



STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson MLA (Deputy Chair),
Ms Jo Clay MLA

Inquiry into ACT Budget 2021–22
ANSWER TO QUESTION TAKEN ON NOTICE
28 October 2021

Asked by Jeremy Hanson MLA on 28 October 2021: Shane Rattenbury MLA took on notice the following question(s):

[Ref: Hansard Transcript 28 October 2021 [PAGE 18-19]]

In relation to:

THE CHAIR: Moving back to the courts and clearance rates and any delays, matters that have been postponed or deferred because of COVID, can you give me a bit of an update on where the courts are at in terms of clearance rates for criminal and civil matters, Magistrates Court and Supreme Court and then if there are any, I guess, delays that have occurred, what is the plan to catch up?

Mr Rattenbury: Yes, I will ask Ms Nuttall to provide that data to you, Mr Hanson.

Ms Nuttall: Thank you, Attorney. Thank you, Mr Hanson. So in the Magistrates Court, the clearance rates have returned to better than pre-COVID figures. The additional resources that were provided last year have greatly assisted in us catching up with the backlog that we experienced through the first lockdown and of course, the latest lockdown has slowed things down, but we were far better placed this time to respond quickly to returning court matters online.

The figures as at 30 September indicate that our clearance rates across the Magistrates Court are still at 100 per cent for that quarter and our pending matters have returned to pre-COVID figures. In the Supreme Court during this particular lockdown there have been—and I will just get the figures.

There were six jury trials that were unable to proceed because of the lockdown. That equates to 35 days of trial time. And these matters have been relisted for later this year and early next year and we anticipate being able to catch up with those by the end of the first criminal trial period next year.

Then the civil matters have continued in the same vein. We have been able to—there have been matters that have been adjourned because of COVID, but those matters will be attended to again by early next year in the Supreme Court and in the Magistrates Court. I will just get these civil figures for you. The civil clearance rate for the first quarter of 21-22 is at 103 per cent, so again we have been able to keep on top of those numbers during this lockdown.

And the ACAT have done extraordinarily well during this period. They for the first quarter of this financial year had a clearance rate of 112 per cent and for the 20-21 financial year had a

clearance of 112 per cent again, which has caught us up; that backlog that we saw in the ACAT from the first lockdown has now been addressed and caught up with.

There are still some delays in the Magistrates Court and this is not necessarily as a result of COVID, but because of an increasing rate of filings. There are some delays in the areas of the Magistrates Court that did have to stop and we will look at getting on top of those in the first half and that is in the workers compensation jurisdiction of the Magistrates Court; the dispute resolution conferences came to a halt for a period of time.

We asked parties to undertake their own informal conferences during that period. They will be coming back in over the next month or so for us to triage what conferences did not undertake an informal conference and to get those matters listed and progressing into early next year.

THE CHAIR: And as we sort of come out of lockdown, out of COVID, has each of those courts got a plan for going back to face to face hearings?

Ms Nuttall: Yes. Each court and the tribunal has a pathway out of lockdown document, which is very much in lockstep with the general easing of restrictions across the community. The Supreme Court undertook its first jury trial this week and the week of 15 November we will return to more jury trials. That will occur depending on where the restrictions are at the moment.

We have put in measures to either have that occur across two courtrooms if the restrictions are still in place or, if restrictions have eased, we have undertaken a range of work that will allow us to have a jury in one courtroom and one deliberation room, such as increasing the airflow through those rooms and putting air purifiers into those rooms.

THE CHAIR: Great, thanks for that and if there is any sort of fine detail on that, if you could just provide that on notice in terms of clearance rates and so on, that would be great.

Ms Nuttall: Thank you.

Shane Rattenbury MLA: The answer to the Member's question is as follows:—

Supreme Court Clearance Rate

	Criminal	Civil
Jun-19	101%	87%
Jun-20	82%	100%
Jun-21	97%	111%
1st Quarter - 21/22	89%	103%

Magistrates Court Clearance Rate

	Criminal	Civil
Jun-19	94%	95%
Jun-20	88%	91%
Jun-21	106%	104%
1st Quarter - 21/22	58%	103%
*Sep-21 excl. fail to vote matters	99%	103%

*In the first quarter of 2021/22, there were 2185 lodgements from the Electoral Commission for charges of failing to vote in the ACT Legislative Assembly elections held on 17 October 2020. Of these, 590 were resolved with no evidence to offer, leaving a total of 1595 matters to be listed for hearing before a Special Magistrate in the second or third quarter of 2021/22. It is anticipated that these matters will be finalised on that day.

Childrens Court Clearance Rate

	Criminal	Civil
Jun-19	93%	77%
Jun-20	96%	73%
Jun-21	98%	115%
1st Quarter - 21/22	100%	64%

Coroners Court Clearance Rate

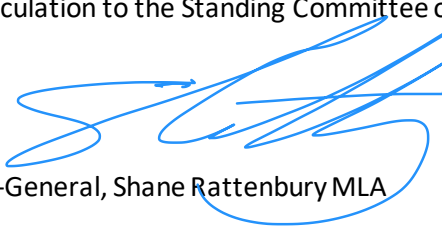
Jun-19	109%
Jun-20	103%
Jun-21	69%
1st Quarter - 21/22	118%

ACAT Clearance Rate

Jun-19	103%
Jun-20	88%
Jun-21	112%
1 st Quarter - 21/22	112%

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date:

7/11/21

By the Attorney-General, Shane Rattenbury MLA