

Australian Capital Territory
COURTS AND TRIBUNAL

Corporate Plan
2017-2020

September 2019 Update

Table of Contents

Introduction	3
September 2018	3
Supreme Court.....	4
Supreme Court purpose and achievement of goals.....	4
Planning for the future in the Supreme Court	5
Magistrates Court	6
Magistrates Court purpose and achievement of goals.....	6
Planning for the future in the Magistrates Court	7
ACT Civil and Administrative Tribunal	8
ACAT purpose and achievement of goals	8
ACAT values and behaviours.....	8
Planning for the future in the ACT Civil and Administrative Tribunal.....	9
The ACAT Strategic Statement outlines the following priorities for 2018/2019:.....	9
ACT Courts and Tribunal.....	10
ACTCT purpose and achievement of goals	10
Planning for the future in the ACTCT	10
Key milestones	12
Attachment A – ACT Courts and Tribunal Business Plan 2018/2019	16

Introduction

I am pleased to present this update of the Corporate Plan for the ACT Courts and Tribunal (ACTCT).

The ACTCT supports the Supreme Court, Magistrates Court and ACT Civil and Administrative Tribunal (ACAT) by providing registry, court support, forensic, corporate and strategic services. The ACTCT is part of the Justice and Community Safety Directorate.

The Corporate Plan sets out the purpose of the ACTCT and how it will deliver the strategic priorities of the Supreme Court, Magistrates Court, ACAT and ACTCT Business Plan which are set out below.

This Corporate Plan recognises the need for innovation and for new facilities, systems and processes to be designed with the future in mind. It builds on the current work in relation to the implementation of the Integrated Case Management System (ICMS), the design and construction of the new court facilities, the support for case management initiatives in each jurisdiction and implementation of the International Framework for Court Excellence and the Australasian Framework for Tribunal Excellence. The plan also deals with strengthening staff and financial management within the ACTCT and improving customer services.

The plan sets out an ambitious range of projects and activities that will be undertaken while the ACTCT continues to deliver high quality registry, corporate and sheriff services to the courts and tribunal. Its success is heavily dependent on the skills and commitment of our staff to continuous improvement while maintaining business as usual.

This Corporate Plan is a living document that will be reviewed each year.

Philip Kellow

Principal Registrar and Chief Executive Officer

September 2019

Supreme Court

The Supreme Court of the ACT commenced on 1 January 1934. The Supreme Court is the highest court in the Australian Capital Territory. It is invested with both original and appellate jurisdiction.

The Supreme Court comprises the Chief Justice, four resident judges, a resident associate judge, additional judges and acting judges.

In civil matters the Supreme Court has an unlimited monetary jurisdiction, although claims for less than \$250 000 are usually heard in the Magistrates Court. Civil matters in the Supreme Court are heard by a single judge or the Associate Judge. The Associate Judge is responsible for hearing most civil matters.

With respect to criminal matters, trials are heard in the Supreme Court before a judge and jury or (in a limited range of cases) by a judge alone, at the election of the accused.

The Supreme Court considers appeals from decisions of the Magistrates Court, the Industrial Court, the Children's Court, and ACAT. The Supreme Court is usually constituted by a single judge when considering these appeals.

The Supreme Court is known as the Court of Appeal when exercising its appellate jurisdiction. The ACT Court of Appeal was created in 2001 pursuant to section 37E of the *Supreme Court Act 1933*. Prior to the creation of the Court of Appeal, appeals lay to the High Court (from 1934 until 1977) and then to the Federal Court of Australia (from 1977 until 2002). The Court of Appeal first sat on 31 October 2001 and its first delivered judgment was *Suffolk v Meere* [2002] ACTCA 1, 28 March 2002.

Supreme Court purpose and achievement of goals

The Supreme Court's purpose is to maintain and promote the rule of law and to provide leadership within the justice system.

The strategies to achieve this purpose are:

- delivering impartial, high quality and timely decisions
- by resolving each case by the process most suited to achieving a just, quick and effective outcome
- by ensuring transparent, easy and cost-effective access to the Court for all
- by communicating openly, clearly and respectfully
- by being accountable for the use of public resources
- by developing and applying best practice.

Planning for the future in the Supreme Court

The Supreme Court Strategic Statement outlines the following priorities for 2019/2020:

1. To transfer some Supreme Court activities into the Heritage Building and ensure the seamless integration of the new and old parts of the courthouse.
2. To develop processes for the Drug and Alcohol List (DAL) and commence operating the DAL.
3. To review and refine the criminal case conferencing scheme.
4. To develop a protocol for in court use of the ICMS system.
5. To progress an electronic filing system for civil matters.
6. As part of implementing the International Framework for Court Excellence, to review activities against the IFCE and to address findings from the 2019 user survey of the Court.
7. To develop and implement arrangements for eTrial technologies.
8. To develop and implement guidelines and/or rules for interpreter use that are consistent with the recommendations of the Judicial Council for Cultural Diversity.
9. In partnership with the Magistrates Court, to pursue initiatives to facilitate access to the courts for Aboriginal and Torres Strait Islander People in the ACT.
10. To develop a history wall enabling court users to understand the history of the Court.
11. To investigate and pursue opportunities for community engagement.

Magistrates Court

The Magistrates Court is established by the *Magistrates Court Act 1930*. It has jurisdiction to hear a wide range of matters across both the civil and criminal jurisdictions. The Magistrates Court also sits as the Childrens Court, Family Violence Court, Galambany Court, Warrumbul Court and Industrial Court. The Chief Magistrate and magistrates also constitute the Coroners Court.

Most of the Magistrates Court's work is in the criminal jurisdiction. The court also has a broad jurisdiction to hear and determine civil applications where the value of the claim is between \$25,000 - \$250,000 and in some cases, such as commercial leases, the jurisdiction is not limited.

Magistrates Court purpose and achievement of goals

The Magistrates Court's purpose is to uphold the rule of law and provide access to justice within its statutory framework to the Territory's citizens.

This is achieved by applying the following precepts:

Respect

- Treat all people who come before, work with or in the Court respectfully.
- Respect judicial independence.
- Work together cooperatively as a court.

Fairness

- Make decisions according to law.
- Treat people impartially.
- Promote access to justice.
- Provide an opportunity for all people who come before, work with or in the Court to be heard.

Transparency

- Provide open and reasoned decision making.
- Adopt clear processes.

Integrity

- Model honest, ethical and professional behaviour.

Professionalism

- Commit to excellence in the delivery of justice.
- Pursue ongoing education, learning, innovation and improvement.

Timeliness

- Pursue timely completion of court functions.

Resourcefulness

- Balance available court resources proportional to the nature and significance of the court functions.
- Demonstrate efficient and accountable use of court resources.
- Avoid unnecessary impact, imposition of costs, and imposition of time upon people associated with the court process.

Planning for the future in the Magistrates Court

The key priorities for the Magistrates Court in 2019/2020 are as follows:

1. The merger of the new ICMS computer system with court and registry functions, in a way that ensures the new system adds value, creates efficiencies and is otherwise fit for purpose.
2. The continuation of targeted listing and workflow reviews for the purpose of improving effectiveness and efficiency.
3. The promotion of appropriate judicial and registry resources that economically meet current and emerging community demands for the court's services.
4. The commencement of the Warrumbul Court.
5. The establishment of a therapeutic process for care and protection proceedings in the Childrens Court.
6. The establishment of in-house forensic pathology services and a family liaison officer for the Coroners Court, and the review of practice arrangements.
7. In partnership with the Supreme Court, the pursuit of initiatives to facilitate access to the courts for Aboriginal and Torres Strait Islander People in the ACT.
8. A consideration of court activities and the 2019 survey results against the International Framework for Court Excellence.
9. An updating of the Magistrates Court web site.
10. The implementation of an effective electronic filing system for civil matters.

ACT Civil and Administrative Tribunal

ACAT commenced operation in February 2009. It is established under the *ACT Civil and Administrative Tribunal Act 2008* (the ACAT Act).

ACAT considers and resolves applications lodged by individuals, businesses, government agencies and occupational regulatory authorities about many different things. The subject matter of applications extends from the review of multi-million dollar planning and taxation decisions to the disconnection of essential services. Regardless of the subject matter, each case is of fundamental importance to the participants and often, to sectors within the ACT community. Applications can be made about:

- the review of a large number of administrative decisions
- discrimination complaints
- guardianship, financial management and enduring powers of attorney
- mental health treatment and care
- residential tenancies disputes
- energy and water hardship and complaints
- civil disputes valued at under \$25,000
- unit titles disputes
- liquor licensing
- compliance with some long service leave obligations
- the discipline and regulation of various occupations including construction occupations, surveyors, architects, security agents, real estate agents, teachers and the health and legal professions.

ACAT purpose and achievement of goals

ACAT's purpose is to promote the rule of law for civil and administrative justice in the ACT by:

- providing accessible systems that encourage people to resolve disputes themselves
- making authoritative and timely decisions to resolve disputes when needed
- adopting fair procedures and processes which enable people to be heard
- applying the law equally and treating people equally and with respect, regardless of their circumstances
- being responsive to the needs of each case
- working in a way that attempts to heal relationships rather than harm.

ACAT values and behaviours

To achieve this purpose ACAT values:

- accessibility and transparency
- timeliness, professionalism and quality

- fairness
- innovation
- awareness of the impact of our work on the well-being of individuals and of the community.

ACAT members and professional support staff value collegiality and cooperation and seek at all times to promote the informal, respectful, yet professional nature of the tribunal.

Planning for the future in the ACT Civil and Administrative Tribunal

The ACAT Strategic Statement outlines the following priorities for 2019/2020:

1. *Dispute resolution*

- Continue to develop high quality and accessible dispute resolution processes that are formal and informal as appropriate
- Monitor and respond effectively to trends in matters brought to the ACAT and to new and changing laws
- Implement processes for the smooth operation of new legislation conferring jurisdiction on the ACAT, including the *Motor Accident Injuries Act 2019*
- Strengthen engagement with key stakeholders
- Streamline processes for matters of less financial value
- Provide easy access to useful information that assists parties to represent themselves
- Explore the application of therapeutic jurisprudence and other innovative approaches to the tribunal's work.

2. *Ensure ACAT is a productive, attractive place to work for members and registry staff*

- Develop and implement a training and induction program, and develop a performance framework for members
- Continue to build the capability of the ACAT registry staff through skills development and training.
- Continue to build a collaborative, collegial culture
- Continue to embrace and influence change, be resilient and show initiative
- Continue to foster a culture of ongoing improvement and accountability, which is supported by regular review and development of registry processes and policies.

3. *Support services and registry*

- Finalise and embed governance structure and standard operating procedure for ACAT Trust and budget processes
- Work in partnership with ACTCT to implement the next stages of the ICMS
- Strengthen data collection and the use of data in planning processes
- In collaboration with ACTCT, ensure ACAT's future premises are suited to its purpose and provide an appropriate balance of informality and professionalism.

ACT Courts and Tribunal

Background

The ACTCT is part of the Justice and Community Safety Directorate. It has an annual budget of over \$64.8 million and engages more than 175 staff.

The ACTCT is led by the Principal Registrar and Chief Executive Officer appointed under the Court Procedures Act and has the following business areas:

- Executive
- Governance
- Corporate and Strategic Services
- Registry Operations
- Sheriff's Office
- ACAT Operations
- Forensic Medicine Centre.

ACTCT purpose and achievement of goals

The purpose of the ACTCT is to support the proper administration of justice by providing high quality support to judicial officers and tribunal members and high quality services to those using the courts and tribunal.

The strategies to achieve this purpose include:

- transitioning to a more integrated digital operating environment that will include more intuitive and usable websites, new online service and information exchange options for external users, integrated case management tools, support for electronic trials and hearings and better systems for managing records
- modernising courts and tribunal accommodation and infrastructure
- supporting the courts and ACAT to implement the frameworks for court and tribunal excellence
- building workforce capacity to ensure staff are engaged, flexible, adaptable and equipped to provide outstanding service in high performing teams
- managing our resources effectively and efficiently
- engaging with our external stakeholders who use our services or have an impact on our environment and help us to carry out our work.

Planning for the future in the ACTCT

In creating our business plan, the ACTCT has considered the priorities of the courts, ACAT and the ACT Government.

The major priorities for 2019/2020 include:

- completing the implementation of the ICMS and rolling out its in-court and electronic filing functionalities
- procuring and implementing a new jury management system
- operationalising the second stage of the new courts precinct and related services and ensuring they support the needs of the judiciary, staff and court users
- progressing the relocation of ACAT
- continuing to assist the courts and ACAT to identify and implement key elements of the frameworks for court and tribunal excellence
- supporting the implementation of a Drug and Alcohol Court and other court-based therapeutic justice programs
- supporting the implementation of new jurisdictions, including the *Motor Accidents Insurance Act 2019*, impacting on the courts and ACAT
- making the courts, ACAT and Forensic Medicine Centre safer places to work
- strengthening our organisational structures, staffing capabilities and financial management
- improving customer services.

Key milestones

The key activities of the ACTCT to deliver the strategic priorities are summarised below.

Objective or project	Tactics	Target
Technology projects		
ICMS	Complete rollout of ICMS Stage 4 (enhanced online services)	Stage 4 – late 2019
	Establish ICMS governance arrangements	October 2019
Jury management system	Procure and implement a new JMS	Mid 2020
New Court and Tribunal Facilities		
Design and construction of new courts building	Ensure timely and effective input to Stages 2A and 2B – Refurbishment of the Supreme Court	Stages 2A and 2B – late 2019
Transition to new courts facilities	Arrangements for the governance and operation of the new courts facilities are fully implemented	Late 2019
ACAT accommodation	The proposal to relocate ACAT to meet its future accommodation needs is progressed.	Early 2020
Frameworks for Court and Tribunal Excellence		
IFCE stocktake and further actions plan	Assess key activities and arrangements against the Frameworks and identify further actions	Early 2020
User surveys and other priority actions undertaken	User surveys and key actions undertaken in accordance with the further actions plans	Outcomes from 2019 Courts User Survey addressed – late 2019
		ACAT User Survey conducted – early 2020
Drug and Alcohol List and other court-based therapeutic justice programs		
Supreme Court Drug and Alcohol List (DAL) implementation	Support establishment and operation of the DAL	Go-live late 2019 and ongoing
Warrumbul Court implementation	Support establishment and operation of the Warrumbul Court	Go-live date October 2019 and ongoing
Design	Support development of court-based diversion programs including the Therapeutic Childrens Court	Late 2019

Objective or project	Tactics	Target
Funding	Contribute to development of business cases for ongoing funding for the DAL and other court-based therapeutic justice programs.	Late 2019
New jurisdictions		
Implement ACAT's Motor Accidents Insurance Act jurisdiction	Support establishment and operation of the MAI Act jurisdiction	Commences February 2020 and ongoing
Improved administration		
Ensure ACTCT is a productive and attractive place to work with high performing teams	Continue to implement the ACTCT Team Charter and related initiatives	Ongoing
Performance and development	All staff (other than associates and temporary staff) to have current Performance Plans and improved training opportunities	Ongoing
Workforce structures and capabilities	Review organisational structures, workforce capabilities and job roles and classifications	Mid 2020
Business intelligence	Continue to develop business reports using COGNOS	Ongoing
Registry and related services		
Better user engagement	Improved court websites – implement new architecture, design and content of each website	Late 2019
Volunteer services	Continue to examine the feasibility of using volunteers as part of our service delivery model	Ongoing
Better registry processes	Implement electronic lodgement in the civil jurisdiction of the courts and eForms in ACAT	Mid 2020
	Continue to review and improve registry procedures and workflows to align with court and ACAT business, ICMS and legislative requirements	Ongoing
	Review and update internal registry practice and procedure guides	End 2020
	Update ACAT Procedural Directions	Late 2019
	Participate in proposed courts efficiency review	Mid 2020
Sentencing Database	Identify and implement improvements to the Sentencing Database, including interfaces with the ICMS.	Mid 2020

Objective or project	Tactics	Target
Dispute resolution	Support the further development and implementation of high quality formal and informal dispute resolution processes	Ongoing
In court/tribunal technologies		
Using ICMS in-court functionality	Identify and implement the use of eBench and in-court recording as appropriate in the Supreme Court	Mid 2020
	Continue to implement eBench and in-court recording in the Magistrates Court	Ongoing
Electronic court and tribunal proceedings	Suite of eTrial technology products identified and agreed with courts, ACAT and key court and tribunal users	Early 2020
	Update practice directions and guidelines as necessary	Early 2020
	Training and support arrangements in place	Early 2020
	Continue to pilot eTrial software	Ongoing
Coroners jurisdiction		
Practice and procedure	Review and update Coroners Court procedures and processes	Mid 2020
Forensic pathology services	Engage a full-time forensic pathologist	Late 2019
Accessible and safe courts and tribunal		
Better information for court and tribunal users	Develop videos to provide information for court and tribunal users	Ongoing
Access by Aboriginal and Torres Strait Islander people	Continue to develop the cultural competency of staff	Ongoing
	Continue to develop strategies for recruiting Aboriginal and Torres Strait Islander people	Ongoing
	Identify and develop facilities and services to better support Aboriginal and Torres Strait Islander people	Mid 2020
Access by CALD people	Promote availability of family violence information in several community languages	Mid 2020
	Continue to develop the cultural competency of staff	Ongoing
Disability justice	Provide training for staff to improve their awareness of disabilities	Late 2019
	Improve physical access and signage through the new court facilities	Late 2019

Objective or project	Tactics	Target
	Support the introduction of the intermediary scheme	Mid 2020
	Progress implementation of relevant actions arising from the Disability Justice Strategy	Mid 2020
Interpreters	Support the development and implementation of guidelines for interpreter use that are consistent with the recommendations of the Judicial Council for Cultural Diversity	Mid 2020
Better security	Develop and commence implementation of a revised ACTCT security framework	Mid 2020