# 7 Courts

CONTENTS

7.1 Profile of court services 7.1

7.2 Framework of performance indicators 7.21

7.3 Key performance indicator results 7.23

7.4 Future directions in performance reporting 7.59

7.5 Jurisdictions’ comments 7.60

7.6 Definitions of key terms 7.70

7.7 List of attachment tables 7.73

7.8 References 7.74

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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.

Improvements in reporting on courts this year include:

* experimental data on the percentage of matters finalised after a trial has commenced
* attendance data for NSW for the District, Magistrates’, Children’s criminal and Coroners’ courts
* attendance data for the Tasmanian Supreme civil court.

Improvements in consistency and integrity of data are ongoing 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 of different courts. There is a hierarchy of courts within each State and Territory. Supreme courts hear disputes of greater seriousness than those heard in the other courts. Supreme courts also develop the law and operate as courts of judicial review or appeal. For the majority of states and territories, the hierarchy of courts is as outlined below (although Tasmania, the ACT and the NT do not have a district/county court):

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

Within certain court levels, a number of specialist jurisdiction courts (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* usually 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 |
| There are no district/county courts in Tasmania, 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). |
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| 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 five years’ imprisonment for a single offence; and 10 years imprisonment for multiple offences. Magistrates are able to sentence a defendant in relation to certain major indictable offences where the Director, Public Prosecutions and defence agree to the defendant being sentenced in the Magistrates Court.  **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 *Family Violence Protection Act 2008* and *Personal Safety Intervention Orders Act 2010.*  **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 minor claims up to $25 000, and all other claims including commercial cases and personal injury claims up to $100 000.  **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(s)*: State and Territory court authorities and departments (unpublished). |
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#### 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 roles of these areas in 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 2014).

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 and WA 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 similar 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

Since 1 July 2013, the Family Court of Australia and the Federal Circuit Court have, as a result of an Australian Government policy, been a single prescribed agency for the purpose of the Financial Management and Accountability (FMA) Act. This has meant the production of a single set of financial statements for the combined entity known as the Family Court of Australia and Federal Circuit Court. There is now only a single administration for the two courts and, as a result, they share all administrative services. However, both courts remain as separate Chapter III courts.

Prior to 1 July 2013, the Family Court of Australia provided the Federal Circuit Court with some administration services and support from a mix of transfer of appropriations or recognised services ‘free-of charge'. These services are now borne directly by both courts. This has resulted in a change in the way that expenditure and resources are allocated to each court in the 2015 RoGS, compared with earlier reports.

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. The Family Court of Australia and Federal Circuit Court single agency has meant that registrars’ workload can be spread between Family Court and Federal Circuit Court matters. As a result, divorces are conducted by the registrars for both courts. 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.

##### 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.

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| Figure 7.1 Major relationships of courts in Australia**a** |
| |  | | --- | | Figure 7.1 Major relationships of courts in Australia  More details can be found within the text surrounding this image. | |
| a In some jurisdictions, appeals from lower courts or district/county courts may go directly to the full court or court of appeal at the supreme/federal level; appeals from the Federal Circuit Court can also be heard by a single judge exercising the Federal/Family Courts’ appellate jurisdiction. b Appeals from federal, State and Territory tribunals may go to any higher court in their jurisdiction. |
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### Recurrent expenditure less income

A number of factors affect court-related expenditure and income, including the volume and type of work undertaken. In some jurisdictions, court fees (which are part of income) are set by government and not by court administrators. Some states and territories apportion (or estimate), while others directly allocate expenditure (and income) between the criminal and civil jurisdictions of their courts.

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 2013‑14 (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 $332 million in 2013‑14 (table 7A.13). Nationally, the civil jurisdiction of the courts accounted for almost two thirds of all income received.

Total recurrent expenditure less income (excluding fines), for the Australian, State and Territory courts covered in this Report, was $1.33 billion in 2013‑14 (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.

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| Table 7.1 Courts’ recurrent expenditure less income (excluding fines), 2013-14 ($ million)**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | *Courts’ recurrent expenditure* | | | | | | | | | | | | Civilc, d, e, f | 178.3 | 132.4 | 57.8 | 61.1 | 29.7 | 6.8 | 11.9 | 11.0 | 102.0 | 591.1 | | Criminale, f, g | 209.7 | 178.7 | 146.6 | 134.2 | 66.7 | 18.8 | 15.4 | 24.6 | .. | 794.7 | | Familyh | .. | .. | .. | 27.5 | .. | .. | .. | .. | 68.9 | 96.4 | | Federal Circuith, i | .. | .. | .. | .. | .. | .. | .. | .. | 136.5 | 136.5 | | Coroners’j | 5.5 | 12.7 | 8.9 | 5.4 | 3.2 | 0.4 | 1.6 | 1.0 | .. | 38.8 | | Probate — Supremek | 1.0 | 0.8 | 0.3 | 0.5 | 0.6 | 0.1 | 0.1 | 0.0 | .. | 3.4 | | **Total** | **394.5** | **324.7** | **213.6** | **201.1** | **100.3** | **26.1** | **29.0** | **36.7** | **307.4** | **1 660.8** | | *Courts’ recurrent expenditure less income (excluding fines)* | | | | | | | | | | | | Civilc, d, e, f | 111.8 | 85.6 | 37.4 | 43.9 | 17.9 | 5.2 | 8.7 | 10.1 | 79.5 | 400.1 | | Criminale, f, g | 195.9 | 178.7 | 144.7 | 127.1 | 63.3 | 18.2 | 15.0 | 24.3 | .. | 767.1 | | Familyh | .. | .. | .. | 21.8 | .. | .. | .. | .. | 62.8 | 84.5 | | Federal Circuith, i | .. | .. | .. | .. | .. | .. | .. | .. | 85.9 | 85.9 | | Coroners’j | 5.4 | 12.7 | 8.9 | 5.3 | 3.2 | 0.4 | 1.6 | 1.0 | .. | 38.5 | | Probate — Supremek | -28.5 | -4.9 | -5.4 | -1.1 | -5.4 | -1.2 | -0.9 | -0.2 | .. | -47.6 | | **Total** | **284.6** | **272.0** | **185.6** | **169.5** | **79.1** | **22.6** | **24.3** | **35.2** | **228.2** | **1 328.6** | |
| 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 From 1 July 2013, the Family Court of Australia (FCoA) and FCC prescribed agencies were merged into a single prescribed agency. However they remain as separate Chapter III Courts. A single set of financial statements is maintained on behalf of the single entity and expenses/assets have been attributed to each court on the basis of either direct attribution or an estimated allocation. i Expenditure for the Federal Circuit Court 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 Federal Circuit Court are delegated to be dealt with by Federal Court registrars. This work is funded by the Federal Circuit Court and is therefore included in its expenditure. j 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. |
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Real recurrent expenditure less income (excluding fines) on courts from 2009‑10 to 2013‑14, 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

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. Some jurisdictions need to estimate the distribution of expenditure while others specifically allocate expenditure to criminal and civil courts.

The distribution of court expenditure (less income) on magistrates’, district/county and supreme courts varied across states and territories in 2013‑14. 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 2013‑14, magistrates’ courts in the criminal jurisdiction accounted for over half of recurrent expenditure (less income) nationally across State and Territory criminal courts (56 per cent). In the civil jurisdiction (figure 7.2b), magistrates’ courts accounted for just under a third of recurrent expenditure (less income) nationally (31 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.

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| Figure 7.2 Distribution of courts’ recurrent expenditure (less income), by court level, 2013-14**a** |
| |  | | --- | | 1. **Criminal**b, c   **Figure 7.2: Distribution of courts' recurrent expenditure (less income), by court level, 2013-14  More details can be found in the text surrounding this image.**   1. **Civil**b, c, d, e, f   Figure 7.2 Distribution of courts’ recurrent expenditure (less income), by court level, 2013-14  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 and probate income. 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. |
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### Size and scope of court activity

#### Lodgments

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

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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 2013‑14, by court level, for the Australian courts and for each State and Territory.

Nationally, in the criminal jurisdiction, there were 843 100 lodgments registered in the supreme, district/county and magistrates’ courts in 2013‑14 (table 7.2).

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| Table 7.2 Court lodgments — criminal, by court level, 2013-14 (‘000)**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supremeb | 0.5 | 0.4 | 1.3 | 0.7 | 0.3 | 0.5 | 0.4 | 0.5 | 4.6 | | District/countyb | 11.0 | 5.2 | 5.7 | 2.1 | 2.4 | .. | .. | .. | 26.3 | | Magistrates’ (total) | 168.8 | 238.4 | 217.0 | 87.5 | 57.6 | 16.9 | 7.2 | 18.8 | 812.2 | | *Magistrates’ (only)* | *158.9* | *218.4* | *205.0* | *81.1* | *52.5* | *15.6* | *6.9* | *16.6* | *755.1* | | *Children’s* | *9.9* | *20.0* | *12.0* | *6.4* | *5.1* | *1.3* | *0.3* | *2.1* | *57.1* | | **All criminal courts** | **180.3** | **244.0** | **224.0** | **90.2** | **60.3** | **17.4** | **7.6** | **19.3** | **843.1** | |
| 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. |
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Nationally, 463 200 cases were lodged in civil jurisdiction courts (excluding family courts, the Federal Circuit Court, coroners’ and probate courts), comprising 458 200 cases in the State and Territory supreme, district/county and magistrates’ courts, and 5000 cases in the Federal Court. In the states and territories, an additional 68 500 probate matters were lodged in the supreme courts (table 7.3).

In the Australian court jurisdiction, approximately 5000 cases were lodged in the Federal Court, 92 000 (civil and family law) matters were lodged in the Federal Circuit Court, and a further 35 000 family law matters were filed in the Family Court of Australia (20 000) and Family Court of WA (15 000) (table 7.3).

In the coroners’ courts, there were 22 900 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.

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| Table 7.3 Court lodgments — civil, by court level, 2013-14 (‘000)**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme (excl. probate)/Federalb | 8.8 | 6.8 | 3.5 | 2.4 | 1.2 | 0.9 | 0.6 | 0.2 | 5.0 | 29.5 | | District/County | 7.2 | 6.6 | 5.6 | 4.7 | 2.0 | .. | .. | .. | .. | 26.2 | | Magistrates’ (total) | 146.9 | 99.6 | 61.4 | 54.0 | 28.1 | 7.4 | 4.1 | 6.0 | .. | 407.5 | | *Magistrates’ (only)* | 138.0 | 92.6 | 57.9 | 51.4 | 27.0 | 7.1 | 4.0 | 5.6 | .. | 383.6 | | *Children’s*c, d, e | 8.9 | 7.0 | 3.5 | 2.6 | 1.1 | 0.3 | 0.1 | 0.4 | .. | 23.9 | | **All civil courts** | **162.9** | **113.0** | **70.5** | **61.2** | **31.3** | **8.3** | **4.7** | **6.3** | **5.0** | **463.2** | | Familyf | .. | .. | .. | 15.0 | .. | .. | .. | .. | 20.0 | 35.0 | | Federal Circuitf | .. | .. | .. | .. | .. | .. | .. | .. | 92.0 | 92.0 | | Coroners’ | 5.7 | 6.3 | 4.7 | 2.0 | 2.2 | 0.6 | 1.1 | 0.3 | .. | 22.9 | | Probate — Supreme | 24.1 | 19.4 | 9.4 | 6.6 | 5.6 | 2.3 | 0.8 | 0.2 | .. | 68.5 | |
| 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. |
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The number of lodgments per 100 000 people can be used to assist in understanding the comparative workload of a court in relation to the population of the State or Territory. Tables 7A.4 (criminal) and 7A.5 (civil) provide data on lodgments per 100 000 people for each State and Territory.

##### Distribution of court lodgments

The vast majority of both criminal and civil matters in Australia in 2013‑14 were lodged in magistrates’ courts (table 7.4).

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| Table 7.4 Distribution of court lodgments, by court level, 2013-14**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | *Criminal courts* |  |  |  |  |  |  |  |  |  |  | | Supreme | % | 0.3 | 0.2 | 0.6 | 0.7 | 0.5 | 2.7 | 5.0 | 2.6 | 0.5 | | District/county | % | 6.1 | 2.1 | 2.5 | 2.3 | 3.9 | .. | .. | .. | 3.1 | | Magistrates’ (total) | % | 93.6 | 97.7 | 96.9 | 96.9 | 95.5 | 97.3 | 95.0 | 97.4 | 96.3 | | **All criminal courts**b | **‘000** | 180.3 | 244.0 | 224.0 | 90.2 | 60.3 | 17.4 | 7.6 | 19.3 | 843.1 | |  |  |  |  |  |  |  |  |  |  |  | | *Civil courts* |  |  |  |  |  |  |  |  |  |  | | Supreme | % | 5.4 | 6.0 | 4.9 | 4.0 | 3.7 | 11.4 | 13.4 | 3.8 | 0.1 | | District/county | % | 4.4 | 5.9 | 8.0 | 7.7 | 6.4 | .. | .. | .. | 5.7 | | Magistrates’ (total) | % | 90.2 | 88.1 | 87.1 | 88.3 | 89.9 | 88.6 | 86.6 | 96.2 | 88.9 | | **All civil courts**c | **‘000** | 162.9 | 113.0 | 70.5 | 61.2 | 31.3 | 8.3 | 4.7 | 6.3 | 458.2 | |
| 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. |
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#### 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 2013‑14, 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 2013‑14, there were 854 100 criminal finalisations in the supreme, district/county and magistrates’ courts (table 7.5).

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| Table 7.5 Court finalisations — criminal, 2013-14 (‘000)**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supreme | 0.4 | 0.4 | 1.2 | 0.6 | 0.3 | 0.4 | 0.4 | 0.4 | 4.2 | | District/County | 10.8 | 5.3 | 5.4 | 1.8 | 2.4 | .. | .. | .. | 25.7 | | Magistrates’ (total) | 169.7 | 258.7 | 207.7 | 86.2 | 60.9 | 16.0 | 7.1 | 17.7 | 824.1 | | *Magistrates’ (only)* | 159.6 | 237.5 | 195.6 | 79.8 | 55.6 | 14.8 | 6.7 | 15.8 | 765.2 | | *Children’s* | 10.1 | 21.3 | 12.2 | 6.4 | 5.4 | 1.3 | 0.4 | 1.9 | 58.8 | | **All criminal courts** | **180.9** | **264.4** | **214.4** | **88.6** | **63.6** | **16.4** | **7.4** | **18.2** | **854.1** | |
| a Totals may not add as a result of rounding. **..**Not applicable |
| *Source:* State and Territory court authorities and departments (unpublished); table 7A.6. |
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Nationally, in 2013‑14, 482 800 cases were finalised in the civil jurisdiction (excluding family courts, the Federal Circuit Court, coroners’ and probate courts) comprising 477 200 civil cases finalised in State and Territory supreme, district/county and magistrates’ courts, and 5600 cases finalised in the Federal Court. In addition, the Federal Circuit Court finalised 89 000 matters (mainly family law forms and some federal law cases) and the two family courts finalised 35 300 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 24 500 finalisations (involving reported deaths and fires) in coroners’ courts (table 7.6).

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| Table 7.6 Court finalisations — civil, 2013-14 (‘000)**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qldb | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supremeb/Federal | 10.1 | 7.0 | 3.9 | 2.4 | 1.3 | 1.1 | 0.7 | 0.2 | 5.6 | 32.2 | | District/County | 7.5 | 6.7 | 5.4 | 4.6 | 3.0 | .. | .. | .. | .. | 27.1 | | Magistrates’ (total) | 151.4 | 109.1 | 60.4 | 54.6 | 28.5 | 8.0 | 4.1 | 7.4 | .. | 423.5 | | *Magistrates’ (only)* | 142.6 | 103.0 | 56.7 | 52.0 | 27.4 | 7.7 | 4.0 | 7.0 | .. | 400.4 | | *Children’s*c | 8.8 | 6.1 | 3.6 | 2.6 | 1.1 | 0.3 | 0.1 | 0.4 | .. | 23.1 | | **All civil courts** | **169.1** | **122.7** | **69.6** | **61.6** | **32.7** | **9.1** | **4.7** | **7.6** | **5.6** | **482.8** | | Familyd, e | .. | .. | .. | 15.6 | .. | .. | .. | .. | 19.7 | 35.3 | | Federal Circuite, f | .. | .. | .. | .. | .. | .. | .. | .. | 89.0 | 89.0 | | Coroners’ | 6.2 | 7.3 | 4.9 | 2.0 | 2.0 | 0.5 | 1.2 | 0.3 | .. | 24.5 | |
| 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. |
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The number of finalisations per 100 000 people is available in tables 7A.9 (criminal) and 7A.10 (civil).

##### 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.

The proportion of cases which are deemed finalised varies across jurisdictions (table 7.7).

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| Table 7.7 Proportion of non-appeal cases deemed finalised — civil, 2013‑14 (per cent)**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | Supreme/Federalb | 2.5 | 0.1 | 35.0 | .. | 7.3 | 30.8 | na | *–* | .. | | District/County | 10.5 | 5.5 | 40.8 | .. | 2.8 | .. | .. | .. | .. | | Magistrates’ (total) c | na | .. | 26.5 | .. | 0.4 | 40.9 | na | 12.8 | .. | | Familyb | .. | .. | .. | 11.4 | .. | .. | .. | .. | .. | | 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. c Includes the Children’s Court. **na** Not available. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished). |
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## *Cases finalised after a trial has commenced – experimental data*

Most cases which are finalised in the criminal and civil courts do not proceed to trial. Generally, cases which proceed to trial are more time-consuming and resource intensive. Tables 7.8 (criminal) and 7.9 (civil) present experimental data showing the percentages of all finalised cases which were finalised following the commencement of a trial in 2013-14.

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| Table 7.8 Percentage of criminal cases finalised after a trial has commenced, 2013-14 – experimental dataa |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supreme | 53.8 | 43.2 | 7.4 | 18.6 | 42.6 | 27.5 | 23.3 | 10.4 | 18.5 | | District/County | 15.7 | 14.2 | 8.7 | 24.3 | 8.3 | .. | .. | .. | 13.0 | | Magistrates’ (total) | 17.1 | 1.8 | na | na | 1.0 | 4.7 | 0.5 | na | na | | *Magistrates’ (only)* | 16.9 | 1.9 | na | na | 1.1 | 4.9 | 0.6 | na | na | | *Children’s* | 20.9 | 0.6 | na | na | 0.4 | 2.7 | na | na | na | |
| a Data may be affected by differences in case mix between jurisdictions and court levels. **na** Not available. **..**Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished). |
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| Table 7.9 Percentage of non-appeal civil cases finalised after a trial has commenced (excluding domestic violence cases), 2013-14 – experimental dataa |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federal | 15.0 | 3.8 | 1.6 | 1.8 | 2.0 | 2.7 | 4.6 | na | na | na | | District/County | 12.8 | 30.9 | 0.3 | 1.0 | 3.5 | .. | .. | .. | .. | 11.8 | | Magistrates’ (total) | 3.9 | 5.9 | 0.4 | na | 3.2 | 3.8 | 1.6 | na | .. | na | | *Magistrates’ (only)* | 4.1 | 6.5 | 0.4 | na | 3.2 | 2.9 | 1.1 | na | .. | na | | *Children’s* | na | na | na | na | 3.9 | 26.7 | 10.9 | na | .. | na | | Familyb | .. | .. | .. | 4.2 | .. | .. | .. | .. | 8.5 | 6.6 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 7.7 | 7.7 | |
| a Data may be affected by differences in case mix between jurisdictions and court levels. b In the WA Family Court data reflect cases finalised after commencing a defended hearing. **na** Not available. **..**Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished). |
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## 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 levels.

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| 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 2015 Report. For data that are not considered directly comparable, text includes relevant caveats and supporting commentary. Chapter 1 discusses data comparability and data completeness 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).

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| 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. |
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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 2015 Report can be found at www.pc.gov.au/rogs/2015.

## 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.

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 2014) — 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 providing services that are accessible to the community (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. In its Access to Justice Arrangements report, the Productivity Commission has estimated that court fees comprise approximately one tenth of a party’s full legal costs (Productivity Commission 2014).

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| 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 2013‑14 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
|  |

In 2013‑14, average court fees paid per lodgment were greater in supreme courts than in district/county and magistrates’ courts (table 7.10). The average fees collected by the Australian, State and Territory courts vary for many reasons and caution should be used in making direct comparisons.

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| Table 7.10 Average civil court fees collected per lodgment, 2013-14 (dollars)**a**, **b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme (excl. probate)/Federal | 2 981 | 1 637 | 1 911 | 2 134 | 3 064 | 703 | 2 575 | 1 762 | 3 726 | 2 512 | | District/county | 1 660 | 1 811 | 950 | 974 | 1 012 | .. | .. | .. | .. | 1 374 | | Magistrates’ (total) | 149 | 218 | 123 | 118 | 117 | 78 | 197 | 59 | .. | 154 | | *Magistrates’ only* | 159 | 234 | 131 | 124 | 122 | 81 | 203 | 63 | .. | 163 | | *Children’s* | *–* | *–* | *–* | *–* | 1 | *–* | *–* | *–* | .. | *–* | | Family | .. | .. | .. | 377 | .. | .. | .. | .. | 213 | 283 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 549 | 549 | | Probate — Supreme | 1 220 | 297 | 595 | 242 | 1 068 | 554 | 1 257 | 1 124 | .. | 744 | |
| 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 2013‑14 (table 7.11). 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.

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| Table 7.11 Civil court fees collected as a proportion of civil recurrent expenditure (cost recovery), 2013-14 (per cent)**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supremec/Federal | 35.0 | 23.6 | 31.4 | 19.6 | 36.0 | 15.4 | 31.8 | 7.7 | 18.3 | 25.0 | | District/County | 34.7 | 38.3 | 52.0 | 29.2 | 29.3 | .. | .. | .. | .. | 36.4 | | Magistrates’ (total) | 31.8 | 40.3 | 28.6 | 33.7 | 25.6 | 23.7 | 11.8 | 6.4 | .. | 32.0 | | *Magistrates’ (only)* | 35.0 | 54.6 | 34.7 | 36.8 | 27.3 | 30.7 | 12.5 | 6.9 | .. | 37.5 | | *Children’s* | *–* | *–* | *–* | *–* | 0.1 | .. | .. | .. | .. | *–* | | Family | .. | .. | .. | 20.6 | .. | .. | .. | .. | 6.2 | 10.3 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 37.0 | 37.0 | |
| 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. |
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#### 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).

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| 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 2013‑14 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
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The number of full time equivalent judicial officers for each court level is outlined in table 7.12. 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 7.13 shows the number of judicial officers per 100 000 people.

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| Table 7.12 Judicial officers, full time equivalent, by court level, 2013‑14**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federalb, c | 60.4 | 54.6 | 24.4 | 29.5 | 13.2 | 7.0 | 5.5 | 8.3 | 61.0 | 263.8 | | District/County | 64.4 | 61.6 | 34.6 | 26.0 | 19.2 | .. | .. | .. | .. | 205.8 | | Magistrates | 111.3 | 106.5 | 80.4 | 45.9 | 32.9 | 11.7 | 6.2 | 13.2 | .. | 408.1 | | Children’s | 23.2 | 13.0 | 5.8 | 4.9 | 4.7 | 1.7 | 0.5 | 1.4 | .. | 55.2 | | Familyd | .. | .. | .. | 14.0 | .. | .. | .. | .. | 33.4 | 47.4 | | Federal Circuite | .. | .. | .. | .. | .. | .. | .. | .. | 64.8 | 64.8 | | Coroners | 5.0 | 9.5 | 7.0 | 3.3 | 2.0 | 0.4 | 0.8 | 1.5 | .. | 29.5 | | **Total** | 264.2 | 245.3 | 152.2 | 123.6 | 72.0 | 20.8 | 13.0 | 24.4 | 159.2 | 1 074.7 | |
| 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. The total FTE does not include an acting Justice of Appeal (0.23 FTE) appointed to hear a high profile criminal appeal under a special arrangement with the Supreme Court of Victoria. c ACT Supreme Court numbers include acting 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. |
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| Table 7.13 Judicial officers, full time equivalent, per 100 000 people, by court level, 2013‑14 |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courtsa | Totalb | | *Population (‘000)*c | 7 465 | 5 791 | 4 691 | 2 551 | 1 677 | 514 | 384 | 243 |  | 23 319 | | *Judicial officers per 100 000 people* | | | | | | | | | | | | Supreme/Federald | 0.8 | 0.9 | 0.5 | 1.2 | 0.8 | 1.4 | 1.4 | 3.4 | 0.3 | 1.1 | | District/County | 0.9 | 1.1 | 0.7 | 1.0 | 1.1 | .. | .. | .. | .. | 0.9 | | Magistrates | 1.5 | 1.8 | 1.7 | 1.8 | 2.0 | 2.3 | 1.6 | 5.5 | .. | 1.8 | | Children’s | 0.3 | 0.2 | 0.1 | 0.2 | 0.3 | 0.3 | 0.1 | 0.6 | .. | 0.2 | | Familye | .. | .. | .. | 0.5 | .. | .. | .. | .. | 0.1 | 0.2 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.3 | 0.3 | | Coroners | 0.1 | 0.2 | 0.1 | 0.1 | 0.1 | 0.1 | 0.2 | 0.6 | .. | 0.1 | | **Total** | **3.5** | **4.2** | **3.2** | **4.8** | **4.3** | **4.0** | **3.4** | **10.1** | **0.7** | **4.6** | |
| 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. The total FTE does not include an acting Justice of Appeal (0.23 FTE) appointed to hear a high profile criminal appeal under a special arrangement with the Supreme Court of Victoria. 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. |
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#### 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 2013‑14 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
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Court backlog 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 affect 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. 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 include:

* 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). In addition, 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 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’. 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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In addition to changes in lodgment and finalisation numbers, the backlog 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 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 2014 are contained in table 7.14. Data showing backlog trends over five years are shown in attachment table 7A.19.

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| Table 7.14 Backlog — all criminal matters, at 30 June 2014 |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Higher**a, b **— appeal** | | | | | | | | | | | Pending caseload | no. | 1 589 | 1 227 | 413 | 211 | 105 | 17 | 81 | 11 | | *cases > 12 mths* | *%* | *3.3* | *7.4* | *7.2* | *5.2* | *8.6* | *5.9* | *3.7* | *9.1* | | *cases > 24 mths* | *%* | *0.8* | *0.8* | *0.5* | *–* | *1.0* | *–* | *–* | *–* | | **Higher**a, b **— non‑appeal** | | | | | | | | | | | Pending caseload | no. | 3 142 | 1 698 | 2 137 | 1 232 | 1 373 | 348 | 176 | 179 | | *cases > 12 mths* | *%* | *19.3* | *17.3* | *13.1* | *6.8* | *19.6* | *26.4* | *17.6* | *2.8* | | *cases > 24 mths* | *%* | *2.9* | *3.2* | *4.8* | *1.1* | *4.1* | *6.0* | *6.3* | *–* | | **Supreme**b, c **— appeal** | | | | | | | | | | | Pending caseload | no. | 269 | 197 | 205 | 211 | 105 | 17 | 81 | 11 | | *cases > 12 mths* | *%* | *13.0* | *5.6* | *4.8* | *5.2* | *8.6* | *5.9* | *3.7* | *9.1* | | *cases > 24 mths* | *%* | *4.1* | *–* | *–* | *–* | *1.0* | *–* | *–* | *–* | | **Supreme**b, c **— non‑appeal** | | | | | | | | | | | Pending caseload | no. | 105 | 94 | 439 | 172 | 41 | 348 | 176 | 179 | | *cases > 12 mths* | *%* | *30.5* | *19.1* | *15.3* | *5.2* | *9.8* | *26.4* | *17.6* | *2.8* | | *cases > 24 mths* | *%* | *3.8* | *2.1* | *6.4* | *1.7* | *4.9* | *6.0* | *6.3* | *–* | | **District/County**c, d **— appeal** | | | | | | | | | | | Pending caseload | no. | 1 320 | 1 030 | 208 | .. | .. | .. | .. | .. | | *cases > 12 mths* | *%* | *1.3* | *7.8* | *9.6* | *..* | *..* | *..* | *..* | *..* | | *cases > 24 mths* | *%* | *0.1* | *1.0* | *1.0* | *..* | *..* | *..* | *..* | *..* | | **District/County**c **— non‑appeal** | | | | | | | | | | | Pending caseload | no. | 3 037 | 1 604 | 1 698 | 1 060 | 1 332 | .. | .. | .. | | *cases > 12 mths* | *%* | *18.9* | *17.2* | *12.5* | *7.1* | *19.9* | *..* | *..* | *..* | | *cases > 24 mths* | *%* | *2.9* | *3.3* | *4.4* | *1.0* | *4.1* | *..* | *..* | *..* | | **Magistrates’** | | | | | | | | | | | Pending caseload | no. | 34 539 | 39 216 | 36 228 | 10 467 | 16 288 | 5 938 | 1 858 | 3 207 | | *cases > 6 mths* | *%* | *11.7* | *25.4* | *29.8* | *26.9* | *25.0* | *26.9* | *24.5* | *29.1* | | *cases >12 mths* | *%* | *1.7* | *7.8* | *12.2* | *8.3* | *9.0* | *11.8* | *6.7* | *11.0* | | **Children’s** | | | | | | | | | | | Pending caseload | no. | 2 573 | 3 424 | 2 339 | 1 081 | 1 468 | 412 | 124 | 637 | | *cases > 6 mths* | *%* | *14.5* | *13.0* | *25.5* | *19.1* | *16.9* | *22.1* | *25.8* | *25.9* | | *cases >12 mths* | *%* | *1.6* | *4.5* | *9.4* | *6.9* | *4.9* | *10.4* | *12.1* | *10.5* | |
| 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. |
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Backlog data for civil matters are contained in table 7.15. 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.

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| Table 7.15 Backlog — all civil matters, as at 30 June 2014 |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Higher**a **— appeal** | | | | | | | | | | | | Pending caseload | no. | 624 | 331 | 151 | 182 | 95 | 50 | 86 | 56 | 317 | | *cases > 12 mths* | *%* | *16.5* | *12.4* | *4.6* | *14.8* | *9.5* | *18.0* | *43.0* | *5.4* | *0.6* | | *cases > 24 mths* | *%* | *3.8* | *2.7* | *2.0* | *1.6* | *–* | *6.0* | *15.1* | *–* | *0.6* | | **Higher (excl probate)**a **— non‑appeal**b | | | | | | | | | | | | Pending caseload | no. | 12 247 | 11 199 | 7 572 | 6 128 | 3 364 | 809 | 632 | 87 | 2 044 | | *cases >12 mths* | *%* | *25.6* | *29.6* | *22.8* | *38.2* | *48.9* | *31.6* | *34.0* | *29.9* | *28.8* | | *cases > 24 mths* | *%* | *8.4* | *13.9* | *5.4* | *14.3* | *21.2* | *9.0* | *11.1* | *13.8* | *19.0* | | **Supreme/Federal — appeal**a | | | | | | | | | | | | Pending caseload | no. | 543 | 278 | 103 | 110 | 42 | 50 | 86 | 56 | 317 | | *cases >12 mths* | *%* | *17.9* | *11.9* | *–* | *18.2* | *7.1* | *18.0* | *43.0* | *5.4* | *0.6* | | *cases > 24 mths* | *%* | *4.2* | *2.9* | *–* | *0.9* | *–* | *6.0* | *15.1* | *–* | *0.6* | | **Supreme (excl probate)/Federal — non-appeal**b | | | | | | | | | | | | Pending caseload | no. | 5 788 | 4 040 | 2 637 | 2 343 | 667 | 809 | 632 | 87 | 2 044 | | *cases >12 mths* | *%* | *29.5* | *25.0* | *28.6* | *37.9* | *32.1* | *31.6* | *34.0* | *29.9* | *28.8* | | *cases > 24 mths* | *%* | *12.5* | *9.8* | *7.9* | *16.9* | *18.4* | *9.0* | *11.1* | *13.8* | *19.0* | | **District/county — appeal** | | | | | | | | | | | | Pending caseload | no. | 81 | 53 | 48 | 72 | 53 | .. | .. | .. | .. | | *cases >12 mths* | *%* | *7.4* | *15.1* | *14.6* | *9.7* | *11.3* | *..* | *..* | *..* | *..* | | *cases >24 mths* | *%* | *1.2* | *1.9* | *6.3* | *2.8* | *–* | *..* | *..* | *..* | *..* | | **District/county — non‑appeal** | | | | | | | | | | | | Pending caseload | no. | 6 459 | 7 159 | 4 935 | 3 785 | 2 697 | .. | .. | .. | .. | | *cases >12 mths* | *%* | *22.1* | *32.2* | *19.6* | *38.3* | *53.1* | *..* | *..* | *..* | *..* | | *cases > 24 mths* | *%* | *4.8* | *16.1* | *4.1* | *12.7* | *21.9* | *..* | *..* | *..* | *..* | | **Magistrates’**c | | | | | | | | | | | | Pending caseload | no. | 52 518 | 11 814 | 26 562 | 21 137 | 15 284 | 4 130 | 1 157 | 1 870 | .. | | *cases > 6 mths* | *%* | *24.5* | *35.6* | *42.1* | *41.9* | *45.3* | *42.7* | *40.7* | *35.6* | *..* | | *cases > 12 mths* | *%* | *0.5* | *20.6* | *7.3* | *8.0* | *15.7* | *11.1* | *14.5* | *5.8* | *..* | | **Family — appeal**d | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | 24 | .. | .. | .. | .. | 237 | | *cases >12 mths* | *%* | *..* | *..* | *..* | *29.2* | *..* | *..* | *..* | *..* | *38.4* | | *cases > 24 mths* | *%* | *..* | *..* | *..* | *8.3* | *..* | *..* | *..* | *..* | *13.1* | | **Family — non‑appeal**d | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | 10 224 | .. | .. | .. | .. | 5 321 | | *cases > 12 mths* | *%* | *..* | *..* | *..* | *31.9* | *..* | *..* | *..* | *..* | *25.5* | | *cases > 24 mths* | *%* | *..* | *..* | *..* | *14.1* | *..* | *..* | *..* | *..* | *10.7* | | **Federal Circuit**d | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | .. | .. | .. | .. | .. | 34 010 | | *cases > 6 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *34.1* | | *cases > 12 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *14.0* | |
| (Continued on next page) |

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| Table 7.15 (continued) |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Coroners’** |  |  |  |  |  |  |  |  |  |  | | Pending caseload | no. | 2 841 | 4 209 | 1 844 | 1 891 | 1 862 | 481 | 150 | 407 | .. | | *cases > 12 mths* | *%* | *35.5* | *32.5* | *27.9* | *22.0* | *25.3* | *36.4* | *35.3* | *29.2* | *..* | | *cases > 24 mths* | *%* | *24.6* | *15.3* | *11.9* | *10.0* | *11.1* | *13.1* | *18.0* | *19.7* | *..* | |
| 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. |
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#### Effectiveness — attendance

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

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.

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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 effective process. However, this should be balanced against the likelihood that the number of attendances will increase if rehabilitation or diversionary programs are used, or if intensive case management is used. Both of these paths are believed to improve the quality of outcomes:   * rehabilitation and diversionary programs aim to provide therapeutic benefits for the offenders, and benefits of reduced recidivism for the community * intensive case management is believed to maximise the prospects of settlement (and thereby reduce the litigant’s costs, the number of cases queuing for hearing, and the flow of work on to appellate courts); alternatively, it can narrow the issues for trial (thus shortening trial time and also reducing costs and the queuing time for other cases waiting for hearing).   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 the Supreme court or Children’s civil court.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
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Attendance indicator results for criminal proceedings are reported in table 7.16.

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| Table 7.16 Attendance — criminal, 2013-14 |
| |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSWa | Vic | Qldb | WAc | SA | Tas | ACT | NT | | *Average attendances per finalisation* | | | | | | | | | | Supreme | na | 3.7 | 3.5 | 2.5 | 3.7 | 6.0 | 8.6 | 6.1 | | District/County | 3.1 | 4.7 | 4.3 | 3.6 | 6.0 | .. | .. | .. | | Magistrates’ | 2.6 | 2.0 | 2.4 | 2.4 | 3.7 | 4.0 | 3.3 | 3.1 | | Children’s | 3.9 | 2.1 | 2.8 | 3.8 | 4.2 | 5.8 | 6.8 | 4.3 | |
| a NSW attendance data have been sourced from a combination of recently developed reports and manual interpretation. The reporting process continues to be refined. 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. |
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Attendance indicator results for civil proceedings are reported in table 7.17.

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| Table 7.17 Attendance — civil, 2013-14 |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSWa | Vic | Qld | WA | SA | Tas | ACTb | NT | Aust courts | | | *Average attendances per finalisation* | | | | | | | | | | | | Supreme (excl. probate)c/Federal | na | 1.7 | 1.5 | 2.4 | 3.9 | 1.9 | 7.2 | 4.4 | 3.0 | | | District/countyc | 3.4 | 0.9 | 0.6 | 1.3 | 3.5 | .. | .. | .. | .. | | | Magistrates | 0.8 | 0.9 | 0.9 | 0.8 | 0.9 | 1.0 | 1.6 | 1.1 | .. | | | Children’sd | na | 1.7 | 3.7 | 3.6 | 2.5 | 5.9 | 7.3 | 3.1 | .. | | | Familye | .. | .. | .. | 2.4 | .. | .. | .. | .. | 2.2 | | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 2.0 | | | Coroners’ courts | 3.8 | 1.0 | 3.3 | 1.4 | 1.5 | 1.0 | 8.5 | 1.0 | .. | |
| a NSW attendance data have been sourced from a combination of recently developed reports and manual interpretation. The reporting process continues to be refined. 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 |
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#### 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’ indicates whether a court’s pending caseload would have increased or decreased over the measurement period. It shows whether the volume of case finalisations has matched the number of case lodgments during the reporting period. It is measured by dividing the number of finalisations in the reporting period by the number of lodgments in the same period. The result is multiplied by 100 to convert to a percentage.  The following can assist in interpretation of this indicator:   * a figure of 100 per cent indicates that, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload should be similar to the pending caseload 12 months earlier * a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload should have decreased * a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload should have increased.   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 2013‑14 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
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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 2013-14 are presented in tables 7.18 (criminal) and 7.19 (civil). Where relevant, the clearance indicator data have been disaggregated between appeal and non-appeal matters. Table 7.20 contains clearance indicator results for all court matters combined (both criminal and civil) in 2013-14, and combines appeal and non-appeal matters.

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| Table 7.18 Clearance — all criminal matters, 2013-14**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Supreme — appeal**b | | | | | | | | | | | Lodgments | ‘000 | 0.39 | 0.32 | 0.37 | 0.36 | 0.27 | 0.02 | 0.14 | 0.02 | | Finalisations | ‘000 | 0.34 | 0.32 | 0.37 | 0.39 | 0.23 | 0.02 | 0.11 | 0.03 | | *Clearance rate* | *%* | *86.5* | *100.6* | *101.4* | *108.0* | *87.5* | *81.8* | *79.0* | *147.4* | | **Supreme — non-appeal**b | | | | | | | | | | | Lodgments | ‘000 | 0.09 | 0.11 | 0.96 | 0.30 | 0.07 | 0.45 | 0.24 | 0.48 | | Finalisations | ‘000 | 0.09 | 0.12 | 0.87 | 0.24 | 0.07 | 0.40 | 0.26 | 0.38 | | *Clearance rate* | *%* | *103.4* | *104.4* | *89.8* | *81.2* | *104.6* | *88.8* | *106.6* | *79.7* | | **District/County — appeal**b, c | | | | | | | | | | | Lodgments | ‘000 | 6.94 | 2.82 | 0.43 | .. | .. | .. | .. | .. | | Finalisations | ‘000 | 6.92 | 2.92 | 0.37 | .. | .. | .. | .. | .. | | *Clearance rate* | *%* | *99.8* | *103.4* | *87.4* | .. | .. | .. | .. | .. | | **District/County — non-appeal**b | | | | | | | | | | | Lodgments | ‘000 | 4.09 | 2.35 | 5.23 | 2.09 | 2.37 | .. | .. | .. | | Finalisations | ‘000 | 3.88 | 2.34 | 5.06 | 1.84 | 2.40 | .. | .. | .. | | *Clearance rate* | *%* | *94.9* | *99.5* | *96.8* | *87.8* | *101.3* | *..* | *..* | *..* | | **Magistrates’** | | | | | | | | | | | Lodgments | ‘000 | 158.92 | 218.41 | 205.04 | 81.06 | 52.52 | 15.64 | 6.88 | 16.63 | | Finalisations | ‘000 | 159.60 | 237.45 | 195.60 | 79.75 | 55.58 | 14.75 | 6.71 | 15.81 | | *Clearance rate* | *%* | *100.4* | *108.7* | *95.4* | *98.4* | *105.8* | *94.3* | *97.5* | *95.1* | | **Children’s** | | | | | | | | | | | Lodgments | ‘000 | 9.88 | 19.95 | 12.00 | 6.41 | 5.09 | 1.31 | 0.34 | 2.13 | | Finalisations | ‘000 | 10.07 | 21.28 | 12.15 | 6.41 | 5.35 | 1.27 | 0.36 | 1.93 | | *Clearance rate* | *%* | *101.9* | *106.7* | *101.3* | *100.0* | *105.2* | *97.6* | *105.0* | *90.9* | |
| 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. 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. |
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| Table 7.19 Clearance — all civil matters, 2013-14**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Supreme/Federal — appeal** | | | | | | | | | | | | Lodgments | ‘000 | 0.74 | 0.41 | 0.26 | 0.16 | 0.12 | 0.09 | 0.07 | 0.10 | 0.73 | | Finalisations | ‘000 | 0.84 | 0.43 | 0.28 | 0.17 | 0.13 | 0.09 | 0.04 | 0.08 | 0.70 | | *Clearance rate* | *%* | *112.9* | *104.7* | *104.2* | *107.5* | *110.3* | *101.1* | *59.7* | *83.2* | *96.0* | | **Supreme (excl probate)/Federal — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | 8.04 | 6.40 | 3.22 | 2.28 | 1.05 | 0.86 | 0.56 | 0.14 | 4.28 | | Finalisations | ‘000 | 9.29 | 6.53 | 3.60 | 2.20 | 1.13 | 1.00 | 0.63 | 0.15 | 4.91 | | *Clearance rate* | *%* | *115.6* | *101.9* | *111.9* | *96.3* | *107.1* | *116.5* | *111.4* | *106.5* | *114.7* | | **District/County — appeal** | | | | | | | | | | | | Lodgments | ‘000 | 0.18 | 0.18 | 0.07 | 0.12 | 0.18 | .. | .. | .. | .. | | Finalisations | ‘000 | 0.18 | 0.14 | 0.06 | 0.11 | 0.21 | .. | .. | .. | .. | | *Clearance rate* | *%* | *99.5* | *79.4* | *83.8* | *84.7* | *113.2* | .. | .. | .. | .. | | **District/County — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | 7.04 | 6.46 | 5.54 | 4.56 | 1.82 | .. | .. | .. | .. | | Finalisations | ‘000 | 7.32 | 6.54 | 5.30 | 4.48 | 2.77 | .. | .. | .. | .. | | *Clearance rate* | *%* | *103.9* | *101.3* | *95.7* | *98.1* | *152.1* | *..* | *..* | *..* | *..* | | **Magistrates** | | | | | | | | | | | | Lodgments | ‘000 | 138.02 | 92.56 | 57.94 | 51.42 | 27.01 | 7.08 | 3.97 | 5.62 | .. | | Finalisations | ‘000 | 142.65 | 103.02 | 56.74 | 51.97 | 27.40 | 7.71 | 3.96 | 6.97 | .. | | *Clearance rate* | *%* | *103.3* | *111.3* | *97.9* | *101.1* | *101.4* | *108.9* | *99.7* | *124.0* | .. | | **Children’s**b, c | | | | | | | | | | | | Lodgments | ‘000 | 8.89 | 7.00 | 3.50 | 2.62 | 1.09 | 0.28 | 0.12 | 0.41 | .. | | Finalisations | ‘000 | 8.80 | 6.09 | 3.61 | 2.63 | 1.12 | 0.28 | 0.12 | 0.43 | .. | | *Clearance rate* | *%* | *99.0* | *87.0* | *103.1* | *100.7* | *102.5* | *97.5* | *97.5* | *106.1* | .. | | **Family — appeal** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | 0.03 | .. | .. | .. | .. | 0.33 | | Finalisations | ‘000 | .. | .. | .. | 0.03 | .. | .. | .. | .. | 0.35 | | *Clearance rate* | *%* | *..* | *..* | *..* | *114.3* | .. | .. | .. | .. | *105.8* | | **Family — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | 14.98 | .. | .. | .. | .. | 19.65 | | Finalisations | ‘000 | .. | .. | .. | 15.57 | .. | .. | .. | .. | 19.34 | | *Clearance rate* | *%* | *..* | *..* | *..* | *103.9* | .. | .. | .. | .. | *98.4* | | **Federal Circuit** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 92.02 | | Finalisations | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 89.00 | | *Clearance rate* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *96.7* | | **Coroners’** | | | | | | | | | | | | Lodgments | ‘000 | 5.71 | 6.27 | 4.68 | 2.01 | 2.25 | 0.58 | 1.13 | 0.29 | .. | | Finalisations | ‘000 | 6.21 | 7.27 | 4.91 | 2.04 | 2.04 | 0.54 | 1.18 | 0.34 | .. | | *Clearance rate* | *%* | *108.8* | *116.0* | *104.8* | *101.3* | *90.9* | *92.3* | *105.0* | *116.8* | *..* | |
| 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. |
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| Table 7.20 Clearance — all matters, 2013-14 (per cent)**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Supreme/Federal**b |  |  |  |  |  |  |  |  |  | | Criminal | 89.6 | 101.6 | 93.0 | 95.9 | 90.9 | 88.4 | 96.6 | 82.2 | .. | | Civil | 115.4 | 102.1 | 111.4 | 97.0 | 107.4 | 115.1 | 105.9 | 96.7 | 112.0 | | *Total* | *114.0* | *102.1* | *106.3* | *96.8* | *103.8* | *106.2* | *102.4* | *86.9* | *112.0* | | **District/county** |  |  |  |  |  |  |  |  |  | | Criminal | 98.0 | 101.7 | 96.0 | 87.8 | 101.3 | .. | .. | .. | .. | | Civil | 103.8 | 100.8 | 95.6 | 97.8 | 148.6 | .. | .. | .. | .. | | *Total* | *100.3* | *101.2* | *95.8* | *94.7* | *123.0* | .. | .. | .. | .. | | **Magistrates’** |  |  |  |  |  |  |  |  |  | | Criminal | 100.4 | 108.7 | 95.4 | 98.4 | 105.8 | 94.3 | 97.5 | 95.1 | .. | | Civil | 103.3 | 111.3 | 97.9 | 101.1 | 101.4 | 108.9 | 99.7 | 124.0 | .. | | *Total* | *101.8* | *109.5* | *96.0* | *99.4* | *104.3* | *98.9* | *98.3* | *102.4* | *..* | | **Children’s** c, d |  |  |  |  |  |  |  |  |  | | Criminal | 101.9 | 106.7 | 101.3 | 100.0 | 105.2 | 97.6 | 105.0 | 90.9 | *..* | | Civil | 99.0 | 87.0 | 103.1 | 100.7 | 102.5 | 97.5 | 97.5 | 106.1 | .. | | *Total* | *100.5* | *101.6* | *101.7* | *100.2* | *104.7* | *97.6* | *103.0* | *93.3* | .. | | **Family** | .. | .. | .. | 104.0 | .. | .. | .. | .. | 98.5 | | **Federal Circuit** | .. | .. | .. | .. | .. | .. | .. | .. | 96.7 | | **Coroners’** | 108.8 | 116.0 | 104.8 | 101.3 | 90.9 | 92.3 | 105.0 | 116.8 | .. | |
| 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. |
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##### Homicide and related offences

The indicators in this chapter do not present data by case-type – data are aggregated across all case-types. Disaggregating indicators by case-type is not a straightforward process as a lodgment may involve multiple charges with more than one type of offence. Homicide data have been chosen to be presented by indicator in the chapter because of the seriousness of the offence.

Table 7.21 presents indicator data for backlog, attendance and clearance results for homicide and related matters processed by the Supreme, District, Magistrates and Children’s courts during 2013‑14. 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 7.21 do not reflect whether or not a defendant has been found guilty
* homicide-related lodgments in table 7.21 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 7.21 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. The following table presents homicide and related offences data for 2013‑14 with limited time series data in the attachment tables (tables 7A.2, 7A.7, 7A.20 and 7A.25).

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| Table 7.21 Homicide and related offences, 2013-14**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Supreme** | | | | | | | | | | | Lodgments | no. | 74 | 60 | 79 | 49 | 45 | 16 | 3 | 30 | | Finalisations | no. | 82 | 62 | 90 | 36 | 41 | 5 | 10 | 12 | | Pending | *no.* | 89 | 50 | 47 | 42 | 27 | 20 | 3 | 23 | | Backlog >12 mths | % | 28.1 | 16.0 | 17.0 | 7.1 | 7.4 | 15.0 | 66.7 | *–* | | Backlog >24 mths | % | 1.1 | *–* | 4.3 | 2.4 | 7.4 | 5.0 | *–* | *–* | | Attendance | no*.* | na | 7.1 | 7.2 | 6.0 | 10.6 | 14.0 | 15.2 | 10.3 | | Clearance rate | *%* | 110.8 | 103.3 | 113.9 | 73.5 | 91.1 | 31.3 | 333.3 | 40.0 | | **District/County** | | | | | | | | | | | Lodgments | no. | 54 | 22 | 8 | 27 | 12 | .. | .. | .. | | Finalisations | no. | 68 | 49 | 11 | 28 | 11 | .. | .. | .. | | Pending | *no.* | 58 | 8 | 3 | 15 | 10 | .. | .. | .. | | Backlog >12 mths | % | 29.3 | 50.0 | *–* | 6.7 | 10.0 | .. | .. | .. | | Backlog >24 mths | % | 1.7 | *–* | *–* | *–* | 10.0 | .. | .. | .. | | Attendance | no. | 4.4 | 5.3 | 5.2 | 3.5 | 7.5 | .. | .. | .. | | Clearance rate | *%* | 125.9 | 222.7 | 137.5 | 103.7 | 91.7 | .. | .. | .. | | **Magistrates’** | | | | | | | | | | | Lodgments | no. | 261 | 126 | 94 | 92 | 60 | 14 | 25 | 23 | | Finalisations | no. | 244 | 103 | 87 | 77 | 74 | 8 | 20 | 18 | | Pending | *no.* | 222 | 98 | 124 | 48 | 21 | 1 | 9 | 10 | | Backlog >6 mths | % | 48.6 | 27.6 | 60.5 | 18.8 | 19.0 | *–* | 22.2 | 60.0 | | Backlog >12 mths | % | 9.5 | 5.1 | 32.3 | 2.1 | *–* | *–* | 11.1 | 10.0 | | Attendance | no. | 8.0 | 6.7 | 9.8 | 6.0 | 6.9 | 2.0 | 4.9 | 6.4 | | Clearance rate | *%* | 93.5 | 81.7 | 92.6 | 83.7 | 123.3 | 57.1 | 80.0 | 78.3 | | **Children’s** | | | | | | | | | | | Lodgments | no. | 8 | 1 | 5 | 14 | 1 | na | *–* | 2 | | Finalisations | no. | 8 | 2 | 3 | 15 | 2 | na | *–* | 2 | | Pending | *no.* | 7 | *–* | 3 | 6 | 3 | na | *–* | *–* | | Backlog >6 mths | % | 42.9 | *–* | 33.3 | *–* | 100.0 | na | *–* | *–* | | Backlog >12 mths | % | 14.3 | *–* | 33.3 | *–* | 66.7 | na | *–* | *–* | | Attendance | no. | 8.9 | 3.5 | 6.0 | 8.5 | 18.5 | na | *–* | 12.5 | | Clearance rate | *%* | 100.0 | 200.0 | 60.0 | 107.1 | 200.0 | na | *–* | 100.0 | |
| a Homicide and related offences’ is defined according to the Australian and New Zealand Standard Offence Classification (ANZSOC) coding and includes murder, attempted murder, manslaughter and driving causing death. 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. |
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#### 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). The number of judicial officers per 100 finalisations is provided in Table 7.22.

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| 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 2013‑14 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
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| Table 7.22 Judicial officers per 100 finalisations, 2013‑14 |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federala | 0.57 | 0.74 | 0.48 | 0.98 | 0.85 | 0.46 | 0.53 | 1.28 | 1.09 | 0.72 | | District/County | 0.35 | 0.52 | 0.32 | 0.41 | 0.36 | .. | .. | .. | .. | 0.39 | | Magistrates | 0.04 | 0.03 | 0.03 | 0.03 | 0.04 | 0.05 | 0.06 | 0.06 | .. | 0.04 | | Children’s | 0.12 | 0.05 | 0.04 | 0.05 | 0.07 | 0.11 | 0.10 | 0.06 | .. | 0.07 | | Familyb | .. | .. | .. | 0.09 | .. | .. | .. | .. | 0.17 | 0.13 | | Federal Circuitc | .. | .. | .. | .. | .. | .. | .. | .. | 0.07 | 0.07 | | Coroners | 0.08 | 0.13 | 0.14 | 0.16 | 0.10 | 0.07 | 0.07 | 0.44 | .. | 0.12 | | **Totalf Total** | **0.07** | **0.06** | **0.05** | **0.08** | **0.07** | **0.08** | **0.10** | **0.09** | **0.14** | **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. |
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#### 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 100 finalisations are provided in Table 7.23. Additional information on full time equivalent staff per judicial officer employed are provided in the attachment (table 7A.30).

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| 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 can include the following categories of staff employed directly by court authorities or by umbrella and other departments:   * judicial officers, judicial support staff and registry court staff * court security and sheriff type staff * court reporters * library and information technology staff * counsellors, mediators and interpreters * cleaning, gardening and maintenance staff * first line support staff and probate staff * corporate administration staff * 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 2013‑14 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
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| Table 7.23 Full time equivalent staff per 100 finalisations, 2013‑14 |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Criminal courts | 0.6 | 0.3 | 0.3 | 0.6 | 0.6 | 0.5 | 0.8 | 0.4 | .. | 0.4 | | Civil courts | 0.6 | 0.5 | 0.4 | 0.4 | 0.5 | 0.4 | 1.1 | 0.7 | 5.6 | 0.6 | | Family | .. | .. | .. | 0.9 | .. | .. | .. | .. | 1.3 | 1.1 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.6 | 0.6 | | Coroners’ courts | 0.7 | 1.1 | 1.1 | 1.4 | 1.0 | 0.4 | 0.6 | 1.1 | .. | 1.0 | | **Total** | **0.6** | **0.4** | **0.4** | **0.5** | **0.6** | **0.5** | **0.9** | **0.5** | **1.0** | **0.5** | |
| **..**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).

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| 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 2013‑14 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2015. |
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In general, the net recurrent expenditure per finalisation for civil courts will be lower than criminal courts because relatively little income is generated by the criminal court system (tables 7A.31–33). Civil court fee structures can also affect cost per finalisation results.

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

Nationally in 2013‑14, total net expenditure per finalisation in the criminal jurisdiction of supreme courts ($23 896) was greater than the total net expenditure per finalisation for the civil jurisdiction ($6643) (figure  7.4). This was the case across all states and territories. 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 (see box 7.1) should be considered when making comparisons across states and territories.

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| Figure 7.4 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2013-14**a, b, c** |
| |  | | --- | | 1. **Gross recurrent expenditure**   Figure 7.4: Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2013-14  More details can be found in the text surrounding this image.   1. **Net recurrent expenditure**   Figure 7.4 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2013-14  More details can be found within the text surrounding this image. | |
| FCA = Federal Court of Australia  a Excludes payroll tax. b Supreme courts data for the civil jurisdiction exclude uncontested probate matters and probate income. 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. |
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##### Expenditure per finalisation for district/county courts

In 2013‑14, total net expenditure per finalisation in the criminal jurisdiction of district/county courts ($9195) was about four times that in the civil jurisdiction ($2252) (figure 7.5). This trend was similar across states and territories, and consistent over time (tables 7A.31—35).

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

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| Figure 7.5 Recurrent expenditure per finalisation, district/county courts, 2013‑14**a, b, c, d** |
| |  | | --- | | 1. Gross recurrent expenditure   Figure 7.5: Recurrent expenditure per finalisation, district/county courts 2013-14  More details can be found in the text surrounding this image.   1. Net recurrent expenditure   Figure 7.5 Recurrent expenditure per finalisation, district/county courts, 2013-14  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. |
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##### Expenditure per finalisation for magistrates’ courts (including children’s courts)

Nationally for magistrates’ courts, net expenditure per criminal finalisation ($521) was greater than net expenditure per civil finalisation ($296). This was also the case across most states and territories (figure 7.6).

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| Figure 7.6 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2013‑14**a, b** |
| |  | | --- | | 1. **Gross recurrent expenditure**   **Figure 7.6: Recurrent expenditure per finalisation, total magistrates' courts (including magistrates' and children's courts), 2013-14  More details can be found in 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), 2013-14  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 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.

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| Figure 7.7 Recurrent expenditure per finalisation, children’s courts, 2013‑14**a, b, c** |
| |  | | --- | | 1. **Gross recurrent expenditure**   **Figure 7.7: Recurrent expenditure per finalisation, children's courts, 2013-14**   1. **Net recurrent expenditure**   Figure 7.7 Recurrent expenditure per finalisation, children’s courts, 2013-14  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 at Magistrates’ Court venues in metropolitan and 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. |
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##### Expenditure per finalisation for magistrates’ courts only

Expenditure per criminal and civil finalisation for magistrates’ courts only, excluding children’s courts for 2013‑14, is presented in figure 7.8. Nationally, net recurrent expenditure per finalisation was higher in the criminal jurisdiction ($520) than in the civil jurisdiction ($241). This was the case in most states and territories.

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| Figure 7.8 Recurrent expenditure per finalisation, magistrates’ courts only (excluding children’s courts), 2013-14**a, b** |
| |  | | --- | | 1. **Gross recurrent expenditure**   **Figure 7.8: Recurrent expenditure per finalisation, magistrates' courts only (excluding children's courts), 2013-14  More details can be found in the text surrounding this image.**   1. **Net recurrent expenditure**   **Figure 7.8 Recurrent expenditure per finalisation, magistrates’ courts only (excluding children’s courts), 2013-14  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 at Magistrates’ Court venues in metropolitan and 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. |
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##### Expenditure per finalisation for family courts and the Federal Circuit Court of Australia

The Family Court of Australia, Family Court of WA and the Federal Circuit Court are responsible for determining matters related to family law and child support, but each court has a different focus, breadth and complexity of work, which contributes to the differences in recurrent expenditure per finalisation results presented in figure 7.9.

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| Figure 7.9 Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2013-14**a, b** |
| |  | | --- | | Figure 7.9: Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2013-14  More details can be found in the text surrounding this image. | |
| 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 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 From 1 July 2013, the Family Court of Australia and Federal Circuit Court prescribed agencies were merged into a single prescribed agency. However they remain separate Chapter III Courts. A single set of financial statements is maintained on behalf of the single entity and expenses/assets have been attributed to each court on the basis of either direct attribution or an estimated allocation. |
| *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 data 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 $1569 in 2013‑14 (figure 7.10).

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| Figure 7.10 Recurrent expenditure per finalisation, coroners’ courts, 2013‑14**a, b, c, d** |
| |  | | --- | | Figure 7.10: Recurrent expenditure per finalisation, coroners' courts, 2013-14  More details can be found in 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. Therefore, 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.

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 Courts performed well in 2013-14. The NSW Supreme Court reduced the percentage of civil appeal and non-appeal matters older than 12 and 24 months. The overall Supreme Court clearance rate remained above 100 per cent for the third consecutive year. Net expenditure per finalisation for District Court criminal and civil matters declined, and the overall clearance rate increased to over 100 per cent. The Local Court 6 month criminal and civil backlogs fell, and the net cost per finalisation reached its overall lowest level since 2010-11. Children’s Court net cost per finalisation declined for both criminal and civil matters, reaching its overall lowest level in over 10 years. The Children’s Court clearance rate also increased to above 100 per cent.  The NSW Civil & Administrative Tribunal (NCAT) began operation in January 2014. More than 20 NSW tribunals were integrated into NCAT, providing a single gateway for tribunal services to the people of NSW. By 30 June 2014 NCAT had received close to 39 300 applications, held more than 51 400 hearings, and resolved or disposed of more than 41 200 matters.  NSW increased its use of new technologies, significantly improving services with processes streamlined for speed and accuracy. Achievements in 2013-14 included:   * Launch of an interactive online registry, with over 43 000 forms lodged online for the Supreme, District and Local Courts during the year, representing more than 50 per cent of all forms. * Implementation of a new Jury Management System. It provides jurors and potential jurors with the benefits of a web based system, streamlining numerous traditional manual and paper based processes. * Launch of the Justice AVL and Court Technology Project, designed to establish efficient end-to-end AVL usage for all Justice Sector stakeholders. $40 million has been allocated over four years to enable this major reform. * Completion of the Joined Up Justice project, allowing near real time electronic exchange of data between courts and the NSW Police Force, including electronic signatures for arrest warrants and Apprehended Violence Orders. The NSW Police Force now lodges 98 per cent of its 400 000 annual proceedings electronically. * Continued expansion of the Courts Service Centre, which now answers over 50 000 calls per month. Over $10 million and 30 000 transactions were processed in 2013-14. * Commencement of the eIndictments Project, to implement an electronic exchange of indictment information from the Office of the Director of Public Prosecutions to the courts. This process will for the first time allow electronic update of higher court outcomes across agencies including the NSW Police Force, and thus ensure information is current, accurate and consistent across the justice sector. | **”** |
|  | Victorian Government comments |  |
| **“** | The Supreme Court of Victoria performance against a number of key benchmarks shows the Court is improving its services while meeting day-to-day demands. The Court again achieved a clearance rate of over 100 per cent across Civil and Criminal divisions resulting in pending being reduced to its lowest level in the last 4 years. Ongoing improvements introduced by the Court of Appeal Registry continued to reduce the number of appeals and applications for leave to appeal. Median time taken to finalise criminal appeals has reduced from 12.5 months in 2010-11 to 6.8 months in 2013-14.  The County Court of Victoria is experiencing increasing demand on resources due to both a higher volume of matters and the changing nature of these matters. Criminal trials are increasingly long and complex and sentencing reforms have significantly expanded judicial function in criminal matters, requiring monitoring, supervision and review of orders. In responding to these challenges, the Court will persist in its efforts to address delay, increase efficiencies, and promote judicial resilience in the face of increasing workloads.  The Magistrates' Court of Victoria criminal caseload increased 26 per cent for 2013-14 mainly due to growth in infringement matters referred to open court. In the Criminal Division an enhanced program of contest mentions for summary matters and committal case conferences for committals have been successful in reducing the number of cases listed for contested hearing and in narrowing the issues for those that do proceed. In November 2013, the Weekend Remand Court was introduced, which provides for accused arrested over the weekend to be brought before a magistrate as soon as practicable, potentially reducing time spent in custody.  The Children’s Court of Victoria continues to experience large growth in its civil jurisdiction (Family Division), 35 per cent since 2009-10 and 10 per cent in the past year. The court introduced the Conciliation Conference program which aims to resolve child protection disputes in a non-adversarial manner early in the court process.  The Coroners Court of Victoria recorded the highest number of coronial finalisations across Australia, accounting for 30 per cent of the total finalisations, whilst also achieving the equal highest overall clearance rate of 116 per cent and closing 1736 more cases than last year. However, the court received the greatest proportion of coronial work (27 per cent). Real net recurrent expenditure per finalisation has reduced from $2950 in 2011-12 to $1,746, which is comparable to the national average of $1569. FTE per finalisation has reduced from 1.8 in 2011-12 to 1.1 in 2013-14. | **”** |
|  | Queensland Government comments |  |
| **“** | * The criminal and civil clearance rates for the Supreme, District and Magistrates Courts levelled out during the 2013-14 financial year. * In the Supreme Court, the combined clearance rate (including appeals) in the criminal jurisdiction was 93 percent and 111.4 per cent in the civil jurisdiction. * The District Court (including appeals) finished the year with a criminal clearance rate of 96 per cent and a civil clearance rate of 95.6 per cent. * In the Magistrates Courts, the criminal clearance rate was 95.4 per cent, and the civil clearance rate was 97.9 per cent. * Significant increases in lodgments during the year have driven the lower than expected clearance rates in the criminal jurisdiction. ompared to last year, lodgments increased by 9.5 per cent in the Supreme Court (including appeals), 10.8 per cent in the District Court (including appeals), and 8.8 per cent in the Magistrates Court. * The criminal clearance rates have impacted the number of active pending matters, with all courts experiencing an increase in those numbers. * The total number of active criminal cases increased in the Supreme Court from 345 as at 30 June 2013 to 439, from 1,490 to 1,698 in the District Court, and from 31,131 to 36,228 in the Magistrates Court. * Despite the increase in active pending matters, Supreme Court criminal cases greater than 24 months old decreased from 35 to 28, and the number of District Court cases greater than 24 months old decreased from 80 to 75. * In the Magistrates Court, the number of criminal cases greater than 12  months old increased from 3445 to 4429. * The Memorandum of Understanding (MOU) with the Supreme and National Courts of Papua New Guinea (PNG) referred to in last year’s report continued during 2013-14. Judges and staff from PNG visited Brisbane for a week in July 2013, and during October 2013, a training supervisor from Queensland Courts Service attended PNG to provide advice on staff training and Electronic Case Management practices. A further delegation from PNG will visit Brisbane for a week during July 2014. * The Queensland Courts Referral program expanded from Brisbane into Beenleigh, Southport, Mount Isa, Ipswich and Cairns. This bail-based program enables defendants to engage with non-government organisations and government agencies to address the causes of offending behaviour by assisting defendants with drug and/or alcohol dependency, mental illness, intellectual disability, cognitive impairment, and homeless people or those at risk of homelessness who come into contact with the criminal justice system. | **”** |
|  | Western Australian Government comments |  |
| **“** | In 2013‑14 Western Australian Courts continued to provide effective State-wide services.  The Supreme Court experienced high demand for criminal trial time with pending homicide cases increasing from 34 in June 2013 to 42 in June 2014. This contributed to an increase of 38 per cent in the number of pending non‑appeal criminal cases. The State Government provided a temporary resource to assist in managing workload. Additional resources were also provided to the Court for the State of WA v Rayney appeal. This included engaging three interstate judges to remove any perception that the appeal was influenced by local knowledge, sympathy or prejudice toward the respondent.  In the WA District Court criminal lodgments increased by 5 per cent and the pending case load increased by 8 per cent. However, the proportion of cases in backlog remains similar to the previous year.  Improvement in the WA Family Court‘s performance is seen through an 11.2 per cent (12 weeks) reduction in the time to trial of defended matters, a 6.7 per cent (23 matters) increase in matters commencing trial and a 12.3 per cent (359 matters) increase in the finalisation of final order applications.  WA Magistrates Court maintained the criminal and civil time to trial of 18 weeks. There was an overall 3 per cent reduction in criminal lodgments from 2012‑13. However, the Court experienced a significant increase of 20 per cent (or 1306  cases) in the illicit drug offence lodgments from 2012‑13.  In November 2013, the Magistrates Court and Children’s Court across the State introduced a new the Integrated Courts Management System. The implementation also includes functionality to electronically receive and process prosecution notices from the WA Police, single fines management and a single shared Bail Module for WA.  The Mental Health Diversion and Support Pilot Program funded by the State Government continued in the Perth Magistrates Court and Perth Children’s’ Court Since commencement of the program in March 2013, 421 accused have been assessed in the Magistrates Court with the clinical team supporting 82  participants. In the Children’s Court, 254 cases have been referred to the Clinical Assessment Team.  WA Coroners Court reduced the significant number of backlog cases from 938  in September 2011 to 543 in December 2013 with a further decrease to 415 in June 2014. This is a direct result of additional funding received. The Court also finalised 20 more inquests than last financial year (56 to 76 in 2013‑14).  As part of the State Government’s commitment to investment in regional Courthouses, the $41.7 million Kalgoorlie Courthouse was officially opened on the 22 November 2013 and commenced operations on 2 December 2013. Courthouses in Kununurra and Carnarvon will open during 2014‑15.   * Please use this bullet style.   Please do not delete the pink text. This text will not count towards your 1 page comment limit.  The formats in the template are the same each year and the same across all chapters and all jurisdictions. Please do not change the formatting as this document is currently set with the correct formatting. Comments from each jurisdiction are restricted to one page. If the formatting is amended so that the comments extend beyond one page when the correct formatting is reapplied, the comments will be returned to jurisdictional working group members for redrafting.  The following format is applied to jurisdiction comments:  Font:  Arial, 12 pt  Paragraph:  Justified, 7 pt spacing after  Margins:  Top – 3.5 cm  Bottom – 2.5 cm  Inside – 3.2 cm  Outside – 2.3 cm  Bullet points:  Level 1  Aligned at 0cm, tab after 0.56 cm, indent at 1.27 cm  Bullet font size 10 pt | **”** |
|  | South Australian Government comments |  |
| **“** | * The *Statutes Amendment (Court Efficiency Reforms) Act 2012* (SA) commenced operation on 1 July 2013. The Courts Efficiency Reforms Act increased the small claims jurisdiction of the Magistrates Court to $25 000 from its previous $6000 and its general jurisdiction to $100 000 from its previous $40 000 for debt/contract matters and $80 000 for personal injury matters. Overall, the Act has shifted civil lodgments of less than $100 000 to the Magistrates Court. In the Act’s first year of operation, 895 civil claims have been filed in the Magistrates Court which would previously have been filed in the District Court. The Act also increased the Magistrates Court’s criminal jurisdiction and sentencing powers, empowering Magistrates to impose a sentence of up to five years on conviction for a single offence and to sentence for up to 10 years imprisonment for multiple offences. Magistrates can also impose sentence within this increased range on conviction for major indictable offences if the Director of Public Prosecutions and the defendant both consent. * Changes in legislation relating to Motor Vehicle Personal Injury matters (Compulsory Third Party Insurance Scheme) saw a large number of claims lodged with the District and Magistrates Court in June 2013, immediately prior to commencement of these changes and commencement of the Courts Efficiency Reforms Act. Since that time the number of these lodgements across both jurisdictions has reduced significantly. While the late increase in lodgements of personal injury claims in the final week of June 2013 necessarily impacted on the Magistrates Court’s finalisation rate for that financial year (as there was no opportunity for finalisation during that reporting period), the Magistrates Court’s civil clearance rate for 2013‑14 returned to historic levels of 100 per cent or more. The District Court recorded a clearance rate in excess of 100 per cent for 2013‑14 however, the large number of claims filed in June 2013 continue to form part of the backlog list for the District Court. * As both the Courts Efficiency Reforms Act and Compulsory Third Party Scheme were introduced on 1 July 2013, it is difficult to quantify the respective impact of each initiative in relation to Personal Injury matters.Both the Courts Efficiency Reforms Act and the Statutes Amendment (Sentencing) Act 1988 must, by each of those Acts, be reviewed after a time. It does appear that the Compulsory Third Party Insurance Scheme has had a significant impact as claims for Personal Injury have reduced across both District and Magistrates Courts jurisdictions. * The *Statutes Amendment (Fines Enforcement and Recovery) Act, 2013* commenced operation on 3 February 2014, transferring fines recovery and enforcement responsibilities from the Magistrates Court to the Fines Enforcement and Recovery Unit within the Attorney-General’s Department.   Please use this text style, justification, font and font style.   * Please use this bullet style.   Please do not delete the pink text. This text will not count towards your 1 page comment limit.  The formats in the template are the same each year and the same across all chapters and all jurisdictions. Please do not change the formatting as this document is currently set with the correct formatting. Comments from each jurisdiction are restricted to one page. If the formatting is amended so that the comments extend beyond one page when the correct formatting is reapplied, the comments will be returned to jurisdictional working group members for redrafting.  The following format is applied to jurisdiction comments:  Font:  Arial, 12 pt  Paragraph:  Justified, 7 pt spacing after  Margins:  Top – 3.5 cm  Bottom – 2.5 cm  Inside – 3.2 cm  Outside – 2.3 cm  Bullet points:  Level 1  Aligned at 0cm, tab after 0.56 cm, indent at 1.27 cm  Bullet font size 10 pt | **”** |
|  | Tasmanian Government comments |  |
| **“** | This year’s report demonstrates how a single trial can have a significant impact on the apparent performance of a small jurisdiction such as Tasmania. A single five month double murder trial in the Supreme Court has contributed to a significant deterioration in a number of indicators. This case effectively used 13 per cent of the judicial and court resources available in the criminal jurisdiction. It had an impact on the available prosecutorial and defence resources. In the time taken for this trial almost 60 normal lodgements would have been finalised.  Although not the sole cause, this case has contributed to the following results in the Criminal Jurisdiction of the Supreme Court: a clearance rate of only 89 per cent, an increase in the number of pending cases over the year, a deterioration of the backlog indicator, an increase in the recurrent expenditure per criminal finalisation, an increase in the number of judicial officers per 100 finalisations, and an increase in the number of attendances per finalisation.  In the light of these results the Court is currently reviewing its case management policies and practices to identify efficiencies, and cater for similar events in the future.  The Court is also reviewing its case management policies in the civil jurisdiction. Currently personal injuries matters are exempted from case management, due in part to the time required for medical conditions to stabilise. The Court is concerned to ensure personal injuries matters do not become ‘stale’ due to inaction. This concern is supported by the relatively high percentage of lodgements which are deemed finalised in the Tasmanian Supreme Court. Internal analysis has shown that a significant proportion of personal injury lodgements which are deemed finalised due to inaction subsequently return to court for resolution.  Real recurrent expenditure on the Tasmanian Supreme Court has reduced over the past two years. In part this is due to the retirement of the remaining judges eligible for a pension under the Judges' Contributory Pensions Act 1968. Judges appointed after 1 July 1999 are not eligible to join this scheme.  The Magistrates Court has extended its new approach to dealing with Youth Justice matters, which was first piloted in Hobart from January 2011, to Launceston which is its second busiest registry. Since the introduction of this approach Youth Justice (Children’s Court) lodgments have reduced by 40 per cent, the pending case load has reduced by a similar amount and the proportion of cases older than 6 months has reduced from 26 per cent to 22 per cent.  In the past year the court has commenced a new approach to dealing with Coronial matters. A single magistrate is responsible for the majority of coronial lodgements; in the past the responsibility was shared between up to nine magistrates. This new approach aims to improve the timeliness of finalising coronial matters by better focusing resources. | **”** |
|  | 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. The ACT Supreme Court has seen:   * a further decrease in the number of non-appeal criminal cases pending in the Supreme Court for more than 24 months, with only 11 cases in this category at the end of the reporting period; and * a reduction in the number of non-appeal civil matters that are more than 12 months old, with a decline from 524 to 215 over the last three years.   These improvements principally reflect changed listing practices and the use of acting judges for which the ACT Government has provided additional resources.  Another focus during the year has been Coroners matters. The number of pending matters of this type has reduced markedly as a result of a continued focus by coroners, including as to the need for post-mortem examination, and legislative amendment which changed the requirements for an inquest to be held into the manner and cause of the death of a person:   * that occurs after medical intervention from 72 hours to 24 hours; * who dies without having seen a doctor from 3 months to 6 months.   These changes bring the ACT into closer alignment with other jurisdictions.  Major changes underway for the ACT’s courts include:   * the ACT Court Facilities project to redevelop the Supreme Court building and link it to the Magistrates Court; * the implementation of an integrated case management system.   Note: The improved outcome in the Coroner’s Court is not reflected through the pending tables 7A.21 as figures in the table include fires reported to the Coroner. 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 |  |
| **“** | * The Northern Territory Civil and Administrative Tribunal (NTCAT) was established. The Tribunal creates a central appeals point for Territorians and businesses, removing unnecessary duplication and inefficiencies. NTCAT operates independently of Government and over time will hear and determine a broad range of administrative matters. * The Northern Territory Government entered into partnership with the private sector to design and develop a new Supreme Court building at Alice Springs. The facility will have courtrooms, jury rooms, interview facilities and secure prisoner holding areas for two concurrent jury trials. It is expected that the existing courthouse will be redeveloped once the Supreme Court takes up occupancy in the new building in July 2016. * Alternative Youth Justice Court facilities in Darwin City were sourced. The facilities will provide for all Youth Court matters to be heard away from the adult courts. A specially fitted out courtroom will enable these matters to be heard in a more appropriate environment. * Extensive negotiations between the Northern Territory and Commonwealth Governments occurred to share facilities within the Supreme Court Building at Darwin and Westpoint complex at Alice Springs. A Heads of Agreement between the parties was signed by both jurisdictions in April 2014. The Darwin arrangement will make it the only court building in Australia that will have the Supreme Court, Federal Court, Family Court and Federal Circuit Courts all in the same complex. * The Alcohol Mandatory Treatment Tribunal commenced. The function of the Tribunal is to consider and decide applications made to it and to make mandatory treatment orders, income management orders and other orders in relation to its decisions. Those currently referred to the Tribunal are adults who are taken into police protective custody three or more times in two months for being intoxicated in public. | **”** |
|  | Australian Government courts comments | **”** |
| **“** | *Federal Circuit Court and Family Court of Australia*  As a result of government policy, from 1 July 2013 the Family Court of Australia (FCoA) and Federal Circuit Court (FCC) became a single prescribed agency for the purpose of the Financial Management and Accountability Act. This means there is now only a requirement to produce a single set of financial statements for the combined entity known as the Family Court of Australia and Federal Circuit Court. Although it is now essentially a single administration, both the FCoA and FCC remain as separate Chapter III courts. Consequently, for the purpose of reporting in the 2015 Report on Government Services, all expenses and assets have been attributed to each court on the basis of either direct attribution to the jurisdiction, or an estimated allocation to the jurisdiction.  Prior to 1 July 2013 the FCoA provided services to the FCC ‘free of charge’ or with some estimated transfer of appropriations between the two courts. The nature of those services and resources meant that it was difficult to accurately place a dollar value on those being consumed and shared by the specific courts. In particular the FCoA provided further shared services, including IT, accommodation, work of court staff, depreciation and amortisation (and other capital resources) that could not be easily attributed to the FCC.  Since the introduction of a single administration entity and single set of financial statements, the allocation of resources can be better estimated than prior methods such that services consumed by the jurisdiction can be better attributed to that jurisdiction, and where services are shared more equitable splits could be applied. As a result there will be a noticeable shift in the human resources and expenditure amounts of FCoA and FCC reported for 2013-2014 when compared to previous years. | ” |

## 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. Can include salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses. |
| **Attendance indicator** | The average number of attendances for each finalisation in the reporting period. An attendance is defined as the number of times that parties or their representatives are required to be present in court (including any appointment which is adjourned or rescheduled) for all finalised matters during the year. The actual attendance is one that is heard by a judicial officer or mediator/arbitrator. |
| **Backlog indicator** | A measure of case processing timeliness. It is the number of pending cases older than the applicable reporting standards, divided by the total pending caseload (multiplied by 100 to convert to a percentage). |
| **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. |
| **Comparability** | Data are considered comparable if, (subject to caveats) they can be used to inform an assessment of comparative performance. Typically, data are considered comparable when they are collected in the same way and in accordance with the same definitions. For comparable indicators or measures, significant differences in reported results allow an assessment of differences in performance, rather than being the result of anomalies in the data. |
| **Completeness** | Data are considered complete if all required data are available for all jurisdictions that provide the service. |
| **Cost recovery** | The level of court fees divided by the level of court expenditure. |
| **Court fees collected** | Total court income from fees charged in the civil jurisdiction. Can include filing, sitting hearing and deposition fees, and excludes transcript fees. |
| **Electronic infringement and enforcement system** | A court with the capacity to produce enforceable orders against defendants (such as fines, licence cancellation and incarceration) and to process infringements, on-the-spot fines and summary offences. |
| **Excluded courts and tribunals** | This includes such bodies as guardianship boards, environment resources and development courts, and administrative appeals tribunals. The types of excluded courts and tribunals vary among the states and territories. |
| **Extraordinary driver's licence** | An extraordinary licence is a licence granted at the discretion of the court. It authorises the holder to drive in certain circumstances even though the holder's normal driver's licence has been suspended. |
| **Finalisation** | The completion of a matter so it ceases to be an item of work to be dealt with by the court. |
| **Forms** | The counting unit used in the family courts and family law matters pertaining to the Federal Circuit Court. Forms are applications or notices lodged with the court. |
| **Income** | Income derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). |
| **Information technology expenditure** | Non-salary and salary expenditure on information technology. Excludes capital expenditure on information technology infrastructure and can include licensing costs, computer leasing costs, the cost of consumables (such as data lines, paper and disks), training fees, access fees (for example, catalogue search and Internet access) and maintenance charges for software and hardware. |
| **Inquests and inquiries held** | Court hearings to determine the cause and circumstances of deaths reported to the coroner. Includes all coronial inquests and inquiries in full court hearings. |
| **Judicial officer** | Judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on the judicial activity. |
| **Judicial and judicial  support salaries** | All salary expenditure and payments in the nature of salary that are paid to employees of court administration. Can include base salaries, the employer contributed component of superannuation, workers compensation (full cost, inclusive of any levies, bills and legal fees), higher duty allowances, overtime, actual and accruing terminal and long service leave, fringe benefits tax and untaxed fringe benefits.  (Judicial officers can include judges, magistrates, masters, judicial registrars and other judicial officers who fulfil a primarily judicial function. Judicial support staff include judicial secretaries, tipstaff and associates.) |
| **Library expenditure** | Non-salary and salary expenditure on court operated libraries. Non-salary expenditure includes book purchases, journal subscriptions, fees for interlibrary loans, copyright charges, news clippings service fees and photocopying.  Expenditure also includes recurrent information technology costs and court administration contributions towards the running costs of non-government operated libraries. Any costs recovered through borrowing and photocopy fees by court operated libraries are subtracted from expenditure. |
| **Lodgment** | The initiation or commencement of a matter before the court. The date of commencement is counted as the date of registration of a court matter. |
| **Matters** | *Coronial matters*:Deaths and fires reported to the coroner in each jurisdiction, including all reported deaths and fires regardless of whether the coroner held an inquest or inquiry. Coronial jurisdictions can extend to the manner of the death of a person who was killed; was found drowned; died a sudden death of which the cause is unknown; died under suspicious or unusual circumstances; died during or following the administration of an operation of a medical, surgical, dental, diagnostic or like nature; died in a prison remand centre or lockup; or died under circumstances that (in the opinion of the Attorney-General) require that the cause of death be more clearly ascertained.  *Criminal matters*: Matters brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions but could also be the Attorney-General, the police, local councils or traffic camera branches.  *Civil matters*: Matters brought before the court by individuals or organisations against another party, such as small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction.  *Excluded matters*:Extraordinary driver’s licence applications; any application on a pending dispute; applications for bail directions or judgment; secondary processes (for example, applications for default judgments); interlocutory matters; investigation/examination summonses; firearms appeals; escort agents’ licensing appeals; pastoral lands appeals; local government tribunals; police promotions appeals; applications appealing the decisions of workers compensation review officers.  *Probate matters*: Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person. |
| **Method of finalisation** | The process that leads to the completion of a criminal charge within a higher court so it ceases to be an item of work in that court. |
| **Method of initiation** | How a criminal charge is introduced to a court level. |
| **Non-adjudicated finalisation** | A non-adjudicated finalisation is where a charge is considered completed and ceases to be active in a court even though there has not been a determination on whether the defendant is guilty, that is, the charge(s) have not been adjudicated. The methods of non-adjudicated finalisation include but are not limited to defendant deceased; unfit to plead; withdrawn by the prosecution; diplomatic immunity and statute of limitation applies. |
| **Probate registry expenditure** | Salary expenditure of the probate registrar and probate clerks, along with non-salary expenditure directly attributable to probate registries. |
| **Real expenditure** | Actual expenditure adjusted for changes in prices using the general government final consumption expenditure (GGFCE) chain price index deflator and expressed in terms of current year prices (i.e. for the courts chapter with 2013-14 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 can include expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it can include expenditure on police officers permanently attached to the coroner for the purpose of assisting in coronial investigations. Excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security. |
| **Specialist jurisdiction court** | A court which has exclusive jurisdiction in a field of law presided over by a judicial officer with expertise in that area. Examples of these types of courts which are within the scope of this Report are the family courts, the Children’s Courts and the Coroners’ Courts. Examples of specialist jurisdiction courts which are excluded from this Report include Indigenous and circle sentencing courts and drug courts. |
| **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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| **Preamble** | Courts — attachment tables |
| **Table 7A.1** | Lodgments, criminal |
| **Table 7A.2** | Lodgments, criminal, homicide and related offences |
| **Table 7A.3** | Lodgments, civil |
| **Table 7A.4** | Lodgments, criminal, per 100 000 people |
| **Table 7A.5** | Lodgments, civil, per 100 000 people |
| **Table 7A.6** | Finalisations, criminal |
| **Table 7A.7** | Finalisations, criminal, homicide and related offences |
| **Table 7A.8** | Finalisations, civil |
| **Table 7A.9** | Finalisations, criminal , per 100 000 people |
| **Table 7A.10** | Finalisations, civil, per 100 000 people |
| **Table 7A.11** | Real recurrent expenditure, criminal, 2013-14 dollars ($'000) |
| **Table 7A.12** | Real recurrent expenditure, civil, 2013-14 dollars ($’000) |
| **Table 7A.13** | Real income (excluding fines), criminal and civil, 2013-14 dollars ($’000) |
| **Table 7A.14** | Real net recurrent expenditure, criminal, 2013-14 dollars ($’000) |
| **Table 7A.15** | Real net recurrent expenditure, civil, 2013-14 dollars ($’000) |
| **Table 7A.16** | Real net recurrent expenditure, criminal and civil, 2013-14 dollars ($’000) |
| **Table 7A.17** | Cost recovery – civil court fees collected as a proportion of civil expenditure excluding payroll tax (per cent) |
| **Table 7A.18** | Real average civil court fees collected per lodgment, 2013-14 dollars ($) |
| **Table 7A.19** | Backlog indicator, criminal (as at 30 June) |
| **Table 7A.20** | Backlog indicator, criminal, homicide and related offences (as at 30 June) |
| **Table 7A.21** | Backlog indicator, civil (as at 30 June) |
| **Table 7A.22** | Attendance indicator (average number of attendances per finalisation) |
| **Table 7A.23** | Attendance indicator (criminal, homicide and related offences |
| **Table 7A.24** | Clearance rate – finalisations/lodgments, criminal (per cent) |
| **Table 7A.25** | Clearance rate, criminal, homicide and related offences |
| **Table 7A.26** | Clearance rate – finalisations/lodgments, civil (per cent) |
| **Table 7A.27** | Judicial officers (FTE and number per 100 000 people) |
| **Table 7A.28** | Judicial officers per 100 finalisations |
| **Table 7A.29** | Full time equivalent (FTE) staff per 100 finalisations |
| **Table 7A.30** | Full time equivalent (FTE) staff per judicial officer employed |
| **Table 7A.31** | Real net recurrent expenditure per finalisation, criminal, 2013-14 dollars ($) |
| **Table 7A.32** | Real net recurrent expenditure per finalisation, civil, 2013-14 dollars ($) |
| **Table 7A.33** | Real net recurrent expenditure per finalisation, criminal and civil, 2013-14 dollars ($) |
| **Table 7A.34** | Real recurrent expenditure per finalisation, criminal, 2013-14 dollars ($) |
| **Table 7A.35** | Real recurrent expenditure per finalisation, civil, 2013-14 dollars ($) |
| **Table 7A.36** | Treatment of assets by court agencies |

## 7.8 References

ABS (Australian Bureau of Statistics) 2014, *Criminal Courts, Australia*, *2012–13,* Cat. no. 4513.0, Canberra.

Productivity Commission 2014, *Access to Justice Arrangements*, Inquiry Report No. 72, Canberra.