

**2018**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**JUSTICE AND COMMUNITY SAFETY DIRECTORATE**

**Dec-17  
HALF YEARLY PERFORMANCE REPORT  
TO THE ACT LEGISLATIVE ASSEMBLY**

**PURSUANT TO SECTION 30E OF  
THE *FINANCIAL MANAGEMENT ACT 1996***

**PRESENTED BY  
Gordon Ramsay MLA  
Attorney-General**

**February 2018**



**ACT**  
Government

Justice and Community Safety

Justice and Community Safety Directorate

Statement of Performance

Half-Yearly Report to 31 December 2017

Justice and Community Safety Directorate  
Statement of Performance  
For YTD Ended 31 December 2017

## Output Class 1 Justice Services

### Output 1.1 Policy Advice and Justice Programs

**Description** High quality policy, legislation, ministerial support and advice to portfolio Ministers, Cabinet and other agencies on justice, safer families and community safety matters. Administer security coordination and emergency management policy, and innovative justice and crime prevention programs (including the Restorative Justice Program and family violence initiatives) across government and the community.

	2017-18 Original Target	YTD Target 31 Dec 17	YTD Actual 31 Dec 17	YTD Variance %	Note
Total Cost (\$'000)	23,665	12,633	9,469	(25%)	1
Controlled Recurrent Payments (\$'000)	21,965	11,917	9,644	(19%)	1

#### Accountability Indicators

a Percentage of legislation requested by the JACS portfolio ministers is developed within timeframes agreed by the JACS portfolio ministers	92%	92%	100%	9%	
b Proportion of surveyed users of restorative justice programs satisfied with service received <sup>a</sup>	97%	97%	98%	1%	
c Number of initiatives that reduce regulatory burden <sup>b</sup>	2	2	2	0%	
d Family Violence Statement presented to the ACT Legislative Assembly <sup>c</sup>	1	0	0	n/a	2

The above Accountability Indicators should be read in conjunction with the accompanying notes.

#### Notes

- a Following a restorative justice conference, surveys designed to monitor convenors' delivery of the process and participant experience for quality assurance and service improvement, are provided to each offender, victim and support person. Nine key questions are included in the surveys. These questions capture feedback on different aspects of the restorative justice process to provide an insight into the level of participant satisfaction. 119 out of 145 participants responded to the survey in Year To Date (YTD) Dec 2017.
- b Relevant initiatives include changes or innovations, made as part of legislative reforms or policy or program design or modification, and which have been identified as reducing regulatory burden.
- c This indicator outlines the Government's progress and achievements in addressing family and domestic violence and will be discontinued in the second half of 2017-18 due to the transfer of the function of the Co-ordinator-General for Family Safety from the Justice and Community Safety Directorate to the Community Services Directorate following Administrative Arrangement changes from 1 July 2017.

#### Explanation of Material Variances ( $\geq 10\%$ )

- 1 The YTD Actual is lower than target primarily due to delays in the Commonwealth finalising the National Partnership Agreement for Natural Disaster Resilience; transfer of the Office of Coordinator General Family Safety functions to Community Services Directorate and the transfer of the management and responsibility of the Greyhound Racing Grant Provision to the Chief Minister Treasury and Economic Development Directorate.
- 2 This is an annual statement which will be presented in the 4th quarter of the financial year.

Justice and Community Safety Directorate  
Statement of Performance  
For YTD Ended 31 December 2017

Output Class 1 Justice Services

Output 1.2 Legal Services to Government

**Description** High quality and timely legal advice and representation for the Attorney General and Government.

	2017-18 Original Target	YTD Target 31 Dec 17	YTD Actual 31 Dec 17	YTD Variance %	Note
Total Cost (\$'000)	13,962	6,864	8,991	31%	1
Controlled Recurrent Payments (\$'000)	8,968	4,554	4,558	0%	
<b>Accountability Indicators</b>					
a Timely legal services provided by the ACT Government Solicitor: percentage of advices completed within 28 days	85%	85%	84%	(1%)	
b Timely legal services provided by the ACT Government Solicitor: percentage of urgent court and contentious matters undertaken and completed within courts, tribunal or any applicable statutory timetable	95%	95%	100%	5%	
c Timely legal services provided by the ACT Government Solicitor: percentage of routine court and contentious matters undertaken and completed within courts, tribunal or any applicable statutory timetable	95%	95%	95%	0%	
d High quality legal services provided by the ACT Government Solicitor: percentage of client survey respondents satisfied with quality of advice and representation <sup>a</sup>	95%	95%	95%	0%	

The above Accountability Indicators should be read in conjunction with the accompanying notes.

**Notes**

- a The client survey was conducted online using Survey Monkey. In the first six months of 2017-18 there were a total of 97 responses to the survey question in relation to the satisfaction with the quality of legal services. The responses are calculated using the results of the Survey Monkey tool. The calculation is based on the number of 'excellent' and 'satisfactory' responses as a % of total responses received.

**Explanation of Material Variances ( $\geq$  +/-10%)**

- 1 YTD total cost is higher than target primarily due to the engagement of additional staff to undertake work on a fee for service basis for client agencies mainly offset by increase in own source revenue.

Justice and Community Safety Directorate  
Statement of Performance  
For YTD Ended 31 December 2017

Output Class 1 Justice Services

Output 1.3 Legislative Drafting and Publishing Services

**Description** Provision of high quality and timely legislative drafting and publishing services for ACT legislation and maintenance of the ACT legislation register.

	2017-18 Original Target	YTD Target 31 Dec 17	YTD Actual 31 Dec 17	YTD Variance %	Note
Total Cost (\$'000)	5,206	2,445	2,307	(6%)	
Controlled Recurrent Payments (\$'000)	4,348	2,172	2,174	0%	
<b>Accountability Indicators</b>					
a High level of client satisfaction for legislative drafting and publishing services by the Parliamentary Counsel's Office: percentage of satisfied client survey respondents <sup>a</sup>	90%	0%	0%	n/a	1
b Timely legislative drafting and publishing services by the Parliamentary Counsel's Office:					
– Percentage of drafting responses provided within 30 day standard	95%	95%	100%	5%	
– Percentage of notifications notified on ACT Legislation Register on requested notification day	99%	99%	100%	1%	
– Percentage of republications of changed legislation published on ACT legislation register on day the change happens	99%	99%	100%	1%	

The above Accountability Indicators should be read in conjunction with the accompanying notes.

**Notes**

a Parliamentary Counsel Office (PCO) annually conducts 3 client surveys over a two week period: the ACT Legislation Register Survey, the Legislative Drafting Service Survey and the ACT Legislation Register Notifications Service Survey. Satisfied client survey respondents means respondents who indicated an overall level of satisfaction of 'good' or 'excellent'.

**Explanation of Material Variances ( $\geq$  +/-10%)**

1 This is an annual survey. The client satisfaction survey will be conducted in the 4th quarter of the financial year.

Justice and Community Safety Directorate  
Statement of Performance  
For YTD Ended 31 December 2017

Output Class 1 Justice Services

Output 1.4 Public Prosecutions

**Description** Prosecution of summary and indictable matters, at first instance and on appeal, provision of assistance to the Coroner, and provision of witness assistance services.

	2017-18 Original Target	YTD Target 31 Dec 17	YTD Actual 31 Dec 17	YTD Variance %	Note
Total Cost (\$'000)	14,056	6,843	7,184	5%	
Controlled Recurrent Payments (\$'000)	13,240	6,634	6,638	0%	
<b>Accountability Indicators</b>					
a Percentage of cases where court timetable is met in accordance with Courts' rules	80%	80%	82%	2%	
b Average cost per matter finalised	\$2,800	\$2,800	\$2,744	(2%)	

The above Accountability Indicators should be read in conjunction with the accompanying notes.

Justice and Community Safety Directorate  
Statement of Performance  
For YTD Ended 31 December 2017

## Output Class 3 Courts and Tribunal

### Output 3.1 Courts and Tribunal

**Description** High quality support to judicial officers and tribunal members in the ACT Law Courts and Tribunal and high quality services to the public using the courts and the tribunal.

	2017-18 Original Target	YTD Target 31 Dec 17	YTD Actual 31 Dec 17	YTD Variance %	Note
Total Cost (\$'000)	54,036	21,260	22,601	6%	
Controlled Recurrent Payments (\$'000)	39,221	13,543	13,553	0%	
<b>Accountability Indicators</b>					
<b>Courts</b>					
a Number of judicial officers per 100 finalisations <sup>a</sup>	0.14	0.14	0.11	(21%)	1
b Real average civil court fees collected per lodgement - ACT Supreme Court	\$2,900	\$2,900	\$2,923	1%	
c Real average civil court fees collected per lodgement - ACT Magistrates Court	\$205	\$205	\$184	(10%)	2
d Cost per finalised criminal case <sup>c</sup> :					
- Supreme Court	\$23,000	\$23,000	\$17,771	(23%)	3
- Magistrates Court	\$2,000	\$2,000	\$1,005	(50%)	4
e Cost per finalised civil case:					
- Supreme Court	\$12,500	\$12,500	\$11,738	(6%)	
- Magistrates Court	\$3,500	\$3,500	\$2,548	(27%)	5
f Supreme Court Criminal Case Backlog Indicator – Percentage of pending criminal cases for more than:					
– 12 months	10%	10%	9%	(10%)	6
– 24 months	0%	0%	4%	4%	
g Magistrates Court Criminal Case Backlog Indicator – Percentage of pending criminal cases for more than 12 months	5%	5%	11%	120%	7
h Supreme Court Civil Case Backlog Indicator – Percentage of pending civil cases for more than:					
– 12 months	10%	10%	19%	90%	8
– 24 months	5%	5%	10%	100%	9
i Magistrates Court Civil Case Backlog Indicator – Percentage of pending civil cases for more than 12 months	10%	10%	10%	0%	
j Coroners Court Case Backlog Indicator – Percentage of pending cases for more than 12 months	35%	35%	42%	20%	10
k Criminal Case Clearance Indicator - Percentage of Supreme Court finalisations, divided by the number of lodgements	100%	100%	108%	8%	
l Criminal Case Clearance Indicator - Percentage of Magistrates Court finalisations, divided by the number of lodgements	100%	100%	170%	70%	11
m Civil Case Clearance Indicator - Percentage of Supreme Court finalisations, divided by the number of lodgements	100%	100%	95%	(5%)	
n Civil Case Clearance Indicator - Percentage of Magistrates Court finalisations, divided by the number of lodgements <sup>d</sup>	100%	100%	103%	3%	

Justice and Community Safety Directorate  
Statement of Performance  
For YTD Ended 31 December 2017

Output Class 3 Courts and Tribunal

Output 3.1 Courts and Tribunal - Continued

	2017-18 Original Target	YTD Target 31 Dec 17	YTD Actual 31 Dec 17	YTD Variance %	Note
<b>Tribunal</b>					
o	Number of presidential members per 100 finalisations	0.12	0.12	0.13	8%
p	Real average fees collected per lodgement - ACAT <sup>b</sup>	\$160	\$160	\$159	(1%)
q	Total number and relative percentage of pending cases in the ACAT for more than 12 months	5%	5%	7%	40% 12
r	Clearance Indicator - Percentage of ACAT finalisations, divided by the number of lodgements	100%	100%	88%	(12%) 13

The above Accountability Indicators should be read in conjunction with the accompanying notes.

**Note**

- a 2017-18 judicial resources do not include visiting judges nor judicial officers on long service leave.
- b ACAT - ACT Civil and Administrative Tribunal
- c For the purpose of this report a 'case' is defined as per the counting rules detailed in the Report on Government Services (ROGS) Data Collection Manual Courts 2016, Chapters 6, 7 and 8. It is 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).
- d The civil case clearance indicator for the Magistrates Court includes the Coroners Court.

**Explanation of Material Variances ( $\geq$  +/-10%)**

- 1 The YTD outcome is lower than the target because the 1,880 failure to vote charges lodged in June 2017 were finalised in August 2017.
- 2 The outcome is lower than the target due to a higher than expected proportion of matters being subject to no fee (particularly family violence applications) or to a fee exemption or waiver.
- 3 The YTD outcome is lower than the target as the full costs under the new courts facilities contract were not paid due to delays in the construction project. The outcome is also lower than the target due to a higher than anticipated number of finalised matters.
- 4 The YTD outcome is lower than the target due to the finalisation of 1,880 failure to vote charges in August 2017.
- 5 The YTD outcome is lower than the target as the full costs under the new courts facilities contract were not paid due to delays in the construction project.
- 6 The YTD outcome is lower than the target due to a reduction in both the total number of pending criminal matters and the number pending for greater than 12 months. The use of central criminal listing periods has improved efficiency by ensuring that as soon as one trial is completed or unable to proceed another trial is ready to commence.
- 7 The YTD outcome is above target due to a higher than expected number of defended hearings which take more time to finalise.
- 8 The YTD outcome is above target as the Supreme Court continued to give priority to reducing civil matters pending for more than 24 months which means the listing time for matters less than this age is reduced. The outcome also reflects the Court having a high number of personal injury matters which often take longer than 12 months to resolve due to factors beyond the Court's control.
- 9 The YTD outcome is above target because of the extent of the backlog and a higher than expected number of complex matters, many of which are personal injury claims, that take more time to finalise. During the time required to deal with these cases other pending cases increase in age.
- 10 The YTD outcome is higher than the target due to a focus on finalising older and more complex matters. During the time required to deal with these cases other pending cases increase in age.
- 11 The YTD outcome is higher than the target because the 1,880 failure to vote charges lodged in June 2017 were finalised in August 2017.
- 12 The YTD outcome is higher than the target due to the finalisation of 117 civil dispute matters being delayed until a ruling on a question of law was made under section 77 of the ACAT Act .
- 13 The YTD outcome is below the target because of an increase in more complex civil matters that take more time to determine and the delay in finalising 117 civil dispute matters pending a ruling on a question of law under section 77 of the ACAT Act.