# 7 Courts

#### CONTENTS

7.1 Profile of court services 7.1

7.2 Framework of performance indicators 7.10

7.3 Key performance indicator results 7.11

7.4 Definitions of key terms 7.29

7.5 References 7.30

|  |
| --- |
| Attachment tables |
| Attachment tables are identified in references throughout this chapter by a ‘7A’ prefix (for example, table 7A.1) and are available from the website www.pc.gov.au/rogs/2018. |
|  |

This chapter focuses on performance information for court administrative support services for Australian, State and Territory courts, not on judicial decisions made in the courts.

Further information on the Report on Government Services including other reported service areas, the glossary and list of abbreviations is available at www.pc.gov.au/rogs/2018.

## Profile of court services

### Service overview

The primary support functions of court administration services are to:

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

Court support services are reported for the State and Territory supreme, district/county and magistrates’ (including children’s) courts, coroners’ courts and probate registries, and for the Federal Court of Australia, the Family Court of Australia, the Family Court of WA and the Federal Circuit Court of Australia.

The High Court of Australia, tribunals and specialist jurisdiction courts (for example, Indigenous courts, circle sentencing courts, drug courts and electronic infringement and enforcement systems) are excluded.

### Roles and responsibilities

#### State and Territory court levels

There is a hierarchy of courts within each State and Territory (see figure 7.1). Supreme courts hear disputes of greater seriousness than those heard in the other courts. Supreme courts also develop the law and operate as courts of judicial review or appeal. For the majority of states and territories, the hierarchy of courts is as outlined below (although Tasmania, the ACT and the NT do not have a district/county court):

* supreme courts (includes probate)
* district/county courts
* magistrates’ courts (includes children’s and coroners’ courts).

Differences in State and Territory court levels mean that the allocation of cases to courts and seriousness of cases heard varies across states and territories (further information about court levels is contained in tables 7A.33–37).

#### Australian court levels

Australian courts hear and determine civil matters arising under laws made by the Australian Government. The hierarchy of Australian courts (see figure 7.1) is as follows:

* the High Court of Australia
* the Federal Court of Australia and the Family Court of Australia
* the Federal Circuit Court of Australia.

Detailed information about the Federal Court of Australia, the Family Court and the Federal Circuit Court is available in table 7A.37.

|  |
| --- |
| Figure 7.1 Major relationships of courts in Australia**a, b** |
|

|  |
| --- |
| More details can be found within the text surrounding this image. |

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

### Funding

Nationally in 2016-17, total recurrent expenditure by Australian, State and Territory courts in this Report was almost $1.82 billion (table 7.1). Expenditure in some states and territories is apportioned (estimated) between the criminal and civil jurisdictions of courts so caution should be used when comparing criminal and civil expenditure across states and territories.

Total recurrent expenditure less court income, for the Australian, State and Territory courts in this Report was approximately $1.44 billion in 2016‑17 (tables 7A.12−13). Court 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). The civil jurisdiction of courts accounts for the vast majority of income received (table 7A.13).

|  |
| --- |
| Table 7.1 Courts’ recurrent expenditure, 2016-17 ($ million)**a, b, c** |
|

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Civil |  164.4 |  165.3 |  65.6 |  90.6 |  30.5 |  7.3 | 13.0 |  11.2 |  97.9 |  645.9 |
| Criminal |  235.5 |  220.2 | 167.6 | 131.5 |  72.7 | 17.7 | 18.0 |  29.5 | .. |  892.7 |
| Family | .. | .. | .. |  31.4 | .. | .. | .. | .. |  53.1 |  84.6 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 147.1 |  147.1 |
| Coroners |  6.8 |  13.2 |  10.7 |  6.8 |  3.3 |  1.3 |  1.0 |  1.0 | .. |  44.0 |
| Probate — Supreme |  1.3 |  0.9 |  0.3 |  1.1 |  0.8 |  0.3 |  0.1 |  0.1 | .. |  4.7 |
| **Total** | **407.9** | **399.7** | **244.2** | **261.4** | **107.3** | **26.6** | **32.0** | **41.8** | **298.1** | **1 819.0** |

 |
| a Totals may not sum as a result of rounding. b Payroll tax is excluded. c See tables 7A.9–10 for detailed footnotes and caveats for each jurisdiction. ..Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); tables 7A.9–10. |
|  |
|  |

##### Cost recovery and fee relief in the civil courts

Court fees are mainly collected in civil courts and in some jurisdictions are set by government rather than court administrators. The level of cost recovery from the collection of civil court fees varies across court levels. Across states and territories, approximately a third of costs in 2016-17 were recovered through court fees in the District and Magistrates’ courts (table 7A.14). Cost recovery tends to be low in the children’s courts — in these courts many applications do not attract a fee.

Most courts in Australia are able to waive or reduce court fees to ameliorate the impact on vulnerable or financially disadvantaged parties (fee relief). Table 7.2 shows that the proportions of total payable civil court fees which were waived or reduced were highest in the Family Court of WA (27.4 per cent) followed by the NT Magistrates’ court (23.8 per cent) and the Federal Court of Australia (20.0 per cent).

Fee exemptions are also available in some courts — this is usually where legislation exists to exempt particular categories of fees from being payable. Fee exemptions are more common in the Australian Government courts than State and Territory courts
(table 7A.16).

During 2016‑17, approximately $34.4 million of civil court fees were either waived, reduced or exempted and therefore not recovered by courts (table 7A.16).

|  |
| --- |
| Table 7.2 Proportion of total payable civil court fees which were waived or reduced, 2016-17 (per cent)**a**, **b, c** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts |
| Supreme/Federal |  1.2 |  1.8 | na |  5.0 |  3.6 |  1.7 |  2.5 |  0.9 |  20.0 |
| District/County |  0.5 |  0.6 | na |  6.8 |  2.2 | .. | .. | .. | .. |
| Magistrates’ (only) |  0.3 | na | na |  2.4 |  0.4 | na |  0.6 |  23.8 | .. |
| Family | .. | .. | .. |  27.4 | .. | .. | .. | .. |  19.7 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. |  19.4 |

 |
| a Total payable civil court fees include court fees collected, waived or reduced. Excludes enforcement, transcript, probate and mediation fees. b Queensland has no provision for waiving fees and is currently unable to provide data on fee reductions. c The NT Magistrates’ court granted fee waivers for a large number of statements of claim lodged during the financial year. **na**Not available. ..Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished). |
|  |
|  |

### Size and scope of court activity

#### Staffing

Descriptive information on the numbers of judicial officers and full time equivalent staff can be found in tables 7A.24–26.

#### Lodgments

Lodgments are matters initiated in the court system and provide the basis for court workload as well as reflecting community demand for court services (see tables 7A.1–2 for further information).

##### State and territory courts

Nationally, there were 825 202 criminal lodgments registered in the supreme, district/county, magistrates’ and children’s courts in 2016‑17 (table 7A.1) compared with 436 333 civil lodgments (table 7A.2). An additional 75 775 probate matters were lodged in the supreme courts (table 7A.2). Lodgments were higher in the criminal courts than civil courts across all states and territories (figure 7.2). In the coroners’ courts, there were 24 296 deaths and fires reported, with rates varying across jurisdictions as a result of different reporting requirements (table 7A.2).

The vast majority of both criminal and civil matters in Australia in 2016‑17 were lodged in magistrates’ courts (see figure 7.2). The number of lodgments per 100 000 people can assist in understanding the comparative workload of a court in relation to the population of the State or Territory (see tables 7A.3 (criminal) and 7A.4 (civil) for data by State and Territory).

| Figure 7.2 Court lodgments – criminal and civil, by court level, 2016-17**a, b**  |
| --- |
|

| More details can be found within the text surrounding this image.More details can be found within the text surrounding this image.Legend to Figure 7.2   Dark Green: Magistrates' Blue: Supreme Bright Green: District Black: Children's  More details can be found within the text surrounding this image. |
| --- |

 |
| a See tables 7A.1–2 for detailed footnotes and caveats. b Excludes probate, coroners’ and federal courts. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.1–2. |
|  |
|  |

##### Australian Government courts

In 2016-17 there were 5695 lodgments in the Federal Court of Australia, 21 085 lodgments in the Family Court of Australia and 95 181 lodgments in the Federal Circuit Court (table 7A.2).

#### Finalisations

Finalisations represent the completion of matters in the court system so that they cease to be an item of work for the court. Each lodgment can be finalised only once. Matters may be finalised by adjudication, transfer, or another non‑adjudicated method (such as withdrawal of a matter by the prosecution or settlement by the parties involved)[[1]](#footnote-1).

Most cases which are finalised in the criminal and civil courts do not proceed to trial. Generally, cases which proceed to trial are more time-consuming and resource intensive. In the criminal courts, the proportions of all finalised non-appeal cases which were finalised following the commencement of a trial in 2016‑17 varied from 3 to 53 per cent in the Supreme courts and from 8 to 18 per cent in the District courts. Proportions in the Magistrates’ courts were lower still.

##### State and territory courts

In 2016–17, there were 864 923 criminal finalisations in the supreme, district/county, magistrates’ and children’s courts and 440 523 civil finalisations in these courts (tables 7A.5–6). The pattern of finalisations across states and territories (figure 7.3) is similar to that of lodgments, but lodgments will not equal finalisations in any given year because not all matters lodged in one year will be finalised in the same year. There were an additional 22 779 cases finalised in the coroners’ courts. The number of finalisations per 100 000 people is available in tables 7A.7–8.

|  |
| --- |
| Figure 7.3 Court finalisations – criminal and civil, by court level, 2016-17**a, b**  |
|

| More details can be found within the text surrounding this image.More details can be found within the text surrounding this image.More details can be found within the text surrounding this image. |
| --- |

 |
| a See tables 7A.5–6 for detailed footnotes and caveats. b Excludes probate, coroners’ and federal courts. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.5–6. |
|  |
|  |

##### Australian Government courts

In 2016-17 there were 5633 cases finalised in the Federal Court of Australia, 20 624 cases finalised in the Family Court of Australia and 90 770 cases finalised in the Federal Circuit Court (table 7A.6).

#### Lodgments and finalisations in criminal courts — Aboriginal and Torres Strait Islander Australians

The proportions of all criminal non-appeal matters lodged and finalised in the Supreme, District, Magistrates’ and Children’s courts involving Aboriginal and Torres Strait Islander defendants, show that Aboriginal and Torres Strait Islander people are overrepresented in the criminal courts relative to their representation in the community (table 7.3). Indigenous status is based on self‑identification by the individual who comes into contact with police, with this information transferred from police systems to the courts when the defendant’s matter is lodged in the courts. Data are presented for four jurisdictions only (Queensland, WA, SA and the NT) – for other jurisdictions information on Indigenous status is either not available or not currently considered to be of sufficient quality for publication.

|  |
| --- |
| Table 7.3 Proportion of non-appeal criminal court lodgments and finalisations involving Aboriginal and Torres Strait Islander defendants, 2016-17 (per cent)**a** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
| *Lodgments* |  |  |  |  |  |  |  |  |  |
| Supreme | na | na | 5.8 | 35.7 | 7.5 | na | na | 61.2 | na |
| District/county | na | na | 17.1 | 28.6 | 8.4 | .. | .. | .. | na |
| Magistrates’ (total) | na | na | 19.6 | 31.4 | 15.4 | na | na | 76.6 | na |
| Magistrates’ (only) | na | na | 17.7 | 29.3 | 13.8 | na | na | 74.2 | na |
| Children’s | na | na | 48.2 | 61.1 | 37.5 | na | na | 91.4 | na |
| **All criminal courts** | **na** | **na** | **19.4** | **31.4** | **15.1** | **na** | **na** | **76.1** | **na** |
| *Finalisations* |  |  |  |  |  |  |  |  |  |
| Supreme | na | na | 6.7 | 33.3 | 16.3 | na | na | 62.6 | na |
| District/county | na | na | 17.3 | 27.9 | 7.9 | .. | .. | .. | na |
| Magistrates’ (total) | na | na | 19.0 | 31.8 | 15.2 | na | na | 76.2 | na |
| Magistrates’ (only) | na | na | 17.3 | 29.5 | 13.5 | na | na | 73.8 | na |
| Children’s | na | na | 46.3 | 61.7 | 37.3 | na | na | 91.5 | na |
| **All criminal courts** | **na** | **na** | **18.8** | **31.7** | **14.9** | **na** | **na** | **75.8** | **na** |
| **Proportion in population**b | **3.0** | **0.9** | **4.4** | **3.7** | **2.4** | **5.2** | **1.8** | **30.4** | **3.1** |

 |
| a Totals may not add as a result of rounding. b As at June 2016, based on the 2011 Census. **na** Not available. ..Not applicable. |
| *Source*:State and Territory court authorities and departments (unpublished). |
|  |

#### Finalisations in civil courts – applications for domestic and family violence protection orders (experimental data)

Domestic and family violence matters[[2]](#footnote-2) are generally dealt with at the Magistrates’ court level (for applications and breaches of protection orders). Protection orders are the most broadly used justice response mechanisms for addressing the safety of women and children exposed to domestic and family violence (Taylor et al 2015).

In 2016-17, across all Magistrates’ courts approximately 34 per cent of all finalised civil cases involved applications for domestic and family violence-related protection orders (excludes interim orders and applications for extension, revocation or variation) (table 7.4). Offences relating to domestic and family violence (including breaches of violence and protection orders) are dealt with in state and territory criminal courts.

The Family Court of Australia and the Federal Circuit Court do not issue family violence protection orders. Rather, the Family Court must consider and take action on notices of child abuse or risk of family violence when considering final order cases. Following a broadening of the definition of family violence in the Family Law Act in 2012, the number of notices being filed in the Family Court has steadily increased. In 2016‑17, the proportion of final order cases in which a notice of child abuse or risk of family violence was filed was 23.8 per cent (Family Court of Australia Annual Report, 2016‑17).

|  |
| --- |
| Table 7.4 Finalised civil cases in the Magistrates’ courts involving a finalised application for a domestic or family violence related protection order, 2016-17 — experimental data**a, b** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
| All civil cases finalised (‘000) | 126.2  | 89.6  | 58.6  | 50.7  | 25.1  | 6.1  | 3.5  | 6.3  | 366.1 |
| All finalised cases involving an application for a domestic or family violence related protection order (‘000) | 38.8  | 34.4  | 32.3  | 7.6  | 4.5  | 0.7  | 0.6  | 4.1  | 122.9  |
| Percentage of all finalised cases involving an application for a domestic or family violence-related protection order (%) | 30.7  | 38.4  | 55.2  | 14.9  | 17.9  | 10.8  | 17.3  | 65.3  | 33.6  |

 |
| a Includes originating applications only. b In Tasmania, police can issue Police Family Violence Orders (PFVOs) which are more numerous than court-issued orders. PFVOs are excluded from this table. |
| *Source*: State and Territory court authorities and departments (unpublished). |
|  |
|  |

## 7.2 Framework of performance indicators

The framework of performance indicators for courts is based on common objectives for courts (box 7.1). The emphasis placed on each objective may vary across states and territories and court levels.

|  |
| --- |
| Box 7.1 Objectives for courts |
| Courts aim to safeguard and maintain the rule of law and ensure equal justice for all. Court services support the courts and aim to encourage public confidence and trust in the courts by enabling them to:* be open and accessible
* be affordable
* process matters in a high quality, expeditious and timely manner.

Governments aim for court services to meet these objectives in an equitable and efficient manner. |
|  |
|  |

The performance indicator framework provides information on equity, efficiency and effectiveness, and distinguishes the outputs and outcomes of courts (figure 7.4). The performance indicator framework shows which data are complete and comparable in the 2018 Report. For data that are not considered directly comparable, text includes relevant caveats and supporting commentary. Chapter 1 discusses data comparability, data completeness and information on data quality from a Report-wide perspective. In addition to section 7.1, the Report’s Statistical context chapter (chapter 2) contains data that may assist in interpreting the performance indicators presented in this chapter. Chapters 1 and 2 are available from the website at www.pc.gov.au/rogs/2018.

Improvements to performance reporting for Courts are ongoing and will include identifying data sources to fill gaps in reporting for performance indicators and measures, and improving the comparability and completeness of data.

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

|  |
| --- |
| Figure 7.4 Courts performance indicator framework |
| More details can be found within the text surrounding this image. |
|  |
|  |

## 7.3 Key performance indicator results

Different delivery contexts, locations, caseloads, case mixes and government policies can affect the equity, effectiveness and efficiency of court services. The allocation of cases to different courts also differs across states and territories and Australian courts.

The courts data collection is based on national counting rules, so data presented in this chapter may differ from data published by individual jurisdictions in their annual reports. There also can be differences from the data reported in the ABS Criminal Courts publication (ABS 2017) — the ABS publication provides information about judicial decisions relating to finalised and adjudicated defendants.

### Outputs

Outputs are the services delivered while outcomes are the impact of these services on the status of an individual or group (see chapter 1). Output information is also critical for equitable, efficient and effective management of government services.

### Equity

#### Access — Interpreter services

‘Access to interpreter services’ is an indicator of government’s objective to provide court services in an equitable manner (box 7.2). One component of equity of access to court services in Australia is an ability to receive access to interpreter services for those who need assistance with understanding and communicating in the court system.

|  |
| --- |
| Box 7.2 Access to interpreter services |
| ‘Access to interpreter services’ is defined as the proportion of people attending court who need an interpreter service who receive access to interpreter services.High or increasing levels of access relative to need is desirable.Data are not yet available for reporting against this indicator. |
|  |
|  |

### Effectiveness

#### Access — judicial officers

‘Judicial officers’ is an indicator of governments’ achievement against the objective of providing services that enable courts to be open, accessible and affordable. This indicator relates access to the number of judicial officers available to deal with cases in relation to population size (box 7.3).

| Box 7.3 Judicial officers |
| --- |
| ‘Judicial officers’ is defined as the number of full time equivalent judicial officers divided by the relevant resident population, multiplied by 100 000. Judicial officers can make enforceable orders of the court. For the purposes of this chapter, the definition of a judicial officer includes: judges; associate judges; magistrates; masters; coroners; judicial registrars; all other officers who, following argument and giving of evidence, make enforceable orders of the court. Where judicial officers have both judicial and non-judicial work, this refers to the proportion of time allocated to judicial work.A high or increasing proportion of judicial officers in the population indicates potentially greater access to the judicial system. Factors such as geographical dispersion, judicial workload and population density are also important to consider when comparing figures concerning judicial officers. |
| (continued next page) |
|  |
|  |

|  |
| --- |
| Box 7.3 (continued) |
| Data reported for this indicator are:* comparable (subject to caveats) across jurisdictions and over time
* complete for the current reporting period (subject to caveats). All required 2016–17 data are available for all jurisdictions.
 |
|  |

Table 7.5 shows the number of judicial officers per 100 000 people.

|  |
| --- |
| Table 7.5 Judicial officers, full time equivalent, per 100 000 people, by court level, 2016-17**a, b** |
|

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW  | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| *Population (‘000)* | 7 797  | 6 244  | 4 883  | 2 567  | 1 716  |  519  |  406  |  245  | 24 385 |
| *Judicial officers per 100 000 people* |
| Supreme/Federal |  0.7 |  0.9 |  0.5 |  0.9 |  0.8 |  1.4 |  1.6 |  3.4 |  0.2 |  1.0 |
| District/County |  0.9 |  1.0 |  0.7 |  1.1 |  1.1 | .. | .. | .. | .. |  0.9 |
| Magistrates’ |  1.4 |  1.8 |  1.8 |  1.8 |  1.9 |  2.0 |  1.7 |  5.8 | .. |  1.7 |
| Children’s |  0.4 |  0.2 |  0.1 |  0.2 |  0.2 |  0.3 |  0.2 |  0.7 | .. |  0.2 |
| Family | .. | .. | .. |  0.6 | .. | .. | .. | .. |  0.1 |  0.2 |
| Federal Circuit  | .. | .. | .. | .. | .. | .. | .. | .. |  0.3 |  0.3 |
| Coroners |  0.1 |  0.1 |  0.2 |  0.2 |  0.1 |  0.5 |  – |  0.6 | .. |  0.1 |
| **Total** |  **3.5** |  **4.1** |  **3.3** |  **4.7** |  **4.2** |  **4.2** |  **3.6** |  **10.6** |  **0.6** |  **4.4** |

 |
| a Population data for the financial year is the midpoint (31 December) estimate based on the 2016 Census. b See box 7.3 and table 7A.24 for detailed definitions, footnotes and caveats. ..Not applicable. – Nil or rounded to zero. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.24. |
|  |
|  |

#### Access — backlog

‘Backlog’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner (box 7.4).

| Box 7.4 Backlog |
| --- |
| ‘Backlog’ is a measure of the age of a court’s active pending caseload at 30 June, against nominated time benchmarks. It is defined as the number of cases in the nominated age category as a percentage of the total pending caseload.The following national benchmarks have been set. |
| (continued next page) |
|  |
|  |

|  |
| --- |
| Box 7.4 (continued) |
| For the Federal Circuit Court, magistrates’ and children’s courts:* no more than 10 per cent of lodgments pending completion are to be more than 6 months old
* no lodgments pending completion are to be more than 12 months old.

For Supreme courts, the Federal Court, district/county, family and coroners’ courts and all appeals:* no more than 10 per cent of lodgments pending completion are to be more than 12 months old
* no lodgments pending completion are to be more than 24 months old.

Performance relative to the benchmarks indicates effective management of caseloads and timeliness of court services.Time taken to process cases is not necessarily due to court delay. Some delays are caused by factors other than those related to the workload of the court (for example, a witness being unavailable). See tables 7A.17–18 for further information about factors which can impact on delay.Data reported for this indicator are:* comparable (subject to caveats) across jurisdictions and over time
* complete for the current reporting period (subject to caveats). All required 2016–17 data are available for all jurisdictions.
 |
|  |

Figure 7.5 shows that at 30 June 2017 the backlog in civil courts for the Supreme, District and Magistrates’ courts was higher than criminal courts across all states and territories.

Detailed data on the backlog for criminal and civil matters (including appeal and non-appeal disaggregations and historical data) for all court levels are available in tables 7A.17−18.

| Figure 7.5 Backlog in the courts — criminal and civil, at 30 June 2017**a, b** |
| --- |
|

| More details can be found within the text surrounding this image.More details can be found within the text surrounding this image.More details can be found within the text surrounding this image.More details can be found within the text surrounding this image. |
| --- |

 |
| a See box 7.4 and tables 7A.17−18 for detailed definitions, footnotes and caveats. b Fed refers to Federal Court of Australia. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.17−18. |
|  |
|  |

#### Access — Disposals

‘Disposals’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner (box 7.5). This is a new indicator being presented for the first time in this Report.

| Box 7.5 Disposals |
| --- |
| ‘Disposals’ is a measure of the age of cases which have been finalised in the financial year, against nominated time categories. It is defined as the number of finalised cases at each court level which took longer than 6, 12 or 24 months to finalise (dependent on court level), as a percentage of the total cases finalised during the financial year.Lower percentages of cases finalised in these time categories indicates effective management of caseloads and timeliness of court services. The disposals indicator should be considered in conjunction with the backlog indicator. |
| (continued next page) |
|  |
|  |

|  |
| --- |
| Box 7.5 (continued) |
| Time taken to process cases is not necessarily due to court delay. Some delays are caused by factors other than those related to the workload of the court (for example, a witness being unavailable). See tables 7A.17–18 for further information about factors which can impact on delay.Data reported for this indicator are:* comparable (subject to caveats) across jurisdictions and over time
* complete for the current reporting period (subject to caveats). All required 2016–17 data are available for all jurisdictions.
 |
|  |

Figure 7.6 shows the percentage of finalised cases in the Supreme and District courts (all matters) which took longer than 12 months to finalise, and the percentage of finalised cases in the Magistrates’ and Children’s courts which took longer than six months to finalise. Experimental data on time to disposal for criminal and civil matters for all court levels in 2016‑17 are available in tables 7A.19−20.

| Figure 7.6 Time to disposal in the courts, criminal and civil, 2016-17— experimental data**a, b** |
| --- |
|

| More details can be found within the text surrounding this image.More details can be found within the text surrounding this image.More details can be found within the text surrounding this image.More details can be found within the text surrounding this image. |
| --- |

 |
| a See box 7.5 and tables 7A.19−20 for detailed definitions, footnotes and caveats. b Fed refers to Federal Court of Australia. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.19−20. |
|  |
|  |

#### Access — attendance

‘Attendance’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner (box 7.6).

|  |
| --- |
| Box 7.6 Attendance |
| ‘Attendance’ is defined as the average number of attendances recorded (no matter when the attendance occurred) for those cases that were finalised during the year. The number of attendances is the number of times that parties or their representatives are required to be present in court to be heard by a judicial officer or mediator/arbitrator where binding orders can be made. The number includes appointments that are adjourned or rescheduled.Fewer attendances may suggest a more effective process. However, this should be balanced against the likelihood that the number of attendances will increase if rehabilitation or diversionary programs are used, or if intensive case management is used. Both of these paths are believed to improve the quality of outcomes: * rehabilitation and diversionary programs aim to provide therapeutic benefits for the offenders, and benefits of reduced recidivism for the community
* intensive case management is believed to maximise the prospects of settlement (and thereby reduce the litigant’s costs, the number of cases queuing for hearing, and the flow of work on to appellate courts); alternatively, it can narrow the issues for trial (thus shortening trial time and also reducing costs and the queuing time for other cases waiting for hearing).

Alternative Dispute Resolution (ADR) can resolve some types of matters out of court and thereby reduce the need for judicial hearings. Accordingly, differences across jurisdictions in the availability and use of ADR can affect the comparability of the attendance indicator.Data reported for this indicator are:* comparable (subject to caveats) within jurisdictions over time but are not comparable across jurisdictions
* incomplete for the current reporting period. Required 2016–17 data were not available for the NSW Supreme court. Data were not provided for the Victorian Supreme court.
 |
|  |

Attendance data can be difficult to collect. Due to system limitations, some jurisdictions supply data on listed hearings rather than actual attendances in court (see table 7A.21 for details).

Attendance indicator results for criminal proceedings are reported in table 7.6 and for civil proceedings are reported in table 7.7.

|  |
| --- |
| Table 7.6 Attendance — criminal, 2016-17**a** |
|

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| *Average attendances per finalisation* |
| Supreme | na | na |  2.9 |  3.2 |  4.2 |  5.4 |  5.9 |  6.7 |
| District/County |  3.1 |  4.4 |  4.0 |  4.0 |  6.1 | .. | .. | .. |
| Magistrates’ |  2.7 |  2.6 |  3.5 |  2.7 |  4.2 |  4.2 |  4.1 |  3.3 |
| Children’s |  3.9 |  2.0 |  4.0 |  4.1 |  4.3 |  4.9 |  4.7 |  5.3 |

 |
| a See box 7.6 and table 7A.21 for detailed definitions, footnotes and caveats. **na** Not available. .. Not applicable. |
| *Source*:State and Territory court authorities and departments (unpublished); table 7A.21. |
|  |

|  |
| --- |
| Table 7.7 Attendance — civil, 2016-17**a** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts |
| *Average attendances per finalisation* |
| Supreme (excl. probate)/Federal | na | na |  1.2 |  1.9 |  3.1 |  1.6 |  5.4 |  6.0 |  3.0 |
| District/county |  3.3 |  0.6 |  0.3 |  1.1 |  2.8 | .. | .. | .. | .. |
| Magistrates’ |  0.9 |  1.2 |  1.2 |  0.8 |  1.1 |  1.2 |  2.1 |  1.3 | .. |
| Children’s |  4.8 |  1.8 |  3.6 |  5.0 |  2.8 |  4.8 |  8.7 |  4.3 | .. |
| Family | .. | .. | .. |  2.2 | .. | .. | .. | .. |  2.0 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. |  2.0 |
| Coroners’ courts |  6.8 |  1.5 |  4.8 |  2.7 |  1.3 |  3.1 |  7.1 |  1.0 | .. |

 |
| a See box 7.6 and table 7A.21 for detailed definitions, footnotes and caveats. **na**Not available. ..Not applicable |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.21. |
|  |
|  |

#### Access — clearance

‘Clearance’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner (box 7.7).

| Box 7.7 Clearance |
| --- |
| ‘Clearance’ indicates whether a court’s pending caseload has increased or decreased over the measurement period, by comparing the volume of case finalisations and case lodgements during the reporting period. It is measured by dividing the number of finalisations in the reporting period by the number of lodgements in the same period, multiplied by 100.The following can assist in interpretation of this indicator:* a figure of 100 per cent indicates that, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload should be similar to the pending caseload 12 months earlier
 |
| (continued next page) |
|  |
|  |

| Box 7.7 (continued) |
| --- |
| * a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload should have decreased
* a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload should have increased.

The clearance indicator can be affected by external factors (such as those causing changes in lodgement rates), as well as by changes in a court’s case management practices. Results for this indicator need to be interpreted within the context of changes in the volumes of lodgements, finalisations and pending caseloads over time.Data reported for this indicator are:* comparable (subject to caveats) across jurisdictions and over time
* complete for the current reporting period (subject to caveats). All required 2016–17 data are available for all jurisdictions.
 |
|  |
|  |

Clearance indicator data in 2016-17 are presented in table 7.8. Data are available by jurisdiction (civil and criminal) and appeal/non-appeal in tables 7A.22–23.

|  |
| --- |
| Table 7.8 Clearance — all matters, 2016-17 (per cent)**a** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts  |
| Supreme/Federal | 102.4 |  105.3 |  91.4 |  90.9 |  94.8 |  95.7 |  107.4 |  99.0 |  98.9 |
| District/County | 100.6 |  98.5 |  98.1 |  94.2 |  101.6 | .. | .. | .. | .. |
| Magistrates’ | 102.5 |  111.1 |  100.1 |  103.5 |  103.1 |  95.3 |  79.9 |  109.4 | .. |
| Children’s | 102.0 |  107.2 |  96.4 |  109.2 |  108.3 |  90.5 |  99.1 |  98.0 | .. |
| Family | .. | .. | .. |  92.3 | .. | .. | .. | .. |  97.8 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. |  95.4 |
| Coroners’ courts |  94.5 |  100.6 |  89.7 |  99.9 |  72.9 |  100.5 |  102.0 |  118.5 | .. |
| **Total**  | **102.2** |  **110.0** |  **99.5** |  **102.1** |  **102.3** |  **95.1** |  **82.9** |  **107.8** |  **96.0** |

 |
| a See box 7.7 and tables 7A.22–23 for detailed definitions, footnotes and caveats. ..Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); tables 7A.1–2, 7A.5–6, 7A.22–23. |
|  |
|  |

#### Access — affordability — fees paid by applicants

‘Fees paid by applicants’ is an indicator of governments’ achievement against the objective of enabling courts to be open, accessible and affordable (box 7.8).

|  |
| --- |
| Box 7.8 Fees paid by applicants |
| ‘Fees paid by applicants’ is defined as the average civil court fees paid per lodgment. It is derived by dividing the total civil court fees collected (filing, sitting, hearing and deposition fees) by the number of civil lodgments in a year.Providing court service quality is held constant, lower court fees help keep courts accessible.Data reported for this indicator are:* comparable (subject to caveats) across jurisdictions and over time
* complete for the current reporting period (subject to caveats). All required 2016–17 data are available for all jurisdictions.
 |
|  |

In 2016‑17, average civil court fees paid per lodgment were greater in supreme courts than in district/county and magistrates’ courts (table 7.9). The average fees collected by the Australian, State and Territory courts vary for many reasons and caution should be used in making direct comparisons.

|  |
| --- |
| Table 7.9 Average civil court fees collected per lodgment, 2016-17 (dollars)**a**, **b** |
|

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Supreme (excl. probate)/Federal |  3 818 |  2 110 |  2 282 |  2 646 |  2 941 |  710 |  3 092 |  2 525 | 2 661 |  2 780 |
| District/county |  1 899 |  1 889 |  1 059 |  1 213 |  1 055 | .. | .. | .. | .. |  1 535 |
| Magistrates’ (total) |  202 |  209 |  114 |  150 |  123 |  82 |  258 |  17 | .. |  172 |
| *Magistrates’ only* |  *217* |  *227* |  *122* |  *155* |  *134* |  *86* |  *271* |  *18* | *..* |  *185* |
| *Children’s* | *–* | *–* | *–* | *–* |  *1* | *–* | *–* | *–*  | *..* | *–* |
| Family | .. | .. | .. |  384 | .. | .. | .. | .. |  260 |  314 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. |  611 | 611 |
| Probate — Supreme |  1 450 |  383 |  660 |  347 |  1 611 |  687 |  1 322 |  1 215 | .. |  922 |

 |
| a See box 7.8 and table 7A.15 for detailed definitions, footnotes and caveats. b Enforcement, transcript and mediation fees are excluded. ..Not applicable. **–** Nil or rounded to zero. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.15. |
|  |
|  |

#### Quality — Court file integrity

‘Court file integrity’ is an indicator of governments’ objective to provide court services in a high quality manner (box 7.9). Accurate, complete and readily available court files and records are critical for effective case management and daily court operations.

|  |
| --- |
| Box 7.9 Court file integrity |
| ‘Court file integrity’ is defined as the proportion of court files that are accessible, accurate and complete.High or increasing levels of court file integrity are desirable.Data are not yet available for reporting against this indicator. |
|  |

#### Homicide and related offences — selected indicators

Case-type can have a significant impact on performance against certain indicators – some case types will inherently require more court time and judicial resources than other case types, which may impact on backlog and clearance rates. Aggregating performance across all case-types can mask differences in case composition between jurisdictions and court levels.

Homicide data have been selected to be presented by indicator in the chapter because of the seriousness of the offence. Table 7.10 presents indicator data for backlog, attendance and clearance results for homicide and related matters processed by the Supreme, District, Magistrates’ and Children’s courts during 2016–17. Given that homicide-related lodgments are generally small in number, percentages in the table should be interpreted with caution.

A lodgment for homicide is counted where any criminal matter initiated, commenced, lodged or filed in a particular court level includes a charge of murder, attempted murder, manslaughter or driving causing death. Lodgments are based on a count of defendants, not a count of charges (a defendant may have multiple charges) and are counted independently at each court level. The charge(s) against a defendant may change once a matter has been lodged in the courts and proceeds through the court process and the data do not reflect whether or not a defendant has been found guilty.

|  |
| --- |
| Table 7.10 Homicide and related offences, 2016-17**a** |
|

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Supreme** |
|  Lodgments | no. | 81 | 69 | 124 | 47 | 25 | 15 | 3 | 7 |
|  Finalisations | no. | 86 | 73 | 109 | 40 | 23 | 8 | 3 | 20 |
|  Pending | no. |  94 |  54 |  99 |  41 |  19 |  17 |  5 |  4 |
|  Backlog >12 mths | % |  28.7 |  18.5 |  22.2 |  12.2 |  21.1 |  11.8 |  80.0 | – |
|  Backlog >24 mths | % |  8.5 |  3.7 |  10.1 |  2.4 | – | .. | .. | .. |
|  Attendance | no*.* | na | na |  9.1 |  6.3 |  10.4 |  16.5 |  13.7 |  14.9 |
|  Clearance rate | *%* |  106.2 |  105.8 |  87.9 |  85.1 |  92.0 |  53.3 |  100.0 |  285.7 |
| **District/County**b |
|  Lodgments | no. | 51 | 35 | na | 27 | 9 | .. | .. | .. |
|  Finalisations | no. | 84 | 49 | na | 16 | 14 | .. | .. | .. |
|  Pending | no. |  58 |  13 | na |  25 |  9 | .. | .. | .. |
|  Backlog >12 mths | % |  34.5 |  84.6 | na |  8.0 |  22.2 | .. | .. | .. |
|  Backlog >24 mths | % |  6.9 |  38.5 | na |  4.0 |  11.1 | .. | .. | .. |
|  Attendance | no. |  5.5 |  6.1 | na |  3.4 |  12.8 | .. | .. | .. |
|  Clearance rate | *%* |  164.7 |  140.0 | na |  59.3 |  155.6 | .. | .. | .. |
| **Magistrates’** |
|  Lodgments | no. | 230 | 132 | 131 | 131 | 63 | 18 | 5 | 15 |
|  Finalisations | no. | 221 | 140 | 106 | 95 | 60 | 21 | 4 | 5 |
|  Pending | no. |  198 |  116 |  163 |  58 |  30 |  2 |  3 |  10 |
|  Backlog >6 mths | % |  50.0 |  44.0 |  69.3 |  31.0 |  23.3 | – | – |  40.0 |
|  Backlog >12 mths | % |  13.6 |  14.7 |  35.0 |  5.2 |  6.7 | – | – | – |
|  Attendance | no. |  10.0 |  7.7 |  10.6 |  4.6 |  6.1 |  3.1 |  4.3 |  10.8 |
|  Clearance rate | *%* |  96.1 |  106.1 |  80.9 |  72.5 |  95.2 |  116.7 |  80.0 |  33.3 |
| **Children’s** |
|  Lodgments | no. | 12 | 3 | 4 | 5 | 2 | na | – |  1 |
|  Finalisations | no. | 7 | 6 | 5 | 8 | 1 | na | – | – |
|  Pending | no. |  10 | – |  3 |  4 |  1 | na | – |  1 |
|  Backlog >6 mths | % |  70.0 | – |  66.7 | – | – | na | – | – |
|  Backlog >12 mths | % | – | – |  33.3 | – | – | na | – | – |
|  Attendance | no. |  10.0 |  11.3 |  10.4 |  9.9 |  5.0 | na | – | – |
|  Clearance rate | *%* |  58.3 |  200.0 |  125.0 |  160.0 |  50.0 | na | – | – |

 |
| a Homicide and related offences’ is defined according to the Australian and New Zealand Standard Offence Classification (ANZSOC) coding and includes murder, attempted murder, manslaughter and driving causing death. b Data for Queensland do not include offences for dangerous driving causing death. **na**Not available. ..Not applicable. – Nil or rounded to zero. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished). |
|  |
|  |

### Efficiency

Efficiency results need to be viewed in light of the performance indicator framework as a whole, as there can be trade-offs between efficiency on the one hand and equity and effectiveness on the other.

#### Judicial officers per finalisation

‘Judicial officers per finalisation’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.10).

|  |
| --- |
| Box 7.10 Judicial officers per finalisation |
| ‘Judicial officers per finalisation’ is measured by dividing the number of full time equivalent judicial officers within each court level for the financial year by the total number of finalisations for the same period, and multiplying by 100. The following points need to be considered in interpreting the results for this indicator:* some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions
* factors such as geographical dispersion, judicial workload and population density are important considerations when comparing figures on judicial officers.

Data reported for this indicator are:* comparable (subject to caveats) across jurisdictions and over time
* complete for the current reporting period (subject to caveats). All required 2016‑17 data are available for all jurisdictions.
 |
|  |

The number of judicial officers per 100 finalisations is provided in table 7.11.

|  |
| --- |
| Table 7.11 Judicial officers per 100 finalisations, 2016-17**a** |
|

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total  |
| Supreme/Federal | 0.70 | 0.89 | 0.44 | 0.70 | 0.95 | 0.55 | 0.64 | 1.06 | 0.79 | 0.72 |
| District/County | 0.36 | 0.55 | 0.29 | 0.37 | 0.48 | .. | .. | .. | .. | 0.40 |
| Magistrates’ | 0.03 | 0.04 | 0.03 | 0.03 | 0.05 | 0.05 | 0.08 | 0.07 | .. | 0.04 |
| Children’s | 0.14 | 0.05 | 0.04 | 0.05 | 0.07 | 0.10 | 0.20 | 0.07 | .. | 0.07 |
| Family | .. | .. | .. | 0.10 | .. | .. | .. | .. | 0.16 | 0.13 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.07 | 0.07 |
| Coroners | 0.09 | 0.14 | 0.16 | 0.16 | 0.11 | 0.48 | 0.05 | 0.45 | .. | 0.14 |
| **Total**  | **0.07** | **0.07** | **0.05** | **0.06** | **0.08** | **0.08** | **0.13** | **0.11** | **0.12** | **0.07** |

 |
| a See box 7.10 and table 7A.25 for detailed definitions, footnotes and caveats. ..Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.25. |
|  |
|  |

#### Full time equivalent staff (FTE) per finalisation

‘FTE staff per finalisation’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.11).

|  |
| --- |
| Box 7.11 Full time equivalent (FTE) staff per finalisation |
| ‘FTE staff per finalisation’ is measured by dividing the total number of FTE staff employed by courts for the financial year by the total number of finalisations for the same period, and multiplying by 100. FTE staff include those employed directly by court authorities or by umbrella and other departments (see section 7.4 for further details).The following points need to be considered in interpreting the results for this indicator:* some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions
* factors such as geographical dispersion, court workload and population density are important considerations when comparing figures on FTE staff.

Data reported for this indicator are:* comparable (subject to caveats) across jurisdictions and over time
* complete for the current reporting period (subject to caveats). All required 2016‑17 data are available for all jurisdictions except the ACT.
 |
|  |

Data on FTE staff per 100 finalisations for 2016‑17 are provided in table 7.12.

|  |
| --- |
| Table 7.12 Full time equivalent staff per 100 finalisations, 2016-17**a** |
|

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total  |
| Criminal courts |  0.6 |  0.4 |  0.3 |  0.4 |  0.7 |  0.5 |  1.1 |  0.5 | .. |  0.5 |
| Civil courts |  0.6 |  0.6 |  0.4 |  0.6 |  0.6 |  0.5 |  1.3 |  0.6 |  5.4 |  0.6 |
| Family | .. | .. | .. |  0.9 | .. | .. | .. | .. |  1.0 |  1.0 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. |  0.6 |  0.6 |
| Coroners’ courts |  0.7 |  1.3 |  1.2 |  1.3 |  1.2 |  1.0 | 1.5 |  1.5 | .. |  1.1 |
| **Total** |  **0.6** |  **0.5** |  **0.3** |  **0.5** |  **0.7** |  **0.5** |  **1.2** |  **0.6** |  **0.9** |  **0.5** |

 |
| a See box 7.11 and table 7A.26 for detailed definitions, footnotes and caveats. ..Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.26. |
|  |
|  |

#### Cost per finalisation

‘Cost per finalisation’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.12).

|  |
| --- |
| Box 7.12 Cost per finalisation |
| ‘Cost per finalisation’ is measured by dividing the total recurrent expenditure (gross and net – excluding payroll tax) within each court for the financial year by the total number of finalisations for the same period. This indicator is not a measure of the actual cost per case. The following points need to be considered in interpreting the results for this indicator:* some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions
* expenditure data may include arbitrary allocation between criminal and civil jurisdictions
* net expenditure is calculated by deducting income (court fees and other sources of revenue, excluding fines) from total expenditure, and for civil courts is impacted by court fee relief and exemptions
* a number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors.

Data reported for this indicator are: * comparable (subject to caveats) within jurisdictions over time but are not comparable across jurisdictions
* complete for the current reporting period (subject to caveats). All required 2016‑17 data are available for all jurisdictions.
 |
|  |

In general, the net recurrent expenditure per finalisation for civil courts will be lower than criminal courts because relatively little income is generated by the criminal court system (tables 7A.27–29). Civil court fee structures can also affect cost per finalisation results.

##### Cost per finalisation for the Supreme courts and the Federal Court of Australia

Nationally in 2016‑17, the gross cost per finalisation in the criminal jurisdiction of supreme courts ($21 332) was greater than the civil jurisdiction ($10 996) (tables 7A.30–31). The net costs per finalisation were $21 058 in the criminal courts and $7978 in the civil courts (figure 7.7).

##### Cost per finalisation for district/county courts

Nationally in 2016‑17, the gross cost per finalisation in the criminal jurisdiction of district/county courts ($9880) was greater than the civil jurisdiction ($4283)
(tables 7A.30–31). The net cost per finalisation in the criminal jurisdiction ($9703) was more than three times that in the civil jurisdiction ($2661) (figure 7.8).

|  |
| --- |
| Figure 7.7 Net recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2016-17**a** |
| More details can be found within the text surrounding this image. |
| a See box 7.12 and tables 7A.27–28 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments and the Federal Court of Australia (unpublished); tables 7A.27–28.  |
|  |

|  |
| --- |
| Figure 7.8 Net recurrent expenditure per finalisation, district/county courts, 2016‑17**a** |
|

|  |
| --- |
| More details can be found within the text surrounding this image. |

 |
| a See box 7.12 and tables 7A.27–28 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.27–28. |
|  |

##### Cost per finalisation for magistrates’ courts (including children’s courts)

Nationally in 2016‑17 for magistrates’ and children’s courts combined, the gross cost per finalisation in the criminal jurisdiction ($596) was similar to that in the civil jurisdiction ($579) (tables 7A.30–31). The net cost per civil finalisation was reduced more than in the criminal jurisdiction ($390 compared with $564) (figure 7.9).

|  |
| --- |
| Figure 7.9 Net recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2016-17**a** |
|

|  |
| --- |
| More details can be found within the text surrounding this image. |

 |
| a See box 7.12 and tables 7A.27–28 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.27–28. |
|  |

Whilst finalisations in children’s courts are smaller in number than the magistrates’ courts, the net expenditure is higher in the civil than criminal courts ($574 compared to $1460 per case finalised) (tables 7A.27–28).

##### Cost per finalisation for family courts and the Federal Circuit Court of Australia

The Family Court of Australia, Family Court of WA and the Federal Circuit Court are responsible for determining matters related to family law and child support, but each court has a different focus, breadth and complexity of work, which contributes to the differences in recurrent expenditure per finalisation results presented in figure 7.10 (see table 7A.37 for details).

|  |
| --- |
| Figure 7.10 Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2016-17**a** |
|

|  |
| --- |
| More details can be found within the text surrounding this image. |

 |
| a See box 7.12 and tables 7A.28 and 7A.31 for detailed definitions, footnotes and caveats. |
| *Source*: Australian and State court authorities and departments (unpublished); tables 7A.28 and 7A.31. |
|  |

##### Expenditure per reported death and fire for coroners’ courts

Nationally, net expenditure per reported death and fire in coroners’ courts (excluding costs associated with autopsy, forensic science, pathology tests and body conveyancing fees) was approximately $1904 in 2016‑17 (table 7A.28).

### Outcomes

#### Perceptions of court integrity

‘Perceptions of court integrity’ is an indicator of government’s objective to encourage public confidence and trust in the courts (box 7.13). Community confidence and trust in the fairness and equality of court processes and procedures is integral to a willingness to engage with courts and comply with court outcomes. High levels of perceived integrity of courts is an indicator of community confidence and trust that courts treat people fairly and appropriately and that court processes are administered in a consistent and unbiased manner.

|  |
| --- |
| Box 7.13 Perceptions of court integrity |
| ‘Perceptions of court integrity’ is defined as the proportion of the community who believe that courts in Australia treat people fairly, equally and respectfully.High or increasing proportions of perceived court integrity are desirable.Data are not yet available for reporting against this indicator. |
|  |

## 7.4 Definitions of key terms

|  |  |
| --- | --- |
| **Active pending population** | A lodgment that is yet to be finalised but is part of the active case management of court administrators. |
| **Attendance indicator** | An attendance is defined as the number of times that parties or their representatives are required to be present in court (including any appointment which is adjourned or rescheduled) for all finalised matters during the year. The actual attendance is one that is heard by a judicial officer or mediator/arbitrator. |
| **Case** | The measurement of workload in the civil jurisdiction. It is the issues, grievances or complaints that constitute a single and related series of disputes brought by an entity (or group of entities) against another entity (or group). |
| **Comparability** | Data are considered comparable if, (subject to caveats) they can be used to inform an assessment of comparative performance. Typically, data are considered comparable when they are collected in the same way and in accordance with the same definitions. For comparable indicators or measures, significant differences in reported results allow an assessment of differences in performance, rather than being the result of anomalies in the data. |
| **Completeness** | Data are considered complete if all required data are available for all jurisdictions that provide the service. |
| **Cost recovery** | The amount of court fees collected divided by the amount of court expenditure. |
| **Court fees collected** | Total court income from fees charged in the civil jurisdiction. Can include filing, sitting hearing and deposition fees, and excludes transcript fees. |
| **Electronic infringement and enforcement system** | A court with the capacity to produce enforceable orders against defendants (such as fines, licence cancellation and incarceration) and to process infringements, on-the-spot fines and summary offences. |
| **Excluded courts and tribunals** | This includes such bodies as guardianship boards, environment resources and development courts, and administrative appeals tribunals. The types of excluded courts and tribunals vary among the states and territories. |
| **FTE staff** | FTE staff can include the following categories of staff employed directly by court authorities or by umbrella and other departments:• judicial officers, judicial support staff and registry court staff• court security and sheriff type staff• court reporters• library and information technology staff• counsellors, mediators and interpreters• cleaning, gardening and maintenance staff• first line support staff and probate staff• corporate administration staff and umbrella department staff. |
| **Income** | Income derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). |
| **Judicial officer** | Judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on the judicial activity. |
| **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. |
| **Matter** | *Coronial matters*:Deaths and fires reported to the coroner in each jurisdiction, including all reported deaths and fires regardless of whether the coroner held an inquest or inquiry. Coronial jurisdictions can extend to the manner of the death of a person who was killed; was found drowned; died a sudden death of which the cause is unknown; died under suspicious or unusual circumstances; died during or following the administration of an operation of a medical, surgical, dental, diagnostic or like nature; died in a prison remand centre or lockup; or died under circumstances that (in the opinion of the Attorney-General) require that the cause of death be more clearly ascertained.*Criminal matters*: Matters brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions but could also be the Attorney-General, the police, local councils or traffic camera branches.*Civil matters*: 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.*Excluded matters*: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.*Probate matters*: Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person. |
| **Real expenditure** | Actual expenditure adjusted for changes in prices using the general government final consumption expenditure (GGFCE) chain price index deflator and expressed in terms of current year prices (i.e. for the courts chapter with 2016‑17 as the base year). Additional information about the GGFCE index can be found in chapter 2. |
| **Recurrent expenditure** | Expenditure that does not result in the creation or acquisition of fixed assets (new or second hand). It consists mainly of expenditure on wages, salaries and supplements, purchases of goods and services, and the consumption of fixed capital (depreciation). |
| **Specialist jurisdiction court** | A court which has exclusive jurisdiction in a field of law presided over by a judicial officer with expertise in that area. Examples of these types of courts which are within the scope of this Report are the family courts, the Children’s Courts and the Coroners’ Courts. Examples of specialist jurisdiction courts which are excluded from this Report include Indigenous and circle sentencing courts and drug courts. |

## 7.5 References

ABS (Australian Bureau of Statistics) 2017, *Criminal Courts, Australia*, *2015‑16,* Cat. no. 4513.0, Canberra.

Family Court of Australia annual report 2016-17, http://www.familycourt.gov.au/wps/wcm /connect/7456589e-fc98-409b-8d1c-7b909bd30dcf/2743-Family\_Court\_of\_Australia\_ AnnualReport\_2016\_17\_WEB.pdf?MOD=AJPERES&CVID=(accessed 20 October 2017).

Taylor, A., Ibrahim, N., Wakefield, S. and Finn, K. 2015, *Domestic and family violence protection orders in Australia: An investigation of information sharing and enforcement,* State of knowledge paper Issue 16, Australia’s National Research Organisation for Women’s Safety, Sydney.

1. For the purposes of this Report, civil non-appeal lodgments that have had no court action in the past 12 months are counted (deemed) as finalised. The rationale for this is to focus on those matters that are active and part of a workload that the courts can progress. A case which is deemed finalised is considered closed — in the event that it becomes active again in the court after 12 months it is not counted again in this Report. [↑](#footnote-ref-1)
2. While ‘domestic’ and ‘family’ violence are distinct concepts, the former referring to violence against an intimate partner, the latter referring to broader family and kinship relationships, the terms are often used interchangeably and their definitions generally incorporate both domestic and family-related violence. [↑](#footnote-ref-2)