



LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2024-2025

Ms Nicole Lawder MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Miss Laura Nuttall MLA

ANSWER TO QUESTION ON NOTICE

Asked By: Mr Peter Cain MLA

Addressed to: Attorney-General

Reference: Attorney-General

Hearing Date: 30/07/2024

In relation to: Attorney-General and Case completion rates

QON lodgement Date: 30/07/2024

Answer Due date: 06/08/2024

Noting Table 2 on page 5 of the Budget Statement D:

Civil Cases

- (1) Why did the Supreme Court (including the Court of Appeal) finalise only 64% of civil cases within 12 months from lodgement, far below its target of 80%?
- (2) Why did the Childrens Court finalise 85% of civil cases within 12 months from lodgement, below its target of 90%?
- (3) Why did the Coroners Court finalise 65% of civil cases within 12 months from lodgement, far below its target of 90%?

Criminal Cases

- (1) Why did the Supreme Court (including the Court of Appeal) finalise 61% of criminal cases within 12 months from lodgement, far below its target of 80%?
- (2) Why did the Magistrates Court finalise 90% of criminal cases within 12 months from lodgement, below its target of 95%?
- (3) Why did the Family Violence Court finalise 88% of criminal cases within 12 months from lodgement, below its target of 95%?

ACAT matters

- (1) Why did the ACAT finalise 92% of cases within 12 months from lodgement, below its target of 95%?

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

Civil Cases

- 1) Supreme Court Estimated Outcome for Timely Completion of Civil cases is below target as a result of:
 - a) A judicial vacancy in the period 1 July - 18 August 2023 which resulted in a reduction in criminal listings.
 - b) A large number of planned judicial leave days combined with judicial jury management training days coinciding with this period which reduced number of sitting days available for listings.
 - c) An increase in the complexity of civil matters and the number of civil hearing days required for hearing.
 - d) The increase in complexity of matters before the court requires more preparation time on the part of solicitors to ensure a matter is ready for hearing and all parties are provided with a fair opportunity to present or defend a case. This increase in complexity and preparation time is outside the courts control but can mean matters are not ready for hearing within the 12 month target.
 - e) Any increase in either the complexity, number of matters or hearing time required in the civil, criminal or appeals jurisdictions significantly impacts on the court's ability to list matters.
- 2) This is a minor variation that reflects expected fluctuations in the work of this court.
- 3) Coroners Court Estimated Outcome for Timely Completion of Civil cases is below target as a result of the court undertaking a more therapeutic approach to finalising matters and a concentration on finalising older, more complex matters.

Criminal Cases

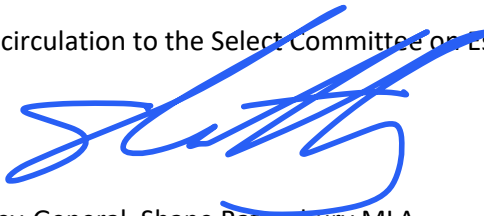
- 1) Supreme Court Estimated Outcome for Timely Completion of Criminal cases is below target as a result of:
 - a) A judicial vacancy in the period of 1 July – 18 August 2023 which resulted in a reduction in criminal listings.
 - b) A large number of planned judicial leave days combined with judicial jury management training days coinciding with this period which reduced number of sitting days available for listings.
 - c) An increase in the number of criminal trial days required which arose out of the complexity of the matters before the court. Of the trials listed during this period 15 had estimates of greater than one week. Of those five had estimates of greater than two weeks and one greater than three weeks.
 - d) Criminal matters which run for greater than one week impact significantly on the court being able to list matters generally.
 - e) Two jury trials were unable to reach a verdict resulting in the discharge of the jury panel and will result in a retrial in due course.
 - f) Any increase in either the complexity, number of matters or trial time required in the civil, criminal or appeals jurisdictions significantly impacts on the courts ability to list matters generally given the small number of judges appointed to the court.
- 2) This is a minor variation that reflects expected fluctuations in the work of this court.
- 3) This is a minor variation that reflects expected fluctuations in the work of this court.

ACAT matters

- 1) The target of 95% underestimated the statistical impact of the inactive 'tail' of civil dispute applications lodged prior to introduction of the new civil processes in May 2023. Applications are automatically dismissed pursuant to Rule 69 of the ACAT Procedures Rules 2020 where there has been no action on the proceeding for a year. An application which is dismissed due to inactivity will almost invariably be more than 12 months old at the time of dismissal.

Approved for circulation to the Select Committee on Estimates 2024-2025

Signature:



Date:

10/8/24

By the Attorney-General, Shane Rattenbury MLA