Auditor-General of Queensland

Report to Parliament No. 3 for 2010 Administration of Magistrates Court Services in Queensland

A Performance Management Systems audit



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Auditor-General of Queensland

April 2010

The Honourable R J Mickel MP Speaker of the Legislative Assembly Parliament House BRISBANE QLD 4000

Dear Mr Speaker

This report is prepared under Part 3 Division 3 of the *Auditor-General Act 2009*, and is titled Administration of Magistrates Court Services in Queensland. It is number three in the series of Auditor-General Reports to Parliament for 2010.

In accordance with s.67 of the Act, would you please arrange for the report to be tabled in the Legislative Assembly.

Yours sincerely

Glenn Poole Auditor-General



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Executive summary

1.1 Audit overview

The *Magistrates Courts Act 1921* establishes the Queensland Magistrates Court which is a court of record and where matters are first heard within Queensland's judicial system.¹ This Act is administered by the Department of Justice and Attorney-General on behalf of the Queensland Government. The Queensland Magistrates Court consists of a coordinating branch called the Magistrates Courts Branch (MCB), regional offices and 59 registries which provide administrative services to support individual Magistrates courthouses.

The Queensland Magistrates Court undertakes a wide range of judicial responsibilities including initial criminal and civil matters up to pre-determined levels. The Court has jurisdiction to deal with domestic violence, industrial, childrens, coronial, Commonwealth, drug and Murri Court matters. In terms of workload, the Australian Government Productivity Commission's *Report on Government Services 2009* notes that the Queensland Magistrates Court has the second highest rate of criminal lodgements (218,700) and the third highest rate of civil claims (99,100) in Australia. Despite this volume of lodgements and claims, Queensland has the equal lowest number of Magistrates per capita when compared with the other Australian States and Territories.²

The audit objective was to determine whether there are adequate systems and processes in place to efficiently and effectively provide Magistrates Court Services. The audit also assessed whether the performance measures used are relevant and appropriate. This audit did not examine the performance of the judiciary and the outcome of court decisions.

1.2 Audit opinion

Overall, the audit found that the department currently administers effective Magistrates Court Services in Queensland and meets its statutory obligations. The high level of Magistrates Court Services is attributed to factors including a knowledgeable and stable work force and the level and quality of support provided to court staff by MCB. There are also good governance systems for developing and distributing policies, procedures and guidance over day to day court operations.

To ensure Magistrates Court Services are sustained into the future however, it is important for the department to improve its planning and performance measurement systems. At present, there are inadequate systems to identify, analyse, communicate and prioritise state-wide court service needs. In addition, the department could further enhance its existing planning systems by better utilising its measurement and analysis of external factors that impact on court service delivery. While the department has systems to capture external factors such as population increases, changes in population distribution and workforce availability, the formal mechanisms for communicating and reflecting these impacts in future planning are lacking.

¹ The Office of the Chief Magistrate, Magistrates Court of Queensland Annual Report 2007-2008, pg 53

There is also a need for enhancements to current performance measurement and reporting systems. The audit found that there is a lack of performance reporting against goals and objectives in operational and service plans. The performance measurement system in place needs to be enhanced through analysis and reporting at a Court registry level and through further monitoring of performance trends.

The audit also considered the relevance and appropriateness of Magistrates Court related performance measures and whether they fairly represent performance. In relation to these measures, the audit found that the department's performance measures for the Magistrates Courts Service published in its Annual Report and the Service Delivery Statement, meet the relevance and appropriate audit criteria. These performance measures assess quantity and timeliness and directly relate to the provision of court services to the public. Additionally, the performance measures align well with the department's vision and outcomes as well as the Queensland Government's community outcomes and priorities.

The audit observed however, that there is currently no reporting of service costs at the Magistrates Courts Service level. Further, the department has only limited measures to assess quality through a customer complaints mechanism. Presently, there are no other formal quality measurement such as assessment of feedback from regular court users or other stakeholders.

1.3 Key findings

1.3.1 Governance and planning

Positive findings

- The department has a system in place to support strategic operational and service planning which includes business planning instructions and planning templates.
- MCB provides courts administration staff with comprehensive guidance documents containing policies, procedures and protocols based on statute.
- There are adequate systems in place for the effective drafting and passing of amendments to legislation, which are coordinated with updates to policy and protocol, guidance manuals, information and communication technology software and training programs.
- There are effective formal processes in place to manage staff performance and provide training and development to court services staff throughout the state.
- There are a number of mechanisms in place through which better practice is identified and shared across the state. Examples include regular formal reporting, workshops, Queensland Courts newsletters and weekly registry meetings.

Areas for improvement

- The department could provide further clarity over its current planning governance by developing and implementing an overarching planning framework which formally outlines all departmentwide planning processes.
- The MCB planning process did not include a fully documented, state-wide analysis of service needs (including short, medium and long-term projections) and the impact these service needs will have on MCB and department-wide planning and resourcing requirements.
- MCB maintains a risk register that aligns with business objectives however, there are no risk
 registers at the court or regional levels. It is unclear how individual court or regional risks are
 formally identified, reported and treated.

1.3.2 Provision of court services

Positive findings

- Adequate policies and procedures are in place to guide staff through case registration and complaints management processes.
- Audit found that there are systems in place to schedule cases and coordinate court resources.
 Although these systems are managed by judicial staff, courts administration staff actively assist Magistrates with scheduling duties.
- There are effective systems to validate data integrity that include exception reporting and physical checks against case files containing court documentation.

Areas for improvement

 While there are mechanisms in place to gather customer feedback, there is a lack of formal processes at the MCB and departmental levels to assess stakeholder feedback and implement any remedial action.

1.3.3 Performance monitoring and reporting

Positive findings

 The department meets its reporting responsibilities by publishing Magistrates Court performance information in the department's Annual Report, Magistrates Court of Queensland Annual Report and the Service Delivery Statements.

Areas for improvement

- MCB operates systems to gather and analyse operational performance information across
 Magistrates Court services. However, court and regional management are not provided with an effective suite of operational performance information to assist them to monitor court services.
- MCB provides the Chief Magistrate with a suitable suite of performance measurement data
 detailing the operational performance of the Magistrates Court. However, this data is not made
 available to court, regional or MCB management for their review and action, where any
 performance related issues were a result of, or were impacted by, administrative service issues.
- Other specific performance measurement such as reports on court room usage and registry staff
 work load, appeared to be produced on an ad-hoc basis. Audit was advised by regional
 management that these reports have been discontinued.

1.4 Recommendations

1.4.1 Governance and planning

It is recommended that the Department of Justice and Attorney-General:

- 1) develops an overarching planning framework which formally outlines department-wide planning processes including elements such as roles and responsibilities, linkages between departmental plans, reporting relationships, prioritisation and endorsement processes and performance measurement against endorsed plans
- 2) ensures the Magistrates Courts Branch's operational plan adequately covers the operational needs of the region and individual courthouses
- 3) ensures the Magistrates Courts Branch endorse a service planning tool that sets minimum service planning standards and ensures consistency of approach across all regions and Magistrates Courts
- 4) incorporates performance measurement for regional services into all Magistrates Courts Branch service and operational plans
- 5) ensures its current risk management system is implemented at the registry level to ensure all Magistrates Court risks are identified and managed.

1.4.2 Performance monitoring and reporting

It is recommended that the Department of Justice and Attorney-General:

- 6) enhances its performance measurement framework for the Magistrates Courts Service by considering the inclusion of cost and quality performance indicators
- 7) enhances performance management through further analysis of performance information at the regional and registry levels and provision of the information more widely across the Magistrates Courts Branch and regional management
- 8) further develops and utilises operational performance measurement to assist in the identification and monitoring of developing trends for use on future service planning.

1.5 Department of Justice and Attorney-General response

The Acting Director-General of the Department of Justice and Attorney-General, in response dated 26 March 2010, stated:

The Queensland judicial system is poised to enter a significant period of change. In particular, the draft Civil and Criminal Jurisdiction Reform and Modernisation Amendment Bill 2009 (the Reform Bill) proposes an expansion of the jurisdiction of the Magistrates Courts.

I was pleased to note the audit found the Department of Justice and Attorney-General (DJAG) currently administers effective Magistrates Courts services in Queensland. The acknowledgement of the high level of services provided by a knowledgeable and stable work force, together with the quality of support provided by the Magistrates Courts Branch, provides an ideal platform for DJAG to deliver the proposed benefits of the Reform Bill. The Bill will result in the biggest changes to Queensland's judicial system in the last 50 years.

The recommendations from the Queensland Audit Office's report will provide sound guidance for DJAG in our future planning. I accept the findings contained in the report and advise the recommendations will form the basis of an implementation plan to be monitored by DJAG's Audit and Risk Management Committee. The report provides a timely reminder of the importance of reporting performance against goals and objectives and ensuring regional operational needs are captured when formulating operational plans.

Queensland's Magistrates Courts are the coalface of the judicial system. However, they are just one component and over the last two years DJAG has moved towards developing a comprehensive Queensland Courts model.

Encompassing representatives from the administrative arms of Supreme, District and Magistrates Courts, the Queensland Courts Service Executive (QCSE) has been established to improve strategic planning and direction and to provide a single point of guidance in the administration of Queensland Courts.

After the formation of the QCSE, it became apparent that a wide ranging review of the administration of Queensland Courts was required. I am confident the Queensland Courts Services Review, which commenced earlier this year and is scheduled for completion by 30 June 2010, will identify further improvements in the way that Queensland Courts administration can be positioned to successfully manage the challenges ahead.

I am also pleased that the Magistrates Courts Branch, through its Courts Capability and Development Unit, has developed an Operational Review Toolkit that will enable performance analysis at the regional and registry level for the first time. The toolkit sets minimum service standards for specific registry functions, and will enable regional managers to measure performance against these standards to ensure that a consistent approach to similar tasks is undertaken across Magistrates Courts. This is a critical step forward in ensuring court services are sustained into the future. It sets best-practice standards that are achievable throughout the State. It will also allow the measurement of performance to be provided to and monitored at the regional and registry level.

While DJAG utilises the Agency Planning Guidelines and Queensland Government Performance Management Framework (as published by the Department of the Premier and Cabinet) to guide its planning and performance management activity, the recommendation that DJAG develop an overarching planning framework to augment those documents and formalise current processes will improve overall business planning.

With a combination of the recommendations made in this report and the work that has already been undertaken in the review of courts administration, I am confident DJAG has the basis for the continuation of quality services not only throughout Magistrates Courts in Queensland but throughout all Queensland Courts.

2 Audit outline

Summary

Background

An audit was undertaken to determine whether performance management systems and processes are in place to efficiently and effectively provide court services to support the functions of the Queensland Magistrates Court.

Key findings

The audit covered a selection of court regions across the state. It focused on planning, performance management and operational systems and frameworks.

In particular, the audit methodology involved:

- a review of departmental and key court strategic documents
- a review of the performance management framework and performance systems at the operational level
- an examination of the systems and processes in place to support court administration activities
- interviews with key staff in regards to planning, performance management and operations systems.

2.1 Background

Court administration is a complex field involving the interplay between administrative functions and matters of judicial discretion. There are also interactions and significant differences between the Supreme Court and the Magistrates Court as well as between criminal and civil cases. The overall performance of the justice system is affected not only by actions of the courts but also by actions of other key participants such as litigants, prosecutors, defendants, legal representatives, police, corrective services and other agencies.³

As evidenced by a number of national and international audit reports prepared since 1990, there has been a significant push towards improving performance accountability in court administration. These reforms were aimed at improving the effectiveness and efficiency of court administration, particularly in regard to case coordination and the utilisation of court facilities and resources. Although the Queensland Magistrates Court has initiated reforms in some of these areas, no audit has been undertaken to review the performance management systems used in court administration.

The responsibility for administrating initiatives, service programs and reforms has fallen largely upon the courts administration in all Australian jurisdictions. When added to the costs of operating multiple facilities and amenities, the cost for delivering these responsibilities under courts administration has been high. Queensland had the second highest level of criminal lodgements (218,700) and third highest level of civil claims (99,100) during the 2008-09 period.⁴

2.2 Overview of the Queensland Magistrates Court

The Queensland Magistrates Court is integral to the administration of justice in Queensland. The court is established under the *Magistrates Courts Act 1921*. It is a court of record and where matters are first heard within the Queensland courts system (Figure 2A).⁵

This Act is administered by the Department of Justice and Attorney-General (JAG) on behalf of the Queensland Government. The key business area within JAG that is responsible for the Queensland Magistrates Court is Justice Administration. This business area works through the courts, community justice groups and regional service centres to deliver services to the public.

The Queensland Magistrates Court hears cases in 131 locations, including 59 courthouses, 19 Queensland Government Agent Program centres, one Department of Natural Resources and Water office, 43 police stations where police assistant clerks of the court deliver court services and five Indigenous communities.⁶

³ ACT Auditor-General's Office *Performance Audit Report – Court Administration*, September 2005, pg 2

⁴ Productivity Commission, *Report on Government Service 2009*, Chapter 7 – Court administration ⁵ The Office of the Chief Magistrate, *Magistrates Court of Queensland Annual Report 2007-2008*, pg 53

⁶ Queensland Courts website, www.courts.qld.gov.au/98.htm.

High Court of Australia

Supreme Court of Queensland – Appeals Division

Supreme Court of Queensland – Trial Division

District Court of Queensland

Magistrates Court of Queensland

Figure 2A - Hierarchy of the Queensland courts systems

Source: Cook, John S (2006) The Queensland Court System.

2.3 Jurisdiction

The jurisdiction of a court refers to its authority to decide the different matters which come before it. Different courts have different jurisdictions. The Queensland Magistrates Court is one of the main courts exercising jurisdiction in Queensland. Cases heard in the Queensland Magistrates Court do not involve a jury as a Magistrate determines the guilt or innocence of the defendant. This is known as a summary proceeding. Legislation determines which types of offences may be heard summarily or otherwise in this court and which types of offences must be referred to a higher court in Queensland (Supreme or District Court).⁷

The jurisdiction of the Queensland Magistrates Court is wide and extensive. It has jurisdiction to hear and determine civil matters under State law and certain criminal matters under both State and Commonwealth law. Over 270 statutes are used in the Queensland Magistrates Court. Consequently, it is the court with which most members of the public will have contact.

The Queensland Magistrates Court has jurisdiction to hear and determine civil claims up to \$50,000, although with the consent of the parties involved, the court may deal with claims involving higher amounts. Civil claims involve matters such as debts and contract disputes, personal injury claims and motor vehicle damage claims.

The jurisdiction of the Queensland Magistrates Court also includes hearing and determining certain criminal matters. These include:

- regulatory offences (e.g. shoplifting)
- all summary offences (e.g. driving offences and public nuisance)
- minor indictable offences (e.g. assault and property damage involving amounts over \$2,500 and less than \$30,000).

Australian Bureau of Statistics Criminal Courts in Queensland 2007-08, Feature Article, in Qld Stats, Catalogue No. 1318.3, April 2009, accessed 31 July 2009, www.abs.gov.au/AUSSTATS/ abs@.nsf/Lookup/1318.3Feature%20Article14Apr%202009.

With the exception of major indictable offences (such as murder), the court also determines if a defendant will be granted bail until charges are finalised. With major indictable offences, the court will usually conduct a committal proceeding to determine if there is sufficient evidence for the defendant to stand trial in the District or Supreme Court.

The Queensland Magistrates Court has jurisdiction to deal with a wide range of applications. The court has exclusive jurisdiction to deal with applications for protection orders that are made to protect a person against further domestic violence. The court also has jurisdiction to deal with applications for warrants and orders by State and Commonwealth authorities as well as certain applications under family law and uniform civil procedure rules (i.e. rules governing civil litigation).

The Queensland Magistrates Court also has jurisdiction to hear and determine certain criminal matters under Commonwealth law including, social security fraud, taxation offences and customs related offences. While many criminal matters under Commonwealth law are dealt with summarily, more serious matters proceed to a committal hearing.

2.4 Audit objective

The overall objective of the audit was to determine whether performance management systems and processes are in place which enable the department to access whether the support services for the Queensland Magistrates Court are being provided economically, efficiently and effectively. Specifically, the audit determined whether:

- a sound governance framework is in place and consistent with departmental objectives and government policy
- there are systems and processes to provide efficient and effective court services
- there are efficient and effective systems and processes in place to measure the performance and evaluation of the delivery of court services to users
- Magistrates Court related performance measures are relevant and appropriate and fairly represent its performance.

Audit scope 2.5

2.5.1 Areas of administration subject to audit

The scope of the Performance Management Systems (PMS) audit encompassed the following areas of court administration in the Queensland Magistrates Court:

- court performance with respect to court administration
- court services for all civil and criminal matters
- court services for matters across all geographical areas.

2.5.2 Audit fieldwork

Audit fieldwork was conducted between November 2009 and January 2010 and covered three court regions and six courthouses (shown in Figure 2B). The audit team met with various officers from regional offices, courthouses and the Magistrates Courts Branch (MCB).

Figure 2B - Queensland Magistrates Court regions and courthouses audited

Regions	Courthouses	
South East Queensland	BrisbaneSouthport	
Central Queensland	RockhamptonEmerald	
Far Northern Queensland	Cairns Innisfail	

2.5.3 Restrictions in audit scope

The following functions of the Queensland Magistrates Court were excluded from the scope of the PMS audit:

- · performance of the judiciary and the outcome of court decisions
- administration of the Childrens Court, Coroners Court, Land Court, Drug Court, Murri Court, Mental Health Court, Supreme Court and District Court
- administration of tribunals and court diversion programs.

2.5.4 Audit procedures

The audit team conducted the PMS audit through the following procedures:

- a review of relevant literature and audit reports, including publications from Australian and international jurisdictions
- a review of JAG key strategic documents, such as strategic and business plans, Service
 Delivery Statements and Annual Reports
- a review of the Magistrates Court of Queensland Annual Reports and related information in various fact sheets
- a review of policy documents, procedures and guidelines developed by MCB
- identification of the resultant systems that are in place, to ensure they are auditable and accountable
- an examination of the type of data collected and data integrity, including performance information for court administration and operational planning, as well as the systems providing assurance on the quality of that data
- an examination of the systems to provide assurance over planning procedures and processes
- an examination of the governance and management systems to coordinate planning, operations and information flow for decision-making
- · a review of the monitoring and reporting mechanisms of planning achievements
- interviews with officers of JAG, MCB, regional offices and courthouses.

2.6 PMS audit approach

A Performance Management Systems (PMS) audit is an independent examination which includes determining whether an entity or part of an entity's activities have performance management systems in place to enable management to assess whether its objectives are being achieved economically, efficiently and effectively.

The legislative basis for this audit is the Auditor-General Act 2009. The Act prescribes that the Auditor-General may conduct an audit in the way the Auditor-General considers appropriate. While the Auditor-General takes note of the entity's perspective, the scope of a public sector audit is at the sole discretion of the Auditor-General.

While a PMS audit will not review or comment on government policy, it will have regard to any relevant prescribed requirements. It may also extend to include a focus on the entity's performance measures and whether, in the Auditor-General's opinion, the performance measures are relevant, appropriate and fairly represent the entity's performance.

The intent of a PMS audit is to provide independent assurance to Parliament, and to act as a catalyst for adding value to the quality of public administration by assisting entities in the discharge of their governance obligations.

A PMS audit has a focus on ascertaining whether systems and controls used by management to monitor and measure performance, assist the entity in meeting its stewardship responsibilities.

3 Governance and planning

Summary

Background

This section examines the overall governance systems in relation to the Magistrates Court including business, operational and service planning systems, as well as department-wide planning.

Key findings

- The department has a system in place to support strategic operational and service planning which includes business planning instructions and planning templates.
- The department could provide further clarity over its current planning governance by developing and implementing an overarching planning framework which formally outlines all department-wide planning processes.
- The Magistrates Courts Branch (MCB) planning process did not include a fully documented, state-wide analysis of service needs (including short, medium and long-term projections) and the impact these service needs will have on MCB and department-wide planning and resourcing requirements.
- The MCB provides comprehensive guidance documents containing policies, procedures and protocols based on statute.
- There are adequate systems in place for the effective drafting and passing of amendments to legislation, which are coordinated with updates to policy and protocol, guidance manuals, information and communication technology software and training programs.
- There are effective formal processes in place to manage staff performance and provide training and development to court services staff throughout the state.
- There are a number of mechanisms in place through which better practice is identified and shared across the state. Examples include regular formal reporting, workshops, Queensland Courts newsletters and weekly registry meetings.
- MCB maintains a risk register that aligns with business objectives however, there are no risk
 registers at the court or regional levels. It is unclear how individual court or regional risks are
 formally identified, reported and treated.

3.1 Department-wide planning context

The Department of Justice and Attorney General is a diverse agency that provides a range of government services. These services are provided through various offices and agencies, and include:

- Crown Law
- Office of the Director of Public Prosecutions
- Magistrates Courts
- District and Supreme Courts
- · various tribunals and commissions.

The department's strategic, operational and service planning processes need to take into account and provide for this diverse range of services. In view of this, audit expected to see an endorsed framework outlining how all planning would be undertaken throughout the department, guidance and minimum standards for strategic, operational and service planning and an indication of linkages between all departmental plans.

Audit also expected to see a performance measurement framework that included reporting to the Board of Management against the goals and objectives set out in the operational and service plans across the department.

3.1.1 Audit finding – department-wide governance and planning

The department has a system in place to support strategic, operational and service planning which includes business planning instructions and planning templates. The audit did find however, that the department could provide further clarity over its current planning governance by developing and implementing an overarching planning framework which formally outlines all department-wide planning processes including:

- · roles and responsibilities
- · the linkages between enabling, service, and business plans
- · reporting relationships
- prioritisation and endorsement processes
- performance measurement against endorsed planning objectives.

A documented overarching planning framework would increase the consistency and rigour of planning processes across the department and help build greater service planning capacity. Such a planning framework would improve departmental understanding and ensure planning and resourcing decisions are made on a fully informed basis.

3.1.2 Recommendation

It is recommended that the Department of Justice and Attorney-General:

 develops an overarching planning framework which formally outlines department-wide planning processes including elements such as roles and responsibilities, linkages between departmental plans, reporting relationships, prioritisation and endorsement processes and performance measurement against endorsed plans.

3.1.3 Magistrates Courts Branch planning

The department requires each of its business units to prepare an annual business plan. To meet this requirement, the Magistrates Courts Branch (MCB) undertakes the operational planning and develops an annual MCB operational plan. The 2008-2009 plan's objective of 'a collaborative and consistent approach to the delivery of Queensland Court services' contains relevant business processes and practices to achieve goals related to equity, reform and performance across Queensland Courts.

In addition, MCB also requires each of its six regional offices to prepare an annual regional service delivery plan. These plans outline the current and future service requirements of the regions and identify influential factors including:

- · regional demographics and population
- growth corridors
- · service supply and demand
- community expectations and needs
- · service gaps and surpluses
- · resourcing considerations including workforce, capital and finance.

3.1.4 Audit findings – Magistrates Courts Branch planning

While the audit identified some level of service planning, there was a lack of a formal systematic process that was fully endorsed and effectively communicated across the branch.

MCB only developed a planning framework document during the course of the audit. Audit noted that this document adequately describes the planning process and linkages between planning activities, reporting, departmental strategic planning and government policy and directions. It outlines the various methods used to identify service needs and gather business intelligence to inform MCB decision making over performance, priority setting and risk identification. However, it was not an integrated planning framework that had been communicated across state-wide regions and courts.

The MCB planning process did not include a fully documented, state-wide analysis of service needs (including short, medium and long term projections) and the impact these services needs will have on MCB and department-wide planning and resourcing requirements.

Further, audit was unable to find direct evidence of the linkages between the 2008-2009 Magistrates Courts Branch Operational Plan and regional service delivery plans.

The MCB plan in its current form does not adequately cover the existing and future operational needs of the regions or individual courts. Court Registrars and Regional Services Managers interviewed as part of this audit, were unable to explain how their service needs were reflected in the 2008-2009 Magistrates Courts Branch Operational Plan and noted that there was insufficient linkage of the regional service delivery plans with the overall MCB plan.

Regional service planning was undertaken by Regional Services Managers using pro-forma guidance developed by the South East Queensland Regional Services Manager. The pro-forma approach is considered an appropriate service planning tool however, there was no evidence that the regional services planning pro-forma was formally endorsed and whether it formed part of an approved MCB planning process. Audit also noted that this pro-forma guidance on regional service planning did not include a requirement for performance measurement.

Despite the existence of this pro-forma guidance, audit found that regional planning was inconsistent. Only one of the regions visited performed registry specific planning that covered capital, workforce and demographic information on a courthouse basis. At the other regions visited, audit noted that there were less formal mechanisms in place, that were not documented, for identifying court specific impacts on future service delivery. Audit considers that the use of a registry specific plan, supported by an endorsed template, would ensure a more consistent approach to identifying any registry specific impacts on service delivery across each region.

Apart from operational reviews (recently commenced) and individual performance assessments, there is no evidence that MCB performance data is used to measure progress toward the goals and objectives in the 2008-2009 Magistrates Courts Branch Operational Plan.

There is a risk that the absence of performance measurement and analysis at the regional and registry levels (as discussed in Section 5 of this report) may prevent real data and data trends from being incorporated into service delivery statistics and projections.

3.1.5 Recommendations

It is recommended that the Department of Justice and Attorney-General:

- 2) ensures the Magistrates Courts Branch's operational plan adequately covers the operational needs of the region or individual courthouses
- 3) ensures the Magistrates Courts Branch endorse a service planning tool that sets minimum service planning standards and ensures consistency of approach across all regions and Magistrates Courts
- 4) incorporates performance measurement for regional services into all Magistrates Courts Branch service and operational plans.

Magistrates Court governance 3.2

3.2.1 Policies, procedures and other guidance

An important element of overall governance is the development and distribution of policies, procedures and other guidance material that set out management's expectations, minimum standards and reporting requirements. MCB has been established as a unit within the department to provide this governance.

3.2.2 Audit findings – Magistrates Court governance

The audit found that MCB produced a comprehensive suite of policies, procedures and other guidance material to guide it's operations, as well as the operations of regional services and local courts.

Further, there is a Courts Capability Development Unit (CCDU) within MCB, that has developed systems to:

- identify the need for amendments to legislation through formal and informal communication with stakeholders, review of the justice system and software systems and requests from the registry staff to improve and/or correct operations and software systems
- ensure staff are advised of changes to policies, procedures and protocols in an efficient manner
- ensure staff are complying with policies, procedures and protocols pertinent to courts administration, including exceptions reporting performed in registries, validation of data entry to physical case files and registry audits
- regularly monitor user errors made by individuals and collectively by registries. Where a pattern of error exists, the problem is analysed and then action is taken.

In addition, newly developed operational reviews for domestic violence systems have recently been introduced that will be rolled out over criminal and civil systems.

Another important mechanism by which governance is applied is through the provision of systems to manage human resources. MCB have human resource management systems and processes in place including:

- Documented role descriptions and duty statements to inform staff of their assigned duties and
 the standard to which they are to be performed. Audit sighted generic role descriptions for
 Regional Services Managers and court services positions, as well as duty statements
 prominently displayed throughout registries visited.
- A formal process to manage staff performance. Staff performance appraisals are conducted annually and are well documented by court management.
- CCDU and the Training Support Unit (TSU) provide adequate training to court services staff state-wide. Staff undertake intensive training including orientation, deposition camps, and on-line training courses. The MCB also encourages staff to undertake a Diploma in Government (Court Services) provided by TAFE Queensland. TSU provide responsive assistance to Deposition Clerks during court proceedings.
- Staff Development/Training Officers are deployed at larger registries, such as Brisbane and Southport. These officers play a key role in providing in-house training and ensuring performance appraisals and development plans are actioned.
- Weekly training sessions are held at larger registries such as Southport, Rockhampton and Cairns. Training at these sessions is on topical issues or identified needs. It is also a method by which policy/procedural changes are communicated to staff.

3.2.3 Case study – good practice

Providing governance and targeted training to a decentralised workforce

Background

MCB provides direction and support to the administrative functions of the Queensland Magistrates Court at 80 centres across the state. MCB's key responsibilities include the provision of administrative, financial, technical and training support to all staff employed at Queensland courthouses.

The MCB structure comprises an Executive Director, the Central Finance Facility, support staff and the Courts Business Improvement and Training Unit incorporating the CCDU and TSU.

Key elements

Keeping up-to-date with legislative and other regulatory changes

CCDU is the main coordinating unit within MCB for ensuring staff across the courthouses are kept up-to-date with legislation and regulatory changes impacting upon court administration. Once a change in legislation and associated regulations occurs, CCDU assesses the required amendments to court administration and subsequently coordinates necessary changes to policy, procedures, Information and Communication Technology software and training. Amendments made by CCDU to work practices are managed in such a way so as to ensure implementation is seamless.

Administration of civil registries requires less change than the criminal registries. This is because the civil registries are guided by a single uniform set of statutory procedures, whereas the criminal registries have an array of statutory procedures and processes to adhere to from a number of Acts and regulations.

Understanding staff development and training needs

Court staff are responsible for various roles depending upon the size of the courthouse, which requires a certain level of competency. Their duties range from assisting the Magistrate in the court to registering and scheduling of cases to managing stakeholders.

TSU also monitors and reviews staff entries in the Queensland Wide Interlinked Courts database so as to formulate an assessment of the training needs of staff using this database and delivers staff training accordingly. Other ways to identify staff training needs are through annual staff performance appraisal data, rotation of staff within courthouses and trend analysis (e.g. phone assistance provided to a courthouse in a particular period).

TSU delivers training based on the needs of individual staff. The unit employs a variety of training mediums, including group training, one on one training, advice over the telephone, online training and courses. The unit also provides a range of training resources to staff. All training is either delivered at the unit or on site at courthouses.

Why is this a better practice example?

Elements of better practice in courts administration are highly visible in the day-to-day operations of courthouses. The level of attention given to staff training by TSU and the individualised nature of the training, contributes to the overall efficiency and effectiveness of the administrative functions of the Queensland Magistrates Court as well as to the department's vision of a fair, safe and just Queensland.

3.3 Risk management

An important element of governance is how risks are managed. A department should have a risk management system that provides for the identification, reporting and mitigation of department-wide risks.

3.3.1 Findings

The audit found that while an appropriate risk management policy is in place at the overall departmental level, this does not fully address state-wide Magistrates Court risks.

At present, MCB maintains a risk register which aligns with business objectives. It also outlines the high level risks of not achieving these objectives and the controls in place to mitigate these. However, there was no evidence how individual court or regional risks are formally identified, reported and treated.

Further, there are no risk registers at the court or regional levels. MCB currently relies on identified risks to be reported on an ad-hoc basis through existing regional performance reporting processes. Audit is mindful that as per corporate policy, it is up to the MCB Executive Director's discretion whether risk registers are mandatory and are maintained by the regions and respective courts. However, audit would expect a more formal system to identify and address potential risks before they become realised.

In addition, audit found that under the current risk management arrangements, the identification of risks is not timely, as the Regional Services Manager is informed by Court Registrars when the risk is realised, instead of identifying potential risks and having mitigating strategies in place to deal with the potential issue. By the time the risk has been realised, the issue may have become contentious and mitigating strategies may be less effective and timely.

3.3.2 Recommendations

It is recommended that the Department of Justice and Attorney-General:

ensures its current risk management system is implemented at the registry level to ensure all Magistrates Court risks are identified and managed.

Provision of court services

Summary

Background

The role of courts administration staff is to provide administrative support to judicial officers. This is achieved through efficient and effective court services such as registering and scheduling cases and processing of court results. Ongoing improvement to the quality and delivery of court services can be attained through regular monitoring and analysis of court user feedback.

Key findings

- There are effective policies and procedures to guide staff with case registration and complaints management. These documents are easily accessible by staff on the department's intranet.
- · Audit found that there are systems in place to schedule cases and coordinate court resources, however these systems are managed by judicial staff. There is a role for court administrative staff to assist Magistrates with scheduling duties.
- There is also a role for registry, regional and Magistrates Courts Branch (MCB) staff in the analysis and monitoring of scheduling issues to ensure any non-judicial reasons for delays are identified and addressed.
- There are systems to validate data integrity that include exception reporting and physical checks against case files containing court documentation.
- While there are mechanisms in place to gather customer feedback, there is a lack of formal processes at the MCB and departmental levels to assess stakeholder feedback and implement any remedial action (see comments and recommendation in Section 5 of this report).

4.1 Provision of court services

Courts administration staff contribute to the efficiency and effectiveness of the Magistrates Court through the provision of court services. They provide a wide range of services that include but are not limited to:

- managing court facilities and resources including court buildings, financial allocations and non-judicial staff
- · ensuring court parties, case files and court equipment are ready for hearings
- providing administrative support to judicial staff
- assisting with the scheduling of court cases
- maintaining court records including registering cases, preparing case files for hearings and processing judgements
- · answering general enquiries.

Ongoing improvement to the quality and delivery of court services can be attained through regular monitoring and analysis of court user feedback.

Although audit examined a wide range of court services, this section will focus on systems to register and schedule cases, gather and analyse court user feedback and validate data entry.

4.2 Registration of court cases

Registration is the process of recording and maintaining an accurate record of matters lodged. For civil matters, registration data includes plaintiffs' and defendants' details and information relating to the claim lodged. Regarding criminal matters, data captured during the registration process includes details of the offender and the offence committed, as well as information pertaining to the court appearance date (e.g. time and court location). Audit examined whether there are systems in place to guide court administration staff with the registration process and whether mechanisms are operating to ensure staff are complying with registration guidelines.

4.2.1 Findings – registration of court cases

Audit found that courts administration staff process the registration of civil matters as well as some criminal matters, such as summons to appear cases, domestic violence cases and cases that are 'handed up' in court (e.g. during a hearing, the police prosecutor requests the Magistrate to hear a case which is not yet registered). All other criminal matters are registered by the police on their database called QPRIME. An interface through the Integrated Justice Information Strategy program, uploads this data onto the courts' case management system called Queensland Wide Interlinked Courts (QWIC). This interface facilitates the sharing of timely information such as court lists between the police and courts administration staff.

Audit observed effective policies and procedures based on statute to guide staff with the registration of court cases. Comprehensive guidance include QWIC manuals, Civil Listing and Information Management System (CLAIMS) manuals and the Uniform Civil Procedures Rules manual. These documents are easily accessible by staff on the department intranet.

Audit identified systems for verifying staff compliance with statutory requirements. There are controls within the QWIC systems to verify whether the registration of a case has been checked and authorised by an independent officer. Within registries, physical checks are performed by independent officers to validate the registration of civil cases to documents lodged.

4.3 Scheduling of court cases

The scheduling process involves the assigning of hearings sessions as well as the allocation and coordination of Magistrates, Deposition Clerks and court rooms. To ensure the efficient flow of cases through the Magistrates Court, audit expected to find efficient and effective systems in place to facilitate scheduling and assigning court resources.

4.3.1 Findings – scheduling of court cases

Audit found that there are systems in place to schedule cases and coordinate court resources. Although these systems are managed by judicial staff, courts administration staff actively assist Magistrates with scheduling duties. Courts administration staff have assisted Magistrates with the development of annual court calendars by devising a standardised template. This template has achieved a consistent basis across the state and has allowed for the court calendars to be published on the Queensland Courts website.

Although the scheduling of cases is at the discretion of Magistrates, audit recognises that registry staff undertake a role by ensuring court schedules are met through the provision of administrative support. Audit however, considers that there is also a role for registry, regional and Magistrates Courts Branch (MCB) staff in the analysis and monitoring of scheduling issues to ensure any non-judicial reasons for delays are identified and addressed. Additional comment about this is contained in Section 5 of this report, which includes recommendations for the distribution of performance information, similar to that provided in the Chief Magistrate's Monthly Report.

4.4 Validation of data entry

A primary function of courts administration is data entry. Registry staff and Deposition Clerks perform a range of data entry duties including lodging claims, registering case, and processing judgements and court results. Data entered into the Magistrates Court's case management systems become part of statistical data. Therefore, audit expected adequate systems to be in place to validate data integrity and correct processing errors.

4.4.1 Findings – validation of data entry

Audit observed systems to validate data integrity. A suite of exception reports are generated from the criminal system (QWIC) and civil system (CLAIMS) and are checked by registry staff on a regular basis. The exception reports highlight amendments to case files, incomplete information, court results yet to be entered and newly registered cases that have not been checked and authorised by an independent officer.

In addition to checking exception reports, registry staff verify the accuracy and completeness of data entry by checking data contained in the QWIC and CLAIMS systems to physical case files. Any errors noted are sent to the responsible officer for correction. Besides identifying data errors, this procedure is also useful for identifying training needs.

4.5 Court user feedback

Feedback is a quality assurance approach that takes into consideration the needs and perceptions of court users. This information is used to enhance the quality and delivery of court services. Court users include, but may not be limited to plaintiffs, defendants, solicitors, duty lawyers, the police and corrective services staff. To gauge court user satisfaction, audit would expect systems in place to monitor, report and address court user feedback.

4.5.1 Findings – court user feedback

There are mechanisms for gathering court user feedback. The Queensland Courts have developed a feedback card that is available to court users within registries. Court users can also submit feedback online via the department's website or by writing a letter to Court Registrars. Furthermore, individual regional offices and registries host regular stakeholder meetings and forums to obtain feedback on their service provision.

Audit found that there are systems in place for reporting court user feedback. Court Registrars provide their respective Regional Services Managers with details of any feedback as part of a monthly reporting process. Regional Services Managers are required to outline this feedback in their monthly reports to the MCB. In addition, complaints statistics are reported to the Corporate Governance Branch on a biannual basis.

The department has documents in place, such as complaints management policy and procedures that provide comprehensive guidance for handling complaints. These documents outline staff responsibilities and provide clear instructions for investigating and responding to complaints.

While there are mechanisms in place to gather customer feedback, there is a lack of formal processes at the MCB and departmental levels to assess stakeholder feedback and implement any remedial action (see comments and recommendation in Section 5 of this report).

Performance monitoring and reporting

Summary

Background

This section examines whether the department has systems in place to monitor, evaluate and report performance, and whether the department is meeting its obligation to publish Magistrates Court performance information. Furthermore, this section examines if the department assesses performance targets and service objective achievement at the strategic and operational levels.

Key findings

- The department meets its reporting responsibilities by publishing Magistrates Court
 performance information in the department's Annual Report, Magistrates Court of Queensland
 Annual Report and the Service Delivery Statements.
- MCB operates systems to gather and analyse operational performance information across
 Magistrates Court Services. However, court and regional management are not provided
 with an effective suite of operational performance information to assist them to monitor
 court services.
- MCB provides the Chief Magistrate with a suitable suite of performance measurement data
 detailing the operational performance of the Magistrates Court. However, this data is not
 made available to court, regional or MCB management for their review and action, where
 any performance related issues were a result of, or were impacted by, administrative
 service issues.
- Other specific performance measurement such as reports on court room usage and registry staff work load, appeared to be produced on an ad-hoc basis. Audit was advised by regional management that these reports have been discontinued.

5.1 Performance management

Performance management is the system which proactively and systematically integrates and aligns 'organisational strategic management, performance information, evaluation, performance monitoring, assessment and performance reporting.' All Queensland public sector agencies must establish a performance management system. This requirement is prescribed in the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*. Under this legislative framework, it is the responsibility of each agency to manage its performance 'efficiently, effectively and economically.'

This section examines whether the Department of Justice and Attorney-General (JAG) has a system in place to efficiently, effectively and economically manage the performance of courts administration.

5.2 Monitoring and reporting against strategic and operational planning

The department's vision for 'A fair and safe Queensland' is aimed at delivering a contemporary, equitable and fair justice system and marketplace within a continuous improvement framework. JAG's stated goals (or strategic outcomes) are:

- Equity: Our institutions, laws and services ensure equity and fairness in the justice system and marketplace, and contribute to a safer community.
- Reform: We maintain contemporary, relevant and innovative laws and services that reflect the community's needs and expectations.
- Performance: We manage our performance to deliver better services to Queenslanders.

JAG contributes to the following government community outcomes and priorities:

- government community outcomes
 - safe and secure communities
 - a fair, socially cohesive and culturally vibrant society
 - a strong diversified economy.
- · government priorities
 - fostering healthy individuals and communities
 - strengthening Indigenous communities
 - building on economic success
 - modernising the federation and delivering accountable government.

The Department of the Premier and Cabinet, A Guide to the Queensland Government Performance Management Framework, Queensland Government, 2009, pg 7,20

⁹ Financial and Performance Management Standard 2009, s.7(3)(d)

¹⁰The Financial and Performance Management Standard 2009 replaced the Financial Administration and Audit Act 1977 and Financial Management Standard 1997 on 1 July 2009

¹¹ Financial and Performance Management Standard 2009, s.12(1)(a).

Audit notes that JAG's vision is achieved in the delivery of services through nine outputs, one of which is Court and Tribunal Services. This output supports safe and secure communities through a court, tribunal and prosecution system that hears and determines civil and criminal matters as well as provides coronial services. The output also improves services to vulnerable people through justice models for early intervention and diversionary strategies that deal with certain offenders outside the traditional courts system. Magistrates Courts is a part of the Court and Tribunal Services output.

For the Magistrates Courts Service, JAG's Service Delivery Statements specify the performance measures. These performance measures are presented in Figure 5A and measure the quantity and timeliness of services provided to the public by the Queensland Magistrates Court.

Figure 5A – Performance measures for Magistrates Courts, 2009-10

Civil law	Number of matters lodged Number of matters finalised Clearance rate (finalisations/lodgements) Percentage of active cases more than 12 months old from lodgement date to the end of the reporting period
Criminal law	Number of matters lodged Number of matters finalised Clearance rate (finalisations/lodgements) Percentage of active cases more than 12 months old from lodgement date to the end of the reporting period

5.2.1 Findings – monitoring and reporting against strategic and operational planning

A review of JAG's strategic documents revealed that its performance management framework for court administration in the Queensland Magistrates Court is set out in the department's Annual Report, 2008-12 Strategic Plan, Service Delivery Statements (State Budget documentation) and the Queensland Courts Business Plan 2008-09.

Audit was advised that the Magistrates Courts Branch (MCB), a business unit within JAG, is responsible for the management, measurement and collection of performance information related to court administration in the Queensland Magistrates Court. Audit found that MCB uses appropriate systems and processes to collect a range of performance information across all courthouses and provides this information in a monthly report to the Chief Magistrate.

Audit notes that JAG's performance reporting on the Magistrates Court Service is provided in the department's Annual Report and the Service Delivery Statements. In addition, as part of all Australian Government performance reporting arrangements on court administration, JAG also provides performance information for the report on government services issued annually by the Productivity Commission.

Overall, audit found that the department's performance measures for the Magistrates Court Service published in its Annual Report and Service Delivery Statements, meet the criteria for relevance and appropriateness. These performance measures assess quantity and timeliness and directly relate to the provision of court services to the public. Additionally, the performance measures align well with the department's vision and outcomes as well as the Queensland Government's community outcomes and priorities.

There are however, some opportunities for improvement in this area. Audit observed that the department only has limited measures to assess quality through a customer complaints mechanism (as detailed in Section 4) and there is presently no other formal quality measurement such as assessment of feedback from regular court users or other stakeholders. Further, there is currently no reporting of service costs and key performance information at the Magistrates Court Services level.

Further, the audit also found there is scope for improvement in internal performance measurement against strategic and operational plans. While the audit did note there is a number of formal and informal reporting mechanisms in place to report performance information to JAG's line management, there is insufficient alignment of reporting with the goals and objectives in the MCB's operational plan. Additionally, performance information is not provided at the regional level to enable the measurement of progress toward goals and objectives in regional service plans. Consequently, it is difficult for these areas to implement effective continuous improvement in all areas of governance, including operational planning, business processes and practices.

5.2.2 Recommendations

It is recommended that the Department of Justice and Attorney-General:

- enhances its performance measurement framework for the Magistrates Court Services by considering the inclusion of cost and quality performance indicators
- 7) enhances performance management through further analysis of performance information at the regional and registry levels and provision of the information more widely across the Magistrates Courts Branch and regional management.

5.3 Performance measurement to inform management decision making

Departments should have in place a fully integrated performance measurement system that not only supports external reporting requirements, but also informs management of day-to-day performance and progress towards key performance targets. This measurement and reporting should be at a level that enables management to pin point performance levels across the organisation to support managerial governance and decision making.

5.3.1 Findings – performance measurement to inform management decision making

Audit found that MCB has basic systems and processes to collect and analyse operational performance information on court administration. For example, audit was provided with the Chief Magistrate's Monthly Report as a sample report. This report provides the Chief Magistrate with a range of performance measurement information detailing the operational performance of the Queensland Magistrates Court as a whole. It contains the following operational performance information:

- earliest available hearing dates (by court location)
- total reported hours (for quarter across civil, criminal and other courts)
- number of defendants lodged, finalised and clearance rates (state-wide by court)
- number of defendants finalised, and percentage finalised within 6 and 12 months of lodgement
- number of pending defendants, and percentage greater than 6 and 12 months old
- number of claims/applications lodged, finalised and clearance rates (state-wide by court)
- number of claims/applications finalised, and percentage finalised within 6 and 12 months of lodgement
- number of pending claims/applications, and percentage greater than 6 and 12 months old
- number of claims lodged, finalised and clearance rates (state-wide by court)
- number of claims finalised, and percentage finalised within 6 and 12 months of lodgement
- number of pending claims and percentage greater than 6 and 12 months old.

The audit found that at present, court performance measurement is not fully integrated into day-to-day state-wide court operations. While the Chief Magistrate receives the suite of information described above, court and regional management are not provided with an effective suite of operational performance information to assist them to monitor court services.

Audit notes that presently, the Chief Magistrate's Monthly Report is not made available to regional or other MCB management for their review and action where any performance related issues were a result of, or were impacted by administrative service issues. Audit considers there is scope for this type of performance information to be enhanced through analysis of performance at the regional and registry levels and provision of this information more widely across MCB and regional management. This would enable any administrative related performance issues to be addressed as well as enable its use in the identification and monitoring of developing trends for use in future service planning. In addition, the breakdown of this reporting into a registry and/or regional level, would enhance its use for identifying any specific performance issues.

Furthermore, other specific performance measurement such as reports on court room usage and registry staff work load, appeared to be produced on an ad-hoc basis. Audit was advised by regional management that these reports have been discontinued.

5.3.2 Recommendations

It is recommended that the Department of Justice and Attorney-General:

8) further develops and utilises operational performance measurement to assist in the identification and monitoring of developing trends for use on future service planning.

6 Appendices

6.1 Acronyms

CCDU Courts Capability Development Unit

CLAIMS Civil Listing and Information Management System

JAG Department of Justice and Attorney-General

MCB Magistrates Courts Branch

PMS audit Performance Management Systems audit

QWIC Queensland Wide Interlinked Courts

TSU Training Support Unit

6.2 Glossary

Court Registrar

The Court Registrars role is to oversee the running of the registry and courts, attend to needs of the judiciary and stakeholders and has many other administrative duties.

Efficiency

The use of resources such that output is optimised for any given set of resource inputs, or input is minimised for any given quantity and quality of output.

Registry

The main function of the court registry is to receive documents for filing, to maintain the courts' records, and to perform all necessary administrative work associated with the courts.

Regional Service Plan

A plan that outlines how individual regions will contribute to delivering the department's services over a given period.

6.3 References

Magistrates Court of Queensland, Annual Report 2007-2008

Productivity Commission, Report on Government Services 2009

ACT Auditor-General's Office, Performance Audit Report – Court Administration, September 2005

Queensland Courts website, www.courts.qld.gov.au/98.htm

Productivity Commission, Report on Government Service 2009, Chapter 7 – Court Administration

The Office of the Chief Magistrate, Magistrates Court of Queensland Annual Report 2007-08

Australian Bureau of Statistics, Criminal Courts in Queensland 2007-08, Feature Article in QLD Stats, Catalogue No 1318.3, April 2009

The Department of the Premier and Cabinet, A Guide to the Queensland Government Performance Management Framework Queensland Government 2009

Financial and Performance Management Standard 2009, section 7(3)(d), section 12(1)(a).

Auditor-General Reports to Parliament

7.1 Tabled in 2010

Report No.	Subject	Date tabled in Legislative Assembly
1	Auditor-General Report to Parliament No. 1 for 2010 Audit of A1 Grand Prix Agreements A Financial and Compliance audit	4 February 2010
2	Auditor-General Report to Parliament No. 2 for 2010 Follow-up of selected audits tabled in 2007 A Performance Management Systems audit	23 March 2010
3	Auditor-General Report to Parliament No. 3 for 2010 Administration of Magistrates Court Services in Queensland A Performance Management Systems audit	April 2010

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