# 7 Courts

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| Attachment tables |
| Attachment tables are identified in references throughout this chapter by a ‘7A’ prefix (for example, table 7A.1). A full list of attachment tables is provided at the end of this chapter, and the attachment tables are available from the Review website at www.pc.gov.au/gsp. |
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## Profile of court services

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 broadly excludes tribunals and specialist jurisdiction courts (for example, Indigenous courts, circle sentencing courts and drug courts are excluded). The chapter also excludes electronic infringement and enforcement systems.

Major improvements in reporting on courts this year include:

* time series reporting on ‘homicide and related offences’ case type in the attachment tables.

Improvements in consistency and integrity of data reported are ongoing by all jurisdictions and are footnoted where applicable.

### 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 that different courts have. 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 (such as Indigenous courts, circle sentencing courts and drug 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 — for example, small claims tribunals can assist in diverting work from the magistrates’ court. Specialist jurisdiction courts (other than the children’s courts, family courts and coroners’ courts) and tribunals are outside the scope of this Report and excluded from reported data where possible.

Differences in State and Territory court levels mean that the allocation of cases to courts varies across states and territories (boxes 7.1 to 7.3). As a result, the seriousness and complexity of cases heard in a court level can also vary across states and territories. Therefore, any comparison of performance needs to account for these factors.

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| Box 7.1 Supreme court jurisdictions across states and territories |
| Criminal  All State and Territory supreme courts have jurisdiction over serious criminal matters such as murder, treason and certain serious drug offences, but significant differences exist in this court level across the states and territories:   * District/county courts do not operate in Tasmania, the ACT and the NT, so in this State and these territories the supreme courts generally exercise a jurisdiction equal to that of both the supreme and district/county courts in other states. * The Queensland Supreme Court deals with a number of drug matters, which supreme courts in other states and territories do not hear. * In the NSW Supreme Court, almost all indictments are for offences of murder and manslaughter, whereas the range of indictments routinely presented in most other states and territories is broader.   All State and Territory supreme courts hear appeals, but the number and type of appeals vary because NSW, Victoria and Queensland also hear some appeals in their district/county courts.  Civil  All supreme courts deal with appeals and probate applications and have an unlimited jurisdiction on claims but:  NSW usually deals with complex cases, all claims over $750 000 (except claims related to motor vehicle accidents or worker’s compensation) and various other civil matters.  *Victoria* generally handles civil claims over $200 000.  Queensland deals with claims over $750 000 from 1 November 2010 and administrative law matters.  WA usually deals with claims over $750 000.  SA exercises its unlimited jurisdiction for general and personal injury matters.  Tasmania usually deals with claims over $50 000.  *ACT* prior to 25 July 2011 dealt with claims over $50 000, and from 25 July 2011 deals with claims over $250 000.  NT also deals with mental health, family law and *Coroners Act 1993* applications. |
| *Source*: State and Territory court authorities and departments (unpublished). |
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| Box 7.2 District/county court jurisdictions across states and territories |
| A district/county court level exists in all states except Tasmania and does not exist in the ACT or the NT.  Criminal  The district/county courts have jurisdiction over indictable criminal matters (such as rape and armed robbery) except murder and treason, but differences exist among the states that have a district/county court. For example, appeals from magistrates’ courts are heard in the district/county courts in NSW, Victoria and Queensland, but not in WA and SA. Briefly, the jurisdictions of the district/county courts are:  **NSW**: The NSW District Court deals with most of the serious criminal cases that come before the courts in NSW. It has responsibility for indictable criminal offences that are normally heard by a judge and jury, but on occasions by a judge alone. It does not deal with treason or murder.  **Victoria**: The Victorian County Court deals with all indictable offences, except the following (which must be heard in the Supreme Court): murder; attempted murder; child destruction; certain conspiracy charges; treason; and concealing an offence of treason. Examples of criminal offences heard in the County Court include: drug trafficking; serious assaults; serious theft; rape; and obtaining financial advantage by deception.  **Queensland:** The Queensland District Court deals with more serious criminal offences than heard by the Magistrates’ Court — for example, rape, armed robbery and fraud.  **WA**: The WA District Court deals with any indictable offence except those that carry a penalty of life imprisonment.  **SA**: The SA District Court is the principal trial court and has jurisdiction to try a charge of any offence except treason or murder or offences related to those charges. Almost all matters have been referred following a committal process in the Magistrates Court.  Civil  All district/county civil courts hear appeals and deal with the following types of cases:  **NSW**: claims up to $750 000 (or more if the parties consent) and has unlimited jurisdiction in motor accident injury claims.  **Victoria**: appeals under the *Crimes (Family Violence) Act 1987*, adoption matters and change-of-name applications. Has unlimited jurisdiction in both personal injury claims and other claims.  **Queensland**: claims between $150 000 and $750 000 from 1 November 2010.  **WA**: claims up to $750 000 and unlimited claims for personal injuries, and has exclusive jurisdiction for motor accident injury claims.  **SA**: unlimited claims for general and personal injury matters. |
| *Source*: State and Territory court authorities and departments (unpublished). |
| Box 7.3 Magistrates court jurisdictions across states and territories |
| **Criminal** courts deal:  **NSW**: Summarily with matters with a maximum penalty of up to two years’ imprisonment for a single offence, and up to five years’ imprisonment for multiple offences, including some indictable offences.  **Victoria**: With summary offences and determines some indictable offences summarily.  **Queensland**: With summary offences and determines summarily some indictable matters where the penalty imposed by this jurisdiction may be up to three years’ imprisonment.  **WA**: With summary offences and determines some indictable offences summarily.  **SA**: With matters with a maximum penalty of up to two years’ imprisonment, juvenile prosecutions and intervention orders (including breaches).  **Tasmania**: With matters with a maximum penalty of up to two years’ imprisonment for a single offence and up to five years’ imprisonment for multiple offences. Also deals with some indictable offences summarily.  **ACT**: Summarily with matters with a maximum penalty of up to two years’ imprisonment. With the DPP’s consent, an offence punishable by imprisonment for longer than two years but no longer than five years. With the defendant’s consent, matters with a maximum penalty of up to 14 years imprisonment where the offence relates to money or property, and up to 10 years in other cases.  **NT**: With some drug and fraud charges and matters with a maximum penalty of up to 10 years’ imprisonment (or 10–14 years’ imprisonment if the accused consents).  Civil courts deal:  **NSW**: With small claims up to $10 000 and general division claims up to $100 000, as well as family law matters.  **Victoria**: With claims up to $100 000 for monetary damages, and applications for equitable relief and applications under the *Crimes (Family Violence) Act 1987*.  **Queensland**: [Prior to 1 December 2009] With small claims (including residential tenancy disputes) up to $7500, minor debt claims up to $7500 and other claims up to $50 000. Now deals with claims up to $150 000 from 1 November 2010, minor civil disputes are now lodged with the Queensland Civil and Administrative Tribunal (QCAT).  **WA**: With claims for debt recovery and damages (not personal injury) up to $75 000, minor cases up to $10 000, residential tenancy applications for monies up to $10 000, residential tenancy disputes and restraining orders.  **SA**: With small claims up to $6000, commercial cases up to $40 000 and personal injury claims up to $80 000.  **Tasmania**: With claims up to $50 000 (or more if both parties consent) for monetary damages and debt recovery, minor civil claims up to $5000, residential tenancy disputes, restraint orders and family violence orders.  **ACT**: With claims between $10 000 and $250 000 (since July 2011), victims financial assistance applications up to $50 000, matters under the *Domestic Relationships Act 1994* and commercial leasing matters. Since February 2009, small claims up to $10 000 are dealt with by the ACT Civil and Administrative Tribunal.  **NT**: With claims up to $100 000 and workers’ compensation claims. |
| *Source*: State and Territory court authorities and departments (unpublished). |

#### 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).

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

##### Probate

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

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

##### Children’s courts

Children’s courts are specialist jurisdiction courts that, depending on the State or Territory legislation, may hear both criminal and civil matters. These courts in the main deal with summary proceedings, however some jurisdictions have the power to also hear indictable matters.

Children’s courts deal with complaints of offences alleged to have been committed by young people. In all states and territories except Queensland, defendants under the age of 18 are treated legally as children or youths. In Queensland, defendants are treated legally as adults if aged 17 or older at the time the offence was committed. In all states and territories, children under the age of 10 years cannot be charged with a criminal offence (ABS 2013).

Children’s courts may also hear matters where a child has been seriously abused or neglected. In these instances, the court has jurisdiction to determine matters relating to the child’s care and protection.

##### Electronic infringement and enforcement systems

Electronic infringement and enforcement systems operate to process infringements, on-the-spot fines and summary offences. They have the status of courts (despite minimal judicial involvement) because they have the capacity and authority to produce enforceable orders against defendants. The orders impose penalties such as fines (which may be enforced by warrants or licence cancellation), asset seizure, garnishment, arrest, community correction orders and incarceration.

Electronic infringement and enforcement systems operate in Victoria, Queensland, WA and SA, under the ambit of the magistrates’ courts. Prior to the 2012 Report, these systems were included in the courts’ chapter. However, although the other jurisdictions do not operate electronic infringement and enforcement systems that fall under the jurisdiction of magistrates’ courts, they have bodies that process unpaid infringement notices. These include the NSW State Debt Recovery Office, the Monetary Penalties Enforcement Service in Tasmania, the Motor Vehicle Registry in the ACT and the Fines Recovery Unit in the NT. These bodies may have a similar impact in reducing the workload of magistrates’ courts. To improve comparability of reporting on magistrates’ courts across all jurisdictions in this chapter, the Report now excludes electronic infringement and enforcement systems.

##### Coroners’ courts

In all states and territories, coroners’ courts (which generally operate under the auspices of State and Territory magistrates’ courts) inquire into the cause of sudden and/or unexpected reported deaths. The definition of a reported death differs across states and territories, but generally includes deaths for which the cause is violent, suspicious or unknown. In some states and territories, the coroner has the power to commit for hearing, while in others the coroner is prohibited from making any finding of criminal or civil liability (but may refer the matter to the Director of Public Prosecutions). Suspicious fires are generally within the jurisdiction of the coroners’ courts in NSW, Victoria, Tasmania and the ACT but not in the other states and territories. Coroners’ courts are distinct from other courts because they have a role in inquiring into the cause of sudden and unexpected deaths (and suspicious fires), and also because they have other functions, including reporting inadequacies in regulatory systems.

Data for coroners’ courts are presented with civil jurisdiction data in this chapter.

#### 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.

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

##### Federal Court of Australia

This court is a superior court of record and a court of law and equity. It sits in all capital cities on a continuous basis and elsewhere in Australia from time to time.

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

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

The Federal Court has the power to exercise indictable criminal jurisdiction for serious cartel offences under the Trade Practices Act. The jurisdiction came into force on 6 November 2009. No cases have been filed in the court. The Federal Court also exercises a very small summary criminal jurisdiction, but the cases are not separately counted. There are so few cases, these would not make a material difference by being included in the civil case totals.

##### Family Court of Australia and Family Court of Western Australia

The Family Court of Australia has jurisdiction in all states and territories except WA (which has its own family court). It has jurisdiction to deal with matrimonial cases and associated responsibilities, including divorce proceedings, financial issues and children’s matters such as who the children will live with, spend time with and communicate with, as well as other specific issues relating to parental responsibilities. It can also deal with ex-nuptial cases involving children’s matters. The Family Court of WA (since 2004) and the federal family law courts have jurisdiction (since 1 March 2009) to deal with financial matters between parties that were in a de facto relationship (including same sex relationships). A practice direction was issued by the Family Court of Australia with agreement from the [then] Federal Magistrates Court, that from November 2003 all divorce applications were to be lodged in the [then] Federal Magistrates Court. However, registrars of the Family Court of Australia, under delegated powers from the Federal Magistrates Court (now the Federal Circuit Court), still determine about 10 per cent of divorce applications lodged in the [now] Federal Circuit Court. A small number of divorce applications are initiated in the Family Court of Australia where these arise within other proceedings before the Family Court of Australia. This practice direction does not affect the Family Court of WA.

During 2008 the Family Law Courts board approved the Family Court of Australia, commencing during 2009, to provide the following administrative services to the [then] Federal Magistrates Court:

* property management
* contracts and procurement
* information management
* financial management
* payroll management
* human resources.

These changes resulted from the increased size of the Federal Magistrates Court and its limited staffing and systems to support and sustain these services. Additionally, the Family Court of Australia agreed to also provide statistical services support for the Federal Magistrates Court. Therefore the Family Court of Australia’s administrative and statistical services units now provide the Federal Magistrates (now Federal Circuit) Court data for this Report.

##### Federal Circuit Court of Australia (formerly the Federal Magistrates Court of Australia)

The first sittings of the Federal Magistrates Court were on 3 July 2000. The court was established to provide a simpler and more accessible service for litigants, and to ease the workloads of both the Federal Court and the Family Court of Australia. As a result of legislative amendments which recognise the work and status of the Court, the Federal Magistrates Court of Australia was renamed the Federal Circuit Court of Australia on 12 April 2013. The inclusion of the word ‘circuit’ to the name of the court highlights the importance of the Court’s circuit work in regional areas and its broad Commonwealth jurisdiction in both family law and general federal law. The jurisdiction, status and arrangements under which the Court operates have not changed. Its jurisdiction includes family law and child support, administrative law, admiralty, anti-terrorism, bankruptcy, copyright, human rights, migration, privacy and trade practices. State and Territory courts also continue to do some work in these areas.

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

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

#### 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.

Figure 7.1 Major relationships of courts in Australia**a**

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| 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.

### 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, while others allocate, expenditure (and income) between the criminal and civil jurisdictions of their courts.

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 (excluding the High Court and specialist jurisdiction courts — except for family courts, children’s courts and coroners’ courts) was $1.66 billion in 2012‑13 (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 (excluding fines) for the Australian, State and Territory courts covered in this Report was $313 million in 2012‑13 (table 7A.13).

Nationally, the civil jurisdiction of the courts accounted for over half of all income received.

Total recurrent expenditure less income (excluding fines), for the Australian, State and Territory courts covered in this Report, was $1.34 billion in 2012‑13 (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.

Table 7.1 Courts’ recurrent expenditure less income (excluding fines), 2012-13 ($ million)**a, b**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| *Courts’ recurrent expenditure* | | | | | | | | | | |
| Civilc, d, e, f | 186.6 | 127.5 | 57.4 | 59.7 | 29.6 | 7.0 | 12.2 | 10.9 | 95.2 | 586.1 |
| Criminale, f, g | 211.0 | 181.5 | 149.2 | 134.0 | 68.9 | 18.1 | 13.3 | 22.6 | .. | 798.6 |
| Familyh | .. | .. | .. | 28.6 | .. | .. | .. | .. | 93.7 | 122.2 |
| Federal Circuiti | .. | .. | .. | .. | .. | .. | .. | .. | 104.3 | 104.3 |
| Coroners’j | 5.2 | 15.1 | 10.8 | 6.2 | 3.1 | 0.4 | 1.1 | 1.2 | .. | 43.0 |
| Probate — Supremek | 0.9 | 0.8 | 0.3 | 0.5 | 0.6 | 0.1 | 0.1 | 0.1 | .. | 3.3 |
| **Total** | **403.6** | **325.0** | **217.6** | **229.0** | **102.2** | **25.6** | **26.6** | **34.8** | **293.2** | **1 657.6** |
| *Courts’ recurrent expenditure less income (excluding fines)* | | | | | | | | | | |
| Civilc, d, e, f | 117.9 | 86.2 | 37.2 | 43.5 | 15.4 | 5.3 | 9.9 | 10.3 | 74.9 | 400.6 |
| Criminale, f, g | 199.1 | 181.5 | 146.7 | 127.2 | 63.9 | 17.2 | 13.2 | 22.4 | .. | 771.1 |
| Familyh | .. | .. | .. | 24.0 | .. | .. | .. | .. | 87.8 | 111.8 |
| Federal Circuiti | .. | .. | .. | .. | .. | .. | .. | .. | 65.1 | 65.1 |
| Coroners’j | 5.0 | 15.1 | 10.7 | 6.1 | 3.0 | 0.4 | 1.0 | 1.2 | .. | 42.6 |
| Probate — Supremek | - 27.1 | - 5.9 | - 5.2 | - 0.8 | - 5.4 | - 1.1 | - 0.8 | - 0.1 | .. | - 46.4 |
| **Total** | **295.0** | **277.0** | **189.3** | **200.0** | **77.0** | **21.7** | **23.3** | **33.7** | **227.9** | **1 344.8** |

a Totals may not sum as a result of rounding. b Payroll tax is excluded. c Includes data for the supreme, district/county and magistrates’ courts (including children’s courts) and the Federal Court. Excludes data for probate, family courts, the Federal Circuit Court (FCC) and coroners’ courts. d Data for the Federal Court of Australia (FCA) exclude the cost of resources provided free of charge to the FCC. e County Court civil and criminal data include the Public Private Partnership rental and associated costs for the Victorian County Court building. f WA civil and criminal data include associated costs relating to the Public Private Partnership for the District Court Building. g Includes data for supreme, district/county and magistrates’ courts (including children’s courts). h Discounted (estimate) for resources and services (work of court staff and accommodation) provided free of charge to the FCC in accordance with the Federal Magistrates Act 1999 and appropriations transferred to the FCC (shown as expenditure in Family Court of Australia (FCoA) annual report) arising as a result of delays in the ‘Federal Courts Restructure’. In addition the FCoA provides further shared services, including IT, accommodation, work of court staff, depreciation and amortisation that cannot be quantified and as such no additional discount could be applied. i FCC expenditure data include resources received free of charge from the FCA and FCoA. Funds transferred from the FCOA and FCA as income are excluded from these data as these amounts are now considered equivalent to government appropriations (noting that the full appropriation amount was returned to the court due to delays in the restructure of the federal courts). Expenditure for the FCC is based on the total net expenditure for that court and does not isolate family law work from general federal law work. Some Bankruptcy and Immigration matters filed with the FCC are delegated to be dealt with by Federal Court registrars. This work is funded by the FCC and is therefore included in its expenditure. i Excludes expenditure for autopsy, forensic science, pathology tests and body conveyancing fees as the inclusion of these costs in coroners’ court expenditure varies between states and territories. Expenditure data for the Queensland Coroners’ Court and the Victorian Coroners’ Court include the full costs of government assisted burials/cremations, legal fees incurred in briefing counsel assisting for inquests and costs of preparing matters for inquest, including the costs of obtaining independent expert reports. k The true net revenue may not be identified because rent and depreciation attributable to probate matters may be reported with data for supreme courts. ..Not applicable. –Nil or rounded to zero.

*Source*: Australian, State and Territory court authorities and departments (unpublished); tables 7A.11–16.

Real recurrent expenditure less income (excluding fines) on courts from 2008‑09 to 2012‑13, for each of the Australian, State and Territory court levels covered by this Report, is reported in tables 7A.14 and 7A.15.

#### Distribution of criminal and civil court expenditure

The distribution of court expenditure (less income) on magistrates’, district/county and supreme courts varied across states and territories in 2012‑13. A greater proportion of funds were expended in the criminal jurisdiction of the supreme courts of Tasmania, the ACT and the NT (under the two-tier court system) than by the supreme courts of other states and territories (under the three-tier court system) (figure 7.2a).

In 2012‑13, magistrates’ courts in the criminal jurisdiction accounted for over half of recurrent expenditure (less income) nationally across State and Territory criminal courts (55 per cent). In the civil jurisdiction (figure 7.2b), magistrates’ courts accounted for just over a third of recurrent expenditure (less income) nationally (36 per cent). There was considerably greater variability in net recurrent expenditure across jurisdictional civil courts than criminal courts. Further details are contained in tables 7A.14 and 7A.15.

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. The apportionments are determined within individual states and territories and different approaches to apportionment are used.

Figure 7.2 Distribution of courts’ recurrent expenditure (less income), by court level, 2012-13**a**

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| 1. **Criminal**b, c 2. **Civil**b, c, d, e, f   Figure 7.2 Distribution of courts' recurrent expenditure (less income), by court level, 2012-13  (b) Civil  More details can be found within the text surrounding this image. |

a Payroll tax is excluded. b There are no district/county courts in Tasmania, the ACT or the NT. c Magistrates’ courts include expenditure on children’s courts. d Supreme courts data for the civil jurisdiction exclude uncontested probate matters. e In the civil jurisdiction, magistrates’ courts data exclude expenditure on coroners’ courts (all states and territories). f The Australian courts are not included.

*Source*: State and Territory court authorities and departments (unpublished); tables 7A.14-16.

### Size and scope of court activity

#### Lodgments

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

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| Box 7.4 Explanation of lodgment data used in this chapter |
| Lodgments reflect community demand for court services, such as dispute resolution and criminal justice. The different ways of counting a court’s workload reflect the variety of work undertaken within the court system. The units of measurement of workload (or counting units) used within this chapter are:   * criminal courts — lodgment counts are based on the number of defendants * civil and family courts — lodgment counts are based on the number of cases (except in children’s courts where, if more than one child can be involved in an application, the counting unit is the number of children involved in the originating application) * 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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Table 7.2 (criminal) and table 7.3 (civil) outline the number of lodgments in 2012‑13, by court level, for the Australian courts and for each State and Territory.

Nationally, in the criminal jurisdiction, there were 780 300 lodgments registered in the supreme, district/county and magistrates’ courts in 2012‑13 (table 7.2).

Table 7.2 Court lodgments — criminal, by court level, 2012-13 (‘000)**a**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
| Supremeb | 0.5 | 0.4 | 1.2 | 0.7 | 0.3 | 0.6 | 0.3 | 0.5 | 4.5 |
| District/countyb | 10.5 | 5.4 | 5.1 | 2.0 | 2.3 | .. | .. | .. | 25.2 |
| Magistrates’ (total) | 163.1 | 196.2 | 200.2 | 90.8 | 59.7 | 17.4 | 5.5 | 17.5 | 750.5 |
| *Magistrates’ (only)* | *153.1* | *175.3* | *188.5* | *83.9* | *54.4* | *15.9* | *5.1* | *15.5* | *691.7* |
| *Children’s* | *10.0* | *20.8* | *11.7* | *6.9* | *5.4* | *1.6* | *0.4* | *2.0* | *58.8* |
| **All criminal courts** | **174.1** | **202.0** | **206.6** | **93.5** | **62.3** | **18.0** | **5.8** | **18.0** | **780.3** |

a Totals may not add as a result of rounding. b Queensland Supreme and District Court data for the number of originating criminal lodgments are based on a count of the number of defendants who had a Court Record entered on the computerised case management system in the financial year, it is not a count of the number of defendants committed to the Supreme/District Court for trial or sentencing. **..**Not applicable.

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

Nationally, 482 400 cases were lodged in civil jurisdiction courts (excluding family courts, the Federal Circuit Court, coroners’ and probate courts), comprising 476 600 cases in the State and Territory supreme, district/county and magistrates’ courts, and 5800 cases in the Federal Court (table 7.3). In the states and territories, an additional 67 800 probate matters were lodged in the supreme courts.

In the Australian court jurisdiction, approximately 5800 cases were lodged in the Federal Court, 89 600 (civil and family law) matters were lodged in the Federal Circuit Court, and a further 33 100 family law matters were filed in the Family Court of Australia (18 200) and Family Court of WA (14 900).

In the coroners’ courts, there were 22 600 reported deaths and fires. Reporting rates for deaths reported to a coroner varied across jurisdictions as a result of different reporting requirements. Deaths in institutions (such as nursing homes) of people suffering intellectual impairment of any type, for example, must be reported in SA but not in other jurisdictions. Reporting requirements also vary for fires. Fires may be reported and investigated at the discretion of the coroner in NSW, Victoria, Tasmania and the ACT, but are excluded from the coroners’ jurisdiction in Queensland, WA, SA and the NT. A disaggregation of coroners’ courts data by reported deaths and fires is in table 7A.3.

Table 7.3 Court lodgments — civil, by court level, 2012-13 (‘000)**a**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Supreme (excl. probate)/Federalb | 9.4 | 7.1 | 3.8 | 2.6 | 1.3 | 1.1 | 0.6 | 0.3 | 5.8 | 31.9 |
| District/County | 7.5 | 6.8 | 5.6 | 4.6 | 3.1 | .. | .. | .. | .. | 27.6 |
| Magistrates’ (total) | 155.6 | 105.0 | 59.2 | 53.7 | 30.1 | 8.2 | 4.1 | 7.1 | .. | 422.9 |
| *Magistrates’ (only)* | 146.8 | 98.6 | 55.2 | 50.6 | 28.9 | 7.8 | 4.0 | 6.7 | .. | 398.7 |
| *Children’s*c, d, e | 8.8 | 6.4 | 4.0 | 3.1 | 1.2 | 0.4 | 0.1 | 0.4 | .. | 24.2 |
| **All civil courts** | **172.5** | **118.9** | **68.6** | **60.8** | **34.5** | **9.3** | **4.7** | **7.3** | **5.8** | **482.4** |
| Familyf | .. | .. | .. | 14.9 | .. | .. | .. | .. | 18.2 | 33.1 |
| Federal Circuitf | .. | .. | .. | .. | .. | .. | .. | .. | 89.6 | 89.6 |
| Coroners’ | 5.4 | 5.9 | 4.8 | 2.2 | 2.2 | 0.6 | 1.3 | 0.3 | .. | 22.6 |
| Probate — Supreme | 23.8 | 19.3 | 9.2 | 6.4 | 5.8 | 2.3 | 0.7 | 0.2 | .. | 67.8 |

a Totals may not add as a result of rounding. b Some Bankruptcy and Immigration matters filed with the Federal Circuit Court are delegated to be dealt with by Federal Court registrars. Those matters finalised by Federal Court registrars are counted as part of the Federal Circuit Court matters as they are filed and funded by the Federal Circuit Court. Previously these matters were also included in Federal courts data but they are now excluded. c NSW lodgment data for children in the civil court are based on a count of each child listed in all new applications for care and protection, not just the originating application. d Queensland Children’s Court data for civil cases is based on a count of cases, not the number of children involved in the care and protection case. e In the NT a perpetual file is held for each child, therefore additional applications are not lodged separately but as part of the original application. f Family Court of Australia data do not include instances where its registrars are given delegation to conduct Federal Circuit Court divorce applications, or when conducting conciliation conferences on Federal Circuit Court matters. These services are provided free of charge to the Federal Circuit Court. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); table 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 size of the State or Territory. Tables 7A.4 and 7A.5 provide data on criminal and civil lodgments (per 100 000 people) respectively for each State and Territory.

##### Distribution of court lodgments

The vast majority of both criminal and civil matters in Australia in 2012‑13 were lodged in magistrates’ courts (table 7.4).

Table 7.4 Distribution of court lodgments, by court level, 2012-13**a**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
| *Criminal courts* |  |  |  |  |  |  |  |  |  |  |
| Supreme | % | 0.3 | 0.2 | 0.6 | 0.8 | 0.5 | 3.1 | 4.9 | 2.8 | 0.6 |
| District/county | % | 6.0 | 2.7 | 2.5 | 2.1 | 3.7 | .. | .. | .. | 3.2 |
| Magistrates’ (total) | % | 93.7 | 97.1 | 96.9 | 97.1 | 95.8 | 96.9 | 95.1 | 97.2 | 96.2 |
| **All criminal courts**b | **‘000** | 174.1 | 202.0 | 206.6 | 93.5 | 62.3 | 18.0 | 5.8 | 18.0 | 780.3 |
|  |  |  |  |  |  |  |  |  |  |  |
| *Civil courts* |  |  |  |  |  |  |  |  |  |  |
| Supreme | % | 5.5 | 5.9 | 5.5 | 4.2 | 3.6 | 12.2 | 12.0 | 3.5 | 0.1 |
| District/county | % | 4.3 | 5.8 | 8.2 | 7.5 | 9.0 | .. | .. | .. | 5.8 |
| Magistrates’ (total) | % | 90.2 | 88.3 | 86.3 | 88.2 | 87.3 | 87.8 | 88.0 | 96.5 | 88.7 |
| **All civil courts**c | **‘000** | 172.5 | 118.9 | 68.6 | 60.8 | 34.5 | 9.3 | 4.7 | 7.3 | 476.6 |

a Totals may not add as a result of rounding. b Excludes probate matters. c Excludes data for the Federal Court, family courts, the Federal Circuit Court and coroners’ courts. **..**Not applicable.

*Source*: State and Territory court authorities and departments (unpublished); tables 7A.1; 7A.3.

#### 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).

Tables 7.5 (criminal) and 7.6 (civil) outline the number of finalisations in 2012‑13, 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 2012‑13, there were 786 900 criminal finalisations in the supreme, district/county and magistrates’ courts (table 7.5).

Table 7.5 Court finalisations — criminal, 2012-13 (‘000)**a**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total |
| Supreme | 0.5 | 0.5 | 1.3 | 0.7 | 0.3 | 0.6 | 0.4 | 0.5 | 4.8 |
| District/County | 10.0 | 5.0 | 6.1 | 2.0 | 2.2 | .. | .. | .. | 25.4 |
| Magistrates’ (total) | 160.6 | 210.5 | 196.4 | 87.0 | 60.2 | 17.9 | 5.5 | 18.7 | 756.7 |
| *Magistrates’ (only)* | 150.6 | 188.5 | 183.8 | 80.2 | 54.8 | 16.2 | 5.1 | 16.6 | 695.8 |
| *Children’s* | 10.0 | 22.0 | 12.5 | 6.8 | 5.4 | 1.7 | 0.5 | 2.1 | 60.9 |
| **All criminal courts** | **171.1** | **216.0** | **203.8** | **89.8** | **62.7** | **18.4** | **6.0** | **19.2** | **786.9** |

a Totals may not add as a result of rounding. **..**Not applicable

*Source*: State and Territory court authorities and departments (unpublished); table 7A.6.

Nationally, in 2012‑13, 491 200 cases were finalised in the civil jurisdiction (excluding family courts, the Federal Circuit Court, coroners’ and probate courts) comprising 484 600 civil cases finalised in State and Territory supreme, district/county and magistrates’ courts, and 6600 cases finalised in the Federal Court. In addition, the Federal Circuit Court finalised 90 600 matters (mainly family law forms and some federal law cases) and the two family courts finalised 34 000 matters. The Family Court of WA processes a mixture of work that includes elements of the work dealt with by the different federal courts. There were around 22 700 finalisations (involving reported deaths and fires) in coroners’ courts (table 7.6).

Table 7.6 Court finalisations — civil, 2012-13 (‘000)**a**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qldb | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Supremeb/Federal | 12.5 | 7.5 | 4.2 | 2.8 | 1.3 | 1.0 | 0.9 | 0.3 | 6.6 | 37.1 |
| District/County | 7.9 | 6.3 | 6.0 | 4.5 | 2.9 | .. | .. | .. | .. | 27.7 |
| Magistrates’ (total) | 154.9 | 112.4 | 57.8 | 53.4 | 27.6 | 9.0 | 3.9 | 7.4 | .. | 426.4 |
| *Magistrates’ (only)* | 146.1 | 106.2 | 53.9 | 50.7 | 26.4 | 8.5 | 3.8 | 7.0 | .. | 402.4 |
| *Children’s*c | 8.8 | 6.2 | 3.9 | 2.8 | 1.3 | 0.5 | 0.1 | 0.4 | .. | 23.9 |
| **All civil courts** | **175.2** | **126.3** | **68.0** | **60.8** | **31.9** | **10.0** | **4.7** | **7.7** | **6.6** | **491.2** |
| Familyd, e | .. | .. | .. | 15.6 | .. | .. | .. | .. | 18.4 | 34.0 |
| Federal Circuite, f | .. | .. | .. | .. | .. | .. | .. | .. | 90.6 | 90.6 |
| Coroners’ | 6.0 | 5.5 | 5.0 | 2.2 | 1.9 | 0.5 | 1.4 | 0.3 | .. | 22.7 |

a Totals may not add as a result of rounding. b Supreme courts data exclude finalisations of uncontested probate cases. c Queensland children’s court data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. d Family Court of Australia data do not include instances where its registrars are given delegation to conduct Federal Circuit Court divorce applications, or when conducting conciliation conferences on Federal Circuit Court matters. These services are provided free of charge to the Federal Circuit Court. e The Family Court of Australia and the Federal Circuit Court do not deem a matter finalised even if it has not had a court event for at least 12 months as this is not consistent with case management practices. f Some bankruptcy and immigration matters filed with the Federal Circuit Court are delegated to be dealt with by Federal Court registrars. Those matters finalised by Federal Court registrars are counted as part of the Federal Circuit Court matters as they are filed and funded by the Federal Circuit Court. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.8.

The number of finalisations per 100 000 people is available in tables 7A.9 and 7A.10.

##### The role of deeming in finalising cases

A ‘deeming’ rule applies to finalising non-appeal cases in the civil courts for this Report. Lodgments that have had no court action in the past 12 months are counted as finalised for the purpose of this Report. 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. When these cases are deemed finalised they reduce the pending count and increase the finalisation count. This means that a proportion of finalised cases are only deemed as finalised for the purposes of this Report but may remain as pending in the jurisdictional court. For the purposes of this Report 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.

Table 7.7 shows that the proportion of cases which are deemed finalised varies across jurisdictions.

Table 7.7 Proportion of non-appeal cases deemed finalised — civil, 2012‑13 (per cent)**a**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts |
| Supreme/Federalb | 5.2 | 0.9 | 40.0 | .. | 5.9 | 29.2 | na | – | .. |
| District/County | 9.1 | 4.6 | 44.8 | .. | 1.2 | .. | .. | .. | .. |
| Magistrates’ (total) | na | .. | 24.4 | .. | 0.5 | 42.5 | na | 13.4 | .. |
| Familyb | .. | .. | .. | 16.4 | .. | .. | .. | .. | .. |
| Federal Circuitb | .. | .. | .. | .. | .. | .. | .. | .. | .. |

a In some states and territories, legislation exists to finalise a matter due to inactivity. The deeming rule is applied differently in each jurisdiction. b The Federal Court, the Federal Circuit Court and the Family Court of Australia (excluding Family Court of WA) do not apply the deeming rule. **na** Not available. **..**Not applicable. – Nil or rounded to zero.

*Source*: Australian, State and Territory court authorities and departments (unpublished).

## 7.2 Framework of performance indicators

Performance indicators focus on outputs and/or outcomes aimed at meeting common, agreed objectives. The Steering Committee has identified four objectives of court services across Australia (box 7.5). The emphasis placed on each objective may vary across states and territories and court level.

|  |
| --- |
| Box 7.5 Objectives for courts |
| Objectives for courts are:   * to be open and accessible * to process matters in an expeditious and timely manner * to provide due process and equal protection before the law * to be independent yet publicly accountable for performance.   In addition, all governments aim to provide court services in an efficient manner. |
|  |
|  |

The performance indicator framework provides information on equity, efficiency and effectiveness, and distinguishes the outputs and outcomes of courts (figure 7.3). The performance indicator framework shows which data are comparable in the 2014 Report. For data that are not considered directly comparable, text includes relevant caveats and supporting commentary. Chapter 1 discusses data comparability from a Report-wide perspective (section 1.6). Indicators that are considered comparable are only comparable subject to the caveats and footnotes accompanying the definition of the indicator and the tables of indicator results.

The Steering Committee focuses on providing the best available data in a timely manner. The Australian, State and Territory governments and court authorities, when endorsing the data, acknowledge that the data have been supplied according to the nationally agreed counting rules. Where a jurisdiction advises that it has diverged from these counting rules, this divergence is appropriately footnoted in the table and surrounding text. Chapter 1 discusses data comparability from a Report-wide perspective (see section 1.6).

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

As shown in figure 7.3, all of the indicators reported in this chapter are output indicators. Outputs are the services delivered, while outcomes are the impact of these services on the status of an individual or group (see chapter 1, section 1.5). Equity is currently represented through two output indicators (‘fees paid by applicants’ and ‘judicial officers’). Effectiveness is represented through two output indicators (‘backlog’ and ‘attendance’). Efficiency is represented through four output indicators (‘clearance’, ‘judicial officers per finalisation’, ‘full time equivalent staff per finalisation’ and ‘cost per finalisation’).

To date, no specific outcome indicators have been identified for courts. The activities of courts lead to broad outcomes within the overall justice system that are not readily addressed by this service specific chapter.

The report’s statistical context chapter contains data that may assist in interpreting the performance indicators presented in this chapter. These data cover a range of demographic and geographic characteristics including age profile, geographic distribution of the population, income levels, education levels, tenure of dwellings and cultural heritage (such as Indigenous and ethnic status) (chapter 2).

Figure 7.3 Courts performance indicator framework

|  |
| --- |
| Figure 7.3 Courts performance indicator framework  More details can be found within the text surrounding this image. |

Data quality information (DQI) is being progressively introduced for all indicators in the Report. The purpose of DQI is to provide structured and consistent information about quality aspects of data used to report on performance indicators. DQI in this Report cover the seven dimensions in the ABS’ data quality framework (institutional environment, relevance, timeliness, accuracy, coherence, accessibility and interpretability) in addition to dimensions that define and describe performance indicators in a consistent manner, and key data gaps and issues identified by the Steering Committee. All DQI for the 2014 Report can be found at www.pc.gov.au/gsp/reports/rogs/2014.

## 7.3 Key performance indicator results

Different delivery locations, caseloads, casemixes and government policies may 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. Performance comparison needs to take these factors into account. In addition to the material in boxes 7.1, 7.2 and 7.3, appendix A — the statistical appendix — contains detailed statistics and short profiles on each State and Territory, and other data which may assist in interpreting the performance indicators presented in this chapter.

The 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 2013) — 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, section 1.5).

#### Equity — fees paid by applicants

‘Fees paid by applicants’ is an indicator of governments’ achievement against the objective of keeping services accessible (box 7.6). Court fees may 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). This measure monitors the affordability of average court fees paid by litigants. It is important to note, however, that court fees are only part of the broader legal costs faced by applicants.

|  |
| --- |
| Box 7.6 Fees paid by applicants |
| ‘Fees paid by applicants’ is defined as the average court fees paid per lodgment. It is derived by dividing the total court fees collected by the number of lodgments in a year.  Court fees largely relate to civil cases. Providing court service quality is held constant, lower court fees help keep courts accessible.  Court fees are only part of the costs faced by litigants (with legal fees being more significant).  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 2012‑13 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/ gsp/reports/rogs/2014. |
|  |
|  |

In 2012‑13, average court fees paid per lodgment were greater in supreme courts than in district/county and magistrates’ courts (table 7.8). The average fees collected by the Australian, State and Territory courts vary for many reasons and caution should be used in making direct comparisons.

Table 7.8 Average civil court fees collected per lodgment, 2012-13 (dollars)**a**, **b**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Supreme (excl. probate)/Federal | 2 911 | 1 405 | 1 767 | 1 921 | 3 118 | 546 | 2 061 | 864 | 2 903 | 2 252 |
| District/county | 1 508 | 1 388 | 937 | 949 | 1 031 | .. | .. | .. | .. | 1 216 |
| Magistrates’ (total) | 150 | 190 | 122 | 113 | 138 | 82 | 100 | 44 | .. | 147 |
| *Magistrates’ only* | 159 | 202 | 130 | 120 | 144 | 86 | 102 | 46 | .. | 156 |
| *Children’s* | – | – | – | – | 2 | – | – | – | .. | – |
| Family | .. | .. | .. | 302 | .. | .. | .. | .. | 171 | 230 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 434 | 434 |
| Probate — Supreme | 1 176 | 349 | 595 | 204 | 1 035 | 532 | 1 184 | 891 | .. | 734 |

a Some jurisdictions charge corporations twice the amount individuals are charged, therefore average fees can overstate the charge to individuals. b Totals are derived for each court level by dividing the total fees for that court level by the lodgments for that court level. **..**Not applicable. **–** Nil or rounded to zero.

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

The level of cost recovery from the collection of court fees varied across court levels and across jurisdictions in 2012‑13 (table 7.9). Nationally, for the states and territories in total, approximately a third of costs were recovered through court fees in the District and Magistrates’ courts. Cost recovery was lowest in the children’s courts and in the Family Court of Australia — in these courts many applications do not attract a fee.

Table 7.9 Civil court fees collected as a proportion of civil recurrent expenditure (cost recovery), 2012-13 (per cent)**a, b**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Supremec/Federal | 37.4 | 21.0 | 33.3 | 19.2 | 40.3 | 13.0 | 20.6 | 4.1 | 17.7 | 25.0 |
| District/County | 30.2 | 31.9 | 50.4 | 27.1 | 44.4 | .. | .. | .. | .. | 33.3 |
| Magistrates’ (total) | 30.9 | 39.6 | 26.9 | 33.9 | 32.9 | 29.8 | 6.2 | 5.7 | .. | 31.4 |
| *Magistrates’ (only)* | 34.0 | 51.6 | 33.6 | 37.1 | 35.0 | 38.1 | 6.6 | 6.0 | .. | 36.5 |
| *Children’s* | – | – | – | – | 0.4 | .. | .. | .. | .. | – |
| Family | .. | .. | .. | 15.8 | .. | .. | .. | .. | 3.3 | 6.2 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 37.3 | 37.3 |

a Excludes payroll tax. b Some jurisdictions charge corporations twice the amount individuals are charged, therefore average fees can overstate the charge to individuals. c Excludes probate costs. **..**Not applicable. **–** Nil or rounded to zero.

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

#### Equity — judicial officers

‘Judicial officers’ is an indicator of governments’ achievement against the objective of providing services that are accessible to the community. This indicator relates access to the number of judicial officers available to deal with cases in relation to population size (box 7.7).

|  |
| --- |
| Box 7.7 Judicial officers |
| ‘Judicial officers’ is an indicator that represents the availability of resources to provide services. 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.   The number of judicial officers is expressed in full time equivalent units and, where judicial officers have both judicial and non-judicial work, refers to the proportion of time allocated to judicial work.  The number of judicial officers is additionally presented in comparison to the population of each jurisdiction. 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 2012‑13 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/ gsp/reports/rogs/2014. |
|  |
|  |

The number of full time equivalent judicial officers for each court level is outlined in table 7.10. In all State and Territory jurisdictions with a three-tier system, there were more judicial officers in magistrates’ courts than in district/county courts. Table 7.11 shows the number of judicial officers per 100 000 people.

Table 7.10 Judicial officers, full time equivalent, by court level, 2012‑13**a**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Supreme/Federalb, c | 57.6 | 53.7 | 23.8 | 29.5 | 13.6 | 7.0 | 6.1 | 8.1 | 56.0 | 255.4 |
| District/County | 64.6 | 61.3 | 34.3 | 28.2 | 21.2 | .. | .. | .. | .. | 209.6 |
| Magistrates | 113.0 | 104.3 | 78.2 | 47.3 | 33.5 | 11.7 | 6.1 | 14.6 | .. | 408.8 |
| Children’s | 24.0 | 12.0 | 8.5 | 4.8 | 4.7 | 1.7 | 0.4 | 1.4 | .. | 57.6 |
| Familyd | .. | .. | .. | 15.9 | .. | .. | .. | .. | 31.2 | 47.1 |
| Federal Circuite | .. | .. | .. | .. | .. | .. | .. | .. | 62.5 | 62.5 |
| Coroners | 5.0 | 9.5 | 9.5 | 4.0 | 2.0 | 0.4 | 0.8 | 1.5 | .. | 32.7 |
| **Total** | **264.2** | **240.8** | **154.3** | **129.7** | **75** | **20.8** | **13.5** | **25.7** | **149.7** | **1 073.6** |

a Totals may not add as a result of rounding. b  WA Supreme Court judicial FTE includes both General Division and Court of Appeal judicial officers c ACT Supreme Court numbers include both acting and visiting judges. d Family Court of Australia figures include Family Court of Australia judges assigned to the Full Court Appeals division. e Includes Family Court of Australia services provided free of charge. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.27.

Table 7.11 Judicial officers, full time equivalent, per 100 000 people, by court level, 2012‑13

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courtsa | Totalb |
| *Population (‘000)*c | 7 349 | 5 680 | 4 611 | 2 473 | 1 662 | 512 | 380 | 237 |  | 22 906 |
| *Judicial officers per 100 000 people* | | | | | | | | | | |
| Supreme/Federald | 0.8 | 0.9 | 0.5 | 1.2 | 0.8 | 1.4 | 1.6 | 3.4 | 0.2 | 1.1 |
| District/County | 0.9 | 1.1 | 0.7 | 1.1 | 1.3 | .. | .. | .. | .. | 0.9 |
| Magistrates | 1.5 | 1.8 | 1.7 | 1.9 | 2.0 | 2.3 | 1.6 | 6.2 | .. | 1.8 |
| Children’s | 0.3 | 0.2 | 0.2 | 0.2 | 0.3 | 0.3 | 0.1 | 0.6 | .. | 0.3 |
| Familye | .. | .. | .. | 0.6 | .. | .. | .. | .. | 0.1 | 0.2 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.3 | 0.3 |
| Coroners | 0.1 | 0.2 | 0.2 | 0.2 | 0.1 | 0.1 | 0.2 | 0.6 | .. | 0.1 |
| **Total** | **3.6** | **4.2** | **3.3** | **5.2** | **4.5** | **4.1** | **3.5** | **10.8** | **0.7** | **4.7** |

a The Australian courts’ results have been derived using the total population figure for Australia. b Totals are derived by dividing the total number of judicial FTE at each court level by the relevant Australian population (per 100 000). c Population total for Australia includes ‘Other territories’. Population data for the financial year is the midpoint (31 December) estimate. d WA Supreme Court judicial FTE includes both General Division and Court of Appeal judicial officers.e Family Court of Australia figures include Family Court of Australia judges assigned to the Full Court Appeals division. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished) table 7A.27.

#### Effectiveness — quality

‘Quality’ is an indicator of governments’ achievement against the objective of providing due process. The Steering Committee has identified quality as an important measure of court performance (box 7.8). However, a suitable indicator of quality for courts has not yet been identified for inclusion in the performance indicator framework.

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| Box 7.8 Indicators of quality |
| Indicators of quality for courts have not yet been identified.  The perceptions of court users about the quality of the services delivered by courts may be strongly influenced by the outcomes of judicial decisions (which are not the subject of this chapter). Isolating perceptions of the quality of court administration may be difficult. |
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#### Effectiveness — backlog

‘Backlog’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner (box 7.9). The indicator recognises that case processing must take some time, that such time does not necessarily equal delay and that the time it takes to process a case can be affected by factors outside the direct control of court administration.

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| Box 7.9 Backlog |
| ‘Backlog’ is defined as a measure of the age of a court’s pending caseload against nominated time standards. The number of cases in the nominated age category is expressed as a percentage of the total pending caseload.  The following national standards 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 time standards 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 2012‑13 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/gsp/reports/rogs/2014. |
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Results can be affected by the complexity and distribution of cases, which may vary across court levels within each State and Territory and the Australian courts (boxes 7.1, 7.2 and 7.3). Additionally, Tasmania, the ACT and the NT have a two‑tier court system (that is, they do not have a district/county court level), whereas the other states and territories have a three‑tier court system. This difference needs to be taken into account when comparing the results of the backlog indicator.

Other factors that impact on backlog results are related to processes within the court system and whether cases have become inactive or remained active. Some cases require processes to be finalised outside of the court or in another court level, and the case cannot proceed until that other process has been finalised, that is, it is ‘on hold’ or ‘inactive’. In the criminal jurisdiction, those defendants who failed to appear when required and had warrants issued have been excluded from the pending caseload count as their cases are considered inactive until the defendant is apprehended. Other criminal jurisdiction processes that have a similar effect on backlogs over time are:

* referrals to Mental Health Tribunals
* referral to specialist courts
* matters on Interlocutory Appeal
* cases delayed by related cases or co-accused
* referrals to programs for rehabilitation
* family law matters determined “on-hold”.

The age of the pending workload and civil case processing timeliness can be affected by several factors (box 7.10). Also differences in completion times in the civil jurisdiction of the states and territories generally reflect different case flow management practices, the individual needs of cases, and the priority given to criminal matters.

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| Box 7.10 Civil timeliness factors |
| The following factors may affect the timeliness of case processing in the civil courts:   * where civil cases are contested, a single case may involve several related applications or issues that require judgments and decisions by the court * the parties to a case can significantly affect the conduct and timeliness of a case — that is, matters often may be adjourned at the instigation of, and by the consent of, the parties — such consent arrangements are outside the control of the court * the court may employ case management or other dispute resolution processes (for example, mediation) that are alternatives to formal adjudication * an inactive case is regarded as finalised (or closed) 12 months after the last action on the case (in accordance with the counting rules for this data collection). |
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The age of the pending caseload and case processing timeliness in criminal cases (and for some civil cases) can also be affected by orders or programs that are initiated following a court lodgment, but prior to a court finalisation. These programs or orders are commonly referred to as diversion programs and are outlined in more detail in box 7.11.

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| Box 7.11 Diversion programs and the impact on timeliness |
| Courts offer diversion programs to improve the quality of outcomes within the justice system and for the community generally. Diversion programs can involve processes that are outside the control of court administration. The period between lodgment and finalisation can be affected by those processes. Within the criminal justice system, diversion programs are usually focussed on rehabilitation for the defendant and/or restoration for the victim. They are most often (but not exclusively) used in 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 (Queensland, SA and Tasmania) or for various mental health assessments (NSW, WA and the ACT) * referral of defendants to a family violence court (WA, SA and Tasmania) 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.  Within the civil justice system, diversion programs can be a quicker and cheaper form of dispute resolution. Examples include:   * mediation — referrals can be made at any time during the proceedings. A court may require parties to complete a mediation program within a specified time, or can consider the timeframe to be ‘open-ended’ (for example, referrals to the National Native Title Tribunal). Completion time can also be affected by the complexity of the dispute and the number of parties involved, and can therefore vary significantly from case to case. Usually all parties consent to use mediation, but in some states parties can be ordered to mediate their dispute * arbitration — referrals are usually made early in the proceedings and the court supervises the process. The hearing is shorter than a court hearing. Participation can be voluntary or by order * reference to a referee — technical issues arising in proceedings may be referred to suitably qualified experts (referees) for inquiry and report. The court supervises the process and may adopt, vary or reject the report.   Success at mediation (settlement of the case) or at arbitration (acceptance of the arbitrator’s award) generally finalises cases earlier than if finalised by trial and judgment. Where the mediation or arbitration is unsuccessful, the delaying effect on finalisation is highly variable. |
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These factors mean that the impact on backlogs by changes in levels of lodgments or finalisations is not direct. The impact will be influenced by cases that go through periods of inactivity, as well as different court processes, methods of data compilation and counting rules. This means that increases in lodgments with decreasing finalisations does not necessarily result in increases in backlogs. This needs to be taken into account when comparing trends in lodgments, finalisations and backlogs across the five years of data.

Data on the backlog for criminal matters at 30 June 2013 are contained in table 7.12. Data showing backlog trends over five years are shown in attachment table 7A.19.

Table 7.12 Backlog — all criminal matters, at 30 June 2013

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Higher**a, b **— appeal** | | | | | | | | | |
| Pending caseload | no. | 1 513 | 1 282 | 369 | 241 | 71 | 14 | 60 | 18 |
| *cases > 12 mths* | *%* | 3.2 | 7.6 | 7.9 | 5.0 | 1.4 | – | 11.7 | – |
| *cases > 24 mths* | *%* | 0.6 | 1.6 | 1.6 | 0.4 | 1.4 | – | 5.0 | – |
| **Higher**a, b **— non‑appeal** | | | | | | | | | |
| Pending caseload | no. | 2 913 | 1 736 | 1 835 | 1 111 | 1 525 | 316 | 194 | 124 |
| *cases > 12 mths* | *%* | 11.2 | 17.5 | 19.1 | 7.0 | 17.6 | 25.0 | 43.8 | 2.4 |
| *cases > 24 mths* | *%* | 1.2 | 3.2 | 6.3 | 1.3 | 3.1 | 10.4 | 17.0 | – |
| **Supreme**b, c **— appeal** | | | | | | | | | |
| Pending caseload | no. | 216 | 202 | 208 | 241 | 71 | 14 | 60 | 18 |
| *cases > 12 mths* | *%* | 14.4 | 14.4 | 7.2 | 5.0 | 1.4 | – | 11.7 | – |
| *cases > 24 mths* | *%* | 4.2 | 1.0 | – | 0.4 | 1.4 | – | 5.0 | – |
| **Supreme**b, c **— non‑appeal** | | | | | | | | | |
| Pending caseload | no. | 108 | 99 | 345 | 125 | 40 | 316 | 194 | 124 |
| *cases > 12 mths* | *%* | 20.4 | 8.1 | 26.4 | 7.2 | 20.0 | 25.0 | 43.8 | 2.4 |
| *cases > 24 mths* | *%* | 2.8 | 2.0 | 10.1 | 0.8 | – | 10.4 | 17.0 | – |
| **District/County**c, d **— appeal** | | | | | | | | | |
| Pending caseload | no. | 1 297 | 1 080 | 161 | .. | .. | .. | .. | .. |
| *cases > 12 mths* | *%* | 1.3 | 6.4 | 8.7 | .. | .. | .. | .. | .. |
| *cases > 24 mths* | *%* | – | 1.7 | 3.7 | .. | .. | .. | .. | .. |
| **District/County**c **— non‑appeal** | | | | | | | | | |
| Pending caseload | no. | 2 805 | 1 637 | 1 490 | 986 | 1 485 | .. | .. | .. |
| *cases > 12 mths* | *%* | 10.9 | 18.1 | 17.4 | 7.0 | 17.6 | .. | .. | .. |
| *cases > 24 mths* | *%* | 1.1 | 3.2 | 5.4 | 1.3 | 3.2 | .. | .. | .. |
| **Magistrates’** | | | | | | | | | |
| Pending caseload | no. | 34 567 | 36 686 | 31 131 | 10 039 | 18 429 | 5 566 | 1 604 | 2 468 |
| *cases > 6 mths* | *%* | 12.2 | 23.7 | 26.4 | 27.2 | 26.5 | 27.8 | 27.0 | 21.8 |
| *cases >12 mths* | *%* | 2.4 | 7.6 | 11.1 | 9.0 | 9.0 | 12.8 | 9.2 | 10.6 |
| **Children’s** | | | | | | | | | |
| Pending caseload | no. | 3 009 | 3 605 | 2 285 | 1 172 | 1 643 | 524 | 135 | 497 |
| *cases > 6 mths* | *%* | 14.3 | 14.7 | 23.8 | 24.7 | 18.6 | 29.0 | 30.4 | 18.5 |
| *cases >12 mths* | *%* | 2.3 | 4.0 | 10.9 | 9.3 | 3.2 | 13.2 | 12.6 | 8.7 |

a Higher refers to supreme and district/county courts combined. b In NSW, the criminal casemix of the Supreme Court is principally murder and manslaughter cases and therefore not directly comparable with supreme courts in other states and territories. c For Queensland supreme and district courts, the age of non‑appeal cases is calculated from the date the court record was first created in the computerised case management system in the supreme or district court, not from the date of the committal order in the magistrates’ court. d There is no criminal appellate jurisdiction in the district courts in WA or SA. All criminal appeals from magistrates’ courts go directly to supreme courts in these states. **..**Not applicable. **–** Nil or rounded to zero.

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

Backlog data for civil matters are contained in table 7.13. In the civil jurisdiction, those lodgments that have not been acted upon in the past 12 months are counted as finalised for the purpose of this Report, the aim being to focus on those matters that are part of an ‘active pending’ population. Some courts (for example, the Australian courts) proactively manage all their civil cases and apply this deeming rule to very few, if any, cases.

Table 7.13 Backlog — all civil matters, as at 30 June 2013

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts |
| **Higher**a **— appeal** | | | | | | | | | | |
| Pending caseload | no. | 749 | 379 | 152 | 186 | 133 | 56 | 59 | 41 | 282 |
| *cases > 12 mths* | *%* | 24.2 | 19.5 | 5.9 | 12.4 | 9.0 | 14.3 | 33.9 | 2.4 | 6.4 |
| *cases > 24 mths* | *%* | 9.2 | 3.2 | 2.6 | 1.1 | 3.0 | 3.6 | 11.9 | 2.4 | 2.1 |
| **Higher (excl probate)**a **— non‑appeal**b | | | | | | | | | | |
| Pending caseload | no. | 13 129 | 11 361 | 7 764 | 6 054 | 4 221 | 898 | 723 | 104 | 2 602 |
| *cases >12 mths* | *%* | 26.8 | 29.6 | 23.7 | 36.8 | 37.3 | 28.2 | 48.8 | 35.6 | 38.1 |
| *cases > 24 mths* | *%* | 9.7 | 12.5 | 6.3 | 13.6 | 18.5 | 8.2 | 23.9 | 11.5 | 23.1 |
| **Supreme/Federal — appeal**a | | | | | | | | | | |
| Pending caseload | no. | 669 | 288 | 114 | 127 | 56 | 56 | 59 | 41 | 282 |
| *cases >12 mths* | *%* | 26.0 | 22.2 | – | 14.2 | 10.7 | 14.3 | 33.9 | 2.4 | 6.4 |
| *cases > 24 mths* | *%* | 10.3 | 3.5 | – | 1.6 | 5.4 | 3.6 | 11.9 | 2.4 | 2.1 |
| **Supreme (excl probate)/Federal — non-appeal**b | | | | | | | | | | |
| Pending caseload | no. | 6 609 | 4 011 | 3 054 | 2 296 | 703 | 898 | 723 | 104 | 2 602 |
| *cases >12 mths* | *%* | 30.4 | 26.5 | 29.6 | 37.0 | 31.2 | 28.2 | 48.8 | 35.6 | 38.1 |
| *cases > 24 mths* | *%* | 14.3 | 11.1 | 10.1 | 17.3 | 14.5 | 8.2 | 23.9 | 11.5 | 23.1 |
| **District/county — appeal** | | | | | | | | | | |
| Pending caseload | no. | 80 | 91 | 38 | 59 | 77 | .. | .. | .. | .. |
| *cases >12 mths* | *%* | 8.8 | 11.0 | 23.7 | 8.5 | 7.8 | *..* | *..* | *..* | *..* |
| *cases >24 mths* | *%* | – | 2.2 | 10.5 | – | 1.3 | *..* | *..* | *..* | *..* |
| **District/county — non‑appeal** | | | | | | | | | | |
| Pending caseload | no. | 6 520 | 7 350 | 4 710 | 3 758 | 3 518 | .. | .. | .. | .. |
| *cases >12 mths* | *%* | 23.1 | 31.2 | 19.9 | 36.7 | 38.5 | *..* | *..* | *..* | *..* |
| *cases > 24 mths* | *%* | 5.0 | 13.2 | 3.9 | 11.3 | 19.2 | *..* | *..* | *..* | *..* |
| **Magistrates’**c | | | | | | | | | | |
| Pending caseload | no. | 58 514 | 11 857 | 25 212 | 22 100 | 14 773 | 4 744 | 1 112 | 2 091 | .. |
| *cases > 6 mths* | *%* | 25.5 | 38.3 | 41.3 | 45.7 | 35.0 | 39.0 | 38.2 | 41.1 | *..* |
| *cases > 12 mths* | *%* | 0.4 | 21.7 | 9.9 | 8.9 | 7.3 | 9.8 | 14.8 | 6.6 | *..* |
| **Family — appeal**d | | | | | | | | | | |
| Pending caseload | no. | .. | .. | .. | 26 | .. | .. | .. | .. | 273 |
| *cases >12 mths* | *%* | *..* | *..* | *..* | 7.7 | .. | .. | .. | .. | 30.8 |
| *cases > 24 mths* | *%* | *..* | *..* | *..* | – | .. | .. | .. | .. | 9.9 |
| **Family — non‑appeal**d | | | | | | | | | | |
| Pending caseload | no. | .. | .. | .. | 10 034 | .. | .. | .. | .. | 4 997 |
| *cases > 12 mths* | *%* | *..* | *..* | *..* | 34.9 | .. | .. | .. | .. | 29.5 |
| *cases > 24 mths* | *%* | *..* | *..* | *..* | 15.3 | .. | .. | .. | .. | 11.2 |
| **Federal Circuit**d | | | | | | | | | | |
| Pending caseload | no. | .. | .. | .. | .. | .. | .. | .. | .. | 31 067 |
| *cases > 6 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | 34.4 |
| *cases > 12 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | 13.3 |

(Continued on next page)

|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Table 7.13 (Continued)   |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts |   **Coroners’ courts** | | | | | | | | | | |
| Pending caseload | no. | 3 331 | 5 306 | 2 069 | 1 926 | 1 661 | 440 | 234 | 454 | .. |
| *cases > 12 mths* | *%* | 36.7 | 39.7 | 26.5 | 22.1 | 28.0 | 25.0 | 36.3 | 29.5 | .. |
| *cases > 24 mths* | *%* | 22.3 | 20.2 | 10.2 | 9.8 | 10.5 | 10.2 | 17.1 | 19.4 | .. |

a Higher refers to State and Territory supreme and district/county courts combined, and includes the Federal Court. b Non‑appeal matters for the Federal Court include a significant number of Native Title matters which by nature are both long and complex. c Excludes children’s courts. d The Family Court of Australia and the Federal Circuit Court do not deem a matter as finalised even where there has been no court event for at least 12  months. Some matters may be affected by proceedings in other courts, for example, and although currently inactive they are included in the data for this indicator. The more complex and entrenched Family Law disputes commence with the Family Court so a higher proportion of its cases require more lengthy and intensive case management. **..**Not applicable. **–** Nil or rounded to zero.

*Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.21.

#### Effectiveness — attendance

‘Attendance’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.12). Court attendances act as a proxy for input costs. Attendance data can be difficult to collect. Due to system limitations, some jurisdictions supply data on listed hearings rather than actual attendances in court.

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| Box 7.12 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 efficient 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).   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 data were not available for NSW for any court level or the Tasmanian Supreme Court.   Information about data quality for this indicator is at www.pc.gov.au/gsp/reports/rogs/2014. |
|  |

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

Table 7.14 Attendance — criminal, 2012-13

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSWa | Vic | Qldb | WAc | SA | Tas | ACT | NT |
| *Average attendances per finalisation* | | | | | | | | |
| Supreme | na | 3.9 | 3.0 | 2.6 | 3.7 | 5.6 | 10.1 | 6.7 |
| District/County | na | 4.9 | 3.9 | 3.8 | 6.3 | .. | .. | .. |
| Magistrates’ | na | 3.0 | 2.4 | 2.3 | 3.7 | 4.3 | 3.8 | 3.0 |
| Children’s | na | 2.7 | 3.0 | 4.0 | 4.1 | 5.7 | 6.8 | 4.2 |

a NSW data are not available. b Queensland attendance data do not include attendances for appeal cases. c Attendance data for WA are based on number of hearings listed, not the number which actually occurred. **na** Not available. **..** Not applicable.

*Source*: State and Territory court authorities and departments (unpublished); table 7A.22.

Attendance indicator results for civil proceedings are reported in table 7.15.

Table 7.15 Attendance — civil, 2012-13

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSWa | Vic | Qld | WA | SA | Tas | ACTb | NT | Aust courts | |
| *Average attendances per finalisation* | | | | | | | | | | |
| Supreme (excl. probate)c/Federal | na | 1.7 | 1.3 | 2.1 | 3.4 | na | 4.9 | 4.5 | 2.5 | |
| District/countyc | na | 1.0 | 0.6 | 1.2 | 4.1 | .. | .. | .. | .. | |
| Magistrates | na | 1.0 | 0.8 | 0.8 | 0.8 | 0.8 | 1.8 | 1.0 | .. | |
| Children’sd | na | 1.6 | 3.5 | 3.1 | 2.8 | 11.9 | 8.0 | 3.2 | .. | |
| Familye | .. | .. | .. | 1.8 | .. | .. | .. | .. | 2.4 | |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 2.0 | |
| Coroners’ courts | na | 1.0 | 3.6 | 4.6 | 1.5 | 1.0 | 5.8 | 1.0 | .. |

a NSW data are not available. b ACT data are based on all listings for a case, including return of subpoenas, settlement and case management conferences. Multiple attendances are counted for a single event. c Queensland’s supreme and district courts data diverge from the national counting rules as follows: (i) multiple attendances are counted for multi-day court events (such as multi-day trials); (ii) case-managed court events are not included in the data; and (iii) attendances for appeal cases are not included. d Queensland Children’s Court data are based on a count of cases, not the number of children involved in the care and protection case. e Family Court of Australia data include all conference events that may have binding orders made. Data also contain events that may not require the attendance of parties (such as divorce hearings), however these are included as they form part of the lodgment and finalisation data. **na**Not available. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.22.

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

#### Efficiency — clearance indicator

‘Clearance’ 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 Clearance |
| ‘Clearance’ 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. It shows whether the volume of case finalisations has matched the number of case lodgments during the reporting period. It indicates whether a court’s pending caseload would have increased or decreased over that period.  The following can assist in interpretation of this indicator:   * a figure of 100 per cent indicates that, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload should be similar to the pending caseload 12 months earlier * a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload should have decreased * a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload should have increased.   The clearance indicator should be interpreted alongside lodgment and finalisation data, and the backlog indicator reported earlier in this chapter. Trends over time should also be considered.  The clearance 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 2012‑13 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/ gsp/reports/rogs/2014. |
|  |
|  |

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. Clearance indicator data in 2012‑13 are presented separately for the criminal and civil jurisdictions in tables 7.16 and 7.17. Where relevant, the clearance indicator data have been disaggregated between appeal and non-appeal matters.

Table 7.16 Clearance — all criminal matters, 2012-13**a**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Supreme — appeal**b | | | | | | | | | |
| Lodgments | ‘000 | 0.33 | 0.30 | 0.38 | 0.45 | 0.24 | 0.02 | 0.11 | 0.03 |
| Finalisations | ‘000 | 0.36 | 0.33 | 0.35 | 0.44 | 0.24 | 0.03 | 0.13 | 0.02 |
| *Clearance rate* | *%* | *109.1* | *111.3* | *92.8* | *98.2* | *99.6* | *113.6* | *122.2* | *51.7* |
| **Supreme — non-appeal**b | | | | | | | | | |
| Lodgments | ‘000 | 0.12 | 0.14 | 0.84 | 0.27 | 0.09 | 0.53 | 0.18 | 0.48 |
| Finalisations | ‘000 | 0.16 | 0.13 | 0.99 | 0.26 | 0.10 | 0.54 | 0.31 | 0.46 |
| *Clearance rate* | *%* | *129.5* | *88.9* | *118.4* | *98.1* | *115.3* | *101.5* | *175.6* | *94.2* |
| **District/County — appeal**b, c | | | | | | | | | |
| Lodgments | ‘000 | 6.54 | 2.89 | 0.41 | .. | .. | .. | .. | .. |
| Finalisations | ‘000 | 6.49 | 2.66 | 1.10 | .. | .. | .. | .. | .. |
| *Clearance rate* | *%* | *99.2* | *92.1* | *271.9* | *..* | *..* | .. | .. | .. |
| **District/County — non-appeal**b | | | | | | | | | |
| Lodgments | ‘000 | 3.95 | 2.46 | 4.70 | 1.99 | 2.30 | .. | .. | .. |
| Finalisations | ‘000 | 3.54 | 2.37 | 4.98 | 2.02 | 2.19 | .. | .. | .. |
| *Clearance rate* | *%* | *89.5* | *96.1* | *105.9* | *101.4* | *95.3* | .. | .. | .. |
| **Magistrates’** | | | | | | | | | |
| Lodgments | ‘000 | 153.07 | 175.35 | 188.52 | 83.91 | 54.36 | 15.88 | 5.12 | 15.49 |
| Finalisations | ‘000 | 150.60 | 188.54 | 183.83 | 80.24 | 54.77 | 16.21 | 5.06 | 16.60 |
| *Clearance rate* | *%* | *98.4* | *107.5* | *97.5* | *95.6* | *100.8* | *102.1* | *98.8* | *107.1* |
| **Children’s** | | | | | | | | | |
| Lodgments | ‘000 | 10.04 | 20.82 | 11.72 | 6.90 | 5.36 | 1.57 | 0.41 | 2.02 |
| Finalisations | ‘000 | 10.00 | 21.97 | 12.53 | 6.80 | 5.40 | 1.66 | 0.47 | 2.10 |
| *Clearance rate* | *%* | *99.6* | *105.5* | *106.9* | *98.5* | *100.8* | *105.7* | *114.5* | *104.3* |

a Clearance indicator results are derived from finalisation and lodgment data presented in tables 7A.1 and 7A.6. b Queensland supreme and district courts data for the number of originating criminal lodgments are based on a count of the number of defendants who had an indictment presented in the financial year — it is not a count of the number of defendants committed to the supreme/district courts for trial or sentencing. The number of finalisations in the Queensland district appeal court for 2012‑13 was unusually high due to a further appeal pending in a higher appeal court jurisdiction – the outcome of that higher court appeal set the precedent for those appeals pending in the district court (all related to the alcohol management program) which were all finalised together, resulting in a very high clearance rate. c Appeals are not heard in the district courts in WA or SA, instead they are referred to the supreme courts in these states. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); tables 7A.1, 7A.6, and 7A.24.

Table 7.17 Clearance — all civil matters, 2012-13**a**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts |
| **Supreme/Federal — appeal** | | | | | | | | | | |
| Lodgments | ‘000 | 0.79 | 0.44 | 0.28 | 0.18 | 0.13 | 0.09 | 0.06 | 0.12 | 0.63 |
| Finalisations | ‘000 | 0.72 | 0.47 | 0.28 | 0.19 | 0.11 | 0.10 | 0.04 | 0.13 | 0.63 |
| *Clearance rate* | *%* | *91.2* | *107.0* | *99.6* | *106.0* | *86.7* | *105.6* | *80.0* | *110.9* | *100.2* |
| **Supreme (excl probate)/Federal — non-appeal** | | | | | | | | | | |
| Lodgments | ‘000 | 8.65 | 6.63 | 3.52 | 2.39 | 1.13 | 1.05 | 0.51 | 0.14 | 5.17 |
| Finalisations | ‘000 | 11.74 | 7.06 | 3.96 | 2.63 | 1.20 | 0.95 | 0.82 | 0.17 | 5.92 |
| *Clearance rate* | *%* | *135.7* | *106.6* | *112.6* | *110.1* | *106.0* | *90.3* | *162.0* | *120.3* | *114.6* |
| **District/County — appeal** | | | | | | | | | | |
| Lodgments | ‘000 | 0.18 | 0.16 | 0.05 | 0.12 | 0.21 | .. | .. | .. | .. |
| Finalisations | ‘000 | 0.19 | 0.13 | 0.06 | 0.12 | 0.17 | .. | .. | .. | .. |
| *Clearance rate* | *%* | *107.2* | *81.5* | *118.9* | *98.3* | *80.9* | *..* | *..* | *..* | *..* |
| **District/County — non-appeal** | | | | | | | | | | |
| Lodgments | ‘000 | 7.31 | 6.68 | 5.54 | 4.47 | 2.91 | .. | .. | .. | .. |
| Finalisations | ‘000 | 7.66 | 6.21 | 5.95 | 4.41 | 2.76 | .. | .. | .. | .. |
| *Clearance rate* | *%* | *104.8* | *92.9* | *107.4* | *98.8* | *94.8* | *..* | *..* | *..* | *..* |
| **Magistrates** | | | | | | | | | | |
| Lodgments | ‘000 | 146.82 | 98.64 | 55.24 | 50.60 | 28.88 | 7.78 | 4.01 | 6.71 | .. |
| Finalisations | ‘000 | 146.07 | 106.20 | 53.87 | 50.66 | 26.37 | 8.52 | 3.76 | 7.00 | .. |
| *Clearance rate* | *%* | *99.5* | *107.7* | *97.5* | *100.1* | *91.3* | *109.5* | *93.6* | *104.4* | .. |
| **Children’s**b, c | | | | | | | | | | |
| Lodgments | ‘000 | 8.77 | 6.35 | 3.95 | 3.06 | 1.23 | 0.40 | 0.11 | 0.36 | .. |
| Finalisations | ‘000 | 8.80 | 6.24 | 3.92 | 2.76 | 1.26 | 0.45 | 0.12 | 0.37 | .. |
| *Clearance rate* | *%* | *100.4* | *98.2* | *99.2* | *90.2* | *102.0* | *112.7* | *112.3* | *103.4* | .. |
| **Family — appeal** | | | | | | | | | | |
| Lodgments | ‘000 | .. | .. | .. | 0.03 | .. | .. | .. | .. | 0.33 |
| Finalisations | ‘000 | .. | .. | .. | 0.03 | .. | .. | .. | .. | 0.33 |
| *Clearance rate* | *%* | *..* | *..* | *..* | *90.3* | .. | .. | .. | .. | *102.1* |
| **Family — non-appeal** | | | | | | | | | | |
| Lodgments | ‘000 | .. | .. | .. | 14.90 | .. | .. | .. | .. | 17.83 |
| Finalisations | ‘000 | .. | .. | .. | 15.56 | .. | .. | .. | .. | 18.04 |
| *Clearance rate* | *%* | *..* | *..* | *..* | *104.5* | .. | .. | .. | .. | *101.2* |
| **Federal Circuit** | | | | | | | | | | |
| Lodgments | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 89.60 |
| Finalisations | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 90.56 |
| *Clearance rate* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *101.1* |
| **Coroners’** | | | | | | | | | | |
| Lodgments | ‘000 | 5.40 | 5.93 | 4.76 | 2.16 | 2.20 | 0.56 | 1.34 | 0.30 | .. |
| Finalisations | ‘000 | 5.99 | 5.53 | 5.00 | 2.22 | 1.85 | 0.45 | 1.39 | 0.30 | .. |
| *Clearance rate* | *%* | *110.9* | *93.3* | *105.0* | *102.9* | *84.2* | *81.1* | *104.0* | *99.7* | *..* |

a Clearance indicator results are derived from finalisation and lodgment data presented in tables 7A.3 and 7A.8. b NSW lodgment data for children in the civil court is based on a count of each child listed in all new applications for care and protection, not just the originating application. c Queensland children’s courts data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); tables 7A.3, 7A.8 and 7A.26.

##### All matters

Table 7.18 contains clearance indicator results for all court matters (both criminal and civil) in 2012‑13, and combines appeal and non-appeal matters.

Table 7.18 Clearance — all matters, 2012-13 (per cent)**a**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts |
| **Supreme/Federal**b |  |  |  |  |  |  |  |  |  |
| Criminal | 114.7 | 104.1 | 110.5 | 98.2 | 103.7 | 102.0 | 155.3 | 91.8 | .. |
| Civil | 132.0 | 106.6 | 111.7 | 109.8 | 104.1 | 91.5 | 153.9 | 116.0 | 113.0 |
| *Total* | *131.2* | *106.5* | *111.4* | *107.3* | *104.0* | *94.9* | *154.4* | *99.9* | *113.0* |
| **District/county** |  |  |  |  |  |  |  |  |  |
| Criminal | 95.6 | 94.0 | 119.1 | 101.4 | 95.3 | .. | .. | .. | .. |
| Civil | 104.9 | 92.6 | 107.5 | 98.8 | 93.9 | .. | .. | .. | .. |
| *Total* | *99.5* | *93.2* | *113.0* | *99.6* | *94.5* | .. | .. | .. | .. |
| **Magistrates’** |  |  |  |  |  |  |  |  |  |
| Criminal | 98.4 | 107.5 | 97.5 | 95.6 | 100.8 | 102.1 | 98.8 | 107.1 | .. |
| Civil | 99.5 | 107.7 | 97.5 | 100.1 | 91.3 | 109.5 | 93.6 | 104.4 | .. |
| *Total* | *98.9* | *107.6* | *97.5* | *97.3* | *97.5* | *104.5* | *96.6* | *106.3* | *..* |
| **Children’s** c, d |  |  |  |  |  |  |  |  |  |
| Criminal | 99.6 | 105.5 | 106.9 | 98.5 | 100.8 | 105.7 | 114.5 | 104.3 | *..* |
| Civil | 100.4 | 98.2 | 99.2 | 90.2 | 102.0 | 112.7 | 112.3 | 103.4 | .. |
| *Total* | *99.9* | *103.8* | *104.9* | *96.0* | *101.1* | *107.2* | *114.0* | *104.2* | .. |
| **Family** | *..* | *..* | *..* | *104.4* | *..* | *..* | *..* | *..* | *101.2* |
| **Federal Circuit** | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *101.1* |
| **Coroners’ courts** | *110.9* | *93.3* | *105.0* | *102.9* | *84.2* | *81.1* | *104.0* | *99.7* | .. |

a Clearance indicator results are derived from finalisation and lodgment data presented in tables 7A.1, 7A.3, 7A.6 and 7A.8. b Supreme courts data exclude probate matters. c NSW lodgment data for children in the civil court are based on a count of each child listed in all new applications for care and protection, not just the originating application. d Queensland children’s courts data for civil cases are based on a count of cases, not the number of children involved in the care and protection case. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); tables 7A.1, 7A.3, 7A.6, 7A.8, 7A.24 and 7A.26.

##### Homicide and related offences

Table 7.19 presents data for backlog, attendance and clearance indicator results for homicide and related matters processed by the Supreme, District, Magistrates and Children’s courts during 2012‑13. 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 defendant count, not the number of homicide charges brought before the court
* 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. This is because the objective is to quantify court workload for each court level and assess relevant indicators 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 lodgments in table 7.19 do not reflect whether a defendant has been found guilty or not
* homicide-related lodgments in table 7.19 differ from the ABS Criminal Courts data due to different counting rules. This report presents data from a lodgments perspective — based upon a defendant being charged with one or more homicide offences at the time of entering each court level. The ABS publication presents data from a finalisations perspective — based upon the 'principal offence' being a homicide offence at the time that a defendant is sentenced, acquitted or otherwise finalised in the criminal court system. As a defendant may have been charged with more than one offence, the ABS selects the principal offence based on how the offences were finalised and/or the rankings in the National Offence Index 2009
* table 7.19 and the ABS Criminal Courts data refer to the committal, trial and sentencing processes, not to any subsequent appeal case.

Given that homicide-related lodgments are generally small in number, percentages in the table should be interpreted with caution. Homicide and related offences data were published as experimental for 2011‑12. The following table presents homicide and related offences data for 2012‑13 with limited time series data in the attachment tables (tables 7A.2, 7A.7, 7A.20 and 7A.25).

Table 7.19 Homicide and related offences, 2012-13**a**

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT |
| **Supreme** | | | | | | | | | |
| Lodgments | no. | 107 | 84 | 86 | 50 | 33 | 14 | 3 | 22 |
| Finalisations | no. | 114 | 74 | 104 | 31 | 46 | 10 | 3 | 13 |
| Pending | *no.* | 95 | 58 | 58 | 34 | 22 | 14 | 7 | 10 |
| Backlog >12 mths | % | 16.8 | 5.2 | 17.2 | 11.8 | 27.3 | 21.4 | 57.1 | – |
| Backlog >24 mths | % | – | – | 8.6 | 2.9 | 9.1 | 7.1 | 14.3 | – |
| Attendance | no*.* | na | 6.4 | 6.2 | 6.4 | 12.6 | 14.2 | 12.3 | 13.0 |
| Clearance rate | *%* | 106.5 | 88.1 | 120.9 | 62.0 | 139.4 | 71.4 | 100.0 | 59.1 |
| **District/County** | | | | | | | | | |
| Lodgments | no. | 81 | 31 | 15 | 31 | 9 | .. | .. | .. |
| Finalisations | no. | 77 | 43 | 15 | 20 | 13 | .. | .. | .. |
| Pending | *no.* | 67 | 18 | 6 | 17 | 11 | .. | .. | .. |
| Backlog >12 mths | % | 14.9 | 44.4 | – | – | 27.3 | .. | .. | .. |
| Backlog >24 mths | % | – | 5.6 | – | – | – | .. | .. | .. |
| Attendance | no. | na | 5.2 | 4.1 | 2.8 | 9.1 | .. | .. | .. |
| Clearance rate | *%* | 95.1 | 138.7 | 100.0 | 64.5 | 144.4 | .. | .. | .. |
| **Magistrates’** | | | | | | | | | |
| Lodgments | no. | 274 | 144 | 108 | 98 | 77 | 8 | 16 | 27 |
| Finalisations | no. | 384 | 155 | 93 | 94 | 69 | 6 | 15 | 19 |
| Pending | *no.* | 183 | 81 | 117 | 53 | 39 | 3 | 9 | 22 |
| Backlog >6 mths | % | 45.4 | 32.1 | 56.4 | 32.1 | 25.6 | 33.3 | 11.1 | 27.3 |
| Backlog >12 mths | % | 14.2 | 9.9 | 25.6 | 5.7 | – | 33.3 | – | 13.6 |
| Attendance | no. | na | 7.1 | 9.4 | 6.0 | 5.4 | 3.0 | 6.5 | 8.7 |
| Clearance rate | *%* | 140.1 | 107.6 | 86.1 | 95.9 | 89.6 | 75.0 | 93.8 | 70.4 |
| **Children’s** | | | | | | | | | |
| Lodgments | no. | 11 | 5 | 5 | 8 | 8 | – | – | – |
| Finalisations | no. | 15 | 7 | 7 | 4 | 6 | – | – | 1 |
| Pending | *no.* | 10 | 1 | 1 | 7 | 5 | – | – | – |
| Backlog >6 mths | % | 60.0 | – | 100.0 | 14.3 | 100.0 | – | – | – |
| Backlog >12 mths | % | 40.0 | – | – | – | 40.0 | – | – | – |
| Attendance | no. | na | 5.1 | 6.9 | 12.3 | 8.3 | – | – | 20.0 |
| Clearance rate | *%* | 136.4 | 140.0 | 140.0 | 50.0 | 75.0 | – | – | – |

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. A lodgment is counted where any criminal matter initiated, commenced, lodged or filed in a particular court level includes a charge of murder, attempted murder, manslaughter or driving causing death. **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 and 7A.25.

#### Efficiency — judicial officers per finalisation

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

|  |
| --- |
| Box 7.14 Judicial officers per 100 finalisations |
| ‘Judicial officers per finalisation’ is an indicator that represents efficiency of judicial services. It is measured by dividing the number of full time equivalent judicial officers within each court for the financial year by the total number of finalisations for the same period and multiplying this number by 100.  The following points need to be considered in interpreting the number of judicial officers per finalisation indicator results:   * some finalisations take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * factors such as geographical dispersion, judicial workload and population density are important considerations when comparing figures on judicial officers * efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between efficiency on the one hand and equity, effectiveness and quality, on the other.   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 2012‑13 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/gsp/reports/rogs/2014. |
|  |
|  |

Table 7.20 Judicial officers per 100 finalisations, 2012‑13

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Supreme/Federala | 0.44 | 0.67 | 0.43 | 0.84 | 0.83 | 0.44 | 0.47 | 1.05 | 0.85 | 0.61 |
| District/County | 0.36 | 0.54 | 0.28 | 0.43 | 0.41 | .. | .. | .. | .. | 0.40 |
| Magistrates | 0.04 | 0.04 | 0.03 | 0.04 | 0.04 | 0.05 | 0.07 | 0.06 | .. | 0.04 |
| Children’s | 0.13 | 0.04 | 0.05 | 0.05 | 0.07 | 0.08 | 0.08 | 0.06 | .. | 0.07 |
| Familyb | .. | .. | .. | 0.10 | .. | .. | .. | .. | 0.17 | 0.14 |
| Federal Circuitc | .. | .. | .. | .. | .. | .. | .. | .. | 0.07 | 0.07 |
| Coroners | 0.08 | 0.17 | 0.19 | 0.18 | 0.11 | 0.09 | 0.06 | 0.50 | .. | 0.14 |
| **Totalf Total** | **0.07** | **0.07** | **0.06** | **0.08** | **0.08** | **0.07** | **0.11** | **0.09** | **0.13** | **0.08** |

a WA Supreme Court judicial FTE includes both General Division and Court of Appeal judicial officers. b Family Court of Australia figures include Family Court of Australia judges assigned to the Full Court Appeals division. c Includes Family Court of Australia services provided free of charge. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.28.

#### Efficiency — full time equivalent staff (FTE) per 100 finalisations

‘Full time equivalent staff per 100 finalisations’ is a third indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.15). Full time equivalent staff per judicial officer employed are provided in the attachment (table 7A.30).

|  |
| --- |
| Box 7.15 Full time equivalent staff per 100 finalisations |
| ‘Full time equivalent staff per 100 finalisations’ is an indicator that represents efficiency of court services. It is measured by dividing the total number of full time equivalent staff employed by courts for the financial year by the total number of finalisations for the same period and multiplying this by 100.  FTE staff comprise 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 * Umbrella department staff   The following points need to be considered in interpreting the number of full time staff per finalisation indicator results:   * some finalisations take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * factors such as geographical dispersion, court workload and population density are important considerations when comparing figures on FTE staff * efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between efficiency on the one hand and equity, effectiveness and quality, on the other.   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 2012‑13 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/ gsp/reports/rogs/2014. |
|  |

Table 7.21 Full time equivalent staff per 100 finalisations, 2012‑13

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total |
| Criminal courts | 0.7 | 0.4 | 0.4 | 0.6 | 0.7 | 0.5 | 0.9 | 0.4 | .. | 0.5 |
| Civil courts | 0.6 | 0.5 | 0.5 | 0.4 | 0.6 | 0.4 | 1.1 | 0.7 | 4.6 | 0.6 |
| Family | .. | .. | .. | 0.9 | .. | .. | .. | .. | 1.9 | 1.4 |
| Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.5 | 0.5 |
| Coroners’ courts | 0.7 | 1.5 | 1.4 | 1.4 | 1.2 | 0.5 | 0.4 | 1.3 | .. | 1.2 |
| **Total** | **0.7** | **0.5** | **0.4** | **0.6** | **0.7** | **0.4** | **0.9** | **0.5** | **1.0** | **0.6** |

. **..**Not applicable.

*Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.29.

#### Efficiency — cost per finalisation

‘Cost per finalisation’ is a fourth indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.16). Cost is taken as the total recurrent annual expenditure, excluding payroll tax. Both gross and net expenditure per finalisation are reported. Net expenditure refers to expenditure minus income (where income is derived from court fees and other revenue but excludes revenue from fines).

|  |
| --- |
| Box 7.16 Cost per finalisation |
| ‘Cost per finalisation’ is measured by dividing the total recurrent expenditure (gross and net) 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 cost per finalisation indicator results:   * some finalisations take only a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * cases in the civil jurisdiction that have not been acted upon in the last 12 months are counted (deemed) as finalised (although some jurisdictions are unable to comply with this deeming rule) * expenditure data may include arbitrary allocation between criminal and civil jurisdictions * net expenditure is calculated by deducting income (court fees) from total expenditure, noting that in some jurisdictions court fees are set by government rather than by court administrators * a number of factors are beyond the control of jurisdictions, such as geographic dispersion, economies of scale and socioeconomic factors * efficiency results need to be viewed in light of the performance indicator framework as a whole, because there can be trade-offs between efficiency on the one hand and equity, effectiveness and quality, on the other.   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 2012‑13 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/ gsp/reports/rogs/2014. |
|  |
|  |

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 impact on cost per finalisation results.

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

Nationally and across all jurisdictions in 2012‑13, total net expenditure per finalisation in the criminal jurisdiction of supreme courts was generally greater than the total net expenditure per finalisation for the civil jurisdiction (figure  7.4). The Federal Court has criminal jurisdiction but the summary criminal cases are included in the civil case totals and as yet there are no indictable criminal cases (see p. 7.8).

Tasmania, the ACT and the NT have a broader range of matters that are heard in their supreme courts as none of these jurisdictions have district/county courts. The difference in scope of supreme court work (box 7.1) should be considered when making comparisons between states and territories.

Figure 7.4 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2012-13**a, b, c**

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| 1. **Gross recurrent expenditure** 2. **Net recurrent expenditure** |

FCA = Federal Court of Australia

a Excludes payroll tax. b Supreme courts data for the civil jurisdiction exclude uncontested probate matters. c The Federal Court does not have criminal cases to include in the figure.

*Source*: State and Territory court authorities and departments and the Federal Court of Australia (unpublished); tables 7A.31–35.

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

In 2012‑13, total net expenditure per finalisation in the criminal jurisdiction of district/county courts was about four times that in the civil jurisdiction (figure 7.5). This trend was similar across all states and territories, and is consistent over time (tables 7A.31–35).

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

Figure 7.5 Recurrent expenditure per finalisation, district/county courts, 2012‑13**a, b, c, d**

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| 1. Gross recurrent expenditure   Figure 7.5 Recurrent expenditure per finalisation, district/county courts, 2012-13  (a) 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, district/county courts, 2012-13  (b) Net recurrent expenditure  More details can be found within the text surrounding this image. |

a  Excludes payroll tax. b In Queensland, some children’s courts criminal matters are heard in the District Court but in this Report are included with children’s courts data. c County Court civil and criminal data include the Public Private Partnership rental and associated costs for the Victorian County Court building. d WA civil and criminal data include associated costs relating to the Public Private Partnership for the District Court building.

*Source*: State and Territory court authorities and departments (unpublished); tables 7A.31-35.

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

Nationally for magistrates’ courts, net expenditure per criminal finalisation was greater than net expenditure per civil finalisation. This was also the case across most states and territories (figure 7.6).

Figure 7.6 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2012‑13**a, b**

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| 1. **Gross recurrent expenditure**   **Figure 7.6 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2012-13  (a) Gross recurrent expenditure  More details can be found within the text surrounding this image.**   1. **Net recurrent expenditure**   **Figure 7.6 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2012-13  (b) Net recurrent expenditure  More details can be found within the text surrounding this image.** |

a Excludes payroll tax. b Queensland children’s courts data for civil cases are based on a count of cases, not the number of children involved in each care and protection case.

*Source*: State and Territory court authorities and departments (unpublished); tables 7A.31-35.

##### Expenditure per finalisation for children’s courts

Expenditure per finalisation for children’s courts varies across states and territories, particularly for civil matters, but also for criminal matters (figure 7.7). The majority of matters heard in the civil jurisdiction of children’s courts are care and protection orders. However, some jurisdictions will also hear matters such as applications for intervention orders. In Tasmania, child protection matters are lodged in the criminal registry as urgent.

Nationally, and in most states and territories, net recurrent expenditure per finalisation is higher in the civil jurisdiction.

Figure 7.7 Recurrent expenditure per finalisation, children’s courts, 2012‑13**a, b, c**

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| 1. **Gross recurrent expenditure**   **Figure 7.7 Recurrent expenditure per finalisation, children’s courts, 2012-13  (a) Gross recurrent expenditure  More details can be found within the text surrounding this image.**   1. **Net recurrent expenditure**   Figure 7.7 Recurrent expenditure per finalisation, children’s courts, 2012-13  (b) Net recurrent expenditure  More details can be found within the text surrounding this image. |

a  Excludes payroll tax. b In Victoria, children’s cases that are not heard in the Melbourne Children’s Court are heard in the magistrates’ court in regional areas. The expenditure related to those cases cannot be separately identified, and is included with the expenditure for the magistrates’ court. However, the quantity of those cases is known, and the finalisations are included with children’s court data. c Queensland children’s courts data for civil cases are based on a count of cases, not the number of children involved in the care and protection case.

*Source*: State and Territory court authorities and departments (unpublished); tables 7A.31-35.

##### Expenditure per finalisation for magistrates’ courts only

Expenditure per criminal and civil finalisation for magistrates’ courts only, excluding children’s courts for 2012‑13, is presented in figure 7.8. Nationally, and in most states and territories, net recurrent expenditure per finalisation is higher in the criminal jurisdiction.

Figure 7.8 Recurrent expenditure per finalisation, magistrates’ courts only (excluding children’s courts), 2012-13**a, b**

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| 1. **Gross recurrent expenditure**   **Figure 7.8 Recurrent expenditure per finalisation, magistrates’ courts only (excluding children’s courts), 2012-13  (a) Gross recurrent expenditure  More details can be found within the text surrounding this image.**   1. **Net recurrent expenditure**   **Figure 7.8 Recurrent expenditure per finalisation, magistrates’ courts only (excluding children’s courts), 2012-13  (b) Net recurrent expenditure  More details can be found within the text surrounding this image.** |

a Excludes payroll tax. b In Victoria, children’s criminal cases that are not heard in the Melbourne Children’s Court are heard in the magistrates’ court in regional areas. The expenditure related to those cases cannot be separately identified, and is included with the expenditure for the magistrates’ court. However, the quantity of those cases is known, and the finalisations are included with children’s court data.

*Source*: State and Territory court departments (unpublished); tables 7A.31-35.

##### 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 contribute to the differences in recurrent expenditure per finalisation results presented in figure 7.9.

Figure 7.9 Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2012-13**a, b**

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a Expenditure per finalisation for the Federal Circuit Court is based on the total net expenditure and all finalisations for that court; it does not isolate family law work from general federal law work and is therefore not strictly comparable with the results for either the Family Court of Australia or the Family Court of WA. Some bankruptcy and immigration matters filed with the Federal Circuit Court are delegated to be dealt with by Federal Court registrars. The Federal Circuit Court fully funds the Federal Court, through cash payments, to undertake this work on its behalf. Those matters finalised by the Federal Court registrars are appropriately counted as part of the Federal Circuit Court matters as they form part of the Federal Circuit Court’s filings and expenditure and therefore contribute to the cost per finalisation. b Discounted (estimate) for resources and services (work of court staff and accommodation) provided free of charge to the Federal Circuit Court in accordance with the Federal Magistrates Act 1999 and the Federal Circuit Court of Australia Legislation Amendment Act 2012. In addition, the Family Court of Australia provides further shared services, including IT services, accommodation, work of court staff and depreciation and amortisation that cannot be quantified and as such no additional discount could be applied. This will cause an overestimate for the Family Court of Australia data (and an underestimate for the Federal Circuit Court data).

*Source*: Australian and State court authorities and departments (unpublished); tables 7A.31, 7A.35.

The establishment of the Federal Circuit Court in 2000 has had implications for the finalisations and expenditure reported for the Family Court of Australia, because the Federal Circuit Court now deals with some of the matters previously managed by the Family Court of Australia. For example, before the establishment of the Federal Circuit Court, all divorce applications (other than those lodged in the Family Court of WA) were lodged in the Family Court of Australia; now (aside from those lodged in the Family Court of WA) almost all divorce applications are lodged in the Federal Circuit Court. In general federal law, the Federal Circuit Court also deals with the less complex administrative law, bankruptcy law, discrimination, workplace relations and consumer protection law matters that were previously dealt with in the Federal Court of Australia.

##### 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 $1873 in 2012‑13 (figure 7.10).

Figure 7.10 Recurrent expenditure per finalisation, coroners’ courts, 2012‑13**a, b, c, d**

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| **Figure 7.10 Recurrent expenditure per finalisation, coroners' courts, 2012-13  More details can be found within the text surrounding this image.** |

a Excludes payroll tax. b Data for NSW, Victoria and the ACT include reported fires. c Expenditure data for the Queensland Coroners’ Court and the Victorian Coroners’ Court include the full costs of government assisted burials/cremations, legal fees incurred in briefing counsel assisting for inquests and costs of preparing matters for inquest, including the costs of obtaining independent expert reports. d Excludes expenditure for autopsy, forensic science, pathology tests and body conveyancing fees.

*Source*: State and Territory court authorities and departments (unpublished); tables 7A.32 and 7A.35.

As there are differences across jurisdictions in the way that autopsy and chemical analysis costs are managed, their inclusion in recurrent expenditure can lead to large variations in the net expenditure reported per finalisation. To improve consistency, these costs are excluded from net recurrent expenditure for coroners’ courts in this Report. These costs are separately identified in table 7A.12.

Data for NSW, Victoria, Tasmania and the ACT include fires reported to the coroner. Fires are not reported to the coroner in other jurisdictions. Care needs to be taken when making comparisons across the states and territories.

### Outcomes

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

No outcome indicators for courts are currently reported. It is noted, however, that 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 Future directions in performance reporting

### Improving data quality

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

The Review, through the Courts Working Group (CWG), the Courts Practitioner Group (CPG) and the Courts Finance Group (CFG), seeks to continuously improve data quality. Some of the activities and processes by which this is done include:

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

### Improving performance indicators

The CWG is monitoring studies by the Australasian Institute of Judicial Administration (AIJA) of the quality and performance of court systems worldwide. The AIJA is a research and educational institute funded by the Standing Council on Law and Justice and also from subscription income from its membership. An AIJA seminar was held in July 2009, attended by Chief Justices, other members of the judiciary, and court administrators, to discuss the Courts chapter and ways in which performance indicators might be improved. In late 2009 a working group, funded by AIJA, was established to investigate how performance indicators might be made more relevant and informative. Some of the outcomes from this group have been implemented in this chapter while others are under consideration by the CWG for potential future implementation.

Work is also in progress to capture financial data related to court fees which are waived, reduced or exempted. This will help to quantify court resources which are expended but not recouped, essentially providing substantial but currently unacknowledged benefits to the community.

## 7.5 Jurisdictions’ comments

This section provides comments from each jurisdiction on the services covered in this chapter.

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|  | New South Wales Government comments |  |
| **“** | NSW performance continues to improve. The NSW Supreme Court reduced the percentage of criminal non appeal matters older than 12 and 24 months. The overall Supreme Court clearance rate also increased, reaching its highest level in the past 12 years. Net expenditure on District Court criminal matters declined. The Local Court 6 month criminal backlog fell, as did the overall net expenditure per finalisation for both criminal and civil matters. The Children’s Court criminal backlog also declined, as well as the expenditure per criminal finalisation. The Coroner’s Court recorded a clearance rate above 100 per cent for the third consecutive year.  NSW has been working to improve information sharing between the courts and other justice agencies. In 2012‑13 the Joined-Up Justice project was completed, with over 98 per cent of Court Attendance Notices now received electronically. Legal Aid NSW, the Office of the Director of Public Prosecutions and Corrective Services NSW all receive court outcomes electronically.  NSW continued to innovatively utilise technology to improve its quality of services. In 2012‑13:   * 65,000 video conferencing sessions were held, reducing transport time and increasing court efficiency. * Video conferencing for legal interviews increased significantly, resulting in a transport cost avoidance of approximately $10 million, and more efficient delivery of services to participants in legal interviews. * The Courts Services Centre answered 500,000 calls, a 145 per cent increase on 2011‑12. The centre processed 24,000 payment transactions in 2012‑13, totalling $9.3 million. This was an increase of 133 per cent on 2011‑12. * Probate notices were made available publicly through the NSW online registry. Online probate notices have improved community accessibility to prospective probate applications through the free search function, and delivered a cost saving to the community. * 40 online forms were delivered to support the end-to-end civil matter process across Local, District and Supreme courts. Court users have the ability to file these forms online or through electronic file transfer. Additional online registry services will be implemented in 2013‑14.   NSW commitment to promoting Alternative Dispute Resolution (ADR) strengthened. In 2012‑13 Community Justice Centres held 1622 mediation sessions, with a resolution rate of almost 80 per cent. In December 2012 the Australian Institute of Criminology’s evaluation of ADR initiatives in the care and protection jurisdiction of the NSW Children’s Court found that, overall, ADR has made a significant difference to care and protection proceedings and delivered important benefits to parents and families. | **”** |
|  | Victorian Government comments |  |
| **“** | * The Supreme Court of Victoria has continued in its reform and innovation for 2012‑13. A particular highlight has been the dramatic reduction in criminal and civil appeal backlogs with both areas achieving a clearance rate of over 100 per cent. This year again saw significant activity in the civil trial division achieving a clearance rate greater than 100 per cent again for the third year leading to a drop in the backlog from previous years. Part of this achievement has been the management of major class action cases, which has been located in a state-of-the-art courtroom specially built to handle large trials. * In the County Court there has been an overall increase in initiations in the civil jurisdiction and the clearance rate continues to reflect the fact that a large proportion of judges are primarily involved in hearing contested interlocutory proceedings in the nature of Serious Injury applications under the *Accident Compensation Act 1985* (Vic). The Victorian Work Cover Authority was a respondent in 228 Serious Injury applications in which judgments were delivered over the report period. Only 40 (or 18 per cent) of these applications were dismissed. Plaintiffs were successful in the remaining 188 (or 82 per cent). The Court’s criminal jurisdiction has also seen an overall increase of 9 per cent in initiations. Continuing the trend over the last 3 years, the Court has again decreased the number of cases pending for over two years, particularly in regional Victoria where a number of initiatives have been implemented. For example, double circuit sittings and old case intensives have been particularly successful in reducing backlog in regional Victoria. The Court has also introduced the 24 Hour Initial Directions Hearing pilot which is streamlining proceedings between the Magistrates’ Court and the County Court and cutting 10 -12 weeks in delay (between committal for trial from the Magistrates’ Court and Initial Directions Hearing in the County Court) from the system overall. * The Magistrates’ Court continues to experience an increasing caseload as is evident in the cumulative statistics for the Court’s last five reporting years to date. Victoria’s criminal caseload increase significantly this financial year. Lodgements grew a further 1.8 per cent on last year to 175,345. Through a number of listing strategies, the Court finalised 188,537 matters. This represents a record high for the Magistrates’ Court of Victoria. As a result, the Court posted a clearance rate above the 100 per cent for the sixth consecutive year, which compares favourably to other states in Australia. Applications for intervention order also continue experience significant growth in Victoria. Victoria’s civil caseload has fallen for the fifth consecutive year, which is in contrast to the national trend. The Magistrates’ Court continues to maintain high levels of efficiency despite substantive pressures stemming from annually increasing caseloads and rises in backlog. However, the proportion of matters pending more than 12 months remains low relative to historic trends and below the national average. | **”** |
|  | Queensland Government comments |  |
| **“** | * The Supreme, District and Magistrates Courts continued to achieve impressive criminal and civil clearance rates during 2012‑13. * In the Supreme Court (including appeals), the criminal clearance rate was 110.5 per cent and 111.7 per cent in the civil jurisdiction. * The District Court (including appeals) achieved a clearance rate of 119.1 per  cent in the criminal jurisdiction and 107.5 per cent in the civil jurisdiction. * The Magistrates Courts criminal clearance rate was 97.5 per cent, and the civil clearance rate was also 97.5 per cent. * As a result of the clearance rates in the Supreme and District Courts, the numbers of active pending cases in those jurisdictions are decreasing. * In the Supreme Court, the total number of active criminal cases decreased by 31.3 per cent, from 502 as at 30 June 2012 to 345. Over the same period, the total number of active cases in the civil jurisdiction decreased by 13 per cent, from 3512 to 3054. * In the District Court, there was a decrease of 15.2 per cent in the number of active criminal cases, from 1757 as at 30 June 2012 to 1490. Over the same period, there was a decrease of 8.1 per cent in the civil jurisdiction, from 5125 to 4710. * In the criminal jurisdiction of the Magistrates Court, the number of criminal lodgments increased from 183,717 to 188,524. * A Coroner’s office was established in Mackay during August 2012 to relieve the pressure on regional magistrates’ courts and help clear a backlog in delayed cases. This office investigates deaths in the Central Queensland region in a region extending from Proserpine to Gayndah. * In August 2012, the Supreme Court of Queensland entered into a Memorandum of Understanding (MOU) with the Supreme and National Courts of Papua New Guinea (PNG). The MOU has a focus on sharing knowledge and exchanging advice in areas of the court registry, courts technology, courts training, policy and procedures, and the role of the sheriff. A delegation of Queensland Courts staff visited PNG in February 2013 and a reciprocal visit was planned by PNG judges and staff to Brisbane during July 2013. * In December 2012, a cross agency initiative to increase videoconferencing and reduce prisoner transports to court commenced. A trial between the Arthur Gorrie Correctional Centre and a Brisbane-based law firm to videoconference legal visits with in custody clients demonstrated benefits to all parties. The need for legal representatives to travel to the orrectional centre is eliminated and offenders have not opposed the initiative as it avoids the need for searches that occur after in-person visits as well as enabling more regular contact with legal representatives. | **”** |
|  | Western Australian Government comments |  |
| **“** | In 2012‑13 Western Australia’s Courts continued to improve service delivery.   * In the Supreme Court, the numbers of criminal, Court of Appeal and probate lodgments have increased slightly compared to last year. However, the clearance rate for criminal appeal matters has improved on the previous year. In addition, the court continues to maximise technology, especially in complex civil and criminal trials. Judicial resources were temporarily deployed from civil to the criminal division to manage the increase in workload which resulted in an improvement to the non-appeal criminal clearance rate. * Sustained improvements in listing procedures at the District Court has resulted in criminal median time to trial declining to 25 weeks and the criminal clearance rate has also improved since last year. * The appointment of two Family Court Judges to judicial vacancies and the State and Commonwealth funded acting magistrates has allowed the Family Court to continue to increase finalisations and clear its backlog. The State Government funded magistrate allocated to de facto financial matters has been focused on undertaking trial work (primarily contributing to a 50 per cent increase in de facto financial trials held), assisting to clear the jurisdiction’s more complex matters. The non-appeal pending case load reduced by 6 per cent and the Court achieved a clearance rate of more than 100 per cent. * Through State Government funding a mental health diversion and support program was introduced into the Perth Magistrates Court to provide sentencing options for mentally ill accused. The desired outcomes of the program are to reduce re-offending, and improve the mental health of people appearing in court who have a moderate to severe mental illness. Since its inception in March 2013, the pilot Mental Health Diversion and Support program has seen 138 individuals appear before its dedicated court. Its associated clinical team has engaged with 104 clients of which 50 have received ongoing support. A juvenile component of the project, which focuses on early intervention commenced at the Perth Children’s Court in April 2013. * Strategies continued to be employed to address the backlog of outstanding coronial cases. The State Government provided funding to Coroner’s Court for an additional two coroners and five staff in the latter part of 2011‑12 which became permanent from 2013‑14. The additional resources have enabled the Court to reduce the number of backlog cases by 25 per cent on the previous year. * The Department continued to progress the eCourts Integrated Courts Management System (ICMS) project, with the migration of all remaining civil functionality into a single case management system occurring in October 2012. Development on the criminal release, scheduled for implementation in 2013‑14 will see the amalgamation of all court and tribunal matters into a single electronic case management system across the State. | **”** |
|  | South Australian Government comments |  |
| **“** | * In 2012‑13, total lodgments for criminal matters in the District Court increased by 12.4 per cent (2301 compared to 2048 in 2011‑12). Finalisations for criminal matters in the District Court increased by 7.3 per cent in 2012‑13 (2192 compared to 2043 in 2011‑12). * In 2012‑13, total lodgments for criminal matters (including appeal matters) in the Supreme Court decreased by 8.5 per cent (324 compared to 354 in 2011‑12). Finalisations for criminal matters (including appeal matters) in the Supreme Court decreased by 8.7 per cent in 2012‑13 (336 compared to 368 in 2011‑12. * In 2012‑13, total finalisations for civil matters in the District Court decreased by 8.0 per cent in 2012‑13 (2927) relative to 2011‑12 (3181). The clearance index percentage decreased to 94.8 per cent in 2012‑13 relative to 2011‑12 (124.5 per cent). The decrease in clearance rate is attributed to a large number of Personal Injury matters that were lodged in June 2013 because of a legislative change and not finalised prior to the end of the financial year. * The Courts Administration Authority continues to pursue the use of Audio Visual (AVL) links in courtrooms, both to provide vulnerable witness facilities and to reduce the number of defendants transported to court from correctional institutions. In July 2012 the District Court changed its Rules to facilitate the use of AVL for custodial appearances in pre-trial matters. Courts across all jurisdictions continue to use AVL with approximately 750 appearances on average per month which is an increase from 2011‑12 (558 per month). * The number of applications for possession of property lodged with the Supreme Court has decreased this year.  There were 703 applications in 2010–2011, 876 in 2011–2012 and 731 in 2012–2013.  The number of orders made has remained constant in comparison to last year, being 479 in 2011–2012 and 473 in 2012–2013. * Magistrates Court Civil lodgments have increased by approximately 9 per cent in the reporting period. This is largely attributed to an increase in lodgements in June 2013 in anticipation of the introduction of new jurisdictional monetary limits under the Statutes Amendment (Courts Efficiency Reforms) Act 2012. * Criminal lodgments in the Magistrates Court remained relatively stable. Consistent with last financial year, the number of applications under the Intervention Orders (Prevention of Abuse) Act 2009 remained significantly higher when compared to the number of restraining order applications lodged under the repealed legislation. * An Early Resolution Court was introduced in October 2012 at Holden Hill Magistrates Court and in April 2013 at Adelaide Magistrates Court. The pilot at Holden Hill was completed in March 2013 and is currently being evaluated. | **”** |
|  | Tasmanian Government comments |  |
| **“** | The Tasmanian criminal courts continued to experience a decline in lodgments in 2012‑13. Compared to the previous year Supreme Court non-appeal lodgments are down 6 per cent, Magistrates Court lodgments are down 20 per cent, and Youth Justice lodgments down 26 per cent. This continues a decreasing trend in all three courts over the last five years.  Despite the reduction in lodgments Tasmanian courts continue to perform efficiently. The courts’ performance against the report’s efficiency indicators (cost per finalisation, staff FTE per 100 finalisations, and judicial officers per 100 finalisations) exceeds the Australian average.  Tasmanian courts focus on processing matters in an expeditious and timely manner. For some time the Magistrates Court has not performed well compared with other jurisdictions against the backlog indicator in the Criminal Jurisdiction. However, in the past year there has been particular attention paid to closely managing matters which are likely to exceed time standards. This has led to a significant reduction in the Magistrates Court criminal backlog indicator.  For the first time in many years the Criminal Division of the Supreme Court has experienced a significant increase in the proportion of cases which exceed time standards. The Court is currently focussing its case management procedures to redress the recent increase in the age profile of the pending caseload.  Tasmania recognises that one of the key requirements for a modern court is effective information systems. The recent funding of the Criminal Justice Information Management (CJIM) Program will provide the courts with an opportunity to further improve its systems and performance. The program comprises ten projects in the Departments of Justice (including the Courts and Corrective Services), the Department of Police and Emergency Services and the Department of Health and Human Services to be delivered over a period of two years. The program will:   * Provide more timely access to sentencing and adjournment orders. * Improve identity management and access to information about individuals by authorised people and organisations. * Improve the enforcement and integrity of sentencing and adjournment orders including the ability to monitor and identify potential breaches of those orders. | **”** |
|  | Australian Capital Territory Government comments |  |
| **“** | The ACT has continued to implement significant reforms to improve access to justice in the ACT and improve the efficiency of our court and tribunal system.  Significant improvements in the ACT Supreme Court has seen:   * civil matters pending declining 50 per cent over the last two years from 1404 matters as at 30 June 2011 to 723 as at 30 June 2013. * criminal matters pending declining 40 per cent from 340 matters as at 30 June 2012 to 194 matters as at 30 June 2013; * civil lodgments declining 30 per cent over the past two years, from 814 in 2010‑11 to 560 in 2012‑13, and declining 54 per cent in the last five years when compared to figures from the 2008‑09 financial year. * criminal lodgments declining by 35 per cent from 280 lodgements in 2011‑12 to 176 lodgements in 2012‑13.   The strategy to improve the performance of our courts is underpinned by:   * the introduction of legislative amendments in 2011; * additional one-off judicial resources to tackle the backlog of matters in the ACT Supreme Court in 2011‑12 and 2012‑13 referred to as the “Blitz”.   Additional improvements are also being brought about by:   * a more efficient approach to case management by the Supreme Court Judiciary using a docket system; * a revised schedule of Courts fees to ensure the fee structure creates an efficient use of court resources by court users; * investment in a new ICT case management system and an ACT sentencing database to assist the staff in managing cases and judiciary in making decisions; * preliminary work to plan for new court facilities to replace the aging ACT Supreme Court building;   The lower clearance rates in the ACT Magistrates Court in 2012‑13 will be monitored and further supported by:   * an internal review of ACT coronial processes in 2013, noting all Magistrates are also Coroners in the ACT; * an internal review of alternative dispute resolution practices across the ACT Law Courts and Tribunal in 2014.   Note: The improved ACT Supreme Court backlog and lower lodgments is not reflected through the backlog percentage in tables 7A.19 & 21. The significantly high recurrent expenditure per finalisation in the ACT Magistrates Court is partly a result of the rent payments on the ACT Magistrates Court Building. | **”** |
|  | Northern Territory Government comments |  |
| **“** | * Following a Language and the Law Conference in May 2012, an Interpreters’ Protocol was developed, taking effect in 2013. The Protocol was developed by the Supreme Court, in conjunction with the Aboriginal Interpreters Service, the Interpreting Translator Service, legal aid agencies, the Criminal Lawyers Association of the Northern Territory and representatives of the legal profession. The Protocol provides guidance to the Court, interpreters and legal practitioners regarding the engagement of interpreters, the professional duties of interpreters, and the role of interpreters in Court. Running parallel, the Magistrates Court introduced a bush interpreter scheme where the Court and the Aboriginal Interpreter Service collaborated to provide a model for the provision of legal interpreting services in a more effective and structured way, particularly at remote circuits. Interpreters under the scheme are responsible to the Court thereby eliminating any perception of alignment with one particular party. Under the scheme interpreters are seen as more neutral and professional. * The Supreme Court Judges visited Dili, where they were hosted by the Courts of Timor-Lesté. The judges of both Courts held a series of very productive meetings in which matters of mutual benefit were discussed. In particular, the judges discussed the development of the justice system in Timor-Lesté and issues surrounding respect for the rule of law in an emerging democracy. Further, the judges discussed the challenges both courts share in delivering justice to remote locations, and across cultural and linguistic groups. * The Magistrates Court continued to review its performance using the International Framework for Court Excellence as its guide. Improvements were made in the criminal jurisdiction regulating the process by which applications could be made to re-list matters, the ordering of pre-sentence and other reports, and more effective use of video link facilities between the Courts and Correctional centres. The Court also forged an important relationship with the Department of Education whereby an officer from that agency is present in court on each Youth Court day to provide information where requested by the Court as to the Youth’s current engagement in the education system. The Court also strengthened its relationship with the Department of Children and Families in relation to the provision of reports relating to children in the criminal justice system that may be in need of protection of where there is a risk to their wellbeing. | **”** |

## 7.6 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. Includes 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). |
| **Bench warrant** | A warrant issued by a court for the arrest of a person who has been indicted. |
| **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. |
| **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. Includes 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. Finalisations are derived from timeliness data that may not reflect the total matters disposed by the courts in the reporting period. |
| **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 includes licensing costs, computer leasing costs, the cost of consumables (such as data lines, paper and disks), training fees, access fees (for example, catalogue search and Internet access) and maintenance charges for software and hardware. |
| **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. Includes base salaries, the employer contributed component of superannuation, workers compensation (full cost, inclusive of any levies, bills and legal fees), higher duty allowances, overtime, actual and accruing terminal and long service leave, fringe benefits tax and untaxed fringe benefits.  (Judicial officers include judges, magistrates, masters, judicial registrars and other judicial officers who fulfil a primarily judicial function. Judicial support staff include judicial secretaries, tipstaff and associates.) |
| **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 2012-13 as the base year). Additional information about the GGFCE index can be found in chapter 2 and in table AA.53. |
| **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 includes expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it includes expenditure on police officers permanently attached to the coroner for the purpose of assisting in coronial investigations. Excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security. |
| **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. |
| **Withdrawn** | The formal withdrawal of charges by the prosecution (that is, by police, the Director of Public Prosecutions or the Attorney-General). |

## 7.7 List of attachment tables

Attachment tables are identified in references throughout this chapter by a ‘7A’ prefix (for example, table 7A.1). Attachment tables are available on the Review website (www.pc.gov.au/gsp).

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| **Table 7A.36** | Treatment of assets by court agencies |

## 7.8 References

ABS (Australian Bureau of Statistics) 2013, *Criminal Courts, Australia*, *2011–12,* Cat. no. 4513.0, Canberra.