	4.2	1.5	6.3	6.9	11.0	10.2	..	6.2
>18 months (%)	9.0	0.9	0.4	0.8	7.6	8.4	16.0	4.0	..	4.7
<b>District/county</b>										
No. of cases	3 856	1 831	7 716	2 988	1 192	..	..	..	..	17 583
<6 months (%)	74.9	58.9	80.1	61.6	67.2	..	..	..	..	72.7
6-12 months(%)	17.8	25.9	12.6	12.8	22.2	..	..	..	..	15.8
12-18 months (%)	3.5	9.4	5.4	17.0	6.2	..	..	..	..	7.4
>18 months (%)	3.8	5.7	2.0	8.6	4.4	..	..	..	..	4.0
<b>Magistrates' total<sup>e, f, g</sup></b>										
No. of cases ('000)	129	116	144	65	59	40	6	12	..	570
<6 months (%)	96.0	92.6	93.9	92.6	78.8	75.4	75.2	75.4	..	90.5
6-12 months(%)	2.2	5.1	4.2	5.4	11.6	15.1	14.1	10.9	..	5.8
12-18 months (%) <sup>h</sup>	1.4	1.5	1.4	1.0	3.1	4.0	3.9	4.4	..	1.8
>18 months (%)	0.5	0.8	0.4	1.0	6.5	5.5	6.8	9.3	..	1.8
<b>Children's<sup>i</sup></b>										
No. of cases	na	8 428	8 396	6 538	4 719	1 830	605	684	..	31 200
<6 months (%)	na	95.5	93.8	93.5	73.0	60.9	84.0	43.7	..	87.8
6-12 months(%)	na	3.9	4.8	4.7	16.6	21.7	7.3	19.6	..	7.7
12-18 months (%)	na	0.6	1.1	0.8	4.8	8.3	1.7	10.5	..	2.1
>18 months (%)	na	-	0.2	1.0	5.6	9.1	7.1	26.2	..	2.4

<sup>a</sup> Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary. <sup>b</sup> Totals may not sum to 100 per cent as a result of rounding. <sup>c</sup> Excludes data for bench warrants for all court levels, which may lead to some increase in timeliness but is consistent with the definition of finalisation. <sup>d</sup> The significantly large amount of cases heard in Queensland relates to all second offences for drug matters going automatically to the Supreme Court. This does not occur in any other jurisdiction. In contrast, in NSW, almost all cases heard in the Supreme Court relate to murder or manslaughter. <sup>e</sup> Tasmania, the ACT and the NT do not have a district/county court. This difference needs to be considered when comparing timeliness across States and Territories. <sup>f</sup> In Tasmania, the number of lodgments declined by between 8000 and 10 000 matters due to information technology difficulties experienced by a major court user. This has had a considerable flow-on effect on finalisations. The matters lodged by this user are usually resolved within the year of lodgment. It is estimated, therefore, that finalisations are also affected by between 8000 and 10 000 matters. <sup>g</sup> NSW Magistrates' Court (total) data exclude children's court timeliness. <sup>h</sup> The Victorian Magistrates' Court can only provide data for the period greater than 12 months and less than 24 months. As a result, some data for matters finalised after more than 18 months are included in the data for the period 12-18 months. <sup>i</sup> Excludes data on committals heard in the children's courts. na Not available. .. Not applicable. - Nil or rounded to zero.

Source: State and Territory governments (unpublished); table 6A.20.

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Box 6.2 (on page 6.4) contains a brief description of the differences in the jurisdiction of each State and Territory district/county court. Throughout Australia, district/county courts in 2001-02 finalised 72.7 per cent of all non-appeal criminal matters within six months. This proportion ranged from 80.1 per cent in Queensland to 58.9 per cent in Victoria (table 6.11).

Box 6.3 (on page 6.5) contains a brief description of the differences in the jurisdiction of each State and Territory supreme court. Most noticeably, the significantly larger amount of cases heard in the Queensland Supreme Court relates to all second offences for drug matters going automatically to that court. This does not occur in any other jurisdiction. In the supreme courts, a 12 month benchmark for finalising matters is used because the proceedings are generally more complex. Supreme courts in all States and Territories in 2001-02 finalised 89.2 per cent of all non-appeal criminal matters within 12 months. Across jurisdictions, this proportion ranged from 97.8 per cent in WA to 73.0 per cent in the ACT (table 6.11).

The timeliness data for the civil courts should be considered in conjunction with the issues raised in boxes 6.6 and 6.7. In the civil jurisdiction, a lodgment is determined as the date of the initial filing or application to the court. The finalisation is on the date on which all matters pertaining to the file are regarded as formally completed by the courts and the file ceases to be an active unit of work to be dealt with by the courts (eg. through a final order).

The following factors may affect timeliness within the civil courts.

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

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

Box 6.1 (on page 6.3) contains a brief description of the differences in the jurisdiction of each State and Territory magistrates' court. Nationally, the civil jurisdiction of total magistrates' courts in 2001-02 finalised 86.3 per cent of all non-

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appeal cases within six months. Across jurisdictions, this proportion was highest in Victoria (95.8 per cent). The Victorian data include 72 788 residential tenancy and civil claims applications that were finalised in the Victorian Civil Administrative Tribunal. These tribunal matters are included because other States and Territories (such as NSW) deal with residential tenancy matters in their magistrates' courts. All of the Victorian tribunal matters were finalised within six months. The lowest proportion of total magistrates' court cases finalised within six months was in the ACT (43.6 per cent) (table 6.12). Timeliness data on magistrates' courts only (excluding children's courts) are contained in table 6A.21.

For children's courts, from the four jurisdictions that provided 2001-02 data, Victoria completed 100.0 per cent of cases within six months while WA completed 74.9 per cent (table 6.12).

Box 6.2 (on page 6.4) contains a brief description of the differences in the jurisdiction of each State and Territory district/county court. Nationally, the civil jurisdiction of district/county courts in 2001-02 finalised 25.4 per cent of all non-appeal cases within six months. Across jurisdictions, this proportion ranged from 39.4 per cent in Queensland to 19.5 per cent in NSW (table 6.12). NSW is unable to include all of its undefended matters and default judgments within the timeliness data. This is likely to lead to a number of matters, that could potentially be resolved quickly, not being included.

Box 6.3 (on page 6.5) contains a brief description of the differences in the jurisdiction of each State and Territory supreme court. In the supreme courts, a 12 month benchmark is used because the proceedings are generally more complex. Supreme courts and the Federal Court in 2001-02 finalised 74.5 per cent of all non-appeal civil cases within 12 months. Across jurisdictions, this proportion ranged from 94.3 per cent in WA to 46.3 per cent in the NT (table 6.12). The Federal Court of Australia finalised 80.8 per cent of cases within 12 months.

The Federal Magistrates Service in 2001-02 finalised 98.1 per cent of its federal law cases within 12 months. This proportion does not account for the finalisation of family law matters, which were not reported. The Family Court of WA and the Family Court of Australia did not provide data on timeliness for their finalised non-appeal matters (table 6.12).



Table 6.12 All non-appeal matters finalised, civil, 2001-02<sup>a, b, c</sup>

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
<b>Supreme<sup>d</sup>/Federal</b>										
No. of cases	10 569	3 501	3 358	1 628	1 084	1 588	756	257	3 949	26 690
<6 months (%)	57.1	59.8	61.0	72.4	78.0	45.0	24.5	38.5	63.8	58.9
6–12 months (%)	17.8	13.5	8.1	21.9	8.9	14.0	23.5	7.8	17.0	15.6
12–18 months (%)	7.7	13.7	8.0	1.4	8.5	10.5	14.8	12.8	7.3	8.5
>18 months (%)	17.4	13.0	22.9	4.4	4.7	30.5	37.2	40.9	11.9	17.0
<b>District/county</b>										
No. of cases	17 221	7 985	7 127	3 677	1 335	..	..	..	..	37 345
<6 months (%)	19.5	23.0	39.4	29.4	31.5	..	..	..	..	25.4
6–12 months (%)	39.2	23.0	23.1	21.8	24.9	..	..	..	..	30.4
12–18 months (%)	23.6	37.0	30.7	20.5	15.1	..	..	..	..	27.2
>18 months (%)	17.8	17.0	6.8	28.4	28.5	..	..	..	..	16.9
<b>Magistrates' total<sup>d, e, f, g, h</sup></b>										
No. of cases ('000)	80	155	38	28	24	4	11	4	..	344
<6 months (%)	82.3	95.8	86.8	93.7	49.4	90.9	43.6	77.8	..	86.3
6–12 months (%)	12.3	3.1	8.6	4.4	16.4	6.3	3.5	10.3	..	7.0
12–18 months (%)	2.8	0.6	2.1	1.1	23.1	2.2	8.8	4.1	..	3.2
>18 months (%)	2.5	0.4	2.5	0.7	11.0	0.6	44.0	7.8	..	3.4
<b>Children's<sup>i</sup></b>										
No. of cases	na	2 017	na	829	na	404	147	na	..	3 397
<6 months (%)	na	100.0	na	74.9	na	87.1	92.5	na	..	92.0
6–12 months (%)	na	–	na	18.0	na	7.9	7.5	na	..	5.7
12–18 months (%)	na	–	na	4.6	na	3.5	–	na	..	1.5
>18 months (%)	na	–	na	2.5	na	1.5	–	na	..	0.8
<b>Federal Magistrates<sup>j</sup></b>										
No. of cases	..	..	..	..	..	..	..	..	3 044	3 044
<6 months (%)	..	..	..	..	..	..	..	..	88.6	88.6
6–12 months (%)	..	..	..	..	..	..	..	..	9.5	9.5
12–18 months (%)	..	..	..	..	..	..	..	..	1.8	1.8
>18 months (%)	..	..	..	..	..	..	..	..	0.1	0.1

<sup>a</sup> Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary. <sup>b</sup> The parties to a case can significantly affect the conduct and timeliness of a case (for example, matters adjourned by the consent of the parties are outside the control of the court). <sup>c</sup> Timeliness data were not available for the Family Court of WA or the Family Court of Australia during the transition to the new case management system (Casetrack). <sup>d</sup> Tasmania, the ACT and the NT have a two-tier court system (that is, they do not have a district/county court) while the other jurisdictions have a three-tier court system. This difference needs to be considered when comparing timeliness across States and Territories. <sup>e</sup> The Victorian data includes 72 778 residential tenancy and civil claims applications that were finalised in the Victorian Civil Administrative Tribunal. These tribunal matters are included as other States and Territories (such as NSW) deal with residential tenancy and civil claims matters in their magistrates' courts. All of the Victorian tribunal matters were finalised within six months. <sup>f</sup> Queensland includes finalisations at its small claims tribunal. <sup>g</sup> For the first time this year, the ACT Magistrates' Court cases are automatically finalised if there has been no activity for 18 months. Other jurisdictions use the expiry dates recognised by their court, or the national rule of two years after the last action on the case. <sup>h</sup> NSW, Queensland and SA exclude data on children's court timeliness. <sup>i</sup> The Victorian Children's Court average times ranged between four and 14 weeks depending on the type of matter. <sup>j</sup> Includes only data on federal law cases, not on family law matters. **na** Not available. **..** Not applicable. **–** Nil or rounded to zero.

Source: Commonwealth, State and Territory governments (unpublished); table 6A.21.

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## *Timeliness — criminal and civil (cases finalised by trial)*

### **Box 6.8 What ‘matters finalised by trial’ means**

The timeliness data in the attachment are reported according to ‘matters finalised by trial’. These matters are a subset of ‘all non-appeal matters finalised’ because they do not include those matters that were finalised by means of non-adjudication (that is, it removes matters dealt with by the court without requiring a trial, such as matters transferred to another court level, withdrawn by prosecution or settled out of court etc).

The national data dictionary definition for a criminal trial is:

*‘where criminal charges are finally determined by Judge and jury, or by Judge (Magistrate) alone by way of an evidentiary hearing in court.’*

*This includes a directed verdict arising from a change of plea after (but not before) the commencement of a trial.*

The national data dictionary definition for a civil trial is:

*‘final determination of a cause of action by a Judge (Magistrate) by way of an evidentiary hearing in court.’*

Source: SCRCSSP 2002.

The timeliness data for the criminal and civil courts need to be considered in conjunction with the issues raised in boxes 6.6 and 6.8. The data on timeliness by trials are contained in tables 6A.23 and 6A.24. The data in the attachment tables (6A.23 and 6A.24) can be used as an additional tool to view the timeliness performance of jurisdictions. These timeliness by trial data, published for the first time, are reported in the attachment and not in the chapter because the data are only preliminary. Jurisdictions have expressed concerns regarding the comparability of the data.

Improvements in the quality of the timeliness by trial data (6A.23 and 6A.24) are expected over time as the definition, and jurisdictions data collection practices, become more refined. The reporting of these trial data in the future is likely to add to information about timeliness, through the removal of a substantial amount of matters that are minor or dealt with before trial.

## *Timeliness — committal proceedings*

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

pending a committal hearing and trial if ordered. The timely conduct of the committal hearing on the court's receipt of the charge sheet is important for timely adjudication of the charges against the defendant.

Nationally, 35.9 per cent of committal hearings in 2001-02 were finalised within three months of the court's receipt of charges. A further 36.4 per cent were finalised in the subsequent three months. Across jurisdictions, committal hearings finalised within three months ranged from 43.7 per cent in SA to 28.1 per cent in WA (table 6.13). In WA the data relate to contested cases only and not fast-track committals (where the defendant pleads guilty in the Magistrates' Court and is committed to the District Court for sentencing).

**Table 6.13 Committal (criminal) matters finalised, magistrates' courts, 2001-02<sup>a, b, c, d</sup>**

	<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>Total</i>
<i>No. of cases</i>	3 986	2 202	8 888	1 614	1 126	<b>na</b>	190	214	..	18 220
<3 months (%)	33.1	35.1	37.5	28.1	43.7	<b>na</b>	40.0	43.0	..	35.9
3-6 months (%)	31.3	31.2	37.4	48.9	42.0	<b>na</b>	32.6	22.4	..	36.4
>6-12 months (%)	23.1	27.2	21.2	18.5	11.7	<b>na</b>	24.7	19.2	..	21.5
>12 months (%)	12.4	6.5	3.9	4.6	2.6	<b>na</b>	2.6	15.4	..	6.2

<sup>a</sup> Totals may not sum to 100 per cent as a result of rounding. <sup>b</sup> NSW data relate to 80 per cent of the criminal matters captured in this jurisdiction. <sup>c</sup> WA data relate to contested cases only, not fast-track committals (where the defendant pleads guilty in the Magistrates' Court and is committed to the District Court for sentencing). <sup>d</sup> Tasmania is unable to provide data as a result of the limitations of its present information technology system. This problem will be overcome with the roll-out of a new criminal case management system in 2002-03. **na** Not available. .. Not applicable.

Source: State and Territory governments (unpublished); table 6A.26.

### *Timeliness — appeals*

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

Criminal appeals are generally shorter than civil ones. In supreme courts, a 12 month benchmark is used as a result of the generally more complex nature of the proceedings. Within supreme courts in 2001-02, 81.8 per cent of criminal appeals were finalised within 12 months. For civil appeals, 83.0 per cent were finalised within 12 months within the supreme courts and the Federal Court (table 6.14).

The highest proportion of criminal appeals in 2001-02 finalised within 12 months was in SA (98.7 per cent). The lowest proportion was in WA (73.5 per cent). SA finalised the highest proportion of civil appeals within 12 months (97.9 per cent) while Victoria finalised the lowest proportion (67.3 per cent) (table 6.14). The Federal Court of Australia finalised 89.0 per cent of civil cases within 12 months. Care should be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary.

Table 6.14 **Appeal matters finalised, supreme courts and the Federal Court, 2001-02<sup>a, b</sup>**

	<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>Total</i>
<b>Criminal</b>										
<i>No. of cases</i>	989	385	338	264	299	23	34	33	..	2 365
<6 months (%)	32.7	44.7	81.1	45.1	91.0	43.5	73.5	84.8	..	51.7
6–12 months (%)	42.7	29.1	16.9	28.4	7.7	52.2	20.6	9.1	..	30.1
12–18 months (%)	16.0	15.1	2.1	15.9	0.7	4.3	2.9	3.0	..	11.4
>18 months (%)	8.7	11.2	–	10.6	0.7	–	2.9	3.0	..	6.8
<b>Civil</b>										
<i>No. of cases</i>	885	321	223	313	140	49	39	127	717	2 814
<6 months (%)	39.0	48.3	55.2	44.1	87.9	71.4	61.5	70.1	54.4	50.5
6–12 months (%)	40.6	19.0	35.4	33.2	10.0	14.3	30.8	24.4	34.6	32.5
12–18 months (%)	13.6	10.3	9.4	12.8	1.4	10.2	2.6	3.9	6.1	9.6
>18 months (%)	6.9	22.4	–	9.9	0.7	4.1	5.1	1.6	4.9	7.3

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

Source: Commonwealth, State and Territory governments (unpublished); table 6A.25.

Within the district/county courts in 2001-02, 91.7 per cent of criminal appeals and 56.4 per cent of civil appeals were finalised within six months through the district/county courts (table 6.15). Across jurisdictions, criminal appeals are heard only in the NSW, Victoria and Queensland district/county courts. The highest proportion of criminal appeals in 2001-02 finalised within six months was in NSW (94.3 per cent). The lowest proportion was in Queensland (48.9 per cent).

South Australia finalised the largest proportion of civil appeals in 2001-02 within six months (100.0 per cent), while WA finalised the lowest proportion (26.6 per cent) (table 6.15). Care needs to be taken when comparing timeliness data across jurisdictions because both the complexity and distribution of cases may vary.

Table 6.15 **Appeal matters finalised, district/county courts, 2001-02<sup>a, b</sup>**

	<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>Total</i>
<b>Criminal</b>										
<i>No. of cases</i>	5367	1650	225	..	..	..	..	..	..	7242
<6 months (%)	94.3	88.8	48.9	..	..	..	..	..	..	91.7
6–12 months (%)	4.5	5.9	36.4	..	..	..	..	..	..	5.8
12–18 months (%)	0.6	1.9	10.7	..	..	..	..	..	..	1.2
>18 months (%)	0.6	3.3	4.0	..	..	..	..	..	..	1.3
<b>Civil</b>										
<i>No. of cases</i>	49	81	368	124	80	..	..	..	..	702
<6 months (%)	63.3	85.2	49.7	26.6	100.0	..	..	..	..	56.4
6–12 months (%)	10.2	11.1	28.8	23.4	–	..	..	..	..	21.2
12–18 months (%)	6.1	2.5	19.6	15.3	–	..	..	..	..	13.7
>18 months (%)	20.4	1.2	1.9	34.7	–	..	..	..	..	8.7

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

Source: State and Territory governments (unpublished); table 6A.25.

The Family Court of Australia finalised 383 forms within 2001-02, of which 59.8 per cent were completed within six months and 87.7 per cent were completed within 12 months (table 6.16).

Table 6.16 **Appeal matters finalised, family courts, 2001-02<sup>a, b</sup>**

	<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>Total</i>
<b>Civil</b>										
<i>No. of cases</i>	..	..	..	<b>na</b>	..	..	..	..	383	383
<6 months (%)	..	..	..	<b>na</b>	..	..	..	..	59.8	59.8
6–12 months (%)	..	..	..	<b>na</b>	..	..	..	..	27.9	27.9
12–18 months (%)	..	..	..	<b>na</b>	..	..	..	..	9.9	9.9
>18 months (%)	..	..	..	<b>na</b>	..	..	..	..	2.3	2.3

<sup>a</sup> Totals may not sum to 100 per cent as a result of rounding. <sup>b</sup> WA data will not be available until the Family Court of WA implements the national case track information technology system. **na** Not available. .. Not applicable.

Source: Commonwealth and State governments (unpublished); table 6A.25.

### *Timeliness — coroners' courts*

Across Australia, 75.9 per cent of coronial cases were finalised within six months in 2001-02. Across jurisdictions, the proportion was highest in the ACT (97.7 per cent) and lowest in Tasmania (43.5 per cent) (table 6.17).

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

**Table 6.17 Coroners' court matters finalised, 2001-02<sup>a, b</sup>**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT<sup>c</sup></i>	<i>NT</i>	<i>Cwlth</i>	<i>Total</i>
<i>No. of cases</i>	5 158	4 455	3 897	1 368	3 740	627	1 821	214	..	21 280
<6 months (%)	82.6	66.0	67.9	66.6	84.1	43.5	97.7	89.3	..	75.9
6–12 months (%)	8.7	17.1	18.8	21.9	9.8	28.4	1.7	1.9	..	13.3
12–18 months (%)	4.7	6.5	6.8	4.5	2.5	9.3	0.4	7.5	..	4.9
>18 months (%)	4.0	10.3	6.5	7.0	3.5	18.8	0.2	1.4	..	6.0

<sup>a</sup> Totals may not sum to 100 per cent as a result of rounding. <sup>b</sup> The timeliness data include finalisations of fires for NSW, Queensland and the ACT. <sup>c</sup> The ACT estimated the number of fire finalisations as the number of fire lodgments (1575 fires). Fires are reported and finalised within a week unless there is an inquiry. There were no fire inquiries in the ACT during the reporting period. .. Not applicable.

Source: State and Territory governments (unpublished); table 6A.20.

### *Timeliness — adjournment rates on the first day of hearing*

The number of adjournments partly reflects the timeliness of courts. 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. A court may also order an adjournment, for example, when overlisting occurs. Court-ordered adjournments can be used to approximate adjournments as a result of the unavailability of judicial time.

Table 6A.27 contains information on court-ordered (and party-requested) adjournments on the first day of a hearing. As such, it does not encompass all of the possible adjournments that may occur during a hearing. Further, the hearings data are regarded as unreliable, as a result of differing interpretations of the national data collection manual. The results, therefore, need to be viewed with caution.

### *Geographic accessibility — court locations and registries*

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

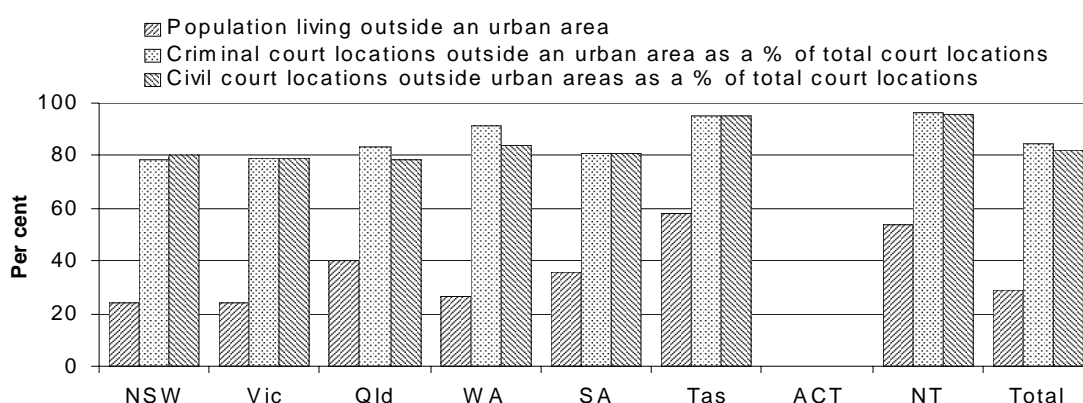
- judicial circuits, where magistrates/judges tour rural courthouses to hear cases;
- the location of magistrates' courts in police stations, whereby police officers and Justices of the Peace staff the courts (when magistrates are not available);
- occasional caravan courts by superior courts in remote areas; and

- video conferencing facilities to link capital city courthouses 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. In all States and Territories, the proportion of magistrates' court locations (in both the criminal and civil jurisdictions) in non-urban areas in 2001-02 exceeded the proportion of the population residing in non-urban areas (figure 6.4). States and Territories with relatively high proportions of their population in non-urban areas generally also had a higher proportion of magistrates' courts located in non-urban areas. Court locations include permanent locations, temporary locations and registries without hearings.

In the criminal jurisdiction, the NT had the highest proportion (96.0 per cent) of magistrates' courts located outside an urban area, while NSW had the lowest proportion (78.4 per cent). In the civil jurisdiction, the NT had the highest proportion (95.5 per cent) of magistrates' courts located outside urban areas, while, excluding the ACT, Queensland had the lowest share (78.3 per cent) (figure 6.4). The ACT Magistrates' Court is housed in one urban building — which provides administration and resources for the criminal, civil, coroner's and children's court jurisdictions — but there are no non-urban areas within the ACT (figure 6.4).

Figure 6.4 **Criminal and civil magistrates' court locations outside an urban area, 2001-02 (per cent)<sup>a, b, c, d</sup>**



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

Source: State and Territory governments (unpublished); ABS; DPIE and DSH (1994); table 6A.28.

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## Efficiency indicators

In this year's chapter, 'expenditure less income (excluding fines) per finalisation' is used as the efficiency indicator. An individual jurisdiction's efficiency (calculated by comparing recurrent costs with total matters finalised) is an imperfect measure. The following should be considered in any analysis of the efficiency results presented within this chapter.

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

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

### *Expenditure less income per finalisation for total magistrates' courts (including magistrates' and children's courts)*

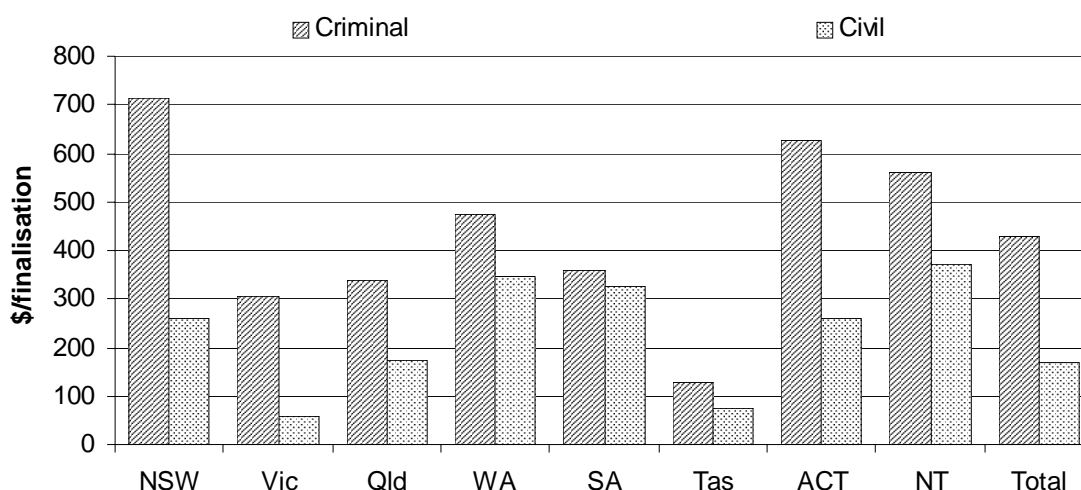
Nationally, expenditure less income per criminal finalisation for total magistrates' courts (including children's courts but excluding electronic courts) was \$427 in 2001-02. Across jurisdictions, it was highest in NSW (\$713) and lowest in



Tasmania (\$126) (figure 6.5). In NSW, criminal finalisations exclude children's court finalisations but include children's court expenditure, which creates a slightly increased expenditure per finalisation for the magistrates' court (total). All other jurisdictions include criminal children's court finalisations and expenditure.

Nationally, expenditure less income per civil finalisation for total magistrates' courts (including children's courts) was \$171. Across jurisdictions, it was highest in the NT (\$371) and lowest in Victoria (\$60) (figure 6.5). The Victorian data include 72 778 residential tenancy and civil claims applications, and their associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. These tribunal matters are included because other States and Territories (such as NSW) deal with residential tenancy and civil claims matters in their magistrates' courts. The Commonwealth does not operate in this court jurisdiction.

Figure 6.5 **Expenditure less income per finalisation, total magistrates' courts (excluding electronic courts), 2001-02<sup>a, b, c, d, e, f, g, h</sup>**



<sup>a</sup> Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). <sup>b</sup> Excludes electronic court data but includes children's court data. <sup>c</sup> Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. <sup>d</sup> The Commonwealth does not operate in this court jurisdiction. <sup>e</sup> NSW criminal finalisations exclude children's court finalisations but include children's court expenditure, which creates a slightly increased expenditure per finalisation for the magistrates' court (total). All other jurisdictions include criminal children's court finalisations and expenditure. <sup>f</sup> In the civil jurisdiction, the Victorian data include 72 778 residential tenancy and civil claims applications, and the associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. These tribunal matters have been included because other States and Territories (such as NSW) deal with residential tenancy and civil claims matters in their magistrates' courts. <sup>g</sup> In the civil jurisdiction, Queensland data include finalisations and associated expenditure from its small claims tribunal, but exclude children's court finalisations and expenditure. <sup>h</sup> In the civil jurisdiction, NSW and SA data exclude children's court finalisations but include children's court expenditure, which creates a slightly increased expenditure per finalisation for the magistrates' court (total). All other jurisdictions include civil children's court data.

Source: State and Territory governments (unpublished); tables 6A.29 and 6A.30.

**Box 6.9 The impact of the electronic courts on the magistrates' courts**

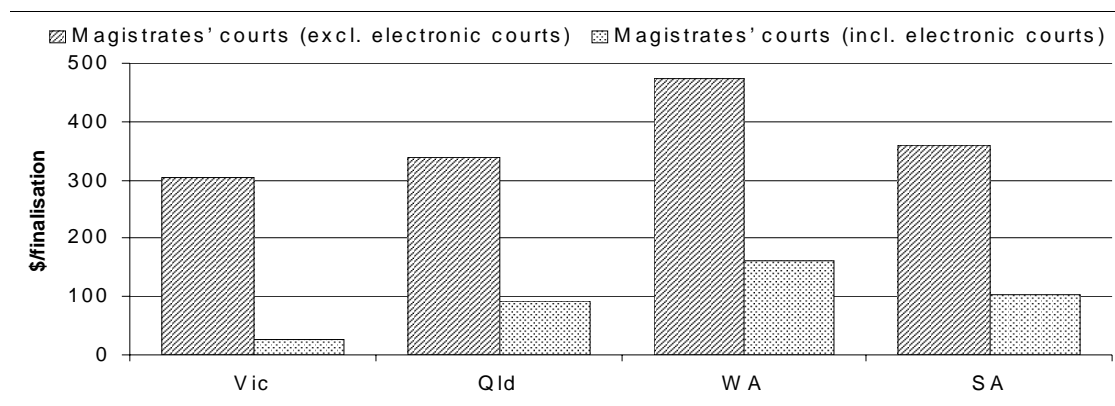
All State, Territory and Commonwealth jurisdictions operate tribunals and specialist courts, partly to reduce the workload on courts such as the magistrates' courts.

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

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

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

The consequent 'expenditure less income per finalisation' for the magistrates' courts is reduced within each jurisdiction (assuming that all of the matters dealt with by the electronic courts would otherwise have been dealt with by the magistrates' courts). This effect is shown in the figure below and table 6A.29.



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

Source: table 6A.29.

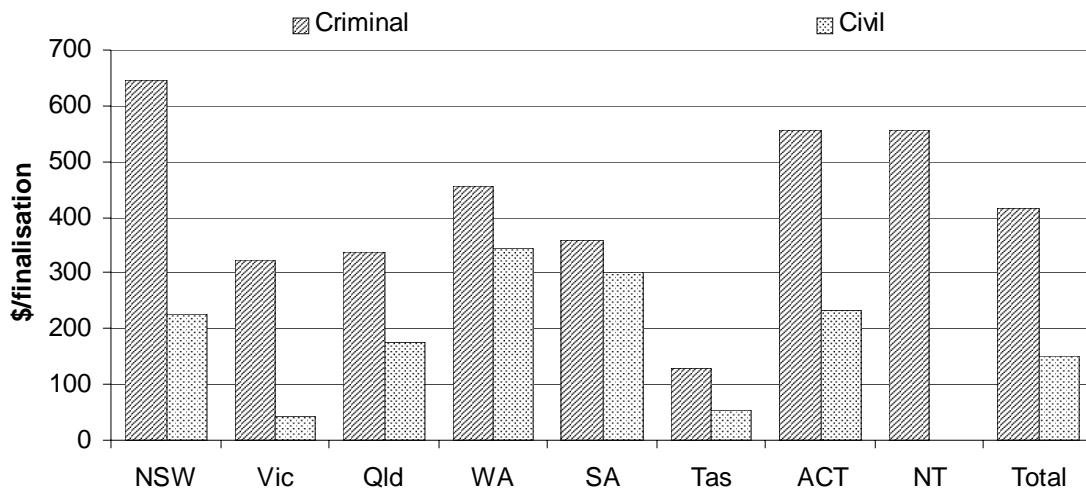
*Expenditure less income per finalisation for magistrates' courts only  
(excluding electronic and children's courts)*

In 2001-02, expenditure less income per criminal finalisation for magistrates' courts only (excluding electronic and children's courts) was \$415 nationally. Across jurisdictions, it was highest in NSW (\$647) and lowest in Tasmania (\$128) (figure 6.6).

Nationally, expenditure less income per civil finalisation for the magistrates' courts only (excluding children's courts) was \$150. Across jurisdictions, it was highest in WA (\$345) and lowest in Victoria (\$42) (figure 6.6).

The Victorian data include 72 778 residential tenancy and civil claims applications, and the associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. These tribunal matters are included because other States and Territories (such as NSW) deal with residential tenancy and civil claims matters in their magistrates' courts. The Commonwealth does not operate in this court jurisdiction.

**Figure 6.6 Expenditure less income per finalisation, magistrates' courts only (excluding electronic, children's courts), 2001-02<sup>a, b, c, d, e, f</sup>**



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

<sup>b</sup> Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. <sup>c</sup> The Commonwealth does not operate in this court jurisdiction. <sup>d</sup> In the civil jurisdiction, the Victorian data include 72 778 residential tenancy and civil claims applications, and the associated expenditure, that were finalised in the Victorian Civil Administrative Tribunal. These tribunal matters are included because other States and Territories (such as NSW) deal with residential tenancy and civil claims matters in their magistrates' courts. <sup>e</sup> In the civil jurisdiction, Queensland data include finalisations and associated expenditure from its small claims tribunal. <sup>f</sup> The NT does not provide civil magistrates' court data and children's court data separately.

Source: State and Territory governments (unpublished); tables 6A.29 and 6A.30.

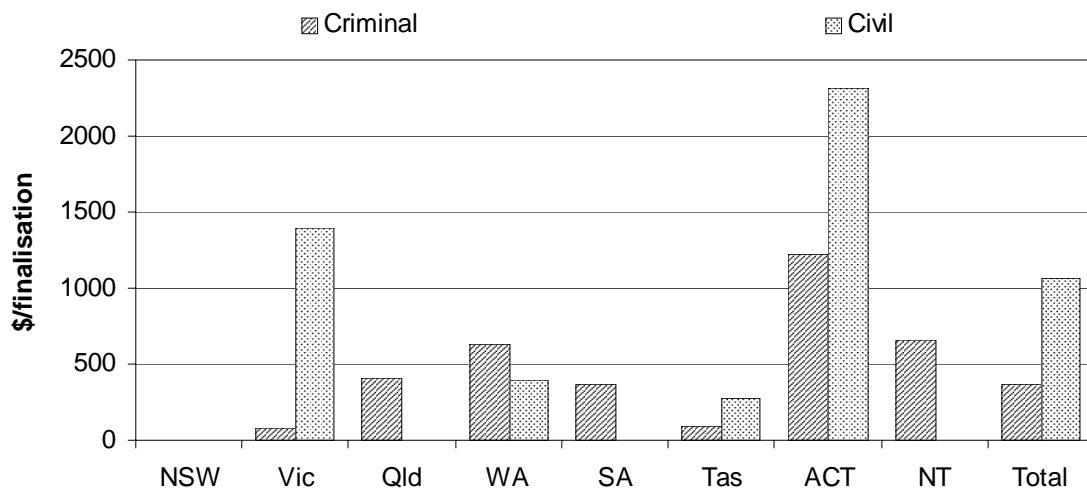
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### Expenditure less income per finalisation for children's courts

In 2001-02, expenditure less income per criminal finalisation for children's courts was \$363 nationally. Across jurisdictions, it was highest in the ACT (\$1221) and lowest in Victoria (\$83) (figure 6.7).

Nationally, expenditure less income per civil finalisation for the children's courts was \$1061. Across jurisdictions, it was highest in the ACT (\$2318) and lowest in Tasmania (\$273) (figure 6.7). The Commonwealth does not operate in this court jurisdiction.

Figure 6.7 **Expenditure less income per finalisation, children's courts, 2001-02**<sup>a, b, c, d, e, f</sup>



<sup>a</sup> Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). <sup>b</sup> Excludes payroll tax for Victoria, Queensland, SA, Tasmania and the NT. <sup>c</sup> The Commonwealth does not operate in this court jurisdiction. <sup>d</sup> Does not include finalisations for committals heard in the children's courts. <sup>e</sup> NSW has not provided children's court criminal finalisations. <sup>f</sup> NSW, Queensland, SA and the NT have not provided Children's court civil finalisations data.

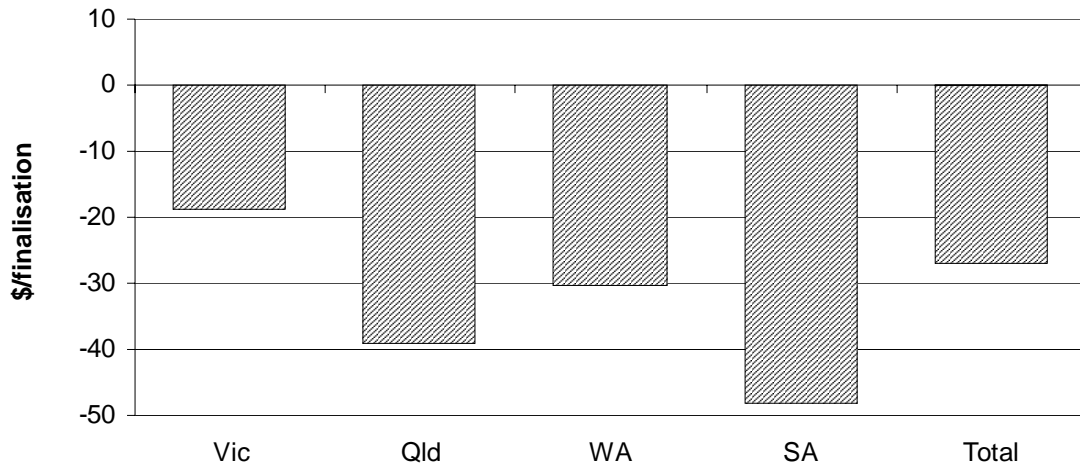
Source: State and Territory governments (unpublished); tables 6A.29 and 6A.30.

### Expenditure less income per finalisation for electronic courts

All electronic courts in 2001-02 had income that outweighed any associated expenditure. Nationally, the income generated over expenditure per finalisation (based on unpaid infringement notices) was \$27. Across jurisdictions, it was highest in SA (\$48) and lowest in Victoria (\$19) (figure 6.8).

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

Figure 6.8 **Expenditure less income per finalisation, electronic courts, 2001-02<sup>a, b, c</sup>**



**a** Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). **b** Excludes payroll tax for Victoria, Queensland and SA. **c** Electronic courts (infringement and expiated offence processing systems that have the status of a court) operate only in Victoria, Queensland, WA and SA. The electronic court data are based on unpaid infringement notices. Other jurisdictions may operate similar bodies that do not operate under the status of a court.

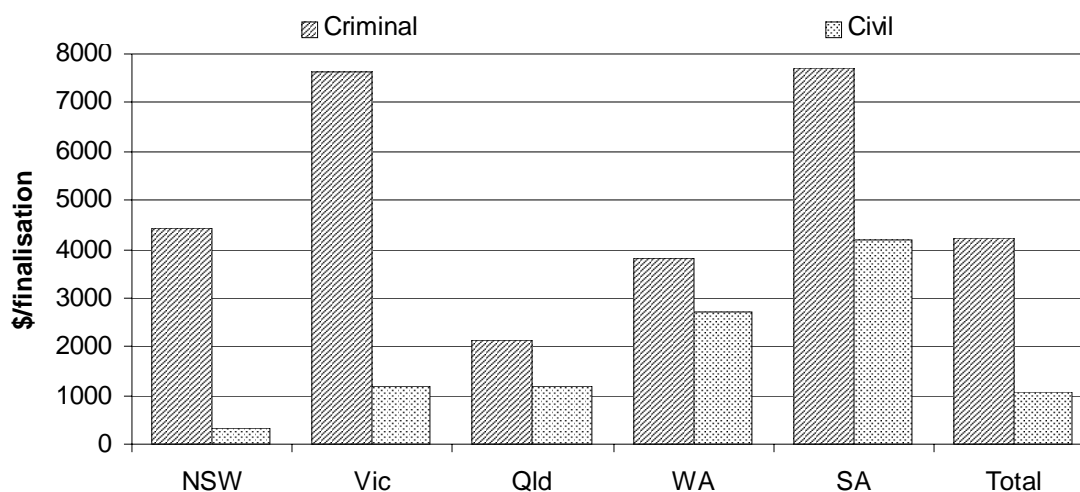
Source: State and Territory governments (unpublished); table 6A.29.

#### *Expenditure less income per finalisation for district/county courts*

In 2001-02, expenditure less income per criminal finalisation for district/county courts was \$4227. Across jurisdictions, it was highest in SA (\$7710) and lowest in Queensland (\$2123) (figure 6.9).

Nationally, expenditure less income per civil finalisation for district/county courts was \$1062. Across jurisdictions, it was highest in SA (\$4182) and lowest in NSW (\$316) (figure 6.9). Tasmania, the ACT, the NT and the Commonwealth do not operate in this court jurisdiction.

Figure 6.9 Expenditure less income revenue per finalisation, district/county courts, 2001-02<sup>a, b, c</sup>



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

<sup>b</sup> Excludes payroll tax for NSW, Victoria, Queensland and SA. <sup>c</sup> Tasmania, the ACT, the NT and the Commonwealth do not operate district/county courts.

Source: State governments (unpublished); tables 6A.29 and 6A.30.

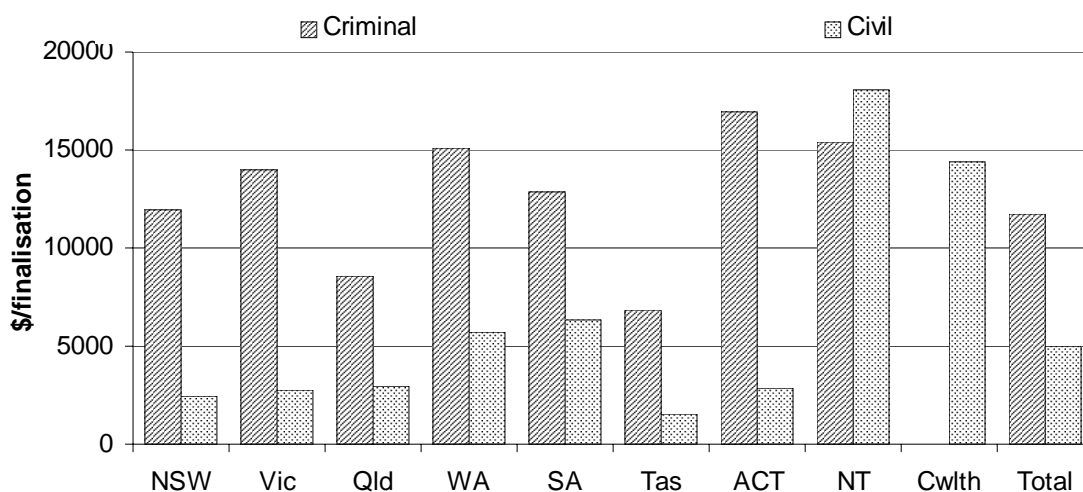
### *Expenditure less income per finalisation for the supreme courts and the Federal Court*

In 2001-02, expenditure less income per criminal finalisation in the supreme courts was \$11 711. Across jurisdictions, it was highest in the ACT (\$16 916) and lowest in Tasmania (\$6873) (figure 6.10).

Nationally, expenditure less income per civil finalisation was \$4957. Across jurisdictions, it was highest in the NT (\$18 099) and lowest in Tasmania (\$1498) (figure 6.10).

The Federal Court expenditure less income per finalisation in the civil jurisdiction was \$14 404 (figure 6.10). Data for the Federal Court include the cost of resources provided free of charge to the Federal Magistrates Service.

Figure 6.10 Expenditure less income per finalisation, supreme courts and Federal Court, 2001-02<sup>a, b, c</sup>



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

Source: Commonwealth, State and Territory governments (unpublished); tables 6A.29 and 6A.30.

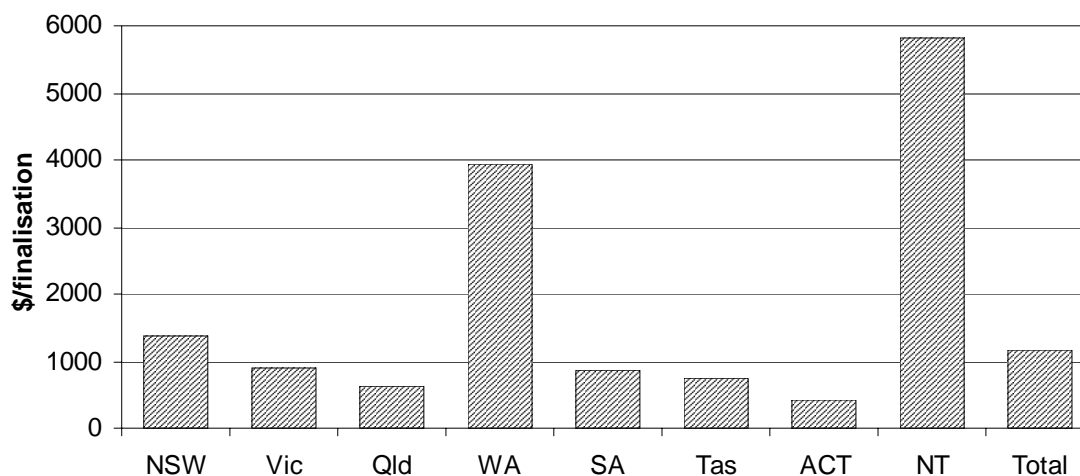
#### *Expenditure less income per reported death and fire for coroners' courts*

Nationally, the coroners' courts expenditure per reported death and fire was \$1158 in 2001-02. Across jurisdictions, it was highest in the NT (\$5813) and lowest in the ACT (\$417) (figure 6.11).

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

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

Figure 6.11 **Expenditure less income per finalisation, coroners' courts, 2001-02<sup>a, b, c, d</sup>**



<sup>a</sup> Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).  
<sup>b</sup> Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. <sup>c</sup> Data for NSW, Queensland and the ACT include fires reported to the coroner. All other jurisdictions do not include this data.  
<sup>d</sup> WA expenditure includes \$1.7 million and \$1.4 million incurred directly and indirectly, respectively, for autopsy and chemical analysis work. Some jurisdictions are not able to ascertain autopsy and chemical analysis costs as they are incurred outside their immediate control.

Source: State and Territory governments (unpublished); table 6A.29.

### *Expenditure less income per lodgment for the family courts*

The Family Court of Australia and the Family Court of WA are unable to compile information on the number of finalisations for this reporting period. Lodgment data, however, are available. As a result, the efficiency measure used is 'expenditure less income per lodgment'.

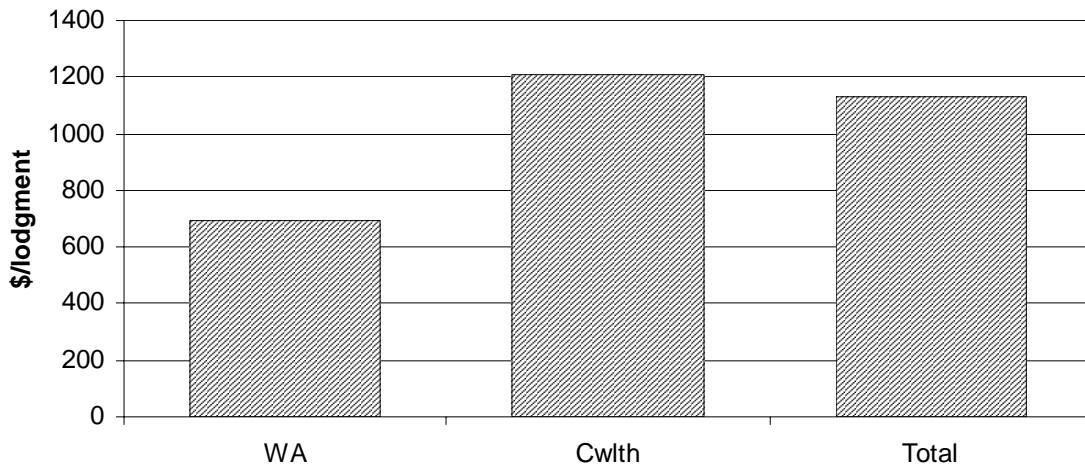
The establishment of the Federal Magistrates Service has implications for the number of finalisations and expenditure associated with the Family Court of Australia. The intention is for the Federal Magistrates Service to take on some of the workload previously managed by the Federal Court and the Family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

In 2001-02, for the two family court services, expenditure less income per lodgment was \$1209 for the Family Court of Australia and \$695 for the Family Court of WA (figure 6.12). The data for the Family Court of Australia exclude a preliminary estimate of the 'free' allocations of the Family Court's resources to the Federal Magistrates Service. As well, the introduction of the Federal Magistrates Service



has implications for comparisons between the Family Court of Australia and the Family Court of WA.

Figure 6.12 **Expenditure less income per lodgment, family courts, 2001-02<sup>a, b</sup>**



<sup>a</sup> Income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). <sup>b</sup> The introduction of the Federal Magistrates Service has expenditure and lodgment implications for the Family Court of Australia. The Family Court of Australia civil lodgment data do not include instances where Family Court of Australia Deputy Registrars are given delegation to conduct Federal Magistrate Service divorce applications.

Source: State and Commonwealth governments (unpublished); table 6A.2 and 6A.15.

### *Expenditure less income per lodgment for the Federal Magistrates Service*

The Federal Magistrates Service was able to provide only finalisations data for its federal law jurisdiction. Data on finalisations in the Federal Magistrates Service family law jurisdiction are not available. Lodgment data, however, are available for the federal law and family law jurisdiction of the Federal Magistrates Service.

The efficiency calculation, therefore, is based on 'expenditure less income per lodgment' (excluding fines). The lodgments in 2001-02 were made up of 46 873 family law forms and 3393 federal law cases. The Federal Magistrates Service received \$9.9 million worth of resources provided free of charge from the Federal Court and Family Court of Australia. In 2001-02, expenditure less income per lodgment for the Federal Magistrates Service was \$240 (tables 6A.2 and 6A.15).

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## 6.5 Future directions in performance reporting

### Improving data quality

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

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

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

A number of these changes will be implemented in time for the 2004 Report.

## 6.6 Jurisdictions' comments

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

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## Commonwealth Government comments

### *Federal Court*

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The Federal Court of Australia is a superior Court of record and a court of law and equity. It sits in all capital cities and elsewhere in Australia from time to time. During the year, the Court continued to achieve its objective of promptly, courteously and effectively deciding disputes according to law so as to fulfil its role as a court exercising the judicial power of the Commonwealth under the Constitution.

The Federal Magistrates Service continues to impact on the Federal Court in two ways. Firstly, simple and quick cases (such as bankruptcy) can now be commenced in the Federal Magistrates Service. As a consequence, the number of less complex applications lodged with the Court has dropped. Secondly, due to the reduction in applications being lodged with the Court, fees received are lower than in previous years.

It is important to note that the work undertaken by the Federal Magistrates Service, in areas of concurrent jurisdiction, continues to be predominantly performed by Federal Court staff. The cost of these resources are provided free of charge to the Federal Magistrates Service and have been included in the Federal Court's costs shown in this chapter. This means that the results shown for the Federal Court throughout this chapter and associated appendices are overstating the Court's actual results.

Finalisation of lodgments within the 85 per cent benchmark target (this indicator excludes Native Title cases which, by virtue of their nature, can take in excess of three years to dispose) developed by the Court continues to be achieved with 85.1 per cent in 1996-97, 87.0 per cent in 1997-98, 90.5 per cent in 1998-99 to 90.9 per cent in 1999-2000 to 90.9 per cent in 2000-01 to 90.8 per cent in 2001-02.

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## **New South Wales Government comments**

“ There has been a continued emphasis upon the development and implementation of time standards across all NSW courts, the implementation of effective case management strategies and more effective allocation of resources.

Measurement of performance through the ongoing monitoring of Key Performance Indicators has shown:

- Decreased case disposal times in almost every time category in the Supreme Court;
- Reductions in backlog and delay in the District and Local courts; and
- Effective management of an increasing civil caseload in the District Court through the use of alternative dispute resolution (arbitration).

Improvements in client service have also been achieved through the expansion of the Flexible Services Delivery project (designed to improve access to clients with an intellectual or physical disability) to five additional local court registries.

This year has seen the investment of significant resources in the development and implementation of a new courts case management system. This system is designed to replace existing manual processes and disparate databases used in NSW courts. Once implemented, it will provide a 'single-counter' service for court users as well as enabling most court business (including listings, court orders, fines, payments and lodging of documents) to be conducted over the internet.

The new system will increase efficiency within NSW courts and improve access to information therefore increasing our ability to meet the growing expectations of our clients and other government agencies.

Consolidation and expansion of electronic service delivery continues, including:

- The completion of phase 2 of the Justice Agencies Data Exchange (JADE) project, allowing the electronic transfer of charge information from NSW Police to Local Courts; and
  - Increased availability of NSW court and tribunal decisions electronically through the enhancement of the Caselaw facility on the Lawlink website.
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## Victorian Government comments

“ For 2001-02, Victorian courts focused on improved case management through the introduction of new technology, reviews of data collection and collation processes, and a continued commitment to the delivery of an accessible and efficient justice system. Major initiatives included:

- The Supreme Court, through the arrangement of its business into Divisions and by the expanded use of "in-court" technology (including the Cybercourt system, electronic appeals, video conferencing, voice recognition, remote recording and electronic transcript, and a new statewide computerised juries system) and the continuous development and expansion of its Internet site, has continued to maintain a high level of efficiency in both criminal and civil matters despite a significant growth in new business.
  - The County Court transitioned into a modern, 'state-of-the-art', 46 courtroom complex in May 2002. After a short pilot phase, a computerised case and list management system was rolled out in the Court to support the *Crimes (Criminal Trials) Act 1999* and the Civil Initiative. On-line search of civil jurisdiction information such as listing dates, documents and orders can be searched via the Court website through a search facility, Court Connect.
  - In the Magistrates' Court, an Output Review led to the development of a suite of new output measures. An Aboriginal Liaison Officer was appointed to the court. The Diversion program, one of the most successful initiatives introduced into the Magistrates' Court, was expanded to regional locations. The CREDIT program was also expanded. A Drug Court pilot commenced at Dandenong Court.
  - In July 2001 Court Services was established to provide a focus for the administrative and strategic planning of Courts and Tribunals and to improve the communication flow between Courts and Tribunals and the government. Work has continued on the development of the courts strategic direction framework. This Justice Statement will outline proposed administrative and structural reforms for the coordinated development of Courts and Tribunals over the next 10 years.
  - A new multi-jurisdictional complex opened in April 2002 at Wodonga. A full refurbishment of the courthouse at Heidelberg was undertaken, with minor works occurring at the Preston courthouse. Security upgrades occurred in all courts across the state.
  - An additional Supreme Court Justice was appointed. There were also two additional County Court Judges appointed.
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## Queensland Government comments

“ The performance of the Queensland courts in the period 2001-02 was further vindication of the systematic maintenance of the high standard and cost effective disposition of matters before all levels of jurisdiction.

- The systems in place in the Supreme and District Courts, particularly in their criminal jurisdiction, continued to provide low cost efficiency, augmented by the expansion of the computerised case management and enforcement system to major provincial centres throughout the period under review.
  - The QWIC system has now been fully implemented in Magistrates Courts and is recording all criminal case management and domestic violence data in 104 Magistrates Courts locations. It has been responsible for greater productivity in courts staff.
  - The State Penalties Enforcement Registry enlarged its compass throughout the period and now has the trial enforcement officer program in place. It expanded its call centre and through continued adjustment and appraisal of work lists has shown constantly increasing monthly receipts over the entire period.
  - The Drug Court program which began in June 2000 at the Beenleigh, Ipswich and Southport Magistrates Courts, continues to offer rehabilitation to offenders facing custodial sentences for possession of illicit drugs. In November 2002, the Drug Court program was further extended to also include the Cairns and Townsville Magistrates Courts. An evaluation of the Drug Court trial is being conducted by the Australian Institute of Criminology.
  - The Integrated Justice Information System is a whole of Government initiative to drive solutions to the challenges inherent in tracking offenders through the criminal justice system and across the many agencies inherent in that grouping (Police, Courts and Corrective Services) from initial contact to release. It aims to improve radically the efficiency, effectiveness and reliability of decision making and information flow throughout the criminal justice system thereby reducing duplication, delays and unnecessary financial burden to the community.
  - A pilot program will commence in Queensland on 1 January 2003 whereby all criminal justice agencies will alter current information systems to record Indigenous identifiers for all offenders. The Queensland Police Service will ask all offenders to self identify whether they are of Aboriginal or Torres Strait Islander origin. This information will then be forwarded and maintained by all criminal justice agencies.
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## Western Australian Government comments

“ Western Australian courts have implemented numerous initiatives during the year, including the following:

- Progressive implementation of the 447 Law Reform Commission recommendations arising from the 1999 Review of the Criminal and Civil Justice System continued during the year, and specifically:
  - Developed a blueprint to create a single State Administrative Tribunal to replace nearly 40 tribunals and boards
  - Drafted legislation to amalgamate the existing Court of Petty Sessions and Local Courts into the Magistrates Court of Western Australia
  - Introduced a new fee structure in the Supreme and District Courts, based on an increased cost recovery/State comparison model, so as to better reflect the cost of service to users and reduce the burden to taxpayers
- Commenced preliminary planning for the first stage of a CBD Courts complex, which will consolidate district and criminal courts in one location, and improve facilities for court users.
- Continued the implementation of the Integrated Court Management System (ICMS) to enable a whole-of-justice approach to managing case flow and provides for more accessible and efficient business processes. During this year, phase one of ICMS was successfully introduced to the District Court civil jurisdiction.

Key initiatives for the next year include:

- Progressing the Perth CBD building project in order to improve facilities for court users and improve operational efficiency and effectiveness of CBD based superior and magistrates courts.
  - Implementing phase two of ICMS that will replace the current civil systems in the Supreme, District and Magistrates Courts. The new system will allow for the introduction of:
    - E-lodgement of documents
    - Electronic production of documents
    - Automatic updating of judicial officers' diaries
    - Lawyer access (via the internet) to view listings
    - Public access, also via the internet, to search listings, and
    - Electronic return of outcomes.
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### **South Australian Government comments**

“ There are no substantial changes in this year’s reported data compared with the trends that have been noted in the activities and performance of the South Australian courts over recent years.

The South Australian Courts Administration Authority (CAA) has pursued a philosophy of continuing improvement so dramatic changes from year to year are not expected.

The most significant changes in lodgments have occurred in the civil jurisdiction of the Supreme Court and the Magistrates Court. In the Supreme Court, the increase is mainly caused by the inclusion of some matters that have not previously been included.

In the Magistrates Court, the decline in civil lodgments has coincided the emergence of a similar number of prelodgment applications. Under the prelodgment system, the Magistrates Court assists potential litigants to resolve their dispute without having to proceed to lodgment.

In the criminal jurisdiction South Australia’s performance is affected by the high proportion of defendants who initially plead not guilty and subsequently change their plea to guilty, often very late in proceedings. This is largely outside the control of the courts and the CAA is awaiting the results of reviews by the Attorney-General’s Department of the circumstances which lead to this situation.

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## **Tasmanian Government comments**

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In last year's Report, Tasmania foreshadowed the introduction of an integrated criminal justice information technology system called CRIMES. CRIMES has been successfully rolled out in Magistrates Courts in all regions, other than the north west of the State. This will occur in January 2003. It will then be modified for use in the Supreme Court. Web based views have been developed for use by Tasmania Police and other justice agencies. The levels of co-operation between agencies involved in the Criminal Justice process have improved as a direct result of working together on this project.

In further information technology developments, the Tasmanian Coronial Case Management System was implemented during the reporting year. It has an interface with the National Coroners Information System (NCIS) which is managed by the Monash University National Centre for Coronial Information on behalf of all participating coronial jurisdictions around Australia. The Tasmanian and NCIS systems have proven to be an invaluable tool in assisting Coroners to investigate individual cases, as well as providing a very effective national research tool for statistical and related purposes.

The Tasmanian courts have continued to provide accessible and efficient mechanisms for the resolution and adjudication of disputes. The statistics contained in the Report also clearly demonstrate the cost effective nature of the Tasmanian courts and their ability to undertake demanding workloads with a relatively low level of resources.

Whilst the collection of criminal data will be enhanced by the implementation of CRIMES, the collection of civil data in all Tasmanian courts is hampered by the lack of integrated case management systems. Tasmanian courts are unable to provide information for data sets involving hearings, trials and adjournments due to the lack of appropriate information technology systems. The courts are continuing to work towards a solution to this issue.

Tasmania supports the efforts that have been made over the past year to improve the quality of the data presented in the Report. The work of the Australian Bureau of Statistics and Productivity Commission in this area has been valuable but comparability of data remains an issue in many parts of the Report.

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## Australian Capital Territory Government comments

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The report again recognises that the structural differences between a two-tiered court system, such as exists in the ACT, the Northern Territory and Tasmania and those three-tiered court systems which exist in all other jurisdictions, must continue to be taken into account when comparing performance between various States and Territories.

The ACT Courts Administration is currently reviewing its IT requirements with a view to replacing the AS400 case management system. In the first stage of this process, the newly created Court of Appeal is piloting the case management system *CourtCase* developed by Coram Solutions. In the second stage to commence soon, *CourtCase* case will be introduced into the Tribunals and, subject to funding, the Supreme Court's civil and criminal jurisdiction. If the pilot programs are successful, it is envisaged that *CourtCase* will be implemented in the Magistrates Court. Funding limitations are a major constraint and it will be several years before a new or upgraded case management system is operational across all courts, however the implementation of new technology will ultimately provide greater opportunities for ACT courts to produce high quality data.

The ACT Court of Appeal was created in 2001. The jurisdiction of the Court of Appeal to hear and determine appeals from judgments of judges of the Supreme Court replacing the jurisdiction formerly exercised by the Federal Court of Australia commenced on 14 October 2002. The full impact of the additional jurisdiction will not be apparent in Supreme Court data until the reporting period 2003-04.

The ACT Magistrates Court case management system continues to produce significant savings in court time and greatly reducing the number of witnesses having to attend court and this system, slightly modified, has now been extended to Family Violence cases which are now managed within tight timeframes designed to eliminate unnecessary adjournments and reduce hearing delays.

During the reporting period the ACT Magistrates Court implemented the Court Alcohol Drug Assessment Scheme which is similar to schemes operating in other jurisdictions and is designed to monitor rehabilitation of drug offenders caught up in the criminal justice system. These cases adversely affect timeliness and cost per case statistics.

A pilot program offering mediation by the Master has been introduced in the Supreme Court. The purpose of the pilot program is to determine whether the provision of mediation services will assist the efficient conduct of litigation.

In the ACT Magistrates Court a conferencing unit was established to case manage and offer alternative dispute resolution services to litigants before a matter is listed for hearing. This unit has had outstanding results in reducing number of matters requiring a hearing before a Magistrate.

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## Northern Territory Government comments

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During the 2001-02 reporting year, the former Office of Courts Administration merged with related government agencies in the Northern Territory to form the Department of Justice. At the same time, the Northern Territory Government commenced significant financial reforms designed to increase efficiency and effectiveness in the delivery of government services, as well as a system of improved accountability and openness. Systems to implement accrual accounting, underpinned by Working for Outcomes objectives, were prepared by all agencies. Significant initiatives and improvements included:

- Courts Administration commenced a review of its existing information systems, with a particular focus on the data reporting facilities and communication systems. The review compares the existing collection capability within the current Integrated Justice Information System and looks at the enhancements required to meet the future needs of the judiciary (including the magistracy) in areas such as caseload, activity, progress through the system including delays and case specific data.
- Major enhancement of civil case-flow in the local court will result from the introduction of electronic document lodgements in 2003. A pilot project is currently under way to test the feasibility of small claims in the Local Court being lodged and case managed through an entirely electronic format.
- Video conferencing facilities in the larger Courthouses were improved in the reporting year. While the in-court equipment is of a world standard, there are a number of challenges to using the technology in place of face-to-face hearings and meetings.
- Courts Administration has implemented a number of "Courts and the Public" initiatives to enhance public confidence, improve access to and increase knowledge of the courts system. Highlights for the year include the highly successful Supreme Court Open Day, and a partnered effort between the Judiciary, the Department of Education Employment and Training and Courts Administration to provide Territory primary and secondary teachers with an understanding of court procedures, structure and facilities.
- The Fines Recovery Unit commenced operation on 1 January 2002. A feature of the new system of enforcement for court imposed fines and infringement notices is the case-managed debt recovery system.

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## 6.7 Definitions

Table 6.18 **Terms and indicators**

<i>Terms</i>	<i>Definition</i>
Accommodation expenditure	<p>Depreciation, actual rent or imputed rent on court owned or occupied land and buildings, as well as expenditure on electricity, gas, water, telecommunications, cleaning, gardening and maintenance.</p> <p>Where used, the imputed rent is calculated using the market lease value of the floor area of all properties occupied by the court. Imputed rent equals the square metres multiplied by the market price per square metre of similar grade office space in a similar location.</p>
Adjournment rate	The ratio between the number of court requested adjournments to court hearings or trials initiated. Hearings can be adjourned more than once, so adjournment rates can be greater than 100 per cent.
Adjudicated finalisation	Where a charge is considered complete and ceases to be active in any court, even if that charge was not adjudicated (for example, a bench warrant was issued or the charges was withdrawn by prosecution).
Average expenditure per case	Average expenditure per criminal or civil case (see below).
Average expenditure per civil case	The total cost of the administrative services provided to civil matters divided by the total number of civil files handled. Includes salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses.
Bench warrant	A warrant issued by a court for the arrest of a person who has been indicted.
Cost recovery	The level of court fees divided by the level of court expenditure.
Court fees collected	Total court income from fees charged in the civil jurisdiction. Includes filing, sitting hearing and deposition fees, and excludes transcript fees.
Court locations	A single street address of a court. Where a location or facility provides services for both criminal and civil cases, or where superior courts sit in lower court facilities on circuit, these locations are counted separately for each jurisdiction. This category includes: locations that provide registry services on a permanent basis, at which a court hearing is listed for determination before a judicial officer; locations where hearings are listed for determination before a judicial officer in a facility that does not provide full time or part time registry services; and all permanent court locations providing full time or part time registry services, at which there are no matters listed before a judicial officer.
Court reporting expenditure	Salary expenditure on in-house court reporters, non-salary expenditure of in-house court reporting agencies, and contract fees paid to court reporting agencies less any revenue recovered from transcript fees by the in-house court reporting agency.
Court requested adjournments	A matter initiated but adjourned for more than one working day (such as an adjournment resulting from the unexpected unavailability of a judge, court room or other case-related court resource). Includes matters adjourned as not reached; excludes matters adjourned as part heard.

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Table 6.18 (Continued)

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

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Table 6.18 (Continued)

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

(Continued on next page)

Table 6.18 (Continued)

<i>Terms</i>	<i>Definition</i>
Party requested adjournments	Matters adjourned on the first day of a hearing for more than one day on application by either the prosecution/plaintiff or the defendant for reasons such as: <ul style="list-style-type: none"> <li>• the unavailability of a witness;</li> <li>• the failure of the accused to appear;</li> <li>• the granting of an application for more time; or</li> <li>• pleading on the day.</li> </ul>
Probate registry expenditure	Salary expenditure of the probate registrar and probate clerks, along with non-salary expenditure directly attributable to probate registries.
Real expenditure	Actual expenditure adjusted for changes in prices using the GDP(E) price deflator and expressed in terms of final year prices.
Sheriff and bailiff expenditure	Expenditure on court orderlies, court security, jury management and witness payment administration. For the civil jurisdiction, it includes expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it includes expenditure on police officers permanently attached to the coroner for the purpose of assisting in coronial investigations. Excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security.
Timeliness	The percentage of <i>total criminal cases</i> completed that are completed within six months; six to 12 months; 12 to 18 months; and more than 18 months after lodgment. Cases are sorted according to the time taken to finalise after lodgment.  The percentage of <i>total civil cases</i> completed that are completed within six months; six to 12 months; 12 to 18 months; and more than 18 months after lodgment. Cases are sorted according to the time taken to finalise after lodgment.
Umbrella department expenditure	Expenditure incurred by the umbrella department (the ministry or department of justice or the Attorney-General). Includes expenditure on accounting, human resources functions, training, media liaison, research, policy, property management and administration.
Urban area	State and Territory capital city statistical divisions and other urban areas (which are urban centres of 100 000 people or more).
Withdrawn	The formal withdrawal of charges by the prosecution (that is, by police, the Director of Public Prosecutions or the Attorney-General).

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## 6.8 References

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