



The Magistrates  
Court of  
**Tasmania**

## Annual Report 2017/2018



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MAGISTRATES CHAMBERS  
GPO Box 354  
Hobart Tasmania 7000

The Honourable Elise Archer MP  
Attorney-General and Minister for Justice  
Level 10, 15 Murray Street  
HOBART, TAS 7000

Dear Attorney-General

**MAGISTRATES COURT AND CORONIAL DIVISION  
ANNUAL REPORTS 2017-2018**

I enclose the Annual Report for 2017-2018 for the Magistrates Court, as required by the *Magistrates Court Act 1987*, section 17C. The report is provided to you as Minister for Justice. The report incorporates the annual report for the Coronial Division which is required by the *Coroners Act 1995* section 69 to be provided to you as Attorney-General.

Yours sincerely

Catherine Geason  
Chief Magistrate  
19 November 2018

## Year at a Glance

Criminal Statistics - more on page 35

ADULT CRIMINAL  
LODGEMENTS

**18,187**

↑ 0.7%

FINALISATIONS

**18,047**

↑ 9.9%

YOUTH JUSTICE  
CRIMINAL LODGEMENTS

**1,370**

↑ 6.8%

FINALISATIONS

**1,347**

↑ 21.4%

Coroners Court Reportable Deaths, Fires & Explosions

- more on page 35



CORONERS COURT  
REPORTABLE DEATHS,  
FIRES & EXPLOSIONS  
LODGED

↑ 3.3% **598**

CORONERS COURT  
REPORTABLE DEATHS,  
FIRES & EXPLOSIONS  
FINALISED

↑ 4% **605**

Civil Statistics - more on page 38

NUMBER OF CIVIL CLAIMS  
LODGED

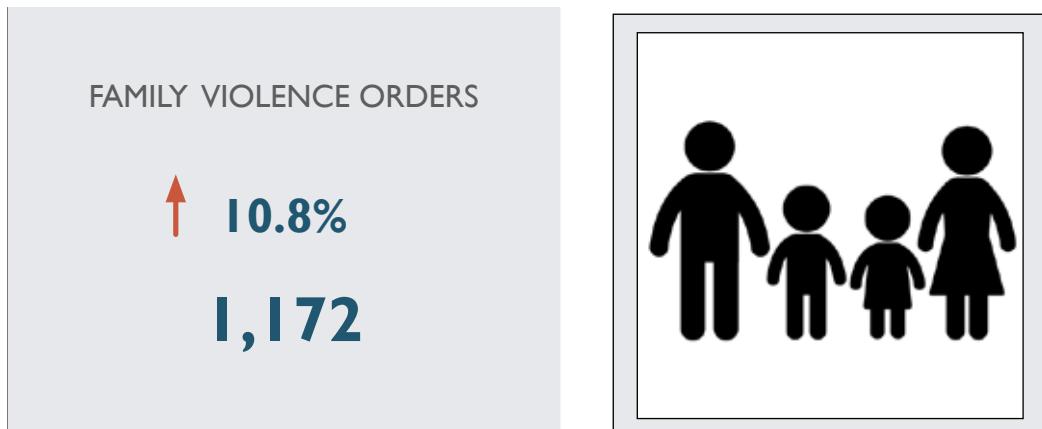
↓ 2.1% **3,756**



NUMBER OF CIVIL CLAIMS  
FINALISED

↓ 9.6% **3,645**

Family violence order applications - more on page 38



Activity of the Magistrates Court (inc. Youth Justice) - more on page 37



Court mandated diversion reviews - more on page 37



## Aim of the Court

The aim of the Magistrates Court is to contribute to a fair, just and safe Tasmania. The Court serves the community by providing access to an accountable, independent and impartial system of justice which is administered according to law.

## Purpose

The purpose of the Magistrates Court of Tasmania is to provide an open, transparent and accessible system of justice, to apply the rule of law, and to protect and respect individuals' rights.

## Values

Judicial independence – the Court acts independently from Government in the exercise of its judicial functions.

Our staff behave with integrity and respect, are accountable, cooperative, act without bias and in accordance with the State Service Code of Conduct.

More detailed information relating to the Court's strategic plan and its day-to-day operations (services, locations, decisions, court lists) is available on the Magistrates Court website under [Publications](#).

## Overview of the Court

The Magistrates Court of Tasmania is a statutory body created as a court of record by the *Magistrates Court Act 1987*, section 3A. It is made up of the Chief Magistrate, the Deputy Chief Magistrate, and the Magistrates.

Magistrates have jurisdiction to hear and determine a broad range of legal matters. Magistrates sitting in Courts of Petty Sessions hear and determine:

- simple offences
- crimes triable summarily under State and Commonwealth legislation
- breaches of duty
- applications under various State and Commonwealth statutes
- they also exercise a wide range of appellate and review functions.

Magistrates also hear simple and indictable offences in the Youth Justice Division, as well as exercising child safety responsibilities under the *Children, Young Persons and Their Families Act 1997*.

Magistrates in the Civil Division hear and determine civil matters to a value of \$50,000 or an unlimited amount with the consent of the parties. Disputes up to a value of \$5,000 are dealt with as Minor Civil Claims and undergo simplified procedures prior to, and at hearing.

In addition to the Court of Petty Sessions, divisions of the Court are provided for in legislation. These Divisions are:

- Civil Division
- Coronial Division
- Youth Justice Division
- Children's Division
- Administrative Appeals Division
- Mining Division

## Acknowledgments

The Court was saddened by the death of former Attorney-General, the Honourable Vanessa Goodwin MLC, on 3 March 2018. Acting Attorney-General the Honourable Matthew Groom replaced Dr Goodwin during part of the reporting period, followed by Premier Will Hodgman, and from April 2018 by the current Attorney-General, the Honourable Elise Archer MP.

The Court is pleased to continue its productive working relationship with the Department of Justice and acknowledges the work of the Secretary of the Department Kathrine Morgan-Wicks, who joined the Department of Justice in August 2017, and Deputy Secretary (Administration of Justice) Kristy Bourne, who started in November 2017. The Department supports the administrative operations of the Court, while the judicial functions of the Court remain entirely separate and independent of the executive and legislative branches of government.

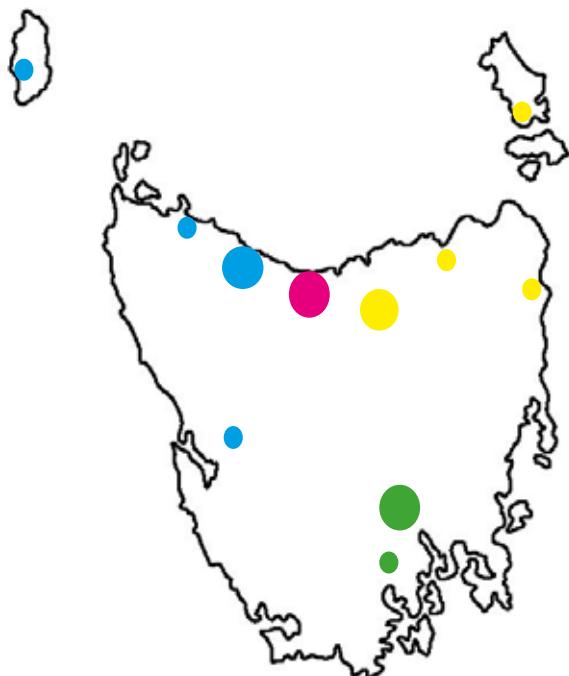
I express my appreciation to Deputy Chief Magistrate Michael Daly, all magistrates, the Administrator of Courts Penelope Ikedife, Deputy Administrator Roger Illingworth, and all court staff for their dedication and professionalism throughout the reporting period.

In addition, I express my gratitude to the Court volunteers, particularly the bench justices, for the support services they provide to litigants, witnesses and others involved in proceedings before the Court. The Tasmanian community is indebted to them for their service which is valuable and selfless.

Finally, I acknowledge the outstanding commitment by the magistrates who provide timely access to justice with courtesy, professionalism and great care.



## Court Locations



During the reporting year magistrates constituted courts of petty sessions under the *Justices Act 1959*, and sat in the various divisions of the Magistrates Court at the following locations around the State:

Daily court sittings at:

- Hobart
- Launceston
- Devonport
- Burnie

Circuit court sittings at:

- Queenstown
- Smithton
- Currie
- Whitemark
- Scottsdale
- St Helens
- Huonville

## Personalia

At 30 June 2018, the end of the current reporting period, the Magistrates Court was constituted by the following magistrates:

**Hobart:**

Chief Magistrate C J Geason

Deputy Chief Magistrate M F Daly

Magistrate S F Mollard

Magistrate O M McTaggart

Magistrate C P Webster

Magistrate G A Hay

Magistrate R J Marron

Magistrate S J Cooper

**Launceston:**

Magistrate S J Brown

Magistrate S E Cure

Magistrate K J Stanton

**Devonport:**

Magistrate A R McKee

Magistrate D R Fairley

**Burnie:**

Magistrate T K Jago

**Temporary Magistrate:**

Magistrate R E Chandler

## Court Staff

At the end of the reporting period, 30 June 2018, the Magistrates Court had an actual staffing number<sup>1</sup> of 61 staff (56.8 full time equivalents) distributed across the four permanent court registries situated in Hobart, Launceston, Devonport and Burnie. The Court employs one trainee in each of the Launceston, Devonport and Burnie registries, and two in Hobart through training service providers. The employment of trainees is not only beneficial to the Court, but also provides young people with opportunities to complete relevant qualifications and to gain valuable experience in a workplace.

## Bench Justices

The Court once again expresses its gratitude for the voluntary contributions of the bench justices who provide a critically important service to the administration of justice in Tasmania. Their work ensures that people who are arrested are brought before the Court as soon as practicable, at which time they have an opportunity to make an application for bail. The bench justices' continuing contribution to the criminal justice system in this State is commendable and invaluable.

To give an indication of the level of service provided by the bench justices, in Hobart alone, over a sample period of 6 months from 1 January 2018, bench justices:

- Dealt with 303 adult defendants
- Dealt with 23 youths
- Convened 103 mid-week courts (usually sitting at 7pm)
- Convened 197 weekend courts (held each weekend day at 11am and 7pm)
- Dealt with 115 family violence matters
- Average duration of each after-hours court 1.5 hours

In addition to presiding over after hours courts, bench justices conduct preliminary proceedings hearings for indictable offences within the usual business hours of the court. The number and complexity of preliminary proceedings increased markedly throughout the state during the reporting period, requiring bench justices to sit more frequently and for longer hours to deal with the workload. Much of the increase can be attributed to the Supreme Court's changes to the case management of its lists, and the concentrated sittings of that Court where the Supreme Court has had more trials running simultaneously in an effort to reduce its backlog of cases.

To ensure that bench justices are well informed in the exercise of their powers the Chief Magistrate or her delegate conducts regular meetings with bench justices. Bench justices are also provided with extensive training before being added to the roster of justices who may preside over their own court.

<sup>1</sup> Staffing numbers exclude magistrates as they are not Tasmanian State Service employees. There are 14.8 full time equivalent magistrates.

## The Court's National Involvement

The Court continues its involvement in national and international forums for the discussion of justice and court administration in a variety of jurisdictions exercised by the Court. During the reporting year the Court was represented at the following meetings and conferences:

Meetings and/or Conferences	Location	Date(s)
Judicial College of Victoria, Judicial Wellbeing	Melbourne	10-11 August 2017
Council of Chief Magistrates Meeting	Perth	14-15 September 2017
	Canberra	15-16 March 2018
National Judicial College of Australia, National Magistrates' Orientation Program	Brisbane	4-8 September 2017
Asia Pacific Coroners Society Annual Conference	Perth	31 October – 3 November 2017
Judicial College of Australia Governing Council Meeting	Canberra	17 March 2018
Association of Australian Magistrates Biennial Conference	Western Australia	31 May - 1 June 2018
Judicial College of Australia Governing Council Meeting	Sydney	2 June 2018
National Family Law Training Program Committee (Chief Magistrate)	Sydney	25 November 2017

# Professional Development

The Magistrates' professional development program continued with biannual conferences held in Hobart on 19-20 October 2017 and on 12-13 April 2018.

A range of presentations were delivered by guest presenters and magistrates. Topics included sentencing, therapeutic jurisdictions, torts, contract, criminal law, judicial wellbeing, national standards for working with interpreters in court and an update on the Department of Justice's Justice Connect IT project. The second day of the April 2018 conference was taken up with family violence training presented by the National Judicial College of Australia. I express my gratitude to the organisers of the conferences and to the presenters who have significantly contributed to the ongoing development of the expertise of the Tasmanian Magistracy.

The Chief Magistrate is also responsible under the *Magistrates Court Act 1987* for the professional development of Court staff. Staff have undertaken a variety of training opportunities including:

## New staff induction

- Online training in family violence, mental health and wellbeing, work health and safety refresher course, simple and complex procurement training, ethics and behaviour
- Certificate IV in Leadership and Management (three staff)
- Australia and New Zealand School of Government Tasmanian Senior Executive Leadership Development Program, April 2017 – November 2017 (one staff member)
- State Service Management Office Manager Essentials Program (one staff member)
- New supervisor training (one staff member)
- Querulous Litigant Seminar
- Use of Interpreters
- Internal Audit and Work Health and Safety training
- Tasmanian legislation training through the Office of Parliamentary Counsel
- Civil legislation and procedure training for registry staff
- Archiving training
- Web writing and publishing
- Tasmanian Suicide Register training
- National Coronial Information System Coder training
- Domestic Violence Death Review training (provided by NSW DFVDR team)
- Asia-Pacific Coroners Society Conference
- First aid and defibrillator training
- Fire training
- Code Black security training

- Various short training sessions provided through the Law Society, Department of Justice online learning site, and The Training Consortium
- Short presentations from services linked to the Court to inform Court staff including Tasmania Police Operational Information Services, Safe at Home, Child Safety Services, Women's Legal Service.

The Court's Training Co-ordinator, Kylie Anderson, joined the Court for a two year period in January 2018. With assistance and direction from Deputy Administrator, Roger Illingworth, she has been working on improving the Court's written training material, including procedural manuals and creating an online induction module for new staff which will assist in ensuring statewide consistency of training and processes.

## **Magistrates Court Review**

On 16 June 2016 the then Attorney-General Dr Vanessa Goodwin announced that she had engaged consulting firm KPMG to report to her on how to improve finalisations, clearance rates, attendances and backlog indicators in the criminal, civil and coronial divisions of the Court. The Review examined the Court's administrative systems and resources, including in-court administrative arrangements. It was released on 23 May 2017 and a steering committee was established to consider and

progress the review's recommendations. Significant progress was achieved in progressing recommendations to implement a standard structure for all locations and to implement resource development and sharing. The Magistrates Court now has a stable and standardised statewide operational structure. A professional development framework has been rolled out and staff development requirements have been captured to inform training. A training coordinator has been appointed to document and disseminate statewide best practice procedures and training tools.

The Department of Justice commenced other projects such as Justice Connect (a Department-wide IT system replacement program funded from the Government's Digital Transformation Priority Expenditure Program) and the Northern Justice Infrastructure Program (among other things refurbishing Burnie Magistrates and Supreme Courts and taking police out of courts) have had a direct impact upon many of the KPMG Review recommendations and now supersede several of them. The proposed amendments to the *Magistrates Court (Criminal and General Division) Bill 2017* and others, will also provide a revised legislative foundation for a number of the initiatives, procedural changes and changes to the law.

## Legislative Changes

As a consequence, Review recommendations that relate to streamlining processes and improving case management (applicable to the Justice Connect Program), recommendations relating to the creation of fit-for-purpose facilities (applicable to the Northern Justice Infrastructure Program) and a recommendation to take simple matters out of the court (applicable to the Single Tribunal Project) have been transferred from the Review Program and are now absorbed within these independent projects.

The Steering Committee broadened its scope and expanded its membership to include representation from the Deputy Chief Magistrate, Tasmania Police, the Justice Connect project team and the Department of Justice's Strategic Legislation and Policy unit. The Steering Committee will now oversee the implementation of the *Magistrates Court (Criminal and General Division) Bill 2017*, as well as support the work undertaken by the identified projects to address process, technology and facilities recommendations, and act as an expert reference group in creating a future operating model for the Magistrates Court. With the significant progress that has been made in implementing the Review's recommendations the General Manager appointed to progress the recommendations, Pamela Honan, has taken up a new role with Communities Tasmania. I record my thanks to Ms Honan for her work.

There have been a number of new bills and amendments to legislation during the reporting period which have had an effect on the operation of the Magistrates Court. The Court is often consulted on draft legislation and legislative projects, where the legislation may have an impact on the Court. Legislation which has been the subject of consultation in the reporting period includes:

- *Bail Act 1994 through the Bail System Reform Position Paper*
- *Corrections (Prisoner Remission) Amendment Bill 2017*
- *Crime (Confiscation of Profits) Amendment Bill 2018*
- *Criminal Code Amendment (Dangerous Driving) Bill 2017*
- *Family Law Amendment (Family Violence and Cross-examination of Parties) Bill 2017 (Cth)*
- *Family Law Amendment (Parenting Management Hearings) Bill 2017 (Cth)*
- *Family Law Amendment (Family Violence and Other Measures) Bill 2017 (Cth)*
- *Family Violence Amendment Bill 2017*
- *Limitation Amendment Bill 2017*
- *Marriage Regulations 2017 (Cth)*
- *Sentencing Amendment (Phasing out Suspended Sentences) Bill 2017*
- *Sentencing Amendment (Sentences of Imprisonment) Bill 2017*
- *Service and Execution of Process Regulations 1993 (Cth)*

## Criminal and General Division Legislation

During the reporting period work continued on drafting a new suite of legislation governing the procedures applicable to the Court's criminal and general jurisdiction. The proposed Magistrates Court (Criminal and General Division) legislative package will result in:

- a new Magistrates Court (Criminal and General Division) Act
- a new Magistrates Court (Criminal and General Division) Rules
- a new Magistrates Court (Criminal and General Division) Fees Regulations
- a new Restraint Orders Act
- consequential amendments to the *Justices Act 1959*, the *Magistrates Court Act 1987*, the *Supreme Court (Civil Procedure) Act 1932* and other court-related legislation

The Court's ability to manage the resolution of cases in a timely manner is partly dependent on the legislative framework governing the Court's processes. The current framework is provided by the *Justices Act 1959*. The proposed new legislation is expected to help to expedite the criminal litigation process while protecting fundamental rights to access to justice and a fair trial.

The proposed Bill includes provisions for early prosecution disclosure, earlier entry of pleas, fewer adjournments, facilitating the summoning of police officers as witnesses, shorter preliminary proceedings on serious indictable charges, and straightforward methods of evidence presentation. Many

of the changes will require significant changes to the current way the Court and other services, particularly Tasmania Police, go about their work, with consequential resourcing impacts. Very importantly, the changes will require major improvements in information technology systems for both Tasmania Police and the Magistrates Court. The Court's IT needs are expected to be met through the Department of Justice's Justice Connect IT program.



## National Domestic Violence Orders Recognition Scheme

In December 2015 the Council of Australian Governments (COAG) agreed to introduce a National Domestic Violence Order Scheme (NDVOS) to allow a Domestic Violence Order (DVO) issued in one jurisdiction to be automatically recognised and enforced across Australia. All jurisdictions gave a commitment to introduce model laws to give effect to the NDVOS in the first half of 2016.

To support the early implementation of the model laws, the Law, Crime and Community Safety Council and COAG agreed to the development of an interim technical solution while a four-year project to develop and deliver a national technical capability for DVOs, which will facilitate information sharing and enforcement of DVOs between courts and police across Australia, is undertaken.

The national scheme and model legislation has been drafted in accordance with the following four policy principles:

- A family/domestic violence order made or registered anywhere in Australia is nationally recognised and enforceable;
- An order made in one jurisdiction can be amended by another jurisdiction but only by a court;
- Where an order made in one jurisdiction is in force, if necessary a new order can be made in another jurisdiction; and
- The latest court order in time prevails.

The Scheme aims to provide a mutual recognition framework to enable the seamless recognition of subsequent ability to enforce DVOs across Australia.

Legislation consistent with the national model legislation was tabled in the Tasmanian Parliament. The *Domestic Violence Orders (National Recognition) Act 2016* was passed by Parliament and came into effect on 25 November 2017.

## Caseload

The caseload of the Magistrates Court varies from year to year. Over the last five reporting periods there have been ongoing increases in lodgements, particularly in the adult criminal division, where lodgements have increased by 16% in the past five years.

Detailed statistics about the types and numbers of matters lodged appear later in this Annual Report.

The Court's incoming caseload during the 2017-18 reporting year was as follows:

### Case Lodgements:

Criminal – Adult	18,187
Criminal – Youth Justice	1,370
Family violence order applications	1,172
Restraint order applications	1,143
Child protection applications	848
Civil (minor civil, civil, residential tenancy)	3,756
Miscellaneous applications (adult & youth)	2,088
Breaches of orders (incl. bail, probation)	5,046
Administrative appeals, Mining Tribunal	40
Coronial cases	598
<b>Total</b>	<b>34,248</b>

The Fines, Costs, Fees and Levies imposed were as follows:

Fines, Fees and Levies Imposed	2016-17	2017-18
Fines	\$4,210,993	\$4,861,559
Criminal court fees	\$828,822	\$871,108
Victims of Crime Compensation levies	\$288,130	\$326,000
Civil court fees	\$592,225	\$592,854
Appeal Cost Fund levies	\$32,481	\$33,392
<b>Total</b>	<b>\$5,952,651</b>	<b>\$6,684,913</b>

## Problem-solving Courts

The continuing increases in the Court's caseload heighten the need to ensure not only that the Court is adequately resourced to perform its work, but that other essential parts of the justice system are properly resourced. The number of Legal Aid Commission of Tasmania lawyers, particularly duty lawyers who deal with the first appearance of people held in custody, has a direct impact on the speed and efficiency with which the Court can deal with their bail applications and other preliminary steps. Similarly, the number of police prosecutors and their capacity to progress a matter at every court appearance, is crucial to the just and efficient disposition of cases. In another area of the justice system, the capacity of the Tasmanian Prison Service to ensure that lawyers can access their clients to take instructions for court appearances directly affects whether appearances for pleas, hearings, and sentences can proceed without unnecessary delays.

The Court is pleased to contribute to the ongoing discussions between Government and the Department of Justice which have focused on responding to these issues in order to improve access to justice.

During the reporting year the Court continued its activities in the areas of problem-solving justice. This approach to justice requires courts to acknowledge that rather than simply processing cases, the court system should be concerned with attempting to address the problems that lead to a person's appearance in court, and work to change offender behaviour and improve public safety where appropriate.

Currently the Court takes this approach in the following areas:

- Court Mandated Drug Diversion (CMD) program;
- Diversion List (DL);
- Family Violence List;
- Youth Justice

The Court continues to work to improve collaboration between participants in these problem-solving justice approaches, learning from and building on what has been achieved in previous years.

The Court relies on the support and expertise of other organisations to ensure the success of the problem-solving courts. In particular, assistance is provided by Community Corrections, Forensic Mental Health Services, the Defendant Health Liaison Service, Youth Justice, Legal Aid Commission of Tasmania, specialist Police prosecutors, and non-government support services.

# Court Mandated Drug Diversion Program

The Court Mandated Drug Diversion Program (CMD) was introduced in 2007 to divert people whose offending behaviour is linked to illicit drug use into drug treatment interventions. The CMD program has capacity for approximately 120 defendants statewide. A court may sentence an offender onto the program under a drug treatment order which involves a range of treatment options depending on what is most suitable for an offender's needs.

During the reporting period amendments to the Sentencing Act 1997 resulted in the Supreme Court being able to make drug treatment orders. The supervision of Supreme Court drug treatment orders is carried out by the Magistrates Court, which also supervises orders made by magistrates. During the reporting period the Supreme Court made 11 drug treatment orders as the principal sentence.

The Magistrates Court's supervision of drug treatment orders is very intensive. It commences with weekly review appearances, which usually reduce in frequency over time until the order, which may last for two years, is completed. The CMD program may include some or all of the following:

- Individual counselling;
- Group counselling;
- Random illicit drug testing;
- Residential rehabilitation;
- Case management;
- Detoxification (via the State Alcohol and Drug Service).

CMD has been successful in diverting a large group of offenders away from prison into community-based treatment and has had some positive impacts on delaying relapse or a return to crime.

## Diversion List

Another key offender diversion program operated in the Court is the Diversion List (DL). The DL began in Hobart and has now become a permanent feature of Court operations in all registry locations. At present, the DL sits twice a month in Hobart and once a month in Launceston, Burnie and Devonport, and is presided over by specialist magistrates (who also preside over general lists). The Hobart Diversion List also includes persons with acquired brain injuries or cognitive disabilities who commit summary offences.

The DL is a “problem solving court” program that diverts eligible defendants to mental health, disability and other welfare services to address the underlying issues of their criminal behaviour. Using provisions within the *Bail Act 1994* and the *Sentencing Act 1997*, the DL seeks to provide an alternative to traditional criminal sanctions where mental illness is causative of the offending behaviour.

## Family Violence List

Upon the commencement of the *Family Violence Act 2004*, the Court has been listing separate court sessions for family violence matters to improve its responses and co-ordination with support agencies including specialist police prosecutors, Safe Families Co-ordination Unit, Legal Aid, and the Court Support and Liaison Service.

## Contest Mention List

The contest mention mechanism is a process which enables a defendant who intends to plead guilty to an offence heard in the Magistrates Court, to do so at the earliest possible stage of the pre-trial proceedings. For matters that are not resolved by a guilty plea at contest mention the process is designed to reduce the number of issues in dispute, which should reduce the hearing time.

## Youth Justice

The Youth Justice court continues to operate as a specialised court statewide. A dedicated magistrate in each registry hears all youth justice cases in which the Court promotes a therapeutic, strength-based approach.

Deferred sentencing options under the *Youth Justice Act 1997* continue to provide an opportunity to defer a sentence for some young people for the purpose of assessing the young person's capacity and prospects for rehabilitation or participation in an intervention plan, and for the purpose of

allowing the young person to demonstrate what rehabilitation has occurred or to allow them to participate in an intervention plan.

The Youth Court continues to be supported by and acknowledges the invaluable assistance of Tasmania Police who provide dedicated prosecutors and early intervention officers, and the Director of Legal Aid who provides dedicated legal practitioners.

The Court also acknowledges the Education Department who now provide Education Liaison Officers statewide who aim to re-engage young people appearing before the court with education. This is a vital part of youth court as many of the young people appearing have dis-engaged from education.

The Court also acknowledges the commitment of government and non-government bodies who have assisted in building a more integrated team approach which is working towards better outcomes for young offenders.

## Court User Groups

The Court has established Court User Groups in each of the regions – South, North and North-West. The concept of Court User Groups has support from magistrates as a means of strengthening the Court's consultative processes with a range of court users, including the legal profession and various court support agencies.

The Court User Groups assist with feedback on the operation of the courts and provide useful input which can be included in the Court's strategic planning processes. Regional and relatively informal consultation processes with key stakeholders are also likely to improve the Court's service delivery, and the status and reputation of the Court within the broader community. The establishment of the user groups builds on the Court's goals of community engagement and continuous improvement.

A wide range of organisations considered major stakeholders of the Court are invited including the:

- Law Society of Tasmania
- Independent Bar
- Tasmania Police
- Community Corrections
- Legal Aid Commission
- Tasmanian Aboriginal Community Legal Service
- Victims Support Service
- Children and Youth (DHHS), incorporating Child Safety Services and Youth Justice Services
- Statewide Mental Health Services (DHHS)
- Community Legal Centres
- Tasmanian Law Reform Institute



# Information Technology

## Justice Connect

The Magistrates Court relies on a number of IT systems to assist it in its work. The CRIMES system is used for the Court's criminal work, the Magistrates Court Case Management System (MCMS) for civil work, and Monash University National Centre for Coronial Information (MUNCCI) and National Coronial Information System (NCIS) for coronial work.

All of these systems are aged and due for replacement, as are many other IT systems in use in the Department of Justice. In recognition of the need for modern systems the Justice Connect program will replace these outdated technologies with a contemporary architecture and platform. The aim is to connect the Magistrates Court with other parts of the justice system so that accurate, relevant information can be provided in real time without the current reliance on manual, paper-based processes. The magnitude of the program means that it will occur in stages, with Stage I focusing on the criminal and corrective services systems, including the replacement of CRIMES. The program is a very significant piece of work for the Court and is expected to take several years to complete.

## Video Conferencing

The Court's video-conference facilities increase the community's access to justice by permitting witnesses and defendants in custody to attend court by video link from any location in Tasmania, interstate or overseas. Video-conferencing substantially reduces the cost of adducing evidence from witnesses who would otherwise have to travel. It can also reduce the number of trips a person in custody is required to make from Hobart to appear in a court in another location in the North or North-West, significantly reducing the cost, inconvenience and risk associated with such transports. Provision has also been made for vulnerable witnesses to give their evidence remotely from a protected witness room in the court building or elsewhere, and the video conferencing system has been integrated into the Court's digital audio recording system.

The Court's existing video conferencing facilities are due to be updated. With the increasing reliance on the presentation of digital evidence, whether in the form of CCTV footage or footage from police body worn cameras or even mobile phones, the Court needs to ensure that digital evidence can be presented using modern equipment with high resolution pictures. During the reporting period the Court replaced some failing video conferencing equipment with new mobile units. Work is progressing towards obtaining funding for broader scale upgrades for contemporary video conferencing facilities to be rolled out, with the aim of ensuring that every courtroom is video-enabled.

## Burnie Court Complex Redevelopment

The Burnie Court complex located in Alexander Street, Burnie, is shared by the Supreme Court and the Magistrates Court.

The building is old and no longer fit for purpose. In recognition of this, in the last State budget the government announced \$15 million funding to refurbish the court to improve conditions for staff and services to the public.

Planning for the works began during the reporting period and focused on the preparation of procurement documentation for the engagement of architectural services, engineering consultants and contractors.

The next stage is to develop a functional design brief which addresses the Court building's current deficiencies over the short-to-medium term.

The project is overseen by a steering committee which includes representation from both the Magistrates and Supreme Courts.



# Legal Education Initiatives and Community Involvement

During the reporting year magistrates and court officers were engaged in a range of legal education programs that are aimed at improving the understanding of the justice system for a number of groups, such as young lawyers, prosecutors, probation officers, Justices of the Peace, legal studies students, school and community groups.

## Legal Practice Course

Since 1997 the Hobart Magistrates have been delivering lectures and supervising practical courtroom exercises for university law graduates who are enrolled in the six month Legal Practice Course. This is conducted between February and August each year.

Magistrates convene mock courts for two hours every week after court adjourns in the afternoon to introduce law graduates to the courtroom environment in preparation for when they commence legal practice. The trainees prepare and deliver applications, make submissions, deliver pleas in mitigation, and conduct minor contested hearings. The magistrates provide feedback to the trainees on their delivery, content, and advocacy skills. The exercises form part of the assessment for the unit.

Based on feedback from course participants the Criminal Law Practice and Advocacy unit is considered to be one of the most practical units studied by the trainees as the Magistrates Court is the jurisdiction in which junior lawyers are most likely to practice in the early years of their professional life. The opportunity for

students to appear before real magistrates in a court setting is an aspect of the course that is the envy of many interstate jurisdictions.

## CourtWatch

As part of the Legal Practice Course each year, the Magistrates Court hosts each trainee for a day as part of our CourtWatch program. On a succession of days over a two week period, small groups of trainees are shown the practices and procedures of the Court in both its administrative and judicial functions so they will be better equipped to meet the challenges of legal practice. They have the opportunity to sit in court with a magistrate and to gain an understanding of the administrative processes of the Court.

## Legal Education

In order to provide continuing professional development to legal practitioners and others who regularly deal with the Court magistrates speak at seminars and conferences. To provide the general public with a better understanding of the justice system staff conduct court tours for school and community groups. The Court also hosts work experience students who are given the opportunity to experience the administrative operations that support the judicial work of the magistrates, to observe court sessions, and to meet with magistrates.

Magistrates have given a number of presentations, including:

Organisation	Topic
Law Society of Tasmania's Young Lawyers	Cross examination
Western District Prosecutions, Tasmania Police	Section 38 Evidence Act 2001 applications (questioning an unfavourable witness)
Law Society of Tasmania Advocacy Seminar	Practical exercises in advocacy including drug treatment orders
Law Society of Tasmania's Young Lawyers	The law of penalties
North-West Justices of the Peace Association	The work of the Court and Justices
Australian Association of Crown Prosecutors	Judicial Bullying
Community Engagement Tasmania Society	Youth Court
University of Tasmania	“Does our Justice System Work? Perspectives from the Bench”

## Community Events

On Sunday 17 September 2017 the Launceston Magistrates Court participated in the Rotary Club of Launceston’s “Doors Open” day. As part of this event senior staff of the Court conducted tours of the building, including the court rooms and registry. Staff provided an overview of the Court’s work and its jurisdictions and answered many questions from the visiting groups who showed a great interest in the operation of the Court and the justice system generally.

On the evening of Friday 18 May 2018 the Hobart Magistrates Court was involved in the Whitelion Bail Out event. Whitelion provides specialist youth services and supports young people who are transitioning back into the community from out of home care and the youth justice system. Whitelion offers a number of programs designed to help young people achieve stable housing, connection to the community, educational attainment, employment and economic stability and wellbeing.

The Bail Out is Whitelion's signature fundraising event and in 2018 involved a partnership with the Court, the Tasmanian Prison Service and Tasmania Police. It was designed to give participants an authentic, first-hand experience of the criminal justice system with the involvement of real police officers, magistrates and court staff, lawyers and correctional officers. Participants raised funds in order to qualify, and during the evening are arrested, finger printed and photographed, attend court, and watch a bail application.

Chief Magistrate Geason and Deputy Chief Magistrate Daly convened courts and heard bail applications on behalf of youths who had been "arrested". The authenticity of the experience was greatly enhanced by the generous volunteer involvement of court staff, court security, prosecutors from the Office of the Director of Public Prosecutions, legal practitioners from a Hobart firm, and the "arrested" youths. The fundraising evening was highly successful for Whitelion, and the Court is pleased to have had the opportunity to support the event.

## Access to Justice

### Disability Access

The Department of Justice has developed its Disability Justice Plan for Tasmania 2017-2020. The Magistrates Court is working to implement actions in the Plan with a focus on improving physical access to court buildings, staff training, and better access to information and services. Where a need arises the Court makes adjustments to standard procedures to accommodate the needs of people with disability.

The Court continued to work through the recommendations of an access appraisal report for the Hobart building that was obtained in the previous reporting period with a view to improving physical access and other services within its buildings.

### Interpreters

Interpreters provide an essential service to the Court and to the administration of justice. The interpreter's role is to remove the language barrier and to put the party in the same position in the proceedings as an English-speaking person. The interpreter is essential to the provision of a fair trial. Interpreters are supplied at the Court's expense and the Court always endeavours to provide the best-qualified, accredited interpreter that is available.

During the reporting period the Judicial Council on Cultural Diversity released its Recommended National Standards for Working with Interpreters in Courts and Tribunals. The recommended standards will be considered by the Court and current practices and procedures will be assessed against them.

During the reporting period the Court paid \$32,245.26 for interpreters and used interpreters on 168 occasions.

## Court Support Services

I acknowledge the range of court support services which are provided, often on a voluntary basis, to assist clients who are having difficulty in understanding the Court process or accessing legal advice or representation.

This year in particular I acknowledge the work of the Law Society of Tasmania, Centre for Legal Studies, and Legal Aid Commission of Tasmania for the continuation of the duty lawyer service. These services provide assistance to applicants, defendants and respondents who are appearing in the Magistrates Court. They significantly contribute to the efficiency and effectiveness of the Court in providing access to justice to those who would otherwise have been unrepresented.

### Witness Assistance Service

The Witness Assistance Service is a unit within the Office of the Director of Public Prosecutions. In the reporting period the Witness Assistance Service received a 12 month grant through the Solicitors Guarantee Fund to provide a part-time (50%) WAS officer in each of the Hobart and Launceston Magistrates Courts. The service, which began operating in early 2017, is available to provide assistance for all types of matters but with a particular focus on sexual abuse matters and matters that fall outside the legislative definition of family violence. The Service also assists witnesses in the preparation of victim impact statements.

During the reporting period the Service dealt with 82 matters in Hobart and Launceston and with 5 coronial matters. The positions in the Magistrates Court are meeting a gap in services and have resulted in some good outcomes for both witnesses and the Court process, since better support for witnesses often means that they are more willing to give evidence and may be able to give better-quality evidence to inform the Court.

### Salvation Army - Court and Prison Chaplaincy

A Salvation Army Chaplain attends court on a regular basis to offer help and support through the court process to offenders, their families, victims, and witnesses. This service also can be important as a referral service to other programs such as:

- personal development programs
- alcohol and drug programs
- housing and homeless services
- aged care assistance
- family violence services
- financial counselling

## Save the Children

Save the Children (STC) continues to support and assist statewide some of the young people who are subject to bail and young people who have transitioned from Ashley Youth Detention Centre. A STC youth worker will interview the young person and assist them to identify some pro-social goals and develop a plan as to how to achieve the identified goals. The STC youth workers will also assist with supporting the young person to seek legal advice, attend appointments and attend court. A report is prepared to update the Court on the progress being made by the young person. STC will also support the young person to engage in some pro-social recreational activities which provides other options to offending behaviour.

The partnership between STC and the youth court is an invaluable resource in working as a collaborative team to achieve better outcomes for some of our very disadvantaged young people who are offending and appearing in court.

## Baptcare and Mission Australia

Other services that actively engage with the Youth Justice Court are Baptcare and Mission Australia offering assistance and support to young people with a range of needs, such as homelessness, alcohol and drug problems, education and training, family breakdown, and mental illness.

## Community Legal Services

In each region of the State the Court is assisted by the various Community Legal Services. The Hobart Community Legal Service has offices in Hobart and Bridgewater. Along with the provision of free legal advice, the HCLS provides legal representation for the after-hours and weekend courts and the on-call roster for holiday periods.

In Launceston the Launceston Community Legal Centre provides free legal advice and referral to Legal Aid and private practitioners. In Burnie and Devonport the North West Community Legal Centre Inc provides a similar service.

All these organisations assist the Court greatly by preparing parties with information on how the Court process operates and what is expected to happen in the court room.

## Coronial Division

The jurisdiction and operation of the Coronial Division is set out in the *Coroners Act 1995* and the *Coroners Rules 2006*. This report is submitted pursuant to section 69 of the *Coroners Act 1995* (the Act).

The jurisdiction of the coroner is to investigate reportable deaths, fires and explosions. Reportable deaths are primarily those that are sudden, unnatural, unexpected or suspicious. Coroners are required to make recommendations where appropriate and comment on matters related to public health or safety or the administration of justice, and for the purpose of prevention of future deaths.

Coroner Olivia McTaggart continued her role as the Chief Magistrate's delegate and full-time coroner. Coroner Simon Cooper also undertook a full-time coronial role from December 2017 and Coroner Rod Chandler maintained his 0.8 FTE role as a coroner during the reporting period. Coroner Duncan Fairley returned to a full-time magistrate's role at the beginning of 2018.

I thank the many organisations involved in assisting the work of the Coronial Division. I am appreciative of the work of the Chief Clerk and Manager of the Division, Penelope Ikedife and Victor Stojcevski respectively. I acknowledge the crucial role of the State Forensic Pathologist, Dr Chris Lawrence, and his team of forensic pathologists. I would also like to underscore the vital support provided by all levels of Tasmania Police, including the many officers who assist the coroners in their investigations. In particular, I acknowledge the assistance provided to coroners by coroner's associates, and the cooperative manner in which up to eleven associates have integrated themselves at various

times into the operations of the Division. Similarly, I would also like to acknowledge the important functions played in coronial investigations by: Forensic Science Service Tasmania; forensic odontologists; Dr Tony Bell, the in-house medical adviser to the coroners and Ms L Newman, the Clinical Nurse Specialist, Forensic Pathology.

For the second consecutive year, the Coronial Division achieved a case finalisation rate in excess of 100 per cent. This means that the Division finalised more cases than were lodged during the reporting period. It was also the highest finalisation rate (101.2%) recorded by the Division for the previous ten years. The coroners, coroners' staff and coroners' associates continue to develop and refine strategies to increase efficiencies, notwithstanding the difficult resourcing climate.

## Tasmanian Suicide Register

The Tasmanian Suicide Register (TSR) commenced operation in the Coronial Division of the Magistrates Court on 6 November 2017.

The TSR is a state-based suicide surveillance system, operated by a trained research officer. It gathers detailed information on people who die by suicide in Tasmania and the circumstances surrounding their death. The TSR will:

- enable detailed analysis of demographics and trends over time;
- provide data for future policy and planning to inform targeted public health and suicide prevention policy;
- assist in the evaluation of suicide prevention initiatives; and
- be accessible to genuine researchers in this field.

Information gathered during the coronial investigation produces the richest source of data from which to understand a suicide death. The TSR is deliberately placed within the coronial setting to assist Tasmanian coroners to understand Tasmanian suicide data in greater detail, and to make recommendations to prevent suicide that are informed by evidence.

The establishment of a TSR was one of a number of recommendations made by Coroner McTaggart in inquest findings released in November 2016. The TSR is funded by the Tasmanian Department of Health and Human Services (DHHS) and is a key action of the Tasmanian Suicide Prevention Strategy 2016-2020. Its establishment has been a collaborative project between the Departments of Health and Human Services (DHHS) and Justice (DoJ), and the Coronial Division, and is governed by an inter-agency project working group.

I would like to acknowledge the ongoing support for this project from DHHS and DoJ, and from Victoria's State Coroner, Judge Sara Hinchey, throughout the establishment of the TSR. The Coroner's Court of Victoria assisted the establishment and will continue to provide support to the project until 31 December 2018.

## Tasmanian Multiple Fatality Response Plan (Associate Plan)

The Tasmanian Multiple Fatality Response Plan (2017) was approved in December 2017 by the State Emergency Management Committee as a state level emergency management plan issued by the Chief Magistrate's delegate and maintained by the Department of Justice. The Associate Plan

replaces the Tasmanian Coronial Services Plan 2003.

The Coronial Division, in consultation with Tasmania Police, the State Emergency Service, the Department of Premier and Cabinet, Ambulance Tasmania, the Department of Health and Human Services and the State Forensic Pathologist, prepared the Plan.

The Plan aims to describe the arrangements for co-ordinating statewide coronial services to manage a multiple fatality event in Tasmania and is based on existing legal processes and practices. It provides an agreed framework to manage multiple fatality events, whether an emergency exists or not. The Plan is focused on coronial services, but also envisages Disaster Victim Identification (DVI) scenarios in the case of an emergency.

## Tasmanian Overdose Deaths Register

In Tasmania, all deaths from suspected non-natural causes (including suspected overdose deaths) must be reported to the Coronial Division for investigation. If the investigation establishes the death was an overdose, it is entered into the Tasmanian Overdose Deaths Register (TODR).

The TODR definition of an overdose death is consistent with the definition of "drug poisoning death" and is a death where the expert death investigators (the coroner, forensic pathologist and forensic toxicologist) established that the acute toxic effects of a drug or drugs played a contributory role. Therefore, overdose deaths include deaths where acute toxic effects of drugs were the only cause,

and deaths where acute drug toxicity contributed in combination with other non-drug causes such as cardiovascular or respiratory disease. Deaths associated with the behavioural effects of drug taking (for example a fatal motor vehicle collision while affected by drugs and alcohol) or its chronic effects (for example haemorrhage of a gastrointestinal ulcer caused by chronic ibuprofen consumption) are excluded.

In 2018, the coroners provided the Tasmanian Opioid Pharmacotherapy Review (Alcohol and Drug Service), the Chief Psychiatrist and Chief Pharmacist with access to a data summary of the TODR, which examined overdose deaths reported to and investigated by coroners during the period 2007-2016.

## Deaths in Custody

As required by section 69(2)(a) of the Act, I advise that during the reporting period there was one death in custody reported to the Coroner. No inquests into deaths in custody were concluded in the reporting period.

## Deaths in Care

During the reporting period there were one death reported of persons held “in care” as defined in section 3 of the Act. Additionally, during the reporting period two inquests were completed in relation to deaths in care from previous reporting periods. The findings have been published on the [Magistrates Court website](#).

## Other inquests and findings

All findings and recommendations considered by Coroners to be of public interest are published on the [Magistrates Court website](#).

## Responses to Coronial Recommendations

Recommendations are an important part of the coronial jurisdiction and pursuant to section 28(2) of the Act a coroner is required, whenever appropriate, to make recommendations to prevent future deaths. Unlike most other Australian coronial jurisdictions, Tasmania lacks either a statutory or policy-based mandatory response regime to coronial recommendations. Consequently, the status of coronial recommendations in Tasmania is unclear and there is scope for improvement in this area.

Nevertheless, over the course of the reporting period there were favourable responses from several Government departments in response to some coronial recommendations.

In 2017, Coroner Olivia McTaggart released her findings and recommendations following the coronial investigation into the death on the Overland Track of Kang Jin, an international student. During the reporting period, the Tasmanian Parks and Wildlife Service has put in place a program to respond to those recommendations and make all national parks safer for walkers, including making all public information messages easier to understand for international visitors.

In 2017, Coroner Olivia McTaggart released her findings and recommendations following the coronial inquest into the death of Bjay Johnstone, an infant child that was known to Child Protection Services. In July 2017, the Government issued a public response to the recommendations of the coroner that addresses a range of issues connected to the operation of Child Protection Services.

Also in 2017, Coroner Cooper released his findings and recommendations regarding a double fatality on a boat from carbon monoxide poisoning. Those recommendations were adopted by Marine and Safety Tasmania (MAST) and the recommendations and plans for their implementation were featured in the Autumn 2018 edition of their publication *Boatwise*.

Recommendations made on 12 June 2017 by Coroner Chandler in relation to the death of Margaret Bugg, a resident of a Residential Aged Care Facility, were adopted by Southern Cross Care (Tas) Inc (SCCT) during the course of the reporting period. Actions were undertaken by the management of SCCT across all nine of their Residential Aged Care Facilities to comply with the recommendations of the coroner. These changes will reduce the risk of deaths occurring from falls where elderly people are being transported in SCCT's facilities.

Coroners are gratified by these systemic efforts of agencies that have chosen to respond to coronial recommendations.

## Coronial Education

A particular focus of coroners, coroner's associates and key staff of the Division has been educating legal professionals, medical professionals and the community at large about coronial matters. Over the reporting period, coroners and coroner's associates provided the following education sessions:

- Coronial Practice Seminar to the Tasmanian Legal Practice Course
- Presentation on Quad Bike Findings by Coroner Cooper to the RHH Grand Trauma Round
- Keynote Presentation (Coroner Cooper) to the Australian Paramedics Association Tasmanian Branch Annual Dinner
- Coronial Practice training to the DPP Continuing Legal Education program
- Coronial Practice Overview to the Tasmanian Forensic Science Practitioners Group
- Coronial Practice Overview by Coroner Chandler to Calvary Hospital
- Presentations by Coroner McTaggart to University of Tasmania Law Students
- Presentation by Coroner Chandler to Launceston General Hospital surgeons
- Presentation by Coroner McTaggart to the Fahan School

The Coronial Division continued to provide secretariat support to the Asia Pacific Coroners' Society during the reporting period.

# Court Statistics and Performance Indicators

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# 1. Caseload

Table 1: 2017-18 Summary Figures, by Court

	Lodgements		Finalisations	
	No.	change year-on-year	No.	change year-on-year
<b>CRIMINAL</b>				
<b>Magistrates Court</b>				
Criminal complaints <sup>1</sup>	18,187	0.7%	18,047	9.9%
<i>Comittal Proceedings</i>	na	na	298	21.1%
Breaches of orders <sup>2</sup>	4,847	8.5%	4,403	10.2%
Other applications	1,972	2.2%	1,644	1.0%
<b>Youth Justice Court</b>				
Criminal complaints <sup>1</sup>	1,370	6.8%	1,347	21.4%
<i>Comittal Proceedings</i>	na	na	12	0.0%
Breaches of orders <sup>2</sup>	199	-20.1%	209	-10.7%
Other applications	116	18.4%	88	6.0%
<b>CIVIL</b>				
<b>Civil Magistrates Court</b>				
Civil claims (inc. minor civil, residential tenancy) <sup>3</sup>	3,756	-2.1%	3,645	-9.6%
Family violence order applications	1,172	10.8%	1,073	16.4%
Restraint order applications	1,143	-8.6%	1,146	3.6%
<b>Children's Court</b>				
Care and protection applications and orders	848	15.3%	758	23.7%
<b>Coroners Court</b>				
Reportable deaths, fires and explosions	598	3.3%	605	4.0%
<b>Tribunals</b>				
Administrative Appeals <sup>3</sup>	36	-21.7%	39	30.0%
Mining Tribunal <sup>3</sup>	4	300.0%	1	0.0%
<b>TOTAL</b>	<b>34,248</b>		<b>33,315</b>	

<sup>1</sup> In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application of an order) which is set out separately under 'civil'. Full details are provided in Table 5.

<sup>2</sup> Breaches of orders include all breaches that are not categorised as criminal activity for national ABS and RoGS reporting purposes. Orders include bail, suspended sentence, probation, community service, and parole, among others. A breakdown of breaches by order type is provided in Table 10.

<sup>3</sup>The counting unit adopted for civil claims and tribunals is case based.

Source: CRIMESStats database; Civil Registry Management System (CRMS).

Table 2: 2017-18 Pending Caseload (at 30 June) and Backlog Indicator, by Selected Courts<sup>1</sup>

	Pending Caseload No.	% aged > 12 Months change year-on- year	% aged > 12 Months %	% aged > 12 Months change year- on-year
<b>CRIMINAL</b>				
<b>Magistrates Court</b>				
Criminal complaints	7,788	-2.1%	15.0	2.4 pp
<b>Youth Justice Court</b>				
Criminal complaints	413	-6.6%	7.0	1.6 pp
<b>CIVIL</b>				
<b>Civil Magistrates Court</b>				
Civil Claims, Family Violence Orders, and Restraint Orders	3,547	2.0%	10.7	-1.7 pp
<b>Children's Court</b>				
Care and Protection and Supervision Orders	66	11.9%	17	7 pp
<b>Coroners Court</b>				
Reportable deaths, fires and explosions	553	-1.8%	40.9	1.5 pp
<b>TOTAL</b>				

<sup>1</sup> This table summarises information provided in Tables 15 and 16. In accordance with the Report on Government Services (RoGS) statistical reporting manual, the pending caseload for civil claims, family violence and intervention orders, and care and protection orders counts only originating matters (e.g. application for an order) and not secondary processes (e.g. application to vary an order).

Source: CRIMESStats database; Civil Registry Management System (CRMS),

Table 3: Activity of the Magistrates Court (inc. Youth Justice) in 2017-18, by Listing Type

	No.	change year-on-year
Total Listings in The Magistrates Court of Tasmania <sup>1</sup>	159,811	6.7%
Common hearing types <sup>2</sup> :		
Mention Listings	26,199	8.2%
Application Listings	9,537	-5.2%
Hearing Listings	6,151	0.5%
Plea Listing	63,565	2.0%
Sentence Listing	34,141	16.5%
Court Mandated Diversion Reviews	3,487	31.1%
Contest Mention Listings	1,876	5.9%

<sup>1</sup> Total listings includes all criminal matters, family violence and child protection applications that appeared before the Magistrates Court, including the Youth Justice jurisdiction, within the relevant reference period. Listings for civil claims are not included.

<sup>2</sup> Some common listing types have been highlighted in the table above. It should be noted that a plea can be entered or sentences handed down at different stages of court listings, not limited to a sentence or plea listings.

Source: CRIMESStats database.

Table 4: Magistrates Court Fines and Fees (inc. Youth Justice Court)

	(\$'000)	change year-on-year
<b>CRIMINAL</b>		
Fines	4,862	15.4%
Court Costs	871	5.0%
Appeal Costs Find Levy	33	2.8%
Victims of Crime Compensation Levy	326	13.1%
Other Costs <sup>1</sup>	247	59.3%
<b>CIVIL</b>		
Civil Court Fees	593	17.6%

<sup>1</sup> 'Other costs' include special penalties, analysis fees, and other party costs.

Source: CRIMESStats database; Civil Registry Management System (CRMS), FinanceOne.

## 2. Court Statistics

Table 5: Summary Statistics by Court Level, 2013-14 to 2017-18.

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>CRIMINAL</b>						
CRIMINAL MAGISTRATES COURT						
<b>Lodgements</b>						
Criminal complaints <sup>1</sup>	15,640	17,024	17,664	18,061	18,187	0.7%
Breaches of orders <sup>2</sup>	3,307	3,728	4,247	4,466	4,847	8.5%
Applications to grant or vary bail <sup>3</sup>	390	355	455	436	458	5.0%
Applications for restricted driver licence <sup>4</sup>	481	604	596	588	532	-9.5%
Other applications <sup>5</sup>	984	894	970	906	982	8.4%
<b>Finalisations</b>						
Criminal complaints <sup>1</sup>	14,505	15,390	16,653	16,415	18,047	9.9%
<i>Committal Proceedings</i>	246	261	249	246	298	21.1%
Breaches of orders <sup>2</sup>	3,069	3,145	4,144	3,995	4,403	10.2%
Applications to grant or vary bail	321	288	352	298	297	-0.3%
Applications for restricted driver licence	466	551	577	567	526	-7.2%
Other applications	895	795	857	762	821	7.7%
YOUTH JUSTICE COURT						
<b>Lodgements</b>						
Criminal complaints <sup>1</sup>	1,305	1,230	1,109	1,283	1,370	6.8%
Breaches of orders <sup>2</sup>	574	237	221	249	199	-20.1%
Applications to grant or vary bail <sup>3</sup>	57	30	28	49	55	12.2%
Applications for restricted driver licence <sup>4</sup>	1	-	-	2	1	-50.0%
Other applications <sup>5</sup>	76	61	61	47	60	27.7%
<b>Finalisations</b>						
Criminal complaints <sup>1</sup>	1,321	1,217	1,150	1,110	1,347	21.4%
<i>Committal Proceedings</i>	6	8	5	12	12	0.0%
Breaches of orders <sup>2</sup>	598	311	217	234	209	-10.7%
Applications to grant or vary bail	49	22	21	26	38	46.2%
Applications for restricted driver licence	1	-	-	2	1	-50.0%
Other applications	50	58	37	55	49	-10.9%

**CIVIL****CIVIL MAGISTRATES COURT****Lodgements**

Civil claims <sup>6</sup>	5,085	4,434	4,083	3,838	3,756	-2.1%
Family violence order applications <sup>7</sup>	884	909	1,129	1,058	1,172	10.8%
Restraint order applications	1,133	1,223	1,135	1,250	1,143	-8.6%

**Finalisations**

Civil claims <sup>6</sup>	5,766	4,931	4,274	4,034	3,645	-9.6%
Family violence order applications	777	763	934	922	1,073	16.4%
Restraint order applications	1,098	1,092	1,045	1,106	1,146	3.6%

**CHILDREN'S COURT**

Care and protection applications lodged	690	659	763	735	848	15.3%
Care and protection applications finalised	606	656	657	613	758	23.7%

**CORONERS COURT**

Reportable deaths and fires lodged	581	542	568	579	598	3.3%
Reportable deaths and fires finalised	536	489	494	582	605	4.0%

**TRIBUNALS****Lodgements**

Administrative Appeals <sup>6</sup>	45	34	30	46	36	-21.7%
Mining Tribunal <sup>6</sup>	3	1	-	1	4	300.0%

**Finalisations**

Administrative Appeals <sup>6</sup>	38	45	30	30	39	30.0%
Mining Tribunal <sup>6</sup>	3	2	-	-	1	0.0%

<sup>1</sup> In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application of an order) which is set out separately under 'civil'.

<sup>2</sup> Breaches of orders include all breaches that are not categorised as criminal activity for national ABS and RoGS reporting purposes. Orders include bail, suspended sentence, probation, community service, and parole, among others. A breakdown of these breaches by order type is provided in Table 10.

<sup>3</sup> Reported in the 2016-17 annual report under the separate application type categories 'Filed Written Application for Bail' (Bail Act 1994, Section 23) and 'Filed Written Application to Vary Bail' (Bail Act 1994, Section 23).

<sup>4</sup> Formerly reported in the 2016-17 annual report under the application type category 'Restricted Driver License Application' (Vehicle and Traffic Act 1999, Section 18).

<sup>5</sup> Reported in the 2016-17 annual report under the separate application type categories of 'Application to have conviction set aside or penalty varied' (Monetary Penalties Enforcement Act 2005, Section 40), 'Preliminary proceedings order by Supreme Court' (Justice Act 1959, Section 61(2)), 'Application to set aside conviction and penalty' (Justices Rules 2003, Regulation 38), 'Drug treatment order review –vary conditions' (Sentencing Act 1997, Section 27J), 'Other applications under Sentencing Act' (Sentencing Act 1997), 'Other applications under Youth Justice Act' (Youth Justice Act 1997), and 'Other miscellaneous applications'.

<sup>6</sup> The counting unit adopted for civil claims and tribunals is case based.

<sup>7</sup> Family violence order application lodgements do not include the sub-category 'Other applications regarding family violence order', a new category in 2017-18, in order to maintain consistency with past Annual Reports.

Source: CRIMESStats database; Civil Registry Management System (CRMS).

Table 6: Family and Domestic Violence Summary Statistics, 2013-14 to 2017-18

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>FAMILY VIOLENCE ORDERS (FVOs)</b>						
<b>Application to grant a FVO</b>						
Lodgements	565	532	669	583	648	11.1%
Finalisations	489	449	587	526	627	19.2%
<b>Applications to extend or vary a FVO<sup>1</sup></b>						
Lodgements	112	163	208	242	277	14.5%
Finalisations	108	143	157	205	227	10.7%
<b>Applications to extend or vary a Police FVO<sup>2</sup></b>						
Lodgements	101	125	131	128	151	18.0%
Finalisations	88	97	91	93	117	25.8%
<b>Applications to revoke a FVO</b>						
Lodgements	31	22	42	37	24	-35.1%
Finalisations	29	15	38	28	29	3.6%
<b>Applications to revoke a Police FVO</b>						
Lodgements	58	46	49	41	49	19.5%
Finalisations	50	39	37	45	53	17.8%
<b>Applications to register an Interstate FVO</b>						
Lodgements	17	21	30	27	19	-29.6%
Finalisations	10	19	24	23	19	-17.4%
<b>Other applications regarding FVOs<sup>3</sup></b>						
Lodgements	3	1	1	2	4	100.0%
Finalisations	3	1	0	2	1	-50.0%
<b>Breach of FVOs and Police FVOs<sup>4</sup></b>						
Lodgements	492	552	738	760	803	5.7%
Finalisations	438	506	622	689	748	8.6%

<sup>1</sup> Reported in the 2016-17 annual report under the separate application type categories of 'to extend a Family Violence Order' and 'to vary a family violence order'. From 2017-18, this category also includes applications to vary an Interstate Domestic Violence Order (Domestic Violence Orders (National Recognition) Act 2016, Section 25).

<sup>2</sup> Reported in the 2016-17 annual report under the separate application type categories of 'to extend a Police Family Violence Order' and 'to vary a Police Family Violence Order' under the Family Violence Act 2004.

<sup>3</sup> This is a new application category in 2017-18 that reports applications for restriction of publication (Family Violence Act 2004, Section 32(1)) and other family and domestic violence applications not further classified.

<sup>4</sup> 'Breaches' refer to charges under the Family Violence Act 2004, Section 35 (1).

Source: CRIMESStats database

Table 7: Child Care and Protection Summary Statistics, 2013-14 to 2017-18

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>CARE AND PROTECTION ORDERS (CPOs)</b>						
<b>Applications for an CPO assessment<sup>1</sup></b>						
Lodgements	158	151	180	170	201	18.2%
Finalisations	121	129	143	131	178	35.9%
<b>Applications to grant a CPO<sup>2</sup></b>						
Lodgements	277	292	331	288	311	8.0%
Finalisations	254	326	296	243	304	25.1%
<b>Applications to extend or vary a CPO<sup>3</sup></b>						
Lodgements	174	128	170	187	197	5.3%
Finalisations	155	126	143	163	180	10.4%
<b>Applications to revoke a CPO<sup>4</sup></b>						
Lodgements	19	19	13	5	18	260.0%
Finalisations	21	18	11	5	16	220.0%
<b>Other applications regarding CPOs<sup>5</sup></b>						
Lodgements	64	69	69	83	121	45.8%
Finalisations	55	57	64	71	80	12.7%

<sup>1</sup> Reported in the 2016-17 annual report under the separate application type categories of 'Application for Assessment Order', 'Application for a further Assessment Order s22(5)' and 'Application for a further Assessment Order s22(5)(b)', under the Children, Young Persons and Their Families Act 1997.

<sup>2</sup> Reported in the 2016-17 annual report under the separate application type categories of 'Application for a Care and Protection Order (12 months) s42', 'Care & Protection Order granting custody of a child to the Secretary s42(4)(b)', 'Application for Care and Protection (Guardianship Order) s42(4)(c)' and 'Application for Care and Protection Order (until attains 18 years) s42(4)(d)' under the Children, Young Persons and Their Families Act 1997.

<sup>3</sup> Reported in the 2016-17 annual report under the separate application type categories of 'Application for extension of care and protection order s44(1)' and 'Applications for variation of a Care and Protection Order' under the Children, Young Persons and Their Families Act 1997.

<sup>4</sup> Reported in the 2016-17 annual report under the separate application type category of 'Application for revocation of a Care and Protection Order' under the Children, Young Persons and Their Families Act 1997.

<sup>5</sup> Reported in the 2016-17 annual report under the separate application type categories of 'Application for Warrant to Take Child to Place of Safety' and 'Other applications under Children, Young Persons and Their Families Act 1997'.

Source: CRIMESStats database

Table 8: Restraint Order Summary Statistics, 2013-14 to 2017-18

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>RESTRAINT ORDERS (ROS)</b>						
<b>Application to grant a RO</b>						
Lodgements	1,049	1,128	1,063	1,169	1,064	-9.0%
Finalisations	1,014	1,015	980	1,042	1,065	2.2%
<b>Applications to extend or vary a RO<sup>1</sup></b>						
Lodgements	51	53	47	47	54	14.9%
Finalisations	52	49	42	40	51	27.5%
<b>Applications to revoke a RO</b>						
Lodgements	25	24	26	32	22	-31.3%
Finalisations	30	25	22	23	26	13.0%
<b>Other applications regarding a RO<sup>2</sup></b>						
Lodgements	3	2	1	2	3	50.0%
Finalisations	2	3	1	1	4	300.0%
<b>Breach of an RO or Interim RO<sup>3</sup></b>						
Lodgements	99	88	101	119	100	-16.0%
Finalisations	87	90	96	94	104	10.6%

<sup>1</sup> Reported in the 2016-17 annual report under the separate application type categories of 'Application to extend Restraint Order' (Justices Act 1959, Section 106G), and 'Application to vary Restraint Order' (Justices Act 1959, Section 106G).

<sup>2</sup> This is a new application category in 2017-18 that reports applications for registration of interstate restraint orders (Justices Act 1959, Section 106GB(1)(a)), and other applications not further classified.

<sup>3</sup> 'Breaches' refer to charges under the Justices Act 1959, Section 106I (1).

Source: CRIMESStats database

Table 9: Criminal Matters, by Court Level and Selected Offence Types, 2013-14 to 2017-18

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017- 18
<b>MAGISTRATES COURT (ADULT)</b>						
<b>Crimes against the person</b>						
Lodgements	2,656	2,676	2,818	2,946	3,240	10.0%
Finalisation	2,439	2,423	2,643	2,621	3,032	15.7%
<b>Property and deception offences</b>						
Lodgements	2,128	2,311	2,314	2,463	2,611	6.0%
Finalisation	2,126	2,090	2,385	2,204	2,620	18.9%
<b>Drug offences</b>						
Lodgements	885	1,035	1,005	1,182	1,265	7.0%
Finalisation	778	874	1,020	940	1,192	26.8%
<b>Public order and security offences</b>						
Lodgements	1,584	1,500	1,577	1,561	1,628	4.3%
Finalisation	1,554	1,475	1,517	1,476	1,588	7.6%
<b>Traffic and other offences</b>						
Lodgements	6,918	8,062	8,253	8,041	7,616	-5.3%
Finalisation	6,504	7,478	7,903	7,752	8,072	4.1%
<b>Justice procedure offences</b>						
Lodgements	1,309	1,291	1,576	1,717	1,656	-3.6%
Finalisation	1,228	1,216	1,401	1,582	1,690	6.8%
<b>Other offences</b>						
Lodgements	156	148	126	152	171	12.5%
Finalisation	145	125	123	126	157	24.6%
<b>YOUTH JUSTICE</b>						
<b>Crimes against the person</b>						
Lodgements	302	275	270	301	362	20.3%
Finalisation	292	278	256	268	339	26.5%
<b>Property and deception offences</b>						
Lodgements	520	467	408	528	572	8.3%
Finalisation	556	458	442	449	577	28.5%
<b>Drug offences</b>						
Lodgements	28	31	43	51	54	5.9%
Finalisation	27	28	42	39	54	38.5%
<b>Public order and security offences</b>						
Lodgements	171	202	160	165	215	30.3%
Finalisation	171	190	171	147	206	40.1%
<b>Traffic and other offences</b>						
Lodgements	211	201	175	159	112	-29.6%
Finalisation	212	206	191	160	124	-22.5%

Justice procedure offences						
	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
Lodgements	64	46	45	67	48	-28.4%
Finalisation	60	59	51	53	55	3.8%
Other offences						
Lodgements	7	9	7	12	7	-41.7%
Finalisation	62	44	53	20	78	290.0%

Source: CRIMESStats database

Table 10: Breaches of Orders and/or Order Conditions, 2013-14 to 2017-18

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>MAGISTRATES COURT (ADULT)</b>						
Breach of bail						
Lodgements	2,474	2,885	3,263	3,496	3,849	10.1%
Finalisations	2,263	2,409	3,247	3,078	3,533	14.8%
Breach of suspended sentence						
Lodgements	454	447	593	610	624	2.3%
Finalisations	456	401	535	550	552	0.4%
Breach of supervision order <sup>1</sup>						
Lodgements	77	50	47	72	43	-40.3%
Finalisations	84	76	43	78	44	-43.6%
Breach of community service order						
Lodgements	155	183	195	124	140	12.9%
Finalisations	137	133	186	161	133	-17.4%
Other breaches						
Lodgements	147	163	149	164	191	16.5%
Finalisations	129	126	133	128	141	10.2%
<b>YOUTH JUSTICE COURT</b>						
Breach of bail						
Lodgements	477	169	120	149	135	-9.4%
Finalisations	512	249	122	135	144	6.7%
Breach of suspended sentence						
Lodgements	51	30	39	30	22	-26.7%
Finalisations	49	29	43	27	23	-14.8%
Breach of supervision order <sup>1</sup>						
Lodgements	24	18	14	18	17	-5.6%
Finalisations	13	19	14	17	16	-5.9%
Breach of community service order						
Lodgements	15	11	23	13	12	-7.7%
Finalisations	12	11	18	17	12	-29.4%
Other breaches						
Lodgements	7	10	25	39	13	-66.7%
Finalisations	12	3	20	38	14	-63.2%

<sup>1</sup> 'Supervision orders' include probation and parole orders.

Source: CRIMESStats database

## Coronial Division

Table 11: Coronial – Summary of coronial activity 2013-4 to 2017-2018

	2013-14	2014-15	2015-16	2016-17	2017-18
<b>Deaths reported to the Coroner</b>					
Lodgements	581	542	568	579	598
Deaths in Custody or Care	6	8	8	4	2
Fires/Explosions	0	0	0	0	0
<b>Number of inquests held</b>					
	5	10	11	22	19
<b>Number of cases closed</b>					
	536	489	494	582	605

Table 12: Coronial – Inquests & Investigations Completed 2013 – 2017

	2013-14	2014-15	2015-16	2016-17	2017-18
<b>Inquests and Investigations Completed</b>					
Aircraft	1	1	0	0	3
Death in Custody/Care	7	4	3	6 <sup>1</sup>	2
Domestic Accident	3	3	4	0	7
Drowning	8	13	13	9	6
Drug Overdose	18	29	23	25	22
Fall	40	31	32	33	42
Homicide	4	2	8	7	6
Hospital	15	17	25	34	19
House Fire	1	0	2	1	2
Marine Fatality	1	2	0	0	0
Industrial Accident	3	2	1	0	4
Natural	317	242	251	343	320
Other	19	16	11	12	19
SIDS/SUDI	2	4	2	2	2
Suicide	68	71	67	73 <sup>2</sup>	87
Undetermined Causes	6	17	11	10	29
Vehicle Crash	23	34	41	29	35
<b>TOTAL</b>	<b>536</b>	<b>488</b>	<b>494</b>	<b>582</b>	<b>605</b>

<sup>1</sup>Two deaths in custody/care were suicides and are repeated in the suicide category

<sup>2</sup>Two suicides are also reported in the deaths in custody/care category

Table 13: Coronial – Motor Vehicle Fatalities – Inquests & Investigations Completed – 2013-14 to 2017-2018

	2013-14	2014-15	2015-16	2016-17	2017-18
<b>Motor Vehicle Fatalities Completed</b>					
Driver	11	10	22	20	9
Bystander / Pedestrian	6	1	6	2	3
Passenger	2	8	10	3	6
Bicycle	1	3	0	0	1
Motorcycle	3	12	3	4	16
Motorised Wheel chair	0	0	0	0	0
<b>TOTAL</b>	<b>23</b>	<b>34</b>	<b>41</b>	<b>29</b>	<b>35</b>

Table 14: Coronial – Self-Inflicted Deaths - Closed – by method – 2013-14 to 2017-2018

	2013-14	2014-15	2015-16	2016-17	2017-18
<b>Self-Inflicted Deaths Closed</b>					
Hanging	25	32	32	25	44
Carbon Monoxide	6	7	5	7	6
Drug Overdose	12	11	6	13	19
Burns	1	0	2	2	0
Gunshot	8	8	8	11	8
Drowning	4	2	2	7	7
Jumping	2	4	4	2	3
Other	6	7	8	5	0
<b>TOTAL</b>	<b>64</b>	<b>71</b>	<b>67</b>	<b>72</b>	<b>87</b>

## 3. Performance Indicators

A national framework of performance indicators adopted by the Court support the aims of the Court. Key measures used to assess the performance of the Magistrates Court are:

*Backlog Indicator - a measure of effectiveness in relation to timeliness and delay*

*Clearance Rate - an efficiency measure of the inputs per output unit*

*Attendance Indicator - an effectiveness measure of timeliness and delay.*

These measures should be treated as indicative rather than definitive as the Court does not have total control over the process for adjudicating criminal matters, resolving civil disputes and investigating coronial matters, and consequently other parties may introduce and contribute to delays.

### Backlog Indicator

This indicator is a measure of case processing timeliness. This measure has been developed on a national basis as a means of determining the performance of a court.

In the criminal jurisdiction, those defendants who have bench warrants associated with them have been excluded from the count, and in the civil jurisdiction those lodgements that have not been acted upon in the last 12 months have been excluded. The aim has been to focus on those matters that are part of an 'active pending' population.

Similarly, the indicator recognises that case processing must take some time and that such time does not necessarily equal delay. Timeliness can be affected by delays caused by factors other than those related to the workload of the Court (for example, a witness, a party, or counsel not being available or ready to proceed).

The backlog indicator measures the Court's pending caseload against timeliness standards and the Court's performance is set out in Tables 15 and 16.

Table 15: Criminal Pending Caseload (at 30 June) and Backlog Indicator, 2013-14 to 2017-18<sup>1</sup>

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>MAGISTRATES COURT</b>						
Total lodged pending completion	5,938	7,312	7,426	7,952	7,788	-2.10%
Between 6 and 12 months	897	1,353	1,294	1,748	1,650	-5.6%
Greater than 12 months	698	1,007	967	1,000	1,166	16.6%
Backlog indicator						
% greater than 6 months	26.9	32.3	30.4	34.6	36.2	1.6 pp
% greater than 12 months	11.8	13.8	13.0	12.6	15.0	2.4 pp
<b>YOUTH JUSTICE COURT</b>						
Total lodged pending completion	412	438	354	442	413	-6.6%
Between 6 and 12 months	48	69	39	48	55	14.6%
Greater than 12 months	43	53	47	24	29	20.8%
Backlog indicator						
% greater than 6 months	22.1	27.9	24.3	16.3	20.3	4.0 pp
% greater than 12 months	10.4	12.1	13.3	5.4	7.0	1.6 pp

<sup>1</sup> pp refers to percentage points

<sup>1</sup> In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application of an order) which is set out separately under 'civil' in Table 16.

Source: CRIMESStats database

Table 16: Civil Pending Caseload (at 30 June) and Backlog Indicator, 2013-14 to 2017-18<sup>1</sup>

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>CIVIL MAGISTRATES COURT</b>						
Total lodged pending completion	4,203	3,729	3,557	3,477	3,547	2.0%
Between 6 and 12 months	1,331	1,177	1,014 <sup>2</sup>	994	1,072	7.8%
Greater than 12 months	472	460	409	431	378	-12.3%
Backlog indicator						
% greater than 6 months	42.9	43.9	40.0	41.0	40.9	-0.1 pp
% greater than 12 months	11.2	12.3	11.5	12.4	10.7	-1.7 pp
<b>CHILDREN'S COURT</b>						
Total lodged pending completion	86	45	58	59	66	11.9%
Between 6 and 12 months	8	3	5	6	13	116.7%
Greater than 12 months	3	4	3	6	11	83.3%
Backlog indicator						
% greater than 6 months	12.8	15.6	13.8	20.3	36.4	16.1 pp
% greater than 12 months	3.5	8.9	5.2	10.2	16.7	6.5 pp
<b>CORONERS COURT</b>						
Total lodged pending completion	479	518	555	569	553	-1.8%
Between 12 and 24 months	112	107	132	132	145	9.8%
Greater than 24 months	62	65	45	92	81	-12.0%
Backlog indicator						
% greater than 12 months	36.3	33.2	31.9	39.4	40.9	1.5 pp
% greater than 24 months	12.9	12.5	8.1	16.3	14.6	-1.7 pp

pp refers to percentage points

<sup>1</sup> In accordance with the Report on Government Services (RoGS) statistics, the pending caseload for civil claims, family violence and intervention orders, and care and protection orders counts only originating matters (e.g. application for an order) and not secondary processes (e.g. application to vary an order).

<sup>2</sup> In 2015-16 and 2016-17, this figure was incorrectly published as 1,104

Source: CRIMESStats database, Civil Registry Management System (CRMS).

## Clearance Rate

The clearance rate is an indicator of efficiency in processing the inflow of cases through the Court and has been agreed nationally as a measure of whether a court is keeping up with its workload. The Court's performance against this measure is set out in Table 19.

The clearance rate is the number of finalisations in the reporting period divided by the number of lodgements in the same period (multiplied by 100 to convert to a percentage). The following should assist in understanding the clearance rate:

- A figure of 100 per cent indicates that, during the reporting period, the Court finalised as many cases as were lodged
- A figure greater than 100 per cent means that the pending caseload of the Court is decreasing
- A figure less than 100 per cent means that the pending caseload of the Court is increasing

It should be noted that the clearance rate can be affected by external factors, such as the readiness of parties, changes in legislation, and the Court's case management practices.

Table 17: Criminal Disposals by Court Level, 2013-14 to 2017-18<sup>1</sup>

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>MAGISTRATES COURT</b>						
Total finalised cases	14,505	15,390	16,653	16,415	18,047	9.9%
Cases finalised in 6 to 12 months	2,702	3,196	3,926	4,197	4,566	8.8%
Cases finalised after 12 months	1,843	2,394	2,592	2,495	3,632	45.6%
<b>Disposal Indicator</b>						
% greater than 6 months	31.3	36.3	39.1	40.8	45.4	4.6 pp
% greater than 12 months	12.7	15.6	15.6	15.2	20.1	4.9 pp
<b>YOUTH JUSTICE COURT</b>						
Total finalised cases	1,321	1,217	1,150	1,110	1,347	21.4%
Cases finalised in 6 to 12 months	314	224	229	202	300	48.5%
Cases finalised after 12 months	147	155	141	94	130	38.3%
<b>Disposal Indicator</b>						
% greater than 6 months	34.9	31.1	32.2	26.7	31.9	5.2 pp
% greater than 12 months	11.1	12.7	12.3	8.5	9.7	1.2 pp

pp refers to percentage points

<sup>1</sup> In accordance with the Report on Government Services (RoGS) statistics manual, the counting unit adopted for criminal complaints is a defendant per case based unit. This figure includes family violence and intervention order criminal activity (such as the breach of a family violence or intervention order) and not the civil activity (the application of an order) which is set out separately under 'civil' in Table 18.

Source: CRIMESStats database

Table 18: Civil Disposals by Court Level, 2013-14 to 2017-18<sup>1,2</sup>

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>MAGISTRATES COURT</b>						
Total finalised cases	na	na	na	6,143	5,760	-6.2%
Cases finalised in 6 to 12 months	na	na	na	2,071	1,960	-5.4%
Cases finalised after 12 months	na	na	na	798	752	-5.8%
Disposal Indicator						
% greater than 6 months	na	na	na	46.7	47.1	0.4 pp
% greater than 12 months	na	na	na	13	13.1	0.1 pp
<b>CHILDREN'S COURT</b>						
Total finalised cases	na	na	na	327	406	24.2%
Cases finalised in 6 to 12 months	na	na	na	39	34	-12.8%
Cases finalised after 12 months	na	na	na	11	18	63.6%
Disposal Indicator						
% greater than 6 months	na	na	na	15.3	12.8	-2.5 pp
% greater than 12 months	na	na	na	3.4	4.4	1.0 pp
<b>CORONERS COURT</b>						
Total finalised cases	na	na	na	582	605	4.0%
Cases finalised in 6 to 12 months	na	na	na	245	196	-20.0%
Cases finalised after 12 months	na	na	na	102	138	35.3%
Disposal Indicator						
% greater than 6 months	na	na	na	59.6	55.2	-4.4 pp
% greater than 12 months	na	na	na	17.5	22.8	5.3 pp

pp refers to percentage points

<sup>1</sup>This indicator has been published in the Report on Government Services (RoGS) for civil matters from the 2016-17 financial year onwards. The above recorded pre-2016-17 data has been generated using the methods prescribed for RoGS.

<sup>2</sup>In accordance with the Report on Government Services (RoGS) statistics manual, the Civil Magistrates Court and Children's Court pending caseload for civil claims, family violence and intervention orders, and care and protection orders counts only originating matters (e.g. application for an order) and not secondary processes (e.g. application to vary an order).

Source: CRIMESStats database, Civil Registry Management System (CRMS).

Table 19: Criminal and Civil Clearance Rates, by Court

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>CRIMINAL</b>						
Magistrates Court	94.3	91.9	95.7	92.2	100.9	8.7 pp
Youth Justice Court	101.2	98.9	103.7	86.5	98.3	11.8 pp
<b>CIVIL</b>						
Civil Magistrates Court	108.9	106.8	104.0	104.5	99.2	-5.3 pp
Children's Court	97.5	121.2	100.9	107.6	116.3	8.7 pp
Coroner's Court	92.3	90.2	87.0	100.5	101.2	0.7 pp

pp refers to percentage points

Source: CRIMESStats database, Civil Registry Management System (CRMS).

## Attendance index

The Attendance index is based upon the number of court attendances required to resolve a matter and has been identified nationally as an appropriate effectiveness measure. Table 20 shows the Court's performance against this measure.

The number of attendances is the number of times that parties or their representatives were required to be present in court to be heard by a judicial officer or mediator/arbitrator (including appointments which were adjourned or rescheduled).

This year's Report presents the total number of finalisations during the year and the number of attendances associated with these matters (no matter when the attendance occurred). This approach simply represents an average number of attendances per finalisation. In the context of the attendance indicator, it is important to note that Alternative Dispute Resolution (ADR) can resolve matters out of court and reduce court attendances.

Table 20: Criminal and Civil Attendance Indicator, by Court

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>CRIMINAL</b>						
Magistrates Court	4.0	4.0	4.3	4.2	4.4	0.2 pp
Youth Justice Court	5.7	5.8	5.2	4.9	5.5	0.6 pp
<b>CIVIL</b>						
Civil Magistrates Court	1.0	1.1	1.2	1.2	1.3	0.1 pp
Children's Court	5.9	5.4	5.0	4.8	4.6	-0.2 pp
Coroner's Court	1.0	1.0	1.4	3.1	3.1	0.0 pp

pp refers to percentage points

Source: CRIMESStats database, Civil Registry Management System (CRMS).

## Court Finances

The Magistrates Court contributes to the Department of Justice output entitled 'Administration of Justice'. The Court orders the payment of fees and fines, which are set out in Table 21. The Court's expenditure is set out in Table 22.

The totals in Table 22 include expenditure from the Consolidated Revenue Fund and Reserve By Law.

Table 21: Magistrates Court Fines and Fees (inc. Youth Justice Court), 2013-14 to 2017-18 (\$'000)

	2013-14	2014-15	2015-16	2016-17	2017-18	change 2016-17 to 2017-18
<b>CRIMINAL</b>						
Fines	3,052	3,312	3,919	4,211	4,862	15.4%
Court Costs	664	710	814	829	871	5.0%
Appeal Costs Fund Levy	25	28	31	32	33	2.8%
Victims of Crime Compensation Levy	251	263	312	288	326	13.1%
Other Costs <sup>1</sup>	272	250	272	155	247	59.3%
<b>CIVIL</b>						
Civil Court Fees	574	649	608	592	593	17.6%

<sup>1</sup>'Other costs' includes special penalties, analysis fees, and other party costs.

Source: CRIMESStats database, Civil Registry Management System (CRMS), FinanceOne

Table 22: Expenditure by outlay - Magistrates Court Services

	2013-14	2014-15	2015-16	2016-17	2017-18
	Actual \$,000	Actual \$,000	Actual \$,000	Actual \$,000	Actual \$,000
<b>Expenditure</b>					
Salaries of magistrates and staff	8,585	8,589	8,664	8,721	9,302
Other Employee Related Expenses	182	225	274	278	353
Information Technology	250	280	290	309	349
Materials Supplies & Equipment	102	105	121	103	119
Travel and Transport	291	268	273	303	311
Property Expenses	1,567	1,565	1,639	1,600	1,903
Other Expenditure	762	374	510	731	1,377
Consultants	4	8	21	1	5
<b>TOTAL</b>	<b>11,743</b>	<b>11,414</b>	<b>11,792</b>	<b>12,046</b>	<b>13,719</b>