

Australian Capital Territory
COURTS AND TRIBUNAL

**Corporate Plan
2021-2022**

October 2021

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Introduction

I am pleased to present my first Corporate Plan for the ACT Courts and Tribunal (ACTCT) as the incoming Principal Registrar and CEO.

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 continues the work of the previous plan which focussed on innovation and expanding on the innovation showed during the COVID-19 response. The Plan also focusses on improving accessibility to the courts and tribunal.

The plan continues the ambitious range of projects and activities for the ACTCT. 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 reviewed each year.

Amanda Nuttall

Principal Registrar and Chief Executive Officer

October 2021

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 vested 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 or ACAT. 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

1. The independent exercise of judicial power in the administration of justice in the Territory.
2. To maintain and promote the rule of law.
3. To provide leadership within the justice system.

The Court achieves its purpose:

1. Delivering impartial, high quality and timely decisions.
2. Resolving each case by the process most suited to achieving a just, quick, and efficient outcome.
3. Ensuring transparent, easy, and cost-effective access to the Court for all.
4. Communicating openly, clearly, and respectfully.
5. Being accountable for the use of public resources.
6. Developing and applying best practice in all areas of operation.
7. Exercising supervisory jurisdiction over other courts and tribunals in the Territory.

Judicial Priorities for 2021/2022

1. Review and update all practice directions.
2. Review and refine the criminal case conferencing scheme.
3. Review the practices and procedures of the Drug and Alcohol Sentencing List.
4. Review processes to encourage the early resolution of disputes.
5. As part of implementing the International Framework for Court Excellence, review the Court against the IFCE and address findings from the 2019 and 2021 user surveys of the Court.
6. Maintain ongoing review of the Court's practices and procedures for addressing health and listing issues associated with the COVID-19 pandemic.
7. Investigate and pursue opportunities for community engagement in the post pandemic environment.

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.

A large part of the court's work is in the criminal jurisdiction. The court also applies considerable resources to family violence order and personal violence order proceedings. Additionally, it deals with a broad range of civil claims and applications, including workers compensation and personal injury claims, contractual and building disputes and matters under the *Leases (Commercial and Retail) Act 2001*. It has jurisdiction to hear civil claims between \$25,000 and \$250,000, save for leases matters where there is no monetary limit.

Purpose

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. It exercises summary jurisdiction.

Values

Respect

- Treat all people respectfully
- Work together cooperatively

Independence

- Defend judicial independence
- Respect the independence of other arms of government

Fairness

- Make decisions according to law
- Treat people impartially
- Promote access to justice
- Listen to participants in the justice process

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

- Commit to making our contribution to the timely completion of court functions
- Set clear expectations of other professionals in the court process

Resourcefulness

- Apply available court resources rationally, efficiently and accountably
- Discourage inappropriate delay and the unnecessary incurring of costs

Priorities

The key priorities for the Magistrates Court in 2021/2022 are as follows:

1. Prioritise returning lists to pre-Covid 19 impact levels;
2. Pursue an appropriate level of judicial resourcing;
3. Open discussions with government about space in, and location of, courts;
4. Pursue an update of the *Magistrates Court Act 1930*;
5. Expand judicial registrar functions in appropriate areas to increase service delivery to the community;
6. Review and streamline inefficient practices, particularly looking to establish electronic service, electronic filing and digital files, where appropriate;
7. Consolidate the operation of a therapeutic care and protection process;
8. Establish a dedicated coroner role.

ACT Civil and Administrative Tribunal

The 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).

The 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 a wide range of matters such as:

- 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 \$25,000 and under
- unit titles disputes
- retirement villages
- motor accident injuries
- 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's purpose and achievement of goals

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

- providing accessible systems that are as simple, quick, inexpensive and informal as is consistent with achieving justice and that encourage people to resolve disputes themselves in a proportionate way
- making authoritative, timely and fair 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's values and behaviours

To achieve this purpose the 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 ACAT.

Planning for the future in the ACT Civil and Administrative Tribunal

The ACAT Strategic Statement is guided by the following high-level priorities:

1. *Dispute resolution*

- Continue to develop high quality and accessible dispute resolution processes that are formal and informal as appropriate, and are proportionate to the importance and complexity of the matters in dispute
- 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
- Strengthen engagement with key stakeholders
- Streamline processes and case management pathways
- Provide easy access to useful information that assists parties to represent themselves
- Explore the application of therapeutic jurisprudence and other innovative approaches to the ACAT's work.

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

- Continue to support and build the capability of ACAT members through performance management, and professional development frameworks.
- 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*

- Continue to develop the use of ICT, including expanding the capacity for electronic filing and the provision of other on-line processes and services
- Continue to strengthen data collection and the use of data in planning processes
- Provide accessible and targeted information and assistance to ACAT users to facilitate their use of ACAT services, including website content, videos and support services.
- Ensure that legislative amendments are implemented in a consistent and outcome focussed way.
- In collaboration with ACTCT, ensure ACAT's accommodation is suited to its purpose and changing demands for delivery of its services and provides an appropriate balance of informality and professionalism.

ACAT priorities for 2021-22

1. **ACAT relocation:** manage the design and build of the ACAT's new premises at Allara House and manage the transition to the new premises for members, staff and tribunal users.
2. **ACAT members competency framework implementation:** develop evaluation systems and training plans for the professional development of ACAT members.
3. **ACAT Client Satisfaction Survey:** develop and implement a survey of ACAT clients; analyse the results and develop responses to issues arising.
4. **ACAT Energy & Water Case management system replacement:** Contribute to budget business case to support the procurement of an appropriate ICT case management system for the Energy and Water work area.
5. **Information for ACAT users:** Develop ACAT videos on a range of topics, including translated versions as appropriate. Develop website content to inform ACAT users on legislative and process changes to facilitate their use of the tribunal.
6. **Implement legislative amendments and process improvements:** Respond to changes to authorising laws by developing client focussed processes, forms, communications, ICT changes and members and staff training.
7. **Training and development for ACAT members and staff:** Areas of focus for 2021-22 include resilience, LGBTIQ+ awareness and dealing with young people in tribunal proceedings, along with regular updates on legislative and process changes.
8. **Develop capacity for online lodgement:** Develop and review web forms to facilitate electronic lodgement of common forms and services.

ACT Courts and Tribunal

Background

The ACTCT is part of the Justice and Community Safety Directorate. It has an annual budget of over \$70 million and engages approximately 200 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:

- Registrar Supreme Court (including Registry Operations and Sheriff's Office)
- Registrar Magistrates Court (including the Forensic Medicine Centre)
- Registrar ACAT (including ACAT Operations)
- Corporate and Strategic Services

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
- continuing our innovative approach to supporting the work of the courts and tribunal
- 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 2021/2022 include:

- continuing to expand court and tribunal electronic filing functionalities
- implementing the new jury management system
- 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 court-based therapeutic justice programs
- making the courts, ACAT and Forensic Medicine Centre safer places to work
- improving services for court and tribunal users
- improving accessibility for court and tribunal users.

Key milestones

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

Objective or project	Tactics	Target	Source
Technology projects			
ICMS	Business case to expand capabilities for online lodgement and online forms	2021	
	Phase 1 – Mapping judicial processes to ICMS, review eBench and in-court real-time criminal listings for the Magistrates Court.	2022	
Jury management system	Implement the new JMS	2022	
ACAT Energy and Water Case management system replacement	Contribute to budget business case to support the procurement of an appropriate ICT case management system for the Energy and Water work area.	December 2021	
New Court and Tribunal Facilities			
ACAT accommodation	Relocation of ACAT to new accommodation to meet its future needs	Mid 2022	
Magistrates Court	Preliminary work on additional location for the Magistrates Court	February 2022	
Judicial and Member resourcing			
Magistrates Court	Business case for judicial resourcing, including resourcing to support expansion of judicial Registrar functions	December 2021	
ACAT	Develop evaluation systems and training plans for the professional development of ACAT members.	2022	

Objective or project	Tactics	Target	Source
Frameworks for Court and Tribunal Excellence			
IFCE stocktake and further actions plan	Assess key activities and arrangements against the Frameworks and identify further actions	October 2021	
User surveys and other priority actions undertaken	ACAT User Survey and develop responses to issues arising	Survey – December 2021 Responses - 2022	
Court User survey	Develop and undertake a Court User survey in response to the IFCE questionnaire outcomes	February 2022	
Improved administration			
Performance and development	All staff to have current Performance Plans	December 2021	
	Develop a Capability framework, that informs our succession planning	November 2021	
Services	Develop a service charter	December 2021	
Registry and related services			
Better user engagement	Improve the Courts websites	June 2022	
Coroners jurisdiction			
Practice and procedure	Review and update Coroners Court procedures and processes in conjunction with the dedicated Coroner	June 2022	
Accessible and safe courts and tribunal			
Better information for court and tribunal users	Develop coroners court and ACAT videos to provide information for court and tribunal users	June 2022	
	Develop easy English information to assist tribunal users in Guardianship matters	June 2022	
Access by Aboriginal and Torres Strait Islander people	Develop roles and responsibilities for and Aboriginal Liaison Officer in consultation with community and seek funding	June 2021	
	Launch safe space	December 2021	
Disability justice	Provide training for staff to improve their awareness of disabilities	December 2021	Disability Justice Strategy

Objective or project	Tactics	Target	Source
	Develop a disability action and inclusion plan to improve access and participation of people with disability.	June 2022	Disability Justice Strategy
Internal Processes			
Improve internal ICT processes	Update ACTCT BCP and ICT Disaster Recovery Plans for business-critical systems– <ul style="list-style-type: none"> • ACTCT-Project Co (PPP System) • ACTCT-Security (PPP System) • ACTCT-Surveillance-(PPP System) • ICMS • JURY • LCMS 	June 2022	
	Security and Risk management plans for business-critical systems – <ul style="list-style-type: none"> • ACTCT-Project Co (PPP System) • ACTCT-Security (PPP System) • ACTCT-Surveillance (PPP System) • ICMS • JURY • LCMS 	June 2022	
Ensure relationships and supports are in place	Refresh relationship with other courts to provide critical service backup	31 December 2021	
	Investigate other facilities to support FMC	31 December 2021	
Improve security and safety	ACAT new premises to have enhanced security and safety arrangements	June 2022	

Objective or project	Tactics	Target	Source
	Wellbeing program business case	December 2021	