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## 9 Court administration

This chapter covers the performance of court administration for State and Territory supreme, district/county, magistrates' (including electronic and children's) courts, coroner's 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 9.1 and policy developments are summarised in section 9.2. A framework of performance indicators is outlined in section 9.3 and data are discussed in section 9.4. While there have been no major changes to the framework, the scope of this year's data collection has increased through the disaggregation of magistrates' court data into electronic and children's court data, and through the inclusion of lodgment data for the Federal Magistrates Service (box 9.1). The aim is to provide progressively more meaningful data on each court level while continuing to improve data quality. Future directions for performance reporting are discussed in section 9.5. Jurisdictions' comments are provided in section 9.6 and the chapter concludes with definitions in section 9.7.

Supporting tables for chapter 9 are provided on the CD-ROM enclosed with the Report. The files are provided in Microsoft Excel 97 format as \Publications\Reports\2002\Attach9A.xls and in Adobe PDF format as \Publications\Reports\2002\Attach9A.pdf.

Supporting tables are identified in references throughout this chapter by an 'A' suffix (for example, table 9A.3 is table 3 in the electronic files). They may be subject to revision. The most up-to-date versions of these files can be found on the Review's web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). Users without Internet access can contact the Secretariat to obtain up-to-date versions of these tables (see details inside the front cover of the Report).

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## 9.1 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

#### *Court structures*

There is a hierarchy of courts at the State, Territory and Commonwealth levels. All courts handle a number of matters that appear in the court system for the first time (an originating jurisdiction). Higher courts hear disputes of greater seriousness than those heard in the lower courts. They also develop the law and operate as courts of judicial review or appeal (figure 9.1).

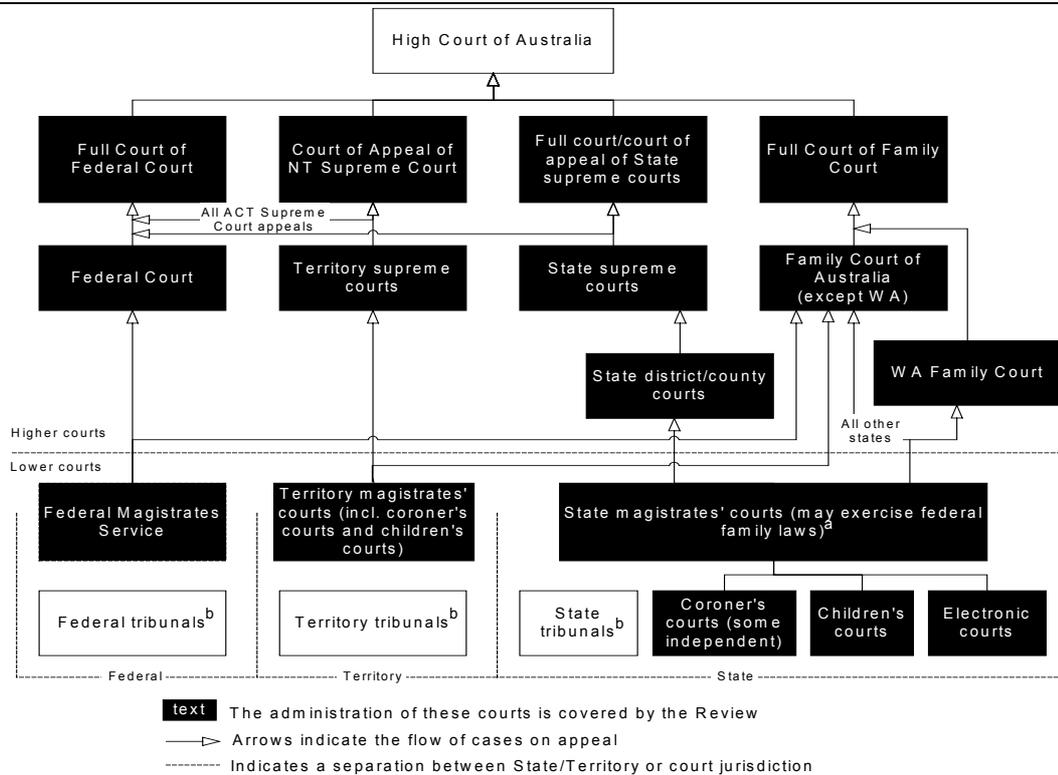
The structure of courts differs across States and Territories. Tasmania and the Territories do not have district/county courts and therefore operate two-tier systems. Only WA has a Family Court (that is, the Family Court of Australia has jurisdiction in all other States and Territories).

There are also differences in the jurisdictions of courts across States and Territories. In general, magistrates' courts have jurisdiction over summary criminal matters, traffic infringements and committal proceedings. District/county courts generally have jurisdiction over indictable criminal matters and appeals from magistrates' courts. Generally, supreme courts have jurisdiction over serious criminal matters. Differences in court jurisdictions can mean that the allocation of cases to courts varies across States and Territories. As a result, the seriousness and complexity of cases heard in each jurisdiction's equivalent court often vary. These factors need to be taken into account when comparing performance across States and Territories for specific indicators. Differences in the allocation of cases to courts are shown in table 9A.39. 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.

Most courts operate in both the civil and criminal jurisdictions. The essential difference between these jurisdictions is the source of the lodgment and the parties in dispute. Criminal matters are brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions, but can also be the Attorney-General, the police, local councils and traffic camera branches.

Figure 9.1 Major relationships between courts in Australia



<sup>a</sup> Appeals from lower courts in NSW go directly to the Court of Appeal in the NSW Supreme Court. <sup>b</sup> Appeals from Federal, State and Territory tribunals may go to any higher court in their jurisdiction.

Civil matters generally relate to claims for loss or damage and are lodged by individuals or organisations (the plaintiff or applicant) against another party (the defendant or respondent) who responds to the claim. Further, coroners' courts (which generally operate under the auspices of State and Territory magistrates' courts) inquire into the cause of sudden and unexpected deaths. Their findings can be the source of criminal prosecutions. Generally, suspicious fires are in the jurisdiction of the coroners' court (with the exception of WA, SA and the NT).

To improve understanding, this chapter presents magistrates' court data differently from previous years, and allows for the introduction of lodgment data relating to the Federal Magistrates Service (box 9.1).

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### Box 9.1 Changes to data representation for this Report

In previous reports, data were collected for the State and Territory supreme, district/county, magistrates', and coroners' courts and probate registries.

Data on magistrates' courts previously included children's and electronic court data which were not separately disaggregated in the collection.

This year, data on children's courts and electronic courts are reported separately from data on the magistrates' courts, allowing for differentiation between the courts and thus more meaningful comparisons across jurisdictions.

Not all jurisdictions operate electronic courts, and some States and Territories are currently unable to disaggregate their data to the children's court level, especially in the civil jurisdiction. Therefore, and for consistency with previous reports, the data have also been aggregated into a 'total magistrates' court'.

- *Magistrates' court (total)*: This is the sum of data collected for the magistrates' courts, children's courts and electronic courts.
- *Magistrates' court (only)*: Data were collected specifically in relation to the magistrates' courts.
- *Children's court*: Data were collected specifically in relation to the children's courts. (Some jurisdictions did not provide separate children's courts data).
- *Electronic court*: Data were collected on all electronic court infringement and expiated offence processing systems that have the status of a court or operate under the auspices of a court. The status of a court reflects the capacity of the system to produce an enforceable warrant for payment, arrest, attachment or garnishment of assets or incomes, without needing a judicial officer to ratify that warrant. As defined above, electronic courts included in the scope of this data collection are from Victoria, Queensland, WA and SA.

Past reports also covered the performance of court administration for the Federal Court of Australia and the family courts of Australia and WA. This year's report continues to do this, but also includes lodgment data on the Federal Magistrates Service for the first time. The first sittings of the Federal Magistrates Service were held 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. Its jurisdiction includes family law and child support, administrative law, bankruptcy, unlawful discrimination and consumer protection law.

The Federal Magistrates Service has only been able to provide lodgment data this year. Nonetheless, its introduction has implications for the financial and lodgment data of the Federal Court of Australia and the Family Court of Australia. It also affects any comparisons between the family courts of Australia and WA. Consideration may also need to be given to the 'free' allocation of resources by the Federal Court and Family Court of Australia to the Federal Magistrates Service.

*Source*: Federal Magistrates Service web site.

## 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.

## Expenditure

Total expenditure less in-house revenue by Commonwealth, State and Territory court authorities (excluding the High Court) was approximately \$912.1 million in 2000-01. Nationally, court administration expenditure less in-house revenue was higher in the criminal jurisdiction (\$419.6 million) than in the civil jurisdiction (\$350.1 million). It was around \$115.3 million for family courts, \$24.8 million for coroner's courts and \$2.4 million for probate registries (table 9.1).

Real expenditure less in-house revenue (excluding payroll tax) on court administration from 1998-99 to 2000-01 for each Commonwealth, State and Territory court level is contained in attachment tables 9A.9–9A.11.

Table 9.1 **Court administration expenditure less in-house revenue, 2000-01 (\$ million)<sup>a, b, c</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
All civil courts <sup>d, e</sup>	102.8	52.1	35.9	40.6	23.9	3.5	7.2	9.2	74.9	350.1
All criminal courts	144.5	67.5	84.3	55.2	37.9	8.5	11.0	10.7	..	419.6
Family courts <sup>e</sup>	..	..	..	11.8	..	..	..	..	103.5	115.3
Coroners' courts <sup>f</sup>	6.6	4.6	2.2	5.3	3.3	0.4	0.7	1.7	..	24.8
Probate										
Supreme courts <sup>g</sup>	1.1	0.4	0.1	0.3	0.4	0.1	–	–	..	2.4
<b>Total</b>	<b>254.9</b>	<b>124.5</b>	<b>122.5</b>	<b>113.2</b>	<b>65.5</b>	<b>12.5</b>	<b>18.8</b>	<b>21.7</b>	<b>178.4</b>	<b>912.1</b>

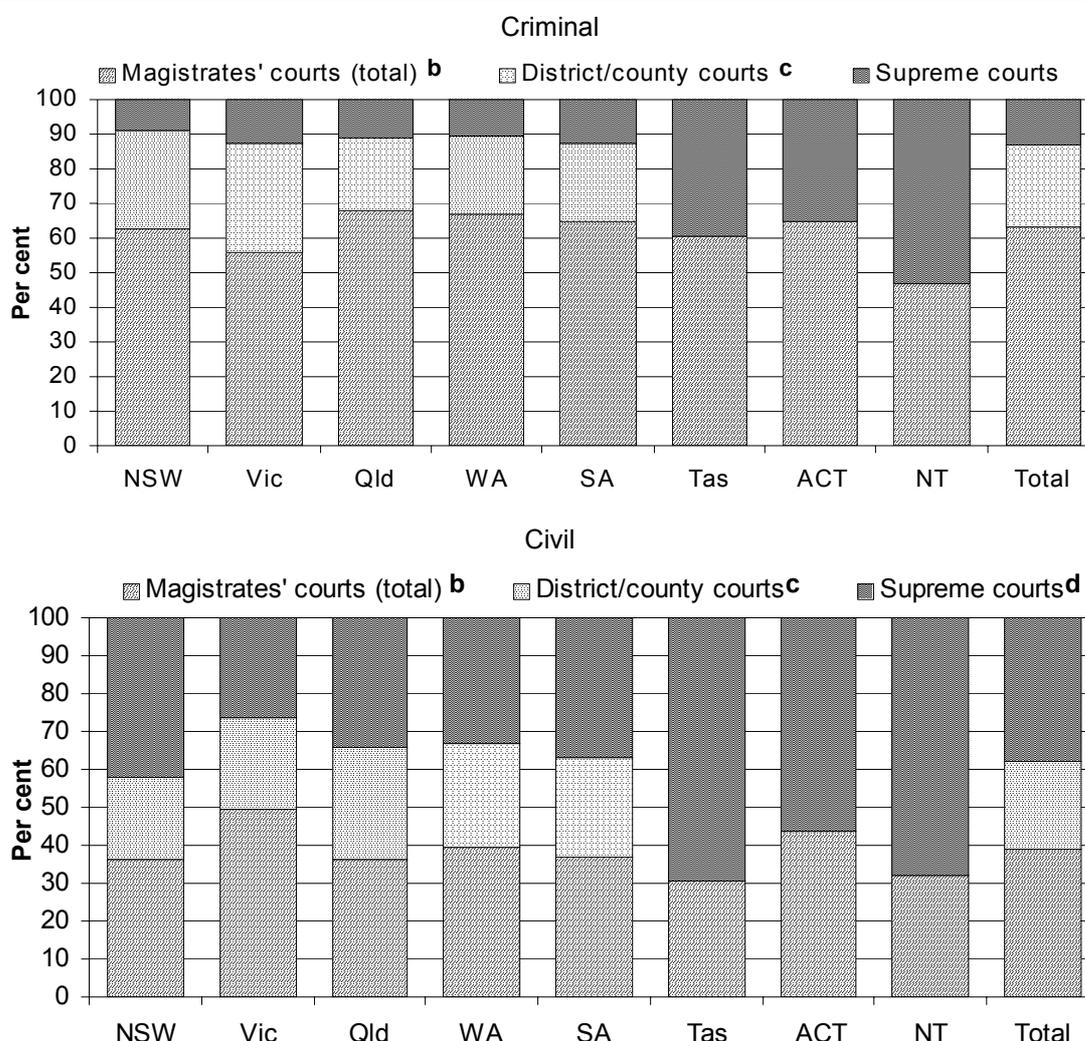
<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> District/county courts do not operate in Tasmania, the ACT or the NT. The Commonwealth does not operate magistrates', district/county or supreme courts. <sup>c</sup> Payroll tax was excluded from reported expenditure. <sup>d</sup> Excludes family courts, but includes the Federal Court. No expenditure data were provided by the Federal Magistrates Service. <sup>e</sup> The introduction of the Federal Magistrates Service has implications for the expenditure of the Federal Court and Family Court of Australia. In addition, data for the Family Court of Australia excludes 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>f</sup> The cost of conducting autopsies is not included in the total cost for Queensland. <sup>g</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. It also was not possible to exclude payroll tax for probate registries. .. Not applicable. – Nil or rounded to zero.

Sources: tables 9A.9, 9A.10 and 9A.13.

### Proportion of criminal and civil court administration expenditure in 2000-01

The proportion of criminal and civil court administration expenditure, less in-house revenue, in each of the magistrates', district/county and supreme courts varied across States and Territories. The proportions of court administration expenditure less in-house revenue in the supreme courts of Tasmania, the ACT and the NT (under the two-tier court system), for example, were larger than the proportions in the supreme courts in other jurisdictions (under the three-tier court system) (figure 9.2).

Figure 9.2 Proportion of court administration expenditure less in-house revenue, by court level, 2000-01<sup>a</sup>



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Includes expenditure on children's court for all jurisdictions and electronic courts for Victoria, Queensland, WA and SA. <sup>c</sup> There is no district/county court in Tasmania, the ACT or the NT. <sup>d</sup> Includes probate.

Sources: table 9A.9, 9A.10 and 9A.13.

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Nationally, total magistrates' courts in the criminal jurisdiction (including children's and electronic courts) accounted for the highest proportion (62.9 per cent) of total expenditure less in-house revenue in 2000-01, followed by district/county courts (24.2 per cent), then supreme courts (12.9 per cent). Across States and Territories, the total magistrates' court share was highest in Queensland (68.0 per cent) and lowest in the NT (46.9 per cent); Victoria had the highest district/county court share (31.7 per cent) while Queensland had the lowest (21.1 per cent); and the NT had the highest supreme court share (53.1 per cent) while NSW had the lowest (9.2 per cent) (figure 9.2).

Nationally, total magistrates' courts in the civil jurisdiction (including children's courts) accounted for the highest proportion (39.2 per cent) of civil expenditure less in-house revenue in 2000-01, followed by supreme courts (37.9 per cent) and district/county courts (23.0 per cent). Across jurisdictions, the share of magistrates' courts varied from 49.3 per cent in Victoria to 30.4 per cent in Tasmania; the share of supreme courts ranged from 69.6 per cent in Tasmania to 26.6 per cent in Victoria; and the share of district/county courts ranged from 29.6 per cent in Queensland to 21.9 per cent in NSW (figure 9.2).

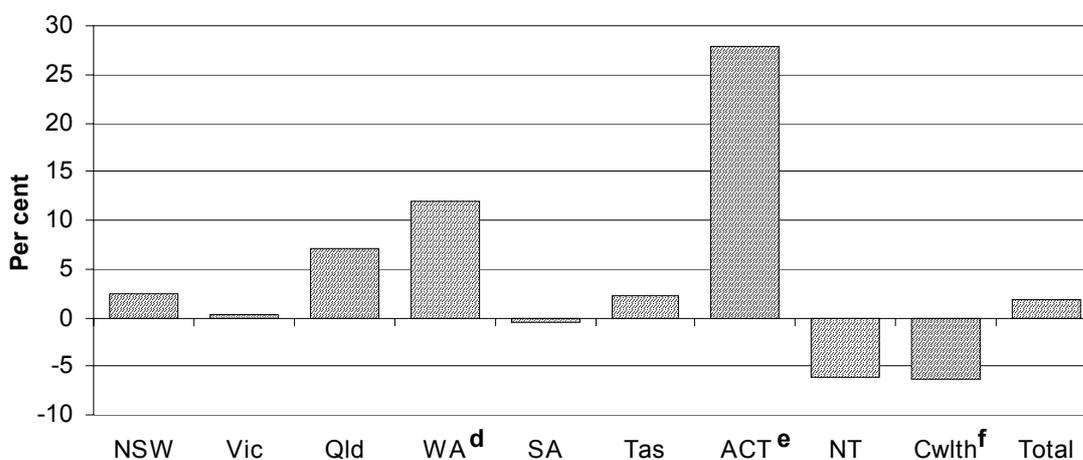
#### *Change in court administration expenditure, less in-house revenue, over past year*

Real expenditure less in-house revenue on court administration increased by 1.9 per cent between 1999-2000 and 2000-01 (including payroll tax where relevant). The trend in expenditure varied across the States and Territories (figure 9.3).

The ACT exhibited the largest increase (27.8 per cent) in expenditure less in-house revenue over the year. This change should be treated with caution as it has been caused by the ACT Magistrates' Court salary liabilities being formulated for the first time under the accrual accounting methodology (\$2.4 million), as well as reflecting a significant increase in Magistrates' Court cost overheads (\$1.6 million). As a result, comparability between 1999-2000 and 2000-01 ACT expenditure figures is unreliable (figure 9.3). The Federal Court and Family Court of Australia combined exhibited the largest decrease in expenditure less in-house revenue (6.3 per cent) (figure 9.3). This decrease over the past year may partly be attributed to the establishment of the Federal Magistrates Service.

Real criminal and civil expenditure less in-house revenue (including payroll tax) for each Commonwealth, State and Territory court level, from 1994-95 to 2000-01, is contained in tables 9A.12–9A.14. Real criminal and civil in-house revenue for each Commonwealth, State and Territory court level, from 1997-98 to 2000-01, is contained in table 9A.15.

**Figure 9.3 Change in real expenditure less in-house revenue, 1999-2000 to 2000-01<sup>a, b, c</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Excludes coronial and probate expenditure. <sup>c</sup> Includes payroll tax payments for NSW, Victoria, Queensland, SA, Tasmania and the NT for both years. <sup>d</sup> Includes the WA Family Court. <sup>e</sup> This change should be treated with caution as it has been caused by ACT Magistrates' Court salary liabilities being formulated for the first time under the accrual accounting methodology (\$2.4 million), as well as reflecting a significant increase in Magistrates' Court cost overheads (\$1.6 million). As a result, comparability between 1999-2000 and 2000-01 expenditure figures is unreliable. <sup>f</sup> Includes the Federal Court and Family Court of Australia. The reduction in expenditure less in-house revenue may be a result of the introduction of the Federal Magistrates Service.

Sources: tables 9A.12–9A.14.

## Size and scope of court activity

The numbers of lodgments, hearings and finalisations are reported as measures of court activity. The following sections outline the size and scope of each of these court activities.

### Lodgments

Lodgments are matters initiated in the court system. The Report treats committals and appeals as separate lodgments. (Box 9.2 contains details of the different types of court lodgment).

Nationally, in 2000-01, there were approximately 3.0 million lodgments. In the criminal jurisdiction there were approximately 2.1 million lodgments; in the civil jurisdiction approximately 0.9 million (including family courts and the Federal Court); and coroners' courts accounted for 0.02 million lodgments.

The missing data relating to the civil Queensland Magistrates' Court (only) and Children's Court lodgments are available on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)).

Table 9.2 outlines the number of lodgments in 2000-01 by court level for the Commonwealth and each State and Territory.

**Table 9.2 Court lodgments, by court level, 2000-01 ('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>
Criminal courts										
Magistrates' (total) <sup>b</sup>	284	763	471	273	171	65	10	12	..	2050
<i>Magistrates' (only)</i>	265	92	191	77	55	63	<i>na</i>	12	..	755
<i>Children's<sup>c</sup></i>	19	8	13	9	4	2	<i>na</i>	1	..	57
<i>Electronic<sup>d</sup></i>	..	662	267	186	112	..	..	..	..	1228
District/county	8	4	8	3	1	..	..	..	..	25
Supreme	1.0	0.7	1.4	0.5	0.3	0.5	0.2	0.4	..	5
<b>All criminal courts</b>	<b>294</b>	<b>768</b>	<b>480</b>	<b>276</b>	<b>173</b>	<b>66</b>	<b>11</b>	<b>13</b>	..	<b>2080</b>
Coroners' courts	5.9	4.2	4.1	2.2	3.4	0.6	1.6	0.3	..	22
Civil courts										
Magistrates' (total) <sup>e</sup>	241	183	98	61	40	13	10	4	..	649
<i>Magistrates' (only)</i>	237	183	<i>na</i>	60	39	13	<i>na</i>	<i>na</i>	..	533
<i>Children's<sup>f</sup></i>	3.6	<i>na</i>	<i>na</i>	0.9	0.8	0.1	<i>na</i>	<i>na</i>	..	5
District/county	19	10	11	4	3	..	..	..	..	47
Supreme/Federal <sup>g</sup>	10.1	4.8	4.3	3.7	1.6	2.7	1.0	0.4	5.4	34
Federal Magistrates	..	..	..	..	..	..	..	..	36	36
<b>All civil courts</b>	<b>270</b>	<b>198</b>	<b>113</b>	<b>68</b>	<b>45</b>	<b>16</b>	<b>11</b>	<b>4</b>	<b>41</b>	<b>767</b>
Family courts <sup>g</sup>	..	..	..	15	..	..	..	..	90	104
Probate										
Supreme courts	20.4	14.9	3.4	4.5	4.8	2.0	0.4	0.1	..	51

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> Tasmania estimated totals for criminal magistrates' and children's lodgments. Queensland lodgment data for the criminal magistrates' and children's court have been extrapolated using available data for the period January to June 2001. <sup>c</sup> The ACT was unable to provide separate criminal children's court lodgment data. <sup>d</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, traffic infringements do not become court lodgments until the defendant elects to have the matter heard by a magistrate. <sup>e</sup> Victorian magistrates' court (total) data exclude civil children's court lodgments. All other jurisdictions data for magistrates' court (total) includes civil children's court lodgments. <sup>f</sup> Queensland, the ACT and the NT have not provided separate data on civil children's court lodgments. <sup>g</sup> The introduction of the Federal Magistrates Service has implications for the number of lodgments in the Federal Court and Family Court of Australia. *na* Not available. *..* Not applicable.

Sources: tables 9A.1 and 9A.2.

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## Box 9.2    **Types of court lodgment**

### *Electronic court lodgments*

Electronic court lodgments include unpaid minor traffic offences (including parking, speed, red light camera, driving behaviour and roadworthiness offences) processed by an electronic court. An electronic court is an infringement and expiated offence processing system that has the status of a court or operates under the auspices of a court. This type of court operates in Victoria, Queensland, WA and SA. The other jurisdictions' infringement processing systems do not operate under the status of a court.

### *Minor lodgments*

A significant proportion of matters, particularly in the magistrates' courts, are largely routine or minor and are less costly to finalise. Minor lodgments include:

- minor traffic lodgments and other infringement notices (including appeals from electronic courts and fines enforcement registries); and
- undefended general civil lodgments and applications of an administrative nature (such as winding up applications, Criminal Injury Compensation applications, Australian Registered Judgments, intervention orders [excluding the prosecution of a breach of an order], residential tenancy disputes, joint applications for divorce and applications for debt recovery).

### *Primary lodgments*

Primary lodgments are more significant criminal or civil matters, which may include:

- defended civil lodgments (for example, appeals or matters pertaining to personal injury); and
- criminal lodgments processed by magistrates' courts or higher courts (for example, offences against the person).

### *Probate lodgments*

Probate lodgments 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 applications 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.

### *Coronial lodgments*

Coronial lodgments are heard in coroners' courts, which investigate the cause and circumstances of reportable deaths. The definition of a reportable death differs across States and Territories but generally includes deaths for which the cause is violent, suspicious or unknown. The coroner in some States and Territories has the power to commit for 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).

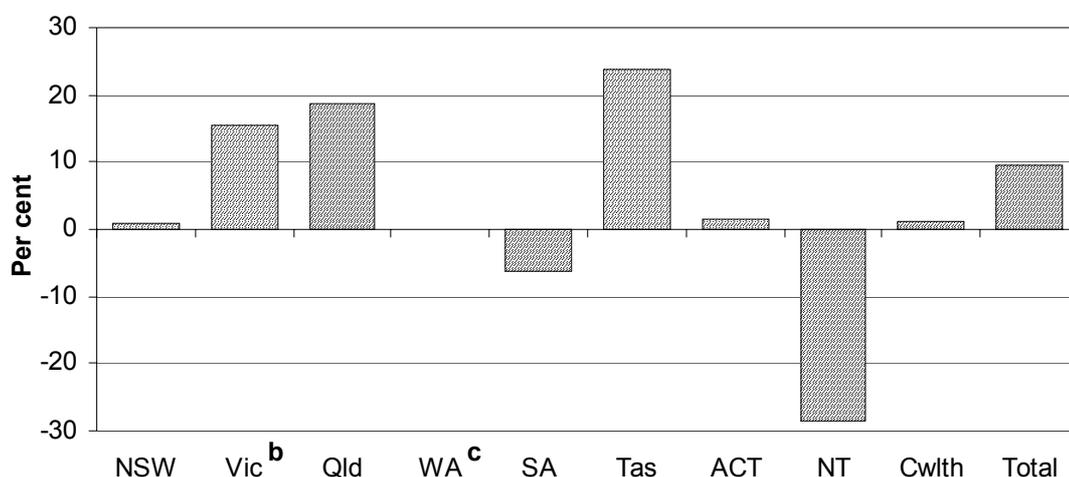
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### Change in court lodgments

The number of lodgments received by courts throughout Australia rose by 9.4 per cent over the past year (excluding WA lodgments for both years). The largest increase, from 1999-2000 to 2000-01, occurred in Tasmania (a rise of 23.7 per cent) while the largest decrease occurred in the NT (a fall of 28.6 per cent) (figure 9.4). There are no comparative figures for WA because the exclusion and inclusion of electronic court data over the respective years prevents meaningful comparisons.

Criminal and civil lodgments for each court level, from 1993-94 to 2000-01, are contained in tables 9A.1 and 9A.2.

Figure 9.4 **Change in court lodgments, 1999-2000 to 2000-01<sup>a</sup>**



<sup>a</sup> Excludes probate. Includes all minor and primary lodgments within each court, as well as coronial, electronic and family court lodgments (where relevant). <sup>b</sup> Excludes civil children's court lodgments in 2000-01. <sup>c</sup> There are no comparative figures for WA because the exclusion and inclusion of electronic court data over the respective years prevents meaningful comparisons.

Sources: tables 9A.1 and 9A.2.

### Distribution of court lodgments

Nationally, the majority of criminal matters in 2000-01 were lodged in magistrates' courts (96.4 per cent), followed by the district/county courts (3.0 per cent) and supreme courts (0.6 per cent). Tasmania had the highest proportion of criminal cases lodged in the magistrates' courts (99.3 per cent); Victoria had the highest proportion of its criminal cases lodged in the district/county courts (4.2 per cent); and the NT had the highest proportion of cases lodged in the supreme courts (2.8 per cent) (table 9.3).

For civil matters, Victoria had the highest proportion of civil cases lodged in the magistrates' courts (92.5 per cent); Queensland had the highest proportion in the district/county courts (10.0 per cent); and Tasmania had the highest proportion of civil cases lodged in the supreme courts (17.0 per cent) (table 9.3).

In the Commonwealth jurisdiction, 68.4 per cent of civil cases were lodged in the Family Court of Australia; 27.5 per cent of cases were lodged in the Federal Magistrates Service; and 4.1 per cent in the Federal Court (table 9.3).

**Table 9.3 Proportion of court lodgments (excluding electronic courts) by court level, 2000-01<sup>a</sup>**

	Unit	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
<b>Criminal courts</b>											
Magistrates' (total) <sup>b</sup>	%	96.8	95.1	95.6	96.0	97.4	99.3	98.0	97.2	..	96.4
District/county	%	2.9	4.2	3.8	3.5	2.1	..	..	..	..	3.0
Supreme	%	0.3	0.7	0.7	0.5	0.5	0.7	2.0	2.8	..	0.6
All courts	'000	294	106	213	90	61	66	11	13	..	852
<b>Civil courts</b>											
Magistrates' (total) <sup>c</sup>	%	89.2	92.5	86.2	73.3	89.5	83.0	91.2	90.2	..	74.6
District/county	%	7.1	5.0	10.0	4.7	6.9	..	..	..	..	5.4
Supreme/Federal	%	3.7	2.4	3.8	4.4	3.6	17.0	8.8	9.8	4.1	3.9
Federal Magistrates	%	..	..	..	..	..	..	..	..	27.5	4.1
Family courts	%	..	..	..	17.6	..	..	..	..	68.4	12.0
All courts	'000	270	198	113	83	45	16	11	4	131	871

<sup>a</sup> Totals may not sum to 100 per cent as a result of rounding. <sup>b</sup> Excludes electronic court lodgments to provide a more meaningful comparison across jurisdictions. <sup>c</sup> Victorian data excludes civil children's court lodgments. .. Not applicable.

Sources: tables 9A.1 and 9A.2.

### Minor lodgments

Minor lodgments (matters that are largely routine in nature) were most common in magistrates' courts in 2000-01. The type of lodgments that are regarded as minor are outlined in box 9.2. The data exclude minor traffic lodgments and other infringement notices processed in electronic courts and fines enforcement registries. Nationally, 34.6 per cent of criminal lodgments in magistrates' (including children's) courts were minor in 2000-01. Across jurisdictions, Tasmania had the highest proportion of minor criminal lodgments in magistrates' courts (67.1 per cent) and the ACT had the lowest (4.2 per cent). Queensland and WA were unable to distinguish minor lodgments from primary lodgments. In the civil jurisdiction, 52.3 per cent of lodgments in magistrates' courts (including children's courts) across Australia were minor. Across jurisdictions, the proportion of minor civil

lodgments that were lodged in magistrates' courts ranged from 92.7 per cent in Tasmania to 0.5 per cent in NSW (table 9.4).

Nationally, 26.8 per cent of lodgments in district/county courts were minor in 2000-01. Across jurisdictions, this proportion ranged from 63.5 per cent in SA to 0.2 per cent in Victoria. Minor matters accounted for 22.7 per cent of the national total of civil lodgments in supreme/Federal courts. Across jurisdictions, the proportion of minor matters in supreme courts ranged from 54.5 per cent in Victoria to 1.0 per cent in Queensland (table 9.4). The proportion of court lodgments that were minor in the Federal Magistrates Service was 72.5 per cent; in the Family Court of Australia it was 25.5 per cent; in the WA Family Court it was 36.2 per cent; and the proportion in the Federal Court was zero per cent (table 9.4).

The missing data relating to the proportion of court lodgments that were minor in the criminal Queensland Magistrates' Court are available on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)).

**Table 9.4 Proportion of court lodgments that were minor within each court (excluding electronic courts), 2000-01 (per cent)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwth	Total
Criminal courts										
Magistrates' (total) <sup>b</sup>	32.4	28.9	na	na	22.3	67.1	4.2	47.3	..	34.6
Civil courts										
Magistrates' (total) <sup>c</sup>	0.5	79.1	85.6	88.0	89.5	92.7	54.7	77.9	..	52.3
District/county	9.2	0.2	59.7	56.8	63.5	..	..	..	..	26.8
Supreme <sup>d</sup> /Federal	30.3	54.5	1.0	26.8	15.8	15.7	19.0	31.6	–	22.7
Federal Magistrates	..	..	..	..	..	..	..	..	72.5	72.5
Family <sup>e</sup>	..	..	..	36.2	..	..	..	..	25.5	27.0

<sup>a</sup> The types of lodgment that are regarded as minor are outlined in box 9.2. <sup>b</sup> Includes minor lodgments with the children's courts but excludes minor traffic lodgments and other infringement notices processed in electronic courts and fines enforcement registries. Queensland and WA are unable to distinguish minor and primary lodgments within their criminal courts. <sup>c</sup> Victorian data excludes civil children's court (both primary and minor) lodgments. <sup>d</sup> Excludes probate. <sup>e</sup> The introduction of the Federal Magistrates Service may affect the number of minor court lodgments progressing to the Family Court of Australia. This will also have an impact on any comparisons with the WA Family Court. **na** Not available. **..** Not applicable. **–** Nil or rounded to zero.

Source: table 9A.8.

### *Coronial and probate lodgments*

Nationally, 22 250 coronial matters were lodged in 2000-01. Across jurisdictions, the largest number of coronial matters were lodged in NSW (5862 lodgments), while 304 coronial matters were lodged in the NT (table 9A.1).

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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. The total number of deaths reported to a coroner was approximately 19 500 across Australia in 2000-01. Across jurisdictions, the highest number of reported deaths was in NSW (5519) (table 9A.1). Deaths reported to the coroner as a proportion of total deaths across Australia were 15 per cent in 2000-01. Across jurisdictions, this proportion ranged from 37 per cent in the NT to 12 per cent in NSW. Table 9A.1 contains all jurisdiction data.

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. Nationally, 2751 fires were reported to a coroner in 2000-01 (incorporating results for NSW, Victoria, Queensland, Tasmania and the ACT) (table 9A.1).

There were 50 630 probate applications in 2000-01, with the largest number being lodged in NSW (20 428 applications) and the lowest number being lodged in the NT (108) (table 9A.2).

### *Hearings*

A number of lodgments, particularly in the civil courts, will be settled or discontinued before the hearing stage. Hearings, particularly full court hearings and trials, are the primary cost driver for court administrations. Hearings encompass court trials, appeals and rehearings heard before a judicial officer for adjudication or determination. They do not include conferences or mediation and arbitration sessions. Most jurisdictions attempt to encourage pre-trial settlement of civil disputes through mediation and arbitration, to minimise the cost to the court and parties and to ensure only cases that require judicial determination proceed to a full hearing. Similarly, a guilty plea by the defendant generally reduces hearing length and cost in the criminal jurisdiction.

Not all jurisdictions compiled data on hearings for all courts in 2000-01: Tasmania did not provide data for any court levels (criminal or civil); Queensland did not provide data on criminal magistrates' court hearings or criminal and civil supreme court hearings; Victoria did not provide data on criminal district/county court hearings; and SA did not provide data on coronial hearings. Given the amount of missing data, the following results should be viewed with some caution.

Approximately 902 935 court hearings (483 481 criminal, 313 588 civil, 104 999 family court and 867 coronial) were listed in 2000-01, of which the majority

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occurred in the magistrates' courts in their criminal jurisdiction (465 861 hearings) (tables 9A3 and 9A.4). District/county courts and supreme courts accounted for 15 363 hearings and 2257 hearings respectively, in the criminal jurisdiction (table 9A.3). In the civil jurisdiction, the largest number of hearings was in the magistrates' courts (255 032 hearings). District/county courts accounted for 32 115 civil hearings, while supreme courts listed a further 26 441 civil hearings (table 9A.4). Criminal and civil hearings by court level and jurisdiction, from 1996-97 to 2000-01, are reported in tables 9A.3 and 9A.4. Care needs to be taken when interpreting these results because variations in reporting (and non-reporting) over the years have led to inconsistent results.

### *Finalisations*

Finalisations represent the completion of matters in the court system. Each lodgment can only be finalised once. Like hearings, finalisations are an important measure of activity because they indicate where the majority of court administration costs are committed to court matters. Matters may be finalised by adjudication, transfer or other non-adjudicated method (such as withdrawal of a matter by the prosecution, issue of a bench warrant or settlement either by the court or by an external mediator).

On the data available, approximately 1.8 million matters were reported as finalised in 2000-01. In the criminal jurisdiction there were 1.4 million finalisations and in the civil jurisdiction (including family courts) there were 0.4 million finalisations (table 9.5). Finalisations data are not strictly comparable with lodgments data in the reported year because some lodgments from a previous year may be finalised in the current year. As well, care needs to be taken in comparing finalisation and lodgment data because not all lodgments that were subsequently settled out of court are reported to court administrators.

The missing data relating to finalisations in the criminal Queensland Magistrates' Court (total), Magistrates' Court (only), Children's Court and electronic court are available on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). The revised national total is also available on the Review web page.

Table 9.5 outlines the number of finalisations in 2000-01 by court level for the Commonwealth and each State and Territory.

**Table 9.5 Court finalisations, 2000-01 ('000)<sup>a, b, c</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
<b>Criminal courts<sup>d</sup></b>										
Magistrates' (total) <sup>e</sup>	133	765	na	183	171	59	14	13	..	1339
<i>Magistrates' (only)</i>	116	95	na	80	53	57	na	12	..	414
<i>Children's<sup>f</sup></i>	16	8	na	9	5	2	na	1	..	42
<i>Electronic<sup>g</sup></i>	..	662	na	94	113	..	..	..	..	869
District/county	9	4	8	3	1	..	..	..	..	26
Supreme	1.1	0.5	1.2	0.4	0.2	0.4	0.3	0.4	..	5
<b>All criminal courts</b>	<b>143</b>	<b>770</b>	<b>na</b>	<b>186</b>	<b>173</b>	<b>60</b>	<b>14</b>	<b>14</b>	<b>..</b>	<b>1369</b>
Coroners' courts	5.6	3.7	3.0	2.1	3.0	0.3	0.3	0.2	..	18
<b>Civil courts<sup>h</sup></b>										
Magistrates' (total) <sup>i</sup>	35	181	38	21	38	2	7	2	..	324
<i>Magistrates' (only)</i>	32	181	na	21	38	2	na	na	..	273
<i>Children's<sup>j</sup></i>	3.0	na	na	0.8	na	0.1	na	na	..	4
District/county	13	8	7	5	1	..	..	..	..	34
Supreme/Federal <sup>k</sup>	10.9	2.1	5.1	2.6	1.3	1.5	0.8	0.4	5.2	30
Federal Magistrates <sup>l</sup>	..	..	..	..	..	..	..	..	na	na
Family <sup>k, m</sup>	..	..	..	na	..	..	..	..	4	4
<b>All civil courts</b>	<b>59</b>	<b>191</b>	<b>51</b>	<b>29</b>	<b>40</b>	<b>3</b>	<b>8</b>	<b>2</b>	<b>10</b>	<b>393</b>

<sup>a</sup> Finalisations are derived from timeliness data which may not reflect the total matters disposed by the courts in the reported period (as timeliness data may not allow for accurate extraction of the disposal of all matters).

<sup>b</sup> Lodgments do not equal finalisations in any given year because matters lodged in one year may be finalised in the next. <sup>c</sup> Totals may not add as a result of rounding. <sup>d</sup> The expiration of cases after lodgment, such as following a bench warrant, may not be recorded as a finalisation in some jurisdictions. <sup>e</sup> Queensland did not provide data on finalisations in criminal magistrates' courts. <sup>f</sup> Queensland and the ACT did not provide separate data on criminal children's court finalisations. <sup>g</sup> Includes electronic court finalisations for Victoria, SA and WA. Finalisations of electronic courts are not included for Queensland. <sup>h</sup> Cases withdrawn after initial lodgment may not be recorded as a finalisation in some jurisdictions. <sup>i</sup> Victorian and SA magistrates' court (total) data exclude civil children's court finalisations. <sup>j</sup> Civil children's court finalisations have not been provided separately in Victoria, Queensland, SA, the ACT and the NT. <sup>k</sup> The introduction of the Federal Magistrates Service has implications for the finalisations data of the Federal Court and Family Court of Australia. <sup>l</sup> Federal Magistrates Service data are not available for finalisations. <sup>m</sup> Family court data are not available for WA. **na** Not available. **..** Not applicable.

Sources: tables 9A.5 and 9A.6.

### *Method of finalisation*

The method of finalisation describes how a charge leaves a particular court level. Finalisations data for criminal matters are presented by method of finalisation from the Australian Bureau of Statistics (ABS) *Higher Criminal Courts* (ABS 2001) collection for the reference period 1999-2000. Differences in the data collection methods and reference periods need to be considered when comparing these data with other finalisations data for criminal matters presented in the chapter.

In the supreme courts, in 1999-2000, 84.8 per cent of defendants in criminal matters were finalised by adjudication (that is, defendants were acquitted or proven guilty via a plea or finding). Nationally, a guilty plea was the most common method of finalising adjudications in the supreme courts (67.8 per cent). Across jurisdictions, this proportion ranged from 76.4 per cent in Queensland to 35.7 per cent in SA. Nationally, 'withdrawn' was the most common means of non-adjudicated finalisations in the supreme courts (12.5 per cent). Across jurisdictions, the proportion of cases where finalisation occurred due to cases being 'withdrawn' ranged from 17.1 per cent in the SA Supreme Court to 4.3 per cent in the WA Supreme Court (table 9.6).

In the district/county courts, 85.6 per cent of criminal matters were finalised by adjudication (table 9.6).

**Table 9.6 Defendants in criminal matters finalised, by method of finalisation, 1999-2000 (per cent)**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
<i>District/county courts<sup>a</sup></i>									
Adjudicated									
Acquitted	10.6	9.4	5.6	8.0	6.8	..	..	..	7.8
Proven guilty									
Guilty verdict	9.7	7.7	4.9	12.7	9.3	..	..	..	8.0
Guilty plea	64.7	78.5	72.2	67.9	59.4	..	..	..	69.8
<b>Total</b>	<b>84.9</b>	<b>95.6</b>	<b>82.7</b>	<b>88.6</b>	<b>75.5</b>	..	..	..	<b>85.6</b>
Non-adjudicated									
Bench warrant issued <sup>b</sup>	3.6	0.5	na	3.4	5.5	..	..	..	1.8
Withdrawn	10.2	3.7	17.2	7.4	18.0	..	..	..	12.1
Other finalisation	1.2	0.1	0.1	0.6	1.1	..	..	..	0.5
<b>Total<sup>b</sup></b>	<b>15.1</b>	<b>4.4</b>	<b>17.3</b>	<b>11.4</b>	<b>24.5</b>	..	..	..	<b>14.4</b>
<i>Supreme courts</i>									
Adjudicated									
Acquitted	15.1	12.6	3.3	3.8	24.3	4.5	7.1	7.2	5.9
Proven guilty									
Guilty verdict	29.4	35.0	6.8	18.0	22.9	9.9	9.9	3.4	11.2
Guilty plea	48.4	46.6	76.4	69.2	35.7	67.4	59.9	70.9	67.8
<b>Total</b>	<b>92.9</b>	<b>94.2</b>	<b>86.4</b>	<b>91.0</b>	<b>82.9</b>	<b>81.8</b>	<b>76.9</b>	<b>81.5</b>	<b>84.8</b>
Non-adjudicated									
Bench warrant issued <sup>b</sup>	0.8	–	na	3.3	–	3.0	4.4	4.5	2.0
Withdrawn	5.6	5.8	13.6	4.3	17.1	13.8	16.5	14.0	12.5
Other finalisation	0.8	–	–	1.4	–	1.4	2.2	–	0.7
<b>Total<sup>b</sup></b>	<b>7.1</b>	<b>5.8</b>	<b>13.6</b>	<b>9.0</b>	<b>17.1</b>	<b>18.2</b>	<b>23.1</b>	<b>18.5</b>	<b>15.2</b>

<sup>a</sup> There is no intermediate court in Tasmania, the ACT or the NT. <sup>b</sup> Excludes Queensland defendants finalised by a bench warrant being issued. **na** Not available. **..** Not applicable. **–** Nil or rounded to zero.

Sources: ABS (2001); table 9A.7.

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## 9.2 Policy developments in court administration services

### *Technological access*

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

- the development of web interface to the High Court's case management system and integration with an electronic document system to support extensive hard copy records;
- an upgrade of the Family Court's web site and, in conjunction with the Commonwealth Attorney-General's department and the Federal Magistrates Service, the development of the Family Law On-line web site;
- 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 a case management system for the Federal Court that integrates with its existing electronic filing service (which provides for the electronic servicing of documents and facilities for frequent users);
- the development of a number of e-business applications in Queensland, which include electronic court bookings, lodgment, 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 and an 'e-Appeal' book to enable litigants to create their own e-appeal 'electronic books';
- the implementation in SA of an on-line 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 the ACT the redevelopment of the courts' computer based information and management systems, which remains a priority, as does improved public access

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to the law via an improved integrated web site and the development of e-business applications; and

- the development in the NT of a web interface to its Integrated Justice Information System, and the use of a fines and penalties system that enables on-line payments.

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; fine payment at the State Debt Recovery Office; and downloadable forms from many courts and other justice agencies.

Other areas of technological access are also available in NSW, including: authenticated on-line lodgment of court documents, which was trialed in the Land and Environment Court during 2000-01; 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, which is underway with 16 district court rooms networked with remote video and audio recording equipment.

Jurisdictions within the Australian court system are examining ways in which information and evidentiary material can be exchanged between courts to improve the appeal processes and to reduce potential costs for litigants. One example is the first native title matter to be heard by the Federal Court in South Australia, where the court piloted an 'e-trial' whereby laptops and wireless technology were used to enable the court to conduct hearings in various remote localities. The technology also enabled the use of transcript and electronic evidentiary material taken at these remote localities to be accessible from a secure web site available to applicants and respondents on location.

Other policy developments include the use of an on-line 'virtual courtroom' by the NSW Land and Environment Court and the Federal Court for direction hearings. South Australia has a similar system for handling non-contentious matters.

## 9.3 Framework of performance indicators

The framework of performance indicators is based on a number of common objectives for court administration services across Australia (box 9.3). The emphasis placed on each objective varies across jurisdictions.

### Box 9.3 Objectives for court administration

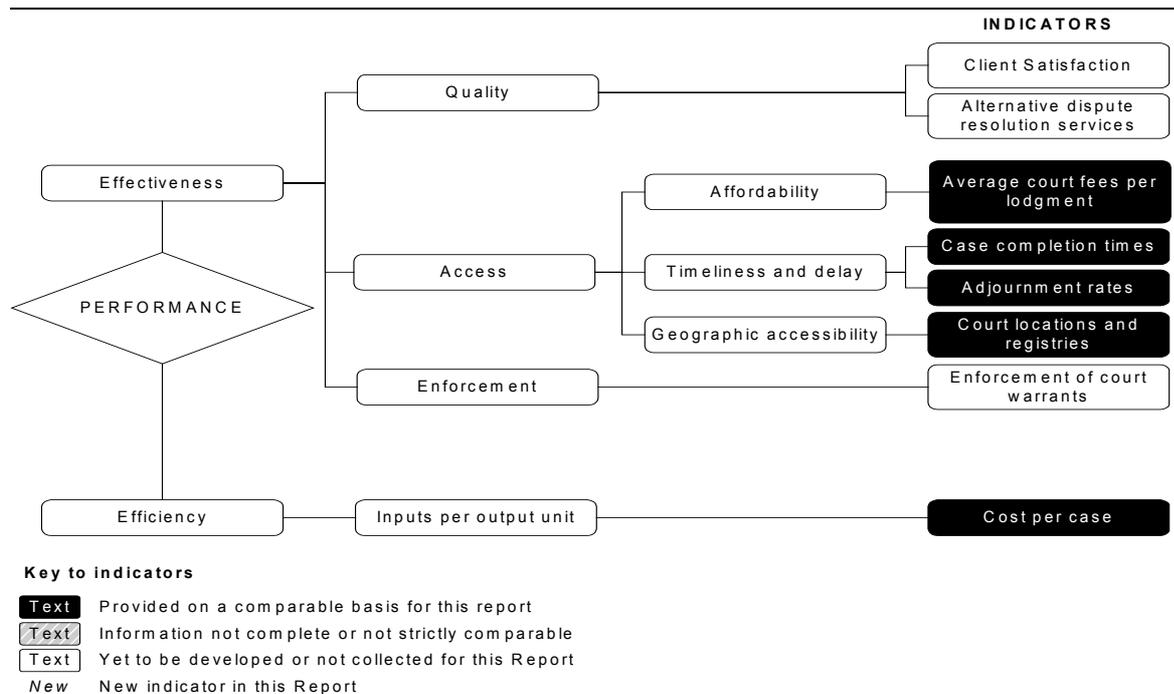
Objectives for court administration are:

- 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.

The performance indicator framework for court administration services (figure 9.5) 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 indicators framework are discussed in section 9.5.

Figure 9.5 Performance indicators for court administration



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## 9.4 Key performance indicator results

Different delivery contexts, locations and client types may affect the effectiveness and efficiency of court administration services. The allocation of cases to different courts also differs across jurisdictions (table 9A.39). These factors need to be taken into account in comparing performance across States and Territories for specific indicators. 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.

### 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.

#### *Affordability*

Court filing fees largely relate to civil cases. While court fees are only part of the costs faced by litigants (with legal fees being more significant), they nonetheless can be considerable. Comparisons need to take into account that courts do not operate on a full cost recovery basis. The court may bear the cost of additional services provided to clients.

In 2000-01, average court fees collected per lodgment in higher courts were generally greater than those in intermediate and lower courts. New South Wales had the highest level of average civil fees collected per lodgment in the supreme court (\$1538) and in the district/county courts (\$682). For magistrates' courts (including children's courts), the NT had the highest level of average fees collected per lodgment (\$136) and the ACT had the lowest (\$48) (table 9.7). In the children's court, WA was the only jurisdiction that recorded average civil court fees per children's lodgment (\$6) (table 9A.18).

The average civil court fees collected were \$125 and \$60 for the Family Court of WA and the Family Court of Australia respectively in 2000-01. The average fees per lodgment in the Federal Court were \$906. The introduction of the Federal Magistrates Service has reduced fees received by the Family Court of Australia and

the Federal Court. Average probate fees collected per lodgment were highest in NSW (\$554 per probate lodgment) and lowest in Tasmania (\$98) (table 9.7).

**Table 9.7 Average civil court fees collected per lodgment, 2000-01 (dollars)**

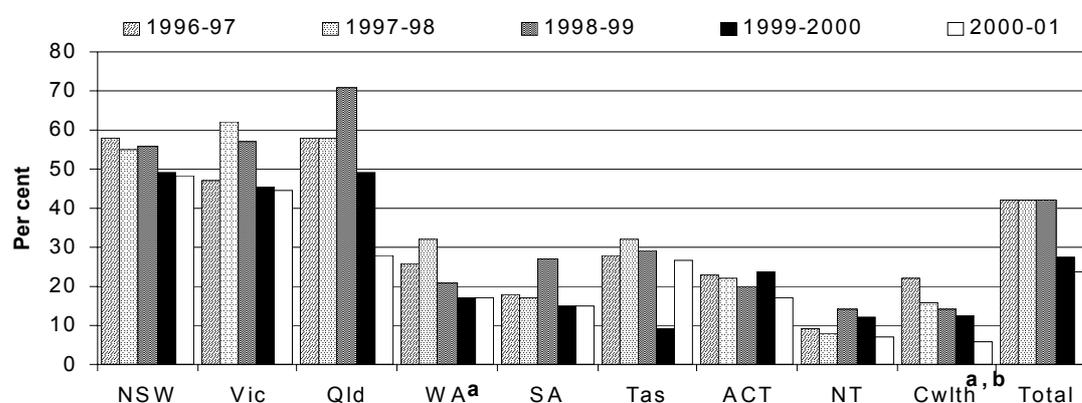
	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
Civil courts										
Magistrates' (total) <sup>a</sup>	94	70	59	77	58	52	48	136	..	77
<i>Magistrates' (only)</i>	96	70	na	78	59	53	na	na	..	81
District/county	682	531	230	384	198	..	..	..	..	486
Supreme/Federal <sup>b</sup>	1538	1260	444	261	475	97	786	323	906	921
Federal Magistrates <sup>c</sup>	..	..	..	..	..	..	..	..	na	na
Family <sup>b</sup>	..	..	..	125	..	..	..	..	60	70
Probate - Supreme	554	218	na	167	478	98	543	296	..	357

<sup>a</sup> Victorian magistrates' court (total) figure excludes civil children's court lodgments. The ACT court fees rise with inflation and have traditionally been low, with no fees being charged for hearings in civil matters, and with fees only for lodgments and enforcements. <sup>b</sup> The introduction of the Federal Magistrates Service has reduced fees received for the Federal Court and Family Court of Australia. <sup>c</sup> No court fees data were provided by the Federal Magistrates Service. **na** Not available. **..** Not applicable.

Source: table 9A.18.

The level of revenue collected through court fees for the civil jurisdiction decreased on average between 1996-97 and 2000-01, with civil court fees collected representing 23.6 per cent of total expenditure in 2000-01 compared with 42.0 per cent in 1996-97. The proportion decreased from 1996-97 to 2000-01 in all jurisdictions (figure 9.6). Table 9A.17 contains data on civil court fees as a proportion of civil expenditure for separate court levels, from 1994-95 to 2000-01.

**Figure 9.6 Civil court fees collected as a proportion of total civil expenditure, all courts**



<sup>a</sup> Includes respective family court. <sup>b</sup> Includes the Federal Court, but not the Federal Magistrates Service. The introduction of the Federal Magistrates Service has reduced the fees received by the Federal Court and Family Court of Australia in 2000-01.

Source: table 9A.17.

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### *Timeliness – case completion times*

Timeliness is currently measured by the time taken between the lodgment of a matter with the court and its finalisation. This measure can be affected by delays caused by parties other than those related to the workload of the court. Generally, lower courts complete a greater proportion of their workload in a shorter period of time because they hear less complex matters. Care needs to be taken when comparing results across the same court level, because caseloads and the complexity of cases may differ across jurisdictions. These differences will affect timeliness. Matters heard in electronic courts are excluded from timeliness data.

### *Timeliness – criminal (non-appeal matters finalised)*

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 across States and Territories. As well, in all jurisdictions, the complexity and distribution of cases may vary. For instance, second offences relating to drug matters automatically go to the Queensland Supreme Court whereas this does not occur (for example) in NSW.

The criminal jurisdiction of total magistrates' courts in all States and Territories finalised 87.9 per cent of cases within six months in 2000-01. This proportion ranged from 94.5 per cent of cases finalised within six months in WA to 74.5 per cent in the NT (table 9.8). Timeliness data for magistrates' courts (only) are contained in table 9A.19.

Nationally, children's courts finalised 84.3 per cent of cases within six months. Across jurisdictions, this proportion ranged from 92.3 per cent in Victoria to 46.0 per cent in the NT (table 9.8).

Nationally, district/county courts finalised 65.1 per cent of criminal cases within six months. Across jurisdictions, this proportion ranged from 73.5 per cent of cases finalised within six months in Queensland to 52.9 per cent in NSW (table 9.8).

In the supreme courts, a 12 month benchmark is used because the proceedings are generally more complex. Supreme courts in all States and Territories finalised 82.5 per cent of criminal cases within 12 months. Across jurisdictions, this proportion ranged from 96.2 per cent of cases finalised within 12 months in WA to 38.2 per cent in NSW (table 9.8).

**Table 9.8 Non-appeal matters finalised, criminal, 2000-01 (per cent)<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>
<b>Supreme</b>										
<i>No. of cases</i>	144	113	920	238	88	394	213	349	..	2 459
<6 months	11.8	33.6	79.6	87.4	42.0	78.2	46.0	36.7	..	63.7
6–12 months	26.4	35.4	13.2	8.8	31.8	14.7	18.3	33.5	..	18.8
12–18 months	22.2	28.3	5.4	1.3	17.0	4.3	17.8	11.5	..	9.2
>18 months	39.6	2.7	1.8	2.5	9.1	2.8	17.8	18.3	..	8.3
<b>District/county</b>										
<i>No. of cases</i>	4 111	1 872	8 306	3 027	1 306	..	..	..	..	18 622
<6 months	52.9	61.4	73.5	61.5	63.0	..	..	..	..	65.1
6–12 months	23.9	19.7	16.8	13.7	26.0	..	..	..	..	18.8
12–18 months	10.5	9.8	7.7	16.7	8.0	..	..	..	..	10.0
>18 months	12.7	9.1	2.0	8.1	3.0	..	..	..	..	6.1
<b>Magistrates' total<sup>d, e</sup></b>										
<i>No. ('000)</i>	113	102	na	87	57	59	14	13	..	445
<6 months	93.7	89.2	na	94.5	80.7	77.5	75.7	74.5	..	87.9
6–12 months	5.2	8.1	na	3.8	10.9	13.8	13.9	12.0	..	7.9
12–18 months	0.7	1.4	na	0.9	2.7	4.9	3.7	5.3	..	2.0
>18 months	0.4	1.3	na	0.8	5.7	3.8	6.7	8.1	..	2.2
<b>Children's<sup>d, f</sup></b>										
<i>No. of cases</i>	na	8 445	na	8 586	5 051	2 124	na	973	..	25 179
<6 months	na	92.3	na	90.6	76.5	63.5	na	46.0	..	84.3
6–12 months	na	6.8	na	6.9	15.3	21.9	na	27.3	..	10.6
12–18 months	na	0.8	na	1.6	4.2	5.2	na	13.3	..	2.6
>18 months	na	0.1	na	1.0	4.1	9.4	na	13.4	..	2.5

<sup>a</sup> Care should be taken when comparing timeliness data across jurisdictions as 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> Timeliness data were not collected for electronic courts. <sup>d</sup> Queensland timeliness data for the criminal magistrates' and children's court are not available. There was a loss of continuity in the data sets transferred from the previous computerised and manual systems due to the implementation of the new Queensland Wide Interlinked Courts system. <sup>e</sup> NSW magistrates' (total) court figure excludes children's court criminal timeliness data. The NSW timeliness data for its magistrates' court were estimated via trend analysis based on the past three financial years. <sup>f</sup> NSW, Queensland and the ACT did not provide separate children's court timeliness data. **na** Not available. .. Not applicable.

Source: table 9A.19.

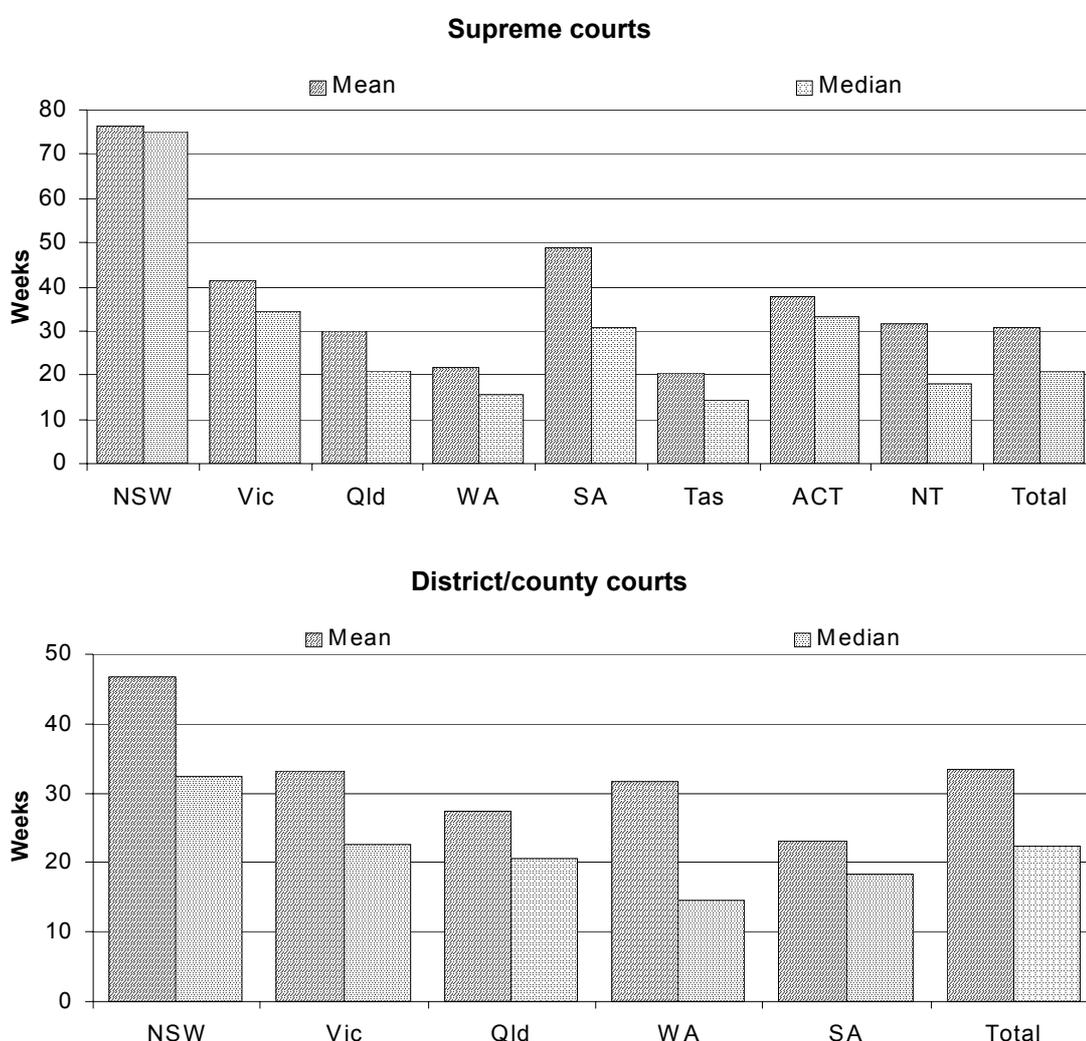
The ABS also publishes criminal higher court timeliness data. However, direct comparisons cannot be made with the results published in table 9.8 as the ABS uses different data collection methods and reference periods.

According to the ABS, in 1999-2000, the average period in supreme courts between lodgment and finalisation (duration) was 31 weeks (ABS 2001). Across jurisdictions, this average period ranged from 76 weeks in NSW to 21 weeks in Tasmania. For supreme courts, the median period (the point at which half the cases had been finalised) between lodgment and finalisation was 21 weeks. Across

jurisdictions, this median period ranged from 75 weeks in NSW to 14 weeks in Tasmania (figure 9.7).

Nationally, the mean period between lodgment and finalisation for district/county courts was 34 weeks. Across jurisdictions, this period ranged from 47 weeks in NSW to 23 weeks in SA. The median period of cases was 22 weeks across Australia, ranging from 32 weeks in NSW to 15 weeks in WA (figure 9.7). Tasmania, the ACT and the NT did not operate in the district/county court jurisdiction.

**Figure 9.7 Criminal matters duration, supreme and district/county courts, 1999-2000**



Sources: ABS (2001); table 9A.24.

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### *Timeliness – civil (non-appeal matters finalised)*

The civil timeliness data for the district/county court (presented in table 9.9) should not be used to compare performance across jurisdictions. Advice from jurisdictions indicate that there are differences in the way in which the district/county court timeliness data are provided (in terms of the types of matter counted and/or the date from which timeliness is measured). These differences prevent meaningful comparisons across jurisdictions for the district/county court. This issue will be addressed prior to publication of the 2003 Report.

As well, 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 across States and Territories. Further, in all jurisdictions, the complexity and distribution of cases may vary.

Nationally, the civil jurisdiction of total magistrates' courts finalised 88.5 per cent of cases within six months in 2000-01. Across jurisdictions, this proportion ranged from 98.1 per cent of cases finalised within six months in Victoria to 52.6 per cent in SA (table 9.9). It should be noted that the NSW, Victoria and SA total magistrates' court data exclude any data on civil children's court timeliness. Timeliness data on magistrates' court (only) are contained in table 9A.20. Longer case completion times in the civil jurisdiction reflected different case flow management practices and the priority given to criminal matters.

For children's courts, in the two jurisdictions that provided data, WA and Tasmania completed 83.7 per cent and 75.6 per cent of cases respectively within six months (table 9.9).

In the supreme courts, a 12 month benchmark is used because the proceedings are generally more complex. Supreme courts and the Federal Court finalised 69.3 per cent of civil cases within 12 months. Across jurisdictions, this proportion ranged from 83.9 per cent in the Supreme Court of Victoria to 42.9 per cent in the ACT Supreme Court (table 9.9). The ACT advise that the majority of proceedings are protracted personal injury matters which (under a three-tier system) would normally be heard in a district/county court.

The Federal Magistrates Service, the Family Court of WA and the Family Court of Australia did not provide data on timeliness for their finalised non-appeal matters (table 9.9).

**Table 9.9 Non-appeal matters finalised, civil, 2000-01 (per cent)<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>Cwlh</i>	<i>Total</i>
<b>Supreme<sup>b</sup>/Federal</b>										
<i>No. of cases</i>	10 244	1 887	4 804	2 225	1 031	1 435	790	225	4 669	27 310
<6 months	52.7	78.2	60.9	38.6	66.4	43.7	25.3	36.9	61.5	55.4
6-12 months	13.7	5.7	7.9	21.3	14.1	13.5	17.6	14.7	19.8	13.9
12-18 months	10.5	14.3	6.2	12.1	5.9	8.9	15.2	4.9	7.8	9.5
>18 months	23.0	1.8	25.0	28.0	13.6	33.9	41.9	43.6	10.9	21.2
<b>District/county <sup>c, d</sup></b>										
<i>No. of cases</i>	12 954	7 623	7 157	4 843	1 317	..	..	..	..	33 894
<6 months	16.2	26.7	30.3	22.3	31.4	..	..	..	..	23.0
6-12 months	37.0	31.1	17.6	14.8	24.6	..	..	..	..	27.9
12-18 months	27.8	27.0	13.7	26.6	15.8	..	..	..	..	24.0
>18 months	19.1	15.3	38.5	36.3	28.2	..	..	..	..	25.1
<b>Magistrates' total<sup>e, f</sup></b>										
<i>No. ('000)</i>	32	181	38	21	38	2	7	2	..	321
<6 months	85.4	98.1	86.2	86.8	52.6	89.8	70.3	75.6	..	88.5
6-12 months	9.2	1.5	9.0	7.2	11.8	9.7	20.1	10.2	..	5.2
12-18 months	2.8	0.3	2.4	2.4	29.9	0.2	3.9	5.6	..	4.5
>18 months	2.6	0.2	2.3	3.5	5.7	0.3	5.7	8.7	..	1.7
<b>Children's <sup>g</sup></b>										
<i>No. of cases</i>	<i>na</i>	<i>na</i>	<i>na</i>	834	<i>na</i>	82	<i>na</i>	<i>na</i>	..	916
<6 months	<i>na</i>	<i>na</i>	<i>na</i>	83.7	<i>na</i>	75.6	<i>na</i>	<i>na</i>	..	83.0
6-12 months	<i>na</i>	<i>na</i>	<i>na</i>	11.5	<i>na</i>	12.2	<i>na</i>	<i>na</i>	..	11.6
12-18 months	<i>na</i>	<i>na</i>	<i>na</i>	2.9	<i>na</i>	4.9	<i>na</i>	<i>na</i>	..	3.1
>18 months	<i>na</i>	<i>na</i>	<i>na</i>	1.9	<i>na</i>	7.3	<i>na</i>	<i>na</i>	..	2.4
<b>Family<sup>h</sup></b>										
<i>No. of cases</i>	..	..	..	<i>na</i>	..	..	..	..	<i>na</i>	<i>na</i>
<6 months	..	..	..	<i>na</i>	..	..	..	..	<i>na</i>	<i>na</i>
6-12 months	..	..	..	<i>na</i>	..	..	..	..	<i>na</i>	<i>na</i>
12-18 months	..	..	..	<i>na</i>	..	..	..	..	<i>na</i>	<i>na</i>
>18 months	..	..	..	<i>na</i>	..	..	..	..	<i>na</i>	<i>na</i>
<b>Federal Magistrates<sup>i</sup></b>										
<i>No. of cases</i>	..	..	..	..	..	..	..	..	<i>na</i>	<i>na</i>
<6 months	..	..	..	..	..	..	..	..	<i>na</i>	<i>na</i>
6-12 months	..	..	..	..	..	..	..	..	<i>na</i>	<i>na</i>
12-18 months	..	..	..	..	..	..	..	..	<i>na</i>	<i>na</i>
>18 months	..	..	..	..	..	..	..	..	<i>na</i>	<i>na</i>

<sup>a</sup> Care should be taken when comparing timeliness data across jurisdictions as both the complexity and distribution of cases may vary. <sup>b</sup> For the ACT, the majority of proceedings are personal injury matters which (under a three-tier system) would normally be heard in a district/county court. <sup>c</sup> The district/county court timeliness data should not be used to compare performance across jurisdictions, as advice from jurisdictions indicate that there are differences in the way in which the data are provided. <sup>d</sup> NSW data for district courts derived by estimation. <sup>e</sup> NSW, Victoria and SA data exclude civil children's court. All other jurisdictions data include civil children's court. <sup>f</sup> The ACT advise that a significant number of lengthy workers' compensation matters are dealt with in the magistrates' court rather than (under a three-tier system) in the district/county court. <sup>g</sup> Civil children's court data are not provided separately in NSW, Victoria, Queensland, SA, the ACT and the NT. <sup>h</sup> The Family Court of Australia case management system is not set up to allow extracts of time taken for all cases lodged. <sup>i</sup> Federal Magistrates Service did not provide data. *na* Not available. .. Not applicable.

Source: table 9A.20.

### Timeliness – coroners' courts

Across Australia, 78.9 per cent of coronial cases were finalised within six months in 2000-01. South Australia had the largest proportion of coronial matters finalised within six months (93.3 per cent) and Tasmania had the smallest (52.5 per cent) (table 9.10).

**Table 9.10 Coroners' court matters finalised, 2000-01 (per cent)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
No. of cases	5 568	3 705	3 020	2 115	3 033	324	296	220	..	18 281
<6 months	82.0	72.9	71.2	73.6	93.3	52.5	91.6	83.6	..	78.9
6 -12 months	8.2	16.2	20.7	17.1	6.3	22.5	5.7	11.8	..	12.8
12 -18months	5.0	5.4	5.3	4.1	0.4	11.4	1.7	2.7	..	4.3
>18 months	4.8	5.5	2.7	5.2	–	13.6	1.0	1.8	..	3.9

<sup>a</sup> Totals may not sum to 100 per cent as a result of rounding. .. Not applicable. – Nil or rounded to zero.

Source: table 9A.19.

### 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 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, therefore, is important for timely adjudication of the charges against the defendant.

**Table 9.11 Committal (criminal) matters finalised, magistrates' courts, 2000-01 (per cent)<sup>a</sup>**

	NSW	Vic	Qld <sup>b</sup>	WA	SA	Tas <sup>c</sup>	ACT	NT	Cwlth	Total
No. of cases	3 484	1 674	na	1 522	988	na	186	300	..	8 154
<3 months	40.0	40.0	na	38.2	54.6	na	49.5	50.3	..	42.0
3 - 6 months	27.6	31.1	na	38.2	35.1	na	33.9	21.7	..	31.1
>6 -12 months	21.1	23.8	na	20.9	7.1	na	12.4	17.3	..	19.6
>12 months	11.3	5.1	na	2.7	3.2	na	4.3	10.7	..	7.3

<sup>a</sup> Totals may not sum to 100 per cent as a result of rounding. <sup>b</sup> Queensland timeliness data are not available. There was a loss of continuity in the data sets transferred from the previous computerised and manual systems due to the implementation of the new Queensland Wide Interlinked Courts system. <sup>c</sup> Tasmania data not available. na Not available. .. Not applicable.

Source: table 9A.23.

Nationally, in 2000-01, 42.0 per cent of committal hearings were finalised within three months of the receipt of charges by the court. A further 31.1 per cent were

finalised in the subsequent three months. Committal hearings finalised within three months, across jurisdictions, ranged from 54.6 per cent in SA to 38.2 per cent in WA. Queensland and Tasmania did not provide data (table 9.11).

### *Timeliness – appeals*

Appeals from lower courts are predominantly heard by the district courts and supreme courts of the States and Territories. The full bench of the Federal Court hears appeals from 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 the supreme courts, a 12 month benchmark is used because of the generally more complex nature of the proceedings. Within the supreme courts, 82.0 per cent of criminal appeals and 77.9 per cent of civil appeals were finalised within 12 months through the supreme and Federal courts (table 9.12).

**Table 9.12 Appeal matters finalised, supreme courts and the Federal Court, 2000-01 (per cent)<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>	906	413	312	195	109	40	46	33	..	2 054
<6 months	31.8	46.7	83.0	45.6	89.9	40.0	67.4	48.5	..	48.2
6 -12 months	42.3	38.3	16.0	30.8	8.3	35.0	15.2	42.4	..	33.8
12 -18 months	16.6	10.4	–	15.4	–	15.0	6.5	–	..	11.3
>18 months	9.4	4.6	1.0	8.2	1.8	10.0	10.9	9.1	..	6.7
<b>Civil</b>										
<i>No. of cases</i>	658	241	275	367	265	34	46	166	574	2 626
<6 months	31.9	51.0	51.0	48.0	79.6	55.9	60.9	65.1	58.0	51.3
6 -12 months	29.6	14.9	40.0	25.1	20.0	32.4	21.7	25.9	25.8	26.6
12 -18 months	23.1	14.1	8.0	15.0	0.4	5.9	15.2	6.6	8.5	12.7
>18 months	15.3	19.9	1.0	12.0	–	5.9	2.2	2.4	7.7	9.4

<sup>a</sup> Care should be taken when comparing timeliness data across jurisdictions as 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: table 9A.22.

The highest proportion of criminal appeals finalised within 12 months was in the Queensland Supreme Court (99.0 per cent). The lowest proportion was in the NSW Supreme Court (74.1 per cent of appeals). The SA Supreme Court finalised the

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largest proportion of civil appeals within 12 months (99.6 per cent) while the NSW Supreme Court finalised the lowest proportion (61.5 per cent) (table 9.12). Care should be taken when comparing timeliness data across jurisdictions as both the complexity and distribution of cases may vary.

*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. Adjournments may also be ordered by the court in instances such as overlisting (where court administrators expect a proportion of their case load not to proceed on any particular day and therefore list some standby matters to maximise the use of court proceedings). Court ordered adjournments can be used to approximate adjournments as a result of the unavailability of judicial time.

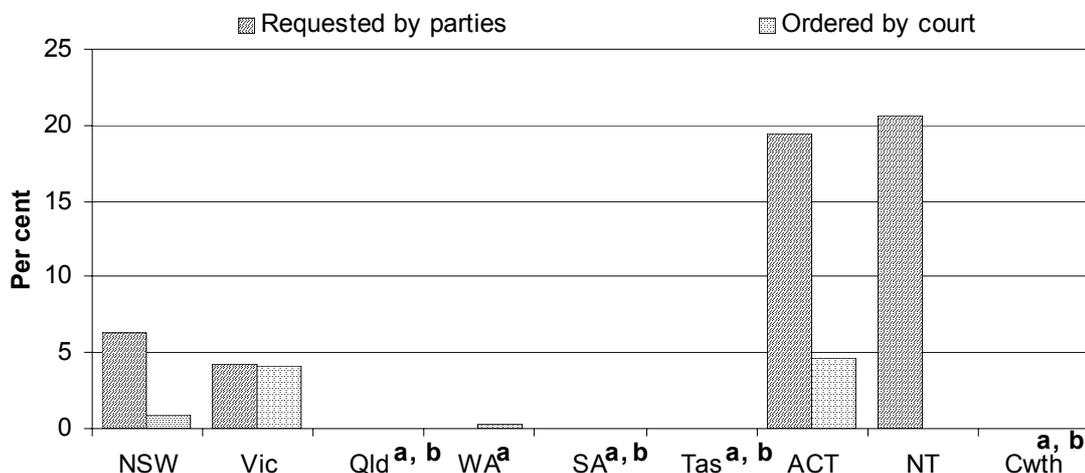
The following information is on court ordered (and party requested) adjournments on the first day of hearing, and as such does not encompass all of the possible adjournments that may occur during a hearing.

In 2000-01, court ordered adjournments on the first day of a hearing, as a proportion of all civil hearings initiated in the supreme court, varied from 4.6 per cent in the ACT to zero (or close to zero) per cent in WA and the NT. Adjournments on the first day of a hearing requested by the parties, as a proportion of all civil hearings initiated in the supreme courts, varied from 20.6 per cent in the NT to 4.3 per cent in Victoria (figure 9.8).

Queensland, SA, Tasmania and the Federal Court were unable to provide information on either hearings and/or court ordered adjournments. Queensland, WA, SA, Tasmania and the Federal Court were unable to provide information on either hearings and/or party requested adjournments.

Adjournment rates for criminal matters in the supreme courts and the Federal Court are contained in attachment 9A.25, as are the rates for the criminal and civil jurisdictions of other higher courts.

Figure 9.8 **Adjournments on the first day of hearing as a proportion of total civil hearings, supreme courts and the Federal Court, 2000-01**



<sup>a</sup> Data for hearings and/or party requested adjournments are not available. <sup>b</sup> Data for hearings and/or court ordered adjournments are not available.

Source: table 9A.25.

### *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:

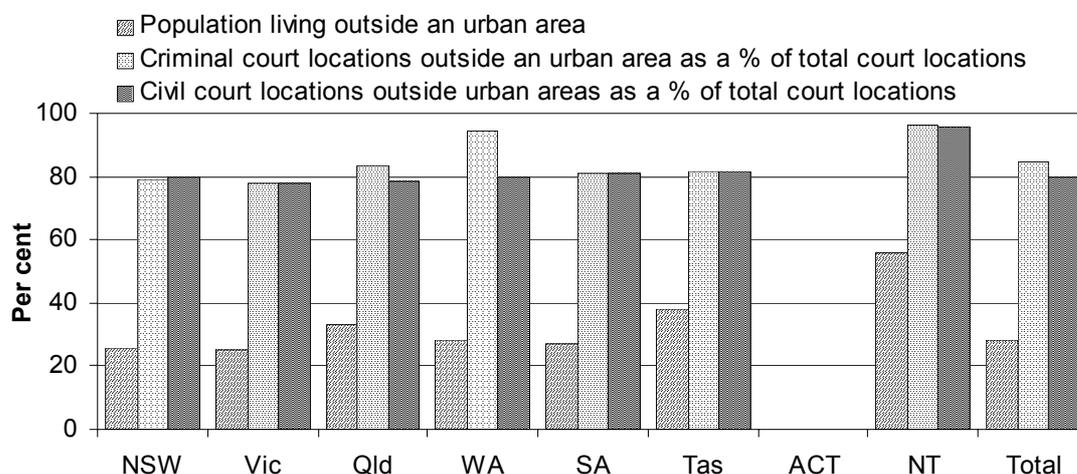
- judicial circuits where magistrates and judges tour rural courthouses to hear cases;
- the location of magistrates' courts in police stations, whereby police officers and Justices of the Peace staff the courts (when magistrates are not available);
- occasional caravan courts by superior courts in remote 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 exceeded the proportion of population residing in non-urban areas in 2000-01 (figure 9.9).

Generally, States and Territories with relatively high proportions of their population in non-urban areas also had a higher proportion of magistrates' courts located in non-urban areas. In the criminal jurisdiction, the NT had the highest proportion (96.3 per cent) of magistrates' courts located outside an urban area, while the ACT had no magistrates' courts located outside an urban area (figure 9.9).

In the civil jurisdiction, again, the NT had the highest proportion of magistrates' courts located outside urban areas (95.7 per cent), while the ACT had the lowest share (zero per cent) (figure 9.9).

**Figure 9.9 Criminal and civil magistrates' court locations outside an urban area, 2000-01 (per cent)<sup>a, b</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).

Source: table 9A.26.

## Efficiency indicators

Expenditure (including accommodation costs) less in-house revenue per lodgment for each court jurisdiction varied considerably among States and Territories in 2000-01, as well as over time. 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.

In instances where jurisdictions have not provided data, these jurisdictions are excluded from the calculation of the national or total figure.

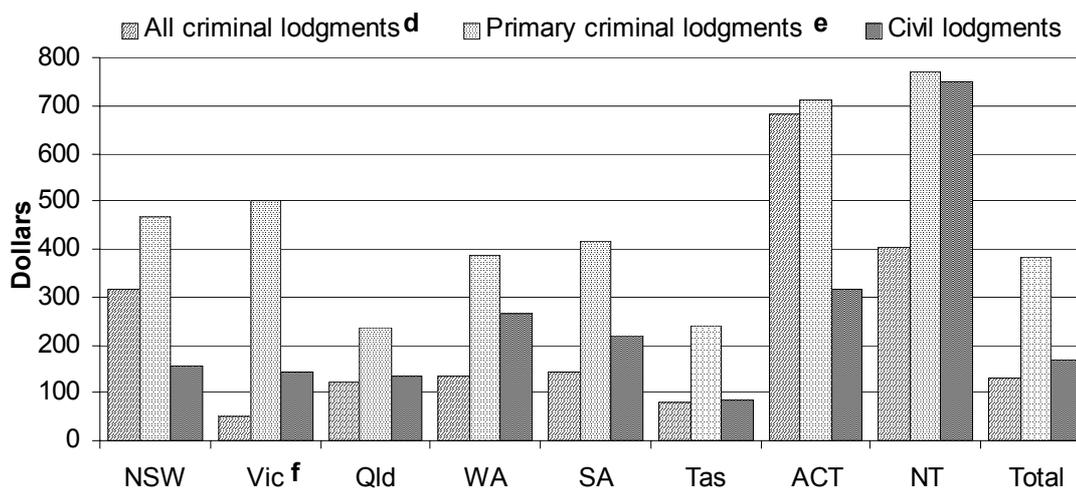
*Expenditure less in-house revenue per lodgment for total magistrates' courts  
(including magistrates', electronic and children's courts)*

In 2000-01, expenditure less in-house revenue per criminal lodgment for total magistrates' courts (including electronic and children's courts) was \$129 nationally. Across jurisdictions, it was highest in the ACT (\$681) and lowest in Victoria (\$49) (figure 9.10). However, comparisons of this nature should be viewed with caution as a number of jurisdictions (including the ACT) do not operate electronic courts. Consideration needs to be given, therefore, to the efficiency results that relate to expenditure less in-house revenue per primary lodgment (figure 9.10) and expenditure less in-house revenue for magistrates' courts only (figure 9.11), which exclude the impact of electronic courts.

Expenditure less in-house revenue per primary criminal lodgment (that is, excluding minor matters) for magistrates' courts was highest in the NT (\$771) and lowest in Queensland (\$234) (figure 9.10).

Nationally, expenditure less in-house revenue per lodgment in the civil jurisdiction of the magistrates' courts (including children's courts) was \$167. Across jurisdictions, it was highest in the NT (\$750 per lodgment) and lowest in Tasmania (\$84) (figure 9.10). The Commonwealth does not operate in this court jurisdiction.

**Figure 9.10 Expenditure less in-house revenue per lodgment, total magistrates' courts, 2000-01<sup>a, b, c</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <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> Includes electronic court lodgments in Victoria, Queensland, WA and SA which will have an impact on comparisons with other jurisdictions. <sup>e</sup> Excludes all minor lodgments and electronic court lodgments. <sup>f</sup> Victorian civil result includes civil children's expenditure, but excludes civil children's court lodgments as these were not provided.

Sources: tables 9A.27, 9A.28 and 9A.34.

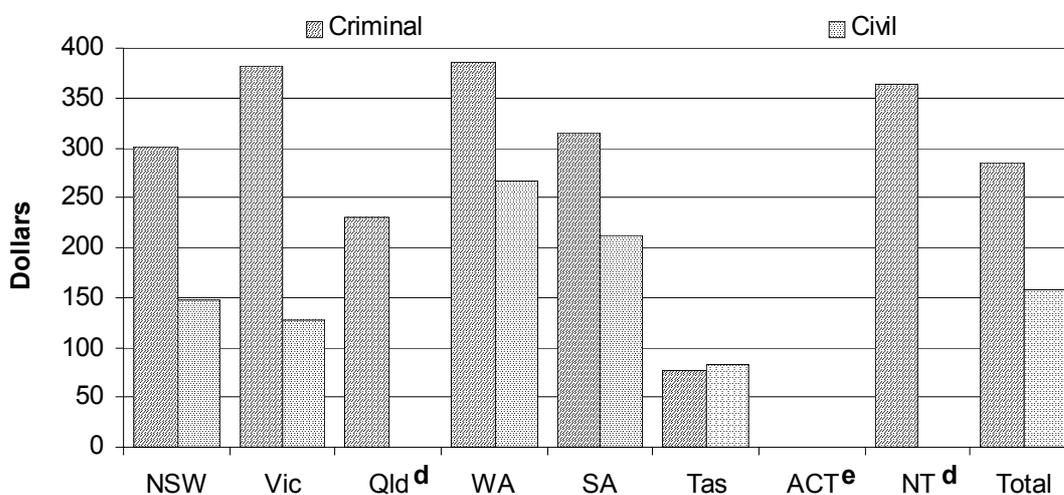
*Expenditure less in-house revenue per lodgment for magistrates' courts only (excluding electronic and children's courts)*

The ACT was unable to separate its criminal and civil magistrates' court data from its children's court data, and Queensland and the NT were unable to separate their civil magistrates' court data from their children's court data. Where relevant, the national figure excludes these jurisdictions.

Nationally, expenditure less in-house revenue per criminal lodgment in the magistrates' courts only (excluding electronic and children's courts) was \$286. Across jurisdictions, it was highest in WA (\$386) and lowest in Tasmania (\$77) (figure 9.11).

Nationally, expenditure less in-house revenue per civil lodgment in magistrates' courts only (excluding children's courts) was \$157. Across jurisdictions, it was highest in WA (\$266) and lowest in Tasmania (\$82) (figure 9.11). The Commonwealth does not operate in this court jurisdiction.

**Figure 9.11 Expenditure less in-house revenue per lodgment, magistrates' court only, 2000-01<sup>a, b, c</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <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> Queensland and the NT could not exclude their children's court data in the civil jurisdiction. <sup>e</sup> ACT could not exclude children's court data in the criminal or civil jurisdiction.

Sources: tables 9A.27 and 9A.28.

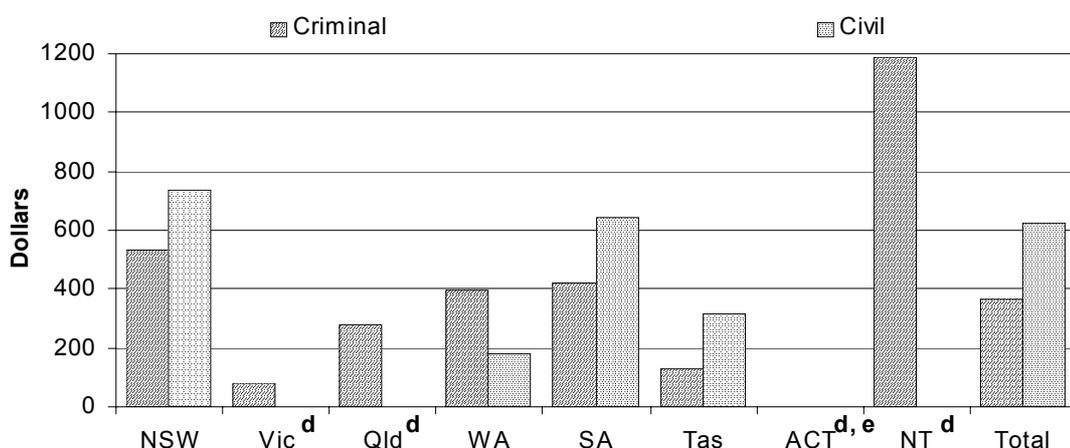
### Expenditure less in-house revenue per lodgment for children's courts

The ACT could not separate its criminal or civil children's court data from its magistrates' court data, and Victoria, Queensland and the NT could not separate their civil children's court data from their magistrates' court data. Where relevant, the national figure excludes these jurisdictions.

In 2000-01, expenditure less in-house revenue per criminal lodgment for children's courts was \$368 nationally. Across jurisdictions, it was highest in the NT (\$1190) and lowest in Victoria (\$81) (figure 9.12).

Nationally, expenditure less in-house revenue per civil lodgment in the children's courts was \$627. Across jurisdictions, it was highest in NSW (\$738) and lowest in WA (\$182) (figure 9.12). The Commonwealth does not operate in this court jurisdiction.

Figure 9.12 **Expenditure less in-house revenue per lodgment, children's courts, 2000-01<sup>a, b, c</sup>**



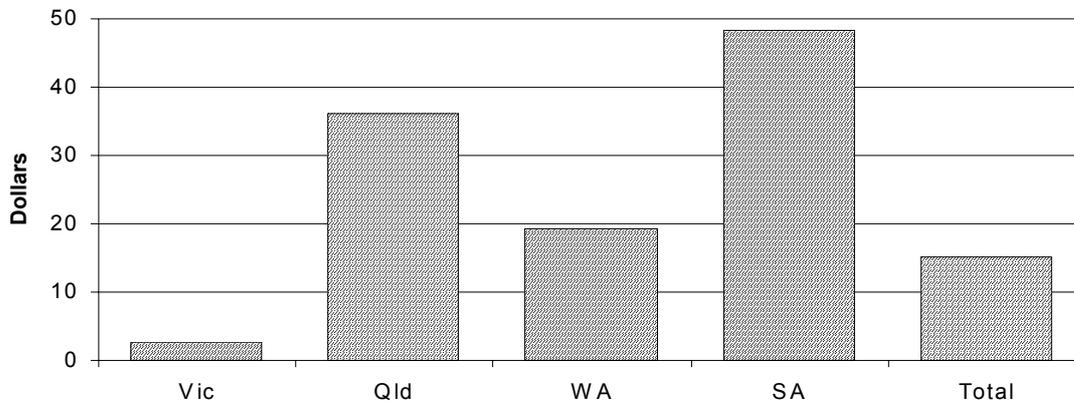
<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. <sup>c</sup> The Commonwealth does not operate in this court jurisdiction. <sup>d</sup> Civil lodgments in the children's courts were not provided. <sup>e</sup> The ACT did not provide separate expenditure or lodgment data for the criminal jurisdiction of its children's court.

Sources: tables 9A.27 and 9A.28.

### Expenditure less in-house revenue per lodgment for electronic courts

In 2000-01, expenditure less in-house revenue per criminal lodgment for electronic courts was \$15 nationally (figure 9.13). Across jurisdictions, it was highest in SA (\$48) and lowest in Victoria (\$3) (figure 9.13). New South Wales, Tasmania, the ACT, the NT and the Commonwealth did not operate in this court jurisdiction.

**Figure 9.13 Expenditure less in-house revenue per lodgment, electronic courts, 2000-01<sup>a, b, c</sup>**



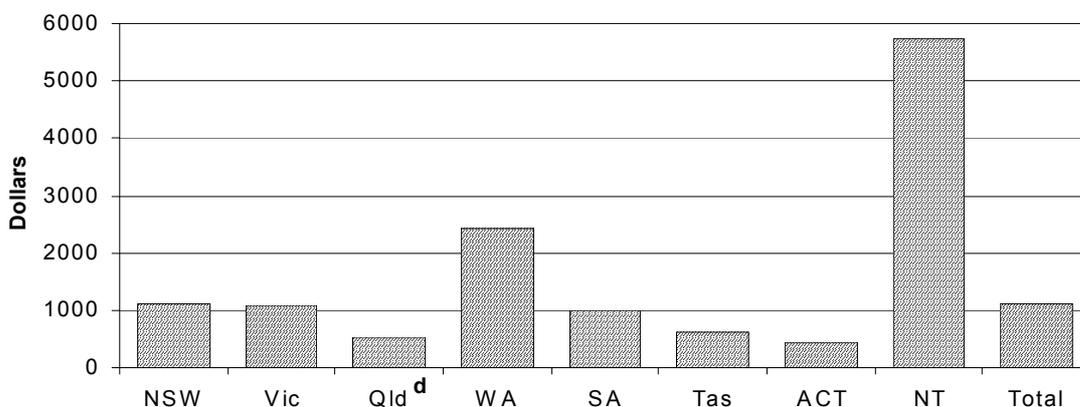
<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Excludes payroll tax for Victoria, Queensland and SA. <sup>c</sup> Electronic courts (infringement and expiated offence processing systems that have the status of a court) only operate in Victoria, Queensland, WA and SA.

Source: table 9A.27.

*Expenditure less in-house revenue per reported death and fire for coroners' courts*

Nationally, in 2000-01, the coroners' court expenditure per reported death and fire was \$1113, and was highest in the NT (\$5750) and lowest in the ACT (\$429) (figure 9.14). The Commonwealth does not operate in this court jurisdiction.

**Figure 9.14 Expenditure less in-house revenue per lodgment, coroners' courts, 2000-01<sup>a, b, c</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <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> The cost of autopsies and forensic services is not included in the total cost provided by Queensland.

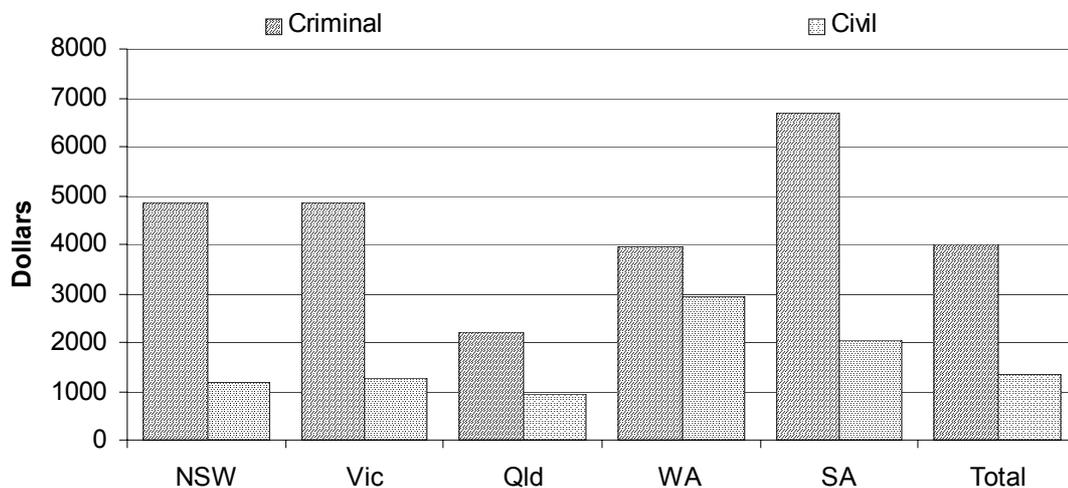
Source: table 9A.27.

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### *Expenditure less in-house revenue per lodgment for district/county courts*

Nationally, in 2000-01, expenditure less in-house revenue per criminal lodgment for district/county courts was \$3992. Across jurisdictions, it was highest in SA (\$6699) and lowest in Queensland (\$2201). Nationally, expenditure less in-house revenue per civil lodgment was \$1346 in district/county courts, and was highest in WA (\$2939) and lowest in Queensland (\$945) (figure 9.15). Tasmania, the ACT, the NT and the Commonwealth do not operate in this court jurisdiction.

**Figure 9.15 Expenditure less in-house revenue per lodgment, district/county courts, 2000-01<sup>a, b, c</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Excludes payroll tax for NSW, Victoria, Queensland and SA. <sup>c</sup> District/county courts do not operate in Tasmania, the ACT, the NT or the Commonwealth.

Source: tables 9A.27 and 9A.28.

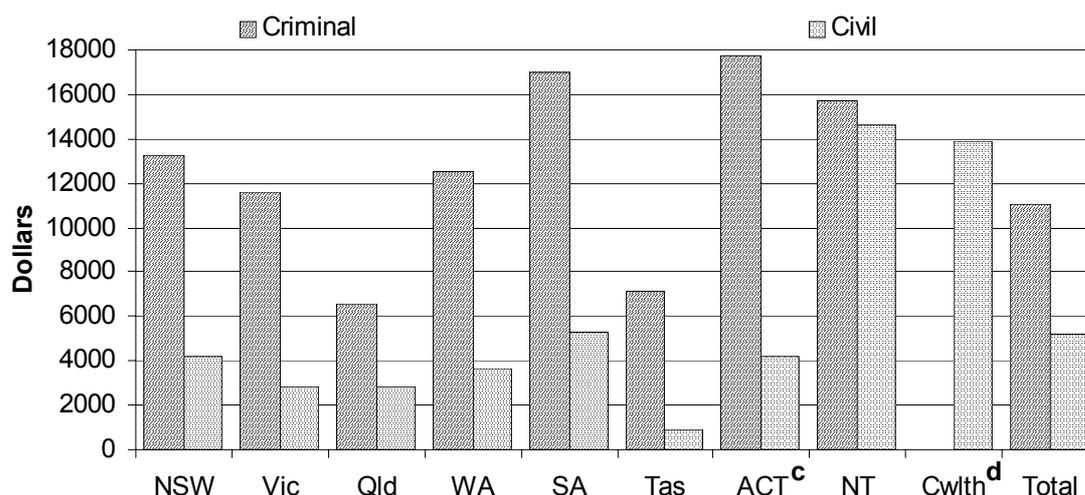
### *Expenditure less in-house revenue per lodgment for supreme courts and the Federal Court*

Nationally, the expenditure less in-house revenue per criminal lodgment for the supreme courts was \$11 038. The ACT had the highest criminal supreme court expenditure less in-house revenue per lodgment (\$17 688) while Queensland had the lowest (\$6553) (figure 9.16). The Federal Court does not operate in the criminal jurisdiction.

Nationally, expenditure less in-house revenue per civil lodgment was \$5222. Across jurisdictions, it ranged from \$14 593 in the NT to \$892 in Tasmania (figure 9.16).

The Federal Court's expenditure less in-house revenue per civil lodgment was \$13 903 (figure 9.16). Data for the Federal Court include the cost of resources provided free of charge to the Federal Magistrates Service.

Figure 9.16 **Expenditure less in-house revenue per lodgment, supreme courts and the Federal Court, 2000-01<sup>a, b</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. <sup>c</sup> The expenditure can be attributed to greater corporate overheads, including funding for the retirement of a Supreme Court judge and the (interstate) relocation of his replacement, the retirement of the Supreme Court Registrar and increased costing for information technology, the Russell Fox Library and the amalgamation of the Bailiffs and Sheriffs Units. <sup>d</sup> In the civil jurisdiction, the introduction of the Federal Magistrates Service has expenditure and lodgment implications for the Federal Court. As well, data for the Federal Court includes the cost of resources provided free of charge to the Federal Magistrates Service. The Federal Court does not operate in the criminal jurisdiction.

Sources: tables 9A.27 and 9A.28.

### *Expenditure less in-house revenue per lodgment for family courts*

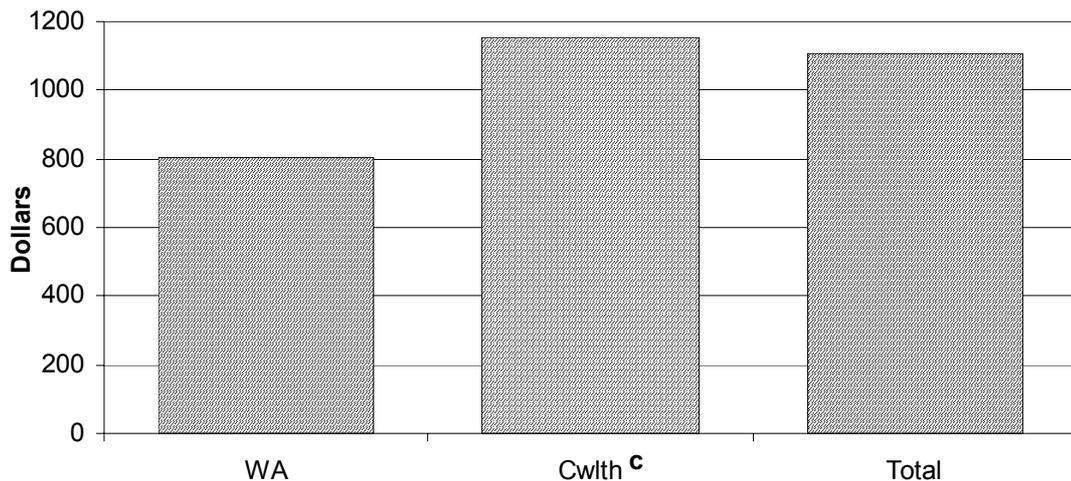
The establishment of the Federal Magistrates Service has implications for the number of lodgments and expenditure associated with the Family Court of Australia. The intention is for the Federal Magistrates Service to take on some of the workload previously managed by the Federal Court and Family Court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

In 2000-01, for the two family court services, expenditure less in-house revenue per lodgment was \$805 for the Family Court of WA and \$1156 for the Family Court of Australia (figure 9.17).

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 courts of Australia and WA (figure 9.17). New South Wales, Victoria, Queensland, SA, Tasmania, the ACT and the NT do not operate in this court jurisdiction.

**Figure 9.17 Expenditure less in-house revenue per lodgment, family courts, 2000-01<sup>a, b</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Expenditure data were not provided by the Federal Magistrates Service. <sup>c</sup> Data for the Family Court of Australia excludes a preliminary estimate of the 'free' allocation of the Family Court's resources to the Federal Magistrates Service. The introduction of the Federal Magistrates Service has expenditure and lodgment implications for the Family Court of Australia. This will also have an impact on any comparisons with the WA Family Court.

Source: table 9A.28.

#### *Change in real expenditure less in-house revenue per lodgment, over the last year*

Nationally, over the last year, real expenditure less in-house revenue per criminal lodgment decreased for the total magistrates' court (including children's and electronic courts) and district/county courts (by 11.2 per cent and 1.3 per cent respectively). Expenditure less revenue per criminal lodgment rose for the supreme courts by 6.8 per cent between 1999-2000 and 2000-01 (table 9.13).

Nationally, over the last year, real expenditure less in-house revenue per civil lodgment for total magistrates' courts (including children's courts) increased by 4.4 per cent. Real expenditure less in-house revenue per civil lodgment fell for district/county courts (by 19.7 per cent) and the supreme/Federal courts (by 1.0 per cent) (table 9.13).

Tables 9A.27 and 9A.28 contain data on the real expenditure less in-house revenue per criminal and civil lodgment (excluding payroll tax) for each court level and jurisdiction from 1998-99 to 2000-01.

**Table 9.13 Change in real expenditure less in-house revenue per lodgment, 1999-2000 to 2000-01 (per cent)<sup>a, b</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Cwlth	Total
<b>Criminal courts</b>										
Magistrates' (total) <sup>c, d</sup>	5.2	-13.2	-7.4	-66.4	13.0	-18.6	115.0	38.1	..	-11.2
District/county	14.6	-12.7	-2.4	-17.1	-21.5	..	..	..	..	-1.3
Supreme	7.3	-21.0	1.7	8.2	41.5	54.5	10.2	-8.1	..	6.8
<b>Civil courts</b>										
Magistrates' (total) <sup>e</sup>	8.0	18.4	3.9	-5.4	-7.1	0.6	3.3	-25.6	..	4.4
District/county	-22.2	-31.8	-37.3	66.1	-5.7	..	..	..	..	-19.7
Supreme/Federal <sup>f</sup>	-9.9	-15.8	29.5	-27.2	-17.3	-14.0	28.0	25.4	20.3	-1.0
Family courts <sup>f</sup>	..	..	..	12.0	..	..	..	..	20.2	18.4

<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Includes payroll tax payments for NSW, Victoria, Queensland, SA, Tasmania and the NT for all years to maintain comparability over time. <sup>c</sup> Magistrates' (total) includes primary and minor lodgments in the magistrates' and children's courts, as well as electronic courts in Victoria, Queensland, WA and SA. <sup>d</sup> For WA, the large fall in expenditure per lodgment can partly be attributed to the inclusion of 186 364 electronic court lodgments that were not previously included. The increase in the ACT reflects newly accounted for liabilities (formulated for the first time under the accrual accounting methodology) and reflects increased salary liabilities of the magistrates' court. <sup>e</sup> For 2000-01, the Victorian civil result includes civil children's expenditure, but excludes civil children's court lodgments as these were not provided. This will make the change over the year appear greater than what it actually is. <sup>f</sup> The introduction of the Federal Magistrates Service has implications for the time series for the Family Court of Australia and the Federal Court. Data for the Family Court of Australia exclude a preliminary estimate of the 'free' allocation of its resources to the Federal Magistrates Service. Data for the Federal Court of Australia include the cost of resources provided free of charge to the Federal Magistrates Service. The inclusion of these costs might have resulted in the percentage increase being overstated. .. Not applicable.

Source: table 9A.30.

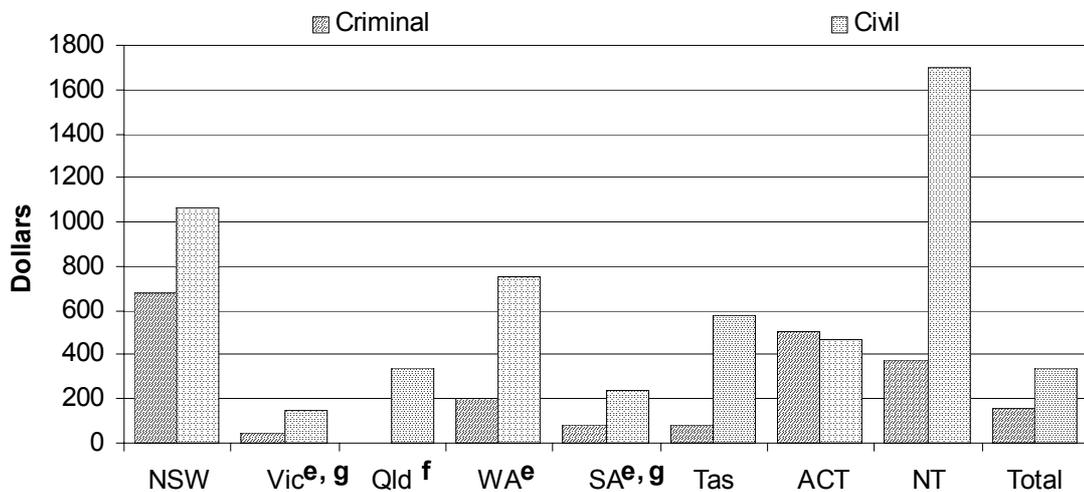
### *Expenditure less in-house revenue per finalisation for total magistrates' courts (including magistrates', children's and electronic courts)*

Queensland has not provided criminal magistrate court finalisations. Nationally, excluding Queensland, expenditure less-in house revenue per criminal finalisation for total magistrates' courts (including children's and relevant electronic courts) was \$154. Across jurisdictions, it was highest in NSW (\$679) and lowest in Victoria (\$49) (figure 9.18). However, comparisons of this nature should be viewed with caution as a number of jurisdictions (including NSW) do not operate electronic courts. Consideration needs to be given, therefore, to the efficiency results that relate to expenditure less in-house revenue for magistrates' courts only (figure 9.19), which exclude the impact of electronic courts.

Nationally, expenditure less-in house revenue per civil finalisation for total magistrates' courts (including children's courts) was \$336. Across jurisdictions, it was highest in the NT (\$1698) and lowest in Victoria (\$143) (figure 9.18). The Commonwealth does not operate in this court jurisdiction.

The missing data relating to the criminal Queensland Magistrates' Court are available on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). The revised total figure is also available on the Review web page.

**Figure 9.18 Expenditure less in-house revenue per finalisation, total magistrates' courts, 2000-01<sup>a, b, c, d</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Finalisations are derived from timeliness data which may not reflect the total matters disposed by the courts in the reported period (as timeliness data may not allow for accurate extraction of the disposal of all matters). <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> Criminal finalisations include electronic court finalisations, which will impact on comparisons with other jurisdictions. <sup>f</sup> Queensland did not provide data on criminal magistrates' court, electronic court or children's court finalisations. <sup>g</sup> Victorian and SA civil result includes civil children's expenditure, but excludes civil children's court finalisations as these were not provided.

Sources: tables 9A.35 and 9A.36.

*Expenditure less in-house revenue per finalisation for magistrates' courts only (excluding electronic and children's courts)*

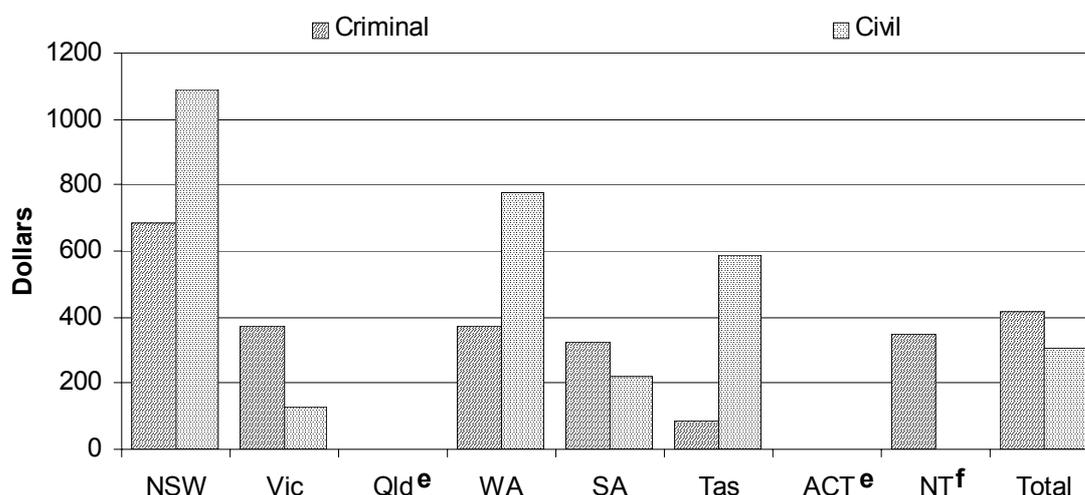
Queensland and the ACT could not separate their criminal or civil magistrates' court data from their children's court data, and the NT could not separate its civil magistrates' court data from its children's court data. Where relevant, the national figure excludes these jurisdictions. In 2000-01, expenditure less in-house revenue per criminal finalisation for magistrates' courts only (excluding electronic and

children's courts) was \$415 nationally. Across jurisdictions, it was highest in NSW (\$688) and lowest in Tasmania (\$85) (figure 9.19).

Nationally, expenditure less in-house revenue per civil finalisation for the magistrates' courts only (excluding children's courts) was \$306. Across jurisdictions, it was highest in NSW (\$1088) and lowest in Victoria (\$128) (figure 9.19). The Commonwealth does not operate in this court jurisdiction.

The missing data relating to the criminal Queensland Magistrates' Court (only) are available on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). The revised total figure is also available on the Review web page.

**Figure 9.19 Expenditure less in-house revenue per finalisation, magistrates' courts only, 2000-01<sup>a, b, c, d</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Finalisations are derived from timeliness data which may not reflect the total matters disposed by the courts in the reported period (as timeliness data may not allow for accurate extraction of the disposal of all matters). <sup>c</sup> Excludes payroll tax for NSW, Victoria, SA, Tasmania and the NT. <sup>d</sup> The Commonwealth does not operate in this court jurisdiction. <sup>e</sup> Queensland and the ACT could not separate their criminal or civil magistrates' courts only data. <sup>f</sup> The NT did not provide children's court finalisations in the civil jurisdiction.

Sources: tables 9A.35 and 9A.36.

### *Expenditure less in-house revenue per finalisation for children's courts*

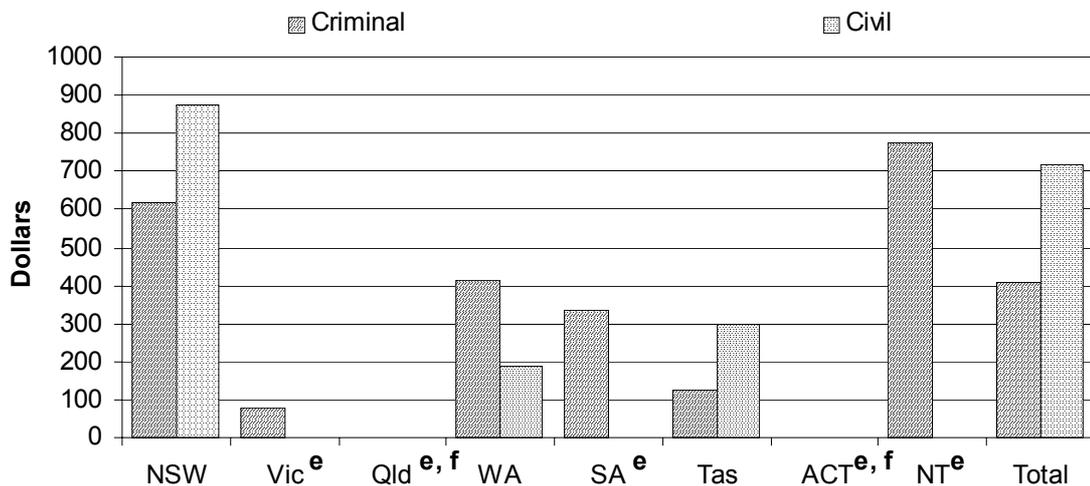
Queensland and the ACT could not separate their criminal or civil children's court data from their magistrates' court data, and Victoria, SA and the NT could not separate their civil children's court data from their magistrates' court data. Where relevant, the national figure excludes these jurisdictions. In 2000-01, expenditure less in-house revenue per criminal finalisation for children's courts was

\$411 nationally. Across jurisdictions, it was highest in the NT (\$772) and lowest in Victoria (\$81) (figure 9.20).

Nationally, expenditure less in-house revenue per civil finalisation for the children's courts was \$716. Across jurisdictions, it was highest in NSW (\$873) and lowest in WA (\$189) (figure 9.20). The Commonwealth does not operate in this court jurisdiction.

The missing data relating to the criminal Queensland Children's Court are available on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). The revised total figure is also available on the Review web page.

Figure 9.20 **Expenditure less in-house revenue per finalisation, children's courts, 2000-01<sup>a, b, c, d</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Finalisations are derived from timeliness data which may not reflect the total matters disposed by the courts in the reported period (as timeliness data may not allow for accurate extraction of the disposal of all matters). <sup>c</sup> Excludes payroll tax for NSW, Victoria, SA, Tasmania and the NT. <sup>d</sup> The Commonwealth does not operate in this court jurisdiction. <sup>e</sup> Children's court civil finalisation data were not provided. <sup>f</sup> Children's criminal court finalisations data were not provided.

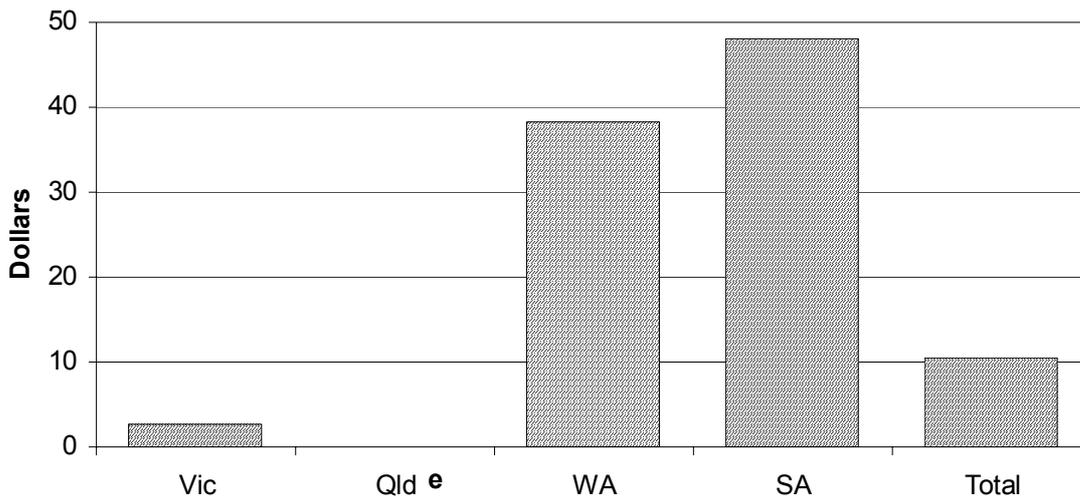
Sources: tables 9A.35 and 9A.36.

### *Expenditure less in-house revenue per finalisation for electronic courts*

Queensland was unable to separate its electronic court finalisations from its magistrates' court data. Excluding Queensland, in 2000-01, expenditure less in-house revenue per finalisation for electronic courts was \$10 nationally. Across jurisdictions, it was highest in SA (\$48) and lowest in Victoria (\$3) (figure 9.21). New South Wales, Tasmania, the ACT, the NT and the Commonwealth do not operate in this court jurisdiction.

The missing data relating to the Queensland electronic court are available on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). The revised total figure is also available on the Review web page.

**Figure 9.21 Expenditure less in-house revenue per finalisation, electronic courts, 2000-01<sup>a, b, c, d</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Finalisations are derived from timeliness data which may not reflect the total matters disposed by the courts in the reported period (as timeliness data may not allow for accurate extraction of the disposal of all matters). <sup>c</sup> Excludes payroll tax for Victoria and SA. <sup>d</sup> Electronic courts (infringement and expiated offence processing systems that have the status of a court) only operate in Victoria, Queensland, WA and SA. <sup>e</sup> Queensland is unable to provide separate electronic court finalisations.

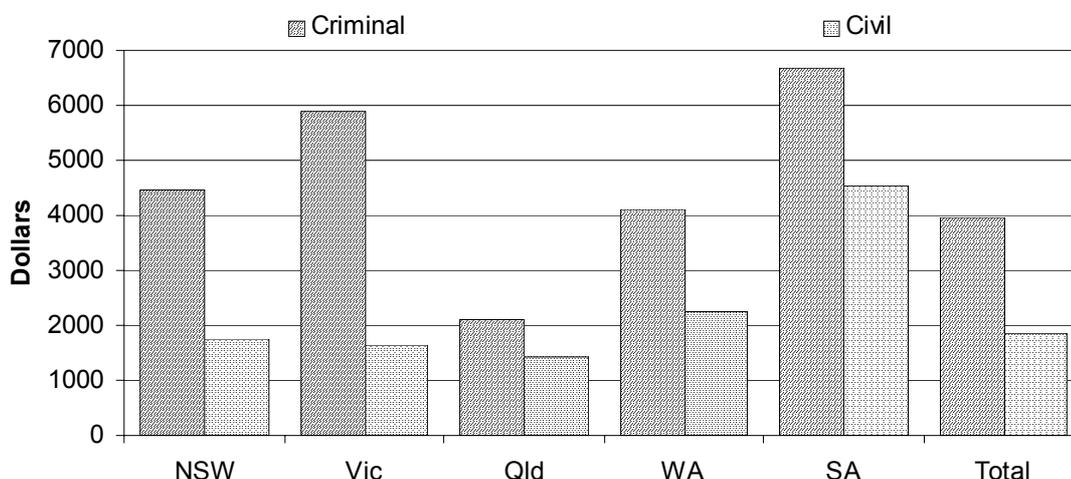
Source: table 9A.35.

#### *Expenditure less in-house revenue per finalisation for district/county courts*

Nationally, in 2000-01, expenditure less in-house revenue per criminal finalisation for district/county courts was \$3952. Across jurisdictions, it was highest in SA (\$6664) and lowest in Queensland (\$2103) (figure 9.22).

Nationally, expenditure less in-house revenue per civil finalisation for district/county courts was \$1847. Across jurisdictions, it was again highest in SA (\$4524) and lowest in Queensland (\$1428) (figure 9.22). Tasmania, the ACT, the NT and the Commonwealth do not operate in this court jurisdiction.

Figure 9.22 **Expenditure less in-house revenue per finalisation, district/county courts, 2000-01<sup>a, b, c, d</sup>**



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Finalisations are derived from timeliness data which may not reflect the total matters disposed by the courts in the reported period (as timeliness data may not allow for accurate extraction of the disposal of all matters). <sup>c</sup> Excludes payroll tax for NSW, Victoria, Queensland and SA. <sup>d</sup> District/county courts do not exist in Tasmania, the ACT, the NT or the Commonwealth.

Sources: tables 9A.35 and 9A.36.

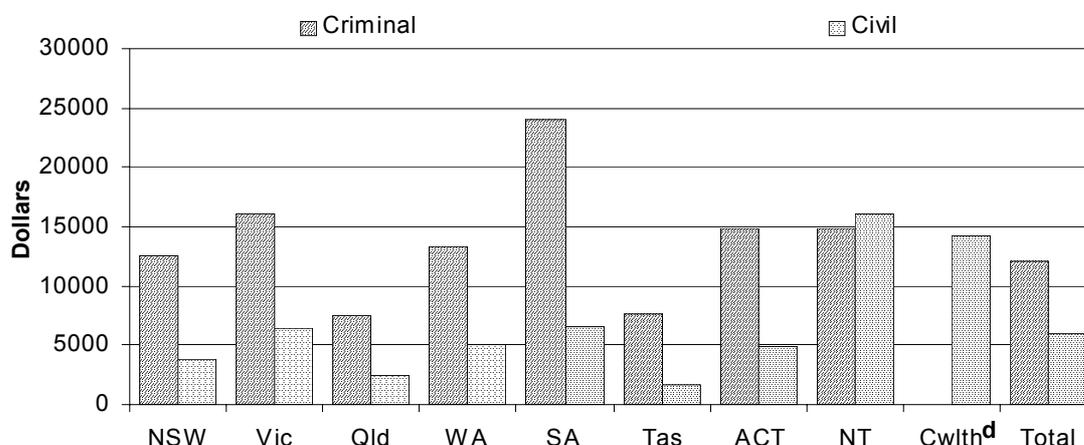
### *Expenditure less in-house revenue per finalisation for the supreme courts and the Federal Court*

Nationally, expenditure less in-house revenue per criminal finalisation in the supreme courts was \$12 034. Across jurisdictions, it was highest in SA (\$24 029) and lowest in Queensland (\$7458) (figure 9.23). The Federal Court does not operate in the criminal jurisdiction.

Nationally, expenditure less in-house revenue per civil finalisation was \$5935. Across jurisdictions, it was highest in the NT (\$16 049) and lowest in Tasmania (\$1637) (figure 9.23).

The Federal Court expenditure less in-house revenue per finalisation was \$14 293 (figure 9.23). Data for the Federal Court includes the cost of resources provided free of charge to the Federal Magistrates Service.

Figure 9.23 Expenditure less in-house revenue per finalisation, supreme courts and Federal Court, 2000-01<sup>a, b, c</sup>



<sup>a</sup> In-house revenue includes revenue earned by in-house providers of library, court reporting and civil bailiff services to external purchasers. <sup>b</sup> Finalisations are derived from timeliness data which may not reflect the total matters disposed by the courts in the reported period (as timeliness data may not allow for accurate extraction of the disposal of all matters). <sup>c</sup> Excludes payroll tax for NSW, Victoria, Queensland, SA, Tasmania and the NT. <sup>d</sup> Data for the Federal Court includes the cost of resources provided free of charge to the Federal Magistrates Service. As well, the introduction of the Federal Magistrates Service has expenditure and lodgment implications for the Federal Court. The Federal Court does not operate in the criminal jurisdiction.

Sources: tables 9A.35 and 9A.36.

## 9.5 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.

To address some of these disparities, the Commonwealth, States and Territories have all recently signed a Memorandum of Understanding with the ABS to improve the quality of statistical data within the court administration data collection, and to improve the standard of statistical comparability across jurisdictions. The ABS, as part of this process, will continue to provide advice and contribute to the development and refinement of the *Court Administration Data Manual* (SCRSSP 2001), including the ongoing development of civil and criminal data standards (for example, definitions, classifications, coding, and recording and reporting procedures).

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Stage one of this project will address quality assurance issues associated with court lodgments across all court levels. Any changes or recommendations arising from this work are expected to be able to be implemented in time for the 2003 Report.

In recognition of the need to continue to refine the data collection and improve consistency across court jurisdictions, a Court Practitioners' Group has been established. It is anticipated that this group will also assist in recommending improvements to definitions and technical issues associated with the data collection process.

### **Court performance indicator framework**

The Court Administration Working Group is proposing the development of a new performance indicator framework for possible inclusion in the 2003 Report. This work is still in its initial stages.

## **9.6 Jurisdictions' comments**

This section provides comments from each jurisdiction on the services covered in this chapter and attachment 9A on the CD-ROM. Appendix A contains detailed statistics and short profiles on each State and Territory, which may assist in interpreting the performance indicators presented in this chapter. The information covers various aspects such as age profile, geographic distribution of the population, income levels, education levels, tenure of dwellings and cultural heritage (such as aboriginality and ethnic status).

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## Commonwealth Government comments

### *Federal Court*

“ 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.

Since the last *Report on Government Services*, the introduction of the Federal Magistrates Service has impacted 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 be 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 developed by the Court continues to show improvement from 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. ”

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## New South Wales Government comments

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A significant focus for NSW courts this year was the introduction of key performance indicators. Courts and tribunals now apply time standards and report on age of pending caseload and backlog against their time standards.

The Department expanded its electronic services. E-lodgements were successfully trialed in the Land and Environment Court, enabling online lodgement and payment of fees for court matters. Internet, bulletin board and tele-conferencing services for routine call-overs were also introduced in that Court. The District Court uses tele-conferencing for all directions hearings for matters outside Sydney and Parramatta in the Property Relations List. Through *CaseLaw NSW*, 4.3 million daily court lists were downloaded from *LawLink NSW*, servicing over 4000 subscribers. Video conferencing is now available in 62 court locations for taking evidence from vulnerable witnesses. In the District Court, 16 courtrooms were networked with remote video and audio recording equipment, allowing a single operator to monitor two court room proceedings remotely. Under the Justice Agencies Data Exchange (JADE) project, 56 of our Local Courts, representing about 80 per cent of finalisations, now electronically send court outcomes to NSW Police. Voice recognition software for judges and magistrates enables direct electronic dictation of notes, judgments and orders.

Other initiatives undertaken by courts include:

- the Supreme Court introduced time standards in all areas, except the civil caseload, and now reports against its time standards. The Supreme Court and District Court achieved a significant reduction in delay in 2000 and 2001, with median delay for criminal trial cases below 12 months for the first time in ten years. Contributing factors include the success of the centralised committals scheme (in the District Court), improved listing procedures and the target allocation of resources;
- a Flexible Service Delivery program, designed to improve service and responsiveness to clients with an intellectual or physical disability, was successfully trialed and State-wide roll-out commenced in June 2001; and
- Local Courts expanded its services to Indigenous people through its Aboriginal Client Service Specialists.

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## Victorian Government comments

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The Victorian Courts continued their solid performance in 2000-2001 delivering high quality and timely court services. A range of reforms have focused on case management, legislative improvements and court infrastructure. Major achievements this year include:

- The Supreme Court has established an arbitration and mediation centre, conducted under the auspices of the Institute of Arbitrators and Mediators, to facilitate alternative dispute resolution at the earliest possible stage in civil proceedings.
- The Court of Appeal, with the cooperation of the Legal Aid Commission, introduced measures that have significantly ameliorated issues concerning unrepresented appellants.
- The County Court comprehensively reviewed the civil practice notes which culminated in the publication of two consolidated practice notes in April 2001.
- The Magistrates' Court has commenced a business process re-engineering process to review the operations of the court and identify improvement opportunities to processes and work.
- The Magistrates' Court undertook a range of initiatives to build effective links with Indigenous communities and to create a more culturally-sensitive system of justice for indigenous Victorians. These initiatives included the appointment of Aboriginal bail justices and participation in the Kick Start Program for youth.
- The Judicial College of Victoria is being established to enhance the independence, professionalism, stature and performance of the Judiciary. The College will assist in the professional development of judicial officers and provide continuing education and training for judicial officers.
- A number of legislative reforms have been introduced to improve the effectiveness and flexibility of the criminal justice system. These reforms include amendments to the committal process and changes to the jury system to make it more representative of the community.
- A new court complex will be developed in Morwell. In addition, the Moe Magistrates' Court will also be upgraded as part of this project.

A number of major initiatives are being implemented during 2001/02:

- The courts are developing a strategic directions framework that will culminate in the publication of an overarching Justice Statement. The Justice Statement will provide the blueprint for the future development of the Justice System.
- Two additional County Court judges have been appointed to assist with the implementation of significant case management reforms in the criminal jurisdiction introduced by the Court in 2000/01.

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## Queensland Government comments

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Queensland courts' performance in 2000-2001 maintained the high standards of effectiveness and efficiency demonstrated over the period since the first *Report on Government Services* in 1995. Of particular note is the cost effectiveness of all courts. In the criminal jurisdiction the Supreme and District Courts achieved the lowest cost per primary lodgment of any such court in Australia, with Magistrates Courts among the most efficient in this jurisdiction.

The introduction of the computerised criminal case management and financial system known as the Queensland Wide Interlinked Courts system (QWIC) during the year, was successful, despite the usual teething problems associated with such new systems.

Several tables in the chapter indicate that some of Queensland's data were not available at the time they were compiled. This has been rectified and in the interests of completeness the data are shown below.

**Table 9.2.** *Magistrates Court lodgments: 93 099,  
Children's Court lodgments: 4 449.*

**Table 9.4.** *Minor court lodgments: 15%.*

**Table 9A.4 (attachments).** *Supreme Court hearings: 474.*

**Table 9.5.** *Magistrates Court criminal finalisations (total): 357 618,  
Magistrates Court: 170 266, Children's Court: 12 172,  
Electronic Court: 175 180, All criminal courts: 170 266,  
Magistrates Court civil finalisations: 38 341.*

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## Western Australian Government comments

“ Western Australian courts have a commitment to implement strategic, process and structural reforms to improve community access and equity to justice in more effective and efficient ways. Major achievements in the 2000/01 year include:

- The commissioning of three new justice complexes, which incorporate state of the art facilities for stakeholders and customers. Each of the complexes has facilities to hold jury trials, and incorporate offices for Community Based Services operations and other support services.
- Continued development of the Integrated Courts Management System (ICMS), an IT system that will replace 14 existing case management systems in the State’s courts, and provide for interactive capability with other justice agencies and e-business capacity.

Key initiatives for the next year include:

- Develop and implement plans for introduction of the 447 WA Law Reform Commission recommendations arising from the 1999 review of the State’s criminal and civil justice system.
- Review fee structures and develop a cost recovery plan for presentation to the Government.
- Implement the first phase of the Integrated Courts Management System (ICMS).

The following comments are made in respect of this report:

- The increase in overall expenditure for court administration noted in this report is predominantly due to the implementation of a dedicated court security service. The new security service replaces a combination of arrangements that variously utilised police personnel, private security guards, prison staff and bailiffs as required across the State. The new service, which was let by tender, provides for “in-court” security and court custody services in to be delivered to all metropolitan and seven regional courts under contract by a private contractor.
  - As has been noted throughout the report, comparisons and analysis between the Family Court of Western Australia and the Family Court of Australia should be undertaken with caution for this reporting period. This comes about as a result of formation of the Federal Magistrates Courts jurisdiction and the subsequent transfer of specific types of work from the Family Court of Australia to that jurisdiction. No similar transfer of work occurred between the Family Court of Western Australia and the Federal Magistrates Court in this State. Note that the same level of caution should be exercised when comparing/analysing financial data.
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## South Australian Government comments

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The Courts Administration Authority implemented a number of initiatives during the year to improve the efficiency and effectiveness of services.

The Courts Consulting the Community initiative was undertaken in late 2000. The initiative included a conference at which the courts of South Australia gave representatives of the community the opportunity to express their views about matters affecting community confidence in the courts. About 100 people drawn from a wide range of interest groups attended the two-day conference. Strategies endorsed by the State Courts Administration Council have now been put in place to give effect to the recommendations from the Conference.

During the year an electronic lodgment scheme was launched in the Magistrates Court civil jurisdiction to facilitate easy lodgment of minor civil claims. Also in the Magistrates Court the Aboriginal Court Day was extended to Murray Bridge to meet the needs of the local Aboriginal community. Two Aboriginal Justice Officers were appointed to meet the needs of the Port Augusta area.

Additional security measures were put in place in city, metropolitan and some country courts to improve the safety of clients and staff. Information services expenditure includes the cost of the replacement of the CAA's ageing PC network. The full year impact of the new fines enforcement system was felt during the year with a substantial increase in amount of fines collected.

In relation to efficiency indicators changes in the number of lodgments continue to be a significant factor in any increase or decrease in cost per lodgement. Changes in performance indicators should be interpreted with care as results continue to vary due to statistical or reporting variations associated with the data collection exercise rather than as evidence of change in workload, activity or expenditure. The cost of the Youth Court Family Conference and Care and Protection teams is included for the first time this year.

Planning for the future includes:

- Expansion of the Aboriginal Court Day to Port Augusta;
- Expansion of the Court Diversion Program;
- Greater use of the Internet and video conferencing for conduct of routine business.

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## Tasmanian Government comments

“ Tasmania will embark on an ambitious information technology project in 2002 to deliver an integrated criminal justice information technology system. Called *CRIMES* this system will enable information to be shared by Tasmania Police, the Magistrates Court and Supreme Court. It will provide Tasmania with the ability to track the progress of offenders from date of offence to date of sentence. It is envisaged that further enhancements will be undertaken to provide outcome and sentencing data directly to relevant agencies such as prisons, probation services and licensing agencies.

The development of *CRIMES* will also open up new opportunities for the collection and analysis of statistics about both offenders and the criminal justice system. This will be reflected in future Reports. It will also provide Tasmania with its first opportunity to provide state-wide criminal data in the Magistrates Court. To date all Magistrates Court criminal data is estimated based on a 50 per cent sample size provided by the southern region.

The collection of data in civil areas continues to be limited by the lack of appropriate case management systems in both court levels. Whilst lodgment and finalisation data are readily available from existing systems, the more complex data sets such as hearings and reasons for adjournments cannot be collected. The courts will continue to work towards an appropriate solution to these issues.

Tasmanian courts are yet to adopt timeliness standards. This issue will be canvassed during 2001 - 2002.

Both court levels have again demonstrated during 2000 - 2001 that they provide accessible and efficient mechanisms for the resolution and adjudication of disputes. The statistics for cost per lodgment, time from disposal to finalisation and number of lodgments present a picture of well used, cost effective and efficient courts.

Tasmania continues to support the development of a new performance indicator framework for court administration. Whilst the information presented in this Report allows comparisons to be made between jurisdictions, the enormous differences between jurisdictions can undermine the usefulness of those comparisons. Further, critical areas of court activity such as diversionary strategies and mediation, are not reported on under the present framework. Tasmania welcomes the opportunity to work with the Court Administrators' Working Group, the Productivity Commission and Australian Bureau of Statistics towards a new performance indicator framework.”

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## Australian Capital Territory Government comments

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During 2000-01 the following key areas were identified as and remain the focus of attention for the newly-introduced combined Courts Administration:

- Provide improved and/or upgraded Court facilities to the Judiciary, Court staff and Court users;
- Provide a harmonious and efficient joint administrative framework – wherein judicial officers, management and staff contribute to the performance and future planning and operations of the Court;
- Consultation and contact with the legal profession, other Agencies and justice systems locally, nationally and internationally to network and promote ideas for future improvements that will enhance the ACT Courts performance;
- Develop innovation in the Courts to increase efficiencies and disseminate information; and
- Increasing the Community’s access to, and understanding of, the operations of the ACT Law Courts and judicial system.

Legislative changes within the last two years are now being reflected in both Court’s data. The Supreme Court ceased to exercise its Criminal Injuries Compensation jurisdiction; the impact of that change is now reflected in a decrease in overall lodgements. Listings have decreased as a result of the introduction of Notices for Non Party Production. The Supreme Court’s web site has been expanded to include full transcripts of Judges’ sentencing remarks.

A new criminal listing system has been introduced in the Supreme Court which has reduced the number of trials waiting for dates. The number of pleas following committal have increased concomitantly. This system streamlines the process between committal and trial and involves the Supreme Court at an early date after committal. It is expected that there will be more certainty of a trial commencing on a fixed date and because of early disclosure of the crown case the length of trials will be shortened.

Magistrates Court salary liabilities were, for the first time, reported under accrual accounting methodology therefore the large increase in expenditure less in-house revenue is an aberration and should be treated with extreme caution.

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## Northern Territory Government comments

“ The Office of Courts Administration (OCA) implemented a number of strategic initiatives during the year, which improved the efficiency and effectiveness of administrative services:

- Establishment of the Fines and Recovery Unit. This unit will, in effect be a ‘one-stop-shop’ for all aspects of the fine recovery process, from enforcement of orders, making time to pay arrangements to receiving payments. The Integrated Justice Information System was enhanced to facilitate the case management of fines and penalties, including bar coding and various electronic options for payment.
  - The development of an Information and Information Technology Strategic Plan (I&IT Strategic Plan) designed to align the business direction and requirements of OCA with the rapid developments that are taking place, through the evolution of technology to support OCA in the delivery of its products and services to stakeholders.
  - The development of the Northern Territory (NT) Supreme Court web site. A feature of this site is the publication of NT Supreme Court sentencing remarks.
  - Acquisition of new ‘high tech’ video-conferencing systems in the Darwin Supreme Court and Magistrates Court. This has resulted in significant savings and improvements in both audio and videoconference capabilities.
  - A preliminary assessment was initiated to investigate the business and technology effort involved in the introduction of electronic lodgment.
  - Exploring and investigating the web-enablement tool of Visual Age Generator to convert the existing mainframe text based screen to a user friendly Graphic User Interface, running from a browser.
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## 9.7 Definitions

Table 9.14 Terms

<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 — excluding in-house revenue	Average expenditure per criminal or civil case (see below), excluding revenue from providing library court reporting and civil bailiff services.
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. Total costs include salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses.
Average expenditure per primary criminal case	The total cost of the administrative services divided by the total number of primary criminal matters handled. Total costs include salaries, sheriff expenses, juror costs, net court reporting costs, accommodation costs, the net cost of library services, information technology, departmental overheads and court operating expenses.
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. It 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.

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**Table 9.14 (Continued)**

<i>Terms</i>	<i>Definition</i>
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). It includes matters adjourned as not reached and excludes matters adjourned as part heard.
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 which may not reflect the total matters disposed by the courts in the reported period.
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. It excludes pre-trial conferences, arraignment, mention hearings, status conferences, mediation and counselling.
In-house revenue	Revenue or income received by the court administration branch or division for the provision of court reporting, library or civil bailiff services.
Information technology expenditure	Non-salary and salary expenditure on information technology. It excludes capital expenditure on information technology infrastructure and includes licensing costs, computer leasing costs, the cost of consumables (such as data lines, paper, 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. They include 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. They include 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 9.14 (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:</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>Minor criminal:</i> Minor traffic matters and other infringement matters.</p> <p><i>Minor civil:</i> Undefended general civil matters and applications of an administrative nature, such as winding up applications, criminal injury compensation applications, Australian registered judgments, residential tenancy disputes, joint applications for divorce and applications for debt recovery.</p> <p><i>Primary civil:</i> Defended matters, appeals from tribunals, justices' appeals, full court appeals, magistrates' appeals, assessment of damages requiring interlocutory applications (defended or not), injunctions and declarations.</p> <p><i>Primary criminal:</i> Those criminal matters that are not minor.</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.

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Table 9.14 (Continued)

<i>Terms</i>	<i>Definition</i>
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.
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. It excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security.
Timeliness	<p>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.</p> <p>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.</p> <p>The percentage of <i>defended 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 the defended cases after lodgment.</p> <p>The percentage of <i>civil trial cases</i> finalised through the initiation of a trial that are completed within six months; six to 12 months; 12 to 18 months; and more than 18 months after lodgement. Cases are sorted according to the time taken to finalise after lodgment.</p>
Umbrella department expenditure	Expenditure incurred by the umbrella department (the ministry or department of justice or Attorney-General). It 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).