



ACT AUDITOR-GENERAL'S OFFICE



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FOLLOW-UP PERFORMANCE AUDIT REPORT COURTS ADMINISTRATION

The ACT Auditor-General, Mrs Tu Pham, has today presented a report titled *Follow-up Audit - Courts Administration* to the Speaker of the ACT Legislative Assembly.

In September 2005, the Auditor-General's performance audit report *Courts Administration* was tabled in the Legislative Assembly. Following the 2005 audit report, the Standing Committee on Public Accounts (PAC) held an inquiry and issued a report, *Review of Auditor-General's Report No 4 of 2005: Courts Administration*, in August 2008.

The report tabled in the ACT Legislative Assembly today presents the results of a follow-up performance audit that reviewed progress by the Department of Justice and Community Safety (JACS) in implementing the agreed recommendations from the Auditor-General's 2005 report, and the relevant recommendations from the PAC 2008 inquiry.

Audit conclusions and key findings

Since the 2005 audit, JACS, in conjunction with the Courts, has implemented a number of measures to increase efficiency in the administration of Courts. These include:

- improved communication between the Department and the judiciary, and between the Courts and Courts users;
- significantly improved practices in the areas of case scheduling and conferencing in the Magistrates Court;
- reforms within the Registry; and
- better management of Courts human resources.

However, the improvement process has been slow and there were delays in implementing other measures such as:

- exploring alternative Court governance models;
- reviewing funding issues;
- redeveloping the ICT system for case management; and
- thoroughly analysing collected statistics to support decision making by the judiciary and the ACT Law Courts and Tribunal (Courts Administration). There was variation between Courts in the analysis and use of data, particularly in relation to long wait cases and adjournments, to implement measures to improve court efficiency.

Of the 24 recommendations examined, JACS fully implemented nine, mostly or partly implemented ten, one was overtaken by later developments, and there was limited or no action on the remaining four recommendations.

- The establishment of the Courts Governance Committee in late 2005 has enabled a more collaborative relationship between JACS and the judiciary. Further, the development of a *Memorandum of Understanding* between JACS and the Courts in May 2007, and the accompanying *Service Level Agreement* in May 2009, clarified responsibilities and accountabilities, and improved governance in Courts administration. However, the long time taken to finalise the two documents delayed their overall benefit on Courts administration.
- There was no formal discussion or consideration of any future model of Court governance to provide greater administrative independence and better alignment of Courts' responsibility with public accountability.
- Apart from a survey conducted in 2010 to compare ACT Court fees to those of other jurisdictions, there has been no review and little change to the court fee structure since 2005. The use of appropriate fees may improve compliance, and deter behaviours and practices that have caused inefficiencies in Courts.
- There were major reforms in case scheduling in the Magistrates Court, including establishment of a Listing Unit and introduction of the daily call-over process. Statistics on long-wait cases and adjournments in each Court were collected and provided to the Heads of Jurisdictions on a regular basis. Case conferencing processes have also been improved. However, the effectiveness of Case Management Hearings or Pre-Arrestment Conferences has not yet been evaluated.
- Although recent enhancements of the Courts' case management system (MAX) enabled the system to function in the medium term, there were significant risks associated with the continued use of the system, due to a lack of functionality and excessive costs of support and maintenance. There was no final strategic ICT plan to inform and assist JACS in considering and making decisions regarding the replacement of the MAX system.
- Registry functions at both Courts have been reviewed and restructured to be more efficient, and are now overseen by one Registry Manager. The feasibility of a 'one stop shop' Registry has been explored but a decision is yet to be made.
- There has also been no review of funding issues since 2005 to determine the adequacy or otherwise of the base funding for the operation of the courts.
- There were significant improvements made to management of courts human resources.

Recommendations

The Audit made eight recommendations to address the issues raised. The Department of Justice and Community Safety agreed or agreed in principle with all recommendations.

Further Information

For further information, please contact Rod Nicholas, Director of Performance Audits and Corporate Services on 62070827. Copies of the report are available from the ACT Auditor-General's Office's website: www.audit.act.gov.au.