



Justice

# Using evidence for civil justice reform

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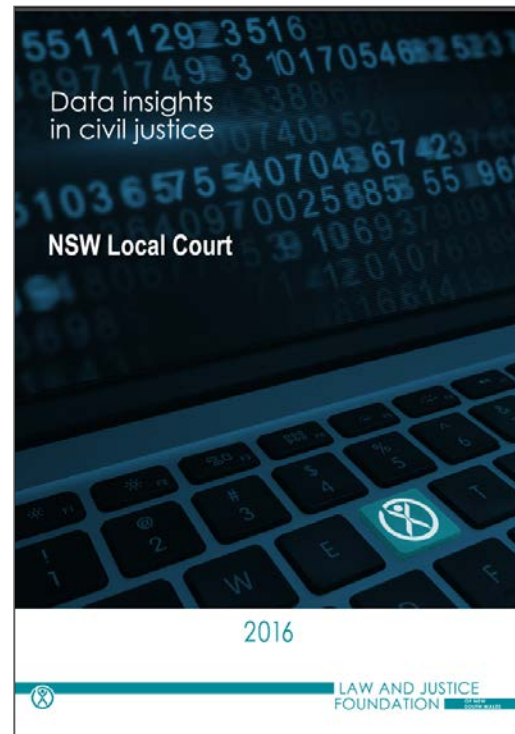
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*Reshaping Justice: Client-centred service delivery, technology and innovation Research Symposium, 20 June 2017, Sydney NSW.*

# Civil Justice

## Key questions

- ▶ Who is litigating?
- ▶ What kind of claims are being filed?
- ▶ What is the value of claims?
- ▶ What actions are defended?
- ▶ Are parties legally represented?
- ▶ What outcomes are achieved?
- ▶ How long does it take to resolve claims?

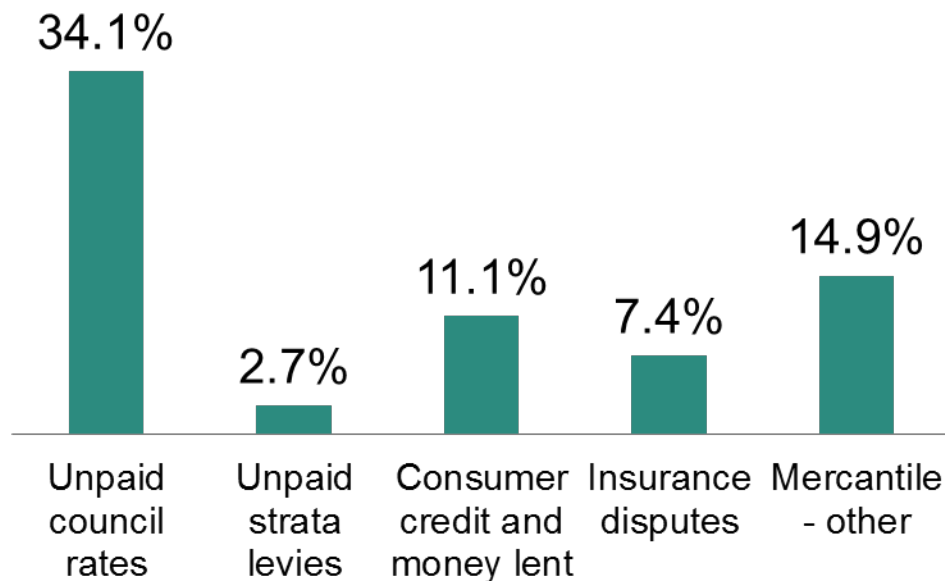


# Local Court

## Matter types

- ▶ Around 60% of claims in the Local Court are directly related to debt
- ▶ Almost half the debts are for amounts less than \$2,000

### Money matters in the Local Court (proportion of total matters)



# Local Court

## Identity of the parties

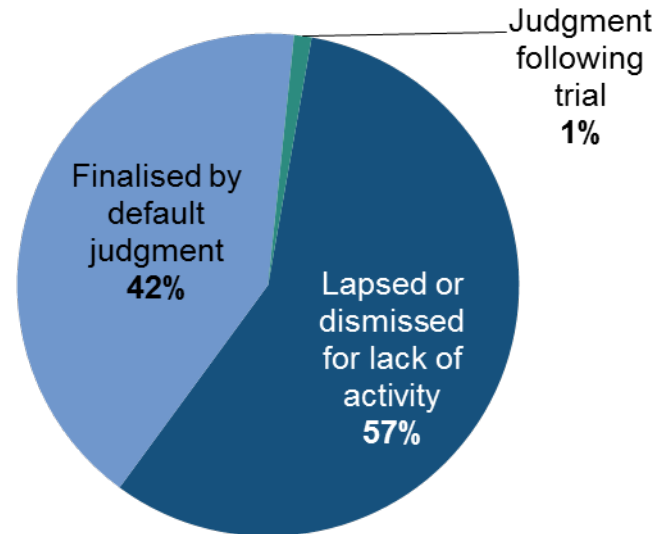
- ▼ Overwhelmingly, plaintiffs in the Local Court are organisations (90% are businesses, government agencies or other organisations)
- ▼ Most defendants are individuals (73%) and one quarter are businesses (26%)
- ▼ More than one fifth of the civil workload is businesses suing other businesses (22%)

# Local Court

## Case progress

- ▼ The average time to finalisation for all claims is seven months
- ▼ On average, the process of pursuing the matter through court adds 16% to the original claim in interest, service fees, filing fees and solicitor fees claimed.
  - The additional costs in unpaid rate claims add on average 27%

## How matters are finalised

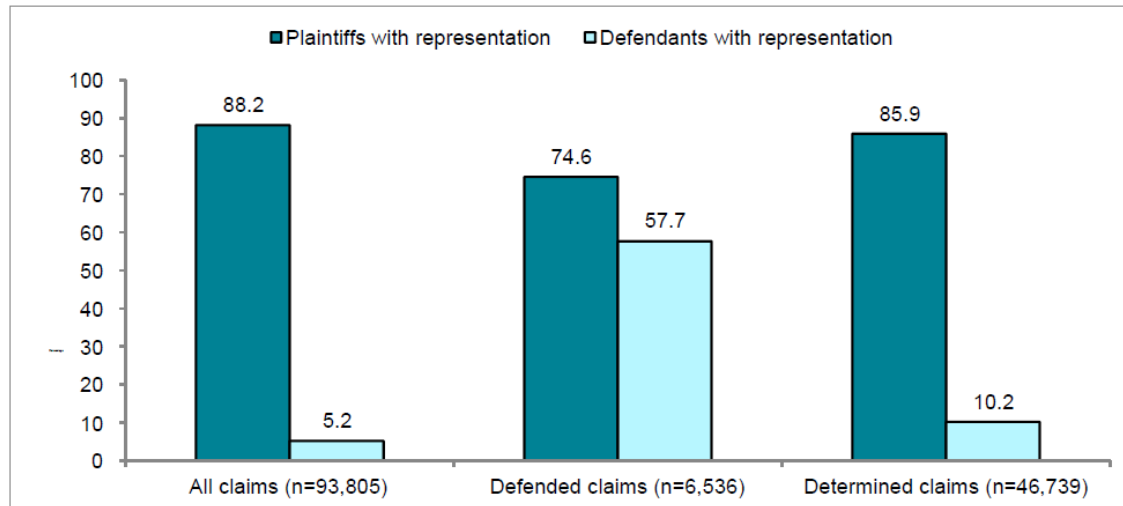


# Local Court

## Legal representation

- ▶ Defendants are unrepresented for most claims (95%), but this is because most claims either lapse or end in default
- ▶ Only 7% of claims are defended and defendants are represented in 58% of these cases

Figure 5: Representation in claims finalised in the Local Court, 2014, by plaintiff and defendant type



# NCAT

## Matter type

- ▼ The Consumer and Commercial Division (**CCD**) deals with 80% of NCAT matters. Less than 10% are consumer and only 1% are commercial
- ▼ The Guardianship Division has the second highest workload at NCAT, dealing with 17% of NCAT matters – and the caseload is increasing with our ageing population
- ▼ Time to finalisation varies between divisions. In the CCD, 40% of matters are finalised within 3 weeks and 65% are finalised within four weeks

# NCAT

## Tenancy and housing matters

- ▶ More than 60% of CCD matters relate to tenancy – private, public and social tenancies
- ▶ 38% of all matters in NCAT relate to the termination of tenancies (both public and private)





# NCAT

## Tenancy and housing matters

- ▼ Landlords were 76.7% of applicants in private tenancy applications, and 95.3% of applicants in social housing applications
- ▼ Overall, landlords, government agencies, social housing providers and owners corporations are the most likely to be represented in NCAT proceedings