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# 7 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 Family Court of Australia, the Family Court of WA and the Federal Magistrates Court of Australia. This chapter does not include information on the High Court of Australia, and broadly excludes tribunals and specialist jurisdiction courts (for example, Indigenous and circle sentencing courts and drug courts are excluded). The focus of this chapter is on the administration of the courts, not the outcomes of legal processes.

A profile of court administration is presented in section 7.1. The framework of performance indicators is outlined in section 7.2 and data are discussed in section 7.3. Future directions for performance reporting are discussed in section 7.4. State and Territory comments are provided in section 7.5, followed by definitions in section 7.6. A list of attachment tables for this chapter is provided in section 7.7. Attachment tables are identified in references throughout this appendix by an 'A' suffix (for example, table 7A.3 is table 3 in the attachment). Attachment tables can be accessed electronically through the Report website <[www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)>, and are available on the CD-ROM provided with the Report. In 2008, data in the attachment tables for court administration are presented as a five year time series. References for the chapter are listed in section 7.8.

## 7.1 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

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- provide case management services, including client information, scheduling and case flow management
  - enforce court orders through the sheriff's department or a similar mechanism.

## **Roles and responsibilities**

### *State and Territory court levels*

There is a hierarchy of courts within each State and Territory. The supreme court hears disputes of greater seriousness than those heard in the other courts. It also develops the law and operates as a court of judicial review or appeal. For the majority of states and territories, the hierarchy of courts are as outlined below (although Tasmania, the ACT and the NT 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 jurisdiction courts (such as Indigenous and circle sentencing courts and drug 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. Specialist jurisdiction courts (other than the children's courts, family courts and coroners' courts) and tribunals are outside the scope of this Report and excluded from reported data where possible.

Differences in State and Territory court levels, along with the use of specialist jurisdiction courts and tribunals, means that the allocation of cases to courts varies across states and territories (boxes 7.1 to 7.3). As a result, the seriousness and complexity of cases heard in each State or Territory's equivalent court often vary. Any performance comparison needs to account for these factors.

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## Box 7.1 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 in this court level across the states and territories:

- given that district/county courts do not operate in Tasmania, the ACT or the NT, the supreme courts in these states and territories 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 number 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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## Box 7.2 District/county court jurisdiction across states and territories

A 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 this court level in each State that has a district/county court. 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 is the principal trial court and has jurisdiction to try a charge of any offence except treason or murder or offences related to those charges. 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:** Has unlimited jurisdiction in both personal injury claims and other claims. Also deals with appeals under the *Crimes (Family Violence) Act 1987*, 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 7.3 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 summary offences and determines summarily some indictable matters which have a maximum penalty of up to three years imprisonment imposed.

**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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### *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 and Territory.

#### *Probate*

In all states and territories, 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*

The children's court is a specialist jurisdiction court that, depending on the State or Territory legislation, may hear both criminal and civil matters.

Children's courts deal with complaints of offences alleged to have been committed by young people. In all states and territories except Queensland, defendants under the age of 18 are considered as children or juveniles. In Queensland, defendants are considered adults if aged 17 or older at the time the offence was committed. In all states and territories, children under the age of 10 years cannot be charged with a criminal offence (ABS 2007).

The children's court may also hear matters where 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.

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### *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 (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 chapter operate in Victoria, Queensland, WA and SA. In these states, 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 states and territories, the magistrates' court may enforce infringements and on-the-spot fines, or State/Territory debt recovery offices and/or fines enforcement units may operate outside the auspices of a court.

Data for electronic infringement and enforcement systems are presented in the criminal jurisdiction.

### *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/or 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 in others the coroner is prohibited from making any finding of criminal or civil liability (but may refer the matter may to the Director of Public Prosecutions). Suspicious fires are generally within the jurisdiction of the coroners' court (except in Queensland, WA, SA and the NT). The coroners' court is distinct from other courts not only because it has a role in inquiring into the cause of sudden and unexpected deaths (and suspicious fires), but also because it has other functions, including reporting inadequacies in regulatory systems.

Data for coroners' courts are presented in the civil jurisdiction.

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### *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 of Australia.

Data on the High Court are not reported in this chapter.

The following sections highlight the relationship between the other three Australian courts.

#### *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.

The Federal Court does not have a criminal jurisdiction.

#### *Family Court of Australia and Family Court of Western 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 who the children will live with, spend time with and communicate with, as well as other specific issues relating to parental responsibilities. It can also deal with ex-nuptial cases involving children's matters. A practice direction was issued by the Family Court of Australia with agreement from the Federal Magistrates Court, that from November 2003 all divorce applications are to be lodged in the Federal Magistrates Court. However, registrars



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of the Family Court of Australia, under delegated powers from the Federal Magistrates Court, still determine about 10 per cent of divorce applications lodged in the Federal Magistrates Court. A small number of divorce applications are initiated in the Family Court of Australia when these arise within other proceedings before the Family Court of Australia. This practice direction does not affect the Family Court of WA. The Family Court of WA, unlike the federal family law courts, has an additional jurisdiction (since 2004) to deal with financial matters between parties that were in a de facto relationship.

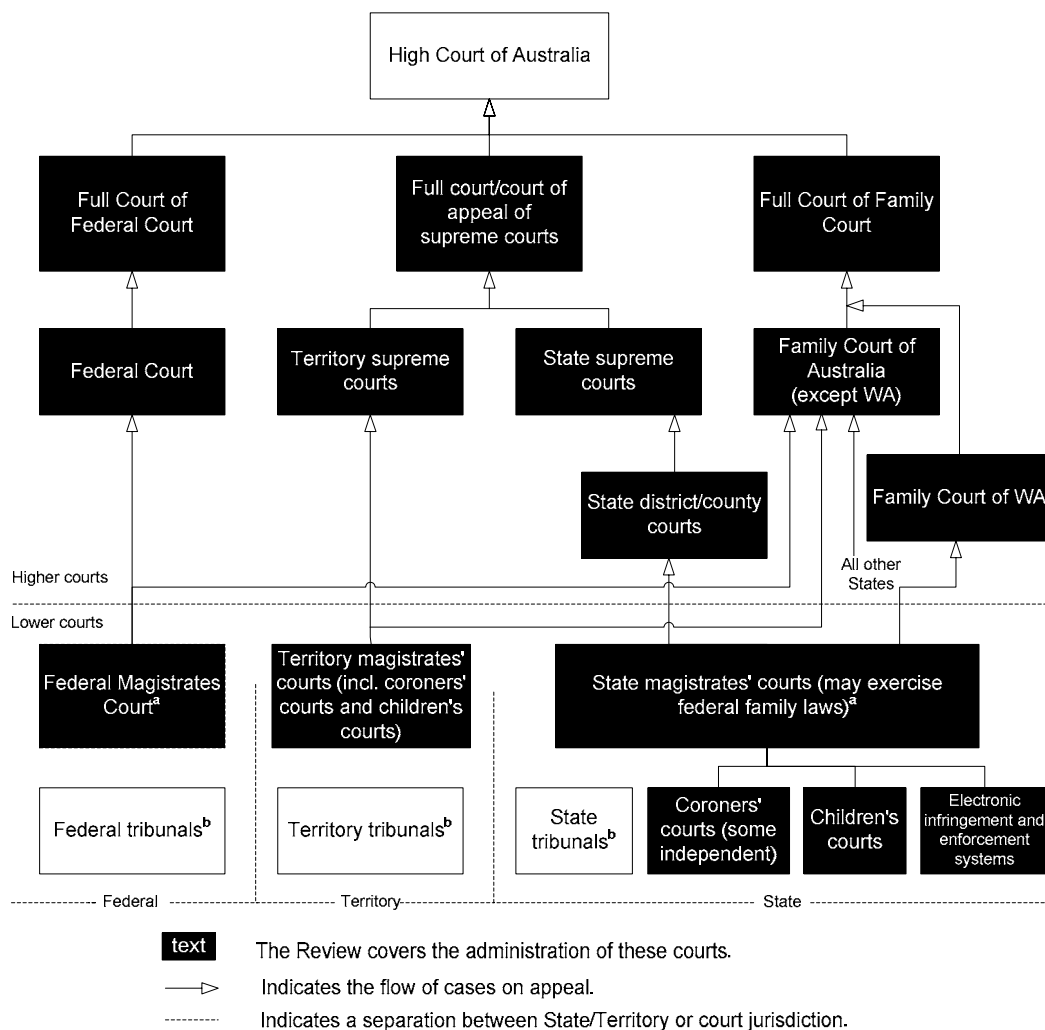
### *Federal Magistrates Court of Australia*

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 Federal Court and the Family Court of Australia. Its jurisdiction includes family law and child support, administrative law, admiralty, anti-terrorism, bankruptcy, copyright, human rights, migration, privacy and trade practices. State/Territory courts also continue to do some work in these areas.

The Federal Magistrates Court shares its jurisdiction with the Federal Court and the Family Court of Australia. The intention is for the latter two courts to focus on more complex legal matters. The Federal Magistrates Court hears most first instance judicial reviews of migration matters. In trade practices matters it can award damages up to \$750 000. In family law matters its jurisdiction is similar to that of the Family Court of Australia, except that only the Family Court of Australia can consider adoption disputes and applications concerning the nullity and validity of marriage. Otherwise, the Federal Magistrates Court has jurisdiction to hear any matter transferred to it by either the Federal Court or the Family Court of Australia.

The major relationships between, and hierarchy of, courts in Australia are summarised in figure 7.1.

Figure 7.1 Major relationships of courts in Australia<sup>a</sup>



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

### Administrative structures

Most courts use similar infrastructure (such as court buildings and facilities) for civil and criminal case types. However, 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. 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.

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## Recurrent expenditure less income

A number of factors affect 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 states and territories apportion, rather than allocate, expenditure (and income) between their criminal and civil courts.

Recurrent expenditure provides an estimate of annual service costs. Recurrent expenditure on court administration covers costs associated with the judiciary, 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 jurisdiction courts — except for family courts, children's courts and the coroners' courts) was \$1.34 billion in 2006-07 (table 7.1).

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 the Australian, State and Territory courts covered in this Report was \$325 million in 2006-07 (table 7.1).

Nationally, the civil jurisdiction of the courts reported the largest income, followed by the electronic infringement and enforcement systems (reported separately within the criminal jurisdiction). Income from electronic infringement and enforcement systems is reported for Victoria, Queensland, SA and WA. In other states and territories (NSW, Tasmania, the ACT and the NT), unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State/Territory debt recovery office) and are therefore considered out of scope for this Report. This will have an impact on the income reported for these states and territories.

Total recurrent expenditure less income (excluding fines), for the Australian, State and Territory courts covered in this Report, was \$1.01 billion in 2006-07 (table 7.1). Expenditure exceeds income in all court jurisdictions except for electronic infringement and enforcement systems, and probate registries in the supreme courts. As reported in table 7.1, expenditure is relatively low on probate matters, as these are limited to uncontested matters that are dealt with by probate registrars (or other registry staff). 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.

Table 7.1 **Court administration recurrent expenditure less income (excluding fines), 2006-07 (\$ 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, e</sup>	156.2	85.9	53.7	52.6	30.7	5.0	8.8	8.9	90.9	492.7
Criminal courts <sup>f</sup>	183.2	119.2	97.8	84.4	46.5	14.1	8.2	16.2	..	569.5
Electronic systems	..	1.8	10.5	6.4	4.6	..	..	..	..	23.4
Family courts <sup>g</sup>	..	..	..	20.7	..	..	..	..	123.8	144.5
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	61.9	61.9
Coroners' courts <sup>i</sup>	7.8	6.4	11.1	9.3	5.5	0.6	1.6	1.0	..	43.3
Probate — supreme <sup>j</sup>	1.3	0.6	0.1	0.3	0.6	0.1	—	—	..	3.0
<b>Total</b>	<b>348.5</b>	<b>213.9</b>	<b>173.3</b>	<b>173.7</b>	<b>87.9</b>	<b>19.9</b>	<b>18.6</b>	<b>26.2</b>	<b>276.5</b>	<b>1 338.4</b>
<i>Court administration income (excluding fines)</i>										
Civil courts <sup>c</sup>	63.8	30.0	15.6	12.5	8.5	1.5	2.1	0.6	8.7	143.2
Criminal courts <sup>f</sup>	12.0	—	2.0	3.7	1.2	0.5	0.6	0.1	..	20.1
Electronic systems	..	54.3	23.4	14.4	13.5	..	..	..	..	105.5
Family courts	..	..	..	2.1	..	..	..	..	5.0	7.1
Federal Magistrates	..	..	..	..	..	..	..	..	16.0	16.0
Coroners' courts	0.2	—	0.1	0.1	—	—	—	—	..	0.4
Probate — supreme	17.8	4.6	2.9	2.7	3.2	0.7	0.4	0.1	..	32.3
<b>Total</b>	<b>93.7</b>	<b>88.9</b>	<b>44.0</b>	<b>35.4</b>	<b>26.4</b>	<b>2.8</b>	<b>3.2</b>	<b>0.8</b>	<b>29.7</b>	<b>324.7</b>
<i>Court administration recurrent expenditure less income (excluding fines)</i>										
Civil courts <sup>c, d, e</sup>	92.4	55.9	38.1	40.1	22.2	3.5	6.7	8.3	82.2	349.4
Criminal courts <sup>f</sup>	171.2	119.2	95.7	80.7	45.3	13.6	7.6	16.1	..	549.4
Electronic systems	..	-52.4	-12.9	-8.0	-8.8	..	..	..	..	-82.1
Family courts <sup>g</sup>	..	..	..	18.6	..	..	..	..	118.8	137.4
Federal Magistrates <sup>h</sup>	..	..	..	..	..	..	..	..	45.8	45.8
Coroners' courts <sup>i</sup>	7.7	6.4	11.0	9.2	5.5	0.6	1.5	1.0	..	42.9
Probate — supreme <sup>j</sup>	-16.5	-4.0	-2.7	-2.4	-2.6	-0.6	-0.4	-0.1	..	-29.3
<b>Total</b>	<b>254.8</b>	<b>125.0</b>	<b>129.3</b>	<b>138.3</b>	<b>61.6</b>	<b>17.1</b>	<b>15.4</b>	<b>25.4</b>	<b>246.8</b>	<b>1 013.7</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. Excludes data for probate, family courts, the Federal Magistrates Court and coroners' courts. <sup>d</sup> Data for the Federal Court do not include the cost of resources provided free of charge to the Federal Magistrates Court. <sup>e</sup> The Victorian Magistrates' Court civil data includes a proportion of expenditure from the Victorian Civil and Administrative Tribunal. <sup>f</sup> Includes data for supreme, district/county and magistrates' courts (including children's courts). Excludes data for the electronic infringement and enforcement systems. <sup>g</sup> The figures for the Family Court of Australia exclude, where possible, costs of resources provided free of charge to the Federal Magistrates Court, noting that some relevant resource costs cannot be reliably estimated for exclusion. <sup>h</sup> The Federal Magistrates Court expenditure data include resources received free of charge from the Federal Court and the Family Court. <sup>i</sup> The inclusion of expenditure for autopsy and chemical analysis work varies between states and territories. <sup>j</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 7A.9–13.

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Real recurrent expenditure less income (excluding fines) on court administration from 2002-03 to 2006-07, for each of the Australian, State and Territory court levels covered by this Report, is reported in tables 7A.12 and 7A.13.

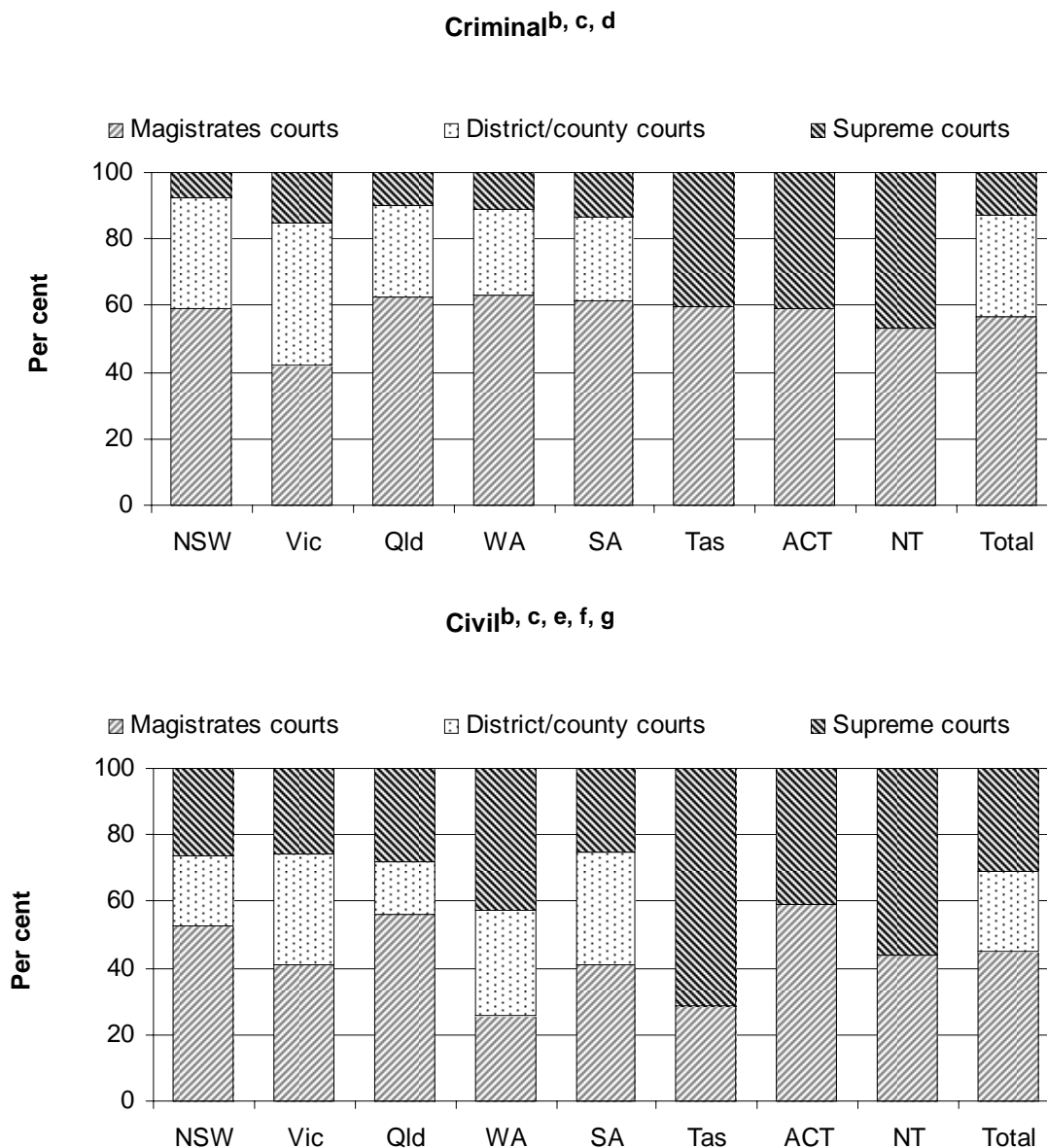
*Distribution of criminal and civil court administration expenditure*

The distribution of court administration expenditure (less income) on the magistrates', district/county and supreme courts varied across states and territories in 2006-07. 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 by the supreme courts of other states and territories (under the three-tier court system) (figure 7.2).

In 2006-07, 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 (56.6 per cent). In the civil jurisdiction, magistrates' courts accounted for a smaller proportion of recurrent expenditure (less income) nationally (44.9 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 7A.12 and 7A.13).

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

Figure 7.2 **Distribution of court administration recurrent expenditure (less income), by court level, 2006-07<sup>a</sup>**



<sup>a</sup> Payroll tax is excluded from expenditure. <sup>b</sup> There are no district/county courts in Tasmania, the ACT or the NT. <sup>c</sup> Magistrates' courts include expenditure on children's courts. <sup>d</sup> In the criminal jurisdiction, magistrates' court data exclude expenditure on electronic infringement and enforcement systems (applicable to Victoria, Queensland, WA and SA). <sup>e</sup> In this figure, the civil jurisdiction supreme court expenditure is reduced by net proceeds from probate courts. <sup>f</sup> In the civil jurisdiction, magistrates' courts data exclude expenditure on coroners' courts (all states and territories). <sup>g</sup> The Australian courts are not included.

Source: State and Territory court administration authorities and departments (unpublished); tables 7A.12-13.

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## Size and scope of court activity

### *Lodgments*

Lodgments are matters initiated in the court system. Box 7.4 explains how lodgment data are collected for this chapter.

#### **Box 7.4 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 — lodgment counts are based on the number of defendants
- civil and family courts — lodgment counts are based on the number of cases (except in children's courts where, if more than one child can be involved in an application, the counting unit is the number of children involved in the originating application)
- electronic infringement and enforcement systems — lodgment counts are based on the number of unpaid infringement notices
- coroners' courts — lodgment counts are based on the number of reported deaths (and, if relevant, reported fires).

Unless otherwise noted, 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
- warrants
- admissions matters (original applications to practice and mutual recognition matters)
- 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:* SCRGSP (2007), p. 6.2.

Table 7.2 (criminal) and table 7.3 (civil) outline the number of lodgments in 2006-07, by court level, for the Australian courts and for each State and Territory.

Nationally, in the criminal jurisdiction in 2006-07, there were 819 500 lodgments registered in the supreme, district/county and magistrates' courts, and approximately 1.66 million infringement notices processed in electronic infringement and enforcement systems (table 7.2).

**Table 7.2 Court lodgments — criminal, by court level, 2006-07 ('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>
Supreme <sup>b</sup>	0.6	0.7	1.7	0.4	0.3	0.6	0.3	0.4	4.9
District/county <sup>b, c</sup>	10.4	5.0	7.0	2.4	1.6	..	..	..	26.3
Magistrates' (total) <sup>c</sup>	186.4	157.5	187.6	99.2	75.4	64.0	5.7	12.5	788.3
<i>Magistrates' (only)</i>	175.6	138.5	176.7	89.3	68.1	62.3	5.2	11.5	727.2
<i>Children's</i>	10.8	19.0	10.9	9.9	7.3	1.7	0.5	1.0	61.1
<b>All criminal courts</b>	<b>197.4</b>	<b>163.2</b>	<b>196.2</b>	<b>101.9</b>	<b>77.3</b>	<b>64.5</b>	<b>6.0</b>	<b>13.0</b>	<b>819.5</b>
Elec. infringement and enforcement systems <sup>d, e</sup>	..	837.7	498.1	176.0	151.1	..	..	..	1 663.0

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> Queensland Supreme and District Court data for the number of originating criminal lodgments is based on a count of the number of defendants who had an Indictment presented in the financial year, it is not a count of the number of defendants committed to the Supreme/District Court for trial or sentencing. <sup>c</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>d</sup> Only Victoria, Queensland, WA and SA have electronic infringement and enforcement systems. In other states and territories, unpaid traffic infringement notices may be dealt with by other bodies that do not have the status of a court (such as a State debt recovery office). <sup>e</sup> Excludes unpaid court fines. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.1.

Nationally, 630 700 cases were lodged in civil jurisdiction courts (excluding Family courts, the Federal Magistrates Court, coroners' and probate courts), comprising 625 600 cases in the State and Territory supreme, district/county and magistrates' courts, and 5100 cases in the Federal Court (table 7.3). In the states and territories, an additional 56 900 probate matters were lodged in the supreme courts.

In the Australian court jurisdiction, in addition to the 5100 cases lodged in the Federal Court, 84 500 were matters lodged in the Federal Magistrates Court. Around 42 600 matters were filed in the family courts (approximately two thirds of these were filed in the Family Court of Australia and just over one third in the Family Court of WA).

In the Coroners courts, there were 20 500 reported deaths and fires. Reporting rates for deaths reported to a coroner varied across jurisdictions 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 NSW, Victoria, Tasmania and the ACT, but are excluded from the coroner's jurisdiction in Queensland, WA, SA and the NT. A disaggregation of coroners' court data by reported deaths and fires is in table 7A.2.

**Table 7.3 Court lodgments — civil, by court level, 2006-07 ('000)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Supreme (excl probate)/Federal	13.4	6.7	5.6	2.2	1.4	1.2	0.9	0.3	5.1	36.7
District/county	7.8	5.1	5.0	3.3	2.8	..	..	..	..	24.0
Magistrates' (total)	199.2	184.6	84.7	47.9	31.4	10.8	5.1	6.4	..	570.0
Magistrates' (only) <sup>b</sup>	191.9	179.7	81.3	46.4	30.2	10.4	5.0	6.2	..	551.2
Children's <sup>c, d, e</sup>	7.3	4.9	3.4	1.5	1.2	0.3	0.1	0.1	..	18.8
<b>All civil courts</b>	<b>220.4</b>	<b>196.4</b>	<b>95.3</b>	<b>53.4</b>	<b>35.6</b>	<b>11.9</b>	<b>6.0</b>	<b>6.6</b>	<b>5.1</b>	<b>630.7</b>
Family courts <sup>f</sup>	..	..	..	14.9	..	..	..	..	27.7	42.6
Federal Magistrates	..	..	..	..	..	..	..	..	84.5	84.5
Coroners' courts	6.0	5.1	3.2	1.6	1.9	0.6	1.8	0.3	..	20.5
Probate — supreme	21.1	16.2	6.4	5.2	5.2	2.1	0.6	0.1	..	56.9

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The Victorian Magistrates' Court civil data include a proportion of lodgments from the Victorian Civil and Administrative Tribunal. <sup>c</sup> NSW lodgment data for children in the civil court are based on a count of each child listed in all new applications for care and protection, not just the originating application. <sup>d</sup> Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. <sup>e</sup> In the NT a perpetual file is held for each child, therefore additional applications are not lodged separately but as part of the original application. <sup>f</sup> Family Court of Australia data do not include instances where Family Court of Australia Registrars are given delegation to conduct Federal Magistrate Court divorce applications. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 7A.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 population size of the State or Territory. Tables 7A.3 and 7A.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 both criminal and civil matters in Australia in 2006-07 were lodged in the magistrates' courts (table 7.4). Although a greater proportion of criminal matters were lodged in the district/county courts compared to the supreme courts, the opposite was true for civil matters.

**Table 7.4 Distribution of court lodgments, by court level, 2006-07<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>										
Supreme	%	0.3	0.4	0.9	0.4	0.4	0.9	4.7	3.2	0.6
District/county <sup>b</sup>	%	5.3	3.1	3.6	2.3	2.0	..	..	..	3.2
Magistrates' (total) <sup>b</sup>	%	94.4	96.5	95.6	97.3	97.5	99.1	95.3	96.8	96.2
<b>All criminal courts<sup>c</sup></b>	<b>'000</b>	<b>197.4</b>	<b>163.2</b>	<b>196.2</b>	<b>101.9</b>	<b>77.3</b>	<b>64.5</b>	<b>6.0</b>	<b>13.0</b>	<b>819.5</b>
<i>Civil courts</i>										
Supreme <sup>d</sup>	%	6.1	3.4	5.9	4.1	3.8	9.8	14.8	4.3	5.1
District/county	%	3.6	2.6	5.2	6.2	7.9	..	..	..	3.8
Magistrates' (total) <sup>e</sup>	%	90.4	94.0	88.9	89.7	88.3	90.2	85.2	95.7	91.1
<b>All civil courts<sup>f</sup></b>	<b>'000</b>	<b>220.4</b>	<b>196.4</b>	<b>95.3</b>	<b>53.4</b>	<b>35.6</b>	<b>11.9</b>	<b>6.0</b>	<b>6.6</b>	<b>625.6</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 (Victoria, Queensland, WA, SA). <sup>d</sup> Excludes probate matters. <sup>e</sup> The Victorian Magistrates' Court civil data include a proportion of lodgments from the Victorian Civil and Administrative Tribunal. <sup>f</sup> Excludes data for the Federal Court, family courts, the Federal Magistrates Court, and coroners' courts. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.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 parties).

Tables 7.5 (criminal) and 7.6 (civil) outline the number of finalisations in 2006-07, by court level, for the Australian courts 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 2006-07, there were: 808 400 criminal finalisations in the supreme, district/county and magistrates' courts; and approximately 2.2 million infringement notices finalised through electronic infringement and enforcements systems (table 7.5).

Nationally, in 2006-07, 604 700 cases were finalised in the civil jurisdiction (excluding Family courts, the Federal Magistrates Court, coroners' and probate courts), comprising 599 400 civil cases finalised in the State and Territory supreme, district/county and magistrates' courts, and 5300 cases finalised in the Federal Court. In addition, the Federal Magistrates Court finalised 80 000 matters (mainly

family law forms plus some federal law cases) and the two family courts finalised 42 000 matters. The Family Court of WA processes a mixture of work that includes elements of the work dealt with by the different federal courts. There were around 19 300 finalisations (involving reported deaths and fires) in the coroners' courts (table 7.6).

**Table 7.5 Court finalisations — criminal, 2006-07 ('000)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Total
Supreme	0.6	0.7	1.7	0.4	0.4	0.6	0.3	0.4	5.1
District/county <sup>b</sup>	9.7	4.4	6.7	2.7	1.5	..	..	..	25.0
Magistrates' (total) <sup>b</sup>	185.7	147.5	186.8	108.5	78.0	53.4	6.0	12.6	778.4
Magistrates' (only)	175.0	130.2	175.7	97.7	70.9	52.1	5.5	11.4	718.6
Children's	10.6	17.3	11.0	10.8	7.0	1.3	0.5	1.2	59.8
<b>All criminal courts</b>	<b>196.0</b>	<b>152.7</b>	<b>195.2</b>	<b>111.6</b>	<b>79.8</b>	<b>54.0</b>	<b>6.2</b>	<b>13.0</b>	<b>808.4</b>
Elec. infringement and enforcement systems <sup>c, d</sup>	..	1 472.1	427.5	165.0	145.8	..	..	..	2 210.3

<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). Lodgment data for electronic infringement and enforcement systems exclude unpaid court fines. <sup>d</sup> WA electronic infringement and enforcement system finalisation data include all adjudicated finalisations except those where a time to pay arrangement has been entered into, but is not yet complete. .. Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.5.

**Table 7.6 Court finalisations — civil, 2006-07 ('000)<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Supreme <sup>b</sup> /Federal	14.3	7.8	5.4	2.9	1.3	1.7	1.1	0.3	5.3	40.1
District/county	8.6	5.0	6.1	3.7	3.2	..	..	..	..	26.6
Magistrates' (total)	188.4	154.4	90.3	51.5	30.9	11.3	5.8	5.5	..	538.0
Magistrates' (only) <sup>c</sup>	181.5	150.1	86.9	50.3	29.6	11.0	5.6	5.4	..	520.4
Children's <sup>d</sup>	6.9	4.3	3.4	1.2	1.2	0.3	0.1	0.1	..	17.6
<b>All civil courts</b>	<b>211.3</b>	<b>167.2</b>	<b>101.9</b>	<b>58.1</b>	<b>35.3</b>	<b>13.0</b>	<b>6.8</b>	<b>5.8</b>	<b>5.3</b>	<b>604.7</b>
Family courts <sup>e, f</sup>	..	..	..	10.7	..	..	..	..	31.3	42.0
Federal Magistrates	..	..	..	..	..	..	..	..	80.0	80.0
Coroners' courts	5.5	4.8	3.1	1.3	1.9	0.5	1.8	0.3	..	19.3

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> Supreme court data exclude finalisations of uncontested probate cases. <sup>c</sup> The Victorian Magistrates' Court civil data include a proportion of finalisations from the Victorian Civil and Administrative Tribunal. <sup>d</sup> Queensland Children's Court data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. <sup>e</sup> Family Court of Australia data do not include instances where its Registrars: are given delegation to conduct Federal Magistrates Court divorce applications; or accept settlement agreements while conducting conferences on Federal Magistrates Court matters. <sup>f</sup> The Family Court of Australia does not deem a matter finalised even if it has not had a court event for at least 12 months as this is not consistent with its case management practices. .. Not applicable.

Source: Australian, State and Territory court administration authorities/departments (unpublished); table 7A.6.

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

## 7.2 Framework of performance indicators

The framework of performance indicators is based on common objectives for court administration services across Australia (box 7.5). The emphasis placed on each objective may vary across states and territories and court level.

### Box 7.5 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

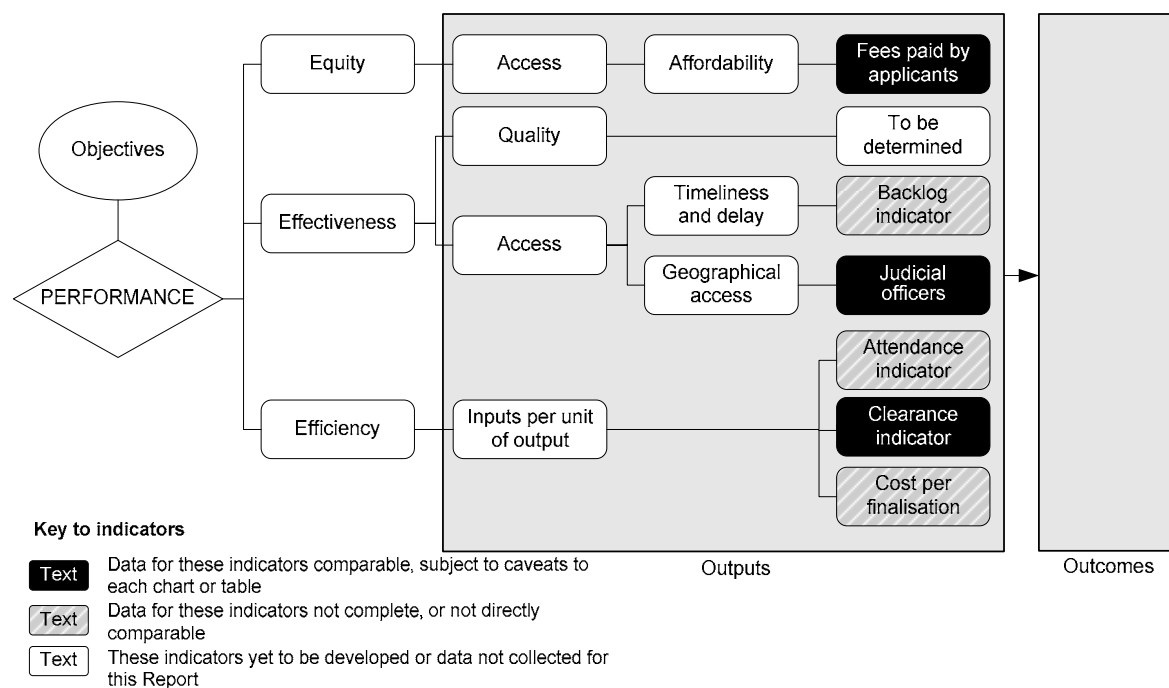
The performance indicator framework is shown in figure 7.3. For all data, the text includes relevant caveats and supporting commentary. Indicators that are considered comparable are only comparable subject to the caveats and footnotes accompanying the definition of the indicator, and tables of indicator results. Chapter 1 discusses data comparability from a Report-wide perspective (see section 1.6).

Each indicator in the framework is briefly described below, while more information about each indicator can be found in relevant text boxes that are provided with the performance indicator results in section 7.3:

- *fees paid by applicants* — an indicator of the average court fees paid per lodgment (box 7.6)
- *backlog indicator* — an indicator of case processing timeliness that relates the age (in elapsed time) of a court's pending caseload against time standards (box 7.8)
- *judicial officers* — an indicator that represents the availability of resources (that is, the number of officers who can make enforceable orders of the court) (box 7.11)

- *attendance indicator* — an efficiency indicator derived from the average number of attendances required to reach finalisation for all cases finalised during the year (box 7.12)
- *clearance rate* — an indicator showing whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court’s pending caseload has increased or decreased over that period (box 7.13)
- *cost per finalisation* — an efficiency indicator derived by dividing the total net recurrent expenditure within each court for the financial year by the total number of finalisations for the same period (box 7.14).

Figure 7.3 Performance indicator framework for court administration



As shown in figure 7.3, all of the indicators reported in this chapter are output indicators. Outputs are the actual services delivered, while outcomes are the impact of these services on the status of an individual or group (see chapter 1, section 1.5). To date, no specific outcome indicators have been identified for court administration. The activities of court administrators lead to broader outcomes within the overall justice system that are not readily addressed by this service specific chapter.

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## 7.3 Key performance indicator results

Different delivery locations, caseloads, casemixes and government policies may affect the equity, effectiveness and efficiency of court administration services. The allocation of cases to different courts also differs across states and territories and Australian courts. Performance comparison needs to account for these factors. In addition to the material in boxes 7.1, 7.2 and 7.3, appendix A — the statistical appendix — contains detailed statistics and short profiles on each State and Territory, and other data which may assist in interpreting the performance indicators presented in this chapter.

The court administration 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 2007).

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 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 developing a national data collection that covers court administration activities across the Australian, State and Territory jurisdictions in a timely and comparable way.

### Outputs

Outputs are the actual services delivered (while outcomes are the impact of these services on the status of an individual or group) (see chapter 1, section 1.5).

#### *Equity — fees paid by applicants*

A description of this indicator is contained in box 7.6.

### Box 7.6 Fees paid by applicants

'Fees paid by applicants' is an indicator of the average court fees paid per lodgment.

It is derived by dividing the total court fees collected by the number of lodgments in a year.

Court fees largely relate to civil cases. Providing court administration service quality is held constant, lower court fees help keep courts accessible.

It is important to note that court fees are only part of the costs faced by litigants (with legal fees being more significant).

In 2006-07, average court fees paid per lodgment were greater in supreme courts than in district/county and magistrates' courts (table 7.7). This was consistent across all jurisdictions.

Table 7.7 Average civil court fees collected per lodgment, 2006-07 (dollars)<sup>a</sup>

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total <sup>b</sup>
Supreme (excl probate)/Federal	1 696	1 303	591	1 425	1 182	457	1 026	618	1 271	1 298
District/county	1 239	931	513	771	468	..	..	..	..	868
Magistrates' (total) <sup>c</sup>	128	81	101	86	102	67	54	59	..	101
<i>Magistrates' (only)</i>	133	83	105	89	106	69	55	60	..	105
<i>Children's</i>	1	..	–	2	4	..	..	..	..	1
Family courts <sup>d</sup>	..	..	..	138	..	..	..	..	69	93
Federal Magistrates	..	..	..	..	..	..	..	..	186	186
Probate — supreme	841	286	445	508	622	353	627	620	..	568

<sup>a</sup> Some jurisdictions charge corporations twice the amount individuals are charged, therefore the average fees do not always represent the charge to individuals. <sup>b</sup> Totals are a weighted average; derived by dividing the total of all fees, by the total of all lodgments, for each court level presented in the table. <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> 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 7A.16.

The average fees collected by the Australian, State and Territory courts vary for many reasons and caution should be used in making direct comparisons.

The level of cost recovery from the collection of court fees varied across court levels and across jurisdictions in 2006-07 (table 7.8). Nationally, for the states and territories in total, 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. Cost recovery was lowest in the children's courts and in the Family Court of Australia where many applications do not attract a fee.

**Table 7.8 Civil court fees collected as a proportion of civil recurrent expenditure (cost recovery), 2006-07 (per cent)<sup>a, b</sup>**

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>	<i>Aust courts</i>	<i>Total</i>
Supreme <sup>c</sup> /Federal	36.7	33.5	20.5	14.3	16.6	16.0	23.6	3.6	7.1	19.9
District/county	35.6	21.3	30.5	17.3	15.5	..	..	..	..	25.7
Magistrates' (total) <sup>d</sup>	38.0	39.7	29.3	26.0	25.2	41.8	5.7	9.3	..	33.3
<i>Magistrates' (only)</i> <sup>d</sup>	42.6	45.4	33.9	26.9	26.6	42.0	6.1	9.5	..	37.1
<i>Children's</i>	0.1	..	–	0.5	0.7	..	..	..	..	0.1
Family courts <sup>e</sup>	..	..	..	9.9	..	..	..	..	1.5	2.8
Federal Magistrates	..	..	..	..	..	..	..	..	25.4	25.4

<sup>a</sup> Recurrent expenditure excludes payroll tax. <sup>b</sup> Some jurisdictions charge corporations twice the amount individuals are charged, therefore the average fees do not always represent the charge to individuals. <sup>c</sup> Excludes probate costs. <sup>d</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>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 7A.15.

### *Effectiveness — quality*

The Steering Committee has identified quality as an important measure of court administration performance (box 7.7).

#### **Box 7.7 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*

The backlog indicator is an indicator of case processing timeliness, described in box 7.8. This indicator compares the age (in elapsed time) of a court's pending caseload against nominated time standards. Pending counts are taken at 30 June each year and, at the same time, an age analysis of the pending caseload is undertaken against the time standards.



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Results can be affected by the complexity and distribution of cases, which may vary across court levels within each State and Territory and the Australian courts (boxes 7.1, 7.2 and 7.3). 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 states and territories have a three-tier court system. This difference needs to be taken into account when comparing the results of the backlog indicator.

Case processing timeliness can also be affected by delays caused by factors outside the direct control of court administration.

**Box 7.8 Backlog indicator**

The 'backlog indicator' is an indicator of case processing timeliness.

It is derived by comparing the age (in elapsed time) of a court's pending caseload against time standards.

The following national standards have been set:

The Federal Magistrates Court, magistrates' and children's courts:

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

Supreme courts, the Federal Court, district/county, family and coroners' courts and all appeals:

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

Performance relative to the timeliness standards indicates effective management of caseloads, and court accessibility.

Time taken to process cases is not necessarily court administration delay. Some delays are caused by factors other than those related to the workload of the court (for example, a witness being unavailable).

Data on the backlog indicator for criminal matters is contained in table 7.9. In the criminal jurisdiction, those defendants who failed to appear when required and had warrants issued have been excluded from the pending caseload count.

**Table 7.9 Backlog indicator — all criminal matters, as at 30 June 2007**

	<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, b</sup> — appeal</b>									
Pending caseload	no.	1 616	1 526	470	135	90	11	38	12
<i>cases &gt; 12 mths</i>	%	2.5	16.4	16.4	14.1	5.6	—	26.3	16.7
<i>cases &gt; 24 mths</i>	%	0.2	2.4	1.3	2.2	—	—	13.2	16.7
<b>Higher<sup>a, b</sup> — non-appeal<sup>c</sup></b>									
Pending caseload	no.	1 768	2 638	2 777	1 159	1 315	180	202	75
<i>cases &gt; 12 mths</i>	%	9.7	24.2	18.6	27.7	27.9	13.3	23.8	14.7
<i>cases &gt; 24 mths</i>	%	1.5	4.7	6.5	5.1	5.8	2.2	4.0	13.3
<b>Supreme<sup>b</sup> — appeal</b>									
Pending caseload	no.	194	432	111	135	90	11	38	12
<i>cases &gt; 12 mths</i>	%	1.0	22.9	3.6	14.1	5.6	—	26.3	16.7
<i>cases &gt; 24 mths</i>	%	1.0	2.8	0.9	2.2	—	—	13.2	16.7
<b>Supreme<sup>b</sup> — non-appeal<sup>c</sup></b>									
Pending caseload	no.	121	171	474	66	40	180	202	75
<i>cases &gt; 12 mths</i>	%	13.2	33.9	19.2	4.5	25.0	13.3	23.8	14.7
<i>cases &gt; 24 mths</i>	%	4.1	10.5	4.6	—	2.5	2.2	4.0	13.3
<b>District/county — appeal<sup>d</sup></b>									
Pending caseload	no.	1 422	1 094	359	..	..	..	..	..
<i>cases &gt; 12 mths</i>	%	2.7	13.9	20.3	..	..	..	..	..
<i>cases &gt; 24 mths</i>	%	0.1	2.2	1.4	..	..	..	..	..
<b>District/county — non-appeal</b>									
Pending caseload	no.	1 647	2 467	2 303	1 093	1 275	..	..	..
<i>cases &gt; 12 mths</i>	%	9.5	23.6	18.5	29.1	28.0	..	..	..
<i>cases &gt; 24 mths</i>	%	1.3	4.3	6.9	5.4	5.9	..	..	..
<b>Magistrates'</b>									
Pending caseload	no.	17 900	34 119	34 022	11 029	24 590	24 931	1 219	na
<i>cases &gt; 6 mths</i>	%	9.4	20.3	32.6	26.0	33.4	34.0	16.4	na
<i>cases &gt; 12 mths</i>	%	1.5	5.5	16.9	9.3	15.2	7.9	7.1	na
<b>Children's</b>									
Pending caseload	no.	1 591	4 398	2 243	1 354	1 779	834	205	na
<i>cases &gt; 6 mths</i>	%	10.4	11.7	29.9	17.6	21.4	29.1	20.5	na
<i>cases &gt; 12 mths</i>	%	1.3	2.0	13.2	5.8	8.1	13.2	5.9	na

<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> Queensland Supreme and District Court data in respect to the age of pending non-appeal cases are calculated based on the date the Indictment is presented in the Supreme/District Court, not the committal order date in the Magistrates Court. <sup>d</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. **na** Not available. **..** Not applicable. **—** Nil or rounded to zero.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.17.

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Case processing timeliness in civil cases can be affected by several factors (box 7.9).

**Box 7.9 Civil timeliness factors**

The following factors may affect the timeliness of case processing 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 rules for this data collection).

Case processing 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 7.10.

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 7.10. 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. For this Report, the Victorian magistrates’ courts have not applied this deeming rule, which may result in an increased pending caseload with longer duration. Some courts (for example, the Australian courts) proactively manage all 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, and are included in their civil pending data.

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### Box 7.10 **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' courts, and usually are voluntary. Examples include:

- referral of defendants to drug programs (from counselling through to treatment programs) — available in all states and territories except Tasmania
- referral of defendants to a mental health court (Queensland and SA) or for various mental health assessments (NSW and the ACT)
- referral of defendants to a family violence court (WA and SA) for participation in targeted programs
- referral of defendants to an Indigenous court or Circle Sentencing program (NSW, Victoria, Queensland, SA 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 12 months or longer before the defendant is considered to have completed the program.

Within the civil justice system, diversion programs can be a quicker and cheaper form of dispute resolution. Examples include:

- 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 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
- reference to a referee — technical issues arising in proceedings may be referred to suitably qualified experts (referees) for inquiry and report. The court supervises the process and may adopt, vary or reject the report.

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

Table 7.10 **Backlog indicator — all civil matters, as at 30 June 2007**

	<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 courts</i>
<b>Higher<sup>a</sup> — appeal</b>										
Pending caseload	no.	634	346	195	326	70	50	44	36	534
cases > 12 mths	%	13.9	26.3	11.3	27.0	10.0	36.0	9.1	13.9	8.4
cases > 24 mths	%	2.8	3.2	—	4.6	2.9	—	—	5.6	6.0
<b>Higher (excl probate)<sup>a</sup> — non-appeal<sup>b</sup></b>										
Pending caseload	no.	14 268	10 124	9 845	4 581	3 762	1 553	1 348	228	2 678
cases > 12 mths	%	26.6	31.8	27.4	35.1	41.5	42.9	47.9	59.2	50.3
cases > 24 mths	%	10.7	12.3	7.9	19.8	19.7	25.1	19.7	35.5	34.7
<b>Supreme/Federal — appeal</b>										
Pending caseload	no.	600	265	102	232	64	50	44	36	534
cases > 12 mths	%	14.7	27.9	2.0	19.8	10.9	36.0	9.1	13.9	8.4
cases > 24 mths	%	3.0	4.2	—	3.4	3.1	—	—	5.6	6.0
<b>Supreme (excl probate)/Federal — non-appeal<sup>b</sup></b>										
Pending caseload	no.	7 397	4 128	5 319	1 971	675	1 553	1 348	228	2 678
cases > 12 mths	%	26.8	26.3	28.1	43.4	34.2	42.9	47.9	59.2	50.3
cases > 24 mths	%	12.2	5.2	8.4	24.4	17.2	25.1	19.7	35.5	34.7
<b>District/county — appeal</b>										
Pending caseload	no.	34	81	93	94	6	..	..	..	..
cases > 12 mths	%	—	21.0	21.5	44.7	—	..	..	..	..
cases > 24 mths	%	—	—	—	7.4	—	..	..	..	..
<b>District/county — non-appeal</b>										
Pending caseload	no.	6 871	5 996	4 526	2 610	3 087	..	..	..	..
cases > 12 mths	%	26.2	35.6	26.4	28.8	43.1	..	..	..	..
cases > 24 mths	%	9.1	17.2	7.2	16.4	20.3	..	..	..	..
<b>Magistrates<sup>c, d</sup></b>										
Pending caseload	no.	na	14 450	35 597	24 718	15 326	4 908	1 772	936	..
cases > 6 mths	%	na	23.4	43.7	30.7	40.9	35.0	43.6	43.1	..
cases > 12 mths	%	na	10.5	7.0	5.0	9.5	4.7	11.9	29.0	..
<b>Family courts — appeal</b>										
Pending caseload	no.	..	..	..	52	..	..	..	..	223
cases > 12 mths	%	..	..	..	82.7	..	..	..	..	31.4
cases > 24 mths	%	..	..	..	57.7	..	..	..	..	14.3
<b>Family courts — non-appeal<sup>e</sup></b>										
Pending caseload	no.	..	..	..	11 167	..	..	..	..	11 002
cases > 12 mths	%	..	..	..	41.4	..	..	..	..	37.9
cases > 24 mths	%	..	..	..	25.4	..	..	..	..	20.2
<b>Federal Magistrates</b>										
Pending caseload	no.	..	..	..	..	..	..	..	..	28 041
cases > 6 mths	%	..	..	..	..	..	..	..	..	30.3
cases > 12 mths	%	..	..	..	..	..	..	..	..	16.0
<b>Coroners' courts</b>										
Pending caseload	no.	3 588	3 194	2 311	1 452	1 310	267	229	287	..
cases > 12 mths	%	27.5	23.8	25.4	30.3	17.4	26.6	31.9	19.2	..
cases > 24 mths	%	14.1	na	9.6	11.0	7.9	11.6	15.3	7.3	..

(Continued on next page)

**Table 7.10 (Continued)**

<sup>a</sup> Higher refers to State and Territory supreme courts and district/county courts combined, and includes the Federal Court. <sup>b</sup> Non-appeal matters for the Federal Court include a significant number of Native Title matters which by nature are both long and complex. <sup>c</sup> Excludes children's courts. <sup>d</sup> The Victorian Magistrates' Court civil data include a proportion of pending caseload from the Victorian Civil and Administrative Tribunal. <sup>e</sup> The Family Court of Australia does not 'deem' a matter finalised even if it has not had a court event for at least 12 months because of its case management practices. Therefore some matters may be affected by proceedings in other courts and are counted as pending but are currently inactive. **na** Not available. **..** Not applicable. – Nil or rounded to zero.

Source: Australian, State and Territory court authorities and departments (unpublished); table 7A.18.

### *Effectiveness — judicial officers*

This indicator relates access to the number of judicial officers available to deal with cases. It reports the number of judicial officers available to deal with cases, in relation to population size (box 7.11).

#### **Box 7.11 Judicial officers**

'Judicial officers' is an indicator that represents the availability of resources.

Judicial officers are 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. However, the indicator is not able to take account of other factors that may impact on access, including judicial workload (number of cases per judicial officer), geographical dispersion or population density.

The number of full time equivalent judicial officers for each court level is outlined in table 7.11. 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 (apart from WA) more officers in the district/county courts than in the supreme courts.

**Table 7.11 Judicial officers, full time equivalent, 2006-07<sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts	Total
Supreme/Federal	58.6	44.0	24.7	30.3	15.1	7.0	6.3	7.9	55.0	248.9
District/county	69.4	52.3	30.7	27.2	20.2	..	..	..	..	199.7
Magistrates <sup>b</sup>	113.0	135.0	61.4	43.0	37.0	10.8	6.0	11.9	..	418.1
Children's	18.0	8.0	6.1	5.3	4.2	0.7	1.0	1.1	..	44.4
Family courts	..	..	..	13.9	..	..	..	..	44.6	58.5
Federal Magistrates	..	..	..	..	..	..	..	..	52.0	52.0
Coroners' courts	5.0	7.0	6.2	2.0	2.0	0.4	1.0	1.5	..	25.1
<b>Total<sup>c</sup></b>	<b>264.0</b>	<b>246.3</b>	<b>129.1</b>	<b>121.7</b>	<b>78.5</b>	<b>18.9</b>	<b>14.2</b>	<b>22.4</b>	<b>151.6</b>	<b>1 046.6</b>

<sup>a</sup> Totals may not add as a result of rounding. <sup>b</sup> The data for Victoria include a proportion of judicial officers from the Victorian Civil and Administrative Tribunal. <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.

Source: Australian, State and Territory court administration departments (unpublished); table 7A.20.

Table 7.12 shows the number of judicial officers per 100 000 people.

**Table 7.12 Judicial officers, full time equivalent, per 100 000 people, 2006-07**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts <sup>a</sup>	Total <sup>b</sup>
Population ('000) <sup>c, d</sup>	6 855	5 165	4 132	2 081	1 576	492	336	213	..	20 852
<i>Judicial officers per 100 000 people</i>										
Supreme/Federal	0.9	0.9	0.6	1.5	1.0	1.4	1.9	3.7	0.3	1.2
District/county	1.0	1.0	0.7	1.3	1.3	..	..	..	..	1.0
Magistrates <sup>e</sup>	1.6	2.6	1.5	2.1	2.3	2.2	1.8	5.6	..	2.0
Children's	0.3	0.2	0.1	0.3	0.3	0.1	0.3	0.5	..	0.2
Family courts	..	..	..	0.7	..	..	..	..	0.2	0.3
Federal Magistrates	..	..	..	..	..	..	..	..	0.2	0.2
Coroners' courts	0.1	0.1	0.1	0.1	0.1	0.1	0.3	0.7	..	0.1
<b>Total<sup>f</sup></b>	<b>3.9</b>	<b>4.7</b>	<b>3.1</b>	<b>5.9</b>	<b>5.0</b>	<b>3.9</b>	<b>4.2</b>	<b>10.5</b>	<b>0.7</b>	<b>5.0</b>

<sup>a</sup> The Australian courts results have been derived using the total population figure for Australia. <sup>b</sup> Totals are a weighted average; derived by dividing the total number of judicial FTE at each court level, by the Australian population (per 100 000). <sup>c</sup> Population total for Australia includes 'Other territories'. <sup>d</sup> Population data for the financial year is the midpoint (i.e. 31 December 2006) estimate. <sup>e</sup> Data for the Victorian magistrates court include a proportion of judicial officers from the Victorian Civil and Administrative Tribunal. <sup>f</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 7A.20. ABS (2007) *Australian Demographic Statistics*, December Quarter, Cat. no. 3101.0; table AA.2.

### *Efficiency — attendance indicator*

The Steering Committee has identified the number of court attendances required to reach finalisation as an indicator of efficiency in the courts (box 7.12). Attendance

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

**Box 7.12 Attendance indicator**

The ‘attendance indicator’ is an indicator where court attendances act as a proxy for input costs. Alternative efficiency indicators are under development.

The number of attendances is the number of times that parties or their representatives are required to be present in court to be heard by a judicial officer or mediator/arbitrator where binding orders can be made. The number includes appointments that are adjourned or rescheduled.

The attendance indicator is presented simply as the average number of attendances required to reach finalisation for all cases finalised during the year (no matter when the attendance occurred).

Fewer attendances may suggest a more efficient process. However, this should be balanced against the argument that the number of attendances will increase if rehabilitation or diversionary programs are used, or if intensive case management is used. Both these aspects are believed to improve the quality of outcomes:

- rehabilitation and diversionary programs aim to provide therapeutic benefits for the offenders, and benefits of reduced recidivism for the community
- intensive case management is believed to maximise the prospects of settlement (and thereby reduce the litigant’s costs, the number of cases queuing for hearing, and the flow of work on to appellate courts), or, alternatively, to narrow the issues for trial (thus shortening trial time and also reducing costs and the queuing time for other cases waiting for hearing).

Attendance indicator results for criminal proceedings are reported in table 7.13.

**Table 7.13 Attendance indicator — criminal, 2006-07<sup>a</sup>**

	<i>NSW<sup>b</sup></i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>ACT</i>	<i>NT</i>
<i>Average attendances per finalisation</i>								
Supreme	na	2.5	3.2	2.8	4.6	6.2	6.1	5.8
District/county	na	4.7	4.1	4.9	6.9	..	..	..
Magistrates <sup>c</sup>	na	3.3	2.1	2.1	3.0	2.0	3.8	3.1
Children’s	na	2.7	2.3	2.7	3.5	5.1	6.0	4.2

<sup>a</sup> Excludes data for the electronic infringement and enforcement systems. <sup>b</sup> NSW data are not available. <sup>c</sup> The data for Victoria include a proportion of hearings from the Victorian Civil and Administrative Tribunal. **na** Not available. **..** Not applicable.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.19.



Attendance indicator results for civil proceedings are reported in table 7.14.

Table 7.14 **Attendance indicator — civil, 2006-07**

	NSW <sup>a</sup>	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
<i>Average attendances per finalisation</i>									
Supreme (excl probate) <sup>b</sup> /Federal	na	1.4	1.6	3.0	4.4	na	4.9	3.9	3.3
District/courty <sup>b</sup>	na	2.6	0.8	3.2	4.4	..	..	..	..
Magistrates <sup>c</sup>	na	1.0	0.7	0.8	0.7	na	1.5	1.7	..
Children's <sup>d</sup>	na	2.3	2.4	4.6	2.5	..	7.9	1.8	..
Family courts <sup>e</sup>	..	..	..	1.7	..	..	..	..	3.2
Federal Magistrates <sup>f</sup>	..	..	..	..	..	..	..	..	1.6
Coroners' courts	na	1.0	3.1	1.0	1.3	1.8	5.1	1.0	..

<sup>a</sup> NSW attendance data are not available. <sup>b</sup> Queensland Supreme and District Court data for the count of attendances in the civil jurisdiction varies from the national counting rules. Multiple attendances are counted for a single Court event, e.g. trials listed for multiple consecutive days. It also includes attendances for unfinalised cases. Attendances are not counted for case managed Court events. <sup>c</sup> The Victorian Magistrates' Court data include a proportion of hearings from the Victorian Civil and Administrative Tribunal. <sup>d</sup> Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. <sup>e</sup> Family Court of Australia data include all conference events that may have a binding order made. It also contains events that may not require attendance of parties, such as a divorce hearing, and are included as they form part of the lodgment and finalisation data. Attendances for appeal cases were not available, however the number of appeal hearings is relatively small and the effect on the attendance indicator is not significant. <sup>f</sup> Federal Magistrates Court attendance data exclude responses to applications. **na** Not available. **..** Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); table 7A.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 states and territories in the availability and use of ADR can affect the comparability of the attendance indicator.

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## *Efficiency — clearance rate*

The clearance rate is presented in this Report as an indicator of efficiency. It shows whether the volume of finalisations matched the volume of lodgments in the same reporting period (box 7.13).

### **Box 7.13 Clearance rate**

The 'clearance rate' shows whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court's pending caseload should have increased or decreased over that period.

It is derived by dividing the number of finalisations in the reporting period by the number of lodgments in the same period. The result is 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, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload should be similar to the pending caseload 12 months earlier
- a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload should have decreased
- a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload should have increased.

The clearance rate should be interpreted alongside lodgment and finalisation data, and the backlog indicator, reported earlier in this chapter. Trends over time should also be considered.

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

Lodgments are a reflection of demand for court services. As noted previously, lodgments need not equal finalisations in any given year because not all matters lodged in one year will be finalised in the same year. Consequently, results for this indicator need to be interpreted alongside changes in lodgment, finalisation and pending counts. Trends over time may also provide additional context when interpreting results for the clearance rate indicator.

Tables for clearance rate data in 2006-07 are presented separately for the criminal and civil jurisdictions in tables 7.15 and 7.16. Where relevant, the clearance rate data have been disaggregated between appeal and non-appeal matters.

Table 7.15 Clearance indicator — all criminal matters, 2006-07<sup>a</sup>

	<i>units</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>Supreme — appeal</b>									
Lodgments	'000	0.46	0.48	0.34	0.16	0.27	0.04	0.06	0.03
Finalisations	'000	0.48	0.44	0.35	0.24	0.27	0.04	0.07	0.03
<i>Clearance rate</i>	%	102.8	92.9	104.1	150.6	99.6	107.9	104.8	122.2
<b>Supreme — non-appeal<sup>b</sup></b>									
Lodgments	'000	0.14	0.19	1.33	0.21	0.05	0.51	0.22	0.39
Finalisations	'000	0.11	0.25	1.35	0.20	0.10	0.57	0.19	0.39
<i>Clearance rate</i>	%	80.0	129.6	101.8	96.6	198.0	110.1	85.3	99.2
<b>District/county — appeal<sup>c</sup></b>									
Lodgments	'000	6.94	2.29	0.39	..	..	..	..	..
Finalisations	'000	6.66	2.17	0.29	..	..	..	..	..
<i>Clearance rate</i>	%	95.9	94.6	75.0	..	..	..	..	..
<b>District/county — non-appeal<sup>b</sup></b>									
Lodgments	'000	3.46	2.73	6.58	2.38	1.58	..	..	..
Finalisations	'000	3.08	2.26	6.39	2.69	1.47	..	..	..
<i>Clearance rate</i>	%	89.1	82.9	97.2	113.0	93.0	..	..	..
<b>Magistrates'</b>									
Lodgments	'000	175.62	138.55	176.69	89.29	68.10	62.29	5.15	11.51
Finalisations	'000	175.04	130.23	175.72	97.68	70.95	52.12	5.47	11.36
<i>Clearance rate</i>	%	99.7	94.0	99.5	109.4	104.2	83.7	106.0	98.7
<b>Children's</b>									
Lodgments	'000	10.83	18.98	10.88	9.86	7.27	1.70	0.55	1.03
Finalisations	'000	10.62	17.31	11.05	10.78	7.03	1.31	0.52	1.20
<i>Clearance rate</i>	%	98.1	91.2	101.5	109.3	96.8	77.4	96.1	116.1
<b>Electronic infringement and enforcement systems<sup>d</sup></b>									
Lodgments	'000	..	837.74	498.14	175.98	151.15	..	..	..
Finalisations	'000	..	1 472.08	427.48	164.99	145.79	..	..	..
<i>Clearance rate</i>	%	..	175.7	85.8	93.8	96.5	..	..	..

<sup>a</sup> The clearance rate is derived from finalisation and lodgment data presented in tables 7A.1 and 7A.5.

<sup>b</sup> Queensland Supreme and District Court data for the number of originating criminal lodgments is based on a count of the number of defendants who had an Indictment presented in the financial year — it is not a count of the number of defendants committed to the Supreme/District Court for trial or sentencing. <sup>c</sup> Appeals are not heard in the district courts in WA or SA, instead they are referred to the supreme courts in these states.

<sup>d</sup> Data for the electronic infringement and enforcement systems exclude unpaid court fines... Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.1, 7A.5, and 7A.21.

Table 7.16 Clearance indicator — all civil matters, 2006-07<sup>a</sup>

	<i>units</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 courts</i>
<b>Supreme/Federal — appeal</b>										
Lodgments	'000	0.86	0.38	0.27	0.29	0.12	0.10	0.07	0.10	1.52
Finalisations	'000	0.94	0.42	0.27	0.31	0.11	0.15	0.05	0.13	1.53
<i>Clearance rate</i>	%	108.2	110.2	100.4	107.6	93.0	153.1	66.2	124.5	100.7
<b>Supreme (excl probate)/Federal — non-appeal</b>										
Lodgments	'000	12.55	6.34	5.32	1.90	1.24	1.07	0.82	0.18	3.54
Finalisations	'000	13.38	7.37	5.17	2.55	1.15	1.56	1.00	0.18	3.81
<i>Clearance rate</i>	%	106.7	116.3	97.1	133.7	93.3	146.4	122.3	99.5	107.5
<b>District/county — appeal</b>										
Lodgments	'000	0.07	0.15	0.10	0.08	0.05	..	..	..	..
Finalisations	'000	0.07	0.16	0.08	0.11	0.06	..	..	..	..
<i>Clearance rate</i>	%	98.6	103.9	85.7	142.5	123.4	..	..	..	..
<b>District/county — non-appeal</b>										
Lodgments	'000	7.76	4.91	4.89	3.24	2.77	..	..	..	..
Finalisations	'000	8.57	4.81	6.03	3.58	3.10	..	..	..	..
<i>Clearance rate</i>	%	110.4	98.1	123.4	110.7	112.0	..	..	..	..
<b>Magistrates<sup>b</sup></b>										
Lodgments	'000	191.86	179.67	81.32	46.41	30.18	10.45	5.03	6.23	..
Finalisations	'000	181.52	150.12	86.93	50.28	29.64	10.98	5.63	5.36	..
<i>Clearance rate</i>	%	94.6	83.5	106.9	108.3	98.2	105.1	112.0	85.9	..
<b>Children's<sup>c, d</sup></b>										
Lodgments	'000	7.33	4.90	3.41	1.45	1.21	0.31	0.10	0.13	..
Finalisations	'000	6.86	4.27	3.42	1.23	1.23	0.32	0.14	0.14	..
<i>Clearance rate</i>	%	93.6	87.3	100.4	84.6	101.8	100.3	139.8	105.3	..
<b>Family — appeal</b>										
Lodgments	'000	..	..	..	0.02	..	..	..	..	0.33
Finalisations	'000	..	..	..	0.02	..	..	..	..	0.38
<i>Clearance rate</i>	%	..	..	..	88.2	..	..	..	..	115.5
<b>Family — non-appeal</b>										
Lodgments	'000	..	..	..	14.90	..	..	..	..	27.34
Finalisations	'000	..	..	..	10.70	..	..	..	..	30.92
<i>Clearance rate</i>	%	..	..	..	71.8	..	..	..	..	113.1
<b>Federal Magistrates</b>										
Lodgments	'000	..	..	..	..	..	..	..	..	84.51
Finalisations	'000	..	..	..	..	..	..	..	..	80.00
<i>Clearance rate</i>	%	..	..	..	..	..	..	..	..	94.7
<b>Coroners'</b>										
Lodgments	'000	6.02	5.07	3.22	1.62	1.88	0.56	1.85	0.30	..
Finalisations	'000	5.50	4.84	3.15	1.30	1.90	0.53	1.81	0.26	..
<i>Clearance rate</i>	%	91.4	95.5	97.8	80.3	101.1	94.7	98.3	87.3	..

<sup>a</sup> The clearance rate is derived from finalisation and lodgment data presented in tables 7A.2 and 7A.6. <sup>b</sup> The Victorian Magistrates' Court civil data include a proportion of lodgments and finalisations from the Victorian Civil and Administrative Tribunal. <sup>c</sup> NSW lodgment data for children in the civil court is based on a count of each child listed in all new applications for care and protection, not just the originating application. <sup>d</sup> Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.2, 7A.6 and 7A.22.

## All matters

Table 7.17 contains information on the clearance rates for all court matters (both criminal and civil) in 2006-07, and combines appeal and non-appeal matters.

Table 7.17 **Clearance indicator — all matters, 2006-07 (per cent) <sup>a</sup>**

	NSW	Vic	Qld	WA	SA	Tas	ACT	NT	Aust courts
<b>Supreme/Federal</b>									
Criminal	97.7	103.3	102.3	119.9	114.7	110.0	89.6	100.7	..
Civil <sup>b</sup>	106.8	115.9	97.2	130.3	93.3	146.9	117.8	108.5	105.4
<i>Total</i>	106.4	114.8	98.4	128.8	97.4	135.1	111.1	103.8	105.4
<b>District/county</b>									
Criminal	93.7	88.2	96.0	113.0	93.0	..	..	..	..
Civil	110.3	98.2	122.7	111.4	112.2	..	..	..	..
<i>Total</i>	100.8	93.2	107.1	112.1	105.3	..	..	..	..
<b>Magistrates'</b>									
Criminal	99.7	94.0	99.5	109.4	104.2	83.7	106.0	98.7	..
Civil <sup>c</sup>	94.6	83.5	106.9	108.3	98.2	105.1	112.0	85.9	..
<i>Total</i>	97.0	88.1	101.8	109.0	102.3	86.8	109.0	94.2	..
<b>Children's</b>									
Criminal	98.1	91.2	101.5	109.3	96.8	77.4	96.1	116.1	..
Civil <sup>d, e</sup>	93.6	87.3	100.4	84.6	101.8	100.3	139.8	105.3	..
<i>Total</i>	96.3	90.4	101.3	106.1	97.5	80.9	103.1	114.9	..
<b>Elec. infringement and enforcement systems<sup>f</sup></b>	..	175.7	85.8	93.8	96.5	..	..	..	..
<b>Family courts</b>	..	..	..	71.8	..	..	..	..	113.1
<b>Federal Magistrates</b>	..	..	..	..	..	..	..	..	94.7
<b>Coroners' courts</b>	91.4	95.5	97.8	80.3	101.1	94.7	98.3	87.3	..

<sup>a</sup> The clearance rate is derived from finalisation and lodgment data presented in tables 7A.1–2 and 7A.5–6.

<sup>b</sup> Supreme court data exclude probate matters. <sup>c</sup> The Victorian Magistrates' Court civil data include a proportion of hearings from the Victorian Civil and Administrative Tribunal. <sup>d</sup> NSW lodgment data for children in the civil court is based on a count of each child listed in all new applications for care and protection, not just the originating application. <sup>e</sup> Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. <sup>f</sup> The clearance rate relates to processing of unpaid infringement notices only (unpaid court fines are excluded). .. Not applicable.

Source: Australian, State and Territory court administration authorities and departments (unpublished); tables 7A.1–2, 7A.5–6, and 7A.21–22.

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### *Efficiency — cost per finalisation*

Cost per finalisation is an efficiency indicator (box 7.14). Cost is taken as the total net recurrent annual expenditure, excluding payroll tax. Net expenditure refers to expenditure minus income (where income is derived from court fees and other revenue but excludes revenue from fines).

#### **Box 7.14 Cost per finalisation**

'Cost per finalisation' is an indicator of efficiency. This indicator is not a measure of the actual cost per case.

It is derived by dividing the total net recurrent expenditure within each court for the financial year by the total number of finalisations for the same period. The following points need to be considered in interpreting the cost per finalisation indicator results:

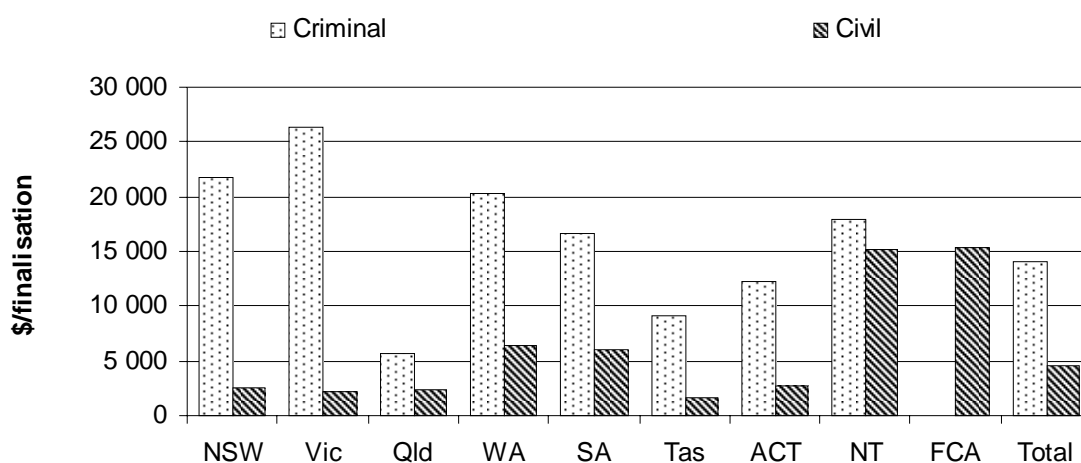
- some finalisations take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions
- cases in the civil jurisdiction that have not been acted upon in the last 12 months are counted (deemed) as finalised (although, some jurisdictions are unable to comply with this deeming rule)
- expenditure data may include arbitrary allocation between criminal and civil jurisdictions
- net expenditure is calculated by deducting income (court fees) from total expenditure, noting that in some jurisdictions court fees are set by government rather than by court administrators
- a number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors
- efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between efficiency on the one hand and equity, effectiveness and quality, on the other.

In general, the net recurrent expenditure per finalisation results for civil courts will be lower than criminal courts, because, with the exception of electronic infringement and enforcements systems, limited income is generated by the criminal court system (table 7A.11). Civil court fee structures may also impact on cost per finalisation results (table 7A.15).

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

Nationally, in 2006-07, the total net expenditure per finalisation in the criminal jurisdiction of the supreme courts, was around three times greater than the total net expenditure per finalisation for the civil jurisdiction, including the Federal Court — the Federal Court has no criminal jurisdiction (figure 7.4).

**Figure 7.4 Net recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2006-07<sup>a, b, c</sup>**



FCA=Federal Court of Australia <sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> Supreme court data for the civil jurisdiction exclude uncontested probate matters. <sup>c</sup> The Federal Court does not operate in the criminal jurisdiction.

Source: State and Territory court administration authorities and departments and the Federal Court of Australia (unpublished); tables 7A.23–24.

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 7.1) should be considered when making comparisons between the different states and territories.

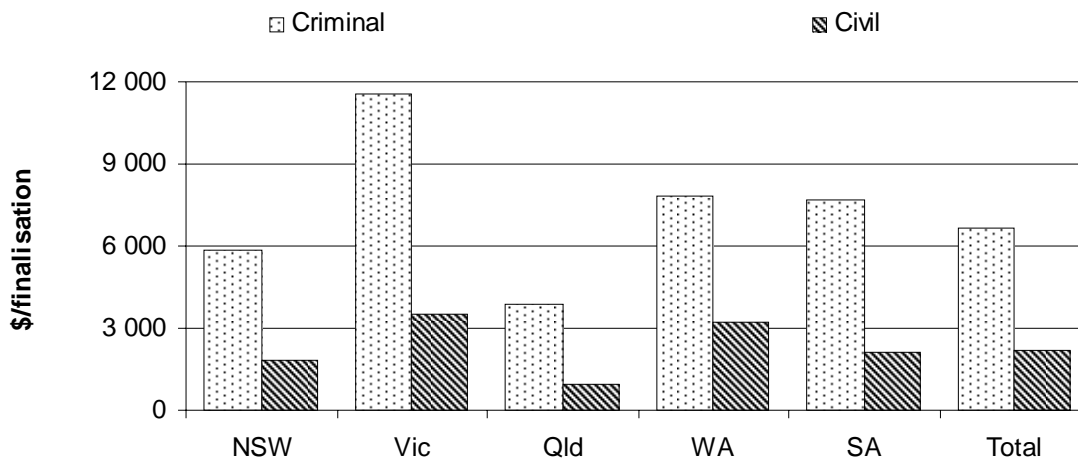
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*Net expenditure per finalisation for district/county courts*

In 2006-07, the total net expenditure per finalisation in the criminal jurisdiction of the district/county courts was more than twice that in the civil jurisdiction (figure 7.5). This trend was similar across all states and territories, and is consistent over time (tables 7A.23–24).

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

**Figure 7.5 Net recurrent expenditure per finalisation, district/county courts, 2006-07<sup>a, b</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> In Queensland some Children's Court criminal matters are heard in the District Court, but for this Report, these matters have been included as part of the Children's Court.

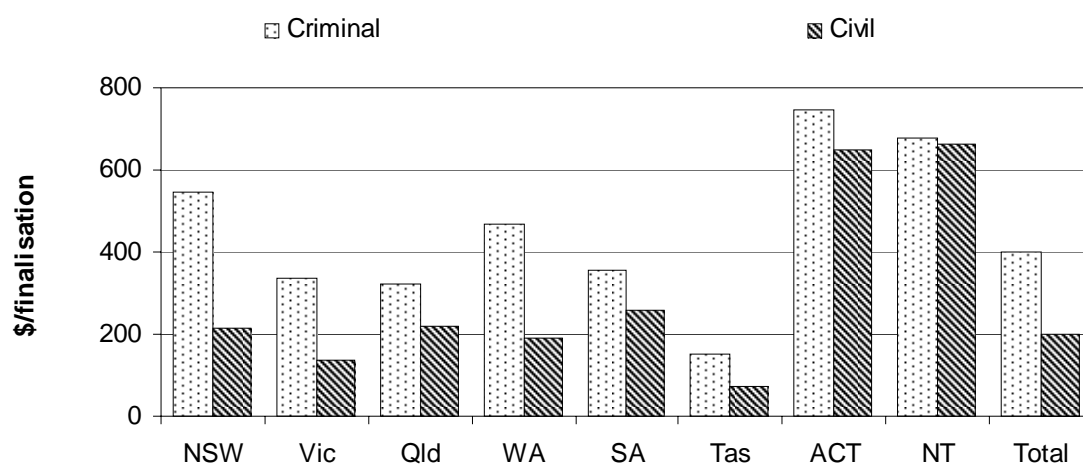
Source: State and Territory court administration authorities and departments (unpublished); tables 7A.23–24.



*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 also the case across each of the states and territories (figure 7.6).

**Figure 7.6 Net recurrent expenditure per finalisation, total magistrates' courts (including magistrates' and children's courts), 2006-07<sup>a, b, c, d, e</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> The Victorian Magistrates Court civil data include a proportion of expenditure and finalisations from the Victorian Civil and Administrative Tribunal. <sup>c</sup> In Queensland some Children's Court criminal matters are heard in the District Court, but for this Report, these matters have been included as part of the Children's Court. <sup>d</sup> Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. <sup>e</sup> In Tasmania, unpaid minor traffic infringements are dealt with in the Magistrates' Court.

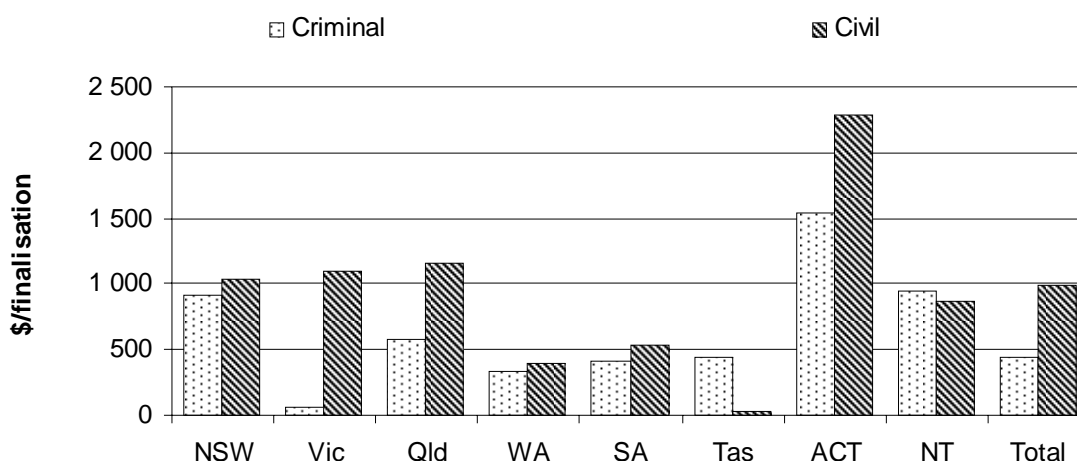
Source: State and Territory court administration authorities and departments (unpublished); tables 7A.23-24.

### 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, but also for criminal matters (figure 7.7). The bulk of matters dealt with in the civil jurisdiction of the children's courts are care and protection orders. However some jurisdictions will also hear matters such as applications for intervention orders. In Tasmania, child protection matters are lodged in the Criminal Registry as urgent.

Unlike all other courts which have both a criminal and civil jurisdiction, for the children's courts in total, net expenditure per finalisation was higher in the civil jurisdiction.

Figure 7.7 **Net recurrent expenditure per finalisation, children's courts, 2006-07** a, b, c, d, e



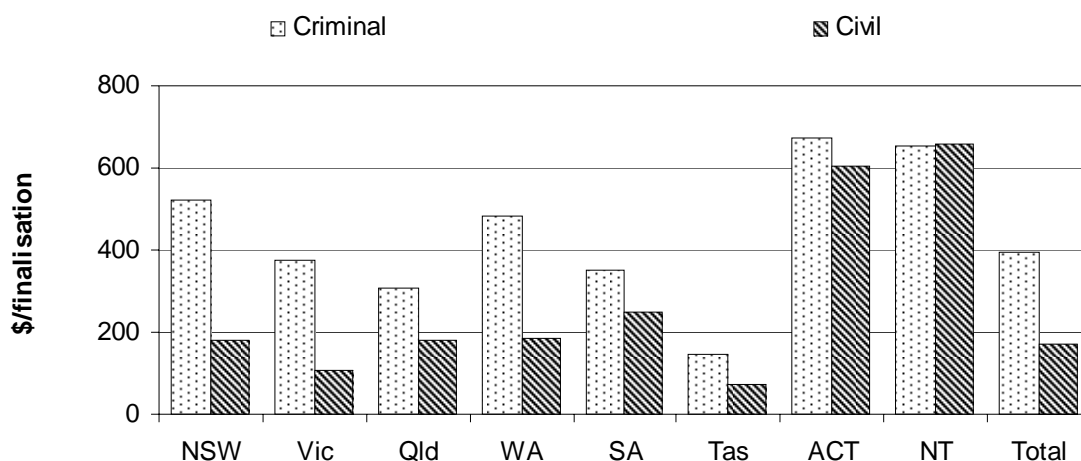
**a** Expenditure excludes payroll tax. **b** In Victoria, children's criminal matters not heard in the Melbourne Children's Court are heard in the Magistrates Court in regional areas. It is not possible to apportion the expenditure on these matters to the Children's Court, and this expenditure is included in the figures for the Magistrates Court. However, the children's matters heard are separately recorded and identifiable for the Children's Court. **c** In Queensland some Children's Court criminal matters are heard in the District Court — but for reporting purposes have been included with the Children's Court. **d** Queensland Children's Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. **e** In Tasmania child protection matters are lodged in the Criminal Registry as urgent. Expenditure in the civil jurisdiction of the Tasmanian Children's Court in 2006-07 relates to counselling and mediation services only.

Source: State and Territory court administration authorities and departments (unpublished); tables 7A.23–24.

*Net expenditure per finalisation for magistrates' courts only*

Net expenditure per criminal and civil finalisation for magistrates' courts only, excluding children's courts and electronic infringement and enforcement systems, is presented in figure 7.8. Nationally, and in all states and territories except for the Northern Territory, net recurrent expenditure per finalisation is higher in the criminal jurisdiction. In the Northern Territory net recurrent expenditure per finalisation is similar for both criminal and civil jurisdictions.

**Figure 7.8 Net recurrent expenditure per finalisation, magistrates' courts only (excluding children's courts), 2006-07<sup>a, b, c, d</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</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. <sup>c</sup> The Victorian Magistrates' Court civil data include a proportion of expenditure and finalisations from the Victorian Civil and Administrative Tribunal. <sup>d</sup> In Tasmania, unpaid minor traffic infringements are dealt with in the Magistrates' Court.

Source: State and Territory court administration departments (unpublished); tables 7A.23–24.

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

All electronic infringement and enforcement systems in 2006-07 had income that outweighed any associated expenditure (figure 7.9 and table 7A.23).

Figure 7.9 **Net recurrent expenditure per finalisation, electronic infringement and enforcement systems, 2006-07<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 states and territories 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 7A.23.

The analysis of the magistrates' court efficiency in figure 7.6 excluded electronic infringement and enforcement system expenditure and finalisations. Box 7.15 shows the impact of including electronic infringement and enforcement systems within the efficiency results of the magistrates' courts.

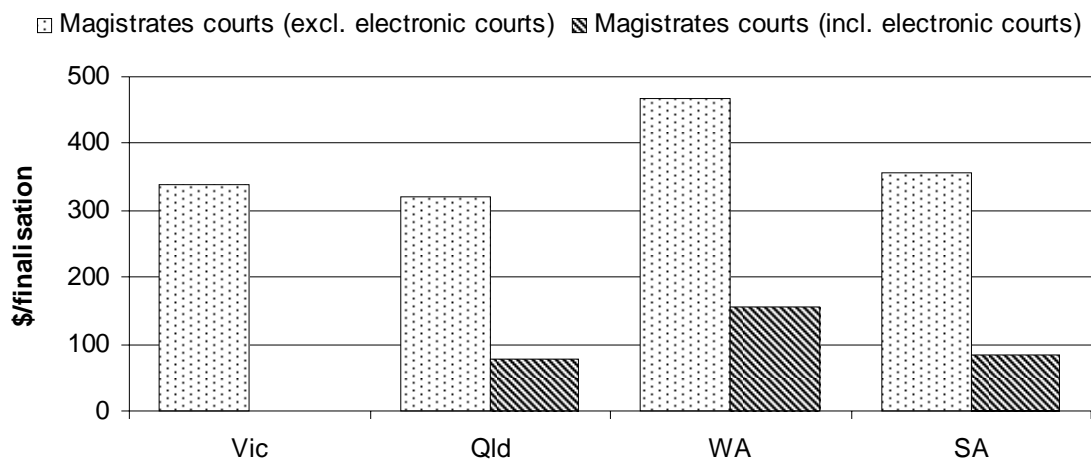
**Box 7.15 The impact of the electronic infringement and enforcement systems on the magistrates' courts**

All State, Territory and Australian governments operate tribunals and specialist jurisdiction 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 7.6.

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 7A.23. In Victoria the result is net income of \$2 per finalisation (too small to be identified in the figure below).



Source: State and Territory court administration authorities and departments (unpublished); table 7A.23.

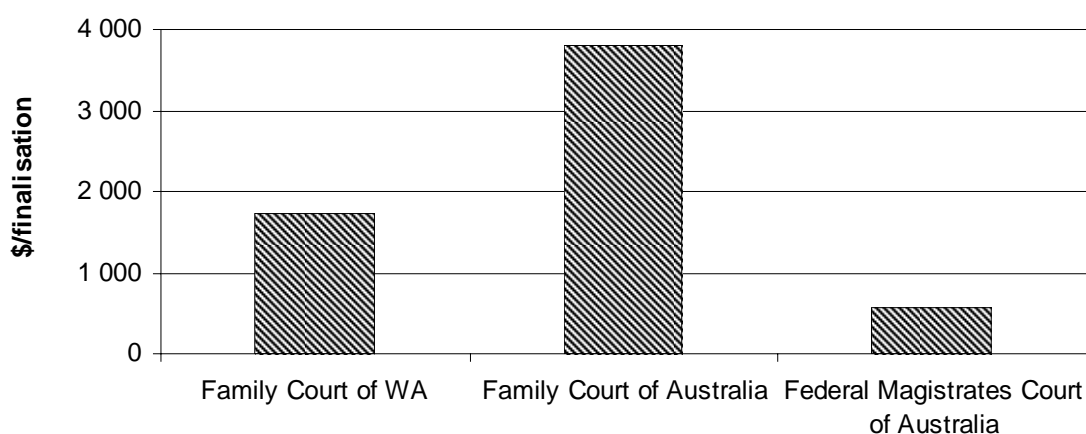
Although NSW, Tasmania, the ACT and the NT do not operate electronic infringement and enforcement systems that fall under the jurisdiction of the magistrates' courts, they have bodies (such as the NSW State Debt Recovery Office, the Motor Vehicle Registry in the ACT and the Fines Recovery Unit in the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

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

The Family Court of Australia, Family Court of WA and the Federal Magistrates Court are responsible for determining matters related to family law and child support, but each court has a different focus, breadth and complexity of work, which contribute to the differences in net recurrent expenditure per finalisation results presented in figure 7.10. For example, the Family Court of WA differs from the Family Court of Australia in that it has jurisdiction to deal with financial matters between parties that were in a de facto relationship.

**Figure 7.10 Net recurrent expenditure per finalisation, family courts and the Federal Magistrates Court of Australia, 2006-07<sup>a, b</sup>**



<sup>a</sup> Expenditure per finalisation for the Federal Magistrates Court is based on the total net expenditure and all finalisations for that court; it does not isolate family law work from general federal law work and is therefore not strictly comparable with the results for either the Family Court of Australia or the Family Court of WA. <sup>b</sup> The Family Court of Australia expenditure figures have been discounted (estimated) for resources and services (work of Court staff and accommodation) provided free of charge to the Federal Magistrates Court in accordance with the *Federal Magistrates Act 1999*. In addition the Family Court of Australia provide further shared services, including IT services, accommodation, work of Court staff and depreciation and amortisation that is currently not quantified and as such no additional discount could be applied. This will cause an overestimate for the Family Court of Australia figure (and an underestimate for Federal Magistrates Court).

Source: Australian court administration authorities (unpublished); table 7A.24.

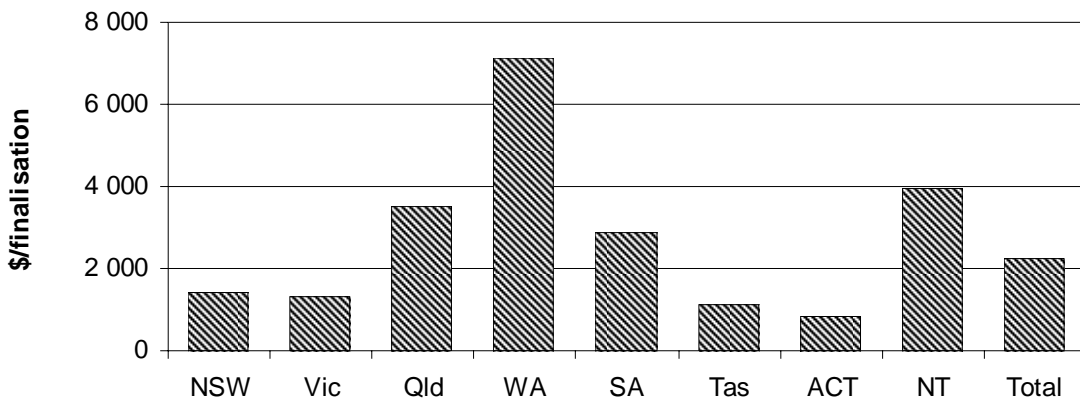
The establishment of the Federal Magistrates Court in 2000 has had implications for the finalisations and expenditure reported for the Family Court of Australia, because the Federal Magistrates Court now deals with some of the matters previously managed by the Family Court of Australia. For example, before the establishment of the Federal Magistrates Court, all divorce applications (other than those lodged in the Family Court of WA) were lodged in the Family Court of Australia; now (aside from those lodged in the Family Court of WA) almost all divorce applications are

lodged in the Federal Magistrates Court. In general federal law, the Federal Magistrates Court also deals with the less complex administrative law, bankruptcy law, discrimination, workplace relations and consumer protection law matters that were previously dealt with in the Federal Court of Australia.

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

Nationally, expenditure per reported death and fire in the coroners' courts was approximately \$2225 in 2006-07 (figure 7.11).

**Figure 7.11 Net recurrent expenditure per finalisation, coroners' courts, 2006-07<sup>a, b, c</sup>**



<sup>a</sup> Expenditure excludes payroll tax. <sup>b</sup> The inclusion of expenditure for autopsy and chemical analysis work varies between states and territories. <sup>c</sup> Data for NSW, Victoria and the ACT include reported fires.

Source: State and Territory court administration authorities and departments (unpublished); table 7A.24.

Some states and territories include autopsy and chemical analysis costs in their expenditure data, but others exclude these costs because they refer to services administered and funded outside the court administration agency's umbrella department. This can lead to large variations in the net expenditure per finalisation results.

Data for NSW, Victoria, Tasmania and the ACT in 2006-07 include fires reported to the coroner (however note that there were no reported fires included in data for Tasmania in 2006-07). Fires are not reported to the coroner in all other jurisdictions. Care needs to be taken when making comparisons across the states and territories.

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## Outcomes

Outcomes are the impact of services on the status of an individual or group (while outputs are the actual services delivered) (see chapter 1, section 1.5).

No outcome indicators for court administration are currently reported. It is noted, however, that the activities of court administrators lead to broader outcomes within the overall justice system that are not readily addressed in this service-specific chapter. The Steering Committee has identified outcome indicators as an important element of the performance indicator framework to develop for future reports.

## 7.4 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, seeks to continuously improve data quality. Some of the activities and processes by which this is done include:

- 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.

## 7.5 Jurisdictions' comments

This section provides comments from the Australian courts and each State and Territory on the services covered in this chapter.



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### Australian Government comments

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- This statement is provided jointly by the Federal Court of Australia (FCA), Family Court of Australia (FCoA) and the Federal Magistrates Court of Australia (FMC).
- The FMC was created in 1999 as a lower level federal court to deal with simpler and less complex cases that would otherwise have to be litigated in the FCA or FCoA. This would allow the federal superior courts to focus on more complex cases and appellate work.
- Following the establishment of the FMC, the federal courts have consistently and proactively applied a policy of moving from the FCA and the FCoA cases which should be dealt with by the FMC.
- This policy, coupled with legislative changes in some areas of jurisdiction, has produced a substantial transfer of workload from the FCA and the FCoA to the FMC. There are several examples of this policy being put to good effect.
- The FCA and FMC have concurrent jurisdiction under the *Bankruptcy Act* but almost all bankruptcy cases are now commenced and concluded in the FMC. Staff of the FCA registries, however, continue to process all bankruptcy cases.
- In December 2005 the *Migration Act 1958* was amended so that almost all applications for the judicial review of migration tribunal decisions must be commenced in the FMC. This means the FMC deals with almost all first instance migration cases. At the same time, the *Federal Court of Australia Act* was amended so migration appeals from the FMC are heard by a single judge rather than a Full Court (unless there are special circumstances).
- Almost all divorce applications are now dealt with by the FMC rather than the FCoA.
- As part of the Combined Registry Program the FCoA and FMC have worked together on development of a single point of filing for all family law applications. The Adelaide Streaming Model introduced in July 2007 is based on a Combined Initiating Application. Streaming is the process used to allocate matters to the FCoA and the FMC whether by direct filing or after initial filing in the FMC by transfer to the FCoA on the basis of complexity. Legal practitioners have the opportunity of identifying matters for direct filing in the FCoA by way of a certificate of complexity. The streaming concept has proved successful in having most matters initially filed in the FMC.
- In addition, the FCA, the FCoA and the FMC share resources and undertake joint projects. The Commonwealth Court Portal is an excellent example. The portal allows clients to access information about any case in any one of the jurisdictions — see [www.comcourts.gov.au](http://www.comcourts.gov.au).

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## **New South Wales Government comments**

NSW is leading law reform and the delivery of justice services.

“ NSW Criminal Courts continue to lead the nation in the timeliness of criminal matters, finalising more criminal cases within time standards than any other State or Territory. The District and Magistrates’ Courts in NSW have consistently achieved the best performance in the timeliness of criminal matters of any jurisdiction over the past three years, while the Children’s Court has achieved the best criminal timeliness for the past two years. The NSW Supreme Court has also improved its performance in relation to the timeliness of criminal matters. The NSW District Court was also the best performing District Court in the country in relation to the timeliness of civil matters, with the lowest backlog of civil non-appeal matters older than 12 months and the second lowest backlog older than 24 months.

New initiatives will have a significant impact on those coming into contact with NSW courts. They include reforms to improve the protection of sexual assault complainants and additional safeguards for children and other vulnerable witnesses. A total of 81 remote witness rooms servicing 139 courts both metropolitan and regional have now been built. The Domestic Violence Court Intervention program was successfully trialled. The program involves working with local domestic violence support services to improve evidence collection, helping victims prepare for court and providing support services. The first Double Jeopardy and DNA Review legislative schemes in Australia were developed and implemented in the year. A new Victims Assistance Scheme commenced in 2006-07, improving the rehabilitation support available to victims of crime.

The NSW Government is overseeing the largest ever investment in court and justice agency infrastructure in the history of NSW. New courts are being built with state of the art facilities and security technology. Construction of the Justice Precinct at Parramatta is on budget and ahead of schedule, including the Sydney West Trial Court complex and the Justice Precinct Offices. The new purpose-built Children’s Court and the Justice Precinct Offices have already commenced operation. A total of \$250 million is being spent over 10 years to upgrade existing courthouses.

NSW has commenced a number of innovative programs aimed at reducing crime and the re-offending rate, including a conferencing program for young adult offenders. The program enables some young adult offenders to participate in a conference with victims of crime prior to, or as part of, sentencing. NSW also successfully trialled the Rural Alcohol Diversion Program.

Other significant initiatives focused on the over-representation of Aboriginal people in the criminal justice system. Access to court based Aboriginal programs is increasing with 22 courts in NSW offering Aboriginal programs. There are currently 17 locations with Aboriginal Community Justice Groups, 9 locations offering Circle Sentencing and 17 courts supported by an Aboriginal Client Service Specialist. In addition three new Aboriginal Community Justice Groups will be established this year.

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## Victorian Government comments

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- A program which will have an impact on all court jurisdictions in Victoria is the Integrated Courts Management System (ICMS). This is a major program established to implement a single integrated technology platform and set of applications for all Victorian courts and tribunals. It will be progressively implemented across the jurisdictions, starting with the Supreme Court in September 2008. This will be followed by progressive releases to the Magistrates', County and VCAT jurisdictions. It is scheduled to be completed by July 2009. Part of the ICMS initiative is the Smart Court Program which involves upgrading and extending videoconference facilities and other technology in courts. This is also being progressively commissioned.
- The Supreme Court has reviewed many of its case management and related practices over the past year and has released a number of practice notes in both the Criminal and Civil Divisions of the Court. These Practice Notes aim to significantly improve the Courts efficiency and productivity. The Supreme Court has reviewed how best to meet a growth in demand through the abovementioned initiatives and will look at additional strategies to meet these aims. It is too early for this year's report to demonstrate any change, but it is anticipated that next year's report will display the Courts improvements. Also the clearance rate for non-appeal matters was reduced because of the re-allocation of trial judges to other matters, including appeal matters, in an effort to reduce the backlog in these areas.
- 2006-07 saw the County Court focus on addressing delays in the Criminal List, as part of the Department's overall review of the Criminal Justice System. Changes to listing procedures, together with two additional judicial resources are expected to improve the number and timeliness of criminal cases through the County Court. Initial results are promising, with big improvements expected for the 2007-08 financial year. A number of civil procedural changes have also been implemented to facilitate the management of these cases.
- The Magistrates' Court of Victoria continued implementing a range of initiatives including the Specialist Family Violence Service to provide services to the Family Violence Courts, the Courts Integrated Services Program (CISP) which is guided by the principles of therapeutic jurisprudence, the Criminal Justice Diversion Program and the Koori Court. The clearance rates for the Magistrates' Court of Victoria shown in the chapter are below 100 per cent. This rate is calculated in accordance with the counting rules set for the Report on Government Services. The Magistrates' Court of Victoria uses internally another clearance rate which uses the 'first date of hearing' to count initiations. When applied to the clearance rate calculation it results in clearance rates in excess of 100 per cent in most months.

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## Queensland Government comments

“ During 2006-07 the Queensland Courts implemented a number of initiatives to enhance the administration of justice to the Queensland community.

- Future Courts Program — aims to deliver relevant, easy to use and innovative on-line services to litigants, their legal representatives and the broader community. The program will also seek to streamline the registry's business processes and replace outdated case management systems.
- Litigants in Person strategy (LIPS) will ensure unrepresented litigants are properly advised of the policies and procedures of the Supreme and District Courts. LIPS will provide appropriate levels of legal assistance and refer meritorious cases to the private legal profession through the Queensland Public Interest Law Clearing House's (QPILCH) referral scheme for representation. The scheme will also seek to refer litigants whose cases lack merit to alternative areas to resolve their legal disputes and problems.
- The Early Payment of Fines project commenced and now ensures that over 90 per cent of court-ordered monetary penalties are immediately referred to the State Penalties Enforcement Registry (SPER) for collection.
- The transfer of responsibility for Community Justice Groups (CJGs) from the former Department of Aboriginal and Torres Strait Islander Policy (DATSIP) to the Department of Justice and Attorney-General occurred in July 2006. A key role of the groups is to support indigenous offenders and victims through the criminal justice process. Additional funding as facilitated further training.
- Videoconferencing systems have been supplied to remote court locations including Doomadgee and Mornington Island in the Gulf area. This installation is part of an ongoing program to enhance the delivery of justice-related services to remote Indigenous communities. This initiative also assists meeting the objective of safer communities through reducing the need for what could be unsafe travel to court hearings.
- Preliminary work commenced on the Judicial Registrar pilot program, which will begin in January 2008 with the appointment of four Judicial Registrars. The role of the Judicial Registrar will be to finalise less complicated civil and criminal matters including Small Claims, Minor Debts, criminal mentions and some committal proceedings to free the resources of the Magistracy to focus on more complex matters.
- Planning and design is underway for the construction of a new Brisbane Supreme and District Court 19 storey complex that will have 47 courtrooms. Construction will occur in 2009 with the opening projected to occur in 2011. The new complex will ensure the courts are better able to meet the special needs of children, victims of crime and other vulnerable witnesses. Courthouse upgrades have been made to St George and Bowen, and will commence at Maryborough. Work has commenced on new courthouses to be constructed at Pine Rivers, Ipswich, and Mareeba. The new courthouse at Sandgate has been completed.”

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## Western Australian Government comments

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The Department faces a range of challenges that include providing a comprehensive set of services to a population that is widely dispersed across the State, supporting the Government's priorities for legislative reform, coping with increased civil litigation and engaging with Aboriginal people.

In 2006-07, WA Courts made substantial progress in a number of key initiatives. These included:

- the recruiting of more Aboriginal Liaison Officers to inform Aboriginal people about court processes and to bridge the cultural and communication issues faced by court users, administrators and judicial officers
- the piloting of an Aboriginal Sentencing Court in Kalgoorlie-Boulder. This Community Court adopts a more culturally inclusive approach by involving Aboriginal elders and respected community members at the sentencing stage of the process
- the ongoing capital works program gathered momentum during the year. This includes a new \$195 million building for the District Court and a \$45 million refurbishment of the existing Central Law Courts. This is the most significant courts development to be undertaken in the State and will result in a state-of-the-art building offering vast benefits to users. Planning for a new \$31 million court for Kalgoorlie-Boulder also advanced during the year.

WA courts continued to provide efficient state-wide services. Of note in 2006-07 were:

- in the Supreme Court, improved case management of indictments reduced the percentage of criminal cases coming to trial. This improvement is largely attributable to a pilot mediation program that was introduced in late 2006 to resolve issues in trials speedily and, in some cases, to eliminate the need for a trial altogether. A concerted effort to finalise outstanding civil cases resulted in an increase in finalisations from the previous year. The civil case backlog has also been reduced
- the Family Court introduced a new case management system for the overall management of children's cases in that jurisdiction. This initiative has proved very successful however, the number of matters finalised during the year fell primarily as a result of the late appointment of replacement judges
- in the District Court, an additional judge was appointed in July 2006. This appointment, alongside other case management initiatives, has resulted in the court having the best clearance rate nationally
- in the Magistrates Court, a magistrate was appointed to the Peel region on a permanent basis to cope with demand from a rapidly increasing population. This together with other initiatives has seen significant increases in case finalisation over the year
- while the cost of the court system increased in total, net expenditure per finalisation decreased in almost all court jurisdictions in 2006-07.

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## South Australian Government comments

“ The Courts Administration Authority completed development of the 2006–2009 Strategic Plan. The plan contains a series of goals, strategies and key performance indicators that will provide a focus for the Authority’s activities that will lead to effective and improved service delivery.

As part of the plan considerable work has been undertaken to improve statistical and financial reporting. A Data Quality Committee has been established to identify best practice in terms of data quality and act as an advisory group for the development of data quality practice and procedures across all jurisdictions.

The Authority continues to focus on its infrastructure with a review commencing during this reporting period, addressing issues such as capital planning. A new addition to current infrastructure included the completion of the Port Augusta Court building. The opening of the court provides improved facilities for the Supreme Court, District Court and Magistrates Court when visiting on circuit.

There was significant change in the composition of the Magistracy in the year under review, including the appointment of a new Chief Magistrate. In the Youth Court all four judicial officers have been replaced with new appointments due to retirement.

New initiatives implemented this reporting period include:

- the provision of trial transcript in electronic format to all parties in Court of Criminal Appeal hearings. This has resulted in the reduction of cost to the Court and enables searching of transcript during the hearing
- an evaluation of a long and complex civil trial conducted using electronic systems was undertaken. Many of the anticipated benefits and savings were achieved, including a reduction in trial time due to improved searching and easier recall of documents in the courtroom
- the expansion of the Court Assessment and Referral Drugs Scheme (CARDS) to the Christies Beach and Mount Gambier Courts with Holden Hill to commence shortly. Referral to CARDS has increased by 79 per cent during 2006-07. This scheme provides referral to counselling for substance abuse
- a new human resources policy framework was implemented that provides for the development of six over-arching policies with greater emphasis on procedures and guidelines
- new Rules of Court came into operation in the Higher Courts in September 2006. This was a complete rewrite of the previous Rules of Court, written in plain English, with the intention of simplifying the civil litigation process, particularly for unrepresented litigants.

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## **Tasmanian Government comments**

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During the past year the Tasmanian courts have been working towards the implementation of a number of key initiatives which will have a significant impact on court performance and the justice system in future years.

The Supreme Court and Magistrates Courts have been working on the implementation of a joint Civil Registry Case Management System which will provide the courts with the tools required to closely monitor pending cases and implement a range of active case management procedures designed to support speedy resolution of civil cases.

Some functionality of the new system has been implemented in the Supreme Court and work is progressing on data cleansing and migration and full implementation in both Courts in 2007-08.

The Magistrates Court continues to be very concerned about the size and age of the pending caseload in its criminal jurisdiction. It is implementing a number of initiatives in conjunction with other justice agencies which started to have an impact in the past year and will have a significant impact in future years.

As an interim measure the court has worked with Tasmania Police on the scheduling of minor traffic matters. This resulted in a 15 per cent increase in the number of criminal finalisations in the past year.

In the 2007-08 financial year the Monetary Penalties Enforcement Service will commence which will remove the majority of minor traffic matters, arising from unpaid infringement notices, from the Magistrates Court. This will lead to a significant reduction in the number of matters lodged in the criminal jurisdiction of the Magistrates Court in 2008-09.

The Chief Magistrate together with Tasmania Police is sponsoring a project aimed at reducing the incidence of non-appearance by defendants on bail. The project includes legislative changes, provision of additional information to defendants and in selected cases the use of SMS messages reminding offenders of court appearances.

In its criminal jurisdiction, the Supreme Court has championed reforms to reduce the time taken for accused persons to have their matter finalised. Legislative measures have been passed and will be introduced in 2008 which will limit the time taken between the first appearance in the Court of Petty Sessions and the matter being transferred to the Supreme Court, involve the Director of Public Prosecutions in the process at an earlier time and allow the Supreme Court to set a timetable for the disclosure of prosecution evidence and the entry of pleas.

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### **Australian Capital Territory Government comments**

“ The ACT Courts have continued to consolidate improvements introduced in previous years in relation to improving case management and the operation of the Courts.

On 1 January 2007 the Court Procedure Rules were introduced into the Magistrates Court, following the introduction of the Rules into the Supreme Court in July 2006. It is expected the new Rules will continue to have a positive impact on case management in both the civil and criminal jurisdictions.

There has been a general downward trend in the number of lodgments in both the civil and criminal jurisdictions, which, together with an increase in one off costs saw an increase in Magistrate Court finalisation costs. However, with the finalisation of the CORAM costs (depreciation/write off), a reduction in the cost per finalisation is expected in 2007-08.

The Magistrates Court continues to reduce the backlog indicator with clearance rates in excess of 100 per cent for the last four years. In addition, the cost per finalisation in the Supreme Court has also reduced.

A focus on reducing the backlog of cases in the Coroners Court has been successful with a reduction in the number of pending cases by 17 (8 per cent).

On 1 August 2007 new listing arrangements were implemented. A Deputy Registrar's call over list at 0900 serves to streamline the Court's resources by disposing of matters which do not need to be dealt with by a magistrate and allocates time slots for those that do, resulting in a more efficient use of time for legal representatives and members of the public. Early statistical results suggest more matters are able to proceed with certainty due to this streamlined approach. Any impact from these arrangements will be reflected in next years data.

Other developments in the reporting year include:

- the appointment of several neutral evaluators in accordance with the Court Procedure Rules. The first neutral evaluation was held and it is estimated managing the matter by way of neutral evaluation saved the parties and the Court significant time (approximately 5 hearing days) and expense
- a continuation of the upgrade of the case management computer system.

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## Northern Territory Government comments

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- Special measures were introduced that apply to the pre-recording of evidence. An application can be made to the Supreme Court for the editing of certain evidence where the evidence is inadmissible, would have been made in the absence of the jury or where the communication between the Court and the witness was muted.
- Other initiatives within the Higher Courts were:
  - a) introducing a counselling protocol for distressed jurors
  - b) standardising the format for all video and audio-recorded evidence produced to the Supreme Court and Courts of Appeal
  - c) upgrading the closed circuit television security system at the Supreme Court Building in Darwin
  - d) installing additional vulnerable witness facilities within the Supreme Court in Darwin to enable multiple trials using these facilities to run concurrently. A ‘soft room’ was also fitted out for vulnerable witnesses.
- As part of the Northern Territory Government’s ‘Closing the Gap of Indigenous Disadvantage — A Generational Plan of Action’, the Community Court is to be expanded to include 10 centres, including Darwin. The ‘Closing the Gap’ Plan is aimed at closing the gap between Indigenous and non-Indigenous Territorians. The Community Court, promotes a restorative justice theme of involving the defendant, community and victim in court proceedings.
- The Alcohol Court commenced in Darwin and Alice Springs as a diversionary measure for alleged offenders with alcohol dependency problems. The *Alcohol Court Act* gives magistrates the power to make intervention and prohibition orders while also aiming to provide alcohol treatment for offenders, to minimise harms to the alcohol user and the community and to improve the quality of life for the alcohol user. Under the ‘Closing the Gap’ Plan, the Alcohol Court will expand into Katherine, Nhulunbuy and Tennant Creek.
- The Youth Justice Court commenced, providing for a presumption in favour of diversion where appropriate, the appointment of specialist Youth Justice Magistrates with an increased range of sentencing options and a greater participation of victims in the criminal justice processes responding to offending by young people.
- At remote circuit courts, Magistrates Court staff undertook a pilot to access the local area networks at Darwin, Alice Springs and Katherine via satellite. The pilot was aimed at accessing information systems in those centres to eliminate the need for manual and duplicate production of documents.

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## 7.6 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>	An indicator that shows whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court's pending caseload has increased or decreased over that period.
<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>	This includes such bodies as guardianship boards, environment resources and development courts, and administrative appeals tribunals. The types of excluded courts and tribunals vary among the states and territories.
<b>Extraordinary driver's licence</b>	An extraordinary licence is a licence granted at the discretion of the court. It authorises the holder to drive in certain circumstances even though the holder's normal driver's licence has been suspended.
<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 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>	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.  (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.)
<b>Library expenditure</b>	Non-salary and salary expenditure on court operated libraries. Non-salary expenditure includes book purchases, journal subscriptions, fees for interlibrary loans, copyright charges, news clippings service fees and photocopying.  Expenditure also includes recurrent 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.
<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>	<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.  <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.

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	<p><i>Civil matters:</i> Matters brought before the court by individuals or organisations against another party, such as small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction.</p> <p><i>Excluded matters:</i> Extraordinary driver's licence applications; any application on a pending dispute; applications for bail directions or judgment; secondary processes (for example, applications for default judgments); interlocutory matters; investigation/examination summonses; firearms appeals; escort agents' licensing appeals; pastoral lands appeals; local government tribunals; police promotions appeals; applications appealing the decisions of workers compensation review officers.</p> <p><i>Probate:</i> Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person.</p>
<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 non-adjudicated finalisation is where a charge is considered completed and ceases to be active in a court even though there has not been a determination on whether the defendant is guilty, that is, the charge(s) have not been adjudicated. The methods of non-adjudicated finalisation include but are not limited to defendant deceased; unfit to plead; withdrawn by the prosecution; diplomatic immunity and statute of limitation applies.
<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 Gross Domestic Product (GDP) price deflator and expressed in terms of final year prices (i.e. for the court administration chapter with 2006-07 as the base year). Additional information about the GDP index can be found in the statistical appendix and in table AA.26.
<b>Recurrent expenditure</b>	Expenditure that does not result in the creation or acquisition of fixed assets (new or second hand). It consists mainly of expenditure on wages, salaries and supplements, purchases of goods and services, and the consumption of fixed capital (depreciation).
<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>Specialist jurisdiction court</b>	A court which has exclusive jurisdiction in a field of law presided over by a judicial officer with expertise in that area. Examples of these types of courts which are within the scope of this Report are the family courts, the children's courts and the coroners' courts. Examples of specialist jurisdiction courts which are excluded from this Report include Indigenous and circle sentencing courts and drug courts.
<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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## 7.7 Attachment tables

Attachment tables are identified in references throughout this appendix by an 'A' suffix (for example, table 7A.3 is table 3 in the attachment). Attachment tables are provided on the CD-ROM enclosed with the Report and on the Review website ([www.pc.gov.au/gsp](http://www.pc.gov.au/gsp)). On the CD-ROM, the files containing the attachment tables are provided in Microsoft Excel format as \Publications\Reports\2008\Attach7A.xls and in Adobe PDF format as \Publications\Reports\2008\Attach7A.pdf. Users without access to the CD-ROM or the website can contact the Secretariat to obtain the attachment tables (see contact details on the inside front cover of the Report).

<b>Preamble</b>	Court administration — attachment tables
<b>Table 7A.1</b>	Lodgments, criminal
<b>Table 7A.2</b>	Lodgments, civil
<b>Table 7A.3</b>	Lodgments, criminal, per 100 000 people
<b>Table 7A.4</b>	Lodgments, civil, per 100 000 people
<b>Table 7A.5</b>	Finalisations, criminal
<b>Table 7A.6</b>	Finalisations, civil
<b>Table 7A.7</b>	Finalisations, criminal , per 100 000 people
<b>Table 7A.8</b>	Finalisations, civil, per 100 000 people
<b>Table 7A.9</b>	Real recurrent expenditure, criminal, 2006-07 dollars (\$'000)
<b>Table 7A.10</b>	Real recurrent expenditure, civil, 2006-07 dollars (\$'000)
<b>Table 7A.11</b>	Real income (excluding fines), criminal and civil, 2006-07 dollars (\$'000)
<b>Table 7A.12</b>	Real net recurrent expenditure, criminal, 2006-07 dollars (\$'000)
<b>Table 7A.13</b>	Real net recurrent expenditure, civil, 2006-07 dollars (\$'000)
<b>Table 7A.14</b>	Real net recurrent expenditure, criminal and civil, 2006-07 dollars (\$'000)
<b>Table 7A.15</b>	Cost recovery – civil court fees collected as a proportion of civil expenditure excluding payroll tax (per cent)
<b>Table 7A.16</b>	Real average civil court fees collected per lodgment, 2006-07 dollars (\$)
<b>Table 7A.17</b>	Backlog indicator, criminal (as at 30 June)
<b>Table 7A.18</b>	Backlog indicator, civil (as at 30 June)
<b>Table 7A.19</b>	Attendance indicator (average number of attendances per finalisation)
<b>Table 7A.20</b>	Judicial officers (FTE and number per 100 000 people)
<b>Table 7A.21</b>	Clearance rate – finalisations/lodgments, criminal (per cent)
<b>Table 7A.22</b>	Clearance rate – finalisations/lodgments, civil (per cent)
<b>Table 7A.23</b>	Real net recurrent expenditure per finalisation, criminal, 2006–07 dollars (\$)
<b>Table 7A.24</b>	Real net recurrent expenditure per finalisation, civil, 2006–07 dollars (\$)
<b>Table 7A.25</b>	Real net recurrent expenditure per finalisation, criminal and civil, 2006–07 dollars (\$)
<b>Table 7A.26</b>	Treatment of assets by court administration agencies

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## 7.8 References

ABS (Australian Bureau of Statistics) 2007, *Criminal Courts 2005-06, Australia*, Cat. no. 4513.0, Canberra.

SCRGSP (Steering Committee for the Review of Government Service Provision) 2007, *2007 Data Collection Manual*, Court Administration Working Group, (unpublished), Melbourne.