# 7 Courts

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| Attachment tables are identified in references throughout this chapter by a ‘7A’ prefix (for example, table 7A.1) and are available from the website www.pc.gov.au/rogs/2017. |
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This chapter focuses primarily on administrative support functions for the courts, not on the judicial decisions made in the courts. The primary support functions of court administration services are to:

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

This chapter covers the State and Territory supreme, district/county and magistrates’ (including children’s) courts, coroners’ courts and probate registries. It also covers the Federal Court of Australia, the Family Court of Australia, the Family Court of WA and the Federal Circuit Court of Australia (previously the Federal Magistrates Court of Australia).

The chapter does not include information on the High Court of Australia, and excludes tribunals and specialist jurisdiction courts (for example, Indigenous courts, circle sentencing courts, drug courts and electronic infringement and enforcement systems) to improve national comparability in reporting.

All abbreviations used in this Report are available in a complete list in volume A: Approach to performance reporting.

## Profile of court services

### Roles and responsibilities

#### State and Territory court levels

In this chapter, the term ‘jurisdiction’ can refer to not only individual Australian states and territories, but also to the roles and responsibilities of different courts. There is a hierarchy of courts within each State and Territory. Supreme courts hear disputes of greater seriousness than those heard in the other courts. Supreme courts also develop the law and operate as courts of judicial review or appeal. For the majority of states and territories, the hierarchy of courts is as outlined below (although Tasmania, the ACT and the NT do not have a district/county court):

* supreme courts
* district/county courts
* magistrates’ courts.

Within certain court levels, a number of specialist jurisdiction courts aim to improve the responsiveness of courts to the special needs of particular service users. Tribunals can also improve responsiveness and assist in alleviating the workload of courts ‑‑ the role of tribunals in the civil justice landscape has been increasing in both scope and number and consolidated civil tribunals now operate across states and territories, increasingly dealing with matters which were traditionally dealt with in civil courts.

Differences in State and Territory court levels mean that the allocation of cases to courts varies across states and territories (further information is contained in tables 7A.38‑40). As a result, the seriousness and complexity of cases heard in a court level can also vary across states and territories ‑ any comparison of performance needs to account for these factors.

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

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

* probate registries (separate from the supreme courts level)
* children’s courts (separate from the magistrates’ courts level)
* coroners’ courts (separate from the magistrates’ courts level).

More detailed information about these court levels is available in Table 7A.41.

#### Australian court levels — specific elements

Australian courts comprise the following courts, in order of hierarchy:

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

Data for the High Court are not published in this Report.

Detailed information about the Federal Court of Australia, the Family Courts and the Federal Circuit Court and the relationships between them are available in Table 7A.42.

#### Administrative structures

Most courts use similar infrastructure (such as court buildings and facilities) for the civil and criminal jurisdictions. However, separate information systems and case flow management practices have been established for civil and criminal case types. Therefore the criminal and civil jurisdictions are reported 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.

On 1 July 2014 Court Services Victoria (CSV), established under the *Court Services Victoria Act 2014,* commenced operations as an independent statutory body to provide administrative services and facilities to support Victoria’s courts, the Victorian Civil and Administrative Tribunal (VCAT) and the Judicial College of Victoria (College). In all other States and Territories the administrative functions are located within government departments/agencies.

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| Figure 7.1 Major relationships of courts in Australia**a, b** |
| |  | | --- | | Figure 7.1 Major relationships of courts in Australia  More details can be found within the text surrounding this image. | |
| a In some jurisdictions, appeals from lower courts or district/county courts may go directly to the full court or court of appeal at the supreme/federal level; appeals from the Federal Circuit Court can also be heard by a single judge exercising the Federal/Family Courts’ appellate jurisdiction. b Appeals from federal, State and Territory tribunals may go to any higher court in their jurisdiction. |
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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. Some states and territories apportion (or estimate), while others directly allocate expenditure (and income) between the criminal and civil jurisdictions of their courts. Comparison of court expenditure across states and territories should take into account the difficulty in apportioning income and expenditure between civil and criminal jurisdictions within court levels. Further details are contained in tables 7A.14 and 7A.15.

Recurrent expenditure provides an estimate of annual service costs. Recurrent expenditure on court administration comprises costs associated with the judiciary, court and probate registries, sheriff and bailiff’s offices, court accommodation and other overheads. The expenditure components 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 covered in this Report was almost $1.74 billion in 2015‑16 (table 7.1).

Court income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). Total income for the Australian, State and Territory courts covered in this Report was $361.6 million in 2015‑16 (table 7A.13). Nationally, the civil jurisdiction of the courts accounted for the vast majority of all income received.

Total recurrent expenditure less income (excluding fines), for the Australian, State and Territory courts covered in this Report was just under $1.38 billion in 2015‑16 (table 7.1). Expenditure exceeds income in all court jurisdictions except for probate registries in the supreme courts. 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 supreme court data in the civil jurisdiction. Historical data are reported in tables 7A.14 and 7A.15.

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| Table 7.1 Courts’ recurrent expenditure less income (excluding fines), 2015-16 ($ million)**a, b, c** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | *Courts’ recurrent expenditure* | | | | | | | | | | | | Civil | 155.7 | 152.7 | 60.0 | 70.6 | 30.4 | 7.3 | 13.0 | 10.9 | 103.8 | 604.4 | | Criminal | 223.8 | 207.8 | 154.7 | 128.0 | 73.8 | 17.6 | 19.2 | 28.6 | .. | 853.5 | | Family | .. | .. | .. | 29.0 | .. | .. | .. | .. | 71.2 | 100.3 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 134.7 | 134.7 | | Coroners | 5.8 | 12.8 | 10.3 | 6.2 | 3.5 | 1.2 | 1.0 | 1.0 | .. | 41.7 | | Probate — Supreme | 1.0 | 0.8 | 0.3 | 1.2 | 0.8 | 0.3 | 0.1 | 0.1 | .. | 4.5 | | **Total** | **386.2** | **374.0** | **225.4** | **235.1** | **108.5** | **26.4** | **33.3** | **40.5** | **309.7** | **1 739.0** | | *Courts’ recurrent expenditure less income (excluding fines)* | | | | | | | | | | | | Civil | 87.5 | 108.3 | 39.8 | 50.4 | 18.9 | 5.7 | 9.8 | 9.9 | 86.0 | 416.4 | | Criminal | 208.8 | 207.8 | 152.9 | 120.1 | 71.9 | 16.7 | 18.9 | 28.0 | .. | 825.0 | | Family | .. | .. | .. | 22.9 | .. | .. | .. | .. | 63.2 | 86.1 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 67.2 | 67.2 | | Coroners | 5.6 | 12.8 | 10.3 | 5.8 | 3.4 | 1.2 | 1.0 | 0.9 | .. | 41.0 | | Probate — Supreme | -36.1 | -5.9 | -6.1 | -1.0 | -6.7 | -1.2 | -1.1 | -0.2 | .. | -58.3 | | **Total** | **265.9** | **323.0** | **196.8** | **198.1** | **87.6** | **22.4** | **28.6** | **38.7** | **216.4** | **1 377.4** | |
| a Totals may not sum as a result of rounding. b Payroll tax is excluded. c See tables 7A.11‑16 for detailed footnotes and caveats for each jurisdiction. ..Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); tables 7A.11–16. |
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##### Cost recovery and fee relief in the civil courts

Court fees have a range of functions, including recovering costs and sending appropriate price signals to potential litigants, with the intention of ensuring that parties consider all appropriate options to resolve disputes. Court fees, however, are only part of the broader legal costs faced by applicants. In its Access to Justice Arrangements report, the Productivity Commission has estimated that court fees comprise approximately one tenth of a party’s full legal costs (Productivity Commission 2014).

Court fees are mainly collected in civil courts and in some jurisdictions are set by government rather than court administrators. The level of cost recovery from the collection of civil court fees varies across court levels and across jurisdictions. Across states and territories, approximately a third of costs in 2015-16 were recovered through court fees in the District and Magistrates’ courts (table 7A.17). Cost recovery tends to be low in the children’s courts and in the Family Court of Australia — in these courts many applications do not attract a fee. Levels of cost recovery will have an impact on the net cost per case finalised in the civil courts.

Most courts in Australia are able to waive or reduce court fees to ameliorate the impact on vulnerable or financially disadvantaged parties. Financial hardship is generally determined at the discretion of registrars or court officers. Fee waivers and reductions are classified as ‘fee relief’ (Productivity Commission 2014) and are subsidies which can allow individuals experiencing financial hardship to access the courts at reduced or no cost.

As well as fee relief, fee exemptions may also be available in some courts – this is usually where legislation exists to exempt particular categories of fees from being payable. Fee exemptions are more common in the Australian Government courts than State and Territory courts. In the Federal Court of Australia an individual is also entitled to apply for a general exemption from paying court fees where that person has been granted legal aid, holds a health care or pensioner concession card, is in prison, is younger than 18 years or is receiving a youth allowance.

Taken together, fee waivers, reductions and exemptions represent costs to the civil courts that are not recovered. Experimental data for 2015‑16 (table 7.2) show that:

* state and territory Supreme, District and Magistrates’ courts provided almost $2.8 million in fee relief
* the Family Court of WA provided over $2.3 million in fee relief
* the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Courts together provided over $18.1 million in fee relief
* fee exemptions (where data were available) amounted to approximately $11.2 million.

In total, approximately $34.6 million of civil court fees were either waived, reduced or exempted during 2015‑16 and therefore not recovered by courts. The fees paid by applicants are considerably lower than the actual costs of providing the service (table 7.2), influencing both cost recovery and net cost per case finalised.

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| Table 7.2 Court fee relief (waivers and reductions), exemptions and cost recovery for civil courts, 2015-16 – experimental data**a** |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | |  | Expenditure $’000 | Court fees collected $’000 | Fee relief (waivers and reductions) $’000 | Exemptions $’000 | Cost recovery excl. fee relief and exemptions (%) | Cost  recovery  incl. fee  relief and exemptions (%) | | NSW |  |  |  |  |  |  | | Supreme | 63 221 | 26 614 | 440 | 1 019 | 42.1 | 44.4 | | District | 36 599 | 12 576 | 97 | 179 | 34.4 | 35.1 | | Magistrates | 48 850 | 24 255 | 57 | 28 | 49.7 | 49.8 | | VIC |  |  |  |  |  |  | | Supreme | 54 631 | 12 077 | 391 | na | 22.1 | 22.8 | | District | 34 955 | 10 833 | 96 | na | 31.0 | 31.3 | | Magistrates | 45 199 | 19 687 | na | na | 43.6 | 43.6 | | QLDb |  |  |  |  |  |  | | Supreme | 19 722 | 7 352 | na | 812 | 37.3 | 41.4 | | District | 11 287 | 5 351 | na | 655 | 47.4 | 53.2 | | Magistrates | 24 188 | 6 610 | na | 52 | 27.3 | 27.5 | | WA |  |  |  |  |  |  | | Supreme | 24 444 | 6 353 | 436 | na | 26.0 | 27.8 | | District | 17 026 | 5 389 | 604 | na | 31.7 | 35.2 | | Magistrates | 26 761 | 7 325 | 150 | na | 27.4 | 27.9 | | Family | 29 042 | 5 855 | 2 378 | 48 | 20.2 | 28.5 | | SA |  |  |  |  |  |  | | Supreme | 11 094 | 3 640 | 119 | 225 | 32.8 | 35.9 | | District | 8 174 | 1 879 | 43 | 162 | 23.0 | 25.5 | | Magistrates | 9 936 | 3 097 | 15 | 401 | 31.2 | 35.4 | | TAS |  |  |  |  |  |  | | Supreme | 4 596 | 563 | 21 | na | 12.2 | 12.7 | | Magistrates | 2 503 | 550 | na | na | 22.0 | 22.0 | | ACT |  |  |  |  |  |  | | Supreme | 5 605 | 1 745 | 292 | na | 31.1 | 36.3 | | Magistrates | 6 345 | 727 | 20 | na | 11.5 | 11.8 | | NT |  |  |  |  |  |  | | Supreme | 4 608 | 378 | 11 | 60 | 8.2 | 9.7 | | Magistrates | 5 915 | 339 | 3 | na | 5.7 | 5.8 | | Federal | 103 833 | 15 766 | 2 022 | 1 775 | 15.2 | 18.8 | | Family | 71 247 | 6 334 | 1 430 | 1 767 | 8.9 | 13.4 | | Federal Circuit | 134 666 | 67 473 | 14 738 | 4 055 | 50.1 | 64.1 | | **Total** | 804 448 | 252 769 | 23 363 | 11 238 | 31.4 | 35.7 | |
| a Enforcement, transcript, probate and mediation fees are excluded. b Queensland has no provision for waiving fees and is currently unable to provide data on fee reductions. **na** Not available. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished). |
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Table 7.3 shows that the proportions of total payable civil court fees which were waived or reduced varied across jurisdictions. The proportions of fee waivers or reductions were highest in the Family Court of WA (28.9 per cent) followed by the Family Court of Australia (18.4 per cent) and the Federal Circuit Court (17.9 per cent).

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| Table 7.3 Proportion of total payable civil court fees which were waived or reduced, 2015-16 (per cent) – experimental data**a**, **b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | Supreme/Federal | 1.6 | 3.1 | na | 6.4 | 3.2 | 3.6 | 14.3 | 2.7 | 11.4 | | District/County | 0.8 | 0.9 | na | 10.1 | 2.2 | .. | .. | .. | .. | | Magistrates | 0.2 | na | na | 2.0 | 0.5 | na | 2.7 | 0.9 | .. | | Family | .. | .. | .. | 28.9 | .. | .. | .. | .. | 18.4 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 17.9 | |
| a Total payable civil court fees include court fees collected, waived or reduced. Excludes enforcement, transcript, probate and mediation fees. b Queensland has no provision for waiving fees and is currently unable to provide data on fee reductions. **na**Not available. **..**Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished). |
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### Size and scope of court activity

#### Staffing

Descriptive information on the numbers of judicial officers and full time equivalent staff can be found in tables 7A.27 – 7A.30.

#### Lodgments

Lodgments are matters initiated in the court system. Box 7.1 explains how lodgment data are collected for this chapter.

Table 7.4 (criminal) and table 7.5 (civil) outline the number of lodgments in 2015‑16, by court level, for the Australian courts and for each State and Territory.

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| Box 7.1 Explanation of lodgment data used in this chapter |
| Lodgments reflect community demand for court services. 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) * coroners’ courts — lodgment counts are based on the number of reported deaths (and, if applicable, 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 (for example, applications for telephone taps) * extraordinary driver’s licence applications * bail procedures (including applications and review) * directions * warrants * admissions matters (original applications to practise 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). |
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Nationally, in the criminal jurisdiction, there were 843 795 lodgments registered in the supreme, district/county and magistrates’ courts in 2015‑16 (table 7.4).

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| Table 7.4 Court lodgments — criminal, by court level, 2015-16 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supreme | 0.5 | 0.4 | 2.1 | 0.6 | 0.3 | 0.5 | 0.3 | 0.7 | 5.4 | | District/county | 12.5 | 5.3 | 6.3 | 2.4 | 2.2 | .. | .. | .. | 28.7 | | Magistrates’ (total) | 197.4 | 184.6 | 231.4 | 98.6 | 56.2 | 18.8 | 5.8 | 16.9 | 809.7 | | *Magistrates’ (only)* | 186.9 | 160.9 | 219.2 | 92.3 | 52.0 | 17.7 | 5.5 | 14.6 | 749.1 | | *Children’s* | 10.5 | 23.7 | 12.2 | 6.3 | 4.2 | 1.1 | 0.3 | 2.3 | 60.6 | | **All criminal courts** | **210.4** | **190.3** | **239.8** | **101.7** | **58.7** | **19.3** | **6.1** | **17.6** | **843.8** | |
| a Totals may not add as a result of rounding. b See table 7A.1 for detailed footnotes and caveats. **..**Not applicable. |
| *Source*:State and Territory court authorities and departments (unpublished); table 7A.1. |
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Nationally, 435 149 cases were lodged in civil jurisdiction courts (excluding family courts, the Federal Circuit Court, coroners’ and probate courts). An additional 74 072 probate matters were lodged in the supreme courts (table 7.5).

In the coroners’ courts, there were 23 515 reported deaths and fires. Reporting rates for deaths and fires reported to a coroner vary across jurisdictions as a result of different reporting requirements. Further information as well as a disaggregation of coroners’ courts data by reported deaths and fires is contained in table 7A.3.

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| Table 7.5 Court lodgments — civil, by court level, 2015‑16 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme (excl. probate)/Federal | 8.6 | 6.2 | 3.3 | 2.7 | 1.2 | 0.8 | 0.6 | 0.3 | 6.0 | 29.7 | | District/County | 7.2 | 6.0 | 5.1 | 4.9 | 1.7 | .. | .. | .. | .. | 24.9 | | Magistrates’ (total) | 125.1 | 94.9 | 61.6 | 54.5 | 27.4 | 6.4 | 3.7 | 6.8 | .. | 380.6 | | *Magistrates’ (only)* | 116.1 | 86.6 | 57.6 | 52.7 | 25.2 | 6.1 | 3.5 | 6.4 | .. | 354.4 | | *Children’s* | 8.9 | 8.3 | 4.0 | 1.8 | 2.2 | 0.3 | 0.2 | 0.4 | .. | 26.1 | | **All civil courts** | **140.9** | **107.2** | **70.0** | **62.1** | **30.4** | **7.3** | **4.3** | **7.1** | **6.0** | **435.1** | | Family | .. | .. | .. | 16.2 | .. | .. | .. | .. | 20.8 | 37.0 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 93.6 | 93.6 | | Coroners’ | 6.2 | 6.3 | 5.3 | 2.2 | 2.4 | 0.6 | 0.3 | 0.3 | .. | 23.5 | | Probate — Supreme | 26.6 | 20.7 | 10.1 | 7.2 | 6.0 | 2.4 | 0.9 | 0.2 | .. | 74.1 | |
| a Totals may not add as a result of rounding. b See table 7A.3 for detailed footnotes and caveats. **..**Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.3. |
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The vast majority of both criminal and civil matters in Australia in 2015‑16 were lodged in magistrates’ courts (96 per cent in criminal courts, 89 per cent in civil courts, see tables 7A.1 and 7A.3).

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 of the State or Territory. Tables 7A.4 (criminal) and 7A.5 (civil) provide data on lodgments per 100 000 people for each State and Territory.

#### 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 involved).

For the purposes of this Report, civil non-appeal lodgments that have had no court action in the past 12 months are counted (deemed) as finalised. The rationale for this counting rule is to focus on those matters that are active and part of a workload that the courts can progress. Cases which are deemed finalised reduce the pending count and increase the finalisation count in this Report, although they may remain as pending in the jurisdictional court. A case which is deemed finalised is considered closed — in the event that it becomes active again in the court after 12 months it is not counted again in this Report.

Tables 7.6 (criminal) and 7.7 (civil) outline the number of finalisations in 2015‑16, by court level, for the Australian courts and each State and Territory. Lodgments will not equal finalisations in any given year because not all matters lodged in one year will be finalised in the same year.

In 2015‑16, there were 873 888 criminal finalisations in the supreme, district/county and magistrates’ courts (table 7.6) and 444 249 civil finalisations in these courts (table 7.7). The number of finalisations per 100 000 people is available in tables 7A.9 and 7A.10.

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| Table 7.6 Court finalisations — criminal, 2015-16 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supreme | 0.4 | 0.4 | 1.9 | 0.6 | 0.4 | 0.5 | 0.3 | 0.6 | 5.1 | | District/County | 12.0 | 5.2 | 6.0 | 2.1 | 2.2 | .. | .. | .. | 27.5 | | Magistrates’ (total) | 192.3 | 225.7 | 229.2 | 100.1 | 53.0 | 18.1 | 5.7 | 17.3 | 841.3 | | *Magistrates’ (only)* | 182.0 | 200.0 | 215.7 | 94.0 | 48.9 | 16.9 | 5.4 | 15.1 | 777.9 | | *Children’s* | 10.3 | 25.7 | 13.5 | 6.1 | 4.1 | 1.2 | 0.3 | 2.2 | 63.4 | | **All criminal courts** | **204.8** | **231.3** | **237.1** | **102.8** | **55.5** | **18.5** | **5.9** | **17.9** | **873.9** | |
| a Totals may not add as a result of rounding. b See table 7A.6 for detailed footnotes and caveats. **..**Not applicable |
| *Source*:State and Territory court authorities and departments (unpublished); table 7A.6. |
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| Table 7.7 Court finalisations — civil, 2015-16 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qldb | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supremec/Federal | 9.0 | 7.2 | 3.4 | 2.6 | 1.2 | 0.8 | 0.6 | 0.2 | 5.9 | 31.0 | | District/County | 7.9 | 6.8 | 5.2 | 5.0 | 1.8 | .. | .. | .. | .. | 26.7 | | Magistrates’ (total) | 132.3 | 98.3 | 63.2 | 53.0 | 28.2 | 6.7 | 3.8 | 6.9 | .. | 392.4 | | *Magistrates’ (only)* | 124.0 | 90.5 | 59.3 | 51.2 | 26.0 | 6.3 | 3.7 | 6.5 | .. | 367.5 | | *Children’s* | 8.3 | 7.8 | 3.9 | 1.8 | 2.2 | 0.3 | 0.2 | 0.4 | .. | 24.9 | | **All civil courts** | **149.1** | **112.3** | **71.9** | **60.5** | **31.2** | **7.5** | **4.5** | **7.2** | **5.9** | **450.1** | | Family | .. | .. | .. | 15.8 | .. | .. | .. | .. | 20.6 | 36.3 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 90.3 | 90.3 | | Coroners’ | 6.2 | 6.6 | 5.3 | 2.0 | 2.2 | 0.5 | 0.3 | 0.3 | .. | 23.4 | |
| a Totals may not add as a result of rounding. b See table 7A.8 for detailed footnotes and caveats. c Supreme courts data exclude probate cases. **..**Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.8. |
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#### Lodgments and finalisations in criminal courts – Aboriginal and Torres Strait Islander Australians (experimental data)

The proportions of lodgments and finalisations involving Aboriginal and Torres Strait Islander defendants are presented in this report for the first time. Aboriginal and Torres Strait Islander status is based on self-identification by the individual who comes into contact with police. This information is then transferred from police systems to the courts when the defendant’s matter is lodged in the courts. Experimental data are presented for four jurisdictions only (Qld, WA, SA and NT) – Aboriginal and Torres Strait Islander status data are either not available or not currently considered to be of sufficient quality in the other criminal jurisdictions to publish.

Tables 7.8 and 7.9 show the proportions of all criminal non-appeal matters lodged and finalised in the Supreme, District, Magistrates’ and Children’s courts which involved Aboriginal and Torres Strait Islander defendants.

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| Table 7.8 Proportion of non-appeal criminal court lodgments involving Aboriginal and Torres Strait Islander defendants, 2015-16 (per cent) – experimental data**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | **Qld** | **WA** | **SA** | Tas | ACT | **NT** | Total | | Supreme | na | na | 5.5 | 29.0 | 18.3 | na | na | 69.8 | na | | District/county | na | na | 17.4 | 25.4 | 7.5 | .. | .. | .. | na | | Magistrates (total) | na | na | 18.0 | 29.7 | 12.4 | na | na | 76.7 | na | | Magistrates (only) | na | na | 16.5 | 27.6 | 10.8 | na | na | 74.6 | na | | Children’s | na | na | 45.2 | 59.7 | 32.9 | na | na | 90.6 | na | | **All criminal courts** | na | na | 17.9 | 29.6 | 12.3 | na | na | 76.4 | na | |
| a Totals may not add as a result of rounding. **na** Not available **..**Not applicable. |
| *Source:* State and Territory court authorities and departments (unpublished). |
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| Table 7.9 Proportion of non-appeal criminal court finalisations involving Aboriginal and Torres Strait Islander defendants, 2015-16 (per cent) – experimental data**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | **Qld** | **WA** | **SA** | Tas | ACT | **NT** | Total | | Supreme | na | na | 5.6 | 27.8 | 14.5 | na | na | 67.0 | na | | District/county | na | na | 17.4 | 23.8 | 7.9 | .. | .. | .. | na | | Magistrates (total) | na | na | 18.7 | 30.5 | 13.1 | na | na | 75.6 | na | | Magistrates (only) | na | na | 17.0 | 28.6 | 11.3 | na | na | 73.5 | na | | Children’s | na | na | 46.2 | 59.5 | 34.6 | na | na | 89.5 | na | | **All criminal courts** | na | na | 18.6 | 30.3 | 12.9 | na | na | 75.3 | na | |
| a Totals may not add as a result of rounding. **na** Not available **..**Not applicable. |
| *Source:* State and Territory court authorities and departments (unpublished). |
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#### Cases finalised after a trial has commenced

Most cases which are finalised in the criminal and civil courts do not proceed to trial. Generally, cases which proceed to trial are more time-consuming and resource intensive. The percentages of all finalised non-appeal cases which were finalised following the commencement of a trial in 2015‑16 varied from 0.3 to 60.7 per cent in the criminal courts and from 0.3 to 24.0 per cent in the civil courts (table 7A.36).

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| Box 7.2 Finalised applications for domestic and family violence protection orders — experimental data |
| While ‘domestic’ and ‘family’ violence are distinct concepts, the former referring to violence against an intimate partner, the latter referring to broader family and kinship relationships, the terms are often used interchangeably and their definitions generally incorporate both domestic and family-related violence.  Domestic and family violence matters are generally dealt with at the Magistrates’ court level. Offences relating to domestic and family violence (including breaches of violence and protection orders) are dealt with in state and territory criminal courts while applications for protection orders relating to domestic and family violence are dealt with in state and territory civil courts.  Protection orders are the most broadly used justice response mechanisms for addressing the safety of women and children exposed to domestic violence (Taylor et al 2015). Table 7.10 shows the percentage of all civil cases finalised in the Magistrates’ courts in 2015—2016 which involved finalised applications for domestic and family violence-related protection orders (excluding interim orders and applications for extension, revocation or variation). Averaged across all Magistrates’ courts approximately 31 per cent of all finalised civil cases involved applications for domestic and family violence-related protection orders.   |  | | --- | | Table 7.10 Percentage of all finalised civil cases in the Magistrates’ courts involving a finalised application for a domestic or family violence related protection order, 2015-16**a, b** — experimental data | | |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | All civil cases finalised (‘000) | 124.0 | 90.5 | 59.3 | 51.2 | 26.0 | 6.3 | 3.7 | 6.5 | 367.5 | | All finalised cases involving an application for a domestic or family violence related protection order (‘000) | 31.1 | 34.3 | 31.8 | 8.1 | 4.6 | 0.7 | 0.4 | 3.9 | 115.0 | | Percentage of all finalised cases involving an application for a domestic or family violence-related protection order | 25.1 | 37.9 | 53.6 | 15.9 | 17.6 | 11.1 | 10.9 | 60.1 | 31.3 | | | a Includes originating applications only. b In Tasmania, police can issue Police Family Violence Orders (PFVOs) which are more numerous than court-issued orders. PFVOs are excluded from this table. | | *Source:* State and Territory court authorities and departments (unpublished). | |  |   The Family Court of Australia and the Federal Circuit Courts do not issue family violence protection orders. Rather, the Family Court must consider and take action on notices of risk of abuse or family violence when considering final order cases. Following a broadening of the definition of family violence in the Family Law Act in 2012, the number of notices being filed in the Family Court has increased. In 2015‑16 the proportion of final order cases in which a notice of child abuse or risk of family violence was filed was 16 per cent (Family Court of Australia Annual Report, 2015‑16). |
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## 7.2 Framework of performance indicators

The framework of performance indicators for courts is based on common objectives for courts (box 7.3). The emphasis placed on each objective may vary across states and territories and court levels.

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| Box 7.3 Objectives for courts |
| Courts aim to safeguard and maintain the rule of law and ensure equal justice for all. Court services aim to support the courts by enabling them to:   * be open, accessible and affordable * process matters in an expeditious and timely manner * encourage public confidence and trust in the courts.   Governments aim for court services to meet these objectives in an equitable and efficient manner. |
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The performance indicator framework provides information on equity, efficiency and effectiveness, and distinguishes the outputs and outcomes of courts (figure 7.2). The performance indicator framework shows which data are complete and comparable in the 2017 Report. For data that are not considered directly comparable, text includes relevant caveats and supporting commentary. Chapter 1 discusses data comparability, data completeness and information on data quality from a Report-wide perspective.

Improvements to performance reporting for Courts are ongoing and will include identifying indicators to fill gaps in reporting against key objectives, improving the comparability and completeness of data and reviewing proxy indicators to see if more direct measures can be developed.

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| Figure 7.2 Courts performance indicator framework |
| Figure 7.2 Courts performance indicator framework  More details can be found within the text surrounding this image. |
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The Steering Committee recognises that this courts data collection (unlike some other data collections) does not have an intermediary data collector or validator akin to the Australian Institute of Health and Welfare or the ABS. The reporting process in this chapter is one of continual improvement and refinement, with the long term aim of developing a national data collection that covers court activities across the Australian, State and Territory jurisdictions in a timely and comparable way.

In addition to section 7.1, the Report’s Statistical context chapter (chapter 2) contains data that may assist in interpreting the performance indicators presented in this chapter.

## 7.3 Key performance indicator results

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

The courts data collection is based on national counting rules, so data presented in this chapter may differ from data published by individual jurisdictions in their annual reports. There also can be differences from the data reported in the ABS Criminal Courts publication (ABS 2016) — the ABS publication provides information about judicial decisions relating to finalised and adjudicated defendants.

### Outputs

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

### Equity

Equity of access to court services is an area for development in future reports (box 7.4).

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| Box 7.4 Equity — access |
| An indicator of governments’ objective to provide court services in an equitable manner has yet to be developed. |
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### Effectiveness

#### Quality

‘Quality’ is an indicator of governments’ achievement against the objective of encouraging public confidence and trust in the courts. The Steering Committee has identified quality as an important measure of court performance (box 7.5). A suitable indicator of quality for court services has not yet been identified for inclusion in the performance indicator framework and is an area for development in future reports.

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| Box 7.5 Indicators of quality |
| An indicator of quality for court services has yet to be developed. |
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#### Access — judicial officers

‘Judicial officers’ is an indicator of governments’ achievement against the objective of providing services that enable courts to be open, accessible and affordable. This indicator relates access to the number of judicial officers available to deal with cases in relation to population size (box 7.6).

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| Box 7.6 Judicial officers |
| ‘Judicial officers’ is defined as the number of full time equivalent judicial officers divided by the relevant resident population, multiplied by 100 000.  Judicial officers are officers who can make enforceable orders of the court. For the purposes of this chapter, the definition of a judicial officer includes: judges; associate judges; magistrates; masters; coroners; judicial registrars; all other officers who, following argument and giving of evidence, make enforceable orders of the court. Where judicial officers have both judicial and non-judicial work, this refers to the proportion of time allocated to judicial work.  A high or increasing proportion of judicial officers in the population indicates potentially greater access to the judicial system.  Factors such as geographical dispersion, judicial workload and population density are also important to consider when comparing figures concerning judicial officers.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2015‑16 data are available for all jurisdictions. |
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Table 7.11 shows the number of judicial officers per 100 000 people.

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| Table 7.11 Judicial officers, full time equivalent, per 100 000 people, by court level, 2015‑16**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | *Population (‘000)* | 7 670.7 | 5 996.4 | 4 808.8 | 2 603.9 | 1 702.8 | 517.4 | 393.0 | 244.0 |  | 23 940.3 | | *Judicial officers per 100 000 people* | | | | | | | | | | | | Supreme/Federal | 0.7 | 1.0 | 0.5 | 0.8 | 0.8 | 1.4 | 1.5 | 3.4 | 0.2 | 1.0 | | District/County | 0.9 | 1.1 | 0.7 | 1.1 | 1.1 | .. | .. | .. | .. | 0.9 | | Magistrates | 1.4 | 1.8 | 1.7 | 1.8 | 2.0 | 2.0 | 1.9 | 5.7 | .. | 1.7 | | Children’s | 0.3 | 0.2 | 0.1 | 0.2 | 0.3 | 0.3 | 0.2 | 0.7 | .. | 0.2 | | Family | .. | .. | .. | 0.6 | .. | .. | .. | .. | 0.1 | 0.2 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.3 | 0.3 | | Coroners | 0.1 | 0.2 | 0.2 | 0.1 | 0.1 | 0.5 | 0.0 | 0.6 | .. | 0.1 | | **Total** | **3.4** | **4.2** | **3.2** | **4.6** | **4.3** | **4.2** | **3.7** | **10.5** | **0.6** | **4.5** | |
| a Population data for the financial year is the midpoint (31 December) estimate. b See box 7.6 and table 7A.27 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.27. |
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#### Access — backlog

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

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| Box 7.7 Backlog |
| ‘Backlog’ is a measure of the age of a court’s pending caseload against nominated time benchmarks. It is defined as the number of cases in the nominated age category as a percentage of the total pending caseload.  The following national benchmarks have been set.  For the Federal Circuit Court, magistrates’ and children’s courts:   * no more than 10 per cent of lodgments pending completion are to be more than 6 months old * no lodgments pending completion are to be more than 12 months old.   For Supreme courts, the Federal Court, district/county, family and coroners’ courts and all appeals:   * no more than 10 per cent of lodgments pending completion are to be more than 12 months old * no lodgments pending completion are to be more than 24 months old.   Performance relative to the benchmarks indicates effective management of caseloads and timely accessibility of court services.  Time taken to process cases is not necessarily due to court delay. Some delays are caused by factors other than those related to the workload of the court (for example, a witness being unavailable).  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2015‑16 data are available for all jurisdictions. |
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Court backlog and timeliness of case processing can be affected by a number of factors. In addition to changes in lodgment and finalisation numbers, factors can include:

##### Criminal courts

* the complexity of cases, which may vary across court levels and across jurisdictions
* whether cases have become inactive or remain an active part of the court’s workload (defendants who fail to appear when required and have warrants issued are excluded from the pending caseload count as their case is considered inactive until the defendant is apprehended)
* where cases require finalisation in another court level
* matters on Interlocutory Appeal
* cases delayed by related cases or co-accused
* family law matters determined ‘on-hold’.

##### Civil courts

* different case flow management practices across court levels and across jurisdictions
* a single case may involve several related applications or issues that require judgments and decisions by the court
* matters 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

Case processing timeliness in criminal and 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 7.8.

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| Box 7.8 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.  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 magistrates’ courts, and are usually voluntary. Examples include:   * referral of defendants to drug programs (from counselling through to treatment programs) — available in all states and territories * referral of defendants to therapeutic support programs while on bail and pre-plea (Courts Integrated Support Program and CREDIT/Bail in Victoria) * referral of defendants to a mental health court (Victoria, Queensland, SA and Tasmania) or for various mental health assessments (NSW, WA and the ACT) * referral of defendants to a family violence court (Victoria, WA and SA) for participation in targeted programs * referral of defendants to an Indigenous court or Circle Sentencing program (NSW, Victoria, Queensland, WA, 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.  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’. 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. |
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Data on the backlog for criminal matters are contained in table 7.12. Historical data are available in table 7A.19.

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| Table 7.12 Backlog — all criminal matters, at 30 June 2016**a, b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Higher — appeal** | | | | | | | | | | | Pending caseload | no. | 1 738 | 1 038 | 460 | 219 | 116 | 25 | 84 | 13 | | *cases > 12 mths* | *%* | *1.6* | *4.0* | *16.5* | *18.7* | *7.8* | *8.0* | *25.0* | *30.8* | | *cases > 24 mths* | *%* | *0.1* | *0.5* | *4.6* | *5.9* | *0.9* | *4.0* | *4.8* | *–* | | **Higher — non‑appeal** | | | | | | | | | | | Pending caseload | no. | 4 192 | 1 534 | 2 900 | 1 801 | 1 413 | 381 | 186 | 280 | | *cases > 12 mths* | *%* | *24.3* | *17.5* | *13.3* | *6.8* | *25.5* | *28.9* | *23.1* | *6.4* | | *cases > 24 mths* | *%* | *4.8* | *4.4* | *4.2* | *0.7* | *6.9* | *7.3* | *3.2* | *1.4* | | **Supreme — appeal** | | | | | | | | | | | Pending caseload | no. | 194 | 151 | 225 | 219 | 116 | 25 | 84 | 13 | | *cases > 12 mths* | *%* | *3.1* | *7.3* | *9.3* | *18.7* | *7.8* | *8.0* | *25.0* | *30.8* | | *cases > 24 mths* | *%* | *–* | *0.7* | *–* | *5.9* | *0.9* | *4.0* | *4.8* | *–* | | **Supreme — non‑appeal** | | | | | | | | | | | Pending caseload | no. | 119 | 95 | 735 | 171 | 32 | 381 | 186 | 280 | | *cases > 12 mths* | *%* | *31.9* | *35.8* | *12.0* | *11.1* | *12.5* | *28.9* | *23.1* | *6.4* | | *cases > 24 mths* | *%* | *2.5* | *12.6* | *2.4* | *1.8* | *6.3* | *7.3* | *3.2* | *1.4* | | **District/County — appeal** | | | | | | | | | | | Pending caseload | no. | 1 544 | 887 | 235 | .. | .. | .. | .. | .. | | *cases > 12 mths* | *%* | *1.4* | *3.5* | *23.4* | .. | .. | .. | .. | .. | | *cases > 24 mths* | *%* | *0.1* | *0.5* | *8.9* | .. | .. | .. | .. | .. | | **District/County** **— non‑appeal** | | | | | | | | | | | Pending caseload | no. | 4 073 | 1 439 | 2 165 | 1 630 | 1 381 | .. | .. | .. | | *cases > 12 mths* | *%* | *24.0* | *16.3* | *13.8* | *6.4* | *25.9* | .. | .. | .. | | *cases > 24 mths* | *%* | *4.8* | *3.9* | *4.8* | *0.6* | *6.9* | .. | .. | .. | | **Magistrates’** | | | | | | | | | | | Pending caseload | no. | 41 096 | 44 254 | 46 174 | 14 576 | 18 438 | 7 426 | 1 936 | 2 651 | | *cases > 6 mths* | *%* | *12.6* | *27.0* | *33.0* | *31.5* | *25.3* | *30.4* | *27.4* | *28.5* | | *cases >12 mths* | *%* | *2.0* | *8.7* | *14.1* | *10.6* | *7.7* | *13.0* | *10.2* | *15.5* | | **Children’s** | | | | | | | | | | | Pending caseload | no. | 2 789 | 3 593 | 2 472 | 1 105 | 1 151 | 354 | 77 | 695 | | *cases > 6 mths* | *%* | *17.0* | *12.1* | *22.0* | *13.7* | *18.2* | *24.3* | *23.4* | *28.3* | | *cases >12 mths* | *%* | *2.2* | *4.0* | *11.0* | *2.5* | *4.1* | *13.3* | *13.0* | *12.7* | |
| a Higher refers to supreme and district/county courts combined. b See box 7.7 and table 7A.19 for detailed definitions, footnotes and caveats. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source*:State and Territory court authorities and departments (unpublished); table 7A.19. |
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Backlog data for civil matters are contained in table 7.13. Historical data are available in table 7A.21.

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| Table 7.13 Backlog — all civil matters, as at 30 June 2016**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Higher — appeal** | | | | | | | | | | | | Pending caseload | no. | 471 | 297 | 158 | 201 | 152 | 61 | 83 | 52 | 521 | | *cases > 12 mths* | *%* | *11.7* | *10.8* | *17.7* | *18.4* | *17.8* | *19.7* | *47.0* | *1.9* | *5.0* | | *cases > 24 mths* | *%* | *2.5* | *1.0* | *5.7* | *5.0* | *2.6* | *1.6* | *31.3* | *–* | *0.4* | | **Higher (excl probate) — non‑appeal** | | | | | | | | | | | | Pending caseload | no. | 11 451 | 10 769 | 7 095 | 5 769 | 2 889 | 796 | 551 | 112 | 3 035 | | *cases >12 mths* | *%* | *25.8* | *36.2* | *21.5* | *33.8* | *41.6* | *34.0* | *29.9* | *27.7* | *29.9* | | *cases > 24 mths* | *%* | *8.5* | *11.9* | *5.2* | *13.2* | *19.8* | *9.2* | *13.1* | *8.9* | *18.5* | | **Supreme/Federal — appeal** | | | | | | | | | | | | Pending caseload | no. | 421 | 243 | 104 | 126 | 95 | 61 | 83 | 52 | 521 | | *cases >12 mths* | *%* | *12.8* | *13.2* | *13.5* | *22.2* | *25.3* | *19.7* | *47.0* | *1.9* | *5.0* | | *cases > 24 mths* | *%* | *2.9* | *1.2* | *3.8* | *4.0* | *3.2* | *1.6* | *31.3* | *–* | *0.4* | | **Supreme (excl probate)/Federal — non-appeal** | | | | | | | | | | | | Pending caseload | no. | 5 209 | 4 126 | 2 411 | 2 389 | 780 | 796 | 551 | 112 | 3 035 | | *cases >12 mths* | *%* | *29.3* | *37.2* | *23.9* | *32.5* | *26.9* | *34.0* | *29.9* | *27.7* | *29.9* | | *cases > 24 mths* | *%* | *13.1* | *10.6* | *7.6* | *13.8* | *11.7* | *9.2* | *13.1* | *8.9* | *18.5* | | **District/county — appeal** | | | | | | | | | | | | Pending caseload | no. | 50 | 54 | 54 | 75 | 57 | .. | .. | .. | .. | | *cases >12 mths* | *%* | *2.0* | *–* | *25.9* | *12.0* | *5.3* | *..* | *..* | *..* | *..* | | *cases >24 mths* | *%* | *–* | *–* | *9.3* | *6.7* | *1.8* | *..* | *..* | *..* | *..* | | **District/county — non‑appeal** | | | | | | | | | | | | Pending caseload | no. | 6 242 | 6 643 | 4 684 | 3 380 | 2 109 | .. | .. | .. | .. | | *cases >12 mths* | *%* | *23.0* | *35.5* | *20.3* | *34.7* | *47.0* | *..* | *..* | *..* | *..* | | *cases > 24 mths* | *%* | *4.6* | *12.6* | *3.9* | *12.8* | *22.8* | *..* | *..* | *..* | *..* | | **Magistrates’ (only)** | | | | | | | | | | | | Pending caseload | no. | 43 510 | 8 336 | 22 666 | 20 016 | 13 982 | 3 557 | 603 | 1 957 | .. | | *cases > 6 mths* | *%* | *25.0* | *31.1* | *40.3* | *39.3* | *43.9* | *40.0* | *45.1* | *32.5* | *..* | | *cases > 12 mths* | *%* | *1.0* | *21.1* | *9.4* | *7.5* | *12.2* | *11.5* | *14.8* | *7.5* | *..* | | **Family — appeal** | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | 3 | .. | .. | .. | .. | 270 | | *cases >12 mths* | *%* | *..* | *..* | *..* | *–* | *..* | *..* | *..* | *..* | *30.4* | | *cases > 24 mths* | *%* | *..* | *..* | *..* | *–* | *..* | *..* | *..* | *..* | *9.6* | | **Family — non‑appeal** | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | 9 765 | .. | .. | .. | .. | 5 844 | | *cases > 12 mths* | *%* | *..* | *..* | *..* | *29.7* | *..* | *..* | *..* | *..* | *28.0* | | *cases > 24 mths* | *%* | *..* | *..* | *..* | *8.5* | *..* | *..* | *..* | *..* | *12.1* | | **Federal Circuit** | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | .. | .. | .. | .. | .. | 42 724 | | *cases > 6 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *37.8* | | *cases > 12 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *17.7* | | **Coroners’** |  |  |  |  |  |  |  |  |  |  | | Pending caseload | no. | 2 487 | 3 526 | 2 127 | 2 178 | 2 050 | 555 | 169 | 304 | .. | | *cases > 12 mths* | *%* | *21.7* | *26.5* | *33.2* | *21.3* | *35.1* | *31.9* | *31.4* | *43.4* | *..* | | *cases > 24 mths* | *%* | *8.6* | *10.1* | *13.6* | *6.7* | *11.2* | *8.1* | *17.8* | *31.3* | *..* | |
| a Higher refers to State and Territory supreme and district/county courts combined, and includes the Federal Court of Australia. b See box 7.7 and table 7A.21 for detailed definitions, footnotes and caveats. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source*:State and Territory court authorities and departments (unpublished); table 7A.21. |

#### Access — attendance

‘Attendance’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner (box 7.9).

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| Box 7.9 Attendance |
| ‘Attendance’ is defined as the average number of attendances recorded (no matter when the attendance occurred) for those cases that were finalised during the year. The number of attendances is the number of times that parties or their representatives are required to be present in court to be heard by a judicial officer or mediator/arbitrator where binding orders can be made. The number includes appointments that are adjourned or rescheduled.  Fewer attendances may suggest a more effective process. However, this should be balanced against the likelihood that the number of attendances will increase if rehabilitation or diversionary programs are used, or if intensive case management is used. Both of these paths are believed to improve the quality of outcomes:   * rehabilitation and diversionary programs aim to provide therapeutic benefits for the offenders, and benefits of reduced recidivism for the community * intensive case management is believed to maximise the prospects of settlement (and thereby reduce the litigant’s costs, the number of cases queuing for hearing, and the flow of work on to appellate courts); alternatively, it can narrow the issues for trial (thus shortening trial time and also reducing costs and the queuing time for other cases waiting for hearing).   Alternative Dispute Resolution (ADR) can resolve some types of matters out of court and thereby reduce the need for judicial hearings. Accordingly, differences across jurisdictions in the availability and use of ADR can affect the comparability of the attendance indicator.  Data reported for this indicator are:   * comparable (subject to caveats) within jurisdictions over time but are not comparable across jurisdictions * incomplete for the current reporting period. Required 2015‑16 data were not available for NSW for the Supreme court or Children’s civil court. Data were not provided for the Victorian Supreme court. |
|  |

Attendance data can be difficult to collect. Due to system limitations, some jurisdictions supply data on listed hearings rather than actual attendances in court (see table 7A.22 for details).

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

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| Table 7.14 Attendance — criminal, 2015-16**a** |
| |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | *Average attendances per finalisation* | | | | | | | | | | Supreme | na | na | 3.9 | 3.2 | 3.7 | 5.4 | 7.9 | 6.9 | | District/County | 3.1 | 4.8 | 4.8 | 3.8 | 6.1 | .. | .. | .. | | Magistrates’ | 2.7 | 2.5 | 2.5 | 2.7 | 4.0 | 4.3 | 4.0 | 3.2 | | Children’s | 3.6 | 2.1 | 2.7 | 3.8 | 4.3 | 5.2 | 5.4 | 4.8 | |
| a See box 7.9 and table 7A.22 for detailed definitions, footnotes and caveats. **na** Not available. **..** Not applicable. |
| *Source*:State and Territory court authorities and departments (unpublished); table 7A.22. |
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Attendance indicator results for civil proceedings are reported in table 7.15.

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| Table 7.15 Attendance — civil, 2015-16**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | *Average attendances per finalisation* | | | | | | | | | | | Supreme (excl. probate)/Federal | na | na | 1.3 | 2.1 | 3.9 | 1.9 | 5.0 | 5.2 | 2.9 | | District/county | 3.4 | 0.7 | 0.4 | 1.1 | 3.9 | .. | .. | .. | .. | | Magistrates | 1.0 | 1.2 | 1.0 | 0.8 | 1.3 | 1.2 | 1.8 | 1.1 | .. | | Children’s | na | 1.7 | 3.6 | 4.4 | 2.6 | 5.0 | 7.3 | 4.2 | .. | | Family | .. | .. | .. | 1.8 | .. | .. | .. | .. | 2.1 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 1.9 | | Coroners’ courts | 5.0 | 1.1 | 6.7 | 2.1 | 2.7 | 1.4 | 4.5 | 1.0 | .. | |
| a See box 7.9 and table 7A.22 for detailed definitions, footnotes and caveats. **na**Not available. **..**Not applicable |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.22. |
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#### Access — clearance

‘Clearance’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner (box 7.10).

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| Box 7.10 Clearance |
| ‘Clearance’ indicates whether a court’s pending caseload has increased or decreased over the measurement period, by comparing the volume of case finalisations and case lodgments during the reporting period. It is measured 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.   Lodgments are a reflection of demand for court services. Lodgments need not equal finalisations in any given year, because not all matters lodged in a given year will be finalised in the same year. Consequently, results for this indicator need to be interpreted within the context of changes in the volumes of lodgments, finalisations and pending caseloads over time.  The clearance indicator 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.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2015‑16 data are available for all jurisdictions. |
|  |

Clearance indicator data in 2015‑16 are presented in tables 7.16 (criminal) and 7.17 (civil). Where relevant, the clearance indicator data have been disaggregated between appeal and non-appeal matters. Table 7.18 contains clearance indicator results for all court matters combined (both criminal and civil), and combines appeal and non-appeal matters.

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| Table 7.16 Clearance — all criminal matters, 2015-16**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Supreme — appeal** | | | | | | | | | | | Lodgments | ‘000 | 0.36 | 0.28 | 0.41 | 0.31 | 0.26 | 0.03 | 0.10 | 0.02 | | Finalisations | ‘000 | 0.34 | 0.30 | 0.44 | 0.29 | 0.28 | 0.03 | 0.09 | 0.01 | | *Clearance rate* | *%* | *94.2* | *108.7* | *106.6* | *93.9* | *106.5* | *106.3* | *93.9* | *68.8* | | **Supreme — non-appeal** | | | | | | | | | | | Lodgments | ‘000 | 0.11 | 0.08 | 1.71 | 0.33 | 0.06 | 0.45 | 0.18 | 0.73 | | Finalisations | ‘000 | 0.09 | 0.11 | 1.48 | 0.31 | 0.08 | 0.44 | 0.17 | 0.61 | | *Clearance rate* | *%* | *81.7* | *129.6* | *86.7* | *93.3* | *126.7* | *97.1* | *93.9* | *83.7* | | **District/County — appeal** | | | | | | | | | | | Lodgments | ‘000 | 7.62 | 3.06 | 0.43 | .. | .. | .. | .. | .. | | Finalisations | ‘000 | 7.57 | 3.06 | 0.45 | .. | .. | .. | .. | .. | | *Clearance rate* | *%* | *99.3* | *100.2* | *103.5* | .. | .. | .. | .. | .. | | **District/County — non-appeal** | | | | | | | | | | | Lodgments | ‘000 | 4.87 | 2.23 | 5.88 | 2.45 | 2.17 | .. | .. | .. | | Finalisations | ‘000 | 4.47 | 2.18 | 5.54 | 2.07 | 2.19 | .. | .. | .. | | *Clearance rate* | *%* | *91.8* | *97.4* | *94.2* | *84.6* | *100.6* | *..* | *..* | *..* | | **Magistrates’** | | | | | | | | | | | Lodgments | ‘000 | 186.91 | 160.94 | 219.22 | 92.25 | 52.00 | 17.66 | 5.50 | 14.60 | | Finalisations | ‘000 | 182.01 | 199.96 | 215.75 | 93.96 | 48.91 | 16.90 | 5.35 | 15.09 | | *Clearance rate* | *%* | *97.4* | *124.2* | *98.4* | *101.9* | *94.1* | *95.7* | *97.3* | *103.3* | | **Children’s** | | | | | | | | | | | Lodgments | ‘000 | 10.51 | 23.69 | 12.19 | 6.35 | 4.16 | 1.11 | 0.27 | 2.29 | | Finalisations | ‘000 | 10.31 | 25.72 | 13.47 | 6.15 | 4.09 | 1.15 | 0.30 | 2.19 | | *Clearance rate* | *%* | *98.1* | *108.6* | *110.5* | *96.8* | *98.2* | *103.7* | *108.8* | *95.6* | |
| a See box 7.10 and table 7A.24 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); tables 7A.1, 7A.6 and 7A.24. |
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| Table 7.17 Clearance — all civil matters, 2015-16**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Supreme/Federal — appeal** | | | | | | | | | | | | Lodgments | ‘000 | 0.69 | 0.33 | 0.22 | 0.16 | 0.10 | 0.08 | 0.06 | 0.11 | 0.99 | | Finalisations | ‘000 | 0.73 | 0.30 | 0.28 | 0.18 | 0.09 | 0.07 | 0.06 | 0.12 | 0.96 | | *Clearance rate* | *%* | *105.8* | *91.6* | *127.0* | *112.7* | *87.3* | *90.2* | *88.7* | *106.5* | *96.4* | | **Supreme (excl probate)/Federal — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | 7.88 | 5.89 | 3.03 | 2.57 | 1.11 | 0.74 | 0.55 | 0.15 | 5.00 | | Finalisations | ‘000 | 8.26 | 6.87 | 3.13 | 2.41 | 1.14 | 0.77 | 0.56 | 0.12 | 4.91 | | *Clearance rate* | *%* | *104.8* | *116.7* | *103.5* | *94.0* | *102.4* | *103.6* | *102.2* | *78.8* | *98.3* | | **District/County — appeal** | | | | | | | | | | | | Lodgments | ‘000 | 0.08 | 0.06 | 0.08 | 0.11 | 0.11 | .. | .. | .. | .. | | Finalisations | ‘000 | 0.12 | 0.04 | 0.08 | 0.11 | 0.10 | .. | .. | .. | .. | | *Clearance rate* | *%* | *152.6* | *67.2* | *97.5* | *95.5* | *90.3* | .. | .. | .. | .. | | **District/County — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | 7.13 | 5.97 | 5.01 | 4.78 | 1.60 | .. | .. | .. | .. | | Finalisations | ‘000 | 7.76 | 6.74 | 5.17 | 4.86 | 1.74 | .. | .. | .. | .. | | *Clearance rate* | *%* | *108.9* | *113.0* | *103.2* | *101.7* | *108.9* | *..* | *..* | *..* | *..* | | **Magistrates** | | | | | | | | | | | | Lodgments | ‘000 | 116.15 | 86.61 | 57.65 | 52.70 | 25.24 | 6.11 | 3.52 | 6.45 | .. | | Finalisations | ‘000 | 123.96 | 90.50 | 59.34 | 51.19 | 25.98 | 6.35 | 3.65 | 6.55 | .. | | *Clearance rate* | *%* | *106.7* | *104.5* | *102.9* | *97.1* | *102.9* | *104.0* | *103.7* | *101.6* | *..* | | **Children’s** | | | | | | | | | | | | Lodgments | ‘000 | 8.94 | 8.29 | 3.98 | 1.81 | 2.20 | 0.34 | 0.16 | 0.40 | .. | | Finalisations | ‘000 | 8.30 | 7.85 | 3.91 | 1.77 | 2.17 | 0.34 | 0.18 | 0.40 | .. | | *Clearance rate* | *%* | *92.9* | *94.7* | *98.3* | *97.6* | *98.8* | *100.9* | *111.7* | *98.5* | *..* | | **Family — appeal** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | 0.004 | .. | .. | .. | .. | 0.37 | | Finalisations | ‘000 | .. | .. | .. | 0.004 | .. | .. | .. | .. | 0.35 | | *Clearance rate* | *%* | *..* | *..* | *..* | *100.0* | .. | .. | .. | .. | *95.4* | | **Family — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | 16.24 | .. | .. | .. | .. | 20.42 | | Finalisations | ‘000 | .. | .. | .. | 15.77 | .. | .. | .. | .. | 20.20 | | *Clearance rate* | *%* | *..* | *..* | *..* | *97.1* | .. | .. | .. | .. | *98.9* | | **Federal Circuit** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 93.58 | | Finalisations | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 90.34 | | *Clearance rate* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *96.5* | | **Coroners’** | | | | | | | | | | | | Lodgments | ‘000 | 6.15 | 6.31 | 5.29 | 2.21 | 2.43 | 0.57 | 0.29 | 0.27 | .. | | Finalisations | ‘000 | 6.17 | 6.60 | 5.31 | 2.05 | 2.18 | 0.49 | 0.25 | 0.31 | .. | | *Clearance rate* | *%* | *100.2* | *104.6* | *100.5* | *92.5* | *89.8* | *87.0* | *85.6* | *115.1* | *..* | |
| a See box 7.10 and table 7A.26 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); tables 7A.3, 7A.8 and 7A.26. |
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| Table 7.18 Clearance — all matters, 2015-16 (per cent)**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Supreme/Federal** |  |  |  |  |  |  |  |  |  | | Criminal | 91.3 | 113.4 | 90.5 | 93.6 | 110.2 | 97.7 | 93.9 | 83.4 | .. | | Civil | 104.9 | 115.3 | 105.1 | 95.1 | 101.2 | 102.3 | 100.8 | 90.6 | 98.0 | | *Total* | *104.2* | *115.2* | *99.3* | *94.8* | *103.1* | *100.6* | *98.7* | *85.2* | *98.0* | | **District/county** |  |  |  |  |  |  |  |  |  | | Criminal | 96.4 | 99.0 | 94.8 | 84.6 | 100.6 | .. | .. | .. | .. | | Civil | 109.4 | 112.6 | 103.1 | 101.5 | 107.7 | .. | .. | .. | .. | | *Total* | *101.2* | *106.2* | *98.5* | *95.9* | *103.8* | .. | .. | .. | .. | | **Magistrates’** |  |  |  |  |  |  |  |  |  | | Criminal | 97.4 | 124.2 | 98.4 | 101.9 | 94.1 | 95.7 | 97.3 | 103.3 | .. | | Civil | 106.7 | 104.5 | 102.9 | 97.1 | 102.9 | 104.0 | 103.7 | 101.6 | .. | | *Total* | *101.0* | *117.3* | *99.4* | *100.1* | *97.0* | *97.8* | *99.8* | *102.8* | *..* | | **Children’s** |  |  |  |  |  |  |  |  |  | | Criminal | 98.1 | 108.6 | 110.5 | 96.8 | 98.2 | 103.7 | 108.8 | 95.6 | *..* | | Civil | 92.9 | 94.7 | 98.3 | 97.6 | 98.8 | 100.9 | 111.7 | 98.5 | .. | | *Total* | *95.7* | *105.0* | *107.5* | *97.0* | *98.4* | *103.0* | *109.9* | *96.1* | .. | | **Family** | .. | .. | .. | 97.1 | .. | .. | .. | .. | 98.9 | | **Federal Circuit** | .. | .. | .. | .. | .. | .. | .. | .. | 96.5 | | **Coroners’** | 100.2 | 104.6 | 100.5 | 92.5 | 89.8 | 87.0 | 85.6 | 115.1 | .. | |
| a See box 7.10 and tables 7A.24 and 7A.26 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished); tables 7A.1, 7A.3, 7A.6, 7A.8, 7A.24 and 7A.26. |
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#### Access — affordability — fees paid by applicants

‘Fees paid by applicants’ is an indicator of governments’ achievement against the objective of enabling courts to be open, accessible and affordable (box 7.11).

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| Box 7.11 Fees paid by applicants |
| ‘Fees paid by applicants’ is defined as the average civil court fees paid per lodgment. It is derived by dividing the total civil court fees collected (filing, sitting, hearing and deposition fees) by the number of civil lodgments in a year.  Providing court service quality is held constant, lower court fees help keep courts accessible.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2015‑16 data are available for all jurisdictions. |
|  |

In 2015‑16, average civil court fees paid per lodgment were greater in supreme courts than in district/county and magistrates’ courts (table 7.19). The average fees collected by the Australian, State and Territory courts vary for many reasons and caution should be used in making direct comparisons.

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| Table 7.19 Average civil court fees collected per lodgment, 2015-16 (dollars)**a**, **b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme (excl. probate)/Federal | 3 107 | 1 941 | 2 262 | 2 331 | 2 999 | 685 | 2 842 | 1 487 | 2 631 | 2 512 | | District/county | 1 745 | 1 797 | 1 051 | 1 101 | 1 098 | .. | .. | .. | .. | 1 445 | | Magistrates’ (total) | 194 | 207 | 107 | 134 | 113 | 85 | 197 | 50 | .. | 164 | | *Magistrates’ only* | 209 | 227 | 115 | 139 | 123 | 90 | 206 | 53 | .. | 177 | | *Children’s* | – | – | – | – | – | – | – | – | .. | – | | Family | .. | .. | .. | 361 | .. | .. | .. | .. | 305 | 329 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 721 | 721 | | Probate — Supreme | 1 393 | 374 | 637 | 313 | 1 251 | 605 | 1 331 | 1 350 | .. | 862 | |
| a See box 7.11 and table 7A.18 for detailed definitions, footnotes and caveats. b Enforcement, transcript and mediation fees are excluded. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.18. |
|  |

#### Homicide and related offences — selected indicators

The indicators in this chapter do not present data disaggregated by case-type. However, case-type can have a significant impact on performance against certain indicators – some case types will inherently require more court time and judicial resources than other case types, which may impact on backlog and clearance rates. Aggregating performance across all case-types can mask differences in case composition between jurisdictions and court levels.

Disaggregating indicators by case-type is not a straightforward process as a lodgment may involve multiple charges with more than one type of offence. Homicide data have been selected to be presented by indicator in the chapter because of the seriousness of the offence.

Table 7.20 presents indicator data for backlog, attendance and clearance results for homicide and related matters processed by the Supreme, District, Magistrates and Children’s courts during 2015‑16. A lodgment for homicide is counted in the following table where any criminal matter initiated, commenced, lodged or filed in a particular court level includes a charge of murder, attempted murder, manslaughter or driving causing death. A defendant may have multiple charges of this type on the same file.

It is important to note:

* lodgments are based on a count of defendants, not a count of charges
* lodgments are counted independently at each court level — for example, if a homicide-related lodgment in a court is transferred to another court level it will be counted at each court level
* the charge(s) against a defendant may change once a matter has been lodged in the courts and proceeds through the court process
* the data in table 7.20 do not reflect whether or not a defendant has been found guilty
* the data in table 7.20 differ from the ABS Criminal Courts data due to different counting rules. This report presents data from a lodgments perspective, whilst the ABS presents data from a finalisations perspective — based upon the 'principal offence' at the time that a defendant is finalised in the criminal court system.

Given that homicide-related lodgments are generally small in number, percentages in the table should be interpreted with caution. The following table presents homicide and related offences data for 2015‑16 with time series data in the attachment tables (tables 7A.2, 7A.7, 7A.20, 7A.23 and 7A.25).

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| Table 7.20 Homicide and related offences, 2015-16**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Supreme** | | | | | | | | | | | Lodgments | no. | 93 | 61 | 100 | 46 | 25 | 6 | 10 | 22 | | Finalisations | no. | 69 | 73 | 78 | 41 | 35 | 10 | 4 | 12 | | Pending | *no.* | 98 | 63 | 80 | 36 | 24 | 7 | 5 | 19 | | Backlog >12 mths | % | 29.6 | 25.4 | 20.0 | 13.9 | 33.3 | 28.6 | 80.0 | 10.5 | | Backlog >24 mths | % | 2.0 | – | 2.5 | 2.8 | 20.8 | 14.3 | 20.0 | – | | Attendance | no*.* | na | na | 6.6 | 8.0 | 10.3 | 15.2 | 19.5 | 11.9 | | Clearance rate | *%* | 74.2 | 119.7 | 78.0 | 89.1 | 140.0 | 166.7 | 40.0 | 54.5 | | **District/County** | | | | | | | | | | | Lodgments | no. | 103 | 27 | 4 | 26 | 14 | .. | .. | .. | | Finalisations | no. | 86 | 34 | 5 | 27 | 11 | .. | .. | .. | | Pending | *no.* | 93 | 9 | 4 | 16 | 13 | .. | .. | .. | | Backlog >12 mths | % | 19.4 | 55.6 | 25.0 | 12.5 | 53.8 | .. | .. | .. | | Backlog >24 mths | % | 6.5 | – | 25.0 | – | 30.8 | .. | .. | .. | | Attendance | no. | 5.4 | 6.2 | 6.4 | 3.9 | 5.6 | .. | .. | .. | | Clearance rate | *%* | 83.5 | 125.9 | 125.0 | 103.8 | 78.6 | .. | .. | .. | | **Magistrates’** | | | | | | | | | | | Lodgments | no. | 280 | 174 | 124 | 75 | 59 | 12 | 20 | 15 | | Finalisations | no. | 291 | 128 | 123 | 74 | 55 | 5 | 18 | 14 | | Pending | *no.* | 185 | 117 | 152 | 42 | 33 | 5 | 9 | 10 | | Backlog >6 mths | % | 49.7 | 29.1 | 61.8 | 21.4 | 21.2 | 20.0 | 22.2 | 30.0 | | Backlog >12 mths | % | 16.8 | 2.6 | 29.6 | – | 9.1 | – | 11.1 | – | | Attendance | no. | 7.7 | 6.3 | 10.5 | 5.8 | 5.3 | 3.4 | 4.1 | 7.9 | | Clearance rate | *%* | 103.9 | 73.6 | 99.2 | 98.7 | 93.2 | 41.7 | 90.0 | 93.3 | | **Children’s** | | | | | | | | | | | Lodgments | no. | 5 | 10 | 3 | 8 | 1 | na | 1 | – | | Finalisations | no. | 6 | 6 | 4 | 4 | 2 | na | 1 | 1 | | Pending | *no.* | 5 | 5 | 4 | 6 | – | na | – | – | | Backlog >6 mths | % | 40.0 | – | 50.0 | – | – | na | – | – | | Backlog >12 mths | % | 20.0 | – | 50.0 | – | – | na | – | – | | Attendance | no. | 10.7 | 13.2 | 9.0 | 9.0 | 3.0 | na | 3.0 | 8.0 | | Clearance rate | *%* | 120.0 | 60.0 | 133.3 | 50.0 | 200.0 | na | 100.0 | – | |
| a Homicide and related offences’ is defined according to the Australian and New Zealand Standard Offence Classification (ANZSOC) coding and includes murder, attempted murder, manslaughter and driving causing death. **na**Not available. **..**Not applicable. – Nil or rounded to zero. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); tables 7A.2, 7A.7, 7A.20, 7A.23 and 7A.25. |
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### Efficiency

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

#### Judicial officers per finalisation

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

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| Box 7.12 Judicial officers per finalisation |
| ‘Judicial officers per finalisation’ is measured by dividing the number of full time equivalent judicial officers within each court level for the financial year by the total number of finalisations for the same period, and multiplying by 100 to convert to a rate.  The following points need to be considered in interpreting the results for this indicator:   * some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * factors such as geographical dispersion, judicial workload and population density are important considerations when comparing figures on judicial officers.   Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2015‑16 data are available for all jurisdictions. |
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The number of judicial officers per 100 finalisations is provided in table 7.21.

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| Table 7.21 Judicial officers per 100 finalisations, 2015‑16**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federal | 0.60 | 0.77 | 0.42 | 0.69 | 0.90 | 0.53 | 0.66 | 0.98 | 0.95 | 0.70 | | District/County | 0.34 | 0.53 | 0.31 | 0.40 | 0.46 | .. | .. | .. | .. | 0.39 | | Magistrates | 0.04 | 0.04 | 0.03 | 0.03 | 0.05 | 0.04 | 0.08 | 0.06 | .. | 0.04 | | Children’s | 0.14 | 0.04 | 0.03 | 0.06 | 0.07 | 0.09 | 0.20 | 0.06 | .. | 0.07 | | Family | .. | .. | .. | 0.10 | .. | .. | .. | .. | 0.16 | 0.13 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.07 | 0.07 | | Coroners | 0.08 | 0.14 | 0.15 | 0.19 | 0.09 | 0.57 | 0.07 | 0.51 | .. | 0.14 | | **Total** | **0.07** | **0.07** | **0.05** | **0.07** | **0.08** | **0.08** | **0.14** | **0.10** | **0.13** | **0.07** | |
| a See box 7.12 and table 7A.28 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.28. |
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#### Full time equivalent staff (FTE) per finalisation

‘FTE staff per finalisation’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.13).

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| Box 7.13 Full time equivalent (FTE) staff per finalisation |
| ‘FTE staff per finalisation’ is measured by dividing the total number of FTE staff employed by courts for the financial year by the total number of finalisations for the same period, and multiplying by 100 to convert to a rate.  FTE staff can include the following categories of staff employed directly by court authorities or by umbrella and other departments:   * judicial officers, judicial support staff and registry court staff * court security and sheriff type staff * court reporters * library and information technology staff * counsellors, mediators and interpreters * cleaning, gardening and maintenance staff * first line support staff and probate staff * corporate administration staff and umbrella department staff.   The following points need to be considered in interpreting the results for this indicator:   * some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * factors such as geographical dispersion, court workload and population density are important considerations when comparing figures on FTE staff.   Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2015‑16 data are available for all jurisdictions except ACT. |
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Data on FTE staff per 100 finalisations for 2015‑16 are provided in table 7.22. Additional information on FTE staff per judicial officer employed is provided in table 7A.30.

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| Table 7.22 Full time equivalent staff per 100 finalisations, 2015‑16**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Criminal courts | 0.6 | 0.4 | 0.3 | 0.4 | 0.7 | 0.4 | 1.2 | 0.5 | .. | 0.4 | | Civil courts | 0.6 | 0.6 | 0.4 | 0.5 | 0.6 | 0.5 | 1.2 | 0.7 | 5.1 | 0.6 | | Family | .. | .. | .. | 0.9 | .. | .. | .. | .. | 1.2 | 1.1 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.6 | 0.6 | | Coroners’ courts | 0.6 | 1.1 | 1.1 | 1.5 | 1.0 | 1.2 | np | 1.5 | .. | 1.0 | | **Total** | **0.6** | **0.5** | **0.3** | **0.5** | **0.7** | **0.5** | **np** | **0.5** | **0.9** | **0.5** | |
| a See box 7.13 and table 7A.29 for detailed definitions, footnotes and caveats. b Total excludes ACT coroner’s court. **..**Not applicable. **np**Not published. |
| *Source*:Australian, State and Territory court authorities and departments (unpublished); table 7A.29. |
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#### Cost per finalisation

‘Cost per finalisation’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.14).

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| Box 7.14 Cost per finalisation |
| ‘Cost per finalisation’ is measured by dividing the total recurrent expenditure (gross and net – excluding payroll tax) within each court for the financial year by the total number of finalisations for the same period. This indicator is not a measure of the actual cost per case.  The following points need to be considered in interpreting the results for this indicator:   * some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * expenditure data may include arbitrary allocation between criminal and civil jurisdictions * net expenditure is calculated by deducting income (court fees and other sources of revenue, excluding fines) from total expenditure * net expenditure in civil courts is impacted by court fee relief and exemptions * a number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors.   Data reported for this indicator are:   * comparable (subject to caveats) within jurisdictions over time but are not comparable across jurisdictions * complete for the current reporting period (subject to caveats). All required 2015‑16 data are available for all jurisdictions. |
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In general, the net recurrent expenditure per finalisation for civil courts will be lower than criminal courts because relatively little income is generated by the criminal court system (tables 7A.31–33). Civil court fee structures can also affect cost per finalisation results.

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

Nationally in 2015‑16, total net expenditure per finalisation in the criminal jurisdiction of supreme courts ($23 494) was greater than the total net expenditure per finalisation for the civil jurisdiction ($6865) (figure 7.3).

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| Figure 7.3 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2015-16**a** |
| |  | | --- | | 1. **Gross recurrent expenditure**   Figure 7.3 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2015-16, Gross recurrent expenditure  More details can be found within the text surrounding this image.   1. **Net recurrent expenditure**   Figure 7.3 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2015-16, Net recurrent expenditure  More details can be found within the text surrounding this image. | |
| a See box 7.14 and tables 7A.31‑35 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments and the Federal Court of Australia (unpublished); tables 7A.31—35. |
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##### Cost per finalisation for district/county courts

Nationally in 2015‑16, total net expenditure per finalisation in the criminal jurisdiction of district/county courts ($9249) was about three times that in the civil jurisdiction ($2600) (figure 7.4).

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| Figure 7.4 Recurrent expenditure per finalisation, district/county courts, 2015‑16**a** |
| |  | | --- | | 1. Gross recurrent expenditure   Figure 7.4 Recurrent expenditure per finalisation, district and county courts, 2015-16, Gross recurrent expenditure  More details can be found within the text surrounding this image.   1. Net recurrent expenditure   Figure 7.4 Recurrent expenditure per finalisation, district and county courts, 2015-16, Net recurrent expenditure  More details can be found within the text surrounding this image. | |
| a See box 7.14 and tables 7A.31‑35 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.31—35. |
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##### Cost per finalisation for magistrates’ courts (including children’s courts)

Nationally in 2015‑16 for magistrates’ courts, net expenditure per criminal finalisation ($537) was greater than net expenditure per civil finalisation ($343).

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| Figure 7.5 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2015‑16**a** |
| |  | | --- | | 1. **Gross recurrent expenditure**   Figure 7.5 Recurrent expenditure per finalisation, total magistrates; courts (including children's courts), 2015-16, Gross recurrent expenditure  More details can be found within the text surrounding this image.   1. **Net recurrent expenditure**   Figure 7.5 Recurrent expenditure per finalisation, total magistrates' courts (including children's courts), 2015-16, Net recurrent expenditure  More details can be found in the text surrounding this image. | |
| a See box 7.14 and tables 7A.31‑35 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.31—35. |
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Whilst finalisations in children’s courts are smaller in number than the magistrates courts, they are more expensive in the civil courts ($1393 compared to $271 per case finalised).

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

The Family Court of Australia, Family Court of WA and the Federal Circuit Court are responsible for determining matters related to family law and child support, but each court has a different focus, breadth and complexity of work, which contributes to the differences in recurrent expenditure per finalisation results presented in figure 7.6 (see table 7A.42 for details).

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| Figure 7.6 Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2015-16**a** |
| |  | | --- | | Figure 7.6 Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2015-16  More details can be found within the text surrounding this image. | |
| a See box 7.14 and tables 7A.32 and 7A.35 for detailed definitions, footnotes and caveats. |
| *Source*: Australian and State court authorities and departments (unpublished); tables 7A.32 and 7A.35. |
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##### Expenditure per reported death and fire for coroners’ courts

Nationally, net expenditure per reported death and fire in coroners’ courts (excluding costs associated with autopsy, forensic science, pathology tests and body conveyancing fees) was approximately $1756 in 2015‑16 (tables 7A.32 and 7A.35).

### Outcomes

Outcomes are the impact of services on the status of an individual or group (see chapter 1).

No outcome indicators for courts are currently reported. However, court activities 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 Definitions of key terms

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| --- | --- |
| **Active pending population** | A lodgment that is yet to be finalised but is part of the active case management of court administrators. |
| **Average expenditure per civil case** | The total cost of the administrative services provided to civil matters, divided by the total number of civil files handled. Can include salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses. |
| **Attendance indicator** | 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. |
| **Backlog indicator** | 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). |
| **Case** | The measurement of workload in the civil jurisdiction. It is the issues, grievances or complaints that constitute a single and related series of disputes brought by an entity (or group of entities) against another entity (or group). |
| **Clearance rate** | 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. |
| **Comparability** | Data are considered comparable if, (subject to caveats) they can be used to inform an assessment of comparative performance. Typically, data are considered comparable when they are collected in the same way and in accordance with the same definitions. For comparable indicators or measures, significant differences in reported results allow an assessment of differences in performance, rather than being the result of anomalies in the data. |
| **Completeness** | Data are considered complete if all required data are available for all jurisdictions that provide the service. |
| **Cost recovery** | The level of court fees divided by the level of court expenditure. |
| **Court fees collected** | Total court income from fees charged in the civil jurisdiction. Can include filing, sitting hearing and deposition fees, and excludes transcript fees. |
| **Electronic infringement and enforcement system** | A court with the capacity to produce enforceable orders against defendants (such as fines, licence cancellation and incarceration) and to process infringements, on-the-spot fines and summary offences. |
| **Excluded courts and tribunals** | This includes such bodies as guardianship boards, environment resources and development courts, and administrative appeals tribunals. The types of excluded courts and tribunals vary among the states and territories. |
| **Extraordinary driver's licence** | 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. |
| **Finalisation** | The completion of a matter so it ceases to be an item of work to be dealt with by the court. |
| **Forms** | The counting unit used in the family courts and family law matters pertaining to the Federal Circuit Court. Forms are applications or notices lodged with the court. |
| **Income** | Income derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). |
| **Information technology expenditure** | Non-salary and salary expenditure on information technology. Excludes capital expenditure on information technology infrastructure and can include licensing costs, computer leasing costs, the cost of consumables (such as data lines, paper and disks), training fees, access fees (for example, catalogue search and Internet access) and maintenance charges for software and hardware. |
| **Inquests and inquiries held** | Court hearings to determine the cause and circumstances of deaths reported to the coroner. Includes all coronial inquests and inquiries in full court hearings. |
| **Judicial officer** | Judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on the judicial activity. |
| **Judicial and judicial  support salaries** | All salary expenditure and payments in the nature of salary that are paid to employees of court administration. Can include base salaries, the employer contributed component of superannuation, workers compensation (full cost, inclusive of any levies, bills and legal fees), higher duty allowances, overtime, actual and accruing terminal and long service leave, fringe benefits tax and untaxed fringe benefits.  (Judicial officers can 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.) |
| **Library expenditure** | Non-salary and salary expenditure on court operated libraries. Non-salary expenditure includes book purchases, journal subscriptions, fees for interlibrary loans, copyright charges, news clippings service fees and photocopying.  Expenditure also includes 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. |
| **Lodgment** | The initiation or commencement of a matter before the court. The date of commencement is counted as the date of registration of a court matter. |
| **Matters** | *Coronial matters*:Deaths and fires reported to the coroner in each jurisdiction, including all reported deaths and fires regardless of whether the coroner held an inquest or inquiry. Coronial jurisdictions can extend to the manner of the death of a person who was killed; was found drowned; died a sudden death of which the cause is unknown; died under suspicious or unusual circumstances; died during or following the administration of an operation of a medical, surgical, dental, diagnostic or like nature; died in a prison remand centre or lockup; or died under circumstances that (in the opinion of the Attorney-General) require that the cause of death be more clearly ascertained.  *Criminal matters*: Matters brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions but could also be the Attorney-General, the police, local councils or traffic camera branches.  *Civil matters*: Matters brought before the court by individuals or organisations against another party, such as small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction.  *Excluded matters*:Extraordinary driver’s licence applications; any application on a pending dispute; applications for bail directions or judgment; secondary processes (for example, applications for default judgments); interlocutory matters; investigation/examination summonses; firearms appeals; escort agents’ licensing appeals; pastoral lands appeals; local government tribunals; police promotions appeals; applications appealing the decisions of workers compensation review officers.  *Probate matters*: Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person. |
| **Method of finalisation** | The process that leads to the completion of a criminal charge within a higher court so it ceases to be an item of work in that court. |
| **Method of initiation** | How a criminal charge is introduced to a court level. |
| **Non-adjudicated finalisation** | A 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. |
| **Probate registry expenditure** | Salary expenditure of the probate registrar and probate clerks, along with non-salary expenditure directly attributable to probate registries. |
| **Real expenditure** | Actual expenditure adjusted for changes in prices using the general government final consumption expenditure (GGFCE) chain price index deflator and expressed in terms of current year prices (i.e. for the courts chapter with 2015‑16 as the base year). Additional information about the GGFCE index can be found in chapter 2. |
| **Recurrent expenditure** | Expenditure that does not result in the creation or acquisition of fixed assets (new or second hand). It consists mainly of expenditure on wages, salaries and supplements, purchases of goods and services, and the consumption of fixed capital (depreciation). |
| **Sheriff and bailiff expenditure** | Expenditure on court orderlies, court security, jury management and witness payment administration. For the civil jurisdiction, it can include expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it can include 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. |
| **Specialist jurisdiction court** | A court which has exclusive jurisdiction in a field of law presided over by a judicial officer with expertise in that area. Examples of these types of courts which are within the scope of this Report are the family courts, the Children’s Courts and the Coroners’ Courts. Examples of specialist jurisdiction courts which are excluded from this Report include Indigenous and circle sentencing courts and drug courts. |

## 7.5 References

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