# 7 Courts

#### CONTENTS

7.1 Profile of court services 7.2

7.2 Framework of performance indicators 7.18

7.3 Key performance indicator results 7.20

7.4 Future directions in performance reporting 7.49

7.5 Definitions of key terms 7.50

7.6 List of attachment tables 7.53

7.7 References 7.54

|  |
| --- |
| 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 website at www.pc.gov.au/rogs/2016. |
|  |

This chapter focuses primarily on administrative support functions for the courts, not on the judicial decisions made in the courts. The primary support functions of court administration services are to:

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

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

The chapter does not include information on the High Court of Australia, and excludes tribunals and specialist jurisdiction courts (for example, Indigenous courts, circle sentencing courts and drug courts are excluded). From the 2012 Report, the chapter also excludes electronic infringement and enforcement systems to improve national comparability in reporting.

Improvements in reporting on courts this year include two new experimental measures for the existing equity indicator of ‘Fees paid by applicants’:

* Court fee relief (fee waivers and reductions) and fee exemptions
* Proportion of total payable civil court fees which were waived or reduced.

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

## Profile of court services

### Roles and responsibilities

#### State and Territory court levels

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

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

Within certain court levels, a number of specialist jurisdiction courts (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.

|  |
| --- |
| 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). |
|  |
|  |

|  |
| --- |
| 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). |
|  |
|  |

|  |
| --- |
| Box 7.3 Magistrates court jurisdictions across states and territories |
| **Criminal**  **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 up to five years. With a defendant’s consent, matters with a maximum penalty of up to 14 years imprisonment where the offence relates to money or property (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  **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:* State and Territory court authorities and departments (unpublished). |
|  |

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

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

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

##### 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, children aged under 10 years cannot be charged with a criminal offence. The maximum age that defendants are considered a child or juvenile is under the age of 18 years in all states and territories, except Queensland. In Queensland, defendants are considered adults if aged 17 years and over at the time the offence was committed (ABS 2015).

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.

##### 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.

#### 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 which are reported in this chapter.

##### 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. For the reference period in this report (up to 30 June 2015), there was 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 resulted in a change in the way that expenditure and resources are allocated to each court from the 2015 Report on Government Services (RoGS) onwards, 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 December 2002) 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.

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

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

### 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 covered in this Report was $1.71 billion in 2014‑15 (table 7.1).

Court income is derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). Total income for the Australian, State and Territory courts covered in this Report was $338 million in 2014‑15 (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 $1.37 billion in 2014‑15 (table 7.1). Expenditure exceeds income in all court jurisdictions except for probate registries in the supreme courts. Expenditure is relatively low on probate matters, as these are limited to uncontested matters that are dealt with by probate registrars (or other registry staff). Where a probate matter is contested, it is reported as part of supreme court data in the civil jurisdiction. Historical data are reported in tables 7A.14 and 7A.15.

|  |
| --- |
| Table 7.1 Courts’ recurrent expenditure less income (excluding fines), 2014-15 ($ million)**a, b, c** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | *Courts’ recurrent expenditure* | | | | | | | | | | | | Civil | 172.3 | 141.9 | 59.7 | 62.4 | 28.9 | 6.7 | 12.2 | 11.2 | 102.1 | 597.5 | | Criminal | 214.4 | 197.1 | 148.6 | 140.2 | 73.2 | 17.4 | 16.3 | 26.3 | .. | 833.6 | | Family | .. | .. | .. | 29.0 | .. | .. | .. | .. | 70.4 | 99.4 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 135.3 | 135.3 | | Coroners | 5.4 | 12.2 | 9.7 | 5.7 | 3.4 | 1.0 | 2.0 | 1.0 | .. | 40.4 | | Probate — Supreme | 1.2 | 0.9 | 0.3 | 0.5 | 0.7 | 0.2 | 0.1 | 0.1 | .. | 3.9 | | **Total** | 393.4 | 352.1 | 218.3 | 208.9 | 106.2 | 25.3 | 30.6 | 38.6 | 307.8 | 1 710.1 | | *Courts’ recurrent expenditure less income (excluding fines)* | | | | | | | | | | | | Civil | 107.2 | 96.5 | 40.0 | 44.2 | 17.5 | 5.0 | 9.3 | 10.2 | 82.2 | 412.3 | | Criminal | 199.4 | 197.1 | 146.7 | 132.5 | 71.3 | 16.6 | 15.8 | 25.9 | .. | 805.3 | | Family | .. | .. | .. | 22.6 | .. | .. | .. | .. | 63.9 | 86.5 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 82.1 | 82.1 | | Coroners | 5.3 | 12.2 | 9.7 | 5.7 | 3.3 | 1.0 | 2.0 | 1.0 | .. | 40.1 | | Probate — Supreme | -32.6 | -5.3 | -5.7 | -1.4 | -6.3 | -1.1 | -1.0 | -0.2 | .. | -53.5 | | **Total** | 279.4 | 300.4 | 190.6 | 174.5 | 85.9 | 21.6 | 26.0 | 36.9 | 228.2 | 1 372.5 | |
| a Totals may not sum as a result of rounding. b Payroll tax is excluded. c See tables 7A.11‑16 for detailed footnotes and caveats for each jurisdiction. ..Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); tables 7A.11–16. |
|  |

#### 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 varies across states and territories. In 2014-15, 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) and SA, than by the supreme courts of other states and territories (under the three-tier court system) (tables 7A.14 ‑ 15).

In 2014‑15, 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, 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.

### 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.

Table 7.2 (criminal) and table 7.3 (civil) outline the number of lodgments in 2014‑15, by court level, for the Australian courts and for each State and Territory.

|  |
| --- |
| Box 7.4 Explanation of lodgment data used in this chapter |
| Lodgments reflect community demand for court services. The different ways of counting a court’s workload reflect the variety of work undertaken within the court system. The units of measurement of workload (or counting units) used within this chapter are:   * criminal courts — lodgment counts are based on the number of defendants * civil and family courts — lodgment counts are based on the number of cases (except in children’s courts where, if more than one child can be involved in an application, the counting unit is the number of children involved in the originating application) * coroners’ courts — lodgment counts are based on the number of reported deaths (and, if applicable, reported fires).   Unless otherwise noted, the following types of lodgment are excluded from the criminal and/or civil lodgment data reported in this chapter:   * any lodgment that does not have a defendant element (for example, applications for telephone taps) * extraordinary driver’s licence applications * bail procedures (including applications and review) * directions * warrants * admissions matters (original applications to practise and mutual recognition matters) * cross-claims * secondary processes — for example, interlocutory matters, breaches of penalties (that is, bail, suspended sentences, probation) * applications for default judgments (because the application is a secondary process). |
|  |

Nationally, in the criminal jurisdiction, there were 890 300 lodgments registered in the supreme, district/county and magistrates’ courts in 2014‑15 (table 7.2).

|  |
| --- |
| Table 7.2 Court lodgments — criminal, by court level, 2014-15 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supreme | 0.5 | 0.4 | 1.6 | 0.6 | 0.3 | 0.5 | 0.3 | 0.7 | 5.0 | | District/county | 11.4 | 5.1 | 6.0 | 2.5 | 2.3 | .. | .. | .. | 27.2 | | Magistrates’ (total) | 179.5 | 267.8 | 217.6 | 97.1 | 53.8 | 18.3 | 6.5 | 17.7 | 858.1 | | *Magistrates’ (only)* | *169.0* | *247.0* | *205.9* | *91.0* | *49.5* | *17.0* | *6.2* | *15.6* | *801.3* | | *Children’s* | *10.5* | *20.8* | *11.6* | *6.1* | *4.3* | *1.2* | *0.3* | *2.0* | *56.9* | | **All criminal courts** | **191.3** | **273.3** | **225.2** | **100.2** | **56.4** | **18.8** | **6.8** | **18.4** | **890.3** | |
| a Totals may not add as a result of rounding. b See table 7A.1 for detailed footnotes and caveats. **..**Not applicable. |
| *Source:* State and Territory court authorities and departments (unpublished); table 7A.1. |
|  |
|  |

Nationally, 446 700 cases were lodged in civil jurisdiction courts (excluding family courts, the Federal Circuit Court, coroners’ and probate courts), comprising 442 300 cases in the State and Territory supreme, district/county and magistrates’ courts, and 4400 cases in the Federal Court. In the states and territories, an additional 71 400 probate matters were lodged in the supreme courts (table 7.3).

In the Australian court jurisdiction, approximately 4400 cases were lodged in the Federal Court, 95 400 (civil and family law) matters were lodged in the Federal Circuit Court, and a further 36 300 family law matters were filed in the Family Court of Australia (20 800) and Family Court of WA (15 500) (table 7.3).

In the coroners’ courts, there were 23 300 reported deaths and fires. Reporting rates for deaths reported to a coroner varied across jurisdictions as a result of different reporting requirements. Deaths in institutions (such as nursing homes) of people suffering intellectual impairment of any type, for example, must be reported in SA but not in other jurisdictions. Reporting requirements also vary for fires. Fires may be reported and investigated at the discretion of the coroner in NSW, Victoria, Tasmania and the ACT, but are excluded from the coroners’ jurisdiction in Queensland, WA, SA and the NT. A disaggregation of coroners’ courts data by reported deaths and fires is in table 7A.3.

|  |
| --- |
| Table 7.3 Court lodgments — civil, by court level, 2014‑15 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme (excl. probate)/Federal | 8.6 | 7.9 | 3.4 | 2.5 | 1.2 | 0.9 | 0.6 | 0.3 | 4.4 | 29.7 | | District/County | 7.2 | 6.8 | 5.4 | 5.0 | 1.8 | .. | .. | .. | .. | 26.1 | | Magistrates’ (total) | 136.1 | 96.7 | 58.9 | 52.8 | 28.5 | 6.8 | 3.9 | 7.3 | .. | 390.9 | | *Magistrates’ (only)* | 127.3 | 89.0 | 55.3 | 50.7 | 26.9 | 6.5 | 3.8 | 6.9 | .. | 366.3 | | *Children’s* | 8.8 | 7.7 | 3.6 | 2.1 | 1.6 | 0.3 | 0.1 | 0.4 | .. | 24.6 | | **All civil courts** | **151.9** | **111.4** | **67.7** | **60.2** | **31.5** | **7.7** | **4.5** | **7.6** | **4.4** | **446.7** | | Family | .. | .. | .. | 15.5 | .. | .. | .. | .. | 20.8 | 36.3 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 95.4 | 95.4 | | Coroners’ | 5.7 | 6.3 | 5.0 | 2.2 | 2.3 | 0.5 | 1.0 | 0.3 | .. | 23.3 | | Probate — Supreme | 25.4 | 19.8 | 9.7 | 6.8 | 6.3 | 2.3 | 0.8 | 0.2 | .. | 71.4 | |
| a Totals may not add as a result of rounding. b See table 7A.3 for detailed footnotes and caveats. **..**Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished); table 7A.3. |
|  |
|  |

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 2014‑15 were lodged in magistrates’ courts (table 7.4).

|  |
| --- |
| Table 7.4 Distribution of court lodgments, by court level, 2014-15**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | *Criminal courts* |  |  |  |  |  |  |  |  |  |  | | Supreme | % | 0.2 | 0.2 | 0.7 | 0.6 | 0.6 | 2.7 | 4.9 | 3.7 | 0.6 | | District/county | % | 5.9 | 1.9 | 2.7 | 2.5 | 4.1 | .. | .. | .. | 3.1 | | Magistrates’ (total) | % | 93.8 | 98.0 | 96.6 | 96.9 | 95.4 | 97.3 | 95.1 | 96.3 | 96.4 | | **All criminal courts** | **‘000** | 191.3 | 273.3 | 225.2 | 100.2 | 56.4 | 18.8 | 6.8 | 18.4 | 890.3 | | *Civil courts* |  |  |  |  |  |  |  |  |  |  | | Supremeb | % | 5.7 | 7.1 | 5.0 | 4.2 | 3.8 | 12.1 | 12.8 | 3.6 | 0.1 | | District/county | % | 4.7 | 6.1 | 8.0 | 8.2 | 5.6 | .. | .. | .. | 5.9 | | Magistrates’ (total) | % | 89.6 | 86.8 | 87.0 | 87.6 | 90.6 | 87.9 | 87.2 | 96.4 | 88.4 | | **All civil courts**c | **‘000** | 151.9 | 111.4 | 67.7 | 60.2 | 31.5 | 7.7 | 4.5 | 7.6 | 442.4 | |
| a Totals may not add as a result of rounding. b Excludes probate matters. c Excludes data for the Federal Court, family courts, the Federal Circuit Court and coroners’ courts. **..**Not applicable. |
| *Source:* State and Territory court authorities and departments (unpublished); tables 7A.1; 7A.3. |
|  |
|  |

#### Finalisations

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

Tables 7.5 (criminal) and 7.6 (civil) outline the number of finalisations in 2014‑15, 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 2014‑15, there were 918 900 criminal finalisations in the supreme, district/county and magistrates’ courts (table 7.5).

|  |
| --- |
| Table 7.5 Court finalisations — criminal, 2014-15 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supreme | 0.6 | 0.5 | 1.5 | 0.6 | 0.3 | 0.4 | 0.3 | 0.6 | 4.7 | | District/County | 10.6 | 5.4 | 5.8 | 1.9 | 2.1 | .. | .. | .. | 25.8 | | Magistrates’ (total) | 181.4 | 297.0 | 212.5 | 100.5 | 55.6 | 16.9 | 6.2 | 18.4 | 888.4 | | *Magistrates’ (only)* | 170.9 | 275.6 | 200.6 | 94.1 | 50.8 | 15.7 | 5.9 | 16.3 | 829.8 | | *Children’s* | 10.5 | 21.5 | 11.9 | 6.4 | 4.7 | 1.2 | 0.3 | 2.1 | 58.6 | | **All criminal courts** | **192.6** | **302.9** | **219.7** | **103.0** | **58.0** | **17.3** | **6.5** | **18.9** | **918.9** | |
| a Totals may not add as a result of rounding. b See table 7A.6 for detailed footnotes and caveats. **..**Not applicable |
| *Source:* State and Territory court authorities and departments (unpublished); table 7A.6. |
|  |
|  |

Nationally, in 2014‑15, 461 300 cases were finalised in the civil jurisdiction (excluding family courts, the Federal Circuit Court, coroners’ and probate courts) comprising 457 400 civil cases finalised in State and Territory supreme, district/county and magistrates’ courts, and 3900 cases finalised in the Federal Court. In addition, the Federal Circuit Court finalised 89 600 matters (mainly family law forms and some federal law cases) and the two family courts finalised 35 000 matters. The Family Court of WA processes a mixture of work that includes elements of the work dealt with by the different federal courts. There were around 23 800 finalisations (involving reported deaths and fires) in coroners’ courts (table 7.6).

|  |
| --- |
| Table 7.6 Court finalisations — civil, 2014-15 (‘000)**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qldb | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supremec/Federal | 9.6 | 7.3 | 3.4 | 2.4 | 1.2 | 0.9 | 0.6 | 0.3 | 3.9 | 29.6 | | District/County | 6.8 | 6.8 | 5.4 | 4.8 | 2.5 | .. | .. | .. | .. | 26.3 | | Magistrates’ (total) | 142.2 | 103.0 | 61.5 | 51.3 | 29.0 | 7.3 | 4.0 | 7.2 | .. | 405.4 | | *Magistrates’ (only)* | 133.8 | 96.4 | 58.0 | 49.1 | 27.6 | 6.9 | 3.9 | 6.8 | .. | 382.4 | | *Children’s* | 8.4 | 6.6 | 3.5 | 2.2 | 1.4 | 0.4 | 0.1 | 0.4 | .. | 23.1 | | **All civil courts** | **158.6** | **117.1** | **70.3** | **58.5** | **32.6** | **8.2** | **4.6** | **7.5** | **3.9** | **461.3** | | Family | .. | .. | .. | 14.5 | .. | .. | .. | .. | 20.5 | 35.0 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 89.6 | 89.6 | | Coroners’ | 6.1 | 6.9 | 4.6 | 2.0 | 2.4 | 0.5 | 1.0 | 0.3 | .. | 23.8 | |
| a Totals may not add as a result of rounding. b See table 7A.8 for detailed footnotes and caveats. c Supreme courts data exclude probate cases. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.8. |
|  |
|  |

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).

|  |
| --- |
| Table 7.7 Proportion of non-appeal cases deemed finalised — civil, 2014‑15 (per cent)**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | Supreme/Federalb | 0.5 | 0.1 | 34.8 | .. | 8.0 | 32.1 | na | ‑ | .. | | District/County | 7.4 | 5.0 | 45.9 | .. | 3.2 | .. | .. | .. | .. | | Magistrates’ (incl. children’s court) | na | na | 27.1 | .. | 0.5 | 36.7 | na | 12.9 | .. | | Familyb | .. | .. | .. | 11.1 | .. | .. | .. | .. | .. | | Federal Circuitb | .. | .. | .. | .. | .. | .. | .. | .. | .. | |
| a In some states and territories, legislation exists to finalise a matter due to inactivity. The deeming rule is applied differently in each jurisdiction. b The Federal Court, the Federal Circuit Court and the Family Court of Australia (excluding Family Court of WA) do not apply the deeming rule. **na** Not available. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished). |
|  |

##### 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 non-appeal cases which were finalised following the commencement of a trial in 2014-15.

|  |
| --- |
| Table 7.8 Percentage of non-appeal criminal cases finalised after a trial has commenced, 2014-15 – experimental data**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Total | | Supreme | 71.8 | 41.6 | 3.8 | 26.6 | 58.7 | 24.6 | 19.6 | 9.2 | 16.1 | | District/County | 16.5 | 15.8 | 7.7 | 27.1 | 11.3 | .. | .. | .. | 13.9 | | Magistrates’ (total) | 15.4 | 1.4 | na | 1.7 | 1.1 | 4.5 | na | na | na | | *Magistrates’ (only)* | 15.3 | 1.4 | na | 1.7 | 1.2 | 4.6 | 0.3 | na | na | | *Children’s* | 17.3 | 0.5 | na | 1.4 | 0.3 | 2.2 | 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). |
|  |

|  |
| --- |
| Table 7.9 Percentage of non-appeal civil cases finalised after a trial has commenced (excluding applications for domestic and family violence orders), 2014-15 – experimental data**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federal | 14.0 | 3.4 | 0.4 | 2.0 | 1.8 | 1.5 | 4.5 | na | na | na | | District/County | 12.3 | 26.1 | 0.1 | 1.2 | 3.5 | .. | .. | .. | .. | 10.5 | | Magistrates’ (total) | na | na | na | 1.4 | 2.8 | 3.7 | na | na | .. | na | | *Magistrates’ (only)* | 4.4 | 5.9 | 0.4 | 1.5 | 2.9 | 3.0 | 1.0 | na | .. | na | | *Children’s* | na | na | na | 0.8 | 1.8 | 16.1 | na | na | .. | na | | Familyc | .. | .. | .. | 4.3 | .. | .. | .. | .. | 7.9 | 6.4 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 8.2 | 8.2 | |
| a Data may be affected by differences in case mix between jurisdictions and court levels. b Applications for domestic and family violence orders finalised after a trial has commenced cannot be separately identified from those applications finalised by other means and are excluded. c 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). |
|  |

## 7.2 Framework of performance indicators

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

|  |
| --- |
| Box 7.5 Objectives for courts |
| Courts aim to:   * be open and accessible * process matters in an expeditious and timely manner * provide due process and equal protection before the law * 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 7.2). The performance indicator framework shows which data are complete and comparable in the 2016 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).

|  |
| --- |
| Figure 7.2 Courts performance indicator framework |
| Figure 7.2 Courts performance indicator framework  More details can be found within the text surrounding this image. |
|  |
|  |

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

In addition to section 7.1, the Report’s Statistical context chapter contains data that may assist in interpreting the performance indicators presented in this chapter. These data cover a range of demographic and geographic characteristics (chapter 2).

## 7.3 Key performance indicator results

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

Data Quality Information (DQI) is included for performance indicators in this Report. The purpose of DQI is to provide structured and consistent information about quality aspects of data used to report on performance indicators, in addition to material in the chapter or sector overview and attachment tables. All DQI for the 2016 Report can be found at www.pc.gov.au/rogs/2016.

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 2015) — 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). Output information is also critical for equitable, efficient and effective management of government services.

### Equity

#### Access — 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).

|  |
| --- |
| 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 (filing, sitting, hearing and deposition fees) 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).  For this edition of the report two new experimental measures are reported against:   * Court fee relief (fee waivers and reductions) and fee exemptions * Proportion of total payable civil court fees which were waived or reduced.   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 2014‑15 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

In 2014‑15, 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.

|  |
| --- |
| Table 7.10 Average civil court fees collected per lodgment, 2014-15 (dollars)**a**, **b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme (excl. probate)/Federal | 2 930 | 1 702 | 1 936 | 2 181 | 2 961 | 629 | 2 403 | 1 552 | 3 747 | 2 455 | | District/county | 1 649 | 1 592 | 976 | 989 | 976 | .. | .. | .. | .. | 1 324 | | Magistrates’ (total) | 163 | 219 | 119 | 130 | 115 | 85 | 217 | 57 | .. | 160 | | *Magistrates’ only* | 175 | 238 | 126 | 135 | 122 | 89 | 226 | 60 | .. | 170 | | *Children’s* | ‑ | ‑ | ‑ | ‑ | 1 | ‑ | ‑ | ‑ | .. | ‑ | | Family | .. | .. | .. | 405 | .. | .. | .. | .. | 218 | 298 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 558 | 558 | | Probate — Supreme | 1 327 | 362 | 616 | 281 | 1 097 | 584 | 1 286 | 1 175 | .. | 818 | |
| a See box 7.6 and table 7A.18 for detailed definitions, footnotes and caveats. b Enforcement, transcript, probate and mediation fees are excluded. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.18. |
|  |

##### Cost recovery and fee relief

The level of cost recovery from the collection of civil court fees varied across court levels and across jurisdictions in 2014‑15 (table 7.11). Across states and territories, approximately a third of costs were recovered through court fees in the District and Magistrates’ courts. Cost recovery was lowest in the children’s courts and in the Family Court of Australia — in these courts many applications do not attract a fee.

|  |
| --- |
| Table 7.11 Civil court fees collected as a proportion of civil recurrent expenditure (cost recovery), 2014-15 (per cent)**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federal | 35.8 | 25.4 | 30.6 | 21.8 | 34.6 | 14.4 | 26.1 | 8.3 | 16.0 | 24.6 | | District/County | 32.1 | 33.6 | 48.1 | 30.1 | 21.5 | .. | .. | .. | .. | 33.1 | | Magistrates’ (total) | 34.2 | 37.2 | 25.5 | 32.4 | 30.8 | 21.6 | 12.2 | 6.7 | .. | 31.7 | | *Magistrates’ (only)* | 38.0 | 50.8 | 30.8 | 34.8 | 33.1 | 23.8 | 12.9 | 7.2 | .. | 37.3 | | *Children’s* | ‑ | ‑ | ‑ | ‑ | 0.3 | .. | .. | .. | .. | ‑ | | Family | .. | .. | .. | 21.7 | .. | .. | .. | .. | 6.4 | 10.9 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 39.3 | 39.3 | |
| a See box 7.6 and table 7A.17 for detailed definitions, footnotes and caveats. b Enforcement, transcript, probate and mediation fees are excluded. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.17. |
|  |

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

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

Taken together, fee waivers, reductions and exemptions represent costs to the courts that are not recovered. Experimental data are provided for the first time in this report. Not all jurisdictions are able to provide data on fee waivers and reductions so the levels of fee relief in table 7.12 can be regarded as a conservative estimate. During 2014-15:

* state and territory Supreme, District and Magistrates’ courts provided over $2.3 million in fee relief
* the Family Court of WA provided over $1.7 million in fee relief
* the Federal Court of Australia, the Family Court of Australia and the Federal Circuit Courts provided over $18.8 million in fee relief
* fee exemptions (where data were available) amounted to approximately $5.8 million.

In total, approximately $28.8 million of court fees were either waived, reduced or exempted during 2014-15 and therefore not recovered by courts.

Even when fees waived, reduced or exempted are counted as part of cost recovery (last column of table 7.12), the fees paid by applicants are considerably lower than the actual costs of providing the service.

|  |
| --- |
| Table 7.12 Court fee relief (waivers and reductions), exemptions and cost recovery for civil courts, 2014-15 – experimental data**a** |
| |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | |  | Expenditure $’000 | Court fees collected $’000 | Fee relief (waivers and reductions) $’000 | Exemptions $’000 | Cost recovery excl. fee relief and exemptions (%) | Cost  recovery  incl. fee  relief and exemptions (%) | | NSW |  |  |  |  |  |  | | Supreme | 70 546 | 25 255 | 431 | 862 | 35.8 | 37.6 | | District | 36 908 | 11 857 | 115 | 161 | 32.1 | 32.9 | | Magistrates | 58 384 | 22 215 | 70 | 32 | 38.0 | 38.2 | | VIC |  |  |  |  |  |  | | Supreme | 52 769 | 13 388 | 232 | na | 25.4 | 25.8 | | District | 32 127 | 10 803 | 77 | na | 33.6 | 33.9 | | Magistrates | 41 800 | 21 214 | na | na | 50.8 | 50.8 | | QLDb |  |  |  |  |  |  | | Supreme | 21 418 | 6 551 | na | 573 | 30.6 | 33.3 | | District | 10 932 | 5 253 | na | 505 | 48.1 | 52.7 | | Magistrates | 22 652 | 6 981 | na | 59 | 30.8 | 31.1 | | WA |  |  |  |  |  |  | | Supreme | 24 991 | 5 458 | 395 | na | 21.8 | 23.4 | | District | 16 302 | 4 907 | 432 | na | 30.1 | 32.8 | | Magistrates | 19 662 | 6 843 | 138 | na | 34.8 | 35.5 | | Family | 28 966 | 6 293 | 1 717 | na | 21.7 | 27.7 | | SA |  |  |  |  |  |  | | Supreme | 10 272 | 3 554 | 132 | 241 | 34.6 | 38.2 | | District | 8 035 | 1 729 | 125 | 85 | 21.5 | 24.1 | | Magistrates | 9 879 | 3 266 | 17 | 228 | 33.1 | 35.5 | | TAS |  |  |  |  |  |  | | Supreme | 4 047 | 583 | 27 | na | 14.4 | 15.1 | | Magistrates | 2 420 | 577 | na | na | 23.8 | 23.8 | | ACT |  |  |  |  |  |  | | Supreme | 5 275 | 1 377 | 161 | na | 26.1 | 29.2 | | Magistrates | 6 573 | 846 | 12 | na | 12.9 | 13.1 | | NT |  |  |  |  |  |  | | Supreme | 5 057 | 421 | 16 | 23 | 8.3 | 9.1 | | Magistrates | 5 756 | 412 | 6 | ‑ | 7.2 | 7.3 | | Federal | 102 089 | 16 317 | 1 565 | 1 185 | 16.0 | 18.7 | | Family | 70 413 | 4 539 | 1 789 | 359 | 6.4 | 9.5 | | Federal Circuit | 135 341 | 53 245 | 15 493 | 1 501 | 39.3 | 51.9 | | **Total** | 802 612 | 233 884 | 22 951 | 5 813 | 29.1 | 32.7 | |
| a Enforcement, transcript, probate and mediation fees are excluded. b Queensland has no provision for waiving fees and is currently unable to provide data on fee reductions. **na** Not available. **–** Nil or rounded to zero. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished). |
|  |
|  |

Table 7.13 shows that the proportions of total payable civil court fees which were waived or reduced varied across jurisdictions. The proportions of fee waivers or reductions were highest in the Family Court of Australia (28.3 per cent) and the Federal Circuit Court (22.5 per cent) followed by the Family Court of WA (21.4 per cent).

|  |
| --- |
| Table 7.13 Proportion of total payable civil court fees which were waived or reduced, 2014-15 (per cent) – experimental data**a**, **b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | Supreme/Federal | 1.7 | 1.7 | na | 6.8 | 3.6 | 4.4 | 10.5 | 3.7 | 8.8 | | District/County | 1.0 | 0.7 | na | 8.1 | 6.7 | .. | .. | .. | .. | | Magistrates | 0.3 | na | na | 2.0 | 0.5 | na | 1.4 | 1.5 | .. | | Family | .. | .. | .. | 21.4 | .. | .. | .. | .. | 28.3 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 22.5 | |
| a Total payable civil court fees include court fees collected, waived or reduced. Excludes enforcement, transcript, probate and mediation fees. b Queensland has no provision for waiving fees and is currently unable to provide data on fee reductions. **na**Not available. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished).. |
|  |
|  |

#### Access — judicial officers

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

|  |
| --- |
| Box 7.7 Judicial officers |
| ‘Judicial officers’ is an indicator that represents the availability of resources to provide services. Judicial officers are officers who can make enforceable orders of the court.  For the purposes of this chapter, the definition of a judicial officer includes: judges; associate judges; magistrates; masters; coroners; judicial registrars; all other officers who, following argument and giving of evidence, make enforceable orders of the court.  The number of judicial officers is expressed in full time equivalent units and, where judicial officers have both judicial and non-judicial work, refers to the proportion of time allocated to judicial work.  The number of judicial officers is additionally presented in comparison to the population of each jurisdiction. A high or increasing proportion of judicial officers in the population indicates potentially greater access to the judicial system.  Factors such as geographical dispersion, judicial workload and population density are also important to consider when comparing figures concerning judicial officers.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2014‑15 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

The number of full time equivalent judicial officers for each court level is outlined in table 7.14. 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 7.15 shows the number of judicial officers per 100 000 people.

|  |
| --- |
| Table 7.14 Judicial officers, full time equivalent, by court level, 2014‑15**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federal | 58.2 | 57.9 | 24.1 | 29.4 | 12.7 | 7.0 | 5.5 | 8.2 | 55.2 | 258.2 | | District/County | 64.3 | 62.7 | 36.5 | 27.3 | 18.2 | .. | .. | .. | .. | 209.0 | | Magistrates | 111.3 | 105.6 | 81.9 | 45.4 | 33.3 | 10.5 | 6.7 | 14.6 | .. | 409.2 | | Children’s | 22.5 | 12.6 | 5.8 | 4.7 | 3.7 | 1.4 | 0.5 | 1.5 | .. | 52.6 | | Family | .. | .. | .. | 14.8 | .. | .. | .. | .. | 32.7 | 47.5 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 62.2 | 62.2 | | Coroners | 5.0 | 9.3 | 8.0 | 4.0 | 2.0 | 2.5 | 0.9 | 1.5 | .. | 33.1 | | **Total** | 261.3 | 248.0 | 156.3 | 125.5 | 69.9 | 21.4 | 13.6 | 25.8 | 150.1 | 1 071.8 | |
| a Totals may not add as a result of rounding. b See box 7.7 and table 7A.27 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.27. |
|  |

|  |
| --- |
| Table 7.15 Judicial officers, full time equivalent, per 100 000 people, by court level, 2014‑15**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | *Population (‘000)* | 7 565 | 5 886 | 4 751 | 2 581 | 1 692 | 515 | 388 | 244 |  | 23 626 | | *Judicial officers per 100 000 people* | | | | | | | | | | | | Supreme/Federal | 0.8 | 1.0 | 0.5 | 1.1 | 0.8 | 1.4 | 1.4 | 3.4 | 0.2 | 1.1 | | District/County | 0.8 | 1.1 | 0.8 | 1.1 | 1.1 | .. | .. | .. | .. | 0.9 | | Magistrates | 1.5 | 1.8 | 1.7 | 1.8 | 2.0 | 2.0 | 1.7 | 6.0 | .. | 1.7 | | Children’s | 0.3 | 0.2 | 0.1 | 0.2 | 0.2 | 0.3 | 0.1 | 0.6 | .. | 0.2 | | Family | .. | .. | .. | 0.6 | .. | .. | .. | .. | 0.1 | 0.2 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.3 | 0.3 | | Coroners | 0.1 | 0.2 | 0.2 | 0.2 | 0.1 | 0.5 | 0.2 | 0.6 | .. | 0.1 | | **Total** | 3.5 | 4.2 | 3.3 | 4.9 | 4.1 | 4.2 | 3.5 | 10.5 | 0.6 | 4.5 | |
| a Population data for the financial year is the midpoint (31 December) estimate. b See box 7.7 and table 7A.27 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.27. |
|  |

### 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.

|  |
| --- |
| 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. |
|  |

#### Access — backlog

‘Backlog’ is an indicator of governments’ achievement against the objective of processing matters in an expeditious and timely manner for court users (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.

|  |
| --- |
| Box 7.9 Backlog |
| ‘Backlog’ is a measure of the age of a court’s pending caseload against nominated time standards. It is defined as the number of cases in the nominated age category 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 2014‑15 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

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 7.1–7.3).

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.

|  |
| --- |
| 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) – the aim is to focus on matters which are part of an ‘active pending’ population. |
|  |

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.

|  |
| --- |
| 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 and SA) for participation in targeted programs * referral of defendants to an Indigenous court or Circle Sentencing program (NSW, Victoria, Queensland, WA, SA and the ACT).   The processes listed above can range in completion times between one week and seven years. With some diversion programs, success will delay finalisation significantly. For example, some drug court programs can require compliance for 12 months or longer before the defendant is considered to have completed the program.  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. |
|  |

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 over time.

Data on the backlog for criminal matters at 30 June 2015 are contained in table 7.16. Historical data are available in table 7A.19.

|  |
| --- |
| Table 7.16 Backlog — all criminal matters, at 30 June 2015**a, b** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Higher — appeal** | | | | | | | | | | | Pending caseload | no. | 1 623 | 1 090 | 475 | 195 | 134 | 26 | 85 | 9 | | *cases > 12 mths* | *%* | *2.6* | *4.9* | *10.3* | *15.9* | *11.2* | *7.7* | *30.6* | *11.1* | | *cases > 24 mths* | *%* | *0.5* | *0.6* | *2.7* | *‑* | *1.5* | *3.8* | *–* | *–* | | **Higher — non‑appeal** | | | | | | | | | | | Pending caseload | no. | 3 771 | 1 542 | 2 449 | 1 399 | 1 465 | 388 | 183 | 221 | | *cases > 12 mths* | *%* | *18.1* | *22.0* | *14.3* | *6.8* | *21.8* | *27.6* | *15.3* | *4.5* | | *cases > 24 mths* | *%* | *3.7* | *2.3* | *4.5* | *0.6* | *5.1* | *8.8* | *3.8* | *–* | | **Supreme — appeal** | | | | | | | | | | | Pending caseload | no. | 173 | 177 | 226 | 195 | 134 | 26 | 85 | 9 | | *cases > 12 mths* | *%* | *14.5* | *7.9* | *4.0* | *15.9* | *11.2* | *7.7* | *30.6* | *11.1* | | *cases > 24 mths* | *%* | *2.9* | *–* | *0.4* | *–* | *1.5* | *3.8* | *–* | *–* | | **Supreme — non‑appeal** | | | | | | | | | | | Pending caseload | no. | 99 | 118 | 548 | 156 | 45 | 388 | 183 | 221 | | *cases > 12 mths* | *%* | *15.2* | *26.3* | *13.9* | *9.0* | *11.1* | *27.6* | *15.3* | *4.5* | | *cases > 24 mths* | *%* | *3.0* | *0.8* | *5.3* | *0.6* | *–* | *8.8* | *3.8* | *–* | | **District/County — appeal** | | | | | | | | | | | Pending caseload | no. | 1 450 | 913 | 249 | .. | .. | .. | .. | .. | | *cases > 12 mths* | *%* | *1.2* | *4.3* | *16.1* | .. | .. | .. | .. | .. | | *cases > 24 mths* | *%* | *0.2* | *0.7* | *4.8* | .. | .. | .. | .. | .. | | **District/County** **— non‑appeal** | | | | | | | | | | | Pending caseload | no. | 3 672 | 1 424 | 1 901 | 1 243 | 1 420 | .. | .. | .. | | *cases > 12 mths* | *%* | *18.1* | *21.7* | *14.4* | *6.5* | *22.1* | .. | .. | .. | | *cases > 24 mths* | *%* | *3.7* | *2.5* | *4.3* | *0.6* | *5.3* | .. | .. | .. | | **Magistrates’** | | | | | | | | | | | Pending caseload | no. | 39 331 | 45 762 | 41 033 | 12 201 | 15 883 | 7 312 | 1 915 | 2 718 | | *cases > 6 mths* | *%* | *12.6* | *23.2* | *31.3* | *28.3* | *23.6* | *32.3* | *27.1* | *31.2* | | *cases >12 mths* | *%* | *2.0* | *7.0* | *13.3* | *8.9* | *7.8* | *13.8* | *8.6* | *15.6* | | **Children’s** | | | | | | | | | | | Pending caseload | no. | 2 739 | 4 223 | 2 394 | 927 | 1 110 | 438 | 115 | 597 | | *cases > 6 mths* | *%* | *13.4* | *10.3* | *27.4* | *13.2* | *20.3* | *27.9* | *36.5* | *32.3* | | *cases >12 mths* | *%* | *1.6* | *2.9* | *14.1* | *3.1* | *6.8* | *12.1* | *17.4* | *16.8* | |
| a Higher refers to supreme and district/county courts combined. b See box 7.9 and table 7A.19 for detailed definitions, footnotes and caveats. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source:* State and Territory court authorities and departments (unpublished); table 7A.19. |
|  |

Backlog data for civil matters are contained in table 7.17. Historical data are available in table 7A.21.

|  |
| --- |
| Table 7.17 Backlog — all civil matters, as at 30 June 2015**a, b** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Higher — appeal** | | | | | | | | | | | | Pending caseload | no. | 513 | 264 | 215 | 218 | 96 | 62 | 76 | 62 | 474 | | *cases > 12 mths* | *%* | *15.4* | *16.3* | *19.5* | *14.2* | *8.3* | *11.3* | *47.4* | *6.5* | *6.5* | | *cases > 24 mths* | *%* | *2.5* | *4.2* | *4.7* | *1.8* | *1.0* | *1.6* | *26.3* | *–* | *0.6* | | **Higher (excl probate) — non‑appeal** | | | | | | | | | | | | Pending caseload | no. | 12 180 | 12 158 | 7 469 | 6 098 | 2 995 | 806 | 572 | 86 | 2 388 | | *cases >12 mths* | *%* | *25.3* | *29.0* | *21.7* | *37.7* | *44.6* | *34.9* | *36.7* | *33.7* | *39.9* | | *cases > 24 mths* | *%* | *8.1* | *11.6* | *5.2* | *13.2* | *22.4* | *11.0* | *11.5* | *11.6* | *24.6* | | **Supreme/Federal — appeal** | | | | | | | | | | | | Pending caseload | no. | 452 | 246 | 164 | 147 | 48 | 62 | 76 | 62 | 474 | | *cases >12 mths* | *%* | *15.7* | *17.1* | *14.6* | *12.9* | *12.5* | *11.3* | *47.4* | *6.5* | *6.5* | | *cases > 24 mths* | *%* | *2.7* | *4.1* | *3.0* | *1.4* | *2.1* | *1.6* | *26.3* | *–* | *0.6* | | **Supreme (excl probate)/Federal — non-appeal** | | | | | | | | | | | | Pending caseload | no. | 5 336 | 4 796 | 2 574 | 2 276 | 786 | 806 | 572 | 86 | 2 388 | | *cases >12 mths* | *%* | *28.4* | *22.8* | *24.2* | *38.1* | *30.8* | *34.9* | *36.7* | *33.7* | *39.9* | | *cases > 24 mths* | *%* | *11.5* | *9.3* | *7.2* | *14.9* | *12.8* | *11.0* | *11.5* | *11.6* | *24.6* | | **District/county — appeal** | | | | | | | | | | | | Pending caseload | no. | 61 | 18 | 51 | 71 | 48 | .. | .. | .. | .. | | *cases >12 mths* | *%* | *13.1* | *5.6* | *35.3* | *16.9* | *4.2* | *..* | *..* | *..* | *..* | | *cases >24 mths* | *%* | *1.6* | *5.6* | *9.8* | *2.8* | *–* | *..* | *..* | *..* | *..* | | **District/county — non‑appeal** | | | | | | | | | | | | Pending caseload | no. | 6 844 | 7 362 | 4 895 | 3 822 | 2 209 | .. | .. | .. | .. | | *cases >12 mths* | *%* | *22.9* | *33.0* | *20.4* | *37.4* | *49.6* | *..* | *..* | *..* | *..* | | *cases > 24 mths* | *%* | *5.5* | *13.1* | *4.2* | *12.2* | *25.8* | *..* | *..* | *..* | *..* | | **Magistrates’** | | | | | | | | | | | | Pending caseload | no. | 49 563 | 6 944 | 24 594 | 20 518 | 14 675 | 3 729 | 981 | 1 796 | .. | | *cases > 6 mths* | *%* | *25.1* | *25.7* | *47.9* | *46.2* | *41.4* | *43.9* | *41.5* | *46.7* | *..* | | *cases > 12 mths* | *%* | *0.8* | *15.6* | *10.6* | *10.1* | *11.1* | *12.3* | *17.1* | *7.2* | *..* | | **Family — appeal** | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | 3 | .. | .. | .. | .. | 289 | | *cases >12 mths* | *%* | *..* | *..* | *..* | *–* | *..* | *..* | *..* | *..* | *30.8* | | *cases > 24 mths* | *%* | *..* | *..* | *..* | *–* | *..* | *..* | *..* | *..* | *13.8* | | **Family — non‑appeal** | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | 9 596 | .. | .. | .. | .. | 5 644 | | *cases > 12 mths* | *%* | *..* | *..* | *..* | *25.0* | *..* | *..* | *..* | *..* | *26.3* | | *cases > 24 mths* | *%* | *..* | *..* | *..* | *6.0* | *..* | *..* | *..* | *..* | *10.5* | | **Federal Circuit** | | | | | | | | | | | | Pending caseload | no. | .. | .. | .. | .. | .. | .. | .. | .. | 39 452 | | *cases > 6 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *33.6* | | *cases > 12 mths* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *13.9* | | **Coroners’** |  |  |  |  |  |  |  |  |  |  | | Pending caseload | no. | 2 489 | 3 895 | 2 185 | 2 027 | 1 747 | 518 | 137 | 427 | .. | | *cases > 12 mths* | *%* | *27.9* | *31.9* | *25.9* | *19.6* | *35.4* | *33.2* | *38.7* | *37.2* | *..* | | *cases > 24 mths* | *%* | *18.6* | *15.4* | *12.0* | *8.4* | *12.9* | *12.5* | *24.1* | *22.2* | *..* | |
| a Higher refers to State and Territory supreme and district/county courts combined, and includes the Federal Court of Australia. b See box 7.9 and table 7A.21 for detailed definitions, footnotes and caveats. **..**Not applicable. **–** Nil or rounded to zero. |
| *Source:* State and Territory court authorities and departments (unpublished); table 7A.21. |

#### Access — attendance

‘Attendance’ is an indicator of governments’ achievement against the objective of providing court services in a timely manner (box 7.12).

|  |
| --- |
| 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 2014-15 data were not available for NSW for the Supreme court or Children’s civil court. Data were not provided for the Victorian Supreme court.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

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

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.

Attendance indicator results for criminal proceedings are reported in table 7.18.

|  |
| --- |
| Table 7.18 Attendance — criminal, 2014-15**a** |
| |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | *Average attendances per finalisation* | | | | | | | | | | Supreme | na | na | 4.0 | 2.9 | 3.5 | 7.0 | 6.6 | 6.8 | | District/County | 3.2 | 4.7 | 4.3 | 3.7 | 6.1 | .. | .. | .. | | Magistrates’ | 2.6 | 2.0 | 2.5 | 2.5 | 3.9 | 4.0 | 3.7 | 3.3 | | Children’s | 3.6 | 2.2 | 2.7 | 3.8 | 3.9 | 5.1 | 3.9 | 4.8 | |
| a See box 7.12 and table 7A.22 for detailed definitions, footnotes and caveats. **na** Not available. **..** Not applicable. |
| *Source:* State and Territory court authorities and departments (unpublished); table 7A.22. |
|  |

Attendance indicator results for civil proceedings are reported in table 7.19.

|  |
| --- |
| Table 7.19 Attendance — civil, 2014-15**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | *Average attendances per finalisation* | | | | | | | | | | | Supreme (excl. probate)/Federal | na | na | 1.2 | 2.2 | 4.0 | 1.8 | 5.9 | 4.2 | 3.2 | | District/county | 3.7 | 0.8 | 0.4 | 1.2 | 4.0 | .. | .. | .. | .. | | Magistrates | 0.8 | 1.1 | 0.9 | 0.8 | 1.1 | 1.1 | 1.6 | 1.1 | .. | | Children’s | na | 1.8 | 3.5 | 4.0 | 2.5 | 5.4 | 5.7 | 3.7 | .. | | Family | .. | .. | .. | 1.8 | .. | .. | .. | .. | 2.2 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 1.9 | | Coroners’ courts | 4.0 | 1.0 | 3.8 | 2.7 | 1.9 | 1.0 | 3.4 | 1.0 | .. | |
| a See box 7.12 and table 7A.22 for detailed definitions, footnotes and caveats. **na**Not available. **..**Not applicable |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.22. |
|  |

### Efficiency

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

#### Clearance

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

|  |
| --- |
| Box 7.13 Clearance |
| ‘Clearance’ indicates whether a court’s pending caseload has increased or decreased over the measurement period, by comparing the volume of case finalisations and case lodgments during the reporting period. It is measured by dividing the number of finalisations in the reporting period by the number of lodgments in the same period. The result is multiplied by 100 to convert to a percentage.  The following can assist in interpretation of this indicator:   * a figure of 100 per cent indicates that, during the reporting period, the court finalised as many cases as were lodged, and the pending caseload should be similar to the pending caseload 12 months earlier * a figure greater than 100 per cent indicates that, during the reporting period, the court finalised more cases than were lodged, and the pending caseload should have decreased * a figure less than 100 per cent indicates that, during the reporting period, the court finalised fewer cases than were lodged, and the pending caseload should have increased.   Lodgments are a reflection of demand for court services. Lodgments need not equal finalisations in any given year, because not all matters lodged in a given year will be finalised in the same year. Consequently, results for this indicator need to be interpreted within the context of changes in the volumes of lodgments, finalisations and pending caseloads over time.  The clearance indicator can be affected by external factors (such as those causing changes in lodgment rates), as well as by changes in a court’s case management practices.  Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2014‑15 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

Clearance indicator data in 2014‑15 are presented in tables 7.20 (criminal) and 7.21 (civil). Where relevant, the clearance indicator data have been disaggregated between appeal and non-appeal matters. Table 7.22 contains clearance indicator results for all court matters combined (both criminal and civil), and combines appeal and non-appeal matters.

|  |
| --- |
| Table 7.20 Clearance — all criminal matters, 2014-15**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Supreme — appeal** | | | | | | | | | | | Lodgments | ‘000 | 0.36 | 0.33 | 0.34 | 0.31 | 0.27 | 0.04 | 0.12 | 0.02 | | Finalisations | ‘000 | 0.45 | 0.35 | 0.32 | 0.32 | 0.24 | 0.03 | 0.11 | 0.02 | | *Clearance rate* | *%* | *127.2* | *107.0* | *94.4* | *104.9* | *89.4* | *74.3* | *95.7* | *111.8* | | **Supreme — non-appeal** | | | | | | | | | | | Lodgments | ‘000 | 0.10 | 0.12 | 1.27 | 0.31 | 0.05 | 0.47 | 0.22 | 0.67 | | Finalisations | ‘000 | 0.11 | 0.10 | 1.14 | 0.27 | 0.05 | 0.42 | 0.20 | 0.57 | | *Clearance rate* | *%* | *105.8* | *83.5* | *89.6* | *88.9* | *92.0* | *90.0* | *90.5* | *85.0* | | **District/County — appeal** | | | | | | | | | | | Lodgments | ‘000 | 7.10 | 2.97 | 0.45 | .. | .. | .. | .. | .. | | Finalisations | ‘000 | 6.98 | 3.22 | 0.41 | .. | .. | .. | .. | .. | | *Clearance rate* | *%* | *98.3* | *108.4* | *91.1* | .. | .. | .. | .. | .. | | **District/County — non-appeal** | | | | | | | | | | | Lodgments | ‘000 | 4.26 | 2.11 | 5.55 | 2.46 | 2.29 | .. | .. | .. | | Finalisations | ‘000 | 3.66 | 2.22 | 5.36 | 1.87 | 2.12 | .. | .. | .. | | *Clearance rate* | *%* | *85.9* | *105.3* | *96.5* | *76.0* | *92.5* | *..* | *..* | *..* | | **Magistrates’** | | | | | | | | | | | Lodgments | ‘000 | 168.98 | 247.03 | 205.91 | 91.00 | 49.48 | 17.02 | 6.22 | 15.65 | | Finalisations | ‘000 | 170.89 | 275.55 | 200.59 | 94.08 | 50.83 | 15.65 | 5.95 | 16.26 | | *Clearance rate* | *%* | *101.1* | *111.5* | *97.4* | *103.4* | *102.7* | *91.9* | *95.7* | *103.9* | | **Children’s** | | | | | | | | | | | Lodgments | ‘000 | 10.48 | 20.78 | 11.65 | 6.12 | 4.32 | 1.23 | 0.27 | 2.03 | | Finalisations | ‘000 | 10.48 | 21.47 | 11.92 | 6.40 | 4.75 | 1.22 | 0.28 | 2.10 | | *Clearance rate* | *%* | *100.0* | *103.3* | *102.4* | *104.6* | *110.0* | *98.9* | *102.6* | *103.2* | |
| a See box 7.13 and table 7A.24 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); tables 7A.1, 7A.6 and 7A.24. |
|  |
|  |

|  |
| --- |
| Table 7.21 Clearance — all civil matters, 2014-15**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Supreme/Federal — appeal** | | | | | | | | | | | | Lodgments | ‘000 | 0.67 | 0.37 | 0.28 | 0.21 | 0.11 | 0.09 | 0.06 | 0.13 | 0.91 | | Finalisations | ‘000 | 0.75 | 0.41 | 0.21 | 0.17 | 0.10 | 0.08 | 0.07 | 0.13 | 0.77 | | *Clearance rate* | *%* | *111.9* | *111.0* | *75.5* | *81.6* | *91.0* | *85.1* | *116.1* | *95.5* | *84.2* | | **Supreme (excl probate)/Federal — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | 7.95 | 7.50 | 3.10 | 2.30 | 1.09 | 0.83 | 0.52 | 0.14 | 3.45 | | Finalisations | ‘000 | 8.82 | 6.91 | 3.15 | 2.25 | 1.07 | 0.86 | 0.55 | 0.14 | 3.15 | | *Clearance rate* | *%* | *110.9* | *92.1* | *101.7* | *98.0* | *97.9* | *103.7* | *106.4* | *99.3* | *91.4* | | **District/County — appeal** | | | | | | | | | | | | Lodgments | ‘000 | 0.11 | 0.05 | 0.06 | 0.12 | 0.18 | .. | .. | .. | .. | | Finalisations | ‘000 | 0.13 | 0.09 | 0.06 | 0.12 | 0.19 | .. | .. | .. | .. | | *Clearance rate* | *%* | *118.7* | *181.6* | *91.8* | *99.2* | *102.7* | .. | .. | .. | .. | | **District/County — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | 7.08 | 6.74 | 5.32 | 4.84 | 1.59 | .. | .. | .. | .. | | Finalisations | ‘000 | 6.72 | 6.73 | 5.36 | 4.65 | 2.26 | .. | .. | .. | .. | | *Clearance rate* | *%* | *94.9* | *99.9* | *100.7* | *96.1* | *142.4* | *..* | *..* | *..* | *..* | | **Magistrates** | | | | | | | | | | | | Lodgments | ‘000 | 127.29 | 89.04 | 55.33 | 50.69 | 26.87 | 6.47 | 3.75 | 6.86 | .. | | Finalisations | ‘000 | 133.77 | 96.38 | 57.96 | 49.10 | 27.60 | 6.90 | 3.91 | 6.76 | .. | | *Clearance rate* | *%* | *105.1* | *108.2* | *104.8* | *96.9* | *102.7* | *106.8* | *104.2* | *98.6* | *..* | | **Children’s** | | | | | | | | | | | | Lodgments | ‘000 | 8.82 | 7.67 | 3.57 | 2.09 | 1.62 | 0.29 | 0.15 | 0.43 | .. | | Finalisations | ‘000 | 8.39 | 6.64 | 3.51 | 2.19 | 1.43 | 0.35 | 0.11 | 0.44 | .. | | *Clearance rate* | *%* | *95.1* | *86.5* | *98.4* | *105.1* | *88.1* | *121.2* | *72.3* | *102.5* | *..* | | **Family — appeal** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | 0.01 | .. | .. | .. | .. | 0.39 | | Finalisations | ‘000 | .. | .. | .. | 0.01 | .. | .. | .. | .. | 0.36 | | *Clearance rate* | *%* | *..* | *..* | *..* | 133.3 | .. | .. | .. | .. | *91.5* | | **Family — non-appeal** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | 15.53 | .. | .. | .. | .. | 20.40 | | Finalisations | ‘000 | .. | .. | .. | 14.53 | .. | .. | .. | .. | 20.11 | | *Clearance rate* | *%* | *..* | *..* | *..* | *93.5* | .. | .. | .. | .. | *98.6* | | **Federal Circuit** | | | | | | | | | | | | Lodgments | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 95.39 | | Finalisations | ‘000 | .. | .. | .. | .. | .. | .. | .. | .. | 89.58 | | *Clearance rate* | *%* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *..* | *93.9* | | **Coroners’** | | | | | | | | | | | | Lodgments | ‘000 | 5.75 | 6.34 | 4.96 | 2.19 | 2.29 | 0.54 | 0.97 | 0.28 | .. | | Finalisations | ‘000 | 6.10 | 6.88 | 4.62 | 2.02 | 2.44 | 0.49 | 1.02 | 0.26 | .. | | *Clearance rate* | *%* | *106.1* | *108.5* | *93.1* | *92.2* | *106.6* | *90.2* | *104.4* | *91.1* | *..* | |
| a See box 7.13 and table 7A.26 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); tables 7A.3, 7A.8 and 7A.26. |
|  |

|  |
| --- |
| Table 7.22 Clearance — all matters, 2014-15 (per cent)**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | | **Supreme/Federal** |  |  |  |  |  |  |  |  |  | | Criminal | 122.4 | 100.7 | 90.6 | 96.9 | 89.8 | 88.9 | 92.2 | 85.7 | .. | | Civil | 111.0 | 93.0 | 99.5 | 96.6 | 97.3 | 101.8 | 107.3 | 97.4 | 89.9 | | *Total* | *111.6* | *93.4* | *96.6* | *96.7* | *95.7* | *97.3* | *101.8* | *89.0* | *89.9* | | **District/county** |  |  |  |  |  |  |  |  |  | | Criminal | 93.6 | 107.1 | 96.1 | 76.0 | 92.5 | .. | .. | .. | .. | | Civil | 95.2 | 100.5 | 100.6 | 96.2 | 138.3 | .. | .. | .. | .. | | *Total* | *94.2* | *103.3* | *98.2* | *89.5* | *112.4* | .. | .. | .. | .. | | **Magistrates’** |  |  |  |  |  |  |  |  |  | | Criminal | 101.1 | 111.5 | 97.4 | 103.4 | 102.7 | 91.9 | 95.7 | 103.9 | .. | | Civil | 105.1 | 108.2 | 104.8 | 96.9 | 102.7 | 106.8 | 104.2 | 98.6 | .. | | *Total* | *102.8* | *110.7* | *99.0* | *101.1* | *102.7* | *96.0* | *98.9* | *102.3* | *..* | | **Children’s** |  |  |  |  |  |  |  |  |  | | Criminal | 100.0 | 103.3 | 102.4 | 104.6 | 110.0 | 98.9 | 102.6 | 103.2 | *..* | | Civil | 95.1 | 86.5 | 98.4 | 105.1 | 88.1 | 121.2 | 72.3 | 102.5 | .. | | *Total* | *97.8* | *98.8* | *101.4* | *104.7* | *104.0* | *103.2* | *91.8* | *103.1* | .. | | **Family** | .. | .. | .. | 93.6 | .. | .. | .. | .. | 98.5 | | **Federal Circuit** | .. | .. | .. | .. | .. | .. | .. | .. | 93.9 | | **Coroners’** | 106.1 | 108.5 | 93.1 | 92.2 | 106.6 | 90.2 | 104.4 | 91.1 | .. | |
| a See box 7.13 and tables 7A.24 and 7A.26 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source*: Australian, State and Territory court authorities and departments (unpublished); tables 7A.1, 7A.3, 7A.6, 7A.8, 7A.24 and 7A.26. |
|  |

##### Homicide and related offences — selected indicators

The indicators in this chapter do not present data disaggregated by case-type. 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 7.23 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 2014‑15. A lodgment for homicide is counted in the following table where any criminal matter initiated, commenced, lodged or filed in a particular court level includes a charge of murder, attempted murder, manslaughter or driving causing death. A defendant may have multiple charges of this type on the same file.

It is important to note:

* lodgments are based on a count of defendants, not a count of charges
* lodgments are counted independently at each court level — for example, if a homicide-related lodgment in a court is transferred to another court level it will be counted at each court level
* the charge(s) against a defendant may change once a matter has been lodged in the courts and proceeds through the court process
* the data in table 7.23 do not reflect whether or not a defendant has been found guilty
* the data in table 7.23 differ from the ABS Criminal Courts data due to different counting rules. This report presents data from a lodgments perspective, whilst the ABS presents data from a finalisations perspective — based upon the 'principal offence' at the time that a defendant is finalised in the criminal court system.

Given that homicide-related lodgments are generally small in number, percentages in the table should be interpreted with caution. The following table presents homicide and related offences data for 2014‑15 with limited time series data in the attachment tables (tables 7A.2, 7A.7, 7A.20 and 7A.25).

|  |
| --- |
| Table 7.23 Homicide and related offences, 2014-15**a** |
| |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | Unit | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | | **Supreme** | | | | | | | | | | | Lodgments | no. | 82 | 92 | 86 | 38 | 29 | 11 | 3 | 17 | | Finalisations | no. | 98 | 47 | 73 | 41 | 39 | 16 | 1 | 19 | | Pending | *no.* | 73 | 87 | 59 | 35 | 27 | 9 | 4 | 11 | | Backlog >12 mths | % | 11.0 | 16.1 | 11.9 | 17.1 | 18.5 | 22.2 | 25.0 | 27.3 | | Backlog >24 mths | % | 1.4 | ‑ | 5.1 | 2.9 | ‑ | ‑ | 25.0 | ‑ | | Attendance | no*.* | na | na | 6.5 | 7.8 | 9.4 | 14.5 | 50.0 | 11.1 | | Clearance rate | *%* | 119.5 | 51.1 | 84.9 | 107.9 | 134.5 | 145.5 | 33.3 | 111.8 | | **District/County** | | | | | | | | | | | Lodgments | no. | 65 | 30 | 6 | 39 | 10 | .. | .. | .. | | Finalisations | no. | 56 | 36 | 5 | 36 | 8 | .. | .. | .. | | Pending | *no.* | 71 | 15 | 4 | 16 | 12 | .. | .. | .. | | Backlog >12 mths | % | 21.1 | 33.3 | 25.0 | ‑ | 50.0 | .. | .. | .. | | Backlog >24 mths | % | 5.6 | ‑ | ‑ | ‑ | 8.3 | .. | .. | .. | | Attendance | no. | 6.2 | 5.6 | 4.8 | 3.4 | 7.0 | .. | .. | .. | | Clearance rate | *%* | 86.2 | 120.0 | 83.3 | 92.3 | 80.0 | .. | .. | .. | | **Magistrates’** | | | | | | | | | | | Lodgments | no. | 274 | 144 | 138 | 88 | 61 | 12 | 14 | 26 | | Finalisations | no. | 272 | 143 | 112 | 66 | 54 | 11 | 14 | 12 | | Pending | *no.* | 213 | 83 | 148 | 52 | 29 | 2 | 7 | 19 | | Backlog >6 mths | % | 48.8 | 21.7 | 57.4 | 15.4 | 13.8 | ‑ | 28.6 | 26.3 | | Backlog >12 mths | % | 16.4 | 2.4 | 17.6 | ‑ | ‑ | ‑ | 14.3 | 5.3 | | Attendance | no. | 6.5 | 6.8 | 11.7 | 5.4 | 6.1 | 4.7 | 5.6 | 8.1 | | Clearance rate | *%* | 99.3 | 99.3 | 81.2 | 75.0 | 88.5 | 91.7 | 100.0 | 46.2 | | **Children’s** | | | | | | | | | | | Lodgments | no. | 11 | 3 | 3 | 7 | 1 | na | ‑ | 1 | | Finalisations | no. | 13 | 1 | 2 | 11 | 1 | na | ‑ | ‑ | | Pending | *no.* | 6 | 2 | 4 | 1 | 3 | na | ‑ | 1 | | Backlog >6 mths | % | 50.0 | ‑ | 75.0 | ‑ | 66.7 | na | ‑ | ‑ | | Backlog >12 mths | % | ‑ | ‑ | 50.0 | ‑ | 66.7 | na | ‑ | ‑ | | Attendance | no. | 5.7 | 13.0 | 11.5 | 6.0 | 7.0 | na | ‑ | ‑ | | Clearance rate | *%* | 118.2 | 33.3 | 66.7 | 157.1 | 100.0 | na | ‑ | ‑ | |
| a Homicide and related offences’ is defined according to the Australian and New Zealand Standard Offence Classification (ANZSOC) coding and includes murder, attempted murder, manslaughter and driving causing death. **na**Not available. **..**Not applicable. – Nil or rounded to zero. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); tables 7A.2, 7A.7, 7A.20, 7A.23 and 7A.25. |
|  |

#### Judicial officers per finalisation

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

|  |
| --- |
| Box 7.14 Judicial officers per finalisation |
| ‘Judicial officers per finalisation’ is measured by dividing the number of full time equivalent judicial officers within each court level for the financial year by the total number of finalisations for the same period, and multiplying by 100 to convert to a rate.  The following points need to be considered in interpreting the results for this indicator:   * some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * factors such as geographical dispersion, judicial workload and population density are important considerations when comparing figures on judicial officers.   Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2014‑15 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

The number of judicial officers per 100 finalisations is provided in Table 7.24.

|  |
| --- |
| Table 7.24 Judicial officers per 100 finalisations, 2014‑15**a** |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Supreme/Federal | 0.57 | 0.75 | 0.50 | 0.98 | 0.88 | 0.50 | 0.60 | 0.96 | 1.41 | 0.75 | | District/County | 0.37 | 0.51 | 0.33 | 0.41 | 0.40 | .. | .. | .. | .. | 0.41 | | Magistrates | 0.04 | 0.03 | 0.03 | 0.03 | 0.04 | 0.05 | 0.07 | 0.06 | .. | 0.03 | | Children’s | 0.12 | 0.04 | 0.04 | 0.05 | 0.06 | 0.09 | 0.13 | 0.06 | .. | 0.06 | | Family | .. | .. | .. | 0.10 | .. | .. | .. | .. | 0.16 | 0.14 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.07 | 0.07 | | Coroners | 0.08 | 0.13 | 0.17 | 0.20 | 0.08 | 0.51 | 0.09 | 0.57 | .. | 0.14 | | **Total** | **0.07** | **0.06** | **0.05** | **0.07** | **0.08** | **0.08** | **0.11** | **0.10** | **0.13** | **0.07** | |
| a See box 7.14 and table 7A.28 for detailed definitions, footnotes and caveats. **..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.28. |
|  |

#### Full time equivalent staff (FTE) per finalisation

‘FTE staff per finalisation’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.15).

|  |
| --- |
| Box 7.15 Full time equivalent (FTE) staff per finalisation |
| ‘FTE staff per finalisation’ is measured by dividing the total number of FTE staff employed by courts for the financial year by the total number of finalisations for the same period, and multiplying by 100 to convert to a rate.  FTE staff can include the following categories of staff employed directly by court authorities or by umbrella and other departments:   * judicial officers, judicial support staff and registry court staff * court security and sheriff type staff * court reporters * library and information technology staff * counsellors, mediators and interpreters * cleaning, gardening and maintenance staff * first line support staff and probate staff * corporate administration staff and umbrella department staff.   The following points need to be considered in interpreting the results for this indicator:   * some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * factors such as geographical dispersion, court workload and population density are important considerations when comparing figures on FTE staff.   Data reported for this indicator are:   * comparable (subject to caveats) across jurisdictions and over time * complete for the current reporting period (subject to caveats). All required 2014‑15 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

Data on FTE staff per 100 finalisations for 2014-15 are provided in table 7.25. Additional information on FTE staff per judicial officer employed are provided in table 7A.30.

|  |
| --- |
| Table 7.25 Full time equivalent staff per 100 finalisations, 2014‑15 |
| |  |  |  |  |  |  |  |  |  |  |  | | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | |  | NSW | Vic | Qld | WA | SA | Tas | ACT | NT | Aust courts | Total | | Criminal courts | 0.7 | 0.3 | 0.3 | 0.5 | 0.7 | 0.5 | 1.0 | 0.4 | .. | 0.4 | | Civil courts | 0.7 | 0.6 | 0.4 | 0.5 | 0.5 | 0.5 | 1.1 | 0.7 | 7.8 | 0.6 | | Family | .. | .. | .. | 1.0 | .. | .. | .. | .. | 1.2 | 1.1 | | Federal Circuit | .. | .. | .. | .. | .. | .. | .. | .. | 0.6 | 0.6 | | Coroners’ courts | 0.7 | 1.1 | 1.3 | 1.5 | 0.9 | 1.1 | 0.8 | 1.7 | .. | 1.0 | | **Total** | **0.7** | **0.4** | **0.3** | **0.5** | **0.6** | **0.5** | **1.0** | **0.5** | **0.9** | **0.5** | |
| a See box 7.15 and table 7A.29 for detailed definitions, footnotes and caveats**..**Not applicable. |
| *Source:* Australian, State and Territory court authorities and departments (unpublished); table 7A.29. |
|  |

#### Cost per finalisation

‘Cost per finalisation’ is an indicator of governments’ achievement against the objective of providing court services in an efficient manner (box 7.16).

|  |
| --- |
| Box 7.16 Cost per finalisation |
| ‘Cost per finalisation’ is measured by dividing the total recurrent expenditure (gross and net – excluding payroll tax) within each court for the financial year by the total number of finalisations for the same period. This indicator is not a measure of the actual cost per case.  The following points need to be considered in interpreting the results for this indicator:   * some finalisations take a short time and require few resources, whereas other finalisations may be resource intensive and involve complicated trials and interlocutory decisions * expenditure data may include arbitrary allocation between criminal and civil jurisdictions * net expenditure is calculated by deducting income (court fees and other sources of revenue, excluding fines) from total expenditure, 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.   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 2014‑15 data are available for all jurisdictions.   Information about data quality for this indicator is at www.pc.gov.au/rogs/2016. |
|  |

In general, the net recurrent expenditure per finalisation for civil courts will be lower than criminal courts because relatively little income is generated by the criminal court system (tables 7A.31–33). Civil court fee structures can also affect cost per finalisation results.

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

Nationally in 2014‑15, total net expenditure per finalisation in the criminal jurisdiction of supreme courts ($23 202) was greater than the total net expenditure per finalisation for the civil jurisdiction ($7387) (figure 7.3). This was the case across all states and territories. The Federal Court (FCA) 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).

|  |
| --- |
| Figure 7.3 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2014-15**a** |
| |  | | --- | | 1. **Gross recurrent expenditure**   Figure 7.3 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2014-15  (a) Gross recurrent expenditure  More details can be found within the text surrounding this image.   1. **Net recurrent expenditure**   Figure 7.3 Recurrent expenditure per finalisation, supreme courts and the Federal Court of Australia, 2014-15  (b) Net recurrent expenditure  More details can be found within the text surrounding this image. | |
| a See box 7.16 and tables 7A.31‑35 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments and the Federal Court of Australia (unpublished); tables 7A.31—35. |
|  |

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

Nationally in 2014‑15, total net expenditure per finalisation in the criminal jurisdiction of district/county courts ($9596) was about three times that in the civil jurisdiction ($2558) (figure 7.4). This trend was similar across most states and territories, and consistent over time (tables 7A.31–35).

|  |
| --- |
| Figure 7.4 Recurrent expenditure per finalisation, district/county courts, 2014‑15**a** |
| |  | | --- | | 1. Gross recurrent expenditure   Figure 7.4 Recurrent expenditure per finalisation, district/county courts, 2014-15  (a) Gross recurrent expenditure  More details can be found within the text surrounding this image.   1. Net recurrent expenditure   Figure 7.4 Recurrent expenditure per finalisation, district/county courts, 2014-15  (b) Net recurrent expenditure  More details can be found within the text surrounding this image. | |
| a See box 7.16 and tables 7A.31‑35 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.31—35. |
|  |

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

Nationally in 2014-15 for magistrates’ courts, net expenditure per criminal finalisation ($505) was greater than net expenditure per civil finalisation ($312). This was also the case across most states and territories (figure 7.5).

|  |
| --- |
| Figure 7.5 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2014‑15**a** |
| |  | | --- | | 1. **Gross recurrent expenditure**   **Figure 7.5 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2014-15  (a) Gross recurrent expenditure  More details can be found within the text surrounding this image.**   1. **Net recurrent expenditure**   Figure 7.5 Recurrent expenditure per finalisation, total magistrates’ courts (including magistrates’ and children’s courts), 2014-15  (b) Net recurrent expenditure  More details can be found within the text surrounding this image. | |
| a See box 7.16 and tables 7A.31‑35 for detailed definitions, footnotes and caveats. |
| *Source*: State and Territory court authorities and departments (unpublished); tables 7A.31—35. |
|  |

Whilst finalisations in children’s courts are smaller in number than the magistrates courts, they are more expensive on average ($546 compared to $502 net per criminal case finalised, $1276 compared to $254 net per civil finalisation). Finalisations in children’s courts were more expensive than magistrates’ courts in most states and territories for criminal finalisations, and were more expensive in all states and territories for civil finalisations. 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.

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

The Family Court of Australia, Family Court of WA and the Federal Circuit Court are responsible for determining matters related to family law and child support, but each court has a different focus, breadth and complexity of work, which contributes to the differences in recurrent expenditure per finalisation results presented in figure 7.6 (see pages 7–9 for details).

|  |
| --- |
| Figure 7.6 Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2014-15**a** |
| |  | | --- | | Figure 7.6 Recurrent expenditure per finalisation, family courts and the Federal Circuit Court of Australia, 2014-15  More details can be found within the text surrounding this image. | |
| a See box 7.16 and tables 7A.32 and 7A.35 for detailed definitions, footnotes and caveats. |
| *Source*: Australian and State court authorities and departments (unpublished); tables 7A.32 and 7A.35. |
|  |

##### 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 $1685 in 2014‑15 (figure 7.7).

|  |
| --- |
| Figure 7.7 Recurrent expenditure per finalisation, coroners’ courts, 2014‑15**a** |
| |  | | --- | | Figure 7.7 Recurrent expenditure per finalisation, coroners' courts, 2014-15  More details can be found within the text surrounding this image. | |
| a See box 7.16 and tables 7A.32 and 7A.35 for detailed definitions, footnotes and caveats. |
| *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 (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 reporting of existing indicators

The Steering Committee seeks to continually improve the consistency and comparability of performance information across jurisdictions. 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 data. The different methods undertaken to collect the data can also impact on data consistency and quality.

### Future indicator development

The Steering Committee will continue to improve the appropriateness and completeness of the performance indicator framework. Future work on indicators will focus on:

* reporting data specific to Aboriginal and Torres Strait Islander Australians ‑ court administrative data systems have not, to this point, routinely collected this information
* disaggregating civil matters by case type
* reporting civil caseload associated with applications for domestic and family violence protection orders (a key priority area across all Australian governments)
* development of outcome indicators.

## 7.5 Definitions of key terms

|  |  |
| --- | --- |
| **Active pending population** | A lodgment that is yet to be finalised but is part of the active case management of court administrators. |
| **Average expenditure per civil case** | The total cost of the administrative services provided to civil matters, divided by the total number of civil files handled. Can include salaries, sheriff expenses, juror costs, accommodation costs, library services, information technology, departmental overheads and court operating expenses. |
| **Attendance indicator** | The average number of attendances for each finalisation in the reporting period. An attendance is defined as the number of times that parties or their representatives are required to be present in court (including any appointment which is adjourned or rescheduled) for all finalised matters during the year. The actual attendance is one that is heard by a judicial officer or mediator/arbitrator. |
| **Backlog indicator** | A measure of case processing timeliness. It is the number of pending cases older than the applicable reporting standards, divided by the total pending caseload (multiplied by 100 to convert to a percentage). |
| **Case** | The measurement of workload in the civil jurisdiction. It is the issues, grievances or complaints that constitute a single and related series of disputes brought by an entity (or group of entities) against another entity (or group). |
| **Clearance rate** | An indicator that shows whether the volume of case finalisations has matched the volume of case lodgments during the reporting period. It indicates whether a court’s pending caseload has increased or decreased over that period. |
| **Comparability** | Data are considered comparable if, (subject to caveats) they can be used to inform an assessment of comparative performance. Typically, data are considered comparable when they are collected in the same way and in accordance with the same definitions. For comparable indicators or measures, significant differences in reported results allow an assessment of differences in performance, rather than being the result of anomalies in the data. |
| **Completeness** | Data are considered complete if all required data are available for all jurisdictions that provide the service. |
| **Cost recovery** | The level of court fees divided by the level of court expenditure. |
| **Court fees collected** | Total court income from fees charged in the civil jurisdiction. Can include filing, sitting hearing and deposition fees, and excludes transcript fees. |
| **Electronic infringement and enforcement system** | A court with the capacity to produce enforceable orders against defendants (such as fines, licence cancellation and incarceration) and to process infringements, on-the-spot fines and summary offences. |
| **Excluded courts and tribunals** | This includes such bodies as guardianship boards, environment resources and development courts, and administrative appeals tribunals. The types of excluded courts and tribunals vary among the states and territories. |
| **Extraordinary driver's licence** | An extraordinary licence is a licence granted at the discretion of the court. It authorises the holder to drive in certain circumstances even though the holder's normal driver's licence has been suspended. |
| **Finalisation** | The completion of a matter so it ceases to be an item of work to be dealt with by the court. |
| **Forms** | The counting unit used in the family courts and family law matters pertaining to the Federal Circuit Court. Forms are applications or notices lodged with the court. |
| **Income** | Income derived from court fees, library revenue, court reporting revenue, sheriff and bailiff revenue, probate revenue, mediation revenue, rental income and any other sources of revenue (excluding fines). |
| **Information technology expenditure** | Non-salary and salary expenditure on information technology. Excludes capital expenditure on information technology infrastructure and can include licensing costs, computer leasing costs, the cost of consumables (such as data lines, paper and disks), training fees, access fees (for example, catalogue search and Internet access) and maintenance charges for software and hardware. |
| **Inquests and inquiries held** | Court hearings to determine the cause and circumstances of deaths reported to the coroner. Includes all coronial inquests and inquiries in full court hearings. |
| **Judicial officer** | Judges, magistrates, masters, coroners, judicial registrars and all other officers who, following argument and giving of evidence, make enforceable orders of the court. The data are provided on the basis of the proportion of time spent on the judicial activity. |
| **Judicial and judicial  support salaries** | All salary expenditure and payments in the nature of salary that are paid to employees of court administration. Can include base salaries, the employer contributed component of superannuation, workers compensation (full cost, inclusive of any levies, bills and legal fees), higher duty allowances, overtime, actual and accruing terminal and long service leave, fringe benefits tax and untaxed fringe benefits.  (Judicial officers can include judges, magistrates, masters, judicial registrars and other judicial officers who fulfil a primarily judicial function. Judicial support staff include judicial secretaries, tipstaff and associates.) |
| **Library expenditure** | Non-salary and salary expenditure on court operated libraries. Non-salary expenditure includes book purchases, journal subscriptions, fees for interlibrary loans, copyright charges, news clippings service fees and photocopying.  Expenditure also includes recurrent information technology costs and court administration contributions towards the running costs of non-government operated libraries. Any costs recovered through borrowing and photocopy fees by court operated libraries are subtracted from expenditure. |
| **Lodgment** | The initiation or commencement of a matter before the court. The date of commencement is counted as the date of registration of a court matter. |
| **Matters** | *Coronial matters*:Deaths and fires reported to the coroner in each jurisdiction, including all reported deaths and fires regardless of whether the coroner held an inquest or inquiry. Coronial jurisdictions can extend to the manner of the death of a person who was killed; was found drowned; died a sudden death of which the cause is unknown; died under suspicious or unusual circumstances; died during or following the administration of an operation of a medical, surgical, dental, diagnostic or like nature; died in a prison remand centre or lockup; or died under circumstances that (in the opinion of the Attorney-General) require that the cause of death be more clearly ascertained.  *Criminal matters*: Matters brought to the court by a government prosecuting agency, which is generally the Director of Public Prosecutions but could also be the Attorney-General, the police, local councils or traffic camera branches.  *Civil matters*: Matters brought before the court by individuals or organisations against another party, such as small claims and residential tenancies, as well as matters dealt with by the appeal court jurisdiction.  *Excluded matters*:Extraordinary driver’s licence applications; any application on a pending dispute; applications for bail directions or judgment; secondary processes (for example, applications for default judgments); interlocutory matters; investigation/examination summonses; firearms appeals; escort agents’ licensing appeals; pastoral lands appeals; local government tribunals; police promotions appeals; applications appealing the decisions of workers compensation review officers.  *Probate matters*: Matters such as applications for the appointment of an executor or administrator to the estate of a deceased person. |
| **Method of finalisation** | The process that leads to the completion of a criminal charge within a higher court so it ceases to be an item of work in that court. |
| **Method of initiation** | How a criminal charge is introduced to a court level. |
| **Non-adjudicated finalisation** | A non-adjudicated finalisation is where a charge is considered completed and ceases to be active in a court even though there has not been a determination on whether the defendant is guilty, that is, the charge(s) have not been adjudicated. The methods of non-adjudicated finalisation include but are not limited to defendant deceased; unfit to plead; withdrawn by the prosecution; diplomatic immunity and statute of limitation applies. |
| **Probate registry expenditure** | Salary expenditure of the probate registrar and probate clerks, along with non-salary expenditure directly attributable to probate registries. |
| **Real expenditure** | Actual expenditure adjusted for changes in prices using the general government final consumption expenditure (GGFCE) chain price index deflator and expressed in terms of current year prices (i.e. for the courts chapter with 2014-15 as the base year). Additional information about the GGFCE index can be found in chapter 2 (sections 2.5‑6) and in table 2A.51. |
| **Recurrent expenditure** | Expenditure that does not result in the creation or acquisition of fixed assets (new or second hand). It consists mainly of expenditure on wages, salaries and supplements, purchases of goods and services, and the consumption of fixed capital (depreciation). |
| **Sheriff and bailiff expenditure** | Expenditure on court orderlies, court security, jury management and witness payment administration. For the civil jurisdiction, it can include expenditure (by or on behalf of the court) on bailiffs to enforce court orders. In the coronial jurisdiction, it can include expenditure on police officers permanently attached to the coroner for the purpose of assisting in coronial investigations. Excludes witness payments, fines enforcement (criminal jurisdiction) and prisoner security. |
| **Specialist jurisdiction court** | A court which has exclusive jurisdiction in a field of law presided over by a judicial officer with expertise in that area. Examples of these types of courts which are within the scope of this Report are the family courts, the Children’s Courts and the Coroners’ Courts. Examples of specialist jurisdiction courts which are excluded from this Report include Indigenous and circle sentencing courts and drug courts. |

## 7.6 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 website (www.pc.gov.au/rogs/2016).

|  |  |
| --- | --- |
| **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, 2014-15 dollars ($'000) |
| **Table 7A.12** | Real recurrent expenditure, civil, 2014-15 dollars ($’000) |
| **Table 7A.13** | Real income (excluding fines), criminal and civil, 2014-15 dollars ($’000) |
| **Table 7A.14** | Real net recurrent expenditure, criminal, 2014-15 dollars ($’000) |
| **Table 7A.15** | Real net recurrent expenditure, civil, 2014-15 dollars ($’000) |
| **Table 7A.16** | Real net recurrent expenditure, criminal and civil, 2014-15 dollars ($’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, 2014-15 dollars ($) |
| **Table 7A.19** | Backlog indicator, criminal (as at 30 June) |
| **Table 7A.20** | Backlog indicator, criminal, homicide and related offences (as at 30 June) |
| **Table 7A.21** | Backlog indicator, civil (as at 30 June) |
| **Table 7A.22** | Attendance indicator (average number of attendances per finalisation) |
| **Table 7A.23** | Attendance indicator (criminal, homicide and related offences |
| **Table 7A.24** | Clearance rate – finalisations/lodgments, criminal (per cent) |
| **Table 7A.25** | Clearance rate, criminal, homicide and related offences |
| **Table 7A.26** | Clearance rate – finalisations/lodgments, civil (per cent) |
| **Table 7A.27** | Judicial officers (FTE and number per 100 000 people) |
| **Table 7A.28** | Judicial officers per 100 finalisations |
| **Table 7A.29** | Full time equivalent (FTE) staff per 100 finalisations |
| **Table 7A.30** | Full time equivalent (FTE) staff per judicial officer employed |
| **Table 7A.31** | Real net recurrent expenditure per finalisation, criminal, 2014-15 dollars ($) |
| **Table 7A.32** | Real net recurrent expenditure per finalisation, civil, 2014-15 dollars ($) |
| **Table 7A.33** | Real net recurrent expenditure per finalisation, criminal and civil, 2014-15 dollars ($) |
| **Table 7A.34** | Real recurrent expenditure per finalisation, criminal, 2014-15 dollars ($) |
| **Table 7A.35** | Real recurrent expenditure per finalisation, civil, 2014-15 dollars ($) |
| **Table 7A.36** | Treatment of assets by court agencies |
| **Table 7A.37** | General Government Final Consumption Expenditure (GGFCE) chain price deflator index |

## 7.7 References

ABS (Australian Bureau of Statistics) 2015, *Criminal Courts, Australia*, *2013–14,* Cat. no. 4513.0, Canberra.

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