

# Order in the Court – Management of the Magistrate’s Court

Report 8 – November 1996

## Background

The operations of the Court of Petty Sessions, which handles criminal matters, and the Local Court, which handles civil matters are presided over by Magistrates. These Courts are situated in 123 locations of which 88 are maintained by the Police. In 1995 - 96, the Magistrates’ Court dealt with 97 per cent (217 400 matters) of all civil and criminal matters. The remaining matters were dealt with by the superior courts.

## What the examination addressed

The examination addressed key components of Magistrates’ Court management, including:

- trial waiting times;
- court locations;
- court utilisation; and
- court fees.

## What the performance examination found

- waiting times in the Perth Court of Petty Sessions have increased from five weeks to 17 weeks since 1994;
- trial waiting times vary between courts by up to 300 per cent;
- the continued need for some courts is unclear;
- deliberate overbooking of trials increases court utilisation, but causes community inconvenience (costs about \$1 million p.a.) and can reduce the effectiveness of Police prosecutions;
- Local Court pre-trial conferences are effective in reducing trials but could be made more so;
- the Local Court fee structure does not appear equitable;
- greater use of the Fines Enforcement Registry would reduce pressure on the Court;
- greater use of affidavits by Police (where legislation permits) would reduce witness attendance in Court;
- despite significant cost, the Court’s computer system has not met planned objectives; and
- more extensive use of computers would enhance Court efficiency.

## What the examination recommended

The Ministry of Justice and the Chief Magistrate should assess options for:

- reducing listing intervals;
- making waiting times between courts more equitable; and
- having more than one scheduled start time for court matters.

The Ministry of Justice should:

- advise Government on the scope for making Local Court fees more equitable; and
- consider giving priority to developing the Magistrates’ Court computer system.

The Ministry of Justice and the Police Service should consider:

- options for reducing the impact on Police prosecutions of trial transfers between court rooms; and
- making greater use of affidavits (where legislation permits).