

The South Australian model*

The Hon Chief Justice Kourakis

The *Courts Administration Act 1993* established the State Courts Administration Council which comprises the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate. The Courts Administration Authority is the composite body constituted by the Council and its staff. The State Courts Administrator is the chief executive of the Authority and is responsible to the Council (section 17). The relationship between the Authority and the Council is similar to the relationship between a company and its Board of Directors. In the administration of their respective courts, the members of the Council may be compared to managing directors.

The Chief Justice is the chair of the Council and the Council cannot make a decision without the support of the Chief Justice (s9). No person can be appointed Administrator unless nominated by the Council (section 16(2)); and the Administrator is subject to the control and direction by the Council. In particular, the Administrator is responsible to the Council for (a) the control and management of the Council's staff; and (b) the management of property that is under the Council's care, control and management (s17 (2)). The property that is managed by the Council includes all courthouses and other real and personal property of the Crown set apart for the use of the participating courts (s 15 (1)).

The Council formulates a budget that is submitted to the Attorney-General. The Attorney-General may approve or amend the budget proposed by the Council (s25). A member of the Council or the State Courts Administrator, if requested, must appear before a parliamentary committee to answer questions about financial and administrative matters. The Council presents an Annual Report that is tabled in Parliament. It is an avenue through which the Chief Justice can argue the case for appropriate funding for the Courts.

The advantages:

- A single budget line appropriation
- Discretion to allocate resources across and within courts pursuant to priorities determined by the Council
- A co-operative approach to deployment of human resources and procurement of technological infrastructure
- Greater scope for shared services (eg single registry)
- Coherent policy development.

The disadvantages:

- No control over appropriation
- Limited financial authorisation \$1.1m
- Self administration of budget pain
- Loss of corporate knowledge in Attorney-General's office
- A more remote voice in government decision making
- More acute conflicts with the executive
- Distraction from judicial work.

* *The Governance of Australia's Courts: a managerial perspective.* By John Alford, Royston Gustavson. Philip Williams. Published by The Australasian Institute of Judicial Administration 2004 pp87-88.