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## 6 Court administration

This chapter covers the performance of court administration for State and Territory supreme, district/county and magistrates (including children's) courts, electronic infringement and enforcement systems, coroners courts and probate registries. It also covers the performance of court administration for the Federal Court of Australia, the Federal Magistrates Court, the Family Court of Australia and the Family Court of WA. This chapter does not include information on specialist courts (for example, drug courts) or the High Court of Australia. The focus of this Report is on the administration of the courts, not the outcomes of legal processes.

A profile of court administration is presented in section 6.1. The framework of performance indicators is outlined in section 6.2 and data are discussed in section 6.3. Future directions for performance reporting are discussed in section 6.4. Jurisdictions' comments are provided in section 6.5, followed by definitions in section 6.6. A list of the supporting tables for this chapter is provided in section 6.7. Supporting tables are identified in references throughout the chapter by an 'A' suffix (for example, table 6A.3 is table 3 in this attachment). Supporting tables are provided on the CD-Rom enclosed with the Report. The chapter references are contained in section 6.8.

### 6.1 Profile of court administration services

#### Service overview

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

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

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## Roles and responsibilities

### *State and Territory court levels*

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

- the supreme court
- the district/county court
- the magistrates court.

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

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

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## Box 6.1 Magistrates court jurisdiction across states and territories

**Criminal:** All magistrates courts deal with criminal matters.

*NSW:* Deals summarily with matters with a maximum penalty of up to two years imprisonment for a single offence, and up to five years imprisonment for multiple offences, including some indictable offences.

*Victoria:* Deals with summary offences and determines some indictable offences summarily.

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

*WA:* Deals with summary offences and determines some indictable offences summarily.

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

*Tasmania:* Deals with matters with a maximum penalty of up to two years imprisonment for a single offence and up to five years imprisonment for multiple offences. Also deals with some indictable offences summarily.

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

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

### Civil

*NSW:* Deals with small claims up to \$10 000 and general division claims up to \$60 000, as well as family law matters.

*Victoria:* deals with up to \$100 000 for monetary damages, as well as applications for equitable relief and applications under the *Crimes (Family Violence) Act 1987*.

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

*WA:* Deals with claims for debt recovery and damages (not personal injury) up to \$50 000, minor cases up to \$7500, residential tenancy disputes and restraining orders.

*SA:* Deals with small claims up to \$6000, commercial cases up to \$40 000 and personal injury claims up to \$80 000.

*Tasmania:* Deals with claims up to \$20 000 (or more if both parties consent) for monetary damages and debt recovery, minor civil claims up to \$5000, residential tenancy disputes, restraint orders and family violence orders.

*ACT:* Deals with small claims up to \$10 000, other claims up to \$50 000, residential tenancy disputes over \$10 000 and matters under the *Domestic Relations Act 1994*.

*NT:* deals with claims up to \$100 000 and workers compensation claims.

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

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## Box 6.2 District/county court jurisdiction across states and territories

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

### **Criminal**

All State district/county courts have jurisdiction over indictable criminal matters (such as rape and armed robbery) except murder and treason, but differences exist across jurisdictions. The following are examples of the jurisdiction of the criminal district/county courts:

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

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

*Queensland:* District Court deals with more serious criminal offences than heard by the Magistrates Court — for example, rape, armed robbery and fraud.

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

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

Appeals from magistrates courts are heard in the district/county courts in NSW, Victoria and Queensland, but not in WA and SA.

### **Civil**

All district/county civil courts hear appeals.

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

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

*Queensland:* Deals with claims between \$50 000 and \$250 000.

*WA:* Deals with claims up to \$500 000 and unlimited claims for personal injuries.

*SA:* Deals with unlimited claims for general and personal injury matters.

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

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## Box 6.3 Supreme court jurisdiction across states and territories

### Criminal

All State and Territory supreme courts have jurisdiction over serious criminal matters such as murder, treason and certain serious drug offences, but significant differences exist across jurisdictions:

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

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

### Civil

All supreme courts deal with appeals and probate applications.

*NSW:* Has an unlimited jurisdiction on claims, but usually deals with complex cases, all claims over \$750 000 (except those related to motor vehicle accidents or worker's compensation claims) and various other civil matters.

*Victoria:* Has an unlimited jurisdiction on claims.

*Queensland:* Has an unlimited jurisdiction on claims, but usually deals with claims over \$250 000 and administrative law matters.

*WA:* Has an unlimited jurisdiction on claims, but usually deals with claims over \$500 000.

*SA:* Deals with unlimited claims for general and personal injury matters.

*Tasmania:* Has an unlimited jurisdiction on claims, but usually deals with claims over \$20 000.

*ACT:* Has an unlimited jurisdiction on claims.

*NT:* Has an unlimited jurisdiction on claims, and also deals with mental health, family law and *Coroners Act 1993* applications.

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

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

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

- probate registries (separate from the supreme court level)
- children's courts (separate from the magistrates court level)
- electronic infringement and enforcement systems (separate from the magistrates court level)
- coroners courts (separate from the magistrates court level).

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

#### *Probate*

In all jurisdictions, probate issues are heard in supreme courts and encompass applications for the appointment of an executor or administrator to the estate of a deceased person. The two most common types of application are:

- where the executor nominated by a will applies to have the will proved
- where the deceased died intestate (without a will) and a person entitled to administer the estate applies for letters of administration.

#### *Children's courts*

In all jurisdictions, the children's court deals with all complaints of offences alleged to have been committed by young people (with the minimum age varying across jurisdictions). The children's court also hears matters if a child has been seriously abused or neglected; in these instances, the court has jurisdiction to determine matters relating to the child's care and protection.

#### *Electronic infringement and enforcement systems*

Electronic infringement and enforcement systems operate to process infringements, on-the-spot fines and summary offences. They have the status of courts (despite minimal judicial involvement), because they have the capacity to produce enforceable orders against defendants. The orders impose penalties such as fines

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(which may be enforced by warrants or licence cancellation), asset seizure, garnishment, arrest, community correction orders and incarceration.

Electronic infringement and enforcement systems included in the scope of this data collection operate in Victoria, Queensland, WA and SA. In these jurisdictions, the electronic infringement and enforcement system comes under the ambit of the magistrates court, but the workload and expenditure of the electronic infringement and enforcement system have been separately identified to allow for a more comparable interpretation of magistrates court data. In other jurisdictions, the magistrates court may enforce infringements and on-the-spot fines, or state debt recovery offices and/or fines enforcement units may operate outside the auspices of a court.

### *Coroners courts*

In all states and territories, coroners courts (which generally operate under the auspices of State and Territory magistrates courts) inquire into the cause of sudden and unexpected reported deaths. The definition of a reported death differs across states and territories, but generally includes deaths for which the cause is violent, suspicious or unknown. In some states and territories, the coroner has the power to commit for hearing, while the coroner in other jurisdictions is prohibited from making any finding of criminal or civil liability (that is, the matter may be referred to the Director of Public Prosecutions). Suspicious fires are generally in the jurisdiction of the coroners court (except in WA, SA and the NT, and Queensland from December 2003). The coroners court is distinct from other courts not only because it has a role in inquiring into the cause of sudden and unexpected deaths (and suspicious fires), but also because it has other functions, including reporting inadequacies in regulatory systems.

### *Australian court levels — specific elements*

The following hierarchy of courts exists within the Australian courts jurisdiction:

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

Data on the High Court are not reported in this chapter. The following sections highlight the relationship between the other three Australian courts.

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### *Federal Court of Australia*

This court 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.

The Court has jurisdiction to hear and determine any civil matter arising under laws made by the Federal Parliament, as well as any matter arising under the Constitution or involving its interpretation. The Court also has original jurisdiction in respect of specific subject matter conferred by over 150 statutes of the Federal Parliament.

The Court has a substantial and diverse appellate jurisdiction. It hears appeals from decisions of single judges of the Court, decisions of the Federal Magistrates Court in non-family law matters, decisions of the Supreme Court of Norfolk Island and certain decisions of State and Territory supreme courts exercising federal jurisdiction.

### *Family Court of Australia*

The Family Court of Australia has jurisdiction in all states and territories except WA (which has its own Family Court). It has jurisdiction to deal with matrimonial cases and associated responsibilities, including divorce proceedings, financial issues and children's matters such as residence, contact and special issues orders. It can also deal with ex-nuptial cases involving children's matters. Additionally, a practice direction was issued by the Family Court with agreement from the Federal Magistrates Court, that from November 2003 all divorce applications are to be lodged in the Federal Magistrates Court. A small number of divorce applications, however, are still lodged and processed in the Family Court. This practice direction does not affect the Family Court of WA.

### *Federal Magistrates Court*

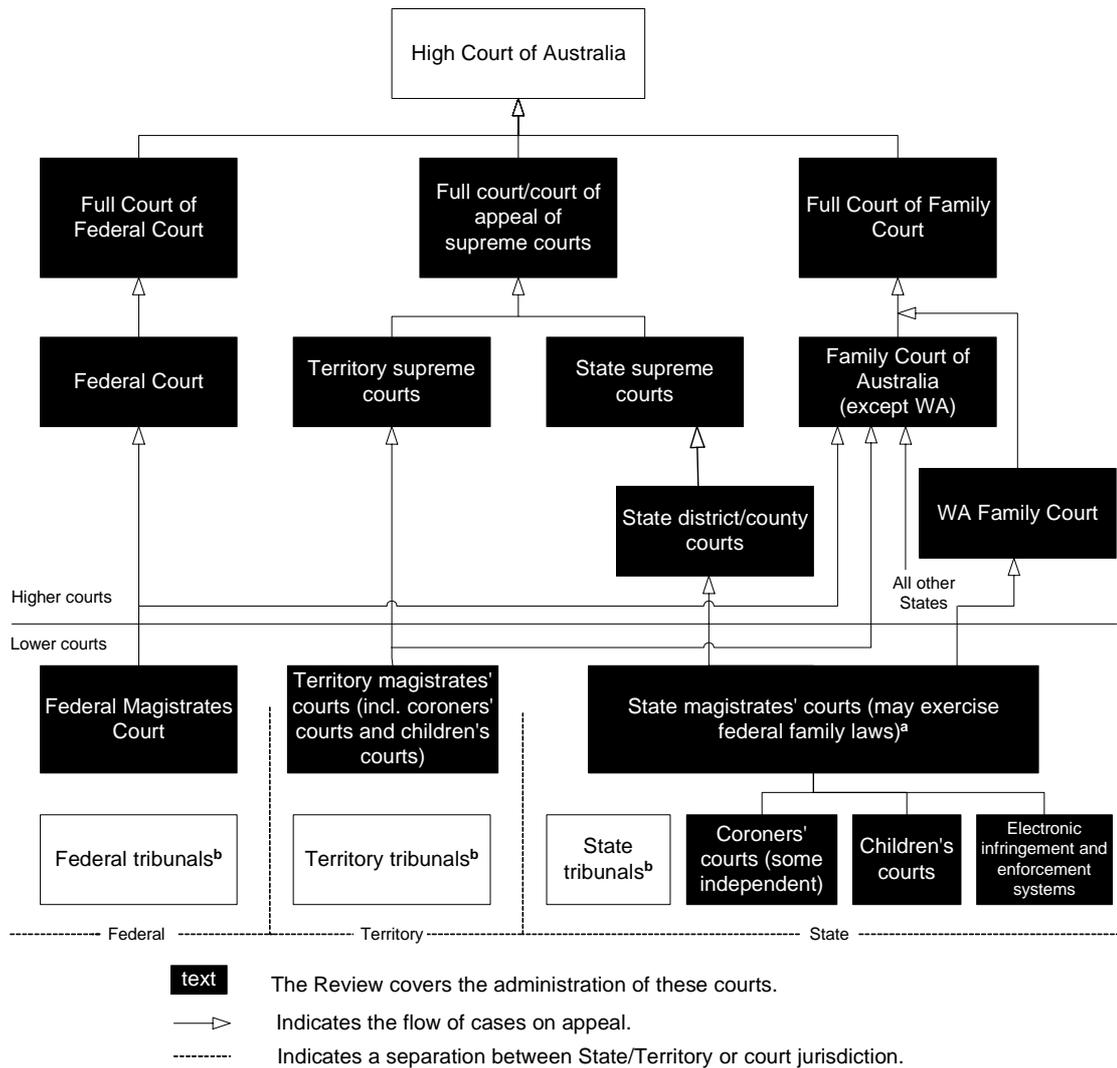
The first sittings of the Federal Magistrates Court were on 3 July 2000. The court was established to provide a simpler and more accessible service for litigants, and to ease the workload of both the Family Court of Australia and the Federal Court of Australia. Its jurisdiction includes family law and child support, administrative law, bankruptcy, consumer protection, human rights, privacy law and copyright matters. State courts also continue to do some work in these areas (FMC 2004).

The Federal Magistrates Court shares its jurisdiction with the Family Court of Australia and the Federal Court of Australia. The intention is for the latter two courts to focus on more complex legal matters. In family law matters, the Federal Magistrates Court's jurisdiction is similar to that of the Family Court, except that

only the Family Court can consider adoption, property disputes worth over \$700 000 (although the parties can consent to the Federal Magistrates Court dealing with disputes over this amount), and applications concerning the nullity and validity of marriage (FMC 2004).

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

Figure 6.1 Major relationships of courts in Australia



**a** In some jurisdictions, appeals from lower courts or district/county courts may go directly to the court of appeal in the supreme court. **b** Appeals from Federal, State and Territory tribunals may go to any higher court in their jurisdiction.

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### *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 civil and criminal case types, the Steering Committee has sought to report the two case types separately where possible. In addition, the allocation of responsibilities between court administration and other elements of the system (including the judiciary) varies across the Australian, State and Territory legal systems.

### **Recurrent expenditure less income**

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

Recurrent expenditure provides an estimate of annual service costs. Recurrent expenditure on courts administration includes judiciary and in-court expenditure, court and probate registries, sheriff and bailiff's offices, court accommodation and other overheads. The components of the expenditure include salary and non-salary expenditure, court administration agency and umbrella department expenditure, and contract expenditure. Total recurrent expenditure by Australian, State and Territory court authorities (excluding the High Court and specialist courts) was \$1.2 billion in 2004-05 (table 6.1).

Court administration income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). Total income (excluding fines) for Australian, State and Territory court authorities (excluding the High Court and specialist courts) was \$277 million in 2004-05 (table 6.1).

The civil jurisdiction of the courts reported the largest income, followed by the electronic infringement and enforcement systems (part of the criminal jurisdiction). Income from electronic infringement and enforcement systems is not reported for NSW, Tasmania, the ACT and the NT. This will have an impact on the income reported for these states and territories.

**Table 6.1 Court administration recurrent expenditure less income (excluding fines), 2004-05 (\$ million)<sup>a, b</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
<i>Court administration recurrent expenditure</i>										
Civil courts <sup>c, d</sup>	152.5	81.2	44.7	46.8	29.5	4.8	8.3	9.8	80.1	457.7
Criminal courts <sup>e</sup>	169.4	97.1	89.9	60.5	42.2	12.0	7.9	14.4	..	493.3
Electronic systems	..	2.3	9.3	3.7	3.7	..	..	..	..	18.9
Family courts <sup>d</sup>	..	..	..	16.8	..	..	..	..	116.1	132.9
Federal Magistrates <sup>f</sup>	..	..	..	..	..	..	..	..	42.2	42.2
Coroners courts	7.1	5.1	7.6	4.6	4.0	0.5	1.1	1.0	..	31.1
Probate — supreme <sup>g</sup>	1.3	0.4	0.1	0.3	0.5	0.1	—	—	..	2.6
<b>Total</b>	<b>330.3</b>	<b>186.1</b>	<b>151.5</b>	<b>132.6</b>	<b>80.0</b>	<b>17.4</b>	<b>17.3</b>	<b>25.2</b>	<b>238.4</b>	<b>1 178.8</b>
<i>Court administration income (excluding fines)</i>										
Civil courts <sup>c</sup>	64.3	31.5	16.3	11.1	7.9	1.5	2.4	0.6	8.2	143.8
Criminal courts <sup>e</sup>	8.3	—	1.2	3.7	1.4	0.6	0.6	0.1	..	15.8
Electronic systems	..	26.9	21.9	9.9	10.7	..	..	..	..	69.4
Family courts	..	..	..	1.7	..	..	..	..	5.1	6.8
Federal Magistrates	..	..	..	..	..	..	..	..	12.5	12.5
Coroners courts	0.2	—	0.1	0.1	—	—	—	—	..	0.4
Probate — supreme	15.8	3.6	2.6	2.3	2.7	0.6	0.3	—	..	27.9
<b>Total</b>	<b>88.4</b>	<b>62.1</b>	<b>42.0</b>	<b>28.7</b>	<b>22.7</b>	<b>2.7</b>	<b>3.3</b>	<b>0.8</b>	<b>25.8</b>	<b>276.5</b>
<i>Court administration recurrent expenditure less income (excluding fines)</i>										
Civil courts <sup>c, d</sup>	88.3	49.7	28.4	35.7	21.7	3.3	5.9	9.1	71.9	313.9
Criminal courts <sup>e</sup>	161.1	97.1	88.7	56.9	40.8	11.5	7.3	14.3	..	477.6
Electronic systems	..	- 24.7	- 12.6	- 6.3	- 7.0	..	..	..	..	- 50.5
Family courts <sup>d</sup>	..	..	..	15.1	..	..	..	..	111.0	126.1
Federal Magistrates <sup>f</sup>	..	..	..	..	..	..	..	..	29.7	29.7
Coroners courts	7.0	5.1	7.5	4.5	4.0	0.5	1.1	1.0	..	30.7
Probate — supreme <sup>g</sup>	- 14.5	- 3.2	- 2.5	- 2.0	- 2.2	- 0.5	- 0.3	—	..	- 25.3
<b>Total</b>	<b>241.8</b>	<b>124.1</b>	<b>109.5</b>	<b>103.9</b>	<b>57.3</b>	<b>14.7</b>	<b>14.0</b>	<b>24.4</b>	<b>212.6</b>	<b>902.3</b>

<sup>a</sup> Totals may not sum as a result of rounding. <sup>b</sup> Payroll tax is excluded from expenditure. <sup>c</sup> Includes data for the supreme, district/county and magistrates courts (including children's courts), and the Federal Court of Australia. Excludes data for the probate, family courts and the Federal Magistrates Court. <sup>d</sup> Data for the Family Court of Australia and Federal Court of Australia both include the cost of resources provided free of charge to the Federal Magistrates Court. <sup>e</sup> Includes data for supreme, district/county and magistrates courts (including children's courts). Excludes data for the electronic infringement and enforcement systems and coroners courts. <sup>f</sup> The Federal Magistrates Court expenditure data includes the resources received free of charge from the Federal Court. <sup>g</sup> The true net revenue may not be identified because rent or depreciation attributable to probate matters may be included under general supreme court figures. .. Not applicable. — Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.9–13.

Total recurrent expenditure less income (excluding fines) by Australian, State and Territory court authorities (excluding the High Court) was \$902 million in 2004-05. Expenditure exceeds income in all court jurisdictions except for electronic

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infringement and enforcement systems, and probate registries in the supreme courts. As reported in table 6.1, expenditure is relatively low on probate matters, as these are limited to uncontested matters that do not require a judicial officer to make a determination. Where a probate matter is contested it is reported as part of the supreme court figures in the civil jurisdiction. Likewise, electronic infringement and enforcement system matters are dealt with by registry staff unless contested, in which case the matter will generally be dealt with in the magistrates court.

Real recurrent expenditure less income (excluding fines) on court administration from 2001-02 to 2004-05 for each Australian, State and Territory court level is contained in tables 6A.12 and 6A.13.

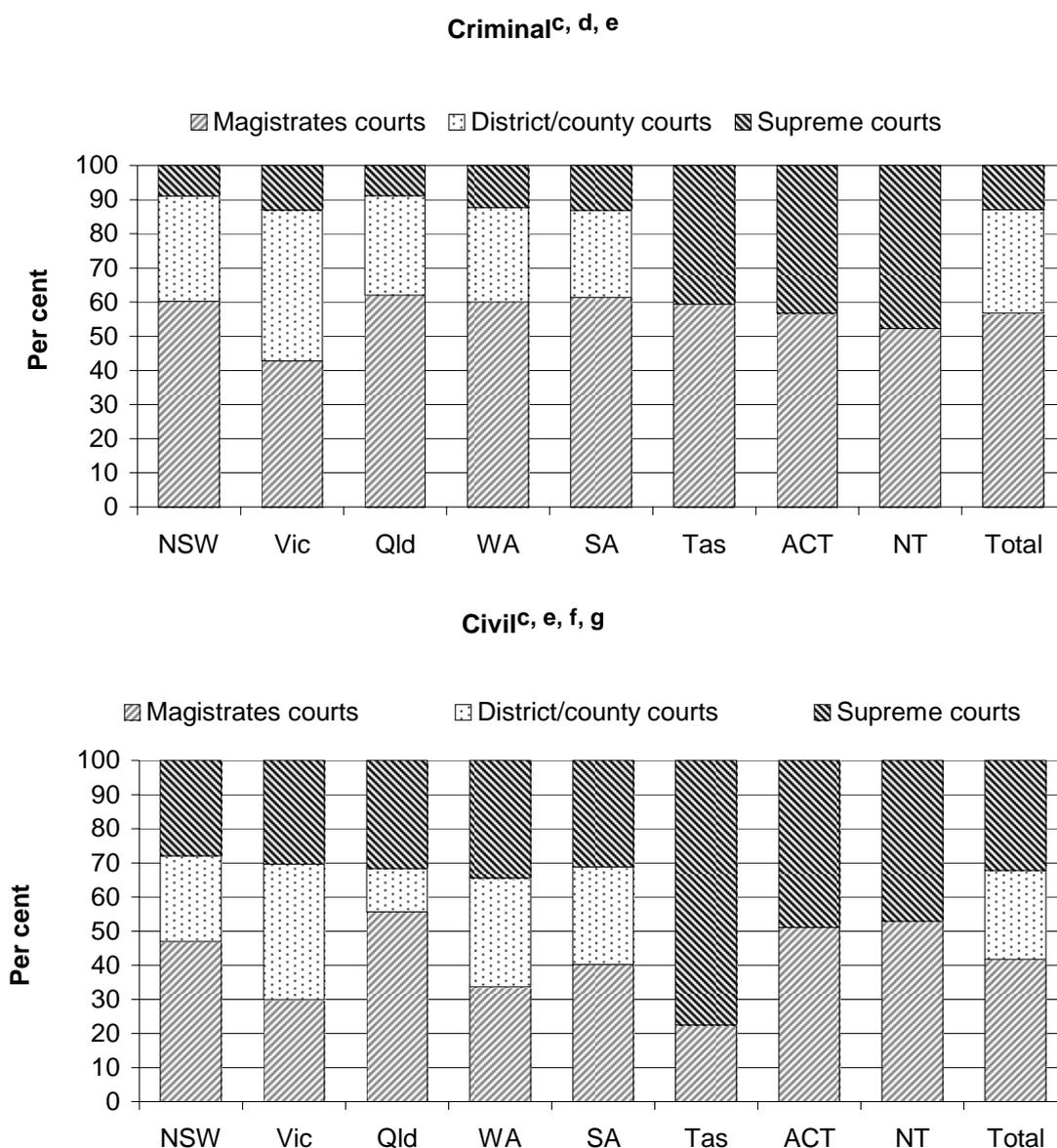
#### *Distribution of criminal and civil court administration expenditure*

The distribution of court administration expenditure (less income) on the magistrates, district/county and supreme courts varied across states and territories in 2004-05. A greater proportion of funds were expended by the supreme courts of Tasmania, the ACT and the NT (under the two-tier court system), for example, than to the supreme courts of other jurisdictions (under the three-tier court system) (figure 6.2).

In 2004-05, magistrates courts (excluding electronic infringement and enforcement systems) in the criminal jurisdiction accounted for the largest proportion nationally of recurrent expenditure (less income) across State and Territory criminal courts (56.2 per cent). Whilst in the civil jurisdiction, magistrates courts accounted for a smaller proportion of recurrent expenditure (less income) nationally (43.5 per cent). The key difference between the civil and criminal jurisdictions comes from the proportionally greater recurrent expenditure (less income) in the supreme courts in the civil jurisdiction relative to the criminal jurisdiction (detail is contained in tables 6A.12 and 6A.13).

Comparison of court expenditure across states and territories should bear in mind the difficulty in allocating income and expenditure between civil and criminal jurisdictions within court levels. Allocations are determined within individual states and territories and different approaches to apportionment are used.

Figure 6.2 **Distribution of court administration recurrent expenditure (less income), by court level, 2004-05<sup>a, b</sup>**



<sup>a</sup> Totals may not sum as a result of rounding. <sup>b</sup> Payroll tax is excluded from expenditure. <sup>c</sup> Magistrates courts includes expenditure on children's courts. <sup>d</sup> Magistrates courts excludes expenditure on coroners courts (all states and territories) and electronic infringement and enforcement systems (applicable to Victoria, Queensland, WA and SA). <sup>e</sup> There are no district/county courts in Tasmania, the ACT or the NT. <sup>f</sup> Supreme courts include probate. <sup>g</sup> Excludes federal courts.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.12-13.

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## Size and scope of court activity

### *Lodgments*

Lodgments are matters initiated in the court system. Box 6.4 explains how lodgment data are collected for this chapter. Table 6.2 (criminal) and table 6.3 (civil) outline the number of lodgments in 2004-05, by court level, for the Australian courts and for each State and Territory.

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

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

- *criminal courts* — the number of defendants
- *civil courts* — the number of cases
- *family courts* — the number of forms (that is, the number of applications made to the court)
- *electronic infringement and enforcement systems* — the number of unpaid infringement notices
- *coroners courts* — the number of reported deaths (and, if relevant, reported fires).

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

- any lodgment that does not have a defendant element (such as applications for telephone taps etc.)
- extraordinary driver's licence applications
- bail procedures (including applications and review)
- directions
- bench warrants
- cross-claims
- secondary processes — for example, interlocutory matters, breaches of penalties (that is, bail, suspended sentences, probation)
- applications for default judgments (because the application is a secondary process).

*Source:* SCRCSSP (2003), p.6.17.

Nationally, in the criminal jurisdiction in 2004-05, there were 774 900 lodgments registered in the magistrates, district/county and supreme courts; approximately

1.4 million unpaid infringement notices in electronic courts; and 21 200 reported deaths and fires in the coroners courts (table 6.2).

Reporting rates for deaths reported to a coroner varied as a result of different reporting requirements. Deaths in institutions (such as nursing homes) of persons suffering intellectual impairment of any kind, for example, must be reported in SA but not in other jurisdictions. Reporting requirements also vary for fires. Fires may be reported and investigated at the discretion of the coroner in Victoria, but were excluded from the coroner's jurisdiction in 2004-05 in Queensland, WA, SA and the NT. A disaggregation of coroners court data by reported deaths and fires is in table 6A.1.

**Table 6.2 Court lodgments — criminal, by court level, 2004-05 ('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>Total</i>
Magistrates (total) <sup>b</sup>	193.1	142.3	177.0	78.6	74.7	60.4	5.4	11.9	743.6
<i>Magistrates (only)</i>	181.8	134.0	166.2	71.1	67.9	58.8	5.0	10.9	695.7
<i>Children's</i>	11.3	8.3	10.8	7.5	6.8	1.6	0.5	1.0	47.9
District/county <sup>b</sup>	10.4	4.9	7.1	2.5	1.3	..	..	..	26.3
Supreme	0.6	0.7	1.6	0.5	0.4	0.6	0.3	0.4	5.0
<b>All criminal courts</b>	<b>204.1</b>	<b>147.9</b>	<b>185.8</b>	<b>81.6</b>	<b>76.5</b>	<b>61.0</b>	<b>5.7</b>	<b>12.3</b>	<b>774.9</b>
Elec. infringement and enforcement systems <sup>c</sup>	..	698.0	422.4	194.5	126.1	..	..	..	1 441.1
Coroners courts	5.8	4.6	3.0	1.4	4.0	0.6	1.4	0.3	21.2

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates court will lead to a slight overestimation of the magistrates court total and an underestimation of the district court total. <sup>c</sup> Only Victoria, Queensland, WA and SA have electronic infringement and enforcement systems. In other jurisdictions, unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office). Excludes unpaid court fines. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.1.

Nationally, in the civil jurisdiction in 2004-05, there were 657 400 cases lodged in the State and Territory supreme, district/county and magistrates courts (excluding federal courts), with an additional 55 400 probate lodgments in the supreme court (table 6.3). Also in 2004-05, there were 4500 cases lodged in the Federal Court and 80 400 cases lodged in the Federal Magistrates Court. Around 53 300 forms were filed in the family courts.

**Table 6.3 Court lodgments — civil, by court level, 2004-05 ('000)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Magistrates (total) <sup>b</sup>	213.7	185.5	90.0	52.1	32.3	11.9	7.2	6.2	..	598.7
Magistrates (only) <sup>b</sup>	207.6	182.9	85.4	51.4	31.4	11.7	6.9	6.1	..	583.3
Children's	6.1	2.6	4.6	0.7	0.9	0.2	0.3	0.1	..	15.4
District/county	7.2	5.5	7.4	3.5	3.0	..	..	..	..	26.6
Supreme (excl probate) <sup>c</sup>	12.9	6.5	5.4	3.0	1.5	1.3	1.1	0.3	4.5	36.6
<b>All civil courts</b>	<b>233.8</b>	<b>197.4</b>	<b>102.9</b>	<b>58.5</b>	<b>36.7</b>	<b>13.2</b>	<b>8.3</b>	<b>6.5</b>	<b>4.5</b>	<b>661.9</b>
Federal Magistrates	..	..	..	..	..	..	..	..	80.4	80.4
Family courts	..	..	..	15.5	..	..	..	..	37.8	53.3
Probate — supreme courts	22.0	15.4	5.8	4.9	4.6	2.1	0.6	0.1	..	55.4

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The Victorian data include 72 055 applications lodged in the Victorian Civil Administrative Tribunal, whilst applications for an intervention order made in the children's court have been reported under the magistrates court lodgments. <sup>c</sup> The supreme court data in Queensland have been extrapolated. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.2.

The number of lodgments per 100 000 people can be used to assist in understanding the comparative workload of a court (in relation to the size of the State or Territory population). Tables 6A.3 and 6A.4 provide data on criminal and civil lodgments (per 100 000 people) respectively for each state and territory.

### *Distribution of court lodgments*

The majority of criminal matters in Australia in 2004-05 were lodged in the magistrates courts, and this was also the case for civil matters (table 6.4). Whilst a greater proportion of criminal matters were lodged in the district court compared to the supreme court, the opposite was true for civil matters.

Table 6.4 **Distribution of court lodgments, by court level, 2004–05<sup>a</sup>**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Total</i>
<i>Criminal courts</i>										
Magistrates (total) <sup>b</sup>	%	94.6	96.2	95.3	96.3	97.7	99.1	95.4	97.0	96.0
District/county <sup>b</sup>	%	5.1	3.3	3.8	3.1	1.8	..	..	..	3.4
Supreme	%	0.3	0.4	0.9	0.6	0.6	0.9	4.6	3.0	0.7
<b>All courts<sup>c</sup></b>	<b>'000</b>	<b>204.1</b>	<b>147.9</b>	<b>185.8</b>	<b>81.6</b>	<b>76.5</b>	<b>61.0</b>	<b>5.7</b>	<b>12.3</b>	<b>774.9</b>
<i>Civil courts</i>										
Magistrates (total)	%	91.4	93.9	87.5	88.9	87.9	89.8	86.6	94.9	90.5
District/county	%	3.1	2.8	7.2	6.0	8.1	..	..	..	4.0
Supreme <sup>d</sup>	%	5.5	3.3	5.3	5.0	4.0	10.2	13.4	5.1	4.9
<b>All courts<sup>e</sup></b>	<b>'000</b>	<b>233.8</b>	<b>197.4</b>	<b>102.9</b>	<b>58.5</b>	<b>36.7</b>	<b>13.2</b>	<b>8.3</b>	<b>6.5</b>	<b>657.4</b>

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates court will lead to a slight overestimation of the magistrates court total and an underestimation of the district court total. <sup>c</sup> Excludes electronic infringement and enforcement systems and coroners courts to provide a more meaningful comparison across jurisdictions. <sup>d</sup> Excludes probate matters. <sup>e</sup> Excludes data for the family courts, the Federal Magistrates Court and the Federal Court. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.1–2.

### *Finalisations*

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

Tables 6.5 (criminal) and 6.6 (civil) outline the number of finalisations in 2004-05, by court level, for the Australian Government and each State and Territory. Lodgments need not equal finalisations in any given year because not all matters lodged in one year will be finalised in the same year.

In 2004-05, there were: 745 000 criminal finalisations in the magistrates, district/county and supreme courts; approximately 1.6 million electronic court unpaid infringement notice finalisations; and 18 800 finalisations (involving reported deaths and fires) in the coroners court (table 6.5).

In 2004-05, 581 400 civil cases were finalised in the State and Territory magistrates, district/county and supreme courts (excluding federal courts). The Federal Court finalised 4 300 cases, the Federal Magistrates Court finalised 77 300 matters (mainly family law forms plus some federal law cases) and the family courts finalised 56 000 forms (table 6.6). The WA Family Court processes a mixture of work that includes elements of the work dealt with by the different federal courts.

**Table 6.5 Court finalisations — criminal, 2004-05 ('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>Total</i>
Magistrates (total) <sup>b</sup>	189.5	138.7	168.5	86.3	63.1	51.1	6.0	12.5	715.7
<i>Magistrates (only)</i>	178.1	130.7	158.0	78.1	57.3	49.8	5.5	11.3	668.8
<i>Children's<sup>c</sup></i>	11.5	8.0	10.5	8.2	5.8	1.3	0.5	1.2	46.9
District/county <sup>b, c</sup>	9.9	4.6	6.0	2.7	1.3	..	..	..	24.5
Supreme <sup>c</sup>	0.7	0.6	1.4	0.5	0.4	0.5	0.2	0.4	4.8
<b>All criminal courts</b>	<b>200.2</b>	<b>143.9</b>	<b>176.0</b>	<b>89.5</b>	<b>64.8</b>	<b>51.6</b>	<b>6.2</b>	<b>12.9</b>	<b>745.0</b>
Elec. infringement and enforcement systems <sup>d</sup>	..	1027.8	366.4	95.5	92.8	..	..	..	1582.5
Coroners courts	4.7	4.3	3.0	1.1	3.4	0.6	1.4	0.3	18.8

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> In Queensland, some children's court matters are heard in the district court. As a result, the inclusion of all children's court matters in the magistrates court will lead to a slight overestimation of the magistrates court total and an underestimation of the district court total. <sup>c</sup> Queensland finalisations data are extrapolated. <sup>d</sup> Only Victoria, Queensland, WA and SA have electronic infringement and enforcement systems. In other jurisdictions, unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office). Excludes unpaid court fines. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.5.

**Table 6.6 Court finalisations — civil, 2004-05 ('000)<sup>a</sup>**

	<i>NSW</i>	<i>Vic<sup>e</sup></i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT<sup>e</sup></i>	<i>Aust crts<sup>e</sup></i>	<i>Total</i>
Magistrates (total) <sup>b, c</sup>	189.3	156.1	91.1	33.9	25.7	11.9	7.3	4.2	..	519.7
<i>Magistrates (only)<sup>b, c</sup></i>	183.5	153.7	86.6	33.2	24.8	11.7	7.1	4.1	..	504.7
<i>Children's</i>	5.8	2.4	4.6	0.7	0.9	0.2	0.3	0.1	..	15.0
District/county <sup>c</sup>	8.3	8.4	7.7	3.9	3.0	..	..	..	..	31.4
Supreme/Federal <sup>c, d</sup>	12.4	6.2	4.8	2.5	0.9	1.8	1.4	0.4	4.3	34.7
<b>All civil courts</b>	<b>210.0</b>	<b>170.7</b>	<b>103.7</b>	<b>40.3</b>	<b>29.7</b>	<b>13.7</b>	<b>8.7</b>	<b>4.6</b>	<b>4.3</b>	<b>585.7</b>
Federal Magistrates	..	..	..	..	..	..	..	..	77.3	77.3
Family	..	..	..	12.6	..	..	..	..	43.4	56.0

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The Victorian data include 72 381 applications finalised in the Victorian Civil Administrative Tribunal. <sup>c</sup> Queensland finalisations data are extrapolated. <sup>d</sup> The supreme court data excludes finalisations of probate cases. <sup>e</sup> In the Victorian magistrates court, the NT courts and the Australian courts the 12 month deeming rule for inactive cases has not been used. This may result in an underestimate of the finalised cases according to the Report's counting rules for these courts. .. Not applicable.

Source: Australian, State and Territory court administration authorities/departments (unpublished); table 6A.6.

The number of finalisations per 100 000 people is available in tables 6A.7 and 6A.8.

## 6.2 Framework of performance indicators

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

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**Box 6.5 Objectives for court administration**

Objectives for court administration are:

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

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

## The performance indicator framework

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

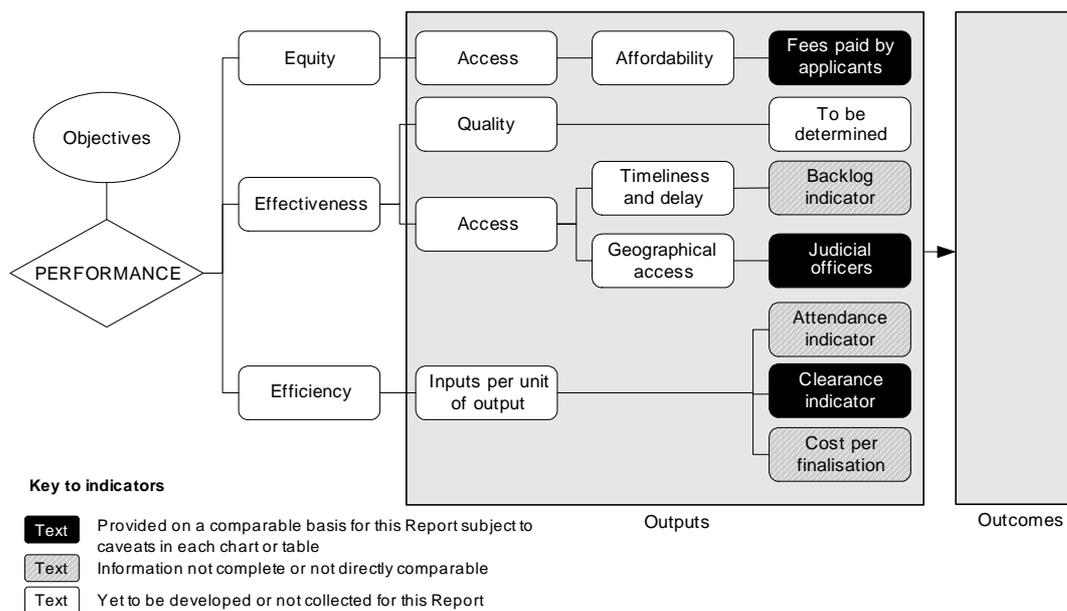
Each indicator in the performance indicator framework is briefly described below:

- *fees paid by applicants* — an indicator of access that measures the average fees paid per lodgment
- *backlog indicator* — a measure of timeliness that relates the age of each court's pending caseload to timeliness standards
- *judicial officers* — the number of judicial officers is a measure of resources (that is, the number of officers who can make enforceable orders of the court). It also indicates access to the judicial system
- *attendance indicator* — a measure of efficiency that records the number of attendances by the parties or their representatives, for each finalised matter
- *clearance rate* — a measure of whether the court is keeping up with its workload. It is the number of finalisations divided by the number of lodgments (multiplied by 100 to convert to a percentage)
- *cost per finalisation* — a measure of efficiency that shows the average net recurrent expenditure per finalisation.

A full description of each indicator is provided when the corresponding data are reported in the key performance indicator results (section 6.3).

As shown in figure 6.3, there are no outcome indicators for court administration. The activities of court administrators lead to broader justice-wide outcomes that are not readily picked up in this service-specific chapter. There is ongoing work to develop outcome measures for court administration.

Figure 6.3 Performance indicator framework for court administration



## 6.3 Key performance indicator results

Different delivery locations, case loads, case types and government policies may affect the equity, effectiveness and efficiency of court administration services. The allocation of cases to different courts also differs across jurisdictions. Performance comparison across states and territories and Australian courts for specific indicators needs to account for these factors. 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.

This data collection is based on national counting rules, so data presented in this chapter may differ from data published by individual jurisdictions in their annual reports. There also may be differences from the data reported in the Australian Bureau of Statistics (ABS) *Criminal Courts* publication (ABS 2005).

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

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

## Outputs

### *Equity — fees paid by applicants*

A description of this indicator is contained in box 6.6.

**Box 6.6 Fees paid by applicants**

This indicator of access shows the average fees paid per lodgment.

Court fees are only part of the costs faced by applicants (with legal fees being more significant). Court filing fees largely relate to civil cases.

In 2004-05, average court fees collected per lodgment were generally greater in supreme courts than in district/county and magistrate courts (table 6.7).

Differences in average fees arise between states, territories and federal jurisdictions for many reasons and caution should be used in making direct comparisons. For example, in all NSW civil jurisdictions corporations are charged twice the applicable fee payable by private individuals. Therefore, the ‘average’ fees for NSW in table 6.7 are substantially higher than the actual fees paid by private individuals. Similarly, the Family Court of WA does elements of work of both the Federal Magistrates Court and the Family Court of Australia, so direct comparisons with either are not possible.

**Table 6.7 Average civil court fees collected per lodgment, 2004-05 (dollars)**

	NSW <sup>a</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Magistrates (total) <sup>b</sup>	127	78	96	59	93	54	58	58	..	96
<i>Magistrates (only)</i>	131	79	101	59	96	55	60	59	..	99
<i>Children's courts</i>	1	..	–	10	5	..	..	–	..	1
District/county	1 385	1 060	446	659	446	..	..	..	..	856
Supreme/Federal	1 452	1 196	446	1 060	928	365	804	485	1 108	1 093
Probate — supreme	717	235	445	461	599	283	586	300	..	504
Federal Magistrates	..	..	..	..	..	..	..	..	152	152
Family courts <sup>c</sup>	..	..	..	101	..	..	..	..	61	72

<sup>a</sup> In NSW, corporations are charged twice the amount individuals are charged, therefore the average fees do not represent the charge to individuals. <sup>b</sup> The Victorian magistrates court fees include civil and criminal court fees (though the criminal component is relatively small), and fees paid through the Victorian Civil Administrative Tribunal. <sup>c</sup> Many of the Family Court of Australia's applications do not attract a fee. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.16.

The level of cost recovery from the collection of court fees varied across court levels and across jurisdictions in 2004-05 (table 6.8). Nationally for the states and territories, the proportion of costs recovered via court fees was greatest in the magistrates courts, followed by the district/county courts and then the supreme courts.

**Table 6.8 Civil court fees collected as a proportion of civil recurrent expenditure (cost recovery), 2004-05 (per cent)<sup>a</sup>**

	NSW <sup>b</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Magistrates (total) <sup>c</sup>	42.2	45.6	35.9	18.8	25.2	43.6	9.7	6.8	..	36.3
<i>Magistrates (only)</i> <sup>c</sup>	45.3	52.2	38.9	19.5	26.5	43.6	10.5	7.0	..	39.2
<i>Children's courts</i>	0.1	..	–	1.2	0.7	..	..	..	..	0.1
District/county	32.0	23.9	45.6	17.1	17.9	..	..	..	..	27.2
Supreme/Federal <sup>d</sup>	32.8	30.7	18.2	18.3	13.4	14.9	22.6	3.5	6.2	18.6
Federal Magistrates	..	..	..	..	..	..	..	..	28.9	28.9
Family <sup>e</sup>	..	..	..	9.3	..	..	..	..	2.0	2.9

<sup>a</sup> Recurrent expenditure excludes payroll tax. <sup>b</sup> In NSW, corporations are charged twice the amount individuals are charged, therefore the average fees do not represent the charge to individuals. <sup>c</sup> The Victorian magistrates court fees include civil and criminal court fees (though the criminal component is relatively small), and fees paid through the Victorian Civil Administrative Tribunal. <sup>d</sup> Excludes probate costs. <sup>e</sup> Many of the Family Court of Australia's applications do not attract a fee. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.15.

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### *Effectiveness — quality*

The Steering Committee has identified quality as an important measure of court administration performance (box 6.7).

#### **Box 6.7 Indicators of quality**

Indicators of quality for court administration have not yet been identified. The perceptions of court users about the quality of the services delivered by courts may be strongly influenced by the outcomes of judicial decisions (which are not the subject of this chapter). Isolating perceptions of the quality of court administration may be difficult.

### *Effectiveness — Backlog indicator*

There is one indicator of timeliness and delay: ‘backlog’. This indicator is a measure of case processing timeliness (box 6.8). Timeliness is the time taken between the lodgment of a matter with the court and its finalisation.

Timeliness results can be affected by the complexity and distribution of cases, which may vary across jurisdictions (boxes 6.1, 6.2 and 6.3). Additionally, Tasmania, the ACT and the NT have a two-tier court system (that is, they do not have a district/county court), whereas the other jurisdictions have a three-tier court system. This difference needs to be taken into account when comparing timeliness performance.

Timeliness can also be affected by delays caused by factors other than those related to the workload of the court (for example, a witness not being available).

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**Box 6.8 Backlog indicator**

The 'backlog indicator' measures a court's pending caseload against time standards.

The indicator recognises that case processing must take some time and that such time does not necessarily equal delay. Timeliness can be affected by delays caused by factors other than those related to the workload of the court (for example, a witness not being available).

The following national standards have been set:

Magistrates, children's and coroners courts and the Federal Magistrates Court:

- no more than 10 per cent of lodgments pending completion are to be more than 6 months old.
- No lodgments pending completion are to be more than 12 months old.

District, supreme and family courts, the Federal Court and all appeals:

- no more than 10 per cent of lodgments pending completion are to be more than 12 months old.
- no lodgments pending completion are to be more than 24 months old.

Data on the backlog indicator for criminal matters is contained in table 6.9. In the criminal jurisdiction, those defendants who failed to appear when required and had bench warrants issued have been excluded from the pending caseload count.

In the criminal courts the greatest difficulty in meeting the national time standards is experienced in the coroners courts (table 6.9). Key factors that contribute to backlog in the coroners courts are:

- delays in other agencies beyond the control of the Coroner
- an increase in workload
- referrals for expert input
- increased complexity of cases.

Table 6.9 **Backlog indicator — all criminal matters, 2004-05**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
<b>Higher<sup>a</sup> — appeal</b>									
Pending caseload	no.	1 345	1 078	412	171	97	8	31	19
Cases > 12 mths	%	4.6	13.6	20.4	11.1	4.1	—	6.5	—
Cases > 24 mths	%	1.1	3.6	6.1	3.5	—	—	—	—
<b>Higher<sup>a</sup> — non-appeal</b>									
Pending caseload	no.	2 533	1 919	2 706	2 194	1 127	235	150	122
Cases > 12 mths	%	16.0	14.1	18.5	29.4	25.2	11.9	12.7	27.9
Cases > 24 mths	%	2.8	3.1	5.9	7.7	8.0	1.3	1.3	13.1
<b>Supreme — appeal</b>									
Pending caseload	no.	205	325	104	171	97	8	31	19
Cases > 12 mths	%	11.2	28.0	1.0	11.1	4.1	—	6.5	—
Cases > 24 mths	%	5.4	4.6	—	3.5	—	—	—	—
<b>Supreme — non-appeal<sup>b</sup></b>									
Pending caseload	no.	113	110	364	178	97	235	150	122
Cases > 12 mths	%	23.0	13.6	13.7	28.1	24.7	11.9	12.7	27.9
Cases > 24 mths	%	9.7	8.2	4.9	14.6	9.3	1.3	1.3	13.1
<b>District/county — appeal<sup>c</sup></b>									
Pending caseload	no.	1140	753	308	..	..	..	..	..
Cases > 12 mths	%	3.4	7.4	26.9	..	..	..	..	..
Cases > 24 mths	%	0.4	3.2	8.1	..	..	..	..	..
<b>District/county — non-appeal</b>									
Pending caseload	no.	2 420	1 809	2 342	2 016	1 030	..	..	..
Cases > 12 mths	%	15.7	14.1	19.2	29.5	25.2	..	..	..
Cases > 24 mths	%	2.4	2.8	6.1	7.1	7.9	..	..	..
<b>Magistrates<sup>d</sup></b>									
Pending caseload	no.	17 994	26 471	31 356	9 348	26 891	18 292	1 594	na
Cases > 6 mths	%	10.3	17.6	26.5	31.2	27.8	16.7	18.3	na
Cases >12 mths	%	2.5	4.7	11.5	11.7	15.2	6.5	6.1	na
<b>Children's</b>									
Pending caseload	no.	1 540	1 562	2 322	1 144	1 483	632	148	na
Cases > 6 mths	%	10.8	8.2	26.6	22.8	23.3	24.5	16.2	na
Cases >12 mths	%	1.6	1.5	10.7	7.5	12.9	6.6	6.1	na
<b>Coroners</b>									
Pending caseload	no.	4 248	2 931	2 043	864	803	246	195	229
Cases > 6 mths	%	57.3	51.2	44.7	55.0	50.4	36.6	42.1	37.6
Cases >12 mths	%	39.5	30.7	25.3	28.7	28.8	17.5	30.3	17.9

<sup>a</sup> Higher refers to supreme and district/county courts combined. <sup>b</sup> In NSW, the criminal casemix of the Supreme Court is principally murder and manslaughter cases and therefore not directly comparable with supreme courts in other states and territories. <sup>c</sup> There is no criminal appellate jurisdiction in the district courts in WA or SA. All criminal appeals from the magistrates courts go directly to the supreme courts in these states. <sup>d</sup> The criminal pending caseload figures for the NSW Magistrates Court and NSW Children's Court are extrapolated. **na** Not available. **..** Not applicable. **—** Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.17.

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Timeliness in civil cases can be affected by several factors (box 6.9).

**Box 6.9 Civil timeliness factors**

The following factors may affect the timeliness of cases in the civil courts:

- where civil cases are contested, a single case may involve several related applications or issues that require judgments and decisions by the court
- the parties to a case can significantly affect the conduct and timeliness of a case — that is, matters often may be adjourned at the instigation of, and by the consent of, the parties. Such consent arrangements are outside the control of the court
- the court may employ case management or other dispute resolution processes (for example, mediation) that are alternatives to formal adjudication
- an inactive case is regarded as finalised (or closed) one year after the last action on the case (as per the Report's rules for this data collection)

Timeliness in criminal cases (and for some civil cases) can also be affected by orders or programs that are initiated following a court lodgment, but prior to a court finalisation. These programs or orders are commonly referred to as diversion programs and are outlined in more detail in box 6.10.

Different case completion times in the civil jurisdiction of the states and territories generally reflect different case flow management practices, the individual needs of cases, and the priority given to criminal matters.

Data on the backlog indicator for civil matters is contained in table 6.10. In the civil jurisdiction, those lodgments that have not been acted upon in the past 12 months are counted as finalised for the purpose of this Report, the aim being to focus on those matters that are part of an 'active pending' population (see section 6.6 for definitions). For this Report, the Victorian magistrates courts and the NT have not applied this deeming rule, which may result in an increased pending caseload with longer duration. Some courts (for example, the federal courts) proactively manage their civil cases. Consequently, cases that, by their nature, cannot be finalised for a lengthy period are not deemed finalised, but continue to be monitored from time to time by these courts.

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### Box 6.10 **Diversion programs and the impact on timeliness**

Courts offer diversion programs to improve the quality of outcomes within the justice system and for the community generally. Diversion programs can involve processes that are outside the control of court administration. The period between lodgment and finalisation can be affected by those processes.

Within the criminal justice system, diversion programs are usually focussed on rehabilitation for the defendant and/or restoration for the victim. They are most often (but not exclusively) used in the Magistrates court, and usually are voluntary. Examples include:

- referral of defendants to drug programs (from counselling through to treatment programs) is available in all states and territories except Tasmania
- referral of defendants to a mental health court (Queensland, WA and SA) or for various mental health assessments (NSW and the ACT)
- referral of defendants to a family violence court (WA, SA and Tasmania) for participation in targeted programs
- referral of defendants to a Koori court (Victoria and SA), a Murri court (Queensland) or circle sentencing (NSW and the ACT).

The processes listed above can range in completion times between one week and seven years. With some diversion programs, success will delay finalisation significantly. For example, some drug court programs can require compliance for up to 12 months before the defendant is considered as having completed the program.

Within the civil justice system, diversion programs can be a quicker and cheaper form of dispute resolution. Mediation and arbitration are the usual diversion programs available:

- mediation referrals can be made at any time during the proceedings. A court may require parties to complete a mediation program within a specified time, or can consider the timeframe to be 'open-ended' (for example, referrals from the Federal Court to the Native Title Tribunal). Completion time can also be affected by the complexity of the dispute and the number of parties involved and can therefore vary significantly from case to case. Usually all parties consent to use mediation, but in some states parties can be ordered to mediate their dispute.
- arbitration referrals are usually made early in the proceedings and the court supervises the process. The hearing is shorter than a court hearing. Participation can be voluntary or by order.

Success at mediation (settlement of the case) or at arbitration (acceptance of the arbitrator's award) generally finalises cases earlier than if finalised by judgment. Where the mediation or arbitration is unsuccessful, the delaying effect on finalisation is highly variable.

**Table 6.10 Backlog indicator — all civil matters, 2004-05**

	<i>Unit</i>	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust crts</i>
<b>Higher<sup>a</sup> — appeal</b>										
Pending caseload	no.	783	366	1014	460	16	123	40	59	662
<i>cases &gt; 12 mths</i>	%	11.2	29.5	29.2	28.9	—	9.8	12.5	16.9	13.6
<i>cases &gt; 24 mths</i>	%	2.0	3.8	12.0	3.7	—	—	5.0	8.5	3.2
<b>Higher<sup>a</sup> — non-appeal</b>										
Pending caseload	no.	15 081	11 862	12 139	6 103	3 741	1 889	1 193	262	3 354
<i>cases &gt;12 mths</i>	%	29.1	41.1	40.6	36.1	29.8	48.4	47.8	60.3	54.9
<i>cases &gt; 24 mths</i>	%	13.1	12.9	22.9	18.3	12.2	27.7	21.7	30.9	32.8
<b>Supreme/Federal — appeal<sup>b</sup></b>										
Pending caseload	no.	739	319	90	333	9	123	40	59	662
<i>cases &gt;12 mths</i>	%	10.4	33.9	1.1	27.9	—	9.8	12.5	16.9	13.6
<i>cases &gt; 24 mths</i>	%	1.8	4.4	—	3.9	—	—	5.0	8.5	3.2
<b>Supreme/Federal — non-appeal<sup>b</sup></b>										
Pending caseload	no.	7 086	4 432	5 239	2 627	1 014	1 889	1 193	262	3 354
<i>cases &gt;12 mths</i>	%	28.6	28.7	41.5	38.4	26.8	48.4	47.8	60.3	54.9
<i>cases &gt; 24 mths</i>	%	15.6	9.0	23.0	20.1	9.8	27.7	21.7	30.9	32.8
<b>District — appeal</b>										
Pending caseload	no.	44	47	924	127	7	..	..	..	..
<i>cases &gt;12 mths</i>	%	25.0	—	31.9	31.5	—	..	..	..	..
<i>cases &gt;24 mths</i>	%	6.8	—	13.2	3.1	—	..	..	..	..
<b>District — non-appeal</b>										
Pending caseload	no.	7 995	7 430	6 900	3 476	2 727	..	..	..	..
<i>cases &gt;12 mths</i>	%	29.4	48.4	39.9	34.4	30.9	..	..	..	..
<i>cases &gt; 24 mths</i>	%	10.9	15.2	22.9	17.0	13.1	..	..	..	..
<b>Family — appeal</b>										
Pending caseload	no.	..	..	..	70	..	..	..	..	256
<i>cases &gt;12 mths</i>	%	..	..	..	—	..	..	..	..	23.8
<i>cases &gt; 24 mths</i>	%	..	..	..	—	..	..	..	..	11.7
<b>Family — non-appeal</b>										
Pending caseload	no.	..	..	..	10 904	..	..	..	..	18 967
<i>cases &gt; 12 mths</i>	%	..	..	..	72.4	..	..	..	..	40.5
<i>cases &gt; 24 mths</i>	%	..	..	..	19.9	..	..	..	..	20.3
<b>Magistrates<sup>c</sup></b>										
Pending caseload	no.	na	13 668	39 522	956	19 235	5 529	2 992	na	..
<i>cases &gt; 6 mths</i>	%	na	21.0	41.4	44.4	42.5	36.2	47.3	na	..
<i>cases &gt; 12 mths</i>	%	na	10.5	9.0	26.2	17.5	4.4	14.4	na	..
<b>Federal Magistrates</b>										
Pending caseload	no.	..	..	..	..	..	..	..	..	28 356
<i>cases &gt; 6 mths</i>	%	..	..	..	..	..	..	..	..	18.4
<i>cases &gt; 12 mths</i>	%	..	..	..	..	..	..	..	..	12.2

<sup>a</sup> Higher includes state and territory supreme courts, the Federal Court and district/county courts. <sup>b</sup> The NSW Supreme Court has done extensive work specifically for this year's Report to confine the reported backlogs to those cases that qualify for inclusion under the Report's counting rules. <sup>c</sup> Excludes children's courts. na Not available. .. Not applicable. — Nil or rounded to zero.

Source: Australian, State and Territory court authorities and departments (unpublished); table 6A.18.

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## *Effectiveness — judicial officers*

This indicator relates access to the number of judicial officers available to deal with cases (box 6.11).

### **Box 6.11 Judicial officers**

The 'judicial officers' indicator is a simple way of representing resources (that is, the number of officers who can make enforceable orders of the court). For the purposes of this chapter, the definition of a judicial officer includes:

- judges
- magistrates
- masters
- coroners
- judicial registrars
- all other officers who, following argument and giving of evidence, make enforceable orders of the court.

Numbers are expressed in full time equivalent terms and based on the proportion of time spent on judicial functions. They are also presented in comparison to the population of each jurisdiction.

A higher proportion of judicial officers in the population indicates potentially greater access to the judicial system.

The number of full time equivalent judicial officers for each court level is outlined in table 6.11. In all State and Territory jurisdictions with a three-tier system, there were more judicial officers in the magistrates courts than in the district/county courts, and more officers in the district/county courts than in the supreme courts. Table 6.12 shows the number of judicial officers per 100 000 people.

**Table 6.11 Judicial officers, full time equivalent, 2004-05<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust crts	Total
Supreme/Federal	61.9	39.0	22.3	28.7	15.7	6.8	5.6	7.9	53.0	240.9
District/county	77.0	54.9	29.4	31.1	18.7	..	..	..	..	211.2
Magistrates	114.0	117.0	65.2	42.7	33.6	11.7	6.4	11.8	..	402.5
Children's	12.0	8.0	7.2	4.5	4.0	0.6	1.1	1.2	..	38.6
Coroners	5.0	5.0	5.6	2.0	1.0	0.2	0.4	1.5	..	20.7
Family	..	..	..	13.2	..	..	..	..	54.9	68.1
Federal Magistrates	..	..	..	..	..	..	..	..	32.0	32.0
<b>Total<sup>b</sup></b>	<b>269.9</b>	<b>223.9</b>	<b>129.7</b>	<b>122.2</b>	<b>73.0</b>	<b>19.3</b>	<b>13.5</b>	<b>22.4</b>	<b>139.9</b>	<b>1 013.9</b>

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> Excludes electronic infringement and enforcement systems as they do not have open court sittings and therefore do not require judicial officers. .. Not applicable.

Source: Australian, State and Territory court administration departments (unpublished); table 6A.20.

**Table 6.12 Judicial officers, full time equivalent, per 100 000 people, 2004-05<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust crts	Total
<i>Population ('000)<sup>b</sup></i>	6 770	5 008	3 924	1 999	1 538	482	326	201	..	20 252
<i>Judicial officers per 100 000 people</i>										
Supreme/Federal	0.9	0.8	0.6	1.4	1.0	1.4	1.7	3.9	0.3	1.2
District/county	1.1	1.1	0.8	1.6	1.2	..	..	..	..	1.0
Magistrates	1.7	2.3	1.7	2.1	2.2	2.4	2.0	5.9	..	2.0
Children's	0.2	0.2	0.2	0.2	0.3	0.1	0.3	0.6	..	0.2
Coroners	0.1	0.1	0.1	0.1	0.1	–	0.1	0.7	..	0.1
Family	..	..	..	0.7	..	..	..	..	0.3	0.3
Federal Magistrates	..	..	..	..	..	..	..	..	0.2	0.2
<b>Total<sup>c</sup></b>	<b>4.0</b>	<b>4.5</b>	<b>3.3</b>	<b>6.1</b>	<b>4.7</b>	<b>4.0</b>	<b>4.2</b>	<b>11.1</b>	<b>0.7</b>	<b>5.0</b>

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> Population data is the average of the four quarters over the 2004–05 financial year. <sup>c</sup> Excludes electronic infringement and enforcement systems as they do not have open court sittings and therefore do not require judicial officers. .. Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court administration departments (unpublished); table 6A.20.

### *Efficiency — Attendance indicator*

The Steering Committee has identified the number of court attendances required as an efficiency measure (box 6.12).

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**Box 6.12 Attendance indicator**

The attendance indicator is a measure of efficiency.

The number of attendances is the number of times that parties or their representatives are required to be present in court to be heard by a judicial officer or mediator/arbitrator (including appointments that are adjourned or rescheduled).

This year's chapter presents the total number of finalisations during the year for each court and the number of attendances associated with these matters (no matter when the attendance occurred). This approach simply represents an average number of attendances per finalisation.

Attendance data can be difficult to collect. Due to system limitations, some jurisdictions supply data on listed hearings rather than actual attendances in court.

Attendance data are reported in table 6.13 and table 6.14.

**Table 6.13 Attendance indicator — criminal, 2004-05<sup>a</sup>**

	<i>NSW<sup>b</sup></i>	<i>Vic</i>	<i>Qld<sup>c</sup></i>	<i>WA<sup>d</sup></i>	<i>SA</i>	<i>Tas</i>	<i>ACT<sup>d</sup></i>	<i>NT</i>
<i>Average attendances per finalisation</i>								
Supreme	na	2.3	3.7	4.1	4.8	6.2	5.0	7.6
District/county	na	5.0	5.7	4.8	5.5	..	..	..
Magistrates	na	3.3	1.9	2.2	2.9	2.0	4.1	3.2
Children's	na	3.4	2.4	2.8	3.3	4.5	5.0	5.1
Coroners	na	0.1	na	0.1	—	—	0.1	0.1

<sup>a</sup> Excludes data for the electronic infringement and enforcement systems. <sup>b</sup> NSW data are not available. <sup>c</sup> Queensland data are extrapolated. <sup>d</sup> Total number of attendances based on total number of listings. **na** Not available. **..** Not applicable. **—** Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.19.

In the context of the attendance indicator, it is important to note that Alternative Dispute Resolution (ADR) can resolve certain matters out of court and thereby reduce the need for judicial hearings. Accordingly, differences between and within jurisdictions in the availability and use of ADR can affect the comparability of the attendance indicator.

**Table 6.14 Attendance indicator — civil, 2004-05**

	NSW <sup>a</sup>	Vic	Qld <sup>b</sup>	WA <sup>c</sup>	SA	Tas	ACT <sup>c</sup>	NT	Aust courts
<i>Average attendances per finalisation</i>									
Supreme <sup>d</sup>	na	1.4	1.4	4.0	4.5	na	4.2	3.5	3.5
District/county	na	1.6	0.8	3.4	4.8	..	..	..	..
Magistrates	na	1.1	0.8	0.5	1.2	na	1.4	2.1	..
Children's	na	1.0	2.0	5.2	1.9	na	5.4	2.6	..
Federal Magistrates <sup>e</sup>	..	..	..	..	..	..	..	..	1.7
Family	..	..	..	1.7	..	..	..	..	2.9

<sup>a</sup> NSW data are not available. <sup>b</sup> Queensland data are extrapolated. <sup>c</sup> Total number of attendances based on total number of listings. <sup>d</sup> Excludes probate matters. <sup>e</sup> Federal Magistrates excludes responses to applications. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 6A.19.

### *Efficiency — clearance rate*

This indicator is a measure of efficiency in processing the inflow of cases through the court (box 6.13).

#### **Box 6.13 Clearance rate**

The 'clearance rate' measures whether a court is keeping up with its workload.

The indicator is the number of finalisations in the reporting period, divided by the number of lodgments in the same period (multiplied by 100 to convert to a percentage).

The following can assist in interpretation of this indicator:

- a figure of 100 per cent indicates that the court, during the reporting period, finalised as many cases as were lodged
- a figure greater than 100 per cent means the pending caseload of the court is decreasing
- a figure less than 100 per cent means the pending caseload of the court is increasing.

The clearance rate can be affected by external factors (such as changes in legislation), as well as by changes in a court's case management practices.

### *All matters*

Table 6.15 contains information on the clearance rates for all court matters (both criminal and civil) in 2004-05.

Table 6.15 **Clearance rate (finalisations/lodgments), all matters, 2004-05 (per cent)**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
<b>Supreme</b>									
Criminal	113.3	94.1	87.7	88.4	98.6	98.0	76.2	108.7	..
Civil <sup>a</sup>	96.4	95.0	88.7	84.6	63.3	131.7	125.3	115.4	95.0
<i>Total</i>	97.2	94.9	88.5	85.2	71.2	121.8	115.9	111.8	95.0
<b>District/county</b>									
Criminal	95.4	92.6	85.2	107.6	95.9	..	..	..	..
Civil <sup>b</sup>	115.2	152.4	105.1	111.1	102.3	..	..	..	..
<i>Total</i>	103.5	124.1	95.3	109.6	100.3	..	..	..	..
<b>Magistrates</b>									
Criminal	97.9	97.5	95.1	109.9	84.4	84.7	110.4	103.9	..
Civil	88.4	84.0	101.4	64.7	78.9	100.7	102.5	67.5	..
<i>Total</i>	92.8	89.7	97.2	90.9	82.7	87.3	105.8	90.9	..
<b>Children's</b>									
Criminal	101.4	96.2	96.8	109.2	85.2	81.4	103.0	115.4	..
Civil	95.9	95.6	98.6	97.5	104.2	90.6	88.2	131.4	..
<i>Total</i>	99.5	96.1	97.4	108.2	87.3	82.5	97.1	116.9	..
Electronic <sup>c</sup>	..	147.2	86.7	49.1	73.6	..	..	..	..
Coroners	81.6	93.5	97.6	72.7	84.5	99.7	99.6	105.0	..
Family	..	..	..	81.7	..	..	..	..	114.6
Federal Magistrates	..	..	..	..	..	..	..	..	96.2

<sup>a</sup> Excludes probate matters. <sup>b</sup> In Victoria, there has been a decrease in the number of cases lodged in 2004-05 compared to 2003-04. This decrease was due to the influx of writs filed before the cut off date of 30 September 2003, as a result of changes to the Wrongs Act (Wrongs and Limitations of Actions Acts (Insurance Reform) Act 2003). <sup>c</sup> The clearance rate relates to unpaid infringement notices. Excludes unpaid court fines. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.1-2, 6A.5-6, and 6A.21-22.

### *Appeal and non-appeal matters*

Where relevant, the clearance rate data have been disaggregated between appeal and non-appeal matters. Table 6.16 provides clearance rates for non-appeal matters in 2004-05. Table 6.17 contains the clearance rates for appeal matters (both criminal and civil) in 2004-05.

Table 6.16 **Clearance rate (finalisations/lodgments), non-appeal matters, 2004-05 (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>Aust courts</i>
<b>Supreme</b>									
Criminal	115.3	77.9	81.5	83.7	80.0	98.1	74.9	109.4	..
Civil <sup>a</sup>	96.6	95.2	88.1	86.8	62.0	146.6	126.9	117.0	98.7
<i>Total</i>	96.8	94.6	86.9	86.5	63.3	131.5	118.3	112.0	98.7
<b>District/county</b>									
Criminal	90.1	90.4	86.7	107.6	95.9	..	..	..	..
Civil <sup>b</sup>	115.6	154.4	107.6	110.3	102.1	..	..	..	..
<i>Total</i>	106.8	133.5	97.0	109.2	100.1	..	..	..	..
<b>Family</b>	..	..	..	81.9	..	..	..	..	114.9

<sup>a</sup> Excludes probate matters. <sup>b</sup> In Victoria, there has been a decrease in the number of cases lodged in 2004-05 compared to 2003-04. This decrease was due to the influx of writs filed before the cut off date of 30 September 2003, as a result of changes to the Wrongs Act (Wrongs and Limitations Of Actions Acts (Insurance Reform) Act 2003). .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.21–22.

Table 6.17 **Clearance rate (finalisations/lodgments), appeal matters, 2004-05 (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>Aust courts</i>
<b>Supreme</b>									
Criminal	112.9	101.8	104.8	93.5	105.0	96.0	80.6	100.0	..
Civil	94.5	91.3	99.3	69.8	81.9	20.8	106.9	113.5	86.2
<i>Total</i>	100.3	97.2	102.6	79.2	99.8	31.0	96.0	111.3	86.2
<b>District/county</b>									
Criminal <sup>a</sup>	98.5	95.0	57.7	..	..	..	..	..	..
Civil	72.6	96.3	85.1	133.0	112.3	..	..	..	..
<i>Total</i>	98.2	95.1	76.8	133.0	112.3	..	..	..	..
<b>Family</b>	..	..	..	50.0	..	..	..	..	88.5

<sup>a</sup> Appeals are not heard in the district/county courts in WA or SA, instead they are referred to the supreme courts in these states. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 6A.21–22.

### *Efficiency — cost per finalisation*

This indicator is a measure of efficiency (box 6.14). Cost is measured as net recurrent expenditure excluding payroll tax. Net expenditure refers to expenditure minus income (where income is derived from court fees and other revenue but excludes fines).

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#### **Box 6.14 Cost per finalisation**

The cost per finalisation is calculated by dividing the total net recurrent expenditure within each court for the financial year, by the total number of finalisations for the same period.

It is an imperfect measure of an individual jurisdiction's efficiency. The following points need to be considered in interpreting the cost per finalisation efficiency results:

- some finalisations take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials
- the finalisation of a case may not provide a true indication of the resources expended by the court, because any one case may involve several related applications or issues that require judgments and decisions by the court
- lodgments in the civil jurisdiction that have not been acted upon in the last 12 months are counted (deemed) as finalised (with the exception of the federal courts, the Victorian magistrates courts and the NT in 2004-05)
- the expenditure provided may include arbitrary financial splits between criminal and civil jurisdictions
- the income deducted from court expenditure includes court fees, which in some jurisdictions are set by government and not by the court administrators
- a number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors
- the efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between equity, effectiveness and efficiency.

#### *Net expenditure per finalisation for total magistrates courts (including children's courts)*

Nationally, net expenditure per criminal finalisation was greater than the net expenditure per civil finalisation for the magistrates courts. This was the case across each of the states and territories with the exception of the NT. However, the NT has not been able to apply the deeming rule to its civil cases and this may have resulted in an under-estimation of finalisations in the civil jurisdiction, which would have the effect of increasing the derived expenditure per finalisation in the civil jurisdiction.

The analysis of the magistrates court efficiency in figure 6.4 excludes electronic infringement and enforcement system expenditure and finalisations. Box 6.15 shows the impact of including electronic infringement and enforcement systems within the efficiency results of the magistrates courts.

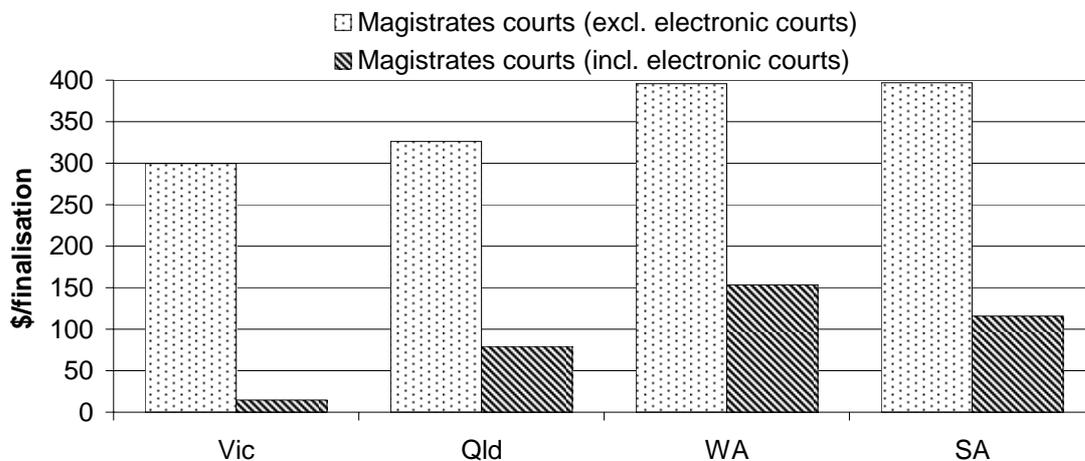
**Box 6.15 The impact of the electronic infringement and enforcement systems on the magistrates courts**

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

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

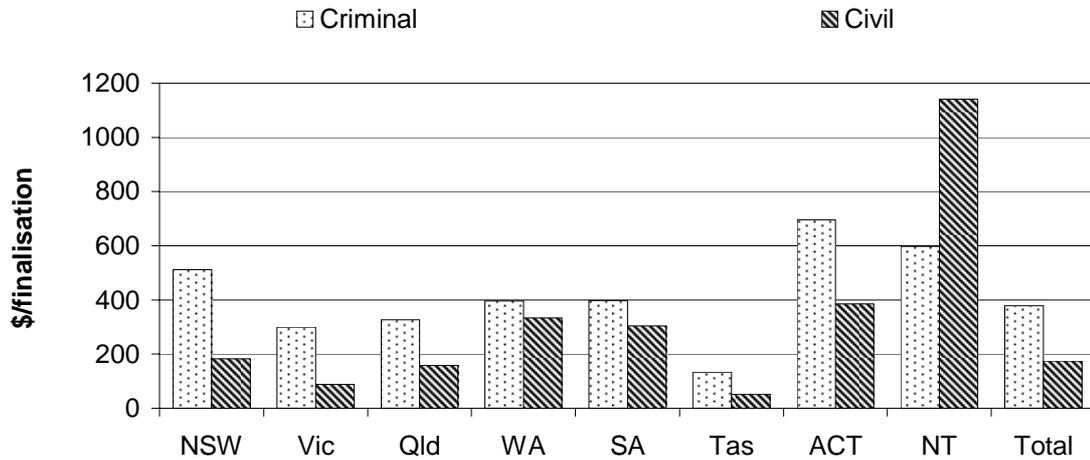
Electronic infringement and enforcement systems, as defined above, currently operate only in Victoria, Queensland, WA and SA. The figure in this box shows the impact that including electronic infringement and enforcement systems data for these jurisdictions would have on the magistrates court efficiency results reported in figure 6.4.

The impact is to reduce net recurrent expenditure per criminal finalisation for the magistrates courts in all four jurisdictions (assuming all of the matters dealt with by the electronic infringement and enforcement systems would otherwise have been dealt with by the magistrates courts). The magnitude of the reductions under this assumption is shown in the figure below and table 6A.23.



While NSW, Tasmania, the ACT and the NT do not operate electronic courts that fall under the jurisdiction of the magistrates courts, they have bodies (such as the NSW State Debt Recovery Office, the Motor Vehicle Registry in the ACT and the Fines Recovery Unit in the NT) that deal with unpaid infringement notices and that may have a similar impact in reducing the workload of the magistrates courts. In Tasmania, because unpaid minor traffic infringements are dealt with by way of complaint and summons in the magistrates court, this has the effect of reducing net expenditure per finalisation.

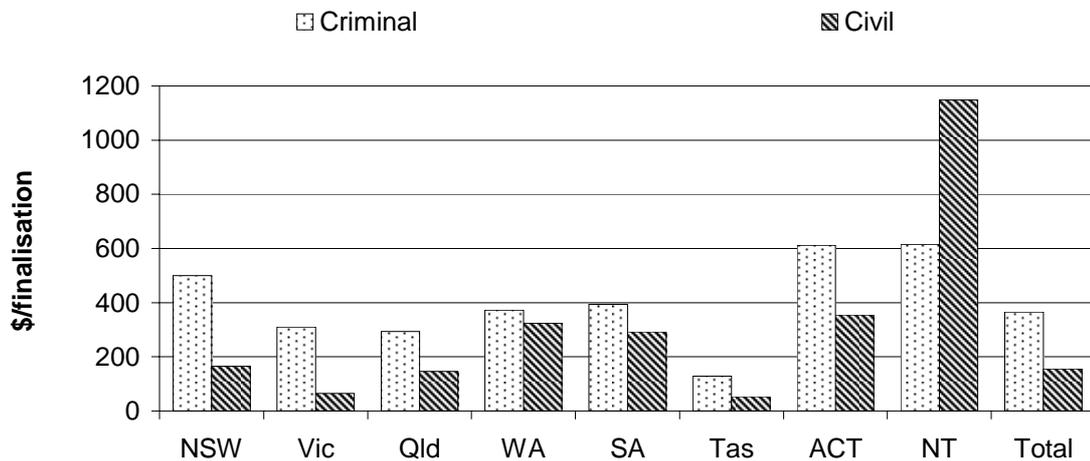
Figure 6.4 **Net expenditure per finalisation, total magistrates courts (including magistrates and children's courts), 2004-05<sup>a, b, c</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In Victoria data is included on 72 381 finalisations (and associated expenditure) from the Victorian Civil Administrative Tribunal. <sup>c</sup> In Tasmania, unpaid minor traffic infringements are dealt with in the magistrates court.

Source: State and Territory court administration departments (unpublished); tables 6A.23–24.

Figure 6.5 **Net expenditure per finalisation, magistrates courts only (excluding children's courts), 2004-05<sup>a, b, c</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In Victoria data is included on 72 381 finalisations (and associated expenditure) from the Victorian Civil Administrative Tribunal. <sup>c</sup> In Tasmania, unpaid minor traffic infringements are dealt with in the magistrates court.

Source: State and Territory court administration departments (unpublished); tables 6A.23–24.

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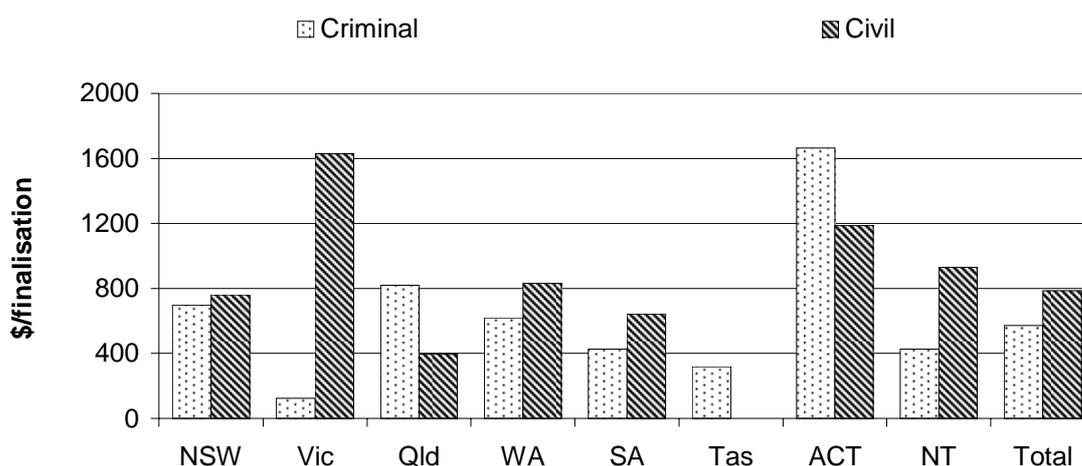
### *Net expenditure per finalisation for magistrates courts only*

Net expenditure per criminal and civil finalisation for magistrates courts only (excluding electronic and children's courts) is presented in figure 6.5.

### *Net expenditure per finalisation for children's courts*

Net expenditure per finalisation in the children's courts varies across states and territories, particularly for civil matters. The bulk of matters dealt with in the civil jurisdiction of the children's courts are generally care and protection orders, however some jurisdictions will also hear matters such as applications for intervention orders.

**Figure 6.6 Net expenditure per finalisation, children's courts, 2004-05<sup>a, b, c</sup>**



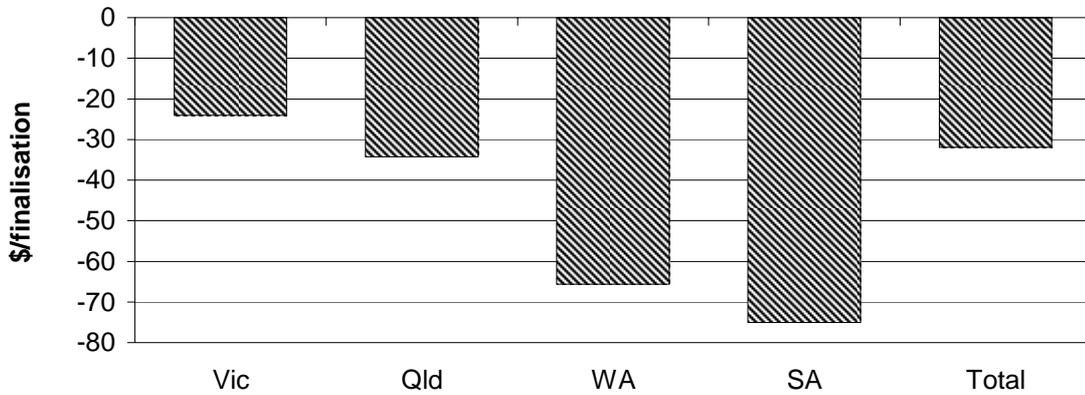
<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In Tasmania the expenditure children's court expenditure cannot be disaggregated by criminal and civil, and is therefore combined under criminal. <sup>c</sup> In Queensland some children's court criminal matters are heard in the district court. <sup>d</sup> In Victoria, children's criminal matters not heard in the Melbourne Children's Court are heard in the magistrates' court in regional areas. It is not possible to apportion the expenditure on these matters to the children's court, and this expenditure is included in the figures for the magistrates' court. However, the children's matters heard are separately recorded and identifiable for the children's court

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.23–24.

### *Net expenditure per finalisation for electronic infringement and enforcement systems*

All electronic infringement and enforcement systems in 2004-05 had income that outweighed any associated expenditure (figure 6.7 and table 6A.23).

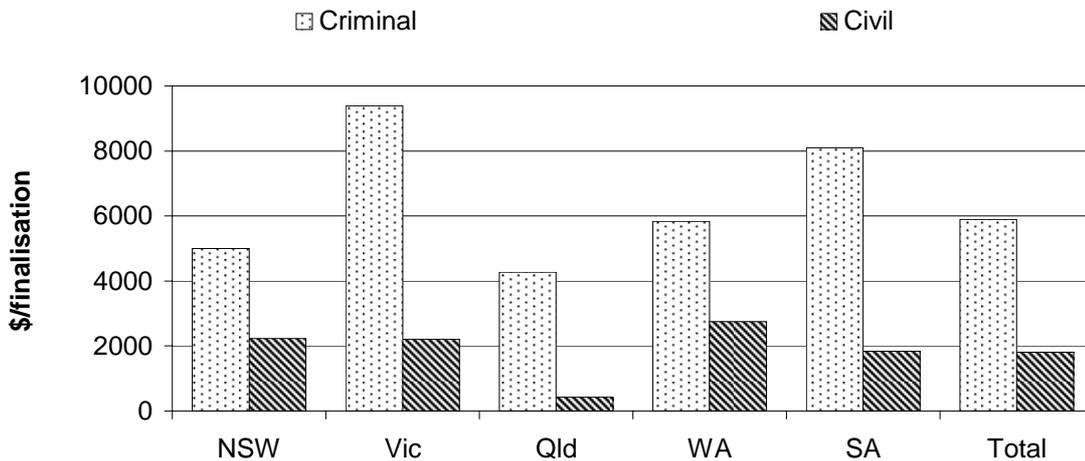
Figure 6.7 **Net expenditure per finalisation, electronic infringement and enforcement systems, 2004-05<sup>a, b</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> Electronic infringement and enforcement systems (infringement and expiated offence processing systems that have the status of a court) operate only in Victoria, Queensland, WA and SA. Other jurisdictions may operate similar bodies that do not operate under the auspices of a court.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.23.

Figure 6.8 **Net expenditure per finalisation, district/county courts, 2004-05<sup>a, b</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In the criminal court jurisdiction in Queensland, some children's court expenditure and finalisations are heard in the district court.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.23-24.

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### *Net expenditure per finalisation for district/county courts*

In 2004-05, the net expenditure per finalisation in the criminal jurisdiction of the district/county courts was more than twice that in the civil jurisdiction (figure 6.8). This trend was similar across all states and territories, and is fairly consistent over time (tables 6A.23 and 6A.24).

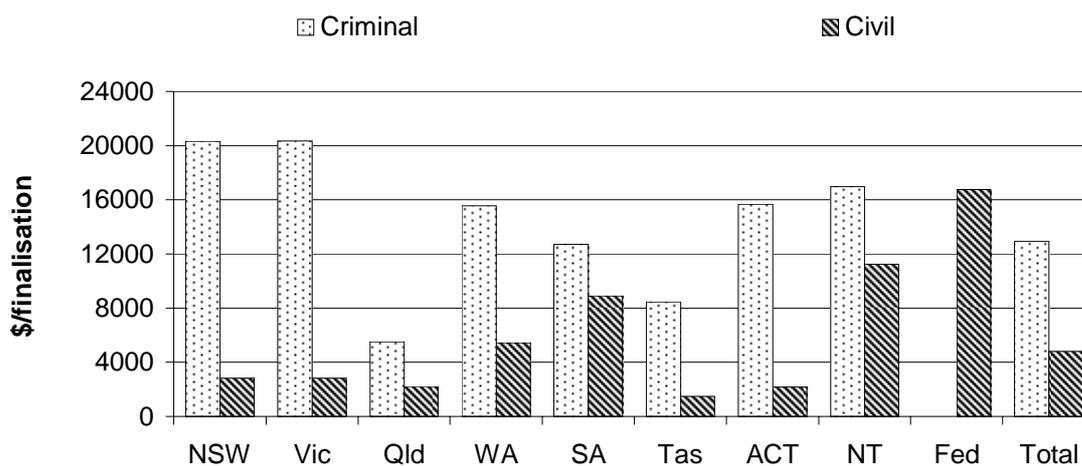
Tasmania, the ACT, the NT and the Australian Government do not operate district/county courts.

### *Net expenditure per finalisation for the supreme courts and the Federal Court*

In 2004-05, the net expenditure per finalisation in the criminal jurisdiction of the supreme courts was around three times greater than the net expenditure per finalisation in the civil jurisdiction (the Federal Court has no criminal jurisdiction) (figure 6.9).

Tasmania, the ACT, and the NT have a broader range of matters that are heard in their supreme courts, as none of these jurisdictions have a district/county court. The difference in scope of supreme court work (box 6.3) should be considered when making comparisons between the different states and territories.

**Figure 6.9 Net expenditure per finalisation, supreme courts and the Federal Court, 2004-05<sup>a, b</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> The Federal Court does not operate in the criminal jurisdiction.

Source: State and Territory court administration authorities and departments (unpublished); tables 6A.23–24.

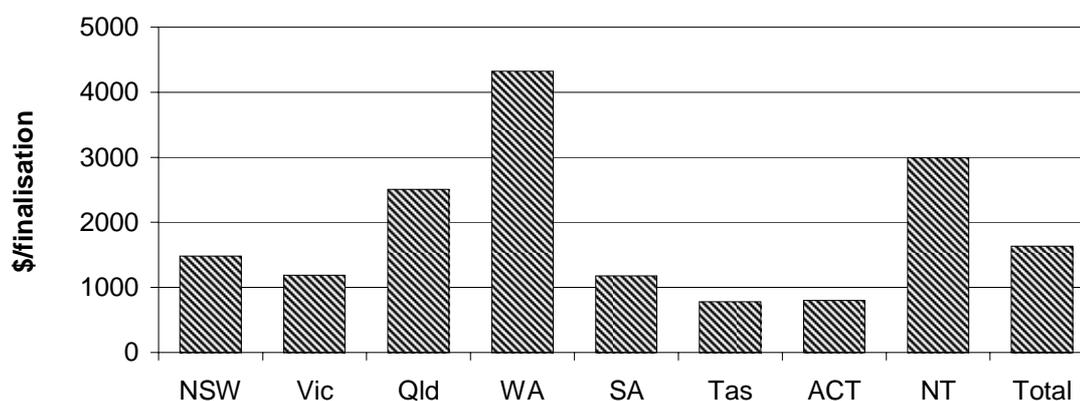
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### *Net expenditure per reported death and fire for coroners courts*

Nationally, expenditure per reported death and fire in the coroners courts was approximately \$1661 in 2004-05 (figure 6.10). Some jurisdictions include autopsy and chemical analysis costs in their expenditure data, but others exclude these costs because they are outside the court's immediate control.

Data for NSW, Victoria and the ACT in 2004-05 include fires reported to the coroner; all other jurisdictions (except Tasmania) do not, as fires are not reported to the coroner in these jurisdictions, so care needs to be taken when making comparisons.

**Figure 6.10 Net expenditure per finalisation, coroners courts, 2004-05<sup>a, b</sup>**



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<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> Data for NSW, Victoria and the ACT include reported fires.

Source: State and Territory court administration authorities and departments (unpublished); table 6A.23.

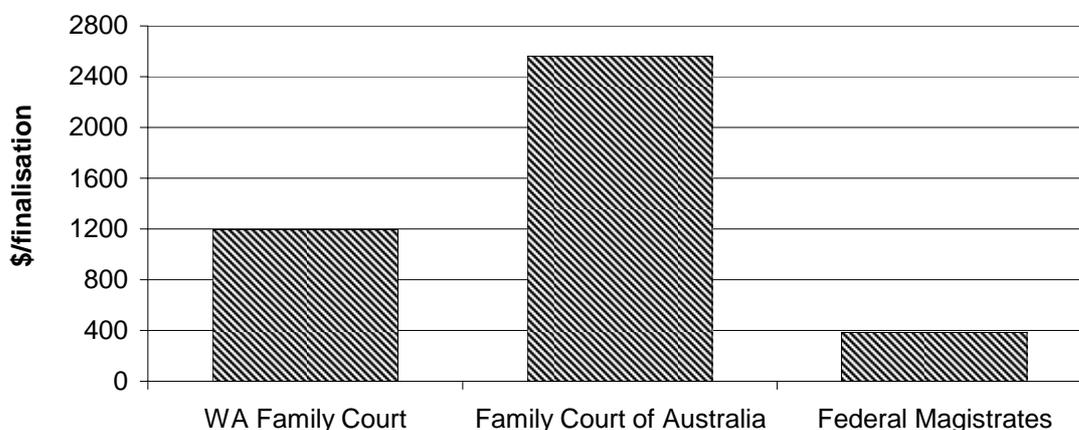
### *Net expenditure per finalisation for family courts and the Federal Magistrates Court*

The establishment of the Federal Magistrates Court has implications for the number of finalisations and expenditure associated with the Family Court of Australia (figure 6.11). The intention is for the Federal Magistrates Court to take on some of the workload previously managed by the Family Court of Australia (and the Federal Court). For example, prior to the establishment of the Federal Magistrates Court all divorces (with the exception of WA which has its own family court) were lodged in the Family Court of Australia. From November 2003, divorces are lodged solely in the Federal Magistrates Court, with the exception of WA where divorces are lodged in the Family Court of WA.

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Figure 6.11 **Net expenditure per finalisation, family courts and the Federal Magistrates Court, 2004-05**

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Source: Australian court administration authorities and departments (unpublished); table 6A.24.

## Outcomes

No outcome indicators for court administration are currently reported. It is noted, however, that the activities of court administrators lead to broader justice-wide outcomes that are not readily picked up in this service-specific chapter. Ongoing work is being conducted to develop outcome indicators.

## 6.4 Future directions in performance reporting

### Improving data quality

Differences across states and territories in the jurisdiction of courts, and in the allocation of cases between courts, affect the comparability of equity, efficiency and effectiveness data. The different methods undertaken to collect the data can also have an impact on data consistency and quality.

The Review, through the Court Administration Working Group and the Courts Practitioner Group, is taking steps to improve data quality, including:

- assessing and implementing recommendations associated with the *ABS Courts Administration Data Collection National Report* on lodgments and finalisations

- 
- clearly defining issues pertaining to the scope of the data collection and reporting within the chapter
  - assessing the most appropriate way in which to collect and publish data
  - amending data definitions
  - improving data verification and data quality.

Work has begun in 2004-05 on the investigation of the presentation of data based on case type (rather than the current approach of presentation by court level). A pilot study is underway, and is expected to be completed in late 2006.

## **6.5 Jurisdictions' comments**

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

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## Australian Government Comments

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The Family Court of Australia has had its Case management system, Casetrack, in production since 2002. The Court continues to make improvements to this system to match its changing environment as well as improving the collection of information required for effective case management. This system is also used by the Federal Magistrates Court (FMC), the Family Court of Western Australia (FCWA) and the Federal Court of Australia (FCA). The Family Court continues to support these courts with system changes to meet their specific requirements. The leadership of the Family Court of Australia in initially developing, and subsequently enhancing, Casetrack has resulted in significant benefits and savings to those participating courts and provided opportunities for cooperative development of mutual benefit.

2004-05 represents the first full year reflecting significant changes to Family Court of Australia procedures, following the Review of Family Court Rules, which came into effect on 29 March 2004. The new rules resulted in a shift in the manner the Family Court approached some initiating cases (i.e. causes of actions) by reducing the number of forms and simplifying the rules.

In November 2003, a practice direction was issued, with agreement from the FMC, that all divorces are to be lodged in the FMC. As a result, the Family Court no longer deals with the high volume but low cost divorce matters. This has meant the “cost per finalisation” figures reported in this report have increased for this Court and reduced for the FMC. It should be noted that this Court still continues to provide a significant amount of administrative services and support resources to the FMC free of charge, especially administration services at the ‘front end’ of the FMC (such as creating files and allocating first court hearings etc). This masks the true costs per finalisations in these two Courts.

The Family Court continues to implement programs to improve efficiency and client experience. A significant development is the national rollout of the Children Cases Program (CCP). CCP is a new, less adversarial approach to hearing children’s cases. The aim of the CCP approach is to achieve better outcomes for children, and also to manage cases in a timely and less costly manner. The CCP approach retains a clear focus on the best interests of the child in a less formal environment whereby the parties are able to speak directly with the judge in the courtroom in a less constrained manner. The judge is more proactive in narrowing the issues in dispute, and is assisted in the courtroom during the first day of the hearing by a court mediator. The hearing may proceed through a series of events, and the issues in dispute may be determined or resolved at any stage during the hearing. The approach was piloted in Sydney and Parramatta, and was subsequently implemented in Melbourne. The Court is presently planning to implement the approach nationally by 30 June 2006.

The implementation of the Family Relationship Centres may change the types of applications coming to the Family Court (and the Family Law system), with the less intractable matters expected to be dealt with prior to entering the court system. The effects of this policy will not be felt for some time yet.

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## New South Wales Government Comments

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The NSW courts operate efficient and cost-effective justice services. With just over one third of the Australian population, NSW spends about a quarter of the national net recurrent expenditure on court administration. NSW has approximately three times as many courthouses as other jurisdictions, in order to provide access to services and only spends close to the national average for each case finalised.

In 2004-05, NSW demonstrated a high-level of court efficiency. Over 85 per cent of matters in NSW's criminal courts are under 6 months old and NSW maintained an overall clearance rate of 98 per cent for criminal matters. The Local Court continues to have the best results for timeliness of criminal matters in the country.

NSW has also improved the timeliness of civil matters, ranking first for the timeliness of civil non-appeal cases in the District court, and second in the Supreme Court. The Supreme Court has also reduced the number of civil non-appeal cases older than 24 months by 288 cases since 2003-04.

The introduction of the *Civil Procedure Act 2005* and *Uniform Civil Procedure Rules* has meant that for the first time in NSW, one set of rules will be applied to civil proceedings in the Supreme, District and Local Courts. This will allow for efficiencies for the courts, the legal profession and the public.

The development of CourtLink continued with the introduction of e-filing in the Supreme Court criminal jurisdiction. At its completion, CourtLink will deliver an integrated court administration system supporting justice services.

Continuing expansion of the Magistrate Early Referral into Treatment (MERIT) drug program and Justice Health initiatives now provide coverage to over 75 per cent of the Local Court population.

The NSW Aboriginal Justice Plan was launched in May 2005 to address the over-representation of Aboriginal people in the criminal justice system. This plan has been developed in partnership with the Aboriginal community, including more than 700 people from 15 communities across the State. The Plan includes extending the successful Circle-Sentencing, Community Patrols and Aboriginal Youth Crime Prevention programs.

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## Victorian Government Comments

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In 2004-05 the County Court of Victoria established the section 134AB Workcover List to expedite the progress of cases in this new list through careful management. It also continued to promote and expand the use of e-Filing, allowing court users across Victoria to electronically lodge documents relating to civil cases. Indications are that the service is steadily becoming an attractive option within the legal community.

Technology developments in the County Court included an upgraded regional network infrastructure to improve responsiveness, and the finalisation of the first stage of the Court Listing Management System Criminal Orders Module, with the pilot to commence in October 2005.

The Family Violence Court Division of the Magistrates' Court of Victoria was established, and commenced sitting at Ballarat and Heidelberg on 14 June 2005, with the objectives of simplifying access to justice and increasing safety of people who have experienced family violence, and increasing accountability and encouraging behaviour change in people who use family violence. The Division will operate as a pilot until 30 June 2007.

Key features of the Division include: specialist support services being provided at the court premises for people who have experienced and used family violence; family violence training for magistrates, registrars, police prosecutors, support workers and lawyers; assigning of magistrates to the Division by the Chief Magistrate based on their knowledge and experience in dealing with family violence matters; directions by magistrates to men, who have intervention orders against them for using violence against their female partners and former partners, to attend a counselling program aimed at changing their violent behaviour; and proceedings are listed in an allocated courtroom and evidence can be presented in a number of ways including by use of video conferencing, using screens in the court to remove the defendant from view of the witness and permitting support persons to be beside the witness while they give evidence.

The Criminal Justice Diversion Program operating in the Magistrates' Court has also proved quite successful. The Diversion Program is fully managed and co-ordinated by the Magistrates' Court. During the 2004-05 financial year 7832 referrals were received, a 12.3 per cent increase on the previous financial year's 6971, with 5938 offenders entering into Diversion Plans. Of that amount 94.3 per cent of offenders successfully completed their Diversion Plan. In this time offenders undertook to pay a total of \$851 548 in donations to charities and local community run projects, as well as \$681 477.61 in restitution to victims. A further 10 586 hours of voluntary work for not-for-profit organisations was undertaken.

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## Queensland Government Comments

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Queensland Courts strive to set high standards of efficiency and effectiveness. During 2004-05 a range of initiatives were implemented to ensure we deliver a fair, open and accessible justice system for all Queenslanders.

The Higher Courts expanded the computerised Queensland Jury System to 31 regional court centres, introduced a Juror Support Program which offers counselling for jurors adversely affected by the experience and increased jurors' allowances.

New courthouses were officially opened in the Brisbane CBD and at Thursday Island, Western Districts and Caloundra. At the Hervey Bay courthouse, a new District Court extension was opened. Work continues on the upgrade of the Bowen and Murgon courthouses. Upgrades are also planned at Ipswich, Northern Districts, Sarina and Sandgate.

Security will be enhanced through additional security officers for courts and electronic security equipment provided in ten additional courthouses in 2005-06 — Beenleigh, Cairns, Townsville (Magistrates and Higher Courts), Ipswich, Southport, Maroochydore, Rockhampton, Mackay and Richlands.

The Homeless Persons Court Diversion Program will be implemented in the Brisbane Magistrates Court as part of a government initiative to address homelessness issues.

A Sentencing Database and Decision Support System is being developed which will provide a single coordinated uniform resource for the criminal justice stakeholders assisting judicial officers in the range and effectiveness of sentencing options available to them.

Wireless Internet access technologies were installed in the Higher Courts complex in Brisbane and will be extended to 32 courtrooms across the Brisbane Magistrates Court and courthouses in Southport, Beenleigh, Ipswich, Maroochydore, Rockhampton, Townsville and Cairns.

The Illicit Drug Court Program for minor drug offenders has received additional funding to extend this diversion program to all Magistrates and Children's Courts

There was continued expansion of video conferencing with Closed Circuit TV and Vulnerable Witness facilities in the Brisbane Higher Courts and 20 Magistrates Courtrooms.

There was continued development of the Integrated Justice Information System (IJIS), a whole of government initiative, to facilitate the electronic transfer of information across the justice agencies particularly the Justice, Police and Corrective Services.

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## Western Australian Government Comments



Whilst Western Australian courts continued to improve the delivery of services the year has been highlighted by the implementation of significant legislative reforms.

The most extensive reform of Western Australia's lower court system in 100 years saw the amalgamation of several courts to form the new Magistrates Court. The new Court began operation in May 2005, amalgamating the former Court of Petty Sessions, Local Court and Small Claims Tribunal into a single court with multiple registries around the State. The lower court reforms addressed more than 200 recommendations of the Western Australian Law Reform Commission. The Court has increased jurisdictional limits and the power to make its own rules.

The Court of Appeal Division of the Supreme Court was established on 1 February 2005. It deals with all matters that were previously heard by the Full Court of the Supreme Court and the Court of Criminal Appeal.

The State Administrative Tribunal (SAT) began operations in January 2005, amalgamating the functions of more than 50 boards and tribunals and assuming responsibility for hundreds of administrative appeals from courts.

Other developments included:

- initiation of work on a new District Court building, the near completion of the Albany Justice Complex and completion of the refurbishment of the Derby courthouse
- implementation of the Integrated Courts Management System (ICMS) for civil processes in the Magistrates Court and SAT. Planning is now underway for the development of the ICMS application for criminal court processes
- reduction of the civil backlog in the Supreme, District and Magistrates Courts
- establishment of the Court Security directorate to better manage court security
- a revised fines enforcement strategy to tackle the growing number of fine defaulters being imprisoned
- introduction by the WA Family Court of conferences where separating couples try to resolve matters with the assistance of a counsellor
- introduction of a number of initiatives to assist self-represented people in court
- further development of a legislative framework and the inter-jurisdictional operational elements of the cross border justice project
- development of an Aboriginal Strategic Services Plan.



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## South Australian Government Comments

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The Courts Administration Authority maintained its commitment to providing the best possible service to the community. In the year under review, a number of initiatives have been undertaken by the Authority, including:

- prepared for e-filing in civil matters heard in Supreme and District Courts
- conducted a preliminary review of aspects of procedures, systems and resources relevant to the listings and disposals of criminal trials in the Supreme and District Courts. As a result, a more thorough review of these issues is being undertaken
- changed Rules of the Magistrates Court to enable improved debt collection from debtors in civil cases
- developed the Adult Restorative Justice Conference Pilot program allowing for victims and offenders to meet face-to-face after a guilty plea and prior to sentencing, to discuss the harm caused by the offence and possible restorative alternatives
- established a Court assessment and referral drugs scheme (CARDS) for adults and in the Youth Court which aims to direct drug offenders into treatment as part of their bail or bond conditions and therefore reduce the chance of future drug related offending — this is in addition to the Drug Court
- introduced video conferencing between the Youth Court and Youth Training Centres. Also introduced child vulnerable witness facilities in higher courts
- prepared for the introduction of a new *Coroner's Act 2003* from 1 July 2005, which expands the range of the types of deaths that will be reportable to the Coroner
- introduced the Courts online fines website to provide users with a secure online facility to view and make payments towards outstanding penalties
- established a consultative Community Reference Group, to provide suggestions to the Authority's Community Relations Committee in informing the community about the work of the Courts
- established a Courts Aboriginal Reference Group, to inform the State Courts Administration Council about matters concerning Aboriginal people who have contact with the Courts
- continued development for a new courts complex at Port Augusta, which will improve the facilities available to those who have business before the courts at Port Augusta
- participated in a Public Private Partnership project involving delivery of new co-located police and court premises at Port Lincoln, Berri, and Victor Harbor, and a new courthouse at Pt Pirie.

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## Tasmanian Government Comments

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In 2004-05 the major performance issue for Tasmanian Courts has been managing all courts' pending caseloads to an acceptable level.

With the exception of the Supreme Court Civil Jurisdiction all courts have achieved a reduction in the proportion of pending cases that exceed national time standards. The most significant reduction has been for the Supreme Court Criminal Jurisdiction where the proportion of pending cases aged over 12 months has reduced from 21 per cent to 12 per cent. This reduction has been achieved through the allocation of additional resources to the Director of Public Prosecutions and the direction of additional judicial resources to the criminal division.

In the Magistrates Court the introduction of the criminal registry and listing system (CRIMES) in all registries has enabled closer monitoring of the courts pending caseload.

The age of pending cases in the Supreme Court Civil Jurisdiction may be a result of the Supreme Court's case management processes focussing on ensuring that cases are ready for trial rather than ensuring compliance with national time standards. When cases are ready for trial there is no delay in listing them before a judge.

The Supreme and Magistrates Courts have commenced a joint project to acquire and implement a civil case management system to replace their existing systems. This system will provide a foundation for the more effective monitoring and management of civil cases by the courts.

Tasmanian courts have consistently reported a low cost per finalisation when compared with other states and territories in all jurisdictions. Whilst there are significant concerns regarding the national comparability of cost per case finalised there are a number of factors that may explain Tasmania low cost.

Tasmania is the only jurisdiction where unpaid infringement notices are dealt with in the Magistrates Court. These account for up to 60 per cent of cases finalised in this jurisdiction. The majority of these cases are finalised ex-parte in front of a Justice of the Peace at very low cost. The introduction of new monetary penalties legislation in 2006 will remove these matters from the court and lead to a consequent increase in the average cost per finalisation.

The Tasmanian Supreme Court's jurisdiction deals with cases that are heard in district and county courts in larger states and as a result its costs are more comparable with these jurisdictions. In the civil jurisdiction of the Supreme and magistrates Courts effective court annexed mediation reduces the number of cases that go to trial and consequently reduces costs.

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## Australian Capital Territory Government Comments

“ The ACT continues to support the improvements made to the collection in 2004-05, and particularly the presentation of aggregated “Higher Courts” data for some indicators. This approach begins to address the difficulties in meaningfully comparing the smaller jurisdictions, such as the ACT, that do not have intermediate courts like the larger states. It is an approach that might usefully be adopted across other areas of the court administration chapter.

The data in this year’s Report indicate that the ACT’s courts are generally performing at or above national benchmarks for criminal cases in terms of both backlog and clearance indicators. For civil cases, while clearance rates are generally holding, most backlog indicators remain outside the benchmark, although they are within the range of the other jurisdictions.

Results this year on the unit/cost indicator continue to show the ACT at the higher end of the range, except for the Supreme Court (table 6A.25). While scale efficiency no doubt influences these results in a small jurisdiction, closer examination of the data indicate that the primary driver of those results are lower annual finalisations on a comparatively static cost base.

In turn, lower finalisations reflect a general local trend of declining demand. There have been increased lodgments in some parts of the collection, most notably in the Supreme Court criminal (53 per cent since 2002-03) and Childrens Court civil (95 per cent since 2002-03) areas, both of which are resource-intensive. However, total lodgments of all ACT matters within the scope of the collection have decreased over the past two years.

The proposed review in 2005-06 of the definitions and methodology underpinning the Attendance Indicator data is strongly supported by the ACT. Improvements in data quality, consistency and comparability between the reporting jurisdictions would be welcome on this important and developing indicator.

Other noteworthy developments in the reporting year include:

- the permanent establishment of Circle Sentencing within the Magistrates Court to provide greater community involvement through the Elders Panel in the sentencing process and post-sentence supervision of adult Aboriginal and Torres Strait Islander offenders
- the continuing performance audit of courts administration by the Auditor General, which is examining current caseload management arrangements and other aspects of court administration
- a fundamental review by the Chief Magistrate of listing strategies and governance arrangements in the Magistrates Court.

All of these developments have the potential to improve the ACT results in this Report over the medium term.

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## Northern Territory Government Comments



Highlights of Court Support Services' activities for the year 2005 included the following points.

The jury database at the Supreme Court in Darwin was upgraded to automate payments of fees and fares for jurors based on postcode.

The Supreme Court established a full time Registry in Alice Springs to assist in the efficient running of the increased number of Supreme Court sittings.

Magistrates and staff from Darwin commenced quarterly sittings at Pirlangimpi and Milikapiti. Darwin Magistrates now service twelve circuit courts. The Magistrate based in Katherine travels to Borroloola, Ngukurr, Timber Creek and Barunga with the latter being recently re-introduced as a regular court sitting.

Courts travelled from Alice Springs to Kintore and Ti Tree for the first time to hold court sittings. This brings the total of circuit courts from Alice Springs to ten which includes Tennant Creek.

Preparation of proposed cross border procedures commenced between South Australia, Western Australia and the Northern Territory. Once formalised this will enable lower court cases from all of the three jurisdictions (SA, WA and the NT) to be dealt with wherever it is most convenient within an agreed area around the junction of those jurisdictions.

The twelve month pilot for the Darwin Community Court was launched in April 2005. Respected elders provide advice to the Magistrate on the sentencing of offenders before the Court.

The use of video conferencing facilities continued to be encouraged as an option for remote appearances and witnesses. Vulnerable witness facilities continued to be utilised in both the Supreme Court and the Magistrates Court. Legislation now provides for children who are victims of Sexual Assaults to pre-record their evidence prior to trial thereby reducing delays for these victims.

In the year ending June 2005 approximately 320 deaths were reported to the Coroner. Detailed statistical information in relation to the causes of death and other matters relevant to public health and safety is entered by Coroner's Office staff and maintained on the *National Coronial Information System* database.

In 2005, 20 inquests were completed. Formal recommendations made by the Coroner covered such subjects as a statutory licensing scheme for tour guides; the availability and maintenance of resuscitation equipment at remote medical clinics; and conditions for fisherman detained in immigration detention in NT waters. Inquests are public hearings and inquest findings are published on the Coroner's Office website.



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## 6.6 Definitions of key terms and indicators

<b>Active pending population</b>	A lodgment that is yet to be finalised but is part of the case management of court administrators.
<b>Average expenditure per civil case</b>	The total cost of the administrative services provided to civil matters, divided by the total number of civil files handled. Includes salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses.
<b>Attendance Indicator</b>	The average number of attendances for each finalisation in the reporting period. An attendance is defined as the number of times that parties or their representatives are required to be present in court (including any appointment which is adjourned or rescheduled) for all finalised matters during the year. The actual attendance is one that is heard by a judicial officer or mediator/arbitrator.'
<b>Backlog Indicator</b>	A measure of case processing timeliness. It is the number of pending cases older than the applicable reporting standards, divided by the total pending caseload (multiplied by 100 to convert to a percentage).
<b>Bench warrant</b>	A warrant issued by a court for the arrest of a person who has been indicted.
<b>Case</b>	The measurement of workload in the civil jurisdiction. It is the issues, grievances or complaints that constitute a single and related series of disputes brought by an entity (or group of entities) against another entity (or group).
<b>Clearance rate</b>	A measure of whether a court is keeping up with its workload. It is the number of finalisations in the reporting period, divided by the number of lodgments in the same period (multiplied by 100 to convert to a percentage).
<b>Cost recovery</b>	The level of court fees divided by the level of court expenditure.
<b>Court fees collected</b>	Total court income from fees charged in the civil jurisdiction. Includes filing, sitting hearing and deposition fees, and excludes transcript fees.
<b>Electronic infringement and enforcement system</b>	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.
<b>Excluded courts and tribunals</b>	Guardianship boards, environment resources and development courts, and administrative appeals tribunals.
<b>Finalisation</b>	The completion of a matter so it ceases to be an item of work to be dealt with by the court. Finalisations are derived from timeliness data that may not reflect the total matters disposed by the courts in the reporting period.
<b>Forms</b>	The counting unit used in the family courts and family law matters pertaining to the Federal Magistrates Court. Forms are applications or notices lodged with the court.
<b>Income</b>	Income derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines).
<b>Information technology expenditure</b>	Non-salary and salary expenditure on information technology. Excludes capital expenditure on information technology infrastructure and includes licensing costs, computer leasing costs, the cost of

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	consumables (such as data lines, paper and disks), training fees, access fees (for example, catalogue search and Internet access) and maintenance charges for software and hardware.
<b>Inquests and inquiries held</b>	Court hearings to determine the cause and circumstances of deaths reported to the coroner. Includes all coronial inquests and inquiries in full court hearings.
<b>Judicial officer</b>	Judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on the judicial activity.
<b>Judicial and judicial support salaries</b>	<p>All salary expenditure and payments in the nature of salary that are paid to employees of court administration. Includes base salaries, the employer contributed component of superannuation, workers compensation (full cost, inclusive of any levies, bills and legal fees), higher duty allowances, overtime, actual and accruing terminal and long service leave, fringe benefits tax and untaxed fringe benefits.</p> <p>(Judicial officers include judges, magistrates, masters, judicial registrars and other judicial officers who fulfil a primarily judicial function. Judicial support staff include judicial secretaries, tipstaff and associates).</p>
<b>Library expenditure</b>	<p>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.</p> <p>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.</p>
<b>Lodgment</b>	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.
<b>Matters</b>	<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 can extend to the manner of the death of a person who was killed; was found drowned; died a sudden death of which the cause is unknown; died under suspicious or unusual circumstances; died during or following the administration of an operation of a medical, surgical, dental, diagnostic or like nature; died in a prison remand centre or lockup; or died under circumstances that (in the opinion of the Attorney-General) require that the cause of death be more clearly ascertained.</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 or traffic camera branches.</p> <p><i>Civil matters:</i> Matters brought before the court by individuals or organisations against another party, such as small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction.</p> <p><i>Excluded matters:</i> Extraordinary driver's licence applications; any application on a pending dispute; applications for bail directions or judgment; secondary processes (for example, applications for default</p>

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	<p>judgments); interlocutory matters; investigation/examination summonses; firearms appeals; escort agents' licensing appeals; pastoral lands appeals; local government tribunals; police promotions appeals; applications appealing the decisions of workers compensation review officers.</p> <p><i>Probate:</i> Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person.</p>
<b>Method of finalisation</b>	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.
<b>Method of initiation</b>	How a criminal charge is introduced to a court level.
<b>Non-adjudicated finalisation</b>	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.
<b>Probate registry expenditure</b>	Salary expenditure of the probate registrar and probate clerks, along with non-salary expenditure directly attributable to probate registries.
<b>Real expenditure</b>	Actual expenditure adjusted for changes in prices using the GDP(E) price deflator and expressed in terms of final year prices.
<b>Sheriff and bailiff expenditure</b>	Expenditure on court orderlies, court security, jury management and witness payment administration. For the civil jurisdiction, it includes expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it includes expenditure on police officers permanently attached to the coroner for the purpose of assisting in coronial investigations. Excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security.
<b>Withdrawn</b>	The formal withdrawal of charges by the prosecution (that is, by police, the Director of Public Prosecutions or the Attorney-General).

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## 6.7 Supporting tables

Supporting tables are identified in references throughout this chapter by an 'A' suffix (for example, table 6A.3 is table 3 in the attachment). Supporting tables are provided on the CD-ROM enclosed with the Report. The files containing the supporting tables are provided in Excel format as Attach\_stat\_app.xls and in Adobe PDF format as Attach\_stat\_app.pdf. The files containing the supporting tables can also be found on the Review web page ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). Users without Internet access can contact the Secretariat to obtain these tables (details on the inside front cover of the Report).

<b>Preamble</b>	Court administration — Attachments
<b>Table 6A.1</b>	Lodgments, criminal
<b>Table 6A.2</b>	Lodgments, civil
<b>Table 6A.3</b>	Lodgments, per 100 000 population, criminal
<b>Table 6A.4</b>	Lodgments, per 100 000 population, civil
<b>Table 6A.5</b>	Finalisations, criminal
<b>Table 6A.6</b>	Finalisations, civil
<b>Table 6A.7</b>	Finalisations, per 100 000 population, criminal
<b>Table 6A.8</b>	Finalisations, per 100 000 population, civil
<b>Table 6A.9</b>	Real recurrent expenditure, criminal (\$'000)
<b>Table 6A.10</b>	Real recurrent expenditure, civil (\$'000)
<b>Table 6A.11</b>	Real income (excluding fines), criminal and civil (\$'000)
<b>Table 6A.12</b>	Real net recurrent expenditure, criminal (\$'000)
<b>Table 6A.13</b>	Real net recurrent expenditure, civil (\$'000)
<b>Table 6A.14</b>	Real net recurrent expenditure, criminal and civil (\$'000)
<b>Table 6A.15</b>	Cost recovery – civil court fees collected as a proportion of civil expenditure (per cent), 2004-05
<b>Table 6A.16</b>	Average civil court fees collected per lodgment
<b>Table 6A.17</b>	Backlog indicator, criminal, 2004-05
<b>Table 6A.18</b>	Backlog indicator, civil 2004-05
<b>Table 6A.19</b>	Attendance indicator (average number of attendances per finalisation), 2004-05
<b>Table 6A.20</b>	Judicial officers, 2004-05
<b>Table 6A.21</b>	Clearance rate (finalisations/lodgments), criminal, 2004-05
<b>Table 6A.22</b>	Clearance rate (finalisations/lodgments), civil, 2004-05
<b>Table 6A.23</b>	Real net recurrent expenditure per finalisation, criminal (2004-05 dollars)
<b>Table 6A.24</b>	Real net recurrent expenditure per finalisation, civil (2004-05 dollars)
<b>Table 6A.25</b>	Real net recurrent expenditure per finalisation, criminal & civil (2004-05 dollars)
<b>Table 6A.26</b>	Treatment of assets by court administration agencies

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## 6.8 References

ABS (Australian Bureau of Statistics) 2005, *Criminal Courts 2003-04, Australia*, Cat. no. 4513.0, Canberra (and various years).

FMC (Federal Magistrates Court) 2004, [www.fmc.gov.au](http://www.fmc.gov.au) (accessed 14 October 2004).

SCRCSSP (Steering Committee for the Review of Commonwealth/State Service Provision) 2003, *Report on Government Services 2003*, AusInfo, Canberra.

