

Australian Capital Territory
COURTS AND TRIBUNAL

Corporate Plan
2020-2021

December 2020

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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 continues the work of the previous plan which focussed on innovation from new court facilities and the implementation of the Integrated Case Management System (ICMS). This Corporate Plan focusses on expanding the innovation showed during the COVID-19 response. The focus of this Plan is on the use of technology and improving accessibility to the courts and tribunal. The plan continues the work of the ACTCT in supporting case management initiatives in each jurisdiction and the implementation of the International Framework for Court Excellence and the Australasian Framework for Tribunal Excellence. The plan also continues the work of the ACTCT in strengthening staff and financial management within the ACTCT.

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 will be reviewed each year.

Amanda Nuttall

Acting Principal Registrar and Chief Executive Officer

December 2020

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 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. To maintain and promote the rule of law
2. To provide leadership within the justice system

The Court achieves its purpose:

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

Judicial Priorities for 2020/2021

1. To capitalise on lessons learned during the COVID 19 pandemic, including in relation to the conduct of jury trials, electronic filing, and remote hearings.

2. To expand the operation of the Drug and Alcohol Sentencing List (DASL) to accommodate as many participants as resources permit.
3. To develop a protocol for in court use of the ICMS (case management) system.
4. 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.
5. To develop and implement arrangements for eTrial technologies.
6. To implement guidelines and/or rules for interpreter use that are consistent with the recommendations of the Judicial Council for Cultural Diversity.
7. In partnership with the Magistrates Court, to pursue initiatives that facilitate access to the courts for Aboriginal and Torres Strait Islander peoples in the ACT.
8. To develop a student work experience program and a university internship program that focus on those students who may not otherwise fully appreciate the career opportunities that exist within the justice sector, including Aboriginal and Torres Strait Islander students.
9. To pursue opportunities for community education and engagement, including a history wall.

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 2020/2021 are as follows:

1. Plan and work effectively to ameliorate the impact of Covid-19 on dealing with matters before the court with the aim of having fully absorbed the associated delays in all areas of court work by 30 June 2021, or sooner;
2. Capture and incorporate into standard practice any beneficial processes established as a result of the Covid-19 pandemic;
3. Commence operation of a therapeutic process in the care and protection jurisdiction of the Childrens Court;
4. Establish a dedicated coroner position;
5. Expand powers delegated to registrars in order to more effectively use court resources and increase efficiency;
6. Advocate for increased judicial resources in order to expand the availability of restorative and therapeutic practices in the court whilst increasing efficiency across the courts' various jurisdictions to a level commensurate with reasonable community expectations.

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 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 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 ACAT.

Planning for the future in the ACT Civil and Administrative Tribunal

The ACAT Strategic Statement outlines the following priorities for 2020/2021:

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
- 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*

- 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*

- Revise practices and work to clear backlogs created in response to the COVID-19 pandemic, focussing on safe, effective and efficient case management
- Work in partnership with ACTCT to implement the next stages of the ICMS, including the delivery of electronic services
- 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 \$70 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
- Corporate and Strategic Services (incl. Forensic Medicine Centre)
- Registry Operations
- Sheriff's Office
- ACAT Operations

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 2020/2021 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
- supporting the implementation of new jurisdictions impacting on the courts and ACAT such as the fair work jurisdiction and restorative coronial practices
- making the courts, ACAT and Forensic Medicine Centre safer places to work
- strengthening our organisational structures, staffing capabilities and financial management
- 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
Technology projects		
ICMS	Expand capabilities for online lodgement and online forms	Ongoing
	Establish ICMS governance arrangements	
Jury management system	Implement the new JMS	2021
New Court and Tribunal Facilities		
ACAT accommodation	Relocation of ACAT to new accommodation to meet its future needs	2020-22
Frameworks for Court and Tribunal Excellence		
IFCE stocktake and further actions plan	Assess key activities and arrangements against the Frameworks and identify further actions	2021
User surveys and other priority actions undertaken	User surveys and key actions undertaken in accordance with the further actions plans	ACAT User Survey to be conducted in 2020-21
Court-based therapeutic justice programs		
Design	Implement the Therapeutic Care Court for the Childrens Court	Late 2020
Funding	Contribute to development of business cases for ongoing funding for the DASL and other court-based therapeutic justice programs.	2020
New jurisdictions and changed jurisdictions		
Fair Work	Support establishment and operation of the Fair Work jurisdiction	Mid – late 2020
Coroners Court	Implementing the Coroners Amendment Act	2020

Objective or project	Tactics	Target
Changes to ACATs jurisdiction	Continue to contribute to any proposals to change or increase ACATs jurisdiction	Ongoing
Implement legislative reforms	Quality implementation of legislative reforms affecting the Courts and ACAT	Ongoing
Improved administration		
Innovative workforce and processes	Increased focus and training on innovation	2020/21
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	Implement improvements to organisational structures and continue to build workforce capabilities	Ongoing
Business intelligence	Continue to develop business reports using COGNOS	Ongoing
Improved Jury management	Improve systems and processes for jury management in line with the technological changes in the JMS	2020-2021
Registry and related services		
Better user engagement	Continue to improve the new court and ACAT websites	Ongoing
Volunteer services	Continue to examine the feasibility of using volunteers as part of our service delivery model	Ongoing
Better registry processes	Continue to develop processes to support expansion of electronic lodgement in the civil jurisdiction of the courts and eForms in ACAT	2020-2021
	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
Sentencing Database	Identify and implement improvements to the Sentencing Database, including interfaces with the ICMS.	2020

Objective or project	Tactics	Target
Dispute resolution	Support the further development and implementation of high quality formal and informal dispute resolution processes	Ongoing
Coroners jurisdiction		
Practice and procedure	Review and update Coroners Court procedures and processes	2020
Forensic pathology services	Engage a panel of forensic pathologists to ensure stability of service	2020-22
Restorative Court processes	Implementation of reforms and embedding the role of the Family Liaison Officer	2020
Accessible and safe courts and tribunal		
Better information for court and tribunal users	Develop videos to provide information for court and tribunal users	Ongoing
	Continue to implement the library review	Ongoing
	Develop easy English information to assist 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	Ongoing
Access by CALD people	Promote availability of family violence information in several community languages	Ongoing
	Continue to develop the cultural competency of staff	Ongoing
	Support the implementation of new guidelines for interpreter use	Mid – late 2020
Disability justice	Provide training for staff to improve their awareness of disabilities	Mid – late 2020
	Improve physical access and signage through the new court facilities	2020

Objective or project	Tactics	Target
	Progress implementation of relevant actions arising from the Disability Justice Strategy	Ongoing
	Support the implementation of new guidelines for Auslan interpreter use	Mid – late 2020
Victims	Support the implementation of the Victims Charter	2020-2021